



NOTICE OF MEETING

City Council Meeting

Tuesday, July 17, 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. June 19, 2018; July 3, 2018

D. Public Comments/Inquires

E. Presentations

F. Consent Agenda

2. Approve Payment of Disbursements and Payroll
3. Accept Building Department June 2018 Report
4. Accept Fire Department June 2018 Report
5. Accept Public Works June 2018 Report
6. Approve Engineering Task Order- MnDOT Bridge Inspection and Enrollment Program
7. Approve Private Development Security Reduction – Boulder Ponds 5th Street.
8. Approve Parking Restriction Changes on Lake Elmo Ave - *Resolution No. 2018-072*
9. Approve Disposal of Public Works Surplus Equipment
10. Approve Appointment of Election Judges for 2018 Primary and General Elections – *Resolution 2017-073*
11. Accept Part Time Firefighter Resignation
12. Authorize Membership in the 4M Fund – *Resolution 2018-071*

G. Regular Agenda

13. Wyndam Village Preliminary Plat and Zoning Map Amendment – *Ordinance 08-212; Resolution 2018-066*
14. Wildflower PUD Amendment-Public Hearing – *Resolution 2018-074*
15. Eagle Point Blvd Street Improvements – Assessment Hearing; Adopt Final Assessment Roll – *Resolution 2018-075*
16. Wellhead Protection Plan Phase 2 – Public Hearing
17. School Bus Terminal-Zoning Text Amendment, Preliminary and Final Plat, Zoning Map Amendment and Conditional Use Permit at 11530 Hudson Blvd N – *Ordinance 08-214, 08-215; Resolution 2018-076, 2018-077, 2018-078, 2018-079*
18. Four Corners 2nd Addition General PUD at 11530 Hudson Blvd N – *Resolution 2018-080*
19. CSAH15/CSAH14 Realignment Additional Work to Realign City Watermain
20. Northport 2nd Addition Final Plat – *Resolution 2018-081*
21. Northport 2nd Addition Development Agreement – *Resolution 2018-082*
22. Verizon Monopole-Conditional Use Permit and Variance at 11351 Upper 33rd St.
23. Verizon Leases
24. Demontreville Park Improvements
25. Comp Plan Change Order
26. Water Meter Change Out

H. Council Reports

I. Staff Reports and Announcements

J. Adjourn

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
JULY 3, 2018**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

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

PRESENT: Mayor Mike Pearson and Councilmembers Justin Bloyer, Jill Lundgren and Christine Nelson. **ABSENT:** Councilmember Julie Fliflet.

Staff present: Administrator Handt, City Attorney Sonsalla, City Engineer Griffin, Planning Director Becker, and City Clerk Johnson.

APPROVAL OF AGENDA

Items 3, 5 and 6 were moved to the Regular Agenda.

Councilmember Nelson, seconded by Mayor Pearson, moved TO APPROVE THE AGENDA AS AMENDED. Motion passed 4 – 0.

PUBLIC COMMENTS/INQUIRIES

None

PRESENTATIONS

None

CONSENT AGENDA

2. Approve Payment of Disbursements and Payroll
3. ~~Approve Lake Elmo Jaycees Special Event Permit and Temporary Liquor License for Huff n Puff Days~~
4. Approve Extension of Comcast Cable Franchise Agreement
5. ~~Approve Lake Jane Lake Association Improvement Matching Grant~~
6. ~~Approve Removal of Self Storage Facilities from Zoning Code Ordinance 08-213~~
7. Authorize Advertising for Public Works Operator
8. Accept Resignation of Part-Time Firefighter
9. Approve Royal Golf 2nd Addition Final Plat Amendment – Resolution 2018-063
10. Approve Royal Golf 2nd Addition Development Agreement – Resolution 2018-064
11. Approve Disposition of Surplus Fire Department Equipment

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO APPROVE THE CONSENT AGENDA AS PRESENTED. Motion passed 4 - 0.

ITEM 3: Approve Lake Elmo Jaycees Special Event Permit and Temporary Liquor License for Huff n Puff Days

Mike Slobodnik, Lake Elmo Jaycees Interim President and Brian Oliverius, Event Chair, asked for assistance recruiting new members.

Mayor Pearson, seconded by Councilmember Lundgren, moved TO APPROVE A SPECIAL EVENT PERMIT AND TEMPORARY ON-SALE LIQUOR LICENSE ISSUED TO THE LAKE ELMO JAYCEES FOR THEIR HUFF N' PUFF DAYS EVENT HELD AUGUST 9 THROUGH 12, 2018, SUBJECT TO APPROVAL OF THE DIRECTOR OF MN ALCOHOL AND GAMBLING ENFORCEMENT DIVISION, AND WAIVE THE LIQUOR LICENSE FEE, SPECIAL EVENT PERMIT FEE AND THE FEE FOR LION'S PARK BALL FIELD LIGHTING AND WITH THE CITY PAYING FOR THE COST OF SECURITY DURING THE EVENT. Motion passed 3 – 1. (Bloyer – nay)

ITEM 5: Approve Lake Jane Lake Association Improvement Matching Grant

City Administrator Handt stated that this is the second year matching grants have been available for the recreational lakes.

John Hamerly spoke on behalf of the Lake Jane Lake Association and presented additional information on costs incurred by the association for treatment of invasive plants.

Councilmember Bloyer, seconded by Councilmember Nelson, MOVED TO APPROVE THE LAKE JANE LAKE ASSOCIATION LAKE IMPROVEMENT GRANT REQUEST OF \$4,506.17. Motion passed 3 – 1. (Pearson – nay)

ITEM 6: Approve Removal of Self Storage Facilities from Zoning Code

Planning Director Becker reviewed the proposed zoning code amendment to remove self-service storage as a use within the Commercial and Business Park zoning districts.

Councilmember Nelson, seconded by Councilmember Bloyer, moved TO ADOPT ORD. 08-213 WHICH REMOVES SELF-SERVICE STORAGE FACILITIES AS AN ALLOWED USE WITHIN THE BUSINESS PARK AND COMMERCIAL ZONING DISTRICTS. Motion passed 4 – 0.

ITEM 12: Wyndham Village Preliminary Plat and Zoning Map Amendment

Planning Director Becker presented the proposed plat and reviewed recommendations from the Planning Commission and City Engineer.

Kevin Schroepfer, 11520 30th Street, stated that he would like to see a tree buffer between his property and the proposed development.

Councilmember Nelson, seconded by Mayor Pearson, moved TO ADOPT ORD. 08-212 APPROVING THE PROPOSED ZONING MAP AMENDMENT TO REZONE 11580 30TH STREET NORTH FROM RURAL SINGLE FAMILY TO VILLAGE URBAN LOW DENSITY RESIDENTIAL AND TO ADOPT RESOLUTION 2018-066 APPROVING THE WYNDHAM VILLAGE PRELIMINARY PLAT SUBJECT TO RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL. Motion failed 2 – 1 – 1. (Bloyer – nay; Lundgren – present/not voting)

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO POSTPONE THE CURRENT ITEM TO THE NEXT COUNCIL MEETING. Motion passed 4 – 0.

ITEM 13: Fire Rescue Engine & Equipment Purchase

City Administrator Handt provided a brief overview of the request for purchase of a new fire rescue engine and equipment.

Lisa McGinn, 8756 Upper 7th Place, stated that she is a member of the Public Safety Committee and reported that the committee worked to keep costs under control wherever possible.

Councilmember Nelson, seconded by Councilmember Lundgren, moved TO APPROVE PURCHASE OF A RESCUE ENGINE AND EQUIPMENT WITH A TOTAL COST NOT TO EXCEED \$700,000. Motion passed 4 – 0.

ITEM 14: Online/Credit Card Payment Charges

Finance Director Iverson presented options for a policy for payment of processing fees for credit card payments.

Councilmember Bloyer, seconded by Councilmember Lundgren, moved TO HAVE CREDIT CARD PROCESSING FEES PAID BY THE CITY. Motion passed 4 – 0.

COUNCIL REPORTS

Mayor Pearson: Encouraged the public to consider membership in the Lake Elmo Jaycees.

Councilmember Nelson: No report

Councilmember Lundgren: Noted that the farmers market had a great opening week and thanked local businesses for donating items for the weekly drawings.

Councilmember Bloyer: No report

STAFF REPORTS AND ANNOUNCEMENTS

None

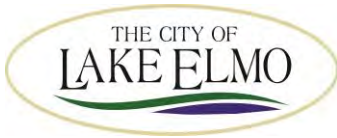
Meeting adjourned at 7:46 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Julie Johnson, City Clerk



STAFF REPORT

DATE: July 17, 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	\$ 51,638.77	Payroll 07/05/18
47634 - 47679	\$ 294,146.25	Accounts Payable 07/19/18
TOTAL	\$ 345,785.02	

RECOMMENDATION:

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

“Motion to approve the aforementioned disbursements in the amount of \$345,785.02”

ATTACHMENTS:

1. Accounts Payable – proof list(s)

K. Hubert

Accounts Payable

To Be Paid Proof List

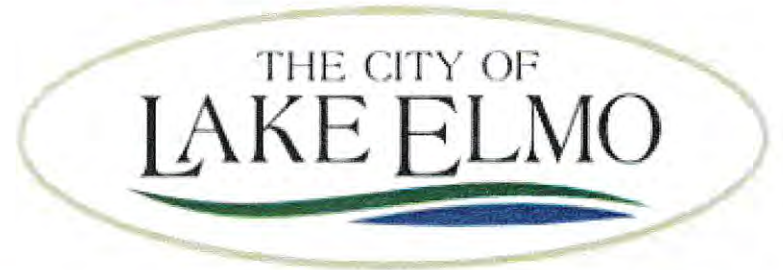
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Printed: 07/09/2018 - 3:20PM
Batch: 00002.07.2018 - DP 070918



Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number					Description	Reference			
Cardmember Service									
CARDMEMB									
20180620	6/20/2018	64.26	0.00	07/09/2018				No	0
101-420-2220-44300	Miscellaneous				Holiday - Car Wash				
20180620	6/20/2018	13.99	0.00	07/09/2018				No	0
101-420-2220-44040	Repairs/Maint Eqpt				Nelson Marine - Boat motor parts				
20180620	6/20/2018	115.69	0.00	07/09/2018				No	0
101-420-2220-44300	Miscellaneous				Sam's Club - Rehab Supplies				
20180620	6/20/2018	17.48	0.00	07/09/2018				No	0
101-420-2220-44010	Repairs/Maint Bldg				Sam's Club - Station Supplies				
20180620	6/20/2018	4.00	0.00	07/09/2018				No	0
101-410-1110-44300	Miscellaneous				Cub Food's - Water for meetings				
20180620	6/20/2018	8.11	0.00	07/09/2018				No	0
101-410-1320-44300	Miscellaneous				Cub Food's - Kitchen Supplies				
20180620	6/20/2018	50.00	0.00	07/09/2018				No	0
101-410-1450-43180	Information Technology/Web				Constant Contact - weekly email letter				
20180620	6/20/2018	138.60	0.00	07/09/2018				No	0
602-495-9450-42000	Office Supplies				Amazon - File Cabinet				
20180620	6/20/2018	150.00	0.00	07/09/2018				No	0
101-430-3100-43180	Information Technology/Web				Asset Mgmt Software				
20180620	6/20/2018	9.50	0.00	07/09/2018				No	0
101-450-5200-42150	Operating Supplies				Amazon - Recycling Decals				
20180620	6/20/2018	-2.72	0.00	07/09/2018				No	0
101-410-1520-44300	Miscellaneous				Interest - Credit				
	20180620 Total:	568.91							
	Cardmember Service Total:	568.91							

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description		Reference			
Lake Jane Association LAKEJANE 2018 101-450-5200-44302 Lakes	6/19/2018	5,000.00	0.00	07/09/2018	Lake Jane Matching Grant for AIS Treatment			No	0
	2018 Total:	<u>5,000.00</u>							
	Lake Jane Association Tota	<u>5,000.00</u>							
	Report Total:	<u><u>5,568.91</u></u>							

Due Amount 7/11/18



Accounts Payable

To Be Paid Proof List

User: DanieWeishaar
Printed: 07/11/2018 - 9:51AM
Batch: 00005.06.2018 - AP 071718

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description	Reference				
Auto Nation									
AUTONAT									
3851797	6/25/2018	111.25	0.00	07/17/2018				No	0
101-430-3100-42210 Repair/Maint. Supplies				Switch for Ford one-ton					
3851797 Total:		111.25							
Auto Nation Total:		111.25							
Banyon Data Systems, Inc.									
BANYON									
157599	7/5/2018	1,145.00	0.00	07/17/2018				No	0
601-494-9400-43180 Software Support				UB Direct Pymt Module & PSN Interface					
157599	7/5/2018	1,145.00	0.00	07/17/2018				No	0
602-495-9450-43180 Software Support				UB Direct Pymt Module & PSN Interface					
157599 Total:		2,290.00							
Banyon Data Systems, Inc		2,290.00							
Becken, Tim & Roxanne									
BECKEN									
2017-722	6/29/2018	4,394.00	0.00	07/17/2018				No	0
803-000-0000-22900 Deposits Payable				Refund Escrow for Rain Garden 2017-722					
2017-722 Total:		4,394.00							

*** means this invoice number is a duplicate.

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description		Reference			
	Becken, Tim & Roxanne To	4,394.00							
Becker, Emily BECKEREM 20180710	7/10/2018	15.26	0.00	07/17/2018				No	0
101-410-1910-43310 Mileage				Reimbursement - Mileage Planning packets					
	20180710 Total:	15.26							
	Becker, Emily Total:	15.26							
Biff's Inc. BIFFS W681836	6/20/2018	66.00	0.00	07/17/2018				No	0
101-450-5200-44120 Rentals - Buildings				Portable Restrooms					
	W681836 Total:	66.00							
W681837	6/20/2018	76.00	0.00	07/17/2018				No	0
101-450-5200-44120 Rentals - Buildings				Portable Restrooms					
	W681837 Total:	76.00							
W681838	6/20/2018	76.00	0.00	07/17/2018				No	0
101-450-5200-44120 Rentals - Buildings				Portable Restrooms					
	W681838 Total:	76.00							
W681839	6/20/2018	76.00	0.00	07/17/2018				No	0
101-450-5200-44120 Rentals - Buildings				Portable Restrooms					
	W681839 Total:	76.00							
W681840	6/20/2018	76.00	0.00	07/17/2018				No	0
101-450-5200-44120 Rentals - Buildings				Portable Restrooms					
	W681840 Total:	76.00							
W681841	6/20/2018	76.00	0.00	07/17/2018				No	0

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description		Reference			
101-450-5200-44120 Rentals - Buildings				Portable Restrooms					
W681841 Total:		76.00							
W681842	6/20/2018	76.00	0.00	07/17/2018				No	0
101-450-5200-44120 Rentals - Buildings				Portable Restrooms					
W681842 Total:		76.00							
W681843	6/20/2018	76.00	0.00	07/17/2018				No	0
101-450-5200-44120 Rentals - Buildings				Portable Restrooms					
W681843 Total:		76.00							
W681844	6/20/2018	76.00	0.00	07/17/2018				No	0
101-450-5200-44120 Rentals - Buildings				Portable Restrooms					
W681844 Total:		76.00							
W681845	6/20/2018	76.00	0.00	07/17/2018				No	0
101-450-5200-44120 Rentals - Buildings				Portable Restrooms					
W681845 Total:		76.00							
Biff's Inc. Total:		750.00							
Century Power Equipment									
CENTPOW									
747533	6/25/2018	22.23	0.00	07/17/2018				No	0
101-450-5200-44040 Repairs/Maint Eqpt				Chainsaw chain					
747533 Total:		22.23							
Century Power Equipment		22.23							
Cintas Corporation #754									
CINTAS									
4007121481	6/27/2018	72.61	0.00	07/17/2018				No	0
101-430-3100-44170 Uniforms				Uniforms					

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description		Reference			
4007121481	6/27/2018	111.73	0.00	07/17/2018				No	0
101-430-3100-42150	Operating Supplies			Rugs/soap/rags					
	4007121481 Total:	184.34							
	Cintas Corporation #754 T	184.34							
City of Oakdale CTYOAKDA									
201806286158	6/28/2018	329.96	0.00	07/17/2018				No	0
101-420-2220-44040	Repairs/Maint Eqpt			T1, test and replace batteries					
	201806286158 Total:	329.96							
	City of Oakdale Total:	329.96							
Emergency Apparatus Maint. Inc EMERGAPP									
100483	6/25/2018	371.25	0.00	07/17/2018				No	0
101-420-2220-44040	Repairs/Maint Eqpt			T2, switch adjustment					
	100483 Total:	371.25							
100840	6/27/2018	1,503.81	0.00	07/17/2018				No	0
101-420-2220-44040	Repairs/Maint Eqpt			T1 leaky dump chute, battery check					
	100840 Total:	1,503.81							
	Emergency Apparatus Mai	1,875.06							
Focus Engineering, Inc. FOCUS									
4806	7/3/2018	2,500.00	0.00	07/17/2018				No	0
101-410-1930-43030	Engineering Services			General Engineering - Retainer					
	4806 Total:	2,500.00							

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number					Description	Reference			
4807	7/3/2018	418.75	0.00	07/17/2018				No	0
101-410-1910-43030					Engineering Services	General Engineering - Planning			
	4807 Total:	418.75							
4808	7/3/2018	563.50	0.00	07/17/2018				No	0
101-430-3100-43030					Engineering Services	General Engineering - Public Works			
	4808 Total:	563.50							
4809	7/3/2018	479.50	0.00	07/17/2018				No	0
603-496-9500-43030					Engineering Services	General Engineering - Storm water			
4809	7/3/2018	132.50	0.00	07/17/2018				No	0
601-494-9400-43030					Engineering Services	General Engineering - Water			
	4809 Total:	612.00							
4810	7/3/2018	5,479.97	0.00	07/17/2018				No	0
602-495-9450-43030					Engineering Services	CSAH 15			
	4810 Total:	5,479.97							
4811	7/3/2018	926.25	0.00	07/17/2018				No	0
409-480-8000-43030					Engineering Services	LE Ave Corridor Improvements			
	4811 Total:	926.25							
4812	7/3/2018	210.00	0.00	07/17/2018				No	0
409-480-8000-43030					Engineering Services	State Highway 36 Corridor Plan			
	4812 Total:	210.00							
4813	7/3/2018	85.00	0.00	07/17/2018				No	0
601-494-9400-43030					Engineering Services	Inwood Booster Station Improvements: Design & Construct			
	4813 Total:	85.00							
4814	7/3/2018	1,403.75	0.00	07/17/2018				No	0
409-480-8000-43030					Engineering Services	Eagle Point Blvd Street Improvements			
	4814 Total:	1,403.75							
4815	7/3/2018	191.25	0.00	07/17/2018				No	0

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description		Reference			
601-494-9400-43030 Engineering Services					Inwood Water Tower				
	4815 Total:	191.25							
4816	7/3/2018	221.25	0.00	07/17/2018				No	0
101-410-1930-43030 Engineering Services					Public Library Site Improvements				
	4816 Total:	221.25							
4817	7/3/2018	2,525.00	0.00	07/17/2018				No	0
409-480-8000-43030 Engineering Services					OV Phase 3				
	4817 Total:	2,525.00							
4818	7/3/2018	971.25	0.00	07/17/2018				No	0
602-495-9450-43030 Engineering Services					I-94 Lift Station				
	4818 Total:	971.25							
4819	7/3/2018	801.25	0.00	07/17/2018				No	0
409-480-8000-43030 Engineering Services					Lake Elmo Ave Phase 3				
	4819 Total:	801.25							
4820	7/3/2018	341.99	0.00	07/17/2018				No	0
101-430-3100-42250 Street Maintenance					CSAH 15/TH36 Interchange				
	4820 Total:	341.99							
4821	7/3/2018	870.00	0.00	07/17/2018				No	0
101-430-3100-42250 Street Maintenance					CSAH 19				
	4821 Total:	870.00							
4822	7/3/2018	90.00	0.00	07/17/2018				No	0
101-430-3100-42250 Street Maintenance					Hudson Blvd Transportation				
	4822 Total:	90.00							
4823	7/3/2018	5,024.68	0.00	07/17/2018				No	0
409-480-8000-43030 Engineering Services					2018 Street Project				

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description		Reference			
		5,024.68							
4824	7/3/2018	6,542.50	0.00	07/17/2018				No	0
409-480-8000-43030				OV Phase 4					
		6,542.50							
4825	7/3/2018	1,000.97	0.00	07/17/2018				No	0
101-430-3100-42250				2018 Seal Coat Project					
		1,000.97							
4826	7/3/2018	247.00	0.00	07/17/2018				No	0
101-430-3100-42250				2018 Crack Seal Project					
		247.00							
4827	7/3/2018	752.00	0.00	07/17/2018				No	0
101-430-3100-42250				2018 Mill & Overlay Project					
		752.00							
4828	7/3/2018	270.00	0.00	07/17/2018				No	0
601-494-9400-43030				State Funded Water Projects					
		270.00							
4829	7/3/2018	120.00	0.00	07/17/2018				No	0
101-410-1930-43030				Discover Crossing Bridge Repair					
		120.00							
4830	7/3/2018	240.00	0.00	07/17/2018				No	0
101-410-1910-43030				2040 Comp Plan Update					
		240.00							
4831	7/3/2018	90.00	0.00	07/17/2018				No	0
803-000-0000-22910				Boulder Ponds 1st					
		90.00							

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number					Description	Reference			
4832	7/3/2018	346.00	0.00	07/17/2018				No	0
803-000-0000-22910	Developer Payments				Hammes 1st				
	4832 Total:	346.00							
4833	7/3/2018	30.00	0.00	07/17/2018				No	0
803-000-0000-22910	Developer Payments				Wildflower 1st				
	4833 Total:	30.00							
4834	7/3/2018	196.25	0.00	07/17/2018				No	0
803-000-0000-22910	Developer Payments				Village Preserve 1st				
	4834 Total:	196.25							
4835	7/3/2018	455.00	0.00	07/17/2018				No	0
803-000-0000-22910	Developer Payments				Easton Village 1st				
	4835 Total:	455.00							
4836	7/3/2018	12,632.41	0.00	07/17/2018				No	0
803-000-0000-22910	Developer Payments				Northport 1st				
	4836 Total:	12,632.41							
4837	7/3/2018	140.00	0.00	07/17/2018				No	0
803-000-0000-22910	Developer Payments				Inwood PUD (Azur-Hans Hagen Homes)				
	4837 Total:	140.00							
4838	7/3/2018	206.50	0.00	07/17/2018				No	0
803-000-0000-22910	Developer Payments				Halcyon Cemetery				
	4838 Total:	206.50							
4839	7/3/2018	87.18	0.00	07/17/2018				No	0
803-000-0000-22910	Developer Payments				Arbor Glen Senior Living				
	4839 Total:	87.18							
4840	7/3/2018	49.00	0.00	07/17/2018				No	0
803-000-0000-22910	Developer Payments				Savona 4th				

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description		Reference			
	4840 Total:	49.00							
4841	7/3/2018	413.56	0.00	07/17/2018	Easton Village 2nd			No	0
803-000-0000-22910	Developer Payments								
	4841 Total:	413.56							
4842	7/3/2018	322.09	0.00	07/17/2018	Inwood 3rd			No	0
803-000-0000-22910	Developer Payments								
	4842 Total:	322.09							
4843	7/3/2018	439.75	0.00	07/17/2018	Boulder Ponds 2nd			No	0
803-000-0000-22910	Developer Payments								
	4843 Total:	439.75							
4844	7/3/2018	4,402.24	0.00	07/17/2018	Royal Golf 1st			No	0
803-000-0000-22910	Developer Payments								
	4844 Total:	4,402.24							
4845	7/3/2018	1,726.59	0.00	07/17/2018	Hidden Meadows 2nd			No	0
803-000-0000-22910	Developer Payments								
	4845 Total:	1,726.59							
4846	7/3/2018	89.36	0.00	07/17/2018	Southwind			No	0
803-000-0000-22910	Developer Payments								
	4846 Total:	89.36							
4847	7/3/2018	326.39	0.00	07/17/2018	Wasatch Storage			No	0
803-000-0000-22910	Developer Payments								
	4847 Total:	326.39							
4848	7/3/2018	385.78	0.00	07/17/2018	Hammes 2nd			No	0
803-000-0000-22910	Developer Payments								
	4848 Total:	385.78							

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description		Reference			
4849	7/3/2018	42.50	0.00	07/17/2018				No	0
803-000-0000-22910				Inwood 5th					
	4849 Total:	42.50							
4850	7/3/2018	411.39	0.00	07/17/2018				No	0
803-000-0000-22910				Easton Village 3rd					
	4850 Total:	411.39							
4851	7/3/2018	1,250.54	0.00	07/17/2018				No	0
803-000-0000-22910				Lakewood Crossing - 2nd Addition					
	4851 Total:	1,250.54							
4852	7/3/2018	3,517.50	0.00	07/17/2018				No	0
803-000-0000-22910				Legacy at North Star/Gonyea Homes					
	4852 Total:	3,517.50							
4853	7/3/2018	570.00	0.00	07/17/2018				No	0
803-000-0000-22910				McLeod Residential/Bush Homes/Wyndham Village					
	4853 Total:	570.00							
4854	7/3/2018	360.00	0.00	07/17/2018				No	0
101-410-1930-43030				Emerson - Section 36 Comm Sub					
	4854 Total:	360.00							
4855	7/3/2018	120.00	0.00	07/17/2018				No	0
803-000-0000-22910				Fairfield Inn					
	4855 Total:	120.00							
4856	7/3/2018	9,857.08	0.00	07/17/2018				No	0
803-000-0000-22910				Hammes 3rd					
	4856 Total:	9,857.08							
4857	7/3/2018	510.00	0.00	07/17/2018				No	0
803-000-0000-22910				Wildflower 3rd					

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description		Reference			
	4857 Total:	510.00							
4858	7/3/2018	150.00	0.00	07/17/2018	Easton Village 4th			No	0
803-000-0000-22910	Developer Payments								
	4858 Total:	150.00							
4859	7/3/2018	1,710.00	0.00	07/17/2018	Boulder Ponds 3rd			No	0
803-000-0000-22910	Developer Payments								
	4859 Total:	1,710.00							
4860	7/3/2018	1,230.00	0.00	07/17/2018	Royal Golf 2nd			No	0
803-000-0000-22910	Developer Payments								
	4860 Total:	1,230.00							
4861	7/3/2018	330.00	0.00	07/17/2018	Four Corners - 1st Addition Bus Terminal			No	0
803-000-0000-22910	Developer Payments								
	4861 Total:	330.00							
4862	7/3/2018	1,040.00	0.00	07/17/2018	Northport 2nd			No	0
803-000-0000-22910	Developer Payments								
	4862 Total:	1,040.00							
4863	7/3/2018	426.25	0.00	07/17/2018	Water Distribution System 2018			No	0
601-494-9400-43030	Engineering Services								
	4863 Total:	426.25							
	Focus Engineering, Inc. Tot	76,271.72							
Handt, Kristina									
HANDT									
20180702	7/2/2018	8.99	0.00	07/17/2018	Washington Co. Municipal Water Coalition - Woodbury 2/2/			No	0
601-494-9400-43310	Mileage								
20180702	7/2/2018	15.80	0.00	07/17/2018	MPCA Discuss Past Water Exp. 3/13/18			No	0
601-494-9400-43310	Mileage								

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number					Description	Reference			
20180702	7/2/2018	15.80	0.00	07/17/2018				No	0
601-494-9400-43310 Mileage					MPCA Discuss Future Water Exp. 3/15/18				
20180702	7/2/2018	6.00	0.00	07/17/2018				No	0
601-494-9400-43310 Mileage					3M/State Settlement Discuss - Stillwater 3/26/18				
20180702	7/2/2018	6.00	0.00	07/17/2018				No	0
101-410-1320-43310 Mileage					Washington Co. Admin Meeting - Stillwater 3/28/18				
20180702	7/2/2018	8.99	0.00	07/17/2018				No	0
601-494-9400-43310 Mileage					Sub Wash. Co. Muni. Water Coal. - Woodbury 4/10/18				
20180702	7/2/2018	6.00	0.00	07/17/2018				No	0
101-410-1320-43310 Mileage					Open House for TH36/Manning - Stillwater 4/19/18				
20180702	7/2/2018	15.80	0.00	07/17/2018				No	0
601-494-9400-43310 Mileage					State Agencies Meeting Re: well 1 4/20/18				
20180702	7/2/2018	164.59	0.00	07/17/2018				No	0
101-410-1320-43310 Mileage					MCMA Conference - Nisswa 5/2 - 5/4/18				
20180702	7/2/2018	17.99	0.00	07/17/2018				No	0
601-494-9400-43310 Mileage					3M/State Settlement Discuss - Cottage Grove 5/7/18				
20180702	7/2/2018	25.62	0.00	07/17/2018				No	0
101-410-1320-43310 Mileage					Metro Inet managers Mtg - Circle Pines 5/15/18				
20180702	7/2/2018	6.00	0.00	07/17/2018				No	0
101-410-1320-43310 Mileage					Washington Co Meeting - Stillwater 5/23/18				
20180702	7/2/2018	15.80	0.00	07/17/2018				No	0
601-494-9400-43310 Mileage					State Agencies Mtg Re: well 1 5/29/18				
20180702	7/2/2018	89.38	0.00	07/17/2018				No	0
101-410-1320-43310 Mileage					LMC Conference - St. Cloud 6/20 - 6/22/18				
20180702	7/2/2018	26.16	0.00	07/17/2018				No	0
101-410-1320-43310 Mileage					LEI Mediation - Minneapolis 6/26/18				
		<hr/>							
20180702 Total:		428.92							
		<hr/>							
Handt, Kristina Total:		428.92							
		<hr/>							
Industrial Health Svs Network									
INDUSTRI									
115398	6/30/2018	44.90	0.00	07/17/2018				No	0
101-450-5200-44300 Miscellaneous					DOT Drug Screen and MRO Services (PW)				
		<hr/>							
115398 Total:		44.90							

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description		Reference			
	Industrial Health Svs Netw	44.90							
Innovative Office Solutions									
INNOVAT									
IN2089553	6/19/2018	62.19	0.00	07/17/2018				No	0
603-496-9500-42000	Office Supplies			Business Cards (RW)					
	IN2089553 Total:	62.19 ✓							
IN2095660	6/25/2018	57.31	0.00	07/17/2018				No	0
101-410-1320-42000	Office Supplies			Office Supplies					
	IN2095660 Total:	57.31 ✓							
IN2109521	7/6/2018	39.95	0.00	07/17/2018				No	0
101-410-1320-42000	Office Supplies			Office Supplies					
IN2109521	7/6/2018	53.52	0.00	07/17/2018				No	0
101-420-2400-42000	Office Supplies			Office Supplies					
	IN2109521 Total:	93.47 ✓							
	Innovative Office Solutions	212.97							
IUOE Local 49 Fringe Benefit F									
IUOEHEAL									
20180701	7/1/2018	8,680.00	0.00	07/17/2018				No	0
101-000-0000-21713	Union Health Insurance			Union Health Ins - August 2018					
	20180701 Total:	8,680.00							
	IUOE Local 49 Fringe Bene	8,680.00 ✓							
Kath Fuel Oil Service Co									
kathfuel									
627375	6/22/2018	535.44	0.00	07/17/2018				No	0
101-430-3100-42120	Fuel, Oil and Fluids			Unleaded fuel					

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description		Reference			
	627375 Total:	535.44							
	Kath Fuel Oil Service Co T	535.44							
Kwik Trip Inc									
KWIK									
2448073	7/2/2018	47.40	0.00	07/17/2018				No	0
101-420-2220-42120	Fuel, Oil and Fluids			Fuel					
	2448073 Total:	47.40							
	Kwik Trip Inc Total:	47.40							
Lake Elmo Oil, Inc.									
LEOIL									
20180630	6/30/2018	164.87	0.00	07/17/2018				No	0
101-420-2220-42120	Fuel, Oil and Fluids			Fuel					
	20180630 Total:	164.87							
	Lake Elmo Oil, Inc. Total:	164.87							
Landmark, Inc.									
LANDMARK									
20180710	7/10/2018	2,000.00	0.00	07/17/2018				No	0
803-000-0000-22900	Deposits Payable			Refund Escrow 2017-234	4179 Monarch Ct				
20180710	7/10/2018	2,000.00	0.00	07/17/2018				No	0
803-000-0000-22900	Deposits Payable			Refund Escrow 2017-449	4022 Monarch Lane				
	20180710 Total:	4,000.00							
	Landmark, Inc. Total:	4,000.00							

League of MN Cities

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number					Description	Reference			
LEAGMN									
273379	6/20/2018	125.00	0.00	07/17/2018				No	0
101-410-1320-44370	Conferences & Training				2018 Annual LMC Clerks Conf (additional amount)				
	273379 Total:	<u>125.00</u>							
	League of MN Cities Total	<u>125.00</u>							
Lennar Family of Builders									
LENNAR									
20180706	7/6/2018	5,000.00	0.00	07/17/2018				No	0
803-000-0000-22900	Deposits Payable				Refund Escrow 2016-224 709 Juniper Ave				
20180706	7/6/2018	2,000.00	0.00	07/17/2018				No	0
803-000-0000-22900	Deposits Payable				Refund Escrow 2017-252 9750 7th Street N				
20180706	7/6/2018	2,000.00	0.00	07/17/2018				No	0
803-000-0000-22900	Deposits Payable				Refund Escrow 2017-408 9643 7th Street N				
20180706	7/6/2018	2,000.00	0.00	07/17/2018				No	0
803-000-0000-22900	Deposits Payable				Refund Escrow 2017-340 9586 7th Street N				
20180706	7/6/2018	2,000.00	0.00	07/17/2018				No	0
803-000-0000-22900	Deposits Payable				Refund Escrow 2017-169 598 6th Street Lanc N				
20180706	7/6/2018	2,000.00	0.00	07/17/2018				No	0
803-000-0000-22900	Deposits Payable				Refund Escrow 2017-042 562 6th Street Lane N				
20180706	7/6/2018	2,000.00	0.00	07/17/2018				No	0
803-000-0000-22900	Deposits Payable				Refund Escrow 2017-1272 538 6th Street Lane N				
	20180706 Total:	<u>17,000.00</u>							
20180709	7/9/2018	2,000.00	0.00	07/17/2018				No	0
803-000-0000-22900	Deposits Payable				Refund Escrow 2017-185 505 6th Street Lane N				
20180709	7/9/2018	2,000.00	0.00	07/17/2018				No	0
803-000-0000-22900	Deposits Payable				Refund Escrow 2017-97 521 6th Street Lane N				
20180709	7/9/2018	2,000.00	0.00	07/17/2018				No	0
803-000-0000-22900	Deposits Payable				Refund Escrow 2017-1374 529 6th Street Lane N				
20180709	7/9/2018	2,000.00	0.00	07/17/2018				No	0
803-000-0000-22900	Deposits Payable				Refund Escrow 2017-607 537 6th Street Lane N				
20180709	7/9/2018	2,000.00	0.00	07/17/2018				No	0
803-000-0000-22900	Deposits Payable				Refund Escrow 2017-555 588 6th Street Lane N				
20180709	7/9/2018	2,000.00	0.00	07/17/2018				No	0
803-000-0000-22900	Deposits Payable				Refund Escrow 2017-619 548 6th Street Lane N				

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number					Description	Reference			
20180709	7/9/2018	2,000.00	0.00	07/17/2018				No	0
803-000-0000-22900 Deposits Payable					Refund Escrow 2017-608 539 6th Street Lane N				
20180709 Total:		14,000.00							
Lennar Family of Builders		31,000.00							
Menards - Oakdale									
MENARDSO									
56551	6/14/2018	54.69	0.00	07/17/2018				No	0
101-450-5200-42150 Operating Supplies					Trash bags				
56551 Total:		54.69							
56780	6/18/2018	25.23	0.00	07/17/2018				No	0
101-450-5200-42150 Operating Supplies					Bolts/washers				
56780 Total:		25.23							
56795	6/18/2018	44.91	0.00	07/17/2018				No	0
101-450-5200-44040 Repairs/Maint Eqpt					Trailer wiring harnesses				
56795 Total:		44.91							
56838	6/19/2018	33.96	0.00	07/17/2018				No	0
101-450-5200-44010 Repairs/Maint Bldg					Lock for Lions Building				
56838	6/19/2018	172.08	0.00	07/17/2018				No	0
101-410-1940-42230 Building Repair Supplies					Paint and supplies (PW office and conf. room)				
56838 Total:		206.04							
56850	6/19/2018	29.92	0.00	07/17/2018				No	0
101-450-5200-42230 Building Repair Supplies					Sand paper				
56850 Total:		29.92							
56856	6/19/2018	50.96	0.00	07/17/2018				No	0
101-410-1940-42230 Building Repair Supplies					Paint and supplies (PW office and conf. room)				
56856 Total:		50.96							

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number					Description	Reference			
56859	6/19/2018	60.00	0.00	07/17/2018				No	0
101-450-5200-42210	Repair/Maint. Supplies				Mulch				
	56859 Total:	60.00							
56861	6/19/2018	-30.00	0.00	07/17/2018				No	0
101-450-5200-42210	Repair/Maint. Supplies				Mulch return				
	56861 Total:	-30.00							
56862	6/19/2018	30.00	0.00	07/17/2018				No	0
101-450-5200-42210	Repair/Maint. Supplies				Mulch				
	56862 Total:	30.00							
57729	7/3/2018	14.37	0.00	07/17/2018				No	0
101-420-2220-44010	Repairs/Maint Bldg				Station supplies				
57729	7/3/2018	27.85	0.00	07/17/2018				No	0
101-420-2220-44040	Repairs/Maint Eqpt				Vehicle cleaning supplies				
	57729 Total:	42.22							
	Menards - Oakdale Total:	513.97							
Metropolitan Council									
METCOU									
1084529	7/3/2018	7,678.30	0.00	07/17/2018				No	0
602-495-9450-43820	Sewer Utility - Met Council				Waste Water Services Aug 2018				
	1084529 Total:	7,678.30							
20180630	6/30/2018	91,945.00	0.00	07/17/2018				No	0
602-000-0000-20802	SAC due Met Council				SAC Charges - June 2018				
20180630	6/30/2018	-919.45	0.00	07/17/2018				No	0
602-000-0000-37220	SAC Early Pay discount/reve				SAC Charges - May 2018 prompt pay discount				
	20180630 Total:	91,025.55							
	Metropolitan Council Total:	98,703.85							

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description		Reference			
Miller Excavating, Inc. MILLEREX 25403	6/19/2018	5,242.98	0.00	07/17/2018				No	0
601-494-9400-43150 Contract Services				Water main break Lampert Ave					
25403 Total:		5,242.98							
Miller Excavating, Inc. Total:		5,242.98							
MN PEIP MNPEIP 726579	7/10/2018	10,789.08	0.00	07/17/2018				No	0
101-000-0000-21706 Medical Insurance				August 2018 PEIP Health Ins. Premium					
726579 Total:		10,789.08							
MN PEIP Total:		10,789.08							
NCPERS Minnesota NCPERS 566200	6/22/2018	32.00	0.00	07/17/2018				No	0
101-000-0000-21708 Other Benefits				June 2018 premium					
566200 Total:		32.00							
NCPERS Minnesota Total:		32.00							
Oakdale Rental Center OAKDRC 127839	6/27/2018	76.17	0.00	07/17/2018				No	0
101-430-3100-42120 Fuel, Oil and Fluids				LP for asphalt trailer					
127839 Total:		76.17							

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number					Description	Reference			
	Oakdale Rental Center Tota	76.17							
Prchal, Benjamin PRCHALBE 20180710	7/10/2018	10.36	0.00	07/17/2018				No	0
101-410-1910-43310	Mileage				Reimbursement - Mileage Inspections				
	20180710 Total:	10.36							
	Prchal, Benjamin Total:	10.36							
Rachel Contracting RACHELCO 17065.C1	12/6/2017	6,150.00	0.00	07/17/2018				No	0
601-494-9400-44030	Repairs\Maint Imp Not Bldg				Hydrant removal at Lions Park				
	17065.C1 Total:	6,150.00							
	Rachel Contracting Total:	6,150.00							
Safe-Fast, Inc. SAFEFAST 201594	6/21/2018	121.76	0.00	07/17/2018				No	0
601-494-9400-44375	Personal Protection Equipme				Hi-vis shirts				
201594	6/21/2018	121.76	0.00	07/17/2018				No	0
602-495-9450-44375	Personal Protective Equipme				Hi-vis shirts				
201594	6/21/2018	121.76	0.00	07/17/2018				No	0
603-496-9500-44375	Personal Protective Equipme				Hi-vis shirts				
201594	6/21/2018	121.76	0.00	07/17/2018				No	0
101-430-3100-44375	Personal Protection Equipme				Hi-vis shirts				
201594	6/21/2018	121.76	0.00	07/17/2018				No	0
101-450-5200-44375	Personal Protection Equipme				Hi-vis shirts				
	201594 Total:	608.80							

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description		Reference			
		608.80							
Safe-Fast, Inc. Total:		608.80							
Sambatek, Inc SAMBATEK									
12376	6/27/2018	405.00	0.00	07/17/2018				No	0
803-000-0000-22910 Developer Payments				Stillwater Schools ZTA, ZMA & CUP Escrow					
12376 Total:		405.00							
Sambatek, Inc Total:		405.00							
Schlomka Services LLC SCHLOMKA									
21752	6/20/2018	250.00	0.00	07/17/2018				No	0
101-430-3100-44010 Repairs/Maint Bldg				Pump holding tank at PW					
21752	6/20/2018	250.00	0.00	07/17/2018				No	0
101-420-2220-44010 Repairs/Maint Bldg				Pump holding tank at Station #2					
21752 Total:		500.00							
Schlomka Services LLC To		500.00							
Smith Schafer & Associates,LTD SMITHSCH									
62494	6/29/2018	14,025.00	0.00	07/17/2018				No	0
101-410-1520-43010 Audit Services				Interim Billing - audit year ending 12/31/17					
62494 Total:		14,025.00							
Smith Schafer & Associates		14,025.00							
T.A. Schifsky & Sons Inc TASCH									
62540	2/12/2018	51.30	0.00	07/17/2018				No	0
101-430-3100-42290 Sand/Salt				Salt sand					

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description		Reference			
	62540 Total:	51.30							
62577	3/12/2018	294.40	0.00	07/17/2018				No	0
101-430-3100-42210	Repair/Maint. Supplies			Cold mix					
	62577 Total:	294.40							
63002	6/25/2018	444.60	0.00	07/17/2018				No	0
101-430-3100-42210	Repair/Maint. Supplies			hot mix					
	63002 Total:	444.60							
	T.A. Schifsky & Sons Inc T	790.30							
Tessman Company Corp									
TESSMAN									
S275902	6/26/2018	190.00	0.00	07/17/2018				No	0
101-450-5200-42210	Repair/Maint. Supplies			Straw matting					
S275902	6/26/2018	578.70	0.00	07/17/2018				No	0
101-450-5200-42160	Chemicals			Weed and brush spray					
	S275902 Total:	768.70							
	Tessman Company Corp T	768.70							
TKDA, Inc.									
TKDA									
002018002198	6/15/2018	743.56	0.00	07/17/2018				No	0
409-480-8000-43150	Contract Services			Constuction Observation Services - Project Number 2016.1					
	002018002198 Total:	743.56							
	TKDA, Inc. Total:	743.56							
Tri State Bobcat, Inc.									
TRISTATE									

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description	Reference				
V83295	6/7/2018	2,539.43	0.00	07/17/2018				No	0
101-450-5200-44040	Repairs/Maint Eqpt				Skid loader repair				
	V83295 Total:	2,539.43							
	Tri State Bobcat, Inc. Total	2,539.43							
Twin City Pipeworks									
TWINPIPE									
9531	6/21/2018	534.00	0.00	07/17/2018				No	0
101-000-0000-11805	Loan Receivable				Toilet repairs (Brookfield)				
	9531 Total:	534.00							
	Twin City Pipeworks Tota	534.00							
Washington County									
WASRADIO									
142050	6/15/2018	1,000.20	0.00	07/17/2018				No	0
101-430-3100-43230	Radio				2nd quarter PW radios				
	142050 Total:	1,000.20							
	Washington County Total:	1,000.20							
Water Conservation Svs Inc.									
WATERCON									
8634	6/20/2018	286.59	0.00	07/17/2018				No	0
601-494-9400-44030	Repairs\Maint Imp Not Bldg				Water main break 2988 Lampert Ave. N				
	8634 Total:	286.59							
	Water Conservation Svs Inc	286.59							

Wenck Associates Inc.

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description		Reference			
WENCKASS									
11804189	7/9/2018	598.00	0.00	07/17/2018				No	0
803-000-0000-22910	Developer Payments			Northport 2nd					
11804189	7/9/2018	1,296.41	0.00	07/17/2018				No	0
803-000-0000-22910	Developer Payments			Boulder Ponds 1st					
11804189	7/9/2018	736.50	0.00	07/17/2018				No	0
803-000-0000-22910	Developer Payments			Halcyon Cemetery					
11804189	7/9/2018	331.50	0.00	07/17/2018				No	0
803-000-0000-22910	Developer Payments			Inwood 1st					
	11804189 Total:	<u>2,962.41</u>							
	Wenck Associates Inc. Total	<u>2,962.41</u>							
Xcel Energy									
XCEL									
597113793	7/2/2018	1,228.88	0.00	07/17/2018				No	0
601-494-9400-43810	Electric Utility			Booster Station					
	597113793 Total:	<u>1,228.88</u>							
597492562	6/27/2018	494.84	0.00	07/17/2018				No	0
101-450-5200-43810	Electric Utility			VFW Ballfield					
	597492562 Total:	<u>494.84</u>							
597495152	6/27/2018	707.75	0.00	07/17/2018				No	0
101-430-3100-43810	Electric Utility			Public Works					
	597495152 Total:	<u>707.75</u>							
597540749	6/27/2018	14.93	0.00	07/17/2018				No	0
101-420-2220-43810	Electric Utility			Warning Sirens					
	597540749 Total:	<u>14.93</u>							
597643421	6/28/2018	328.45	0.00	07/17/2018				No	0
101-410-1940-43810	Electric Utility			City Hall					
597643421	6/28/2018	1,834.37	0.00	07/17/2018				No	0
101-000-0000-11805	Loan Receivable			Brookfield Building					

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description		Reference			
597643421	6/28/2018	35.32	0.00	07/17/2018				No	0
101-430-3100-43810				Electric Utility	Traffic Lights				
	597643421 Total:	2,198.14							
598195669	7/3/2018	130.08	0.00	07/17/2018				No	0
101-450-5200-43810				Electric Utility	Legion Park				
598195669	7/3/2018	34.67	0.00	07/17/2018				No	0
101-430-3100-43810				Electric Utility	Traffic Lights				
	598195669 Total:	164.75							
598205139	7/3/2018	3,441.46	0.00	07/17/2018				No	0
101-430-3100-43810				Electric Utility	Street Lights				
	598205139 Total:	3,441.46							
598398383	7/5/2018	2,160.87	0.00	07/17/2018				No	0
601-494-9400-43810				Electric Utility	Wells 1 & 2				
	598398383 Total:	2,160.87							
	Xcel Energy Total:	10,411.62							
	Report Total:	288,577.34							



STAFF REPORT

DATE: 7-17-18
REGULAR #3
MOTION

TO: City Council
FROM: Michael Bent, Building Official
AGENDA ITEM: Approve Monthly Building Department Report for June 2018
REVIEWED BY: Kristina Handt, City Administrator

BACKGROUND:

ISSUE BEFORE COUNCIL:

As part of its Consent Agenda, the City Council is asked to accept the monthly Building Department report. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

PROPOSAL DETAILS/ANALYSIS:

Below is a snapshot of the monthly statistics for June 2018. Comparison data is also include from prior years for June new home single family construction and total permitting activity for the month. Attached are the system summary reports breaking out this information further, including the statistics related to the inspection activity.

	<u>2018</u>	<u>2017</u>	<u>2016</u>
New Homes	32	16	14
Total Valuation	\$10,883,343	\$5,431,100	\$4,961,000
Average Home Value	\$340,104	\$339,443	\$354,357
Total Permit Valuation YTD	\$63,212,232	\$57,101,617	\$49,902,370
Total Residential Units YTD	156	128	112

FISCAL IMPACT:

None

OPTIONS:

RECOMMENDATION:

Motion to accept the June 2018 monthly building permit report as presented.

ATTACHMENTS:

1. Valuation Report
2. Permits Issued & Fees Report
3. Inspection statistic report for June 2018
4. YTD Building Department Revenue Report

CITY OF LAKE ELMO
Valuation Report - Summary

Issued Date From: 6/1/2018 To: 6/30/2018

Permit Type: All Property Type: All Construction Type: All
 Include YTD: Yes

Permit Kind	Permit Count	Valuation	Dwell Units
Permit Type: BUILDING			
COMMERCIAL RETAINING WALL	1	\$73,000.00	0
PUBLIC ROOFING	1	\$9,000.00	0
SINGLE FAMILY ADDITION	2	\$66,000.00	0
SINGLE FAMILY BASEMENT FINISH	2	\$62,000.00	0
SINGLE FAMILY DECK	22	\$215,750.00	0
SINGLE FAMILY DOOR	2	\$11,433.00	0
SINGLE FAMILY NEW CONSTRUCTION	32	\$10,883,343.00	0
SINGLE FAMILY PORCH	3	\$79,950.00	0
SINGLE FAMILY REMODEL	3	\$76,300.00	0
SINGLE FAMILY ROOFING	57	\$835,915.55	0
SINGLE FAMILY SIDING	16	\$256,316.79	0
SINGLE FAMILY THREE SEASON PORCH	1	\$15,000.00	0
SINGLE FAMILY WINDOWS	8	\$132,423.00	0
Permit Type: BUILDING - Total	Period 150	\$12,716,431.34	0
	YTD 532	\$63,212,231.55	0
Report Total:	Period 150	\$12,716,431.34	0
	YTD 532	\$63,212,231.55	0

CITY OF LAKE ELMO

Permits Issued & Fees Report - Summary

Issued Date From: 6/1/2018 To: 6/30/2018

Permit Type: All Property Type: All Construction Type: All
 Include YTD: Yes Status: Not Voided

Permit Kind	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Fees	Total Fees
Permit Type: BUILDING									
COMMERCIAL RETAINING WALL									
Period	1	0	73,000.00	958.50		36.50			995.00
YTD	3	0	133,000.00	1,974.80		66.50			2,041.30
COMMERCIAL TENNANT SPACE REMODEL									
Period	0								
YTD	2	0	1,226,650.00	10,209.60	5,351.48	592.70			16,153.78
MANUFACTURED HOME SIDING									
Period	0								
YTD	1	0	500.00	29.50		0.25			29.75
PUBLIC ROOFING									
Period	1	0	9,000.00	199.35		4.50			203.85
YTD	1	0	9,000.00	199.35		4.50			203.85
SINGLE FAMILY ACCESSORY BUILDING									
Period	0								
YTD	1	0	25,000.00	564.15	301.70	12.50			878.35
SINGLE FAMILY ADDITION									
Period	2	0	66,000.00	1,320.15	728.10	33.00			2,081.25
YTD	3	0	186,000.00	3,061.80	1,587.17	93.00			4,741.97
SINGLE FAMILY ATTACHED NEW CONSTRUCTION									
Period	0								
YTD	20	0	4,652,000.00	56,544.00	27,062.14	2,326.00	26,000.00	69,700.00	210,842.14
SINGLE FAMILY ATTACHED REMODEL									
Period	0								
YTD	1	0	40,000.00	1,104.00	418.60	20.00			1,542.60
SINGLE FAMILY BASEMENT FINISH									
Period	2	0	62,000.00	1,296.95	648.02	31.00			1,975.97

Permit Kind	Permit Type	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	Total Fees
	BUILDING										
	SINGLE FAMILY DECK										
		YTD	7	170,950.00	3,861.60	1,925.05	85.47				5,872.12
		Period	22	215,750.00	4,677.25	3,040.24	107.87				7,825.36
	SINGLE FAMILY DEMOLITION	YTD	46	497,923.00	10,587.05	6,881.64	248.96				17,717.65
		Period	0								
		YTD	1		200.00		1.00	0.00			201.00
	SINGLE FAMILY DOOR	Period	2	11,433.00	299.40		5.72				305.12
		YTD	5	49,203.00	1,096.05		24.60				1,120.65
	SINGLE FAMILY EGRESS WINDOW	Period	0								
		YTD	2	2,700.00	118.90		1.35				120.25
	SINGLE FAMILY MANUFACTURED HOME	Period	0								
		YTD	9		1,800.00		9.00				1,809.00
	SINGLE FAMILY NEW CONSTRUCTION	Period	32	10,883,343.00	114,402.30	57,916.58	5,441.67	64,000.00	30	104,550.00	396,046.55
		YTD	136	51,063,336.00	516,976.40	265,251.36	25,457.15	274,000.00	130	453,050.00	1,740,042.91
	SINGLE FAMILY POOL - IN GROUND	Period	2		150.00		2.00				452.00
		YTD	5		475.00		5.00	1,683.10			2,913.10
	SINGLE FAMILY PORCH	Period	3	79,950.00	1,429.55	929.21	39.97				2,398.73
		YTD	5	161,950.00	2,571.20	1,671.28	80.97				4,323.45
	SINGLE FAMILY REMODEL	Period	3	76,300.00	1,367.35	551.62	38.15				1,957.12
		YTD	14	482,525.35	8,435.60	3,894.73	241.26				12,571.59
	SINGLE FAMILY ROOFING	Period	57	835,915.55	16,746.10		417.95				17,164.05
		YTD	204	2,970,069.81	59,833.65		1,485.00				61,318.65

Permit Kind	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC	SAC Fees	Total Fees
Permit Type: BUILDING										
SINGLE FAMILY SIDING										
Period	16	0	256,316.79	5,070.90		128.14				5,199.04
YTD	48	0	756,826.03	14,926.53		378.39				15,304.92
SINGLE FAMILY SOLAR PANEL INSTALL										
Period	0	0								
YTD	1	0	11,688.00	249.00	161.85	5.84				416.69
SINGLE FAMILY THREE SEASON PORCH										
Period	1	0	15,000.00	298.65	194.12	7.50				500.27
YTD	1	0	15,000.00	298.65	194.12	7.50				500.27
SINGLE FAMILY WINDOWS										
Period	8	0	132,423.00	2,557.80		66.22				2,624.02
YTD	31	0	757,910.36	12,366.54		378.97				12,745.51
Permit Type: BUILDING - Totals										
Period	152	0	12,716,431.34	150,774.25	64,007.89	6,360.19	64,000.00	30	104,550.00	439,728.33
YTD	547	0	63,212,231.55	707,483.37	314,701.12	31,525.91	301,683.10	150	522,750.00	2,113,411.50
Permit Type: MECHANICAL										
COMMERCIAL HVAC										
Period	0	0								
YTD	2	0		190.50		5.35				195.85
MANUFACTURED HOME HVAC										
Period	0	0								
YTD	3	0		300.00		3.00				303.00
PUBLIC HVAC										
Period	1	0		60.00		1.00				61.00
YTD	1	0		60.00		1.00				61.00
SINGLE FAMILY FIREPLACE										
Period	1	0		60.00		1.00				61.00
YTD	9	0		660.00		9.00				669.00
SINGLE FAMILY HVAC										

Permit Kind	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	Total Fees
Permit Type: MECHANICAL										
Period	20	0		1,922.00		20.00				1,942.00
YTD	64	0		5,521.00		64.00				5,585.00
Permit Type: MECHANICAL - Totals										
Period	22	0		2,042.00		22.00				2,064.00
YTD	79	0		6,731.50		82.35				6,813.85
Permit Type: PLUMBING										
COMMERCIAL FIXTURE INSTALLATION / APPLIANCE										
Period	0	0								
YTD	1	0		60.00		1.00				1,101.00
COMMERCIAL SEWER CONNECTION										
Period	2	0		2,060.00		1.00		4	15,940.00	18,001.00
YTD	3	0		3,620.00		2.00		7	27,895.00	31,517.00
PUBLIC FIXTURE INSTALLATION / APPLIANCE										
Period	0	0								
YTD	1	0		60.00		1.00				61.00
SINGLE FAMILY FIXTURE INSTALLATION / APPLIANCE										
Period	3	0		180.00		3.00				2,408.00
YTD	7	0		720.00		7.00				2,952.00
SINGLE FAMILY RPZ										
Period	1	0		59.00		1.00				60.00
YTD	1	0		59.00		1.00				60.00
SINGLE FAMILY SEWER CONNECTION										
Period	3	0		1,180.00		3.00		3	8,467.00	9,650.00
YTD	9	0		4,040.00		8.00		9	28,889.00	32,937.00
SINGLE FAMILY WATER CONNECTION										
Period	0	0								
YTD	1	0		1,000.00						10,150.00
SINGLE FAMILY WATER HEATER										
Period	1	0		60.00		1.00				61.00

Permit Kind	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Fees	Total Fees
Permit Type: PLUMBING									
SINGLE FAMILY WATER METER									
YTD	10	0		600.00		10.00			610.00
Period	3	0		180.00		3.00			3,448.00
YTD	3	0		180.00		3.00			3,448.00
SINGLE FAMILY WATER SOFTNER									
Period	10	0		600.00		10.00			610.00
YTD	58	0		3,479.00		58.00			3,537.00
Permit Type: PLUMBING - Totals									
Period	23	0		4,319.00		22.00	7	24,407.00	34,238.00
YTD	94	0		13,818.00		91.00	16	56,784.00	86,373.00
Permit Type: SPRINKLER AND ALARM									
COMMERCIAL NEW CONSTRUCTION									
Period	0								
YTD	1	0		320.00		8.00			328.00
Permit Type: SPRINKLER AND ALARM - Totals									
Period	0								
YTD	1	0		320.00		8.00			328.00
Permit Type: ZONING									
COMMERCIAL SIGN									
Period	2	0		360.00					360.00
YTD	4	0		720.00					720.00
SINGLE FAMILY ACCESSORY BUILDING									
Period	0								
YTD	1	0		75.00					75.00
SINGLE FAMILY BED AND BREAKFAST									
Period	0								
YTD	2	0							200.00

Permit Kind	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	Total Fees
Permit Type: ZONING										
SINGLE FAMILY DRIVEWAY										
Period	5	0		250.00						250.00
YTD	7	0		370.00						370.00
SINGLE FAMILY FENCE										
Period	5	0		875.00						875.00
YTD	13	0		1,870.00						1,870.00
SINGLE FAMILY GRADING										
Period	0	0								
YTD	1	0		125.00			500.00			625.00
SINGLE FAMILY PATIO										
Period	2	0		150.00						150.00
YTD	2	0		150.00						150.00
SINGLE FAMILY SIDEWALK										
Period	1	0		75.00						75.00
YTD	1	0		75.00						75.00
Permit Type: ZONING - Totals										
Period	15	0		1,710.00						1,710.00
YTD	31	0		3,385.00			500.00			4,085.00
Report Total										
Period	212	0	\$12,716,431.34	158,845.25	64,007.89	6,404.19	64,000.00	37	128,957.00	477,740.33
YTD	752	0	\$63,212,231.55	731,737.87	314,701.12	31,707.26	302,183.10	166	579,534.00	2,211,011.35

CITY OF LAKE ELMO
Inspection Statistics Report - Detail

Actual Date From: 6/1/2018 To: 6/30/2018

Permit Type: All Property Type: All Construction Type: All

Inspection Type	Pass	Fail	No Status	Reinsp	Period Total	YTD Total
ABOVE CEILING	0	0	0	0	0	2
ACCESSIBILITY	0	0	0	0	0	1
AS BUILT	3	1	0	0	4	6
AIRTEST	0	0	0	0	0	7
BUILDING FINAL	31	12	0	13	43	230
DECK FINAL	3	3	0	2	6	25
DECK FOOTING	0	0	0	0	0	2
DECK FRAMING	0	0	0	0	0	1
DRYWALL	0	0	0	0	0	12
ELECTRICAL FINAL	7	0	0	0	7	82
ELECTRICAL ROUGH IN	0	0	0	0	0	35
EMERGENCY LIGHTING	0	0	0	0	0	2
ESCROW FINAL	0	0	0	0	0	7
EXIT SIGNS	0	0	0	0	0	1
FIRE ALARM FINAL	0	0	0	0	0	3
FIRE ALARM ROUGH	0	0	0	0	0	1
FENCE FINAL	3	0	0	0	3	3
FINAL	5	0	0	0	5	17
FIREPLACE ROUGH IN	29	2	0	1	31	151
FOOTINGS/SLAB	53	5	0	1	58	201
FIREPLACE FINAL	0	0	0	0	0	7
FRAMING 2	1	0	0	0	1	6
FRAMING	37	8	0	6	45	191
FIRE SEPERATION WALL	5	0	0	0	5	46
FIRE SUPPRESSION FINAL	0	0	0	0	0	19
FIRE SUPPRESSION ROUGH IN	0	0	0	0	0	1
GASLINE / PRESSURE TEST	41	5	0	4	46	197
HEATING ROUGH 2	0	0	0	0	0	4
HOUSE WRAP	6	0	0	0	6	42
HYDROSTATIC TEST	0	0	0	0	0	1
IN FLOOR HEAT AIR TEST	1	0	0	0	1	4
INSULATION	32	6	0	3	38	163
LATH	17	1	0	1	18	139
HEATING FINAL	31	4	0	2	35	215
HEATING ROUGH IN	33	3	0	2	36	178
FIRE SPRINKLER ROUGH	8	0	0	0	8	13
PLUMBING BASEMENT ROUGH	0	0	0	0	0	1
PLUMBING FINAL	37	3	0	3	40	236
POOL FINAL	1	0	0	0	1	1
PLUMBING ROUGH IN	30	2	0	2	32	159
PLUMBING ROUGH 2	0	0	0	0	0	4
PLUMBING UNDERGROUND	23	0	0	1	23	163
PLUMBING VISUAL	1	0	0	0	1	3
POLY/UNDER SLAB	29	0	0	1	29	158
POURED WALL	23	0	0	0	23	137
RADON UNDERGROUND	1	0	0	0	1	81
ROOFING FINAL	41	2	0	0	43	107
ICE & WATER	33	2	0	1	35	118
SEWER & WATER	24	1	0	1	25	125
SEWER	0	0	0	0	0	6
SIDING FINAL	9	2	0	1	11	37

Inspection Type	Pass	Fail	No Status	Reinsp	Period Total	YTD Total
SILT FENCE	0	0	0	0	0	74
SPRINKLER FINAL	0	0	0	0	0	3
SPRINKLER ROUGH IN	0	0	0	0	0	2
VISUAL	0	0	0	0	0	2
POURED WALL	1	0	0	0	1	2
WINDOW REPLACEMENT	5	1	0	0	6	25
WATERPROOF / DRAINTILE	16	5	0	1	21	116
WEATHER RESISTIVE BARRIER	24	3	0	2	27	135
Report Totals	644	71	0	48	715	3,710



STAFF REPORT

DATE: July 17, 2018

CONSENT

ITEM #: 4

TO: City Council

FROM: Greg Malmquist, Fire Chief

AGENDA ITEM: Month End Fire Department Update for June 2018

REVIEWED BY: Kristina Handt, City Administrator

ISSUE BEFORE COUNCIL: Review month end activity update from fire department. Advise on any additional information requested.

PROPOSAL DETAILS/ANALYSIS:

We had 36 calls in June:

- 3 Fire Alarms
- 2 Structure fires
- 2 Cancelled en route
- 19 Medicals
- 3 Gas leak
- 4 Car accidents with injuries
- 1 Vehicle fire
- 1 Downed power lines
- 1 House flooding

- 36 Total

A Command vehicle did not respond on 5 calls for a response rate of 86%. Our average response time was 8.8 minutes from alarm to arrival. 15 calls had 3 or less responders minus the Duty Officer with 5 calls having only 1 personnel on the first due apparatus. 6 calls this month had only shift personnel for responders and 2 of those only had the Chief as a responder.

Drills for the Month:

- #1 - CEU: Driving Apparatus
- #2 - Drafting Operations and Pumping
- #3 - Water Rescue

Points of Interest:

-Staffing continues to be of concern. Two new PT personnel were hired and have been training and acclimating to Lake Elmo Fire equipment and guidelines.

-Personnel were invited and participated in assisting Bayport fire on a training house burn.

-One part time fire fighter transitioned to a Substitute capacity as they can no longer meet the requirements of being scheduled part time due to a new job.

-Another part time fire fighter gave notice that in July, they intend to resign from the part time capacity due to a new job of their own.

Part Timer Accomplishments:

Completed two follow up inspections and closed out inspection for one business.

Conducted ability test and orientation for new Personnel.

Completed and facilitated multiple station and equipment repairs.

Conducted in depth inspection of all SCBA packs finding one needing technical repair.

Assisted in set up and clean up for training drills.

General cleaning and upkeep for both stations and apparatus.

General training for two new Part Time Firefighters.



MAYOR AND COUNCIL COMMUNICATION

DATE: 7/17/2018

CONSENT

ITEM #: 5

AGENDA ITEM: Public Works Director Report

SUBMITTED BY: Rob Weldon, Public Works Director

REVIEWED BY: Kristina Handt, City Administrator

ISSUE BEFORE COUNCIL:

City Council is asked to review and accept, as part of Consent Agenda, a brief description of activities that have taken place in the Public Works Department in the month of June 2018.

PROPOSAL DETAILS/ANALYSIS:

- Irrigation turn-ons
- Sealcoat Pre-con Mtg
- Submitted Cross Country Ski Trail Grant Request for 2019
- Obtain quotes for street patches from water main breaks
- Obtain striping quotes
- Discover Crossing Bridge Mtg w/ FOCUS
- Quotes for Demotreville park ball field grading
- 2018 Street Improvement Pre-Con Mtg.
- Finalize 3 year street maint. plan w/ FOCUS
- Stormwater steering Committee mtg w/ Washington Conservation District
- Hammes 2nd Utility walk through inspection
- Obtain quotes for tipped backstop extension at Lions Park
- Old Village Phase 4 Pre-con Mtg
- 2nd Quarter water meter reading
- Royal Golf Lift Station Start-up
- Submit annual Consumer Confidence Water Report
- Savona Park Grading and Mulch Installation
- Install Public Parking Signs on L.E. Ave
- Street Sealcoating begins
- Sod Repairs
- Pothole patching
- Ditch mowing
- Mow Sunfish Lake Park Trails
- Water main break on Lampert Ave. N

RECOMMENDATION:

Base on the activities listed above, City Council is respectfully asked to accept the June 2018 Public Works Report.



STAFF REPORT

DATE: July 17, 2018

CONSENT

ITEM # 6

AGENDA ITEM: MnDOT Bridge Inspection & Enrollment Program – Approve Engineering Task Order

SUBMITTED BY: Jack Griffin, City Engineer

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

ISSUE BEFORE COUNCIL: Should the City Council authorize engineering services to perform initial inspections and complete professional services necessary to enroll the City's three bridge structures into the Minnesota Department of Transportation's Bridge Management Program?

BACKGROUND: In accordance with Minnesota State Statute 165.03, all public structures classified as bridges must be enrolled in the Minnesota Department of Transportation's Bridge Management Program. The City of Lake Elmo has three structures, one along 57th Street North located in the Discover Crossing development, and two along Eagle Point Blvd in the Eagle Point Business Park. Following initial enrollment, annual inspections are required.

PROPOSAL DETAILS/ANALYSIS: Work for this project would include initial bridge inventory and inspections, summary report of the bridge inspection findings, and completion of load ratings of all three bridge structures located within the City of Lake Elmo. The Consultant would fill the role of Program Administrator for the City and would review and certify the completed reports. A Request for Proposal was solicited from three (3) MnDOT Certified Bridge inspection engineers including Collins Engineers, Erickson Engineering, and TKDA. Based on a review of the submitted proposals, staff is recommending selection of Erickson Engineering to complete the work based on project team qualifications, experience, and overall fees (see attached Proposal Fee Summary worksheet).

FISCAL IMPACT: The services will be funded through Street Maintenance Fund 3100.

RECOMMENDATION: Staff is recommending that the City Council approve, *as part of the Consent Agenda*, engineering services to inspect, rate, and summarize bridge inspection findings of the City's three bridges. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to authorize Erickson Engineering to complete engineering services to inspect, rate, and summarize bridge inspection findings of the City's three bridges in an amount not to exceed \$4,910.00.”

ATTACHMENTS:

1. Proposal Fee Summary Worksheet.
2. Erickson Engineering Task Order #1 – Bridge Management Program.
3. Professional Services Agreement – Erickson Engineering.

**CITY OF LAKE ELMO, MINNESOTA
BRIDGE MANAGEMENT PROGRAM**

DATE RECEIVED: JUNE 29, 2018

PROPOSAL FEE SUMMARY

Consulting Firm	Total Engineering	PM/PA	BRIDGE INSPECTIONS/REPORTS	LOAD RATING	EXPENSES
COLLINS ENGINEERS	\$9,613	\$1,824	\$5,596	\$1,664	\$529
ERICKSON ENGINEERS	\$4,910	\$330	\$3,820	\$760	Included
TKDA, Inc.	\$8,500	\$1,742	\$5,808	\$746	\$204

In accordance with ARTICLE 1 of the Master AGREEMENT between the City of Lake Elmo (“CITY”) and Erickson Engineering Co., LLC (“ENGINEER”), dated **JULY 17, 2018** (“AGREEMENT”), the ENGINEER agrees to provide Professional Engineering Support Services as follows:

BRIDGE MANAGEMENT PROGRAM

PROJECT OVERVIEW: According to State Law, all public structures classified as bridges must be enrolled in the Minnesota Department of Transportation’s Bridge Management Program. The City of Lake Elmo has three structures, one along 57th Street North and two along Eagle Point Blvd, that fall under this classification that are not currently enrolled. Any and all necessary data should be collected and processed as part of this Task Order so the City’s bridges are formally enrolled in MnDOT’s Program. Work includes initial inspections, summary reports of the bridge inspection findings, and complete load ratings of all three bridge structures located within the City of Lake Elmo.

SERVICES TO BE PROVIDED BY ENGINEER: Erickson Engineering Co., LLC shall provide the following Professional Engineering Services:

1. Project Management throughout the course of the work.
2. Program Administrator (PA) – The Consultant shall provide a qualified individual to serve as the City’s PA for bridge inspections.
3. Bridge Inspection Services
 - Perform initial inspections on the three bridge structures located within the City of Lake Elmo. Inspections shall be completed by a MnDOT Certified Team Leader for Bridge Inspections. All required information shall be collected to complete the initial MnDOT Bridge Inspection Report and MnDOT Structure Inventory Reports. Initial inspection data shall be entered into MnDOT Structure Inventory Management Software (SIMS).
 - Prepare a summary report of the bridge inspection findings and submit to the City. The summary report shall contain unique maintenance recommendations for each structure evaluated.
 - Complete load ratings for each structure. It is assumed that each bridge will be classified as a culvert and ratings may be completed using MnDOT Form 90. Each rating shall be signed by an Engineer licensed in the State of Minnesota.

DELIVERABLES:

- Completed Bridge Inspection Reports and Structure Inventory Reports.
- Certified load rating reports.

- Development and approval of the SIMS reports for each of the bridges.

CITY’S REPRESENTATIVE AND CONTRACT ADMINISTRATION: The CITY’s representative with respect to services rendered by ENGINEER under this TASK ORDER shall be the City Engineer. Project correspondence must be addressed to:

Jack Griffin, P.E., City Engineer
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042
651.300.4264
Email: Jack.griffin@focusengineeringinc.com

COMPENSATION: Compensation to ENGINEER shall be on an hourly rate basis using the hourly billing rates and assigned personnel in a not to exceed amount of \$4,910.00.

Payment for Services shall be in accordance with ARTICLE 3.2 of the Master AGREEMENT. Invoices should be sent to the attention of the City Engineer.

ATTACHMENTS: The following documents are incorporated by reference: None.

APPROVAL AND ACCEPTANCE: Approval and Acceptance of this Task Order, including the attachment(s) listed above, shall incorporate this document as part of the AGREEMENT. ENGINEER is authorized to begin performance of services upon receipt of a copy of this Task Order signed by CITY.

The Effective Date of this Task Order is **JULY 17, 2018**.

ERICKSON ENGINEERING CO., LLC

CITY OF LAKE ELMO, MINNESOTA

By _____

By _____

(Authorized Principal of the Firm)

City Administrator

CITY OF LAKE ELMO, MINNESOTA

CLIENT-PROFESSIONAL SERVICES AGREEMENT

This AGREEMENT is made effective on **July 17, 2018**, (“Effective Date”) between the **CITY OF LAKE ELMO, MINNESOTA**, a Minnesota Municipal corporation (hereinafter referred to as the “CITY”), and Erickson Engineering Co., LLC, a corporation (hereinafter referred to as “CONSULTANT”).

From time to time the CITY intends to engage CONSULTANT to provide Professional Services. This AGREEMENT sets forth the general terms and conditions which shall govern the relationship and performance of the CITY and CONSULTANT.

In consideration of the foregoing recitals and following terms and conditions contained herein, the CITY and CONSULTANT agree as follows:

ARTICLE 1: SERVICES OF THE CONSULTANT

1.1 Scope of Services:

- A. The services to be provided by CONSULTANT shall be set forth in a written communication or “Task Order” that is authorized by the City prior to the start of work.
- B. Professional Services will, in general, include studies and reports, design, preparation of working drawings and specifications; construction administration and construction observations; mapping, preparation of cost estimates; and other related tasks of a type normally associated with infrastructure improvements.
- C. This AGREEMENT is not a commitment by the CITY to CONSULTANT to request services or to issue any Task Orders.

1.2 Task Order Procedure

- A. CONSULTANT shall provide the CITY with a “Task Order” for specific services or projects when requested by the CITY. Each Task Order will indicate the specific task, scope of services, time for performance, deliverables to be provided, and the basis of compensation.
- B. Individual “Task Orders” or written communications authorizing services by the CONSULTANT shall be mutually approved by the CITY and CONSULTANT. Each duly executed Task Order shall be incorporated and made a part of this AGREEMENT and the General Considerations thereof.

ARTICLE 2: PERIOD OF SERVICE AND TIMES FOR RENDERING SERVICES

- 2.1 Term: This AGREEMENT shall be effective and applicable to each “Task Order” issued hereunder and shall apply to any service provided by CONSULTANT whether retained under a formal “Task Order” or other written action or approval by the CITY, subject, however, to termination by either party in accordance with ARTICLE 5.9.

- 2.2 The times for performing services or providing deliverables shall be as stated in each Task Order or written communication authorizing the service or deliverable.
- 2.3 The term of the AGREEMENT may be extended by written instrument executed by both parties.

ARTICLE 3: COMPENSATION

- 3.1 Basis for Compensation: Compensation to CONSULTANT shall be as set forth in each Task Order. When services are requested by the CITY and a Task Order is not executed, the services shall be provided on an hourly rate basis in accordance with the hourly rate sheet on file at the CITY, or as mutually agreed to in written form.
- 3.2 Payments for Services
- A. *Preparation and Submittal of Invoices:* CONSULTANT shall prepare and submit invoices to the CITY on a monthly basis, unless otherwise mutually agreed. Invoices are due and payable within 45 days of receipt.
- B. *Unpaid Invoices:* All accounts unpaid after 45 days from the date of original invoice shall be subject to a service charge of 1.0% per month, with interest beginning to accrue 45 days after the date of receipt of the invoice. Payment will be credited first to any interest and then to principal.
- C. *Disputed Invoices:* If the CITY contests an invoice, the CITY shall advise CONSULTANT of the specific basis for doing so, may withhold only that portion so contested, and must pay the undisputed portion.

ARTICLE 4: CITY'S RESPONSIBILITIES

- 4.1 The CITY shall designate a person to act as the CITY's representative with respect to services to be rendered under this AGREEMENT. Unless otherwise designated in writing, the CITY's representative shall be the CITY ENGINEER. Such persons shall have authority to transmit instructions, receive instructions, receive information, interpret and define CITY's policies with respect to CONSULTANT's services, and render decisions relative to a specific project.
- 4.2 Provide Access: The CITY shall provide access to, and make provisions for, CONSULTANT to enter upon public or private property as required to perform their work.
- 4.3 Provide supporting documentation and Services: The CITY shall provide all necessary information regarding its requirements as necessary for orderly progress of the work, including records, data, instructions, and requirements for completeness. The CITY shall also provide services in regards to accounting, fiscal and bond counseling services, insurance, and legal services as may be required for the project.
- 4.4 The CITY shall be responsible for, and CONSULTANT may rely upon, the accuracy and completeness of all requirements, programs, instructions, reports, data, and other information furnished by the CITY to CONSULTANT pursuant to this AGREEMENT. CONSULTANT may use such requirements, programs, instructions, reports, data, and information in performing or furnishing services under this AGREEMENT.

- 4.5 Provide prompt Notice and Review: The CITY shall promptly review and examine all correspondence, reports, sketches, drawings, specifications and other documents and communications prepared and presented by CONSULTANT and render decisions pertaining thereto within a reasonable time so as not to delay the services of CONSULTANT. The CITY shall also give prompt notice to CONSULTANT whenever CITY observes or otherwise becomes aware of any development that affects the scope or timing of CONSULTANT's services or any defect in the work.
- 4.6 The CITY shall act as liaison with other agencies or involved parties to carry out necessary coordination and negotiations; obtain permits; and to obtain approvals and consents from others as may be necessary for completion of the project.

ARTICLE 5: GENERAL CONSIDERATIONS

5.1 Standards and Parameters of Performance

- A. *Standard of Care:* The standard of care for all professional services performed or furnished by CONSULTANT under this AGREEMENT will be the care and skill ordinarily used by members of the subject profession practicing under like circumstances.
- B. *Technical Accuracy:* CONSULTANT shall be responsible for the technical accuracy of its services and documents resulting therefrom, and CITY shall not be responsible for discovering deficiencies therein. CONSULTANT shall correct such deficiencies without additional compensation except to the extent such action is directly attributable to deficiencies in CITY-furnished information.
- C. *Subconsultants:* CONSULTANT may employ such Subconsultants as CONSULTANT deems necessary to assist in the performance or furnishing of the services, subject to reasonable, timely, and substantive objections by Owner.
- D. *Compliance with Laws and Regulations, and Policies and Procedures:* CONSULTANT and CITY shall comply with applicable Laws and Regulations and CITY mandated standards.
- E. CONSULTANT shall not at any time supervise, direct, control, or have authority over any contractor work, nor shall CONSULTANT have authority over the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, or the safety precautions and programs incident thereto, for security or safety at the Site, nor for any failure of a contractor to comply with Laws and Regulations applicable to such contractor's furnishing and performing its work.
- F. CONSULTANT neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform the Work in accordance with the Contract Documents, or for the acts or omissions of any Contractor, Subcontractor, or Supplier.

- 5.2 Independent Contractor: CONSULTANT is an independent contractor. The manner in which the services are performed shall be controlled by CONSULTANT; however, the nature of the services and the results to be achieved shall be specified by the CITY. All services provided by the CONSULTANT pursuant to this AGREEMENT shall be provided by the CONSULTANT as an independent contractor and not as an employee of the CITY for any purpose, including but not limited to: income tax withholding, workers' compensation, unemployment compensation, FICA taxes, and eligibility for employee benefits.

5.3 Insurance

- A. CONSULTANT shall procure and maintain insurance for protection from claims against it under worker's compensation acts (statutory limits), claims for damages because of bodily injury including personal injury, and from claims against it for damages because of injury to or destruction of property including loss of use resulting therefrom.
- B. CONSULTANT shall also procure and maintain professional and commercial general liability insurance, and auto and excess insurance, for all damages arising out of the performance of services caused by an error, omission or negligent act for which CONSULTANT is legally liable.
- C. For any specific Task Order, the CITY may request that CONSULTANT provide additional insurance coverage, increased limits, or revised deductibles.

Certificates of insurance will be provided to the CITY upon execution of the contract and thereafter upon request by the CITY. The CITY shall be listed as an additional insured.

5.4 Data Practices Act Compliance: Data provided by CONSULTANT or created under this AGREEMENT shall be administered in accordance with the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13.

5.5 Use of Documents

- A. All Documents prepared and submitted by CONSULTANT are instruments of service, except for CITY-furnished data. CONSULTANT shall retain an ownership and property interest therein (including the right of reuse at the discretion of the CONSULTANT) whether or not the Project or Service is completed.
- B. At the time of completion or termination of this AGREEMENT or for each "Task Order," CONSULTANT shall make available to the CITY, upon request, copies of all deliverables, maps, reports, and correspondence, pertaining to the work or Project. All such documents are not intended or represented to be suitable for reuse by the CITY for any other project. Any reuse without written verification or adaptation by CONSULTANT for the specific purpose intended will be at the CITY's sole risk.
- C. In the event electronic copies of documents are made available to the CITY, the CONSULTANT makes no representations as to long-term compatibility of such documents resulting from the use of software application packages, operating systems, or computer hardware differing from those used by the documents' creator.

5.6 Conflict of Interest: The CONSULTANT shall use best efforts in the performance of its services and professional obligations to avoid conflicts of interest and appearances of impropriety in representation of the CITY. In the event of a conflict, the CONSULTANT, with the consent of the CITY, shall arrange for suitable alternative engineering representation. It is the intent of the CONSULTANT to refrain from handling engineering matters for any other person or entity that may pose a conflict of interest or may not be in the best interests of the CITY.

5.7 Termination

- A. Either party may terminate this AGREEMENT upon thirty (30) days written notice.
- B. Either party has the right to terminate any “Task Order” upon ten (10) days’ written notice unless otherwise stated in the Task Oder. In addition, the CITY may at any time, reduce the scope of a “Task Order”. Such reduction in scope of a Task Order shall be set forth in a written notice from the CITY to the CONSULTANT.
- C. In the event of a reduction in scope of a “Task Order,” CONSULTANT shall be paid for the work performed and expenses incurred on the Task Order thus reduced and for any completed and abandoned work for which payment has not been made.
- D. In the event of termination of an “Task Order,” copies of all documents prepared by CONSULTANT under the Task Order shall be made available by CONSULTANT to the CITY, pursuant to ARTICLE 5.6, and there shall be no further obligation of the CITY to CONSULTANT under the Task Order, except for payment of amounts due and owing for work performed and expenses incurred to the date and time of termination.
- E. In like manner, if the entire AGREEMENT is terminated, copies of all remaining documents on file with the CONSULTANT shall also, upon request, be made available to the CITY pursuant to ARTICLE 5.6 upon receipt of payment of amounts due and owing CONSULTANT for any authorized work.

5.8 Controlling Law: This AGREEMENT is to be governed by the laws of the State of Minnesota.

5.9 Successors, Assigns, and Beneficiaries

- A. The CITY and CONSULTANT are hereby bound and the successors, executors, administrators, assigns, and legal representatives of the CITY and CONSULTANT are hereby bound to the other party to this AGREEMENT and to the successors, executors, administrators, assigns and legal representatives of such other party, in respect of all covenants, agreements, and obligations of this AGREEMENT.
- B. Neither the CITY nor CONSULTANT may assign, sublet, or transfer any rights under or interest in this AGREEMENT, or any portion thereof, without the written consent of the other party. Nothing contained in this paragraph shall prevent CONSULTANT from employing such independent professional associates and consultants as CONSULTANT may deem appropriate to assist in the performance of services hereunder.
- C. Nothing under this AGREEMENT shall be construed to give any rights or benefits in this AGREEMENT to anyone other than the CITY and CONSULTANT.

5.10 Dispute Resolution

- A. The CITY and CONSULTANT agree to negotiate all disputes between them in good faith for a period of thirty (30) days from the date of notice prior to invoking other provisions of this AGREEMENT, or exercising their rights under law.

5.11 Notices: Any notice required under this AGREEMENT will be in writing, addressed to the appropriate party at its address on the signature page and given personally, by registered or certified mail postage prepaid, or by a commercial courier service. All notices shall be effective upon the date of receipt.

5.12 Survival, Severability, Waiver

A. *Survival*: All express representations, waivers, indemnifications, and limitations of liability included in this AGREEMENT will survive its completion or termination for any reason.

B. *Severability*: Any provision or part of the AGREEMENT held to be void or unenforceable under any Laws or Regulations shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the CITY and CONSULTANT.

C. *Waiver*: A party's non-enforcement of any provision shall not constitute a waiver of that provision, nor shall it affect the enforceability of that provision or of the remainder of this AGREEMENT.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT as of the date first above written.

Erickson Engineering Co., LLC

CITY OF LAKE ELMO, MINNESOTA

By _____

By _____

Mayor

By _____

City Clerk



STAFF REPORT

DATE: July 17, 2018

CONSENT

ITEM #: 7

AGENDA ITEM: Private Development Projects – Approve Security Reductions for Boulder Ponds 1st Addition and Boulder Ponds 5th Street Improvements

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Kristina Handt, City Administrator
Emily Becker, Planning Director
Chad Isakson, Assistance City Engineer

ISSUE BEFORE COUNCIL: Should the City Council approve security reductions for the Boulder Ponds 1st Addition and Boulder Ponds 5th Street Improvements?

PROPOSAL DETAILS/ANALYSIS: Staff has received and processed requests to reduce the development security in accordance with the various development projects. These requests have been reviewed and the following reductions are being recommended for approval:

	<u>Current Security Amount</u>	<u>Proposed Security Amount</u>
1. Boulder Ponds 1st Addition:	\$945,215	\$ 60,719
2. Boulder Ponds 5th Street:	\$384,066	\$213,173

Work within each of these developments have progressed in accordance with the respective development agreement and to the extent necessary to support a reduction in the security as detailed in this report.

In addition, the City is holding \$3,125 until 5 additional trees are planted following construction of the home on each property, and \$1,000 for some minor plantings needed along the 5th Street median.

FISCAL IMPACT: It is the City's goal to retain at all times during the subdivision improvements a security amount that is adequate to ensure completion of all elements of the improvements as protection to the City tax payers against the potential of developer default. With this reduction, the remaining security amount held by the City remains sufficient to complete the remaining improvements.

RECOMMENDATION: Staff is recommending that the City Council approve, *as part of the Consent Agenda*, the security reductions for the Boulder Ponds 1st Addition and Boulder Ponds 5th Street Improvements as detailed in this report and supporting documentation. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve security reductions for the Boulder Ponds 1st Addition and Boulder Ponds 5th Street Improvements as detailed in the attached Security Reduction Worksheets.”

ATTACHMENTS:

1. Security Reduction Worksheet – Boulder Ponds 1st Addition.
2. Security Reduction Worksheet – Boulder Ponds 5th Street Improvements.

BOULDER PONDS 1ST ADDITION

Time of Performance: October 31, 2016

DEVELOPMENT AGREEMENT AMOUNTS			REDUCTIONS					
CATEGORY	CONSTRUCTION	125% REMARKS	#1	#2	#3	#4	#5	#6
Grading	\$116,600	\$116,600 100%	\$116,600					
Grading	\$68,194	\$85,243 100%	\$42,621	\$42,621				
Sanitary Sewer	\$405,451	\$506,813 75%	\$380,110					
Watermain	\$349,674	\$437,092 75%	\$327,819					
Streets	\$1,084,327	\$1,355,409 75%	\$677,704	\$338,852				
Surface Water Facilities	\$721,027	\$901,284 75%	\$450,642	\$225,321				
Erosion Control	\$48,406	\$60,508 75%			\$45,381			
Sidewalks/Trails	Included in Streets	Included in Streets						
Street Lighting	NA	NA By Xcel Energy						
Street Signs and Traffic Control Signs	Included in Streets	Included in Streets						
Landscaping	\$204,302	\$255,378 50%			\$127,689	\$60,719	\$3,125	
Tree Preservation and Restoration	NA	NA						Holding for 5 trees to be planted with Lots
Wetland Mitigation and Buffers	NA	NA LOC Through VBWD						
Monuments	\$4,700	\$5,875 75%			\$4,406			
Miscellaneous Facilities	NA	NA						
Record Drawings	\$2,500	\$3,125 75%			\$2,344			
TOTALS	\$2,888,581	\$3,727,326	RELEASED AMOUNTS: \$1,995,497	\$606,794	\$179,819	\$60,719		
		\$881,371	CUMMULATIVE AMOUNTS: \$1,995,497	\$2,602,291	\$2,782,111	\$2,842,830		
			SECURITY AMOUNT REMAINING: \$1,731,829	\$1,125,035	\$945,215	\$884,496		
			DATE: 12/15/2015	8/2/2016	12/20/2016	7/17/2018		

BOULDER PONDS 5TH STREET NORTH

Time of Performance: October 31, 2017

DEVELOPMENT AGREEMENT AMOUNTS

CATEGORY	CONSTRUCTION	125%	REMARKS	REDUCTIONS						
				#1	#2	#3	#4	#5	#6	
Grading	NA	NA	Included in Boulder Ponds 1st Addition							
Sanitary Sewer	\$46,600	\$58,250		\$43,688						
Watermain	\$64,000	\$80,000		\$60,000						
Storm Sewer (w/pond structures)	\$97,300	\$121,625			\$91,219					
Streets	\$287,700	\$359,625			\$269,719					
Sidewalks/Trails	\$71,000	\$88,750				\$66,563				
Surface Water Facilities	NA	NA								
Street Lighting	NA	NA								
Street Signs and Traffic Control Signs	\$11,600	\$14,500				\$10,875				
Private Utilities (electricity, natural gas, telephone, and cable)		NA								
Landscaping	\$100,753	\$125,941				\$93,456			\$1,000	
Tree Preservation and Restoration	NA	NA							Holding for 5th Street	
Wetland Mitigation and Buffers	NA	NA							median plantings	
Monuments	NA	NA								
Erosion Control	NA	NA								
Miscellaneous Facilities	NA	NA								
Record Drawings	NA	NA								

TOTALS	\$678,953	\$848,691	RELEASED AMOUNTS:	\$103,688	\$360,938	\$170,893
		\$212,173	CUMMULATIVE AMOUNTS:	\$103,688	\$464,625	\$635,518
			SECURITY AMOUNT REMAINING:	\$745,004	\$384,066	\$213,173
			DATE:	2/21/2017	9/5/2017	7/17/2018



STAFF REPORT

DATE: July 17, 2018
CONSENT #8

AGENDA ITEM: Lake Elmo Ave Parking

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

At the June 12, 2018 work session, Council discussed the parking issues downtown. Staff had suggested one of the changes could be to switch the 60 minute limit areas to 90 minutes.

ISSUE BEFORE COUNCIL:

Does the Council support changing the 60 minute parking spots to 90 minutes?

PROPOSAL DETAILS/ANALYSIS:

Since Lake Elmo Ave is a County road, Washington County has the authority to change the parking restrictions. Their practice has been to ask for a resolution from the City Council before approving any changes. A resolution is included in your packet. This change will impact 11 parking spaces; 3 near the post office and 8 north of 34th St.

OPTIONS:

- 1) Approve the resolution
- 2) Amend and then approve the resolution
- 3) Do not approve the resolution

RECOMMENDATION:

If removed from the consent agenda:

Motion to approve Resolution No 2018-072

ATTACHMENTS:

- Resolution No 2018-072

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

RESOLUTION NO. 2018-072

**A RESOLUTION RELATING TO PARKING RESTRICTIONS ON THE
EAST SIDE OF (CSAH) NO. 17 (LAKE ELMO AVENUE) FROM UPPER
33rd STREET NORTH TO 36TH STREET NORTH**

WHEREAS, parking restrictions on Lake Elmo Avenue (CSAH 17) are determined by Washington County since it is a county road; and

WHEREAS, Washington County requires a City resolution before considering any changes in parking restrictions; and

WHEREAS, the City would like to improve parking options downtown on Lake Elmo Ave; and

WHEREAS, converting the 60 minute time limits to 90 minutes will reduce sign pollution along Lake Elmo Ave;

NOW, THEREFORE, BE IT RESOLVED, by the City Council that all current 60 minute parking restrictions be changed to 90 minutes on the east side of Lake Elmo Avenue (CSAH 17) from Upper 33rd Street North to 36th Street North in the City of Lake Elmo.

BE IT FURTHER RESOLVED, that the City of Lake Elmo requests that Washington County change the signage so that all 60 minute parking spots are now limited to 90 minutes.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE 17th DAY OF JULY 2018.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)
ATTEST:

Julie Johnson
City Clerk



STAFF REPORT

DATE: 7/17/2018

CONSENT

ITEM #: 9

MOTION

TO: City Council

FROM: Rob Weldon, Public Works Director

AGENDA ITEM: Sale of Excess and Retired Equipment

REVIEWED BY: Kristina Handt, City Administrator

BACKGROUND: With the acquisition of new equipment and other equipment that has reached the end of its useful life, Public Works has a surplus of equipment that is no longer operational and needed to conduct city services.

ISSUE BEFORE COUNCIL: Should the City Council authorize staff to publicly advertise and sell excess and retired city equipment consistent with the City's Purchasing Policy?

FISCAL IMPACT: Revenue generated by the sale of this equipment will be added to the Equipment Replacement Fund. Below is a list of surplus equipment and the anticipated sale price.

Conveyor	\$2,000
Hopper Box	\$100 (scrap)
Street Light X-Mas Decorations	\$250
2000 Chevy S-10 Pickup	\$500
Dodge Pickup	\$250 (scrap)
1998 Chevy Pickup w/plow	\$2,000
Chevy Colorado Pickup (Bldg. Dept)	\$1,000
Hydrant Buddy wrench	\$100
Dump Truck bumpers (x2)	\$150 each
Power Vent for PW Bldg. (wrong size from construction)	\$500
Manure Spreader	\$600
V-Box Spreader	\$1,500
3-point back blade	\$200

OPTIONS:

- Approve sale of Excess and Retired Equipment
- Deny sale of Excess and Retired Equipment
- Discuss and amend the sale of Excess and Retired Equipment

RECOMMENDATION:

“Motion to approve the sale of Excess and Retired Equipment as detailed in the City's Purchasing Policy”



MAYOR & COUNCIL COMMUNICATION

DATE: 07/17/2018
CONSENT
ITEM # 10

AGENDA ITEM: Appointing 2018 Election Judges

SUBMITTED BY: Julie Johnson, City Clerk

BACKGROUND: Pursuant to Section 204B.21 of the Minnesota Election Laws, election judges shall be appointed by the municipality. The appointments shall be made at least 25 days before the election at which the judges will serve. The election judges are required to receive compensation equal to at least the prevailing Minnesota minimum wage for each hour spent carrying out duties at the polling place and attending training.

Staff is requesting the individuals listed on the attached Election Judges List be appointed to serve as election judges for the August 14, 2018 Primary Election and November 6, 2018 General and City Election at the hourly rate of \$10.00 for election judges and \$11.00 for head election judges.

The attached list of Election Judges is not conclusive and may be amended as needed by the City Clerk up to 25 days prior to the Primary and General elections.

FISCAL IMPACT: There will be a cost for paying election judges, \$10.00 per hour for election judges and \$11.00 per hour for head judges. These expenses are included in the 2018 Budget.

RECOMMENDATION: As part of its consent agenda, no specific motion is required. If removed from the consent agenda, the recommended motion is as follows:

“Move to approve Resolution No. 2018-072, Appointing 2018 Election Judges.”

ATTACHMENTS:

1. Resolution No. 2018-072
2. List of 2018 Election Judges

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

RESOLUTION NO. 2018-072

**A RESOLUTION APPOINTING ELECTION JUDGES FOR THE 2018 PRIMARY AND
GENERAL ELECTION**

WHEREAS, pursuant to Section 2014B.21 of the Minnesota Election Laws, Election judges shall be appointed by the municipality; and

WHEREAS, the appointments shall be made at least 25 days before the election at which the judges will serve; and

WHEREAS, election judges and election judge trainees shall receive at least the prevailing Minnesota minimum wage for each hour spent carrying out duties at the polling place and attending training.

WHEREAS, the City of Lake Elmo is dependent upon and appreciative of citizen assistance for its election process and,

WHEREAS, the Lake Elmo 2018 Primary and General Election Judge appointments consist of individuals recommended by the City Clerk with the approval by majority of the City Council and,

WHEREAS, the list of Election Judges may be amended by the City Clerk as needed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo that the individuals listed on the attached Election Judges List are appointed to serve as election judges for the August 14, 2018 Primary Election and the November 6, 2018 General and City Election at the hourly rate of \$10.00 for election judges and \$11.00 for head election judges.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO THIS 17th DAY
OF JULY, 2018.**

By: _____
Mike Pearson
Mayor

ATTEST:

Julie Johnson,
City Clerk

(SEAL)

2018 Election Judges

Armando Menendez

Barb Kiesling

Barbra Bjorkman

Bill Wacker

Dan O'Connor

Diane Allen

Donald Slinger

Ella Menendez

Gail M Olson

Jackie Pierre

James Roth

Jan Kiefner

Jan Krueger

Janet Carlson

Janice Roth

Jean Olinger

Jim Allen

Jim Carlson

JoAnne Meyer

Linda Wagner

Lisa Quinn

Mary Ellen Best

Patricia O'Donnell

Phyllis Paulson

Robert Schumacher

Sallyann Wacker

Sharon Simpson

Shirley Durand

Tom O'Donnell

Wendy Tait Loos

Mary Grundeen



STAFF REPORT

DATE: July 17, 2018

CONSENT

ITEM #: 11

TO: Mayor and Council

AGENDA ITEM: Accept resignation of Firefighter Dominic Jara

SUBMITTED BY: Jake Foster, Assistant City Administrator

BACKGROUND:

Firefighter Dominic Jara submitted his resignation effective July 21st. Mr. Jara will be staying on as a Paid-on-Call and Substitute Firefighter

ISSUE BEFORE COUNCIL:

Should the Council accept Dominic Jara's resignation?

PROPOSAL:

Staff recommends accepting Dominic Jara's resignation.

RECOMMENDATION:

If removed from the consent agenda:

“Move to accept Dominic Jara's resignation.”

ATTACHMENTS: None



STAFF REPORT

DATE: July 17, 2018

CONSENT

ITEM # 12

TO: Honorable Mayor and City Council
FROM: Sue Iverson – Finance Director
AGENDA ITEM: Authorizing Membership in the 4M Fund – Resolution 2018-071
REVIEWED BY: Kristina Handt– City Administrator

BACKGROUND:

Based upon current and likely future needs, it is recommended that the City of Lake Elmo enter into membership in the Minnesota Municipal Money Market Fund (4M Fund).

The 4M Fund was formed in 1987 by a Joint Powers Act and in accordance with Minnesota Investment Statutes by the adoption of a joint powers agreement in the form of a Declaration of Trust which is attached for you review. Staff would like to utilize this to maximize interest earnings along with our other depositories.

QUESTION BEFORE THE CITY COUNCIL:

- 1) Does the City Council desire to approve the resolution as attached?

FISCAL IMPACT:

Membership in the 4M Fund enhances the investment opportunities available to the City of Lake Elmo and increase investment earnings.

RECOMMENDATIONS:

- 1) Motion to Adopt Resolution No. 2018-071; Authorizing Membership in the 4M Fund.

ATTACHMENTS:

- 1) Declaration of Trust for the Minnesota Municipal Investment Money Market Fund (4M Fund)

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

RESOLUTION 2018 – 071

RESOLUTION AUTHORIZING MEMBERSHIP IN THE 4M FUND

WHEREAS, Minnesota Statutes (the Joint Powers Act) provides that governmental units may jointly exercise any power common to the contracting parties; and

WHEREAS, the Minnesota Municipal Money Market Fund (the 4M Fund) was formed in 1987, pursuant to the Joint Powers Act and in accordance with Minnesota Investment Statutes, by the adoption of a joint powers agreement in the form of a Declaration of Trust; and

WHEREAS, the Declaration of Trust, which has been presented to this Council, authorizes municipalities of the State of Minnesota to become Participants of the Fund and make use from time to time including the 4M Liquid Asset Fund, the 4M Plus Fund, the Term Series, the Fixed Rate Programs, and other Fund services offered by the Fund; and

WHEREAS, this Council deems it to be in the best interest for the municipality to make use of, from time to time, the approved services provided by the 4M Fund’s service providers including the Investment Advisor (Prudent Man Advisors, Inc.) or Sub-Advisor (RBC Global Asset Management (U.S.) Inc.), the Administrator (PMA Financial Network, Inc.), the Distributor (PMA Securities, Inc.) or the Fixed Rate Program Providers, PMA Financial Network, Inc. and PMA Securities, Inc., and the Custodian, U.S. Bank National Association, (“Service Providers”) and/or their successors.

WHEREAS, this Council deems it advisable for this municipality to enter into the Declaration of Trust and become a Participant of the Fund for the purpose of joint investment with other municipalities so as to enhance the investment earnings accruing to each; now, therefore BE IT RESOLVED AS FOLLOWS:

Section 1. This municipality shall become a Participant of the Fund and adopt and enter into the Declaration of Trust, a copy of which shall be filed in the minutes of this meeting. The appropriate officials are hereby authorized to execute those documents necessary to effectuate entry into the Declaration of Trust and the participation of all Fund programs.

Section 2. This municipality is authorized to invest monies from time to time and to withdraw such monies from time to time in accordance with the provisions of the Declaration of Trust. The following officers of the municipality or their successors are designated as “Authorized Officials” with authority to effectuate investments and withdrawals in accordance with the Declaration of Trust:

Susan K. Iverson	Finance Director	_____
		Signature

Kristina Handt	City Administrator	_____
		Signature

(Additional names may be added on a separate list. The treasurer shall advise the Fund of any changes in Authorized Officials in accordance with Fund procedures.)

Section 3. The Trustees of the Fund are designated as having official custody of those monies invested in accordance with the Declaration of Trust.

Section 4. That the municipality may open depository and other accounts, enter into wire transfer agreements, safekeeping agreements, third party surety agreements securing deposits, collateral agreements, letters of credit, lockbox agreements, or other applicable or related documents with institutions participating in Fund programs including U.S. Bank National Association, or its successor, or programs of PMA Financial Network, Inc. or PMA Securities, Inc. for the purpose of transaction clearing and safekeeping, or the purchase of certificates of

deposit (“CDs”) or other deposit products and that these institutions shall be deemed eligible depositories for the municipality. PMA Financial Network, Inc. and PMA Securities, Inc. and their successors are authorized to act on behalf of this municipality as its agent with respect to such accounts and agreements. Monies of this entity may be deposited in such depositories, from time to time in the discretion of the Authorized Officials, pursuant to the Fund’s Programs available through its Services Providers.

It is hereby certified that the Council of the City of Lake Elmo adopted this Resolution at a duly convened meeting of the Council held on the 17th day of July, 2018, and that such Resolution is in full force and effect on this date, and that such Resolution has not been modified, amended, or rescinded since its adoption.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

Dated: July 17, 2018

State of Minnesota

SECRETARY OF STATE

Certificate of Business Trust

I, Joan Anderson Grove, Secretary of State of Minnesota, do certify that: A copy of the Declaration of Trust of the trust listed below was filed with this office on this date, by a member of the board of trustees of that trust, who swore that the copy filed was a true and correct copy of the declaration of trust. The trustee also set forth the name and address of the agent of the trust for service of process, and met all the filing requirements of Minnesota Statutes, Chapter 318.

Name of Business Trust:

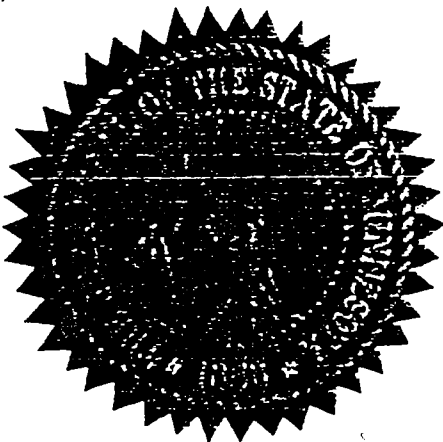
Minnesota Municipal Money Market Fund

File Number: BT-406

Name and Address of Agent for Service of Process:

League of Minnesota Cities
The League of MN Cities 183 Univ Ave E
St Paul MN 55101-

This certificate has been issued on 04/23/87.



Joan Anderson Grove
Secretary of State.

BT 406

MINNESOTA MUNICIPAL

MONEY MARKET FUND

(A Minnesota entity formed
pursuant to the
Minnesota Joint Powers Act)

DECLARATION OF TRUST
(As adopted in January, 1987)

034869

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Execution

WITNESSETH:

WHEREAS, Minnesota Statutes, Section 471.59 (the "Joint Powers Act") provides, among other things, that governmental units (as such term is defined therein), by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise any power common to the contracting parties; and

WHEREAS, the term "governmental unit" is defined in the Joint Powers Act to include municipality as defined herein; and

WHEREAS, all of the Initial Participants are Municipalities of the State of Minnesota that desire to enter into an agreement and thereby establish an entity for joint investment, under the provisions of the aforementioned Joint Powers Act, pursuant to this Declaration of Trust for the purpose of combining their respective available investment funds not currently needed by such Municipalities so as to enhance the investment opportunities available to them and increase the investment earnings accruing to them respectively; and

WHEREAS, this Declaration of Trust is intended to be an agreement entered into pursuant to the Joint Powers Act for the purpose of better exercising the Participants' power to invest their respective funds in accordance with the Laws of the State of Minnesota; and

WHEREAS, the Board or Council of each of the Initial Participants has duly adopted a resolution authorizing the applicable Initial Participant to become a party to, and has approved, this Declaration of Trust pursuant to the Joint Powers Act; and

WHEREAS, the Board or Council of each of the Initial Participants, by its aforementioned approval of this Declaration of Trust, has authorized the investment of funds of such Initial Participant in investments of the nature permitted by Minnesota Law, as applicable, and in the manner contemplated by this Declaration of Trust; and

WHEREAS, it is proposed that the beneficial interest in the 4M Fund's assets shall be divided into non-transferable shares of beneficial interest, which shall be evidenced by a share register maintained by the 4M Fund or its agent; and

WHEREAS, the Initial Participants anticipate the other Municipalities of the State of Minnesota may wish to become Participants by adopting this Declaration of Trust and thus becoming parties to it;

NOW, THEREFORE, the Initial Participants hereby declare that all moneys, assets, securities, funds and property now or hereafter acquired pursuant to this agreement shall be held and managed in trust for the equal and proportionate benefit of the holders of record from time to time of shares beneficial interest herein, without privilege, priority or distinction among such holders, and subject to the terms, covenants, conditions, purposes and provisions hereof.

ARTICLE I

The 4M Fund

1.01 Name. The name of the common law trust created by this Declaration of Trust shall be "Minnesota Municipal Money Market Fund" (the 4M Fund) and, so far as may be practicable, the Trustees shall conduct the 4M Fund's activities, execute all documents and sue or be sued under that name, which name (and the word "4M Fund" wherever used in this Declaration of Trust, except where the context otherwise requires) shall refer to the Trustees in their capacity as Trustees, and not individually or personally, and shall not refer to the officers, agents, employees, counsel, advisers, consultants, accountants, or Participants of the 4M Fund or of such Trustees. Should the Trustees determine that the use of such name is not practicable, legal or convenient, they may use such other designation or they may adopt such other name for the 4M Fund as they deem proper, and the 4M Fund may hold property and conduct its activities under such designation or name. The Trustees shall take such actions as they, acting with the advice of counsel, shall deem necessary or appropriate to file or register such name in accordance with the Laws of the State of Minnesota or the United States of America so as to protect and reserve the right of the 4M Fund in and to such name.

1.02 Purpose: Only Certain Minnesota Municipalities to be Participants.

(a) The purpose of the 4M Fund is to provide a means through which Municipalities may jointly and cooperatively exercise their power to invest their respective available funds so as to enhance their investment opportunities pursuant to an investment program conducted in accordance with the Laws of the State of Minnesota, from time to time in effect, governing the investment of the Municipal Funds. Only Municipalities organized under the Laws of the State of Minnesota may become Participants. A Municipality may become a party to this Declaration of Trust and may place moneys in the 4M Fund only after its Board or Council has duly adopted a resolution, or taken other applicable official action, authorizing such Municipality to become a Participant of the 4M Fund and adopting this Declaration of Trust.

(b) It is not necessary for a municipality to place any funds in the 4M Fund to become a Participant, and no minimum investment balance must be maintained by a Municipality which has become a Participant in order for such Municipality to continue to be a Participant.

1.03 Location. The 4M Fund shall maintain an office of record in the State of Minnesota and may maintain such other offices or places of business as the Trustees may from time to time determine. The initial office of record of the 4M Fund shall be: c/o League of Minnesota Cities, 183 University Ave. East, St. Paul, Minnesota 55101. The office of record may be changed from time to time by resolution of the Trustees, and notice of such change of the office of record shall be given to each Participant.

1.04 Nature of 4M Fund and Declaration of Trust.

(a) The 4M Fund shall be a common law trust (also known as a business trust) organized and existing under the laws of the State of Minnesota. The 4M Fund is not intended to be, shall not be deemed to be, and shall not be treated as, a general partnership, limited partnership,

joint venture, corporation, investment company, joint stock association or joint stock company. The Participants shall be beneficiaries of the 4M Fund, and their relationship to the Trustees shall be solely in their capacity as Participants and beneficiaries in accordance with the rights conferred upon them hereunder.

(b) This Declaration of Trust is an agreement of indefinite term regarding the joint or cooperative exercise of a power common to the parties thereto within the meaning of the Joint Powers Act.

1.05 Definitions. As used in this Declaration of Trust, the following terms shall have the following meanings unless the context hereof otherwise requires:

"Administrator" shall mean any Person or Persons appointed, employed or contracted with by the Trustees under the applicable provisions of Section 3.1 hereof.

"Administration Agreement" shall mean the agreement with the Administrator referred to in Section 3.3 hereof as the same may be amended from time to time.

"Adviser" shall mean any Person or Persons appointed, employed or contracted with by the Trustees under the applicable provisions of Section 3.1 hereof.

"Affiliate" shall mean, with respect to any Person, another Person directly or indirectly controlling, controlled by or under common control with such Person, or any officer, director, partner or employee of such Person.

"Board of Trustees" or "Trustees" shall mean the Board of Directors of the League of Minnesota Cities.

reordered { "Board" or "Council" shall mean the governing body of a Municipality as defined herein.

"Custodian" shall mean any Person or Persons appointed, employed or contracted with by the Administrator under the applicable provisions of Section 11.2 hereof.

"Custodian Agreement" shall mean the agreement with the Custodian referred to in Section 11.1 hereof as the same may be amended from time to time.

"Declaration of Trust" shall mean this Declaration of Trust as amended, restated or modified from time to time. References in this Declaration of Trust to "Declaration", "hereof", "herein", "hereby" and "hereunder" shall be deemed to refer to the Declaration of Trust and shall not be limited to the particular text, article or section in which such words appear.

"Employee of a Municipality" or "Municipal Employee" shall mean a director of finance, a finance official or other managerial employee of a Municipality charged with responsibility for municipal finance.

"4M Fund" shall mean the common law trust created by this Declaration of Trust.

"4M Fund Property" shall mean, as of any particular time, any and all property, real, personal or otherwise, tangible or intangible, which is transferred, conveyed or paid to the 4M Fund or the Trustees and all income, profits and gains therefrom and which, at such time, is owned or held by, or for the account of, the 4M Fund or the Trustees.

"Information Statement" shall mean the information statement or other descriptive document or documents adopted as such by the Trustees and distributed by the 4M Fund to participants and potential Participants of the 4M Fund as the same may be amended by the Trustees from time to time.

"Initial Participants" shall mean the League of Minnesota Cities and the City of Minnetonka which Municipalities initially formed the 4M Fund by the execution and adoption of this Declaration of Trust.

"Investment Advisory Agreement" shall mean the agreement with the Adviser referred to in Section 3.2 hereof as the same may be amended from time to time.

"Joint Powers Act" shall mean Minnesota Statutes, Section 471.59.

"Laws" shall mean common law and all ordinances, statutes, rules, regulations, orders, injunctions, decisions, opinions or decrees of any government or political subdivision or agency thereof, or any court or similar entity established by any thereof.

reordered { "Municipality" shall mean county, city, town, public authority, public corporation, public commission, special district, any other political subdivision, or an agency of the state or its subdivisions and any "instrumentality" (as that term is defined in the Joint Powers Act) of a municipality. }

"Participants" shall mean the Initial Participants and the Municipalities which adopt this Declaration of Trust pursuant to Section 14.6 hereof.

"Permitted Investments" shall mean the investments referred to in Paragraph (b) or Section 2.2 hereof.

"Person" shall mean and include individuals, corporations, limited partnerships, general partnerships, joint stock companies or associations, joint ventures, associations, companies, trusts, banks, trust companies, land trusts, business trusts or other entities (which or not legal entities) and governments and agencies and political subdivisions thereof.

"Share" shall mean the unit used to denominate and measure the respective beneficial interests of the Participants in the Fund Property as described in Article VI.

"Share Register" shall mean the register of Shares maintained pursuant to Article VII hereof.

"Technical Advisory Board" shall mean the persons appointed by the Trustees to act as technical advisors to the Trust.

ARTICLE II

Powers of the Trustees

2.1 General. Subject to the rights of the Participants as provided herein, the Trustees shall have, without other or further authorization, full, exclusive and absolute power, control and authority over the 4M Fund Property and other the affairs of the 4M Fund to the same extent as if the Trustees were the sole and absolute owners of the 4M Fund Property in their own right, and

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with such powers of delegation as may be permitted by this Declaration of Trust. The trustees may do and perform such acts and things as in their sole judgment and discretion are necessary and proper for conducting the affairs of the 4M Fund or promoting the interests of the 4M Fund and the Participants. The enumeration of any specific power or authority herein shall not be construed as limiting the aforesaid general power or authority or any specific power or authority. The trustees may exercise any power authorized and granted to them by this Declaration of Trust. Such powers of the Trustees may be exercised without the necessity of any order or, or resort to, any court.

2.2 Permitted Investments. The Trustees shall have full and complete power, subject in all respects to Article IV hereof,

(a) to conduct, operate and provide an investment program for the Participants;
and

(b) for such consideration as they may deem proper and as may be required by Law, to subscribe for, invest in, reinvest in, purchase or otherwise acquire, hold, sell, assign, transfer, exchange, distribute or otherwise deal in or dispose of investment instruments as permitted by Law (the "Permitted Investments"). Permitted Investments include, without limitation, as of the date hereof, the following:

(i) any security which is a direct obligation of or is guaranteed as to payment of principal and interest by the United States of America or any agency or instrumentality thereof;

(ii) shares of an investment company (1) registered under the federal investment company act of 1940, whose shares are registered under the federal securities act of 1933, and (2) whose only investments are in securities described in the preceding clause and repurchase agreements fully collateralized by those securities, if the repurchase agreements are entered into only with those primary reporting dealers that report to the Federal Reserve Bank of New York and with the 100 largest United States commercial banks;

(iii) any security which is a general obligation of the State of Minnesota or any of its municipalities;

(iv) bankers acceptances of United States banks eligible for purchase by the Federal Reserve System;

(v) commercial paper issued by United States corporations or their Canadian subsidiaries that is of the highest quality and matures in 270 days or less;

(vi) deposits in a national bank or in a state bank or thrift institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, provided that any such deposit shall be insured, bonded or collateralized in the manner required by Law and that any such bank or thrift institution shall meet criteria designated from time to time by the Trustees;

(vii) repurchase agreements (a) with any bank qualified as a depository of money held in the debt service fund of a municipality of the State of Minnesota or (b) with any national or state bank in the United States of America which is a member of the Federal Reserve System and whose combined capital and surplus equals or exceeds \$10,000,000 or (c) with a Primary Reporting Dealer in United States Government Securities to the Federal Reserve Bank of New York as such term is defined in Minnesota Statutes, Section 475.51, Subdivision 11 or (d) a securities

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broker-dealer having its principal executive office in Minnesota, licensed pursuant to Chapter 80A or an affiliate of it, regulated by the Securities and Exchange Commission and maintaining a combined capital and surplus of \$40,000,000 or more, exclusive of subordinated debt; and

(viii) such other investment instruments now or hereafter permitted by applicable Law for the investment of moneys of Municipalities organized under the laws of the State of Minnesota.

In the exercise of their powers, the Trustees shall not be limited, except as otherwise provided hereunder, to investing in Permitted Investments maturing before the possible termination of the 4M Fund. Except as otherwise provided in this Declaration of Trust, the Trustees shall not be limited by any Law now or hereafter in effect limiting the investments which may be held or retained by trustees or other fiduciaries, and they shall have full authority and power to make any and all Permitted Investments within the limitations of this Declaration of Trust, that they, in their absolute discretion, shall determine to be advisable and appropriate. The Trustees shall have no liability for loss with respect to Permitted Investments made within the terms of this Declaration of Trust, even though such investments shall be of a character or in an amount not considered proper for the investment of trust funds by trustees or other fiduciaries. The Trustees shall be permitted only to make Permitted Investments in accordance with Article IV of this Declaration of Trust.

2.3 Legal Title.

(a) Legal title to all of the 4M Fund Property shall be vested in the Trustees on behalf of the Participants and be held by and transferred to the Trustees, except that the Trustees shall have full and complete power to cause legal title to any 4M Fund Property to be held, on behalf of the Participants, by or in the name of the 4M Fund, or in the name of any other Person as nominee, on such terms, in such manner, and with such powers as the Trustees may determine, so long as in their judgment the interest of the 4M Fund is adequately protected.

(b) The right, title and interest of the Trustees in and to the 4M Fund Property shall vest automatically in all persons who may hereafter become Trustees upon their election to the Board of Directors of the League of Minnesota Cities and qualification without any further act. Upon the expiration of term of office, resignation, disability, removal, adjudication as an incompetent, or death of a Trustee, he (and in the event of his death, his estate) shall automatically cease to have any right, title or interest in or to any of the 4M Fund Property, and the right, title and interest of such Trustee in and to the 4M Fund Property shall vest automatically in the remaining Trustees without any further act.

2.4 Disposition of Assets. Subject in all respects to Article IV hereof and to the Laws from time to time applicable to Municipalities of the State of Minnesota, the Trustees shall have full and complete power to sell, exchange or otherwise dispose of any and all 4M Fund Property free and clear of any and all trusts and restrictions, at public or private sale, for cash or on terms, with or without advertisement, and subject to such restrictions, stipulations, agreements and reservations as they shall deem proper, and to execute and deliver any deed, power, assignment, bill of sale, or other instrument in connection with the foregoing. The Trustees shall also have full and complete power, subject in all respects to Article IV hereof, and in furtherance of the affairs and purposes of the 4M Fund, to give consents and make contracts relating to 4M Fund Property or its use.

2.5 Taxes. The Trustees shall have full and complete power: (i) to pay all taxes or assessments, of whatever kind or nature, validly and lawfully imposed upon or against the 4M Fund

or the Trustees in connection with the 4M Fund Property or upon or against the 4M Fund Property or income or any part thereof; (ii) to settle and compromise disputed tax liabilities; and (iii) for the foregoing purposes to make such returns and do all such other acts and things as may be deemed by the Trustees to be necessary or desirable.

2.6 Rights as Holders of 4M Fund Property. The Trustees shall have full and complete power to exercise on behalf of the Participants all of the rights, powers and privileges appertaining to the ownership of all or any Permitted Investments or other property forming part of the 4M Fund Property to the same extent that any individual might, and, without limiting the generality of the foregoing, to vote or give any consent, request or notice or waive any notice either in person or by proxy or power of attorney, with or without the power of substitution, to one or more Persons, which proxies and powers of attorney may be for meetings or actions generally, or for any particular meeting or action, and may include the exercise of discretionary powers.

2.7 Delegation: Committees. The Trustees shall have full and complete power (consistent with their continuing exclusive authority over the management of the 4M Fund, the conduct of its affairs, their duties and obligations as Trustees, and the management and disposition of 4M Fund Property), to delegate from time to time to such one or more of their number (who may be designated as constituting a committee of the Trustees as provided in Section 9.9 hereof) or to officers, employees or agents of the 4M Fund (including, without limitation, the Administrator, the Adviser and the Custodian) the doing of such acts and things and the execution of such instruments either in the name of the 4M Fund, or the names of the Trustees or as their attorney or attorneys, or otherwise as the Trustees may from time to time deem expedient and appropriate in the furtherance of the business affairs and purposes of the 4M Fund.

2.8 Collection. The Trustees shall have full and complete power: (i) to collect, sue for, receive and receipt for all sums of money or other property due to the 4M Fund; (ii) to consent to extensions of the time for payment, or to the renewal of any securities, investments or obligations; (iii) to engage or intervene in, prosecute, defend, compromise, abandon or adjust by arbitration or otherwise any actions, suits, proceedings, disputes, claims, demands or things relating to the 4M Fund Property; (iv) to foreclose any collateral, security or instrument securing any investments, notes, bills, bonds, obligations or contracts by virtue of which any sums of money are owed to the 4M Fund; (v) to exercise any power of sale held by them, and to convey good title hereunder free of any and all trusts, and in connection with any such foreclosure or sale, to purchase or otherwise acquire title to any property; (vi) to be parties to reorganization and to transfer to and deposit with any corporation, committee, voting trustee or other Person any securities, investments or obligations of any person which form a part of the 4M Fund Property, for the purpose of such reorganization or otherwise; (vii) to participate in any arrangement for enforcing or protecting the interests of the Trustees as the owners or holders of such securities, investments or obligations and to pay any assessment levied in connection with such reorganization or arrangement; (viii) to extend the time (with or without security) for the payment or delivery of any debts or property and to execute and enter into releases, agreements and other instruments, and (ix) to pay or satisfy any debts or claims upon any evidence that the Trustees shall deem sufficient.

2.9 Payment of Expenses. The Trustees shall have full and complete power: (i) to incur and pay any charges or expenses which in the opinion of the Trustees are necessary or incidental to or proper for carrying out any of the purposes of this Declaration of Trust; (ii) to reimburse others for the payment therefor, and (iii) to pay appropriate compensation or fees from the funds of the 4M Fund to Persons with whom the 4M Fund has contracted or transacted business. The Trustees shall fix the compensation, if any, of all officers and employees of the 4M Fund. The Trustees shall not be paid compensation for their general services as Trustees hereunder. The Trustees may pay themselves or any one or more of themselves reimbursement for

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expenses reasonably incurred by themselves or any one or more of themselves on behalf of the 4M Fund.

2.10 Borrowing and Indebtedness. The Trustees shall not have the power to borrow money or incur indebtedness on behalf of the 4M Fund, or authorize the Fund to borrow money or incur indebtedness, except as provided in clause (iv) of Section 4.2 of this Declaration of Trust, but ~~if~~ if and to the extent permitted by Law.

2.11 Deposits. The Trustees shall have full and complete power to deposit, in such manner as may now or hereafter be permitted by Law, any moneys or funds, included in the 4M Fund Property, and intended to be used for the payment of expenses of the 4M Fund or the Trustees, with one or more banks, or thrift institutions meeting the requirements of Section 2.2(b)(vi) hereof. Such deposits are to be subject to withdrawal in such manner as the Trustees may determine, and the Trustees shall have no responsibility for any loss which may occur by reason of the failure of the bank or thrift institution with which the moneys, investments, or securities have been deposited. Each such bank or thrift institution shall comply, with respect to such deposits, with all applicable requirements of all applicable Laws, including, but not limited to, Laws of the State of Minnesota relating to Municipalities.

2.12 Valuation. The Trustees shall have full and complete power to determine in good faith conclusively the value of any of the 4M Fund Property and to revalue the 4M Fund Property.

2.13 Fiscal Year: Accounts. The Trustees shall have full and complete power to determine the fiscal year of the 4M Fund and the method or form in which its accounts shall be kept and from time to time to change the fiscal year or method or form of accounts. Unless otherwise determined by the Trustees pursuant to this Section 2.13, the fiscal year of the 4M Fund shall terminate on June 30 and commence on July 1 of each calendar year.

2.14 Concerning the 4M Fund and Certain Affiliates.

(a) The 4M Fund may enter into transactions with any Affiliate of the 4M Fund or of the Adviser, the Administrator, or the Custodian or of any Trustee, officer, director or employee of the 4M Fund or with any Affiliate of an agent of the 4M Fund or of the Adviser, the Administrator, or the Custodian if (i) each such transaction (or type of transaction) had, after disclosure of such affiliation, been approved or ratified by the affirmative vote of a majority of the Trustees, including a majority of the Trustees who are not Affiliates of any Person (other than the 4M Fund) who is a party to the transaction or transactions with the 4M Fund and (ii) such transaction (or type of transaction) is, in the opinion of the Trustees, on terms fair and reasonable to the 4M Fund and the Participants and at least as favorable to them as similar arrangements for comparable transactions (of which the Trustees have knowledge) with organizations unaffiliated with the 4M Fund or with the Person who is a party to the transaction or transactions with the 4M Fund.

(b) Except as otherwise provided in this Declaration of Trust or in the Laws of the State of Minnesota, in the absence of fraud, a contract, act or other transaction between the 4M Fund and any other Person, or in which the 4M Fund is interested, is valid and no Trustee, officer, employee or agent of the 4M Fund shall have any liability as a result of entering into any such contract, act or transaction even though (i) one or more of the Trustees, officers, employees or agents of such other Person, or (ii) one or more of the Trustees, officers, employees, or agents of the 4M Fund, individually or jointly with or affiliated with, such contract, act or transaction, provided that (i) such interest or affiliation is disclosed to the Trustees and the Trustees authorize such contract, act or other transaction by a vote of a majority of the unaffiliated Trustees, or (ii) such interest or affiliation is disclosed to the Participants, and such contract, act or transaction is

approved by a majority of the Participants.

(c) Any Trustee or officer, employee, or agent of the 4M Fund may, in his personal capacity, or in a capacity as trustee, officer, director, stockholder, partner, member, agent, adviser or employee of any Person, have business interests and engage in business activities in addition to those relating to the 4M Fund, which interests and activities may be similar to those of the 4M Fund and include the acquisition, syndication, holding, management, operation or disposition of securities, investments and funds, for his own account or for the account of such Person. Each Trustee, officer, employee and agent of the 4M Fund shall be free of any obligation to present to the 4M Fund any investment opportunity which comes to him in any capacity other than solely as Trustee, officer, employee or agent of the 4M Fund, even if such opportunity is of a character which, if presented to the 4M Fund, could be taken by the 4M Fund.

(d) Subject to the provisions of Article III hereof, any Trustee or officer, employee or agent of the 4M Fund may be interested as trustee, officer, director, stockholder, partner, member, agent, adviser or employee of, or otherwise have a direct or indirect interest in, any Person who may be engaged to render advice or services to the 4M Fund, and may receive compensation from such Person as well as compensation as Trustee, officer, employee or agent of the Fund or otherwise hereunder. None of the activities and interests referred to in this paragraph (d) shall be deemed to conflict with his duties and powers as Trustee, officer, employee or agent of the 4M Fund.

(e) To the extent that any other provision of this Declaration of Trust conflicts with, or is otherwise contrary to the provisions of, this Section 2.14, the provisions of this Section 2.14 shall be deemed controlling.

(f) Notwithstanding the foregoing provisions of this Section 2.14, the Trustees shall not have the power to engage in any transaction with any Affiliate that would be inconsistent with the Laws of the State of Minnesota concerning conflicts of interest, including, but not limited to, Minnesota Statutes, Sections 471.87 and 471.88, or any other Law limiting the Participants' power to enter into such transaction, and the By-Laws of the 4M Fund may contain provisions more restrictive than those set forth in this Section 2.14.

2.15 Investment Program. The Trustees shall use their best efforts to obtain through the Adviser or other qualified Persons a continuing and suitable investment program, consistent with the investment policies and objectives of the 4M Fund set forth in Article IV of this Declaration of Trust, and the Trustees shall be responsible for reviewing and approving or rejecting the investment program presented by the Adviser or such other Persons. Subject to the provisions of Section 2.7 and Section 3.1 hereof, the Trustees may delegate functions arising under this Section 2.15 to one or more of their number or to the Adviser.

2.16 Power to Contract, Appoint, Retain and Employ.

(a) Subject to the provisions of Section 2.7 and Section 3.1 hereof with respect to delegation of authority by the Trustees, the Trustees shall have full and complete power to appoint, employ, retain, or contract with any Person of suitable qualifications and high repute (including one or more of themselves and any corporation, partnership, trust or other entity of which one or more of them may be an Affiliate, subject to the applicable requirements of Section 2.14 hereof) as the Trustees may deem necessary, or desirable for the transaction of the affairs of the 4M Fund, including any Person or Persons who, under the supervision of the Trustees, may, among other things: (i) serve as the 4M Fund's investment adviser and consultant in connection with policy decisions made by the Trustees; (ii) serve as the 4M Fund's administrator or co-administrators; (iii)

furnish reports to the Trustees and provide research, economic and statistical data in connection with the 4M Fund's investments; (iv) act as consultants, accountants, technical advisers, attorneys, brokers, underwriters, corporate fiduciaries, escrow agents, depositaries, custodians or agents for collection, insurers or insurance agents, registrars for Shares or in any other capacity deemed by the Trustees to be necessary or desirable; (v) investigate, select, and, on behalf of the 4M Fund, conduct relations with Persons acting in such capacities and pay appropriate fees to, and enter into appropriate contracts with, or employ, or retain services performed or to be performed by, any of them in connection with the investments acquired, sold, or otherwise disposed of, or committed, negotiated, or contemplated to be acquired, sold or otherwise disposed of; (vi) substitute any other Person for any such Person, (vii) act as attorney-in-fact or agent in the purchase or sale or other disposition of investments, and in the handling, prosecuting or other enforcement of any lien or security securing investments; and (viii) assist in the performance of such ministerial functions necessary in the management of the 4M Fund as may be agreed upon with the Trustees.

(b) The manner of employing, engaging, compensating, transferring, or discharging any Person as an employee of the 4M Fund shall be subject to Minnesota Law. For purposes of the preceding sentence, "employee of the 4M Fund" shall not include independent contractors such as the Adviser, the Administrator, the Custodian, counsel or independent accountants and their respective employees.

2.17 Insurance. The Trustees shall have full and complete power to purchase and pay for, entirely out of 4M Fund Property, insurance policies insuring the 4M Fund and the Trustees, officers, employees and agents of the 4M Fund individually against all claims and liabilities of every nature arising by reason of holding or having held any such office or position, or by reason of any action alleged to have been taken or omitted by the 4M Fund or any such Person as Trustee, officer, employee and agent, including any action taken or omitted that may be determined to constitute negligence, whether or not the 4M Fund would have the power to indemnify such Person against such liability.

2.18 Seal. The Trustees shall have full and complete power to adopt and use a seal for the 4M Fund, but, unless otherwise required by the Trustees, it shall not be necessary for the seal to be placed on, and its absence shall not impair the validity of, any document, instrument or other paper executed and delivered by or on behalf of the 4M Fund.

2.19 Indemnification. In addition to the mandatory indemnification provided for in Section 5.3 hereof, the Trustees shall have full and complete power, to the extent permitted by applicable Laws, to indemnify or enter into agreements with respect to indemnification with any Person with whom the 4M Fund has dealings, including, without limitation, the Adviser, the Administrator, and the Custodian, to such extent as the Trustees shall determine.

2.20 Remedies. Notwithstanding any provision in this Declaration of Trust, when the Trustees deem that there is a significant risk that an obligor to the 4M Fund may default or is in default under the terms of any obligation to the 4M Fund, the Trustees shall have full and complete power to pursue any remedies permitted by Law which, in their sole judgment, are in the interests of the 4M Fund, and the Trustees shall have full and complete power to enter into any investment, commitment or obligation of the 4M Fund resulting from the pursuit of such remedies as are necessary or desirable to dispose of property acquired in the pursuit of such remedies.

2.21 Information Statement. The Trustees shall have full and complete power to prepare, publish and distribute an Information Statement regarding the 4M Fund and to amend or supplement the same from time to time.

2.22 Further Powers. The Trustees shall have full and complete power to take all such actions, do all such matters and things and execute all such instruments as they deem necessary, proper or desirable in order to carry out, promote or advance the interests and purposes of the 4M Fund although such actions, matters or things are not herein specifically mentioned. Any determination as to what is in the best interests of the 4M Fund made by the Trustees in good faith shall be conclusive. In construing the provisions of this Declaration of Trust, the presumption shall be in favor of a grant of power to the Trustees. The Trustees shall not be required to obtain any court order to deal with the 4M Fund Property.

2.23 Compliance with Laws. The Trustees shall at all times exercise all powers granted hereunder in compliance with, and the operations of the 4M Fund shall at all times be conducted in accordance with, the applicable Laws of the State of Minnesota.

2.24 Tax or Aid or Revenue Anticipation Borrowing. Notwithstanding the provisions of Section 2.10 or 4.2 or any other provision of this Declaration, the Trustees shall have full and complete power to borrow money or incur indebtedness as a part of a program of tax or aid or revenue anticipation borrowing by Participant Municipalities. They shall have the power to issue such obligations on behalf of the Participants, coordinate the issuance of such obligations by the Participants, to become members of joint powers entities authorized to issue or coordinate the issuance of such obligations, or to enter into contracts or agreements of any nature authorized by law related to the issuance of such obligations. The assets of the 4M Fund itself shall not be pledged by the Trustees to the repayment of any portion of such borrowing and any obligations issued shall not constitute a debt of the 4M Fund, shall not be payable from or be a charge upon any assets of the 4M Fund, shall not give rise to any pecuniary liability of the 4M Fund, and shall not be enforceable against any property of the 4M Fund, other than amounts received from participating Municipalities in connection with that anticipation borrowing program which are pledged to the repayment of the borrowing or obligations. The Trustees shall have such powers as necessary to conduct or participate in such anticipation borrowing programs as approved by the Trustees, including a program of investment of obligation proceeds.

ARTICLE III

Technical Advisory Board, Investment Adviser, Administrator, and Custodian

3.1 Appointment. The Trustees are responsible for the general investment policy and program of the 4M Fund and for the general supervision and administration of the business and affairs of the 4M Fund conducted by the officers, agents, employees, investment advisers, administrators, or independent contractors of the 4M Fund. The Trustees are not required personally to conduct all of the routine business of the 4M Fund and, consistent with their ultimate responsibility as stated herein, the Trustees may appoint, employ or contract with an Adviser as an investment adviser to the Trustees, an Administrator as an administrator for the 4M Fund and a Custodian. The trustees may grant or delegate such authority to the Adviser and the Administrator (pursuant to the terms of Section 2.16 hereof) or to any other Person the services of whom are obtained by the Adviser or the Administrator, as the Trustees may, in their sole discretion, deem to be necessary or desirable, for the efficient management of the 4M Fund, without regard to whether such authority is normally granted or delegated by trustees or other fiduciaries. The Trustees may appoint one or more persons to serve jointly as Co-Advisers and one or more persons to serve jointly as Co-Administrators. The same person may serve simultaneously as the Administrator and as the Adviser, but no person serving as the Administrator or as the Adviser may serve as the Custodian. Piper Capital Management, Inc., a subsidiary of Piper Jaffray, Inc., a corporation organized and existing under the Laws of the State of Delaware, is appointed as the initial

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Administrator and Adviser for the 4M Fund. Marquette Bank Minneapolis is appointed as the initial Custodian for the 4M Fund. The Trustees shall appoint a Technical Advisory Board to assist the Trustees in the development of policies and the overseeing and reviewing of the activities of the 4M Fund. The Technical Advisory Board shall be made up of such individuals as the Trustees deem advantageous to the Fund. The composition of the Technical Advisory Board may be changed from time to time in the discretion of the Trustees.

3.2 Duties of the Adviser. The duties of the Adviser shall be those set forth in the Investment Advisory Agreement to be entered into between the 4M Fund and the Adviser. Such duties may be modified by the Trustees, from time to time, by the amendment of the Investment Advisory Agreement. Subject to Article IV hereof, the Trustees may authorize the Adviser to effect purchases, sales, or exchanges of 4M Fund Property on behalf of the Trustees or may authorize any officer, employee, agent or Trustee to effect such purchases, sales, or exchanges pursuant to recommendations of the Adviser, all without further action by the Trustees. Any and all of such purchases, sales, and exchanges shall be deemed to be authorized by all the Trustees. The Investment Advisory Agreement may authorize the Adviser to employ other persons to assist it in the performance of its duties. The Investment Advisory Agreement shall provide that it may be terminated at any time without cause and without the payment of any penalty by the 4M Fund on sixty (60) days written notice to the Adviser.

3.3 Duties of the Administrator. The duties of the Administrator shall be those set forth in the Administration Agreement to be entered into between the 4M Fund and the Administrator. Such duties may be modified by the Trustees, from time to time, by the amendment of the Administration Agreement. The Administration Agreement may authorize the Administrator to employ other persons to assist it in the performance of its duties. The Administration Agreement shall provide that it may be terminated at any time without cause and without the payment of any penalty by the 4M Fund on sixty (60) days written notice to the Administrator.

3.4 Duties of Custodian. The duties and qualifications of the Custodian shall be those set forth in Article 11 herein.

3.5 Successors. In the event that, at any time, the position of Adviser, Administrator, or Custodian shall become vacant for any reason, the Trustees may appoint, employ or contract with a successor Adviser, Administrator, or Custodian. A predecessor shall assist and cooperate with the 4M Fund in the smooth and orderly transition in the event a successor Adviser, Administrator, or Custodian is appointed for any reason.

ARTICLE IV

Investments

4.1 Statement of Investment Policy and Objective. Subject to the prohibitions and restrictions contained in Section 4.2 hereof, the general investment policy and objective of the Trustees shall be to provide to the Participants of the 4M Fund the highest possible investment yield, while maintaining liquidity and preserving capital by investing in Permitted Investments in accordance with applicable provisions of Law, as may be set forth more fully in the 4M Fund's Information Statement, as the same may be amended from time to time.

4.2 Restrictions Fundamental to the 4M Fund. Notwithstanding anything in this Declaration of Trust which may be deemed to authorize the contrary, the 4M Fund:

(i) May not make any investment other than investments authorized by the provisions of Law applicable to the investment of funds by the Participants, as the same may be amended from time to time;

(ii) May not purchase any Permitted Investment which has a maturity date more than one year from the date of the 4M Fund's purchase thereof, unless subject, at the time of such purchase by the 4M Fund, to an irrevocable agreement on the part of a Responsible Person to purchase such Permitted Investment from the 4M Fund within one (1) year;

(iii) May not purchase any Permitted Investment if the effect of such purchase by the 4M Fund would be to make the average dollar weighted maturity of the 4M Fund's investment portfolio greater than ninety (90) days, provided, however, that in making such determination any Permitted Investment which is subject to an irrevocable agreement of the nature referred to in the preceding clause (ii) shall be deemed to mature on the day on which the 4M Fund is obligated to sell such Permitted Investment back to a Responsible Person or the day on which the 4M Fund may exercise its rights under such agreement to require the purchase of such Permitted Investment by a Responsible Person;

(iv) May not borrow money or incur indebtedness except to facilitate as a temporary measure:

(a) withdrawal requests which might otherwise require unscheduled dispositions of portfolio investments;

(b) for a period not to exceed one business day, withdrawal requests pending receipt of collected funds from investments sold on the date of the withdrawal requests or withdrawal requests from Participants who have notified the 4M Fund of their intention to deposit funds in their accounts on the date of the withdrawal requests; or

(c) for a period not to exceed one business day, the purchase of Permitted Investments pending receipt of collected funds from Participants who have notified the 4M Fund of their intention to deposit funds in their accounts on the date of the purchase of the Permitted Investments;

(v) May not make loans, provided that the 4M Fund may make Permitted Investments;

(vi) May not hold or provide for the custody of any 4M Fund Property in a manner not authorized by Law or by any institution or Person not authorized by Law;

(vii) Except as permitted by Section 2.2(b)(ii) hereof, may not purchase securities or shares of investment companies or any entities similar to the 4M Fund; and

(viii) May not pledge assets except to secure indebtedness permitted by (iv) of this Section 4.2; however in the case of indebtedness secured under Section 4.2(iv)(b) or (c) hereof, it may pledge assets, only to the extent of the actual funds in the account of a participant on whose behalf the permitted indebtedness was incurred plus an amount equal to that amount which that Participant has notified the 4M Fund that it intends to deposit in its account on that date.

For the purposes of this Section 4.2, the phrase "Responsible Person" shall mean a person with which the 4M Fund is authorized to enter into agreements pursuant to Section 2.2(b)(vii) hereof.

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4.3 Amendment of Restrictions. The restrictions set forth in Section 4.2 hereof are fundamental to the operation and activities of the 4M Fund and may not be changed without the affirmative vote of a majority of the Participants entitled to vote, except that such restrictions may be changed by the Trustees so as to make them more restrictive when necessary to conform the investment program and activities of the 4M Fund to the Laws of the State of Minnesota and the United States of America as they may from time to time be amended.

ARTICLE V

Limitations of Liability

5.1 Liability to Third Persons. No Participant shall be subject to any personal liability whatsoever, in tort, contract or otherwise to any other Person or Persons in connection with 4M Fund Property or the affairs of the 4M Fund; and no Trustee, officer, employee or agent (including, without limitation, the Adviser, the Administrator and the Custodian) of the 4M Fund shall be subject to any personal liability whatsoever in tort, contract or otherwise, to any other Person or Persons in connection with 4M Fund Property or the affairs of the 4M Fund, except that each shall be personally liable for his bad faith, willful misconduct, gross negligence or reckless disregard of his duties or for his failure to act in good faith in the reasonable belief that his action was in the best interests of the 4M Fund and except that the Investment Advisory Agreement and the Administration Agreement shall provide for the personal liability of the Adviser or the Administrator, as the case may be, for its willful or negligent failure to take reasonable measures to restrict investments of 4M Fund Property to those permitted by Law and this Declaration of Trust.

5.2 Liability to the 4M Fund or to the Participants. No Trustee, officer, employee or agent (including, without limitation, the Adviser, the Administrator and the Custodian) of the 4M Fund shall be liable to the 4M Fund or to any Participant, Trustee, officer, employee or agent (including, without limitation, the Adviser, the Administrator and the Custodian) of the 4M Fund for any action or failure to act (including, without limitation, the failure to compel in any way any former or acting Trustee to redress any breach of trust) except for his own bad faith, willful misfeasance, gross negligence or reckless disregard of his duties and except that the Investment Advisory Agreement and the Administration Agreement shall provide for the personal liability of the Adviser or the Administrator, as the case may be, for its willful or negligent failure to take reasonable measures to restrict investments of 4M Fund Property to those permitted by Law and this Declaration of Trust; provided, however, that the provisions of this Section 5.2 shall not limit the liability of any agent (including, without limitation, the Adviser, the Administrator and the Custodian) of the 4M Fund with respect to breaches by it of a contract between it and the 4M Fund.

5.3 Indemnification.

(a) The 4M Fund shall indemnify and hold each Participant harmless from and against all claims and liabilities, whether they proceed to judgment or are settled or otherwise brought to a conclusion, to which such Participant may become subject by reason of its being or having been a Participant, and shall reimburse such Participant for all legal and other expenses reasonably incurred by it in connection with any such claim or liability. The rights accruing to a Participant under this Section 5.3 shall not exclude any other right to which such Participant may be lawfully entitled, nor shall anything herein contained restrict the right of the 4M Fund to indemnify or reimburse a Participant in any appropriate situation even though not specifically provided herein.

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(b) The 4M Fund shall indemnify each of its Trustees and officers, and employees and agents (including, without limitation, the Adviser, the Administrator and the Custodian) designated by the Board of Trustees to receive such indemnification, against all liabilities and expenses (including, without limitation, amounts paid in satisfaction of judgments, in compromise or as fines and penalties, and counsel fees) reasonably incurred by him in connection with the defense or disposition of any action, suit or other proceeding by the 4M Fund or any other Person, whether civil or criminal, in which he may be involved or with which he may be threatened, while in office or thereafter, by reason of his being or having been such a Trustee, officer, employee or agent (including, without limitation, the Adviser, the Administrator and the Custodian), except as to any matter as to which he acted in bad faith or with willful misfeasance or reckless disregard of his duties or gross negligence; in addition, in the case of the Adviser, Administrator, or the Custodian in willful or negligent violation of the restrictions on investments of the 4M Fund Property; provided, however, that the provisions of this Section 5.3 shall not be construed to permit the indemnification of any agent (including, without limitation, the Adviser, the Administrator and the Custodian) of the 4M Fund with respect to breaches by it of a contract between it and the 4M Fund; and further provided, however, that as to any matter disposed of by a compromise payment by such Trustee, officer, employee or agent (including the Adviser, Administrator or the Custodian), pursuant to a consent decree or otherwise, no indemnification either for said payment or for any other expenses shall be provided unless: 1) The 4M Fund receives a written opinion from independent counsel approved by the Trustees to the effect that if the matter had been adjudicated, the defenses that could have been presented on behalf of such Trustee, officer, employee or agent (including the Adviser, the Administrator or the Custodian), were meritorious; and 2) If in the opinion of the Board of Trustees, the Trustee, officer, employee or agent (including the Adviser, the Administrator or the Custodian) were not acting in bad faith or with willful misfeasance or reckless disregard of their duties or gross negligence. The rights accruing to any Trustee, officer, employee or agent (including, without limitation, the Adviser, the Administrator and the Custodian) under the provisions of this paragraph (b) of this Section 5.3 shall not exclude any other right to which he may be lawfully entitled; provided, however, that no Trustee, officer, employee or agent may satisfy any right of indemnity or reimbursement granted herein or to which he may be otherwise entitled except out of the 4M Fund Property, and no Participant shall be personally liable to any Person with respect to any claim for indemnity or reimbursement or otherwise. The Trustees may make advance payments in connection with indemnification under this paragraph (b) of this Section 5.3, provided that the indemnified Trustee, officer, employee or agent (including, without limitation, the Adviser, the Administrator and the Custodian) shall have given a written undertaking to reimburse the 4M Fund in the event that it is subsequently determined that he is not entitled to such indemnification.

(c) Any action taken by, or conduct on the part of, the Adviser, the Administrator, a Trustee, an officer, an employee or an agent (including, without limitation, the Adviser, the Administrator and the Custodian) of the 4M Fund in conformity with, or in good faith reliance upon, the provisions of Section 2.14 or Section 5.7 hereof shall not, for the purpose of this Declaration of Trust (including, without limitation, Sections 5.1 and 5.2 and this Section 5.3) constitute bad faith, willful misfeasance, gross negligence or reckless disregard of his duties.

5.4 Surety Bonds. ~~No Trustee shall,~~ as such, be obligated to give any bond or surety or other security for the performance of any of his duties.

5.5 Apparent Authority. No purchaser, seller, transfer agent or other Person dealing with the Trustees or any officer, employee or agent of the 4M Fund shall be bound to make any inquiry concerning the validity of any transaction purporting to be made by the Trustees or by such officer, employee or agent or make inquiry concerning or be liable for the application of

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money or property paid, transferred or delivered to or on the order of the Trustees or of such officer, employee or agent.

5.6 Recitals. Any written instrument creating an obligation of the 4M Fund shall be conclusively taken to have been executed by a Trustee or an officer, employee or agent of the 4M Fund only in his capacity as a Trustee under this Declaration of Trust or in his capacity as an officer, employee or agent of the 4M Fund. Any written instrument creating an obligation of the 4M Fund shall refer to this Declaration of Trust and contain a recital to the effect that the obligations thereunder are not personally binding upon, nor shall resort be had to the property of, any of the Trustees, Participants, officers, employees or agents of the 4M Fund, and that only the 4M Fund Property or a specific portion thereof shall be bound, and such written instrument may contain any further similar recital which may be deemed appropriate; provided, however, that the omission of any recital pursuant to this Section 5.6 shall not operate to impose personal liability on any of the Trustees, Participants, officers, employees or agents of the 4M Fund.

5.7 Reliance on Experts, Etc. Each Trustee and each officer of the 4M Fund shall, in the performance of his duties, be fully and completely justified and protected with regard to any act or any failure to act resulting from reliance in good faith upon the books of account or other records of the 4M Fund, upon an opinion of counsel or upon reports made to the 4M Fund by any of its officers or employees or by the Adviser, the Administrator, the Custodian, accountants, appraisers or other experts or consultants selected with reasonable care by the Trustees or officers of the 4M Fund.

5.8 Liability Insurance. The Trustees shall maintain insurance for the protection of the 4M Fund Property and the Trustees, Participants, officers, employees and agents (not including Advisor, Administrator, or Custodian) of the 4M Fund in such amount as the Trustees shall deem adequate to cover all foreseeable tort and contract liability to the extent available at reasonable rates.

5.9 No Waiver. Nothing in this Declaration of Trust shall be construed as constituting the waiver of any immunity from liability available to the 4M Fund or the Trustees, Participants, officers, employees or agents of the 4M Fund pursuant to any applicable provision of Law.

ARTICLE VI

Interests of Participants

6.1 General. The beneficial interest of the Participants hereunder in the 4M Fund Property and the earnings thereon shall, for convenience of reference, be divided into Shares, which shall be used as units to measure the proportionate allocation to the respective Participants of the beneficial interest hereunder. The number of Shares that may be used to measure and represent the proportionate allocation of beneficial interest among the Participants is unlimited. All Shares shall be of one class representing equal distribution, liquidation and other rights. The beneficial interest hereunder measured by the Shares shall not entitle a Participant to preference, preemptive, appraisal, conversion, or exchange rights of any kind with respect to the 4M Fund or the 4M Fund Property. Title to the 4M Fund Property of every description and the right to conduct any affairs hereinbefore described are vested in the Trustees on behalf and for the beneficial interest, of the Participants, and the Participants shall have no interest therein other than the beneficial interest conferred hereby and measured by their Shares, and they shall have no right to call for any partition or division of any property, profits, rights, or interests of the 4M Fund nor can they be called upon to share or assume any losses of the 4M Fund or suffer an

assessment of any kind by virtue of the allocation of Shares to them, except as provided in Section 10.2 hereof.

6.2 Allocation of Shares

(a) The Trustees shall credit a Participant with additional Shares upon receipt of funds (including, without limitation, income from the investment of 4M Fund Property) for the account of such Participant, based on the net asset value per Share as determined pursuant to Section 10.1 hereof. In connection with any allocation of Shares, the Trustees may allocate fractional Shares. The Trustees may from time to time adjust the total number of Shares allocated without thereby changing the proportionate beneficial interests in the 4M Fund. Reductions or increases in the number of allocated Shares may be made in order to maintain a constant net asset value per Share as set forth in Section 10.2 hereof. Shares shall be allocated and reduced in numbers as whole Shares and/or one hundredths (1/100ths) of a Share or multiples thereof.

(b) Shares may be allocated only to a Municipality which has become a Participant of the 4M Fund in accordance with Section 1.2 hereof. Each Participant may establish more than one account within the 4M Fund for such Participant's convenience.

(c) The minimum amount of funds which may be placed in the 4M Fund by a Participant at any one time shall be as determined by the Trustees from time to time. Unless otherwise determined by the Trustees pursuant to this paragraph (c) of this Section 6.2, the minimum amount of funds which may be placed in the 4M Fund by a Participant at any one time shall be One Dollar (\$1.00).

6.3 Evidence of Share Allocation. Evidence of Share allocation shall be reflected in the Share Register maintained by or on behalf of the 4M Fund pursuant to Section 7.1 hereof, and the 4M Fund shall not be required to issue certificates as evidence of Share allocation.

6.4 Reduction in Number of Shares to Maintain Constant Net Asset Value. The Shares of the 4M Fund shall be subject to reduction in number pursuant to the procedure for reduction of outstanding Shares set forth in Section 10.2 hereof in order to maintain the constant net-asset value per Share.

6.5 Withdrawals. Funds may be withdrawn from the 4M Fund at the option of a Participant, upon and subject to the terms and conditions provided in this Declaration of Trust. The 4M Fund shall, upon application of any Participant, promptly pay to such Participant the amount requested and shall reduce the number of Shares allocated to such Participant to the number of Shares which shall reflect such Participant's proportionate interest in the net assets of the 4M Fund after such withdrawal of funds. The procedures for effecting a withdrawal shall be as adopted by the Trustees and as set forth in the Information Statement of the 4M Fund, as the same may be amended from time to time; provided, however, that such procedures shall not be structured so as to substantially and materially restrict the ability of the Participants to withdraw funds from the 4M Fund.

6.6 Suspension of Right of Withdrawal; Postponement of Payment. Each Participant, by its adoption of this Declaration of Trust, agrees that the Trustees may, without the necessity of a formal meeting of the Trustees, temporarily suspend the right of withdrawal or postpone the date of payment pursuant to withdrawal requests for the whole or any part of any period (i) during which there shall have occurred any state of war, national emergency, banking moratorium or suspension of payments by banks in the State of Minnesota or any general suspension of trading or limitation of prices on the New York or American Stock Exchange (other than customary week-end

and holiday closing) or (ii) during which any financial emergency situation exists as a result of which disposal by the 4M Fund of 4M Fund Property is not reasonably practicable because of the substantial losses which might be incurred or it is not reasonably practicable for the 4M Fund fairly to determine the value of its net assets. Such suspension or postponement shall not alter or affect a Participant's beneficial interest hereunder as measured by its Shares or the accrued interest and earnings thereon. Such suspension or payment shall take effect at such time as the Trustees shall specify but not later than the close of business on the business day next following the declaration of suspension, and thereafter there shall be no right of withdrawal or payment until the Trustees shall declare the suspension or postponement at an end, except that the suspension or postponement shall terminate in any event on the first day on which the period specified in clause (i) or (ii) above shall have expired (as to which, the determination of the Trustees shall be conclusive). In the case of a suspension of the right of withdrawal or a postponement of payment pursuant to withdrawal requests, a Participant may either (i) withdraw its request for withdrawal or (ii) receive payment based on the net asset value existing after the termination of the suspension.

6.7 Minimum Withdrawal. There shall be no minimum amount which may be withdrawn from the 4M Fund at any one time at the option of a Participant; provided, however, that no request by a Participant for the withdrawal of less than one dollar (\$1.00) need be honored.

6.8 Defective Withdrawal Requests. In the event that a Participant shall submit a request for the withdrawal of a greater amount than is then credited to the account of such Participant, such request shall not be honored, and each Participant, by its adoption of this Declaration of Trust, agrees that the Trustees shall have full and complete power to withdraw funds from the account of a Participant, and to reduce proportionately the number of Shares allocated to such Participant in accordance with Section 6.5 hereof, in an amount sufficient to reimburse the 4M Fund for any fees, expenses, costs or penalties actually incurred by the 4M Fund as a result of such defective withdrawal request.

6.9 Allocation of Certain Expenses. Each Participant will, at the discretion of the 4M Fund, indemnify the 4M Fund against all expenses and losses resulting from indebtedness incurred on that Participant's behalf under Section 4.2(iv)(b) or (c) hereof. Each Participant authorizes the Trustees to reduce its Shares to the number of Shares which reflects that Participant's proportionate interest in the net assets of the 4M Fund after allocation of those expenses and losses to it.

ARTICLE VII

Record of Shares

7.1 Share Register. The Share Register shall be kept by or on behalf of the Trustees, under the direction of the Trustees, and shall contain (i) the names and addresses of the Participants, (ii) the number of Shares representing their respective beneficial interests hereunder and (iii) a record of all allocations and reductions thereof. Such Share Register shall be conclusive as to the identity of the Participants to which the Shares are allocated. Only Participants whose allocation of Shares is recorded on such Share Register shall be entitled to receive distributions with respect to Shares or otherwise to exercise or enjoy the rights and benefits related to the beneficial interest hereunder represented by the Shares. No Participant shall be entitled to receive any distribution, nor to have notices given to it as herein provided, until it has given its appropriate address to such officer or agent of the Fund as shall keep the Share Register for entry

thereon.

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7.2 Registrar. The Trustees shall have full and complete power to employ a registrar. Unless otherwise determined by the Trustees, the Share Register shall be kept by the Administrator which shall serve as the registrar for the 4M Fund. The registrar shall record the original allocations of Shares in the Share Register. Such registrar shall perform the duties usually performed by registrars of certificates and shares of stock in a corporation, except as such duties may be modified by the Trustees.

7.3 Owner of Record. No Person becoming entitled to any Shares in consequence of the merger, reorganization, consolidation, bankruptcy or insolvency of any Participant or otherwise, by operation of Law, shall be recorded as the Participant to which such Shares are allocated and shall only be entitled to receive for such Shares the amount credited to the account of the Participant whose beneficial interest in the 4M Fund is represented by such Shares. Until the Person becoming entitled to receive such amount shall apply for the payment thereof and present any proof of such entitlement as the Trustees may in their sole discretion deem appropriate, the Participant of record to which such Shares are allocated shall be deemed to be the Participant to which such Shares are allocated for all purposes hereof, and neither the Trustees nor the registrar nor any officer or agent of the 4M Fund shall be affected by any notice of such merger, reorganization, consolidation, bankruptcy, insolvency or other event.

7.4 No Transfers of Shares. The beneficial interests measured by the Shares shall not be transferrable, in whole or in part, other than to the 4M Fund itself for purposes of effectuating a withdrawal of funds.

7.5 Limitation of Fiduciary Responsibility. The Trustees shall not, nor shall the Participants or any officer, registrar or other agent of the 4M Fund, be bound to see to the execution of any trust, express, implied or constructive, or of any charge, pledge or equity to which any of the Shares or any interest therein are subject, or to ascertain or inquire whether any withdrawal of funds by any Participant or its representatives is authorized by such trust, charge, pledge or equity, or to recognize any Person as having any interest therein except the Participant recorded as the Participant to which such Shares are allocated. The receipt of the Participant in whose name any Share is recorded or of the duly authorized agent of such Participant shall be a sufficient discharge for all moneys payable or deliverable in respect of such Shares and from all liability to see to the proper application thereof.

7.6 Notices. Any and all notices to which Participants hereunder may be entitled and any and all communications shall be deemed duly served or given if mailed, postage pre-paid, addressed to Participants of record at their last known post office addresses as recorded on the Share Register provided for in Section 7.1 hereof.

ARTICLE VIII

Participants

8.1 Voting. Each Participant shall be entitled to one vote as a matter of right with respect to the following matters: (i) amendment of this Declaration of Trust or termination of the 4M Fund as provided in Section 4.3 and Section 13.1 hereof; and (ii) reorganization of the 4M Fund as provided in Section 13.2 hereof. It shall not be necessary for any minimum number of Shares to be allocated to a Participant for the Participant to be entitled to vote. Participants shall not be entitled to cumulative voting with respect to any matter.

8.2 Right to Initiate a Vote of the Participants. The Participants shall, by an instrument or concurrent instruments in writing delivered to the Board of Trustees signed by at least ten percent (10%) of the Participants, have the right to initiate a vote of the Participants as to any matter described in clause (i) or clause (ii) of Section 8.1 hereof. Within twenty (20) days of receipt of such instrument or instruments, the Board of Trustees shall cause a ballot to be sent to each Participant, setting forth the matter to be voted on and the manner in which such ballots should be executed and delivered.

8.3 Inspection of Records. The records of the 4M Fund shall be open to inspection at all reasonable times pursuant to Minnesota Statutes, Chapter 13.

8.4 Meetings of Participants.

(a) Meetings of the Participants may be called at any time by a majority of the Trustees and shall be called by any Trustee upon written request of not less than ten percent (10%) of the Participants, such request specifying the purpose or purposes for which such meeting is to be called. Any such meeting shall be held within the State of Minnesota at such place, on such day and at such time as the Trustees shall designate.

(b) A majority of the Participants entitled to vote at such meeting present in person (including, if permitted by applicable Law, participation by conference telephone or similar communications equipment by means of which all Persons participating in the meeting can hear each other) or by proxy shall constitute a quorum at any meeting of Participants.

8.5 Notice of Meetings and Votes. Notice of all meetings of the Participants, stating the time, place and purposes of the meeting, and notice of any vote without a meeting, stating the purpose and method thereof shall be given by the Trustees by mail to each Participant at its registered address, mailed at least ten (10) days and not more than thirty (30) days before the meeting or the day by which votes must be cast. Only the business stated in the notice of a meeting shall be considered at such meeting. Any adjourned meeting may be held as adjourned without further notice. Any notice required by any "open meeting", "sunshine" or similar law, whether now or hereafter in effect, shall also be given.

8.6 Record Date for Meetings and Votes. For the purposes of determining the Participants that are entitled to vote or act at any meeting or any adjournment thereof, or who are entitled to participate in any vote, or for the purpose of any other action, the Trustees may from time to time fix a date not more than thirty (30) days prior to the date of any meeting or vote of Participants or other action as a record date for the determination of Participants entitled to vote at such meeting or any adjournment thereof or to cast a ballot in such vote or to be treated as Participants of record for purposes of such other action. Any Participant which was a Participant at the time so fixed shall be entitled to vote at such meeting or any adjournment thereof, or to cast a ballot in such vote, even though it then had no Shares allocated to it or has since that date redeemed its Shares. No Participant becoming such after that date shall be so entitled to vote at such meeting or any adjournment thereof or to cast a ballot in such vote or to be treated as a Participant of record for purposes of such other action.

8.7 Proxies. At any meeting of Participants, if permitted by applicable Law, any Participant entitled to vote thereat may vote by proxy, provided that no proxy shall be voted at any meeting unless it shall have been placed on file with the Secretary of the 4M Fund, or with such other officer or agent of the 4M Fund as the Secretary of the 4M Fund may direct, for verification prior to the time at which such vote shall be taken. Pursuant to a resolution of a

majority of the Trustees, proxies may be solicited in the name of one or more of the officers of the 4M Fund. All proxies shall be revocable at the option of the Participant.

8.8 Number of Votes. Only Participants of record shall be entitled to vote and each Participant shall be entitled to one vote without regard to the number of Shares allocated to it, if any. A proxy purporting to be executed by or on behalf of a Participant shall be deemed valid unless challenged at or prior to its exercise, and the burden of proving invalidity shall rest on the challenger.

8.10 Reports. The Trustees shall cause to be prepared at least annually (i) a report of operations containing a statement of assets and liabilities and statements of operations and of changes in net assets of the 4M Fund prepared in conformity with generally accepted accounting principals and (ii) an opinion of an independent certified public accountant on such financial statements based on an examination of the books and records of the 4M Fund made in accordance with generally accepted auditing standards. A signed copy of such report and opinion shall be filed with the Trustees within ninety (90) days after the close of the period covered thereby. Copies of such reports shall be mailed to all Participants of record within a reasonable period preceding the annual meeting or vote of the Participants. The Trustees shall, in addition, furnish to the Participants, at least quarterly, an interim report containing an unaudited balance sheet of the Fund as at the end of such quarterly period and statements of operations and changes in net assets for the period from the beginning of the then current fiscal year to the end of such quarterly period.

ARTICLE IX

Trustees and Officers

9.1 Number and Qualification.

(a) Subject to the power of the Participants to amend this Declaration of Trust, the Board of Directors of the League of Minnesota Cities shall act as the initial governing body of the 4M Fund and shall be the Board of Trustees. The by-laws and constitution of the League of Minnesota Cities shall govern the operation and make-up of the Trustees and Officers of the 4M Fund.

(b) The Trustees, in their capacity as Trustees, shall not be required to devote their entire time to the business and affairs of the 4M Fund.

(c) The Executive Director of the League of Minnesota Cities may be an ex officio non-voting member of the Board of Trustees.

9.2 Meetings.

(a) Meetings of the Trustees shall be held from time to time upon the call of the Chairman, the Vice Chairman, the Secretary or any two trustees. Regular meetings of the Trustees may be held without call or notice at a time and place fixed by the By-Laws or by resolution of the Trustees. Notice of any other meeting shall be mailed or otherwise given not less than 48 hours before the meeting but may be waived in writing by any Trustee either before or after such meeting. Any notice required by any "open meeting", "sunshine" or similar Law, whether now or hereafter in effect, shall also be given. The attendance of a Trustee at a meeting shall constitute a waiver of notice of such meeting except where a Trustee attends a meeting for the express purpose of objecting to the transaction of any business on the ground that the meeting has not

been lawfully called or convened. The Trustees may act with or, if permitted by applicable Law, without a meeting. A quorum for all meetings of the Trustees shall be a majority of the Trustees. Subject to Section 2.14 hereof and unless specifically provided otherwise in this Declaration of Trust, any action of the Trustees may be taken at a meeting by vote of a majority of the Trustees present (a quorum being present) or, if permitted by applicable Law, without a meeting, by written consents of a majority of the Trustees. Any agreement or other instrument or writing executed by one or more of the Trustees or by any authorized Person shall be valid and binding upon the Trustees and upon the 4M Fund when authorized or ratified by action of the Trustees as provided in this Declaration of Trust.

(b) Any committee of the Trustees may act with or without a meeting. A quorum for all meetings of any such committee shall be a majority of the members thereof. Notice of such meeting, including such notice as may be required by an "open meeting", "sunshine" or similar Law, shall be given as provided in Section 9.2(a). Unless otherwise specifically provided in this Declaration of Trust, any action of any such committee may be taken at a meeting by vote of a majority of the members present (a quorum being present) or, without a meeting, by written consent of a majority of the members.

(c) With respect to actions of the Trustees and any committee thereof, Trustees who are affiliated within the meaning of Section 2.14 hereof or otherwise interested in any action to be taken may be counted for quorum purposes under this Section 9.2 and shall be entitled to vote.

(d) All or any one or more Trustees may, if permitted by applicable Law, participate in a meeting of the Trustees or any committee thereof by utilizing conference telephone or similar communications equipment by means of which all persons participating in the meeting, including members of the public, can hear each other and participate in a meeting pursuant to such communications shall constitute presence in person at such meeting. The minutes of any meeting of Trustees held by utilizing such communications equipment shall be prepared in the same manner as those of a meeting of Trustees held in person.

9.3 Officers. The Officers of the 4M Fund shall be the same as the officers of the Board of Directors of the League of Minnesota Cities. The executive director of the League of Minnesota Cities shall act as secretary of the 4M Fund. The Trustees may elect or appoint, such other officers or agents, who shall have such powers, duties and responsibilities as the Trustees may deem to be advisable and appropriate.

9.4 Committees. The Trustees may elect from time to time from their own number committees consisting of one or more persons, the number composing such committees and the powers conferred upon the same to be determined by vote of the Trustees.

9.5 Reports. The Trustees shall cause to be prepared at least annually (i) a report of operations containing a statement of assets and liabilities and statements of operations and of changes in net assets of the 4M Fund prepared in conformity with generally accepted accounting principles and (ii) an opinion of an independent certified public accountant on such financial statements based on an examination of the books and records of the 4M Fund made in accordance with generally accepted auditing standards. A signed copy of such report and opinion shall be filed with the Trustees within ninety (90) days after the close of the period covered thereby. Copies of such reports shall be mailed to all Participants of record within a reasonable period preceding the annual election of Trustees. The Trustees shall, in addition, furnish to the Participants, at least quarterly, an interim report containing an unaudited balance sheet of the 4M Fund as at the end of such quarterly period and statements of operations and changes in net assets for the period from

the beginning of the then current fiscal year to the end of such quarterly period.

ARTICLE X

Determination of Net Asset Value and Net Income; Distributions to Participants

10.1 Net Asset Value. The net asset value of each allocated Share of the 4M Fund shall be determined once on each business day at such time as the Trustees by resolution may determine. The method of determining net asset value shall be established by the Trustees and shall be set forth in the Information Statement as the same may be amended from time to time. The duty to make the daily calculations may be delegated by the Trustees to the Adviser, the Administrator, the Custodian or such other Person as the Trustees by resolution may designate.

10.2 Constant Net Asset Value; Reduction of Allocated Shares.

(a) The Trustees shall have full and complete power to determine the net income (including unrealized gains and losses on the portfolio assets) of the 4M Fund once on each business day as provided in Section 10.1 hereof and, upon each such determination such net income shall be credited proportionately to the accounts of the Participants in such a manner, and with the result, that the net asset value per Share of the 4M Fund shall remain at a constant dollar value. The accounting method used for the determination of the net income of the 4M Fund and the crediting thereof proportionately to the respective accounts of the Participants shall be determined by the Trustees and shall be set forth in the Information Statement as the same may be amended from time to time. The duty to make the daily calculations may be delegated by the Trustees to the Adviser, the Administrator, the Custodian or such other Person as the Trustees by resolution may designate. Fluctuations in value will be reflected in the number of Shares allocated to each Participant. If there is a net loss, the Trustees shall first offset such amount against income accrued to each Participant. To the extent that such a net loss exceeds such accrued income, the Trustees shall reduce the aggregate number of the 4M Fund's allocated Shares in an amount equal to the amount required in order to permit the net asset value per Share of the 4M Fund to be maintained at a constant dollar value by having each Participant contribute to the 4M Fund its pro rata portion of such number of Shares. Each Participant will be deemed to have agreed to such reduction in such circumstances by its investment in the 4M Fund and its adoption of this Declaration of Trust. The purpose of the foregoing procedure is to permit the net asset value per Share of the 4M Fund to be maintained at a constant dollar value per Share.

(b) The Trustees may discontinue or amend the practice of attempting to maintain the net asset value per Share at a constant dollar amount at any time and such modification shall be evidenced by appropriate changes in the Information Statement as the same may be amended from time to time.

10.3 Supplementary Distributions to Participants. In addition to withdrawals made at the request of individual Participants pursuant to Section 6.5 hereof, the Trustees may from time to time also declare and make to the Participants, in proportion to their respective allocation of Shares, out of the earnings, profits or assets in the hands of the Trustees, such supplementary distributions and the determination of earnings, profits, and other funds and assets available for supplemental distributions and other purposes shall lie wholly in the discretion of the Trustees and may be made at such time and in such manner as the Trustees may in their sole discretion from time to time determine. Any or all such supplementary distributions may be made among the Participants of record at the time of declaring a distribution or among the Participants of record at such other date as the Trustees shall determine.

10.4 Retained Reserves. The Trustees may retain from the gross income of the 4M Fund such amount as they may deem necessary to pay the debts and expenses of the 4M Fund and to meet other obligations of the 4M Fund, and the Trustees shall also have the power to establish such reasonable reserves as they believe may be required.

ARTICLE XI

Custodian

11.1 Duties. The Trustees shall employ a bank or trust company organized under the Laws of the United States of America or the State of Minnesota having an office in the State of Minnesota and having a capital and surplus aggregating at least twenty-five million dollars (\$25,000,000) as Custodian with authority as its agent, but subject to such restrictions, limitations and other requirements, if any, as may be contained in the By-Laws of the 4M Fund to perform the duties set forth in the Custodian Agreement to be entered into between the 4M Fund and the Custodian, or as may be imposed by Law.

11.2 Appointment. The Trustees shall have the power to select and appoint the Custodian for the 4M Fund. The Custodian Agreement shall provide that it may be terminated at any time without cause and without the payment of any penalty by the 4M Fund on sixty (60) days' written notice to the Custodian.

11.3 Custodian Agreement. In addition to containing such other provisions as the Trustees may deem appropriate, the Custodian Agreement shall provide that all investments constituting 4M Fund Property shall be held in safekeeping in the manner required by Law, including, without limitation, Minnesota Statutes, Section 475.66, Subdivision 2.

11.4 Agents of Custodian. The Trustees may also authorize the Custodian to employ one or more agents from time to time to perform such of the acts and services of the Custodian and upon such terms and conditions, as may be agreed upon between the Custodian and such agent and approved by the Trustees; provided, however, that, in every case, such agent shall be a bank or trust company organized under the Laws of the United States of America or one of the States thereof having capital and surplus aggregating at least twenty-five million dollars (\$25,000,000).

11.5 Successors. In the event that, at any time, the Custodian shall resign or shall be terminated pursuant to the provisions of the Custodian Agreement, the Trustees shall appoint a successor thereto.

11.6 Custodian as Depository for Participants. Each Participant hereby designates the Custodian as a depository for funds of the Participant.

ARTICLE XII

Recording of Declaration of Trust

12.1 Recording. This Declaration of Trust and any amendment hereto shall be filed,

recorded or lodged as a document of public record in such place or places and with such official or officials as may be required by Law or as the Trustees may deem desirable. Each amendment so filed, recorded or lodged shall be accompanied by a certificate signed and acknowledged by a Trustee stating that such action was duly taken in the manner provided for herein; and unless such amendment or such certificate sets forth some earlier or later time for the effectiveness of such amendment, such amendment shall be effective upon its filing. An amended Declaration of Trust, containing or restating the original Declaration and all amendments theretofore made, may be executed any time or from time to time by a majority of the Trustees and shall, upon filing, recording or lodging in the manner contemplated hereby, be conclusive evidence of all amendments contained therein and may thereafter be referred to in lieu of the original Declaration of Trust and the various amendments thereto. Notwithstanding the foregoing provisions of this Section 12.1, no filing or recordation pursuant to the terms of this Section 12.1 shall be a condition precedent to the effectiveness of this Declaration of Trust or any amendment hereto.

ARTICLE XIII

Amendment or Termination of 4M Fund; Duration of Fund

13.1 Amendment or Termination.

(a) The provisions of this Declaration of Trust may be amended or altered (except as to the limitations on personal liability of the Participants and Trustees and the prohibition of assessments upon Participants), or the 4M Fund may be terminated, at any meeting of the Participants or pursuant to any vote of the Participants called for that purpose, by the affirmative vote of a majority of the Participants entitled to vote, or if permitted applicable Law, by an instrument or instruments in writing, without a meeting, signed by a majority of the Trustees and a majority of the Participants; provided, however, that the Trustees may, from time to time by a two-thirds vote of the Trustees, and after fifteen (15) days' prior written notice to the Participants, amend or alter the provisions of this Declaration of Trust, without the vote or assent of the Participants, amend or alter the provisions of this Declaration of Trust, without the vote or assent of the Participants, to the extent deemed by the Trustees in good faith to be necessary to conform this Declaration to the requirements of applicable Laws or regulations or any interpretation thereof by a court or other governmental agency or competent jurisdiction, but the Trustees shall not be liable for failing to do so. Notwithstanding the foregoing, (i) no amendment may be made pursuant to this Section 13.1 which would change any rights with respect to any allocated Shares of the 4M Fund by reducing the amount payable thereon upon liquidation of the 4M Fund or which would diminish or eliminate any voting rights of the Participants, except with the vote or written consent of two-thirds of the Participants entitled to vote thereon; and (ii) no amendment may be made which would cause any of the investment restrictions contained in Section 4.2 hereof to be less restrictive without the affirmative vote of a majority of the Participants entitled to vote thereon.

(b) Upon the termination of the 4M Fund pursuant to this Section 13.1:

(i) The 4M Fund shall carry on no business except for the purpose of winding up its affairs;

(ii) The Trustees shall proceed to wind up the affairs of the 4M Fund and all of the powers of the Trustees under this Declaration of Trust shall continue until the affairs of the 4M Fund shall have been wound up, including, without limitation, the power to fulfill or discharge the contracts of the 4M Fund, collect its assets, sell, convey, assign, exchange, transfer or otherwise dispose of all or any part of the remaining 4M Fund Property to one or more persons

at public or private sale for consideration which may consist in whole or in part of cash, securities or the property of any kind, discharge or pay its liabilities, and do all other acts appropriate to liquidate its affairs; provided, however, that any position of all or substantially all of the 4M Fund Property shall require approval of the principal terms of the transaction and the nature and amount of the consideration by affirmative vote of not less than a majority of the Participants entitled to vote thereon; and

(iii) After paying or adequately providing for the payment of all liabilities, and upon receipt of such releases, indemnities and refunding agreements, as they deem necessary for their protection, the Trustees may distribute the remaining 4M Fund Property, in cash or in kind or partly in each, among the Participants according to their respective proportionate allocation of Shares.

(c) Upon termination of the 4MFund and distribution to the Participants as herein provided, a majority of the Trustees shall execute and lodge among the records of the 4M Fund an instrument in writing setting forth the fact of such termination, and the Trustees shall thereupon be discharged from all further liabilities and duties hereunder, and the right, title and interest of all Participants shall cease and be cancelled and discharged.

(d) A certification in recordable form signed by a majority of the Trustees setting forth an amendment and reciting that it was duly adopted by the Participants or by the Trustees as aforesaid or a copy of the Declaration, as amended, in recordable form, and executed by a majority of the Trustees, shall be conclusive evidence of such amendment.

13.2 Power to Effect Reorganization. If permitted by applicable Law, the Trustees, by vote or written approval of a majority of the Trustees, may select, or direct the organization of, a corporation, association, trust or other Person with which the 4M Fund may merge, or which shall take over the 4M Fund Property and carry on the affairs of the 4M Fund, and after receiving an affirmative vote of not less than a majority of the Participants entitled to vote at any meeting of the Participants, the notice for which includes a statement of such proposed action, the Trustees may effect such merger or may sell, convey and transfer the 4M Fund Property to any such corporation, association, trust or other Person in exchange for cash or shares or securities thereof, or beneficial interest therein with the assumption by such transferee of the liabilities of the 4M Fund; and thereupon the Trustees shall terminate the 4M Fund and deliver such cash, shares, securities or beneficial interest ratably among the participants of this 4M Fund.

13.3 Duration. The 4M Fund shall continue in existence in perpetuity, subject in all respects to the provisions of the Article XIII. ✓

ARTICLE XIV

Miscellaneous

14.1 Governing Law. This Declaration of Trust is executed by the Initial Participants and delivered in the State of Minnesota and with reference to the Laws thereof, and the rights of all parties and the validity, construction and effect of every provision hereof shall be subject to and construed according to the Laws of said State of Minnesota.

14.2 Counterparts. This Declaration of Trust may be executed in several counterparts, each of which when so executed shall be deemed to be an original, and such counterparts, together, shall constitute but one and the same instrument, which shall be sufficiently evidenced by any such original counterpart.

14.3 Reliance by Third Parties. Any certificate executed by an individual who, according to the records of the 4M Fund, or of any official or public body or office in which this Declaration of Trust may be recorded, appears to be a Trustee hereunder or the Secretary or the Treasurer of the 4M Fund, certifying to: (i) the number or identity of Trustees or Participants; (ii) the due authorization of the execution of any instrument or writing; (iii) the form of any vote passed at a meeting of Trustees or Participants or taken pursuant to a vote of Participants; (iv) the fact that the number of Trustees or Participants present at any meeting or executing any written instrument satisfies the requirements of this Declaration of Trust; (v) the form of any By-Law adopted by or the identity of any officers elected by the Trustees; or (vi) the existence of any fact or facts which in any manner relate to the affairs of the 4M Fund, shall be conclusive evidence as to the matters so certified in favor of any Person dealing with the Trustees or any of them or the 4M Fund and the successors of such Person.

14.4 Provisions in Conflict with Law. The provisions of this Declaration of Trust are severable, and if the Trustees shall determine, with the advice of counsel, that any one of more of such provisions (the "Conflicting Provisions") are in conflict with applicable federal or Minnesota Laws, the Conflicting Provisions shall be deemed never to have constituted a part of this Declaration of Trust; provided, however, that such determination by the Trustees shall not affect or impair any of the remaining provisions of this Declaration of Trust or render invalid or improper any action taken or omitted (including, but not limited to, the election of Trustees) prior to such determination.

14.5 Gender; Section Headings.

(a) Words of the masculine gender shall mean and include correlative words of the feminine and neuter genders and words importing the singular number shall mean and include the plural number and vice versa.

(b) Any headings preceding the texts of the several Articles and Sections of this Declaration of Trust and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of references and shall neither constitute a part of this Declaration of Trust nor affect its meaning, construction or effect.

14.6 Adoption by Municipalities Electing to Become Additional Participants; Resignation of Participants.

(a) Any Municipality meeting the requirements of Section 1.2 hereof, may become an additional Participant of this 4M Fund by (i) taking any appropriate official action to adopt this Declaration of Trust, (ii) furnishing the Trustees with satisfactory evidence that such official action has been taken, and (iii) if requested by the Trustees, providing the Trustees with an opinion of counsel to the effect that such party desiring to become a Participant of the 4M Fund is a Municipality as defined herein. A copy of this Declaration of Trust may be adopted by executing a written instrument of adoption in such form as may be prescribed by the Trustees. Delivering an acknowledged copy of such instrument shall constitute satisfactory evidence of the adoption contemplated by this Section 14.6.

(b) Any Participant may resign and withdraw from the 4M Fund by sending a written notice to such effect to the Chairman of the 4M Fund and the Administrator and by requesting the withdrawal of all funds then credited to its account within the 4M Fund. The written notice shall be in the form of a certified resolution of the Municipality Board or Council of the Participant, stating the Municipality Board or Council's intention to resign from the 4M Fund.

Such resignation and withdrawal shall become effective upon the receipt thereof by the Chairman of the 4M Fund and the Administrator. No resignation and withdrawal by a Participant shall operate to annul this Declaration of Trust or terminate the existence of the 4M Fund.

IN WITNESS WHEREOF, the undersigned Municipalities of the State of Minnesota, acting in the capacity of Initial Participants of the Minnesota Municipal Money Market Fund and pursuant to the authority granted by the Joint Powers Act, have executed this Declaration of Trust as of the 23rd day of March, 19 87, as of which date this Declaration of Trust shall take, and come into, full force and effect.

By Conrad A. Slater
Its Executive Director

and _____
Its _____

By James F. Miller
Its City Manager

and James C. Donlin
Its Mayor

By _____
Its _____

and _____
Its _____

STATE OF MINNESOTA
FILED

APR 23 1987

Jean Anderson Howe
Secretary of State



STAFF REPORT

DATE: 7/17/18

REGULAR

AGENDA ITEM: #13

TO: Council

FROM: Emily Becker, Planning Director

ITEM: Wyndham Village Preliminary Plat and Zoning Map Amendment

REVIEWED BY: Jack Griffin, City Engineer

BACKGROUND:

The City has received a request from JP Bush Homes for a Preliminary Plat for a ten unit single family detached home development to be called Wyndham Village as well as a Zoning Map Amendment to rezone the property from Rural Single Family Residential to Urban Low Density Residential.

REVIEW/ANALYSIS:

Applicant: JP Bush Homes, 1980 Quasar Ave S, Lakeland, MN 55043

Property Owners: James McLeod, 11580 30th St N, Lake Elmo, MN 55042

Location: Part of the southwest quarter of the southeast quarter of Section 13, Township 29 North, Range 21 West

PID: 13-029-21-43-0001

Request: Preliminary Plat and Zoning Map Amendment

Existing Land Use: Single Family Detached Residential Home

Existing Zoning: RS – Rural Single Family

Surrounding Area: North – Northport (Urban Low Density Residential); East – Northport (Urban Low Density Residential); West – Rural Single Family Residential; South – the Homestead (Open Space Preservation Development)

Comprehensive Plan: Village Urban Low Density Residential (1.5-2.49 units per acre)

Proposed Zoning: V-LDR – Village Urban Low Density Residential (1.5 – 2.49 units per acre)

History: The property has long been used as a single family detached dwelling unit. A Comprehensive Plan Amendment to re-guide the property from Rural Single Family to Village Urban Low Density as well as Sketch Plan Review was approved by the City on February 7, 2018 and by Metropolitan Council on March 14, 2018.

Deadline for Action: Application Complete – 5/7/2018
60 Day Timeline – 7/6/2018
Extension Sent – N/A

Applicable Regulations: Article XII – Urban Residential Districts (LDR)
Chapter 153: Subdivision Regulations

Usable Backyard Issue. The developer has revised the proposed sketch plan that was previously submitted to the city. The initial sketch plan did not provide backyards that the City had felt were usable, as a 66 foot wide Northern Natural Gas Easement ran along the majority of the backyards of the lots to the west of Liberty Court North. The proposed preliminary plat reduces the number of proposed lots from 13 to 10, as approved by Council, reducing the proposed density from 2.17 units per acre to 1.67 units per acre. Additionally, the developer had provided an exhibit which shows proposed building pad locations that show a 20 foot rear yard principal building setback from the Northern Natural Gas Easement. This exhibit shows that a pool and play set could reasonably fit within these backyards. The standard rear yard setback for properties located within the Village Low Density Residential Zoning District is 20 feet, and so Staff believes that so long as the lots in which the Northern Natural Gas Easement is located maintain a 20 foot principal building rear yard setback from the easement that these proposed lots will provide a sufficient rear yard. This has been added as a recommended condition of approval.

Density. The total site acreage is 5.97 acres, and the proposed number of homes is 10. Because none of the area within the proposed preliminary plat can be netted out (i.e. none of it is arterial right-of-way or parkland), the proposed density is 1.67 units per acre. This is within the required density of the Village Urban Low Density (1.5-2.49 units per acre).

Greenbelt Buffer. The updated sketch plan increases the greenbelt buffer to the south of the development. Since the initially-proposed sketch plan, the applicant has increased the buffer to approximately 80 feet, which is approximately equal to the buffer provided by the development to the east, Northport. The lot on to which the single family home shall be relocated (Lot 7) does not match this buffer, as the Outlot A does not buffer it from 30th Street. The Village Low Density Residential zoning district designates that residential lots are not to encroach on the Village Open Space Overlay District unless berming or screening protected by a landscape easement is provided as an alternative approved by Council. It is a recommended condition of approval that the applicant provide a detailed site plan for this lot showing the proposed house location and screening/buffering to be approved by Council and protected by a landscape easement.

Landscape Plans. The City's landscape architect has reviewed the landscape plans, but due to insufficient information provided by the applicant has not yet completed review. Approval is contingent upon approved landscape and tree preservation plans being approved by the City's Landscape Architect.

Park Dedication. The proposed development is to the east of Reid Park. With recording of the Northport plat, the City received approximately an additional 12.5 acres of parkland for an extension of Reid Park. The Neighborhood Park Search Area map of the Comprehensive Plan's Parks and Recreation Plan does not identify this area for a neighborhood park. Therefore, Staff would not recommend that parkland be dedicated within this development and that the City accept fees in lieu of parkland dedication. Per the City's Subdivision Ordinance, 10% of the fair market value of the



Access. Access to the proposed lots will be provided from Lower 31st Street North to the north of the subject property (part of the Northport development). Access to this parcel was pre-planned with the adjacent subdivision in order to preserve the proper access management along 30th Street North. The existing driveway will be eliminated as suggested by Staff. Access to the new Lot 7 is proposed to be provided off the cul-de-sac of Liberty Court North.

Streets. The proposed streets appear to be meeting the City's minimum standards:

- Liberty Court is proposed to be 28-foot wide within a 60-foot right-of-way;
- A 60 foot cul-de-sac right-of-way width is provided with a 45 foot pavement radius;
- The cul-de-sac length is proposed to be 510 feet long;
- There is a proposed sidewalk to the west of this street. The residential maximum longitudinal grade is 6% with a sidewalk which appears to be feasible. Potential connections to this sidewalk should be considered moving forward.
- Surmountable concrete curb and gutter needs to be installed in single family areas with future driveways.

Street Naming. The proposed name of Liberty Court is consistent with the City's Street Naming Policy in that it starts with Li-, which is appropriate within the grid system. There are existing Li-streets both west and far east of this development on the grid pattern, and so it does not necessarily make sense to use an existing street's name, as it is not specifically in line with an existing street on the grid. Additionally, Northport Final Plat has already been recorded providing a street stub in to this development with the name of Liberty Court N.

Utilities – Municipal Water Supply and Municipal Sanitary Sewer. Public water and sanitary sewer service will be extended to the site with the development of Northport. The preliminary plans will need to include detailed utility construction plans that meet City engineering standards.

Environmental Review. The proposed development is within the Village Alternative Urban Area Wide Review (AUAR), which was completed in order to address the expected cumulative environmental impacts associated with the anticipated growth and development within the Village.

City Engineer Review. The City Engineer’s review comments are found as part of the attachments. Items of note are as follows. These are included as recommended conditions of approval.

- Preliminary plat and plans should be revised to dedicate additional right-of-way along 30th Street and/or to expand the storm water to the 100-year High Water Level (HWL) flood area.
- Written easement owner permission must be obtained, and copies provided to the City, for work to be completed within the Northern Natural Gas easement. The City must receive copies of the written permission prior to approval of the final plat.
- Written landowner permission must be submitted as part of the final plat development applications for any off-site grading work and storm water discharges to adjacent properties.
- There were a number of other amendments required to the plan for approval, which can be reviewed in the memo. It is a recommended condition of approval that all of these comments be addressed on the plans prior to submission of final plat for approval.

Fire Chief and Building Official Review. The Fire Chief and Building Official worked with Engineering to address any issues with this plat and provided no further comment.

Airport. The proposed development is not within the Lake Elmo Airport Existing Runway Protection Zones; however, the Metropolitan Airports Commission was given the opportunity to review the proposed development with the Preliminary Plat application and has provided a review memo, attached. From this review memo, it is a recommended condition of approval that the applicant be required to submit a disclosure statement (similar to that required of homes within Easton Village) that alerts prospective buyers about the proximity of the development to the airport and encourages appropriate noise attenuation construct practices for residential structures.

Lot Dimensions and Bulk Requirements. The proposed sketch plan appears to meet the lot dimensions and bulk requirements for the Village Urban Low Density Residential zoning district, except for Lot 1. This is the only lot that does not meet the required lot width at the setback line. It is a recommended condition of approval that this lot width be increased to 70 feet.

Standard	Required	Proposed
Minimum Lot Area	9,000 square feet	9,185 square feet – 41,980 square feet (average of 16,423 square feet)
Minimum Lot Width	70 feet	65-229.30 feet
Maximum Impervious Surface	35%	Unknown
Minimum Front Yard Setback	25 feet	Grading plan indicates this can be met
Minimum Interior Sideyard Setback (principal buildings)	10 feet	Grading plan indicates this can be met

Minimum Interior Sideyard Setback (accessory structures)	5 feet	N/A
Minimum Corner Sideyard Setback	15 feet	N/A
Minimum Rear Yard Setback	20 feet	All required rear yard setbacks appear to be met, including from the Northern Natural Gas Easement

Outlot A. Outlot A will be City-owned for ponding purposes. This development will also utilize Outlot H of Northport, which contains an infiltration basin.

Lot Easements. Lot easements (front, rear and side yard) need to be shown on the plan meeting City requirements.

Zoning Map Amendment. Zoning Map Amendments are typically processed during preliminary plat. As such, the applicant has requested a Zoning Map Amendment to rezone the property from Rural Single Family to Urban Low Density Residential. The properties to the north and east of the subject parcel are guided for Village Urban Low Density (V-LDR) and have been re-zoned to Urban Low Density Residential. This was because when these properties received Preliminary Plat approval, there did not exist a Village Urban Low Density zoning district. The V-LDR ordinance was created on 5/26/17. While it would be preferable that the property be rezoned the Urban Low Density in order to align with the zoning of surrounding parcels, the Zoning Code states that densities within the Urban Low Density Zoning District shall range from two 2 to 4 units per acre. Because the proposed density of the development is not within the 2-4 units per acre range, it is not appropriate to re-zone Urban Low Density Residential as the adjacent parcels are zoned. As such, Staff would recommend that the property be re-zoned V-LDR. This is consistent with the Comprehensive Plan in that the parcel is now guided for Village Urban Low Density Residential, as approved by the City Council on February 7, 2018 and the Metropolitan Council on March 14, 2018.

Planning Commission Review. The Planning Commission held a public hearing and considered the proposed Preliminary Plat and Zoning Map Amendment at its June 4, 2018 meeting. At the public hearing, there was concern brought up about the density and the greenbelt buffer encroaching on Lot 7. It was clarified that the zoning is Village Low Density Residential, which is not the same as Low Density Residential, and that the Village Low Density Residential zoning district requires that buffering/screening be provided on residential lots that encroach the Village Open Space Overlay District. As such, there was an added aforementioned condition of approval that the applicant provide a detailed site plan that showed the proposed house location along with screening and buffering to be approved by Council and protected by a landscape easement. There was also an adjacent property owner who questioned if he would be able to develop similarly to this parcel, as his property also has the Northern Easement running through it. It was clarified that the Draft 2040 Comprehensive Plan also guides his parcel as Village Low Density Residential, and so as long as he came up with a plan that worked and went through the required application processes and the development adhered to all City Code requirements and standards, then the property could develop.

Recommended Findings. Staff recommends the following findings in regards to the proposed Preliminary Plat:

- 1) That the Wyndham Village preliminary plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 2) That the Wyndham Village preliminary plat complies with the City's Village Urban Low Density Residential zoning districts with required condition of approval.
- 3) That the Wyndham Village preliminary plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances, and is consistent with the City's engineering design standards with corrections as noted by the City Engineer Review Memo dated May 30, 2018.
- 4) That the Wyndham Village preliminary plat complies with the City's subdivision ordinance.

Recommended Conditions of Approval. Staff recommends the following conditions of approval:

1. That the City approve a Zoning Map Amendment to rezone the property from Rural Single Family to Village Low Density Residential
2. Homes within lots in which the Northern Natural Gas Company Easement (Document 384029) ("Northern Easement") is located shall maintain a 20 foot principal building rear yard setback from the Northern Easement.
3. All required modifications to the plans as requested by the City Engineer in a review letter dated May 30, 2018 shall be incorporated into the plans, and plans shall be approved prior to consideration of a final plat.
4. Preliminary plat and plans should be revised to dedicate additional right-of-way along 30th Street and/or to expand the storm water to the 100-year High Water Level (HWL) flood area.
5. Written easement owner permission must be obtained, and copies provided to the City, for work to be completed within the Northern Easement. The City must receive copies of the written permission prior to approval of the final plat.
6. Written landowner permission must be submitted as part of the final plat development applications for any off-site grading work and storm water discharges to adjacent properties.
7. The developer shall pay a cash contribution in lieu of land for park dedication equal to 10% of the fair market value of the entire parcel.
8. The developer shall obtain all required permits from Northern Natural Gas to perform construction work over the gas line that runs from north to south across this site.
9. The preliminary landscape plan shall be approved by the City prior to recording of the final plat.
10. The lot width of Lot 1 shall be increased to 70 feet, and all other lot dimension and bulk requirements of the Village Urban Low Density zoning district must be met.
11. The applicant shall provide a disclosure statement to all first homeowners in the development advising of the airport and associated over-flights as well as its proximity to the railroad and associated noise and vibration.

12. All builders shall be encouraged to incorporate interior noise reduction measures into single family residential structures within the subdivision based on the Metropolitan Council's Builder Guide.
13. All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to the execution of the final plat by City Officials.
14. Prior to recording the Final Plat, the Developer shall enter into a Developers Agreement acceptable to the City Attorney that delineates who is responsible for the design, construction, and payment of public improvements.
15. The Applicant shall provide a detailed site plan for Lot 7 showing the proposed house location and screening/buffering to be approved by Council and protected by a landscape easement.

FISCAL IMPACT:

There would be no fiscal impact to the City at this time, as the developer would be required to pay for any amendments needed to accommodate the increase in REC units. When the property develops, it will have urban services and will pay sewer and water connection charges, building permit fees and the like.

OPTIONS:

- Approve the proposed preliminary plat and zoning map amendment with recommended findings and conditions of approval.
- Amend Staff and Planning Commission-recommended findings and conditions of approval and approve the proposed preliminary plat and zoning map amendment.
- Do not approve the proposed preliminary plat and zoning map amendment, directing Staff to draft findings for denial and bring back to a future meeting.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of the Wyndham Village Preliminary Plat and Zoning Map Amendment.

“Move to adopt Ord. 08-212 approving the proposed Zoning Map Amendment to rezone 11580 30th Street North from Rural Single Family to Village Urban Low Density Residential”

“Move to adopt Resolution 2018-066 approving the Wyndham Village Preliminary Plat subject to recommended findings and conditions of approval.”

ATTACHMENTS:

1. Application and Narrative
2. Preliminary Plat
3. Preliminary Landscape Plans
4. Engineer Review Memo
5. Metropolitan Airports Commission Review Memo
6. Resolution 2018-066 approving Preliminary Plat
7. Ord. 08-212 approving the Zoning Map Amendment



J.P. Bush H O M E S

May 4 2018

City of Lake Elmo Zoning Map Amendment and Preliminary Plat Narrative.

Property: 11580 30th Street North Lake Elmo MN 55043
James McLeod Revocable Trust (5.9 Acres)

Usage: Currently a single family ZONED: RURAL RESIDENTIAL
Request to Change to: LOW DENSITY RESIDENTIAL

Proposer: Mr. and Mrs. James McLeod Revocable Trust, Land Owner.
JP Bush Homes, Developer.

The proposed subdivision is called "Wyndham Village". James McLeod and the Developer, JP Bush Homes desires to keep this proposed Development in harmony with the Comprehensive Plan. McLeod's and JP. Bush Homes request Zoning our subdivision to LOW DENSITY RESIDENTIAL. In addition: The developer has followed, organized and done the items listed here within to create a reasonable request for the change of Zoning Map and Preliminary Plat.

1. Completed applications and approvals for the Comprehensive Plan.
2. Completed the required documents for the Zoning map Amendment and Preliminary Plat (attached)

The attached documents are a complete set of the documents required Preliminary Plat and Land Use Zoning Map Amendment. They are listed.

1. Applications and required Fees for Zoning Map Amendment \$1,245.00 Escrow \$2,500.00 Preliminary Plat \$1,850.00 Escrow \$10,000.00.
2. Copies of detailed road designs, Storm Water Management, Grading and site engineering, (Plowe Engineering).
3. Copies of certified Survey (Landmark Survey).
4. Copies of Landscape designs (Calyx Design Group).
5. Mailing labels from Washington County of all Neighbors within 350 feet.

The Landscape plans description.

Sheet L1: Preliminary Tree Inventory Plan:

- This sheet illustrates the locations of both the trees the current owner had planted, locations of some volunteer trees, and anticipated adjacent development new tree & buffering locations. Numbered tree tags were applied to both

Sheet L2: Preliminary Landscape Plan:

- This sheet shows the locations of existing trees to remain, existing trees to be re-located via mechanical spade, and new nursery stock to be planted. A staggered row of evergreen trees is shown along the west and southern edges for screening.

Sheet L3: Field Tree Inventory Log:

- This sheet reflects all tagged trees on the property, including if they were owner-planted or volunteer and which trees will be transplanted. Existing trees to remain and to be relocated are as shown on Plan Sheet L1.

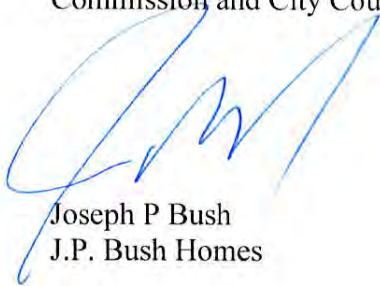
Sheet L4: Landscape Details Sheet:

- This sheet illustrates the new trees to be planted on the proposed lots, the City of Lake Elmo Tree Protection detail and standard notes.

Sheet L5: Landscape Details Sheet:

- This sheet illustrates City of Lake Elmo standard tree planting and irrigation controls details.

The above description along with all the required documents and planning that have been performed allow the Planning Commission and City Council proper information to make decisions on Rezoning Map Amendment and Preliminary Plat approval. Please accept our plan and submissions to the City of lake Elmo Planning Commission and City Council.



Joseph P Bush
J.P. Bush Homes

PRELIMINARY PLAT WYNDHAM VILLAGE

Part of the Southwest Quarter of the Southeast Quarter of Section 13, Township 29 North, Range 21 West,
City of Lake Elmo, Washington County, Minnesota

Property Owner: James R. McLeod Revocable Trust
11580 30th Street North
Lake Elmo, Minnesota 55042

PID: 13.029.21.43.0001

Developer:



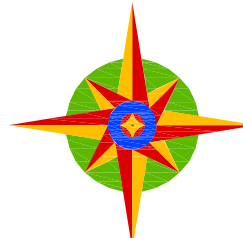
J.P. Bush
HOMES
1980 Quasar The South
Lakeland, Minnesota 55043
651-775-4222

TOTAL PARCEL AREA = 5.974 acres ±
(260,206 SQUARE FEET)

Proposed Lots = 10

Existing Zoning = RS - RURAL SINGLE FAMILY

Proposed Zoning - LDR - URBAN LOW DENSITY RESIDENTIAL



Landmark Surveying, Inc.

21070 Olinda Trail North
P.O. Box 65
Scandia, Minnesota 55073

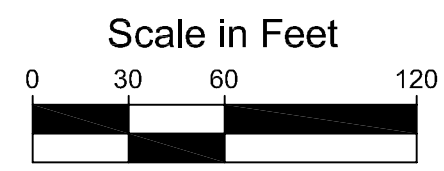
Office number: 651-433-3421
Cell number: 651-755-5760
E-mail: inthefield@frontiernet.net

Property Description:

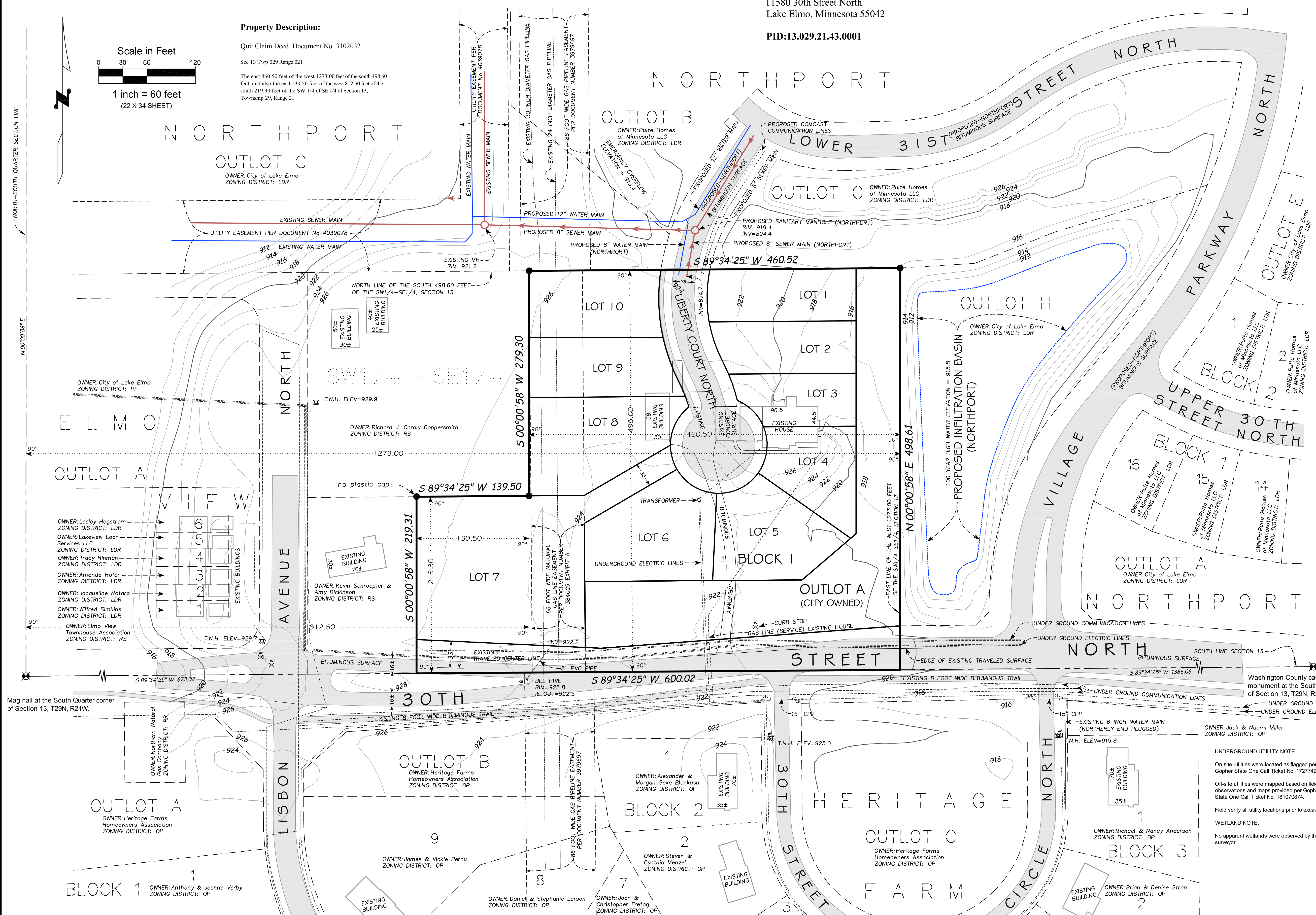
Quit Claim Deed, Document No. 3102032

Sec 13 Twp 029 Range 021

The east 460.50 feet of the west 1273.00 feet of the south 498.60 feet, and also the east 139.50 feet of the west 812.50 feet of the south 219.30 feet of the SW 1/4 of SE 1/4 of Section 13, Township 29, Range 21



1 inch = 60 feet
(22 X 34 SHEET)



Legend

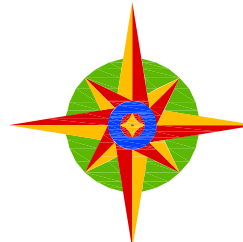
- Denotes found 1/2 inch iron pipe monument, with a plastic cap, License Number 9232, unless otherwise noted.
 - Denotes existing parcel boundary.
 - - - Denotes proposed parcel boundary.
 - Denotes existing major contour.
 - - - Denotes existing minor contour.
 - Denotes existing building.
 - - - Denotes existing underground utility as labeled.
 - Denotes overhead utility lines.
 - - - Denotes existing easement boundary.
 - - - Denotes edge of bituminous street or trail (may include concrete curb).
 - - - Denotes edge of existing concrete or bituminous surface as labeled.
 - - - Denotes adjoining parcel boundaries per data published by Washington County.
 - Denotes proposed building location.
 - - - Denotes building setback line.
 - - - Denotes section line.
 - Denotes storm water facility as labeled.
 - Denotes water main as labeled.
 - Denotes sewer main as labeled.
 - - - Denotes dimension or note leader line.
 - - - Denotes deed call dimension line.
 - ⊙ Denotes catch basin.
 - T.N.H. ELEV = ⊕ Denotes existing hydrant and existing top nut elevation.
 - ⊕ Denotes existing water valve.
- Distances are in feet and decimals of a foot.
Distances and dimensions shown to the nearest foot or degree, 10.33, 60, 90°, etc., are exact extrinsic values.
Bearings are based on the Washington County Coordinate System, NAD 83, 1986 Adjustment.
Elevations are based on the North American Vertical Datum of 1988.

UNDERGROUND UTILITY NOTE:
On-site utilities were located as flagged per Gopher State One Call Ticket No. 172774222.
Off-site utilities were mapped based on field observations and maps provided per Gopher State One Call Ticket No. 151070874.
Field verify all utility locations prior to excavation.

WETLAND NOTE:
No apparent wetlands were observed by the surveyor.

OFFICIAL COPIES OF THIS MAP ARE CRIMP SEALED
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Landmark Surveying, Inc.
mil Horak
Milo B. Horak, Minnesota License No. 52577
MAY 04, 2018
Date



Landmark Surveying, Inc.

21070 Olinda Trail North
P.O. Box 65
Scandia, Minnesota 55073

Office number: 651-433-3421
Cell number: 651-755-5760
E-mail: inthefield@frontiernet.net

PRELIMINARY PLAT WYNDHAM VILLAGE

Part of the Southwest Quarter of the Southeast Quarter of Section 13, Township 29 North, Range 21 West,
City of Lake Elmo, Washington County, Minnesota

Property Owner: James R. McLeod Revocable Trust
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PID:13.029.21.43.0001

Developer:



J.P. Bush
HOMES
1980 Quasar The South
Lakeland, Minnesota 55043
651-775-4222

TOTAL PARCEL AREA = 5.974 acres ±
(260,206 SQUARE FEET)

Proposed Lots = 10

Existing Zoning = RS - RURAL SINGLE FAMILY

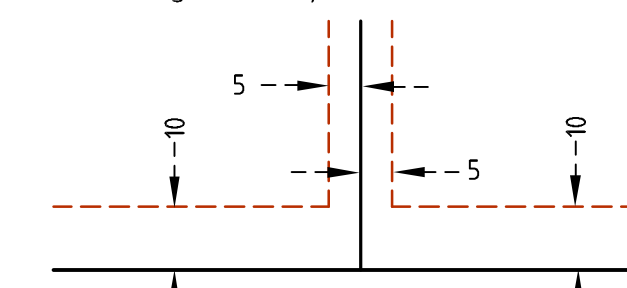
Proposed Zoning - LDR - URBAN LOW DENSITY RESIDENTIAL

Legend

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- Denotes existing parcel boundary.
- Denotes proposed parcel boundary.
- Denotes existing major contour.
- Denotes existing minor contour.
- Denotes existing building.
- Denotes existing underground utility as labeled.
- Denotes existing easement boundary.
- Denotes edge of bituminous street or trail (may include concrete curb).
- Denotes edge of existing concrete or bituminous surface as labeled.
- Denotes adjoining parcel boundaries per data published by Washington County.
- Denotes proposed building location.
- Denotes building setback line.
- Denotes proposed drainage and utility boundary line.
- Denotes section line.
- Denotes storm water facility as labeled.
- Denotes water main as labeled.
- Denotes sewer main as labeled.
- Denotes dimension or note leader line.
- Denotes deed call dimension line.
- CB Denotes catch basin.

Distances are in feet and decimals of a foot.
Distances and dimensions shown to the nearest foot or degree, 10, 33, 60, 90°, etc., are exact extrinsic values.
Bearings are based on the Washington County Coordinate System, NAD 83, 1986 Adjustment.
Elevations are based on the North American Vertical Datum of 1988.

Drainage and utility easements are shown thus:



Being five feet in width and adjoining all lot lines and 10 feet in width and adjoining public ways, unless otherwise indicated on this proposed plat.

OFFICIAL COPIES OF THIS MAP ARE CRIMP SEALED

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Landmark Surveying, Inc.

Milo B. Horak
Milo B. Horak, Minnesota License No. 52577

MAY, 04 2018
Date

Job No. 2016-70
SHEET 2 OF 2

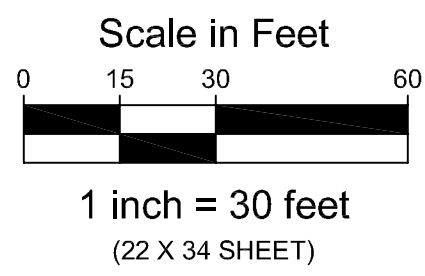
N O R T H P O R T

N O R T H P O R T

N O R T H P O R T

OWNER: Richard J. Caroly Coppersmith
ZONING DISTRICT: RS

PROPOSED BUILDING SETBACKS:
FRONT YARD - 25 FEET
SIDE YARD - 10 FEET (PRINCIPAL STRUCTURE)
SIDE YARD - 5 FEET (ATTACHED GARAGE)
REAR YARD - 20 FEET



no plastic cap

S 89°34'25" W 139.50

S 00°00'58" W 219.31

N 87°18'54" W 229.30

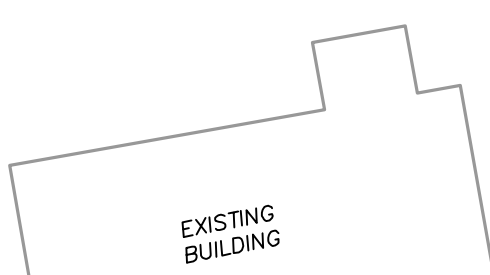
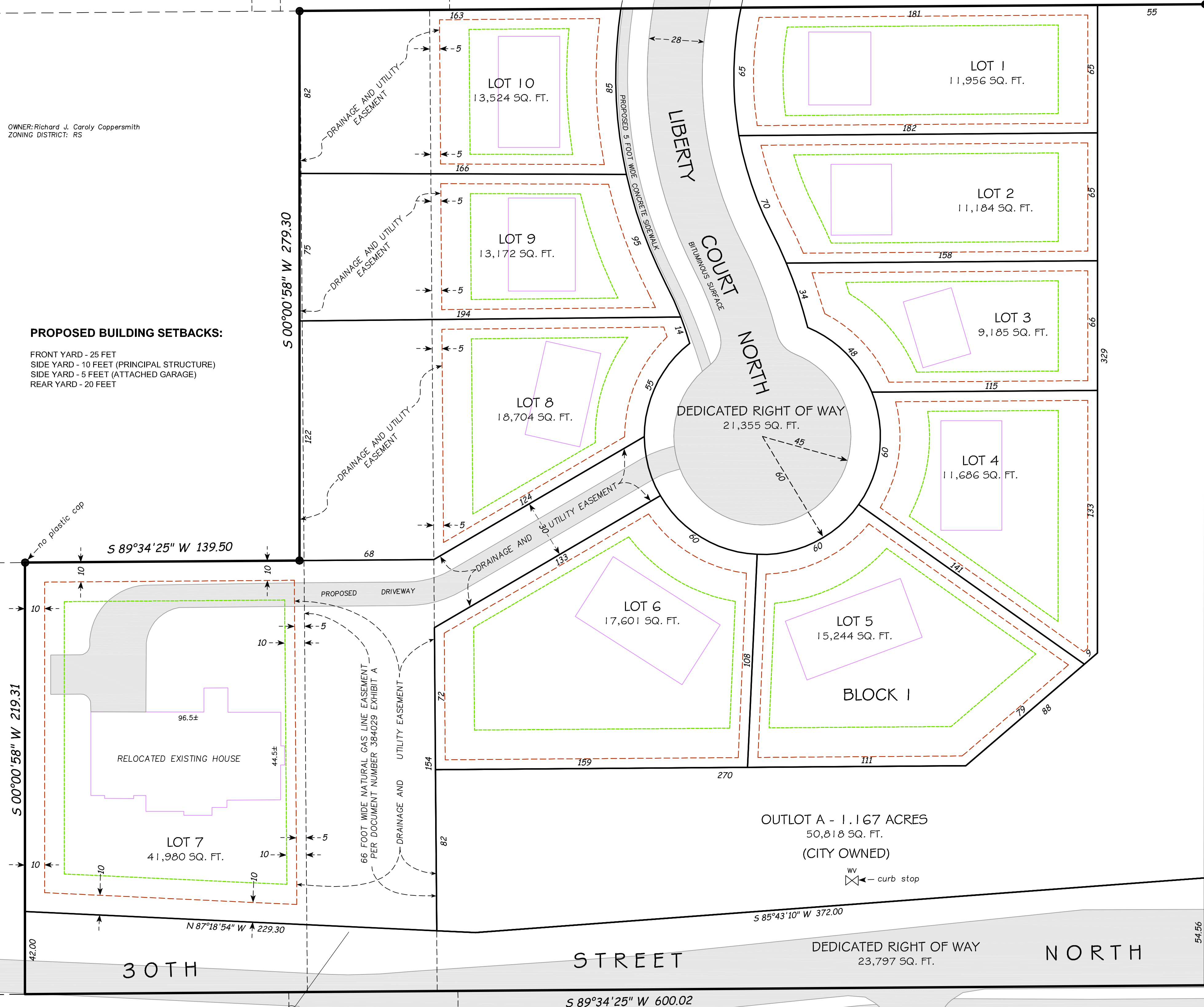
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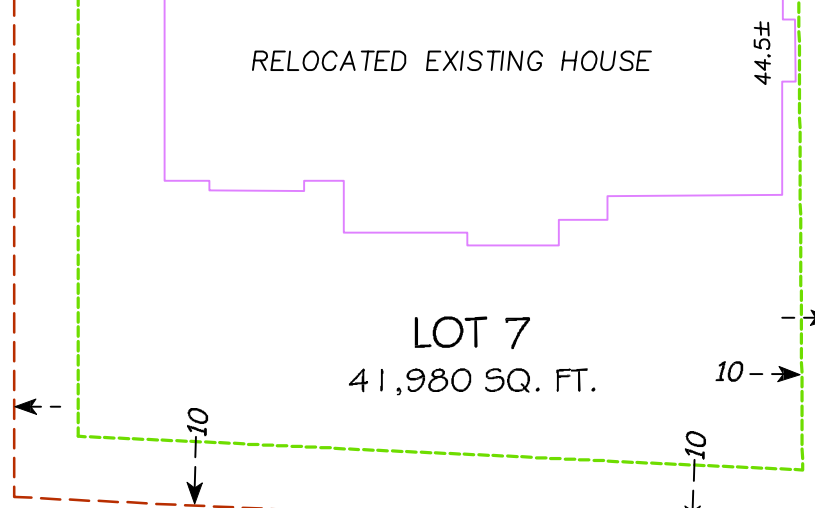
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S 89°34'25" W 600.02

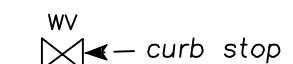


OWNER: Kevin Schroeffer & Amy Dickinson
ZONING DISTRICT: RS



OUTLOT A - 1.167 ACRES
50,818 SQ. FT.

(CITY OWNED)


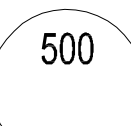




30TH STREET DEDICATED RIGHT OF WAY NORTH

ADJACENT DEVELOPMENT

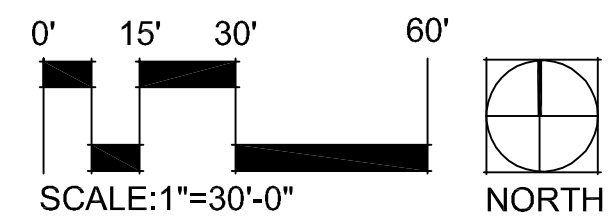
ADJACENT DEVELOPMENT

Landscape Symbols Legend:

-  Existing Tree to be Removed or Re-Located
-  Existing Tree in New Location (Spaded)
-  Proposed New 2.5" Cal. Tree
-  Existing Tree to Remain

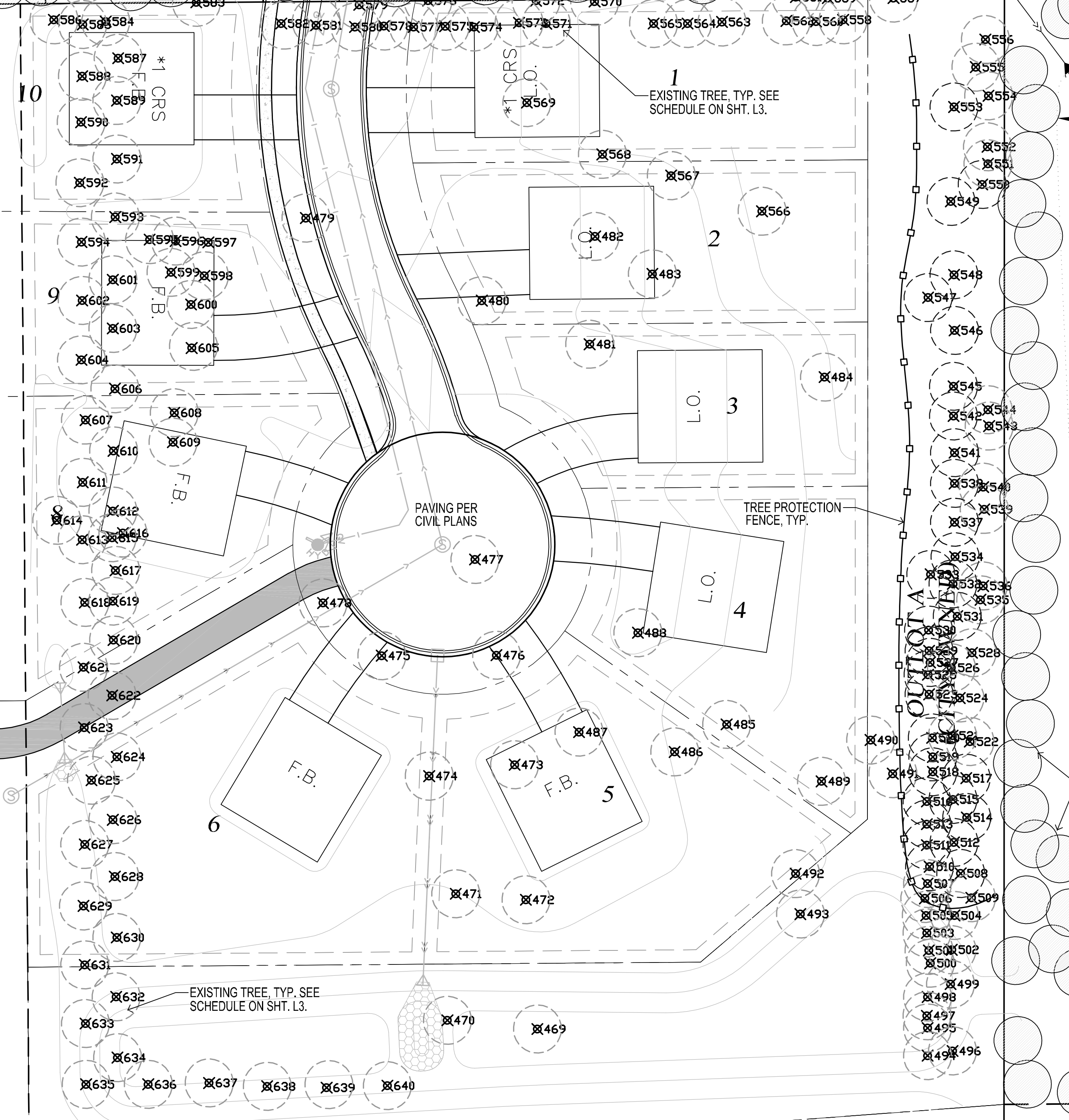
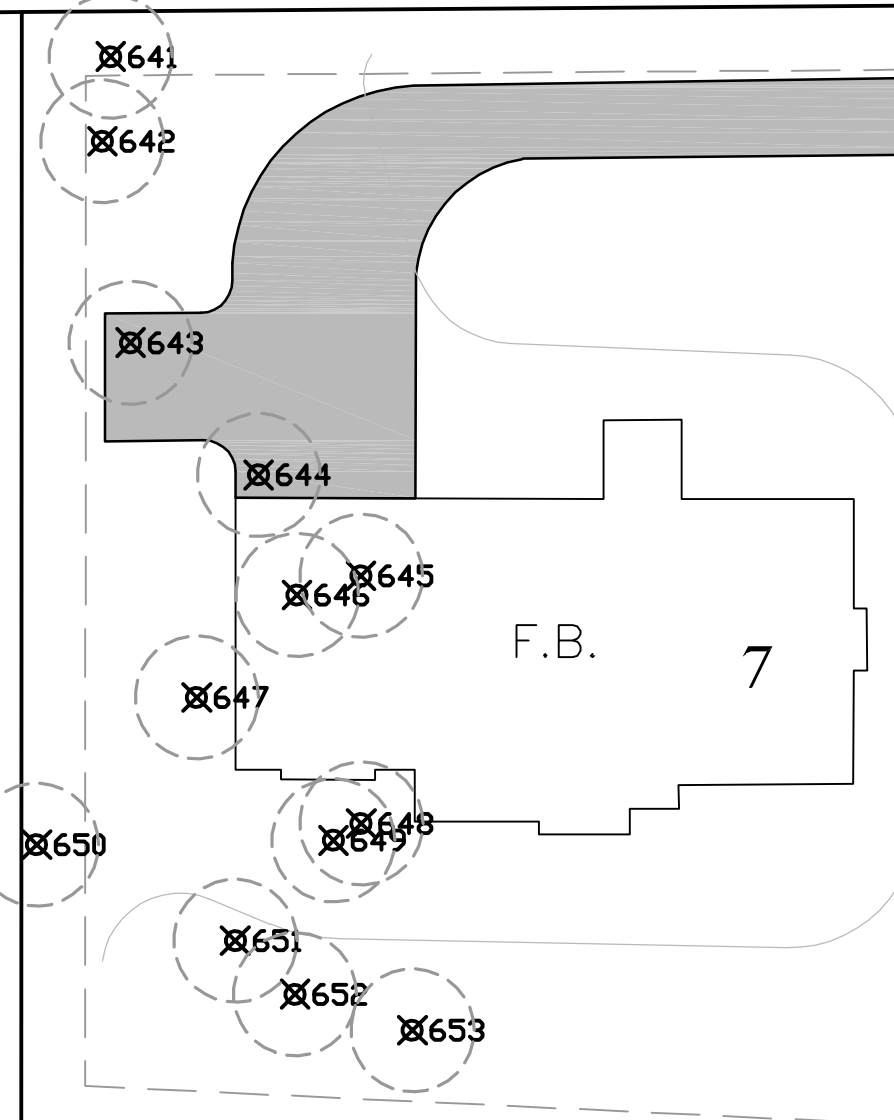
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7. During tree spading, flag the north side of trees before relocation and re-install tree in same direction. Install a 6' diameter tree ring around newly spaded trees.



EXISTING TREE LINE

OUTLINE
(CITY C)



30TH STREET NORTH

DRAWN BY: M.F	DESIGN BY: B.H.
CHKD BY: B.H	PROJ. NO. 18-143
ORIGINAL DATE: MAY 7, 2018	
REVISION DESCRIPTION	DATE

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the State of Minnesota.

PRELIMINARY

BENJAMIN D. HARTBERG, PLA
LIC. NO. _____
DATE: _____

WYNDHAM VILLAGE
LAKE ELMO, MN
PRELIMINARY LANDSCAPE PLAN

PREPARED FOR:
J.P. BUSH HOMES

SITE PLANNING & ENGINEERING
PLOWE ENGINEERING, INC.
6776 LAKE DRIVE
SUITE 110
LINO LAKES, MN 55014
PHONE: (651) 361-8210
FAX: (651) 361-8701

cdg
CALYX DESIGN GROUP
Landscape Architecture
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Telephone: 651.789.9018
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ADJACENT DEVELOPMENT


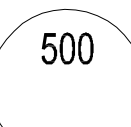
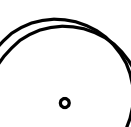

ADJACENT DEVELOPMENT

OUTLOT A (CITY OWNED)

ADJACENT DEVELOPMENT

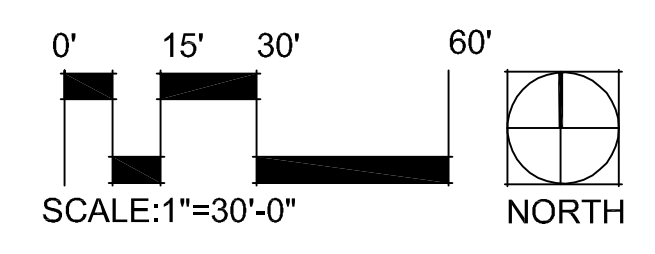
30TH STREET NORTH

Landscape Symbols Legend:

-  Existing Tree
-  Existing Tree in New Location (Spaded)
-  Proposed New 2.5" Cal. Tree
-  Existing Tree to Remain

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EXISTING TREE LINE

EASEMENT AREA
NO TREES

EASEMENT AREA
NO TREES

PAVING PER
CIVIL PLANS

POND PER CIVIL PLANS

ADJACENT
DEVELOPMENT
TREES

ADJACENT DEVELOPMENT
TREES

EXISTING TREES
TO REMAIN

PRELIMINARY LANDSCAPE LAYOUT PLAN:

DRAWN BY: M.F.	DESIGN BY: B.H.
CHKD BY: B.H.	PROJ. NO. 18-143
ORIGINAL DATE: MAY 7, 2018	

DATE	REVISION DESCRIPTION

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the State of Minnesota.

PRELIMINARY
BENJAMIN D. HARTBERG, PLA
LIC. NO. _____
DATE: _____

PREPARED FOR:
J.P. BUSH HOMES

WYNDHAM VILLAGE
LAKE ELMO, MN
PRELIMINARY LANDSCAPE PLAN

SITE PLANNING
& ENGINEERING

PLOWE
ENGINEERING, INC.

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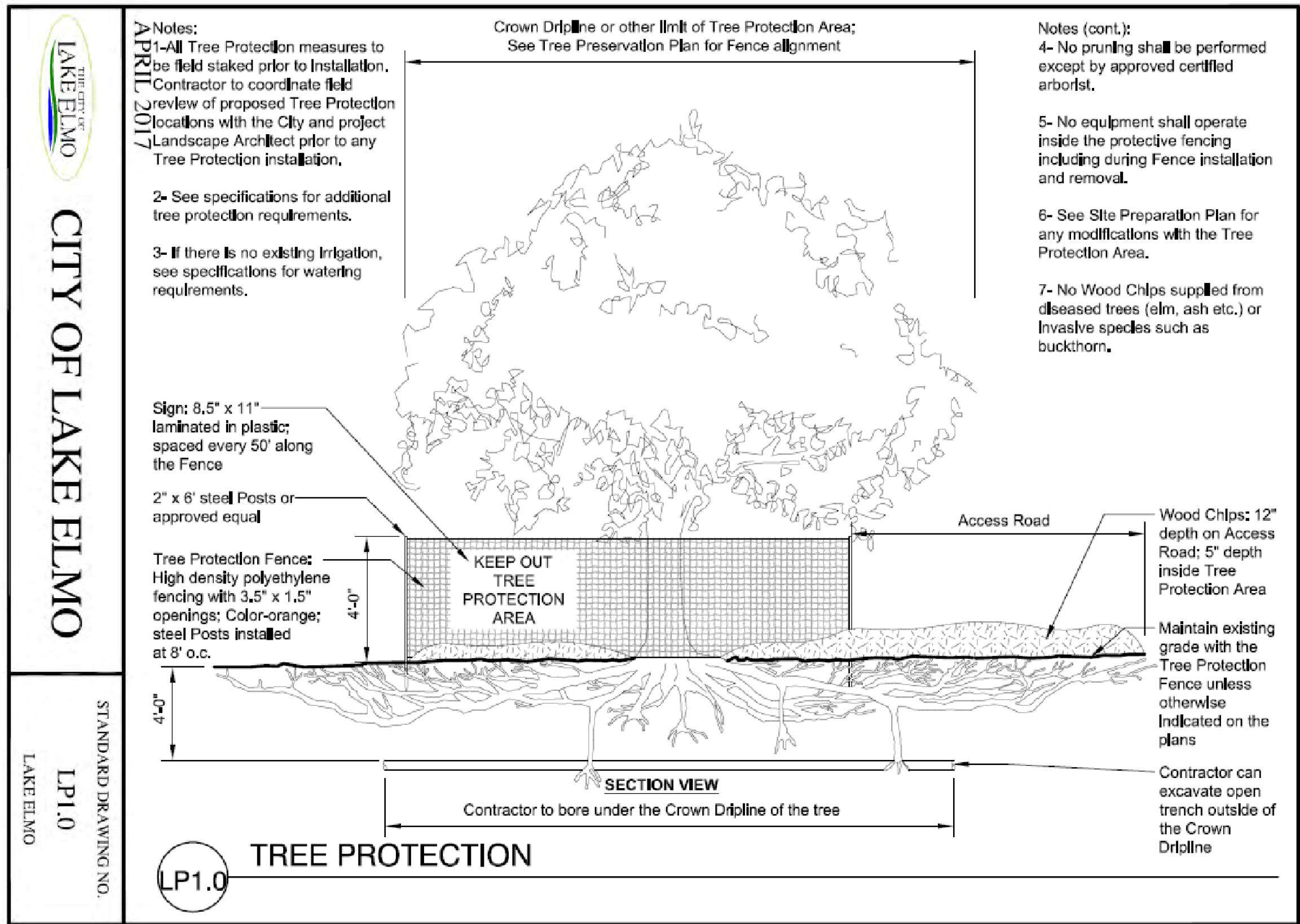
L2

PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	QTY
	AS	Acer x freemanii 'Sienna'	Sienna Glen Maple	2.5" Cal.	B&B	2
	BR	Betula nigra	River Birch	6" Hgt.	B&B	2
	OV	Ostrya virginiana	American Hophornbeam	1.5" Cal.	B&B	3
	QR	Quercus rubra	Northern Red Oak	2.5" Cal.	B&B	2

Landscape Notes & Requirements:

1. Tree saucer for individual trees outside of a plant bed to be four inches (4") depth natural single-shred hardwood mulch for trees outside of a plant bed. Install per tree planting detail. Do not place mulch against tree trunk. Remove wire and burlap from top third of root ball before final soil back-fill and mulch.
2. Refer to civil plan sheets for grading, drainage, site dimensions, survey, tree removal, proposed utilities & erosion control.
3. All plant material shall comply with the latest edition of the American Standard for Nursery Stock, American Association of Nurserymen. Unless noted otherwise, deciduous shrubs shall have at least 5 canes at the specified shrub height. Plant material shall be delivered as specified.
4. Plan takes precedence over plant schedule if discrepancies in quantities exist.
5. All proposed plants shall be located and staked as shown.
6. Adjustment in location of proposed plant material may be needed in field. Should an adjustment be required, the client will provide field approval. Significant changes may require city review and approval.
7. The project landscape contractor shall be held responsible for watering and properly handling all plant materials brought on the site both before and after installation. Schedule plant deliveries to coincide with expected installation time within 36 hours.
8. All plant materials shall be fertilized upon installation as specified.
9. The landscape contractor shall provide the owner with a watering schedule appropriate to the project site conditions and to plant material growth requirements.
10. If the landscape contractor is concerned or perceives any deficiencies in the plant selections, soil conditions, drainage or any other site condition that might negatively affect plant establishment, survival or guarantee, they must bring these deficiencies to the attention of the landscape architect & client prior to bid submission. Plant bed drainage concerns during plant installation shall be brought to the attention of the Owner and General Contractor immediately.
11. Contractor shall establish to his/ her satisfaction that soil and compaction conditions are adequate to allow for proper drainage at and around the building site.
12. Contractor is responsible for ongoing maintenance of all newly installed material until time of owner acceptance. Any acts of vandalism or damage which may occur prior to owner acceptance shall be the responsibility of the contractor. Contractor shall provide the owner with a maintenance program including, but not limited to, pruning, fertilization and disease/pest control.
13. The contractor shall guarantee newly planted material through one calendar year from the date of written owner acceptance. Plants that exhibit more than 10% die-back damage shall be replaced at no additional cost to the owner. The contractor shall also provide adequate tree wrap and deer/rodent protection measures for the plantings during the warranty period.
14. This layout plan constitutes our understanding of the landscape requirements listed in the ordinance. Changes and modifications may be requested by the city based on applicant information, public input, council decisions, etc.
15. The landscape contractor shall be responsible for obtaining any permits and coordinating inspections as required throughout the work process.
16. Plant size & species substitutions must be approved in writing prior to acceptance in the field.
17. The landscape contractor shall furnish an Irrigation Layout Plan for head-to-head coverage of all tree, turf and shrub planting areas. Use commercial-grade irrigation equipment and provide product cut-sheets and (4) copies of the proposed layout plan to the landscape architect for review and approval prior to installation. Coordinate irrigation connection point, controller, back-flow and valving locations with the mechanical engineer, architect, & general contractor. Include 1 fall shut-down and spring start-up in irrigation bid. Sch 80 PVC sleeves necessary under paved areas to be coordinated between the landscape contractor, irrigation contractor, excavator, paving contractor, and General Contractor.
18. Landscape Contractor is responsible for coordination with the General Contractor, to protect the new improvements on and off-site during landscape work activities. Report any damage to the General Contractor immediately.
19. All planting, seeding, and sodded areas shall be prepared prior to installation activities with a harley power box rake or equal to provide a firm planting bed free of stones, sticks, construction debris, etc.
20. Turf Sodding and Seeding activity shall conform to all rules and regulations as established in the MnDOT Seeding Manual, 2014 edition, for turf bed preparation, installation, maintenance, acceptability, and warranty. Turf Seed installation to include TWO years of maintenance in the bid price. This includes mowing, weeding, & spot-spraying invasive weeds no less than 3 times per year. Maintenance also includes re-seeding bare patches larger than 6" in any direction, and fertilization no less than twice per calendar year. An acceptable stand of seeded turf is lush, full, and weed-free.
21. The Landscape Contractor shall furnish samples of all landscape materials for approval prior to installation.
22. The Landscape Contractor shall clear and grub the underbrush from within the work limits to remove dead branches, leaves, trash, weeds and foreign materials.
23. The landscape contractor shall contact Gopher State One Call no less than 48 hours before digging for field utility locations.
24. The landscape contractor shall be responsible for the removal of erosion control measures once vegetation has been established to the satisfaction of the municipal staff. This includes silt curtain fencing and sediment logs placed in the landscape.
25. The landscape contractor shall be responsible for visiting the site to become familiar with the conditions prior to bidding and installation. Coordinate with the general contractors on matters such as fine grading, landscaped area conditions, staging areas, irrigation connection to building, etc.
26. See Site and Civil plans for additional information regarding the project, including infiltration area soils and sub-surface drainage requirements and performance.
27. Topsoil Requirements: All graded areas of the site that are designated on the plan set for turf sod shall have no less than 6" of imported top soil, areas designated for shrubs, trees, and perennials shall have no less than 12" of imported top soil, meeting MnDOT classifications for planting soil for trees, shrubs, and turf. Slope away from building.
28. Landscape contractor must prove the open sub-grade of all planting areas after their excavation is capable of infiltrating a minimum requirement of 1/4-inch of water per hour prior to installation of plant materials, topsoil, irrigation, weed mat, and mulch. Planting areas not capable of meeting this requirement shall have 4" diameter X 48" depth holes augured every 36" on-center and filled with MnDOT Free-Draining Coarse Filter Aggregate. Re-test sub-grade percolation for compliance to infiltration minimum requirement.
29. Landscape contractor to provide nursery pull list (bill of lading) including plant species and sizes shipped to the site. Additionally, the landscape contractor shall provide nursery stock traceability, proving none of the materials provided contain or are genetic strains of the neonicotinoid family including acetamiprid, clothianidin, imidacloprid, nitenpyram, nithiazine, thiacloprid and thiamethoxam.



**STANDARD PLAN NOTES
LANDSCAPE PLANS**

1. Contractor must contact Gopher State One Call 811 (www.gopherstateonecall.org) prior to tree staking and planting operations to verify underground utilities. Where private utilities exist on-site the Contractor is required to have those located as well.
2. Plant materials shall meet American Standard for Nursery Stock: ANSI Z60.1, latest edition.
3. No plant substitutions shall be made without the prior written authorization from the City.
4. All tree locations to be field staked prior to installation. Contractor to coordinate field review of proposed tree locations with the City and Project Landscape Architect prior to any tree installation.
5. All plants shall be planted immediately upon arrival to project site. No plant material is to be left overnight on the project site without being installed unless written approval by City.
6. All trees, shrubs, perennials, turf lawn and native seeding to have a two-year warranty beginning upon written acceptance by the City. Defective plants as determined by the City shall be replaced within 30 days of notice during the growing season, and replacement materials shall receive the same two year warranty until plants are successfully established.
7. Contractor to protect and maintain all plantings and plant beds, including protection from wildlife, weeding, re-mulching, fertilization, irrigation and all other typical forms of horticultural care until the end of the warranty period as determined and approved by City.
8. All plants installed and maintained on City property shall be in accordance with City of Lake Elmo Bee-Safe Resolution No. 2015-13.
9. An irrigation system or other water supply adequate to support the specified plant materials shall be provided.

APRIL 2017

CITY OF LAKE ELMO

STANDARD DRAWING NO.
LP2.0
LAKE ELMO

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DRAWN BY: M.F	DESIGN BY: B.H.
CHKD BY: B.H	PROJ. NO. 18-143

ORIGINAL DATE:
MAY 7, 2018

DATE	REVISION DESCRIPTION

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PRELIMINARY

BENJAMIN D. HARTBERG, PLA
LIC. NO. _____
DATE: _____

WYNDHAM VILLAGE

LAKE ELMO, MN

LANDSCAPE DETAILS

PREPARED FOR:
J.P. BUSH HOMES

SITE PLANNING & ENGINEERING

PLOWE ENGINEERING, INC.

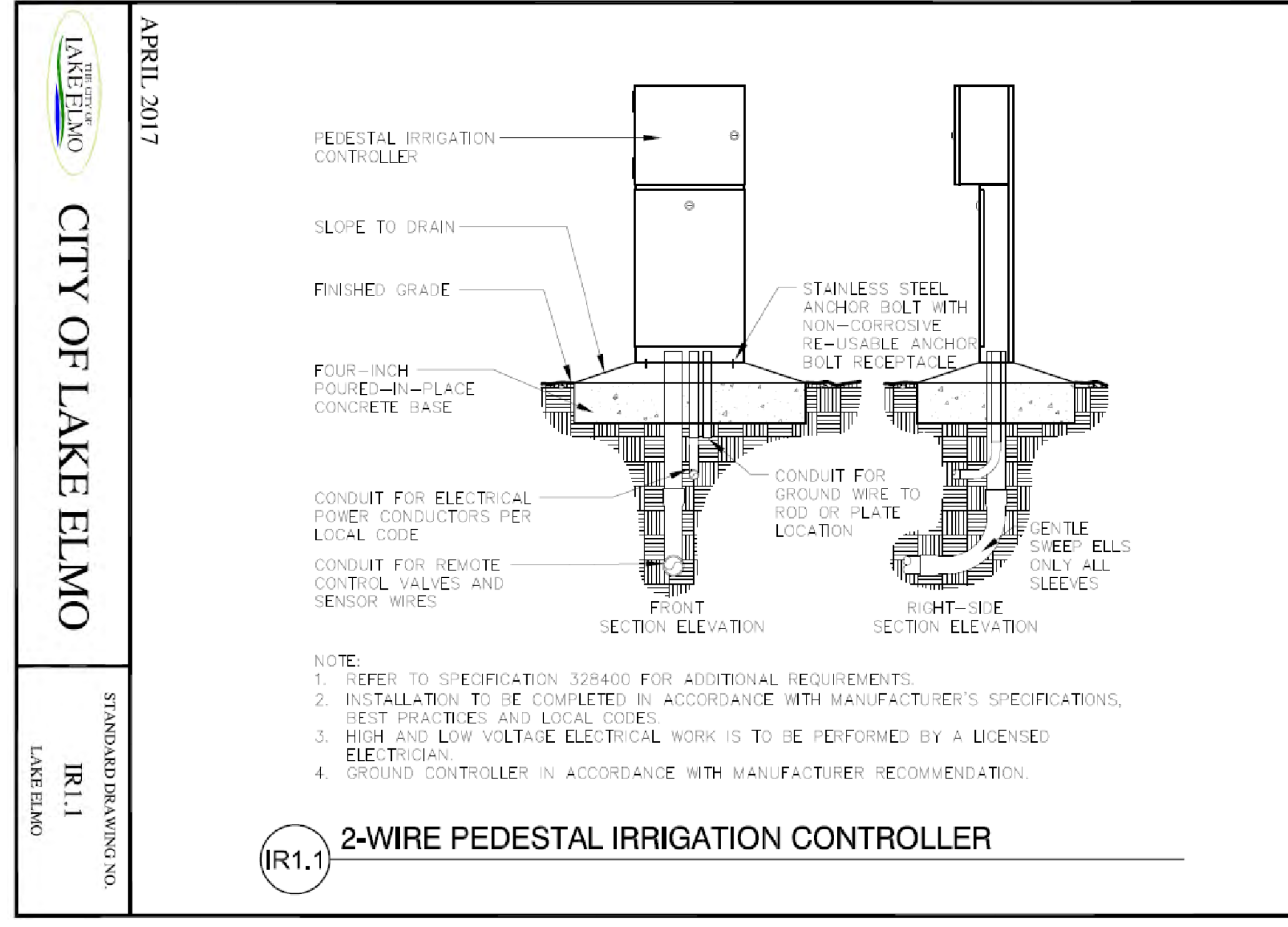
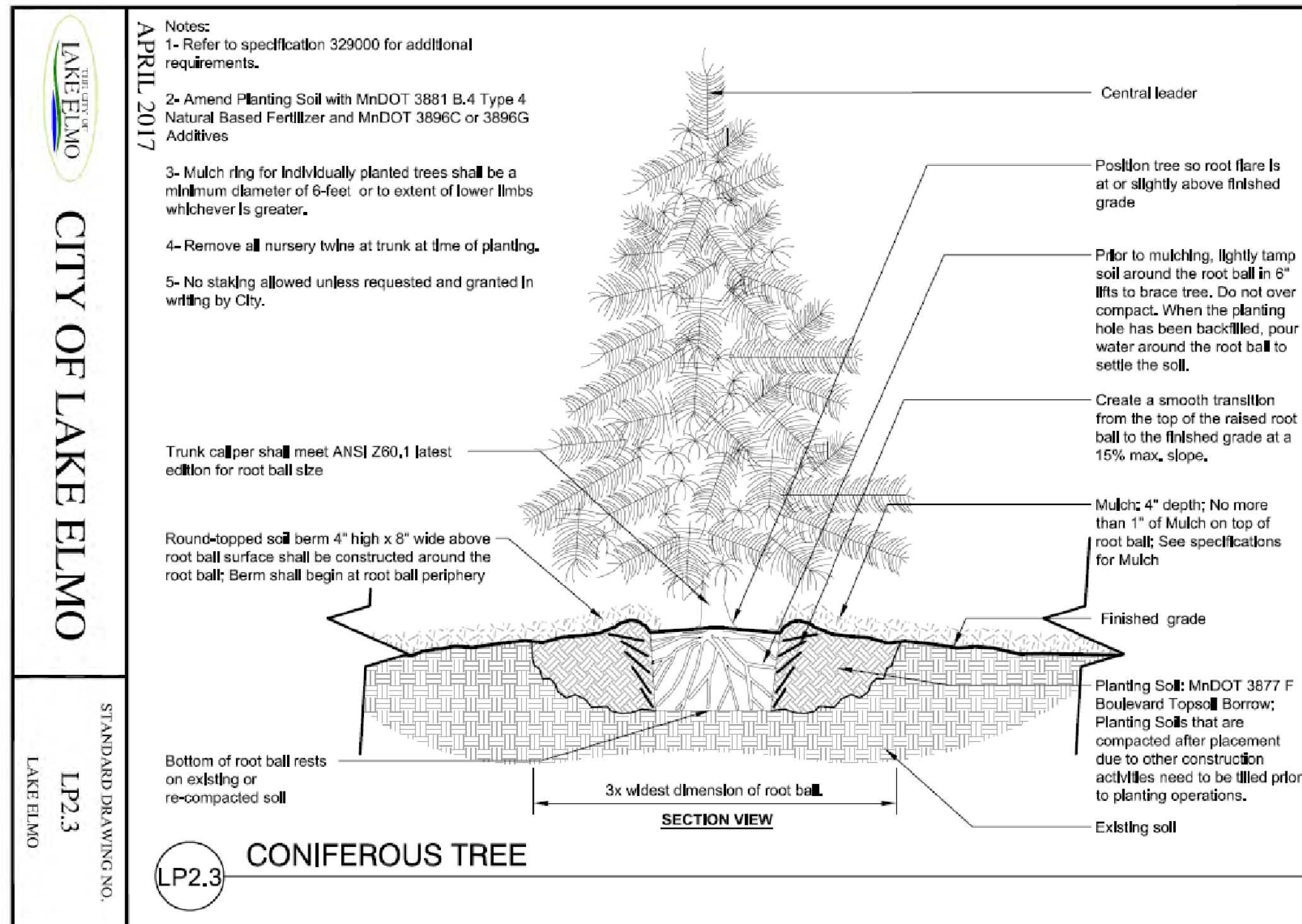
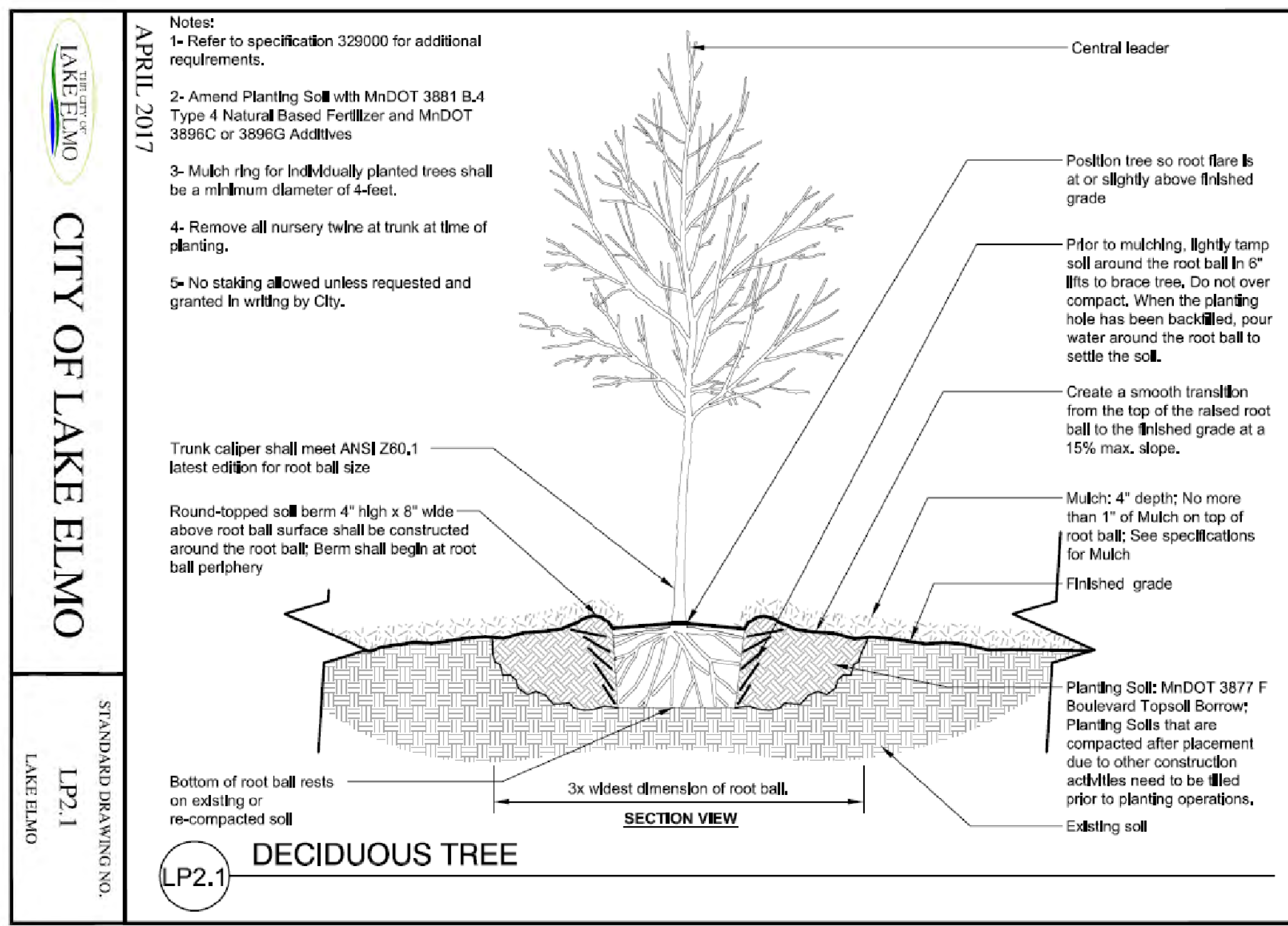
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LAKE ELMO, MN
LANDSCAPE DETAILS

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MEMORANDUM

FOCUS ENGINEERING, inc.

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

Date: May 30, 2018

To: Emily Becker, Planning Director
Cc: Rob Weldon, Public Works Director
Chad Isakson, Assistant City Engineer
From: Jack Griffin, P.E., City Engineer

Re: Wyndham Village Preliminary Plan Review

An engineering review has been completed for Wyndham Village. Preliminary Plat/Plans were received on May 8, 2018. The submittal consisted of the following documentation:

- Wyndham Village Preliminary Plat, dated May 4, prepared by Landmark Surveying, Inc.
 - Wyndham Village Preliminary Plans, Sheets C1.1-C5.2, dated May 4, 2018, prepared by Plowe Engineering.
 - Stormwater Management Plan, dated May 8, 2018, prepared by Plowe Engineering.
 - Landscape Plans, Sheets L1-L5, dated May 7, 2018, prepared by CalYX Design Group.
 - Preliminary Plan Narrative, dated May 4, 2018, prepared by J.P.Bush Homes.
-

STATUS/FINDINGS: Engineering has prepared the following review comments:

PRELIMINARY PLAT

- Preliminary plat approval should be contingent upon all public improvements that support the development being designed and constructed in accordance with the City Engineering Design Standards Manual dated March 2017 and as identified within this plan review memorandum.
- Preliminary plat approval should also be contingent upon the preliminary plans being revised and approved by the City prior to the City accepting an application or plans for final plat.
- Right-of-way/Easement Dedication. The Preliminary Plat and all preliminary plan sheets must be revised to dedicate additional right-of-way along 30th Street North to ensure a minimum 30th Street boulevard of 16 ft. along the entire length of the plat. The current plans show a varied boulevard width from 11-25 feet. In addition, a 10 ft. utility corridor must be reserved (at boulevard grades) for small utilities. The proposed storm water facilities (including the 100-year HWL) must be revised further north to prevent encroachment onto the 10 ft. utility corridor.
- Outlot A must be dedicated to the City for storm water maintenance. Outlot A has been shown as City-owned on the preliminary plat and plans as required. Outlot A may need to be revised to accommodate additional right-of-way along 30th Street and/or to expand the storm water 100-year HWL flood area.
- Drainage and utility easements are required over all storm sewer, sanitary sewer and watermain not located on City Outlots and right-of-way, minimum 30-feet in width centered on the pipe/structure. Easements must be shown on the Preliminary Plat, Utility Plans and Grading Plans.
 - Additional easement is required over the storm sewer outfall pipe between Lots 5 and 6.
 - Additional easement is required for the proposed Lot 7 driveway culvert.

- Additional easement is required over Lot 6 for the sanitary sewer pipe from MH-2 to MH-3, or this pipe must be realigned to the center of the Lot 7 driveway.
- All emergency overflow elevations must be fully protected by drainage easement.
- Written easement owner permission must be obtained, and copies provided to the City, for work to be completed within the gas main easement. The City must receive copies of the written permission prior to the approval of final plat.
- Written landowner permission must be submitted as part of the final plat development applications for any off-site grading work and storm water discharges to adjacent properties.
- Access Management. The Preliminary Plans shows access to the plat from the Northport subdivision along Liberty Court. This access was pre-planned with the adjacent subdivision and preserves the proper access management along 30th Street North.

STORMWATER MANAGEMENT

- The site plan is subject to a storm water management plan meeting State, VBWD and City rules. Additional City review is necessary for plan changes made to meet these requirements.
- Storm water facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual.
- The storm water management must be revised to demonstrate rate control for each discharge location rather than a combined discharge. The model must also be revised to correct the pre and post drainage areas based on existing contours rather than property lines.
- The model must evaluate the HWL changes to the Northport Infiltration basin due to areas of direct discharge and plan revisions must be made to ensure the HWL does not increase.
- The model must be revised to include the 10-day 100-year snowmelt condition.
- The storm water management plan must demonstrate volume control requirements being met.
- The storm water management plan executive summary must identify the rate control for each discharge point and summarize the BMP normal water and resulting high water levels for each basin.

GRADING, DRAINAGE AND EROSION CONTROL

- Add north arrow and plan scale.
- Add Grading and Erosion Control City Standard Plan Notes dated March 2017 (Details 600A, 600B, 600C, and 600D) to the plan.
- Add all lot corner elevations.
- The grading plans must be updated to provide all existing conditions along 30th Street including right-of-way widths, street widths from centerline, lane configurations, signs, and all other physical features.
- The plans must show all existing and proposed normal water level (NWL) and high water level (100-year HWL) for all water bodies within and adjacent to the property, including Northport infiltration basin. Add 100-year HWL contour for all ponds and verify that the 100-year HWL is fully contained within the Outlot. This information is incomplete and must be revised for further review.
- The plans must be updated to show the pond maintenance access roads to the facilities and must be a minimum of 20 ft. wide and at grades that do not exceed 10%.
- The plans must show a 10:1 aquatic bench and 10:1 maintenance bench around the storm water pond.
- The Stormwater Facility Outlots must fully incorporate the 100-year HWL, 10-foot maintenance bench and all maintenance access roads.
- Add Outlet Control structure meeting City standards to replace the 15-ft. wide pond overflow as the primary outlet. The overflow should remain as an emergency overflow.

RESIDENTIAL STREETS

- Public street standards. Liberty Court must be designed to meet the City's Engineering Design Standards. A 60 ft. right-of-way width with 28 ft. wide street has been shown as required; and a 60 ft. cul-de-sac R/W radius with 45 ft. cul-de-sac pavement radius has been shown as required.

- Liberty Court will result in a 510 ft. long cul-de-sac, meeting City standards.
- Surmountable concrete curb and gutter shall be installed in single family residential areas with future driveways.
- Pedestrian facilities: A 6 ft. wide sidewalk has been shown along Liberty Court as required. The City should review any potential connections to this sidewalk.
- Ten (10) foot utility easements are required on either side of all right-of-ways.

STREET AND STORM SEWER PLANS

- Correct plan view scale.
- Label street and right-of-way width, and label cul-de-sac pavement and right-of-way radius.
- Label concrete sidewalk width on the plan.
- Add pedestrian ramp (call-out in plan view) where sidewalk terminates at cul-de-sac.
- Add City standard Typical Section per City detail 805 on the street plans. All information shown in the City details must be shown on the typical section including cross-slopes, boulevard tree setbacks, sidewalk location and 10-ft. small utility corridors on each side of right-of-way.
- Add City standard detail 801 on the street plans to detail the minimum project pavement section.
- Add City Standard Sidewalks and Trails Plan Notes dated March 2017 (Detail 500A).
- Add City Standard Storm Sewer Plan Notes dated March 2017 (Detail 400A).
- Revise street profile to meet City standards for vertical crest curve $K= 19$ minimum.
- Label all storm sewer structures including FES.
- The storm sewer system shall be designed to maintain the City standard **minimum** pipe cover of 3.0 feet. Revise storm sewer from CBMH to FES to maintain minimum 3-ft. pipe cover.
- Per City requirements all storm sewer pipe easements must be a minimum 30-feet in width. Additional easement is required over Lots 5 and 6 to provide a minimum 30-ft easement centered over the pipe.
- Add profile for proposed driveway culvert and verify 30 ft. easement over pipe and structures.
- Add storm sewer structure table showing casting type and build.
- Call-out sump manhole in plan view.
- Drain tile is required as part of the City standard street section at all localized low points in the street. Coordinate with Northport to extend drain tile per City standards, minimum 100 ft. on each side of road, from existing catch basins in Northport development, south along Liberty Court. End each drain tile with a clean-out.

MUNICIPAL WATER SUPPLY

- Municipal water supply is available immediately adjacent to the proposed development along Liberty Court. The applicant is responsible to extend the municipal water into the development site at developer's cost.
- No trunk watermain oversizing applies.

MUNICIPAL SANITARY SEWER

- Municipal sanitary sewer is available immediately adjacent to the proposed development along Liberty Court. The applicant is responsible to extend sanitary sewer into the development site at developer's cost.
- No trunk sewer oversizing applies.

SANITARY SEWER AND WATERMAIN PLANS

- Add plan scale and north arrow.
- Add City Standard Watermain Plan Notes dated March 2017 (Detail 200A) to the utility plan.
- Add City Standard Sanitary Sewer Plan Notes dated March 2017 (Detail 300A) to the utility plan.
- Add existing gas main(s) and show pipe size, material and location (dimensions from easement edge). Gas main depths must be field verified and placed on the plans at water/sewer service crossing.
- Add and clearly show gas main easement area and contact information.

- Extend water and sewer service for Lot 7 completely across gas main easement as part of the development improvements. Show extensions on the utility plan.
- Revise 6" PVC sewer pipe with City minimum 8" PVC sewer main.
- Realign the sewer pipe to the centerline of the Lot 7 drainage and utility easement. The pipe requires a minimum 30-ft easement centered over the pipe.
- Relocate MH-3 to remain a minimum 15-ft outside of the gas main easement.
- Add water and sewer service stubs to each lot including sewer stub invert.
 - All water/sewer stubs must be perpendicular to the street. Watermain and sewer main realignment will be necessary in the cul-de-sac to meet this requirement.
 - Sanitary sewer service pipe to be called-out as Schedule 40 and stubbed 10ft. beyond the right-of-way.
 - All curb stops to be located 10 ft. beyond the right-of-way.
 - Water/sewer stubs cannot terminate within a paved driveway surface.
- Add sewer manhole to realign watermain/sewer main to remain under bituminous paved surface.

SIGNING/PAVEMENT MARKING/LIGHTING PLAN

- Add signing, pavement marking and lighting plan per City standard plan format. Update sheet index.
- Add Signing/Pavement Markings/Lighting Plan Notes dated March 2017 (Detail 900A).
- Add one City standard light pole at the end of the cul-de-sac.
- Add Street Light Note to indicate "Residential street lights shall be Xcel Energy 100W HPS California Acorn (Black in Color) with a 15 ft. Aluminum Pole (Black in Color)".
- Add three (3) "No Parking" signs for no parking around cul-de-sac. No parking signs to be MnMUTCD R8-3, 18"x18".

DETAILS

- Sheets C4.1-C4.3. Add City details 210, 419, 420, 507A-E, 508, 511, 514, 805, 901, 902, and 903.

SPECIFICATIONS

- Submit Project Specifications for Wyndham Village for staff review using the City Standard Specifications dated March 2017.
- If supplementary specifications are also submitted, the following statement must be placed as the first clause of the supplementary provisions, *"The City Standard Specifications for Public Infrastructure, dated March 2017, shall apply to the work performed under this contract. Any supplemental specifications are intended to supplement the City Standard Specifications, however they do NOT supersede the City Standard Specifications, Details, Design Standards, or ordinances unless specific written approval has been provided by the City."*

LANDSCAPE PLAN:

- This review does not cover the Landscape Plan or Irrigation Plan. Plan review to be completed by other City representatives.
- The Landscape Plans must be revised to accommodate maintenance access to all storm water BMPs. Grades along pond access cannot exceeded 10% and must be a minimum of 20 feet in width. Maintenance access from public right-of-ways must be shown on the Landscape Plans.



Metropolitan Airports Commission

6040 28th Avenue South, Minneapolis, MN 55450 • 612-726-8100 • metroairports.org

May 14, 2018

Ms. Emily Becker
Planning Director
City of Lake Elmo
3800 Laverne Avenue N
Lake Elmo, Minnesota 55042

Re: Wyndham Village Preliminary Plat Review Comments

SENT VIA EMAIL (ebecker@lakeelmo.org)

Dear Ms. Becker:

As requested in your correspondence dated May 8, 2018, the Metropolitan Airports Commission (MAC) has reviewed the Wyndham Village Preliminary Plat documents. We appreciate the opportunity to review the documents, and offer the following comments.

Land Use and Aircraft Noise

The proposed residential development is located in close proximity to Lake Elmo Airport. This area receives routine aircraft overflight activity (approximately 27,000 annual aircraft operations), both during the day and at night, and will continue to into the future. It is MAC's experience that placing residential areas in such locations around airports results in noise complaints and resident concerns about aircraft noise and overflights.

MAC requests that prospective property buyers be provided information on the properties' locations relative to the Lake Elmo Airport and the related aircraft operations. At a minimum, the Lake Elmo Airport disclosure statement included in Article X, Section 9 of the *Declaration of Easements, Covenants, Conditions and Restrictions* instrument for the adjacent Eason Village development (attached) should be provided in the equivalent instrument prepared for Wyndham Village development. Further, MAC strongly recommends that the City require appropriate noise attenuation construction practices for residential structures within the affected area. Residential structures in the proposed development area will not be eligible for MAC noise mitigation programs.

Airspace

The requirements for filing an aeronautical study with the Federal Aviation Administration (FAA) for proposed structures and/or temporary construction equipment vary based on a number of factors, including the site elevation, structure height, and proximity to an airport. The FAA provides a "Notice Criteria Tool" on its Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) website that can be used to determine if an aeronautical study is warranted. The FAA OE/AAA website can be accessed via the following link: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>

Ms. Emily Becker
May 14, 2018
Page 2

If use of this tool indicates that any FAA notice criteria are exceeded, MAC requests that the applicant submit an aeronautical study with the FAA for the proposed development (including construction equipment) and provide a copy of the resulting determination letter before construction begins.

Water Quality – Surface Water Runoff

The MAC fully supports the use of infiltration basins in the vicinity of the Lake Elmo Airport, and encourages all ponding areas to be designed as dry ponds that are non-attractive to waterfowl and drain within 48 hours after a 10-year precipitation event.

From the preliminary plat documentation, it appears that storm water runoff will drain to the adjacent infiltration basin being constructed for the neighboring Village Park Preserve development. Please provide additional information about how long it will take standing water in the new Wyndham Village pond to drain and/or infiltrate based on both 10-year and 100-year precipitation events. Also, please identify who will be the responsible party for long-term maintenance of the pond.

We request that the following waterfowl mitigation techniques be incorporated into the final design of the necessary ponding area for the proposed development.

1. Create a physical barrier (i.e., a permanent fence) between the water and manicured lawns.
2. Reduce the overall surface area of the water and encourage emergent vegetation to grow.
3. Eliminate manicured lawn/turf in close proximity to the water source by using a native prairie seed mix.

Implementation of these recommendations does not guarantee that geese or other hazardous wildlife will not be attracted to the permanent water features associated with the proposed development. However, incorporation of these design elements should reduce the likelihood of waterfowl becoming a greater hazard to flying operations at the Lake Elmo Airport. If notified by the MAC that birds and/or waterfowl activity poses a safety hazard to the Airport due to design elements that fail to incorporate the mitigation techniques described above or improper maintenance of the storm water pond, we will expect the City or its designee to take immediate remediation efforts to alleviate the hazards caused by the pond.

Finally, please identify who will be the responsible party for long-term maintenance of the storm water pond

Landscaping

The Preliminary Landscape Plan appears to indicate that many existing trees will be relocated to a new location on the site. MAC requests that, if feasible, any new trees introduced to the site be of a non-fruit bearing species to minimize wildlife attractiveness. The City must also be aware that any trees planted in the vicinity of an approach to a runway may require removal or trimming (at the Owner's expense) at some future date if they grow to become an obstruction to the airspace of the Airport or compromise flight procedures.

Also, due to the close proximity of the proposed development to the runways at the Lake Elmo Airport, we request the street luminaries be down-lighted to avoid confusion by pilots as they approach the airfield at night.

Ms. Emily Becker
May 14, 2018
Page 3

Construction Measures

Please ensure that the contractor is required to develop and implement a dust control plan that will prevent airborne particulates generated during construction from interfering with aircraft operations at the Lake Elmo Airport.

Thank you for the opportunity to comment on this proposed Wyndham Village Preliminary Plat. If you have any questions about these comments, please contact me at 612-726-8129 or via e-mail at neil.ralston@mspmacc.org.

Sincerely,



Neil Ralston, A.A.E.
Airport Planner

cc: Heather Leide, MAC
Joe Harris, MAC
Pat Mosites, MAC
Dana Nelson, MAC

Attachments: Excerpt from Easton Village Declaration Documents

Section 9. Disclosures Required by City of Lake Elmo.

- (a) *Lake Elmo Airport.* The Property is located near the Lake Elmo Airport, a public use airport owned and operated by the Metropolitan Airports Commission. The Airport is open 24 hours a day, year round. The Airport operates with a primary runway on a northwest/southeast orientation and a perpendicular crosswind runway on a northeast/southwest configuration. The primary role of the Lake Elmo Airport is to accommodate personal, recreational, and some business aviation users within Washington County and the eastern portion of the Twin Cities Metropolitan Area. The Airport accommodates aircraft operations from single and multi-engine propeller-driven aircraft; occasional corporate jet aircraft; helicopters; and pilot training facilities; all of which may affect the Property with overflights and aircraft noise during the day and at night. The Airport operates lighting which may be visible from the Property.

The Long-Term Comprehensive Plan for the Lake Elmo Airport contemplates constructing a longer primary runway parallel to but shifted north and east of the existing northwest/southeast runway alignment and an extension to the crosswind runway. The proposed expansion is intended to improve the Airport's ability to fulfill its existing role and to compete more effectively for additional business-related flights that use propeller-driven aircraft.

Further information regarding the Lake Elmo Airport can be obtained from the Metropolitan Airports Commission's Airport Manager, Telephone No.: 651-224-4306.

- (b) *Union Pacific Railroad.* The property is located near an active Union Pacific Rail Line, which at present, carries 4-6 trains per day. The City of Lake Elmo intends to construct a new railroad crossing across the railroad right-of-way that will connect the northernmost extension of Village Parkway as platted within Easton Village to Minnesota State Highway 5.
- (c) *Manning Avenue/County Highway 15.* The access to Manning Avenue from 32nd Street North is temporary in nature and will be eliminated at such time that Village Park Way is connected to 30th Street or five (5) years has passed from the date of final plat approval, whichever is longer.

ARTICLE XI

PROHIBITED ACTIVITIES AND USES

Section 1. Nuisances. No noxious or offensive activities shall be carried upon any Lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

Section 2. Livestock and Poultry; Domesticated Animals. No animals, livestock or poultry of any kind shall be raised, bred or kept on the Property except that dogs, cats or other household domesticated pets may be kept, provided that they are not kept, bred, or maintained for any commercial purpose. All household domesticated pets, most often dogs and cats, shall be restricted from entering onto any Lot other than the Lot of its owner, and the owner of any such household domesticated pet shall be responsible for the immediate cleanup and disposal of pet droppings. Notwithstanding the foregoing, the Association specifically reserves the right to promulgate rules and regulations regarding pets on the Property, including, but not limited to, the size of pets permitted and/or the prohibition of pets on the Property.

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

RESOLUTION NO. 2018-066

*A RESOLUTION APPROVING A PRELIMINARY PLAT FOR
WYNDHAM VILLAGE*

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

WHEREAS, the Lake Elmo Planning Commission reviewed a proposed Sketch Plan and Comprehensive Plan Amendment Request for Wyndham Village on November 13, 2017; and

WHEREAS, the Lake Elmo City Council reviewed a proposed Sketch Plan and approved a Comprehensive Plan Amendment Request for Wyndham Village on February 20, 2018; and

WHEREAS, the Metropolitan Council approved a Comprehensive Plan Amendment to re-guide the land use of Wyndham Village from Rural Single Family to Village Low Density Residential on March 14, 2018; and

WHEREAS, JP Bush, 11580 30th St N, Lakeland, MN 55043 has submitted an application to the City of Lake Elmo (City) for a Preliminary Plat for Wyndham Village, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

WHEREAS, the Lake Elmo Planning Commission held public hearing on June 4, 2018 to consider the Preliminary Plat request; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Preliminary Plat as part of a memorandum to the City Council from for the July 3, 2018 Council Meeting; and

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

WHEREAS, the City Council reviewed the Preliminary Plat at its meeting held on June 19, 2018 and made the following findings of fact:

- 1) That the Wyndham Village preliminary plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 2) That the Wyndham Village preliminary plat complies with the City's Village Urban Low Density Residential zoning districts with required condition of approval.

- 3) That the Wyndham Village preliminary plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances, and is consistent with the City's engineering design standards with corrections as noted by the City Engineer Review Memo dated May 30, 2018.
- 4) That the Wyndham Village preliminary plat complies with the City's subdivision ordinance.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the preliminary plat for Wyndham Village subject to the following conditions:

- 1) That the City approve a Zoning Map Amendment to rezone the property from Rural Single Family to Village Low Density Residential
- 2) Homes within lots in which the Northern Natural Gas Company Easement (Document 384029) ("Northern Easement") is located shall maintain a 20 foot principal building rear yard setback from the Northern Easement.
- 3) All required modifications to the plans as requested by the City Engineer in a review letter dated May 30, 2018 shall be incorporated into the plans, and plans shall be approved prior to consideration of a final plat.
- 4) Preliminary plat and plans should be revised to dedicate additional right-of-way along 30th Street and/or to expand the storm water to the 100-year High Water Level (HWL) flood area.
- 5) Written easement owner permission must be obtained, and copies provided to the City, for work to be completed within the Northern Easement. The City must receive copies of the written permission prior to approval of the final plat.
- 6) Written landowner permission must be submitted as part of the final plat development applications for any off-site grading work and storm water discharges to adjacent properties.
- 7) The developer shall pay a cash contribution in lieu of land for park dedication equal to 10% of the fair market value of the entire parcel.
- 8) The developer shall obtain all required permits from Northern Natural Gas to perform construction work over the gas line that runs from north to south across this site.
- 9) The preliminary landscape plan shall be approved by the City prior to recording of the final plat.
- 10) The lot width of Lot 1 shall be increased to 70 feet, and all other lot dimension and bulk requirements of the Village Urban Low Density zoning district must be met.
- 11) The applicant shall provide a disclosure statement to all first homeowners in the development advising of the airport and associated over-flights as well as its proximity to the railroad and associated noise and vibration.
- 12) All builders shall be encouraged to incorporate interior noise reduction measures into single family residential structures within the subdivision based on the Metropolitan Council's Builder Guide.
- 13) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to the execution of the final plat by City Officials.
- 14) Prior to recording the Final Plat, the Developer shall enter into a Developers Agreement acceptable to the City Attorney that delineates who is responsible for the design, construction, and payment of public improvements.

15) The Applicant shall provide a detailed site plan for Lot 7 showing the proposed house location and screening/buffering to be approved by Council and protected by a landscape easement.

Passed and duly adopted this 3rd day of July 2018 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

ORDINANCE NO. 08-212

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LAKE ELMO**

SECTION 1. The City Council of the City of Lake Elmo hereby ordains the following properties to be rezoned from RS – Rural Single Family to V-LDR Village Low Density Residential:

Section 13 Twp 029 Range 021. The east 460.50 feet of the west 1273.00 feet of the south 498.60 feet, and also the east 139.50 feet of the west 812.50 feet of the south 219.30 feet of the SW ¼ of Section 13, Township 29, Range 21. PID# 13.029.21.43.0001.

SECTION 2. The City Council of the City of Lake Elmo also hereby ordains that the Zoning Administrator shall make the applicable changes to the official Zoning Map of the City of Lake Elmo.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance 08-212 was adopted on this ___ day of _____, 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.



STAFF REPORT

DATE: 7/17/18

REGULAR

ITEM #: 14

TO: City Council

FROM: Emily Becker, Planning Director

AGENDA ITEM: Reconsideration of Wildflower at Lake Elmo Planned Unit Development (PUD) Amendment

REVIEWED BY: Kristina Handt, City Administrator

BACKGROUND:

Council has requested to reconsider the PUD Amendment that was approved on June 6, 2017. The PUD amendment afforded the following flexibilities for the development, in addition to the flexibilities already allowed per the resolution approving the Preliminary PUD:

- Conservation and Prairie Lots will have setbacks consistent with the LDR zoning.
- Reduced rear yard setback on Lots 17 and 18, Block 3, Wildflower 1st Addition shall be 15 feet.
- Driveway locations will be flexible on Lots 12, 13 and Lot 17, Block 3, Wildflower 1st Addition; and the highlighted lots in phase 3 shown on Exhibit A
- Up to 6% impervious coverage is allowed beyond the 50% impervious coverage maximum for the courtyard lots if the additional impervious utilizes pervious paving.
- A single 400 sq. ft. storage structure shall be allowed on Outlot A, Wildflower 2nd Addition subject to a 10' setback from public R/W and an additional 200 sq. ft. covered trellis area attached to the garage.

The focus of the requested amendment is on the requirement that 6% increase in impervious coverage utilize pervious paving. The original PUD did not address impervious surface, and so the base zoning district regulations (maximum 50% impervious surface) apply. The reason for the request was because a builder within the development had requested a building permit that provided a survey that did not meet that maximum impervious surface requirements. Subsequent to the PUD amendment approval, that builder had submitted for a building permit application which proposed impervious surface coverage of 52.4%. The builder had agreed and indicated on the building permit application to install permeable pavers for the driveways. While Staff suggested that the builder instead amend the layout of the site to decrease impervious surface to 50% in order to avoid having

to install the pervious pavers, as the 2.4% increase only requires removal of 163 square feet of impervious surface, but the builder was not open to this idea. Recently, that same builder has come back to the City asking for an alternative solution because of the cost of these pavers.

ISSUE BEFORE COUNCIL:

The issue before Council is whether to approve or deny an amendment to the Resolution approving a PUD Amendments previously requested by Engstrom Companies for the Wildflower at Lake Elmo PUD.

PROPOSAL DETAILS/ANALYSIS:

Stormwater. Staff had contacted the Valley Branch Watershed District had indicated that the provided stormwater treatment volume is adequate for the PUD amendment request. Additionally, the City Engineer has stated that generally pervious pavers do not necessarily decrease runoff. As such, Staff has prepared a Resolution which removes the requirement that the increase in impervious surface utilize pervious pavers.

Alternative Mitigation. If the Council would still like to mitigate the increased impervious surface, the amendment may be made to provide the option of installing a raingarden. In order to mitigate the increase in 163 square feet, a raingarden 14.94 cubic feet in size would need to be installed on the property (163 square feet * 1.1 inches * one foot/12 inches=14.94). As such, Staff has prepared two resolutions in the case Council would like to go in this direction.

Additional Note. It should be noted that no building permits have been issued in the Wildflower Development since the PUD amendment was approved. Therefore, no applicant has been required to install pervious pavers.

Public Hearing Required. Since the PUD amendments have already been approved by Council and in effect have amended the PUD, and a PUD amendment requires a public hearing, Council will need to hold a public hearing. Notice has been published in the official City newspaper, and notices have been sent to property owners within 350 feet of the development as required by ordinance.

FISCAL IMPACT:

None.

OPTIONS:

The Council has the following options:

1. Adopt Resolution 2018-074 amending the Wildflower Planned Unit Development, not requiring utilization of pervious pavers for impervious coverage over 50% to 56%
2. Adopt Resolution 2018-074a adding an option for a raingarden in addition to pervious pavers to mitigate impervious coverage over 50% to 56%
3. Amend Resolution 2018-074 and adopt as amended
4. Do not adopt Resolution 2018-074

RECOMMENDATION:

Staff recommends that Council amend the Resolution approving the Wildflower at Lake Elmo PUD amendment by either removing the requirement that impervious coverage above 50% - 56% require pervious pavers or adding the option of installing a raingarden to mitigate the increase.

“Move to adopt Resolution 2018-074/2018 074a approving the Wildflower at Lake Elmo Planned Unit Development PUD Amendment.”

ATTACHMENTS:

- Resolution 2018-074 removing pervious pavers requirement
- Resolution 2018-074a adding option for raingarden

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

RESOLUTION NO. 2018-074

*A RESOLUTION APPROVING THE WILDFLOWER AT LAKE ELMO PLANNED UNIT
DEVELOPMENT AMENDMENTS*

WHEREAS, the City Council adopted Resolution 2015-023 approving the Wildflower at Lake Elmo PUD Preliminary Plat and Preliminary Plans on April 7, 2015; and

WHEREAS, the City Council adopted Resolution 2015-060 on July 21, 2015 approving the Final Plat and Final PUD plans for Wildflower at Lake Elmo 1st Addition; and

WHEREAS, the City Council adopted Resolution 2016-106 on December 6, 2016 approving the Final Plat and Final PUD plans for Wildflower at Lake Elmo 2nd Addition; and

WHEREAS, the City Council adopted Resolution 2018-025 on March 20, 2018 approving the Final Plat and Final PUD plans for Wildflower at Lake Elmo 3rd Addition;

WHEREAS, Robert Engstrom Companies made application for amendments to the approved Planned Unit Development Plans and Agreement on April 21, 2017; and

WHEREAS, the City Council adopted Resolution 2017-048 approving amendments to the approved Planned Unit Development Plans and Agreement on June 6, 2017; and

WHEREAS, the City Council wishes to reconsider previously approved amendments to the approved Planned Unit Development Plans and Agreement

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

FINDINGS

1. The PUD amendment is consistent with the Comprehensive Plan designation for the subject property.
2. The PUD amendment is generally consistent with the Wildflower at Lake Elmo PUD Concept Plan and Preliminary PUD Plans.
3. The PUD amendment has provided the City additional benefit in exchange for additional PUD flexibility consistent with the PUD regulations.
4. The PUD amendment meets the PUD objectives set forth in Section 154.751 of the City Code.

5. The PUD amendment will have no impact on stormwater management for the development.
6. That the proposed PUD will allow a more flexible, creative, and efficient approach to the use of the land with the following amendments:
 - o Up to 6% impervious coverage is allowed beyond the 50% impervious coverage maximum for the courtyard lots.

CONCLUSIONS AND DECISION

Based on the foregoing, the PUD Amendment is approved.

Passed and duly adopted this 17th day of July, 2018 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

RESOLUTION NO. 2018-074a

*A RESOLUTION APPROVING THE WILDFLOWER AT LAKE ELMO PLANNED UNIT
DEVELOPMENT AMENDMENTS*

WHEREAS, the City Council adopted Resolution 2015-023 approving the Wildflower at Lake Elmo PUD Preliminary Plat and Preliminary Plans on April 7, 2015; and

WHEREAS, the City Council adopted Resolution 2015-060 on July 21, 2015 approving the Final Plat and Final PUD plans for Wildflower at Lake Elmo 1st Addition; and

WHEREAS, the City Council adopted Resolution 2016-106 on December 6, 2016 approving the Final Plat and Final PUD plans for Wildflower at Lake Elmo 2nd Addition: and

WHEREAS, the City Council adopted Resolution 2018-025 on March 20, 2018 approving the Final Plat and Final PUD plans for Wildflower at Lake Elmo 3rd Addition;

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

FINDINGS

1. The PUD amendment is consistent with the Comprehensive Plan designation for the subject property.
2. The PUD amendment is generally consistent with the Wildflower at Lake Elmo PUD Concept Plan and Preliminary PUD Plans.
3. The PUD amendment has provided the City additional benefit in exchange for additional PUD flexibility consistent with the PUD regulations.
4. The PUD amendment meets the PUD objectives set forth in Section 154.751 of the City Code.

5. The PUD amendment will have no impact on stormwater management for the development.
6. That the proposed PUD will allow a more flexible, creative, and efficient approach to the use of the land with the following amendments:
 - o Up to 6% impervious coverage is allowed beyond the 50% impervious coverage maximum for the courtyard lots if the additional impervious utilizes pervious paving or if a raingarden is installed to mitigate the additional impervious coverage.

CONCLUSIONS AND DECISION

Based on the foregoing, the PUD Amendment is approved.

Passed and duly adopted this 17th day of July, 2018 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk



STAFF REPORT

DATE: July 17, 2018

REGULAR

ITEM # 15

AGENDA ITEM: Eagle Point Blvd Street Improvements – Assessment Hearing on Improvements and Adopting the Final Assessment Roll

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Kristina Handt, City Administrator
Sue Iverson, Finance Director
Sarah Sonsalla, City Attorney
Chad Isakson, Assistant City Engineer

ISSUE BEFORE COUNCIL: Should the City Council hold the final assessment hearing for the Eagle Point Boulevard Street Improvements and, after closing the hearing, adopt the final assessment roll?

BACKGROUND: On June 19, 2018, the City Council approved a Resolution declaring the costs to be assessed, ordering the preparation of the proposed assessment, and calling for the hearing on proposed assessment for the Eagle Point Boulevard Street Improvements. Mailed notice has been provided to each assessed property and notice of the public hearing has been published in the local paper.

The Eagle Point Boulevard Street Improvements project had a final completion date of February 7, 2017. All project costs have been accounted for and are summarized below. The project is being 100% assessed to the benefitting properties due to the area being within a commercial district.

PROPOSAL DETAILS/ANALYSIS: Pursuant to Minnesota Statutes, Section 429 the Council must declare the final amount to be assessed against the benefitting properties and the hearing on the proposed assessment for these improvements must be conducted. Staff has attached a Final Assessment Roll which must be certified to the County Auditor by November 30, 2018.

The Final Assessment Roll has been calculated based on the final project costs and in accordance with the City's Special Assessment Policy. The final total project cost, at completion, is \$1,344,000; down from the feasibility report cost of \$1,351,000. The attached final assessment roll details the proposed assessment for each parcel.

Assessments are being levied over 10 years at the rate of 4.30 percent for this project.

FISCAL IMPACT: The total project cost is \$1,344,000 with \$1,182,900 paid through special assessments, \$99,000 paid directly by Inwood 10, LLC for sanitary sewer improvements, and the remaining \$62,100 paid through the Water Enterprise Fund. Holding the final assessment hearing follows state statute for assessing benefitting properties and adopting the final assessment roll finalizes the special assessments to be levied for the improvements.

RECOMMENDATION: Staff is recommending that the City Council approve a resolution adopting the final assessment roll for the Eagle Point Boulevard Street Improvements. The recommended motion for the action is as follows:

“Move to approve Resolution No. 2018-075; Adopting the Final Assessment Roll for the Eagle Point Boulevard Street Improvements.”

ATTACHMENTS:

1. Resolution Adopting the Final Assessment Roll on Street Improvements.
2. Notice of Hearing on Proposed Assessment.
3. Final Assessment Roll.

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

**RESOLUTION NO. 2018-075
A RESOLUTION ADOPTING THE FINAL ASSESSMENT ROLL FOR
THE EAGLE POINT BLVD – STREET IMPROVEMENTS**

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for the Eagle Point Boulevard Street Improvements consisting of the reconstruction of Eagle Point Boulevard from Inwood Avenue to Hudson Boulevard with a sand subbase, draitile, new concrete curb and gutter and extension of the existing storm sewer.

NOW, THEREFORE, BE IT RESOLVED,

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over 10 years, the first of the installments to be payable on or before the first Monday in January, 2019, and shall bear interest at the rate of 4.30% percent per annum from the date of the adoption of the assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2018. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to the certification of the assessment to the county auditor, pay the whole of the assessment on such property, with the interest accrued to the date of payment, to the City Clerk, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he/she may, at any time thereafter, pay to the City Clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE SEVENTEENTH DAY OF JULY, 2018.

CITY OF LAKE ELMO

(Seal)
ATTEST:

Julie Johnson
City Clerk

By: _____
Mike Pearson
Mayor

**CITY OF LAKE ELMO
NOTICE OF HEARING ON PROPOSED ASSESSMENT
EAGLE POINT BLVD – STREET IMPROVEMENTS**

Notice is hereby given that the City Council of Lake Elmo will meet in the council chambers of the city hall at or approximately after 7:00 P.M. on Tuesday, July 17, 2018, to consider, and possibly adopt, the proposed assessment against benefitting property for the Eagle Point Boulevard Street Improvements. Adoption by the Council of the proposed assessment may occur at the hearing. The following describes the area proposed to be assessed:

- Street improvements completed along Eagle Point Boulevard from Inwood Avenue to Hudson Boulevard and consisted of the reconstruction of the existing street with a sand subbase, draitile, new concrete curb and gutter and extension of the existing storm sewer system.

You may at any time prior to certification of the assessment to the county auditor pay the entire assessment on such property to the City Clerk with interest accrued to the date of payment. No interest shall be charged if the entire assessment is paid to the City Clerk within 30 days from the adoption of this assessment. You may at any time thereafter, pay to the City Clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year. If you decide not to prepay the assessment before the date given above the rate of interest that will apply is 4.30 percent per year.

Once assessments are certified to the County, the assessments are payable in equal annual installments extending over a period of 10 years for street improvements, the first of the installments to be payable on or before the first Monday in January 2019, and will bear interest at the rate of 4.30 percent per annum from the date of adoption of the assessment resolution. To the first installment shall be added interest on the entire assessment from the date of the assessment resolution until December 31, 2018. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

The proposed assessment roll is on file for public inspection at the City Clerk's office. The total amount of the proposed street improvement assessments is \$1,182,900. Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of an assessment unless a written objection signed by the affected property owner is filed with the municipal clerk prior to the assessment hearing or presented to the presiding officer at the hearing. The Council may upon such notice consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

An owner may appeal an assessment to district court pursuant to Minnesota Statutes, Section 429.081 by serving notice of the appeal upon the Mayor or Clerk within 30 days

after the adoption of the assessment and filing such notice with the district court within ten days after service upon the Mayor or Clerk.

The City Council may, in its discretion, defer the payment of this assessment for any homestead property owned by a person for whom it would be a hardship to make payment if the owner is 65 years of age or older and/or the owner is a person retired by virtue of a permanent and total disability or by a person who is a member of the Minnesota National Guard or other military reserves who is ordered into active military service, as defined in section 190.05 subdivision 5b or 5c, as stated in the person's military orders. The owner must request a deferment of the assessment at or before the public hearing at which the assessment is adopted and make application on forms prescribed by the City Clerk within 30 days after the adoption.

Notwithstanding the standards and guidelines established by the City for determining a hardship, a deferment of an assessment may be obtained pursuant to Minnesota Statutes Section 435.193.

DATED: June 19, 2018

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

(Published in the Oakdale-Lake Elmo Review on June 27, 2018)



STAFF REPORT

DATE: 7/17/2018

REGULAR

ITEM #: 16

MOTION

TO: City Council

FROM: Rob Weldon, Public Works Director

AGENDA ITEM: Public Hearing and Approval of Wellhead Protection Plan Part 2

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

BACKGROUND: As required by the State of Minnesota, every 10 years the city must complete a Wellhead Protection Plan. Part One of the WHPP was completed and approved by the Department of health in 2017. That portion included delineation of Wellhead Protection Areas (WHPAs) and the Drinking Water Supply Management Areas (DWSMAs). Part 2 of the WHPP focuses on the areas within the DWSMA and WHPA to identify possible areas and routes of contamination. Items such as existing/abandoned wells, above/below ground storage tanks are located identified and mapped in the second portion of the plan.

ISSUE BEFORE COUNCIL: Should the City Council approve Part 2 of the Wellhead Protection Plan?

PROPOSAL DETAILS/ANALYSIS: Over the past year, Public Works and Engineering have worked closely with Minnesota Rural Water, Minnesota Department of Health and Bayerl Water Resources to develop Part 2 of the Well Head Protection Plan.

In doing so, several items were discussed, developed and added to the new plan. Those topics include; Data Elements & Assessment, Changes of Public Water Supply Well, Problems and Opportunities, Wellhead Protection Goals, Objectives and Plans of Action, Evaluation Program and Contingency Strategy.

The overall goal of the WHPP is to protect the public water supply from contamination due to safety and land use activities. Upon City Council approval, Part 2 of the Wellhead Protection Plan will be submitted to the State of Minnesota for final approval.

OPTIONS:

- Approve Part 2 of the Wellhead Protection Plan
- Deny approval of Part 2 of the Wellhead Protection Plan

RECOMMENDATION:

“Motion to approve Part 2 of the Wellhead Protection Plan”



STAFF REPORT

DATE: 7/17/2018

REGULAR

ITEM #: 17

MOTION

TO: City Council

FROM: Emily Becker, Planning Director

AGENDA ITEM: Zoning Map Amendment, Preliminary and Final Plat, Bus Terminal Ordinance
Zoning Text Amendment, and Conditional Use Permit

REVIEWED BY: Ben Gozola, Consultant Planner
Soren Mattick, Campbell Knutson

BACKGROUND:

The City has received a set of applications from Stillwater Area Public Schools (Kristen Hoheisel) and Terry Emerson requesting consideration of the following four (4) items:

- 1) A Zoning Map Amendment to re-zone a portion of the subject property to Business Park;
- 2) Preliminary and Final Plats to subdivide the property located at 11530 Hudson Boulevard North;
- 3) A Zoning Text Amendment to allow "bus terminal" as a conditionally permitted principal use within the Business Park Zoning District; and
- 4) A Conditional Use Permit to operate a school district transportation center on the subject property.

ISSUE BEFORE COUNCIL:

The Council is being asked to hold a public hearing and make recommendation on each of the four requests beginning with the broadest issue (zoning district change) and working towards the most specific (approval of a CUP to allow operation of a bus terminal). As all four of the applications are generally linked, denial of any individual request may impact the Council's decision(s) on subsequent requests.

PROPOSAL DETAILS/ANALYSIS:

Applicants: Stillwater Area Public Schools (Kristen Hoheisel), 1875 Greeley Street South, Stillwater, MN 55082 (Zoning Map Amendment, Zoning Text Amendment, and Conditional Use Permit) and Terry Emerson, 2204 Legion Ln Cir N, Lake Elmo, MN 55042 (Preliminary and Final Plat)

Property Owners: EN Properties, LLC (Terry Emerson), 11530 Hudson Boulevard North, Lake Elmo, MN 55042

Location: 11530 Hudson Boulevard North (PID# 36.029.21.43.0001)

Request: Zoning Text Amendment, Preliminary and Final Plat, Zoning Map Amendment, and Conditional Use Permit.

Existing Land Use: Trucking Terminal – sales, repairs, and service of diesel trucks

Existing Zoning: RT - Rural Development Transitional

Surrounding Land Use / Zoning: South – I-94 and Woodbury; West – Outdoor Storage (RT – Rural Development Transitional); East – Vacant land (RT – Rural Development Transitional); North – Vacant land (RT – Rural Development Transitional)

Comprehensive Plan Guidance: BP – Business Park

Deadline(s) for Action: Application Complete – 5/4/2018
60 Day Deadline – 7/3/2018
Extension Letter Mailed – At request of Applicant – extended to July 29, 2018
120 Day Deadline – N/A

Applicable Regulations: Chapter 153 – Subdivision Regulations
§154.210 – Off-Street Parking
Article XIV: Commercial Districts
§154.258: Landscape Requirements

ZONING MAP AMENDMENT

The applicant is seeking approval to rezone a portion of the subject property (11 acres of approximately 63.73 total acres) from RT (Rural Development Transitional) to BP (Business Park). The RT designation provides landowners with interim use options as they wait for the availability of sewer, and/or until such time as a landowner requests a zoning change to a new district consistent with the future guided land use.

In this case, the land in question is guided for Business Park both within the current 2030 Comprehensive Plan and within the draft 2040 Comprehensive Plan. Therefore, staff does find it would be appropriate to approve the requested rezoning if that is the desire of the landowner. Note that if the rezoning is ultimately approved but subsequent applications are denied, the applicant will be consulted as to whether this change should still occur, or whether the zoning change application will be withdrawn.

Recommended Condition of Approval.

1. That the Four Corners 1st Addition Preliminary and Final Plat obtain approval from the City.

PRELIMINARY AND FINAL PLAT

Purpose. The preliminary and final plat portion of this application package assumes the City approves the requested zoning map amendment to BP. If the rezoning failed, this application fails due to the inability to meet minimum RT zoning standards. If the rezoning was approved, the following analysis will apply:

Minimum Lot Size Requirements. The following table outlines how the lot dimension and setback requirements of the Business Park zoning district are met by the requested lot layout.

Lot Dimension Requirements, Business Park District		
Standard	Required	Proposed
Minimum Lot Area	2 acres	11 acres
Minimum Lot Width	200 feet	670 feet
Minimum Lot Depth	-	715feet

Parkland Dedication. The City requires \$4500 per acre for commercial subdivisions. The proposed subdivision will create one new lot of 11 acres. Therefore, it is recommended that a condition of approval require the applicant to pay \$49,500 (\$4500 X 11 acres) in park dedication fees for this development should the plan move forward.

As staff did not identify any ways in which the proposed lot layout would be deficient to minimum zoning standards, we are recommending the requests can be approved. Note that if the Preliminary and Final plats are ultimately approved but subsequent applications are denied, the applicant will be consulted as to whether this application should still move forward, or whether it will be withdrawn.

City Engineer Review.

Stormwater Management

- State and Valley Branch Watershed District permit will be required.
- The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations. No proposed storm water management plan was provided as part of the Plan submittal.
- The storm water facilities constructed for this development should remain privately owned and maintained. The applicant will be required to execute and record a Stormwater Maintenance and Easement Agreement in the City’s standard form of agreement.

- Even as privately owned and maintain facilities, maintenance access roads meeting the City engineering design standards must be provided for all storm water facilities.
- The storm water facility 100-year HWL must be fully contained within the subject property or easements must be acquired to protect the 100-year HWL flood area. The proposed plans show the 100-year HWL event discharging off-site at the southeast corner.

Streets and Transportation

- A traffic study should be required as a condition of approval to determine the timing and extent of improvements required for the CSAH 15 and Hudson Boulevard intersection realignment and traffic signal improvements. A financial contribution to CSAH 15/Hudson Boulevard traffic signal/realignment should be considered. In addition, the study is needed to determine if an eastbound left turn lane along Hudson Boulevard is also needed at the site access.
- No additional right-of-way dedication is required unless an eastbound turn lane is required as determined by the traffic study. A 10-foot utility corridor easement for small utilities must be dedicated to the City along the north boulevard of Hudson Boulevard.
- Hudson Boulevard must be improved per the City design standards to an urban section on the north side of the street including a westbound right turn lane to the site, a 4-foot shoulder (curb section), a 9-foot boulevard, and 10-foot shared use bituminous trail with 2-foot clear zone.

Municipal Sanitary Sewer

- Because the property is guided in the City's Comprehensive Plan for 2020-2030 Regional Sewer Staging Plan and would discharge to the MCES Cottage Grove Ravine Interceptor, provisions for connecting to the municipal sanitary sewer service must be included with this application. The site plans/application indicates a new sewer service line connecting to future sanitary sewer but does not address the extension of sewer to the site.
- The applicant will be responsible to connect to the City sanitary sewer system and extend sanitary sewer into the property at applicant's sole cost and must stub sewer to adjacent parcels.
- Sanitary sewer is available along Hudson Boulevard near the MCES Meter Station. The sanitary sewer trunk size will need to be determined based on the 2040 Comprehensive Plan.
- Sanitary sewer capacity demands including the number of residential equivalency units (RECs) based on the Met Council SAC determination policy should be provided and account for all land uses and connections to the sewer system including bus wash wastewater.
- Existing sanitary sewer utility easements along Hudson Boulevard and the new commercial street corridor must be shown on the plans and plans must be made to avoid encroachments/conflicts with these easements.
- Any main sewer lines placed within the development will require minimum 30-foot easements centered over the pipe (or wider dependent upon the sewer depths) dedicated to the City and in the form of the
- City's Utility Easement Agreement.

Municipal Water Supply

- Because the property is located in the MUSA, provisions for connecting to the municipal water supply must be included.
- The applicant will be responsible for extending municipal water to the property at the applicant's cost, and watermain stubs will be required to eastern property limits. Water is available to be extended to the property from the Hunter's Crossing development but will require easements

across adjacent properties. The watermain extension to the site will likely be a 12-inch trunk watermain.

- The applicant shall provide water capacity demands including average day use, peak day use, and fire suppression demands. All demands should be included, including potable drinking water, bus washing operations, etc. in order to evaluate water improvements needed to support the development and to determine the water availability charges.
- The proposed site is in the water system's low pressure zone which has limited capacity until a new water tower is constructed to serve the area.
- Hydrants will be required to be placed at the direction of the Fire Department, and all fire hydrants shall be owned and maintained by the City.

Recommended Findings.

1. That the Four Corners preliminary and final plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
2. That the Four Corners preliminary and final plat complies with the minimum lot frontage and area requirements of the City's BP – Business Park zoning district.
3. That the Four Corners preliminary and final plat complies with the City's subdivision ordinance.
4. That the Four Corners preliminary and final plat meets other City zoning ordinances, such as landscaping, erosion and sediment control, and other ordinances, provided comments outlined in the City Engineer Review Memo dated May 30, 2018 are met; or as may be amended due to changes in the site plan or proposed use.
5. That the Four Corners preliminary and final plat is consistent with the City's engineering standards provided final plans are updated to address the City Engineer's comments documented in a letter dated May 30, 2018; or as may be amended due to changes in the site plan or proposed use.
6. The land being subdivided is legally described as:

S1/2-SE1/4 EXC WEST 2 RODS EXC TO HWY EXC HWY PARCEL 44 MN DOT R/W PLAT #82-35 SECTION 36 TOWNSHIP 029 RANGE 021
7. That the Four Corners preliminary and final plat will create one new lot of 11 acres to be legally described as Lot 1, Block 1, Four Corners; and three outlots: A (46.64 acres), B (5.01 acres), and C (1.08 acres).

Recommended Conditions of Approval. Staff recommends the following conditions be attached to any approval of the Four Corners Preliminary and Final plats:

- 1) The property shall be rezoned to BP – Business Park.
- 2) The applicant shall pay a fee in lieu of parkland dedication in the amount of \$4500 per acre of the newly created lot (11 acres X \$4500 = \$49,500 total) prior to any formal City authorization.

- 3) Prior to the execution of the Final Plat by City officials, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, landscaping, and payment of the required improvements for the Four Corners Final Plat with financial guarantees therefore.
- 4) Final grading, drainage and erosion control, sanitary sewer and stormwater management, street and utility construction plans shall be submitted, reviewed and approved by the City Engineer, meeting City Engineering Design Standards, prior to the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in a memorandum dated May 30, 2018 and all subsequent memorandums regarding the plans shall be incorporated into these documents before they are approved.
- 5) The applicant must obtain all other necessary City, State, and other governing body permits prior to the commencement of any construction activity on the parcel including but not limited to building permits, conditional use permits, etc.
- 6) Any plans for construction on the newly created parcel must comply with the Lake Elmo Design Standards Manual and specific general site considerations and development standards for specific uses within the Business Park District.
- 7) The site plan is subject to a storm water management plan meeting State, Valley Branch Watershed District and City rules and regulations. All applicable permits must be obtained. Maintenance access roads meeting City engineering design standards must be provided for all storm water facilities.
- 8) Stormwater facilities shall remain privately owned and maintained. The applicant will be required to execute a Stormwater Maintenance and Easement Agreement in the City's standard form of agreement.
- 9) A Traffic Impact Study shall be completed and submitted in order to determine timing and extent of improvements required for the CSAH 15 and Hudson Boulevard intersection realignment and traffic signal improvements as well as the need for an eastbound left turn lane along Hudson Boulevard for site access. Additional right-of-way along Hudson Boulevard may be required if the eastbound left turn lane is required.
- 10) Hudson Boulevard must be improved per the City design standards to an urban section on the north side of the street including a west bound right turn lane to the site, a four foot shoulder (curb reaction), a nine foot boulevard, and a ten foot shared use bituminous trail with two foot clear zone.
- 11) Provisions for connecting municipal sanitary sewer service and for connecting to the municipal water supply must be provided on submitted plans. The applicant shall be responsible to extend and connect to the City sanitary sewer system and municipal water at the applicant's sole cost and extend such services to adjacent properties. The applicant shall be required to obtain easements

from adjacent properties in order to extend water. A detailed description of the sanitary sewer and water capacity demands shall be provided.

- 12) Hydrants will be required to be placed at the direction of the Fire Department, and all fire hydrants shall be owned and maintained by the City.
- 13) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to its execution by City Officials.

ZONING TEXT AMENDMENT

Purpose. The zoning text amendment being requested would allow "bus terminals" as a conditionally permitted principal use on properties zoned Business Park. If approved, the applicant would seek a conditional use permit to authorize a permanent bus terminal on the subject property.

What's currently in the Zoning Code Regarding Bus Terminals?

- **Definition of Local Transit 154.012.B.12.** The Zoning Code defines bus terminals as local transit:
 - *“Local Transit. Establishments primarily engaged in furnishing local and suburban passenger transportation, including taxicabs, passenger charter services, school buses, and terminals (including service facilities) for motor vehicle passenger transportation.”*
 - Currently, local transit is not an allowed use within any of the zoning districts.
- **Parking Standards for Local Transit.** The Zoning Code sets forth the following minimum
 - *“2 spaces per 3 employees on the largest shift, based on maximum planned employment.”*
- Local Transit is currently not an allowed use within any Zoning District as indicated by the list of Permitted, Conditional, and Interim Uses within the Commercial Zoning Districts.

Intent of Business Park Land Use/Zoning District within the Comprehensive Plan and Zoning Code.

The 2030 Comprehensive Plan states that *“the Business Park land use category is intended to encourage the creation of significant employment centers that accommodate a diverse mix of office and light industrial uses and jobs. Specific desired attributes of this land use include a diversity of jobs, high development densities and jobs per acre, high quality site and building architectural design, and increased tax revenues for the community. Office, office showroom/warehousing, research and development services, light and high-tech electronic manufacturing and assembly, and medical laboratories are typical uses appropriate for this land use category. Some retail and service uses may be allowed as supporting uses for the primary office and light industrial uses of the employment center.”*

While this proposal does create a significant number of jobs per acre (200 jobs on about 11 acres of property), the jobs it is creating don't really fit in to the category of types of jobs this land use category is intended to have (office and light industrial uses and jobs). Additionally, a bus terminal does not necessarily fit in to the category of "high quality site and building architectural design." It also does not fit in to any of the described uses appropriate for this land category. Finally, it would not add to increased tax revenues for the community since it would be tax exempt.

The Draft 2040 Comprehensive Plan states that Business Park (BP) areas are to *"...provide for a wide variety of professional businesses such as medical and research facilities, offices, and corporate headquarters. Uses specifically excluded from existing business park areas include warehousing, manufacturing, distribution, assembly and truck terminals. Retail sales of goods and services are allowable uses by conditional use permit provided such uses are goods and services for the employees of the permitted business use. This category excludes any residential use."*

While truck terminals are not exactly the same as local transit in that truck terminals provide tax base, they are similar in assumed site layout and traffic, noise, etc. Trucking terminals are currently a conditional use within the BP – Business Park zoning district and have not been explicitly disallowed per the current Comprehensive Plan. The draft 2040 Comprehensive Plan will exclude such a use within the Business Park land use if the plan in its current draft form is ultimately adopted.

The Zoning Code states the following about the BP Business Park/Light Manufacturing District: *"The purpose of the BP District is to provide areas for attractive, high quality business park development primarily for office, high quality manufacturing and assembly, and non-retail uses in developments which provide a harmonious transition to residential development and neighborhoods by: 1) Conducting all business activities and essentially all storage inside buildings; 2) Consisting of high quality and attractive buildings which blend in with the environment; 3) providing open space, quality landscaping and berming; 4) including berming and buffering of parking, loading docks and other similar functions; and 5) protecting and enhancing the natural environment; and 6) providing users with an attractive working environment that is unique in the eastern metropolitan area with immediate access to I-94."*

A bus terminal does not necessarily provide a harmonious transition to residential development and neighborhoods as most business and activities are conducted outside, not inside buildings. While there are limited peak traffic times, there is a significant amount of traffic at those peak times. There will be only one building which is existing and will not be remodeled. There is opportunity to provide berming and buffering on the site should this move forward.

Recommendation. Due to guidance of the current 2030 and draft 2040 Comprehensive Plans as well as the Zoning Code, staff would not recommend that bus terminals be an allowed use (conditional nor permitted) within the Business Park Zoning District due to the following findings:

1. That the procedures for requesting a Zoning Text Amendment are found in the Lake Elmo Zoning Ordinance, Section 154.105.
2. That all the submission requirements of said Section 154.105 have been met by the Applicant.

3. That the proposed Zoning Text Amendment includes the following components:
 - a. That local transit be a conditional use within the Business Park zoning district.
4. The Current comprehensive plan calls for Business Park areas to become "significant employment centers," and bus terminals do not provide significant employment relative to acreage needed for the use;
5. Business Park areas are to include uses with "high quality site and building architectural design," and bus terminals will typically include neither quality by the nature of the use;
6. Business Park land is meant to generate increased tax revenues for the City, and public bus terminals are tax exempt;
7. The use is specifically excluded from Business Park areas in the draft comprehensive plan anticipated to move forward for approval by the end of 2018;
8. The Zoning Code calls for Business Park areas to provide a harmonious transition between the City's commercial areas and its residential areas, and a bus terminal with outdoor storage of busses is antithetical to that goal;
9. The Zoning Code calls for Business Park activities to occur inside of buildings, and bus terminals by their nature include outdoor use and storage of vehicles;
10. The applicant's request to make bus terminals a conditionally permitted use cannot overcome all of the listed problems in findings 4 through 10 via conditions (as proposed or otherwise).

Possible Standards. It should be noted that motor freight and warehousing, which is defined as follows: "establishments engaged primarily in either the storage or shipment of goods and materials, including terminal facilities for handling freight, and maintenance facilities in which the trucks (including tractor trailer units) involved with the operation of the business are stored, parked and serviced. Materials within a warehouse or terminal facility may be combined, broken down, or aggregated for trans-shipment or storage purposes where the original material is not chemically or physically changed," (this includes truck terminals) are a conditional use currently within the Business Park zoning district. A bus terminal is quite similar in use to that of a truck terminal, though the definitions in the Zoning Code differentiate the two. It is also recognized that the development of this property would prompt the extension of City services to this area. If the Council disagrees with staff and believes that bus terminals are an appropriate use within areas guided for Business Park, staff would recommend the City only adopt narrowly tailored language to preclude bus terminals from certain Business Park areas in order to limit the number of bus terminals allowed in the City and to minimize impact to adjacent properties. If the Council goes this route, staff would suggest the following standards accompany any such change:

1. The use shall be limited to a school district transportation center, owned by a public school district, serving as a bus terminal for buses and vans which transport passengers to and from schools or between school programs and community residences.
 - *This provision would limit “local transit” to bus terminals and not allow, as per definition from the zoning code, taxicab terminals, passenger charter services, etc.*
2. The property on which the use is located must be located within one half mile of property owned and used by a public school district for an active school or school administration building.
 - *The property on which the bus terminal is being proposed would be the only parcel on the east side of the City that is zoned Business Park and that is within one half mile of such school property.*
3. Must be on a property of at least 10 acres in size or more.
 - *There are parcels on the west side of the city that are zoned Business Park that are in within one half mile of school district land, but none of those parcels meet a ten acre minimum and therefore could not qualify for use as a bus terminal.*
4. Must be sufficiently screened, as determined by the City, from adjacent properties through techniques such as berming and landscaping.
 - *This condition would provide the City with authority to determine the level and location of screening needed to hopefully ensure an acceptable separation of uses.*
5. Accessory uses to bus terminals may include an office and routine maintenance of operable school buses including but not limited to washing and fueling.
 - *This condition would ensure the site is used as a hub for a bus operation, but would not become a major maintenance center for inoperable vehicles in the bus fleet.*

CONDITIONAL USE PERMIT

Purpose. The conditional use permit application would seek to utilize the previous text amendment and allow a "bus terminal" on a portion of the subject property. Failure of the previous application(s) to be approved will likely preclude approval of this application.



Existing Conditions. The applicant is planning to re-locate the existing bus terminal on the property that was previously operating as Rihm Kenworth at 11530 Hudson Boulevard N in Lake Elmo, MN (see below).

Current Interim Use Permit. The property currently operates under an interim use permit which was granted by Resolution No. 2014-095, which allows a bus/truck terminal. This interim use permit will expire on December 2, 2019, and may be renewed with approval by Council. It will terminate when any portion of the property is rezoned or when public sanitary sewer is provided on site. The consent agreement states that the remaining portion of the property must be used for agricultural purposes and that the interim use shall terminate upon any redevelopment of the property for a permitted or conditional use. There has been discussion of the eastern portion of this property developing, being provided sanitary sewer, and no longer being used for agricultural purposes. Therefore, the applicant does not want to operate under the current interim use permit.

Current Building. The current building was constructed in the 1990's and was used for office space by E&H Earthmovers and also provided bus storage for Stillwater Schools. It was then used by Kenworth Diesel Trucks for sales, repairs and service of diesel trucks.

Current Bus Terminal Operation. The current bus terminal operates in Oak Park Heights within Stagecoach in the Old Junker Landfill.

Proposed Operation and Jobs Created. School buses for the Stillwater School District will be parked at this facility when not in use, and routine maintenance will be performed at this facility, including washing and fueling. The existing building will be used for office workers (dispatch, payroll, safety manager, etc.); a home base for drivers to check in and out, training, assignments, and mechanical work (repair and maintenance on buses). Approximately 200 people would work at the facility, with morning and afternoon shifts of drivers and attendants. Hours of operation would be from about 6:00 a.m. to 6:00 p.m. during the

weekdays with occasional Saturday use for limited special school district transportation needs. There would be parking provided for school buses (140 spaces), transportation vans (approximately 20), and employees' personal vehicles (approximately 200).

Why this Location? The location is adjacent to major traffic corridors and routes within this area of the City of Lake Elmo. The School District has proposed this location as opposed to a location located adjacent to lower volume roads so as to create less impact. Peak bus traffic times will be limited to morning hours (7:00 a.m. to 9:00 a.m.) and afternoon (2:00 p.m. to 4:00 p.m.).

Setback and Impervious Surface Requirements. The following table outlines how the proposed use adheres to the setback and impervious surface requirements of the Business Park Zoning District. All of the proposed requirements are met. The property to the north is guided for Business Park in both the current (2030) and proposed (2040) Comprehensive Plan Land Use Plan, and so the required setback from residential zones does not apply.

Setback Requirements, Business Park District		
Standard	Required	Proposed
Maximum Height	50 feet	Less than 50 feet
Maximum Impervious Coverage	75%	57%
Front Yard Setback – Building	50 feet	120 feet from existing right-of-way line
Interior Side Yard Setback – Building	30 feet	120 feet from west side and 470 feet from east side
Corner Side Yard Setback – Building	30 feet	N/A
Rear Yard Setback - Building	30 feet	Approximately 445 feet
Residential Zones – Building	150 feet	Approximately 445 feet
Front Yard – Parking	30 feet	Approximately 60 feet from existing right-of-way line
Interior Side Yard – Parking	15 feet	Approximately 45 feet from west side and approximately 130 feet from east side
Corner Side Yard – Parking	30 feet	N/A
Rear Yard - Parking	15 feet	Approximately 32 feet
Minimum Building Floor Size	5,000 square feet	15,498 square feet

General Site Design Considerations, Commercial Districts. The following outlines how the proposed development adheres to the City's General Site Design considerations for the Business Park zoning district.

- *Circulation.*
 - *Internal connections when feasible.* The parcel to the west has an existing access owned by the parcel to the northwest, so it does not make sense to require this. Additionally, a bus garage would not need to access an adjacent development.

- *Curb cuts minimized.* The proposed development will use an existing curb cut.
- *Fencing and Screening.* There is a proposed chain link fence, which will be consistent with what is currently on the property, enclosing the eastern portion of the parking lot.
- *Lighting Design.* It is a recommended condition of approval that the applicant submit a photometric plan that meets the requirements of Sections 150.035-150.038 of the City Code.
- *Exterior Storage.* Exterior materials storage must be screened from view from adjacent public streets and adjacent residential properties. It is a recommended condition of approval that the applicant provide sufficient berming and screening of the parking lot and that the fueling area and above ground storage tank also be sufficiently screened from adjacent properties and the public right-of-way.

Parking Lot Requirements

- *Surface and Drainage.* It is required that in commercial districts, all areas intended to be utilized for parking spaces for five or more vehicles be paved with a durable surface including, but not limited to, hot asphalt, bituminous, or concrete. Additionally, industrial districts are required to be surfaced with materials suitable to control dust and drainage. The applicant has indicated that the existing paved and gravel parking area would remain and that the site would be expanded to provide additional gravel surfaced parking for school buses and employee cars. It is a recommended condition of approval that the parking area be paved as required by the Zoning Code.
- *Marking of Parking Spaces.* Parking areas containing five or more spaces are required to be marked with painted lines at least four inches wide. This is a recommended condition of approval.
- *Curbing.* Open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb or barrier of normal height. This is a recommended condition of approval.
- *Accessible Parking.* The proposed number of parking spaces is 365, of these, 199 are proposed to be car stalls. The Americans with Disabilities Act (ADA) requires six accessible stalls with one van accessible stall with six accessible stalls. The proposed number of ADA stalls is six, though there does not appear to be a van accessible stall provided.

Landscape Plans. The applicant has submitted landscape plans which include 62 Norway Spruces and 61 Colorado Blue Spruce. The existing berms would also remain. Some cursory comments on the landscape plan include the following:

- There is proposed 670 feet of street frontage on the property, requiring at least 14 trees be planted along Hudson Boulevard. There are no trees proposed to be planted along Hudson Boulevard. This requirement is not met.
- The applicant has not submitted a Tree Preservation Plan, as is required. It is a recommended condition of approval that this also be submitted and approved by the Landscape Architect.

- It is not known whether or not the requirement that a minimum of five trees be planted for every one acre of land developed or disturbed is met, as the applicant has not submitted a Tree Preservation Plan as indicated above.

Parking Lot Screening Standards

- *Interior Parking Lot Landscaping.* It is not known whether or not the parking lot meets the interior parking lot landscaping requirements, as the applicant has not indicated what percentage of interior parking lot area is devoted to landscaping planting areas. At least 5% of the parking lot will need to be devoted to islands or corner planting beds and include shade trees in accordance with the table below. Provided the parking lot contains 365 spaces as currently proposed, a minimum of 25 trees will be required within these interior landscaped areas.

Number of Parking Spaces	Minimum Required Tree Planting
0-30	None required
31-100	1 tree per 10 spaces or fraction thereof
101+	1 tree per 15 spaces or fraction thereof

- *Perimeter Parking Lot Landscaping.*
 - *Frontage Strip.* A well-over 8-foot wide frontage strip is provided between parking areas and public street as required for parking lots with over 100 spaces. There is a berm that is already located along Hudson Blvd which screens the parking lot.
- *Screening.* Screening is required to provide visual and noise separation of intensive uses from less intensive uses. The property to the west is used as exterior storage, and it is unknown what the property to the east will be used as. It is recommended that the screening be provided from the property to the west and east that consists of either a masonry wall or fence in combination with landscape material that forms a screen at least six feet in height and at least 90% opaque on a year-round basis and include at least one deciduous or coniferous tree per 40 linear feet along the property line.

Lake Elmo Design Guidelines and Standards. The property is located within the I-94 district, and therefore must adhere to the Lake Elmo Design Guidelines and Standards. As previously indicated, the applicant has proposed to use the existing building. The building generally adheres to Lake Elmo Design Guidelines and standards in that the building does not have a blank façade, the window and door styles reflect the prevailing architecture style of the structure, there is variety in building façade through a change in materials, high quality and durable materials are used in street facing facades, and the building is constructed of pre-cast concrete.

Storage Tank. There is a provision in the Zoning Code that requires that the Council permit uses associated with the bulk storage of over 2,000 gallons of diesel after finding that fire, explosion, or water or soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare and that the Zoning Administrator require the development of diking around the tanks, suitably sealed to hold a leakage capacity equal to 115% of the tank capacity. The proposed fueling area contains

an above ground storage tank that will store 8,000 gallons of diesel. Staff has contacted the Minnesota Pollution Control Agency (MPCA), and the only requirement they have is for their Aboveground Storage Tank (AST) Program is that the applicant fill out an AST Notification of Installation or Change in Status Form informing the MPCA of when the tank has been “closed” from the former location and when it has been moved to the new location. It is a recommended condition of approval that the applicant fill out this form both times (when removing it from the former location and when installing it in the new location) as required by the MPCA.

Bus Washing. The applicant has indicated on the application that the property use will include washing buses. The applicant has indicated that the buses will be washed at the facility’s wash bay and that waste water from the wash bay will run in to an oil separator with all of the shop drains, which will go in to a holding tank, which is then disposed of by a sewer transport service. The oil separator is then emptied and maintained by a licensed transporter. The applicant indicates that once the septic system is converted to the municipal sewer system that the wastewater will go directly to the treatment plant after passing through the oil separator, and the oil separator will be emptied and maintained by a licensed transporter. The disposal of this water is addressed in the engineering comments.

City Engineer Review. This can be referenced in the Preliminary and Final Plat section of this report.

Fire Chief and Building Official Review. The biggest concern that was provided from the Fire Chief and Building Official is that the building is sprinklered yet not hooked up to City water. It is a recommended condition of approval that the property be serviced by City sewer and water prior to the operation of the bus terminal.

Staff Recommendation. Due to recommended denial of the zoning text amendment request due to its inconsistency with the Comprehensive Plan and recommended findings outlined below, which are required for a conditional use permit, staff had recommended **denial** of the requested conditional use permit to operate a school district transportation center at a portion of the property located at 11530 Hudson Blvd N based on the following:

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. *With over 200 employees and a use that requires both employee trips in and out of the facility each day as well as two bus trips in and out of the facility each day, the use will generate a significant amount of traffic.*
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. *The property is guided for Business Park. While the proposal does create a significant number of jobs per acre, the parcel will be tax exempt, as it will be owned by the school district. It also does not fit in to the described uses appropriate for this land category. Finally, it does not propose high quality site and building architectural design, which, per the Comprehensive Plan, is a trait this land use category should have.*
3. The use or development is compatible with the existing neighborhood. *The use is compatible with the existing neighborhood, as the existing use is a truck terminal, which is similar in*

use and design to a bus terminal, and the surrounding parcels are mostly vacant and undeveloped. However, the surrounding area is planned for uses such as offices, showroom/warehousing, research and development, manufacturing and assembly, and medical laboratories, which are not compatible uses with a bus terminal.

4. The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. ***There are no specific development standards for this use listed in Article 7. The use does not comply with many parking lot, screening, and landscape standards of the Zoning Code.***
5. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management). ***The property is located outside the 0.2% annual chance floodplain.***
6. The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. ***The proposed project is a redevelopment/repurposing of an existing site, to which minimal improvements are proposed, and will not significantly change the existing character of the area. Operations are not within a building and so would not meet the intended character of the neighborhood.***
7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. ***The proposed use will create a significant amount of traffic, at least at certain times of the day.***
8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. ***The property is within the Metropolitan Urban Service Area (MUSA) and therefore should be required to be provided by city sewer and water. The application did not detail provisions to connect to City sewer and water. The use may require the prompt need for the CSAH 15/Hudson Blvd traffic signal, for which the City will be required to share 25% of the cost, and the Hudson Boulevard realignment. It is not yet known if the applicant's stormwater management plan meets all City, State, and Valley Branch Watershed District requirements.***
9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. ***The use may require the prompt need for the CSAH 15/Hudson Blvd traffic signal/realignment, for which the City will be required to share 25% of the cost. It is not***

yet known if the applicant's stormwater management plan meets all City, State, and Valley Branch Watershed District requirements.

10. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. ***The proposed use will generate a significant number of trips per day, which may generate excessive production of traffic.***
11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. ***Traffic congestion may be created from the significant number of trips to the site the use would generate.***
12. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. ***N/A***

Recommendation Findings for Approval. The Planning Commission recommended approval and the following findings and conditions of approval:

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. ***Bus traffic is not expected to be detrimental or dangerous, as trips and traffic will be limited to certain times of the day. It is a recommended condition of approval that there be significant berming to provide a sufficient screening of the parking lot.***
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. ***The property is guided for Business Park, in which local transit, which meets certain standards, is a conditional use per the Zoning Code. The use also provides a significant number of jobs per acre, which is a desired trait of the Business Park land use designation per the Comprehensive Plan.***
3. The use or development is compatible with the existing neighborhood. ***The use is compatible with the existing neighborhood, as the existing use is a truck terminal, which is similar in use and design to a bus terminal. The surrounding parcels are mostly vacant and undeveloped.***
4. The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. ***The proposal complies with the proposed development standards as recommended in the requested Zoning Text Amendment, although it does not comply with many parking lot, screening, and landscape standards, which have been required as a recommended condition of approval.***
5. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management). ***The property is located outside the 0.2% annual chance floodplain.***
6. The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity

- and will not change the essential character of that area. ***While the proposed project is a redevelopment/repurposing of an existing site and will not change the existing character of the area, operations are not within a building and so would not meet the intended character of the neighborhood.***
7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. ***While the proposed use will create a significant amount of traffic, it will be limited to certain times of the day.***
 8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. ***There are plans to connect to City sewer and water at the applicant's cost. The use may require the prompt need for the CSAH 15/Hudson Blvd traffic signal, for which the City will be required to share 25% of the cost, and the Hudson Boulevard realignment. It is not yet known if the applicant's stormwater management plan meets all City, State, and Valley Branch Watershed District requirements.***
 9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. ***While the use will not pay property taxes, sewer and water service charges will be paid by the applicant.***
 10. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. ***The proposed use will generate a significant number of trips per day, though this will be limited to certain times of the day. Minimal noise is expected to come from the site, except during heavy traffic times at specific times within the morning or afternoon.***
 11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. ***Traffic congestion could be created from the significant number of trips to the site, though these would be limited to certain times of the day.***
 12. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. ***N/A***

Recommended Conditions of Approval. If the Council wishes to recommend approval, staff recommends the following conditions:

- 1) The Zoning Text Amendment to allow local transit (school district transportation center) within the Business Park Zoning District must be approved.
- 2) No construction or use of the bus terminal (unless in accordance with the Interim Use Permit approved by the City by Resolution 2014-095) may commence until all items as outlined in the City Engineer review memo regarding the Four Corners Preliminary & Final Plat (Stillwater

Transportation Center) dated May 30, 2018 and all other subsequent construction plan memos regarding the Stillwater Transportation Center have been addressed; the Four Corners 1st Addition Final Plat has been recorded.

- 3) The applicant must obtain all other necessary City, State, and other governing body permits prior to the commencement of any construction activity on the parcel including but not limited to an approved stormwater management plan, utility plans, grading plan, street construction plans (if required), parking lot permit, building permits, etc.
- 4) The Applicant shall submit a photometric plan, and all lighting must meet requirements of Sections 150.035-150.038 of the City Code.
- 5) The above ground storage tank shall require development of diking around the tank, suitably sealed to hold a leakage capacity equal to 115% of the tank capacity. The applicant shall demonstrate that fire, explosion, or water or soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare. The applicant shall also fill out an Aboveground Storage Tank Notification of Installation or Change in Status Form as required by the Minnesota Pollution Control Agency (MPCA).
- 6) The Applicant shall submit an updated Landscape Plan and Tree Preservation Plan which includes sufficient berming and screening and addresses the comments in this report to be reviewed and approved by the City's Landscape Architect.
- 7) Parking areas shall be paved with a durable surface including, but not limited to, hot asphalt, bituminous or concrete; spaces shall be marked with painted lines at least four inches wide; required interior and exterior parking lot screening is required; a bumper curb or barrier of normal bumper height shall be provided; and must provide an adequate number of Americans with Disabilities Act (ADA) accessible stalls.
- 8) A sign permit shall be obtained prior to erection of any sign on the property.
- 9) The property shall be connected to City sewer and water prior to operation of the bus terminal.
- 10) A Traffic Impact Study is required to determine timing and extent of improvements required for the CSAH 15 and Hudson Boulevard intersection realignment and traffic signal improvements as well as to determine if an eastbound left turn lane along Hudson Boulevard is also needed at the site access.
- 11) The applicant shall be required to include a description of the sanitary sewer capacity demands including the number of residential equivalency units (REC) based on the Metropolitan Council Sewer Availability Charge (SAC) determination policy as well as a description of the water capacity demands including average day use, peak day use, and fire suppression demands. Demands must account for all planned uses and connections to the sewer system including bus wash wastewater as well as include potable drinking water, bus washing operations, etc.
- 12) Applicant shall be responsible to place hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City.

Planning Commission Review. The Planning Commission held a public hearing and considered the requests for a zoning map amendment, preliminary and final plat, zoning text amendment and conditional use permit at its June 18, 2018 meeting. No public comments were received prior to the meeting, and no one from the public spoke at the meeting.

During the meeting, the applicant's representative explained that they have been working with the City, offering to pay the water accessory charge, for a number of years. The applicant believes that the development will help bring water and sewer to the site. It is anticipated that the development will spur other development which will generate higher taxes. The school district also explained that a school bus terminal creates quality public services. The location is ideal, as their district spans a number of miles, and this is a more centralized location for their students.

The Planning Commission was supportive of all of the requests and believed that the requests would spur development and bring City services to the area. They indicated that the City should not wait for a better opportunity to come along. They were concerned that the condition that the parking lot be paved and brought to City standards was a burden to the applicant, but it was explained that these are City standards and must be met unless a variance is granted. The Planning Commission recommended approval of all four requests with a vote of 4-0.

FISCAL IMPACT:

If approved and recommended conditions of approval are adopted, the applicant will be required to pay sewer and water availability charges and will be responsible at its sole cost for bringing sewer and water to the property and extending it to adjacent properties. Maintenance of streets, trails, sanitary sewer mains, and other public infrastructure should be considered. The City will collect Sewer Accessibility Charges and Water Accessibility Charges, building permit fees, and property taxes

OPTIONS:

The Council may:

- Approve the requests for a zoning map amendment to rezone a portion of the property located at 11530 Hudson Blvd N and for the Four Corners preliminary and final plat to subdivide the property located at 11530 Hudson Blvd N and deny the requests for a zoning text amendment to allow local transit as a conditional use within the Business Park zoning district and for a conditional use permit to operate a school district transportation center on a portion of the property located at 11530 Hudson Blvd N with staff recommended findings and applicable conditions of approval.
- Approve the requests for a zoning map amendment to rezone a portion of the property located at 11530 Hudson Blvd N and for the Four Corners preliminary and final plat to subdivide the property located at 11530 Hudson Blvd N and deny the requests for a zoning text amendment to allow local transit as a conditional use within the Business Park zoning district and for a conditional use permit to operate a school district transportation center on a portion of the property located at 11530 Hudson Blvd N with amended findings and applicable conditions of approval.
- Deny all requests with findings to support denial for the Four Corners preliminary and final plat and zoning map amendment.
- Approve all requests with staff-drafted findings and conditions of approval.
- Amend any recommended findings and conditions of approval and approve all requests with amended findings and conditions of approval.

RECOMMENDATION:

The Planning Commission recommends approval of the requests for a zoning map amendment, preliminary and final plat, zoning text amendment, and conditional use permit:

“Move to adopt Ord. 08-244 approving the request from Stillwater Area Public Schools for a Zoning Map Amendment to rezone Lot 1, Block 1, Four Corners from Rural Development Transitional to Business Park, subject to recommended condition of approval.”

“Move to adopt Resolution 2018-076 approving the request from Terry Emerson for the Four Corners preliminary and final plat to subdivide the property located at 11530 Hudson Blvd N in to Lot 1, Block 1, Four Corners, along with three separate outlots, subject to recommended conditions of approval.”

“Move to adopt Ord. 08-215 approving the request from Stillwater Area Public Schools for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district.”

“Move to adopt Resolution 2018-077 approving the request from Stillwater Area Public Schools for a Conditional Use Permit to allow a school district transportation center at the property located at Lot 1, Block 1, Four Corners with the conditions as recommended by Staff/with the amended conditions of approval.”

Staff recommends denial of the zoning text amendment and conditional use permit:

“Move to adopt Resolution 2018-078 denying the request from Stillwater Area Public Schools for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district based on recommended findings.”

“Move to adopt Resolution 2018-079 denying the request from Stillwater Area Public Schools for a Conditional Use Permit to allow a school district transportation center at the property located at Lot 1, Block 1, Four Corners based on recommended findings.”

ATTACHMENTS:

- Applications for Zoning Text Amendment, Zoning Map Amendment, Conditional Use Permit and Four Corners preliminary and final plat and Narratives.
- Preliminary and Final Plat
- Engineer Memo
- Bus Terminal Plans
- Ord. 08-214 approving the Zoning Map Amendment
- Resolution 2018-076 approving the Preliminary and Final Plat
- Resolution 2018-078 denying the Zoning Text Amendment
- Resolution 2018-079 denying the Conditional Use Permit
- Ord. 08-215 approving the Zoning Text Amendment
- Resolution 2018-077 approving the Conditional Use Permit

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



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

PRELIMINARY PLAT APPLICATION

Applicant: Terry F Emerson
Address: 2204 Legion Lane Cir. N. Lake Elmo, Mn. 55042
Phone #: 651-727-9272
Email Address: tse03@comcast.net

Fee Owner: EN Properties LLC
Address: 11530 Hudson Blvd. N. Lake Elmo, Mn. 55042
Phone #: 612-845-3373
Email Address: tse03@comcast.net

Property Location (Address and Complete (long) Legal Description): 11530 Hudson Blvd N.
See Attached

General information of proposed subdivision: Selling 11 Acre parcel to
School District # 834

Conducted pre-application meeting with Staff? Yes No

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: Terry Emerson Date: 5/17/18
Signature of Fee Owner: Terry Emerson Date: 5/17/18

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



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

FINAL PLAT APPLICATION

Applicant: Terry Emerson
Address: 2204 Legion Ln. Cir. N. Lake Elmo, Mn. 55042
Phone #: 651-777-9072
Email Address: tse03@comcast.net

Fee Owner: EN Properties, LLC
Address: 11530 Hudson Blvd. N. Lake Elmo, Mn. 55042
Phone #: 612-845-3373
Email Address: tse03@comcast.net

Property Location (Address): 11530 Hudson Blvd. N.
Complete (long) Legal Description: See Attached

PID#: _____

General information of proposed subdivision: Selling 11 acre parcel
to School District # 834

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: Terry Emerson Date: 5/17/18

Fee Owner Signature: Terry Emerson Date: 5/17/18

fee: \$1250
escrow: \$5000

That part of the South Half of the Southeast Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota lying easterly of the West 33.00 feet (2 rods) thereof, **EXCEPT** that part designated as PARCEL 44 on MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 82-35, State Project No. 8282(94-392)904, recorded as Document No. 424557 in the office of the County Recorder, Washington County, Minnesota.

Subject to highway easements in favor of Washington County as described in Book 258 of Deeds, page 91 and Book 309 of Deed, page 831, of record and on file in said office of the County Recorder.

Also, subject to highway easements in favor of the State of Minnesota as described in Book 109 of Deeds, page 622, Book 109 of Deeds, page 638, and Book 220 of Deeds, page 11, of record and on file in said office of the County Recorder.

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: STILLWATER AREA PUBLIC SCHOOLS - KRISTEN HOHEISEL
Address: 1875 GREELEY STREET SOUTH, STILLWATER, MN 55082
Phone #: 651-351-8321
Email Address: HOHEISELK@STILLWATERSCHOOLS.ORG

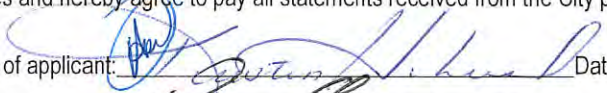
Fee Owner: EN PROPERTIES, LLC - TERRY EMERSON
Address: 11530 HUDSON BLVD. NORTH LAKE ELMO, MN 55042
Phone #: 612 845 3373
Email Address: TSE03@COMCAST.NET

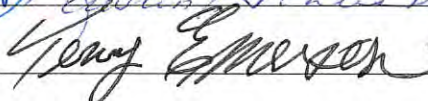
Property Location (Address): 11530 HUDSON BLVD. NORTH, LAKE ELMO, MN
(Complete (long) Legal Description): SEE ATTACHMENT - 11 ACRE PARCEL
IN SOUTHWEST CORNER OF PROPERTY
PID#: 36 029 21 43 0001

Detailed Reason for Request: _____

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

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

Signature of applicant:  Date: 4/26/18

Signature of fee owner:  Date: 4/26/18

City of Lake Elmo
Narrative for Zoning Map Amendment
April 30, 2018

The property being considered for re-development is currently being used for after-market parts and equipment sales, along with service of Kenworth Diesel Trucks. The proposed use for a School District Transportation Center. School buses for the District would be parked at this facility when not in use, along with performing routine maintenance of the buses at this location. As part of the servicing and maintenance of the buses, it is also planned to wash and fuel buses at this facility.

Approximately 200 people would work at this facility, with morning and afternoon shifts of drivers and attendants, along with the vehicle maintenance and administrative staff. This proposed use would be similar to the existing use of the property, in providing routine service of vehicles. Parking for the school buses (total of 140) transportation vans (about 20) and personal vehicles of the employees (about 200) would be provided on-site.

This location is adjacent to major traffic corridors and routes within this area of the City of Lake Elmo and this would have less of an impact on traffic flow than would occur on lower volume roads or those through residential areas.

Water and sanitary sewer infrastructure are also proposed to this area of the City as part of the adjacent development and re-alignment of Hudson Boulevard, eliminating the need for septic systems for treatment of wastewater from this facility. As the water for the facility is switched from the well to municipal water, the existing well would be abandoned in accordance with Minnesota Health Department requirements.



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

AFFIRMATION OF SUFFICIENT INTEREST

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

Name of applicant Terry Emerson
(Please Print)

Street address/legal description of subject property 11530 HUDSON TBLVD.
NORTH, LAKE ELMO, MN

Terry Emerson
Signature

4/26/18
Date

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

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

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

City of Lake Elmo
Narrative for Zoning Map Amendment
April 30, 2018

The property being considered for re-development is currently being used for after-market parts and equipment sales, along with service of Kenworth Diesel Trucks. The proposed use for a School District Transportation Center. School buses for the District would be parked at this facility when not in use, along with performing routine maintenance of the buses at this location. As part of the servicing and maintenance of the buses, it is also planned to wash and fuel buses at this facility.

Approximately 200 people would work at this facility, with morning and afternoon shifts of drivers and attendants, along with the vehicle maintenance and administrative staff. This proposed use would be similar to the existing use of the property, in providing routine service of vehicles. Parking for the school buses (total of 140) transportation vans (about 20) and personal vehicles of the employees (about 200) would be provided on-site.

This location is adjacent to major traffic corridors and routes within this area of the City of Lake Elmo and this would have less of an impact on traffic flow than would occur on lower volume roads or those through residential areas.

Water and sanitary sewer infrastructure are also proposed to this area of the City as part of the adjacent development and re-alignment of Hudson Boulevard, eliminating the need for septic systems for treatment of wastewater from this facility. As the water for the facility is switched from the well to municipal water, the existing well would be abandoned in accordance with Minnesota Health Department requirements.

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



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

LAND USE APPLICATION

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Applicant: STILLWATER AREA PUBLIC SCHOOLS - KRISTEN HOHEISEL
Address: 1875 GREELEY STREET SOUTH, STILLWATER, MN
Phone #: 651-351-8321 55082
Email Address: HOHEISELK@STILLWATERSCHOOLS.ORG

Fee Owner: EN PROPERTIES, LLL - TERRY EMERSON
Address: 11530 HUDSON BLVD NORTH, LAKE ELMO, MN 55042
Phone #: 612-845-3373
Email Address: TSE03@COMCAST.NET

Property Location (Address): 11530 HUDSON BLVD. NORTH, LAKE ELMO, MN
(Complete (long) Legal Description): SEE ATTACHED - 11 ACRE PARCEL IN
SOUTH WEST CORNER OF PROPERTY.
PID#: 36 029 21 43 0001

Detailed Reason for Request: ZONING TEXT AMENDMENT TO 154.551,
TABLE 12-1 TO INCLUDE "LOCAL TRANSIT" AS A
CONDITIONAL USE IN THE BUSINESS PARK DISTRICT.
ALSO APPLYING TO ADD STANDARDS FOR LOCAL TRANSIT
TO 154.554

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

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

Signature of applicant: [Signature] Date: 4/26/18

Signature of fee owner: [Signature] Date: 4/26/18



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

ZONING TEXT AMENDMENT SUBMISSION REQUIREMENTS

In accordance with the provisions of Minnesota State Statutes, the City Council may from time to time adopt amendments to the zoning ordinance. An amendment to the zoning ordinance involves changes in its text and wording, including but not limited to, changes in the regulations regarding uses setbacks, heights, lot areas, definitions, administration, and/or procedures. Text amendments do not include the rezoning of property.

The application for a zoning text amendment shall include:

- a. Land Use application form completed and signed by Owner, or someone having legal interest in the property.
- b. Date of application
- c. Name, address, telephone number, and, if available, fax and email address of the applicant as well as of the person, firm, corporation, or association.
- d. Parcel ID # and Legal description.
- e. Chapter and section number of proposed amendment along with existing text of section.
- f. Proposed language for ordinance amendment. Identification of the proposed substitute wording for the zoning text.
- g. A narrative describing your reason for requesting zoning text amendment. Your description should include how you would be impacted by the zoning text amendment. How the text amendment meets the Comprehensive Plan. How the text amendment will impact the zoning and the subdivision code.
- h. Applicable fee listed on the Cities current fee schedule.
- i. Such other information as the City may require to ensure compliance with any other applicable regulations.

City of Lake Elmo
Narrative for Zoning Text Amendment
April 30, 2018

The property being considered for re-development is currently being used for after-market parts and equipment sales, along with service of Kenworth Diesel Trucks. The proposed use is for local school buses to be parked along with routine maintenance at this location. This proposed use (local transit) is currently not listed in the zoning code as a permitted use in the Business Park Zoning District, but would be similar to the existing use of the property. In addition, this location is adjacent to major traffic corridors and routes, and this would limit bus traffic on lower volume roads and through residential areas.

This proposed use would not be detrimental to the other permitted uses in the Business Park District. This use would be consistent with the City of Lake Elmo Comprehensive Plan for the Business Park District in providing a diverse mixed use, with a high density of jobs at this location. This facility will employ about 200 people, including the various shifts, positions and administrative staff.

Water and sanitary sewer infrastructure are also proposed to this area of the City as part of the adjacent development and re-alignment of Hudson Boulevard, eliminating the need for septic systems for treatment of wastewater from this facility. As the water for the facility is switched from the well to municipal water, the existing well would be abandoned in accordance with Minnesota Health Department requirements.

- 3) providing open space, quality landscaping and berming; 4) including berming and buffering of parking, loading docks and other similar functions; and 5) protecting and enhancing the natural environment; and 6) providing users with an attractive working environment that is unique in the eastern metropolitan area with immediate access to I-94.

(Ord. 2012-062, passed 9-18-2012)

§ 154.551 PERMITTED, CONDITIONAL AND INTERIM USES.

Table 12-1 lists all permitted and conditional uses allowed in the commercial districts. “P” indicates a permitted use, “C” a conditional use and “I” an interim use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under “Standards” indicate the location within this chapter of specific development standards that apply to the listed use.

- A. *Combinations of Uses.* The following use types may be combined on a single parcel.
1. Principal and accessory uses.
 2. Other permitted or conditional uses allowed within the district may be combined on a single parcel, provided that a unified and integrated site plan is approved. The entire development must be approved as a conditional use.
 3. A mixed-use building that combines permitted or conditionally permitted residential, service, retail and civic uses may be developed meeting the form standards of this subchapter. Office or studio uses on upper stories are encouraged.

Table 12-1: Permitted, Conditional and Interim Uses, Commercial Districts

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>	<i>Standard</i>
<i>Residential Uses</i>					
Household Living					
Single-family attached dwelling	-	-	C	-	154.554 (A)
Multifamily dwelling	-	-	C	-	154.554 (B)
Live-work unit	C	C	C	-	154.012 (B) (1)
Group Living					
Semi-transient accommodations	-	-	C	-	154.301 (D)
Congregate housing	-	-	C	-	154.301 (C)
<i>Public and Civic Uses</i>					
Colleges and universities	-	-	C	C	154.012 (B) (2), 154.303 (A)
Community service	-	C	C	C	154.012 (B) (2)
Day care center	C	C	C	C	154.012 (B) (2)

Schools, public and private	-	-	C	C	154.012 (B) (2), 154.303 (A)
	LC	CC	C	BP	Standard
Public assembly	-	-	C	C	154.012 (B) (2)
Religious institutions	-	-	C	-	154.012 (B) (2), 154.303 (N)
<i>Services</i>					
Business services	P	P	P	P	154.012 (B) (3)
Business center	P	P	P	P	154.012 (B) (3)
Offices	P	P	P	P	154.012 (B) (3)
Commercial kennel	-	-	C	-	
Communication services	C	C	P	P	154.012 (B) (3)
Educational services	P	P	P	P	154.012 (B) (3), 154.303 (A)
Financial institution	P	P	P	P	154.012 (B) (3)
Funeral home	-	C	P	-	154.012 (B) (3)
Lodging	-	-	P	C*	154.012 (B) (3), 154.302 (D), *154.554 (C)
Medical facility	-	-	C	C	154.012 (B) (3), 154.303 (B)
Membership organization	P	P	P	-	154.012 (B) (3)
Nursing and personal care	C	C	C	-	154.012 (B) (3), 154.303 (C)
Personal services	P	P	P	-	154.012 (B) (3)
<i>Services</i>					
Repair and maintenance shop	-	-	P	-	154.554 (D)
Self-service storage	-	-	C	C	154.303 (D)
Trade shop	-	-	P	-	154.554 (E)
Transportation services	-	-	-	C	154.012 (B) (3)
Veterinary services	P	P	P	C	154.554 (F)
<i>Food Services</i>					
Standard restaurant	-	P	P	C*	154.012 (B) (4), 154.554 (L)

Drive-in restaurant	-	C	C	-	154.304 (A)
Drinking & entertainment	-	C	P	-	154.304 (B)
Fast food restaurant	-	P	P	C*	*154.554 (M)
<i>Sales of Merchandise</i>					
General retail sales ¹	C	P	P	C*	154.554 (N)
Building supplies sales	-	-	C	-	
Warehouse club sales	-	-	C	-	
Furniture and appliance sales	-	-	P	-	
	LC	CC	C	BP	Standard
Grocery, supermarket	-	-	P	-	
Liquor store	-	P	P	-	
Garden center	-	-	P	-	154.554 (G)
Neighborhood convenience store	-	P	P	-	
Shopping center	-	P	P	-	
<i>Sales of Merchandise</i>					
Wholesaling	-	-	P	-	
<i>Automotive/Vehicular Uses</i>					
Automobile maintenance service	-	-	C	-	154.554 (H)
Automobile parts/supply	-	-	P	-	154.554 (H)
Car wash	-	-	C	-	154.012 (B) (6)
Commercial vehicle repair	-	-	-	-	154.554 (H)
Gasoline station	-	C	C	-	154.305 (B)
Parking facility	-	-	C*	C	*154.554 (I)
Sales and storage lots	-	-	C	-	154.305 (C)
<i>Outdoor Recreation</i>					
Campgrounds and trailering	-	-	-	-	
Golf course	-	-	-	-	
Marina	-	-	-	-	
Outdoor entertainment	-	-	-	-	
Outdoor recreation facility	-	-	C	-	154.306 (C)
Parks and open areas	P	P	P	P	154.012 (B) (7)
Restricted recreation	-	-	-	-	

<i>Indoor Recreation/Entertainment</i>					
Adult establishment	-	-	-	C	Chapter 113
Indoor athletic facility	-	C	P	C	154.307 (A)
<i>Indoor Recreation/Entertainment</i>					
Indoor recreation	-	-	C	-	154.307 (A)
<i>Agricultural and Related Uses</i>					
Agricultural sales business	-	I	P	-	154.012 (B) (9)
Agricultural services	-	-	C	-	154.012 (B) (9)
	LC	CC	C	BP	Standard
Agricultural support	-	-	C	-	154.012 (B) (9)
Greenhouses - non retail	-	-	-	-	154.012 (B) (9)
Wayside stand	P	P	P	P	154.012 (B) (9)
<i>Industrial and Extractive Uses</i>					
Heavy industrial	-	-	-	-	
Landfill	-	-	-	-	
Light industrial	-	-	-	C	154.012 (B) (10)
Non-production industrial	-	-	-	C	154.554 (J)
Motor freight and warehousing	-	-	-	C	154.012 (B) (10)
Research and testing	-	-	-	C	154.012 (B) (10)
Resource extraction	-	-	-	-	154.012 (B) (10)
Salvage/recyclable center	-	-	-	-	154.012 (B) (10)
<i>Transportation and Communications</i>					
* Broadcasting and communications	C	C	C	C	154.012 (B) (11), 154.083
<i>Accessory Uses</i>					
Bed and breakfast	-	-	-	-	154.012 (B) (12), 154.310 (A)
Drive-through facility	-	C	C	-	154.304 (A)
Family day care	-	-	-	-	154.012 (B) (12)
Group family day care	-	-	-	-	154.012 (B) (12)
Home occupation	-	-	-	-	154.012 (B) (12)
Parking facility	C	C	P*	P	*154.554 (I)
Outdoor storage	-	-	C	-	

* ADD LOCAL TRANSIT AS A CONDITIONAL USE IN
BP DISTRICT.

Outdoor display	-	-	C	-	
Solar equipment	P	P	P	P	154.310 (C)
Other structures typically incidental and clearly subordinate to permitted use	P	P	P	P	

1. General Retail Sales shall include all of the subcategories identified in the § 154.012(B)(5) under Retail Trade with the exception of those subcategories listed separately in Table 12-1 above.

(Ord. 2012-062, passed 9-18-2012)

(Ord. 08-116, passed 3-3-2015)

§ 154.552 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

Lot area and setback requirements shall be as specified in Table 12-2 Lot Dimension and Setback Requirements, Commercial Districts.

Table 12-2: Lot Dimension and Setback Requirements, Commercial Districts

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>
Minimum lot area (sq. Ft.)	3.5 acres	12,000	20,000	2 acres
Minimum lot width (feet)	300	75	100	200
Minimum lot depth (feet)	400	-	-	-
Maximum height (feet/stories)	35	35	45	50 ^a
Maximum impervious coverage	40%	60%	75%	75%
Building setback requirements (feet)				
Front yard	100	30	30	50
Interior side yard	50	20	10	30
Corner side yard	100	25 ^c	25 ^c	30
Rear yard	50	30 ^b	30 ^b	30
Residential zones	150	50	50	150
Parking setback requirements (feet)				
Front yard	50	15	15	30
Interior side yard	50	10	10	15
Corner side yard	50	15	15	30
Rear yard	50	10	10	15
Residential zones	100	35	35	100

Minimum building floor size (sq. ft.)	4,000	-	-	5,000
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Notes to Table 12-2

- a. Buildings higher than 50 feet may be allowed through a Conditional Use Permit and would be subject to a separate technical and planning evaluation.
- b. Accessory buildings must be set back 10 feet from property lines.
- c. Corner properties: The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.

(Ord. 2012-062, passed 9-18-2012)

§ 154.553 GENERAL SITE DESIGN CONSIDERATIONS, COMMERCIAL DISTRICTS.

Development of land within the commercial districts shall follow established standards for traffic circulation, landscape design, and other considerations as specified in Articles 7, 8 and 9. (Ord. 08-152, passed 10-01-2016)

- A. *Circulation.* Internal connections shall be provided between parking areas on adjacent properties wherever feasible.
 - 1. The number and width of curb-cuts shall be minimized. To promote pedestrian circulation, existing continuous curb-cuts shall be reduced to widths necessary for vehicular traffic, and unnecessary or abandoned curb cuts shall be removed as parcels are developed.
- B. *Fencing and Screening.* Fencing and screening walls visible from the public right-of-way shall be constructed of materials compatible with the principal structure.
- C. *Lighting Design.* Lighting shall be integrated into the exterior design of new or renovated structures to create a greater sense of activity, security, and interest to the pedestrian. All lighting shall be installed in conformance to §150.035 through §150.038.
- D. *Exterior Storage.* Exterior materials storage must be screened from view from adjacent public streets and adjacent residential properties, by a wing of the principal structure or a screen wall constructed of the same materials as the principal structure. Height of the structure or screen wall must be sufficient to completely conceal the stored materials from view at eye level (measured at 6 feet above ground level) on the adjacent street or property.

(Ord. 2012-062, passed 9-18-2012) Penalty, see § 154.999

§ 154.554 DEVELOPMENT STANDARDS FOR SPECIFIC USES.

The following standards apply to specific uses allowed within the Commercial Districts. Other specific use standards are located in Article 9. (Ord. 08-152, passed 10-01-2016)

- A. *Single-family attached dwellings, C District.* Limited to areas that are designated as mixed-use in the Comprehensive Land Use Plan.
- B. *Multi-family dwelling units, C District.* Dwelling units (both condominium and rental) are allowed as follows:
 - 1. Within those areas designated as mixed-use in the Comprehensive Plan; and
 - 2. On the upper floors or rear or side ground floors of a mixed-use building approved as part of a Planned Unit Development
- C. *Lodging, BP District.* Must incorporate a full-service restaurant and rooms accessible only through interior corridors and be subordinate to a main business complex.
- D. *Repair and Maintenance Shop.* No outdoor storage is permitted.
- E. *Trade Shop.* Exterior materials storage must be totally screened from view from adjacent public streets and adjacent residential properties, by a wall of the principal structure or a screen wall constructed of the same materials as the principal structure.
- F. *Veterinary Services.* All activities must be conducted within an enclosed building. Crematoriums are not allowed.
- G. *Garden Center*
 - 1. The storage or display of any materials or products shall meet all primary building setback requirements of a structure, and shall be maintained in an orderly manner. Screening along the boundaries of adjacent residential properties may be required, meeting the standards of 154.258 (F).
 - 2. All loading and parking shall be provided off-street.
 - 3. The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.
- H. *Automobile Maintenance Service and Automobile Parts/Supply*
 - 1. All vehicle repairs shall be conducted in a completely enclosed building.
 - 2. The storage or display of inoperable or unlicensed vehicles or other equipment shall meet all setback requirements of a primary structure, and shall be totally screened from view from adjacent public streets and adjacent residential properties.
- I. *Parking Facility, C District.* Structured parking is permitted as a ground floor use within a mixed-use building, provided that it is located on side or rear facades, not facing the primary abutting street. The primary street-facing facade shall be designed for retail, office or residential use.
- J. *Non-Production Industrial, BP District.* Non-production industrial use shall be allowed as a principal use, and may include wholesale and off-premise sales, provided that:
 - 1. The use is served by a street of sufficient capacity to handle the traffic the use will generate;
 - 2. The use includes a retail or office component equal to at least 25% of the floor area of the use; and

3. An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the area.

K. *Outdoor Dining Accessory to Food Services.* Outdoor dining is allowed as an accessory use in the commercial districts, provided that tables do not block a public sidewalk or other walkway needed for pedestrian circulation. A minimum of 5 feet of sidewalk or walkway must remain open.

L. *Standard Restaurant, BP District.* Must be incorporated as part of a larger business center or lodging use.

M. *Fast Food Restaurant, BP District.* Must be incorporated as part of a larger business center or lodging use.

N. *Retail Trade, BP District.* Limited to uses clearly incidental and accessory to a permitted or conditionally permitted principal use of the land.

1. The compounding, dispensing or sale of drugs, prescription items, patient or proprietary medicine, sick room supplies, prosthetic devices or items relating to any of the permitted or conditionally permitted uses is only allowed when conducted in the building occupied primarily by medical facilities or offices.

(Ord. 2012-062, passed 9-18-2012) Penalty, see § 154.999

ADD : **O. LOCAL TRANSIT, BP DISTRICT.**

§ 154.555 COMMERCIAL DISTRICT DESIGN STANDARDS.

Review of Design. For certain development activity as specified in the Lake Elmo Design Guidelines and Standards Manual, design review is required as part of the approval process for a permit or certificate under this Ordinance. All projects subject to design review shall be reviewed for conformance with the Lake Elmo Design Guidelines and Standards Manual and shall follow the review procedures specified in §154.506.A.

(Ord. 08-095, passed 11-19-2013)

City of Lake Elmo
Narrative for Zoning Text Amendment
April 30, 2018

The property being considered for re-development is currently being used for after-market parts and equipment sales, along with service of Kenworth Diesel Trucks. The proposed use is for local school buses to be parked along with routine maintenance at this location. This proposed use (local transit) is currently not listed in the zoning code as a permitted use in the Business Park Zoning District, but would be similar to the existing use of the property. In addition, this location is adjacent to major traffic corridors and routes, and this would limit bus traffic on lower volume roads and through residential areas.

This proposed use would not be detrimental to the other permitted uses in the Business Park District. This use would be consistent with the City of Lake Elmo Comprehensive Plan for the Business Park District in providing a diverse mixed use, with a high density of jobs at this location. This facility will employ about 200 people, including the various shifts, positions and administrative staff.

Water and sanitary sewer infrastructure are also proposed to this area of the City as part of the adjacent development and re-alignment of Hudson Boulevard, eliminating the need for septic systems for treatment of wastewater from this facility. As the water for the facility is switched from the well to municipal water, the existing well would be abandoned in accordance with Minnesota Health Department requirements.

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: STILLWATER AREA PUBLIC SCHOOLS - KRISTEN HOHEISEL
Address: 1875 GREELEY STREET SOUTH, STILLWATER, MN 55082
Phone #: 651-351-8321
Email Address: HOHEISELK@STILLWATERSCHOOLS.ORG

Fee Owner: EN PROPERTIES, LLC - TERRY EMERSON
Address: 11530 HUDSON BLVD. NORTH LAKE ELMO, MN 55042
Phone #: 612 845 3373
Email Address: TSE03@COMCAST.NET

Property Location (Address): 11530 HUDSON BLVD. NORTH, LAKE ELMO, MN
(Complete (long) Legal Description): SEE ATTACHMENT - 11 ACRE PARCEL
IN SOUTHWEST CORNER OF PROPERTY
PID#: 36 029 21 43 0001

Detailed Reason for Request: _____

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

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

Signature of applicant: [Signature] Date: 4/26/18

Signature of fee owner: [Signature] Date: 4/26/18

City of Lake Elmo
Narrative for Conditional Use Permit
Stillwater Area Public Schools
April 30, 2018

Contact Information:

Stillwater Area Public Schools – Kristen Hoheisel – 651-351-8321, Email: hoheiselk@stilwaterschools.org

Property Owner: Terry Emerson – 651-845-3373, Email: tse03@comcast.net

Engineer: Greg Buchal - Larson Engineering 651-255-0328, Email: gbuchal@larsonengr.com

Surveyor: Tim Freeman – FFE Surveying 651-439-8833, Email: freeman@ffe-inc.com

Property Address: 11530 Hudson Blvd. North, Lake Elmo, MN 55042

Current Zoning: Business Park

Parcel Size: 11 acres (approximately 479,160 sq. ft.)

PID Number: 36 029 21 43 0001

Current building was constructed in the 1990's and was used for office space by E& H Earthmovers and also provided bus storage for Stillwater Schools. The building was then used by Kenworth Diesel Trucks for sales, repairs and service of diesel trucks, and is currently being considered for bus parking and maintenance by Stillwater Schools again.

The proposed use is for a School District Transportation Center. The existing building, paved and gravel parking area, along with the existing landscaped berms would remain as they are and the site would be expanded to provide additional gravel surfaced parking for school buses and employee cars. School buses for the District would be parked at this facility when not in use, along with performing routine maintenance of the buses at this location. As part of the servicing and maintenance of the buses, it is also planned to wash and fuel buses at this facility.

Approximately 200 people would work at this facility, with morning and afternoon shifts of drivers and attendants, along with the vehicle maintenance and administrative staff. Hours of operation would be from about 6:00am to about 6:00pm during the weekdays with occasional Saturday use for limited special school district transportation needs. This proposed use would be similar to the existing use of the property, in providing routine service of vehicles. Parking for the school buses (total of 140) transportation vans (about 20) and personal vehicles of the employees (about 200) would be provided on-site.

This location is adjacent to major traffic corridors and routes within this area of the City of Lake Elmo and this would have less of an impact on traffic flow than would occur on lower volume roads or those through residential areas. Being located along the Highway 94 corridor, the bus traffic would have a minimal impact on the already higher volumes of traffic in this area. In addition, the peak bus traffic times will be limited to the morning hours, from about 7:00am to 9:00am to get student to school, and from about 2:00pm to 4:00pm to get students back home from school.

This proposed use would not be detrimental to the other permitted uses in the Business Park District. This use would be consistent with the City of Lake Elmo Comprehensive Plan for the Business Park District in providing a diverse mixed use, with a high density of jobs at this location. This facility will employ about 200 people, including the various shifts, positions and administrative staff.

Water and sanitary sewer infrastructure are also proposed to this area of the City as part of the adjacent re-development and re-alignment of Hudson Boulevard, eliminating the need for septic systems for treatment of wastewater from this facility. As the water for the facility is switched from the well to municipal water, the existing well would be abandoned in accordance with Minnesota Health Department requirements.



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

AFFIRMATION OF SUFFICIENT INTEREST

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

Name of applicant Terry Emerson
(Please Print)

Street address/legal description of subject property 11530 HUDSON BLVD.
NORTH, LAKE ELMO, MN

Terry Emerson
Signature

4/26/18
Date

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

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

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

Parcel Search: April 26, 2018 at 9:20 a.m. by SURVPUB
350 feet surrounding multiple parcels. 20 parcels, 9 labels.

0102821110001
0102821130002
0102821210003
0102821220002
0602820220001
3102920320001
3102920320002
3102920330001
3102920330002
3102920330003
3602921310002
3602921340006
3602921340007
3602921410001
3602921410002
3602921420001
3602921430001
3602921430002
3602921440002
3602921440003

TRINITY SELECT LLC
or Current Resident
11490 HUDSON BLVD
LAKE ELMO MN 55042

YIK CHI LO LIVING TRS
or Current Resident
6422 CRACKLEBERRY TRL
WOODBURY MN 55129-9529

STATE OF MN-DOT
or Current Resident
1500 COUNTY ROAD B2 W
ROSEVILLE MN 55113

FOUR SISTERS INVESTMENTS LLC
or Current Resident
225 6TH ST S SUITE 3500
MINNEAPOLIS MN 55402

HOLIDAY STATIONSTORES INC
or Current Resident
PO BOX 1224
MINNEAPOLIS MN 55440

DPS-WOODDALE LLC
or Current Resident
6007 CULLIGAN WAY
MINNETONKA MN 55345

SAYER M SCOTT
or Current Resident
1730 MEADOWWOODS TRL
LONG LAKE MN 55356

CITY OF LAKE ELMO
or Current Resident
3800 LAVERNE AVE N
LAKE ELMO MN 55042

EN PROPERTIES LLC
or Current Resident
11530 HUDSON BLVD N
LAKE ELMO MN 55042-9751

City of Lake Elmo
Narrative for Conditional Use Permit
Stillwater Area Public Schools
April 30, 2018

Contact Information:

Stillwater Area Public Schools – Kristen Hoheisel – 651-351-8321, Email: hoheiselk@stilwaterschools.org

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PID Number: 36 029 21 43 0001

Current building was constructed in the 1990's and was used for office space by E& H Earthmovers and also provided bus storage for Stillwater Schools. The building was then used by Kenworth Diesel Trucks for sales, repairs and service of diesel trucks, and is currently being considered for bus parking and maintenance by Stillwater Schools again.

The proposed use is for a School District Transportation Center. The existing building, paved and gravel parking area, along with the existing landscaped berms would remain as they are and the site would be expanded to provide additional gravel surfaced parking for school buses and employee cars. School buses for the District would be parked at this facility when not in use, along with performing routine maintenance of the buses at this location. As part of the servicing and maintenance of the buses, it is also planned to wash and fuel buses at this facility.

Approximately 200 people would work at this facility, with morning and afternoon shifts of drivers and attendants, along with the vehicle maintenance and administrative staff. Hours of operation would be from about 6:00am to about 6:00pm during the weekdays with occasional Saturday use for limited special school district transportation needs. This proposed use would be similar to the existing use of the property, in providing routine service of vehicles. Parking for the school buses (total of 140) transportation vans (about 20) and personal vehicles of the employees (about 200) would be provided on-site.

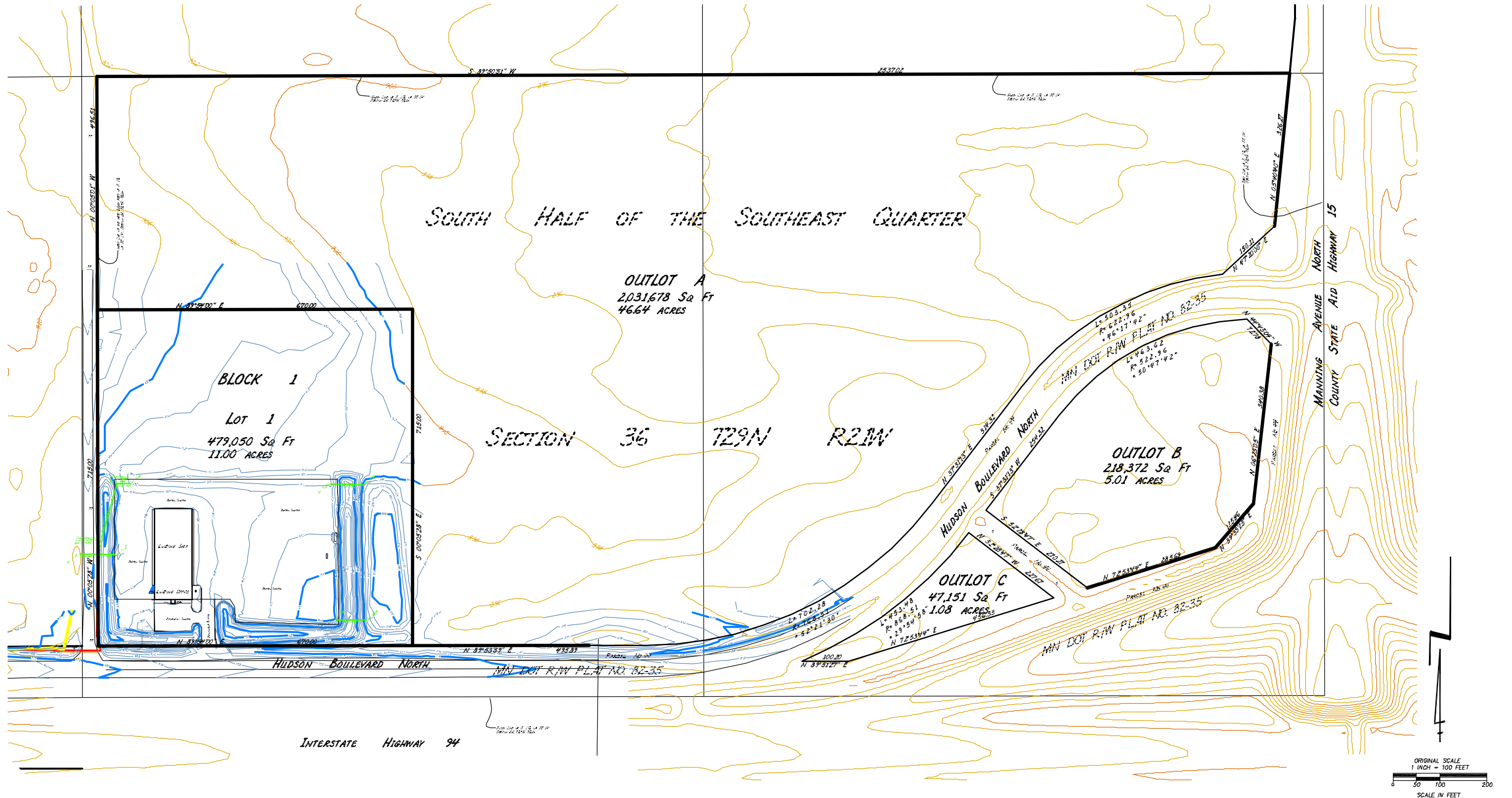
This location is adjacent to major traffic corridors and routes within this area of the City of Lake Elmo and this would have less of an impact on traffic flow than would occur on lower volume roads or those through residential areas. Being located along the Highway 94 corridor, the bus traffic would have a minimal impact on the already higher volumes of traffic in this area. In addition, the peak bus traffic times will be limited to the morning hours, from about 7:00am to 9:00am to get student to school, and from about 2:00pm to 4:00pm to get students back home from school.

This proposed use would not be detrimental to the other permitted uses in the Business Park District. This use would be consistent with the City of Lake Elmo Comprehensive Plan for the Business Park District in providing a diverse mixed use, with a high density of jobs at this location. This facility will employ about 200 people, including the various shifts, positions and administrative staff.

Water and sanitary sewer infrastructure are also proposed to this area of the City as part of the adjacent re-development and re-alignment of Hudson Boulevard, eliminating the need for septic systems for treatment of wastewater from this facility. As the water for the facility is switched from the well to municipal water, the existing well would be abandoned in accordance with Minnesota Health Department requirements.

FOUR CORNERS PRELIMINARY PLAT

City of Lake Elmo, Minnesota



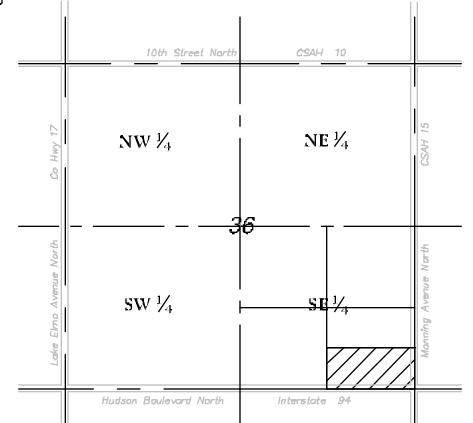
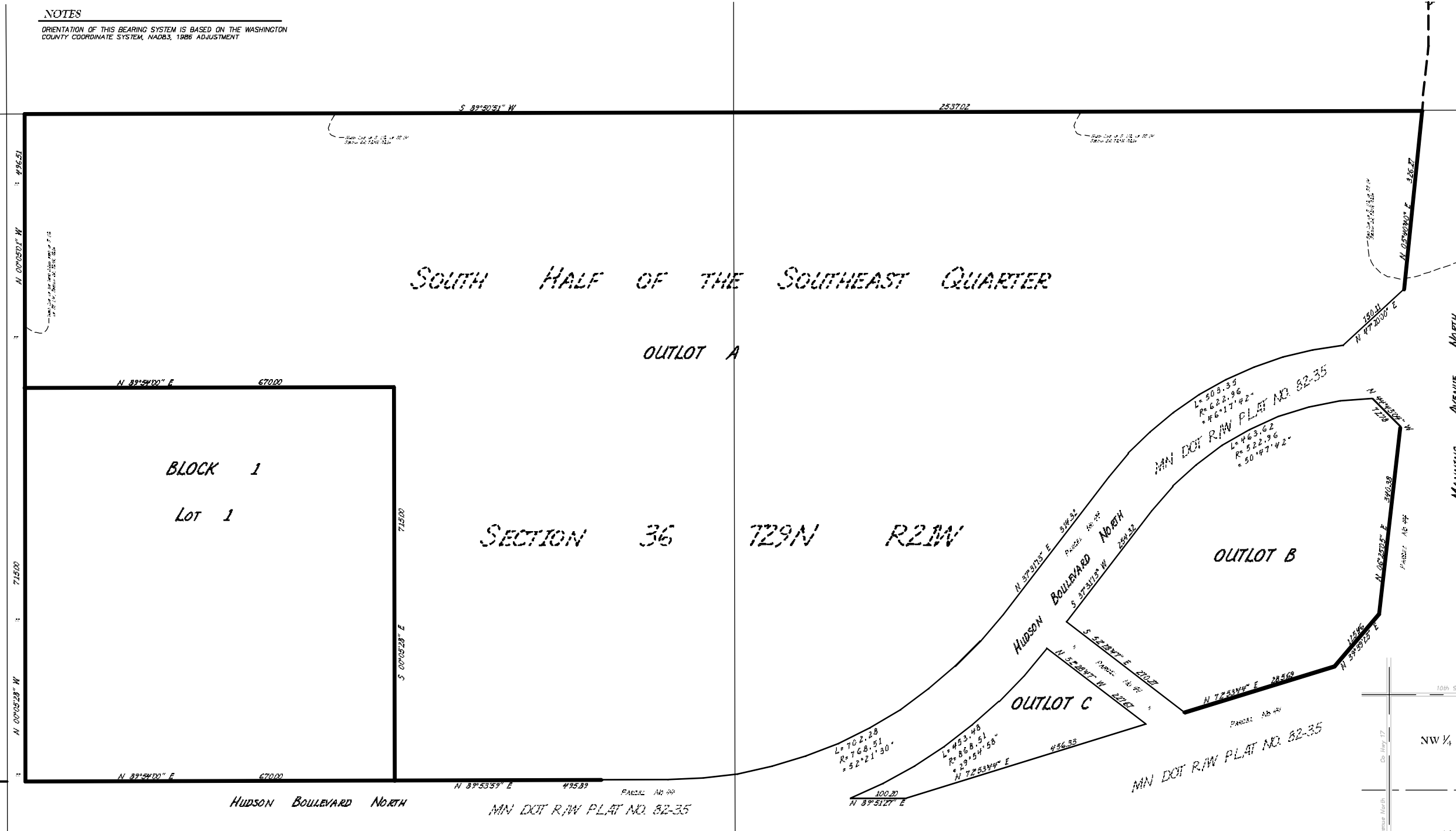
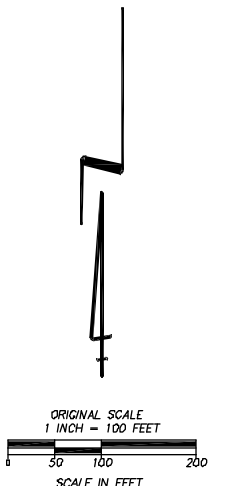
FOUR CORNERS

LEGEND

- DENOTES SET 1/2 INCH DIA. BY 16 INCH IRON PIPE MONUMENT MARKED WITH A PLASTIC CAP INSCRIBED "FREEMAN LS 16989", UNLESS SHOWN OTHERWISE
- DENOTES FOUND MONUMENT, SIZE AND MARKINGS AS INDICATED

NOTES

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM, NAD83, 1986 ADJUSTMENT



Vicinity Map
 Section 36, T29N - R21W
 Washington County, Minnesota

STREETS AND TRANSPORTATION

- Hudson Boulevard Right-of-Way/Easement Dedication. No additional right-of-way dedication is required unless an eastbound left turn lane is required (see below). However, a 10-foot utility corridor easement for small utilities must be dedicated to the City along the north boulevard of Hudson Blvd.
- Site Access. The site plans propose the continued use of the existing commercial driveway with dedicated right and left turn lanes leaving the site.
- Hudson Boulevard Improvements. As part of the development, Hudson Boulevard must be improved per the City design standards to an urban section on the north side of the street including a west bound right turn lane to the site, a 4-foot shoulder (curb reaction), a 9-foot boulevard, and 10-foot shared use bituminous trail with 2-foot clear zone (see attached typical section and preliminary layout).
- Traffic Impact Study. A traffic impact study should be completed and submitted as part of the preliminary plat application to determine the timing and extent of improvements required for the CSAH 15 and Hudson Boulevard intersection realignment and traffic signal improvements. A financial contribution to CSAH 15/Hudson Blvd traffic signal/realignment should be considered. In addition, the study is needed to determine if an eastbound left turn land along Hudson Boulevard is also needed at the Site access.

MUNICIPAL SANITARY SEWER

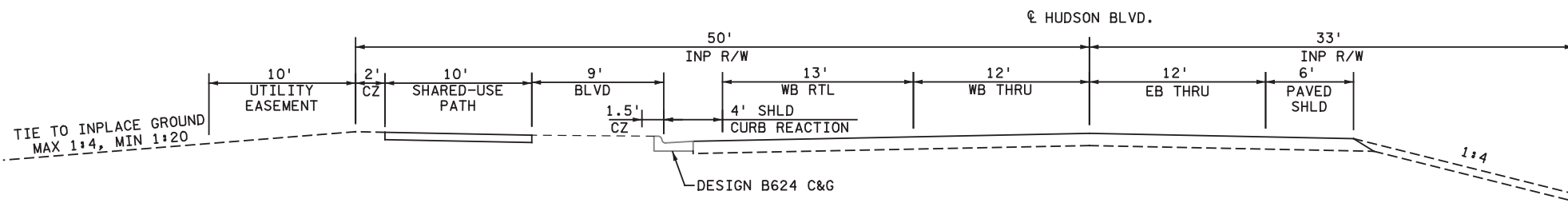
- The proposed site is guided in the City's Comprehensive Plan for 2020-2030 Regional Sewer Staging Plan and would discharge to the MCES Cottage Grove Ravine Interceptor. Therefore, provisions for connecting to the municipal sanitary sewer service must be included with this application. The site plans/application indicates a new sewer service line connecting to future sanitary sewer but does not address the extension of sanitary sewer to the site.
- The applicant will be responsible to connect to the City sanitary sewer system and extend sanitary sewer into the property at applicant's sole cost. In addition, the applicant will be required to stub sanitary sewer mains to adjacent properties so that these parcels maintain sewer access. Sanitary sewer is available along Hudson Blvd near the MCES Meter Station. The sanitary sewer trunk size will need to be determined based on the 2040 Comprehensive Plan.
- The application should include a description of the sanitary sewer capacity demands including the number of residential equivalent units (REC) based on the Met Council SAC determination policy. Demands must account for all planned uses and connections to the sewer system including bus wash wastewater. This information is required for staff evaluation of the sewer system improvements needed to support the development and to determine the applicable sewer availability charges.
- Existing Utility Easements. The existing sanitary sewer utility easements along Hudson Boulevard and the new commercial street corridor must be shown with the preliminary plan submittal and plan revisions must be made to avoid encroachments/conflicts with these easements.
- Any main sewer lines placed within the development will require minimum 30-foot easements centered over the pipe (or wider dependent upon the sewer depths) dedicated to the City and in the form of the City's Utility Easement Agreement.

MUNICIPAL WATER SUPPLY

- The proposed facility resides within the Planned MUSA, therefore provisions for connecting to the municipal water supply must be included with this application. The site plans/application indicate a new water service line connecting to future water but does not address the extension of the municipal water supply to the site.
- The applicant will be responsible to extend municipal water to the property at the applicant's cost. Watermain stubs will be required to eastern property limits. Water is available to be extended to the property from the Hunter's Crossing development but will require easements across adjacent properties. The watermain extension to the site will likely be a 12-inch trunk watermain.
- The application should include a description of the water capacity demands including average day use, peak day use, and fire suppression demands. All demand should be provided including potable drinking

water, bus washing operations, etc. This information is required for staff evaluation of the water improvements needed to support the development and to determine the water availability charges.

- The proposed site is in the water system's low-pressure zone which has limited capacity until a new water tower is constructed to serve the area.
- The applicant will be responsible to place hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City.
- Any watermain lines and hydrants placed within the development will require minimum 30-foot easements centered over the pipe. Easements must be dedicated to the City and be provided in the City's standard form of easement agreement.



CONCEPTUAL TYPICAL SECTION - WEST BOUND RIGHT TURN LANE



INPLACE NON-CONTINUOUS STREET

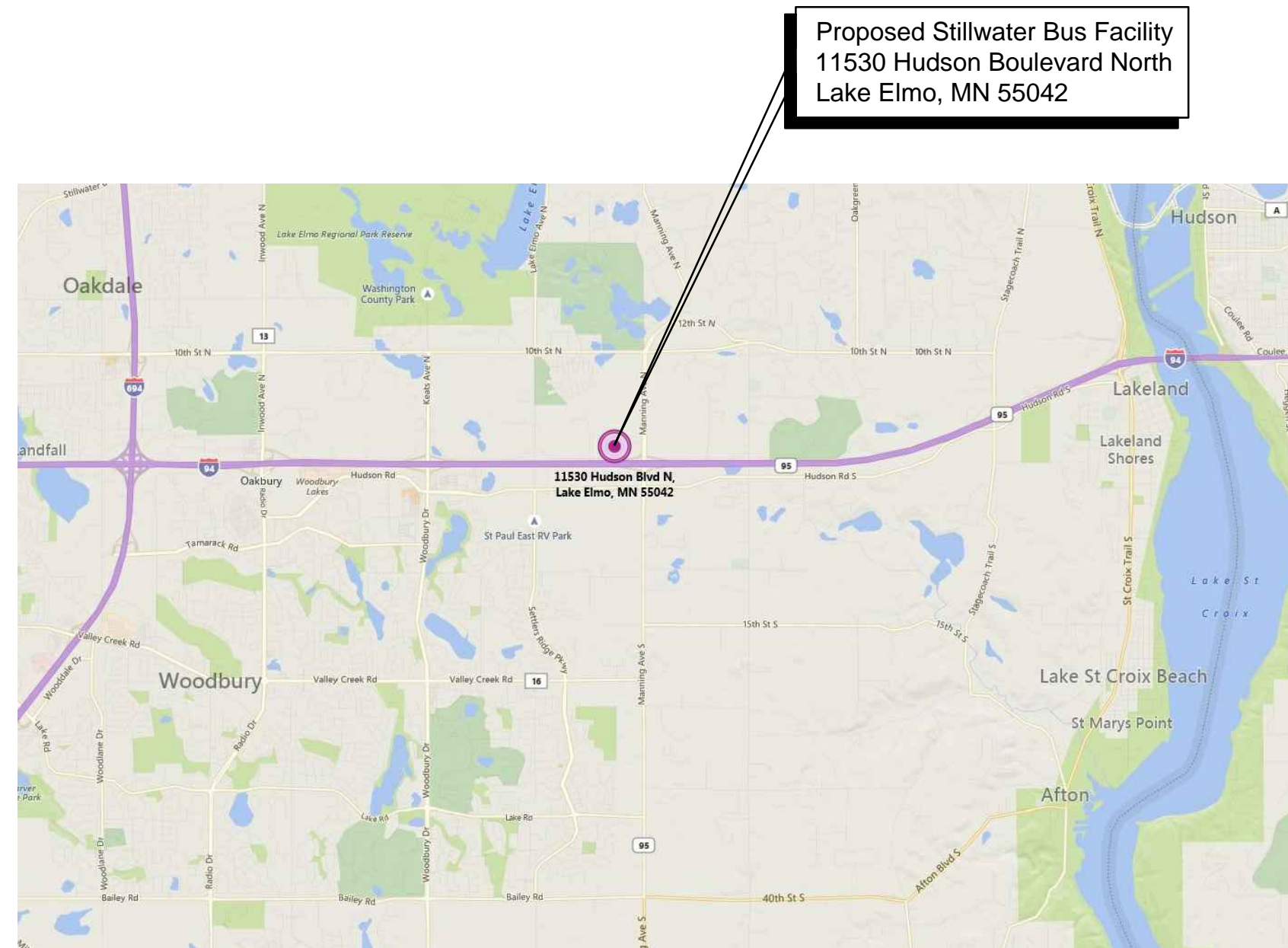
INPLACE COMMERCIAL ACCESS

PROJECT: 2018 STILLWATER BUS FACILITY IMPROVEMENTS



STILLWATER AREA PUBLIC SCHOOLS
1875 SOUTH GREELEY STREET
STILLWATER, MINNESOTA 55082

VICINITY MAP



Proposed Stillwater Bus Facility
11530 Hudson Boulevard North
Lake Elmo, MN 55042

INDEX OF DRAWINGS

T	Title Sheet
-	Topographic Survey
C1	Demolition Plan
C2	Paving and Dimension Plan
C3	Grading and Erosion Control Plan
C3.1	Landscape Plan
C4	Utility Plan
C5	Details
C6	Details

PROJECT CONTACTS

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FFE Surveying LLC
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Lake Elmo, MN 55042
Tel: 651.439.8833
Fax: 651.430.9331

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STILLWATER, MN 55082

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Greg A. Buchal
Greg A. Buchal, P.E.
Date: 04.30.18 Reg. No.: 23793

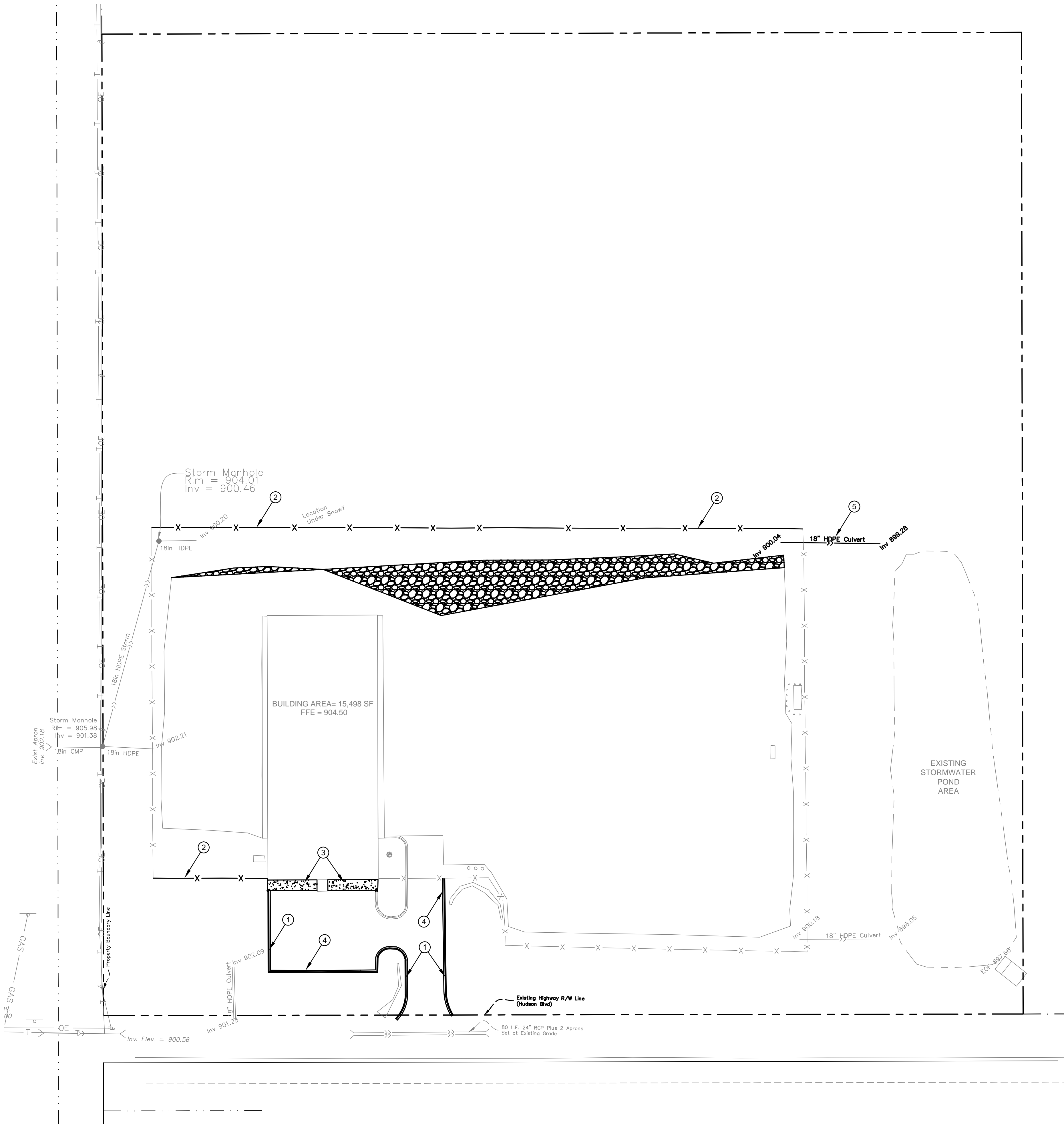
Rev.	Date	Description

Project #: 12176010
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Checked By: GAB
Issue Date: 04.30.18

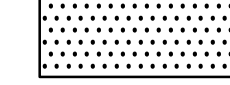
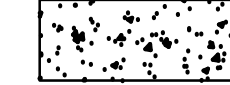

Sheet Title:
TITLE SHEET

T





SYMBOL LEGEND

-  REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT SECTION
-  REMOVE AND DISPOSE OF EXISTING CONCRETE PAVEMENT SECTION
-  REMOVE AND DISPOSE OF EXISTING GRAVEL SECTION

KEY NOTES

- ① REMOVE AND DISPOSE OF EXISTING CONCRETE CURB AND GUTTER.
- ② REMOVE AND DISPOSE OF EXISTING CHAIN LINK FENCE FABRIC, POSTS, AND FOOTINGS.
- ③ REMOVE AND DISPOSE OF EXISTING CONCRETE PAVEMENT SECTION.
- ④ SAWCUT, REMOVE, AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT SECTION.
- ⑤ REMOVE AND DISPOSE OF EXISTING STORM SEWER.

DEMOLITION NOTES

1. Verify all existing utility locations.
2. It is the responsibility of the Contractor to perform or coordinate all necessary utility demolitions and relocations from existing utility locations to all onsite amenities and buildings. These connections include, but are not limited to, water, sanitary sewer, cable tv, telephone, gas, electric, site lighting, etc.
3. Prior to beginning work, contact Gopher State OneCall (651-454-0002) to locate utilities throughout the area under construction. The Contractor shall retain the services of a private utility locator to locate the private utilities.
4. Sawcut along edges of pavements, sidewalks, and curbs to remain.
5. All construction shall be performed in accordance with state and local standard specifications for construction.

LOT SIZE

Total Lot Size: 478,997 s.f. = 11.00 Acres
 Breakdown:
 Existing Building: 15,498 s.f. = 3.23%
 Existing Gravel: 91,861 s.f. = 19.18%
 Existing Pavement: 9,022 s.f. = 1.88%
 Existing Open Space: 362,616 s.f. = 75.71%

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Client:
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 1875 SOUTH GREELEY STREET
 STILLWATER, MINNESOTA 55082

CITY SUBMITTAL

Project Title:
2018 STILLWATER BUS FACILITY IMPROVEMENTS
 STILLWATER AREA PUBLIC SCHOOLS
 STILLWATER, MN 55082

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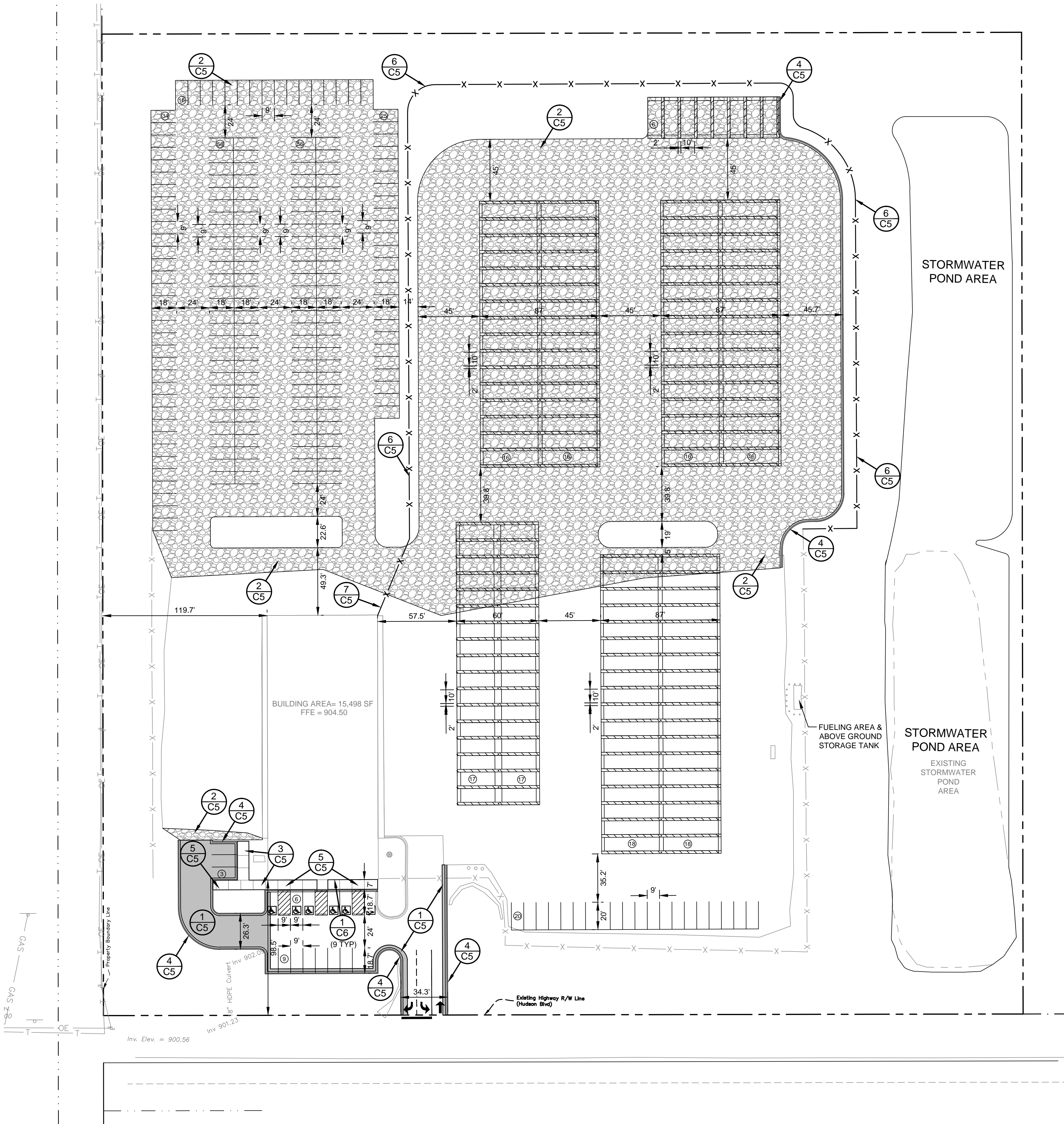
Rev.	Date	Description

Project #: 12176010
 Drawn By: KJA
 Checked By: GAB
 Issue Date: 04.30.18
 Sheet Title:

DEMOLITION PLAN

C1

Sheet:



SYMBOL LEGEND

- NEW 6" BITUMINOUS PAVEMENT OVER NEW 8" CRUSHED AGGREGATE BASE OVER 24" GRANULAR BACKFILL SEE DETAIL 1/C5
- NEW 6" CONCRETE PAVEMENT OVER NEW 6" CRUSHED AGGREGATE BASE SEE DETAIL 3/C5
- NEW 10" AGGREGATE OVER NEW 24" GRANULAR BACKFILL SEE DETAIL 2/C5

WHERE APPLICABLE, DIMENSIONS ARE FROM BACK OF CURB TO BACK OF CURB OR BACK OF CURB TO END OF STALL LINE.

PARKING STALL COUNT

- ADA STALLS = 6
- CAR STALLS = 199
- VAN STALLS = 20
- SHORT BUS STALLS = 40
- LARGE BUS STALLS = 100

LOT SIZE

Total Lot Size: 478,997 s.f. = 11.00 Acres
 Breakdown:
 Proposed Building: 15,498 s.f. = 3.23%
 Proposed Gravel: 245,791 s.f. = 51.31%
 Proposed Pavement: 12,588 s.f. = 2.63%
 Proposed Open Space: 205,120 s.f. = 42.83%

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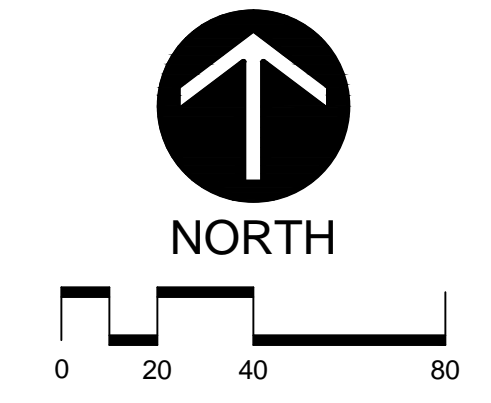
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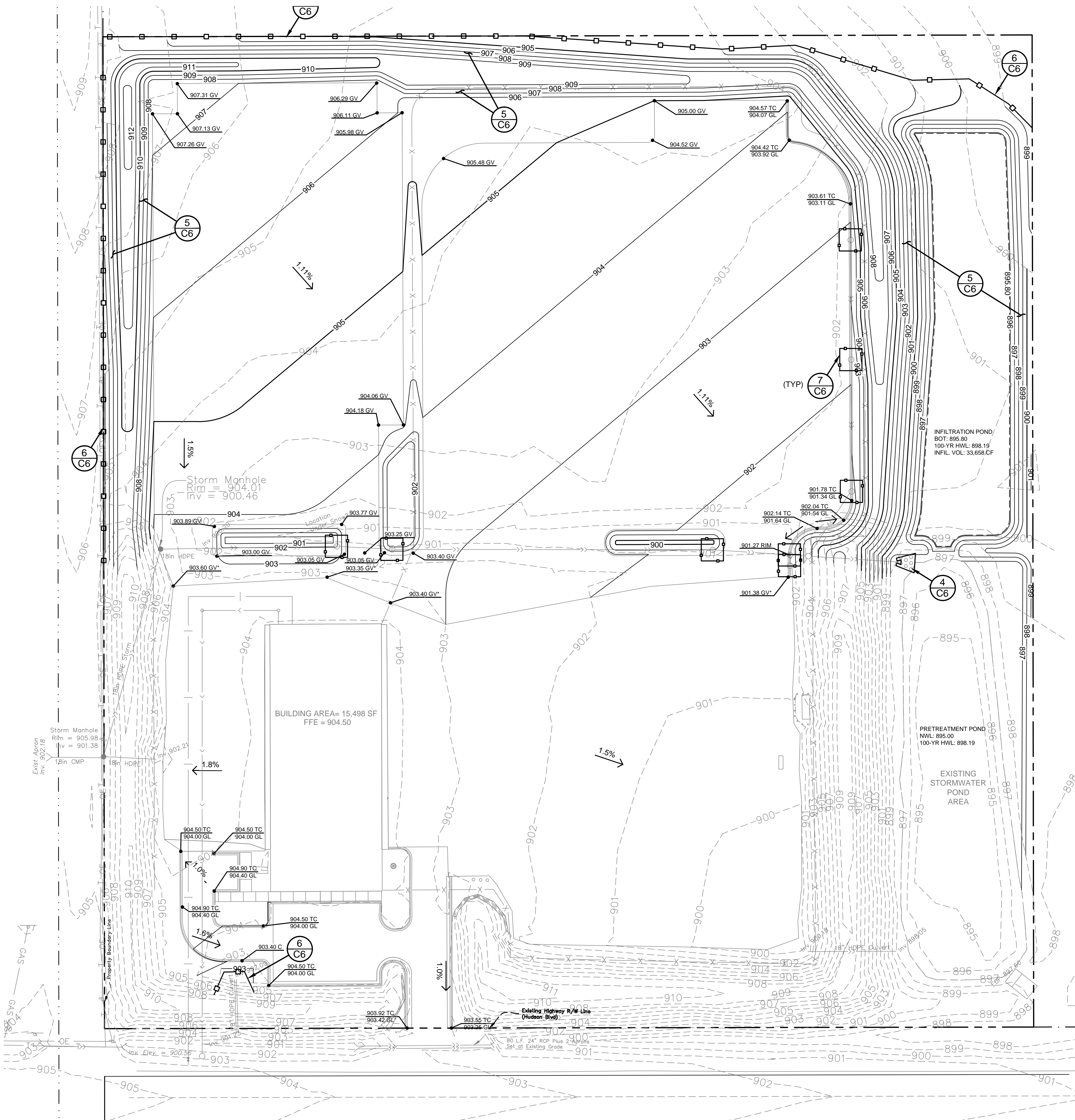
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 Checked By: GAB
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PAVING AND DIMENSION PLAN

C2





EROSION CONTROL NOTES

- Owner and Contractor shall obtain MPCA-NPDES permit. Contractor shall be responsible for all fees pertaining to this permit. The SWPPP shall be kept onsite at all times.
- Install temporary erosion control measures (inlet protection, silt fence, and rock construction entrances) prior to beginning any excavation or demolition work at the site.
- Erosion control measures shown on the erosion control plan are the absolute minimum. The contractor shall install temporary earth dikes, sediment traps or basins, additional siltation fencing, and/or disk the soil parallel to the contours as deemed necessary to further control erosion. All changes shall be recorded in the SWPPP.
- All construction site entrances shall be surfaced with crushed rock across the entire width of the entrance and from the entrance to a point 50' into the construction zone.
- Areas with a slope greater than 4:1 shall be compacted with a vibratory plate compactor.
- All areas with steeper than 4:1 slope shall have erosion control blankets placed on them when grading is complete.
- All grading operations shall be conducted in a manner to minimize the potential for site erosion. Sediment control practices must be established on all down gradient perimeters before any up gradient land disturbing activities begin.
- All exposed soil areas must be stabilized as soon as possible to limit soil erosion but in no case later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. Temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) and the constructed base components of roads, parking lots and similar surfaces are exempt from this requirement.
- The normal wetted perimeter of any temporary or permanent drainage ditch or swale that drains water from any portion of the construction site, or diverts water around the site, must be stabilized within 200 lineal feet from the property edge, or from the point of discharge into any surface water. Stabilization of the last 200 lineal feet must be completed within 24 hours after connecting to a surface water. Stabilization of the remaining portions of any temporary or permanent ditches or swales must be complete within 14 days after connecting to a surface water and construction in that portion of the ditch has temporarily or permanently ceased.
- Pipe outlets must be provided with energy dissipation within 24 hours of connection to surface water.
- All riprap shall be installed with a filter material or soil separation fabric and comply with the Minnesota Department of Transportation Standard Specifications.
- All storm sewers discharging into wetlands or water bodies shall outlet at or below the normal water level of the respective wetland or water body at an elevation where the downstream slope is 1 percent or flatter. The normal water level shall be the invert elevation of the outlet of the wetland or water body.
- All storm sewer catch basins not needed for site drainage during construction shall be covered to prevent runoff from entering the storm sewer system. Catch basins necessary for site drainage during construction shall be provided with inlet protection.
- In areas where concentrated flows occur (such as swales and areas in front of storm catch basins and intakes) the erosion control facilities shall be backed by stabilization structure to protect those facilities from the concentrated flows.
- Inspect the construction site once every seven days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours. All inspections shall be recorded in the SWPPP.
- All silt fences must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches 1/3 of the height of the fence. These repairs must be made within 24 hours of discovery, or as soon as field conditions allow access. All repairs shall be recorded in the SWPPP.
- If sediment escapes the construction site, off-site accumulations of sediment must be removed in a manner and at a frequency sufficient to minimize off-site impacts.
- All soils tracked onto pavement shall be removed daily.
- All infiltration areas must be inspected to ensure that no sediment from ongoing construction activity is reaching the infiltration area and these areas are protected from compaction due to construction equipment driving across the infiltration area.
- Temporary soil stockpiles must have silt fence or other effective sediment controls, and cannot be placed in surface waters, including stormwater conveyances such as curb and gutter systems, or conduits and ditches unless there is a bypass in place for the stormwater.
- Collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other wastes must be disposed of properly and must comply with MPCA disposal requirements.
- Oil, gasoline, paint and any hazardous substances must be properly stored, including secondary containment, to prevent spills, leaks or other discharge. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal of hazardous waste must be in compliance with MPCA regulations.
- External washing of trucks and other construction vehicles must be limited to a defined area of the site. Runoff must be contained and waste properly disposed of. No engine degreasing is allowed onsite.
- All liquid and solid wastes generated by concrete washout operations must be contained in a leak-proof containment facility or impermeable liner. A compacted clay liner that does not allow washout liquids to enter ground water is considered an impermeable liner. The liquid and solid wastes must not contact the ground, and there must not be runoff from the concrete washout operations or areas. Liquid and solid wastes must be disposed of properly and in compliance with MPCA regulations. A sign must be installed adjacent to each washout facility to inform concrete equipment operators to utilize the proper facilities.
- Upon completion of the project and stabilization of all graded areas, all temporary erosion control facilities (silt fences, hay bales, etc.) shall be removed from the site.
- All permanent sedimentation basins must be restored to their design condition immediately following stabilization of the site.
- Contractor shall submit Notice of Termination for MPCA-NPDES permit within 30 days after Final Stabilization.

LEGEND

- 950 EXISTING CONTOURS
- 950 PROPOSED CONTOURS - MAJOR INTERVAL
- 949 PROPOSED CONTOURS - MINOR INTERVAL
- GRADE BREAK LINE
- GRADE SLOPE
- SILT FENCE
- EROSION CONTROL BLANKET
- RIP-RAP
- INLET PROTECTION
- CONCRETE WASHOUT STATION
- SPOT ABBREVIATIONS:**
- TC - TOP OF CURB
- GL - GUTTER LINE
- B - BITUMINOUS
- C - CONCRETE
- EO - EMERGENCY OVERFLOW
- TW - TOP OF WALL
- BW - BOTTOM OF WALL
- (F/G) - WALL (F/G)
- (*) - EXISTING TO BE VERIFIED

GRADING NOTES

- Tree protection consisting of snow fence or safety fence installed at the drip line shall be in place prior to beginning any grading or demolition work at the site.
- All elevations with an asterisk (*) shall be field verified. If elevations vary significantly, notify the Engineer for further instructions.
- Grades shown in paved areas represent finish elevation.
- Topsoil and seed or sod. See Landscape Plan.
- All construction shall be performed in accordance with state and local standard specifications for construction.

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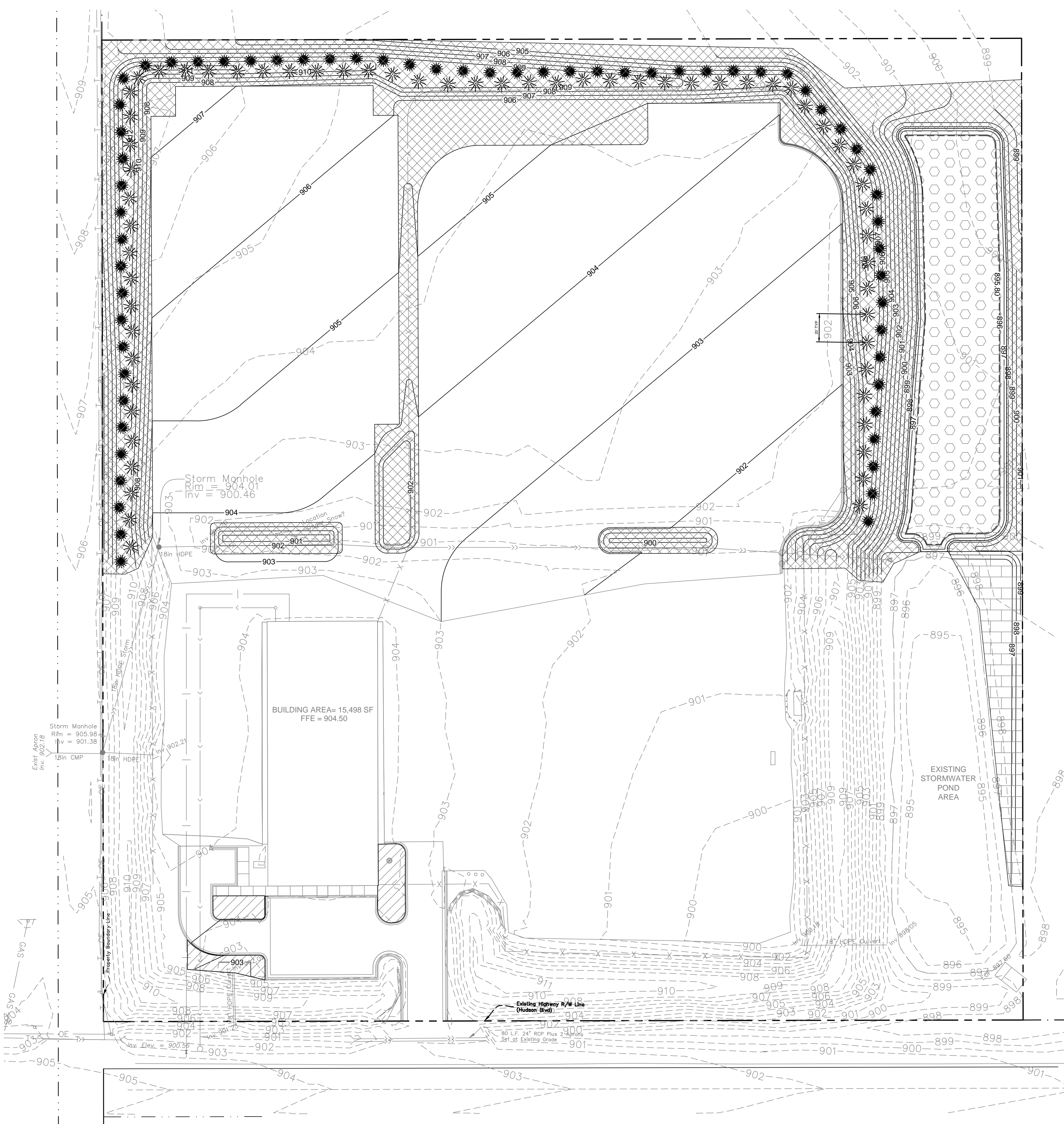
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Drawn By: KJA
Checked By: GAB
Issue Date: 04.30.18

GRADING AND EROSION CONTROL PLAN

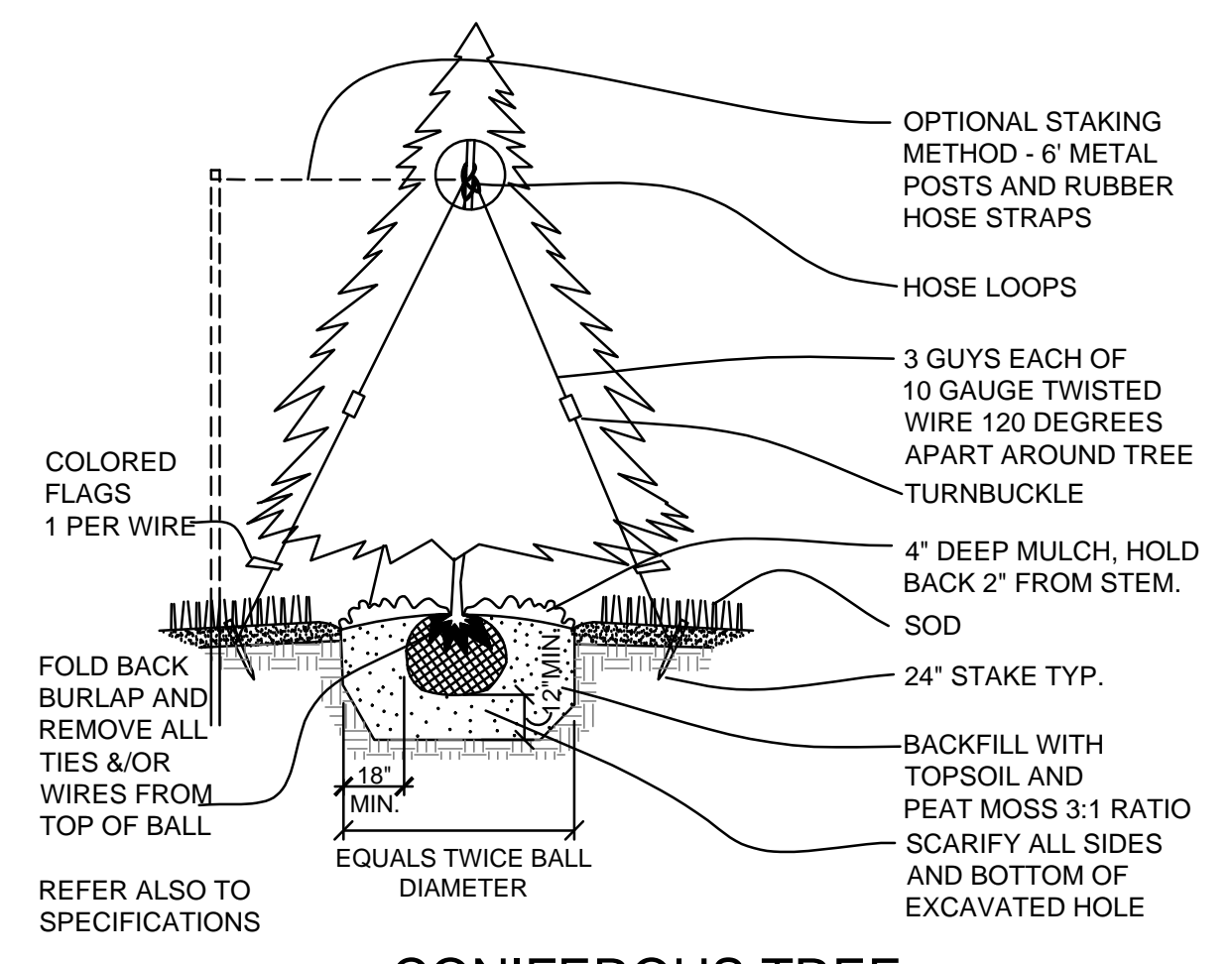
C3

Sheet:



LEGEND

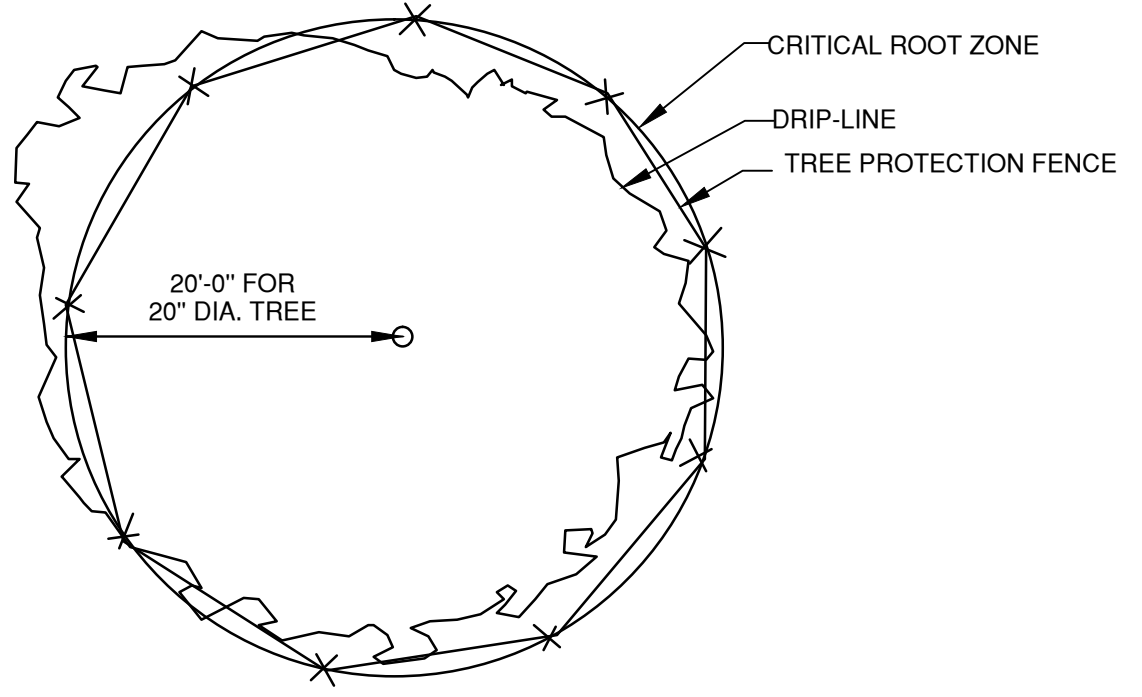
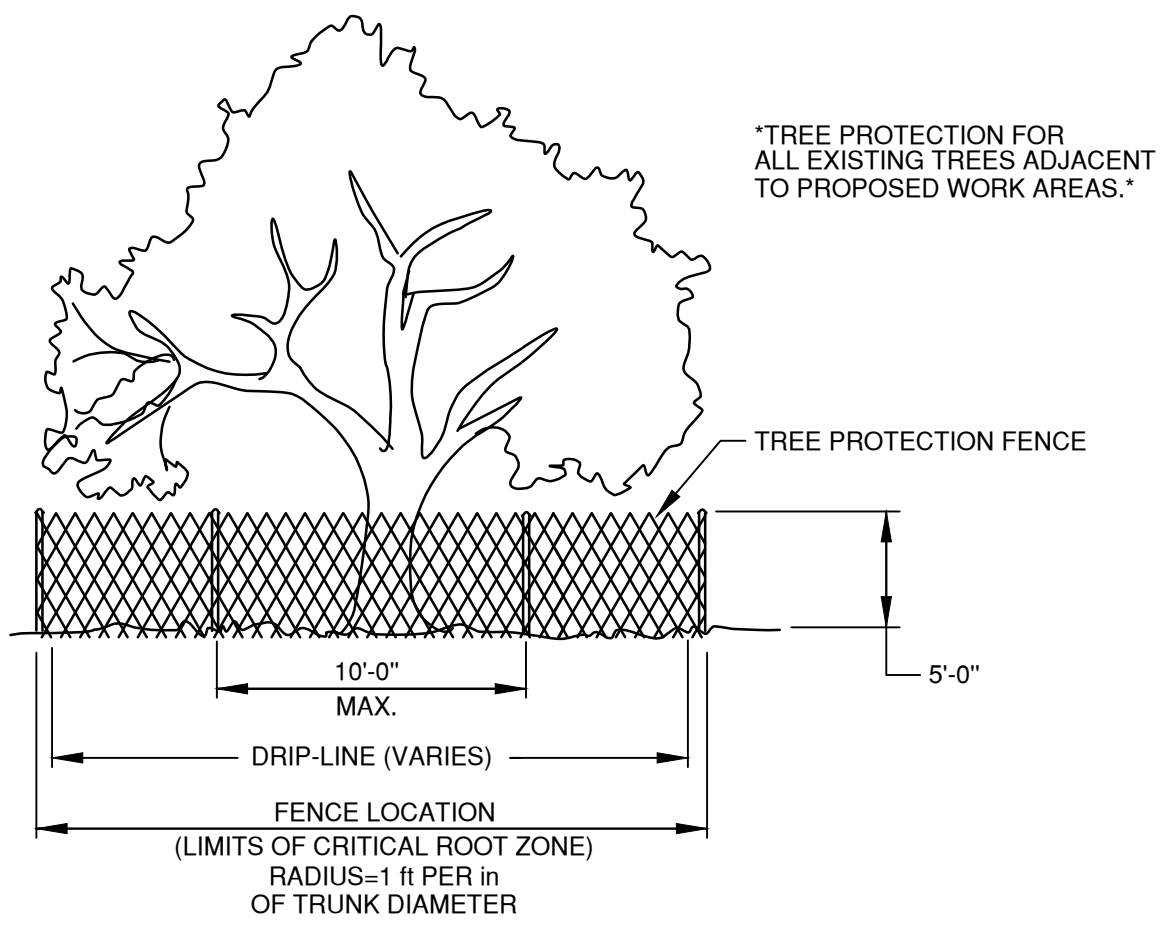
- NORWAY SPRUCE (PICEA ABIES): 6' TALL, 62 TOTAL (50.4%)
- COLORADO BLUE SPRUCE (PICEA PUNGENS): 6' TALL 61 TOTAL (49.6%)
- SOD MATERIAL
- NATIVE PRAIRIE SEED RESTORATION
BWSR MIX 34-241 (MESIC PRAIRIE)
36.5 LB/AC
- INFILTRATION POND SEED
BWSR MIX 34-271 (WET MEADOW)
12 LB/AC
- WET POND SEED
BWSR MIX 34.181 (EMERGENT WETLAND)
5 LB/AC



CONIFEROUS TREE PLANTING DETAIL

1
C3.1

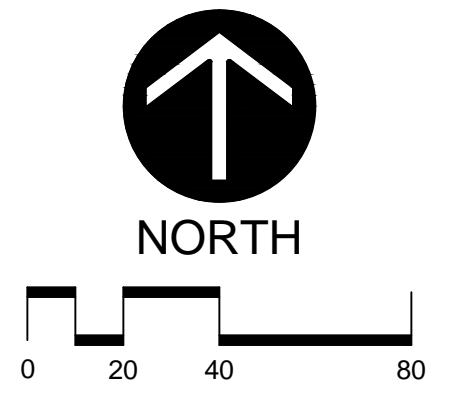
NO SCALE



TREE PROTECTION

2
C3.1

NOT TO SCALE



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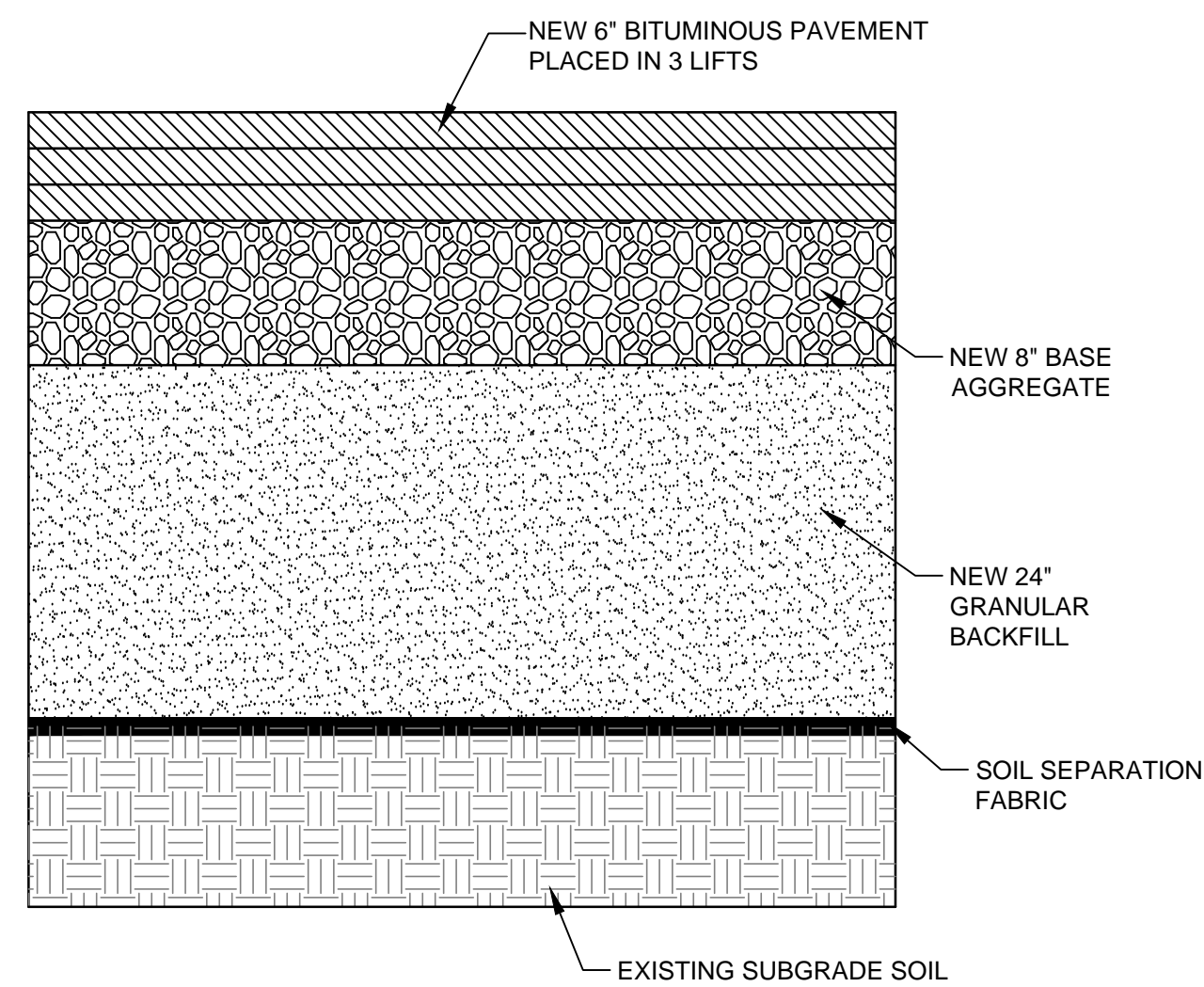
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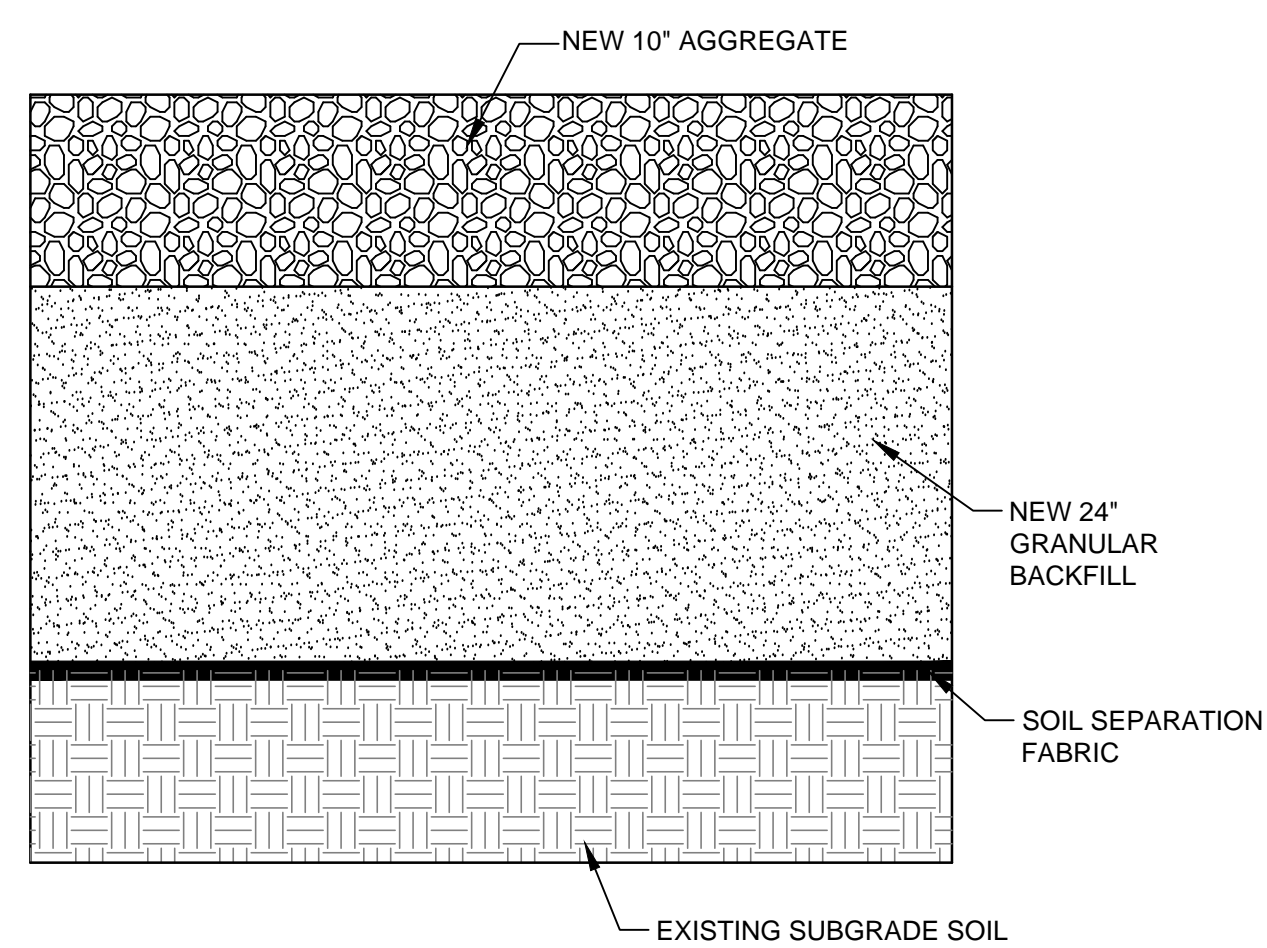
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 Drawn By: KJA
 Checked By: GAB
 Issue Date: 04.30.18
 Sheet Title:

LANDSCAPE PLAN
C3.1

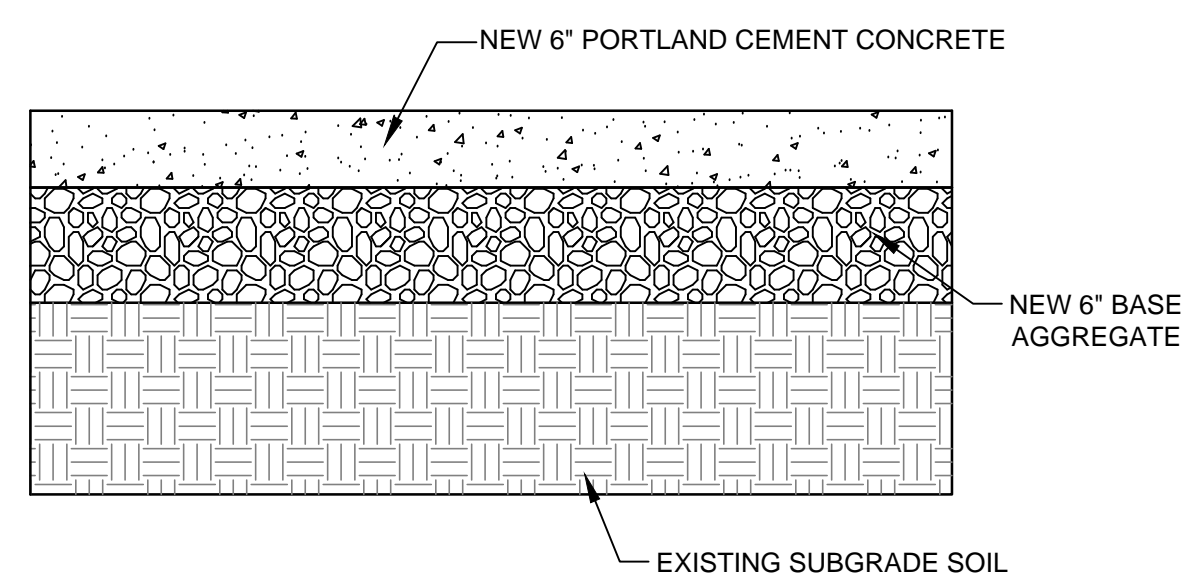
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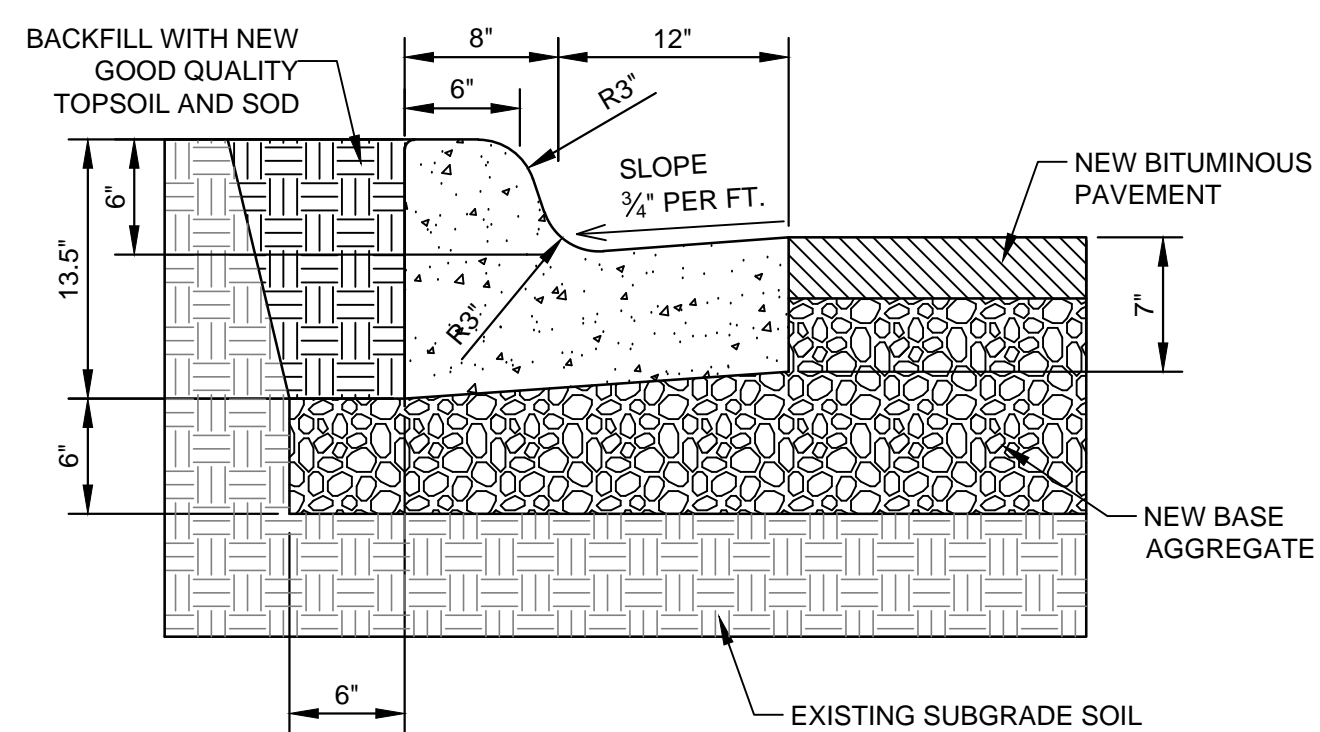
1
C5
HEAVY-DUTY BITUMINOUS PAVEMENT SECTION
NOT TO SCALE



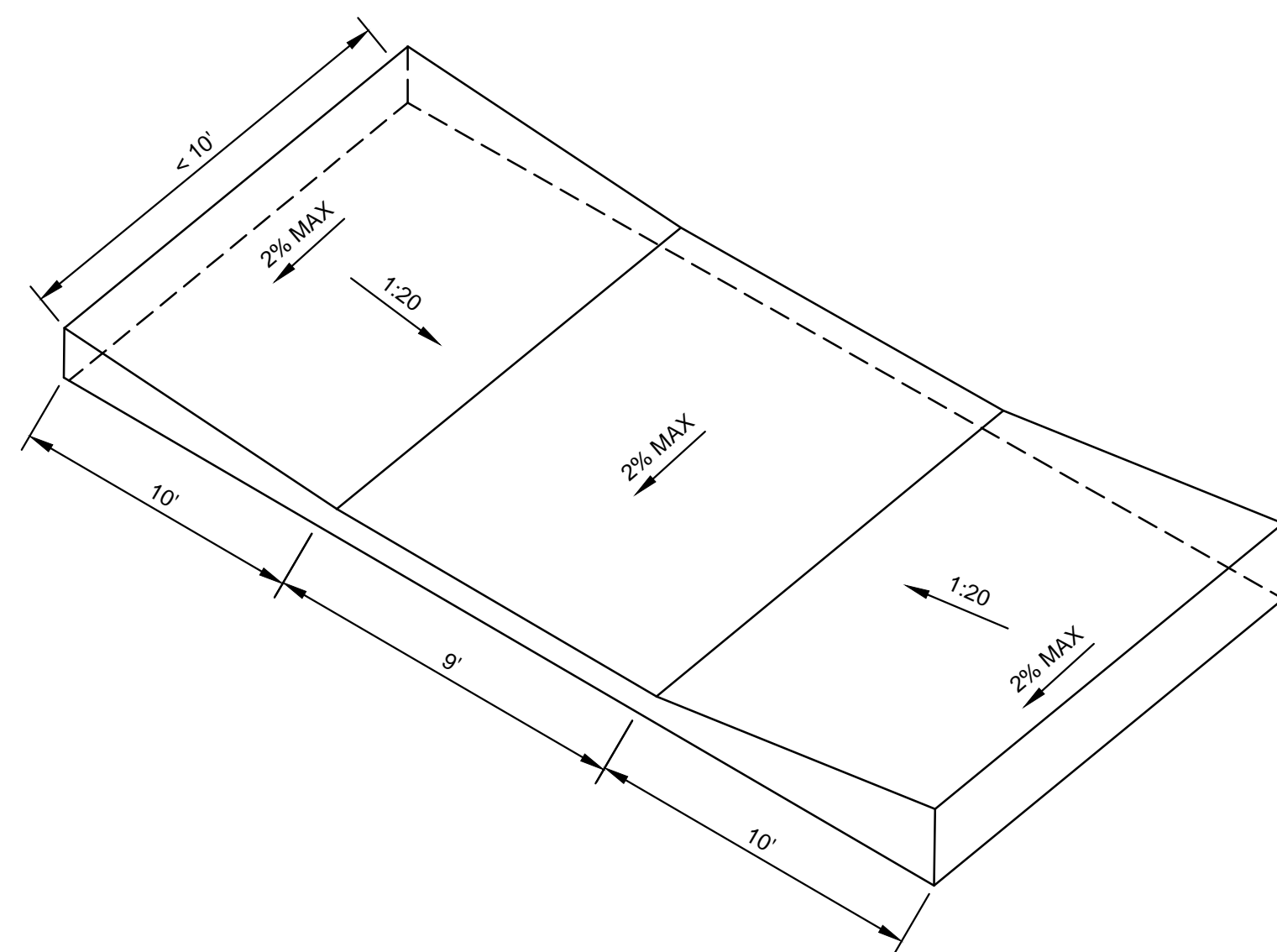
2
C5
GRAVEL SECTION
NOT TO SCALE



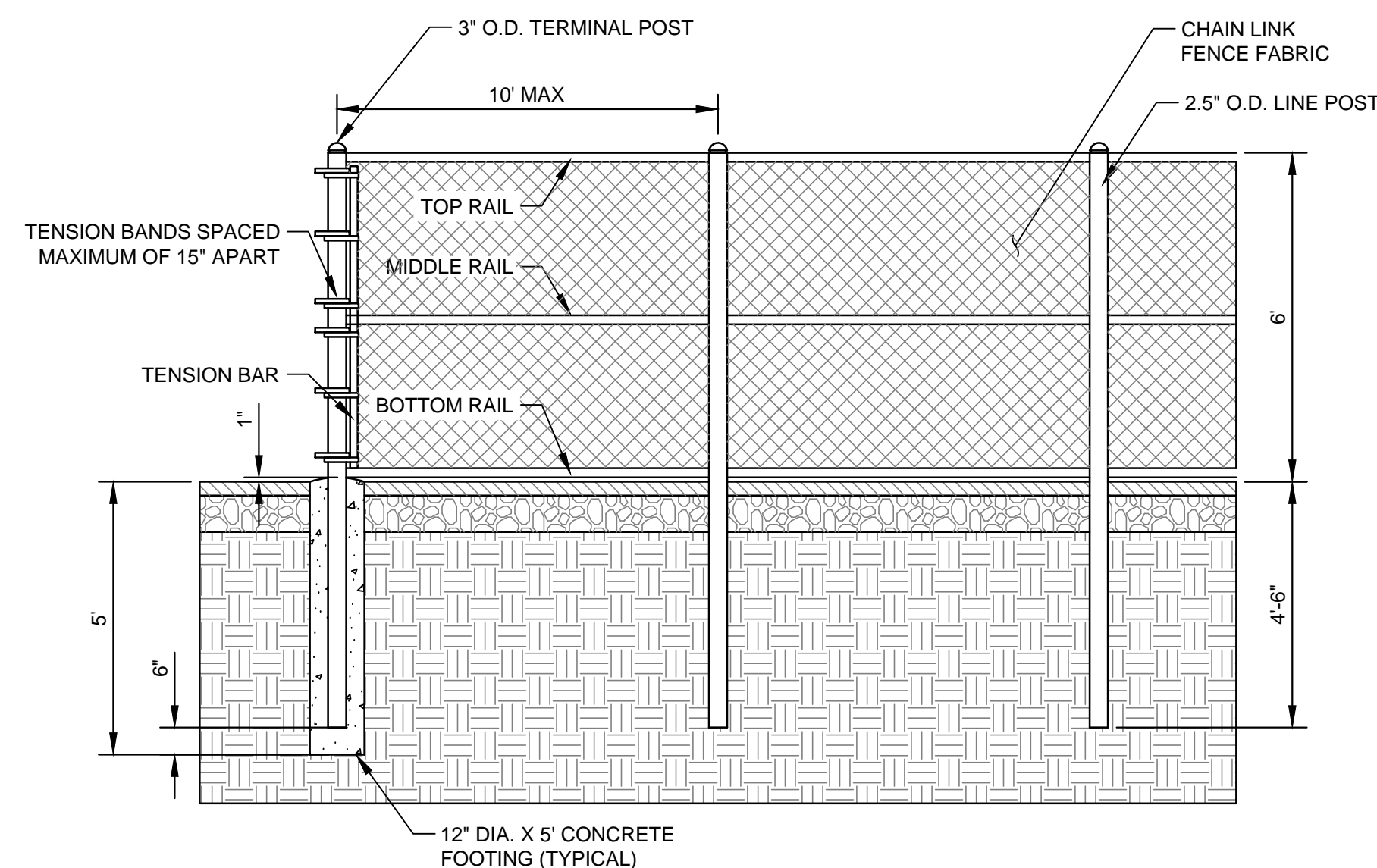
3
C5
CONCRETE SIDEWALK CONSTRUCTION DETAIL
NOT TO SCALE



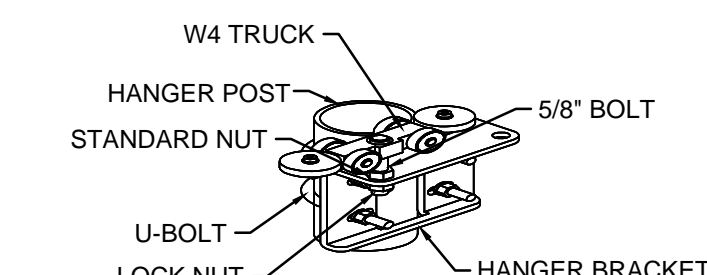
4
C5
B612 CONCRETE CURB & GUTTER DETAIL
NOT TO SCALE



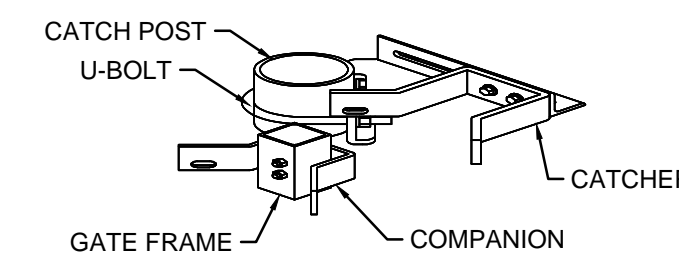
5
C5
ACCESSIBLE RAMP DETAIL
NOT TO SCALE



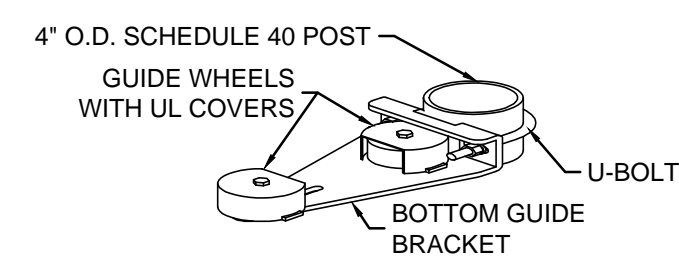
6
C5
FENCE DETAIL
NOT TO SCALE



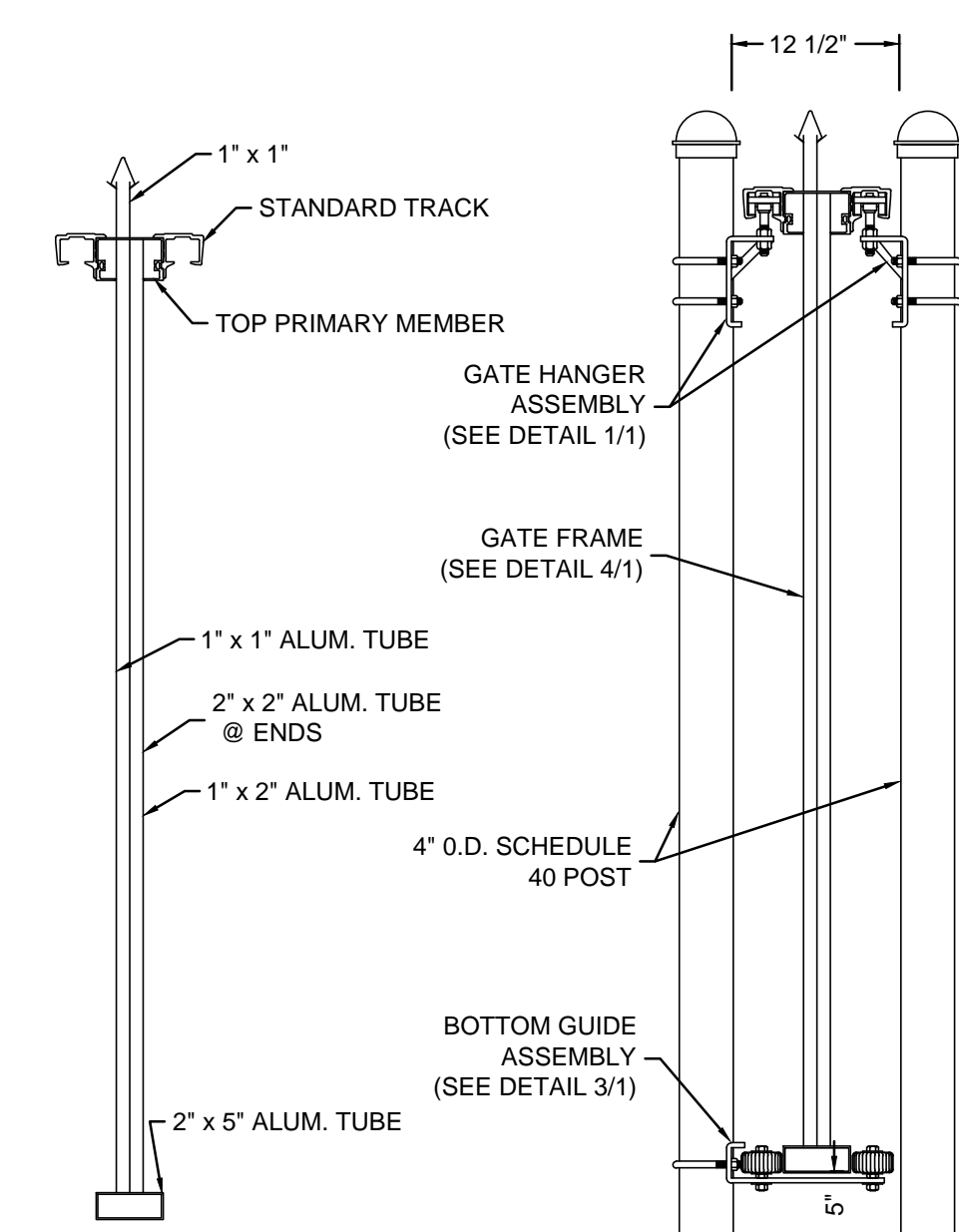
1
TA
GATE HANGER ASSEMBLY
Scale: None



2
TA
CATCH ASSEMBLY
Scale: None

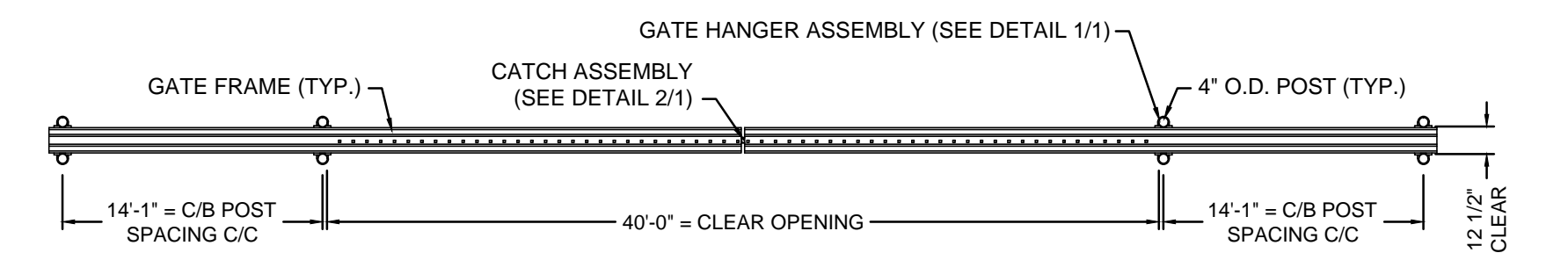


3
TA
BOTTOM GUIDE ASSEMBLY
Scale: None

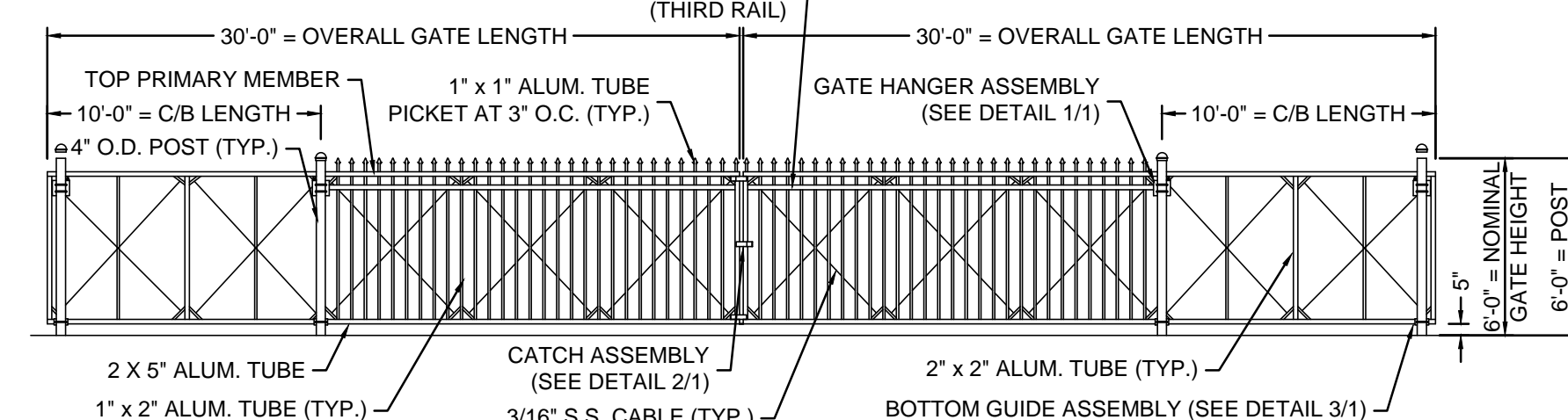


4
TA
GATE FRAME SECTION
Scale: None

5
TA
GATE ASSEMBLY SECTION
Scale: None



6
TA
PLAN VIEW
Scale: None



7
TA
DOUBLE GATE DETAIL
Scale: None

7
C5
GEORGETOWN SLIDE GATE DETAIL
NOT TO SCALE

- NOTES:
- ALL HARDWARE IS PROVIDED FOR 4" O.D. SCHEDULE 40 POSTS.
 - GATE ELEVATION IS VIEWED FROM OUTSIDE THE SECURE AREA LOOKING IN.
 - FOR GATES THAT REQUIRE TWO PIECE FABRICATION, A 5" ALUMINUM CHANNEL WILL BE SUBSTITUTED FOR THE 2" x 5" ALUMINUM TUBE.

I hereby certify that this plan, specifications or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the state of Minnesota.

Greg A. Buchal
Greg A. Buchal, P.E.
Date: 04.30.18 Reg. No.: 23793

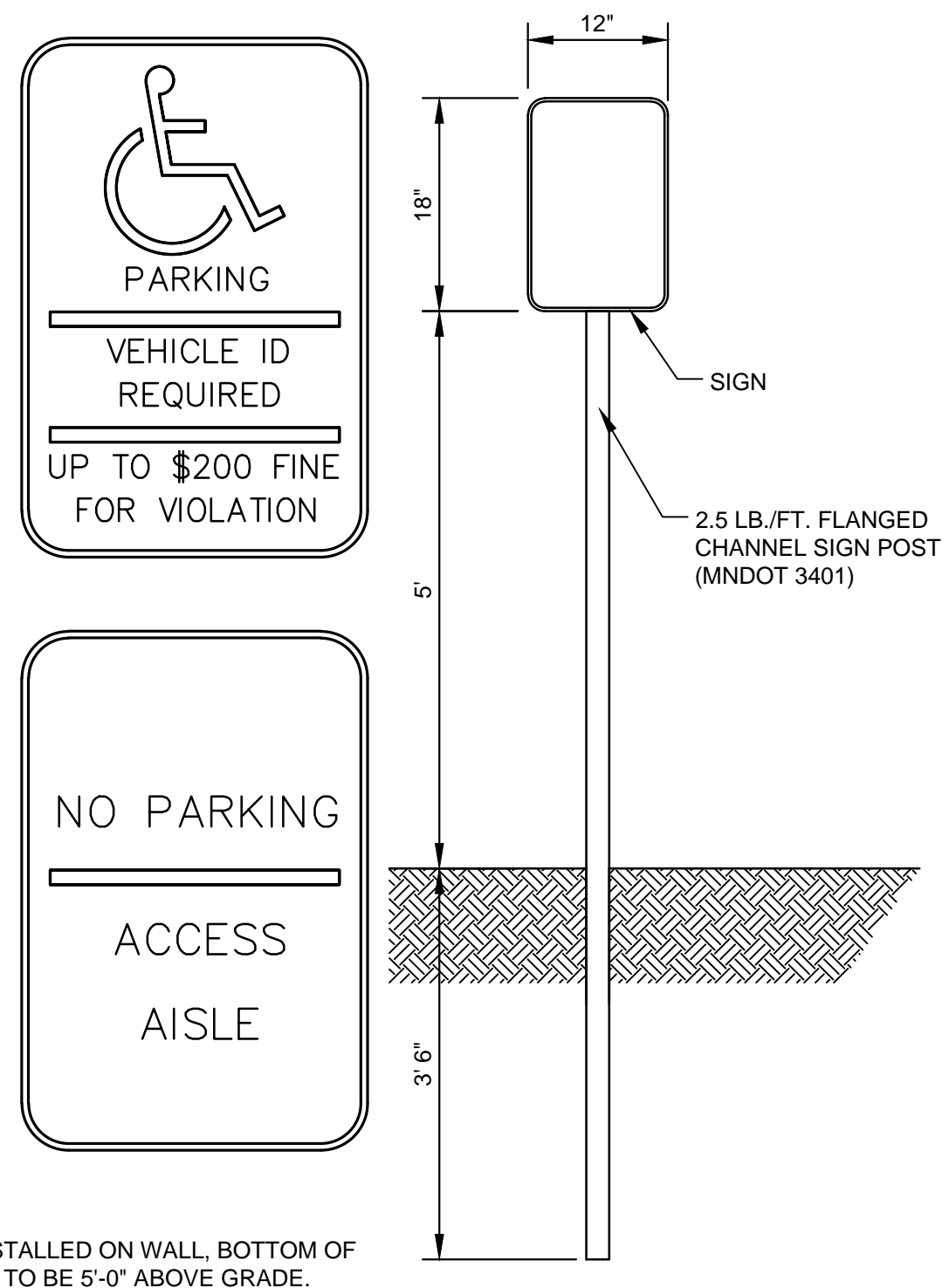
Rev.	Date	Description

Project #: 12176010
Drawn By: KJA
Checked By: GAB
Issue Date: 04.30.18
Sheet Title:

DETAILS

C5

Sheet:

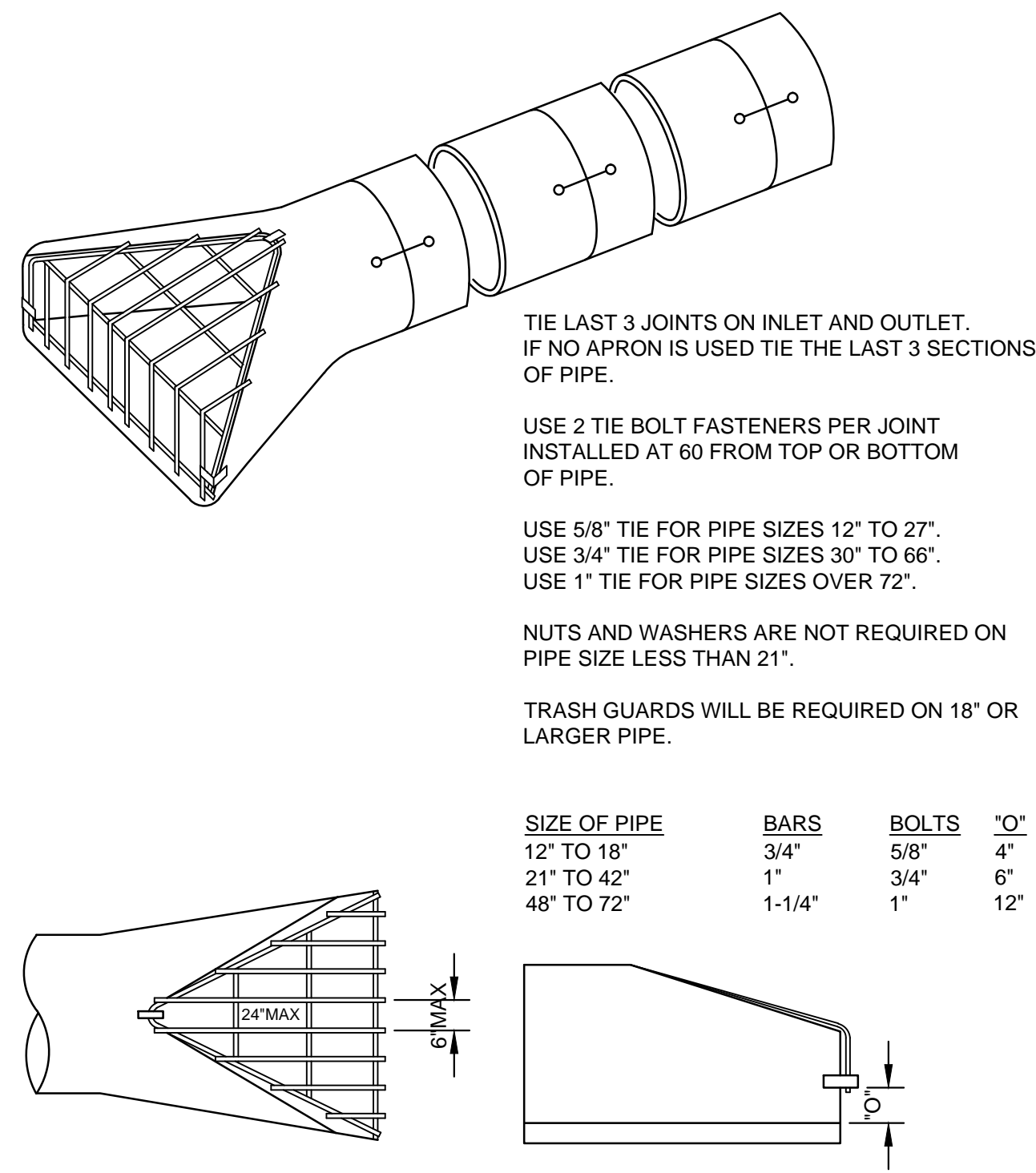


NOTE:
1. IF INSTALLED ON WALL, BOTTOM OF SIGN TO BE 5'-0" ABOVE GRADE.

ACCESSIBLE PARKING SIGN DETAIL

1
C6

NOT TO SCALE

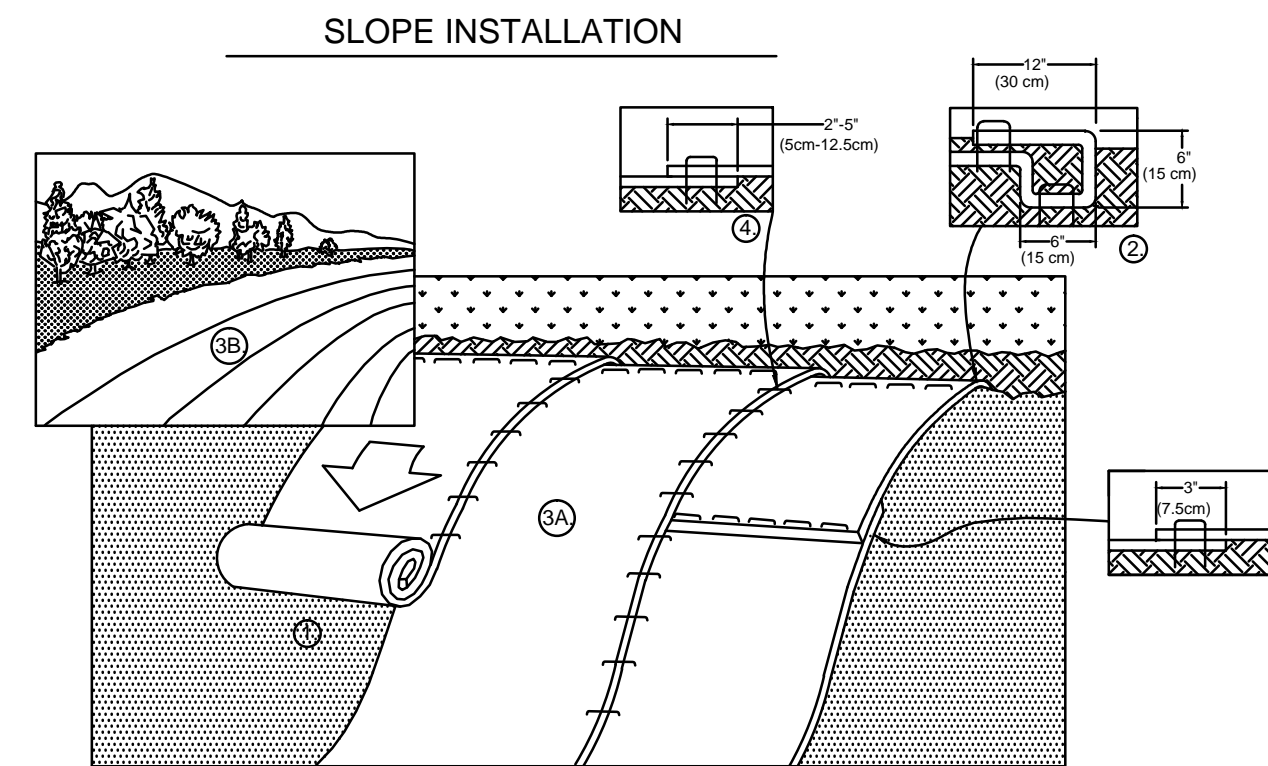


PROVIDE 3 CLIPS TO FASTEN TRASH GUARD TO F.E.S. HOT DIP GALVANIZE AFTER FABRICATION.

FLARED END SECTION DETAIL

3
C6

NOT TO SCALE



- PREPARE SOIL BEFORE INSTALLING ROLLED EROSION CONTROL PRODUCTS (RECP's), INCLUDING ANY NECESSARY APPLICATION OF LIME, FERTILIZER, AND SEED. NOTE: WHEN USING CELL-O-SEED DO NOT SEED PREPARED AREA. CELL-O-SEED MUST BE INSTALLED WITH PAPER SIDE DOWN.
- BEGIN AT THE TOP OF THE SLOPE BY ANCHORING THE RECP'S IN A 6" (15 CM) DEEP X 6" (15 CM) WIDE TRENCH WITH APPROXIMATELY 12" (30CM) OF RECP'S EXTENDED BEYOND THE UP-SLOPE PORTION OF THE TRENCH. ANCHOR THE RECP'S WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" (30 CM) APART IN THE BOTTOM OF THE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO COMPACTED SOIL AND FOLD REMAINING 12" (30 CM) PORTION OF RECP'S BACK OVER SEED AND COMPACTED SOIL. SECURE RECP'S OVER COMPACTED SOIL WITH A ROW OF STAPLES/STAKES SPACED APPROXIMATELY 12" (30 CM) APART ACROSS THE WIDTH OF THE RECP'S.
- ROLL THE RECP'S (A) DOWN OR (B) HORIZONTALLY ACROSS THE SLOPE. RECP'S WILL UNROLL WITH APPROPRIATE SIDE AGAINST THE SOIL SURFACE. ALL RECP'S MUST BE SECURELY FASTENED TO SOIL SURFACE BY PLACING STAPLES/STAKES IN APPROPRIATE LOCATIONS AS SHOWN IN THE STAPLE PATTERN GUIDE. WHEN USING THE DOT SYSTEM, STAPLES/STAKES SHOULD BE PLACED THROUGH EACH OF THE COLORED DOTS CORRESPONDING TO THE APPROPRIATE STAPLE PATTERN.
- THE EDGES OF PARALLEL RECP'S MUST BE STAPLED WITH APPROXIMATELY 2" - 5" (5 CM - 12.5 CM) OVERLAP DEPENDING ON RECP'S TYPE.
- CONSECUTIVE RECP'S SPLICED DOWN THE SLOPE MUST BE PLACED END OVER END (SHINGLE STYLE) WITH AN APPROXIMATE 3" (7.5 CM) OVERLAP. STAPLE THROUGH OVERLAPPED AREA, APPROXIMATELY 12" (30 CM) APART ACROSS ENTIRE RECP'S WIDTH.



14649 HIGHWAY 41 NORTH
EVANSVILLE, IN 47725
800-772-2040
www.nagreen.com

Category 4 Erosion Control Blanket:
North American Green S150 erosion control blanket or approved equal.

Top Net	Bottom Net
Polypropylene	Polypropylene
1.5 lbs/1,000 ft ²	1.5 lbs/1,000 ft ²
(0.73 kg/100 m ²) approx. wt.	(0.73 kg/100 m ²) approx. wt.

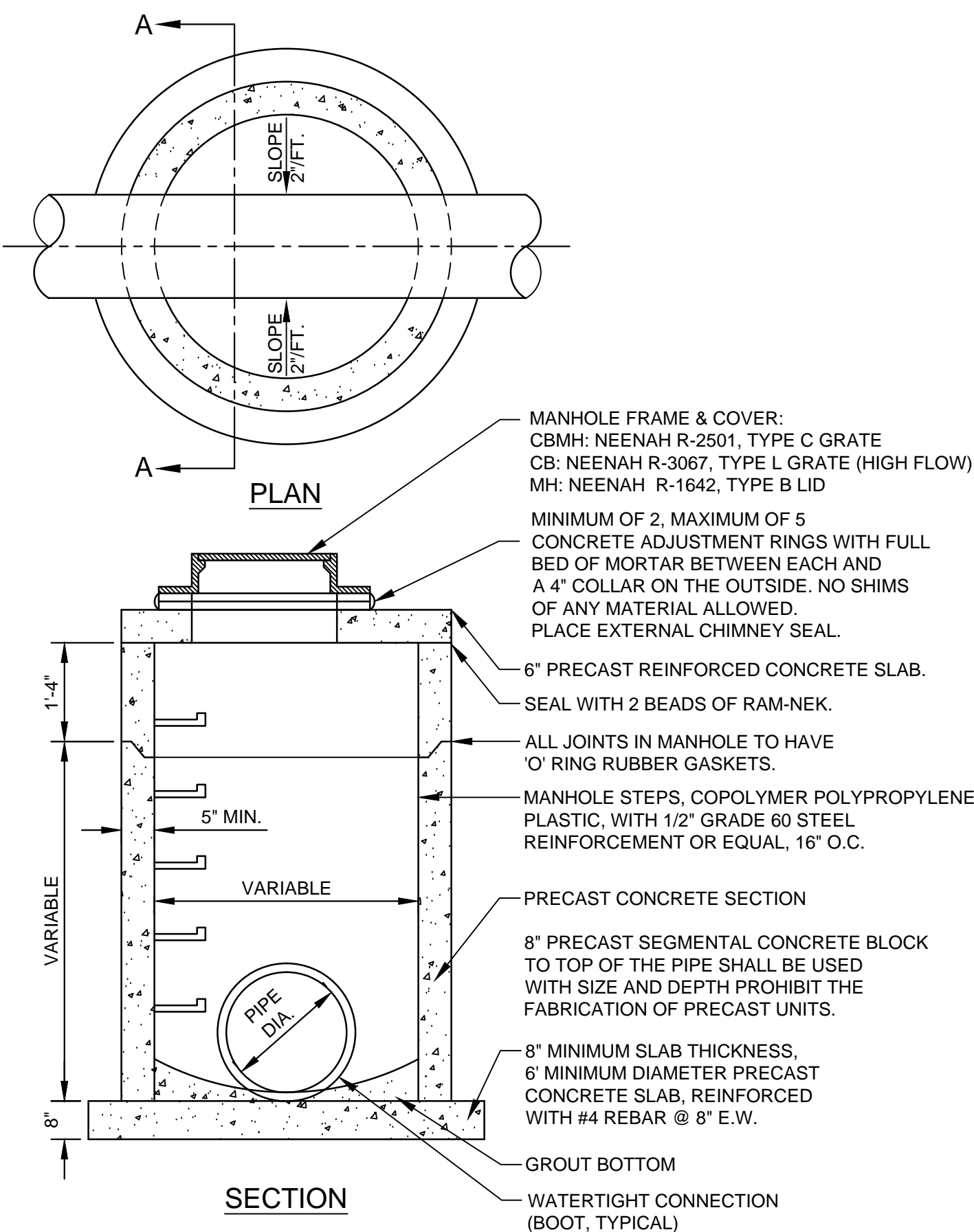
Straw Fiber	Thread
0.50 LBS/YD ²	Photodegradable
(0.27 KG/M ²)	

Staples/Anchors:
The type of anchors used to secure the blanket to the soil surface shall be approved by the Engineer.

EROSION CONTROL BLANKET

5
C6

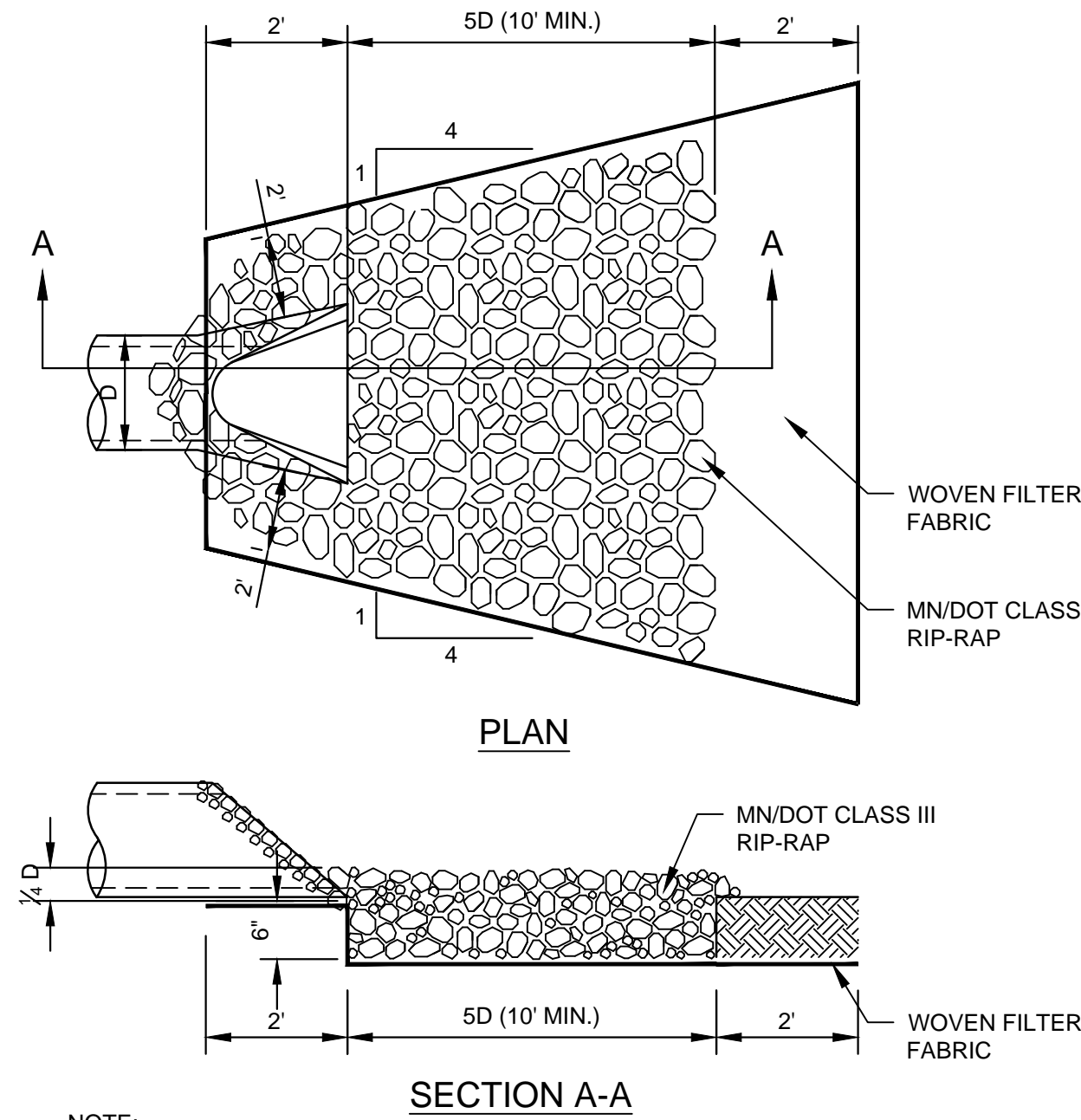
NOT TO SCALE



STORM MANHOLE DETAIL

2
C6

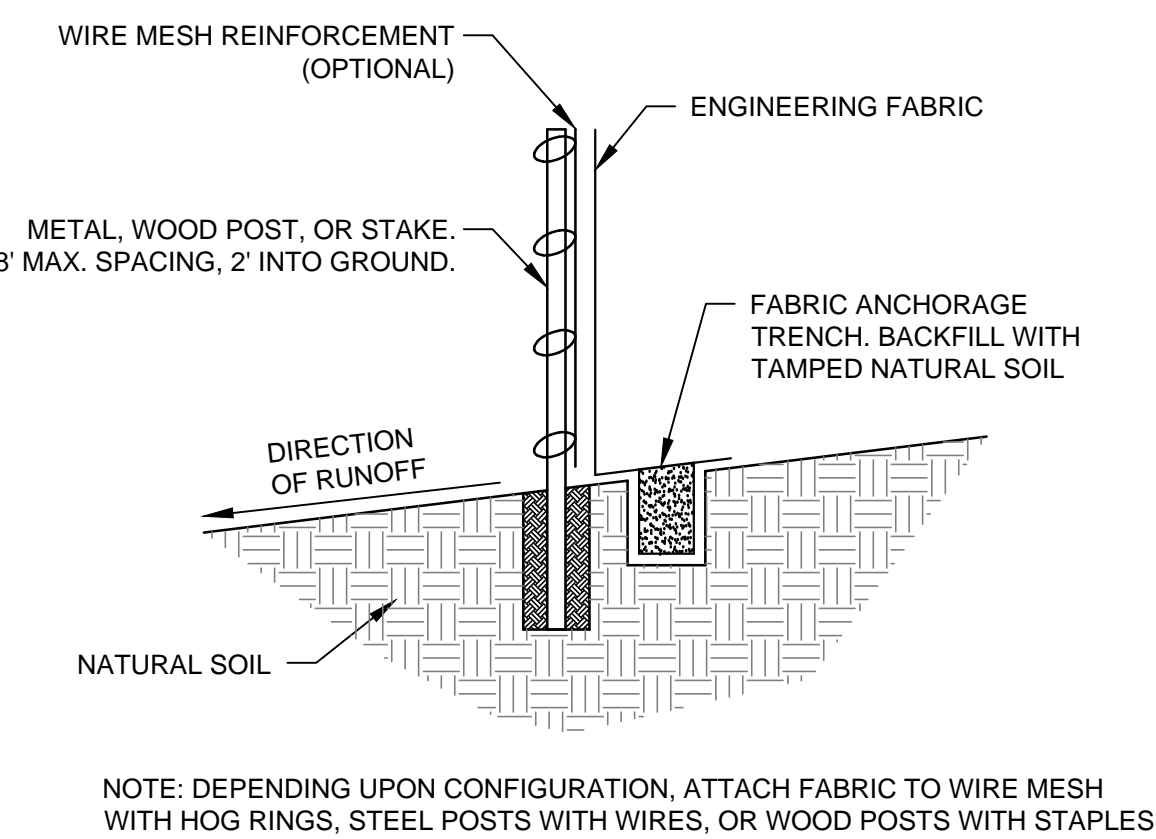
NOT TO SCALE



RIP-RAP AT OUTLETS

4
C6

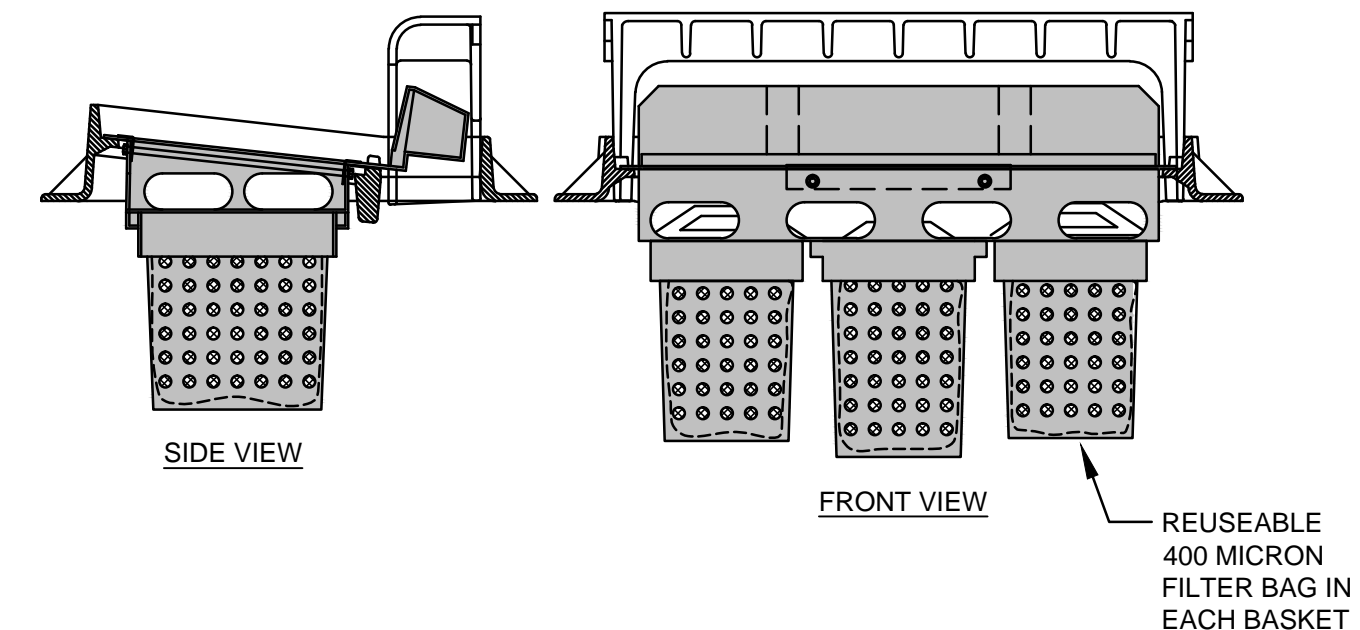
NOT TO SCALE



SILT FENCE INSTALLATION DETAIL

6
C6

NOT TO SCALE



INFRA SAFE INLET PROTECTION DEVICE (OR EQUAL)

7
C6

NOT TO SCALE

CITY SUBMITTAL

2018 STILLWATER BUS FACILITY IMPROVEMENTS
STILLWATER AREA PUBLIC SCHOOLS
STILLWATER, MN 55082

Client:

STILLWATER AREA PUBLIC SCHOOLS
1875 SOUTH GREELEY STREET
STILLWATER, MINNESOTA 55082

Larson Engineering, Inc.
3524 Labore Road
White Bear Lake, MN 55110
651.481.9120 (f) 651.481.9201
www.larsonengr.com

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I hereby certify that this plan, specifications or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the state of Minnesota.

Greg A. Buchal, P.E.

Date: 04.30.18 Reg. No.: 23793

Rev.	Date	Description

Project #: 12176010
Drawn By: KJA
Checked By: GAB
Issue Date: 04.30.18
Sheet Title:

DETAILS

C6

Sheet:

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

ORDINANCE NO. 08-214

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LAKE ELMO**

SECTION 1. The City Council of the City of Lake Elmo hereby ordains a portion of the following property (PID# 36.029.21.43.0001) to be rezoned from RR – Rural Residential to BP – Business Park:

Lot 1, Block 1, Four Corners

SECTION 2. The City Council of the City of Lake Elmo also hereby ordains that the Zoning Administrator shall make the applicable changes to the official Zoning Map of the City of Lake Elmo.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance 08-214 was adopted on this 17th day of July, 2018, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-214 was published on the ____ day of July, 2018.

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

RESOLUTION NO. 2018-076

A RESOLUTION APPROVING THE FOUR CORNERS PRELIMINARY AND FINAL PLAT

WHEREAS, Terry Emerson, 2204 Legion Lane Circle North, Lake Elmo, MN 55042 (“Applicant”), has submitted an application to the City of Lake Elmo (“City”) for approval of Preliminary and Final Plat for Four Corners; and

WHEREAS, the Lake Elmo Planning Commission held a Public Hearing on June 4, 2018 and June 18, 2018 to consider the Preliminary and Final Plat for Four Corners and recommended approval subject to a number of conditions; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission and the proposed Four Corners Preliminary and Final Plat at a meeting on July 17, 2018; and

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

FINDINGS

1. That the Four Corners preliminary and final plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
2. That the Four Corners preliminary and final plat complies with the minimum lot frontage and area requirements of the City’s BP – Business Park zoning district.
3. That the Four Corners preliminary and final plat complies with the City’s subdivision ordinance.
4. That the Four Corners preliminary and final plat meets other City zoning ordinances, such as landscaping, erosion and sediment control, and other ordinances, provided comments outlined in the City Engineer Review Memo dated May 30, 2018 are met; or as may be amended due to changes in the site plan or proposed use.
5. That the Four Corners preliminary and final plat is consistent with the City’s engineering standards provided final plans are updated to address the City Engineer’s comments documented in a letter dated May 30, 2018; or as may be amended due to changes in the site plan or proposed use.
6. The land being subdivided is legally described as:

S1/2-SE1/4 EXC WEST 2 RODS EXC TO HWY EXC HWY PARCEL 44 MN DOT R/W PLAT #82-35 SECTION 36 TOWNSHIP 029 RANGE 021

7. That the Four Corners preliminary and final plat will create one new lot of 11 acres to be legally described as Lot 1, Block 1, Four Corners; and three outlots: A (46.64 acres), B (5.01 acres), and C (1.08 acres).

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicants' application for Preliminary and Final Plat, subject to the following conditions of approval:

- 1) The property shall be rezoned to BP – Business Park.
- 2) The applicant shall pay a fee in lieu of parkland dedication in the amount of \$4500 per acre of the newly created lot (11 acres X \$4500 = \$49,500 total) prior to any formal City authorization.
- 3) Prior to the execution of the Final Plat by City officials, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, landscaping, and payment of the required improvements for the Four Corners Final Plat with financial guarantees therefore.
- 4) Final grading, drainage and erosion control, sanitary sewer and stormwater management, street and utility construction plans shall be submitted, reviewed and approved by the City Engineer, meeting City Engineering Design Standards, prior to the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in a memorandum dated May 30, 2018 and all subsequent memorandums regarding the plans shall be incorporated into these documents before they are approved.
- 5) The applicant must obtain all other necessary City, State, and other governing body permits prior to the commencement of any construction activity on the parcel including but not limited to building permits, conditional use permits, etc.
- 6) Any plans for construction on the newly created parcel must comply with the Lake Elmo Design Standards Manual and specific general site considerations and development standards for specific uses within the Business Park District.
- 7) The site plan is subject to a storm water management plan meeting State, Valley Branch Watershed District and City rules and regulations. All applicable permits must be obtained. Maintenance access roads meeting City engineering design standards must be provided for all storm water facilities.

- 8) Stormwater facilities shall remain privately owned and maintained. The applicant will be required to execute a Stormwater Maintenance and Easement Agreement in the City's standard form of agreement.
- 9) A Traffic Impact Study shall be completed and submitted in order to determine timing and extent of improvements required for the CSAH 15 and Hudson Boulevard intersection realignment and traffic signal improvements as well as the need for an eastbound left turn lane along Hudson Boulevard for site access. Additional right-of-way along Hudson Boulevard may be required if the eastbound left turn lane is required.
- 10) Hudson Boulevard must be improved per the City design standards to an urban section on the north side of the street including a west bound right turn lane to the site, a four foot shoulder (curb reaction), a nine foot boulevard, and a ten foot shared use bituminous trail with two foot clear zone.
- 11) Provisions for connecting municipal sanitary sewer service and for connecting to the municipal water supply must be provided on submitted plans. The applicant shall be responsible to extend and connect to the City sanitary sewer system and municipal water at the applicant's sole cost and extend such services to adjacent properties. The applicant shall be required to obtain easements from adjacent properties in order to extend water. A detailed description of the sanitary sewer and water capacity demands shall be provided.
- 12) Hydrants will be required to be placed at the direction of the Fire Department, and all fire hydrants shall be owned and maintained by the City.
- 13) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to its execution by City Officials.

Passed and duly adopted this 17th day of July, 2018 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

RESOLUTION NO. 2018-078

*A RESOLUTION DENYING A ZONING TEXT AMENDMENT TO AMEND THE CITY'S
ZONING CODE TO ALLOW LOCAL TRANSIT AS A CONDITIONAL USE WITHIN THE
BUSINESS PARK ZONING DISTRICT*

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

WHEREAS, Stillwater Area Public Schools (Kristen Hoheisel), 1875 Greeley Street South, Stillwater, MN 55042 (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district; and

WHEREAS, the request for a Zoning Text Amendment was submitted by the Applicant along with a request by Terry Emerson, 2204 Legion Lane Circle North, Lake Elmo, MN 55042, for a Minor Subdivision to subdivide the Property in to Lot 1, Block 1 of Four Corners, with three separate outlots; a Zoning Map Amendment to re-zone Lot 1, Block 1 of Four Corners from Rural Development Transitional to Business Park; and Conditional Use Permit for a school transportation center for Lot 1, Block 1, Four Corners; and

WHEREAS, the Planning Commission held a public hearing on June 4, 2018 and June 18, 2018 to consider the Applicant’s requests; and

WHEREAS, the Planning Commission submitted its report and recommendation to the City Council as part of a Staff Memorandum dated July 17, 2018; and

WHEREAS, the City Council considered said matter at its meeting on July 17, 2018; and

NOW THEREFORE BE IT RESOLVED based upon the testimony elicited, information received, staff reports and the record as a whole, the City Council makes the following findings of fact:

FINDINGS.

1. That the procedures for requesting a Zoning Text Amendment are found in the Lake Elmo Zoning Ordinance, Section 154.105.
2. That all the submission requirements of said Section 154.105 have been met by the Applicant.
3. That the proposed Zoning Text Amendment includes the following components:
 - a. That local transit be a conditional use within the Business Park zoning district.

- b. That standards for local transit within the Business Park zoning district be added to include the following:
 - i. Use is limited to a school district transportation center, owned by a public school district, serving as a bus terminal for buses and vans which transport passengers to and from schools or between school programs and community residences.
 - ii. The property on which the use is located must be located within one half mile of property owned by a public school district.
 - iii. Must be on a property of at least 10 acres in size or more.
 - iv. Must be sufficiently screened from adjacent residential properties through berming and landscaping as approved by the City.
 - v. Accessory uses may include an office and routine maintenance of school buses, including but not limited to washing and fueling.
4. That the 2030 Comprehensive Plan indicates that the specific desired attributes of the Business Park land use category include a diversity of jobs, high development densities and jobs per acre, high quality site and building architectural design, and increased tax revenues for the community.
5. That the draft 2040 Comprehensive Plan indicates that Business Park areas are to provide for a wide variety of professional businesses such as medical and research facilities, offices, and corporate headquarters. Uses specifically excluded from existing business park areas include warehousing, manufacturing, distribution, assembly and truck terminals.
6. That school district transportation centers owned by a public school district would likely not provide high quality site and building architectural design or increase tax revenues for the community, as are specific desired attributes of the Business Park land use category of the 2030 Comprehensive Plan and the proposed text amendment is therefore inconsistent with the Comprehensive Plan.
7. That school district transportation centers are similar to truck terminals, which are specifically excluded from business park areas as per the draft 2040 Comprehensive Plan.
8. That school district transportation centers would increase traffic on Hudson Boulevard, creating congestion and would likely trigger the need for a traffic signal at the intersection of Manning Avenue and Hudson Boulevard, the cost for which the City will be required to pay 25%.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Lake Elmo City Council hereby denies the request by Stillwater Area Public Schools for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district.

Passed and duly adopted this 17th day of July 2018, by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

RESOLUTION 2018-079

*A RESOLUTION DENYING A CONDITIONAL USE PERMIT FOR A SCHOOL DISTRICT
TRANSPORTATION CENTER FOR A PORTION OF THE PROPERTY LOCATED AT 11530
HUDSON BOULEVARD NORTH*

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

WHEREAS, Stillwater Area Schools (Kristen Hoheisel), 1875 Greeley Street South, Stillwater, MN 55082 (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a Conditional Use Permit for a school district transportation center for a portion of the property located at 11530 Hudson Blvd N (PID# 36.029.21.43.0001) (the “Property”); and

WHEREAS, a request for a Preliminary and Final Plat to subdivide the Property in to Lot 1, Block 1 of Four Corners, with three separate outlots was submitted by Terry Emerson, 2204 Legion Lane Circle North, Lake Elmo, MN 55042; and

WHEREAS, the Applicant also submitted applications to the City for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district; and a Zoning Map Amendment to re-zone Lot 1, Block 1 of Four Corners from Rural Development Transitional to Business Park; and

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

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on June 4, 2018 and June 18, 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 July 17, 2018, and

WHEREAS, the City Council considered said matter at its July 17, 2018 meeting; and

NOW, THEREFORE, based on the testimony elicited, staff reports and information received and the entire record presented, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Conditional Use Permit are found in the Lake Elmo Zoning Ordinance, Section 154.106.

- 2) That all the submission requirements of said Section 154.106 have been met by the Applicant.
- 3) That the proposed Conditional Use Permit includes the following components:
 - a) A Conditional Use Permit for a school district transportation center for a portion of the property located at 11530 Hudson Blvd N.
- 4) That the Conditional Use Permit for a school district transportation center will be for the Property legally described as follows: Lot 1, Block 1 of Four Corners.
- 5) That the Zoning Text Amendment that was proposed by the Applicants allows local transit as a conditional use within the Business Park zoning district.
- 6) That the City denied the Applicant's request for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district.
- 7) That the City approved the Applicant's request for a Preliminary and Final Plat to subdivide the Property in to Lot 1, Block 1 of Four Corners along with three separate outlots.
- 8) That the City denied the Applicant's request for a Zoning Map Amendment to re-zone the Property from Rural Development Transitional to Business Park.
- 9) That since the Applicant's Zoning Text Amendment application was denied, the Applicant's application for a conditional use permit for a school transportation center must also be denied because local transit is not an allowed use within the Property's current zone, which is Business Park.
- 10) The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. ***With over 200 employees and a use that requires both employee trips in and out of the facility each day as well as two bus trips in and out of the facility each day, the use will generate a significant amount of traffic, which will likely trigger a need for a traffic signal at the intersection of Manning Avenue and Hudson Boulevard, the cost of which the City will be required to pay 25%.***
- 11) The use or development conforms to the City of Lake Elmo Comprehensive Plan. ***The property is guided for Business Park. While the proposal does create a significant number of jobs per acre, the parcel will be tax exempt, as it will be owned by the school district. It also does not fit in to the described uses appropriate for this land category. Finally, it does not propose high quality site and building architectural design, which, per the Comprehensive Plan, is a trait this land use category should have.***
- 12) The use or development is compatible with the existing neighborhood. ***The surrounding area is planned for uses such as offices, showroom/warehousing, research and development, manufacturing and assembly, and medical laboratories, which are not compatible uses with a bus terminal.***

- 13) The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. ***There are no specific development standards for this use listed in Article 7. The use does not comply with many parking lot, screening, and landscape standards of the Zoning Code.***
- 14) If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management). ***The property is located outside the 0.2% annual chance floodplain.***
- 15) The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. ***The proposed project is a redevelopment/repurposing of an existing site, to which minimal improvements are proposed. Operations are not within a building and so would not meet the intended character of the neighborhood, and outdoor storage is not an allowed use within the Business Park zoning district.***
- 16) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. ***The proposed use will create a significant amount of traffic, at least at certain times of the day.***
- 17) The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. ***The property is within the Metropolitan Urban Service Area (MUSA) and therefore should be required to be provided by city sewer and water. The application did not detail provisions to connect to City sewer and water. The use may require the prompt need for the CSAH 15/Hudson Blvd traffic signal, for which the City will be required to share 25% of the cost, and the Hudson Boulevard realignment. It is not yet known if the applicant's stormwater management plan meets all City, State, and Valley Branch Watershed District requirements.***
- 18) The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. ***The use may require the prompt need for the CSAH 15/Hudson Blvd traffic signal/realignment, for which the City will be required to share 25% of the cost. It is not yet known if the applicant's stormwater management plan meets all City, State, and Valley Branch Watershed District requirements.***
- 19) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. ***The***

proposed use will generate a significant number of trips per day, which will generate excessive production of traffic.

- 20) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. ***Traffic congestion will be created from the significant number of trips to the site the use would generate.***
- 21) The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. **N/A**

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Lake Elmo City Council hereby denies the request by Stillwater Area Schools for a Conditional Use Permit for a school transportation center.

Passed and duly adopted this 17th day of July 2018 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

ORDINANCE NO. 08-215

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
ADDING LOCAL TRANSIT AS A CONDITIONAL USE WITHIN THE BUSINESS
PARK ZONING DISTRICT AND ADDING ADDITIONAL STANDARDS FOR LOCAL
TRANSIT WITHIN THE BUSINESS PARK ZONING DISTRICT**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article XIV: Commercial Districts; Section 154.551; Table 12-1 by amending the following:

	LC	CC	C	BP	Standard
<i>Public and Civic Uses</i>					
Colleges and universities	-	-	C	C	154.012 (B) (2), 154.303 (A)
Community service	-	C	C	C	154.012 (B) (2)
Day care center	C	C	C	C	154.012 (B) (2)
Schools, public and private	-	-	C	C	154.012 (B) (2), 154.303 (A)
<u>Local Transit</u>	=	=	=	<u>C</u>	<u>154.554</u> <u>(O)</u>

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article XIV: Commercial Districts; Section 154.554 by adding the following:

O. Local Transit, BP District. School bus terminals shall be allowed as a conditional principal use within the Business Park zoning district, provided that:

1. The use shall be limited to a school district transportation center, owned by a public school district, serving as a bus terminal for buses which transport passengers to and from schools or between school programs and community residences.
2. The property on which the use is located must be located within one half mile of property owned by a public school district for an active school or school administration building.
3. Must be on property of at least 10 acres in size or more.
4. Must be sufficiently screened, as determined by the City, from adjacent residential properties through techniques such as berming and landscaping.
5. Accessory uses to bus terminals may include an office and routine maintenance of school buses, including but not limited to washing and fueling.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 7. Adoption Date. This Ordinance 08-215 was adopted on this _____ day of _____ 2018 by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-215 was published on the _____ day of _____, 2018.

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

RESOLUTION 2018-077

*A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A SCHOOL DISTRICT
TRANSPORTATION CENTER FOR A PORTION OF THE PROPERTY LOCATED AT 11530
HUDSON BOULEVARD NORTH*

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

WHEREAS, Stillwater Area Schools (Kristen Hoheisel), 1875 Greeley Street South, Stillwater, MN 55082 (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a Conditional Use Permit for a school district transportation center for a portion of the property located at 11530 Hudson Blvd N (PID# 36.029.21.43.0001) (the “Property”); and

WHEREAS, a request for a Preliminary and Final Plat to subdivide the Property in to Lot 1, Block 1 of Four Corners, with three separate outlots was submitted by Terry Emerson, 2204 Legion Lane Circle North, Lake Elmo, MN 55042; and

WHEREAS, the Applicant also submitted applications to the City for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district; and a Zoning Map Amendment to re-zone Lot 1, Block 1 of Four Corners from Rural Development Transitional to Business Park; and

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

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on June 4, 2018 and June 18, 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 July 17, 2018, and

WHEREAS, the City Council considered said matter at its July 17, 2018 meeting; and

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

FINDINGS

- 1) That the procedures for obtaining said Conditional Use Permit are found in the Lake Elmo Zoning Ordinance, Section 154.106.

- 2) That all the submission requirements of said Section 154.106 have been met by the Applicant.
- 3) That the proposed Conditional Use Permit includes the following components:
 - a) A Conditional Use Permit for a school district transportation center for a portion of the property located at 11530 Hudson Blvd N.
- 4) That the Conditional Use Permit for a school district transportation center will be for the Property legally described as follows: Lot 1, Block 1 of Four Corners.
- 5) That the Zoning Text Amendment that was proposed by the Applicants allows local transit as a conditional use within the Business Park zoning district.
- 6) That the City approved the Applicant's request for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district.
- 7) That the City approved the Applicant's request for a Preliminary and Final Plat to subdivide the Property in to Lot 1, Block 1 of Four Corners along with three separate outlots.
- 8) That the City approved the Applicant's request for a Zoning Map Amendment to re-zone the Property from Rural Development Transitional to Business Park.
- 9) The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. ***Bus traffic is not expected to be detrimental or dangerous, as trips and traffic will be limited to certain times of the day. It is a recommended condition of approval that there be significant berming to provide a sufficient screening of the parking lot.***
- 10) The use or development conforms to the City of Lake Elmo Comprehensive Plan. ***The property is guided for Business Park, in which local transit, which meets certain standards, is a conditional use per the Zoning Code. The use also provides a significant number of jobs per acre, which is a desired trait of the Business Park land use designation per the Comprehensive Plan.***
- 11) The use or development is compatible with the existing neighborhood. ***The use is compatible with the existing neighborhood, as the existing use is a truck terminal, which is similar in use and design to a bus terminal. The surrounding parcels are mostly vacant and undeveloped.***
- 12) The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. ***The proposal complies with the proposed development standards as recommended in the requested Zoning Text Amendment, although it does not comply with many parking lot, screening, and landscape standards, which have been required as a recommended condition of approval.***
- 13) If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257

(Shoreland Regulations) and Chapter 152 (Flood Plain Management). ***The property is located outside the 0.2% annual chance floodplain.***

- 14) The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. ***While the proposed project is a redevelopment/repurposing of an existing site and will not change the existing character of the area, operations are not within a building and so would not meet the intended character of the neighborhood.***
- 15) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. ***While the proposed use will create a significant amount of traffic, it will be limited to certain times of the day.***
- 16) The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. ***There are plans to connect to City sewer and water at the applicant's cost. The use may require the prompt need for the CSAH 15/Hudson Blvd traffic signal, for which the City will be required to share 25% of the cost, and the Hudson Boulevard realignment. It is not yet known if the applicant's stormwater management plan meets all City, State, and Valley Branch Watershed District requirements.***
- 17) The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. ***While the use will not pay property taxes, sewer and water service charges will be paid by the applicant.***
- 18) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. ***The proposed use will generate a significant number of trips per day, though this will be limited to certain times of the day. Minimal noise is expected to come from the site, except during heavy traffic times at specific times within the morning or afternoon.***
- 19) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. ***Traffic congestion could be created from the significant number of trips to the site, though these would be limited to certain times of the day.***
- 20) The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. N/A

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Lake Elmo City Council hereby approves the request by Stillwater Area Schools for a Conditional Use Permit for a school district transportation center with the following conditions of approval:

- 1) The Zoning Text Amendment to allow local transit (school district transportation center) within the Business Park Zoning District must be approved.
- 2) No construction or use of the bus terminal (unless in accordance with the Interim Use Permit approved by the City by Resolution 2014-095) may commence until all items as outlined in the City Engineer review memo regarding the Four Corners Preliminary & Final Plat (Stillwater Transportation Center) dated May 30, 2018 and all other subsequent construction plan memos regarding the Stillwater Transportation Center have been addressed; the Four Corners 1st Addition Final Plat has been recorded.
- 3) The applicant must obtain all other necessary City, State, and other governing body permits prior to the commencement of any construction activity on the parcel including but not limited to an approved stormwater management plan, utility plans, grading plan, street construction plans (if required), parking lot permit, building permits, etc.
- 4) The Applicant shall submit a photometric plan, and all lighting must meet requirements of Sections 150.035-150.038 of the City Code.
- 5) The above ground storage tank shall require development of diking around the tank, suitably sealed to hold a leakage capacity equal to 115% of the tank capacity. The applicant shall demonstrate that fire, explosion, or water or soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare. The applicant shall also fill out an Aboveground Storage Tank Notification of Installation or Change in Status Form as required by the Minnesota Pollution Control Agency (MPCA).
- 6) The Applicant shall submit an updated Landscape Plan and Tree Preservation Plan which includes sufficient berming and screening and addresses the comments in this report to be reviewed and approved by the City's Landscape Architect.
- 7) Parking areas shall be paved with a durable surface including, but not limited to, hot asphalt, bituminous or concrete; spaces shall be marked with painted lines at least four inches wide; required interior and exterior parking lot screening is required; a bumper curb or barrier of normal bumper height shall be provided; and must provide an adequate number of Americans with Disabilities Act (ADA) accessible stalls.
- 8) A sign permit shall be obtained prior to erection of any sign on the property.
- 9) The property shall be connected to City sewer and water prior to operation of the bus terminal.
- 10) A Traffic Impact Study is required to determine timing and extent of improvements required for the CSAH 15 and Hudson Boulevard intersection realignment and traffic signal improvements as well as to determine if an eastbound left turn lane along Hudson Boulevard is also needed at the site access.
- 11) The applicant shall be required to include a description of the sanitary sewer capacity demands including the number of residential equivalency units (REC) based on the Metropolitan Council Sewer Availability Charge (SAC) determination policy as well as a description of the water capacity demands including average day use, peak day use, and fire suppression demands. Demands must account for all planned uses and connections to

the sewer system including bus wash wastewater as well as include potable drinking water, bus washing operations, etc.

12) Applicant shall be responsible to place hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City.

Passed and duly adopted this 17th day of July 2018 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk



STAFF REPORT

DATE: 7/17/2018

REGULAR

ITEM #: 17

MOTION

TO: City Council

FROM: Emily Becker, Planning Director

AGENDA ITEM: Zoning Map Amendment, Preliminary and Final Plat, Bus Terminal Ordinance
Zoning Text Amendment, and Conditional Use Permit

REVIEWED BY: Ben Gozola, Consultant Planner
Soren Mattick, Campbell Knutson

BACKGROUND:

The City has received a set of applications from Stillwater Area Public Schools (Kristen Hoheisel) and Terry Emerson requesting consideration of the following four (4) items:

- 1) A Zoning Map Amendment to re-zone a portion of the subject property to Business Park;
- 2) Preliminary and Final Plats to subdivide the property located at 11530 Hudson Boulevard North;
- 3) A Zoning Text Amendment to allow "bus terminal" as a conditionally permitted principal use within the Business Park Zoning District; and
- 4) A Conditional Use Permit to operate a school district transportation center on the subject property.

ISSUE BEFORE COUNCIL:

The Council is being asked to hold a public hearing and make recommendation on each of the four requests beginning with the broadest issue (zoning district change) and working towards the most specific (approval of a CUP to allow operation of a bus terminal). As all four of the applications are generally linked, denial of any individual request may impact the Council's decision(s) on subsequent requests.

PROPOSAL DETAILS/ANALYSIS:

Applicants: Stillwater Area Public Schools (Kristen Hoheisel), 1875 Greeley Street South, Stillwater, MN 55082 (Zoning Map Amendment, Zoning Text Amendment, and Conditional Use Permit) and Terry Emerson, 2204 Legion Ln Cir N, Lake Elmo, MN 55042 (Preliminary and Final Plat)

Property Owners: EN Properties, LLC (Terry Emerson), 11530 Hudson Boulevard North, Lake Elmo, MN 55042

Location: 11530 Hudson Boulevard North (PID# 36.029.21.43.0001)

Request: Zoning Text Amendment, Preliminary and Final Plat, Zoning Map Amendment, and Conditional Use Permit.

Existing Land Use: Trucking Terminal – sales, repairs, and service of diesel trucks

Existing Zoning: RT - Rural Development Transitional

Surrounding Land Use / Zoning: South – I-94 and Woodbury; West – Outdoor Storage (RT – Rural Development Transitional); East – Vacant land (RT – Rural Development Transitional); North – Vacant land (RT – Rural Development Transitional)

Comprehensive Plan Guidance: BP – Business Park

Deadline(s) for Action: Application Complete – 5/4/2018
60 Day Deadline – 7/3/2018
Extension Letter Mailed – At request of Applicant – extended to July 29, 2018
120 Day Deadline – N/A

Applicable Regulations: Chapter 153 – Subdivision Regulations
§154.210 – Off-Street Parking
Article XIV: Commercial Districts
§154.258: Landscape Requirements

ZONING MAP AMENDMENT

The applicant is seeking approval to rezone a portion of the subject property (11 acres of approximately 63.73 total acres) from RT (Rural Development Transitional) to BP (Business Park). The RT designation provides landowners with interim use options as they wait for the availability of sewer, and/or until such time as a landowner requests a zoning change to a new district consistent with the future guided land use.

In this case, the land in question is guided for Business Park both within the current 2030 Comprehensive Plan and within the draft 2040 Comprehensive Plan. Therefore, staff does find it would be appropriate to approve the requested rezoning if that is the desire of the landowner. Note that if the rezoning is ultimately approved but subsequent applications are denied, the applicant will be consulted as to whether this change should still occur, or whether the zoning change application will be withdrawn.

Recommended Condition of Approval.

1. That the Four Corners 1st Addition Preliminary and Final Plat obtain approval from the City.

PRELIMINARY AND FINAL PLAT

Purpose. The preliminary and final plat portion of this application package assumes the City approves the requested zoning map amendment to BP. If the rezoning failed, this application fails due to the inability to meet minimum RT zoning standards. If the rezoning was approved, the following analysis will apply:

Minimum Lot Size Requirements. The following table outlines how the lot dimension and setback requirements of the Business Park zoning district are met by the requested lot layout.

Lot Dimension Requirements, Business Park District		
Standard	Required	Proposed
Minimum Lot Area	2 acres	11 acres
Minimum Lot Width	200 feet	670 feet
Minimum Lot Depth	-	715feet

Parkland Dedication. The City requires \$4500 per acre for commercial subdivisions. The proposed subdivision will create one new lot of 11 acres. Therefore, it is recommended that a condition of approval require the applicant to pay \$49,500 (\$4500 X 11 acres) in park dedication fees for this development should the plan move forward.

As staff did not identify any ways in which the proposed lot layout would be deficient to minimum zoning standards, we are recommending the requests can be approved. Note that if the Preliminary and Final plats are ultimately approved but subsequent applications are denied, the applicant will be consulted as to whether this application should still move forward, or whether it will be withdrawn.

City Engineer Review.

Stormwater Management

- State and Valley Branch Watershed District permit will be required.
- The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations. No proposed storm water management plan was provided as part of the Plan submittal.
- The storm water facilities constructed for this development should remain privately owned and maintained. The applicant will be required to execute and record a Stormwater Maintenance and Easement Agreement in the City’s standard form of agreement.

- Even as privately owned and maintain facilities, maintenance access roads meeting the City engineering design standards must be provided for all storm water facilities.
- The storm water facility 100-year HWL must be fully contained within the subject property or easements must be acquired to protect the 100-year HWL flood area. The proposed plans show the 100-year HWL event discharging off-site at the southeast corner.

Streets and Transportation

- A traffic study should be required as a condition of approval to determine the timing and extent of improvements required for the CSAH 15 and Hudson Boulevard intersection realignment and traffic signal improvements. A financial contribution to CSAH 15/Hudson Boulevard traffic signal/realignment should be considered. In addition, the study is needed to determine if an eastbound left turn lane along Hudson Boulevard is also needed at the site access.
- No additional right-of-way dedication is required unless an eastbound turn lane is required as determined by the traffic study. A 10-foot utility corridor easement for small utilities must be dedicated to the City along the north boulevard of Hudson Boulevard.
- Hudson Boulevard must be improved per the City design standards to an urban section on the north side of the street including a westbound right turn lane to the site, a 4-foot shoulder (curb section), a 9-foot boulevard, and 10-foot shared use bituminous trail with 2-foot clear zone.

Municipal Sanitary Sewer

- Because the property is guided in the City's Comprehensive Plan for 2020-2030 Regional Sewer Staging Plan and would discharge to the MCES Cottage Grove Ravine Interceptor, provisions for connecting to the municipal sanitary sewer service must be included with this application. The site plans/application indicates a new sewer service line connecting to future sanitary sewer but does not address the extension of sewer to the site.
- The applicant will be responsible to connect to the City sanitary sewer system and extend sanitary sewer into the property at applicant's sole cost and must stub sewer to adjacent parcels.
- Sanitary sewer is available along Hudson Boulevard near the MCES Meter Station. The sanitary sewer trunk size will need to be determined based on the 2040 Comprehensive Plan.
- Sanitary sewer capacity demands including the number of residential equivalency units (RECs) based on the Met Council SAC determination policy should be provided and account for all land uses and connections to the sewer system including bus wash wastewater.
- Existing sanitary sewer utility easements along Hudson Boulevard and the new commercial street corridor must be shown on the plans and plans must be made to avoid encroachments/conflicts with these easements.
- Any main sewer lines placed within the development will require minimum 30-foot easements centered over the pipe (or wider dependent upon the sewer depths) dedicated to the City and in the form of the
- City's Utility Easement Agreement.

Municipal Water Supply

- Because the property is located in the MUSA, provisions for connecting to the municipal water supply must be included.
- The applicant will be responsible for extending municipal water to the property at the applicant's cost, and watermain stubs will be required to eastern property limits. Water is available to be extended to the property from the Hunter's Crossing development but will require easements

across adjacent properties. The watermain extension to the site will likely be a 12-inch trunk watermain.

- The applicant shall provide water capacity demands including average day use, peak day use, and fire suppression demands. All demands should be included, including potable drinking water, bus washing operations, etc. in order to evaluate water improvements needed to support the development and to determine the water availability charges.
- The proposed site is in the water system's low pressure zone which has limited capacity until a new water tower is constructed to serve the area.
- Hydrants will be required to be placed at the direction of the Fire Department, and all fire hydrants shall be owned and maintained by the City.

Recommended Findings.

1. That the Four Corners preliminary and final plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
2. That the Four Corners preliminary and final plat complies with the minimum lot frontage and area requirements of the City's BP – Business Park zoning district.
3. That the Four Corners preliminary and final plat complies with the City's subdivision ordinance.
4. That the Four Corners preliminary and final plat meets other City zoning ordinances, such as landscaping, erosion and sediment control, and other ordinances, provided comments outlined in the City Engineer Review Memo dated May 30, 2018 are met; or as may be amended due to changes in the site plan or proposed use.
5. That the Four Corners preliminary and final plat is consistent with the City's engineering standards provided final plans are updated to address the City Engineer's comments documented in a letter dated May 30, 2018; or as may be amended due to changes in the site plan or proposed use.
6. The land being subdivided is legally described as:

S1/2-SE1/4 EXC WEST 2 RODS EXC TO HWY EXC HWY PARCEL 44 MN DOT R/W PLAT #82-35 SECTION 36 TOWNSHIP 029 RANGE 021
7. That the Four Corners preliminary and final plat will create one new lot of 11 acres to be legally described as Lot 1, Block 1, Four Corners; and three outlots: A (46.64 acres), B (5.01 acres), and C (1.08 acres).

Recommended Conditions of Approval. Staff recommends the following conditions be attached to any approval of the Four Corners Preliminary and Final plats:

- 1) The property shall be rezoned to BP – Business Park.
- 2) The applicant shall pay a fee in lieu of parkland dedication in the amount of \$4500 per acre of the newly created lot (11 acres X \$4500 = \$49,500 total) prior to any formal City authorization.

- 3) Prior to the execution of the Final Plat by City officials, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, landscaping, and payment of the required improvements for the Four Corners Final Plat with financial guarantees therefore.
- 4) Final grading, drainage and erosion control, sanitary sewer and stormwater management, street and utility construction plans shall be submitted, reviewed and approved by the City Engineer, meeting City Engineering Design Standards, prior to the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in a memorandum dated May 30, 2018 and all subsequent memorandums regarding the plans shall be incorporated into these documents before they are approved.
- 5) The applicant must obtain all other necessary City, State, and other governing body permits prior to the commencement of any construction activity on the parcel including but not limited to building permits, conditional use permits, etc.
- 6) Any plans for construction on the newly created parcel must comply with the Lake Elmo Design Standards Manual and specific general site considerations and development standards for specific uses within the Business Park District.
- 7) The site plan is subject to a storm water management plan meeting State, Valley Branch Watershed District and City rules and regulations. All applicable permits must be obtained. Maintenance access roads meeting City engineering design standards must be provided for all storm water facilities.
- 8) Stormwater facilities shall remain privately owned and maintained. The applicant will be required to execute a Stormwater Maintenance and Easement Agreement in the City's standard form of agreement.
- 9) A Traffic Impact Study shall be completed and submitted in order to determine timing and extent of improvements required for the CSAH 15 and Hudson Boulevard intersection realignment and traffic signal improvements as well as the need for an eastbound left turn lane along Hudson Boulevard for site access. Additional right-of-way along Hudson Boulevard may be required if the eastbound left turn lane is required.
- 10) Hudson Boulevard must be improved per the City design standards to an urban section on the north side of the street including a west bound right turn lane to the site, a four foot shoulder (curb reaction), a nine foot boulevard, and a ten foot shared use bituminous trail with two foot clear zone.
- 11) Provisions for connecting municipal sanitary sewer service and for connecting to the municipal water supply must be provided on submitted plans. The applicant shall be responsible to extend and connect to the City sanitary sewer system and municipal water at the applicant's sole cost and extend such services to adjacent properties. The applicant shall be required to obtain easements

from adjacent properties in order to extend water. A detailed description of the sanitary sewer and water capacity demands shall be provided.

- 12) Hydrants will be required to be placed at the direction of the Fire Department, and all fire hydrants shall be owned and maintained by the City.
- 13) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to its execution by City Officials.

ZONING TEXT AMENDMENT

Purpose. The zoning text amendment being requested would allow "bus terminals" as a conditionally permitted principal use on properties zoned Business Park. If approved, the applicant would seek a conditional use permit to authorize a permanent bus terminal on the subject property.

What's currently in the Zoning Code Regarding Bus Terminals?

- **Definition of Local Transit 154.012.B.12.** The Zoning Code defines bus terminals as local transit:
 - *“Local Transit. Establishments primarily engaged in furnishing local and suburban passenger transportation, including taxicabs, passenger charter services, school buses, and terminals (including service facilities) for motor vehicle passenger transportation.”*
 - Currently, local transit is not an allowed use within any of the zoning districts.
- **Parking Standards for Local Transit.** The Zoning Code sets forth the following minimum
 - *“2 spaces per 3 employees on the largest shift, based on maximum planned employment.”*
- Local Transit is currently not an allowed use within any Zoning District as indicated by the list of Permitted, Conditional, and Interim Uses within the Commercial Zoning Districts.

Intent of Business Park Land Use/Zoning District within the Comprehensive Plan and Zoning Code.

The 2030 Comprehensive Plan states that *“the Business Park land use category is intended to encourage the creation of significant employment centers that accommodate a diverse mix of office and light industrial uses and jobs. Specific desired attributes of this land use include a diversity of jobs, high development densities and jobs per acre, high quality site and building architectural design, and increased tax revenues for the community. Office, office showroom/warehousing, research and development services, light and high-tech electronic manufacturing and assembly, and medical laboratories are typical uses appropriate for this land use category. Some retail and service uses may be allowed as supporting uses for the primary office and light industrial uses of the employment center.”*

While this proposal does create a significant number of jobs per acre (200 jobs on about 11 acres of property), the jobs it is creating don't really fit in to the category of types of jobs this land use category is intended to have (office and light industrial uses and jobs). Additionally, a bus terminal does not necessarily fit in to the category of "high quality site and building architectural design." It also does not fit in to any of the described uses appropriate for this land category. Finally, it would not add to increased tax revenues for the community since it would be tax exempt.

The Draft 2040 Comprehensive Plan states that Business Park (BP) areas are to *"...provide for a wide variety of professional businesses such as medical and research facilities, offices, and corporate headquarters. Uses specifically excluded from existing business park areas include warehousing, manufacturing, distribution, assembly and truck terminals. Retail sales of goods and services are allowable uses by conditional use permit provided such uses are goods and services for the employees of the permitted business use. This category excludes any residential use."*

While truck terminals are not exactly the same as local transit in that truck terminals provide tax base, they are similar in assumed site layout and traffic, noise, etc. Trucking terminals are currently a conditional use within the BP – Business Park zoning district and have not been explicitly disallowed per the current Comprehensive Plan. The draft 2040 Comprehensive Plan will exclude such a use within the Business Park land use if the plan in its current draft form is ultimately adopted.

The Zoning Code states the following about the BP Business Park/Light Manufacturing District: *"The purpose of the BP District is to provide areas for attractive, high quality business park development primarily for office, high quality manufacturing and assembly, and non-retail uses in developments which provide a harmonious transition to residential development and neighborhoods by: 1) Conducting all business activities and essentially all storage inside buildings; 2) Consisting of high quality and attractive buildings which blend in with the environment; 3) providing open space, quality landscaping and berming; 4) including berming and buffering of parking, loading docks and other similar functions; and 5) protecting and enhancing the natural environment; and 6) providing users with an attractive working environment that is unique in the eastern metropolitan area with immediate access to I-94."*

A bus terminal does not necessarily provide a harmonious transition to residential development and neighborhoods as most business and activities are conducted outside, not inside buildings. While there are limited peak traffic times, there is a significant amount of traffic at those peak times. There will be only one building which is existing and will not be remodeled. There is opportunity to provide berming and buffering on the site should this move forward.

Recommendation. Due to guidance of the current 2030 and draft 2040 Comprehensive Plans as well as the Zoning Code, staff would not recommend that bus terminals be an allowed use (conditional nor permitted) within the Business Park Zoning District due to the following findings:

1. That the procedures for requesting a Zoning Text Amendment are found in the Lake Elmo Zoning Ordinance, Section 154.105.
2. That all the submission requirements of said Section 154.105 have been met by the Applicant.

3. That the proposed Zoning Text Amendment includes the following components:
 - a. That local transit be a conditional use within the Business Park zoning district.
4. The Current comprehensive plan calls for Business Park areas to become "significant employment centers," and bus terminals do not provide significant employment relative to acreage needed for the use;
5. Business Park areas are to include uses with "high quality site and building architectural design," and bus terminals will typically include neither quality by the nature of the use;
6. Business Park land is meant to generate increased tax revenues for the City, and public bus terminals are tax exempt;
7. The use is specifically excluded from Business Park areas in the draft comprehensive plan anticipated to move forward for approval by the end of 2018;
8. The Zoning Code calls for Business Park areas to provide a harmonious transition between the City's commercial areas and its residential areas, and a bus terminal with outdoor storage of busses is antithetical to that goal;
9. The Zoning Code calls for Business Park activities to occur inside of buildings, and bus terminals by their nature include outdoor use and storage of vehicles;
10. The applicant's request to make bus terminals a conditionally permitted use cannot overcome all of the listed problems in findings 4 through 10 via conditions (as proposed or otherwise).

Possible Standards. It should be noted that motor freight and warehousing, which is defined as follows: "establishments engaged primarily in either the storage or shipment of goods and materials, including terminal facilities for handling freight, and maintenance facilities in which the trucks (including tractor trailer units) involved with the operation of the business are stored, parked and serviced. Materials within a warehouse or terminal facility may be combined, broken down, or aggregated for trans-shipment or storage purposes where the original material is not chemically or physically changed," (this includes truck terminals) are a conditional use currently within the Business Park zoning district. A bus terminal is quite similar in use to that of a truck terminal, though the definitions in the Zoning Code differentiate the two. It is also recognized that the development of this property would prompt the extension of City services to this area. If the Council disagrees with staff and believes that bus terminals are an appropriate use within areas guided for Business Park, staff would recommend the City only adopt narrowly tailored language to preclude bus terminals from certain Business Park areas in order to limit the number of bus terminals allowed in the City and to minimize impact to adjacent properties. If the Council goes this route, staff would suggest the following standards accompany any such change:

1. The use shall be limited to a school district transportation center, owned by a public school district, serving as a bus terminal for buses and vans which transport passengers to and from schools or between school programs and community residences.
 - *This provision would limit "local transit" to bus terminals and not allow, as per definition from the zoning code, taxicab terminals, passenger charter services, etc.*
2. The property on which the use is located must be located within one half mile of property owned and used by a public school district for an active school or school administration building.
 - *The property on which the bus terminal is being proposed would be the only parcel on the east side of the City that is zoned Business Park and that is within one half mile of such school property.*
3. Must be on a property of at least 10 acres in size or more.
 - *There are parcels on the west side of the city that are zoned Business Park that are in within one half mile of school district land, but none of those parcels meet a ten acre minimum and therefore could not qualify for use as a bus terminal.*
4. Must be sufficiently screened, as determined by the City, from adjacent properties through techniques such as berming and landscaping.
 - *This condition would provide the City with authority to determine the level and location of screening needed to hopefully ensure an acceptable separation of uses.*
5. Accessory uses to bus terminals may include an office and routine maintenance of operable school buses including but not limited to washing and fueling.
 - *This condition would ensure the site is used as a hub for a bus operation, but would not become a major maintenance center for inoperable vehicles in the bus fleet.*

CONDITIONAL USE PERMIT

Purpose. The conditional use permit application would seek to utilize the previous text amendment and allow a "bus terminal" on a portion of the subject property. Failure of the previous application(s) to be approved will likely preclude approval of this application.



Existing Conditions. The applicant is planning to re-locate the existing bus terminal on the property that was previously operating as Rihm Kenworth at 11530 Hudson Boulevard N in Lake Elmo, MN (see below).

Current Interim Use Permit. The property currently operates under an interim use permit which was granted by Resolution No. 2014-095, which allows a bus/truck terminal. This interim use permit will expire on December 2, 2019, and may be renewed with approval by Council. It will terminate when any portion of the property is rezoned or when public sanitary sewer is provided on site. The consent agreement states that the remaining portion of the property must be used for agricultural purposes and that the interim use shall terminate upon any redevelopment of the property for a permitted or conditional use. There has been discussion of the eastern portion of this property developing, being provided sanitary sewer, and no longer being used for agricultural purposes. Therefore, the applicant does not want to operate under the current interim use permit.

Current Building. The current building was constructed in the 1990's and was used for office space by E&H Earthmovers and also provided bus storage for Stillwater Schools. It was then used by Kenworth Diesel Trucks for sales, repairs and service of diesel trucks.

Current Bus Terminal Operation. The current bus terminal operates in Oak Park Heights within Stagecoach in the Old Junker Landfill.

Proposed Operation and Jobs Created. School buses for the Stillwater School District will be parked at this facility when not in use, and routine maintenance will be performed at this facility, including washing and fueling. The existing building will be used for office workers (dispatch, payroll, safety manager, etc.); a home base for drivers to check in and out, training, assignments, and mechanical work (repair and maintenance on buses). Approximately 200 people would work at the facility, with morning and afternoon shifts of drivers and attendants. Hours of operation would be from about 6:00 a.m. to 6:00 p.m. during the

weekdays with occasional Saturday use for limited special school district transportation needs. There would be parking provided for school buses (140 spaces), transportation vans (approximately 20), and employees' personal vehicles (approximately 200).

Why this Location? The location is adjacent to major traffic corridors and routes within this area of the City of Lake Elmo. The School District has proposed this location as opposed to a location located adjacent to lower volume roads so as to create less impact. Peak bus traffic times will be limited to morning hours (7:00 a.m. to 9:00 a.m.) and afternoon (2:00 p.m. to 4:00 p.m.).

Setback and Impervious Surface Requirements. The following table outlines how the proposed use adheres to the setback and impervious surface requirements of the Business Park Zoning District. All of the proposed requirements are met. The property to the north is guided for Business Park in both the current (2030) and proposed (2040) Comprehensive Plan Land Use Plan, and so the required setback from residential zones does not apply.

Setback Requirements, Business Park District		
Standard	Required	Proposed
Maximum Height	50 feet	Less than 50 feet
Maximum Impervious Coverage	75%	57%
Front Yard Setback – Building	50 feet	120 feet from existing right-of-way line
Interior Side Yard Setback – Building	30 feet	120 feet from west side and 470 feet from east side
Corner Side Yard Setback – Building	30 feet	N/A
Rear Yard Setback - Building	30 feet	Approximately 445 feet
Residential Zones – Building	150 feet	Approximately 445 feet
Front Yard – Parking	30 feet	Approximately 60 feet from existing right-of-way line
Interior Side Yard – Parking	15 feet	Approximately 45 feet from west side and approximately 130 feet from east side
Corner Side Yard – Parking	30 feet	N/A
Rear Yard - Parking	15 feet	Approximately 32 feet
Minimum Building Floor Size	5,000 square feet	15,498 square feet

General Site Design Considerations, Commercial Districts. The following outlines how the proposed development adheres to the City's General Site Design considerations for the Business Park zoning district.

- *Circulation.*
 - *Internal connections when feasible.* The parcel to the west has an existing access owned by the parcel to the northwest, so it does not make sense to require this. Additionally, a bus garage would not need to access an adjacent development.

- *Curb cuts minimized.* The proposed development will use an existing curb cut.
- *Fencing and Screening.* There is a proposed chain link fence, which will be consistent with what is currently on the property, enclosing the eastern portion of the parking lot.
- *Lighting Design.* It is a recommended condition of approval that the applicant submit a photometric plan that meets the requirements of Sections 150.035-150.038 of the City Code.
- *Exterior Storage.* Exterior materials storage must be screened from view from adjacent public streets and adjacent residential properties. It is a recommended condition of approval that the applicant provide sufficient berming and screening of the parking lot and that the fueling area and above ground storage tank also be sufficiently screened from adjacent properties and the public right-of-way.

Parking Lot Requirements

- *Surface and Drainage.* It is required that in commercial districts, all areas intended to be utilized for parking spaces for five or more vehicles be paved with a durable surface including, but not limited to, hot asphalt, bituminous, or concrete. Additionally, industrial districts are required to be surfaced with materials suitable to control dust and drainage. The applicant has indicated that the existing paved and gravel parking area would remain and that the site would be expanded to provide additional gravel surfaced parking for school buses and employee cars. It is a recommended condition of approval that the parking area be paved as required by the Zoning Code.
- *Marking of Parking Spaces.* Parking areas containing five or more spaces are required to be marked with painted lines at least four inches wide. This is a recommended condition of approval.
- *Curbing.* Open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb or barrier of normal height. This is a recommended condition of approval.
- *Accessible Parking.* The proposed number of parking spaces is 365, of these, 199 are proposed to be car stalls. The Americans with Disabilities Act (ADA) requires six accessible stalls with one van accessible stall with six accessible stalls. The proposed number of ADA stalls is six, though there does not appear to be a van accessible stall provided.

Landscape Plans. The applicant has submitted landscape plans which include 62 Norway Spruces and 61 Colorado Blue Spruce. The existing berms would also remain. Some cursory comments on the landscape plan include the following:

- There is proposed 670 feet of street frontage on the property, requiring at least 14 trees be planted along Hudson Boulevard. There are no trees proposed to be planted along Hudson Boulevard. This requirement is not met.
- The applicant has not submitted a Tree Preservation Plan, as is required. It is a recommended condition of approval that this also be submitted and approved by the Landscape Architect.

- It is not known whether or not the requirement that a minimum of five trees be planted for every one acre of land developed or disturbed is met, as the applicant has not submitted a Tree Preservation Plan as indicated above.

Parking Lot Screening Standards

- *Interior Parking Lot Landscaping.* It is not known whether or not the parking lot meets the interior parking lot landscaping requirements, as the applicant has not indicated what percentage of interior parking lot area is devoted to landscaping planting areas. At least 5% of the parking lot will need to be devoted to islands or corner planting beds and include shade trees in accordance with the table below. Provided the parking lot contains 365 spaces as currently proposed, a minimum of 25 trees will be required within these interior landscaped areas.

Number of Parking Spaces	Minimum Required Tree Planting
0-30	None required
31-100	1 tree per 10 spaces or fraction thereof
101+	1 tree per 15 spaces or fraction thereof

- *Perimeter Parking Lot Landscaping.*
 - *Frontage Strip.* A well-over 8-foot wide frontage strip is provided between parking areas and public street as required for parking lots with over 100 spaces. There is a berm that is already located along Hudson Blvd which screens the parking lot.
- *Screening.* Screening is required to provide visual and noise separation of intensive uses from less intensive uses. The property to the west is used as exterior storage, and it is unknown what the property to the east will be used as. It is recommended that the screening be provided from the property to the west and east that consists of either a masonry wall or fence in combination with landscape material that forms a screen at least six feet in height and at least 90% opaque on a year-round basis and include at least one deciduous or coniferous tree per 40 linear feet along the property line.

Lake Elmo Design Guidelines and Standards. The property is located within the I-94 district, and therefore must adhere to the Lake Elmo Design Guidelines and Standards. As previously indicated, the applicant has proposed to use the existing building. The building generally adheres to Lake Elmo Design Guidelines and standards in that the building does not have a blank façade, the window and door styles reflect the prevailing architecture style of the structure, there is variety in building façade through a change in materials, high quality and durable materials are used in street facing facades, and the building is constructed of pre-cast concrete.

Storage Tank. There is a provision in the Zoning Code that requires that the Council permit uses associated with the bulk storage of over 2,000 gallons of diesel after finding that fire, explosion, or water or soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare and that the Zoning Administrator require the development of diking around the tanks, suitably sealed to hold a leakage capacity equal to 115% of the tank capacity. The proposed fueling area contains

an above ground storage tank that will store 8,000 gallons of diesel. Staff has contacted the Minnesota Pollution Control Agency (MPCA), and the only requirement they have is for their Aboveground Storage Tank (AST) Program is that the applicant fill out an AST Notification of Installation or Change in Status Form informing the MPCA of when the tank has been “closed” from the former location and when it has been moved to the new location. It is a recommended condition of approval that the applicant fill out this form both times (when removing it from the former location and when installing it in the new location) as required by the MPCA.

Bus Washing. The applicant has indicated on the application that the property use will include washing buses. The applicant has indicated that the buses will be washed at the facility’s wash bay and that waste water from the wash bay will run in to an oil separator with all of the shop drains, which will go in to a holding tank, which is then disposed of by a sewer transport service. The oil separator is then emptied and maintained by a licensed transporter. The applicant indicates that once the septic system is converted to the municipal sewer system that the wastewater will go directly to the treatment plant after passing through the oil separator, and the oil separator will be emptied and maintained by a licensed transporter. The disposal of this water is addressed in the engineering comments.

City Engineer Review. This can be referenced in the Preliminary and Final Plat section of this report.

Fire Chief and Building Official Review. The biggest concern that was provided from the Fire Chief and Building Official is that the building is sprinklered yet not hooked up to City water. It is a recommended condition of approval that the property be serviced by City sewer and water prior to the operation of the bus terminal.

Staff Recommendation. Due to recommended denial of the zoning text amendment request due to its inconsistency with the Comprehensive Plan and recommended findings outlined below, which are required for a conditional use permit, staff had recommended **denial** of the requested conditional use permit to operate a school district transportation center at a portion of the property located at 11530 Hudson Blvd N based on the following:

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. *With over 200 employees and a use that requires both employee trips in and out of the facility each day as well as two bus trips in and out of the facility each day, the use will generate a significant amount of traffic.*
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. *The property is guided for Business Park. While the proposal does create a significant number of jobs per acre, the parcel will be tax exempt, as it will be owned by the school district. It also does not fit in to the described uses appropriate for this land category. Finally, it does not propose high quality site and building architectural design, which, per the Comprehensive Plan, is a trait this land use category should have.*
3. The use or development is compatible with the existing neighborhood. *The use is compatible with the existing neighborhood, as the existing use is a truck terminal, which is similar in*

use and design to a bus terminal, and the surrounding parcels are mostly vacant and undeveloped. However, the surrounding area is planned for uses such as offices, showroom/warehousing, research and development, manufacturing and assembly, and medical laboratories, which are not compatible uses with a bus terminal.

4. The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. *There are no specific development standards for this use listed in Article 7. The use does not comply with many parking lot, screening, and landscape standards of the Zoning Code.*
5. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management). *The property is located outside the 0.2% annual chance floodplain.*
6. The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. *The proposed project is a redevelopment/repurposing of an existing site, to which minimal improvements are proposed, and will not significantly change the existing character of the area. Operations are not within a building and so would not meet the intended character of the neighborhood.*
7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. *The proposed use will create a significant amount of traffic, at least at certain times of the day.*
8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. *The property is within the Metropolitan Urban Service Area (MUSA) and therefore should be required to be provided by city sewer and water. The application did not detail provisions to connect to City sewer and water. The use may require the prompt need for the CSAH 15/Hudson Blvd traffic signal, for which the City will be required to share 25% of the cost, and the Hudson Boulevard realignment. It is not yet known if the applicant's stormwater management plan meets all City, State, and Valley Branch Watershed District requirements.*
9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. *The use may require the prompt need for the CSAH 15/Hudson Blvd traffic signal/realignment, for which the City will be required to share 25% of the cost. It is not*

yet known if the applicant's stormwater management plan meets all City, State, and Valley Branch Watershed District requirements.

10. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. ***The proposed use will generate a significant number of trips per day, which may generate excessive production of traffic.***
11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. ***Traffic congestion may be created from the significant number of trips to the site the use would generate.***
12. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. N/A

Recommendation Findings for Approval. The Planning Commission recommended approval and the following findings and conditions of approval:

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. ***Bus traffic is not expected to be detrimental or dangerous, as trips and traffic will be limited to certain times of the day. It is a recommended condition of approval that there be significant berming to provide a sufficient screening of the parking lot.***
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. ***The property is guided for Business Park, in which local transit, which meets certain standards, is a conditional use per the Zoning Code. The use also provides a significant number of jobs per acre, which is a desired trait of the Business Park land use designation per the Comprehensive Plan.***
3. The use or development is compatible with the existing neighborhood. ***The use is compatible with the existing neighborhood, as the existing use is a truck terminal, which is similar in use and design to a bus terminal. The surrounding parcels are mostly vacant and undeveloped.***
4. The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. ***The proposal complies with the proposed development standards as recommended in the requested Zoning Text Amendment, although it does not comply with many parking lot, screening, and landscape standards, which have been required as a recommended condition of approval.***
5. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management). ***The property is located outside the 0.2% annual chance floodplain.***
6. The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity

- and will not change the essential character of that area. ***While the proposed project is a redevelopment/repurposing of an existing site and will not change the existing character of the area, operations are not within a building and so would not meet the intended character of the neighborhood.***
7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. ***While the proposed use will create a significant amount of traffic, it will be limited to certain times of the day.***
 8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. ***There are plans to connect to City sewer and water at the applicant's cost. The use may require the prompt need for the CSAH 15/Hudson Blvd traffic signal, for which the City will be required to share 25% of the cost, and the Hudson Boulevard realignment. It is not yet known if the applicant's stormwater management plan meets all City, State, and Valley Branch Watershed District requirements.***
 9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. ***While the use will not pay property taxes, sewer and water service charges will be paid by the applicant.***
 10. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. ***The proposed use will generate a significant number of trips per day, though this will be limited to certain times of the day. Minimal noise is expected to come from the site, except during heavy traffic times at specific times within the morning or afternoon.***
 11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. ***Traffic congestion could be created from the significant number of trips to the site, though these would be limited to certain times of the day.***
 12. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. **N/A**

Recommended Conditions of Approval. If the Council wishes to recommend approval, staff recommends the following conditions:

- 1) The Zoning Text Amendment to allow local transit (school district transportation center) within the Business Park Zoning District must be approved.
- 2) No construction or use of the bus terminal (unless in accordance with the Interim Use Permit approved by the City by Resolution 2014-095) may commence until all items as outlined in the City Engineer review memo regarding the Four Corners Preliminary & Final Plat (Stillwater

Transportation Center) dated May 30, 2018 and all other subsequent construction plan memos regarding the Stillwater Transportation Center have been addressed; the Four Corners 1st Addition Final Plat has been recorded.

- 3) The applicant must obtain all other necessary City, State, and other governing body permits prior to the commencement of any construction activity on the parcel including but not limited to an approved stormwater management plan, utility plans, grading plan, street construction plans (if required), parking lot permit, building permits, etc.
- 4) The Applicant shall submit a photometric plan, and all lighting must meet requirements of Sections 150.035-150.038 of the City Code.
- 5) The above ground storage tank shall require development of diking around the tank, suitably sealed to hold a leakage capacity equal to 115% of the tank capacity. The applicant shall demonstrate that fire, explosion, or water or soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare. The applicant shall also fill out an Aboveground Storage Tank Notification of Installation or Change in Status Form as required by the Minnesota Pollution Control Agency (MPCA).
- 6) The Applicant shall submit an updated Landscape Plan and Tree Preservation Plan which includes sufficient berming and screening and addresses the comments in this report to be reviewed and approved by the City's Landscape Architect.
- 7) Parking areas shall be paved with a durable surface including, but not limited to, hot asphalt, bituminous or concrete; spaces shall be marked with painted lines at least four inches wide; required interior and exterior parking lot screening is required; a bumper curb or barrier of normal bumper height shall be provided; and must provide an adequate number of Americans with Disabilities Act (ADA) accessible stalls.
- 8) A sign permit shall be obtained prior to erection of any sign on the property.
- 9) The property shall be connected to City sewer and water prior to operation of the bus terminal.
- 10) A Traffic Impact Study is required to determine timing and extent of improvements required for the CSAH 15 and Hudson Boulevard intersection realignment and traffic signal improvements as well as to determine if an eastbound left turn lane along Hudson Boulevard is also needed at the site access.
- 11) The applicant shall be required to include a description of the sanitary sewer capacity demands including the number of residential equivalency units (REC) based on the Metropolitan Council Sewer Availability Charge (SAC) determination policy as well as a description of the water capacity demands including average day use, peak day use, and fire suppression demands. Demands must account for all planned uses and connections to the sewer system including bus wash wastewater as well as include potable drinking water, bus washing operations, etc.
- 12) Applicant shall be responsible to place hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City.

Planning Commission Review. The Planning Commission held a public hearing and considered the requests for a zoning map amendment, preliminary and final plat, zoning text amendment and conditional use permit at its June 18, 2018 meeting. No public comments were received prior to the meeting, and no one from the public spoke at the meeting.

During the meeting, the applicant's representative explained that they have been working with the City, offering to pay the water accessory charge, for a number of years. The applicant believes that the development will help bring water and sewer to the site. It is anticipated that the development will spur other development which will generate higher taxes. The school district also explained that a school bus terminal creates quality public services. The location is ideal, as their district spans a number of miles, and this is a more centralized location for their students.

The Planning Commission was supportive of all of the requests and believed that the requests would spur development and bring City services to the area. They indicated that the City should not wait for a better opportunity to come along. They were concerned that the condition that the parking lot be paved and brought to City standards was a burden to the applicant, but it was explained that these are City standards and must be met unless a variance is granted. The Planning Commission recommended approval of all four requests with a vote of 4-0.

FISCAL IMPACT:

If approved and recommended conditions of approval are adopted, the applicant will be required to pay sewer and water availability charges and will be responsible at its sole cost for bringing sewer and water to the property and extending it to adjacent properties. Maintenance of streets, trails, sanitary sewer mains, and other public infrastructure should be considered. The City will collect Sewer Accessibility Charges and Water Accessibility Charges, building permit fees, and property taxes

OPTIONS:

The Council may:

- Approve the requests for a zoning map amendment to rezone a portion of the property located at 11530 Hudson Blvd N and for the Four Corners preliminary and final plat to subdivide the property located at 11530 Hudson Blvd N and deny the requests for a zoning text amendment to allow local transit as a conditional use within the Business Park zoning district and for a conditional use permit to operate a school district transportation center on a portion of the property located at 11530 Hudson Blvd N with staff recommended findings and applicable conditions of approval.
- Approve the requests for a zoning map amendment to rezone a portion of the property located at 11530 Hudson Blvd N and for the Four Corners preliminary and final plat to subdivide the property located at 11530 Hudson Blvd N and deny the requests for a zoning text amendment to allow local transit as a conditional use within the Business Park zoning district and for a conditional use permit to operate a school district transportation center on a portion of the property located at 11530 Hudson Blvd N with amended findings and applicable conditions of approval.
- Deny all requests with findings to support denial for the Four Corners preliminary and final plat and zoning map amendment.
- Approve all requests with staff-drafted findings and conditions of approval.
- Amend any recommended findings and conditions of approval and approve all requests with amended findings and conditions of approval.

RECOMMENDATION:

The Planning Commission recommends approval of the requests for a zoning map amendment, preliminary and final plat, zoning text amendment, and conditional use permit:

“Move to adopt Ord. 08-244 approving the request from Stillwater Area Public Schools for a Zoning Map Amendment to rezone Lot 1, Block 1, Four Corners from Rural Development Transitional to Business Park, subject to recommended condition of approval.”

“Move to adopt Resolution 2018-076 approving the request from Terry Emerson for the Four Corners preliminary and final plat to subdivide the property located at 11530 Hudson Blvd N in to Lot 1, Block 1, Four Corners, along with three separate outlots, subject to recommended conditions of approval.”

“Move to adopt Ord. 08-215 approving the request from Stillwater Area Public Schools for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district.”

“Move to adopt Resolution 2018-077 approving the request from Stillwater Area Public Schools for a Conditional Use Permit to allow a school district transportation center at the property located at Lot 1, Block 1, Four Corners with the conditions as recommended by Staff/with the amended conditions of approval.”

Staff recommends denial of the zoning text amendment and conditional use permit:

“Move to adopt Resolution 2018-078 denying the request from Stillwater Area Public Schools for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district based on recommended findings.”

“Move to adopt Resolution 2018-079 denying the request from Stillwater Area Public Schools for a Conditional Use Permit to allow a school district transportation center at the property located at Lot 1, Block 1, Four Corners based on recommended findings.”

ATTACHMENTS:

- Applications for Zoning Text Amendment, Zoning Map Amendment, Conditional Use Permit and Four Corners preliminary and final plat and Narratives.
- Preliminary and Final Plat
- Engineer Memo
- Bus Terminal Plans
- Ord. 08-214 approving the Zoning Map Amendment
- Resolution 2018-076 approving the Preliminary and Final Plat
- Resolution 2018-078 denying the Zoning Text Amendment
- Resolution 2018-079 denying the Conditional Use Permit
- Ord. 08-215 approving the Zoning Text Amendment
- Resolution 2018-077 approving the Conditional Use Permit

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



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

PRELIMINARY PLAT APPLICATION

Applicant: Terry F Emerson
Address: 2204 Legion Lane Cir. N. Lake Elmo, Mn. 55042
Phone #: 651-727-9272
Email Address: tse03@comcast.net

Fee Owner: EN Properties LLC
Address: 11530 Hudson Blvd. N. Lake Elmo, Mn. 55042
Phone #: 612-845-3373
Email Address: tse03@comcast.net

Property Location (Address and Complete (long) Legal Description): 11530 Hudson Blvd N.
See Attached

General information of proposed subdivision: Selling 11 Acre parcel to
School District # 834

Conducted pre-application meeting with Staff? Yes No

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: Terry Emerson Date: 5/17/18
Signature of Fee Owner: Terry Emerson Date: 5/17/18

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



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

FINAL PLAT APPLICATION

Applicant: Terry Emerson
Address: 2204 Legion Ln. Cir. N. Lake Elmo, Mn. 55042
Phone #: 651-777-9072
Email Address: tse03@comcast.net

Fee Owner: EN Properties, LLC
Address: 11530 Hudson Blvd. N. Lake Elmo, Mn. 55042
Phone #: 612-845-3373
Email Address: tse03@comcast.net

Property Location (Address): 11530 Hudson Blvd. N.
Complete (long) Legal Description: See Attached

PID#: _____

General information of proposed subdivision: Selling 11 acre parcel
to School District # 834

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: Terry Emerson Date: 5/17/18

Fee Owner Signature: Terry Emerson Date: 5/17/18

fee: \$1250
escrow: \$5000

That part of the South Half of the Southeast Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota lying easterly of the West 33.00 feet (2 rods) thereof, **EXCEPT** that part designated as PARCEL 44 on MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 82-35, State Project No. 8282(94-392)904, recorded as Document No. 424557 in the office of the County Recorder, Washington County, Minnesota.

Subject to highway easements in favor of Washington County as described in Book 258 of Deeds, page 91 and Book 309 of Deed, page 831, of record and on file in said office of the County Recorder.

Also, subject to highway easements in favor of the State of Minnesota as described in Book 109 of Deeds, page 622, Book 109 of Deeds, page 638, and Book 220 of Deeds, page 11, of record and on file in said office of the County Recorder.

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: STILLWATER AREA PUBLIC SCHOOLS - KRISTEN HOHEISEL
Address: 1875 GREELEY STREET SOUTH, STILLWATER, MN 55082
Phone #: 651-351-8321
Email Address: HOHEISELK@STILLWATERSCHOOLS.ORG

Fee Owner: EN PROPERTIES, LLC - TERRY EMERSON
Address: 11530 HUDSON BLVD. NORTH LAKE ELMO, MN 55042
Phone #: 612 845 3373
Email Address: TSE03@COMCAST.NET

Property Location (Address): 11530 HUDSON BLVD. NORTH, LAKE ELMO, MN
(Complete (long) Legal Description): SEE ATTACHMENT - 11 ACRE PARCEL
IN SOUTHWEST CORNER OF PROPERTY
PID#: 36 029 21 43 0001

Detailed Reason for Request: _____

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

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

Signature of applicant: [Signature] Date: 4/26/18

Signature of fee owner: [Signature] Date: 4/26/18

City of Lake Elmo
Narrative for Zoning Map Amendment
April 30, 2018

The property being considered for re-development is currently being used for after-market parts and equipment sales, along with service of Kenworth Diesel Trucks. The proposed use for a School District Transportation Center. School buses for the District would be parked at this facility when not in use, along with performing routine maintenance of the buses at this location. As part of the servicing and maintenance of the buses, it is also planned to wash and fuel buses at this facility.

Approximately 200 people would work at this facility, with morning and afternoon shifts of drivers and attendants, along with the vehicle maintenance and administrative staff. This proposed use would be similar to the existing use of the property, in providing routine service of vehicles. Parking for the school buses (total of 140) transportation vans (about 20) and personal vehicles of the employees (about 200) would be provided on-site.

This location is adjacent to major traffic corridors and routes within this area of the City of Lake Elmo and this would have less of an impact on traffic flow than would occur on lower volume roads or those through residential areas.

Water and sanitary sewer infrastructure are also proposed to this area of the City as part of the adjacent development and re-alignment of Hudson Boulevard, eliminating the need for septic systems for treatment of wastewater from this facility. As the water for the facility is switched from the well to municipal water, the existing well would be abandoned in accordance with Minnesota Health Department requirements.



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

AFFIRMATION OF SUFFICIENT INTEREST

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

Name of applicant Terry Emerson
(Please Print)

Street address/legal description of subject property 11530 HUDSON TBLVD.
NORTH, LAKE ELMO, MN

Terry Emerson
Signature

4/26/18
Date

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

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

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

City of Lake Elmo
Narrative for Zoning Map Amendment
April 30, 2018

The property being considered for re-development is currently being used for after-market parts and equipment sales, along with service of Kenworth Diesel Trucks. The proposed use for a School District Transportation Center. School buses for the District would be parked at this facility when not in use, along with performing routine maintenance of the buses at this location. As part of the servicing and maintenance of the buses, it is also planned to wash and fuel buses at this facility.

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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: STILLWATER AREA PUBLIC SCHOOLS - KRISTEN HOHEISEL
Address: 1875 GREELEY STREET SOUTH, STILLWATER, MN
Phone #: 651-351-8321 55082
Email Address: HOHEISELK@STILLWATERSCHOOLS.ORG

Fee Owner: EN PROPERTIES, LLL - TERRY EMERSON
Address: 11530 HUDSON BLVD NORTH, LAKE ELMO, MN 55042
Phone #: 612-845-3373
Email Address: TSE03@COMCAST.NET

Property Location (Address): 11530 HUDSON BLVD. NORTH, LAKE ELMO, MN
(Complete (long) Legal Description): SEE ATTACHED - 11 ACRE PARCEL IN
SOUTH WEST CORNER OF PROPERTY.
PID#: 36 029 21 43 0001

Detailed Reason for Request: ZONING TEXT AMENDMENT TO 154.551,
TABLE 12-1 TO INCLUDE "LOCAL TRANSIT" AS A
CONDITIONAL USE IN THE BUSINESS PARK DISTRICT.
ALSO APPLYING TO ADD STANDARDS FOR LOCAL TRANSIT
TO 154.554

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

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

Signature of applicant: [Signature] Date: 4/26/18

Signature of fee owner: [Signature] Date: 4/26/18



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

ZONING TEXT AMENDMENT SUBMISSION REQUIREMENTS

In accordance with the provisions of Minnesota State Statutes, the City Council may from time to time adopt amendments to the zoning ordinance. An amendment to the zoning ordinance involves changes in its text and wording, including but not limited to, changes in the regulations regarding uses setbacks, heights, lot areas, definitions, administration, and/or procedures. Text amendments do not include the rezoning of property.

The application for a zoning text amendment shall include:

- a. Land Use application form completed and signed by Owner, or someone having legal interest in the property.
- b. Date of application
- c. Name, address, telephone number, and, if available, fax and email address of the applicant as well as of the person, firm, corporation, or association.
- d. Parcel ID # and Legal description.
- e. Chapter and section number of proposed amendment along with existing text of section.
- f. Proposed language for ordinance amendment. Identification of the proposed substitute wording for the zoning text.
- g. A narrative describing your reason for requesting zoning text amendment. Your description should include how you would be impacted by the zoning text amendment. How the text amendment meets the Comprehensive Plan. How the text amendment will impact the zoning and the subdivision code.
- h. Applicable fee listed on the Cities current fee schedule.
- i. Such other information as the City may require to ensure compliance with any other applicable regulations.

City of Lake Elmo
Narrative for Zoning Text Amendment
April 30, 2018

The property being considered for re-development is currently being used for after-market parts and equipment sales, along with service of Kenworth Diesel Trucks. The proposed use is for local school buses to be parked along with routine maintenance at this location. This proposed use (local transit) is currently not listed in the zoning code as a permitted use in the Business Park Zoning District, but would be similar to the existing use of the property. In addition, this location is adjacent to major traffic corridors and routes, and this would limit bus traffic on lower volume roads and through residential areas.

This proposed use would not be detrimental to the other permitted uses in the Business Park District. This use would be consistent with the City of Lake Elmo Comprehensive Plan for the Business Park District in providing a diverse mixed use, with a high density of jobs at this location. This facility will employ about 200 people, including the various shifts, positions and administrative staff.

Water and sanitary sewer infrastructure are also proposed to this area of the City as part of the adjacent development and re-alignment of Hudson Boulevard, eliminating the need for septic systems for treatment of wastewater from this facility. As the water for the facility is switched from the well to municipal water, the existing well would be abandoned in accordance with Minnesota Health Department requirements.

3) providing open space, quality landscaping and berming; 4) including berming and buffering of parking, loading docks and other similar functions; and 5) protecting and enhancing the natural environment; and 6) providing users with an attractive working environment that is unique in the eastern metropolitan area with immediate access to I-94.

(Ord. 2012-062, passed 9-18-2012)

§ 154.551 PERMITTED, CONDITIONAL AND INTERIM USES.

Table 12-1 lists all permitted and conditional uses allowed in the commercial districts. “P” indicates a permitted use, “C” a conditional use and “I” an interim use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under “Standards” indicate the location within this chapter of specific development standards that apply to the listed use.

- A. *Combinations of Uses.* The following use types may be combined on a single parcel.
1. Principal and accessory uses.
 2. Other permitted or conditional uses allowed within the district may be combined on a single parcel, provided that a unified and integrated site plan is approved. The entire development must be approved as a conditional use.
 3. A mixed-use building that combines permitted or conditionally permitted residential, service, retail and civic uses may be developed meeting the form standards of this subchapter. Office or studio uses on upper stories are encouraged.

Table 12-1: Permitted, Conditional and Interim Uses, Commercial Districts

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>	<i>Standard</i>
<i>Residential Uses</i>					
Household Living					
Single-family attached dwelling	-	-	C	-	154.554 (A)
Multifamily dwelling	-	-	C	-	154.554 (B)
Live-work unit	C	C	C	-	154.012 (B) (1)
Group Living					
Semi-transient accommodations	-	-	C	-	154.301 (D)
Congregate housing	-	-	C	-	154.301 (C)
<i>Public and Civic Uses</i>					
Colleges and universities	-	-	C	C	154.012 (B) (2), 154.303 (A)
Community service	-	C	C	C	154.012 (B) (2)
Day care center	C	C	C	C	154.012 (B) (2)

Schools, public and private	-	-	C	C	154.012 (B) (2), 154.303 (A)
	LC	CC	C	BP	Standard
Public assembly	-	-	C	C	154.012 (B) (2)
Religious institutions	-	-	C	-	154.012 (B) (2), 154.303 (N)
<i>Services</i>					
Business services	P	P	P	P	154.012 (B) (3)
Business center	P	P	P	P	154.012 (B) (3)
Offices	P	P	P	P	154.012 (B) (3)
Commercial kennel	-	-	C	-	
Communication services	C	C	P	P	154.012 (B) (3)
Educational services	P	P	P	P	154.012 (B) (3), 154.303 (A)
Financial institution	P	P	P	P	154.012 (B) (3)
Funeral home	-	C	P	-	154.012 (B) (3)
Lodging	-	-	P	C*	154.012 (B) (3), 154.302 (D), *154.554 (C)
Medical facility	-	-	C	C	154.012 (B) (3), 154.303 (B)
Membership organization	P	P	P	-	154.012 (B) (3)
Nursing and personal care	C	C	C	-	154.012 (B) (3), 154.303 (C)
Personal services	P	P	P	-	154.012 (B) (3)
<i>Services</i>					
Repair and maintenance shop	-	-	P	-	154.554 (D)
Self-service storage	-	-	C	C	154.303 (D)
Trade shop	-	-	P	-	154.554 (E)
Transportation services	-	-	-	C	154.012 (B) (3)
Veterinary services	P	P	P	C	154.554 (F)
<i>Food Services</i>					
Standard restaurant	-	P	P	C*	154.012 (B) (4), 154.554 (L)

Drive-in restaurant	-	C	C	-	154.304 (A)
Drinking & entertainment	-	C	P	-	154.304 (B)
Fast food restaurant	-	P	P	C*	*154.554 (M)
<i>Sales of Merchandise</i>					
General retail sales ¹	C	P	P	C*	154.554 (N)
Building supplies sales	-	-	C	-	
Warehouse club sales	-	-	C	-	
Furniture and appliance sales	-	-	P	-	
	LC	CC	C	BP	Standard
Grocery, supermarket	-	-	P	-	
Liquor store	-	P	P	-	
Garden center	-	-	P	-	154.554 (G)
Neighborhood convenience store	-	P	P	-	
Shopping center	-	P	P	-	
<i>Sales of Merchandise</i>					
Wholesaling	-	-	P	-	
<i>Automotive/Vehicular Uses</i>					
Automobile maintenance service	-	-	C	-	154.554 (H)
Automobile parts/supply	-	-	P	-	154.554 (H)
Car wash	-	-	C	-	154.012 (B) (6)
Commercial vehicle repair	-	-	-	-	154.554 (H)
Gasoline station	-	C	C	-	154.305 (B)
Parking facility	-	-	C*	C	*154.554 (I)
Sales and storage lots	-	-	C	-	154.305 (C)
<i>Outdoor Recreation</i>					
Campgrounds and trailering	-	-	-	-	
Golf course	-	-	-	-	
Marina	-	-	-	-	
Outdoor entertainment	-	-	-	-	
Outdoor recreation facility	-	-	C	-	154.306 (C)
Parks and open areas	P	P	P	P	154.012 (B) (7)
Restricted recreation	-	-	-	-	

<i>Indoor Recreation/Entertainment</i>					
Adult establishment	-	-	-	C	Chapter 113
Indoor athletic facility	-	C	P	C	154.307 (A)
<i>Indoor Recreation/Entertainment</i>					
Indoor recreation	-	-	C	-	154.307 (A)
<i>Agricultural and Related Uses</i>					
Agricultural sales business	-	I	P	-	154.012 (B) (9)
Agricultural services	-	-	C	-	154.012 (B) (9)
	LC	CC	C	BP	Standard
Agricultural support	-	-	C	-	154.012 (B) (9)
Greenhouses - non retail	-	-	-	-	154.012 (B) (9)
Wayside stand	P	P	P	P	154.012 (B) (9)
<i>Industrial and Extractive Uses</i>					
Heavy industrial	-	-	-	-	
Landfill	-	-	-	-	
Light industrial	-	-	-	C	154.012 (B) (10)
Non-production industrial	-	-	-	C	154.554 (J)
Motor freight and warehousing	-	-	-	C	154.012 (B) (10)
Research and testing	-	-	-	C	154.012 (B) (10)
Resource extraction	-	-	-	-	154.012 (B) (10)
Salvage/recyclable center	-	-	-	-	154.012 (B) (10)
<i>Transportation and Communications</i>					
* Broadcasting and communications	C	C	C	C	154.012 (B) (11), 154.083
<i>Accessory Uses</i>					
Bed and breakfast	-	-	-	-	154.012 (B) (12), 154.310 (A)
Drive-through facility	-	C	C	-	154.304 (A)
Family day care	-	-	-	-	154.012 (B) (12)
Group family day care	-	-	-	-	154.012 (B) (12)
Home occupation	-	-	-	-	154.012 (B) (12)
Parking facility	C	C	P*	P	*154.554 (I)
Outdoor storage	-	-	C	-	

* ADD LOCAL TRANSIT AS A CONDITIONAL USE IN
BP DISTRICT.

Outdoor display	-	-	C	-	
Solar equipment	P	P	P	P	154.310 (C)
Other structures typically incidental and clearly subordinate to permitted use	P	P	P	P	

1. General Retail Sales shall include all of the subcategories identified in the § 154.012(B)(5) under Retail Trade with the exception of those subcategories listed separately in Table 12-1 above.

(Ord. 2012-062, passed 9-18-2012)

(Ord. 08-116, passed 3-3-2015)

§ 154.552 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

Lot area and setback requirements shall be as specified in Table 12-2 Lot Dimension and Setback Requirements, Commercial Districts.

Table 12-2: Lot Dimension and Setback Requirements, Commercial Districts

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>
Minimum lot area (sq. Ft.)	3.5 acres	12,000	20,000	2 acres
Minimum lot width (feet)	300	75	100	200
Minimum lot depth (feet)	400	-	-	-
Maximum height (feet/stories)	35	35	45	50 ^a
Maximum impervious coverage	40%	60%	75%	75%
Building setback requirements (feet)				
Front yard	100	30	30	50
Interior side yard	50	20	10	30
Corner side yard	100	25 ^c	25 ^c	30
Rear yard	50	30 ^b	30 ^b	30
Residential zones	150	50	50	150
Parking setback requirements (feet)				
Front yard	50	15	15	30
Interior side yard	50	10	10	15
Corner side yard	50	15	15	30
Rear yard	50	10	10	15
Residential zones	100	35	35	100

Minimum building floor size (sq. ft.)	4,000	-	-	5,000
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Notes to Table 12-2

- a. Buildings higher than 50 feet may be allowed through a Conditional Use Permit and would be subject to a separate technical and planning evaluation.
- b. Accessory buildings must be set back 10 feet from property lines.
- c. Corner properties: The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.

(Ord. 2012-062, passed 9-18-2012)

§ 154.553 GENERAL SITE DESIGN CONSIDERATIONS, COMMERCIAL DISTRICTS.

Development of land within the commercial districts shall follow established standards for traffic circulation, landscape design, and other considerations as specified in Articles 7, 8 and 9. (Ord. 08-152, passed 10-01-2016)

- A. *Circulation.* Internal connections shall be provided between parking areas on adjacent properties wherever feasible.
 - 1. The number and width of curb-cuts shall be minimized. To promote pedestrian circulation, existing continuous curb-cuts shall be reduced to widths necessary for vehicular traffic, and unnecessary or abandoned curb cuts shall be removed as parcels are developed.
- B. *Fencing and Screening.* Fencing and screening walls visible from the public right-of-way shall be constructed of materials compatible with the principal structure.
- C. *Lighting Design.* Lighting shall be integrated into the exterior design of new or renovated structures to create a greater sense of activity, security, and interest to the pedestrian. All lighting shall be installed in conformance to §150.035 through §150.038.
- D. *Exterior Storage.* Exterior materials storage must be screened from view from adjacent public streets and adjacent residential properties, by a wing of the principal structure or a screen wall constructed of the same materials as the principal structure. Height of the structure or screen wall must be sufficient to completely conceal the stored materials from view at eye level (measured at 6 feet above ground level) on the adjacent street or property.

(Ord. 2012-062, passed 9-18-2012) Penalty, see § 154.999

§ 154.554 DEVELOPMENT STANDARDS FOR SPECIFIC USES.

The following standards apply to specific uses allowed within the Commercial Districts. Other specific use standards are located in Article 9. (Ord. 08-152, passed 10-01-2016)

- A. *Single-family attached dwellings, C District.* Limited to areas that are designated as mixed-use in the Comprehensive Land Use Plan.
- B. *Multi-family dwelling units, C District.* Dwelling units (both condominium and rental) are allowed as follows:
 - 1. Within those areas designated as mixed-use in the Comprehensive Plan; and
 - 2. On the upper floors or rear or side ground floors of a mixed-use building approved as part of a Planned Unit Development
- C. *Lodging, BP District.* Must incorporate a full-service restaurant and rooms accessible only through interior corridors and be subordinate to a main business complex.
- D. *Repair and Maintenance Shop.* No outdoor storage is permitted.
- E. *Trade Shop.* Exterior materials storage must be totally screened from view from adjacent public streets and adjacent residential properties, by a wall of the principal structure or a screen wall constructed of the same materials as the principal structure.
- F. *Veterinary Services.* All activities must be conducted within an enclosed building. Crematoriums are not allowed.
- G. *Garden Center*
 - 1. The storage or display of any materials or products shall meet all primary building setback requirements of a structure, and shall be maintained in an orderly manner. Screening along the boundaries of adjacent residential properties may be required, meeting the standards of 154.258 (F).
 - 2. All loading and parking shall be provided off-street.
 - 3. The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.
- H. *Automobile Maintenance Service and Automobile Parts/Supply*
 - 1. All vehicle repairs shall be conducted in a completely enclosed building.
 - 2. The storage or display of inoperable or unlicensed vehicles or other equipment shall meet all setback requirements of a primary structure, and shall be totally screened from view from adjacent public streets and adjacent residential properties.
- I. *Parking Facility, C District.* Structured parking is permitted as a ground floor use within a mixed-use building, provided that it is located on side or rear facades, not facing the primary abutting street. The primary street-facing facade shall be designed for retail, office or residential use.
- J. *Non-Production Industrial, BP District.* Non-production industrial use shall be allowed as a principal use, and may include wholesale and off-premise sales, provided that:
 - 1. The use is served by a street of sufficient capacity to handle the traffic the use will generate;
 - 2. The use includes a retail or office component equal to at least 25% of the floor area of the use; and

3. An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the area.

K. *Outdoor Dining Accessory to Food Services.* Outdoor dining is allowed as an accessory use in the commercial districts, provided that tables do not block a public sidewalk or other walkway needed for pedestrian circulation. A minimum of 5 feet of sidewalk or walkway must remain open.

L. *Standard Restaurant, BP District.* Must be incorporated as part of a larger business center or lodging use.

M. *Fast Food Restaurant, BP District.* Must be incorporated as part of a larger business center or lodging use.

N. *Retail Trade, BP District.* Limited to uses clearly incidental and accessory to a permitted or conditionally permitted principal use of the land.

1. The compounding, dispensing or sale of drugs, prescription items, patient or proprietary medicine, sick room supplies, prosthetic devices or items relating to any of the permitted or conditionally permitted uses is only allowed when conducted in the building occupied primarily by medical facilities or offices.

(Ord. 2012-062, passed 9-18-2012) Penalty, see § 154.999

ADD : **O. LOCAL TRANSIT, BP DISTRICT.**

§ 154.555 COMMERCIAL DISTRICT DESIGN STANDARDS.

Review of Design. For certain development activity as specified in the Lake Elmo Design Guidelines and Standards Manual, design review is required as part of the approval process for a permit or certificate under this Ordinance. All projects subject to design review shall be reviewed for conformance with the Lake Elmo Design Guidelines and Standards Manual and shall follow the review procedures specified in §154.506.A.

(Ord. 08-095, passed 11-19-2013)

City of Lake Elmo
Narrative for Zoning Text Amendment
April 30, 2018

The property being considered for re-development is currently being used for after-market parts and equipment sales, along with service of Kenworth Diesel Trucks. The proposed use is for local school buses to be parked along with routine maintenance at this location. This proposed use (local transit) is currently not listed in the zoning code as a permitted use in the Business Park Zoning District, but would be similar to the existing use of the property. In addition, this location is adjacent to major traffic corridors and routes, and this would limit bus traffic on lower volume roads and through residential areas.

This proposed use would not be detrimental to the other permitted uses in the Business Park District. This use would be consistent with the City of Lake Elmo Comprehensive Plan for the Business Park District in providing a diverse mixed use, with a high density of jobs at this location. This facility will employ about 200 people, including the various shifts, positions and administrative staff.

Water and sanitary sewer infrastructure are also proposed to this area of the City as part of the adjacent development and re-alignment of Hudson Boulevard, eliminating the need for septic systems for treatment of wastewater from this facility. As the water for the facility is switched from the well to municipal water, the existing well would be abandoned in accordance with Minnesota Health Department requirements.

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: STILLWATER AREA PUBLIC SCHOOLS - KRISTEN HOHEISEL
Address: 1875 GREELEY STREET SOUTH, STILLWATER, MN 55082
Phone #: 651-351-8321
Email Address: HOHEISELK@STILLWATERSCHOOLS.ORG

Fee Owner: EN PROPERTIES, LLC - TERRY EMERSON
Address: 11530 HUDSON BLVD. NORTH LAKE ELMO, MN 55042
Phone #: 612 845 3373
Email Address: TSE03@COMCAST.NET

Property Location (Address): 11530 HUDSON BLVD. NORTH, LAKE ELMO, MN
(Complete (long) Legal Description): SEE ATTACHMENT - 11 ACRE PARCEL
IN SOUTHWEST CORNER OF PROPERTY
PID#: 36 029 21 43 0001

Detailed Reason for Request: _____

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

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

Signature of applicant: [Signature] Date: 4/26/18

Signature of fee owner: [Signature] Date: 4/26/18

City of Lake Elmo
Narrative for Conditional Use Permit
Stillwater Area Public Schools
April 30, 2018

Contact Information:

Stillwater Area Public Schools – Kristen Hoheisel – 651-351-8321, Email: hoheiselk@stilwaterschools.org

Property Owner: Terry Emerson – 651-845-3373, Email: tse03@comcast.net

Engineer: Greg Buchal - Larson Engineering 651-255-0328, Email: gbuchal@larsonengr.com

Surveyor: Tim Freeman – FFE Surveying 651-439-8833, Email: freeman@ffe-inc.com

Property Address: 11530 Hudson Blvd. North, Lake Elmo, MN 55042

Current Zoning: Business Park

Parcel Size: 11 acres (approximately 479,160 sq. ft.)

PID Number: 36 029 21 43 0001

Current building was constructed in the 1990's and was used for office space by E& H Earthmovers and also provided bus storage for Stillwater Schools. The building was then used by Kenworth Diesel Trucks for sales, repairs and service of diesel trucks, and is currently being considered for bus parking and maintenance by Stillwater Schools again.

The proposed use is for a School District Transportation Center. The existing building, paved and gravel parking area, along with the existing landscaped berms would remain as they are and the site would be expanded to provide additional gravel surfaced parking for school buses and employee cars. School buses for the District would be parked at this facility when not in use, along with performing routine maintenance of the buses at this location. As part of the servicing and maintenance of the buses, it is also planned to wash and fuel buses at this facility.

Approximately 200 people would work at this facility, with morning and afternoon shifts of drivers and attendants, along with the vehicle maintenance and administrative staff. Hours of operation would be from about 6:00am to about 6:00pm during the weekdays with occasional Saturday use for limited special school district transportation needs. This proposed use would be similar to the existing use of the property, in providing routine service of vehicles. Parking for the school buses (total of 140) transportation vans (about 20) and personal vehicles of the employees (about 200) would be provided on-site.

This location is adjacent to major traffic corridors and routes within this area of the City of Lake Elmo and this would have less of an impact on traffic flow than would occur on lower volume roads or those through residential areas. Being located along the Highway 94 corridor, the bus traffic would have a minimal impact on the already higher volumes of traffic in this area. In addition, the peak bus traffic times will be limited to the morning hours, from about 7:00am to 9:00am to get student to school, and from about 2:00pm to 4:00pm to get students back home from school.

This proposed use would not be detrimental to the other permitted uses in the Business Park District. This use would be consistent with the City of Lake Elmo Comprehensive Plan for the Business Park District in providing a diverse mixed use, with a high density of jobs at this location. This facility will employ about 200 people, including the various shifts, positions and administrative staff.

Water and sanitary sewer infrastructure are also proposed to this area of the City as part of the adjacent re-development and re-alignment of Hudson Boulevard, eliminating the need for septic systems for treatment of wastewater from this facility. As the water for the facility is switched from the well to municipal water, the existing well would be abandoned in accordance with Minnesota Health Department requirements.



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

AFFIRMATION OF SUFFICIENT INTEREST

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

Name of applicant Terry Emerson
(Please Print)

Street address/legal description of subject property 11530 HUDSON BLVD.
NORTH, LAKE ELMO, MN

Terry Emerson
Signature

4/26/18
Date

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

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

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

Parcel Search: April 26, 2018 at 9:20 a.m. by SURVPUB
350 feet surrounding multiple parcels. 20 parcels, 9 labels.

0102821110001
0102821130002
0102821210003
0102821220002
0602820220001
3102920320001
3102920320002
3102920330001
3102920330002
3102920330003
3602921310002
3602921340006
3602921340007
3602921410001
3602921410002
3602921420001
3602921430001
3602921430002
3602921440002
3602921440003

TRINITY SELECT LLC
or Current Resident
11490 HUDSON BLVD
LAKE ELMO MN 55042

YIK CHI LO LIVING TRS
or Current Resident
6422 CRACKLEBERRY TRL
WOODBURY MN 55129-9529

STATE OF MN-DOT
or Current Resident
1500 COUNTY ROAD B2 W
ROSEVILLE MN 55113

FOUR SISTERS INVESTMENTS LLC
or Current Resident
225 6TH ST S SUITE 3500
MINNEAPOLIS MN 55402

HOLIDAY STATIONSTORES INC
or Current Resident
PO BOX 1224
MINNEAPOLIS MN 55440

DPS-WOODDALE LLC
or Current Resident
6007 CULLIGAN WAY
MINNETONKA MN 55345

SAYER M SCOTT
or Current Resident
1730 MEADOWWOODS TRL
LONG LAKE MN 55356

CITY OF LAKE ELMO
or Current Resident
3800 LAVERNE AVE N
LAKE ELMO MN 55042

EN PROPERTIES LLC
or Current Resident
11530 HUDSON BLVD N
LAKE ELMO MN 55042-9751

City of Lake Elmo
Narrative for Conditional Use Permit
Stillwater Area Public Schools
April 30, 2018

Contact Information:

Stillwater Area Public Schools – Kristen Hoheisel – 651-351-8321, Email: hoheiselk@stilwaterschools.org

Property Owner: Terry Emerson – 651-845-3373, Email: tse03@comcast.net

Engineer: Greg Buchal - Larson Engineering 651-255-0328, Email: gbuchal@larsonengr.com

Surveyor: Tim Freeman – FFE Surveying 651-439-8833, Email: freeman@ffe-inc.com

Property Address: 11530 Hudson Blvd. North, Lake Elmo, MN 55042

Current Zoning: Business Park

Parcel Size: 11 acres (approximately 479,160 sq. ft.)

PID Number: 36 029 21 43 0001

Current building was constructed in the 1990's and was used for office space by E& H Earthmovers and also provided bus storage for Stillwater Schools. The building was then used by Kenworth Diesel Trucks for sales, repairs and service of diesel trucks, and is currently being considered for bus parking and maintenance by Stillwater Schools again.

The proposed use is for a School District Transportation Center. The existing building, paved and gravel parking area, along with the existing landscaped berms would remain as they are and the site would be expanded to provide additional gravel surfaced parking for school buses and employee cars. School buses for the District would be parked at this facility when not in use, along with performing routine maintenance of the buses at this location. As part of the servicing and maintenance of the buses, it is also planned to wash and fuel buses at this facility.

Approximately 200 people would work at this facility, with morning and afternoon shifts of drivers and attendants, along with the vehicle maintenance and administrative staff. Hours of operation would be from about 6:00am to about 6:00pm during the weekdays with occasional Saturday use for limited special school district transportation needs. This proposed use would be similar to the existing use of the property, in providing routine service of vehicles. Parking for the school buses (total of 140) transportation vans (about 20) and personal vehicles of the employees (about 200) would be provided on-site.

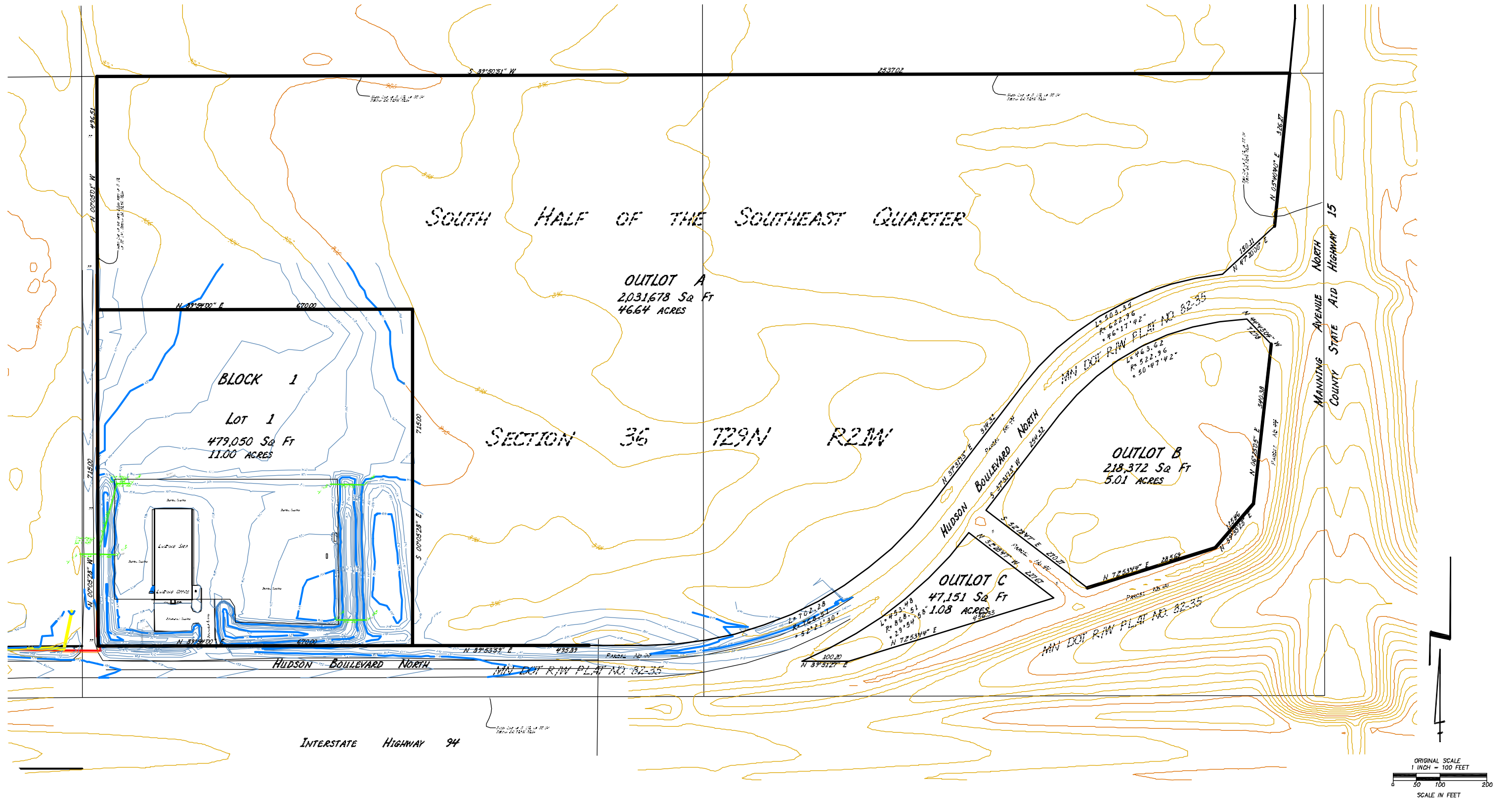
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FOUR CORNERS PRELIMINARY PLAT

City of Lake Elmo, Minnesota



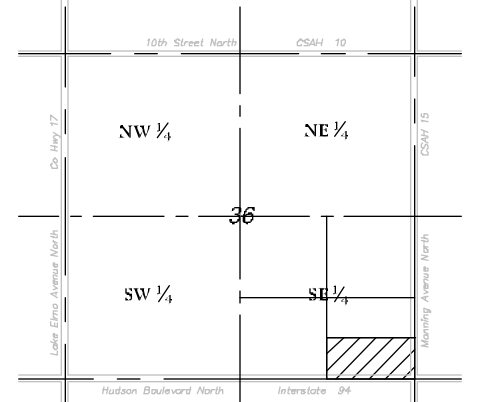
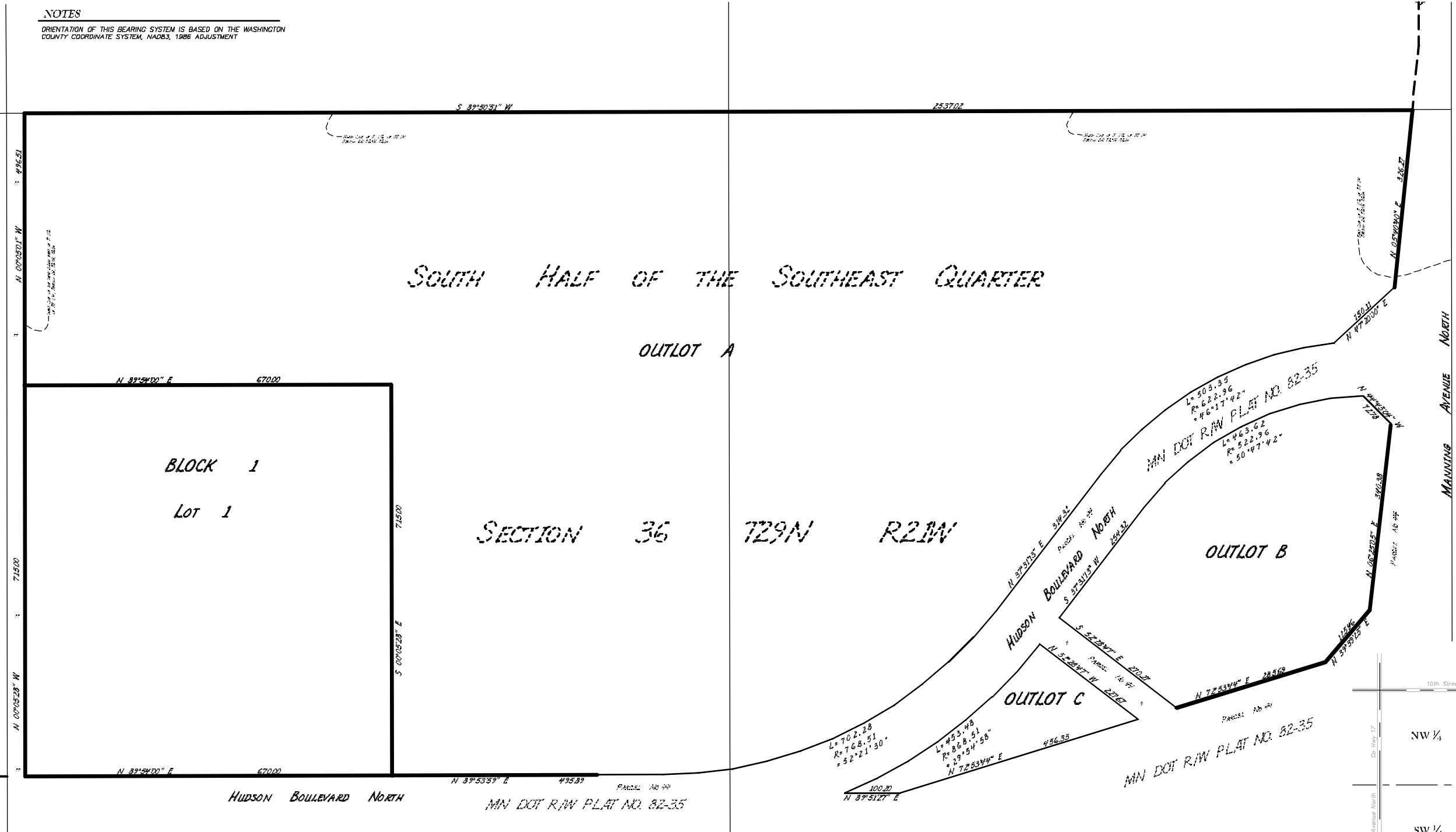
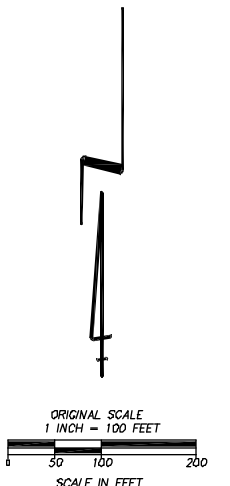
FOUR CORNERS

LEGEND

- DENOTES SET 1/2 INCH DIA. BY 16 INCH IRON PIPE MONUMENT MARKED WITH A PLASTIC CAP INSCRIBED "FREEMAN LS 16989", UNLESS SHOWN OTHERWISE
- DENOTES FOUND MONUMENT, SIZE AND MARKINGS AS INDICATED

NOTES

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM, NAD83, 1986 ADJUSTMENT



Vicinity Map
 Section 36, T29N - R21W
 Washington County, Minnesota

STREETS AND TRANSPORTATION

- Hudson Boulevard Right-of-Way/Easement Dedication. No additional right-of-way dedication is required unless an eastbound left turn lane is required (see below). However, a 10-foot utility corridor easement for small utilities must be dedicated to the City along the north boulevard of Hudson Blvd.
- Site Access. The site plans propose the continued use of the existing commercial driveway with dedicated right and left turn lanes leaving the site.
- Hudson Boulevard Improvements. As part of the development, Hudson Boulevard must be improved per the City design standards to an urban section on the north side of the street including a west bound right turn lane to the site, a 4-foot shoulder (curb reaction), a 9-foot boulevard, and 10-foot shared use bituminous trail with 2-foot clear zone (see attached typical section and preliminary layout).
- Traffic Impact Study. A traffic impact study should be completed and submitted as part of the preliminary plat application to determine the timing and extent of improvements required for the CSAH 15 and Hudson Boulevard intersection realignment and traffic signal improvements. A financial contribution to CSAH 15/Hudson Blvd traffic signal/realignment should be considered. In addition, the study is needed to determine if an eastbound left turn land along Hudson Boulevard is also needed at the Site access.

MUNICIPAL SANITARY SEWER

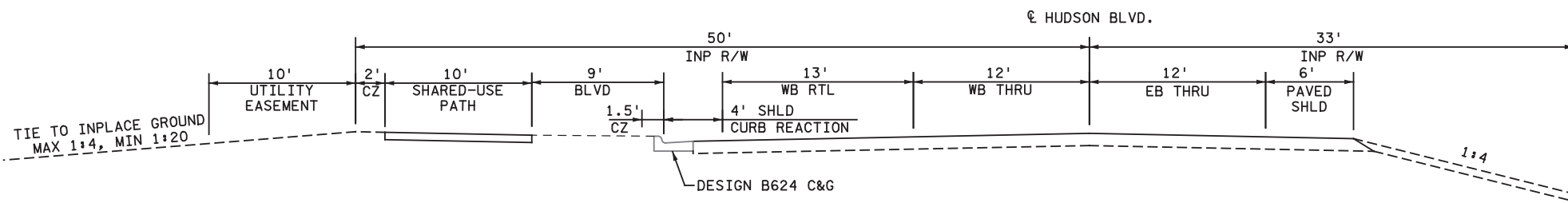
- The proposed site is guided in the City's Comprehensive Plan for 2020-2030 Regional Sewer Staging Plan and would discharge to the MCES Cottage Grove Ravine Interceptor. Therefore, provisions for connecting to the municipal sanitary sewer service must be included with this application. The site plans/application indicates a new sewer service line connecting to future sanitary sewer but does not address the extension of sanitary sewer to the site.
- The applicant will be responsible to connect to the City sanitary sewer system and extend sanitary sewer into the property at applicant's sole cost. In addition, the applicant will be required to stub sanitary sewer mains to adjacent properties so that these parcels maintain sewer access. Sanitary sewer is available along Hudson Blvd near the MCES Meter Station. The sanitary sewer trunk size will need to be determined based on the 2040 Comprehensive Plan.
- The application should include a description of the sanitary sewer capacity demands including the number of residential equivalent units (REC) based on the Met Council SAC determination policy. Demands must account for all planned uses and connections to the sewer system including bus wash wastewater. This information is required for staff evaluation of the sewer system improvements needed to support the development and to determine the applicable sewer availability charges.
- Existing Utility Easements. The existing sanitary sewer utility easements along Hudson Boulevard and the new commercial street corridor must be shown with the preliminary plan submittal and plan revisions must be made to avoid encroachments/conflicts with these easements.
- Any main sewer lines placed within the development will require minimum 30-foot easements centered over the pipe (or wider dependent upon the sewer depths) dedicated to the City and in the form of the City's Utility Easement Agreement.

MUNICIPAL WATER SUPPLY

- The proposed facility resides within the Planned MUSA, therefore provisions for connecting to the municipal water supply must be included with this application. The site plans/application indicate a new water service line connecting to future water but does not address the extension of the municipal water supply to the site.
- The applicant will be responsible to extend municipal water to the property at the applicant's cost. Watermain stubs will be required to eastern property limits. Water is available to be extended to the property from the Hunter's Crossing development but will require easements across adjacent properties. The watermain extension to the site will likely be a 12-inch trunk watermain.
- The application should include a description of the water capacity demands including average day use, peak day use, and fire suppression demands. All demand should be provided including potable drinking

water, bus washing operations, etc. This information is required for staff evaluation of the water improvements needed to support the development and to determine the water availability charges.

- The proposed site is in the water system's low-pressure zone which has limited capacity until a new water tower is constructed to serve the area.
- The applicant will be responsible to place hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City.
- Any watermain lines and hydrants placed within the development will require minimum 30-foot easements centered over the pipe. Easements must be dedicated to the City and be provided in the City's standard form of easement agreement.



CONCEPTUAL TYPICAL SECTION - WEST BOUND RIGHT TURN LANE



INPLACE NON-CONTINUOUS STREET

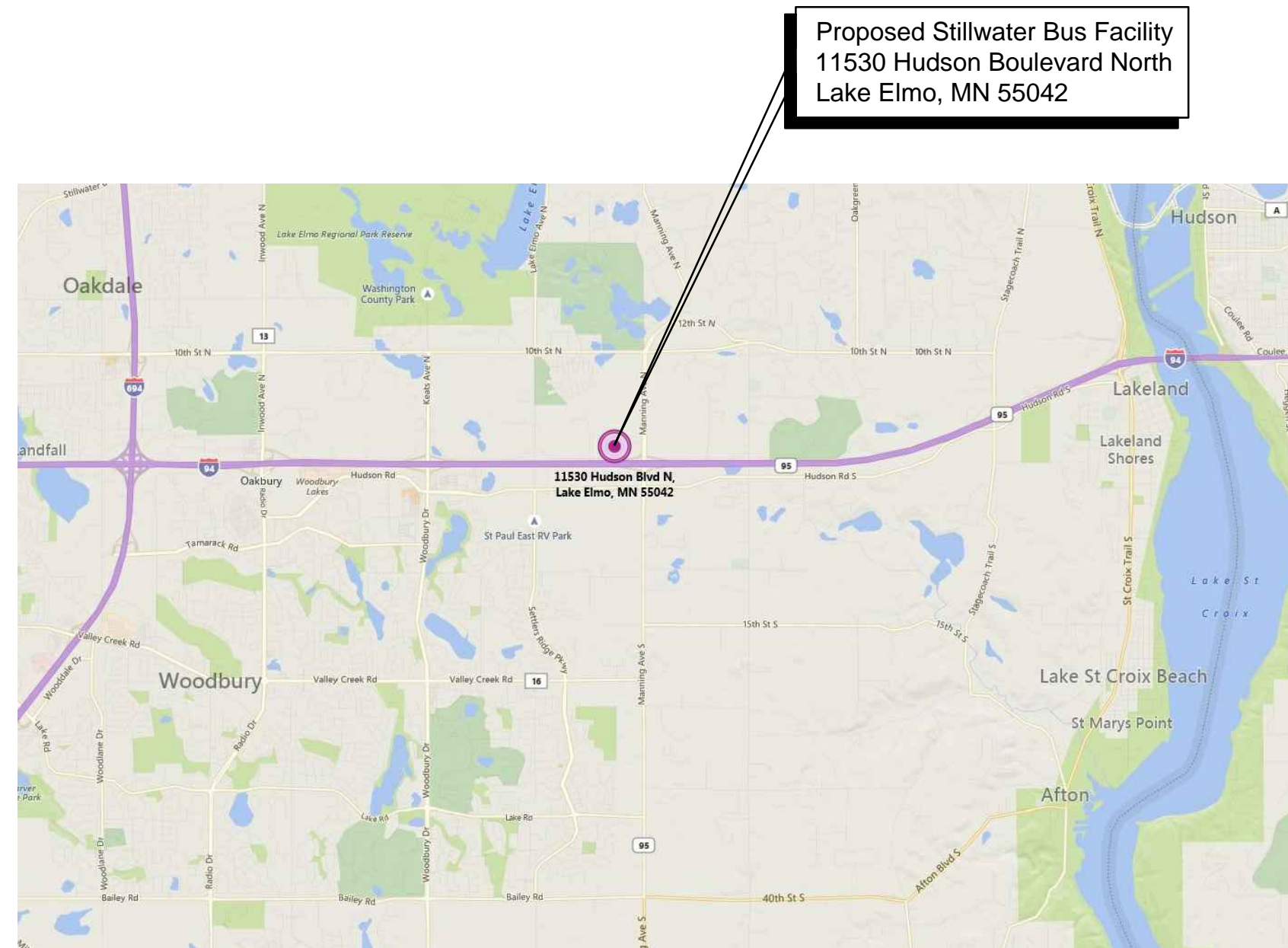
INPLACE COMMERCIAL ACCESS

PROJECT: 2018 STILLWATER BUS FACILITY IMPROVEMENTS



STILLWATER AREA PUBLIC SCHOOLS
1875 SOUTH GREELEY STREET
STILLWATER, MINNESOTA 55082

VICINITY MAP



Proposed Stillwater Bus Facility
11530 Hudson Boulevard North
Lake Elmo, MN 55042

INDEX OF DRAWINGS

T	Title Sheet
-	Topographic Survey
C1	Demolition Plan
C2	Paving and Dimension Plan
C3	Grading and Erosion Control Plan
C3.1	Landscape Plan
C4	Utility Plan
C5	Details
C6	Details

PROJECT CONTACTS

Civil Engineer:
Greg A. Buchal, P.E.
Larson Engineering, Inc.
3524 Labore Road
White Bear Lake, MN 55110
Tel: 651.481.9120
Fax: 651.481.9201

Surveyor:
Tim Freeman, P.L.S.
FFE Surveying LLC
12445 55th Street North
Lake Elmo, MN 55042
Tel: 651.439.8833
Fax: 651.430.9331

Larson Engineering, Inc.
3524 Labore Road
White Bear Lake, MN 55110
651.481.9120 (f) 651.481.9201
www.larsonengr.com

STILLWATER AREA PUBLIC SCHOOLS
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2018 STILLWATER BUS FACILITY IMPROVEMENTS
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Greg A. Buchal
Greg A. Buchal, P.E.
Date: 04.30.18 Reg. No.: 23793

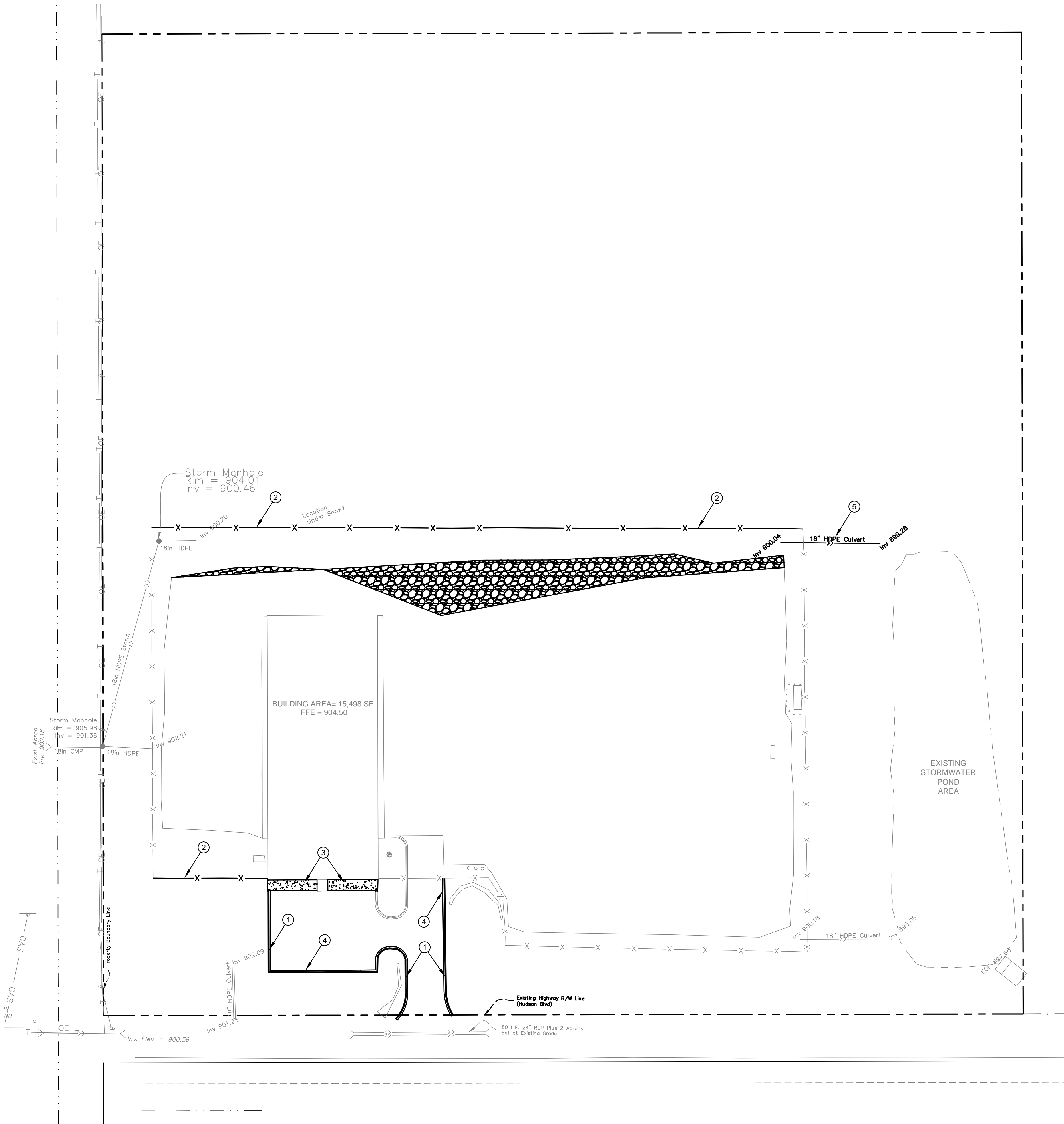
Rev.	Date	Description

Project #: 12176010
Drawn By: KJA
Checked By: GAB
Issue Date: 04.30.18

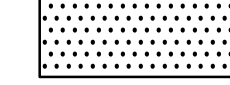
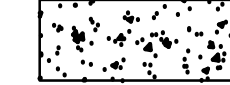

Sheet Title:
TITLE SHEET

T





SYMBOL LEGEND

-  REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT SECTION
-  REMOVE AND DISPOSE OF EXISTING CONCRETE PAVEMENT SECTION
-  REMOVE AND DISPOSE OF EXISTING GRAVEL SECTION

KEY NOTES

- ① REMOVE AND DISPOSE OF EXISTING CONCRETE CURB AND GUTTER.
- ② REMOVE AND DISPOSE OF EXISTING CHAIN LINK FENCE FABRIC, POSTS, AND FOOTINGS.
- ③ REMOVE AND DISPOSE OF EXISTING CONCRETE PAVEMENT SECTION.
- ④ SAWCUT, REMOVE, AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT SECTION.
- ⑤ REMOVE AND DISPOSE OF EXISTING STORM SEWER.

DEMOLITION NOTES

1. Verify all existing utility locations.
2. It is the responsibility of the Contractor to perform or coordinate all necessary utility demolitions and relocations from existing utility locations to all onsite amenities and buildings. These connections include, but are not limited to, water, sanitary sewer, cable tv, telephone, gas, electric, site lighting, etc.
3. Prior to beginning work, contact Gopher State OneCall (651-454-0002) to locate utilities throughout the area under construction. The Contractor shall retain the services of a private utility locator to locate the private utilities.
4. Sawcut along edges of pavements, sidewalks, and curbs to remain.
5. All construction shall be performed in accordance with state and local standard specifications for construction.

LOT SIZE

Total Lot Size: 478,997 s.f. = 11.00 Acres
 Breakdown:
 Existing Building: 15,498 s.f. = 3.23%
 Existing Gravel: 91,861 s.f. = 19.18%
 Existing Pavement: 9,022 s.f. = 1.88%
 Existing Open Space: 362,616 s.f. = 75.71%

Larson Engineering, Inc.
 3524 Labore Road
 White Bear Lake, MN 55110
 651.481.9120 (f) 651.481.9201
 www.larsonengr.com

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Client:
STILLWATER AREA PUBLIC SCHOOLS
 1875 SOUTH GREELEY STREET
 STILLWATER, MINNESOTA 55082

CITY SUBMITTAL
 Project Title:
2018 STILLWATER BUS FACILITY IMPROVEMENTS
 STILLWATER AREA PUBLIC SCHOOLS
 STILLWATER, MN 55082

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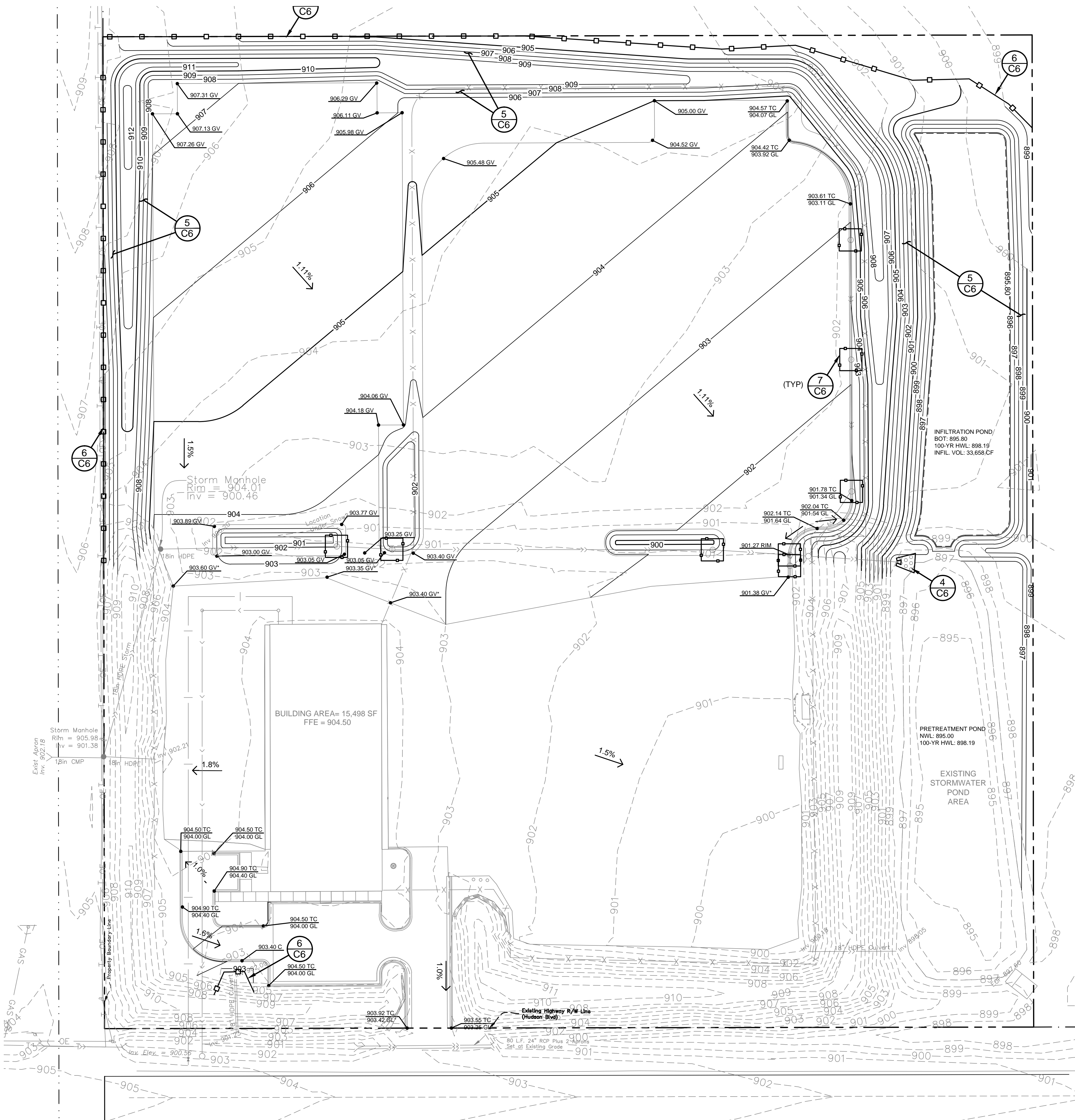
Rev.	Date	Description

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 Drawn By: KJA
 Checked By: GAB
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 Sheet Title:

DEMOLITION PLAN

C1

Sheet:



EROSION CONTROL NOTES

- Owner and Contractor shall obtain MPCA-NPDES permit. Contractor shall be responsible for all fees pertaining to this permit. The SWPPP shall be kept onsite at all times.
- Install temporary erosion control measures (inlet protection, silt fence, and rock construction entrances) prior to beginning any excavation or demolition work at the site.
- Erosion control measures shown on the erosion control plan are the absolute minimum. The contractor shall install temporary earth dikes, sediment traps or basins, additional siltation fencing, and/or disk the soil parallel to the contours as deemed necessary to further control erosion. All changes shall be recorded in the SWPPP.
- All construction site entrances shall be surfaced with crushed rock across the entire width of the entrance and from the entrance to a point 50' into the construction zone.
- Vertical compaction shall be performed on all areas to be compacted with a vibratory plate compactor.
- All areas with steeper than 4:1 slope shall have erosion control blankets placed on them when grading is complete.
- All grading operations shall be conducted in a manner to minimize the potential for site erosion. Sediment control practices must be established on all down gradient perimeters before any up gradient land disturbing activities begin.
- All exposed soil areas must be stabilized as soon as possible to limit soil erosion but in no case later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. Temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) and the constructed base components of roads, parking lots and similar surfaces are exempt from this requirement.
- The normal wetted perimeter of any temporary or permanent drainage ditch or swale that drains water from any portion of the construction site, or diverts water around the site, must be stabilized within 200 lineal feet from the property edge, or from the point of discharge into any surface water. Stabilization of the last 200 lineal feet must be completed within 24 hours after connecting to a surface water. Stabilization of the remaining portions of any temporary or permanent ditches or swales must be complete within 14 days after connecting to a surface water and construction in that portion of the ditch has temporarily or permanently ceased.
- Pipe outlets must be provided with energy dissipation within 24 hours of connection to surface water.
- All riprap shall be installed with a filter material or soil separation fabric and comply with the Minnesota Department of Transportation Standard Specifications.
- All storm sewers discharging into wetlands or water bodies shall outlet at or below the normal water level of the respective wetland or water body at an elevation where the downstream slope is 1 percent or flatter. The normal water level shall be the invert elevation of the outlet of the wetland or water body.
- All storm sewer catch basins not needed for site drainage during construction shall be covered to prevent runoff from entering the storm sewer system. Catch basins necessary for site drainage during construction shall be provided with inlet protection.
- In areas where concentrated flows occur (such as swales and areas in front of storm catch basins and intakes) the erosion control facilities shall be backed by stabilization structure to protect those facilities from the concentrated flows.
- Inspect the construction site once every seven days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours. All inspections shall be recorded in the SWPPP.
- All silt fences must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches 1/3 of the height of the fence. These repairs must be made within 24 hours of discovery, or as soon as field conditions allow access. All repairs shall be recorded in the SWPPP.
- If sediment escapes the construction site, off-site accumulations of sediment must be removed in a manner and at a frequency sufficient to minimize off-site impacts.
- All soils tracked onto pavement shall be removed daily.
- All infiltration areas must be inspected to ensure that no sediment from ongoing construction activity is reaching the infiltration area and these areas are protected from compaction due to construction equipment driving across the infiltration area.
- Temporary soil stockpiles must have silt fence or other effective sediment controls, and cannot be placed in surface waters, including stormwater conveyances such as curb and gutter systems, or conduits and ditches unless there is a bypass in place for the stormwater.
- Collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other wastes must be disposed of properly and must comply with MPCA disposal requirements.
- Oil, gasoline, paint and any hazardous substances must be properly stored, including secondary containment, to prevent spills, leaks or other discharge. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal of hazardous waste must be in compliance with MPCA regulations.
- External washing of trucks and other construction vehicles must be limited to a defined area of the site. Runoff must be contained and waste properly disposed of. No engine degreasing is allowed onsite.
- All liquid and solid wastes generated by concrete washout operations must be contained in a leak-proof containment facility or impermeable liner. A compacted clay liner that does not allow washout liquids to enter ground water is considered an impermeable liner. The liquid and solid wastes must not contact the ground, and there must not be runoff from the concrete washout operations or areas. Liquid and solid wastes must be disposed of properly and in compliance with MPCA regulations. A sign must be installed adjacent to each washout facility to inform concrete equipment operators to utilize the proper facilities.
- Upon completion of the project and stabilization of all graded areas, all temporary erosion control facilities (silt fences, hay bales, etc.) shall be removed from the site.
- All permanent sedimentation basins must be restored to their design condition immediately following stabilization of the site.
- Contractor shall submit Notice of Termination for MPCA-NPDES permit within 30 days after Final Stabilization.

LEGEND

- 950 EXISTING CONTOURS
- 950 PROPOSED CONTOURS - MAJOR INTERVAL
- 949 PROPOSED CONTOURS - MINOR INTERVAL
- GRADE BREAK LINE
- GRADE SLOPE
- SILT FENCE
- EROSION CONTROL BLANKET
- RIP-RAP
- INLET PROTECTION
- CONCRETE WASHOUT STATION
- SPOT ABBREVIATIONS:
 TC - TOP OF CURB
 GL - GUTTER LINE
 B - BITUMINOUS
 C - CONCRETE
 EO - EMERGENCY OVERFLOW
 TW - TOP OF WALL
 BW - BOTTOM OF WALL (F/G)
 (*) - EXISTING TO BE VERIFIED

GRADING NOTES

- Tree protection consisting of snow fence or safety fence installed at the drip line shall be in place prior to beginning any grading or demolition work at the site.
- All elevations with an asterisk (*) shall be field verified. If elevations vary significantly, notify the Engineer for further instructions.
- Grades shown in paved areas represent finish elevation.
- Utility locations shall be as shown on the site plan. Utility locations shall be verified by field inspection of topsoil and seed or sod. See Landscape Plan.
- All construction shall be performed in accordance with state and local standard specifications for construction.

CITY SUBMITTAL

2018 STILLWATER
BUS FACILITY
IMPROVEMENTS
STILLWATER AREA PUBLIC SCHOOLS
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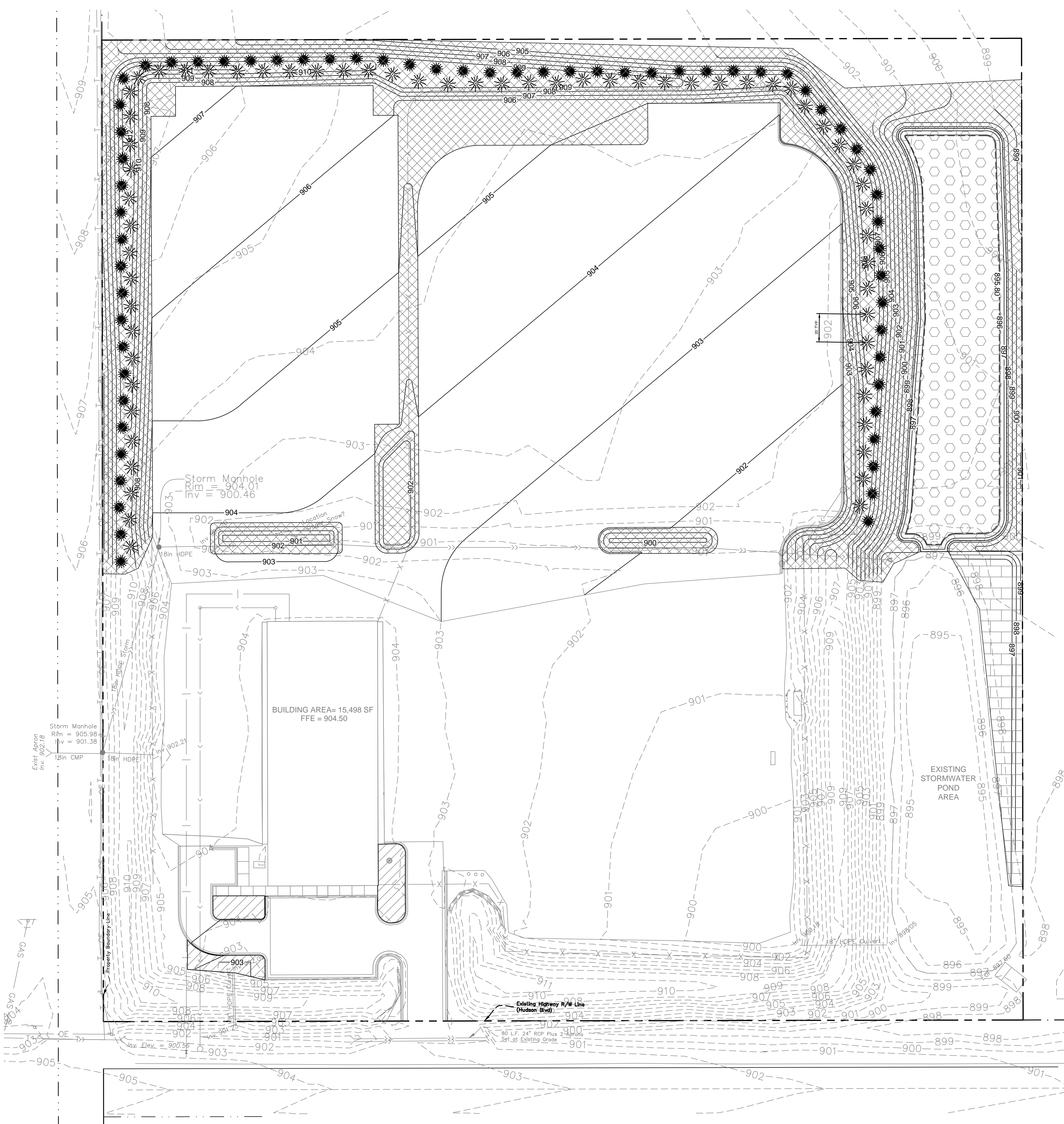
Rev.	Date	Description

Project #: 12176010
 Drawn By: KJA
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 Issue Date: 04.30.18
 Sheet Title:

GRADING AND
EROSION CONTROL
PLAN

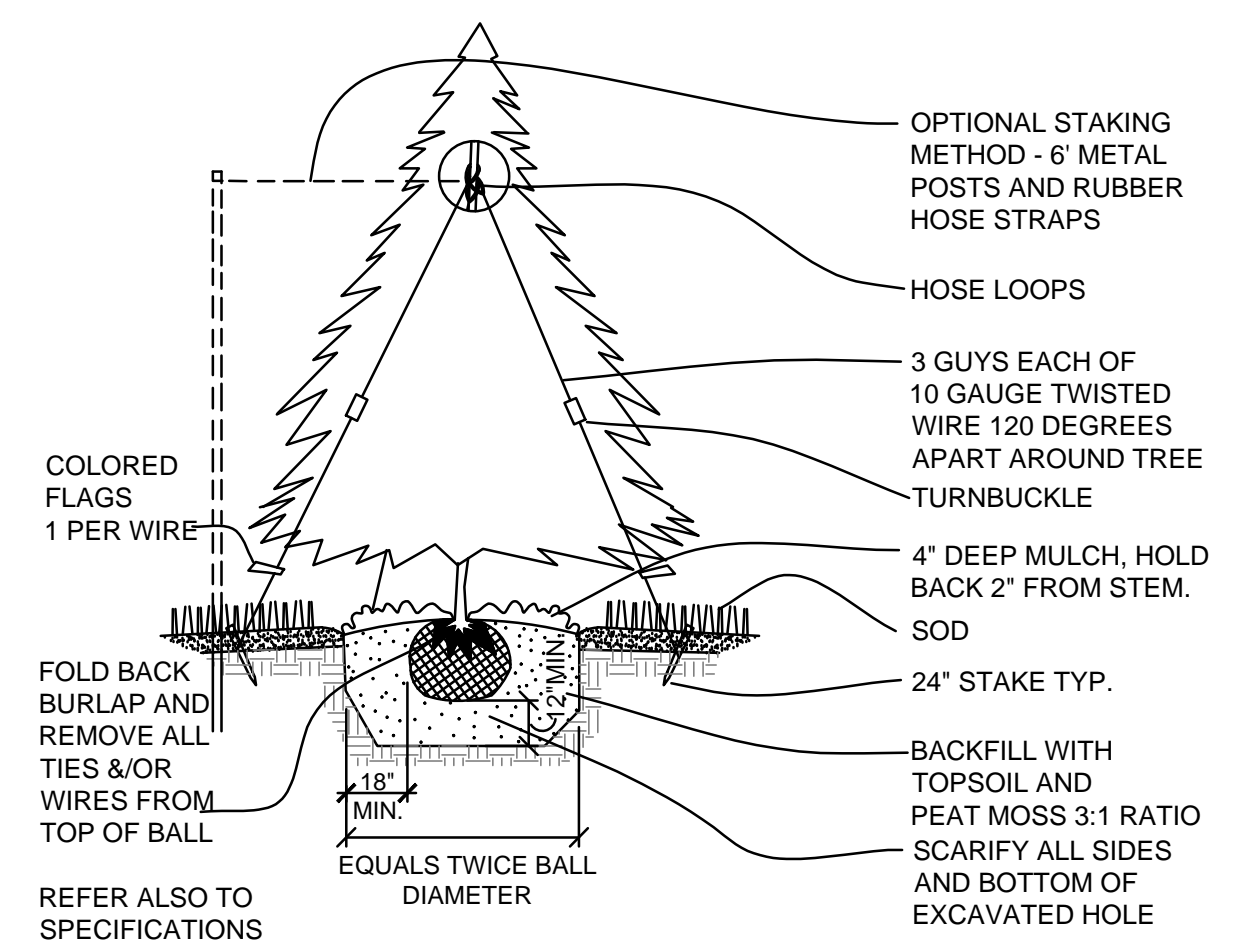
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LEGEND

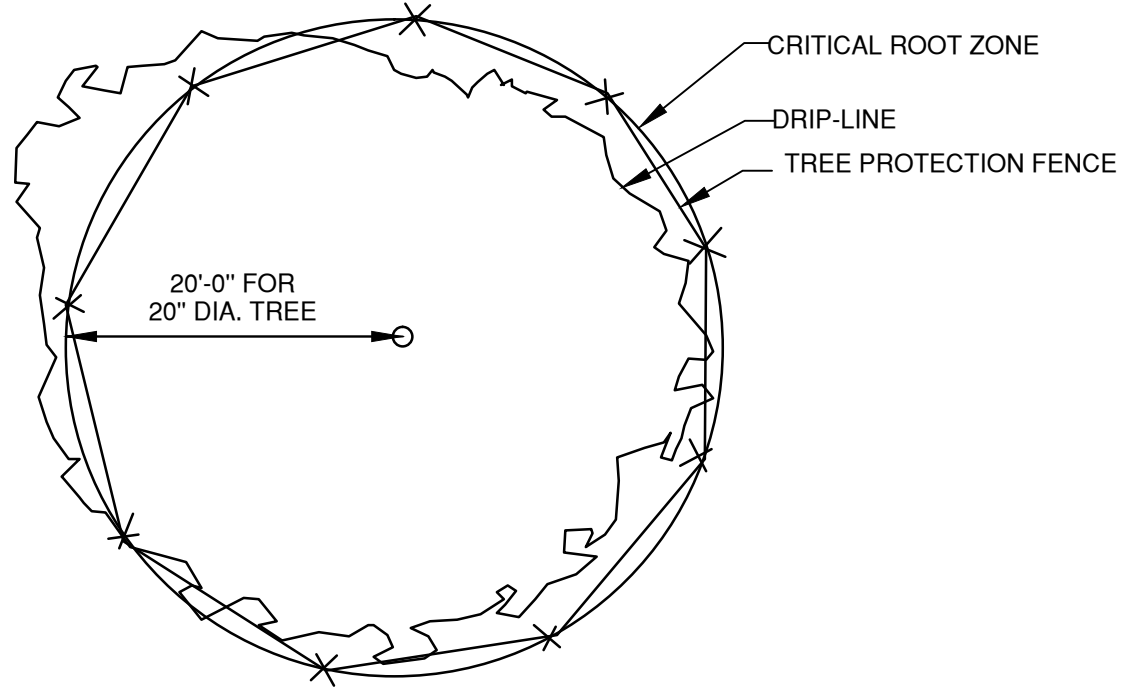
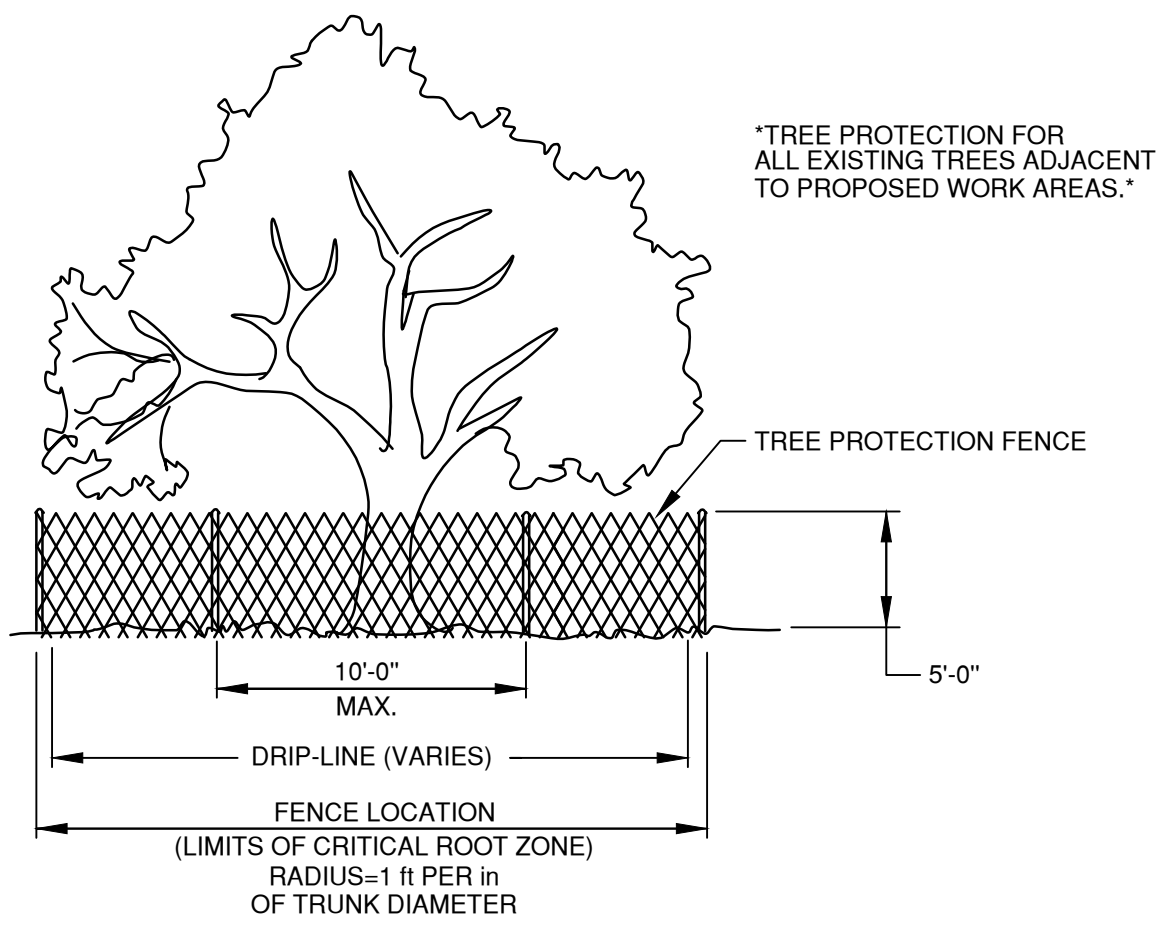
- NORWAY SPRUCE (PICEA ABIES): 6' TALL, 62 TOTAL (50.4%)
- COLORADO BLUE SPRUCE (PICEA PUNGENS): 6' TALL 61 TOTAL (49.6%)
- SOD MATERIAL
- NATIVE PRAIRIE SEED RESTORATION
BWSR MIX 34-241 (MESIC PRAIRIE)
36.5 LB/AC
- INFILTRATION POND SEED
BWSR MIX 34-271 (WET MEADOW)
12 LB/AC
- WET POND SEED
BWSR MIX 34.181 (EMERGENT WETLAND)
5 LB/AC



CONIFEROUS TREE PLANTING DETAIL

1
C3.1

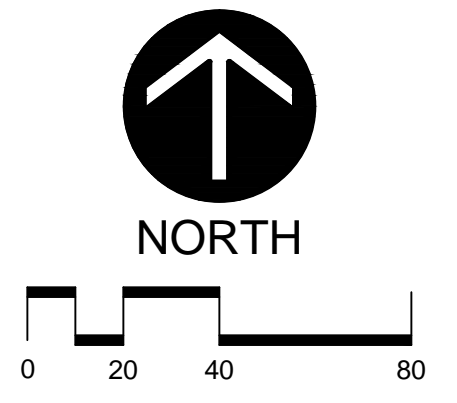
NO SCALE



TREE PROTECTION

2
C3.1

NOT TO SCALE



CITY SUBMITTAL

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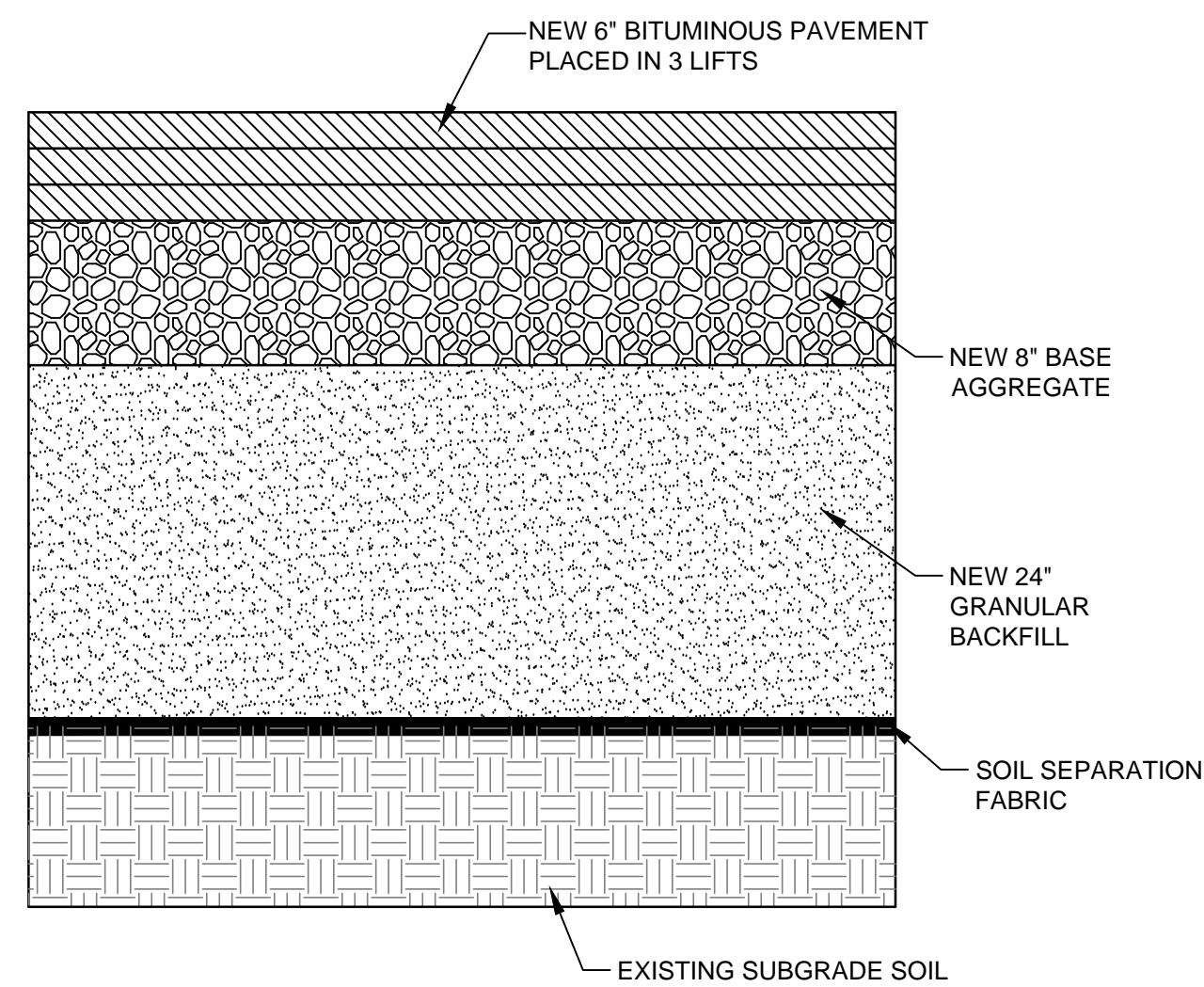
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 Issue Date: 04.30.18
 Sheet Title:

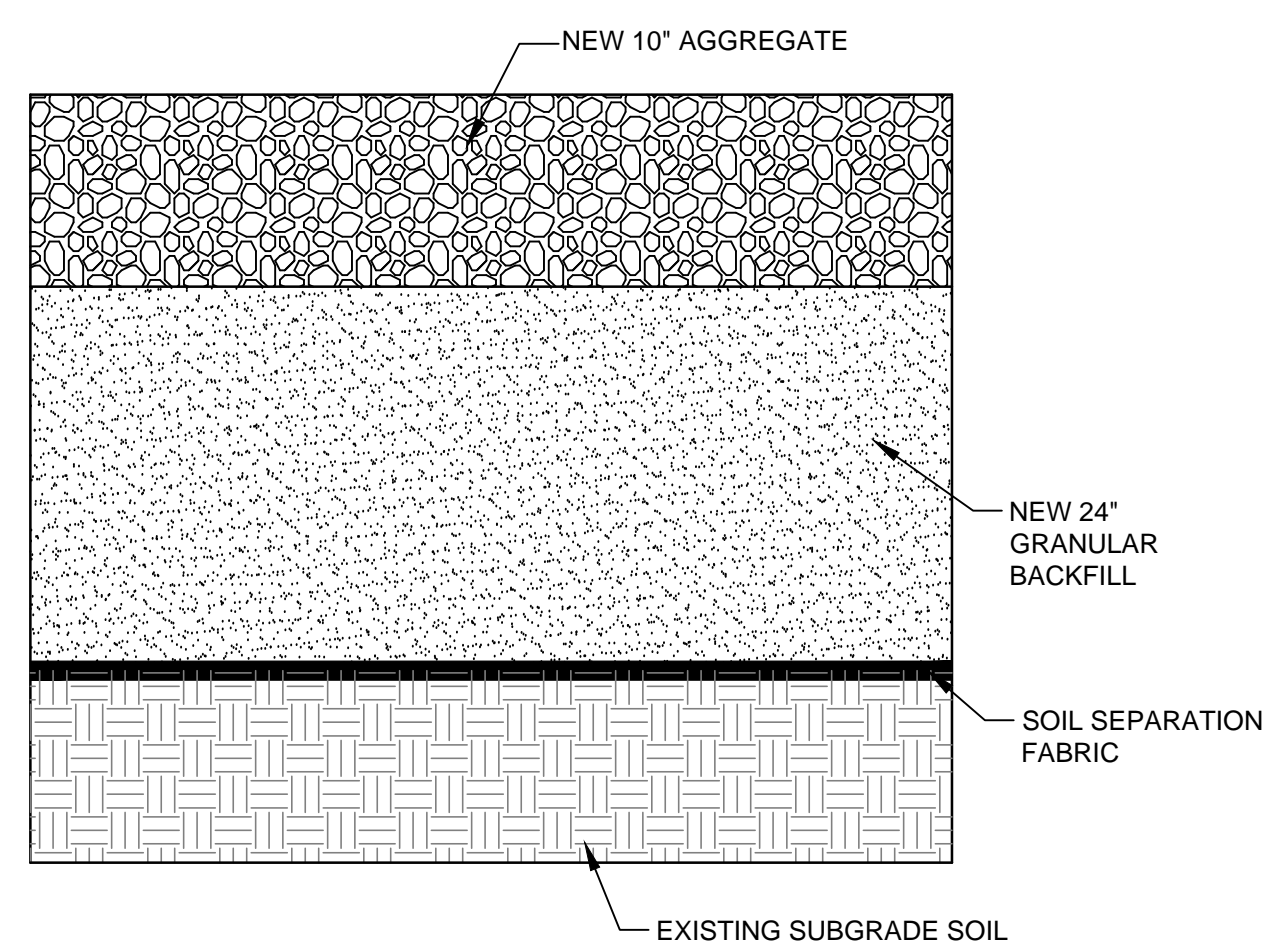
LANDSCAPE PLAN

C3.1

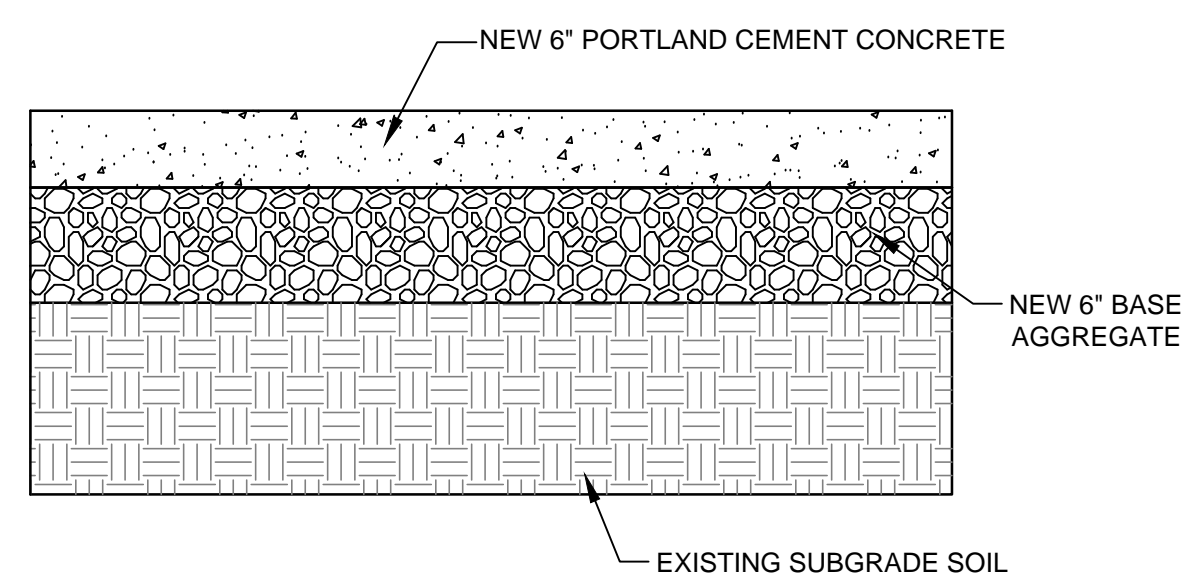
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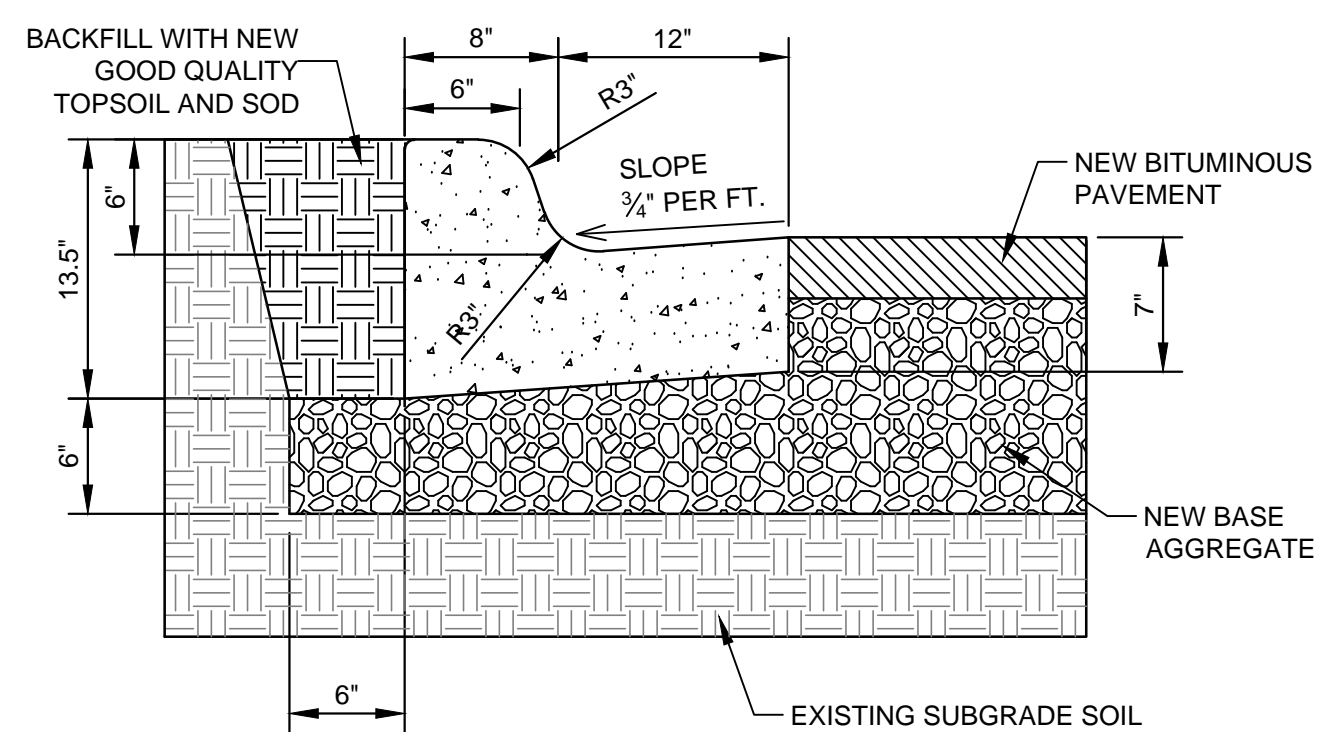
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C5
HEAVY-DUTY BITUMINOUS PAVEMENT SECTION
NOT TO SCALE



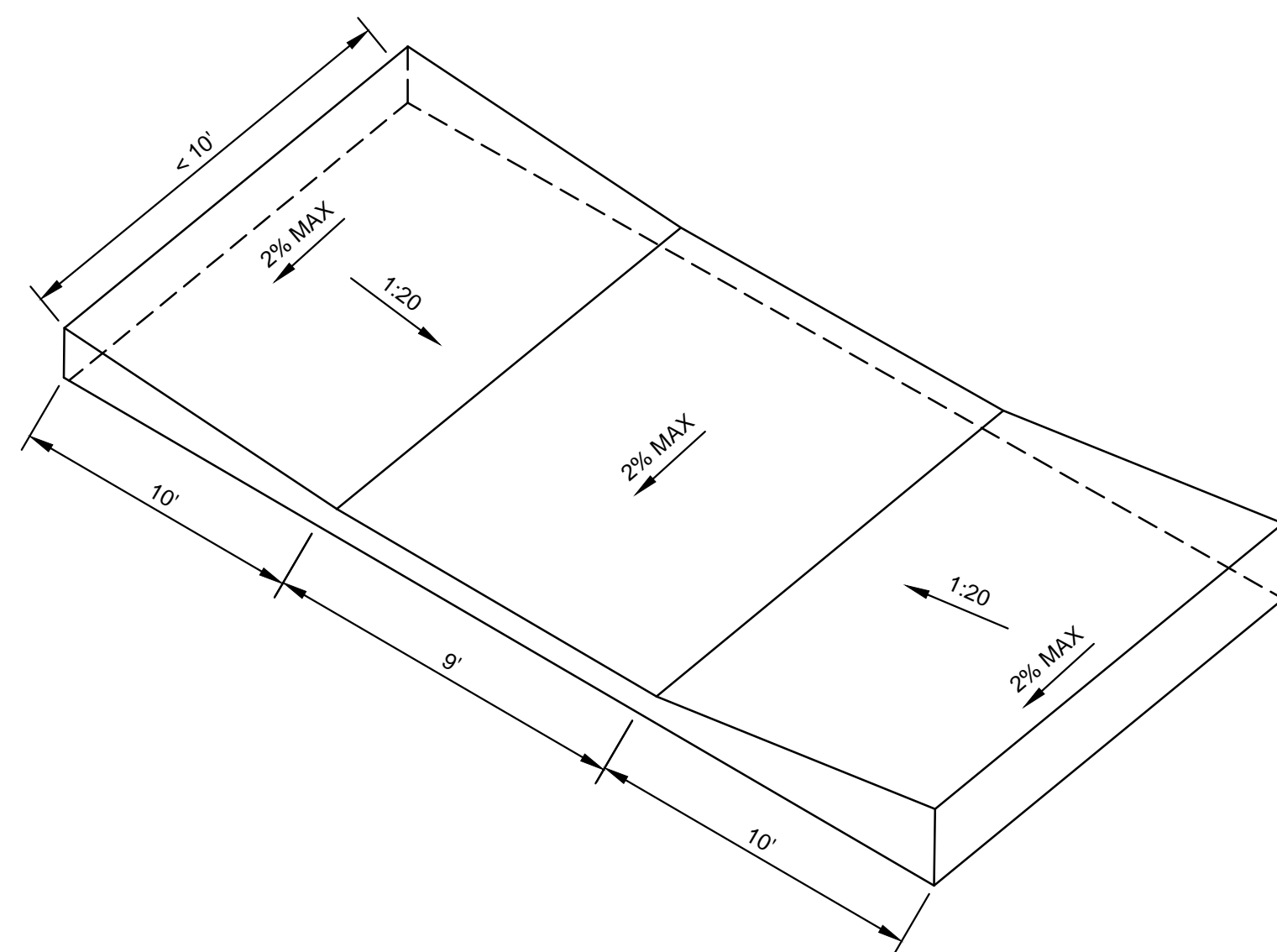
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C5
GRAVEL SECTION
NOT TO SCALE



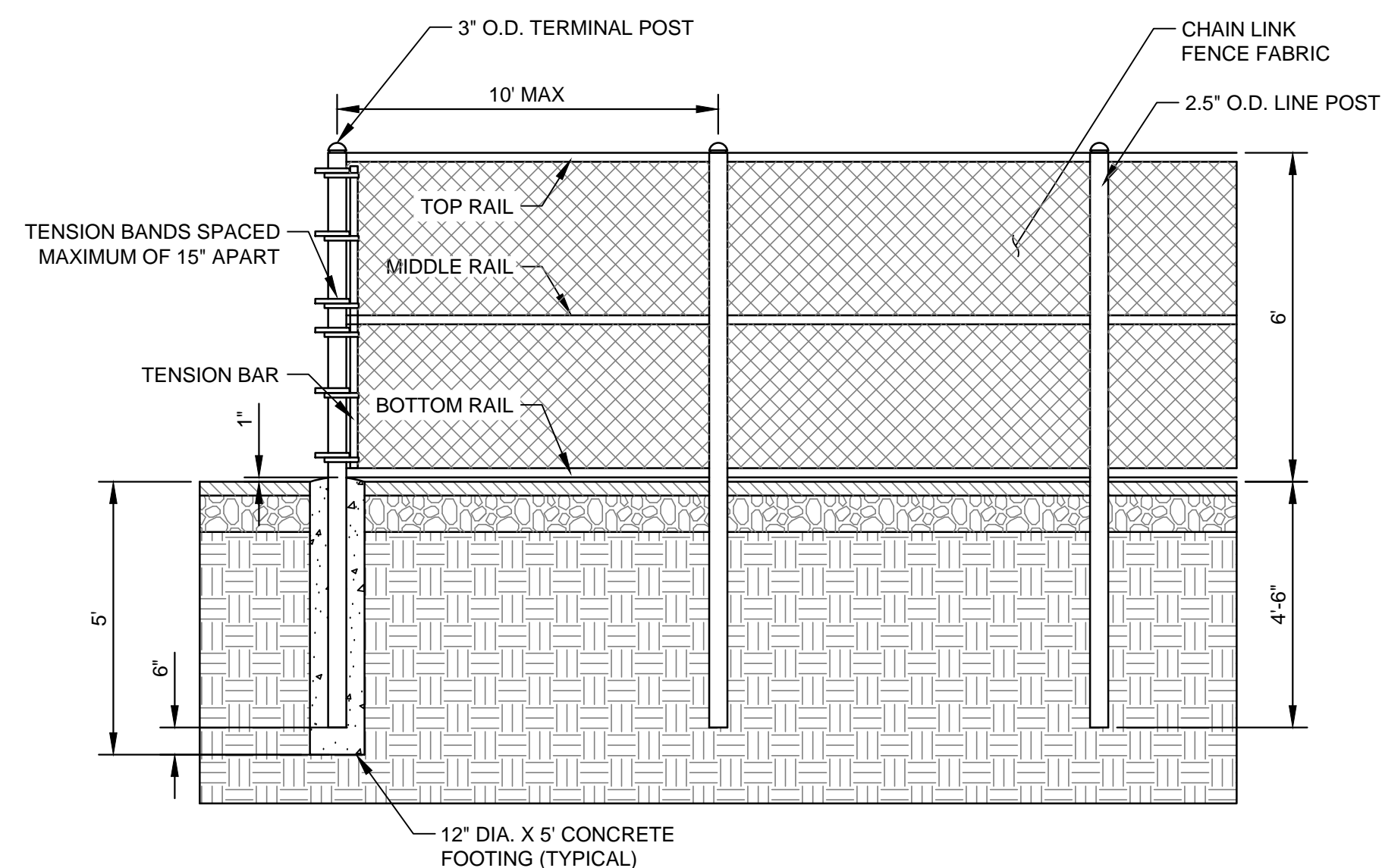
3
C5
CONCRETE SIDEWALK CONSTRUCTION DETAIL
NOT TO SCALE



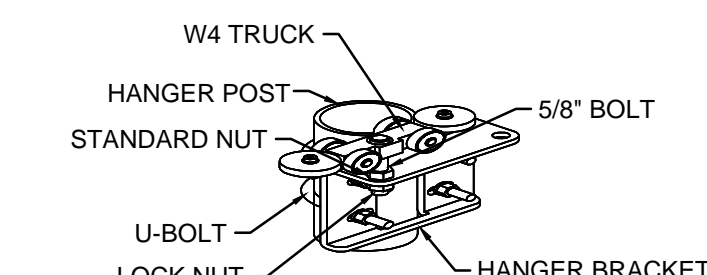
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C5
B612 CONCRETE CURB & GUTTER DETAIL
NOT TO SCALE



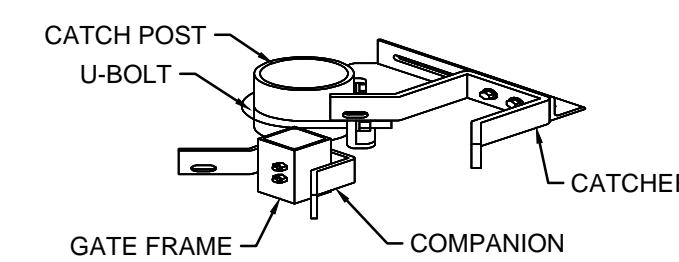
5
C5
ACCESSIBLE RAMP DETAIL
NOT TO SCALE



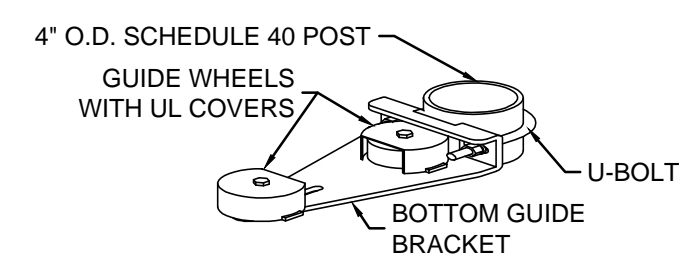
6
C5
FENCE DETAIL
NOT TO SCALE



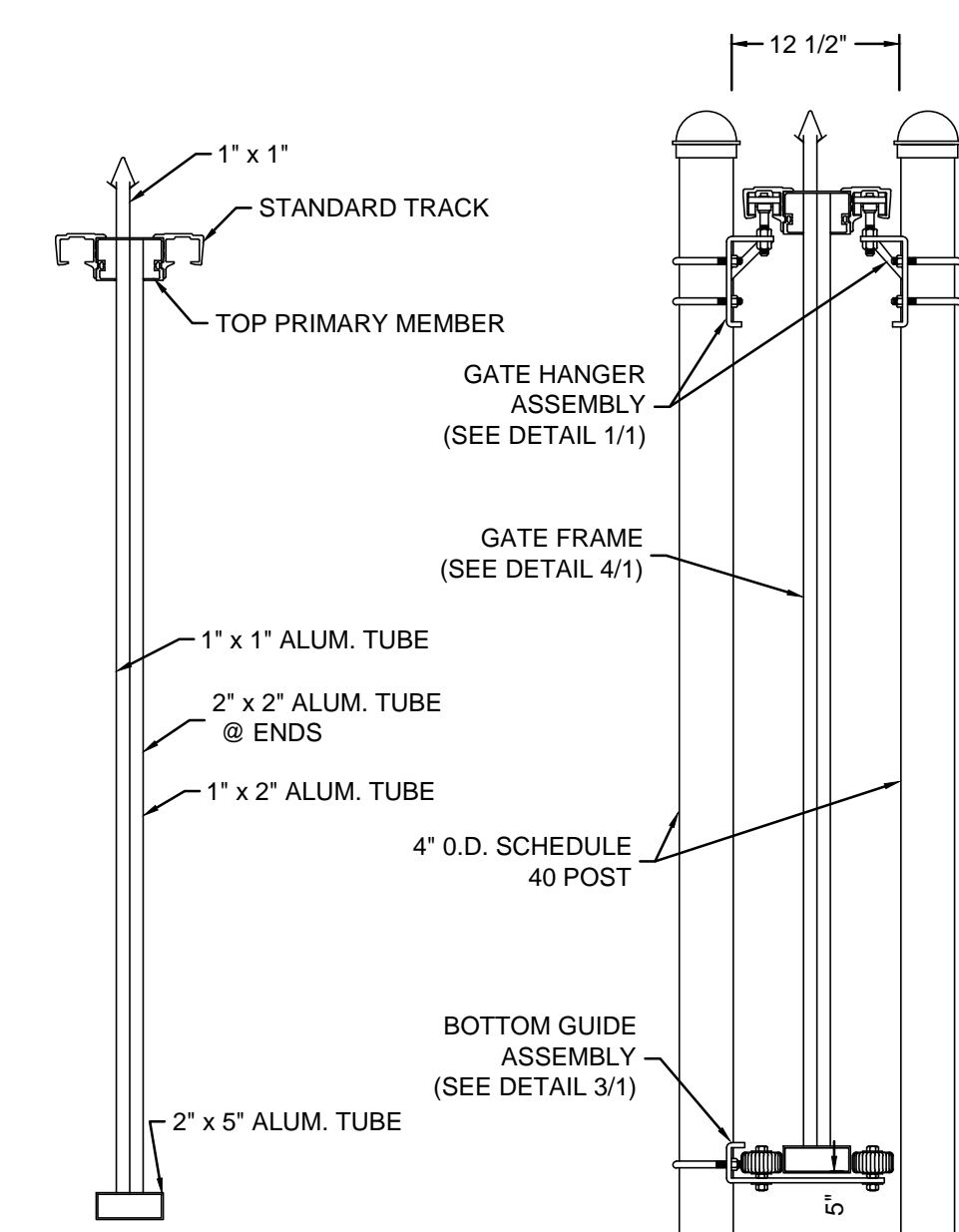
1
TA
GATE HANGER ASSEMBLY
Scale: None



2
TA
CATCH ASSEMBLY
Scale: None

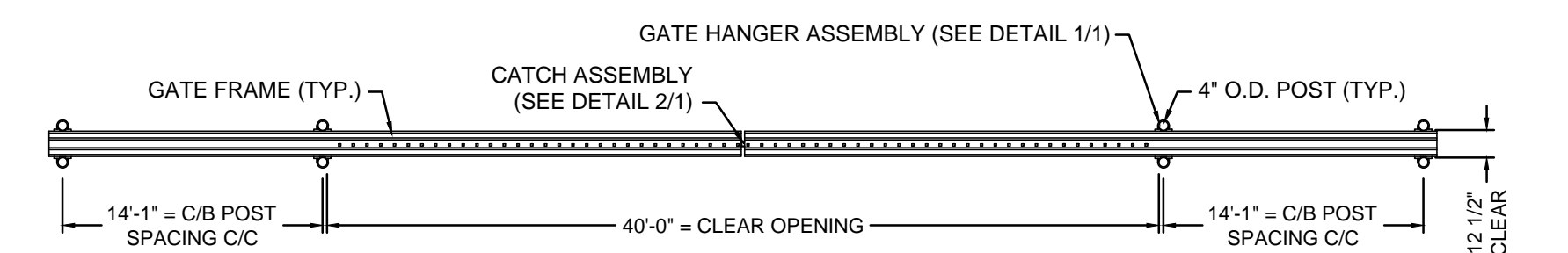


3
TA
BOTTOM GUIDE ASSEMBLY
Scale: None

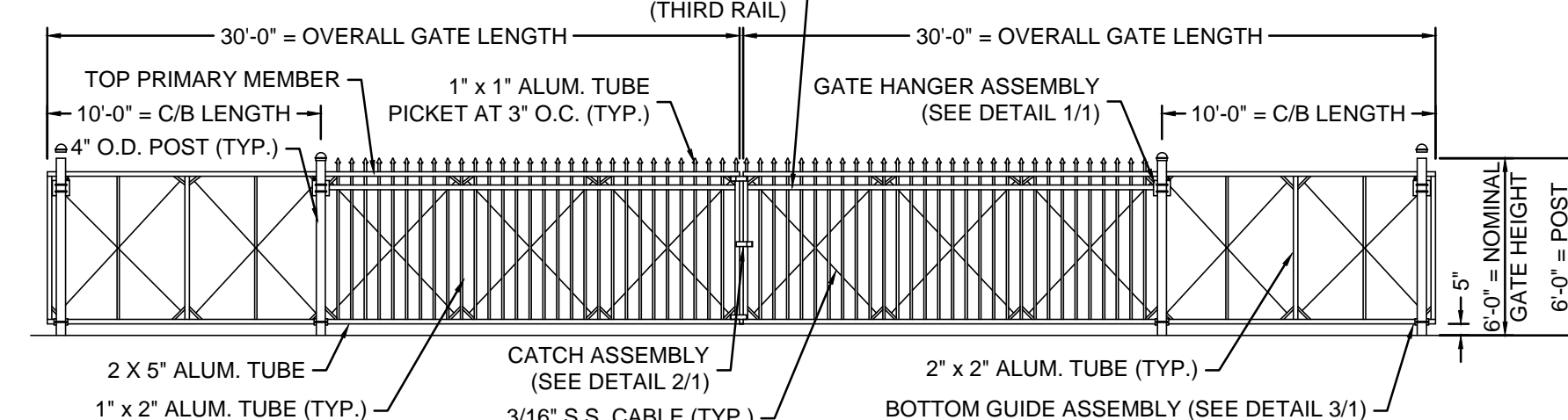


1
TA
GATE FRAME SECTION
Scale: None

2
TA
GATE ASSEMBLY SECTION
Scale: None



4
TA
PLAN VIEW
Scale: None



7
TA
ELEVATION
Scale: None

DOUBLE GATE DETAIL
NOT TO SCALE

7
C5
GEORGETOWN SLIDE GATE DETAIL
NOT TO SCALE

- NOTES:
- ALL HARDWARE IS PROVIDED FOR 4" O.D. SCHEDULE 40 POSTS.
 - GATE ELEVATION IS VIEWED FROM OUTSIDE THE SECURE AREA LOOKING IN.
 - FOR GATES THAT REQUIRE TWO PIECE FABRICATION, A 5" ALUMINUM CHANNEL WILL BE SUBSTITUTED FOR THE 2" x 5" ALUMINUM TUBE.

Larson Engineering, Inc.
3524 Labore Road
White Bear Lake, MN 55110
651.481.9120 (f) 651.481.9201
www.larsonengr.com

STILLWATER AREA PUBLIC SCHOOLS
1875 SOUTH GREELEY STREET
STILLWATER, MINNESOTA 55082

2018 STILLWATER BUS FACILITY IMPROVEMENTS
STILLWATER AREA PUBLIC SCHOOLS
STILLWATER, MN 55082

I hereby certify that this plan, specifications or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the state of Minnesota.

Greg A. Buchal
Greg A. Buchal, P.E.
Date: 04.30.18 Reg. No.: 23793

Rev.	Date	Description

Project #: 12176010
Drawn By: KJA
Checked By: GAB
Issue Date: 04.30.18
Sheet Title: **DETAILS**
C5
Sheet:

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

ORDINANCE NO. 08-214

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LAKE ELMO**

SECTION 1. The City Council of the City of Lake Elmo hereby ordains a portion of the following property (PID# 36.029.21.43.0001) to be rezoned from RR – Rural Residential to BP – Business Park:

Lot 1, Block 1, Four Corners

SECTION 2. The City Council of the City of Lake Elmo also hereby ordains that the Zoning Administrator shall make the applicable changes to the official Zoning Map of the City of Lake Elmo.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance 08-214 was adopted on this 17th day of July, 2018, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-214 was published on the ____ day of July, 2018.

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

RESOLUTION NO. 2018-076

A RESOLUTION APPROVING THE FOUR CORNERS PRELIMINARY AND FINAL PLAT

WHEREAS, Terry Emerson, 2204 Legion Lane Circle North, Lake Elmo, MN 55042 (“Applicant”), has submitted an application to the City of Lake Elmo (“City”) for approval of Preliminary and Final Plat for Four Corners; and

WHEREAS, the Lake Elmo Planning Commission held a Public Hearing on June 4, 2018 and June 18, 2018 to consider the Preliminary and Final Plat for Four Corners and recommended approval subject to a number of conditions; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission and the proposed Four Corners Preliminary and Final Plat at a meeting on July 17, 2018; and

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

FINDINGS

1. That the Four Corners preliminary and final plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
2. That the Four Corners preliminary and final plat complies with the minimum lot frontage and area requirements of the City’s BP – Business Park zoning district.
3. That the Four Corners preliminary and final plat complies with the City’s subdivision ordinance.
4. That the Four Corners preliminary and final plat meets other City zoning ordinances, such as landscaping, erosion and sediment control, and other ordinances, provided comments outlined in the City Engineer Review Memo dated May 30, 2018 are met; or as may be amended due to changes in the site plan or proposed use.
5. That the Four Corners preliminary and final plat is consistent with the City’s engineering standards provided final plans are updated to address the City Engineer’s comments documented in a letter dated May 30, 2018; or as may be amended due to changes in the site plan or proposed use.
6. The land being subdivided is legally described as:

S1/2-SE1/4 EXC WEST 2 RODS EXC TO HWY EXC HWY PARCEL 44 MN DOT R/W PLAT #82-35 SECTION 36 TOWNSHIP 029 RANGE 021

7. That the Four Corners preliminary and final plat will create one new lot of 11 acres to be legally described as Lot 1, Block 1, Four Corners; and three outlots: A (46.64 acres), B (5.01 acres), and C (1.08 acres).

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicants' application for Preliminary and Final Plat, subject to the following conditions of approval:

- 1) The property shall be rezoned to BP – Business Park.
- 2) The applicant shall pay a fee in lieu of parkland dedication in the amount of \$4500 per acre of the newly created lot (11 acres X \$4500 = \$49,500 total) prior to any formal City authorization.
- 3) Prior to the execution of the Final Plat by City officials, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, landscaping, and payment of the required improvements for the Four Corners Final Plat with financial guarantees therefore.
- 4) Final grading, drainage and erosion control, sanitary sewer and stormwater management, street and utility construction plans shall be submitted, reviewed and approved by the City Engineer, meeting City Engineering Design Standards, prior to the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in a memorandum dated May 30, 2018 and all subsequent memorandums regarding the plans shall be incorporated into these documents before they are approved.
- 5) The applicant must obtain all other necessary City, State, and other governing body permits prior to the commencement of any construction activity on the parcel including but not limited to building permits, conditional use permits, etc.
- 6) Any plans for construction on the newly created parcel must comply with the Lake Elmo Design Standards Manual and specific general site considerations and development standards for specific uses within the Business Park District.
- 7) The site plan is subject to a storm water management plan meeting State, Valley Branch Watershed District and City rules and regulations. All applicable permits must be obtained. Maintenance access roads meeting City engineering design standards must be provided for all storm water facilities.

- 8) Stormwater facilities shall remain privately owned and maintained. The applicant will be required to execute a Stormwater Maintenance and Easement Agreement in the City's standard form of agreement.
- 9) A Traffic Impact Study shall be completed and submitted in order to determine timing and extent of improvements required for the CSAH 15 and Hudson Boulevard intersection realignment and traffic signal improvements as well as the need for an eastbound left turn lane along Hudson Boulevard for site access. Additional right-of-way along Hudson Boulevard may be required if the eastbound left turn lane is required.
- 10) Hudson Boulevard must be improved per the City design standards to an urban section on the north side of the street including a west bound right turn lane to the site, a four foot shoulder (curb reaction), a nine foot boulevard, and a ten foot shared use bituminous trail with two foot clear zone.
- 11) Provisions for connecting municipal sanitary sewer service and for connecting to the municipal water supply must be provided on submitted plans. The applicant shall be responsible to extend and connect to the City sanitary sewer system and municipal water at the applicant's sole cost and extend such services to adjacent properties. The applicant shall be required to obtain easements from adjacent properties in order to extend water. A detailed description of the sanitary sewer and water capacity demands shall be provided.
- 12) Hydrants will be required to be placed at the direction of the Fire Department, and all fire hydrants shall be owned and maintained by the City.
- 13) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to its execution by City Officials.

Passed and duly adopted this 17th day of July, 2018 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

RESOLUTION NO. 2018-078

*A RESOLUTION DENYING A ZONING TEXT AMENDMENT TO AMEND THE CITY'S
ZONING CODE TO ALLOW LOCAL TRANSIT AS A CONDITIONAL USE WITHIN THE
BUSINESS PARK ZONING DISTRICT*

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

WHEREAS, Stillwater Area Public Schools (Kristen Hoheisel), 1875 Greeley Street South, Stillwater, MN 55042 (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district; and

WHEREAS, the request for a Zoning Text Amendment was submitted by the Applicant along with a request by Terry Emerson, 2204 Legion Lane Circle North, Lake Elmo, MN 55042, for a Minor Subdivision to subdivide the Property in to Lot 1, Block 1 of Four Corners, with three separate outlots; a Zoning Map Amendment to re-zone Lot 1, Block 1 of Four Corners from Rural Development Transitional to Business Park; and Conditional Use Permit for a school transportation center for Lot 1, Block 1, Four Corners; and

WHEREAS, the Planning Commission held a public hearing on June 4, 2018 and June 18, 2018 to consider the Applicant’s requests; and

WHEREAS, the Planning Commission submitted its report and recommendation to the City Council as part of a Staff Memorandum dated July 17, 2018; and

WHEREAS, the City Council considered said matter at its meeting on July 17, 2018; and

NOW THEREFORE BE IT RESOLVED based upon the testimony elicited, information received, staff reports and the record as a whole, the City Council makes the following findings of fact:

FINDINGS.

1. That the procedures for requesting a Zoning Text Amendment are found in the Lake Elmo Zoning Ordinance, Section 154.105.
2. That all the submission requirements of said Section 154.105 have been met by the Applicant.
3. That the proposed Zoning Text Amendment includes the following components:
 - a. That local transit be a conditional use within the Business Park zoning district.

- b. That standards for local transit within the Business Park zoning district be added to include the following:
 - i. Use is limited to a school district transportation center, owned by a public school district, serving as a bus terminal for buses and vans which transport passengers to and from schools or between school programs and community residences.
 - ii. The property on which the use is located must be located within one half mile of property owned by a public school district.
 - iii. Must be on a property of at least 10 acres in size or more.
 - iv. Must be sufficiently screened from adjacent residential properties through berming and landscaping as approved by the City.
 - v. Accessory uses may include an office and routine maintenance of school buses, including but not limited to washing and fueling.
4. That the 2030 Comprehensive Plan indicates that the specific desired attributes of the Business Park land use category include a diversity of jobs, high development densities and jobs per acre, high quality site and building architectural design, and increased tax revenues for the community.
5. That the draft 2040 Comprehensive Plan indicates that Business Park areas are to provide for a wide variety of professional businesses such as medical and research facilities, offices, and corporate headquarters. Uses specifically excluded from existing business park areas include warehousing, manufacturing, distribution, assembly and truck terminals.
6. That school district transportation centers owned by a public school district would likely not provide high quality site and building architectural design or increase tax revenues for the community, as are specific desired attributes of the Business Park land use category of the 2030 Comprehensive Plan and the proposed text amendment is therefore inconsistent with the Comprehensive Plan.
7. That school district transportation centers are similar to truck terminals, which are specifically excluded from business park areas as per the draft 2040 Comprehensive Plan.
8. That school district transportation centers would increase traffic on Hudson Boulevard, creating congestion and would likely trigger the need for a traffic signal at the intersection of Manning Avenue and Hudson Boulevard, the cost for which the City will be required to pay 25%.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Lake Elmo City Council hereby denies the request by Stillwater Area Public Schools for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district.

Passed and duly adopted this 17th day of July 2018, by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

RESOLUTION 2018-079

*A RESOLUTION DENYING A CONDITIONAL USE PERMIT FOR A SCHOOL DISTRICT
TRANSPORTATION CENTER FOR A PORTION OF THE PROPERTY LOCATED AT 11530
HUDSON BOULEVARD NORTH*

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

WHEREAS, Stillwater Area Schools (Kristen Hoheisel), 1875 Greeley Street South, Stillwater, MN 55082 (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a Conditional Use Permit for a school district transportation center for a portion of the property located at 11530 Hudson Blvd N (PID# 36.029.21.43.0001) (the “Property”); and

WHEREAS, a request for a Preliminary and Final Plat to subdivide the Property in to Lot 1, Block 1 of Four Corners, with three separate outlots was submitted by Terry Emerson, 2204 Legion Lane Circle North, Lake Elmo, MN 55042; and

WHEREAS, the Applicant also submitted applications to the City for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district; and a Zoning Map Amendment to re-zone Lot 1, Block 1 of Four Corners from Rural Development Transitional to Business Park; and

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

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on June 4, 2018 and June 18, 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 July 17, 2018, and

WHEREAS, the City Council considered said matter at its July 17, 2018 meeting; and

NOW, THEREFORE, based on the testimony elicited, staff reports and information received and the entire record presented, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Conditional Use Permit are found in the Lake Elmo Zoning Ordinance, Section 154.106.

- 2) That all the submission requirements of said Section 154.106 have been met by the Applicant.
- 3) That the proposed Conditional Use Permit includes the following components:
 - a) A Conditional Use Permit for a school district transportation center for a portion of the property located at 11530 Hudson Blvd N.
- 4) That the Conditional Use Permit for a school district transportation center will be for the Property legally described as follows: Lot 1, Block 1 of Four Corners.
- 5) That the Zoning Text Amendment that was proposed by the Applicants allows local transit as a conditional use within the Business Park zoning district.
- 6) That the City denied the Applicant's request for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district.
- 7) That the City approved the Applicant's request for a Preliminary and Final Plat to subdivide the Property in to Lot 1, Block 1 of Four Corners along with three separate outlots.
- 8) That the City denied the Applicant's request for a Zoning Map Amendment to re-zone the Property from Rural Development Transitional to Business Park.
- 9) That since the Applicant's Zoning Text Amendment application was denied, the Applicant's application for a conditional use permit for a school transportation center must also be denied because local transit is not an allowed use within the Property's current zone, which is Business Park.
- 10) The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. ***With over 200 employees and a use that requires both employee trips in and out of the facility each day as well as two bus trips in and out of the facility each day, the use will generate a significant amount of traffic, which will likely trigger a need for a traffic signal at the intersection of Manning Avenue and Hudson Boulevard, the cost of which the City will be required to pay 25%.***
- 11) The use or development conforms to the City of Lake Elmo Comprehensive Plan. ***The property is guided for Business Park. While the proposal does create a significant number of jobs per acre, the parcel will be tax exempt, as it will be owned by the school district. It also does not fit in to the described uses appropriate for this land category. Finally, it does not propose high quality site and building architectural design, which, per the Comprehensive Plan, is a trait this land use category should have.***
- 12) The use or development is compatible with the existing neighborhood. ***The surrounding area is planned for uses such as offices, showroom/warehousing, research and development, manufacturing and assembly, and medical laboratories, which are not compatible uses with a bus terminal.***

- 13) The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. ***There are no specific development standards for this use listed in Article 7. The use does not comply with many parking lot, screening, and landscape standards of the Zoning Code.***
- 14) If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management). ***The property is located outside the 0.2% annual chance floodplain.***
- 15) The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. ***The proposed project is a redevelopment/repurposing of an existing site, to which minimal improvements are proposed. Operations are not within a building and so would not meet the intended character of the neighborhood, and outdoor storage is not an allowed use within the Business Park zoning district.***
- 16) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. ***The proposed use will create a significant amount of traffic, at least at certain times of the day.***
- 17) The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. ***The property is within the Metropolitan Urban Service Area (MUSA) and therefore should be required to be provided by city sewer and water. The application did not detail provisions to connect to City sewer and water. The use may require the prompt need for the CSAH 15/Hudson Blvd traffic signal, for which the City will be required to share 25% of the cost, and the Hudson Boulevard realignment. It is not yet known if the applicant's stormwater management plan meets all City, State, and Valley Branch Watershed District requirements.***
- 18) The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. ***The use may require the prompt need for the CSAH 15/Hudson Blvd traffic signal/realignment, for which the City will be required to share 25% of the cost. It is not yet known if the applicant's stormwater management plan meets all City, State, and Valley Branch Watershed District requirements.***
- 19) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. ***The***

proposed use will generate a significant number of trips per day, which will generate excessive production of traffic.

- 20) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. ***Traffic congestion will be created from the significant number of trips to the site the use would generate.***
- 21) The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. **N/A**

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Lake Elmo City Council hereby denies the request by Stillwater Area Schools for a Conditional Use Permit for a school transportation center.

Passed and duly adopted this 17th day of July 2018 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

ORDINANCE NO. 08-215

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
ADDING LOCAL TRANSIT AS A CONDITIONAL USE WITHIN THE BUSINESS
PARK ZONING DISTRICT AND ADDING ADDITIONAL STANDARDS FOR LOCAL
TRANSIT WITHIN THE BUSINESS PARK ZONING DISTRICT**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article XIV: Commercial Districts; Section 154.551; Table 12-1 by amending the following:

	LC	CC	C	BP	Standard
<i>Public and Civic Uses</i>					
Colleges and universities	-	-	C	C	154.012 (B) (2), 154.303 (A)
Community service	-	C	C	C	154.012 (B) (2)
Day care center	C	C	C	C	154.012 (B) (2)
Schools, public and private	-	-	C	C	154.012 (B) (2), 154.303 (A)
<u>Local Transit</u>	=	=	=	<u>C</u>	<u>154.554</u> <u>(O)</u>

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article XIV: Commercial Districts; Section 154.554 by adding the following:

O. Local Transit, BP District. School bus terminals shall be allowed as a conditional principal use within the Business Park zoning district, provided that:

1. The use shall be limited to a school district transportation center, owned by a public school district, serving as a bus terminal for buses which transport passengers to and from schools or between school programs and community residences.
2. The property on which the use is located must be located within one half mile of property owned by a public school district for an active school or school administration building.
3. Must be on property of at least 10 acres in size or more.
4. Must be sufficiently screened, as determined by the City, from adjacent residential properties through techniques such as berming and landscaping.
5. Accessory uses to bus terminals may include an office and routine maintenance of school buses, including but not limited to washing and fueling.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 7. Adoption Date. This Ordinance 08-215 was adopted on this _____ day of _____ 2018 by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-215 was published on the _____ day of _____, 2018.

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

RESOLUTION 2018-077

*A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A SCHOOL DISTRICT
TRANSPORTATION CENTER FOR A PORTION OF THE PROPERTY LOCATED AT 11530
HUDSON BOULEVARD NORTH*

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

WHEREAS, Stillwater Area Schools (Kristen Hoheisel), 1875 Greeley Street South, Stillwater, MN 55082 (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a Conditional Use Permit for a school district transportation center for a portion of the property located at 11530 Hudson Blvd N (PID# 36.029.21.43.0001) (the “Property”); and

WHEREAS, a request for a Preliminary and Final Plat to subdivide the Property in to Lot 1, Block 1 of Four Corners, with three separate outlots was submitted by Terry Emerson, 2204 Legion Lane Circle North, Lake Elmo, MN 55042; and

WHEREAS, the Applicant also submitted applications to the City for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district; and a Zoning Map Amendment to re-zone Lot 1, Block 1 of Four Corners from Rural Development Transitional to Business Park; and

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

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on June 4, 2018 and June 18, 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 July 17, 2018, and

WHEREAS, the City Council considered said matter at its July 17, 2018 meeting; and

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

FINDINGS

- 1) That the procedures for obtaining said Conditional Use Permit are found in the Lake Elmo Zoning Ordinance, Section 154.106.

- 2) That all the submission requirements of said Section 154.106 have been met by the Applicant.
- 3) That the proposed Conditional Use Permit includes the following components:
 - a) A Conditional Use Permit for a school district transportation center for a portion of the property located at 11530 Hudson Blvd N.
- 4) That the Conditional Use Permit for a school district transportation center will be for the Property legally described as follows: Lot 1, Block 1 of Four Corners.
- 5) That the Zoning Text Amendment that was proposed by the Applicants allows local transit as a conditional use within the Business Park zoning district.
- 6) That the City approved the Applicant's request for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district.
- 7) That the City approved the Applicant's request for a Preliminary and Final Plat to subdivide the Property in to Lot 1, Block 1 of Four Corners along with three separate outlots.
- 8) That the City approved the Applicant's request for a Zoning Map Amendment to re-zone the Property from Rural Development Transitional to Business Park.
- 9) The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. ***Bus traffic is not expected to be detrimental or dangerous, as trips and traffic will be limited to certain times of the day. It is a recommended condition of approval that there be significant berming to provide a sufficient screening of the parking lot.***
- 10) The use or development conforms to the City of Lake Elmo Comprehensive Plan. ***The property is guided for Business Park, in which local transit, which meets certain standards, is a conditional use per the Zoning Code. The use also provides a significant number of jobs per acre, which is a desired trait of the Business Park land use designation per the Comprehensive Plan.***
- 11) The use or development is compatible with the existing neighborhood. ***The use is compatible with the existing neighborhood, as the existing use is a truck terminal, which is similar in use and design to a bus terminal. The surrounding parcels are mostly vacant and undeveloped.***
- 12) The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. ***The proposal complies with the proposed development standards as recommended in the requested Zoning Text Amendment, although it does not comply with many parking lot, screening, and landscape standards, which have been required as a recommended condition of approval.***
- 13) If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257

(Shoreland Regulations) and Chapter 152 (Flood Plain Management). ***The property is located outside the 0.2% annual chance floodplain.***

- 14) The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. ***While the proposed project is a redevelopment/repurposing of an existing site and will not change the existing character of the area, operations are not within a building and so would not meet the intended character of the neighborhood.***
- 15) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. ***While the proposed use will create a significant amount of traffic, it will be limited to certain times of the day.***
- 16) The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. ***There are plans to connect to City sewer and water at the applicant's cost. The use may require the prompt need for the CSAH 15/Hudson Blvd traffic signal, for which the City will be required to share 25% of the cost, and the Hudson Boulevard realignment. It is not yet known if the applicant's stormwater management plan meets all City, State, and Valley Branch Watershed District requirements.***
- 17) The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. ***While the use will not pay property taxes, sewer and water service charges will be paid by the applicant.***
- 18) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. ***The proposed use will generate a significant number of trips per day, though this will be limited to certain times of the day. Minimal noise is expected to come from the site, except during heavy traffic times at specific times within the morning or afternoon.***
- 19) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. ***Traffic congestion could be created from the significant number of trips to the site, though these would be limited to certain times of the day.***
- 20) The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. N/A

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Lake Elmo City Council hereby approves the request by Stillwater Area Schools for a Conditional Use Permit for a school district transportation center with the following conditions of approval:

- 1) The Zoning Text Amendment to allow local transit (school district transportation center) within the Business Park Zoning District must be approved.
- 2) No construction or use of the bus terminal (unless in accordance with the Interim Use Permit approved by the City by Resolution 2014-095) may commence until all items as outlined in the City Engineer review memo regarding the Four Corners Preliminary & Final Plat (Stillwater Transportation Center) dated May 30, 2018 and all other subsequent construction plan memos regarding the Stillwater Transportation Center have been addressed; the Four Corners 1st Addition Final Plat has been recorded.
- 3) The applicant must obtain all other necessary City, State, and other governing body permits prior to the commencement of any construction activity on the parcel including but not limited to an approved stormwater management plan, utility plans, grading plan, street construction plans (if required), parking lot permit, building permits, etc.
- 4) The Applicant shall submit a photometric plan, and all lighting must meet requirements of Sections 150.035-150.038 of the City Code.
- 5) The above ground storage tank shall require development of diking around the tank, suitably sealed to hold a leakage capacity equal to 115% of the tank capacity. The applicant shall demonstrate that fire, explosion, or water or soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare. The applicant shall also fill out an Aboveground Storage Tank Notification of Installation or Change in Status Form as required by the Minnesota Pollution Control Agency (MPCA).
- 6) The Applicant shall submit an updated Landscape Plan and Tree Preservation Plan which includes sufficient berming and screening and addresses the comments in this report to be reviewed and approved by the City's Landscape Architect.
- 7) Parking areas shall be paved with a durable surface including, but not limited to, hot asphalt, bituminous or concrete; spaces shall be marked with painted lines at least four inches wide; required interior and exterior parking lot screening is required; a bumper curb or barrier of normal bumper height shall be provided; and must provide an adequate number of Americans with Disabilities Act (ADA) accessible stalls.
- 8) A sign permit shall be obtained prior to erection of any sign on the property.
- 9) The property shall be connected to City sewer and water prior to operation of the bus terminal.
- 10) A Traffic Impact Study is required to determine timing and extent of improvements required for the CSAH 15 and Hudson Boulevard intersection realignment and traffic signal improvements as well as to determine if an eastbound left turn lane along Hudson Boulevard is also needed at the site access.
- 11) The applicant shall be required to include a description of the sanitary sewer capacity demands including the number of residential equivalency units (REC) based on the Metropolitan Council Sewer Availability Charge (SAC) determination policy as well as a description of the water capacity demands including average day use, peak day use, and fire suppression demands. Demands must account for all planned uses and connections to

the sewer system including bus wash wastewater as well as include potable drinking water, bus washing operations, etc.

12) Applicant shall be responsible to place hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City.

Passed and duly adopted this 17th day of July 2018 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk



STAFF REPORT

DATE: 7/17/2018

REGULAR

ITEM #: 18

TO: City Council
FROM: Emily Becker, Planning Director
AGENDA ITEM: Four Corners 2nd Addition General Planned Unit Development (PUD)
Concept Plan
REVIEWED BY: Jack Griffin, City Engineer

BACKGROUND:

The City has received a request from Terry Emerson for a General Planned Unit Development (PUD) Concept Plan for a 15.77 acre commercial development which includes a park and ride and commercial development in the southeast corner of 11530 Hudson Boulevard North.

ISSUE BEFORE COUNCIL:

The Council is being asked to hold a public hearing, review and make recommendation on the above-mentioned request.

PROPOSAL DETAILS/ANALYSIS:

General Information.

- *Property Owner:* Terry Emerson, 2204 Legion Lane Circle North, Lake Elmo, MN 55042
- *Location:* North of I-94/Hudson Boulevard and West of Manning Avenue North, Southeast Corner of 11530 Hudson Boulevard North
- *Current Site Area:* 70.21 acres
- *Land Use Guidance:* The 2030 Comprehensive Plan guides the eastern portion of the site as Mixed-Use Commercial and Commercial, and the western portion is guided as Business Park.
- *Current Zoning:* Rural Development Transitional
- *Proposed Zoning:* Commercial and Convenience Commercial
- *Current Surrounding Land Use Guidance:* Vacant land to the north (Rural Development Transitional); I-94 to the south (Woodbury); vacant land to the west (Rural Development Transitional); Manning Avenue to the east (West Lakeland).
- *History:* The property has been used as rural vacant land.
- *Application Timeline:* Application received: 5/18/18. 60-day Review: 7/17/18. No extension sent.

Request Details/Reason for PUD. The applicant is proposing to construct a park-and-ride facility on Outlot C along with a commercial development to the north on Outlot B. Currently, the Zoning Code states that transit-related park-and-ride lots are allowed in the Convenience Commercial zoning district within the written Purpose and District Descriptions of Article XIV: Commercial Districts, but it does not specifically designate park-and-ride facilities as an allowed use within Table 12-1: Permitted, Conditional and Interim Uses, Commercial Districts. Because of this, the applicant has submitted a Planned Unit

Development Application, which allows the applicant to propose a number of uses which then become permitted uses within the development. Staff believes this is more appropriate than requesting a Zoning Text Amendment in order to avoid allowing park-and-rides within every commercial area of the City. Additionally, the site plan proposes more than one principal building and use on a platted lot, which is only allowed within a PUD.

Zoning. As per the Comprehensive Plan, the eastern portion of the site is guided for Commercial. With the Preliminary Plat and PUD application, Outlots B and D should be rezoned to Commercial, and Outlot C should be rezoned to Convenience Commercial, as the Zoning Code alludes that park-and-rides are an appropriate use within this zoning district. Outlot A would be rezoned at a later time when a development application is received for that parcel.

Allowed Uses. As previously mentioned, the applicant is requesting park-and-ride as an allowed use within this development. The commercial development also proposes to include a gas station/convenience store (conditional use in Commercial zoning district), financial institution (permitted), restaurant (permitted), and daycare (conditional). Additionally, all other allowed uses within the Commercial zoning district would be allowed within Outlots B and D. Because the applicant has not secured prospective tenants at this time, the applicant is requesting the following uses be allowed (marked as either conditional, permitted, or not allowed within the Commercial zoning district):

- Commercial kennel (conditional)
- Apartments (conditional)
- Automotive service center (conditional)
- Drinking and entertainment (permitted)
- Indoor recreation (conditional)
- Post Office (not allowed)
- Personal Services (permitted)
- Carwash (conditional)
- Financial institution (permitted)
- Offices (permitted)
- Restaurant (permitted)
- Retail (permitted)
- Lodging (permitted)
- Schools (permitted)
- Convent (not allowed)
- Day care center (conditional)
- Drive-through restaurant (conditional)
- Farm equipment sales (not allowed)
- Funeral home (permitted)
- Sales and storage lots (conditional)
- Bus/truck service station or garage (not allowed)
- Veterinary Services (permitted)
- Wholesales (permitted)

The purpose of allowing conditional uses to become permitted with a PUD is that the City has a chance to review site plans. Because of the lack of any plans to accompany the requested uses listed in bullet points above, Staff would recommend that this request be denied and recommends that a condition of approval be that uses other than gas station/convenience store, daycare, and any permitted use within the Commercial zoning district be allowed require a conditional use permit unless the preliminary and final plans detail alternative uses with an approved site plan.

Consistency with the Comprehensive Plan. The City's Planned Land Use Map indicates that this area is guided for Commercial. This area is intended to accommodate a wide range and scale of commercial uses (such as retail, service, entertainment, and office) throughout the City's planned urban centers. Commercial uses can range from small neighborhood convenience nodes, to community retail areas along major roadways, to large shopping centers, to auto-related commercial uses along freeways. The Draft 2040 Comprehensive Plan also designates this area as Commercial but states that commercial land uses are for retail business solely.

While a park and ride is not a commercial use, there is potential benefit of the draw for other businesses near the Park and Ride. Additionally, the City wide planning policy in regards to transportation of the 2030 Comprehensive Plan encourages, supports, and advocates public transit service to the City at appropriate geographic locations as determined by the City. Also, public transportation has less of a negative impact on the environment than taking a car, and financial savings result from eliminating parking fees, not needing to pay for gas for individual vehicles and the personal time saved when bypassing slow traffic. According to the US Census Bureau, in 2016 approximately 85% of Lake Elmo residents commute to work, and approximately 1.8% of those who commute to work utilize public transportation. It is not known whether or not a park and ride would encourage increased use of public transportation. A deterrent of a park and ride is that if the purchase of the land is by a public entity for use as a park and ride (or any other public use), the City would not collect any property taxes on the site.

Site Plan. The proposed site plan includes one 6,800 square foot building financial building, 5,600 square foot restaurant, a 20,200 square foot gas station/convenience store, and a 10,400 square foot daycare along with 154 parking spaces, including 6 handicap parking spaces, within Outlot B. Outlot C includes a park and ride that will provide approximately 550 parking spaces, including 12 handicap parking spaces; electric charging stations; bike racks with overhead canopy; two 6'X13' bus shelters; 10.5'X12' restroom building. There is no current proposal for Outlot D. Outlot A will remain an outlot.

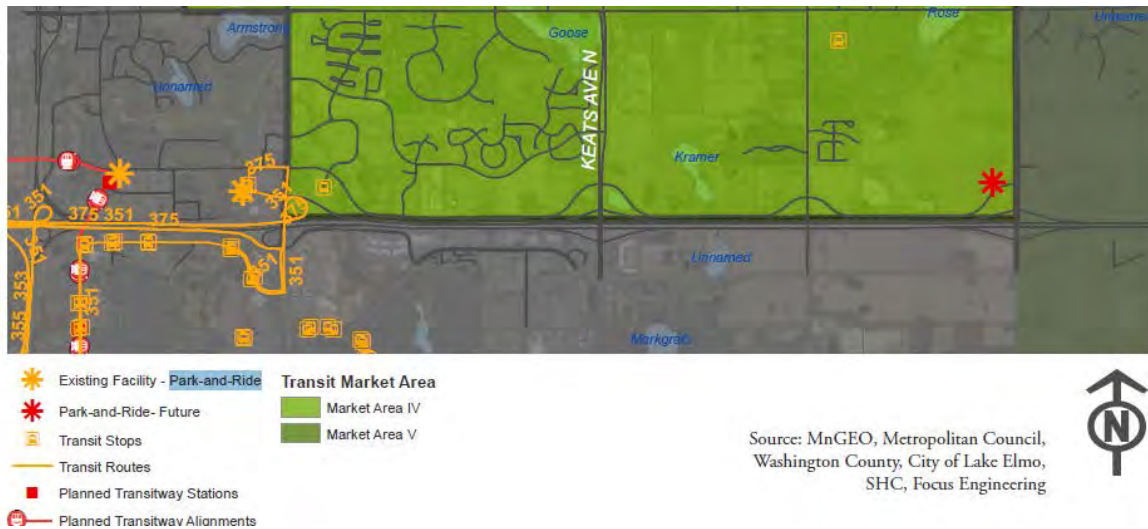
Park and Ride. A park and ride facility is a parking lot or structure located along a public transit route designed to encourage transfer from private automobile to mass transit or to encourage carpooling for purposes of commuting, or for access to recreation uses. The City does not currently have a park and ride. The Draft 2040 Comprehensive Plan designates the proposed area as a park and ride. The park and ride has been in discussion with the City since at least 2011, when the Planning Commission's Work Plan included an item to discuss on potential rezoning on two sites for a park and ride along I-94. The corner of Hudson Boulevard and Manning Avenue was one of these sites. The Council adopted an ordinance on May 4, 2011, which allowed park and rides as a conditional use within the Rural Residential Limited Business Holding District (HD-RR-LB), which is no longer a zoning district within the City.

According to a slide show presentation to the Metropolitan Council in 2015, a location was previously considered in Woodbury, but that has moved to the northwest quadrant. Seven locations were reviewed, but many were not possible due to various reasons. The park and ride will serve a new express bus service to downtown Minneapolis. Five daily trips are anticipated for express bus service.

Current and Future Park and Rides. There currently are six lots in adjacent cities that could be used by Lake Elmo commuters. The figure below shows existing and proposed park and ride facilities near the proposed facility. Additionally, there is a new park and ride facility planned less than 1 mile from the southwestern city border to provide access to the Metro Gold Line Bus Rapid Transit (BRT). The numbers and percentages indicate the 2017 capacity of each park and ride. This information was derived from the 2017 Annual Regional Park and Ride System Report.

- St. Croix Valley Recreation Center in Stillwater.
- Guardian Angels Church in Oakdale (415 spaces, 81% utilized in 2017).
- Walton Park in Oakdale (58 spaces, 50% utilized in 2017).
- Woodbury Mall Theater in Woodbury (550 spaces, 79% utilized in 2017).

- Woodbury Lutheran Church in Woodbury (90 spaces, 97% utilized in 2017).
- Christ Episcopal Church Park and Ride next to Woodbury Lutheran Church Park-and-Ride.
- There is also a park and pool lot available in Grant near the intersection of TH 36 and Manning Avenue (CSAH 15). Bus service is not provided at this lot, but commuters may still park for free and carpool from this location (15 spaces, 7% utilized in 2017).



I-94 Impact. I-94 is identified as a High Priority on the Minnesota Interregional Corridor System (IRC) 2000 plan as part of the State Transportation Plan. Under this designation, I-94 has a goal 60-mph average peak hour operating speeds with minimal conflicts and interruptions to traffic flow. A corridor management plan has not yet been developed to examine the existing operations and determine future plans to meet those goals. It is expected that such a plan will be developed in the near future. It is also anticipated that Lake Elmo will have the opportunity to participate on some type of advisory panel in conjunction with development of that plan to express the City’s views and opinions on the corridor. The City will work with the Minnesota Department of Transportation (Mn/DOT), the County, and adjacent communities on a corridor plan that is effective for all involved.

Urban Services Required. Because the property is within the MUSA, any development of the property would require that the property be hooked up to city services. Therefore, utility and other applicable construction plans will need to be submitted as part of the approval process.

Proposed Design. The applicant has not yet provided architectural renderings of the buildings. It is a recommended condition of approval that the applicant submit architectural renderings of the proposed buildings so that Staff and the City may further review their compliance with the City’s Zoning Code and Lake Elmo Design Guidelines and Standards.

Parking. Because the applicant is currently unsure of the exact tenants that will occupy Outlot B, Staff has not conducted a thorough analysis to determine whether or not adequate parking will be provided for tenants of Outlot B.

Parking Lot Screening.

- *Interior Parking Lot Landscaping.* At least 5% of the interior area of parking lots with more than 30 spaces is required to be devoted to landscape planting areas, which may consist of islands or corner beds. It is unclear from the site plan what percentage is devoted to this on both Outlots B and C. Additionally, a minimum of 1 shade tree per 15

spaces within parking lots that total 101 spaces or more are required to be located within these corner islands or beds. With the proposed 550 parking spaces of the park and ride (Outlot C) a minimum of 37 shade trees are required to be provided within these corner beds or islands. The 154 parking spaces within Outlot B would require a minimum of 11 shade trees.

- *Perimeter Parking Lot Landscaping.* A landscaped frontage strip of at least eight feet in width is required, as the parking area contains over 100 spaces. Screening is required consisting of a masonry wall, fence, berm, or hedge or combination that forms a screen a minimum of three and a half and maximum of four feet in height and not less than 50% opaque on a year-round basis and a minimum of one deciduous tree per 50 linear feet.

It is a recommended condition of approval that the Preliminary Plat and PUD Plans submittal provide required interior and perimeter parking lot landscaping as required by the Zoning Code.

Off-Street Loading. Off-street loading space is required for all districts for any nonresidential use which will involve the receipt or distribution of materials or merchandise by trucks or similar vehicles and has a gross floor area of 5,000 square feet or more. For facilities with 20,000 square feet gross floor area or greater, one off-street loading berth shall be provided every 30,000 square feet or fraction thereof. Depending on the final uses that are proposed with the Preliminary Plat and PUD Plans for this development, it should be evaluated whether or not an off-street loading berth should be provided.

Consistency with Commercial and Convenience Commercial Zoning Districts. The proposed development will require a Zoning Map Amendment to rezone the property to Commercial and Convenience Commercial. The standards for this district are shown below. The applicant has not provided sufficient information to complete a detailed review of the proposal against these standards, though it is obvious that the maximum impervious surface of the Convenience Commercial zoning district is exceeded. It is a recommended condition of approval that the applicant outline all requested PUD flexibility with the Preliminary Plat and PUD application or meet required standards.

Standard	Commercial	Convenience Commercial
Impervious Surface Maximum	75%	60%
Minimum Lot Area	20,000 square feet	12,000 square feet
Minimum Lot Width	60 feet	75 feet
Building Front Yard Setback	30 feet	30 feet
Building Interior Side Yard Setback	10 feet	10 feet
Building Corner Side Yard Setback	10 feet	10 feet
Building Rear Yard Setback	30 feet	30 feet
Building Residential Zones	50 feet	50 feet
Parking Front Yard Setback	15 feet	15 feet
Parking Interior Yard Setback	10 feet	10 feet
Parking Corner Side Yard Setback	15 feet	15 feet
Parking Rear Yard Setback	10 feet	10 feet
Parking Residential Zones	35 feet	35 feet
Maximum Building Height	45 feet	35 feet

Consistency with Planned Unit Development Regulations. Staff has reviewed the proposed plan for its consistency with requirements of Article XVII: Planned Unit Development (PUD) Regulations and has found the following:

- **Intent.** The intent of a PUD is to provide for flexibility in the use of land and the placement and size of buildings in order to better utilize site features and obtain a higher quality of development. A PUD is required for the proposed development, as a park and ride is not specifically an allowed use within the Convenience Commercial zoning district, and a zoning text amendment to allow it any area that was guided for the Commercial land use designation would likely not be appropriate. Additionally, there is more than one principal building and use proposed on one parcel. It is a recommended condition of approval that the applicant submit specific requests for flexibility from the Zoning Code with the Preliminary Plat and PUD application.
- **Identified Objectives.** When reviewing requests for PUDs, the City is to consider whether one or more objectives as outlined in Section 154.751: Identified Objectives of the Zoning Code will be served or is achieved. Staff has found that the following objectives are being met with the proposed development.

B. Promotion of integrated land uses, allowing for a mixture of residential, commercial and public facilities.

- The proposed development is mixed use and includes a mixture of buildings and uses on one parcel. The uses have not yet been specifically identified yet, but it is a recommended condition of approval that the uses be identified on the parcel with the Preliminary Plat and PUD application.

I. Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved.

- While this isn't necessarily a redevelopment, the proposed development will bring city utilities to this area of the City and assist with the realignment of Hudson Boulevard.

Minimum Requirements. PUDs must meet the following minimum requirements:

A. Lot Area. A PUD must include a minimum of 5 acres for undeveloped land or 2 acres for developed land within the approved development.

- The proposed development exceeds this requirement with a proposed 15.77 acre development.

B. Open Space: For all PUDs, at least 20% of the project area not within street rights-of-way to be preserved as protected open space. Other public or site amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement. Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods, to the extent practicable, for parks, playgrounds, playing fields and other recreational facilities.

- The applicant has not provided sufficient information to determine if this is true. It is a recommended condition of approval that the applicant either provide the required 20% open space within the development or specify with the Preliminary

Plat and PUD application what the proposed public or site amenity the development will provide that the City may consider an alternative to the open space requirement.

- C. *Street Layout...* In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.

- The proposed realignment of Hudson Boulevard meets this requirement. The Preliminary Plat and PUD Plans will need to provide detailed plans that meet all engineering standards. It is a recommended condition of approval that all comments outlined in the Engineering memo dated June 14, 2018 be addressed.

Proposed Amenities. The City’s PUD ordinance provides that amenities may be provided for increased density. In this case, the applicant is not requesting additional density, as this is a commercial development. However, a PUD should still offer the City amenities in exchange for the flexibility of allowing more than one building and principal use on a parcel as well as flexibility from any other standard that is requested as part of the preliminary phase of the planned development. Staff finds that no amenities as designated in Table 16-2: Site Amenities are provided in the proposed site plan.

- *Site Amenities Not Listed?* Additionally, the City may also consider the allotment of amenity “points” for site amenities that are not otherwise specified within the ordinance as part of the preliminary phase of the planned development.

Parkland Dedication. Commercial development is required to provide fees in lieu of park land dedication. These fees will be required prior to recording the plat of each phase of the development. Because the proposed development will consist of 15.77 acres, a parkland dedication fee of \$70,965.00 (15.77 acres X \$4500 commercial park dedication fee per acre) will be required.

Engineering Comments. The City Engineer has provided a review memo regarding the proposed General Concept PUD. This memo is attached for reference. Staff would like to highlight the following comments in summary:

- *Streets and Transportation*
 - *Hudson Boulevard Realignment.* Hudson Boulevard must be realigned to move the existing Hudson Boulevard/Manning Avenue intersection north approximately 470 feet to align with the existing Holiday gas station, which the Concept Plan shows. This realignment must be designed meeting Municipal State Aid Design Standards for urban section roadways with a 45-mph design speed. Additional design details and geometrics are required for City review and changes to this realignment are likely needed.
 - *Traffic Signal/Turn Lane Improvements.* These will be needed at the new CSAH 15 and Hudson Boulevard intersection, and the concept plan shows this. A financial contribution to the intersection improvements should be considered.
 - *Hudson Boulevard Improvements.* This must be improved per the City design standards to an urban section on the north side of the street, a 4-foot shoulder (curb reaction), a 9-foot boulevard, and 10-foot shared bituminous trail with 2-foot clear zone. It is further recommended that the south side of the street include

an urban section across Outlots B, C, and D. A rural section is permitted along the south boulevard once the road passes Outlot D.

- *Hudson Boulevard Right-of-Way/Easement Dedication.* Significant right-of-way dedication is required to facilitate the Hudson Boulevard realignment and improvements necessary for this development. Additional right-of-way should also be granted to facilitate access to the new Hudson Boulevard access to the property to the north via the first intersection east of Manning Avenue to the north property line.
- *Off-Site Permissions/Right-of-Way.* A ROW easement will be required from the property to the north to allow for the Hudson Boulevard realignment at Manning Avenue.
- *Access.* There are three access points proposed along Hudson Boulevard, two of which meet spacing guidelines. The access to be shared by outlots B and C can only be permitted right-in/right-out, and a center median will be required.
- *Turn Lanes.* The addition of turn lanes will need to be evaluated as determined by the City, which may require additional right-of-way.
- *Stormwater Management*
 - A stormwater management plan meeting all applicable jurisdictions should be submitted with preliminary plans and meeting all applicable standards.
 - Stormwater facilities should remain privately owned, a stormwater maintenance agreement will be required.
- *Municipal Sanitary Sewer*
 - Provisions to connect to municipal sanitary sewer must be included in the preliminary plans. Sewer would discharge to the MCES Cottage Grove Ravine Interceptor.
 - Applicant will be responsible to connect to City sanitary sewer at the applicant's sole cost and will need to stub sanitary sewer mains to adjacent properties.
 - Preliminary plans must include a description of the sanitary sewer capacity demands including the number of residential equivalency units (RECs) based on Met Council SAC determination charge.
 - Any extension will require utility easements 15 feet on each side centered from the pipe from off-site properties.
- *Municipal Water Supply*
 - Provisions to connect to municipal water supply must be included in preliminary plat application.
 - Applicant will be responsible to extend municipal water at the applicant's sole cost and will need to stub water mains to adjacent properties.
 - Preliminary plans must include a description of the water capacity demands including average day use, peak day uses, and fire suppression demands. This information is required for staff evaluation of the water improvements needed to support the development and to determine water availability charges.
 - Water is available from Hunter's Crossing but will require easements across adjacent properties.
 - The site is in the water system's low-pressure zone which has limited capacity until a new water tower is constructed to serve the area.
 - The applicant is required to place hydrants throughout the property at the direction of the Fire Department, and the hydrants shall be owned and maintained by the City.
 - Watermain lines and hydrants will require easements.

Building Official and Fire Chief Review. The Building Official and Fire Chief have reviewed the proposed plan and have no comments. They will be consulted during the Preliminary and Final phases of the PUD in order to ensure that adequate essential services are being provided.

County Review. The application has been sent to the County requesting review. The County had the following outlined comments in regards to this review:

- The proposed park and ride will be a great amenity for Lake Elmo as development continues to grow along CSAH 15 and within the City. The proposed site is an ideal location, as it is on the inbound side for commuting traffic along I-94 and will serve as a reliever for the Guardian Angels park-and-ride location in Oakdale, which is at capacity.
- Bicycle and pedestrian connectivity are encouraged, and the proposed building and parking lot orientation are not conducive with walkability and livability principles.
- The Draft Washington County 2040 Comprehensive Plan future right-of-way requirements for “A” Minor Arterial roadways (classification of CSAH 15) requires a 180 feet (90 feet from center of roadway) right-of-way, and there appears to be adequate right-of-way today, though more may be necessary if an expanded interchange is constructed.
- The realigned access to Hudson Boulevard is acceptable as shown. A southbound right-turn lane and a northbound center left-turn lane will be constructed as part of this realignment. A plan section will need to be prepared and approved by the County Traffic Engineer, and a Washington County right-of-way will be required for any turn lane improvements.
- No traffic study was submitted to the County as part of the application, and so it cannot be determined at this time if the new intersection will warrant a new traffic signal. The City will need to participate in 25% cost share of this signal.
- A trail is needed on the south side of Hudson Boulevard to connect these facility to CSAH and the trail towards Hudson, Wisconsin.
- Left turn lanes are needed in to the site access to prevent queuing back to CSAH 15.

Planning Commission Review. The Planning Commission held a public hearing and considered the General PUD Concept Plan at its June 18, 2018 meeting. No one spoke at the public hearing, and no written comments were received prior to the public hearing. The Planning Commission had the following comments in regards to the proposed PUD Concept Plan:

- That the applicant should propose contributing the City’s 25% cost share to the signal as an amenity.
- There was the general consensus that the development of this area would prompt development in this area of the City and that the park and ride would be a good amenity for the City, as the Guardian Angels lot is nearing capacity.

The Planning Commission recommended approval of the proposed PUD Concept Plan with Staff-recommended conditions of approval with a vote of 4-0.

Recommended Findings. Staff and the Planning Commission recommends approval of the Concept PUD Plan based on the following findings:

1. That the Applicant has submitted all application requirements outlined in Section 154.759: Application Requirements for General PUD Concept Plan.
2. That the PUD Concept Plan is consistent with the intent of the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
3. That the PUD Concept Plan complies with the general intent of the Commercial zoning districts with PUD modifications.
4. That the PUD Concept Plan generally complies with the City’s Subdivision regulations.
5. That the PUD Concept Plan is generally consistent with the City’s engineering standards with exceptions as noted in the City Engineer’s memorandum dated June 14, 2018.
6. The PUD Concept Plan meets the minimum requirement for a PUD including minimum lot area and street layout. It is not known whether the minimum requirement for open space is met.

7. The PUD Concept Plan meets at least one of the required PUD objectives identified in Section 154.751.

Recommended Conditions of Approval. Staff recommends the Planning Commission recommend approval of the Concept PUD with the following conditions:

1. The future Preliminary Plat and PUD Plans include a portion of PID# 34.029.21.43.0003.
2. The future Preliminary Plat and PUD Plans shall identify proposed land uses, and those land uses shall accompany a detailed site plan to be approved by the City. Any use that is not designated on the Preliminary Plat and PUD Plans and is not designated as a permitted use within the Commercial zoning district shall require a conditional use permit.
3. The future Preliminary Plat and PUD Plans shall provide the required 20% open space within the development or specify what the proposed public or site amenity the development will provide that the City may consider as an alternative to the open space requirement.
4. The future Preliminary Plat and PUD Plans should detail proposed amenities in exchange for flexibility from standards of the Zoning Code.
5. The future Preliminary Plat and PUD Plans shall comply with comments outlined in the City Engineer Review Memo named Four Corners 2nd Addition Concept Plan dated June 14, 2018.
6. The future Preliminary Plat and PUD Plans shall include provisions for City sanitary sewer and municipal water as well as sanitary sewer and water capacity demands. The Applicant shall be responsible to extend City sanitary sewer and municipal water to the site at the applicant's cost. Sanitary sewer and water main stubs will be required to all adjacent properties.
7. The future Preliminary Plat and PUD Plans shall include right-of-way and easement from the adjacent property to the north to allow for the Hudson Boulevard realignment at Manning Avenue.
8. The future Preliminary Plat and PUD Plans shall include a stormwater management plan including a summary report describing the overall management plan and performance criteria for all required storm events.
9. The Applicant shall obtain all necessary permits including but not limited to all applicable city permits (building, grading, sign, etc.), NPDES/SWPPP permits and Valley Branch Watershed District approval.
10. Stormwater facilities shall be privately owned and maintained. A maintenance agreement in a form acceptable to the City should be executed and recorded.
11. The future Preliminary Plat and PUD Plans shall include tree preservation and landscape plans to be approved by the City's Landscape Architect.
12. The future Preliminary Plant and PUD Plans shall include architectural renderings.
13. The Applicant shall submit a photometric plan, and all lighting must meet requirements of Sections 150.035-150.038 of the City Code.
14. That fees in lieu of park land dedication be provided as required by 153.15 of the City Code with future final plat.
15. The Applicant shall adhere to all requirements as outlined in the Washington County review memo dated June 13, 2018.

Possible Findings for Denial. The City has legislative authority to rezone a parcel and may not wish to rezone Outlot C to Convenience Commercial. While the Convenience Commercial zoning district describes park and ride as an allowed use within the Convenience Commercial zoning district, it is not an outlined use within the Commercial-guided areas of the Comprehensive Plan. The Planned Unit

Development ordinance states that uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official Comprehensive Land Use Plan. A park and ride is not generally a commercial use if owned by a public entity, and so the Council may wish to deny the proposed Concept PUD Plan based on this. If the Council wishes to deny the proposed General PUD Concept Plan, Staff would recommend the following findings:

1. That the City's Planned Unit Development (PUD) ordinance states that uses within a PUD may include only those uses generally considered associated with the general land use category shown for the area on the City's official Comprehensive Land Use Plan. The area in which the Concept PUD Plan is located is guided by the Comprehensive Land Use Plan as Commercial. A park and ride facility is not considered a commercial use because it would be owned by a public entity and therefore would not generate property taxes like a commercial use.
2. That the Comprehensive Land Use Plan does not specifically designate park-and-ride facilities or any other similar type facilities as an allowed, conditional, or interim use for the Commercial Zoning District.
3. That while park and ride facilities are considered an allowed use within the City's Convenience Commercial Zoning District, the City does not believe that the Convenience Commercial zoning district is appropriate for the area in which the Concept PUD Plan is being proposed as there is not a need for a park and ride facility in the City. There currently are six park and ride facilities in adjacent cities that may be used by Lake Elmo commuters. Additionally, there is a new park and ride facility being planned for less than one mile from the southwestern Lake Elmo border to provide access to the Metro Gold Line Bus Rapid Transit.
4. The Applicant has also requested that other uses that are either not currently permitted or are conditional uses be designated as permitted uses within the PUD. The Applicant has not submitted any plans to accompany the uses that he is requesting be changed to permitted uses and therefore, due to the lack of information, this is an unreasonable request.
5. The City's PUD regulations require that applicants offer the City amenities in exchange for any requests for flexibility from the City standards. The Applicant is requesting flexibility from the City standards, including, but not limited to, exceeding the City's impervious surface requirements, but yet he has not offered the City any amenities in exchange for the flexibility being requested.

FISCAL IMPACT:

There would be no fiscal impact to the City at this time, as the developer would be required to pay for any amendments needed to accommodate the development. Concept Plan approval does not afford the applicant development rights. When the property develops, it will have urban services and will pay sewer and water connection charges, building permit fees and the like.

OPTIONS:

The Council may:

- Adopt Resolution 2018-080 approving the Four Corners 2nd Addition Concept PUD with Staff-recommended conditions of approval and findings.
- Amend Staff and Planning Commission-recommended conditions of approval and findings and adopt Resolution 2018-080 as amended.
- Adopt Resolution 2018-080 denying the Four Corners 2nd Addition Concept PUD with Staff-recommended findings.
- Amend Staff-recommended findings for denial and adopt Resolution 2018- as amended.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of the proposed PUD Concept Plan with the recommended conditions of approval.

“Motion to adopt Resolution 2018-080 approving the Four Corners 2nd Addition PUD Concept Plan as requested by Terry Emerson for the southwest corner of 11530 Hudson Boulevard with recommended conditions of approval.”

If the Council wishes to deny the proposed PUD Concept Plan, the following motion may be made:

“Motion to adopt Resolution 2018-080 denying the Four Corners 2nd Addition PUD Concept Plan as requested by Terry Emerson for the southwest corner 11530 Hudson Boulevard with recommended findings for denial.”

ATTACHMENTS:

- Application materials
- Engineer review memo dated June 14, 2018
- Washington County review memo dated June 13, 2018
- Resolution 2018-080 approving the PUD Concept Plan
- Resolution 2018-080 denying the PUD Concept Plan

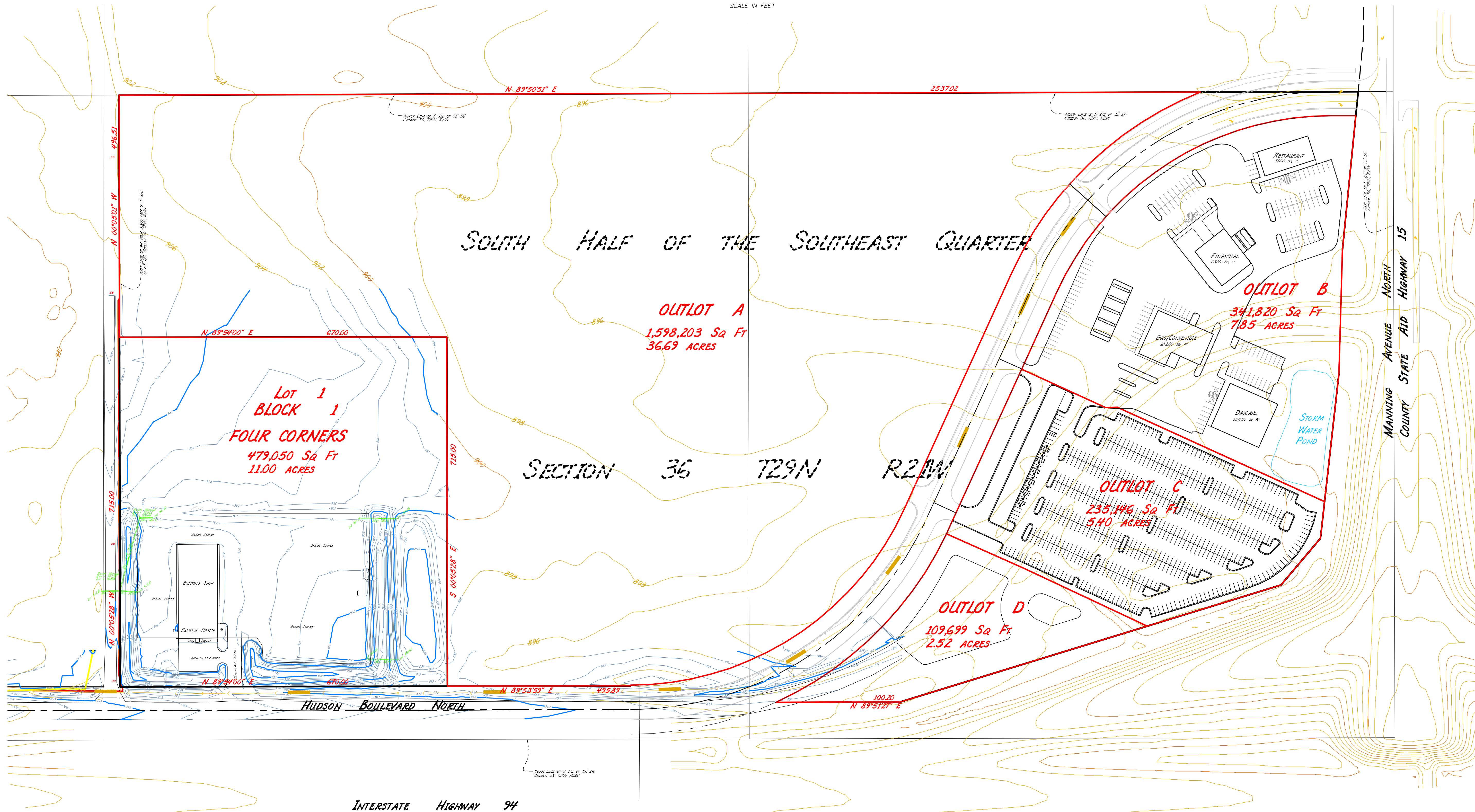
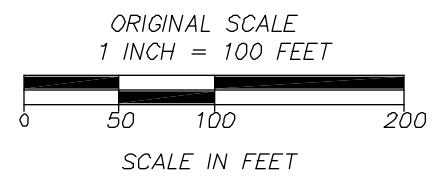
FOUR CORNERS 2ND ADDITION

PROPOSED CONCEPT PLAN

City of Lake Elmo, Minnesota

Folz Freeman Surveying LLC
LAND PLANNING and SURVEYING

FFS 12445 55TH STREET NORTH
LAKE ELMO, MINNESOTA 55042
(651) 439-8833 www.FFSurveying.com



- Site Access. The concept plan proposes three access points along Hudson Boulevard. One full access to Outlot B is approximately 660 feet from the CSAH 15/Hudson Boulevard intersection thereby meeting the City's access spacing requirement. One full access to Outlot C is approximately 700 feet from the Outlot B access, also meeting the City's access spacing requirement. A third access is proposed to be shared by Outlots B/C with access spacing at approximately 350+/- feet. This third access can only be permitted as right-in/right-out. A center median will be required as part of the Hudson Boulevard improvements to enable the proposed right-in/right-out access.
- Turn Lanes. The addition of turn lanes at each proposed access point will need to be evaluated and added to the plans as determined by the City which may require additional right-of-way at these locations.

STORMWATER MANAGEMENT

- A State and Valley Branch Watershed District (VBWD) permit will be required. The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations. No storm water management plan was provided as part of the Plan submittal and is not required for concept plan review, however storm water management can impact site design requiring significant plan revisions. The concept plan shows one storm water pond that is likely too small to accommodate the entire development as proposed. Additional storm water facilities are likely needed.
- A storm water management plan must be submitted with preliminary plans detailing the storm water management calculations to support any proposed improvements to meet agency requirements including the HydroCAD model in electronic format. The storm water management plan must include a summary report describing the overall management plan and performance criteria for all required storm events.
- Storm water facilities proposed for meeting State and VBWD permitting requirements must be designed and constructed in accordance with the City Engineering Design Standards Manual available on the City website, dated March 2017.
- The storm water facilities constructed for this development should remain privately owned and maintained. The applicant will be required to execute and record a Storm Water Maintenance and Easement Agreement in the City's standard form of agreement.
- Even as privately owned and maintain facilities, maintenance access roads meeting the City engineering design standards must be provided for all storm water facilities.
- The storm water facility 100-year HWL must be fully contained within the subject property or easements must be acquired to protect the 100-year HWL flood area.
- City design standards, details and plan notes must be used for erosion control.

MUNICIPAL SANITARY SEWER

- The proposed site is guided in the City's Comprehensive Plan for 2020-2030 Regional Sewer Staging Plan and would discharge to the MCES Cottage Grove Ravine Interceptor. Therefore, provisions for connecting to the municipal sanitary sewer service must be included with any preliminary plan application.
- The applicant will be responsible to connect to the City sanitary sewer system and extend sanitary sewer into the property at applicant's sole cost. In addition, the applicant will be required to stub sanitary sewer mains to adjacent properties so that these parcels maintain sewer access. Sanitary sewer is available along Hudson Blvd near the MCES Meter Station. The sanitary sewer trunk size will need to be determined based on the 2040 Comprehensive Plan.
- The Preliminary Plan application must include a description of the sanitary sewer capacity demands including the number of residential equivalent units (REC) based on the Met Council SAC determination policy. Demands must account for all planned uses and connections to the sewer system. This information is required for staff evaluation of the sewer system improvements needed to support the development and to determine the applicable sewer availability charges.
- Utility Easements. Any extension of sanitary sewer to the subject property will require utility easements from off-site properties. The Preliminary Plans must identify the necessary easements to implement the proposed improvements and must be a minimum 15-feet each side centered from the pipe.

MUNICIPAL WATER SUPPLY

- The proposed facility resides within the Planned MUSA, therefore provisions for connecting to the municipal water supply must be included with any preliminary plan application.
- The applicant will be responsible to extend municipal water to the property at the applicant's cost. Watermain stubs will be required to all adjacent properties so that these parcels maintain access to water service. Water is available to be extended to the property from the Hunter's Crossing development but will require easements across adjacent properties. The watermain extension to the site will likely be a 12-inch trunk watermain.
- The Preliminary Plan application should include a description of the water capacity demands including average day use, peak day use, and fire suppression demands. This information is required for staff evaluation of the water improvements needed to support the development and to determine the water availability charges.
- The proposed site is in the water system's low-pressure zone which has limited capacity until a new water tower is constructed to serve the area.
- The applicant will be responsible to place hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City.
- Any watermain lines and hydrants placed within the development will require minimum 30-foot easements centered over the pipe. Easements must be dedicated to the City and be provided in the City's standard form of easement agreement.



Public Works Department

Donald J. Theisen, P.E.
Director

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

June 13, 2017

Emily Becker
Community Development Director
City of Lake Elmo
3600 Laverne Avenue North
Lake Elmo, MN 55042

RE: Washington County comments on Four Corners Second Addition, Proposed Concept Plan

Dear Emily,

Thank you for providing Washington County with the Four Corners Second Addition, Proposed Concept Plan in the City of Lake Elmo. The project consists of an express park-and-ride lot, a gas/convenience store, daycare, financial institution and restaurant. The property is located on the northwest corner of Interstate 94 (I-94) and County State Aid Highway (CSAH) 15/Manning Avenue. Our comments are as follows:

- The proposed park-and-ride will be a great amenity for Lake Elmo as development continues to grow along CSAH 15 and within the city. The proposed site is an ideal location, as it is on the in-bound side for commuting traffic along I-94. The proposed park-and-ride would serve as a reliever for the Guardian Angels park-and-ride located in Oakdale, which is currently experiencing constrained capacity.
- Washington County encourages the City to consider bicycle and pedestrian connectivity within the site. The proposed building and parking lot orientation is not conducive with walkability and livability principles. These considerations align with CG Goal 3, LU Goal 2, PTOS Goal 2, and TRIN Goal 4 as stated in the City of Lake Elmo's draft 2040 Comprehensive Plan. The aesthetics and desirability of the commercial sites could be much improved with trail connectivity, intentional building orientation and implementation of green space elements.
- The Functional Classification of CSAH 15/ Lake Elmo Avenue is an "A" Minor Arterial Roadway, expander category. The Draft Washington County Comprehensive Plan 2040 future right-of-way requirement is 180 feet (90 feet from the center of the roadway). There appears to be adequate right-of-way today; however, if an expanded interchange were to be constructed in the future, more right-of-way may be necessary.
- The 2016 Washington County traffic volume count for this section of CSAH15 is 15,700 Annual Average Daily Trips (AADT). The Draft Washington County Comprehensive Plan 2040 has estimated that traffic will increase to 21,000 Vehicles per Day (VPD) by 2040.

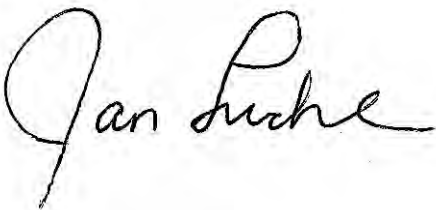
- The realigned access location of Hudson Boulevard, which aligns with the access road to the Holiday Gas station in West Lakeland Township at CSAH 15, is acceptable to the County as shown. Turn lanes on CSAH 15, including a southbound right-turn lane and northbound center left-turn lane, will need to be constructed as part of the Hudson Boulevard realignment. A plan section will need to be prepared and approved by the county traffic engineer, and a Washington County Right of Way Permit will be required for any turn lane improvements.
- Since no traffic study has been submitted to Washington County as part of the concept plan, it can't be determined at this time if the new intersection will meet warrants for a traffic signal. If a traffic signal is warranted, the City of Lake Elmo would have a 25% cost share.
- A trail is needed on the south side of Hudson Blvd to connect these facilities to CSAH 15 and the trail towards Hudson, Wisconsin.
- Lane configuration at the intersection as shown is acceptable to the County.
- Left turn lanes are needed into the site accesses to prevent queuing back to CSAH 15.
- The developer or the city must submit the drainage report and calculations to our office for review of any downstream impacts to the county drainage system. Along with the drainage calculations, we will request written conclusions that the volume and rate of stormwater run-off into the county right-of way will not increase as part of the project.
- Access control should be dedicated to Washington County along the CSAH 15 frontage, except for the opening corresponding to Hudson Boulevard North.
- Washington County's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards. Minnesota Statute 116.07, Subpart 2a exempts County Roads and County State Aid Highways from noise thresholds. County policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The developer should assess the noise situation and take any action outside of County right of way deemed necessary to minimize the impact of any highway noise.

June 13, 2018
Four Corners Addition
Page 3 of 3

- A Right-of-Way Permit will be required for any work in the CSAH 15 right-of-way as it relates to the development. A plan set is required with the application and must include any grading, installation of culverts, installation of water and sewer services, left and right turn lanes on CSAH 15, parallel trail grading, signage and any landscaping and other improvements within County right-of-way.
- All utility connections for the development require Washington County Right-of-Way Permits. Typically, these are the responsibility of the utility companies.

Thank you for the opportunity to comment on this preliminary plat. If you have any questions, please contact me at 651-430-4316 or jan.lucke@co.washington.mn.us. For permit applications, please contact Carol Hanson at Carol.hanson@co.washington.mn.us.

Regards,

A handwritten signature in black ink that reads "Jan Lucke". The signature is written in a cursive style with a large, looped initial "J".

Jan Lucke
Public Works Planning Director

C: Carol Hanson, Office Specialist

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

RESOLUTION NO. 2018-080

*RESOLUTION APPROVING THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN AS
PROPOSED BY TERRY EMERSON FOR A PORTION OF 11530 HUDSON BOULEVARD N*

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

WHEREAS, Terry Emerson, 2204 Legion Lane Circle N, Lake Elmo, MN 55042 (the “Applicant”) has submitted an application to the City of Lake Elmo (City) for a Concept PUD Plan for a mixed use commercial development including commercial uses and a park and ride on a 15.77 acre portion of 11530 Hudson Boulevard N, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

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

WHEREAS, the Lake Elmo Planning Commission held a public hearing on June 18, 2018 to consider the Concept PUD approval request; and

WHEREAS, the Lake Elmo Planning Commission adopted a motion recommending approval of the Concept PUD Plan; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Concept PUD as part of a memorandum to the City Council from the Planning Director for the July 17, 2018 Council Meeting; and

WHEREAS, the City Council reviewed the application at its meeting held on July 17, 2018 and made the following findings:

1. That the Applicant has submitted all application requirements outlined in Section 154.759: Application Requirements for General PUD Concept Plan.
2. That the PUD Concept Plan is consistent with the intent of the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
3. That the PUD Concept Plan complies with the general intent of the Commercial zoning districts with PUD modifications.
4. That the PUD Concept Plan generally complies with the City’s Subdivision regulations.
5. That the PUD Concept Plan is generally consistent with the City’s engineering standards with exceptions as noted in the City Engineer’s memorandum dated June 14, 2018.
6. The PUD Concept Plan meets the minimum requirement for a PUD including minimum lot area and street layout. It is not known whether the minimum requirement for open space is met.

7. The PUD Concept Plan meets at least one of the required PUD objectives identified in Section 154.751.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Concept PUD Plans as proposed by Terry Emerson subject to the following conditions:

1. The future Preliminary Plat and PUD Plans include a portion of PID# 34.029.21.43.0003.
2. The future Preliminary Plat and PUD Plans shall identify proposed land uses, and those land uses shall accompany a detailed site plan to be approved by the City. Any use that is not designated on the Preliminary Plat and PUD Plans and is not designated as a permitted use within the Commercial zoning district shall require a conditional use permit.
3. The future Preliminary Plat and PUD Plans shall provide the required 20% open space within the development or specify what the proposed public or site amenity the development will provide that the City may consider as an alternative to the open space requirement.
4. The future Preliminary Plat and PUD Plans should detail proposed amenities in exchange for flexibility from standards of the Zoning Code.
5. The future Preliminary Plat and PUD Plans shall comply with comments outlined in the City Engineer Review Memo named Four Corners 2nd Addition Concept Plan dated June 14, 2018.
6. The future Preliminary Plat and PUD Plans shall include provisions for City sanitary sewer and municipal water as well as sanitary sewer and water capacity demands. The Applicant shall be responsible to extend City sanitary sewer and municipal water to the site at the applicant's cost. Sanitary sewer and water main stubs will be required to all adjacent properties.
7. The future Preliminary Plat and PUD Plans shall include right-of-way and easement from the adjacent property to the north to allow for the Hudson Boulevard realignment at Manning Avenue.
8. The future Preliminary Plat and PUD Plans shall include a stormwater management plan including a summary report describing the overall management plan and performance criteria for all required storm events.
9. The Applicant shall obtain all necessary permits including but not limited to all applicable city permits (building, grading, sign, etc.), NPDES/SWPPP permits and Valley Branch Watershed District approval.
10. Stormwater facilities shall be privately owned and maintained. A maintenance agreement in a form acceptable to the City should be executed and recorded.
11. The future Preliminary Plat and PUD Plans shall include tree preservation and landscape plans to be approved by the City's Landscape Architect.
12. The future Preliminary Plant and PUD Plans shall include architectural renderings.
13. The Applicant shall submit a photometric plan, and all lighting must meet requirements of Sections 150.035-150.038 of the City Code.
14. That fees in lieu of park land dedication be provided as required by 153.15 of the City Code with future final plat.

15. The Applicant shall adhere to all requirements as outlined in the Washington County review memo dated June 13, 2018.

Passed and duly adopted this 17th day of July, 2018 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

RESOLUTION NO. 2018-080

*RESOLUTION DENYING THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN AS
PROPOSED BY TERRY EMERSON FOR A PORTION OF 11530 HUDSON BOULEVARD N*

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

WHEREAS, Terry Emerson, 2204 Legion Lane Circle N, Lake Elmo, MN 55042 (the “Applicant”) has submitted an application to the City of Lake Elmo (City) for a Concept PUD Plan for a mixed use development including commercial uses and a park and ride on a 15.77 acre portion on the southeast portion of 11530 Hudson Boulevard N, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department (the “Concept PUD Plan”); and

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

WHEREAS, the Lake Elmo Planning Commission held a public hearing on June 18, 2018 to consider the Concept PUD Plan application; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Concept PUD Plan as part of a memorandum to the City Council from the Planning Director for the July 17, 2018 Council Meeting; and

WHEREAS, the City Council reviewed the application at its meeting held on July 17, 2018 and made the following findings:

1. That the City’s Planned Unit Development (PUD) ordinance states that uses within a PUD may include only those uses generally considered associated with the general land use category shown for the area on the City’s official Comprehensive Land Use Plan. The area in which the Concept PUD Plan is located is guided by the Comprehensive Land Use Plan as Commercial. A park and ride facility is not considered a commercial use because it would be owned by a public entity and therefore would not generate property taxes like a commercial use.
2. That the Comprehensive Land Use Plan does not specifically designate park-and-ride facilities or any other similar type facilities as an allowed, conditional, or interim use for the Commercial Zoning District.
3. That while park and ride facilities are considered an allowed use within the City’s Convenience Commercial Zoning District, the City does not believe that the Convenience Commercial zoning district is appropriate for the area in which the Concept PUD Plan is being proposed as there is not a need for a park and ride facility in the City. There currently are six park and ride facilities in adjacent cities that may be used by Lake Elmo

commuters. Additionally, there is a new park and ride facility being planned for less than one mile from the southwestern Lake Elmo border to provide access to the Metro Gold Line Bus Rapid Transit.

4. The Applicant has also requested that other uses that are either not currently permitted or are conditional uses be designated as permitted uses within the PUD. The Applicant has not submitted any plans to accompany the uses that he is requesting be changed to permitted uses and therefore, due to the lack of information, this is an unreasonable request.
5. The City's PUD regulations require that applicants offer the City amenities in exchange for any requests for flexibility from the City standards. The Applicant is requesting flexibility from the City standards, including, but not limited to, exceeding the City's impervious surface requirements, but yet he has not offered the City any amenities in exchange for the flexibility being requested.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby deny the Concept PUD Plan as proposed by Terry Emerson.

Passed and duly adopted this 17th day of July, 2018 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk



STAFF REPORT

DATE: July 17, 2018

REGULAR

ITEM #: 19

AGENDA ITEM: Manning Avenue North (CSAH 15) and Stillwater Boulevard (CSAH 14) Realignment – Project Update on Additional Work to Realign City Watermain

SUBMITTED BY: Jack Griffin, City Engineer

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

ISSUE BEFORE COUNCIL: Should the City Council receive a project update and provide feedback/direction to staff in regards to the need to realign the city owned watermain in Washington County right-of-way in conflict with county facilities being constructed as a part of the Manning Avenue North (CSAH 15) and Stillwater Boulevard (CSAH 14) Realignment project?

BACKGROUND, PROPOSAL DETAILS/ANALYSIS: The City of Lake Elmo owns a 12-inch watermain which runs along the north side of CSAH 14 between 39th Street and Little Blue Stem Trail North within Washington County right-of-way. Field review of the existing watermain route and proposed infrastructure being built as a part of the project shows the watermain is in conflict with future drainage basin facilities and requires approximately 1,000 feet of watermain to be relocated.

Staff is working with the county and their design engineers to complete a detailed design of the relocation and soliciting pricing from the contractor to complete the work. This agenda report is intended to inform the Council of the issue. Additionally, as a part of the watermain relocation, the City will be providing water service stubs to the 4 residential properties and 1 commercial property shown on the attached exhibit. Under current City policy, these properties are not required to connect to City water but will have the option to connect as they deem appropriate.

The watermain was installed in 2002 as part of the Fields in St. Croix development using directional drilling and passes beneath two Northern Natural Gas mains. The pipe was therefore installed using HDPE pipe at depths up to 15-feet and using no ductile iron pipe fittings. The watermain is therefore very difficult to locate and the record drawings are not reflective of the project as constructed.

FISCAL IMPACT: Costs are unknown at this time. Staff will provide an estimate once the relocation design is complete and the contractor has provided pricing for the work. Washington County has stated that they believe the relocation construction costs should be the City's responsibility, similar to the City requiring Xcel Energy to relocate utilities found in City right-of-way.

RECOMMENDATION: Staff is recommending that the City Council receive a staff update and provide any feedback/direction as deemed appropriate in regards to the work to realign the City owned watermain in Washington County right-of-way as a part of the Manning Avenue North (CSAH 15) and Stillwater Boulevard (CSAH 14) Realignment project.

ATTACHMENTS:

1. Exhibit A. CSAH 15-CSAH 14 Roadway Realignment showing storm water basin locations.
2. Exhibit B. Proposed Watermain Realignment Exhibit.

EXHIBIT A - CSAH 15 & CSAH 14 Realignment

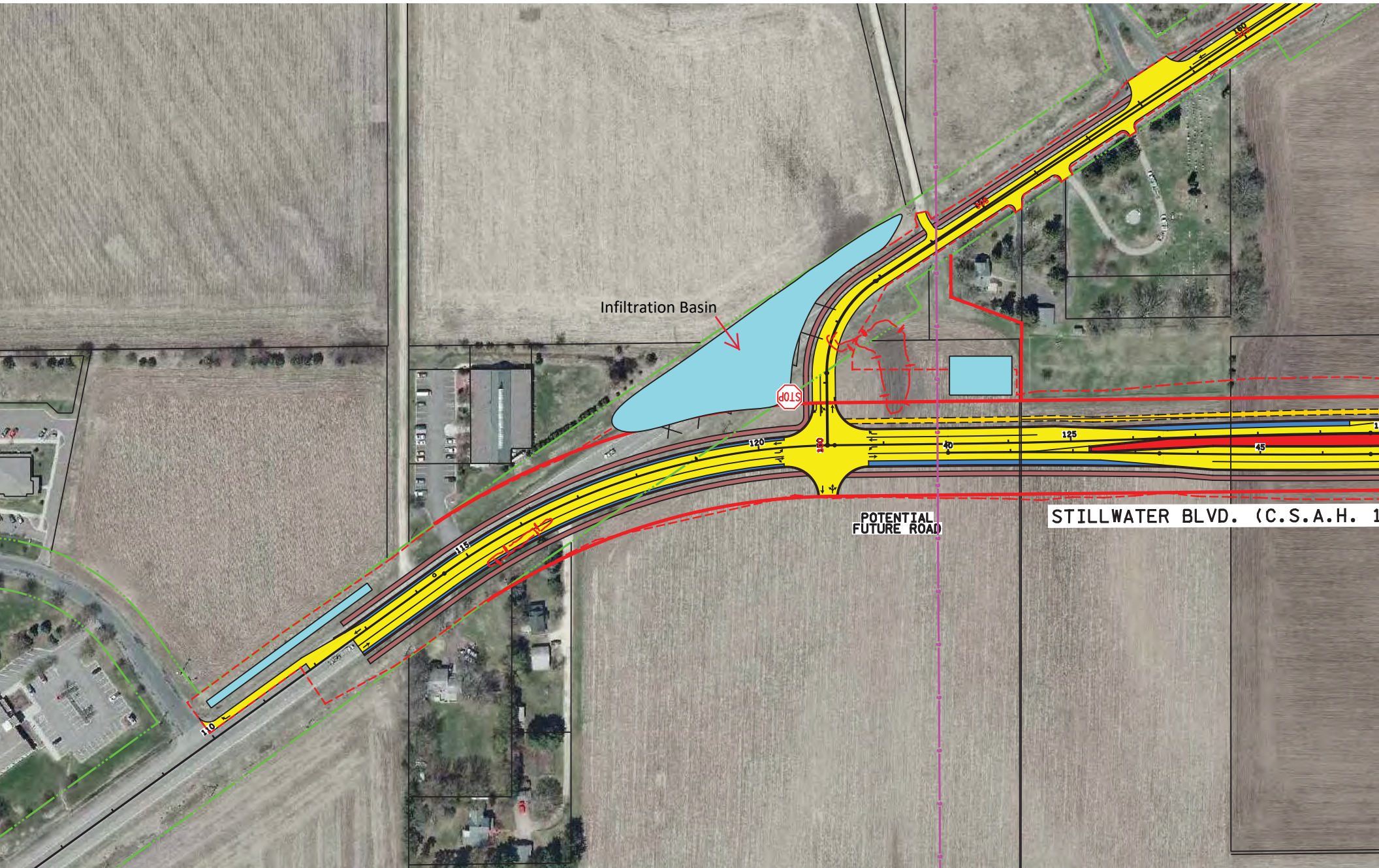


EXHIBIT B - Proposed Watermain Realignment

