

Mayor:
Dean Johnston
Council members:
Rita Conlin
Steve DeLapp
Liz Johnson
Anne Smith

Lake Elmo City Council

Tuesday

July 19, 2005

3800 Laverne Avenue No.
Lake Elmo, MN 55042
777-5510 777-9615 (fax)

Please read:

Since the City Council does not have time to discuss every point presented, it may appear that decisions are preconceived. However, staff provides background information to the City Council on each agenda item in advance; and decisions are based on this information and experience. In addition, some items may have been discussed at previous council meetings.

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Agenda

City Council Meeting Convenes 7:00 PM

Pledge of Allegiance

1. Agenda

2. Minutes:

July 5, 2005

3. PUBLIC INQUIRIES/INFORMATIONAL:

A. PUBLIC INFORMATIONAL:

✓ (1) Huff'N Puff Proclamation, Liquor License

✓ (2) Regional Park Strategic Planning Team

✓ (a) Invite appointed reps to report to Council on Park Reserve Comprehensive Plan

✓ (b) Letter of Support Requested for Trail Tunnels under Highway 5

✓ (c) Reserve vs. Active Park

✓ (3) Report on Senior Housing: Community Improvement Members

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✓ SC COUNCIL UPDATE
✓ BBS STONEGATE PUBLIC HEARING

4. CONSENT AGENDA

A. Resolution No. 2005-072 :Approving Claims

B. Resolution No. 2005-073; Partial Payment to Chris Riley

C. Request for extension of Plat:Meehan

Those items listed under the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion under a Consent Calendar format. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the general order of business and considered separately in its normal sequence on the agenda.

<p>5. FINANCE</p> <p>A. Monthly Operating Report</p> <p>B. Resolution No. 2005-074: Authorizing Issuance and Sale of G.O. Water Revenue Bonds</p> <p>6. NEW BUSINESS</p> <p>A. Council Compensation</p>	<p>Tom Bouthilet</p>
<p>7. MAINTENANCE/PARK/FIRE/BUILDING:</p> <p>A. Update on Fire Dept. Activities: Chief Malmquist – National Night Out (Any Council Thoughts)</p> <p>B. Update on Building Activities: Jim McNamara</p>	
<p>8. CITY ENGINEER'S REPORT:</p> <p>A. Speed on Klondike Avenue and Stop Sign on Klondike at 32nd Street</p> <p>B. Escrow Reduction: Cardinal View</p>	<p>Tom Prew</p>
<p>9. PLANNING, LAND USE & ZONING:</p> <p>A. Public Hearing: Vacation of Stonegate Streets; Resolution No. 2005-075</p> <p>B. Resolution No. 2005-076: approving building an accessory structure forward of a primary structure: Yang, 9425 45th Street</p> <p>C. PUD Concept Plan – Serenity in Lake Elmo; Resolution No 2005-077</p> <p>D. Site Plan Review, Link Recreational, 9200 Hudson Blvd.</p> <p>E. OP Concept Plan – Lake Elmo Development Co.; Resolution No. 2005-078</p>	<p>C. Dillerud</p> <p>9F OU COORDINATION</p>
<p>10. CITY ATTORNEY'S REPORT:</p> <p>A. Penalty for Violation of "No Parking"</p>	
<p>11. CITY ADMINISTRATOR'S REPORT:</p> <p>A. New City Logo</p> <p>B. UPDATE DISCUSSION MET COUNCIL →</p>	<p>11C SPEAK AMENDED COUNCIL</p>
<p>12. CITY COUNCIL REPORTS:</p> <p>A. Mayor Johnston:</p> <p>B. Council Member Conlin</p> <p>C. Council Member DeLapp</p> <p>D. Council Member Johnson</p> <p>E. Council Member Smith</p>	
<p>National Night Out: August 2, 2005</p>	<p>Washington County Fair: August 3-7, 2005</p> <p>Huff'N Puff: August 11-14, 2005</p>

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AMENDED AND APPROVED: 07/05/05
LAKE ELMO CITY COUNCIL MINUTES

June 21, 2005

1. AGENDA
2. MINUTES: June 7, 2005
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - a. PUBLIC INQUIRIES
 - b. PUBLIC INFORMATIONAL
 - i. Excel Fly Ash Disposal Landfill Site Selection: C. Dillerud
4. CONSENT AGENDA:
 - a. Resolution No. 2005-055: Approving Claims
 - b. Fire Department Compensation
 - c. Sachs Settlement Agreement
5. FINANCE
 - a. Monthly Operating Report
 - b. Water Expansion
 - i. Bonding: Resolution No. 2005-056
6. NEW BUSINESS:
 - a. Housing for Disabled in the Old Village
 - b. St. Croix Family Center
 - c. Ramsey Center for the Arts
7. MAINTENANCE/PARK/FIRE/BUILDING:
 - a. Fire Department: Tanker/Pumper Purchase
 - b. Update on Building Activities: Jim McNamara
8. CITY ENGINEER'S REPORT:
 - a. Water Expansion Project Update – Verbal
 - i. Lateral Charges
 - b. Partial Payment Request No. 1: Chris Riley, Resolution No. 2005-057
9. PLANNING, LAND USE & ZONING:
 - a. Public Hearing: Vacation of 55th Street, Resolution No. 2005-058;
 - b. Comprehensive Plan Amendment: Resolution No. 2005-059; Rezoning: Ordinance No. 97-159; Conditional Use Permit: Resolution No. 2005-060; Variance: Resolution No. 2005-061; Site Plan: Resolution No. 2005-062 – Public Works/Water Tower.
 - c. Minor Subdivision – City/3M Company: Resolution No. 2005-063
 - d. Final Plat and Development Agreement – CARDINAL VIEW: Resolution No. 2005-064
 - e. Extended Construction Working Hours - TAPESTRY
10. CITY ATTORNEY'S REPORT:
 - a. Code change adding (2) alternates to Community Improvement Commission : Resolution No. 2005-065
11. CITY ADMINISTRATOR'S REPORT:
 - a. Public Works Building
12. CITY COUNCIL REPORTS:
 - a. Mayor Johnston
 - b. Councilmember Conlin
 - c. Councilmember DeLapp
 - d. Councilmember Johnson
 - e. Councilmember Smith

Mayor Johnston called the meeting to order at 7:00 p.m. in the Council Chambers of City Hall. PRESENT: Johnston, Smith, Conlin, Johnson, DeLapp, City Engineer Prew, City Attorney Filla, Finance Director Tom Bouthilet, City Planner Dillerud, Administrator Rafferty and Recording Secretary Schaffel.

1. AGENDA

Administrator Rafferty asked to move 55th Street to 3C and added Met Council Update to 11B. Mayor Johnston moved Ramsey Center for the Arts from 6C to 3D. Item 5B, Bonding, will await the arrival of the consultant.

M/S/P, Johnson/Smith, to approve the June 21, 2005 City Council Agenda, as amended. (Motion passed 4-1).

2. MINUTES of JUNE 7, 2005

M/S/P, Johnson/Smith, To accept the Minutes of June 7, 2005 as presented. (Motion passed 5-0)

3. PUBLIC INQUIRIES/INFORMATIONAL

A. PUBLIC INQUIRIES

Brenda Jo Carlson of Hidden Bay Trail expressed concern for rapid growth and loss of rural setting. She said she was speaking on behalf of 40 residents who are concerned for sewer and water coming. The residents do not want City water and City sewer. She said they did not receive sufficient notice of the proposed public works and water tower.

B. PUBLIC INFORMATIONAL

(1) Xcel Fly Ash Disposal Landfill Site Selection

The City Planner said he serves on the committee formed by Xcel to assist in locating a site to deposit fly ash generated by the King Power Plant. The Oak Park Heights facility will run out of room within five years. King will double output of fly ash within that timeframe too. The two sites being reviewed in Lake Elmo are the Shafer Mine and the Hammes Mine. Failure analysis says the cell will be good from 20 to 50 years but cannot guarantee it thereafter.

Councilmember DeLapp said a presentation was made to the county planning commission, and Xcel did not mention the liner until the end of their presentation. He said the fly ash to be buried will have substantially higher amounts of mercury and other heavy metals because superior pollution control equipment will capture much more of these byproducts that are currently part of the smokestack emissions. The railroad through Lake Elmo will be busier because twice as much coal will be needed. There will be 30 trucks per day to deliver it to the landfill site.

The Planner said that fly ash can be treated for marketability but it costs money. If it is dry treated, fly ash is mixed with lime and sprayed into stacks to remove the sulfur. Then fly ash and lime soaked with sulfur are placed into the landfill. Wet scrubbing is 100% lime. Lime mixed with sulfur creates gypsum which is marketable.

Mayor Johnston said two landfill sites in Lake Elmo have gone awry contaminating groundwater, and the Council does not want another hazardous waste dump in the City.

Councilmember Conlin suggested the Council speak out on the record that the committee was not given enough data on the alternatives.

Administrator Rafferty said the plan needs further review, and every elected body needs to come forward to say they have not done enough research. He suggested a resolution from the City Council, and afterward, development of a strategy to build a team to bring pressure to bear.

M/S/P, Johnston/Conlin, To draft a resolution stating that it is the belief of the City council that the necessary work/disclosure have not occurred with relation to the site, the site should not be selected until the science is done, that the City Council strongly believes that siting of one or more fly ash dump sites in one or more locations of Washington County cannot be taken in isolation for quality of life considerations. (Motion passed: 5 - 0).

C. PUBLIC HEARING: 55th STREET VACATION

The Planner explained that the conditions of title work and legalities have been met for the vacation of 55th Street. A property owner on the north side asked for reconsideration which shortens the amount of road to be vacated.

The City Attorney said he examined titles and reviewed easements to be conveyed to the City. He said the documents must be signed and notarized, and that can be done at City hall.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:44 P.M.

Kathleen Haggard thanked council and staff for accommodating the residents.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:45 P.M.

Several council members offered thanks to those community members who worked so conscientiously to reach the final agreement.

M/S/P, Smith/Johnston, to adopt Resolution No. 2005-058, rescinding Resolution 2004-___, and approving the vacation of 55th Street North. (Motion passed 5 - 0).

D. RAMSEY CENTER FOR THE ARTS

Robert Meyer, Director of Ramsey Center for the Arts, said they would like to move their operations to the City in the Siedow house adjacent to Lions Park. Councilmember DeLapp asked how accessibility issues will be addressed. Approaches include two ramps allowing first floor accessibility. Mr. Meyer said he has little doubt that problem will be solved.

Several councilmembers expressed hope that this operation would meet a need in the City for an active arts community program.

M/S/P, DeLapp/Johnston, to authorize and direct the Mayor and Administrator to enter negotiations for a lease agreement with the Ramsey Center for the Arts on the Siedow house. (Motion passed 5-0).

4. CONSENT AGENDA

- A. Resolution No.2005-011: Approving Claims
- B. Fire Department Compensation
- C. Sachs Settlement Agreement

M/S/P, Johnson/Conlin, to accept and approve Items 4a, 4b, and 4c as presented. (Motion passed 5 - 0).

5. FINANCE

A. Monthly Operating Report

Finance Director Bouthilet said 38% of the budget has been expended though we are 50% through the year.

6. NEW BUSINESS

A. Housing for Disabled in Old Village

Administrator Rafferty said an item incorporated into our Comprehensive Plan was housing for disabled persons in the Old Village, and to somehow encourage that concept in an overall development scheme. Council Committee heard it at their last meeting.

Mayor Johnston said costs and limitations must be explored and Council must establish a policy for it. Now is the appropriate time to start a formal evaluation process.

Two residents came forth to speak. One was Susan Kane who said they both of them are special needs parents. She asked for a resolution tonight to continue discussion with Council and staff.

Katherine Paulson, Housing Project Manager for Two Rivers Land Trust

Ms. Paulson said the Land Trust takes donated land that will be preserved for the purpose it is established. They are researching legal mechanisms to do that. They are looking for lands to be donated for housing for people who are disabled.

Councilmember DeLapp said many components to Old Village development such as arts, housing for disabled and elderly, charter or elementary school, library, etc. should all be added to the discussions.

Administrator Rafferty said in a meeting last fall with Old Village landowners they received input for getting a Master Planner. Within one month staff should have input from those four residents to help facilitate this type of planning.

M/S/P, Johnston/Conlin, To direct staff to enter discussions with groups present and developers to define a proposal to be brought back to Council for addressing housing for disabled people in the Old Village. (Motion passed 5 – 0).

M/S/P, Johnston/Conlin, To direct staff to meet with both groups to come back with some sort of proposal and inquire of developers. (Motion passed 5-0)

M/S/P, Conlin/Johnson, To direct staff to define the role of Master Planner and how it would work and bring it back to Council for how it will be managed for the Old Village. (Motion passed 5 – 0).

B. St. Croix Family Center

M/S/P, Smith/Conlin, to direct staff to evaluate and research a site for a family center in Lake Elmo. (Motion passed 5-0).

B. Water Expansion MOVED TO LATER IN AGENDA

i. Bonding: Resolution No. 2005-056

Paul Donna said the City is looking for a bond issue of \$4,600,000. Minnesota Statute 444 allows the City to raise charges of the water utility to cover 100% of the bond. The agreement

means the City is pledging to levy taxes if there is a deficiency to meet debt service. Structure of the issue is a 25 year term. The yield curve is flat now. A prepayment feature after 8 years is built into this bond. Given the revenue stream, they estimated interest of 4.5%. He would like to be permitted to bring the bond issue to market and return to the second meeting in July. Then the City can lock in interest rates.

Administrator Rafferty said the staging plan is from the Comprehensive Plan. He said no money is being borrowed for the south. Instead we will reuse the dollars again or we prepay and eliminate the debt. The design of this bond is provide maximum flexibility to make public improvements in the water system over time.

M/S/P, Johnson/Conlin to adopt Resolution 2005-056. (Motion passed 5 – 0).

7. MAINTENANCE/PARK/FIRE/BUILDING

A. Fire Department Tanker/Pumper Purchase

Chief Malmquist said he met with Council Committee and now would like to advertise for bids the tanker/pumper purchase. The City has been working on this project for over one year. The purchase has been in the CIP for a few years. This combination emergency vehicle is suitable for present and future needs.

M/S/P, Johnson/Smith, To authorize the bid process to acquire a Fire Department Pumper/Tanker Truck. (Motion passed 5 - 0).

B. Update on Building Activities: Jim McNamara

The Building Official presented an update on May construction activity. Wet weather slowed activity in May. The alarm system for the Carriage Station Septic System worked perfectly during the power outage.

9. PLANNING, LAND USE & ZONING

9 B. Comp Plan Amendment, Rezone, CUP, Variance, and Site Plan for City Public Works/Water Tower

The Planner said the planning commission had a public hearing and adopted recommendations for a maintenance facility and water storage facility at the northeast corner of Highway 5 and Ideal Avenue. The City Council might make a special request to the county to address the issue of speed on Ideal Avenue. 10 employees will work at this site and a small amount of truck traffic in and out. One of the features of the site plan is that development around this site is anticipated so the facility will be well screened.

The City Attorney said the Parcel A legal description and easement area are subject to modification by Washington County Examiner of Titles because there is a disagreement between the surveyor and the Examiner of Titles.

Councilmember Johnson said she would like to review speed and traffic issues again after the Comprehensive Plan issues are finished.

Barb Walsh, Resident

Ms. Walsh said she is concerned for the traffic and the bike trail. She said she cannot believe 500,000 gallons of water will not drain the aquifer. She asked that all permits be applied for. She is concerned for water runoff.

The City Engineer said the water appropriations permit is updated annually. 500,000 gallons is storage volume related to how much the City uses which is about 66,000,000 gallons per year. Probably get a new permit with the comp plan as a formality. He said an MPCA and VBWD permit will be necessary. Runoff goes to holding ponds on the site and the drainage way for overflow is across Imation and over Wildflower Shores. The City's wells are located in the Old Village and at Carriage Station. He said the water tower will have no impact on neighboring wells.

M/S/P, Conlin/DeLapp, to adopt Resolution No. 2005-059 approving a Comprehensive Plan Amendment to reguide the parcel from RAD to PF. (Motion passed 5 - 0)

M/S/P, Conlin/DeLapp, Ordinance No. 97-159 to rezone the parcel from RR to PF. (Motion passed 5 - 0).

M/S/P, Johnson/Conlin, Resolution No. 2005-060 approving a Conditional Use Permit to allow construction of a Public Works/Parks Garage and a water tower on the site. (Motion passed 5 - 0).

M/S/P, DeLapp/Johnson, Resolution No. 2005-061 approving a variance to allow metal siding as a primary material on the Public Works building. (Motion passed 5 - 0).

M/S/P, Johnson/Conlin, Resolution No. 2005-062 approving the Site Plan for the Public Works parcel. (Motion passed 5-0).

9C. Minor Subdivision of City of Lake Elmo/3M Company parcel

M/S/P, DeLapp/Smith, to adopt Resolution No. 2005-063 approving the division of an existing 175 acre parcel into parcels of approximately 7.5 acres and 168.3 acres. (Motion passed 5-0).

9D. Final Plat and Development Agreement - CARDINAL VIEW

The Planner said one element of the Development Agreement for CARDINAL VIEW is Public Use Dedication. The appraiser determined the predevelopment value of the property and code specifies 7% of that value. In this case it is fee in lieu of land. This property results in \$45,000 of fee, which amounts to \$6,000 to \$7,000 per lot. CARDINAL RIDGE by the same developer came to between \$3,000 - \$4,000 per lot. The developer said this fee puts an unfair burden on the small lot subdivision because other contemporary developments are less money per lot.

The City Attorney said that most developments have sites for neighborhood parks and significant areas of open space. This development has neither.

Tom Wiener

Mr. Wiener said he received no bonuses for extra lots. He does not dispute the value of the land. He questions why these residents are going to have more impact on the park than other residents.

The City Attorney said the laws have changed. Public Use Dedication can be appealed to the Council within 60 days.

M/S/P, Johnson/Conlin, to adopt Resolution No. 2005-064 approving the Final Plat and Development Agreement of CARDINAL VIEW. (Motion passed 5-0).

9E Extended Work Hours for Construction in TAPESTRY

The City Planner presented the problem encountered by the developers of TAPESTRY. Equipment was on site but could not be used until the septic permit was granted. That resulted in a delay of 50 days. They are requesting a change in working hours for 50 days.

M/S/P, Smith/DeLapp, to approve extended working hours to allow work to continue until 8:30 p.m. on weekdays and to allow work from 1:00 to 5:00 p.m. on Saturday until July 25. (Motion Passed: 5-0).

The Mayor called a recess at 9:37 p.m. and reconvened at 9:43 p.m.

Councilmember Conlin suggested drafting a formal letter of complaint to MPCA that the ripple effect of MPCA's significant delay will cause noise pollution and other problems in Lake Elmo. The Planner said he will draft a letter because a six month lead time has been a regular occurrence on constructed wetland treatment systems.

8. CITY ENGINEER'S REPORT

A. Water Expansion Project Update – Verbal

i. Lateral Charges

The City Engineer said this part of the water project deals with the Tapestry area and over to Jamaca. Staff wanted to create a method and a plan for the water main extension. The City will recoup up front costs when residents want to hook up to the water main. Costs will remain in the project file for the list of properties with WAC fees determined. Administrator Rafferty said there are people who want to connect now. It is a voluntary system if they choose to connect today, a 429 hearing will be held and residents will be incentivized. They can be assessed to pay the cost over several years if they volunteer to hook up immediately.

The project from 39th to Tapestry has a different cost than the other part of the project. The cost per foot is \$30.08 for the first project. Undeveloped rural properties with about 150 feet of frontage was the average arrived at. The cost will be \$4,512 per lot to hook up. Estimated number of lots would be 41. If all hooked up the City will collect about 50% of the costs.

The Engineer said the second project area is Tapestry to Jamaca. The cost per foot is \$45.75. The assumed average of 125 feet lot width and cost per lot would be \$5,718.00. There are 33 lots between Jamaca and Tapestry. If all hooked up, the City will collect about 50% of the costs. This project is under the road so the cost is a little higher. The City is taking the time to extend water service out to the houses now so the road will not have to be dug up each time someone wishes to hook up in the future.

M/S/P, Johnson/DeLapp, to approve the proposed Lateral Connection Charge method for the 2005 Water Projects, to authorize staff to prepare a project worksheet for the first two water main trunk projects and a notification letter informing property owners of the voluntary connection opportunity consistent with the approved lateral connection policy. (Motion passed 5-0).

B. Partial Payment Request No. 1: Chris Riley, Resolution No. 2005-057

The City Engineer said the first payment is now being requested. Construction has been delayed due to the weather.

M/S/P, Conlin/DeLapp, to adopt Resolution No. 2005-057 approving Partial Payment No. 1 to Lake Elmo City Council Meeting Minutes of June 21, 2005

Chris Riley in the amount of \$117,848.36 for Phase I Water Improvements. (Motion passed 5-0).

10. CITY ATTORNEY'S REPORT:

A. Code change adding (2) alternates to the Community Improvement Commission: Resolution No. 2005-065

M/S/P, Johnson/Smith, to adopt Resolution No. 2005-065 adding two alternates to the Community Improvement Commission. (Motion passed 5-0).

11. CITY ADMINISTRATOR'S REPORT:

A. Public Works Building

M/S/P, Smith/Johnson, to authorize TKDA to proceed with the plan specification and bidding for the Public Works Building on the 3M site. (Motion passed 5 - 0).

B. Met Council Update and Action Required and Report on MOU Clarification Meeting

The mayor said we are at risk of losing our MOU unless we get an extension of our submission date. State statute allows for us to do that. He said the clarification team had two Met Council meetings this week.

Administrator Rafferty said the team for clarification met about some commentary Met Council made about our draft Comprehensive Plan. The area of concern is related to persons per dwelling unit. Metropolitan Council is concerned the City will have enough units built and achieve population growth of 24,000, RECs of 6600, and what could happen north of 10th Street. Another concern is Metropolitan Council's investment into infrastructure and our staging approach for connecting sewer units, and that the City would not be moving fast enough. The extension time period has passed for distribution to other communities, and we did not meet our June 15 deadline either. Lake Elmo's intent is to follow and achieve that MOU agreement. There are two performance standards within that agreement we have to meet. He summarized the four key issues in a handout. To meet the difference between what was planned for and what the Met Council expects, the team came up with a strategy of looking at ways of creating another 670 units.

The Planner said the chair agreed there was no reserve of 1 per 10 acres north of 10th Street. Then they came back with an 800 acre reserve of 1 per 10. Administrator Rafferty said Met Council does not believe we can meet population and number of units so they requested a reserve for it.

City Planner said the team sorted out what was relayed yesterday and came up with one possible solution for presentation to City Council. Met Council does not want the City to mention persons per dwelling units in the plan. He discussed methods for generating the necessary dwelling units. He said the new staging plan would accelerate development south of 10th Street by one year which results in a bulge in new dwelling units from 2012 through 2015.

Administrator Rafferty said the mayor, administrator, and planner were not authorized to negotiate. The administrator said the City needs to come up with a proposal on its own terms in the best interest of Lake Elmo that will serve our planning requirement. If we don't, Met Council may formulate their position and we could be trying to move them off that position. There is nothing new in this approach. He said he believes it to be a mistake to accept a reserve and be judged every five years.

The City Attorney said the Supreme Court decision in a short paragraph at the end said the Met Council has the authority to force us to put in 7850 RECs.

The Mayor said the Met Council approved the MOU.

The City Attorney said the City of Lake Elmo resolution said the MOU was never completely finalized. We voted this would be a set of guidelines for our decisions. Met Council can go back to district court in Washington County to require us to have 7850 RECs. It is not the binding contract you think it is. It is criteria for discussion.

The Planner said the Planning Commission recommendation entailed a similar look as this evening with the three buckets of OV, RAD2 and OP. 450 units were spread across the three buckets. The council already took one of the buckets for the Old Village. We still have RAD2 and OP. Councilmember Conlin said the public heard that approach and we should look at that approach. Councilmember Smith said she agrees with Councilmember Conlin. Because we lost the Old Village bucket the team came up with the 3M remnant parcel for RAD2.

Administrator Rafferty said the third issue was post 2030 RECs. We had the opportunity in Number 9 of the MOU for a cushion. He recommended the City take the position we maintain the MOU language. We should come up with reasonably achieved dates, put in extension language, and give staff authority to draft a proposal that will address the Comp Plan consistent with discussions and plans.

M/S/P, DeLapp/Conlin, To not accept the Met Council discussion of bringing extra RECs into Lake Elmo post 2030. The City should take the team recommended position and standby Number 9 of the MOU. (Motion Passed: 5-0).

M/S/P, Johnson/DeLapp, For the clarification group to determine the extension timeline working with the City Attorney to draft the agreement, and the agreement will include a provision that a decision by the Met Council should not send the City into default on the time table. Councilmember Conlin said we should include language that the timetable was not met due to Met Council actions. (Motion passed 5-0).

Councilmember Conlin suggested going back to Met Council adding the necessary units, and requesting a little time to determine where that will be located.

M/S/P, Johnson/Johnston, to approve the Lake Elmo Option with 340 units in RAD2 and increasing OP to .45 without specifying locations.

(Motion Passed 4-1, Nay: DeLapp we are not forced to do this in the MOU).

M/S/P, Conlin/Johnston, to accept the Lake Elmo Option with the second item increasing from 1206 in 2015 up to 1650.

The City Attorney said the City has the ability to require a parcel to hook up to sanitary sewer by a certain period. It could be a health issue.

(Motion passed: 4 -1, Nay – DeLapp stated that the Council should have insisted that the compromise Comp. Plan be submitted as approved in April. The full Met Council would have

had to act on it and may well have overruled the Council staff as happened with Cardinal View. The City Council would also have had 3-4 months to lobby for support from surrounding cities and other reviewing authorities.)

M/S/P, Johnson/Conlin, To grant the negotiating team authority to complete the agreement with the Metropolitan Council.

The City Attorney said one of the reasons we did not violate the open meeting law was because the negotiating team did not have final authority. If they were granted that authority, the negotiating team would have to hold open meetings. Without authority they must bring it back to Council for final vote.

M/S/F, DeLapp/Conlin, To limit debate. (Motion Failed 2-3, Nay- Smith, Johnston, Johnson).

MOTION WITHDRAWN by Councilmember Johnson.

M/S/P, Johnson/DeLapp, to authorize staff to take the four issues passed and enter an agreement with the Met Council. (Motion Passed: 3-2, Nay- DeLapp/Smith - They would like to be present.)

Adjourned 11:52 p.m.

Respectfully submitted,



Kimberly Schaffel
Recording Secretary

Lake Elmo
City Council
July 19, 2005

Agenda Section: PUBLIC INFORMATIONAL

No. 3A.

Agenda Item: HUFF'N PUFF PROCLAMATION, Non-Intoxicating Liquor License: Lake Elmo Jaycees

Background Information for July 19, 2005:

The Lake Elmo Jaycees are requesting the Council to proclaim August 11-14, 2005 as Huff'N Puff Days, the official City celebration for 2005 and to urge all citizens of our community to give full regard to the past and continuing services of the Lake Elmo Jaycees.

The Jaycees are requesting approval of their On-Sale Non-Intoxicating Malt Liquor License for its annual Huff'N Puff festival, and to waive the fees for the liquor license and ballfield lights. Approval has been received from the Washington County Sheriff.

Action Items: to proclaim August 11-14, 2005 as Huff'N Puff Days, to approve an on-sale non-intoxicating malt liquor license for this annual festival based on approval of the Washington County Sheriff, and to waive the fees for the liquor license and for the ballfield lights.

Person responsible:
S.Lumby

Attachments:
Liquor License Application

RETAIL "ON SALE"

State of Minnesota, }

COUNTY OF Washington } City OF Lake Elmo

To the City Council of the City of Lake Elmo

Washington County State of Minnesota:

hereby applies for a license for the term of Four Days
from the August 11 ~~day of~~ to August 14, 2005, to sell

At Retail Only, Non-Intoxicating Malt Liquors,

as the same are defined by law, for consumption "ON" those certain premises in the
City of Lake Elmo

described as follows, to-wit: Confined to Lions Park located at 3525 Laverne Ave. N., Lake Elmo
(Beer Garden and Band Shell Area for street dance)

at which place said applicant operate the business of a concession stand for Huff'N Puff Days

and to that end represent and state as follows:

That said applicant is a citizen of the United States; of good moral character
and repute; and has attained the age of 21 years; that proprietor of the
establishment for which the license will be issued if this application is granted.

That no manufacturer of such non-intoxicating malt liquors has any ownership, in whole or in part,
in said business of said applicant or any interest therein;

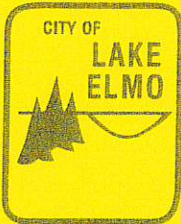
That said applicant make this application pursuant and subject to all the laws of the State of
Minnesota and the ordinances and regulations of said City of Lake Elmo
applicable thereto, which are hereby made a part hereof, and hereby agree to observe and obey the same;

(Here state other requirements, if any, of local regulations)

Each applicant further states that by the commencement of business and by July 1 of each succeeding year said
applicant will have paid the Federal Special Occupational Tax to the Bureau of Alcohol, Tobacco and Firearms for a
retail dealer.

Dated June 15th, 2005

Marie
(Middle Name)
Kristina Marie Maw D.O.B. 04/01/1978
Lake Elmo Jaycees Applicant
P. O. Address P.O. Box 198
Lake Elmo, MN 55042



City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

July 20, 2005

Mr. John Elholm
Senior Planner
Washington County Department of Transportation and Physical Development
11660 Myeron Road North
Stillwater, MN 55082-9573

Subject: TEA-21 Application
Safe Crossing of Highway 5 and the Railroad Tracks in Lake Elmo

Dear Mr. Elholm:

On July 19, 2005, the Lake Elmo City Council adopted a motion authorizing this letter in support of the Washington County TEA-21 funding application for building a safe crossing of Highway 5 and the railroad tracks adjacent to the Lake Elmo Park Reserve. These federal funds would allow construction of two tunnels, one under the railroad tracks and one under State Highway 5 (or one long tunnel or bridge if necessary) to connect residents and trails north of Highway 5 with the park and trails south of Highway 5. It is our understanding that the location would be along the north edge of the park, where the topography would best allow a crossing in the City of Lake Elmo.

In further support of this application, I would be available to provide any additional information or answer any questions those reviewing and evaluating this project may have. Thank you for your consideration and review of the TEA-21 Application for trail tunnels under Highway 5.

Sincerely,

Martin Rafferty
City Administrator



4A.

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

**RESOLUTION NO. 2005-072
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 268, 269, DD463 through DD474, 27578 through 27605, were used for Staff Payroll dated July 7th, 2005; claims 27606 through 27659, in the total amount of \$439,796.04 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 19th day of July, 2005.

Dean A. Johnston
Mayor

ATTEST:

Martin J. Rafferty
City Administrator

Accounts Payable Computer Check Proof List

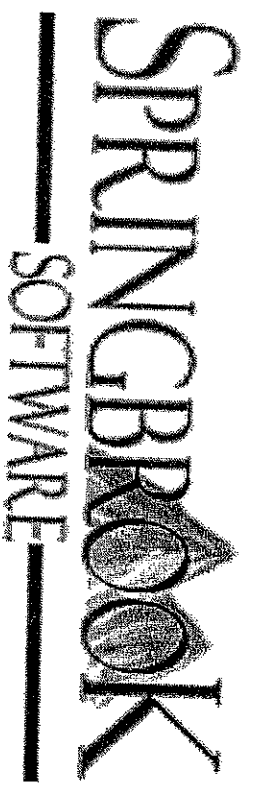
User: administrator
Printed: 07/06/2005 - 1:53 PM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: CHRISRL Res 2005-057	Chris Riley Utilities, Inc. Phase I Water Main Improvements Check Total:	117,848.36 117,848.36	07/07/2005	Check Sequence: 1 601-494-9400-46400	ACH Enabled: No
Total for Check Run:		117,848.36			
Total Number of Checks:		1			

Accounts Payable Computer Check Proof List

User: administrator
Printed: 07/14/2005 - 3:50 PM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: ACEHARD	Ace Hardware				
4018	Trap - Parks	28.74	07/19/2005	101-450-5200-42400	ACH Enabled: No
5274	Lights - Recycle	10.62	07/19/2005	101-430-3100-44300	
542006	Fin Charge	1.29	07/19/2005	101-430-3100-44300	
5873	Repair parts - Water	32.71	07/19/2005	601-494-9400-42400	
5875	Wire Connection - City Hall	4.57	07/19/2005	101-410-1940-42230	
	Check Total:	77.93			
Vendor: ALLIED	Allied Electrical Contractors				
4480	Dryer Wiring	600.00	07/19/2005	101-420-2220-44010	ACH Enabled: No
	Check Total:	600.00			
Vendor: AmeriMark	AmeriMark Direct				
12507	Recycling materials	155.00	07/19/2005	101-430-3200-44300	ACH Enabled: No
	Check Total:	155.00			
Vendor: ANCOM	ANCOM COMMUNICATIONS, INC.				
0000064141	Repair - Radio - Fire Dept.	200.97	07/19/2005	101-420-2220-43230	ACH Enabled: No
	Check Total:	200.97			
Vendor: ARAM	Aramark				
629-5753267	Linen - City Hall	50.84	07/19/2005	101-410-1940-44010	ACH Enabled: No
	Check Total:	50.84			
Vendor: BIFFS	BiFFs Inc.				
W260404	Portable - Sunfish Lake Park	74.26	07/19/2005	101-450-5200-44120	ACH Enabled: No
W260405	Portable - Lions Park	148.52	07/19/2005	101-450-5200-44120	
W260406	Portable - VFW Park	74.26	07/19/2005	101-450-5200-44120	
W260407	Portable - DeMontreville Park	74.26	07/19/2005	101-450-5200-44120	
W260408	Portable - Reid Park	74.26	07/19/2005	101-450-5200-44120	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
W260409	Portable - Tablyn Park	74.26	07/19/2005	101-450-5200-44120	
W260410	Portable - Pebble Park	74.26	07/19/2005	101-450-5200-44120	
W260411	Portable - Stonegate Park	74.26	07/19/2005	101-450-5200-44120	
	Check Total:	668.34			
Vendor: BOUTHTOM	ThomasBouthtlet				
Reimb. Claim	Reimbursement - Membership	125.00	07/19/2005	Check Sequence: 7	ACH Enabled: No
	Check Total:	125.00		101-410-1520-44330	
Vendor: BRYAN	Bryan Rock Products, Inc.				
19665	Landscaping Materials - Parks	493.77	07/19/2005	Check Sequence: 8	ACH Enabled: No
	Check Total:	493.77		101-450-5200-42250	
Vendor: CARQUEST	Car Quest				
26076	Bulb, Oil - Public Works	4.98	07/19/2005	Check Sequence: 9	ACH Enabled: No
	Check Total:	4.98		101-430-3100-42210	
Vendor: CENTPOW	Century Power Equipment				
20050630	Fin Charge	4.40	07/19/2005	Check Sequence: 10	ACH Enabled: No
316643	Chain for Saw - Public Works	29.71	07/19/2005	101-430-3100-44300	
319225	Chain for Saw - Fire Dept	89.46	07/19/2005	101-430-3100-42400	
P0013660	Chain Saw	288.95	07/19/2005	101-430-3100-42400	
	Check Total:	412.52			
Vendor: CHRISRL	Chris Riley Utilities, Inc.				
Pmt.2 Phase I	Partial Pmt #2 - Water Sys Interconnect	56,169.34	07/19/2005	Check Sequence: 11	ACH Enabled: No
	Check Total:	56,169.34		601-494-9400-46400	
Vendor: COPYMAG	Copy Images, Inc.				
62027	Monthly Copier Maint.	255.60	07/19/2005	Check Sequence: 12	ACH Enabled: No
	Check Total:	255.60		101-410-1940-44040	
Vendor: ELMOLUM	Elmo's Lumber & Plywood				
031314-01	Zip Wax	8.50	07/19/2005	Check Sequence: 13	ACH Enabled: No
	Check Total:	8.50		101-420-2220-42230	
Vendor: EXCELLCO	EXCELLCOM				
11013000869	Charger - Bldg Dept.	31.94	07/19/2005	Check Sequence: 14	ACH Enabled: No
				101-420-2400-43210	

Invoice No Description Amount Payment Date Acct Number Reference

Vendor:FARMERS
 141372 Farmers Union Co-Op Oil
 141372 Fuel - Bldg Dept
 Car Wash - Bldg Dept
 Check Total: 94.71
 Check Sequence: 15
 101-420-2400-42120
 101-420-2400-44040
 ACH Enabled: No

Vendor:GENESIS
 IVC00616 Next Genesis Productions
 IVC00626 Web Site Development
 IVC00626 Web Site Development
 IVC00658 Monthly Support - July 2005
 IVC00665 Web Site Development
 Web Site Development
 Check Total: 6,712.50
 Check Sequence: 16
 101-410-1320-43090
 101-410-1320-43090
 101-410-1520-43180
 101-410-1320-43090
 101-410-1320-43090
 ACH Enabled: No

Vendor:HAGBERGS
 Account 10 Hagbergs Country Market
 City Hall Supplies
 Check Total: 26.68
 Check Sequence: 17
 101-410-1940-44300
 ACH Enabled: No

Vendor:IAFCREG
 Cohen, B. IAFC
 Conf Reg for Bruce Cohen
 Check Total: 495.00
 Check Sequence: 18
 101-420-2220-44370
 ACH Enabled: No

Vendor:LEADER
 1000056653 Lake Elmo Leader
 Subscription LE Leader
 Check Total: 28.00
 Check Sequence: 19
 101-410-1320-44330
 ACH Enabled: No

Vendor:LEOIL
 B01203 Lake Elmo Oil, Inc.
 S01203 Bulk Fuel - Public Works
 S01208 Fuel - Fire Dept
 Fuel - Parks
 Check Total: 1,446.74
 Check Sequence: 20
 101-430-3100-42120
 101-420-2220-42120
 101-450-5200-42120
 ACH Enabled: No

Vendor:LINNER
 17460 Linner Electric Company, Inc.
 Lights Repair - Pebble Park
 Check Total: 322.00
 Check Sequence: 21
 101-450-5200-44030
 ACH Enabled: No

Vendor:MAIMQ
 Claim 06/30/05 GregMahnquist
 Water
 16.96
 07/19/2005
 Check Sequence: 22
 101-420-2220-44300
 ACH Enabled: No

Invoice No Description Amount Payment Date Acct Number Reference

Claim 07/07/05 Cleaning Supplies 44.15 07/19/2005 101-420-2220-44300
 Check Total: 61.11

Vendor: MARONEY'S Maroney's Sanitation, Inc
 105993 Refuse - City Hall 95.89 07/19/2005 Check Sequence: 23
 105993 Refuse - Public Works 158.49 07/19/2005 101-410-1940-43840
 105993 Refuse - Parks 183.96 07/19/2005 101-430-3100-43840
 Check Total: 438.34 101-450-5200-43840
 ACH Enabled: No

Vendor: MCLEOD McLeod USA
 494940 City Hall - credit -117.46 07/19/2005 Check Sequence: 24
 494940 4259 Janaca - Parks 117.32 07/19/2005 101-410-1940-43210
 494940 11975 55th Street - Lift Station 55.05 07/19/2005 101-450-5200-43210
 Check Total: 54.91 601-494-9400-43210
 ACH Enabled: No

Vendor: MENARDST Menards - Stillwater
 80770 Fire/Rescue Blades 42.97 07/19/2005 Check Sequence: 25
 Check Total: 42.97 101-420-2220-42400
 ACH Enabled: No

Vendor: METROCA Metrocall Inc.
 02316745 Pagers - Fire Dept 82.77 07/19/2005 Check Sequence: 26
 Check Total: 82.77 101-420-2220-43210
 ACH Enabled: No

Vendor: MILLEREX Miller Excavating, Inc.
 10706 Grading 367.42 07/19/2005 Check Sequence: 27
 Check Total: 367.42 101-430-3100-43150
 ACH Enabled: No

Vendor: MNSTATEET MN State Treasurer
 Q2 Bldg Surcharge Prints for 2nd Quarter 3,194.04 07/19/2005 Check Sequence: 28
 Check Total: 3,194.04 101-420-2400-43060
 ACH Enabled: No

Vendor: Natl Wat National Waterworks
 2514842 Meter and flange kits 506.94 07/19/2005 Check Sequence: 29
 Check Total: 506.94 601-494-9400-42300
 ACH Enabled: No

Vendor: OAKDALE City of Oakdale
 1000039700 Water - North Pit 1,537.56 07/19/2005 Check Sequence: 30
 1000046000 Water - South Pit 5,844.86 07/19/2005 601-494-9400-43820
 601-494-9400-43820
 ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	7,382.42			
Vendor: ONECALL 5060505	Gopher State One-Call/One Call Concepts, Inc Line Locates Check Total:	222.60 222.60	07/19/2005	Check Sequence: 31 101-430-3100-44300	ACH Enabled: No
Vendor: PELNAR June 2005	KathPelnar Animal Control Check Total:	505.52 505.52	07/19/2005	Check Sequence: 32 101-420-2700-43150	ACH Enabled: No
Vendor: POSTOFF Newsletter - Au	POSTMASTER Postage - August Newsletter Check Total:	378.30 378.30	07/19/2005	Check Sequence: 33 101-410-1320-43220	ACH Enabled: No
Vendor: PRESS 07052005 07112005	StevenPress Cablecast - City Council Mtg Cablecast - Planning Comm. Mtg Check Total:	54.00 54.00 108.00	07/19/2005 07/19/2005	Check Sequence: 34 101-410-1320-43620 101-410-1910-43620	ACH Enabled: No
Vendor: QUANTUM 36388	Quantum Digital Imaging Comp. Plan Check Total:	31.49 31.49	07/19/2005	Check Sequence: 35 101-410-1910-43020	ACH Enabled: No
Vendor: QUICKSI 6245099	Quicksilver Courier - Mer Council Check Total:	20.32 20.32	07/19/2005	Check Sequence: 36 101-410-1910-44300	ACH Enabled: No
Vendor: RAFFERTY Reim. Claim	Martin Rafferty Reimbursement - Membership Check Total:	125.00 125.00	07/19/2005	Check Sequence: 37 101-410-1320-44330	ACH Enabled: No
Vendor: REGIONSH 762983	Regions Hospital Fire Dept Training Check Total:	1,740.00 1,740.00	07/19/2005	Check Sequence: 38 101-420-2220-44370	ACH Enabled: No
Vendor: Rivertown 50035963	RiverTown Newspaper Group Legal Publ. June 2005	190.26	07/19/2005	Check Sequence: 39 101-410-1320-43510	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	190.26			
Vendor: ROGERS 12735	Rogers Printing Services Utility Invoices Check Total:	164.01 164.01	07/19/2005	Check Sequence: 40 601-494-9400-42000	ACH Enabled: No
Vendor: RUD 07/05-07/13 07/05-07/13 9096	Diane Prince-Rud Cleaning City Hall Cleaning Fire Hall Windex, Lysol, Bags, Air Fresheners Check Total:	240.00 240.00 25.06 505.06	07/19/2005 07/19/2005 07/19/2005	Check Sequence: 41 101-410-1940-44010 101-420-2220-44010 101-410-1940-42110	ACH Enabled: No
Vendor: S&T 01KB9515	S&T Office Products, Inc. Notary Stamp - Carole Freeman Check Total:	35.09 35.09	07/19/2005	Check Sequence: 42 101-410-1320-42000	ACH Enabled: No
Vendor: SACHSJR Release Agrmt	Richard Sachs, Jr Release Agreement Payoff Check Total:	19,251.00 19,251.00	07/19/2005	Check Sequence: 43 101-420-2220-44300	ACH Enabled: No
Vendor: SIGNALPR 2432	Signal Pro Equipment Head for weed eater Check Total:	38.77 38.77	07/19/2005	Check Sequence: 44 101-450-5200-42210	ACH Enabled: No
Vendor: SMOKE 2005 Renewal	SMOKE EATER Subscription Renewal Check Total:	154.00 154.00	07/19/2005	Check Sequence: 45 101-420-2220-44330	ACH Enabled: No
Vendor: Streiche 1279256	STREICHER'S Tab - Service Since ... Check Total:	14.80 14.80	07/19/2005	Check Sequence: 46 101-420-2220-44170	ACH Enabled: No
Vendor: TASCH 36352 36468	T.A. Schitsky & Sons Asphalt mix Asphalt mix Check Total:	268.77 38.36 307.13	07/19/2005 07/19/2005	Check Sequence: 47 101-430-3100-42240 101-430-3100-42240	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: TESSMAN S058982-IN S058982-IN	Tessman Company Chemicals - Parks Loppers - Parks Check Total:	450.77 105.38 556.15	07/19/2005 07/19/2005	Check Sequence: 48 101-450-5200-42160 101-450-5200-42160	ACH Enabled: No
Vendor: TWINCIT 1576	Twin City Water Clinic, Inc. Bacteria Analysis - June 2005 Check Total:	20.00 20.00	07/19/2005	Check Sequence: 49 601-494-9400-43030	ACH Enabled: No
Vendor: UNIRENNW 49326673-001	United Rentals Northwest, Inc. Pumping supplies Check Total:	86.89 86.89	07/19/2005	Check Sequence: 50 601-494-9400-42400	ACH Enabled: No
Vendor: VTSALE ..8040	VISA Noise Meter - Bldg Dept. Check Total:	156.95 156.95	07/19/2005	Check Sequence: 51 101-420-2400-45800	ACH Enabled: No
Vendor: WAS-SHER 44094	Washington County Law Enforcement Contract Jul-Dec 2004 Check Total: Reissue - already approved.	176,910.71 176,910.71	07/19/2005	Check Sequence: 52 101-420-2100-43150	ACH Enabled: No
Vendor: XCEL	Xcel Energy 2759 Legion - Public Works City Hall Traffic Lights - 998 Inwood 3585 Laverne 11062 34th St 3510 Laverne - Fire Hall 3511 Laverne - Fire Hall 3675 Layton Traffic Lights - Manning & Stillwater Tennis Courts 11194 Upper 33rd - Parks 4259 Jamaica - Public Works Pebble Park City Lights Lift Stations at 3303 Langly/11975 55th Traffic at Inwood/194 Softball Field Lift Station at 8860 Hudson	12.42 425.44 33.73 46.14 13.92 165.78 28.36 7.90 26.32 14.00 33.05 145.65 8.86 1,612.84 982.49 27.16 176.89 54.84	07/19/2005 07/19/2005 07/19/2005 07/19/2005 07/19/2005 07/19/2005 07/19/2005 07/19/2005 07/19/2005 07/19/2005 07/19/2005 07/19/2005 07/19/2005 07/19/2005 07/19/2005 07/19/2005 07/19/2005 07/19/2005	Check Sequence: 53 101-430-3100-43810 101-410-1940-43810 101-430-3160-43810 101-410-1940-43810 602-495-9450-43810 101-420-2220-43810 101-420-2220-43810 101-450-5200-43810 101-430-3160-43810 101-450-5200-43810 101-450-5200-43810 101-430-3100-43810 101-430-3160-43810 101-450-5200-43810 601-494-9400-43810 101-430-3160-43810 101-450-5200-43810 602-495-9450-43810	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	3,815.79			
	Total for Check Run:	285,849.12			
	Total Number of Checks:	53			

4B.

TKDA
ENGINEERS • ARCHITECTS • PLANNERS

1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, MN 55101-2140

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

July 14, 2005

Honorable Mayor and City Council
City of Lake Elmo, Minnesota

Re: Partial Payment No. 2
Water System Interconnect - Phase I
City of Lake Elmo, Minnesota
TKDA Project No. 13186.000

Dear Mayor and City Council:

All of the pipe is now in on this project. Final connections and clean-up is underway.

City Council Action Requested

Approve Partial Payment No. 2 in the amount of \$56,169.34.

Sincerely,



Thomas D. Prew, P.E.
City Engineer

TDP:art
Enclosures

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

RESOLUTION NO. 2005-073

**A RESOLUTION APPROVING PARTIAL PAYMENT NO. 2
TO CHRIS RILEY UTILITIES, INC.
FOR WATER SYSTEM INTERCONNECT – PHASE I**

BE IT RESOLVED, that the Lake Elmo City Council hereby approves Partial Payment No. 2 to Chris Riley Utilities, Inc. in the amount of \$56,169.34 for work improvements to the Water System Interconnect Project – Phase I, verified by the City Engineer in his memo dated July 14, 2005.

ADOPTED by the Lake Elmo City Council the 19th day of June, 2005.

Dean Johnston, Mayor

ATTEST:

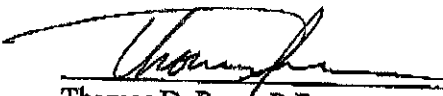
Martin Rafferty, City Administrator

TKDA

ENGINEERS • ARCHITECTS • PLANNERS

1500 Piper Jeffrey Plaza
444 Cedar Street
Saint Paul, MN 55101-2140

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

Project No. 13186.000.002 Cert. No. 2 St. Paul, MN, July 7, 2005
 To City of Lake Elmo, Minnesota Owner
 This Certifies that Chris Riley Utilities, Inc. Contractor
 For Water System Interconnect - Phase I
 Is entitled to Fifty-Six Thousand One Hundred Sixty-Nine Dollars and 34/100 (\$ 56,169.34)
 being 2nd estimate for partial payment on contract with you dated April 5, 2005
 Received payment in full of above Certificate, TKDA

Thomas D. Prew, P.E.
Chris Riley Utilities, Inc., 2005

RECAPITULATION OF ACCOUNT

	CONTRACT PLUS EXTRAS	PAYMENTS	CREDITS
Contract price plus extras	\$ 348,626.18		
All previous payments		\$ 117,848.36	
All previous credits			
Extra No.			
" "			
" "			
" "			
Credit No.			\$
" "			
" "			
" "			
AMOUNT OF THIS CERTIFICATE		\$ 56,169.34	
Totals	\$ 348,626.18	\$ 174,017.70	\$
There will remain unpaid on contract after payment of this Certificate		\$ 174,608.48	
	\$ 348,626.18	\$ 348,626.18	\$

TKDA
Engineers-Architects-Planners Saint Paul, Minnesota 55101

PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS

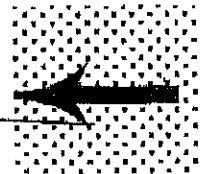
Estimate No. 2 Period Ending July 7, 20 05 Page 1 of 1 Project No. 13186.000.002
Contractor Chris Riley Utilities, Inc. Original Contract Amount \$348,626.18
Project Water System Interconnect Phase I
Location City of Lake Elmo, Minnesota

Total Contract Work Completed
Total Approved Credits \$ 183,176.53
Total Approved Extra Work Completed \$ 0.00
Approved Extra Orders Amount Completed \$ 0.00
Total Amount Earned This Estimate \$ 183,176.53

Less Approved Credits \$ 0.00
Less 5 % Retained \$ 9,158.83
Less Previous Payments \$ 117,848.36
Total Deductions \$ 127,007.19
Amount Due This Estimate \$ 56,169.34

Contractor CR
Chris Riley Utilities, Inc.
Engineer Thomas D. Prew
Thomas D. Prew, P.E.

Date 7-11-05
Date July 7, 2005



ESTIMATE NO. 2

PERIOD ENDING: July 7, 2005

**WATER SYSTEM INTERCONNECT - PHASE I
CITY OF LAKE ELMO, MINNESOTA
TKDA PROJECT NO. 13188.000**

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	UNIT PRICE	AMOUNT TO DATE
BASE BID						
1	MOBILIZATION	LS	1.0	-	\$	-
2	REMOVE & DISPOSE OF BIT. PAVEMENT	SY	210.0	-	\$ 15,000.00	\$ -
3	SAW CUT BIT. PAVEMENT	LF	75.0	-	\$ 5.00	\$ -
4	PATCH BIT. PAVEMENT 4" THICK	SY	210.0	-	\$ 1.00	\$ -
5	REMOVE & REPLACE CMP CULVERT	LF	70.0	-	\$ 18.00	\$ -
6	SEEDING, INCL. SEED, FERTILIZER & WOOD FIBER BLANKET	SY	900.0	-	\$ 12.00	\$ -
7	SODDING TYPE LAWN	SY	200.0	-	\$ 1.50	\$ -
8	CL-5	TN	30.0	-	\$ 2.50	\$ -
9	BIT. PAVEMENT FOR DRIVEWAY 2" DEPTH	TN	154.0	-	\$ 9.00	\$ -
10	CONNECT TO EXIST. WATERMAIN	EA	1.0	-	\$ 50.00	\$ -
11	6" DIP CL-52 WATERMAIN	LF	42.0	18.0	\$ 1,200.00	\$ -
12	6" DIP CL-50 WATERMAIN	LF	15.0	-	\$ 33.82	\$ 608.76
13	DIR. DRILL 16" (DIP) HDPE DR 17	LF	6,649.0	-	\$ 45.86	\$ -
14	8" RES. SEAT GATE VALVE & BOX	EA	6.0	3,960.0	\$ 40.48	\$ 160,300.80
15	8" RES. SEAT GATE VALVE & BOX	EA	1.0	4.0	\$ 888.42	\$ 3,553.68
16	16" BUTTERFLY VALVE & BOX	EA	4.0	3.0	\$ 1,179.32	\$ -
17	6" HYDRANT (7'-6" BURY)	EA	6.0	4.0	\$ 2,610.91	\$ 7,832.73
18	MJ DIP COMPACT FITTINGS	LB	4,109.0	-	\$ 2,720.14	\$ 10,880.56
19	TYPE LV-3 BIT. NON-WEAR COURSE MIXTURE	TN	-	-	\$ 3.00	\$ -
20	TYPE LV-4 BIT. WEAR COURSE MIX	TN	-	-	\$ -	\$ -
21	BITUMINOUS MATERIAL FOR TACK COAT	GA	-	-	\$ -	\$ -
22	TOPSOIL BORROW	CY	-	-	\$ -	\$ -
23	SODDING	SY	-	-	\$ -	\$ -

TOTAL ESTIMATE NO. 2

\$ 183,176.53

Lake Elmo City Council July 19, 2005	Agenda Section: CONSENT AGENDA	<u>No 4C.</u>
<u>Agenda Item:</u> Request for Meehan Family for an Extension of Time to Record Final Plat		
<p>Torre Pines was given preliminary plat approval July 1998, and final plat approval for all but three lots in September 1998. The City was informed at that time that Mr. Meehan would continue to live in the existing home on the 10 acres, and that the final plat for these four lots would not be done at this time. The Meehans are requesting another one-year extension. Our code allows for this extension, but requires Council approval on a yearly basis.</p> <p>The staff has no concern with this request and supports the following action.</p>		
<u>Action Items:</u> Motion: _____, Second _____, to grant the Meehan's a one-year extension of the Final Plat of Torre Pines, specifically the parcel now shown as Lot 15.	<u>Person responsible:</u> S. Lumby	
<u>Attachments:</u> Letter from Meehan Family	<u>Time Allocated:</u>	

July 19, 2005

CC Agenda

005

740 Marshall Avenue
St. Paul, MN 55104
June 15, 2005

RECEIVED
JUL 17 2005

Martin Rafferty
City Administrator
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Dear Mr. Rafferty,

I am writing to you on behalf of my brothers and sisters to request our annual extension of our final plat for the James Meehan property in Lake Elmo.

The burdock that I've reported on annually to Ms. Kueffner is on the wane this year due to the grading my brother Tim did last year. The acreage of grass is now increasing. Later this summer we are removing the semi trailer, that our dad used for nursery storage. That should make things look even better.

Sincerely,

Patricia Meehan

Patricia Meehan

Monthly Operating Report - Revenue

As of July 2005	Description	Budget	Amount	Variance	
	Current Ad Valorem Taxes	1,923,989	47,114	1,876,875	Does not reflect recently received Tax Settlement for 1,057,000
	Fiscal Disparities	12,838	0	12,838	
	Liquor License	9,000	0	9,000	
	Waste hauler License	420	100	320	
	General Contractor License	175	6,622	-6,447	
	Heating Contractor License	1,000	610	390	
	Building Permits	176,000	70,299	105,701	
	Surcharge	10,154	0	10,154	
	Heating Permits	9,000	0	9,000	
	Plumbing Permits	7,000	6,688	312	
	Sewer Permits	4,000	0	4,000	
	Animal License	1,500	1,342	158	
	Utility Permits	1,500	1,685	-185	
	Burning Permit	1,200	910	290	
	Local Government Aid	1,375	0	1,375	
	MSA - Maintenance	0	9,068	-9,068	
	State Fire Aid	25,000	0	25,000	
	PERA Aid	1,500	0	1,500	
	Gravel Tax	4,000	3,063	937	
	Recycling Grant	15,000	17,724	-2,724	
	Cable Franchise Revenue	0	17,164	-17,164	
	Zoning & Subdivision Fees	25,000	17,897	7,103	
	Plan Check Fees	62,000	22,524	39,476	
	Sale of Copies, Books, Maps	1,200	921	279	
	Assessment Searches	500	225	275	
	Clean Up Days	5,000	5,541	-541	
	Cable Operation Reimbursement	1,920	1,095	825	
	Fines	65,000	30,048	34,952	
	Miscellaneous Revenue	22,000	2,784	19,216	
	Interest Earnings	60,000	4,598	55,402	
	Interfund Operating Transfers	64,752	0	64,752	
	General Fund Total	2,512,023	268,022	2,244,001	
	Water Sales	202,500	94,389	108,111	
	Tower Rent	26,500	11,448	15,053	
	Total Water Enterprise	229,000	105,837	123,163	
	Total Sewer Enterprise Fund	7,020	1,300	5,720	
	Total Surface Enterprise Fund	75,000	85	74,915	
	Total Report	2,823,043	375,243	2,447,800	

5A.

Monthly Operating Report

As of 7/19/2005 (Period 7)	Budget	Amount	Variance	Comments
Mayor & Council				
Part-time Salaries	12,100	6,050	6,050	
FICA Contributions	875	375	500	
Medicare Contributions	204	88	116	
Travel Expense	4,000	0	4,000	
Miscellaneous	8,500	4,844	3,656	
Dues & Subscriptions	8,000	2,689	5,311	
Conferences & Training	5,000	434	4,566	
Sub-Total	38,679	14,480	24,199	
Administration				
Full-time Salaries	128,235	63,990	64,245	
PERA Contributions	7,091	2,980	4,111	
FICA Contributions	7,951	3,996	3,955	
Medicare Contributions	1,859	935	924	
Health/Dental Insurance	19,132	8,812	10,320	
Workers Compensation	1,740	1,722	18	Annual Premium Paid
Office Supplies	7,000	3,620	3,380	
Printed Forms	800	266	534	
Newsletter/Website	15,000	11,400	3,600	
Postage	9,500	4,585	4,915	
Travel Expense	4,200	456	3,744	
Legal Publishing	6,000	2,892	3,108	
Insurance	35,000	30,963	4,037	Annual Premium Paid
Cable Operation Expense	1,200	1,515	-315	Special Council Meetings
Miscellaneous	7,200	23,492	-16,292	Code Codification \$12,487 (not Budgeted)
Dues & Subscriptions	2,250	2,072	178	
Books	500	0	500	
Conferences & Training	2,500	84	2,416	
Professional Development	2,000	160	1,840	
Transfer Out	195,032	0	195,032	
Sub-Total	454,190	163,939	290,251	
Elections				
Part-time Salaries	1,100	0	1,100	
FICA Contributions	68	0	68	
Medicare Contributions	16	0	16	
Office Supplies	50	0	50	
Printed Forms	100	0	100	
Travel Expense	100	0	100	
Miscellaneous	250	55	195	
Conferences & Training	500	0	500	
Other Equipment	350	340	10	Accuvote Equipment Annual Maint. Paid
Sub-Total	2,534	395	2,139	

	Budget	Amount	Variance	Comments
Finance				
Full-time Salaries	61,798	26,605	35,193	
PERA Contributions	3,417	1,451	1,966	
FICA Contributions	3,831	1,652	2,179	
Medicare Contributions	896	386	510	
Health/Dental Insurance	7,969	3,520	4,449	
Workers Compensation	839	830	9	Annual Premium Paid
Office Supplies	700	504	196	
Printed Forms	809	657	152	
Software Support	8,995	12,104	-3,109	Annual Accounting Software Maintenance Paid
Hardware Support	3,701	581	3,120	
Software Programs	1,560	0	1,560	
Travel Expense	2,000	36	1,964	
Miscellaneous	700	524	176	Spec. Assessment Billing By Wash Cty \$450.00
Dues & Subscriptions	100	140	-40	
Books	200	0	200	
Conferences & Training	1,000	40	960	
Sub-Total	98,515	49,031	49,484	
Accounting Services	22,000	25,372	-3,372	
Assessing Services	38,000	25,966	12,035	
City Attorney - Civil	26,000	20,123	5,877	
City Attorney - Criminal	45,000	21,708	23,292	
Planning & Zoning				
Full-time Salaries	64,631	35,042	29,589	
PERA Contributions	3,574	3,242	332	
FICA Contributions	4,007	2,188	1,819	
Medicare Contributions	937	512	425	
Health/Dental Insurance	7,962	7,143	819	
Workers Compensation	877	868	9	Annual Premium Paid
Office Supplies	500	292	208	
Printed Forms	500	437	63	
Zoning Ordinance Dev - CDBG	5,000	0	5,000	
Cimarron Study - CDBG	24,000	0	24,000	
Comprehensive Planning	10,000	19,185	-9,185	Comp Plan Amendment
Engineering Services	0	0	0	
Travel Expense	2,700	252	2,448	
Cable Operation Expense	1,200	709	491	
Miscellaneous	200	360	-160	
Dues & Subscriptions	500	800	-300	
Books	200	467	-267	
Conferences & Training	2,000	125	1,875	
Sub-Total	128,788	71,622	57,166	
Engineering Services	27,861	20,352	7,509	

	Budget	Amount	Variance	Comments
Attorney Fees	25,000	1,466	23,534	
Gov't Building				
Cleaning Supplies	300	276	25	
Building Repair Supplies	500	245	255	
Telephone	5,100	2,530	2,570	
Insurance	0	277	-277	
Electric Utility	6,500	4,580	1,920	Budget not seasonally adjusted to Actual
Refuse	2,000	734	1,266	
Repairs/Maint Contractual Bldg	10,000	6,174	3,826	
Repairs/Maint Contractual Eqpt	7,000	2,697	4,303	
Miscellaneous	500	494	6	
Sub-Total	31,900	18,006	13,894	
Law Enforcement Services	327,633	176,911	150,722	
Fire				
Full-time Salaries	12,999	7,876	5,123	
Part-time Salaries	117,200	66,823	50,377	
PERA Contributions	719	1,621	-902	
FICA Contributions	8,034	4,633	3,401	
Medicare Contributions	1,879	1,084	795	
Health/Dental Insurance	1,677	1,181	496	
Workers Compensation	3,580	3,543	37	Annual Premium Paid
Office Supplies	1,000	428	572	
Printed Forms	500	34	466	
EMS Supplies	1,500	465	1,035	
Fire Prevention	4,000	0	4,000	
Fuel	4,500	1,756	2,744	
Equipment Parts	500	532	-32	
Building Repair Supplies	200	233	-33	
Small Tools & Equipment	1,200	487	713	
Physicals	4,000	1,983	2,017	
Telephone	3,500	2,890	610	
Radio	7,500	1,204	6,296	
Internet	700	0	700	
Travel Expense	3,000	1,598	1,402	
Vehicle Insurance	14,850	13,197	1,653	Annual Premium Paid
Electric Utility	5,700	3,390	2,311	
Repairs/Maint Contractual Bldg	7,000	5,978	1,022	
Repairs/Maint Contractual Eqpt	25,000	11,667	13,333	
Rentals - Building	1,080	810	270	
Uniforms	9,500	2,521	6,979	
Miscellaneous	1,300	18,911	-17,611	17,521 For Fire Survey & Settlement
Dues & Subscriptions	2,500	1,985	516	
Books	200	0	200	

	Budget	Amount	Variance	Comments
Conferences & Training	15,000	5,738	9,262	
Pension Contribution	2,690	0	2,690	
Fire State Aid	25,000	13,738	11,262	
Equipment	10,000	4,169	5,831	
Transfer Out	40,000	0	40,000	
Sub-Total	338,008	180,472	157,536	
Building Inspection				
Full-time Salaries	125,415	62,974	62,441	
PERA Contributions	6,935	3,069	3,866	
FICA Contributions	7,776	3,914	3,862	
Medicare Contributions	1,819	915	904	
Health/Dental Insurance	18,845	9,377	9,468	
Workers Compensation	1,702	1,684	18	Annual Premium Paid
Office Supplies	1,100	77	1,023	
Printed Forms	1,000	171	829	
Fuel	3,000	243	2,757	
Engineer Serv Utility Permits	2,000	0	2,000	
Plan Review Charges	5,000	0	5,000	
Surcharge Payments	13,500	5,408	8,092	
Telephone	400	262	138	
Travel Expense	1,000	716	284	
Insurance	1,200	964	236	
Repairs/Maint Contractual Eqpt	500	133	367	
Rentals - Building	4,500	2,237	2,264	
Uniforms	600	187	413	
Miscellaneous	400	218	182	
Dues & Subscriptions	800	140	660	
Books	300	2	298	
Conferences & Training	2,500	1,210	1,290	
Equipment	0	157	-157	Noise Meter
Transfer Out	5,000	0	5,000	
Sub-Total	205,292	94,056	111,236	
Civil Defense	9,000	0	9,000	
Animal Control				
Printed Forms	250	0	250	
Contract Services	8,800	3,288	5,512	
Impounding	7,000	3,854	3,146	
Miscellaneous	200	76	124	
Sub-Total	16,250	7,218	9,032	

	Budget	Amount	Variance	Comments
Public Works				
Full-time Salaries	115,938	48,599	67,339	
Part-time Salaries	5,160	0	5,160	
PERA Contributions	6,697	2,688	4,009	
FICA Contributions	7,508	3,015	4,493	
Medicare Contributions	1,756	705	1,051	
Health/Dental Insurance	21,187	10,333	10,854	
Workers Compensation	6,740	6,670	70	Annual Premium Paid
Office Supplies	300	28	272	
Fuel, Oil and Fluids	12,000	9,627	2,373	Increased Fuel Prices
Shop Materials	2,500	957	1,543	
Equipment Parts	5,000	1,616	3,384	
Building Repair Supplies	1,000	68	932	
Street Maintenance Materials	12,000	2,003	9,997	
Landscaping Materials	2,500	0	2,500	
Sign Repair Materials	4,000	767	3,233	
Sand/Salt	25,000	9,592	15,408	
Small Tools & Minor Equipment	1,500	928	572	
Engineering Services	4,000	0	4,000	
Sealcoating & Crack Sealing	35,000	0	35,000	
Contract Services	45,000	22,671	22,329	
Telephone	2,750	1,058	1,692	
Travel Expense	750	30	720	
Insurance	16,000	9,018	6,982	Annual Premium Paid
Electric Utility	9,300	4,483	4,817	
Refuse	1,300	734	566	
Repairs/Maint Contractual Bldg	2,000	1,133	867	
Repairs/Maint Imp Not Bldgs	2,500	29	2,471	
Repairs/Maint Contractual Eqpt	8,000	2,595	5,405	
Uniforms	1,200	1,051	149	
Miscellaneous	2,500	1,252	1,248	
Dues & Subscriptions	500	125	375	
Conferences & Training	500	0	500	
Clean-up Days	12,000	9,368	2,633	
Other Equipment	7,380	209	7,171	
Transfer Out	199,488	0	199,488	
Sub-Total	580,954	151,350	429,604	
Street Lighting	18,000	12,309	5,691	
Sanitation				
Recycling Supplies	6,000	7	5,993	
Newsletter	5,000	0	5,000	
Miscellaneous	7,100	155	6,945	
Sub-Total	18,100	162	17,938	

	Budget	Amount	Variance	Comments
Parks				
Full-time Salaries	52,660	23,157	29,503	
Part-time Salaries	25,658	7,210	18,448	
PERA Contributions	4,331	1,521	2,810	
FICA Contributions	4,856	1,886	2,970	
Medicare Contributions	1,136	441	695	
Health/Dental Insurance	7,241	3,699	3,542	
Workers Compensation	2,585	2,558	27	Annual Premium Paid
Office Supplies	250	0	250	
Fuel, Oil and Fluids	2,200	351	1,849	
Shop Materials	500	49	451	
Chemicals	1,000	950	50	
Equipment Parts	4,000	770	3,230	
Building Repair Supplies	500	85	415	
Landscaping Materials	5,000	721	4,279	
Small Tools & Minor Equipment	1,000	117	883	
Telephone	1,000	600	400	
Travel Expense	0	60	-60	
Insurance	3,500	2,078	1,422	Annual Premium Paid
Electric Utility	7,600	3,359	4,241	
Refuse	2,400	1,288	1,112	
Repairs/Maint Contractual Bldg	2,000	0	2,000	
Repairs/Maint Imp Not Bldgs	30,000	2,936	27,064	
Repairs/Maint Contractual Eqpt	1,000	1,487	-487	New tires for trailer, repairs to Tractor
Rentals - Buildings	3,000	2,899	101	
Uniforms	200	0	200	
Miscellaneous	200	1,107	-907	\$760.00 Property Taxes for 3585 Laverne
Dues & Subscriptions	100	125	-25	
Transfer Out	18,000	0	18,000	
Sub-Total	181,917	59,455	122,462	
Total General Fund	2,633,621	1,096,881	1,519,229	

Budget	Amount	Variance	Comments
Water Enterprise Operating			
Full-time Salaries	70,119	48,136	21,983
PERA Contributions	3,878	2,497	1,381
FICA Contributions	4,347	2,993	1,354
Medicare Contributions	1,017	700	317
Health/Dental Insurance	8,618	5,778	2,840
Workers Compensation	2,137	2,115	22 Annual Premium Paid
Office Supplies	200	314	-114 Invoices printed
Printed Forms	1,500	77	1,423
Chemicals	3,000	371	2,629
Utility System Maintenance	3,000	871	2,129
Water Meters & Supplies	17,500	1,618	15,882
Small Tools & Minor Equipment	500	139	361
Engineering Services	8,000	89,880	-81,880 Water System Study/Mapping - \$66,919.00 (To be reclassified into Capital)
Software Support	6,500	1,000	5,500
Telephone	2,000	598	1,402
Postage	1,120	0	1,120
Travel Expense	1,400	802	598
Insurance	3,433	6,449	-3,016 Annual Premium Paid
Electric Utility	15,806	6,086	9,720
Water Utility	85,000	32,602	52,398
Repairs/Maint Imp Not Bldgs	8,000	11,545	-3,545 Water Main Breaks
Miscellaneous	10,000	2,145	7,855
Conferences & Training	1,020	760	260
Other Equipment	2,000	1,468	532
Sub-Total	260,095	218,943	41,152
Sewer Operating Enterprise			
Full-time Salaries	11,993	11,305	688 Payroll Coding issue- See Surface Water Utility
PERA Contributions	663	584	79
FICA Contributions	744	704	40
Medicare Contributions	174	164	10
Health/Dental Insurance	1,401	1,417	-16
Workers Compensation	463	458	5 Annual Premium Paid
Utility System Maint Supplies	500	51	449
Small Tools & Minor Equipment	500	0	500
Engineering Services	6,000	1,987	4,013
Telephone	2,000	809	1,191
Travel Expense	0	42	-42
Electric Utility	2,123	442	1,681
Sewer Utility - Met Council	0	825	-825
Repairs/Maint Imp Not Bldgs	4,000	1,531	2,469
Miscellaneous Expenses	600	0	600
Conferences & Training	500	0	500
Sub-Total	31,661	20,320	11,341

	Budget	Amount	Variance	Comments
Surface Water Utility				
Full-time Salaries	29,523	0	29,523	Payroll Coding issue- See Sewer Operating Enterprise
PERA Contributions	1,633	0	1,633	
FICA Contributions	1,830	0	1,830	
Medicare Contributions	428	0	428	
Health/Dental Insurance	4,346	0	4,346	
Workers' Compensation	900	891	9	Annual Premium Paid
Office Supplies	500	0	500	
Utility System Maint Supplies	2,500	0	2,500	
Small Tools & Minor Equipment	1,000	71	929	
Engineering Services	10,000	7,073	2,927	
Erosion Control	5,000	0	5,000	
Software Support	4,000	0	4,000	
Postage	1,110	0	1,110	
Contract Services	2,500	0	2,500	
Repairs/Maint Not Bldg	2,500	0	2,500	
Miscellaneous Expenses	750	0	750	
Transfer Out	30,315	0	30,315	
Sub-Total	98,835	8,034	90,801	

FINAL

\$4,600,000.00

City of Lake Elmo, Minnesota

General Obligation Water Revenue Bonds, Series 2005A

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FINAL

\$4,600,000.00

City of Lake Elmo, Minnesota

General Obligation Water Revenue Bonds, Series 2005A

Sources & Uses

Dated 08/01/2005 | Delivered 08/10/2005

Sources Of Funds

Par Amount of Bonds	\$4,600,000.00
Accrued Interest from 08/01/2005 to 08/10/2005	4,850.63
Interest Earnings on Project Construction Fund	30,769.97

Total Sources **\$4,635,620.60**

Uses Of Funds

Original Issue Discount (OID)	19,528.50
Total Underwriter's Discount (1.275%)	58,650.00
Costs of Issuance	20,095.00
Gross Bond Insurance Premium (35.9 bp)	28,476.04
Deposit to Debt Service Fund	4,850.63
Deposit to Project Construction Fund	4,504,000.00
Rounding Amount	20.43

Total Uses **\$4,635,620.60**

FINAL

\$4,600,000.00

City of Lake Elmo, Minnesota

General Obligation Water Revenue Bonds, Series 2005A

Debt Service Schedule

Part 1 of 2

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
08/10/2005	-	-	-	-	-
06/01/2006	-	-	161,687.50	161,687.50	-
12/01/2006	175,000.00	5.000%	97,012.50	272,012.50	433,700.00
06/01/2007	-	-	92,637.50	92,637.50	-
12/01/2007	175,000.00	5.000%	92,637.50	267,637.50	360,275.00
06/01/2008	-	-	88,262.50	88,262.50	-
12/01/2008	50,000.00	3.000%	88,262.50	138,262.50	226,525.00
06/01/2009	-	-	87,512.50	87,512.50	-
12/01/2009	-	-	87,512.50	87,512.50	175,025.00
06/01/2010	-	-	87,512.50	87,512.50	-
12/01/2010	-	-	87,512.50	87,512.50	175,025.00
06/01/2011	-	-	87,512.50	87,512.50	-
12/01/2011	-	-	87,512.50	87,512.50	175,025.00
06/01/2012	-	-	87,512.50	87,512.50	-
12/01/2012	-	-	87,512.50	87,512.50	175,025.00
06/01/2013	-	-	87,512.50	87,512.50	-
12/01/2013	125,000.00	3.500%	87,512.50	212,512.50	300,025.00
06/01/2014	-	-	85,325.00	85,325.00	-
12/01/2014	150,000.00	3.600%	85,325.00	235,325.00	320,650.00
06/01/2015	-	-	82,625.00	82,625.00	-
12/01/2015	150,000.00	3.700%	82,625.00	232,625.00	315,250.00
06/01/2016	-	-	79,850.00	79,850.00	-
12/01/2016	150,000.00	3.850%	79,850.00	229,850.00	309,700.00
06/01/2017	-	-	76,962.50	76,962.50	-
12/01/2017	150,000.00	3.850%	76,962.50	226,962.50	303,925.00
06/01/2018	-	-	74,075.00	74,075.00	-
12/01/2018	175,000.00	4.000%	74,075.00	249,075.00	323,150.00
06/01/2019	-	-	70,575.00	70,575.00	-
12/01/2019	175,000.00	4.000%	70,575.00	245,575.00	316,150.00
06/01/2020	-	-	67,075.00	67,075.00	-
12/01/2020	175,000.00	4.125%	67,075.00	242,075.00	309,150.00
06/01/2021	-	-	63,465.63	63,465.63	-
12/01/2021	175,000.00	4.125%	63,465.63	238,465.63	301,931.26
06/01/2022	-	-	59,856.25	59,856.25	-
12/01/2022	250,000.00	4.250%	59,856.25	309,856.25	369,712.50
06/01/2023	-	-	54,543.75	54,543.75	-
12/01/2023	275,000.00	4.250%	54,543.75	329,543.75	384,087.50
06/01/2024	-	-	48,700.00	48,700.00	-
12/01/2024	275,000.00	4.250%	48,700.00	323,700.00	372,400.00
06/01/2025	-	-	42,856.25	42,856.25	-
12/01/2025	300,000.00	4.300%	42,856.25	342,856.25	385,712.50
06/01/2026	-	-	36,406.25	36,406.25	-
12/01/2026	300,000.00	4.300%	36,406.25	336,406.25	372,812.50
06/01/2027	-	-	29,956.25	29,956.25	-
12/01/2027	325,000.00	4.300%	29,956.25	354,956.25	384,912.50

FINAL

\$4,600,000.00

City of Lake Elmo, Minnesota

General Obligation Water Revenue Bonds, Series 2005A

Debt Service Schedule

Part 2 of 2

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
06/01/2028	-	-	22,968.75	22,968.75	-
12/01/2028	350,000.00	4.375%	22,968.75	372,968.75	395,937.50
06/01/2029	-	-	15,312.50	15,312.50	-
12/01/2029	350,000.00	4.375%	15,312.50	365,312.50	380,625.00
06/01/2030	-	-	7,656.25	7,656.25	-
12/01/2030	350,000.00	4.375%	7,656.25	357,656.25	365,312.50
Total	\$4,600,000.00	-	\$3,332,043.76	\$7,932,043.76	-

Yield Statistics

Dated	8/01/2005
Delivery Date	8/10/2005
First Coupon Date	6/01/2006
First available call date	12/01/2015
Call Price	100.00000000%
Accrued Interest from 08/01/2005 to 08/10/2005	4,850.63
Bond Year Dollars	\$78,733.33
Average Life	17.116 Years
Average Coupon	4.2320624%
Net Interest Cost (NIC)	4.3313577%
True Interest Cost (TIC)	4.3636768%
Bond Yield for Arbitrage Purposes	4.3061992%
All Inclusive Cost (AIC)	4.4573677%
IRS Form 8038	
Net Interest Cost	4.2970761%
Weighted Average Maturity	17.003 Years

FINAL

\$4,600,000.00

City of Lake Elmo, Minnesota

General Obligation Water Revenue Bonds, Series 2005A

Pricing Summary

Maturity	Type of Bond	Coupon	Yield	Maturity Value	Price	Dollar Price
12/01/2006	Serial Coupon	5.000%	2.750%	175,000.00	102.868%	180,019.00
12/01/2007	Serial Coupon	5.000%	2.850%	175,000.00	104.768%	183,340.50
12/01/2008	Serial Coupon	3.000%	3.000%	50,000.00	100.000%	50,000.00
12/01/2013	Serial Coupon	3.500%	3.500%	125,000.00	100.000%	125,000.00
12/01/2014	Serial Coupon	3.600%	3.600%	150,000.00	100.000%	150,000.00
12/01/2015	Serial Coupon	3.700%	3.700%	150,000.00	100.000%	150,000.00
12/01/2017	Term 1 Coupon	3.850%	3.850%	300,000.00	100.000%	300,000.00
12/01/2019	Term 2 Coupon	4.000%	4.000%	350,000.00	100.000%	350,000.00
12/01/2021	Term 3 Coupon	4.125%	4.125%	350,000.00	100.000%	350,000.00
12/01/2024	Term 4 Coupon	4.250%	4.250%	800,000.00	100.000%	800,000.00
12/01/2027	Term 5 Coupon	4.300%	4.400%	925,000.00	98.582%	911,883.50
12/01/2030	Term 6 Coupon	4.375%	4.500%	1,050,000.00	98.117%	1,030,228.50
Total	-	-	-	\$4,600,000.00	-	\$4,680,471.50

Bid Information

Par Amount of Bonds	\$4,600,000.00
Reoffering Premium or (Discount)	(19,528.50)
Gross Production	\$4,580,471.50
Total Underwriter's Discount (1.275%)	\$(58,650.00)
Bid (98.300%)	4,521,821.50
Accrued Interest from 08/01/2005 to 08/10/2005	4,850.63
Total Purchase Price	\$4,526,672.13
Bond Year Dollars	\$78,733.33
Average Life	17.116 Years
Average Coupon	4.2320624%
Net Interest Cost (NIC)	4.3313577%
True Interest Cost (TIC)	4.3636768%

FINAL

\$4,600,000.00

City of Lake Elmo, Minnesota

General Obligation Water Revenue Bonds, Series 2005A

Detail Costs Of Issuance

Dated 08/01/2005 | Delivered 08/10/2005

COSTS OF ISSUANCE DETAIL

Bond Counsel	\$6,500.00
Pre-Paid Pay Agent - Thru Call Date	\$4,945.00
Rating Agency Fee	\$6,500.00
POS/Official Statement	\$700.00
Fairness Opinion	\$1,200.00
Miscellaneous	\$250.00
TOTAL	\$20,095.00

G.O. Water Revenue Bonds, | SINGLE PURPOSE | 7/19/2005 | 1:17 PM

Northland Securities
Public Finance

Lake Elmo City Council 07-19-2005	Agenda Section: FINANCE	<u>No.</u> 5B
<u>Agenda Item: Authorizing Issuance and Sale of G.O. Water Revenue Bonds</u>		
<p><u>Background Information for July 19, 2005:</u> A Preliminary Official Statement has been finalized by Northland Securities and the City's Credit Rating Review is in the process of being completed by Moody's Investors Service. The next steps in the Bonding process is Bond pricing and the authorization to sell bonds.</p> <p>Attached, please find Resolution # 2005-074, Authorizing issuance, awarding sale, prescribing the form and details and providing for the payment of \$4,600,000 General Obligation Water Revenue Bonds Series 2005A. Pursuant to Minnesota Statutes, Section 444.075 and Chapter 475 the City is authorized to issue and sell the bonds to pay the costs of public infrastructure improvements and to pledge the payments of the Bonds net revenues from charges for service, use and availability of the Utility.</p>		
<u>Action Items:</u> Motion to approve Resolution # 2005-074 , Authorizing the issuance and awarding the sale of General Obligation Water Revenue Bonds in the amount of \$4,600,000.	<u>Person responsible:</u> Tom Bouthilet	
<u>Attachments:</u> 1. Resolution 2005-074		

CERTIFICATION OF MINUTES RELATING TO
\$4,600,000 GENERAL OBLIGATION WATER
REVENUE BONDS, SERIES 2005A

Issuer: City of Lake Elmo, Minnesota

Governing Body: City Council

Kind, date, time and place of meeting: A regular meeting held on July 19, 2005, at 7:00 p.m. at the City Offices in Lake Elmo, Minnesota.

Members present:

Members absent:

Documents Attached:

Minutes of said meeting (including):

RESOLUTION AUTHORIZING ISSUANCE; AWARDING THE SALE;
PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR
THE PAYMENT OF \$4,600,000 GENERAL OBLIGATION WATER
REVENUE BONDS, SERIES 2005A

I, the undersigned, being the duly qualified and acting recording officer of the public corporation issuing the obligations referred to in the title of this certificate, certify that the documents attached hereto, as described above, have been carefully compared with the original records of the public corporation in my legal custody, from which they have been transcribed; that the documents are a correct and complete transcript of the minutes of a meeting of the governing body of the public corporation, and correct and complete copies of all resolutions and other actions taken and of all documents approved by the governing body at the meeting, so far as they relate to the obligations; and that the meeting was duly held by the governing body at the time and place and was attended throughout by the members indicated above, pursuant to call and notice of such meeting given as required by law.

WITNESS my hand officially as such recording officer on July 19, 2005.

City Administrator

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION 2005-074

RESOLUTION AUTHORIZING ISSUANCE; AWARDING THE SALE;
PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR
THE PAYMENT OF \$4,600,000 GENERAL OBLIGATION WATER
REVENUE BONDS, SERIES 2005A

BE IT RESOLVED by the City Council of the City of Lake Elmo, Minnesota (the
"City"), as follows:

SECTION 1. AUTHORIZATION AND SALE OF BONDS.

1.01. Authorization. The City owns and operates a municipal water enterprise system (the "Utility"). This Council intends to construct public infrastructure improvements to the Utility (collectively, the "Improvements"). This Council hereby determines that it is in the best interests of the City to issue its \$4,600,000 aggregate principal amount of General Obligation Water Revenue Bonds, Series 2005A (the "Bonds") to finance the cost of making the Improvements pursuant to Minnesota Statutes, Section 444.075 and Chapter 475.

1.02. Sale. The City has retained Sound Capital Management, Inc. as independent financial advisor in connection with the sale of the Bonds. Pursuant to Minnesota Statutes, Section 475.60, subdivision 2, paragraph (9), the requirements as to public sale do not apply to the issuance of the Bonds. The City has received an offer from Northland Securities, Inc., in Minneapolis, Minnesota (the Purchaser) to purchase the Bonds at a price of \$ _____ plus accrued interest on all Bonds to the day of delivery and payment, on the further terms and conditions hereinafter set forth. The offer is hereby accepted, and the Mayor and City Administrator are hereby authorized and directed to execute a contract on the part of the City for the sale of the Bonds with the Purchaser.

1.03. Performance of Requirements. The City is authorized by Minnesota Statutes, Section 444.075, to issue and sell the Bonds to pay the costs of the Improvements, and to pledge to the payment of the Bonds net revenues to be derived from charges for the service, use and availability of the Utility. The City presently has outstanding obligations which constitute a lien on the net revenues of the Utility and the pledge of net revenues of the Utility to pay the Bonds should be on a parity with the pledge of net revenues of the Utility to pay such outstanding bonds. All acts, conditions and things which are required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed precedent to and in the valid issuance of the Bonds having been done, existing, having happened and having been performed, it is now necessary for this Council to establish the form and terms of the Bonds, to provide security therefor and to issue the Bonds forthwith.

SECTION 2. BOND TERMS, EXECUTION AND DELIVERY.

2.01. Maturities, Interest Rates, Denominations, and Payment. The Bonds shall be originally dated as of August 1, 2005, shall be in the denomination of \$5,000 each, or any integral multiple thereof, of single maturities, shall mature on December 1 in the years and amounts stated below, and shall bear interest from date of issue until paid at the annual rates set forth opposite such years and amounts, as follows:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>
2006	\$175,000	%	2019	\$175,000	%
2007	175,000		2020	175,000	
2008	50,000		2021	175,000	
2013	125,000		2022	250,000	
2014	150,000		2023	275,000	
2015	150,000		2024	275,000	
2016	150,000		2025	300,000	
2017	150,000		2026	300,000	
2018	175,000		2027	325,000	
			2028	350,000	

[REVISE MATURITY SCHEDULE FOR ANY TERM BONDS]

For purposes of complying with the provisions of Minnesota Statutes, Section 475.54, subdivision 1, the maturity schedule for the Bonds shall be combined with the maturity schedules for the City's outstanding _____ Bonds.

The Bonds shall be issuable only in fully registered form, of single maturities. The interest thereon and, upon surrender of each Bond at the principal office of the Registrar described herein, the principal amount thereof, shall be payable by check or draft issued by the Registrar. Each Bond shall be dated by the Registrar as of the date of its authentication.

2.02. Interest Payment Dates. Interest on the Bonds shall be payable on June 1 and December 1 in each year, commencing June 1, 2006, to the owners thereof as such appear of record in the bond register as of the close of business on the fifteenth day of the immediately preceding month, whether or not such day is a business day.

2.03. Registration. The City shall appoint, and shall maintain, a bond registrar, transfer agent and paying agent (the Registrar). The effect of registration and the rights and duties of the City and the Registrar with respect thereto shall be as follows:

(a) Register. The Registrar shall keep at its principal office a bond register in which the Registrar shall provide for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged.

(b) Transfer of Bonds. Upon surrender to the Registrar for transfer of any Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until such interest payment date.

(c) Exchange of Bonds. Whenever any Bond is surrendered by the registered owner for exchange, the Registrar shall authenticate and deliver one or more new Bonds of a like aggregate principal amount, interest rate and maturity, as requested by the registered owner or the owner's attorney duly authorized in writing.

(d) Cancellation. All Bonds surrendered upon any transfer or exchange shall be promptly cancelled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When any Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the same until it is satisfied that the endorsement on such Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar shall incur no liability for its refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name any Bond is at any time registered in the bond register as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on such Bond and for all other purposes, and all such payments so made to any such registered owner or upon the owner's order shall be valid and effectual to satisfy and discharge the liability of the City upon such Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. For every transfer or exchange of Bonds (except for an exchange upon a partial redemption of a Bond), the Registrar may impose a charge upon the owner thereof sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Bonds. In case any Bond shall become mutilated or be lost, stolen or destroyed, the Registrar shall deliver a new Bond of like amount, number, interest rate, maturity date and tenor in exchange and substitution for and upon cancellation of any such mutilated Bond or in lieu of and in substitution for any such Bond lost, stolen or destroyed, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond lost, stolen or destroyed, upon receipt by the Registrar of evidence satisfactory

to it that such Bond was lost, stolen or destroyed, and of the ownership thereof, and upon receipt by the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it, in which both the City and the Registrar shall be named as obligees. All Bonds so surrendered to the Registrar shall be cancelled by it and evidence of such cancellation shall be given to the City. If the mutilated, lost, stolen or destroyed Bond has already matured or been called for redemption in accordance with its terms, it shall not be necessary to issue a new Bond prior to payment.

(i) Authenticating Agent. The Registrar is hereby designated authenticating agent for the Bonds, within the meaning of Minnesota Statutes, Section 475.55, Subdivision 1.

2.04. Appointment of Initial Registrar. The City hereby appoints Northland Trust Services, Inc., in Minneapolis, Minnesota, as the initial bond registrar, transfer agent and paying agent (the Registrar). The Mayor and City Administrator are authorized to execute and deliver, on behalf of the City, a contract with the Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company authorized by law to conduct such business, such corporation shall be authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The City reserves the right to remove any Registrar upon thirty (30) days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar shall deliver all cash and Bonds in its possession to the successor Registrar. On or before each principal or interest due date, without further order of this Council, the City Administrator shall transmit to the Registrar from the 2005 Utility Bond Fund described in Section 3 hereof, moneys sufficient for the payment of all principal and interest then due.

2.05. Redemption. Bonds maturing in 2014 and later years are each subject to redemption, at the option of the City and in whole or in part, and if in part, in the maturities selected by the City and, within any maturity, in \$5,000 principal amounts selected by the Registrar by lot, on or after December 1, 2013 and on any interest payment date thereafter, at a redemption price equal to the principal amount thereof to be redeemed plus accrued interest to the date of redemption. At least thirty days prior to the date set for redemption of any Bond, the City shall cause notice of the call for redemption to be mailed to the Registrar and to the registered owner of each Bond to be redeemed, but no defect in or failure to give such mailed notice of redemption shall affect the validity of proceedings for the redemption of any Bond not affected by such defect or failure. The notice of redemption shall specify the redemption date, redemption price, the numbers, interest rates and CUSIP numbers of the Bonds to be redeemed and the place at which the Bonds are to be surrendered for payment, which is the principal office of the Registrar. Official notice of redemption having been given as aforesaid, the Bonds or portions thereof so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions thereof shall cease to bear interest.

[Bonds maturing December 1, _____ 1 and _____ shall be subject to mandatory redemption prior to maturity pursuant to the sinking fund requirements of this Section 2.05 at a redemption price equal to the stated principal amount thereof plus interest accrued thereon to the redemption date, without premium. The Registrar shall select for redemption, by lot or other manner deemed fair, on December 1 in each of the following years the following stated principal amounts of such Bonds:

<u>Year</u>	<u>Principal Amount</u>
	\$

The remaining \$ _____ stated principal amount of such Bonds shall be paid at maturity on December 1, _____.

<u>Year</u>	<u>Principal Amount</u>
	\$

The remaining \$ _____ stated principal amount of such Bonds shall be paid at maturity on December 1, _____.

Notice of redemption shall be given as provided in the preceding paragraph.]

2.06. Preparation and Delivery. The Bonds shall be prepared under the direction of the City Administrator and shall be executed on behalf of the City by the signatures of the Mayor and the City Administrator; provided that said signatures may be printed, engraved, or lithographed facsimiles thereof. In case any officer whose signature, or a facsimile of whose signature, shall appear on the Bonds shall cease to be such officer before the delivery of any Bond, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. Notwithstanding such execution, no Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on such Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on each Bond shall be conclusive evidence that it has been authenticated and delivered under this Resolution. When the Bonds have been so executed and authenticated, they shall be delivered to DTC on behalf the Purchaser upon payment of the

purchase price in accordance with the contract of sale heretofore made and executed, and the Purchaser shall not be obligated to see to the application of the purchase price.

2.07. Securities Depository. (a) For purposes of this Section the following terms shall have the following meanings:

“Beneficial Owner” shall mean, whenever used with respect to a Bond, the person in whose name such Bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant, or such person’s subrogee.

“Cede & Co.” shall mean Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Bonds.

“DTC” shall mean The Depository Trust Company of New York, New York.

“Participant” shall mean any broker-dealer, bank or other financial institution for which DTC holds Bonds as securities depository.

“Representation Letter” shall mean the Representation Letter from the City to DTC.

(b) The Bonds shall be initially issued as separately authenticated fully registered bonds, and one Bond shall be issued in the principal amount of each stated maturity of the Bonds. Upon initial issuance, the ownership of such Bonds shall be registered in the bond register in the name of Cede & Co., as nominee of DTC. The Registrar and the City may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, if any, giving any notice permitted or required to be given to registered owners of Bonds under this resolution, registering the transfer of Bonds, and for all other purposes whatsoever; and neither the Registrar nor the City shall be affected by any notice to the contrary. Neither the Registrar nor the City shall have any responsibility or obligation to any Participant, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any Participant, or any other person which is not shown on the bond register as being a registered owner of any Bonds, with respect to the accuracy of any records maintained by DTC or any Participant, with respect to the payment by DTC or any Participant of any amount with respect to the principal of or interest on the Bonds, with respect to any notice which is permitted or required to be given to owners of Bonds under this resolution, with respect to the selection by DTC or any Participant of any person to receive payment in the event of a partial redemption of the Bonds, or with respect to any consent given or other action taken by DTC as registered owner of the Bonds. So long as any Bond is registered in the name of Cede & Co., as nominee of DTC, the Registrar shall pay all principal of and interest on such Bond, and shall give all notices with respect to such Bond, only to Cede & Co. in accordance with the Representation Letter, and all such payments shall be valid and effective to fully satisfy and discharge the City’s obligations with respect to the principal of and interest on the

Bonds to the extent of the sum or sums so paid. No person other than DTC shall receive an authenticated Bond for each separate stated maturity evidencing the obligation of the City to make payments of principal and interest. Upon delivery by DTC to the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the Bonds will be transferable to such new nominee in accordance with paragraph (d) hereof.

(c) In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain Bonds in the form of bond certificates, the City may notify DTC and the Registrar, whereupon DTC shall notify the Participants of the availability through DTC of Bonds in the form of certificates. In such event, the Bonds will be transferable in accordance with paragraph (d) hereof. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Registrar and discharging its responsibilities with respect thereto under applicable law. In such event the Bonds will be transferable in accordance with paragraph (d) hereof.

(d) In the event that any transfer or exchange of Bonds is permitted under paragraph (b) or (c) hereof, such transfer or exchange shall be accomplished upon receipt by the Registrar of the Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of this resolution. In the event Bonds in the form of certificates are issued to owners other than Cede & Co., its successor as nominee for DTC as owner of all the Bonds, or another securities depository as owner of all the Bonds, the provisions of this resolution shall also apply to all matters relating thereto, including, without limitation, the printing of such Bonds in the form of bond certificates and the method of payment of principal of and interest on such Bonds in the form of bond certificates.

2.08. Form of Bonds. The Bonds shall be prepared in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA

CITY OF LAKE ELMO

GENERAL OBLIGATION WATER REVENUE BOND, SERIES 2005A

No. R- _____ \$ _____

<u>Interest Rate</u>	<u>Maturity</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
	December 1,	August 1, 2005	

REGISTERED OWNER:

PRINCIPAL AMOUNT: THOUSAND DOLLARS

THE CITY OF LAKE ELMO, Minnesota (the "City"), acknowledges itself to be indebted and, for value received, hereby promises to pay to the registered owner named above, or registered assigns, the principal amount specified above, on the maturity date specified above, with interest thereon from the date of original issue specified above, or from the most recent interest payment date to which interest has been paid or duly provided for, at the annual rate specified above. Interest hereon is payable on June 1 and December 1 in each year, commencing June 1, 2006, to the person in whose name this Bond is registered at the close of business on the 15th day (whether or not a business day) of the immediately preceding month, all subject to the provisions referred to herein with respect to the redemption of the principal of this Bond before maturity. The interest hereon and, upon presentation and surrender hereof, the principal hereof, are payable in lawful money of the United States of America by check or draft of Northland Trust Services, Inc., Minneapolis, Minnesota, as Bond Registrar, Transfer Agent and Paying Agent (the "Bond Registrar"), or its successor designated under the Resolution described herein.

This Bond is one of an issue in the aggregate principal amount of \$4,600,000 (the "Bonds") all of like date and tenor except as to serial number, interest rate, redemption privilege and maturity date, issued pursuant to a resolution adopted by the City Council on July 19, 2005 (the "Resolution"), for the purpose of financing the costs of improvements to the water enterprise system of the City, and is issued pursuant to and in full conformity with the provisions of the Constitution and laws of the State of Minnesota thereunto enabling, including Minnesota Statutes, Sections 444.075 and Chapter 475. For the full and prompt payment of the principal and interest on the Bonds as the same become due, the full faith, credit and taxing power of the City have been and are hereby irrevocably pledged. The Bonds are issuable only as fully registered bonds in denominations of \$5,000 or any multiple thereof, of single maturities.

Bonds maturing in 2014 and later years are each subject to redemption and prepayment, at the option of the City and in whole or in part, and in the maturities selected by the City and by lot, assigned in proportion to their principal amount, within any maturity, on December 1, 2013 and on any date thereafter, at a price equal to the principal amount thereof to be redeemed plus accrued interest to the date of redemption. At least thirty days prior to the date set for redemption of any Bond, notice of the call for redemption will be mailed to the Bond Registrar and to the registered owner of each Bond to be redeemed at his address appearing in the Bond Register, but no defect in or failure to give such mailed notice of redemption shall affect the validity of the proceedings for the redemption of any Bond not affected by such defect or failure. Official notice of redemption having been given as aforesaid, the Bonds or portions of the Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price herein specified and from and after such date (unless the City shall default in the payment of the redemption price) such Bond or portions of Bonds shall cease to bear interest. Upon the partial redemption of any Bond, a new Bond or Bonds will be delivered to the registered owner without charge, representing the remaining principal amount outstanding.

[Bonds maturing in the years ____ and ____ shall be subject to mandatory redemption, at a redemption price equal to their principal amount plus interest accrued thereon to the redemption date, without premium, on December 1 in each of the years shown below, in an amount equal to the following principal amounts:

<u>Term Bonds Maturing in 20</u>		<u>Term Bonds Maturing in 20</u>	
<u>Sinking Fund</u>	<u>Aggregate</u>	<u>Sinking Fund</u>	<u>Aggregate</u>
<u>Payment Date</u>	<u>Principal Amount</u>	<u>Payment Date</u>	<u>Principal Amount</u>
	\$		\$

Notice of redemption shall be given as provided in the preceding paragraph.]

The Bonds have been designated by the City as "qualified tax-exempt obligations" pursuant to Section 265(b) of the Internal Revenue Code of 1986, as amended.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the City at the principal office of the Bond Registrar, by the registered owner hereof in person or by his attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or his attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange, the City will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange.

The City and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Bond Registrar shall be affected by any notice to the contrary.

Notwithstanding any other provisions of this Bond, so long as this Bond is registered in the name of Cede & Co., as nominee of The Depository Trust Company, or in the name of any other nominee of The Depository Trust Company or other securities depository, the Registrar shall pay all principal of and interest on this Bond, and shall give all notices with respect to this Bond, only to Cede & Co. or other nominee in accordance with the operational arrangements of The Depository Trust Company or other securities depository as agreed to by the City.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed precedent to and in the issuance of this Bond in order to make this Bond a valid and binding general obligation of the City according to its terms, have been done, do exist, have happened and have been performed in regular and due form as so required; that in and by the Resolution, the City has pledged to the payment of the principal of and interest on the Bonds net revenues of the water enterprise system of the City; that in and by the Resolution, the City has covenanted and agreed with the owner of the Bonds that it will impose and collect charges for the service, use and availability of its water enterprise system at the time and in the amounts required to produce net revenues adequate to pay all principal of and interest on the Bonds and on all other bonds payable from net revenues of the water enterprise system as such principal and interest respectively become due; that if needed to pay the principal and interest on this Bond, ad valorem taxes will be levied upon all taxable property in the City without limitation as to rate or amount; and that the issuance of this Bond does not cause the indebtedness of the City to exceed any constitutional or statutory limitation.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Bond Registrar by the manual signature of a person authorized to sign on its behalf.

IN WITNESS WHEREOF, the City of Lake Elmo, Minnesota, by its City Council, has caused this Bond to be executed by the signatures of the Mayor and the City Administrator.

CITY OF LAKE ELMO,
MINNESOTA

City Administrator

Mayor

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

Date of Authentication: _____

NORTHLAND TRUST SERVICES, INC.,
as Bond Registrar

By _____
Authorized Representative

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM -- as tenants in common	UTMAas Custodian for
	(Cust) (Minor)
TEN ENT -- as tenants by entireties	under Uniform Transfers to Minors Act
	(State)
JT TEN -- as joint tenants with right of survivorship and not as tenants in common	

Additional abbreviations may also be used though not in the above list.

ASSIGNMENT

For value received the undersigned hereby sells, assigns and transfers unto _____ the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed: _____
Signature(s) must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Registrar, which requirements include membership or participation in STAMP or such other "signature guaranty program" as may be determined by the Registrar in addition to or in

substitution for STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE: _____

[end of bond form]

SECTION 3. USE OF PROCEEDS; SECURITY PROVISIONS.

3.01. Use of Proceeds. Bond proceeds in the amount set forth in Section 3.02 hereof are appropriated to the Construction Fund created therein. Any amounts received from the Purchaser remaining after such amounts have been appropriated are hereby appropriated to the Bond Fund created in Section 3.03 hereof.

3.02. 2005 Utility Construction Fund. There is hereby created a special bookkeeping fund to be designated as the "2005 Utility Construction Fund" (the "Construction Fund"), to be held and administered by the City Administrator separate and apart from all other funds of the City. The City appropriates to the Construction Fund \$4,520,000 of the proceeds of the sale of the Bonds. The Construction Fund shall be used solely to defray expenses of the Improvements, including but not limited to the transfer to the Bond Fund, created in Section 3.03 hereof, of amounts sufficient for the payment of interest due upon the Bonds prior to the completion of the Improvements and the payment of the expenses incurred by the City in connection with the issuance of the Bonds. Upon completion and payment of all costs of the Improvements, any balance of the proceeds of Bonds remaining in the Construction Fund may be used to pay the cost, in whole or in part, of any other improvements to the Utility, as directed by the City Council, but any balance of such proceeds not so used shall be credited and paid to the Bond Fund.

3.03. 2005 Utility Bond Fund. So long as any of the Bonds are outstanding and any principal of or interest thereon unpaid, the City Administrator shall maintain on its books and records a separate and special bookkeeping fund designated "2005 Utility Bond Fund" (the "Bond Fund") to be used for no purpose other than the payment of the principal of and interest on the Bonds and any additional obligations of the City payable therefrom pursuant to Section 3.04 hereof. If the balance in the Bond Fund is ever insufficient to pay all principal and interest then due on bonds payable therefrom, the City Administrator shall nevertheless provide sufficient money from any other funds of the City which are available for that purpose, and such other funds shall be reimbursed from subsequent receipts of net revenues of the Utility appropriated to the Bond Fund and, if necessary, from the proceeds of the taxes levied for the Bond Fund. The City hereby appropriates to the Bond Fund the amounts required by Section 3.02 to be credited to the Bond Fund. The City Administrator shall deposit in the Bond Fund the proceeds of all taxes levied and all other money which may at any time be received for or appropriated to the payment of such bonds and interest, including the net revenues of the Utility herein pledged and appropriated to the Bond Fund, all collections of any ad valorem taxes levied

for the payment of the Bonds, and all other moneys received for or appropriated to the payment of the Bonds and interest thereon.

There are hereby established two accounts in the Bond Fund, designated as the "Debt Service Account" and the "Surplus Account." All money appropriated or to be deposited in the Bond Fund shall be deposited as received into the Debt Service Account. On each December 1, the City Administrator shall determine the amount on hand in the Debt Service Account. If such amount is in excess of one-twelfth of the debt service payable from the Bond Fund in the immediately preceding 12 months, the City Administrator shall promptly transfer the amount in excess to the Surplus Account. The City appropriates to the Surplus Account any amounts to be transferred thereto from the Debt Service Account as herein provided and all income derived from the investment of amounts on hand in the Surplus Account. If at any time the amount on hand in the Debt Service Account is insufficient to meet the requirements of the Bond Fund, the City Administrator shall transfer to the Debt Service Account amounts on hand in the Surplus Account to the extent necessary to cure such deficiency.

3.04. Imposition of Charges; Additional Bonds. The City hereby covenants and agrees with the holders from time to time of the Bonds that so long as any of the Bonds are outstanding, the City will impose and collect reasonable charges for the service, use and availability of the Utility to the City and its inhabitants according to schedules calculated to produce net revenues which will be sufficient to pay all principal and interest when due on the Bonds and all other obligations payable from the net revenues of the Utility. Net revenues of the Utility, to the extent necessary, are hereby irrevocably pledged and appropriated to the payment of the principal of the Bonds and interest thereon; provided that nothing herein shall preclude the City from hereafter making further pledges and appropriations of net revenues of the Utility for the payment of additional obligations of the City hereafter authorized if the City Council determines before the authorization of such additional obligations that the estimated net revenues of the Utility will be sufficient, together with any other sources pledged to or projected to be used, for the payment of the principal of and interest on the Bonds and paid therefrom and such additional obligations. Such further pledges and appropriations of said net revenues may be made superior or subordinate to or on a parity with the pledge and appropriation herein made, as to the application of net revenues received from time to time.

3.05. Full Faith and Credit Pledged. The full faith and credit of the City are irrevocably pledged for the prompt and full payment of the principal of and the interest on the Bonds and any other obligations payable from the Bond Fund, as such principal and interest comes due. If the money on hand in the Bond Fund should at any time be insufficient for the payment of principal and interest then due, the City shall pay the principal and interest out of any fund of the City, and such other fund or funds shall be reimbursed therefor when sufficient money is available to the Bond Fund. If on December 1 in any year the sum of the balance in the Bond Fund plus the available net revenues of the Utility on hand and estimated to be received or before the end of the following calendar year is not sufficient with any ad valorem taxes heretofore levied in accordance with the provisions of this resolution, to pay when due all principal and interest become due on all Bonds payable therefrom in said following calendar year, or the Bond Fund has incurred a deficiency in the manner provided in this Section 3.05, a direct, irrevocable, ad

valorem tax shall be levied on all taxable property within the corporate limits of the City for the purpose of restoring such accumulated or anticipated deficiency in an amount at least 5% in excess of amount needed to make good the deficiency.

SECTION 4. DEFEASANCE. When any Bond has been discharged as provided in this Section 4, all pledges, covenants and other rights granted by this resolution to the holders of such Bonds shall cease, and such Bonds shall no longer be deemed outstanding under this Resolution. The City may discharge its obligations with respect to any Bond which is due on any date by irrevocably depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full; or, if any Bond should not be paid when due, the City may nevertheless discharge its obligations with respect thereto by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit. The City may also discharge its obligations with respect to any prepayable Bond called for redemption on any date when it is prepayable according to their terms, by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full; provided that notice of the redemption thereof has been duly given as provided in Section 2.05. The City may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a bank qualified by law as an escrow agent for this purpose, cash or securities which are authorized by law to be so deposited, bearing interest payable at such times and at such rates and maturing on such dates as shall be required, without reinvestment, to pay all principal and interest to become due thereon to maturity or, if notice of redemption as herein required has been duly provided for, to such earlier redemption date.

SECTION 5. COUNTY AUDITOR REGISTRATION, CERTIFICATION OF PROCEEDINGS, ARBITRAGE; QUALIFIED TAX EXEMPT OBLIGATIONS AND OFFICIAL STATEMENT.

5.01. County Auditor Registration. The City Administrator is hereby authorized and directed to file a certified copy of this Resolution with the County Auditor of Washington County, together with such other information as the County Auditor shall require, and to obtain from said County Auditor a certificate that the Bonds have been entered on the Auditor's bond register and the taxes levied as required by law.

5.02. Certification of Proceedings. The officers of the City and the County Auditor of Washington County are hereby authorized and directed to prepare and furnish to the Purchaser and to Dorsey & Whitney LLP, Bond Counsel to the City, certified copies of all proceedings and records of the City, and such other affidavits, certificates and information as may be required to show the facts relating to the legality and marketability of the Bonds as the same appear from the books and records under their custody and control or as otherwise known to them, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall be deemed representations of the City as to the facts recited therein.

5.03. Covenant. The City covenants and agrees with the holders from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Bonds to become includable in gross income

for purposes of income taxation under the Internal Revenue Code of 1986, as amended (the Code), and Regulations promulgated thereunder (the Regulations), and covenants to take any and all actions within its powers to ensure that the interest on the Bonds will not become subject to taxation under such Code and Regulations. The Improvements are public improvements available for use by members of the general public on a substantially equal basis. The City will not enter into any lease, use agreement or other contract respecting the Improvements which would cause the Bonds to be considered "private activity bonds" or "private loan bonds" pursuant to Section 141 of the Code.

5.04. Arbitrage Rebate Exemption. For purposes of complying with the requirements of Section 148(f)(4)(C) of the Code relating to the exemption of certain small governmental units from the rebate requirements of the Code, the City represents that:

- (i) the City is a governmental unit with general taxing powers;
- (ii) the Bonds are not "private activity bonds" as defined in Section 141 of the Code (Private Activity Bonds);
- (iii) ninety-five percent of the net proceeds of the Bonds are to be used for the local governmental purposes of the City; and
- (iv) the aggregate face amount of all tax-exempt bonds (other than Private Activity Bonds) issued by the City in the calendar year in which the Bonds are to be issued is not reasonably expected to exceed \$5,000,000.

Therefore, pursuant to the provisions of Section 148(f)(4)(c) of the Code, the City shall not be required to comply with the arbitrage rebate requirements of paragraphs (2) and (3) of Section 148(f) of the Code.

If notwithstanding the provisions of the immediately preceding paragraph, the arbitrage rebate provisions of Section 148(f) of the Code apply to the Bonds, the City hereby covenants and agrees to make the determinations, retain records and rebate to the United States the amounts at the times and in the manner required by said Section 148(f) and applicable Regulations.

5.05. Arbitrage Certification. The Mayor and the City Administrator, being the officers of the City charged with the responsibility for issuing the Bonds pursuant to this resolution, are authorized and directed to execute and deliver to the Purchaser a certification in accordance with the provisions of Section 148 of the Code, and Section 1.148-2(b)(2) of the Regulations, stating the facts, estimates and circumstances in existence on the date of issue and delivery of the Bonds which make it reasonable to expect that the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be arbitrage bonds within the meaning of the Code and Regulations.

5.06. Qualified Tax-Exempt Obligations. The City hereby designates the Bonds as "qualified tax-exempt obligations" for purpose of Section 265(b) of the Code relating to the disallowance of interest expenses for financial institutions. The City represents that in calendar

year 2005 it does not reasonably expect to issue tax-exempt obligations which are not private activity bonds (not treating qualified 501(c)(3) bonds under Section 145 of the Code as private activity bonds for purposes of this representation) in an amount in excess of \$10,000,000.

5.07. Official Statement. The Official Statement relating to the Bonds, dated July _____, 2005, prepared and distributed on behalf of the City by Northland Securities, Inc., is hereby approved. The officers of the City are hereby authorized and directed to execute such certificates as may be appropriate concerning the accuracy, completeness and sufficiency of the Official Statement.

5.09. Continuing Disclosure. (a) Purpose and Beneficiaries. To provide for the public availability of certain information relating to the Bonds and the security therefor and to permit the Purchaser and other participating underwriters in the primary offering of the Bonds to comply with amendments to Rule 15c2-12 promulgated by the SEC under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12), relating to continuing disclosure (as in effect and interpreted from time to time, the Rule), which will enhance the marketability of the Bonds, the City hereby makes the following covenants and agreements for the benefit of the Owners (as hereinafter defined) from time to time of the Outstanding Bonds. The City is the only obligated person in respect of the Bonds within the meaning of the Rule for purposes of identifying the entities in respect of which continuing disclosure must be made. The City has complied in all material respects with any undertaking previously entered into by it under the Rule. If the City fails to comply with any provisions of this section, any person aggrieved thereby, including the Owners of any Outstanding Bonds, may take whatever action at law or in equity may appear necessary or appropriate to enforce performance and observance of any agreement or covenant contained in this section, including an action for a writ of mandamus or specific performance. Direct, indirect, consequential and punitive damages shall not be recoverable for any default hereunder to the extent permitted by law. Notwithstanding anything to the contrary contained herein, in no event shall a default under this section constitute a default under the Bonds or under any other provision of this resolution. As used in this section, Owner or Bondowner means, in respect of a Bond, the registered owner or owners thereof appearing in the bond register maintained by the Registrar or any Beneficial Owner (as hereinafter defined) thereof, if such Beneficial Owner provides to the Registrar evidence of such beneficial ownership in form and substance reasonably satisfactory to the Registrar. As used herein, Beneficial Owner means, in respect of a Bond, any person or entity which (i) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, such Bond (including persons or entities holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of the Bond for federal income tax purposes.

(b) Information To Be Disclosed. The City will provide, in the manner set forth in subsection (c) hereof, either directly or indirectly through an agent designated by the City, the following information at the following times:

- (1) on or before 365 days after the end of each fiscal year of the City, commencing with the fiscal year ending December 31, 2004, the following financial information and operating data in respect of the City (the Disclosure Information):

- (A) the audited financial statements of the City for such fiscal year, containing balance sheets as of the end of such fiscal year and a statement of operations, changes in fund balances and cash flows for the fiscal year then ended, showing in comparative form such figures for the preceding fiscal year of the City, prepared in accordance with generally accepted accounting principles promulgated by the Financial Accounting Standards Board as modified in accordance with the governmental accounting standards promulgated by the Governmental Accounting Standards Board or as otherwise provided under Minnesota law, as in effect from time to time, or, if and to the extent such financial statements have not been prepared in accordance with such generally accepted accounting principles for reasons beyond the reasonable control of the City, noting the discrepancies therefrom and the effect thereof, and certified as to accuracy and completeness in all material respects by the fiscal officer of the City; and
- (B) to the extent not included in the financial statements referred to in paragraph (A) hereof, an update of the operating and financial data of the type of information contained in the Official Statement under the captions ECONOMIC AND FINANCIAL INFORMATION; SUMMARY OF DEBT AND DEBT STATISTICS; GENERAL INFORMATION- "Major Employers" and "Building Permits."

Notwithstanding the foregoing paragraph, if the audited financial statements are not available by the date specified, the City shall provide on or before such date unaudited financial statements in the format required for the audited financial statements as part of the Disclosure Information and, within 10 days after the receipt thereof, the City shall provide the audited financial statements. Any or all of the Disclosure Information may be incorporated by reference, if it is updated as required hereby, from other documents, including official statements, which have been submitted to each of the repositories hereinafter referred to under subsection (c) or the SEC. If the document incorporated by reference is a final official statement, it must be available from the Municipal Securities Rulemaking Board. The City shall clearly identify in the Disclosure Information each document so incorporated by reference. If any part of the Disclosure Information can no longer be generated because the operations of the City have materially changed or been discontinued, such Disclosure Information need no longer be provided if the City includes in the Disclosure Information a statement to such effect; provided, however, if such operations have been replaced by other City operations in respect of which data is not included in the Disclosure Information and the City determines that certain specified data regarding such replacement operations would be a Material Fact (as defined in paragraph (2) hereof), then, from and after such determination, the Disclosure Information shall include such additional specified data regarding the replacement operations. If the Disclosure Information is changed or this section is amended as permitted by this paragraph (b)(1) or subsection (d), then the City shall include in the next Disclosure Information to be delivered hereunder, to the extent necessary, an

explanation of the reasons for the amendment and the effect of any change in the type of financial information or operating data provided.

- (2) In a timely manner, notice of the occurrence of any of the following events which is a Material Fact (as hereinafter defined):
- (A) Principal and interest payment delinquencies;
 - (B) Non-payment related defaults;
 - (C) Unscheduled draws on debt service reserves reflecting financial difficulties;
 - (D) Unscheduled draws on credit enhancements reflecting financial difficulties;
 - (E) Substitution of credit or liquidity providers, or their failure to perform;
 - (F) Adverse tax opinions or events affecting the tax-exempt status of the security;
 - (G) Modifications to rights of security holders;
 - (H) Bond calls;
 - (I) Defeasances;
 - (J) Release, substitution, or sale of property securing repayment of the securities;
and
 - (K) Rating changes.

As used herein, a Material Fact is a fact as to which a substantial likelihood exists that a reasonably prudent investor would attach importance thereto in deciding to buy, hold or sell a Bond or, if not disclosed, would significantly alter the total information otherwise available to an investor from the Official Statement, information disclosed hereunder or information generally available to the public. Notwithstanding the foregoing sentence, a Material Fact is also an event that would be deemed material for purposes of the purchase, holding or sale of a Bond within the meaning of applicable federal securities laws, as interpreted at the time of discovery of the occurrence of the event.

- (3) In a timely manner, notice of the occurrence of any of the following events or conditions:
- (A) the failure of the City to provide the Disclosure Information required under paragraph (b)(1) at the time specified thereunder;
 - (B) the amendment or supplementing of this section pursuant to subsection (d), together with a copy of such amendment or supplement and any explanation provided by the City under subsection (d)(2);
 - (C) the termination of the obligations of the City under this section pursuant to subsection (d);
 - (D) any change in the accounting principles pursuant to which the financial statements constituting a portion of the Disclosure Information are prepared;
and
 - (E) any change in the fiscal year of the City.

(c) Manner of Disclosure. The City agrees to make available the information described in subsection (b) to the following entities by telecopy, overnight delivery, mail or other means, as appropriate:

- (1) the information described in paragraph (1) of subsection (b), to each then nationally recognized municipal securities information repository under the Rule and to any state information depository then designated or operated by the State of Minnesota as contemplated by the Rule (the State Depository), if any;
- (2) the information described in paragraphs (2) and (3) of subsection (b), to the Municipal Securities Rulemaking Board and to the State Depository, if any; and
- (3) the information described in subsection (b), to any rating agency then maintaining a rating of the Bonds at the request of the City and, at the expense of such Bondowner, to any Bondowner who requests in writing such information, at the time of transmission under paragraphs (1) or (2) of this subsection (c), as the case may be, or, if such information is transmitted with a subsequent time of release, at the time such information is to be released.

(d) Term; Amendments; Interpretation.

- (1) The covenants of the City in this section shall remain in effect so long as any Bonds are Outstanding. Notwithstanding the preceding sentence, however, the obligations of the City under this section shall terminate and be without further effect as of any date on which the City delivers to the Registrar an opinion of Bond Counsel to the effect that, because of legislative action or final judicial or administrative actions or proceedings, the failure of the City to comply with the requirements of this section will not cause participating underwriters in the primary offering of the Bonds to be in violation of the Rule or other applicable requirements of the Securities Exchange Act of 1934, as amended, or any statutes or laws successory thereto or amendatory thereof.
- (2) This section (and the form and requirements of the Disclosure Information) may be amended or supplemented by the City from time to time, without notice to (except as provided in paragraph (c)(3) hereof) or the consent of the Owners of any Bonds, by a resolution of this Council filed in the office of the recording officer of the City accompanied by an opinion of Bond Counsel, who may rely on certificates of the City and others and the opinion may be subject to customary qualifications, to the effect that: (i) such amendment or supplement (a) is made in connection with a change in circumstances that arises from a change in law or regulation or a change in the identity, nature or status of the City or the type of operations conducted by the City, or (b) is required by, or better complies with, the provisions of paragraph (b)(5) of the Rule; (ii) this section as so amended or supplemented would have complied with the requirements of paragraph (b)(5) of the Rule at the time of the primary

offering of the Bonds, giving effect to any change in circumstances applicable under clause (i)(a) and assuming that the Rule as in effect and interpreted at the time of the amendment or supplement was in effect at the time of the primary offering; and (iii) such amendment or supplement does not materially impair the interests of the Bondowners under the Rule.

If the Disclosure Information is so amended, the City agrees to provide, contemporaneously with the effectiveness of such amendment, an explanation of the reasons for the amendment and the effect, if any, of the change in the type of financial information or operating data being provided hereunder.

- (3) This section is entered into to comply with the continuing disclosure provisions of the Rule and should be construed so as to satisfy the requirements of paragraph (b)(5) of the Rule.

Upon vote being taken thereon the following voted in favor thereof:

and the following voted against the same:

whereupon the resolution was declared duly passed and adopted.

Agenda Item: Council Compensation

Background Information for July 19, 2005: Listed below, please find a Council Compensation Comparison outlining Mayor & Council pay for cities of similar population. The report indicates that the average pay for the Mayor's position is \$ 3982 and for Council positions is at \$3184.

In light of the fact the Council has not received a pay increase in over 5 years, personal funds being used for City business and the City is going through the Budget process, the Finance Director suggests that the Council considers an adjustment to their compensation plan.

Council Compensation Comparison

City	Population	2005 Mayor Pay	2005 CM Pay
Oak Grove	7290	\$ 6,723	\$ 6,082
St. Anthony	8012	\$ 5,976	\$ 4,140
Little Canada	9890	\$ 4,500	\$ 3,600
Mound	9630	\$ 4,500	\$ 3,000
Orono	7687	\$ 4,200	\$ 3,500
Arden Hills	9457	\$ 3,600	\$ 3,200
Shorewood	7595	\$ 3,600	\$ 3,000
Hugo	8375	\$ 3,000	\$ 2,400
Lake Elmo	7666	\$ 2,900	\$ 2,300
Waconia	8018	\$ 2,400	\$ 2,000
Mahtomedi	8050	\$ 2,400	\$ 1,800
Average		\$ 3,982	\$ 3,184
At 95%		3,783	3,025
Median		3,600	3,200
At 95%		3,420	3,040

CURRENT
ANNUAL
COUNCIL
2300 / MAYOR
3900

PREPARE ORD. FOR 2 YR PLAN
2007

Action Items: For Discussion Only

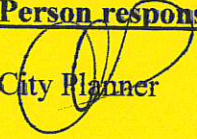
Person responsible:
Tom Bouthilet

Attachments:

Lake Elmo City Council July 19, 2005	Agenda Section: Building/Fire/Maintenance	<u>No. 7B.</u>
<u>Agenda Item:</u> Building Department Monthly Update		
<p>Background Information:</p> <p>(A) Update June Construction Activities. (B) Miscellaneous</p>		
<u>Action Items:</u> Informational. No action needed.	<u>Person responsible:</u> J. McNamara	
<u>Attachments:</u> Summary Building Report for June		

Summary Building Report

June-2005			Year to Date		
	Permits Issued	Valuation		Permits Issued	Valuation
New Residential	1	\$350,000.00	New Residential	7	\$3,131,458.00
New Commercial	2	\$400,000.00	New Commercial	7	\$2,600,000.00
Other Residential	39	\$698,521.00	Other Residential	165	\$2,686,607.00
Other Commercial	3	\$158,500.00	Other Commercial	18	\$511,078.00
Total	45	\$1,607,021.00	Total	197	\$8,929,143.00
Total Building Fees Collected		\$25,816.00	Total Building Fees Collected		\$129,087.97
Summary Plumbing Report			Summary Plumbing Report		
Plumbing	9	\$131,600.00	Plumbing	32	\$515,278.00
Total Plumbing Fees Collected		\$654.00	Total Plumbing Fees Collected		\$2,560.50
Summary HVAC Report			Summary HVAC Report		
HVAC	7	\$60,800.00	HVAC	44	\$455,160.00
Total HVAC Fees Collected		\$504.00	Total HVAC Fees Collected		\$4,320.90
Summary Grand Total Fees		\$26,974.00	Summary Grand Total Fees		\$135,969.37
Surcharge Fee Paid to State		\$782.00	Surcharge Fee Paid to State		4,408.01
SAC Fees Paid to Met Council		\$0.00	SAC Fees Paid to Met Council		1,450.00
WAC Fees Paid to Oakdale		\$0.00	WAC Fees Paid to Oakdale		500.00
Misc. Expenses			Misc. Expenses		0.00
Total Fees Retained		\$26,192.00	Total Fees Retained		\$129,611.36
Credit Fees to Bldg		\$22,717.00	Credit Fees to Bldg		116,511.36
Credit Fees to Water		\$3,400.00	Credit Fees to Water		12,300.00
Credit Fees to Sewer		\$75.00	Credit Fees to Sewer		800.00

Lake Elmo City Council July 19, 2005	Agenda Section: Planning, Land Use and Zoning	<u>No.</u> 8B
<u>Agenda Item:</u> Escrow Reduction – Cardinal View		
<u>Background Information for July 19, 2005:</u> The developers of Cardinal View have completed substantial portions of the required plat improvements. The City Engineer has certified by his July 14 Memo that the required development security (in this case, the initial Letter of Credit) can be reduced from \$106,965 to \$57,968.75.		
<u>Action items:</u> Motion to approve reduction of the Development Security requirement for Cardinal View from \$106,965 to \$57,968.75 based on the recommendation of the City Engineer.	<u>Person responsible:</u>  City Planner	
<u>Attachments:</u> 1. City Engineer's Memo of July 14, 2005	<u>Time Allocated:</u>	

Lake Elmo City Council July 19, 2005	Agenda Section: Planning, Land Use and Zoning	<u>No.</u> 9A
---	--	----------------------

Agenda Item: Public Streets Vacation Petition - Stonegate


Background Information for July 19, 2005:

During the Public Hearings on the Land Use Plan before the Planning Commission residents of the Stonegate neighborhood submitted a petition requesting City vacation of certain street stubs that were platted with the Stonegate Addition plats. The petition was not recognized for what it really was at that time (since that was an unusual forum for submission of such a request). We have now revived the original petition and a Public Hearing to consider the matter has been scheduled/noticed for the July 19 City Council meeting – where vacation hearings are conducted per State Statute.

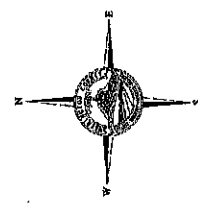
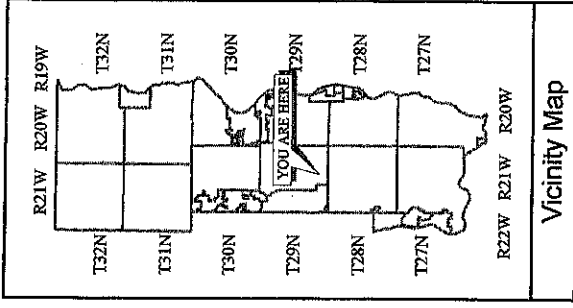
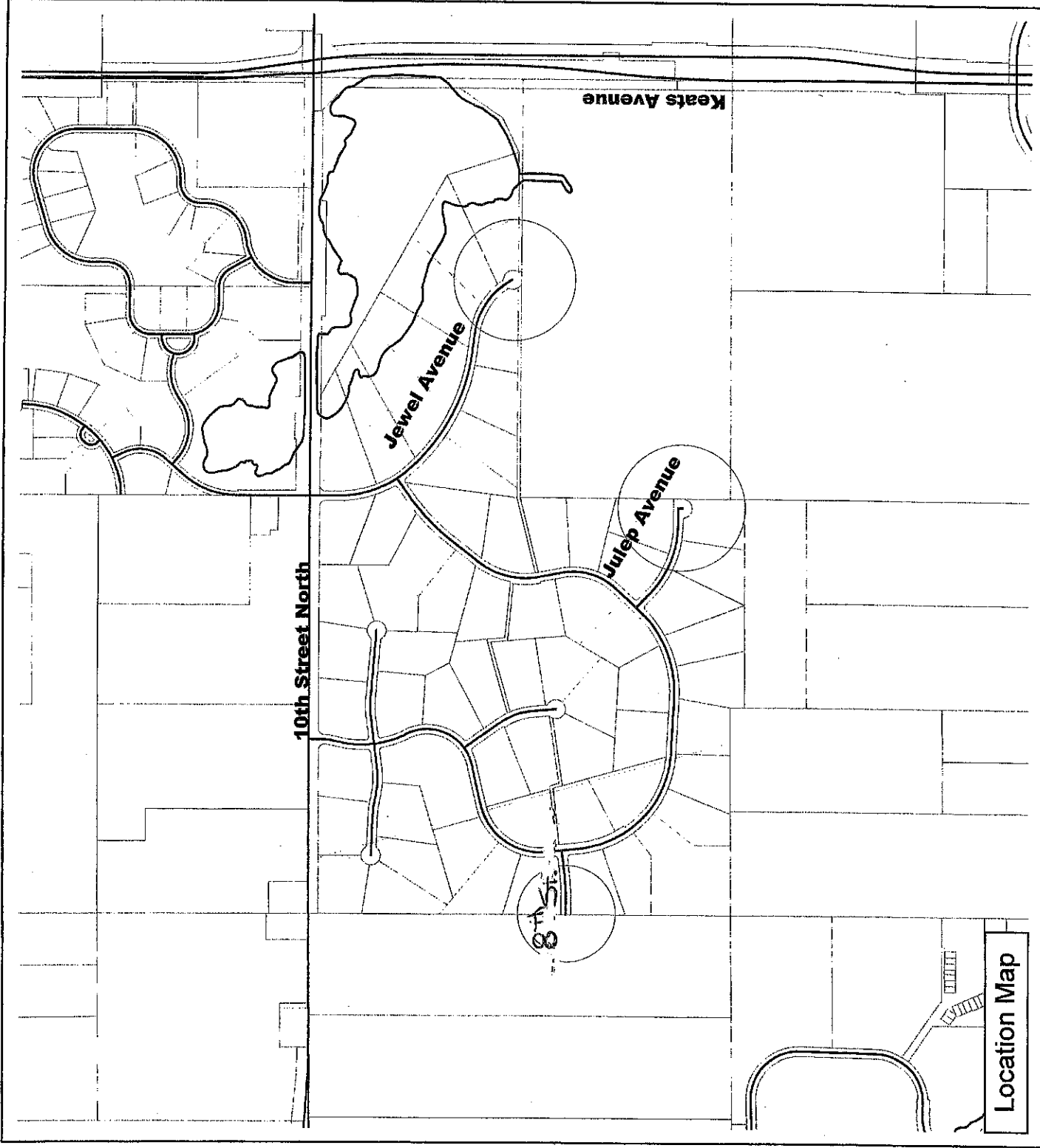
The Stonegate residents’ petition includes signatures from 60 discrete addresses, including 100% of the property owners actually abutting the Jasmine, Jewel and Julep stub streets – the property owners that must be party to this petition.

The City Engineer has prepared his recommendations regarding the petition by his July 14, 2005 letter (attached). While not required by Statute it has been the past practice of the City Council to request the recommendation of the Planning Commission regarding street vacation petitions with potential Comprehensive Plan implications (the recent 55th Street petition, for example). While the Commission has seen this petition briefly, it was presented in the context of a Land Use Plan hearing, and has not been directly addressed by the Commission on its own merits. The City Council may wish to refer the petition to the Commission for recommendations after the Public Hearing has been concluded on July 19, 2005.

Should the Council decide to not refer the petition to the Commission and take action on the 19th, either staff should be directed to present an ordinance for the vacation at the next City Council meeting; or, the Council should take formal action to acknowledge the petition and determine that the requested street vacations are not in the best interests of the City – perhaps based on the recommendations of the City Engineer.

<p><u>Action items:</u></p> <p>Motion to either refer the Stonegate street vacation petition to the Planning Commission for recommendation; direct staff to prepare the appropriate ordinance for the next City Council meeting; or, advise the petitioners that the vacations petitioned are not in the best interests of the City.</p>	<p><u>Person responsible:</u></p> <p> City Planner</p>
---	---

<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Location Map 2. City Engineer’s Letter 3. Petition for Street Vacation 	<p><u>Time Allocated:</u></p>
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This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

Source: Washington County Surveyor's Office
 Phone (651) 430-6875

Parcel data based on AS400 information

Location Map

TKDA

ENGINEERS • ARCHITECTS • PLANNERS

1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, MN 55101-2140(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

July 14, 2005

Honorable Mayor and City Council
City of Lake Elmo, MinnesotaRe: Vacation of Street Stubs
Stonegate
City of Lake Elmo, Minnesota
TKDA Project No. 13267.000

Dear Mayor and City Council:

As requested we have reviewed the petition to vacate the three stub streets in the Stonegate area subdivision. We do not feel this is in the best long term interest of the City for the following reasons:

1. We have had no development proposals for the property surrounding Stonegate, it is very premature to assume now that there will not be a Public need for these stub streets in the future.
2. We envision extension of a neighborhood street system south of CSAH 10 that would allow safe traffic flow between neighborhoods without having to assess 10th Street. By vacating these stub streets we forever insure that all traffic in and out of Stonegate must travel on 10th Street. As the traffic volume on 10th Street will significantly rise as a result of future development, the chance for accidents for residents in Stonegate, and others grows.
3. Keeping these stubs roads in place allows for the City street maintenance, school bussing, mail delivery, and garbage collection to be done in a more efficient manner.
4. The two cul-de-sacs will be very difficult to vacate, as we need that area to turn our snowplows around in. If they are vacated, a new cul-de-sac or other turn around area would be needed. This would usually involve some property acquisition.

Sincerely, ..

Thomas D. Prew, P.E.
City Engineer

TDP:art

ORIGINAL
GO UNIQUE ADDRESSES

RECEIVED
APR 01 2005

Petition by the Residents of the Stonegate Neighborhood

3/15/05

Dear Mayor, City Council and City Staff,

We, the undersigned residents of the Stonegate neighborhood in Lake Elmo, appreciate the protections you have offered us in the latest draft of the revised Comprehensive Plan that is being submitted to the Metropolitan Council.

At this time we would like to formally request that the City also assure us further protection in keeping with the language of the City's policy to "...to preclude externalities of that urban developing (such as through traffic, exterior lighting, noise, and trespass) from negatively impacting the existing residential neighborhoods." Specifically we are asking that the City take action to vacate the right of way for any platted roads that may connect to the existing neighborhood streets and resolve to allow no further connections to our development. We would like to see to it that the existing streets terminate as they are now.

Respectfully submitted,

<u>Jeff Wirth</u>	<u>790 Jasmine Ave N.</u>	<u>[Signature]</u>
Name	Address	Signature
<u>TIM HEIR</u>	<u>710 JASMINE AVE N.</u>	<u>[Signature]</u>
Name	Address	Signature

Name
Diana Monteth

Address
331 Jewel Ave. N.

Signature
Diana Monteth

Name
Curt Monteth

Address
331 Jewel Ave. N.

Signature
Curt Monteth

Name
Amy Betz

Address
371 Jewel Ave. N.

Signature
Amy Betz

Name
~~Cathy Schalkow~~
Cathy Schalkow

Address
418 Jewel Ave. N.

Signature
Cathy Schalkow

Name
Tom Kreimer

Address
772 Jewel Ave. N.

Signature
Thomas Kreimer

Name
[Signature]

Address
701 Jewel Ave. N.

Signature
[Signature]

Name
Lizy Hunkle

Address
701 Jewel Ave. N.

Signature
Lizy Hunkle

Name
B. SUBERL

Address
655 JEWEL

Signature
B. Suberl

Name
A. Farbakhs

Address
855 Jewel Ave. N.

Signature
A. Farbakhs

Name

Address

Signature

Cindy Feyma

Name

Address

921 Sewell Ave N

Cindy Feyma

Signature

Alta Feyma

Name

Address

Richelle Jader

Name

Address

974 Jasmine Ave No

Richelle Jader

Signature

CARY JADER

Name

Address

9386 9TH ST N

Cary Jader

Signature

DALE R. ANDERSON

Name

Address

9386 9th St. No.

Dale R. Anderson

Signature

Dale R. Anderson

Name

Address

9251 9th St No

David M. Anderson

Signature

CINDY MONICO

Name

Address

868 Jasmine Ave. N.

Cindy Monico

Signature

JAMES R. STARDA

Name

Address

854 Jasmine Ave N.

James R. Starda

Signature

Mary Bonte

Name

Address

Mary E. Bonte

Mary E. Bonte

Signature

Name
Ann Morreale

Address
185 Jasmine Ave N

Signature

Ann Morreale

Name
SAY MORREALE

Address
785 Jasmine Ave N

Signature

SAY MORREALE

Name
Lisa Cunningham

Address
605 Julyp Ct N

Signature

Lisa Cunningham

Name
~~MARC CUNNINGHAM~~

Address
~~405 TUNED CT N~~

Signature

[Signature]

Name
Lisa Cunningham

Address
585 Julyp Ct N

Signature

Lisa Cunningham

Name
X MARC CUNNINGHAM

Address
585 Julyp Ct N

Signature

[Signature]

Name
Anita Sleigh

Address
871 Jasmine Ave Pl N

Signature

Anita Sleigh

Name
THOMAS M. FITZGERALD

Address
877 JASMINE AVE PL N

Signature

THOMAS M. FITZGERALD

Name
Mary Fitzgerald

Address
877 Jasmine Ave Pl. N.

Signature

Mary Fitzgerald

Name
Chris Taylor

Address
9179 9th St N, Lake Elmo

Signature
Chris Taylor

Name
Dan X. Guenger

Address
694 Jewel Av N Lake Elmo, MN

Signature
Dan X. Guenger

Name
Walt Guenger

Address
694 Jewel Ave N, Lake Elmo, MN

Signature
Walt Guenger X

Name
Tory Johnson

Address
820 Jewel Ave N, Lake Elmo, MN

Signature
Tory Johnson

Name
John Booher

Address
859 Jewel Ave N, Lake Elmo MN

Signature
John Booher

Name
Debra J Roettger

Address
568 Jewel Ave N Lake Elmo MN

Signature
Debra J Roettger

Name
William L Roettger

Address
568 Jewel Ave N Lake Elmo MN

Signature
William Roettger X

Name
Wendy Kreimer

Address
772 Jewel Ave. N.

Signature
Wendy Kreimer

Name
Randall Henderson

Address
870 Jasmine Ave N. MN
LK Elmo

Signature
Randall Henderson

Jill Buren
Name

829 Garrison Ave N
Address

Jill T. Buren
Signature

JOHN JAROS
Name

429 JULIP AVEN
Address

[Signature]
Signature

CHRIS SCHULTZ
Name

521 JULIP AVE
Address

[Signature]
Signature

Greg Milner
Name

9073 9th ST N
Address

[Signature]
Signature

Michael Doyle
Name

723 Jewel Ave No
Address

[Signature]
Signature

Angela Dress
Name

975 Jewel Ave N
Address

[Signature]
Signature

DAN STADICK
Name

9034 9th ST. N.
Address

[Signature]
Signature

Marybeth Nelson
Name

9123 9th St. N.
Address

[Signature]
Signature

Kathleen Ryan
Name

9106 9th St. N
Address

[Signature]
Signature

Peter Ryan

Name

9106 9th St. North

Address

Signature

X

Fred Comery

Name

687 Jewel Ave W.

Address

Signature

STEF GABRIEL

Name

968 JEWEL AVE

Address

Signature

Tami Fahney

Name

876 Jewel Ave

Address

Signature

Dale Meyer

Name

9391 9th St N

Address

Signature

Barb Ofelt

Name

887 Jasmine Ave Pl. N.

Address

Signature

Keith Kucharski

Name

883 Jasmine Ave Pl. N.

Address

Signature

Name

881 Jasmine Ave Pl. N.

Address

Signature

A M Keli

Name

875 Jasmine Ave Pl. N.

Address

Signature

Mr. Hoff

Name

755 JASMINE AVE N

Address

[Signature]

Signature

Rick Schmitt

Name

418 JULIP AVEN.

Address

[Signature]

Signature

Colleen Isaacson

Name

9314 9th St N

Address

[Signature]

Signature

Kimberly K. Ofsthun

Name

650 JULIP AVE N.

Address

[Signature]

Signature

JYEC OFSTHUN

Name

650 JULIP AVE N.

Address

[Signature]

Signature

Lynne Enright

Name

724 Julip Ave. N.

Address

[Signature]

Signature

MARK ENRIGHT

Name

724 JULIP AVE N.

Address

[Signature]

Signature

L D ALBERT CHANG

Name

858 JULIP AVE N.

Address

[Signature]

Signature

Jim Stuecken

Name

561 Julip Ave N

Address

[Signature]

Signature

Michelle M. Sherritt
Name
Address
9023 9th St. No

Michelle M. Sherritt
Signature

Jennifer Bruno
Name
Address
873 Jasmine Avenue Pl N.

Jennifer Bruno
Signature

Carol Ann
Name
Address
9323 9th St N

Carol Ann
Signature

Wayne J. Prouse
Name
Address
697 July Ave N.

Wayne J. Prouse
Signature

Craig Rossow
Name
Address
483 JULIEP AVE NORTH

Craig Rossow
Signature

SASENARINE SINGH
Name
Address
832 JASMINE AVE

SASENARINE SINGH
Signature

Dave + Mary Pletscher
Name
Address
772 Juliep Ave N.

Dave Pletscher
Mary Pletscher
Signature

Todd & Tammi Plock
Name
Address
802 Juliep Ave N

Todd & Tammi Plock
Signature

Name
Address
Signature

<p>Lake Elmo City Council July 19, 2005</p>	<p>Agenda Section: Planning, Land Use and Zoning</p>	<p><u>No.</u> 9B</p>
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Agenda Item: Garage Location Resolution – 9425 – 45th Street North (Yang)

Background Information for July 19, 2005:

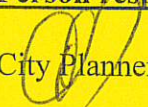
The applicants have applied for City Council approval to locate a detached garage structure nearer a public street than the Principal structure (home). The City Code prescribes specific City Council approval by Resolution under these circumstances.

The applicants propose a 22 foot by 24 foot detached garage structure that would be located 81 feet from Lake Jane Trail, and screened from view to Lake Jane Trail and any neighbors by dense woods in all directions. After viewing the site Staff suggests there is firm basis for approval of the application, since no adverse public street or neighborhood impact will result. A Resolution for approval is attached.

Action items:

Motion to adopt Resolution #2005-076 – approving placement of a garage structure nearer a public street than the principal structure at 9425 – 45th Street North per plans staff dated July 15, 2005.

Person responsible:


City Planner

Attachments:

1. Draft Resolution
2. Location Map
3. Applicants' Documentation

Time Allocated:

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

RESOLUTION NO. 2005-076

**A RESOLUTION APPROVING THE PLACEMENT OF AN ACCESSORY
STRUCTURE IN FRONT OF THE PRIMARY STRUCTURE
AT 9425 45th STREET NORTH**

WHEREAS, pursuant to Section 300.13, Subd. 31 of the Lake Elmo Municipal Code, Daya and Rody Yang, the property owners, have requested approval to place a detached garage in front of the primary structure at 9425 45th Street North, in accordance with plans staff dated July 1, 2005, and based on the physical condition of the lot.

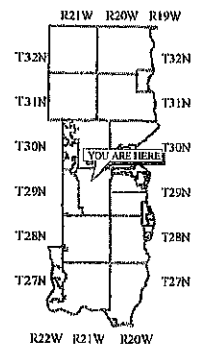
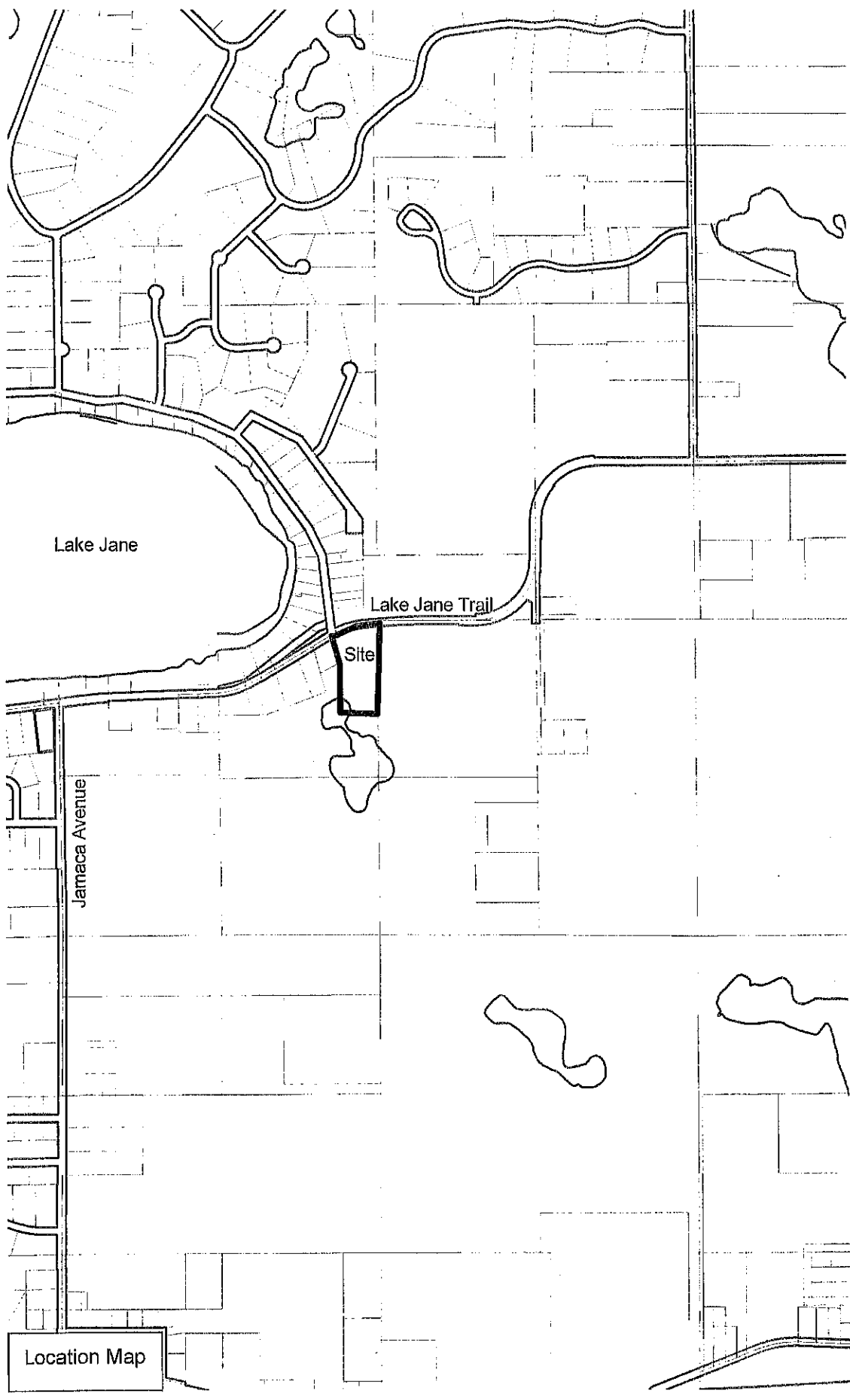
NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Lake Elmo hereby grants permission for construction of a garage in front of the principal structure at 9425 45th Street North.

ADOPTED, by the Lake Elmo City Council on the 19th day of July, 2005.

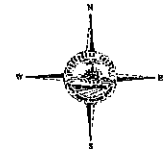
Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator



Vicinity Map



Location Map

This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

Source: Washington County Surveyor's Office. Phone (651) 430-6875

Parcel data based on AS400 information

BRUCE A. FOLZ & ASSOC.

LAND SURVEYING 14701 60TH STREET N
 -STILLWATER, MN. 55082

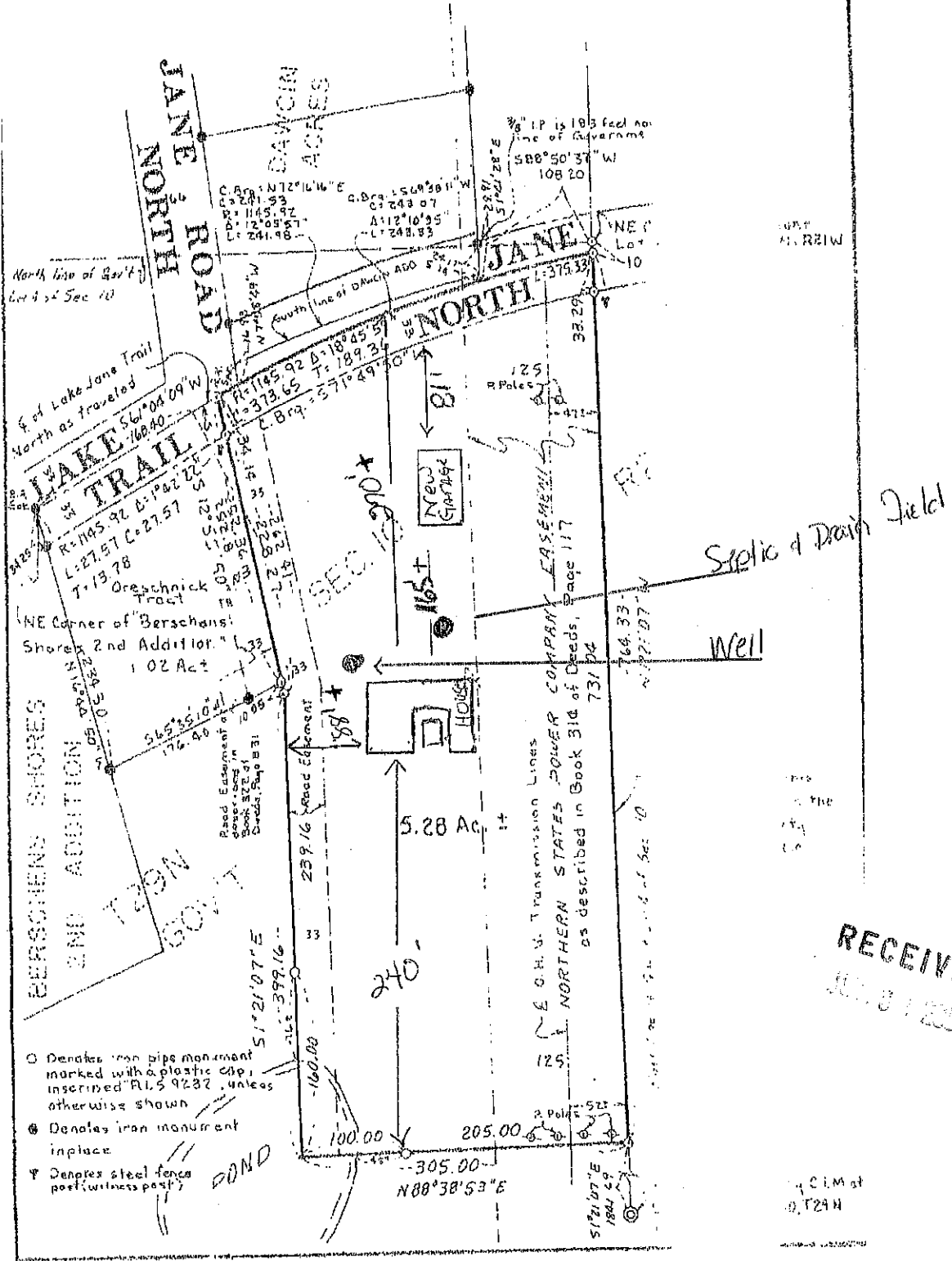
CERTIFICATE of SURVEY

BOUNDARY SURVEY FOR:
 Gerhard E. Schmidt
 9337 North Jane Court
 Lake Elmo, Minnesota
 55042

I HEREBY CERTIFY THAT THIS DRAWING IS A COPY OF THIS SURVEY AND ALL MONUMENTS HAVE BEEN PLACED ON THE GROUND AS SHOWN. THIS SURVEY OR PLAN IS UNDER MY DIRECT SUPERVISION AND I AM A SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

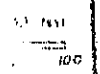
Bruce A. Folz
 BRUCE A. FOLZ MINN. REG. NO. 9

LEGAL DESCRIPTION (See attached sheets)



- Denotes iron pipe monument marked with a plastic cap, inscribed "RLS 9237", unless otherwise shown
- Denotes iron monument in place
- † Denotes steel fence post (witness post)

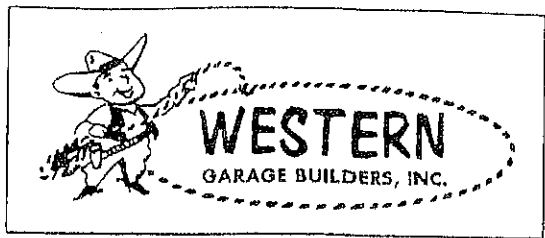
RECEIVED
 JUN 23 2005



1:2500

CLM at T24N

City Lake Elmo
 Address 9425 48th Street North
 Customer Daya Yang & Rudy Yang
 Phone 651.325.8028 w: _____



4301 Highway Seven, Mpls. MN 55416
 Phone: 952-920-8888 Fax: 952-920-1172
 State License #20316811

Salesman _____ Lot Type: Corner, Reverse, In-Side Lot Size 5.28 Acres

Garage: 22 x 24 x 2
Wire mesh 1/2" Rods Conduit
 4000#, 6 Bag Mix, 4% Air Entrained
 ABU _____ L Front _____ R Front
 _____ L Rear _____ R Rear

Driveway: OWNER
 Cement Asphalt
 Sidewalk _____

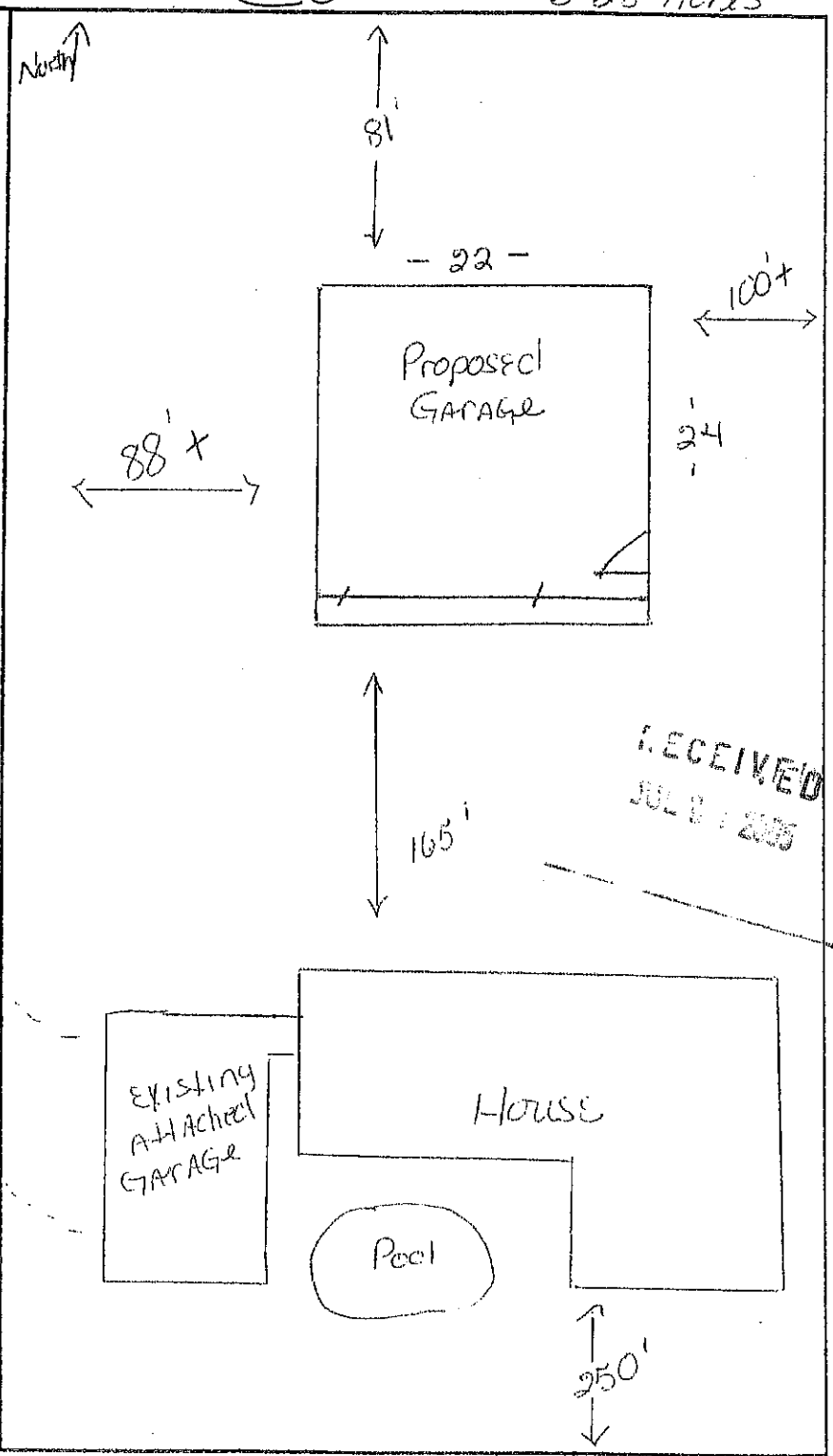
Block: 1 Row 6x8x16 2+ Rows 8x8x16
 | Left | Rear | Right | Front

Damp Proof/ Backfill: Western Owner

Overhead Door Size 16 X 7
Offset L Centered Offset R
 Always Use A 16'3" RO

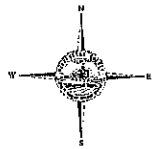
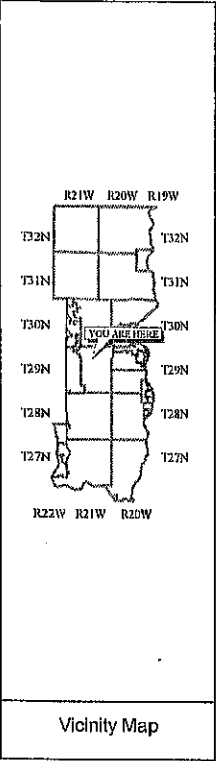
Service Door 32" 36"
 1Row RO 2'8" = 34" 3'0" = 38"
 2+Rows RO 2'8" = 37" 3'0" = 41"

1/2" Anchor Bolts Located Not More Than 6'o.c. And Within 12" Of Each End Piece. Both Side Walls Will Start With A 12' Bottom Plate From The Front.





Location Map



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Source: Washington County Surveyor's Office. Phone (861) 430-6875

Parcel data based on AS400 information

Lake Elmo City Council July 19, 2005	Agenda Section: Planning, Land Use and Zoning	<u>No.</u> 9C
---	--	----------------------

Agenda Item: PUD Concept Plan – “Serenity in Lake Elmo”

Background Information for July 19, 2005:

At its meeting June 27, 2005 the Planning Commission conducted a Public Hearing and adopted a recommendation to DENY this application for PUD (not OP) Concept Plan to develop this 110 acre site in the northeast quadrant of the Village Area for 44 single family detached building lots. The Commission’s denial recommendation relates directly to the fact that the entire site is within the Village Area Development Moratorium, which is in place until October, 2005. Commissioners observed that the Concept Plan does not respond to the current City’s Village Area Plan; and, that coordination and implementation activity related to the Village Area Plan is continuing.

The Commission was advised by staff that the Development Moratorium does include a provision whereby individual lands can be removed from the Moratorium Area . It is assumed, however, that action to remove a site from the Moratorium would be predicated on the plan for the site being in general compliance with the City’s Village Area Plan – not the case with this OP Concept.

The City Council could, with the specific concurrence of the applicant, table the Concept Plan application pending completion of City Village Area Plan coordination and implementation activities. The City Council could also approve the Concept Plan. Draft Resolutions for both denial (as recommended by the Planning Commission) and approval have been attached.

The official Concept Plan application date is June 8, 2005. The City’s 60 day application review period will expire on August 7, 2005 unless specifically extended by Council action and applicant concurrence. There will be 1 Council meeting (August 2) prior to the expiration of the review period.

Action items:

Motion to deny the PUD Concept Plan application of Heritage Development for “Serenity in Lake Elmo” based on a finding that the subject site is located within the geographic area of the valid Village Area Development Moratorium.

Person responsible:

City Planner 

Attachments:

1. Draft Resolution for DENIAL
2. Draft Resolution for APPROVAL
3. Planning Commission Minutes of June 27
4. Planning Staff Report
5. Location Map
6. Applicant’s Documentation (Received by Council with the June 27 Planning Commission Packets)

Time Allocated:

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

RESOLUTION NO. 2005-_____

**A RESOLUTION DENYING THE
PLANNED UNIT DEVELOPMENT OF SERENITY IN LAKE ELMO**

WHEREAS, Heritage Development made application to the City on June 8, 2005 for a Planned Unit Development consisting of 44 residential lots on a parcel of land in the Southwest Quarter of Section 12, Township 29 North, Range 21 West in Lake Elmo consisting of approximately 111.6 acres.

The property is located on the east side of Lake Elmo Avenue and west of the FIELDS OF ST. CROIX 2ND ADDITION, legally described as:

SEE ATTACHED LEGAL DESCRIPTION

WHEREAS, at its June 27, 2005 meeting, the Lake Elmo Planning Commission reviewed the application and unanimously recommended denial of this application, and

WHEREAS, the subject parcel lies within the Village Area Development Moratorium and the Concept Plan PUD does not comply with the City's Village Area Plan, and

WHEREAS, at its July 19, 2005 meeting, the Lake Elmo City Council reviewed the application and recommended denial of this application, and made the following Findings:

1. The Concept Plan PUD parcel lies within the Village Moratorium Area .
2. The Planning Commission recommended denial of this application.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Lake Elmo does hereby deny the Concept Plan Planned Unit Development of SERENITY IN LAKE ELMO, per plans that staff dated June 8, 2005, as the same on file with the City Administrator.

ADOPTED, by the Lake Elmo City Council on the 19th day of July, 2005.

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator

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

RESOLUTION NO. 2005-_____

**A RESOLUTION APPROVING THE
PLANNED UNIT DEVELOPMENT OF SERENITY IN LAKE ELMO**

WHEREAS, Heritage Development made application to the City on June 8, 2005 for a Planned Unit Development consisting of 44 residential lots on a parcel of land in the Southwest Quarter of Section 12, Township 29 North, Range 21 West in Lake Elmo consisting of approximately 111.6 acres.

The property is located on the east side of Lake Elmo Avenue and west of the FIELDS OF ST. CROIX 2ND ADDITION, legally described as:

SEE ATTACHED LEGAL DESCRIPTION

WHEREAS, at its June 27, 2005 meeting, the Lake Elmo Planning Commission reviewed the application and recommended denial of this application.

WHEREAS, at its July 19, 2005 meeting, the Lake Elmo City Council reviewed the application and recommended approval of this application, and made the following Findings:

1. The Concept Plan PUD conforms to the single-family residential development designation in the Comprehensive Plan.
2. The Concept Plan PUD satisfies the intent and purpose of the City's land use, zoning and subdivision regulations.
3. The Concept Plan PUD is no threat to the public health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Lake Elmo does hereby approve and accept the Concept Plan Planned Unit Development SERENITY IN LAKE ELMO, per plans that staff dated June 8, 2005, as the same on file with the City Administrator, based on the following Conditions:

1. Compliance with the recommendations of the City Engineer, with specific attention to the proposal for "temporary" waste treatment strategy.
2. Compliance with the recommendations of the Valley Branch Watershed District as found to be appropriate by the City Engineer.

BE IT FURTHER RESOLVED, that the Lake Elmo City Council removes the subject site from the Village Area Moratorium.

ADOPTED, by the Lake Elmo City Council on the 19th day of July, 2005.

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator

~~Commissioner Deziel said the City cannot require a commitment from those landowners for the 23 acre remnant parcel.~~

~~Commissioner Fliflet said that after reviewing the landowners' letter indicating their intent for those 23 acres, the Commission should proceed and not table the application.~~

~~VOTE: 6:3, Nay - Ptacek, Helwig, Schneider.~~

PUD Concept Plan – SERENITY IN LAKE ELMO

The Planner explained the purpose of the PUD. He noted that the primary concern for the Planning Commission with a PUD is compliance with the Comprehensive Plan for unit count and use, rather than the specific design standards of the zoning ordinance. He reported that a second major issue with this application is that the parcel is physically within the Old Village Neighborhood Design Study/Plan and subject to the Development Moratorium now in place for that area. He continued that the moratorium provides an opportunity for removal from the moratorium area for an appropriate development that is responsive to the Old Village Plan.

The Planner reported that the Old Village Plan called for this parcel to be the ultimate home for 90 plus dwelling units because it preserved a significant greenbelt around the Old Village and housing would match essential density and character of homes reflecting what is found in the Old Village. He has been advised that the applicants were unable to purchase density credits from other Old Village Area property owners which has resulted in the applicants asking for 44 units which roughly equates to OP density

The Planner distributed a letter from the adjacent property owner to the south indicating that no agreement is in place with the developer regarding location of street access across the neighboring proper to the subject site

The Planner said staff recommends approval of the plan subject to compliance with conditions specified by the Staff Report, particularly subject to affirmative action by the Lake Elmo City Council to remove this parcel from the moratorium area. Inclusion of the Old Village Plan in the Comprehensive Plan has not yet occurred. Once that is completed, this application generally complies with the Comprehensive Plan.

Commissioner Deziel expressed concern that this subdivision plan significantly reduces the number of homes in this area, and it impacts the other landowners or green space areas within the Old Village green belt as a result.

The Planner said the Commission heard an application that was tabled for the parcel south of this project along 39th Street that presented substantial density which might be considered again as mitigation for loss of units by this Concept. He said there also could be a change in density in other sections of the Old Village Plan or even reduction in the green belt area since reservations of land for constructed wetland wastewater treatment will no longer be required with Regional Sewer being available.

Commissioner Fliflet noted that the design layout does not seem to fit the Old Village Plan in terms of street layouts.

The Planner said that was a big concern for some of those vacant lands adjacent to existing Old Village neighborhoods but this area does not have an adjacent neighborhood to mimic.

Commissioner Lyzenga said she was concerned that this Concept disassembles the Old Village Plan and pushes the problem onto other people. She suggested the Commission should let the Old Village planning process be completed.

M/S/P, Armstrong/Ptacek, To recommend denial of the PUD Concept Plan for SERENITY IN LAKE ELMO based upon the Old Village Development Moratorium, and ask the City Council to uphold the Moratorium so the Comprehensive Plan and consequent planning gets done properly.

Todd Foster, Heritage Development

Mr. Foster said it is not economically feasible for his company to purchase development rights. He produced a similar plan to this one with an 80 lot density but Heritage is not in a position to purchase those added development rights. He said this plan responds to trails and open spaces. If OP density increases, they will add five more residential units.

Chairman Helwig said the new design meets what the Commission wanted to see in the Old Village.

Commissioner Deziel said putting this PUD Concept Plan forward jeopardizes the Old Village Plan and he would rather see those densities closer to what was anticipated both for this and for adjacent properties so it does not shift out of the Village area or tear the Old Village Plan apart. He said it is a beautiful plan, and it takes into consideration the traffic flow for pedestrians.

VOTE: 9:0.

Mr. Foster requested the application go to City Council on July 19 because both the Planner and Mr. Foster will not be available for the July 5 City Council Meeting.

City Council Update

The Planner said the Comprehensive Plan was submitted unofficially to Metropolitan Council staff to get an idea if the city was on track before spending all the money on engineering studies for the Systems Plans. The Metropolitan Council Director analyzed the Comprehensive Plan, and there were three or four issues of significance. Subsequently the City Council asked for clarification on these issues. He said the mayor, Councilmember Smith, Administrator Rafferty, and the Planner went twice to reach clarification with Chairman Bell and Administrator Weaver, and he and Mr. Rafferty met with the Met Council representatives a third time last week. The Planner said that what the city is left with is to go back to the Comprehensive Plan similar to what the Planning Commission recommended.

Adjourn at 10:11 p.m.

Respectfully submitted,

Kimberly Schaffel
Recording Secretary

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: June 22, 2005 for the Meeting of June 27, 2005

Applicant: Heritage Development

Location: North of 39th Street North and East of Lake Elmo Avenue

Requested Action: PUD Concept Plan

Land Use Plan Guiding: RAD

Existing Zoning: RR

Site History and Existing Conditions:

City records reveal no prior applicant initiated planning/zoning actions regarding this site. We note, however, at least three "neighborhood" planning initiatives over the past 10 years that included this site:

1. (Then) Mayor Win John and local architect Dave Herreid prepared a development concept for the Old Village in the late 1990's that included this site as single family detached housing.
2. The Metropolitan Council and the McKnight Foundation sponsored a series of neighborhood design studies (6) in Metro cities in 1999 to demonstrate design for "Smart Growth". This site was within the design done for Lake Elmo. Again , single family detached housing was the designated use of this site in that concept.
3. The City Village Commission engaged the firm Thorbeck & Associates to prepare an "Old Village Development Plan" including this site following several years of study and discussion as to the preferred character for development of the several hundred acres of undeveloped land surrounding the existing Old Village. The Planning Commission subsequently recommended that Plan (Thorbeck) as an amendment to the City Comprehensive Plan. The City Council tabled the Thorbeck Plan to permit corresponding system reports by the City Engineer. The Council also adopted a development moratorium on all areas within the Thorbeck Plan. That moratorium has been extended several times and remains in effect until mid-Fall 2005. Again, this site was designated by the Thorbeck Plan as single family residential, but at a higher density than earlier plans had depicted. That higher density was dependent of Transfer of Development Rights from other Old Village Area properties that were designated by the Thorbeck Plan as Preserved Open Space ("Green Belt").

The site totals 110 acres in area with two very distinct geographic/topographic regimes present. The north roughly 2/3 of the site is separated from the south 1/3 of the site by a steep ridge line. The north portion lies well below the south portion, and contains numerous wetland features breaking up farm fields. The south 1/3 of the site has been 100% farm field until the past year, and remains fallow today. The only woodlands of significance on the site are found along the slopes of the ridge line separating the two régimes of the site.

Discussion and Analysis:

The applicants propose a PUD Concept Plan for development of the site. This process (rather than the OP process) has been suggested to the applicant by City Staff to allow the site to be as responsive as possible to the Thorbeck Old Village Plan. The City's PUD Ordinance (Section 300.08 of the City Code) pre-dates the OP Ordinance but is structured in a similar fashion (3 stages: Concept, Preliminary and Final). The distinctive difference between the two ordinances resides in the absence of specific design standards (setbacks, minimum lot area etc.) in the PUD ordinance. Instead, the "Purpose" statement of the PUD Ordinance states:

"This subsection is intended to permit flexibility of site design and architecture for the conversion of land and open space through clustering of buildings and activities. This flexibility can be achieved by waiving provisions of this section (*ie. the Zoning Ordinance*) including uses, setbacks, heights and similar regulations, for PUD's."

The only true standards relate to setbacks etc. for any lots that are at the "periphery" of the site.

The City's PUD ordinance has been little-used over the years since its inclusion in the Zoning Ordinance – 1980 or even earlier. In fact there have been unsuccessful efforts to repeal the ordinance within the past few years. The basis for the repeal efforts appears to have been the concern that the potential opportunity for design flexibility could be abused by developers and/or the City at some point. The last (and only, as far as we can find) use of the PUD ordinance for residential development was for the Carriage Station neighborhood.

Just as with the Carriage Station site, this site presents special considerations that would suggest the use of the PUD ordinance to be appropriate. The Thorbeck Plan, although not as yet officially adopted by the City, is the culmination of many years of study by the City, and can be reasonably expected to be the "guide" for development within this geographic area of the City. That Plan contains several design features (such as "Green Belt", "Transfer of Development Rights" and "Traditional Neighborhood Development" concepts) that are clearly not anticipated by the City's conventional zoning provisions. In fact, the only process by which the Thorbeck Plan can be implemented under present City zoning regulations is through the PUD ordinance. The use of that ordinance is appropriate and necessary for this site.

The applicant proposes the development of the 110 acre site with 44 single family detached lots – about what would be allowable on the site as an OP development – responsive to the current OP density maximum of 16 units/40 acres. The only distinction as to density from OP would be the applicant's utilization of gross site acreage rather than OP net site acreage after wetlands and steep slope deductions. At the same time the applicant here proposes a total unit count for the site well under (less than one half) that depicted by the Thorbeck Plan for the site. Essentially the applicant has abandoned the concept of purchasing TDR credits from other property owners resulting in a reduced unit count on his site as related to the Thorbeck Plan.

Additional Staff observations regarding the applicant's Concept for 44 lots include the following:

1. Proposed setback standards mirror those of the R-1 zoning district – the zoning of the majority of the existing Old Village residential area.
2. Proposed street cross sections are responsive to those of OP developments.
3. The Concept Plan preserves the "Green Belt" that is one of the key elements of the Old Village Plan. The suggestion that this area be "dedicated open space" may not be accurate

however. There will be no Park Dedication credit recommended since the open space has been clearly used to calculate the project density. A Minnesota Land Trust Easement will be a more appropriate vehicle for preserving the open space, and Park Dedication (likely cash-in-lieu) will be determined using the appropriate Subdivision Code formula.

4. The Central Park feature proposed by the applicant will be a private (HOA) amenity. No City Park Dedication credit will accrue. The proposed trail corridors will be reviewed by the Park Commission at subsequent PUD stages for Park Dedication credit consideration per the Trails System Plan.
5. Provisions for site access by Public streets appears appropriate – subject to concurrence with the abutting property owner(s) as to location.
6. This site (and the entire Old Village development area) is now scheduled to be served by Regional Sewer. The applicant's Concept anticipates that strategy, but suggests that development of the site be allowed to proceed with a "temporary" wastewater solution prior to the 2007 (approximate) availability of the Regional Sewer. The draft 2030 Comprehensive Plan Staging Element does anticipate "sewered" Old Village units prior to the availability of Regional Sewer (as early as 2006), and the "temporary" strategy is therefore anticipated by the Staging Plan. The technical aspects of the strategy as proposed by the applicant (as to scale of drain field and total number of units that should be accommodated with temporary wastewater service) should be subject to City Engineer concurrence.
7. The Old Village Moratorium extends to October 5, 2005. The Moratorium Ordinance does provide for the removal of a property as the sole discretion of the City Council – and has been done with previously. A waiver will be necessary prior to a City Council approval action regarding this PUD Concept Plan.

Findings and Recommendations:

City Code prescribed Findings by the Planning Commission regarding a PUD Concept Plan are:

1. Whether the proposed concept plan conforms to the Comprehensive Plan of the City.
2. Whether the Concept Plan satisfies the intent and purpose of the City's land use, zoning and subdivision regulations.
3. Whether the General Concept Plan is, in any way, inconsistent with the public health, safety and general welfare.

Staff suggests that the proposed Concept Plan could be found to be compliant with all three required Findings, and be recommended for approval – subject to the following conditions:

1. Compliance with the recommendations of the City Engineer, with specific attention to the proposal for "temporary" waste treatment strategy.
2. Compliance with the recommendations of the Valley Branch Watershed District as found to be appropriate by the City Engineer.
3. Subject to an affirmative decision by the City Council regarding removal of the site from the Village Area Moratorium.

Planning Commission Actions Requested:

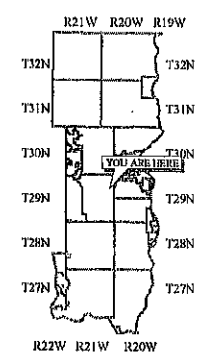
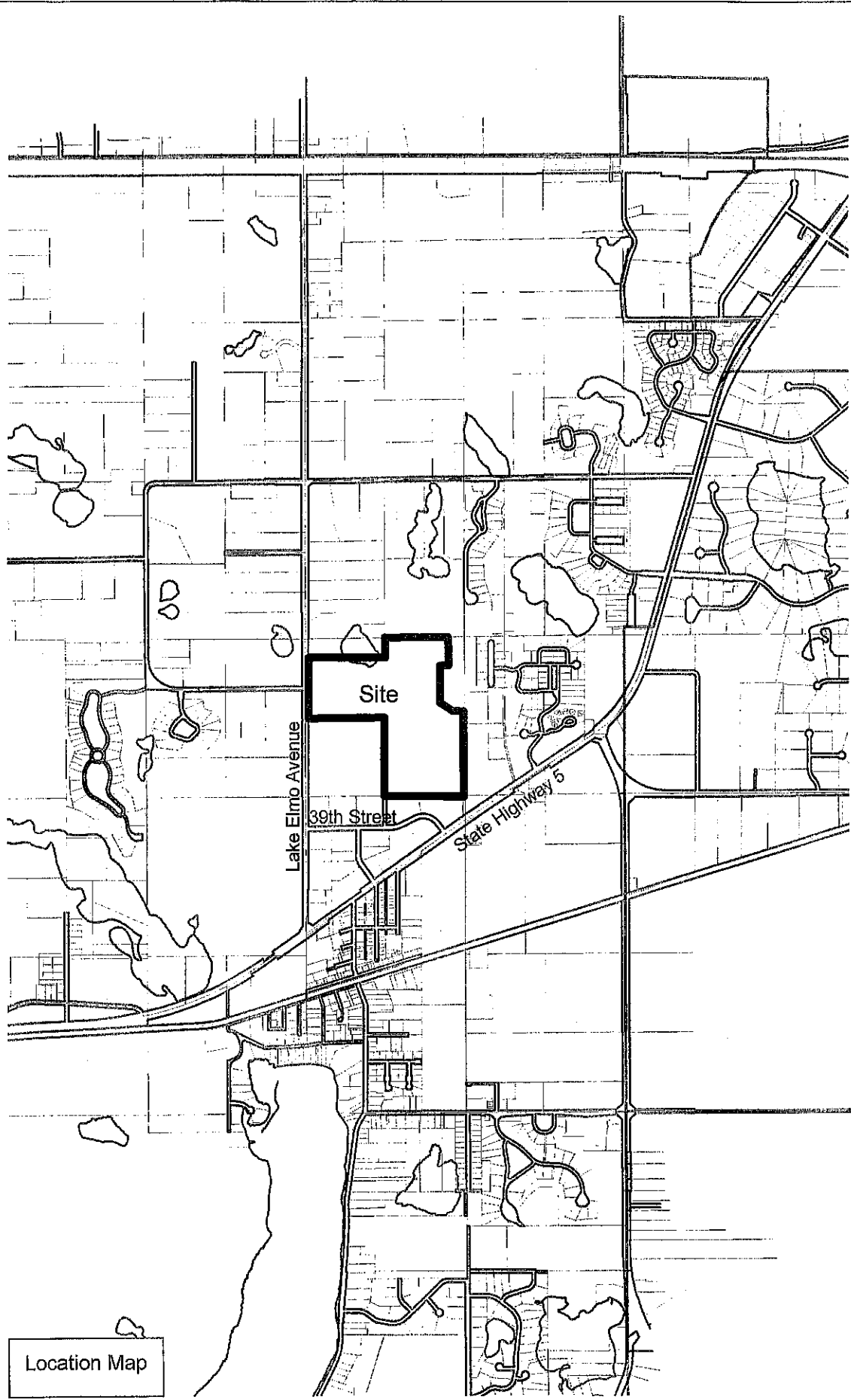
Motion to recommend approval of the PUD Concept Plan of "Serenity in Lake Elmo" per plans staff dated June 22, 2005 based on compliance with the required PUD Concept Plan Findings and subject to the conditions specified by the June 22, 2005 Planning Staff report.



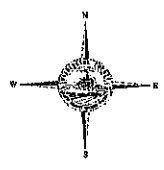
Charles E. Dillerud, City Planner

Attachments:

1. Location Map
2. City Engineer's Memo (If Available)
3. Valley Branch Review Letter
4. DNR Review Email



Vicinity Map



Location Map

This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

Source: Washington County Surveyor's Office. Phone (851) 433-6375

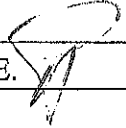
Parcel data based on AS400 information

RECEIVED
JUN 27 2005

1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, MN 55101-2140

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

MEMORANDUM

To: Chuck Dillerud	Reference: Concept Plan Review
Copies To:	Serenity in Lake Elmo
	City of Lake Elmo, Minnesota
From: Thomas Prew, P. E. 	Proj. No.: 13267.000
Date: June 24, 2005	Routing:

I have reviewed the Concept Plan dated June 8, 2005, and have the following comments:

General

Last fall the City proposed a study to construct a by-pass of TH 5 around the Old Village area. The by-pass would have traversed this parcel. If this project is brought forward at this time, the opportunity to ever have a by-pass of the Old Village area will be lost.

Plat

There is a pipeline easement along the east side of the plat. The pipeline owner should be consulted with regard to required setback from their facilities.

The access to the Smith Parcel intersects the road at an awkward angle, and is too close to the cul-de-sac. This should be looked at closer.

Streets

The entrance road should be made to line up with the drive way for the bank. The recently approved office building on the Brookman property should be looked at in conjunction with this entrance road.

A roundabout at the intersection with 39th Street is recommended. This would need to be built to State-Aid Standards.

A roundabout with the first intersection north of 39th street is also recommended.

All streets should be concrete curb and gutter.

The homeowners associations should be responsible for maintaining the cul-de-sac islands.

Drainage

It is not clear where drainage from the central pond flows.

The VBWD has requested that a drainage study of this area and Brookfield development be completed before any development occurs here.

Sanitary Sewer

This project is within Old Village sanitary sewer service. However that sewer will not be available until 2007 at the earliest. The developer proposes to serve this development with a temporary on-site septic system until City sewer is available. This proposal is ok, as long as the number of connections does not go over 10,000 gallons per day. This is the threshold for an MPCA permit.

It is anticipated that the area used as the temporary drainfield be reclaimed for building lots and this should be ok. However, the developer should review his plans to use the temporary drainfield for building lots with the MPCA.

Watermain

This project would be served by City Water.

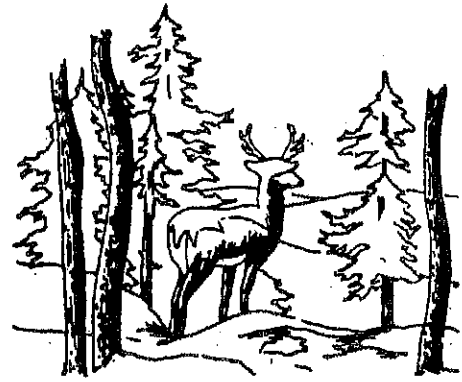
Trails

The trail should be extended to 39th Street.

The trail on the west should line up with 43rd Street.

June 15, 2005

Mr. Chuck Dillerud
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042



Re: Serenity in Lake Elmo

Dear Mr. Dillerud:

Thank you for submitting the concept plan for the Serenity in Lake Elmo project. On behalf of the Valley Branch Watershed District (VBWD), I have reviewed the information and this letter provides my preliminary comments. Because the project will require a VBWD permit, I will review the project more thoroughly once a VBWD permit application is submitted.

Background

The site lies within the Goetschel Pond and Downs Lake watersheds. Currently, the proposed dedicated open space ultimately drains to Goetschel Pond, while the proposed housing area ultimately drains to Downs Lake. Goetschel Pond is landlocked, and Downs Lake has a high overflow and a history of high water problems. Therefore, the developer is encouraged to incorporate low-impact development techniques into the project so that the water quantity problems are not exacerbated.

The concept plans shows a NURP pond in the proposed open space area. This implies that the drainage from the proposed housing area will be diverted from the south to the north. Changing major drainage divides is typically discouraged. More information on the potential impacts of changing this divide will be needed.

Water Quantity

It appears that the concept will include some low impact development practices. These practices will reduce the amount of impervious surfaces and encourage infiltration. If not already included in the plans, these additional practices should be considered:

- Keeping the proposed trails as narrow as practical, and consider using porous pavement. Because a long length of trails is proposed, reducing the width by just a small amount could reduce the amount of impervious surface by a fair amount.
- Constructing rainwater gardens and/or infiltration basins.
- Grading the islands in the traffic circles and parkway median as depressions.
- Constructing the site so that compaction in pervious areas is prevented.
- Requiring that soils be loosened to a depth of 24-inches to a maximum compaction of 85% standard proctor density and tilling the upper 10 inches of soils prior to planting.
- Directing roof drains to pervious areas.
- Using pervious areas for snow storage.
- Planting trees that at maturity will canopy over the impervious surfaces.



DAVID BUCHECK LINCOLN FETCHER DONALD SCHEEL DALE BORASH DUANE JOHNSON

VALLEY BRANCH WATERSHED DISTRICT
P.O. BOX 838

www.vbwd.org
LAKE ELMO, MINNESOTA 55042-0538

- Planting deep-rooted trees, shrubs, wildflowers, and grasses in at least 25% of the project's green space.
- Requiring that long driveways be narrowed to a single lane (around 11 feet wide) as they approach the street.

Floodplain Issues

Open Space Area

The 100-year flood levels of the wetlands within the proposed open space area are high, so it is good that no homes are proposed in this area. The VBWD calculated the 100-year flood levels of this area in 1995 using a simplified approach and found the flood levels to be Elevation 916. Some of the proposed trails appear to be below Elevation 916. The VBWD limits the amount of fill that can be placed below the 100-year flood level of a water body. The trail locations should be adjusted to minimize the amount of fill. Mitigation might be required if the proposed fill exceeds the VBWD limitations.

If the drainage divide is changed, more runoff will enter the open space area and ultimately Goetschel Pond. The impact on the 100-year flood levels of the wetland and downstream areas will need to be determined.

Housing Area

As with all VBWD permitted projects, the 100-year flood levels of the proposed ponding areas will need to be calculated and the homes will be required to have minimum floor elevations at least two feet higher than the adjacent basin's 100-year flood level.

Water Quality

Stormwater runoff treatment details were not provided, but concept ponding treatment is shown on the concept plans. If infiltration is feasible, it is encouraged.

Wetland Issues

The project site includes several wetlands that are typically landlocked. These wetlands are under the jurisdiction of the Wetland Conservation Act (WCA) and the VBWD. The large wetland that is partially on the northwest corner of the site is a Minnesota Department of Natural Resources Public Water. It appears from the concept plans that no wetland will be filled, unless some trail construction causing filling.

The developer will need to submit a wetland delineation report for the VBWD to approve. The VBWD is the Local Government Unit responsible for administering the WCA. The intent of the WCA is to avoid wetland impacts. The developer will need to follow all of the rules and regulations of the WCA, and submit all of the necessary documentation. The VBWD will then review the information, forward the information to the appropriate agencies for comments, and ensure the proposal conforms to the WCA and other VBWD wetland rules and regulations.

Any projects with wetland impacts take a minimum of six weeks from the time a complete permit application is submitted until a VBWD permit can be obtained. All developers proposing wetland impacts are strongly encouraged to meet with a Barr Engineering Company wetland scientist and me before a VBWD permit application is submitted.

Permit Requirements

The proposed project will require a permit from the VBWD. The developer must submit a complete permit application packet to me. Permit application materials can be obtained from the VBWD's website, www.vbwd.org, or from me. Once a complete VBWD permit application is submitted, I will review the project for conformance to the VBWD's rules and regulations, including:

- Stormwater rates
- Water quality treatment
- Flood levels and minimum floor elevations
- Wetland protection
- Erosion controls
- Potential downstream impacts

If you have any questions, please contact me at 952-832-2622.

Sincerely,



John P. Hanson, P.E.
BARR ENGINEERING COMPANY
Engineers for the Valley Branch Watershed District

c: David Bucheck, VBWD President (via e-mail)
Paul Kangas, Loucks Associates, 7200 Hemlock Lane - Suite #300, Maple Grove, MN 55369
Todd Foster, Heritage Development, 422 East County Road D, St. Paul MN 55117

Kimberly Schaffel

From: Travis Germundson [travis.germundson@dnr.state.mn.us]
Sent: Friday, June 17, 2005 10:54 AM
To: Kimberly Schaffel
Subject: Serenity in Lake Elmo

I have no comment on this PUD Concept Plan for Serenity in Lake Elmo.

Travis Germundson
Area Hydrologist
DNR Waters
1200 Warner Rd.
St. Paul, MN 55106
651-772-7914

RECEIVED
JUN 27 2005

LYNSKEY CLARK COMPANIES
P.O. BOX 36
STILLWATER, MN 55082
(651) 439-1412

June 27, 2005

City of Lake Elmo
Attn: Chuck Dillerud

chuck.dillerud@lakeelmo.org

I am sending you this letter in regards to Heritage Developments proposed housing plot on the Abbot property which is located directly north of the property that my partnership owns in the Brookman Addition.

I have seen the proposed plat and have met with Todd Foster with Heritage Development.

We want it on the record. We do not agree or necessarily disagree with their proposed road which runs through our property. As I have informed Todd Foster, we have a land planner that is currently reviewing the proposed plat and is determining how it can relate to our property.

We expect to have an analysis done on the site within the next couple of weeks.

So at this point in time we need it stated for the record, that we can not support this proposed road location until we had adequate time to do our diligents on how best to develop our property.

In closing within the next few weeks after we have had time to do our diligents on our piece. Upon completion of our study we will meet with Chuck Dillerud to show him our thoughts for our property.

Thank you for your consideration.

Sincerely,

Mick Lynskey
Lynskey Clark Companies

Serenity in Lake Elmo

PUD Project Narrative

June 8, 2005

Applicant:

Heritage Development

Attn: Todd Foster

422 East County Road D

St. Paul, Minnesota 55117

Phone: 651-481-0017 Ext.104

Fax: 651-481-1518

Email: toddf@heritagedevelopment.com

RECEIVED

JUN 08 2005

Planner/Engineer:

Loucks Associates

Attn: Paul Kangas - ASLA

7200 Hemlock Lane – Suite #300

Maple Grove, Minnesota 55369

Phone: 763-424-5505

Fax: 763-424-5822

Email: pkangas@loucksmclagan.com

Affected Properties:

The development area consists of two parcels totaling 110 acres. The properties together are known as the Abbott Parcel. Proof of ownership by Heritage Development and a legal description of the subject property is attached to this document.

Lot Size and Setbacks:

The proposed single family lots will be at least 24,000 SF each (.55 acre) and generally have 120' of width at the public right-of-way. Some lots, primarily around the cul-de-sacs, have less street frontage, but quickly expand to at least 100' wide at the front setback line.

Setbacks for the parcels will be consistent with the existing Lake Elmo R-1 zoning and will include the following:

Front Setback =	30' Minimum	Side Yard (Interior) =	10' Minimum
Rear Setback =	40' Minimum	Side Yard (Corner) =	25' Minimum

Area Wide Master Plan:

Significant land use study has taken place in this portion of Lake Elmo. This parcel had been included in the Thorbeck Study completed in December of 2003. Under that plan, the same development area was scheduled to be developed into 96 units from 90-100' in width.

Our current concept plan calls for significantly fewer units (44) than what is shown on the Thorbeck Study. The Developer does not have development rights that can be transferred to this parcel, and the .55 acre minimum being proposed is more consistent with the existing development in the area.

Street and Right-of-Way Width:

The streets and right-of-way will be kept relatively narrow to be consistent with general practice in the City of Lake Elmo and to reduce impervious surface. The proposed widths shall be:

Street Type	ROW Width	Street Width
Two Way Traffic:	50'	22'
Divided Parkway:	80'	18' One Way with 12' Min. Boulevard

Development Amenities:

The Developer is proposing a number of special features that will create a special residential community for future residents of Lake Elmo. Those amenities may include:

Central Park:

All of the lots in the middle of the development will face a central park space that will act as a recreational amenity, a storm water detention area, a visual buffer between the units, and a neighborhood gathering spot. Additional amenities, such as a park shelter, play equipment, and site furnishings may be included.

Integrated Open Space and Trail System:

All of the lots will have convenient access to an integrated open space system that will act as a visual and recreational amenity for the entire development. A pedestrian trail system will allow for future connections to the proposed Lake Elmo Regional Trail System through connections to the northeast, west, and south edges of the subject property.

Entry Parkway:

The Developer proposes the construction of a boulevard entry drive that will contain extensive landscaping, specialty lighting, development signage, and accent paving at critical pedestrian crossings.

Cul-de-Sac Planting Islands:

The large radius cul-de-sacs will allow for special planting areas that reduce impervious surface, increase green space, and enhance the overall aesthetics of the development. These areas would be maintained by the Homeowner's Association. These areas may also serve as additional storm water infiltration basins if necessary.

Housing Types:

The proposed housing type will be large lot single family homes. Lots will be at least 24,000 SF with many of them significantly larger. The development will feature a wide variety in the appearance of the homes, have high quality materials and detailing as approved by an Architectural Review Committee, and feature a Homeowner's Association to maintain common spaces and the significant landscape amenities on the property. Covenants will be implemented to ensure the built neighborhood conforms with the design intent of the Developer and the City of Lake Elmo.

Vehicular Access:

Access to the property is proposed through two public street connections at the south and west edge of the property. The southerly connection is proposed to be placed more easterly than the current right-of-way (Leyton Avenue) extending north from 39th Street North. Negotiations with the landowner of the Brookman Third Addition are taking place to facilitate that proposed change. An additional access from 39th Street North has been suggested as an extension of Laverne Avenue and would serve as the southern access to the Sheltgen Property.

Public Utilities:

Although existing public utilities in this area are limited, it is the Developer's intent to connect to the existing and proposed services when available. The proposed concept plan assumes the following:

Water:

Water service is available in either 39th Street North (8" line) or Highway #5 (12" line on north). Stubs from this development would be available to serve the Sheltgen Property to the west and make a looped water system possible once the Sheltgen Property is developed.

Sanitary Sewer:

A temporary, private community drain field will be installed on the south end of the development. This location will allow for a future connection to the proposed sanitary sewer line coming from the south in approximately 2007. The temporary system will be adjacent to public right-of-way for easy maintenance, and be designed to accommodate easy transition to the central, public service once available. The Developer has retained a sanitary sewer design specialist that has indicated a temporary drain field system will require approximately 875 SF per unit. (38,500 SF total). Additional capacity may be provided to serve the Brookman Third Addition until sewer is available.

Storm Sewer:

In accordance with MPCA storm water requirements, we are proposing to create NURP ponds and detention areas that maintain the predevelopment runoff rates. Limited impact on the existing storm sewer system is anticipated. Generally, storm water from the proposed development will be handled in on-site NURP ponds. Additional land, below the slope to the north, will be used as the final filtration basin before the water is released to the other water bodies or permeates into the groundwater.

Wetland Impact:

Wetland delineation was completed on the subject property in July of 2004 by Kjolhaug Environmental. No wetland impacts are anticipated as only the northern portion of the site contains existing wetlands, and that area is being preserved for dedicated open space.

Tree Preservation:

Minimal tree loss will be necessary to develop the subject property. The area of the site proposed for development has been previously utilized as agricultural property and limited trees are found in the development area. Significant additional tree plantings will be installed during the development process.

Timing/Phasing:

The proposed development is proposed as one phase with an aggressive build-out schedule. Pending approval from the City, we expect to start construction in fall of 2005 and have all lots, with the exception of lots shown on the temporary drain field, available for construction in 2006.

Conclusion:

The proposed development will be a high quality neighborhood consistent with the development pattern desired by the City of Lake Elmo. Emphasis on architectural variety, preservation of significant open space, and a site layout that provides interconnected visual and recreational amenities ensure that Serenity in Lake Elmo will be a desirable neighborhood for generations.

Serenity in Lake Elmo

CONCEPT PLAN



LOUCKS
ASSOCIATES



Lake Elmo City Council July 19, 2005	Agenda Section: Planning, Land Use and Zoning	<u>No.</u> 9D
<u>Agenda Item:</u> Section 520 Site Plan – 9200 Hudson Blvd. (Link Recreational)		
<u>Background Information for July 19, 2005:</u>		
<p>The new owner of the former Dolan Marine site has made application to construct exterior site improvements. The use of the site (boat sales/service) will not change and is a permitted use in the GB district – which this site remains zoned as. No structure additions are proposed. The Site Plan covers enhancements to the parking, display and structure exterior.</p>		
<p>This Site Plan was reviewed initially, and recommended for approval by the Planning Commission on June 13. One condition of the approval recommendation was for the applicant to redraft the site plan to show uses and improvements (if any) to the entire site rather than just the south portion where the building are located. The applicant did re-submit plans showing the entire site, and the Planning Commission briefly reviewed those plans on June 27. The Commission took no further actions (beyond sustaining their original recommendation to approve).</p>		
<p>The Link site is within the recently adopted I-94 Corridor Development Moratorium Area. The Moratorium ordinance provides for the removal of site from the Moratorium. In this case where we will see a decided exterior appearance improvement to s property that has needed it for years, it appears prudent for the Council to allow the improvement to take place by removal of the Link site from the Moratorium area. An ordinance to that effect is also attached.</p>		
<u>Action items:</u>	<u>Person responsible:</u>	
<p>Motion to adopt Ordinance #97- removing the Link Recreational site from the I-94 Development Moratorium Area; and Motion to adopt Resolution #2005 – approving the Section 520 Site Plan for Link Recreational at 9200 Hudson Blvd. per plans staff dated June 29, 2005.</p>	<p>City Planner</p>	
<u>Attachments:</u>	<u>Time Allocated:</u>	
<ol style="list-style-type: none"> 1. Draft Ordinance #97 – Moratorium 2. Draft Resolution #2005 – ¹⁶⁰Approving Site Plan 3. Planning Commission Minutes of June 13 4. Location Map 5. Applicant's Documentation 		

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2005-078

A RESOLUTION APPROVING THE 520 SITE PLAN FOR LINK RECREATIONAL

WHEREAS, at its June 13, 2005 meeting, the Lake Elmo Planning Commission reviewed and recommended approval of the application for a 520 Site Plan for Link Recreational, 9200 Hudson Boulevard, to construct exterior site improvements, Minnesota subject to conditions.

WHEREAS, at its June 27, 2005 meeting, the Lake Elmo Planning Commission reviewed the applicants redraft of the site plan to show uses and improvements to the entire site rather than just the south portion where the buildings are located,

WHEREAS, at its July 19, 2005 meeting, the City Council reviewed the 520 Site Plan for Link Recreational, per plans staff dated June 29, 2005,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lake Elmo does hereby approve the Section 520 Site Plan of Link Recreational, 9200 Hudson Blvd., in accordance with plans Staff dated June 29, 2005, and subject to the following conditions:

1. Compliance with the sign regulations.
2. Compliance with the lighting regulations on the entire site to comply with city standards.
3. Compliance with the South Washington Watershed District regulations deemed applicable by the City Engineer.
4. Compliance with the conditions set forth by the City Engineer.

ADOPTED by the Lake Elmo City Council on the 18th day of July 19, 2005.

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. 97-160

AN ORDINANCE REMOVING PROPERTY FROM THE
RESTRICTIONS OF THE I-94 CORRIDOR DEVELOPMENT MORATORIUM

1.0 **RECITALS.**

- A. On June 7, 2005, the Lake Elmo City Council adopted Ordinance No. 97-158 ("I-94 Corridor Development Moratorium").
- B. Pursuant to the terms of the I-94 Corridor Development Moratorium and upon adoption of specific findings, the I-94 Corridor Development Moratorium allows the Lake Elmo City County to remove property from the application of the development moratorium.
- C. The City of Lake Elmo has received a development application from the Link Recreational, 9200 Hudson Boulevard, property located in the "Village Area" as that term is defined in the I-94 Corridor Development Moratorium.

2.0 **FINDINGS.** The Lake Elmo City Council makes the following findings in regard to the removal of the development proposed by the Lake Elmo Business Park Company from the restrictions of the I-94 Corridor Development Moratorium:

- A. Generally complies with the existing City Zoning Ordinance.

3.0 **REMOVAL OF PROPERTY.** The Lake Elmo City Council hereby authorizes removal of the Link Recreational Parcel, as defined in the Development Application, dated June 8, 2005 from the restrictions contained in the I-94 Corridor Development Moratorium but does not authorize removal of any other property; and the removal of this parcel from the restrictions of the I-94 Corridor Development Moratorium shall not be considered an approval of the proposed site development which must otherwise comply with the City of Lake Elmo's Development Regulations.

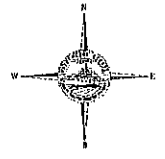
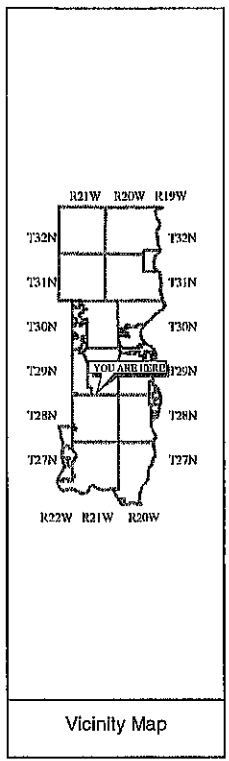
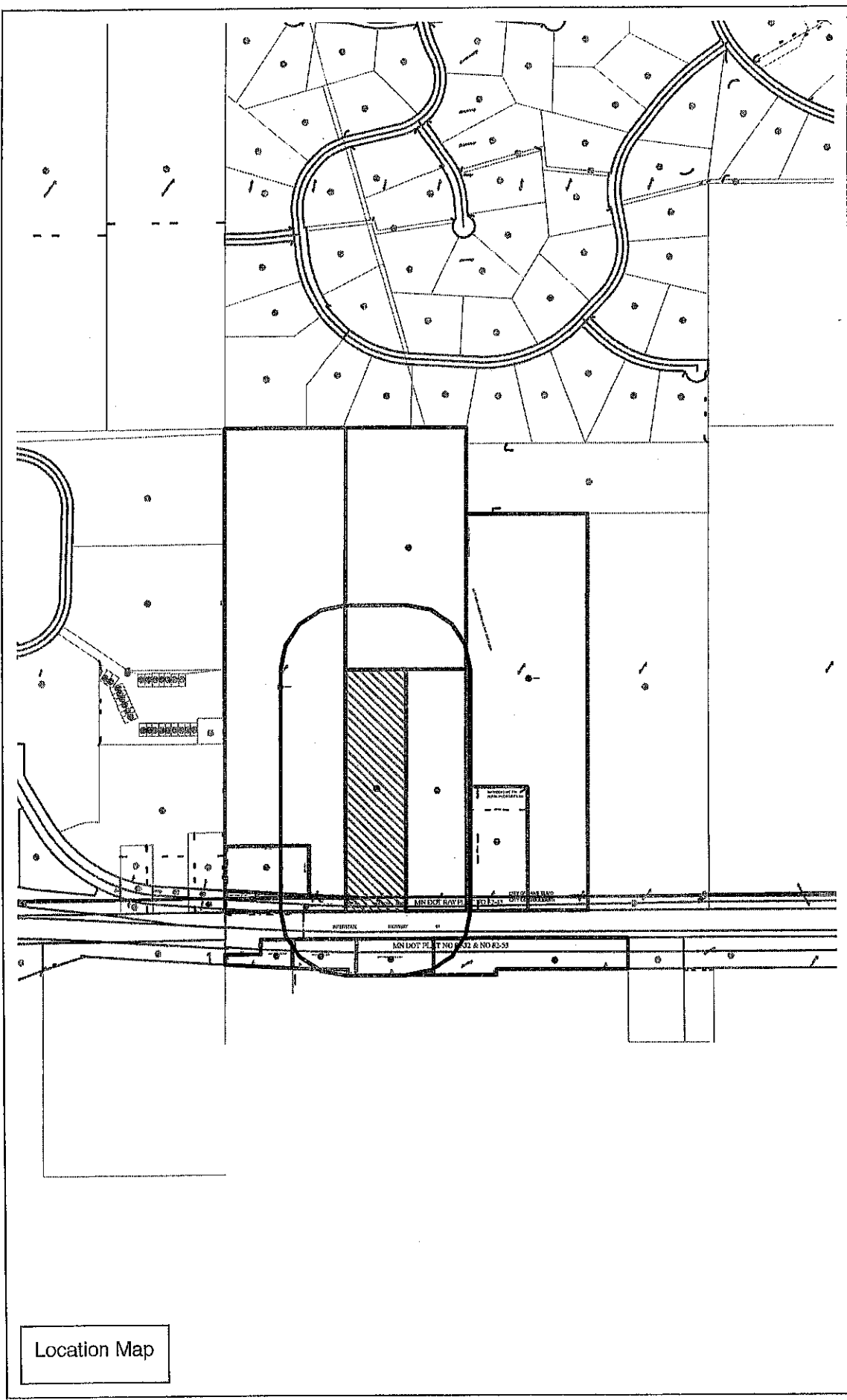
Effective Date: This Ordinance shall be effective the day following publication.

Adoption Date: Passed by the City Council of Lake Elmo the 19th day of July, 2005.

Dean Johnston, Mayor

Martin J. Rafferty, City Administrator

Publication Date: This Ordinance was published in the _____
_____.



Location Map

This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

Sources: Washington County Surveyors Office. Phone (651) 430-6875

Partial data based on AS400 information

M/S/P, Ptacek/Deziel, To recommend amending the Comprehensive Plan to change the guiding for this parcel from RAD to PF. VOTE: 7:1 Nay-Van Zandt.

M/S/P, Ptacek/Lyzenga, To recommend rezoning this parcel from RR to PF. VOTE: 7:1 Nay-Van Zandt.

M/S/P, Ptacek/Deziel, To recommend the Minor Subdivision of 7.3 acres gross acres including right of way from the larger parent parcel owned by 3M Company. VOTE: 8:0.

M/S/P, Ptacek/Lyzenga, To recommend approval of the Conditional Use Permit to allow construction of a Public Works/Parks Garage and a water tower. VOTE: 8:0.

M/S/P, Ptacek/Sedro, To recommend approval of the Section 520 Site Plan. VOTE 8:0.

M/S/P, Ptacek/Schneider, To recommend approval of a Variance from architectural standards to allow standing seam metal siding on the new Public Works/Parks Garage in the PF Zoning District.

Commissioner Sedro said it is very nice barn like structure if the Code would allow it. She said the city should not request a variance from its own Code. Commissioner Ptacek said a Code amendment would take too long. VOTE: 5:2:1. Nay: Sedro/Helwig. Abstain: Deziel -- He sees Commissioner Sedro's point but did not want to vote against it.

SITE PLAN REVIEW: ~~LINK RECREATION~~ 9200 HUDSON BOULEVARD

This site has been sold to another marine boat dealer proposing another building remodel. Improvements are proposed to the building, parking area, and outdoor display area which is permitted. The Planning Commission was given a couple of additional paragraphs for the staff report. The Planner said the proposal is to have overflow parking behind the site yet there is a gate and fence there. His concern is during the previous use there was a propensity for extensive inventory, and that area behind the fence might become a storage area. The Planner said this site would require a conditional use permit if that area is for storage. There shall be no boats, motors, or trailers there or there will be a citation. He said he would like to know the applicant's intentions for this area. Conditions to be added such as city engineer compliances and the watershed district that ce believes should be complied with and the lighting code must be complied with. For the building we suggest 20 feet standard be applied and no swivels so they cannot be tilted up and keep all light down where it belongs. No signage except what they have. Anything new must comply with the sign code.

Commissioner Ptacek asked for clarification about outdoor display. The Planner said the Code allows it but shrink wrapped boats are storage not outdoor display.

David Herreid, Architect with Wichser & Herreid

Mr. Herreid said his evolution of understanding was that they would use overflow parking for boats coming in and as they are moving through the preparation process. This has been occurring for years on the site and he said he thought that use would be grandfathered in.

The Planner said the city does not want a large inventory of storage and they do want screening.

Mr. Herreid said the service shop will bring in boats already purchased boats and the overflow would be for parking. The owners would also be bringing in inventory for sale. Some of those boats would be behind the buildings.

The owner said they are an event marketer and they drive a lot of traffic. They need an area to stage the boats for inventory and for sale events. They are a high volume dealer selling a lot of boats so they need those staging areas. He said winter storage is indoors at this facility. They are not in the storage business.

The Planner said the city does not have enough staff to monitor storage.

Commissioner Deziel said the applicant is not charging storage fees. Storage is not a principal use.

The Planner said we can rely on the previous use. He would like storage screened.

Chairman Helwig said boats in for service should be licensed. Those on display are not licensed.

Commissioner Fliflet aesthetically it doesn't matter whether or not they are licensed. The question is whether or not we want screening.

The Planner said the fenced off area is a problem. Racks up to five high of shrink wrapped boats for inventory are a problem.

Commissioner Ptacek said that boats to be serviced being stored within a fenced area is a reasonable desire of a customer. No racks or stacking would be allowed, and it could be screened. He said the applicant can delineate an area in the back to take care of the staging for prepping boats but limiting the activity behind the fence to that staging area, then there would be no problem. Shrink wrapped in that area would be a problem. Alternative is to screen it.

Commissioner Fliflet said she is inclined to uphold the standard and screen it.

The Planner will check with the city attorney to see if the existing CUP would apply with a new owner.

Commissioner Ptacek said that typical screening would be a fence and some landscaping. Mr. Herreid said the owners have no intention of bringing in Class 5 so impervious surface coverage would not change. He will submit a new plan.

The Planner said the applicant would be limited to overflow parking based upon the site plan submitted.

Commissioner Ptacek said it is a problem because the entire site is not on the map. The commission needs to see exactly where fencing, trees and screening are located and where Class 5 begins and ends.

M/S/P, Ptacek/Schneider, To approve the 520 Site Plan subject to conditions in the staff report, compliance with sign regulations, SWWD, reduction in height for lighting to a maximum of 20 feet from grade, no swivel mounted fixtures and all signs and all lighting on the entire site to

comply with city standards Applicant shall submit an adequate plan showing all details and screening for the entire overflow parking/staging/storage area. VOTE: 8:0.

City Council Update

The Planner said two items on that Agenda were TAPESTRY extending working hours and the visible roofing materials to allow high grade asphalt shingles on roofs north of 10th Street. The council failed to adopt the roofing materials. No alternative motion was made, and the Code remains unchanged.

Adjourned 9:26 P.M.

Respectfully submitted,



Kimberly Schaffel
Recording Secretary

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: June 9, 2005 for the meeting of June 13, 2005

Applicant: Link Recreational/Herreid

Location: 9200 Hudson Blvd.

Requested Action: Section 520 Site Plan for Marine Sales/Service (Existing Structure)

Land Use Plan Guiding: Limited Business

Existing Zoning: General Business

Site History and Existing Conditions:

City records regarding this 9.5 acre site begin in 1971 and are extensive. It appears that the existing 33,000 square foot structure was constructed in 1972, and the existing 14,000 square foot structure (referred to as a cold storage "pole barn") was constructed in 1978. There also appears to have been a Special Use Permit (similar to a CUP) issued in about 1975 for gravel mining in the rear portion of the site. That permit was annually renewed until about 1980, and not thereafter.

The site contains the aforementioned structures (separated by 60 feet) in the southeast one-quarter (closest to Hudson Blvd.), and an exterior storage yard exists in the southwest one quarter. The north one half of the site (the portion that was previously "mined") remains vacant. The 33,000 square foot structure is now used for boat/motor/trailer sales and service. That use is Permitted in the General Business District.. Staff has no information regarding the present use of the 14,000 square foot accessory building, but we assume it is now used for boat storage only, based on the design of the structure.

The 1990 and 2000 Comprehensive Plans classify this site as Limited Business, while the zoning of the site has been and continues to be General Business. In 2002 the Planning Commission recommended that this site, along with 4 other sites with similar non-conforming zoning be rezoned for compliance with the Comprehensive Plan (which is required by State Statute). The City Council decided not to proceed with the Commissions recommendation pending the completion of a new City zoning ordinance that may provide a measure of flexibility in zoning classification based on use performance.

Late in 2004 the City Council approved a Conditional Use Permit and Section 520 Site Plan to convert the site and structures to a Family Entertainment Center. That project has been abandoned and the Link Recreational dealership has moved in to the buildings.

Discussion and Analysis:

This application was received by the City late on June 8, 2005. While we normally would not "turn" an application of any type to the Planning Commission on a such short time line, the Staff and Commission have reviewed this site within the past year (Family Entertainment Center); and, we anticipate the Planning Commission agenda will be very full (3 residential projects totaling

150+ units) on June 27. We are therefore send this relatively minor application along prior to a complete review by staff – which will be complete by Monday night.

The applicants propose improvements to the existing buildings and site to improve the appearance and continue use of the buildings and site as a boat dealership. The street frontage will be landscaped and 33 parking spaces will be delineated, paved, and provided with landscape islands. Using a retaining wall to extend the level surface of the site toward Hudson Blvd the applicant proposes to construct a concrete surface to boat sales display. The 33,000 square foot structure will be repainted (blue) and gain additional window treatment and a canopy on the west elevation. No plans have been presented for improvements to the 14,000 square foot pole barn on the rear portion of the actively used site.

The applicant also proposes 86 spaces of “overflow parking” on a Class 5 rock surface covering most of the balance of the actively used portion of the site. Those overflow spaces would be fenced and gated off from the primary off street parking. Past practice (by the former site owner) was to use this now-proposed “overflow parking” area for storage of boats and assorted other equipment, which was a non-conforming use of the property since a CUP is required for outdoor storage (but not “outdoor display of merchandise”). There is a difficult line of distinction between storage and display, here compounded by the proposal to fence and gate the “overflow parking” from the primary parking and outdoor display areas. What can we expect to see in the “overflow” area when customer parking there is not required? More “display” or storage? How will the City distinguish between display (not requiring a CUP, but – one would think – requiring unfettered customer access), and simple inventory or customer storage (requiring a CUP)?

Findings and Recommendations:

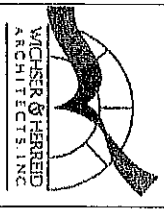
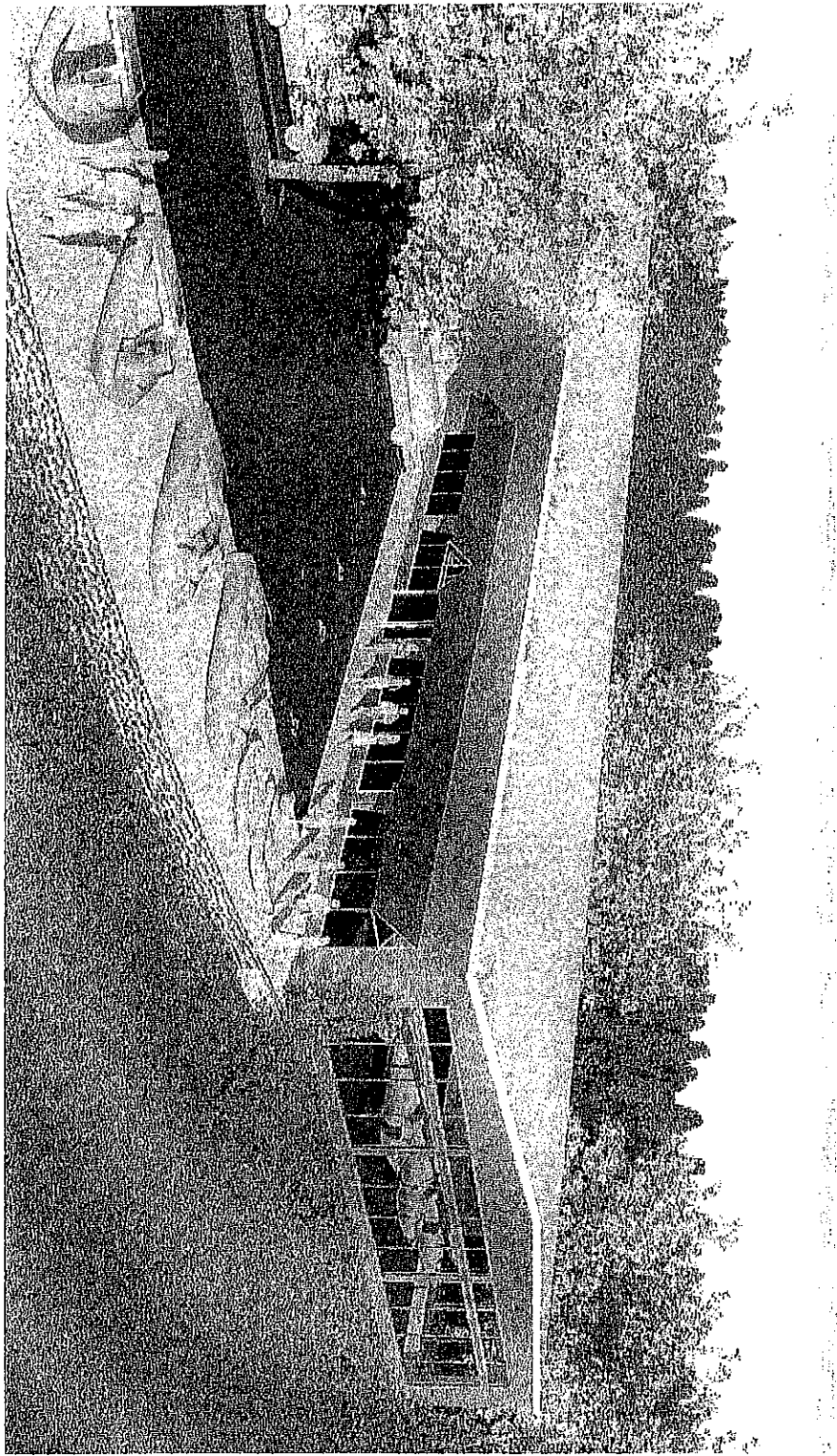
Beyond the foregoing use issue we anticipate few issues with this site plan. A complete report, findings and a recommendation will be presented to the Commission Monday.



Charles E. Dillerud, City Planner

Attachments:

1. Location Map
2. Applicant's Documentation



THE WIGGSER & HERBERD ARCHITECTS, INC.
 1000 W. 10th Street, Suite 100
 Oklahoma City, Oklahoma 73101
 Phone: (405) 233-1111
 Fax: (405) 233-1112
 Website: www.wiggser.com

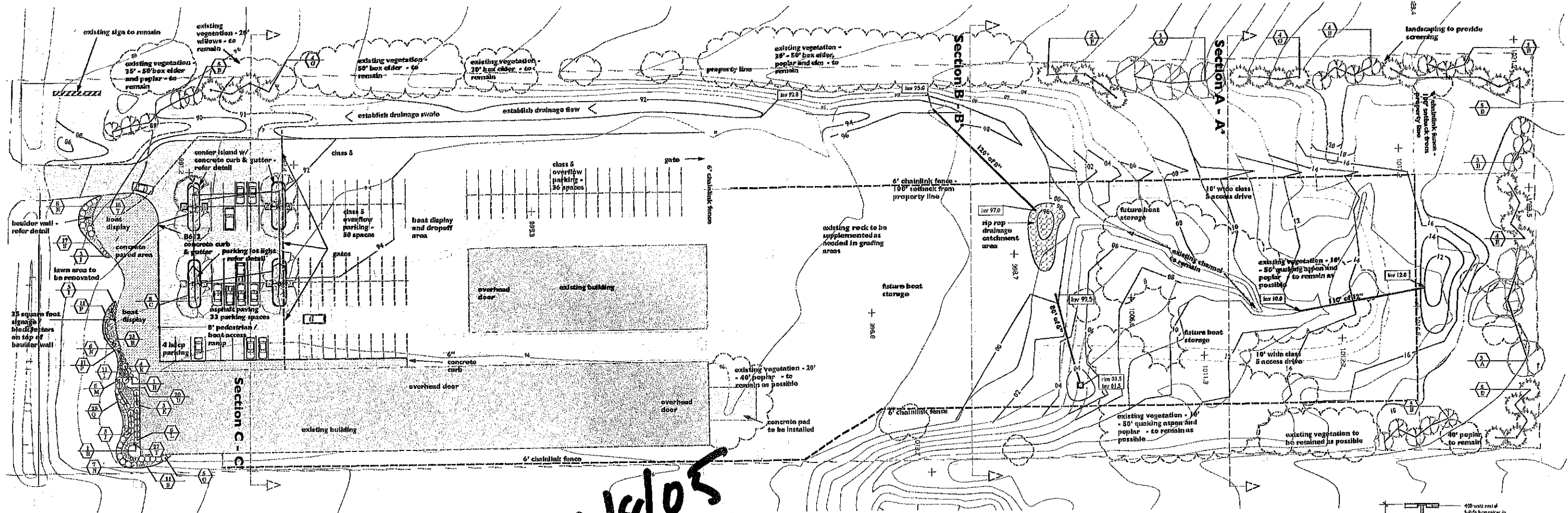
NO.	DESCRIPTION	DATE

THE LINK

THIS DOCUMENT PREPARED FOR THE CONSULTING ARCHITECTS AND ENGINEERS BY THE ARCHITECTS AND ENGINEERS. THE ARCHITECTS AND ENGINEERS ARE NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE ARCHITECTS AND ENGINEERS ARE NOT PROVIDING ANY GUARANTEE OF FITNESS FOR ANY PARTICULAR PURPOSE. THIS DOCUMENT IS THE PROPERTY OF THE ARCHITECTS AND ENGINEERS AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE ARCHITECTS AND ENGINEERS.

PERSPECTIVES

Project Number	THE LINK
Date	APRIL 11, 2002
Drawn by	ALBION
Checked by	CLARENCE
Scale	A1.3



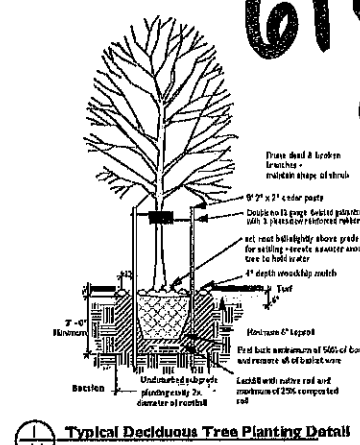
Plant Schedule

Key	Common Name	Latin Name	Size	Spacing	Plant	Qty
A	Red Maple	Acer rubrum	1.5"	varies	B & B	6
B	Quaking Aspen	Populus tremuloides	1.5"	varies	B & B	20
C	Marshall's Seedless As	Fraxinus americana 'Marshall'	2.5"	varies	B & B	8
D	Red Pine	Pinus Resinosa	4' - 6'	varies	B & B	10
E	White Pine	Pinus strobus	4' - 6'	varies	B & B	4
F	Scotch Pine	Pinus Resinosa	4' - 6'	varies	B & B	5
G	Black Hills Spruce	Picea glauca conata	4' - 6'	varies	B & B	8
H	Pagoda Dogwood	Cornus alternifolia	#3	3' o.c.	cont.	2
I	Anthony Waterer Spirea	Spiraea x bumalda	#2	3' o.c.	cont.	19
J	Dwarf Bush-honeysuckle	Diervilla lonicera	#2	3' o.c.	cont.	5
K	Glossy Blush Chokeberry	Aronia melanocarpa	#2	3' o.c.	cont.	7
L	Compact American Cranberrybush	Viburnum trilobum 'Bailly'	#2	3' o.c.	cont.	6
M	Skandia Juniper	Juniperus sabinna 'Arcadia'	#5	3' o.c.	cont.	4
N	Arcadia Juniper	Juniperus sabinna 'Arcadia'	#5	3' o.c.	cont.	21
O	Savin Juniper	Juniperus sabinna 'Arcadia'	#5	3' o.c.	cont.	5
P	Creeping Emerald Filix	Phlox subulata	4"	1' o.c.	pot.	11
Q	Black Eyed Susan	Rudbeckia hirta	#1	2' o.c.	cont.	25
R	Lanceollet Coryopsis	Carexopsis lanceolata	#1	1' o.c.	cont.	23
S	Stella De Oro Daylily	Hererocallis 'Stella de Oro'	#1	2' o.c.	cont.	28
T	Augumun Joy Stone Crop Scallum	Sedum 'Autumn Joy'	#1	2' o.c.	cont.	43
U	Summer Pastels Yarrow	Achillea Summer Pastels	#1	2' o.c.	cont.	20

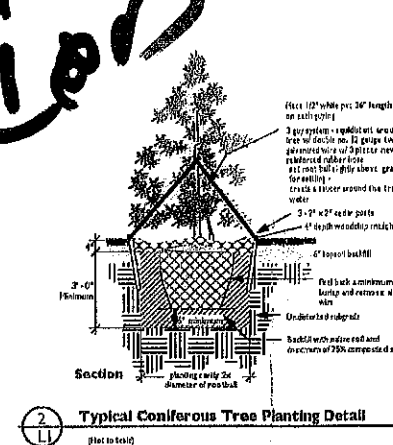
General Notes

- This is a preliminary site and landscape plan for review purposes.
- Erosion control measures will be established prior to construction.
- The contractor shall be responsible to review the site. The contractor shall establish the removals and vegetation clearing and grubbing that is required to construct the plan.
- Soil conditions on site may vary - the contractor is responsible to establish that proper subgrade compaction has been achieved prior to installation of class 5, bituminous paving, concrete curb and gutter and concrete paving.
- The chain link fence and gate materials and installation details shall be established by the owner.
- All non-paved areas will be seeded with an approved MnDot bluegrass / ryegrass / fescue mix.

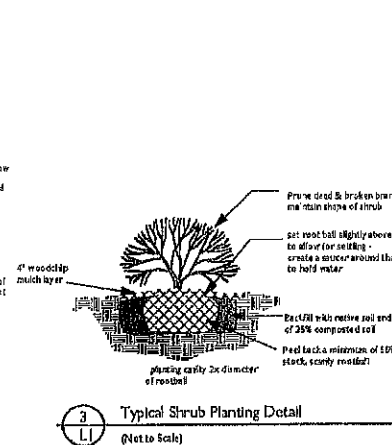
NOT FOR CONSTRUCTION



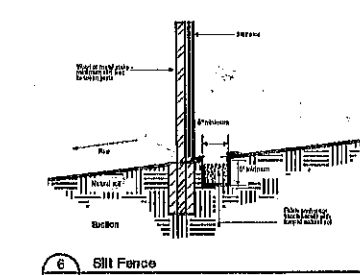
1 Typical Deciduous Tree Planting Detail (Not to Scale)



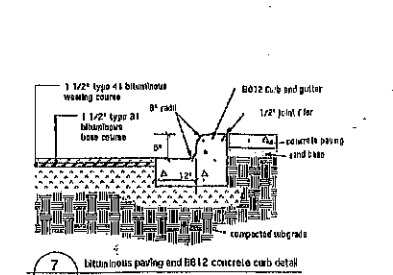
2 Typical Coniferous Tree Planting Detail (Not to Scale)



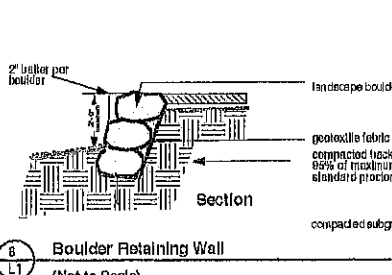
3 Typical Shrub Planting Detail (Not to Scale)



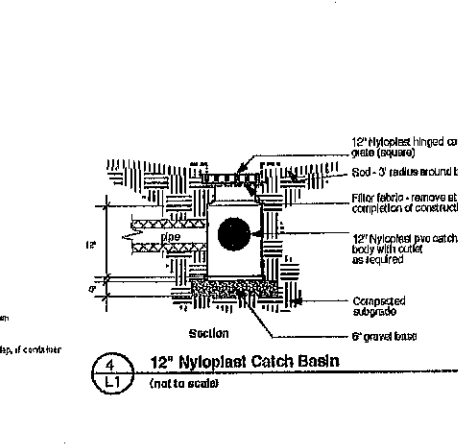
6 Silt Fence (Not to Scale)



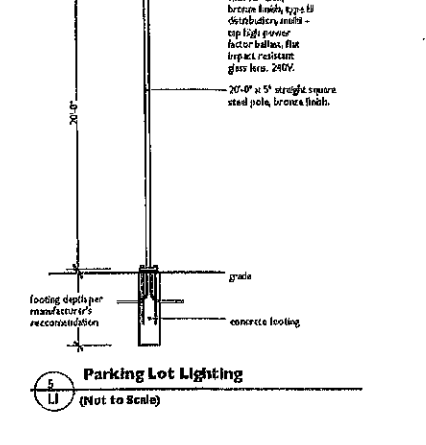
7 Lattice curb paving and B012 concrete curb detail (Not to Scale)



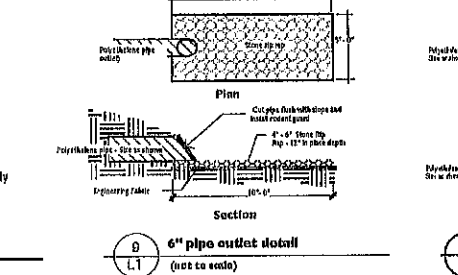
8 Boulder Retaining Wall (Not to Scale)



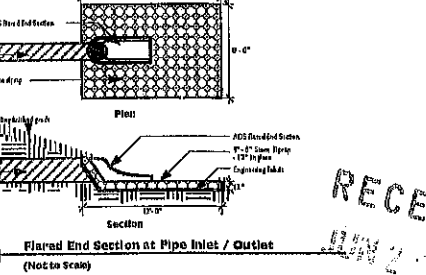
12 Nyloplast Catch Basin (Not to Scale)



Parking Lot Lighting (Not to Scale)



9 6" pipe outlet detail (Not to Scale)



10 Flared End Section at Pipe Inlet / Outlet (Not to Scale)

Link Recreation
 9200 Hudson Blvd N.
 Lake Elmo, MN 55042

Preliminary Site & Landscape Plan

WICHSER & HERREID ARCHITECTS, INC.
 3476 LAKE ELMO AVENUE NORTH
 P.O. BOX 187 LAKE ELMO MN, 55042
 Phone 651-777-7854
 Fax 651-777-6831
 e-mail design@w-h-architects.com

PAUL MILLER DESIGN INC.
 7533 PAUL ROAD
 WOODBURY, MN 55125
 (651) 731-4859 • paulmillerdesign.com

I hereby certify that these plans were prepared by me, or under my direct supervision, and that I am a duly registered Landscape Architect in the State of Minnesota.

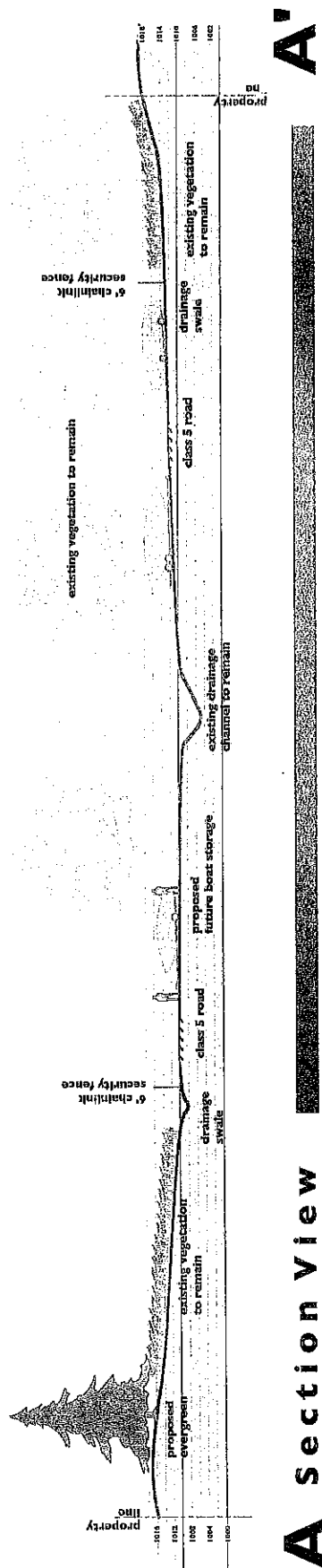
Paul V. Miller, Landscape Architect
 State of Minnesota Reg. No. 20910

Date: June 27, 2005

North

SHEET
 LI

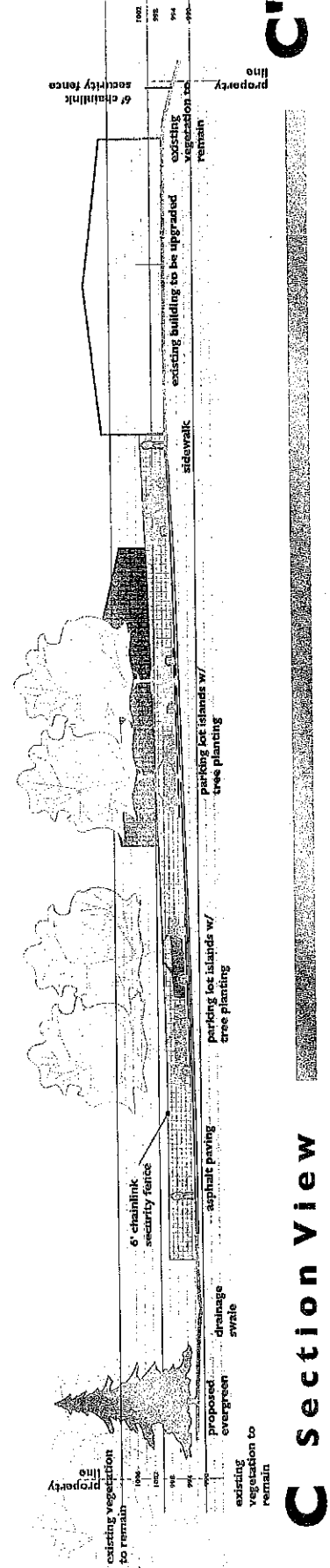
RECEIVED
 JUN 27 2005



A section View



B section View



C section View

6/18/05
 [Signature]

RECEIVED
 JUN 27 2005

Link Recreation
 9200 Hudson Blvd N.
 Lake Elmo, MN 55042



Illustrative Sections



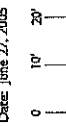
5175 LAKE ELMO AVENUE NORTH
 P.O. BOX 187 LAKE ELMO MN 55042
 Phone 952-777-3021
 e-mail design@jcalabro.com

EMD INC.
PAUL MILLER DESIGN INC.
 1801 12th Ave S • Wadena, MN 56481
 WWW.EMDDESIGN.COM

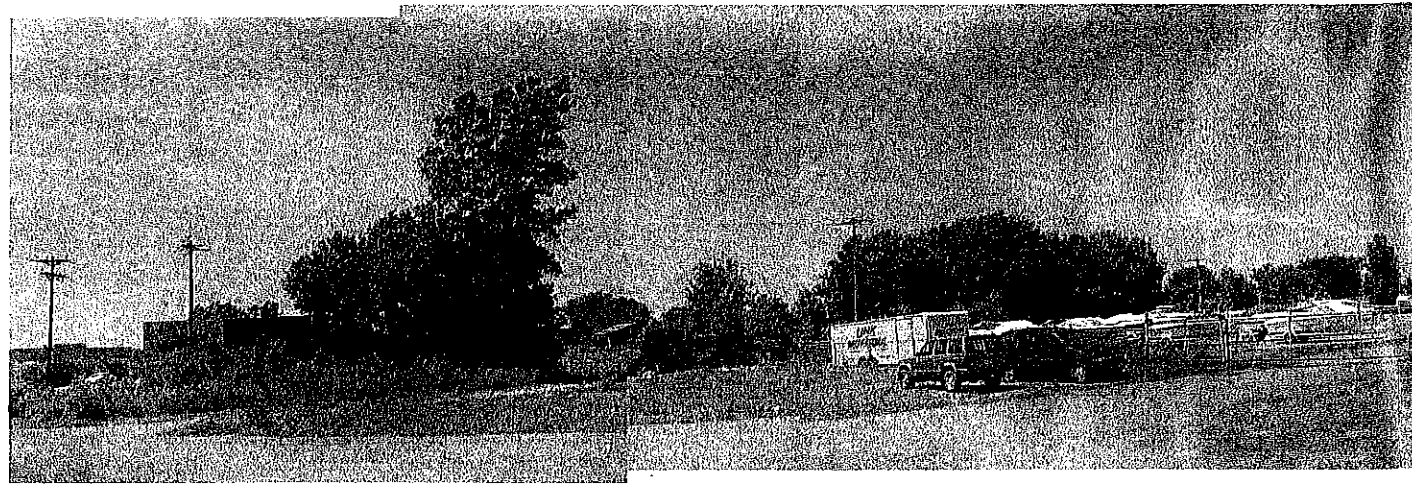
I hereby certify that these plans were prepared by me, or under my direct supervision and that I am a duly registered Landscape Architect in the State of Minnesota.

Paul W. Miller, Landscape Architect
 State of Minnesota Reg. No. 20003

Date: June 27, 2005



SHEET
 L2



parking lot looking northwest



from northwest corner of the site looking south



west property line looking south



looking toward the northern property line



north property line looking east






north side of buildings



west property line looking south

RECEIVED
JUN 27 2005

<p>Link Recreation  9200 Hudson Blvd N. Lake Elmo, MN 55042</p>	<p>Date: June 27, 2005 Existing Site Conditions</p>	<p> 3475 LAKE ELMO AVENUE NORTH P.O. BOX 187 LAKE ELMO MN, 55042 PHONE: 651-777-7094 FAX: 651-777-5331 e-mail: info@northlink.com</p>	<p> PAUL MILLER DESIGN INC. 7933 PAUL ROAD WOODBURY, MN 55125 PHONE: 651-835-1100 • FAX: 651-835-1100 • WWW.PMLD.COM</p>
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Lake Elmo City Council July 19, 2005	Agenda Section: Planning, Land Use and Zoning	<u>No.</u> 9E
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Agenda Item: OP Concept Plan – Lake Elmo Development Co.

Background Information for July 19, 2005:

At its meeting June 27, 2005 the Planning Commission conducted a Public Hearing and adopted a recommendation (6-3, Ptacek, Helwig, and Schneider opposed) for approval of this application to develop a 155 acre site in the southwest quadrant of Highway 36 and Manning Avenue with up to 62 single family dwelling lots. On July 5 the City Council tabled the application pending a recommendation from the Park Commission regarding the need for a neighborhood park site within the proposed development area. The Park Commission will be meeting July 18 to consider the issue.

We are placing this application back on the Council's agenda in anticipation of a recommendation from the July 18 Park Commission meeting. The attachment materials from July 5 are again included here. We have also finally received a review letter from MnDOT regarding the Concept Plan. Their review was requested on June 9. Neither staff nor the applicant has had an opportunity to fully review the MnDOT comments as of this writing.

This application was received by the City on June 8, 2005. The statutory 60 day City review period will expire on August 7, 2005.

Action items:

Motion to adopt Resolution #2005-⁰⁷⁸ approving the OP Concept Plan for Lake Elmo Development per plans staff dated June 8, 2005, based on the Findings and subject to the Conditions recommended by the Planning Commission.

Person responsible:

City Planner 

Attachments:

1. MnDOT Review Letter
2. July 5 Agenda Materials

Time Allocated:

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

RESOLUTION NO. 2005-07

**A RESOLUTION APPROVING THE OPEN SPACE PRESERVATION
DEVELOPMENT CONCEPT PLAN BY LAKE ELMO DEVELOPMENT**

WHEREAS, on the 7th day of June, 2005, the Lake Elmo Development Company, ("Applicant") submitted a completed application requesting that the City of Lake Elmo approve an Open Space Preservation Development Concept Plan; and

WHEREAS, on the 27th day of June, 2005, at a public hearing, the Lake Elmo Planning Commission reviewed the Development Application, the City Planner's reports and comments, the comments of the Applicant and the Applicant's representatives, and recommended approval of the Development Application with conditions.

NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council hereby:

Approves the Open Space Concept Plan for the application by Lake Elmo Development Company as illustrated on an MFRA Concept Plan, staff dated June 7, 2005 with the following conditions:

1. Compliance with recommendations for a neighborhood park as determined by the Lake Elmo Parks Commission,
2. Compliance with recommendations of the city engineer,
3. Compliance with the city trail system plan, and
4. Compliance with VBWD recommendations that the city engineer finds to be practical or applicable.

ADOPTED, by the Lake Elmo City Council on the 5th day of July, 2005

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator



Minnesota Department of Transportation

AR. KELL/BERGMANN

Metropolitan District

Waters Edge
1500 West County Road B-2
Roseville MN 55113-3174

July 14, 2005

Chuck Dillerud
City Planner/City Administrator
City of Lake Elmo
3800 Laverne Ave. North
Lake Elmo, MN 55042

SUBJECT: Lake Elmo Project, Mn/DOT Development Review #S05-059
Southwest Quadrant of TH 36 and Manning Avenue
Lake Elmo, Washington County
Control Section 8204

Dear Mr. Dillerud:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above referenced plat in compliance with Minnesota Statute 505.03, subdivision 2, Plats. Before any further development, please address the following issues:

Traffic

- The Trunk Highway (TH) 36 Corridor Management Plan shows that improvements to Manning Avenue include adding an interchange, implementing access management and building Manning Avenue supporting roadway connections.
- There are many issues regarding this proposed development. First, TH 36 and Manning Avenue has been identified as a folded diamond interchange (east side) in the future. That means that any backage connection to these properties must be adjusted to fit the footprint for the interchange. Secondly, in the short term, the inplace gravel road must be upgraded to a three lane paved roadway. Likewise, as the fourth leg to the intersection, loop detectors and signal modifications will be needed. Also, a Signal Justification Report must be written and approved by Mn/DOT Traffic. Please note that all improvements made are the responsibility of the City, or whomever the city assigns responsibility for paying and implementing these improvements. Please call Wayne Lemaniak, Mn/DOT Metro Traffic Support, at 651-634-2147, if you have any questions regarding these issues.
- Because Washington County is studying expanding Manning Ave from TH 36 to CSAH 12 in 2007-2008, (after selecting a preferred alternative and doing the design and right-of-way), a public open House was held by Washington County on June 22, 2005 at Aamodt's Apple Farm from 3:30 to 7:00. Contact Joe Lux at Washington County at 651-430-4312 for more information about the results of this meeting.
- We recommend that access to this development is off of Manning to assist traffic operations on TH 36. If you have any questions about the above issues, please contact Todd Clarkowski, Mn/DOT Metro Area Engineer, at 651-582-1169.

Drainage

- A Mn/DOT drainage permit may be required. Current drainage rates to Mn/DOT right-of-way must not be increased. Please provide a grading plan and drainage area maps for the proposed project showing existing and proposed contours. The drainage area maps should include arrows indicating the direction of flow. If the project drains to Mn/DOT right-of-way, the maps should be accompanied by drainage computations for pre- and post-construction conditions during 10 and 100 year events. Please contact Rusty Nereng at MnDOT Water Resources Engineering (651-634-2111) or (rusty.nereng@dot.state.mn.us) with any questions.

Other

- Mn/DOT has access control along north side of site, except for a 60-foot opening located approximately 1320 feet west of northeast corner of Section 1-29-21. This opening should be closed as a part of the development of this site. If you have any questions about this issue, please contact: Steven R. Channer, Mn/DOT Metro Right of Way Section, 651-582-1272.
- A Mn/DOT permit will be required for the intersection work. Detailed grading, drainage and utility plans are also needed before final comments can be made on this development. Permit forms are available from MnDOT's utility website at www.dot.state.mn.us/tecsup/utility. Please direct any questions regarding permit requirements to Keith Van Wagner (651-582-1443), or Buck Craig (651-582-1447) of MnDOT's Metro Permits Section.
- As a reminder, Manning Avenue is County State Aid Highway (CSAH) 15. Any work on a CSAH route must meet State Aid rules and policies so that they stay within its system limitations. You may obtain additional information regarding State Aid rules and policies in any of the following ways:
 - a) <http://www.dot.state.mn.us/stateaid/> shows or has links to the applicable forms and the Mn/DOT State Aid Manual.
 - b) Refer to the Mn/DOT State Aid Manual, Chapter 5-892.200 for information regarding standards and policies.
 - c) Please go to <http://www.revisor.leg.state.mn.us/arule/8820/> for information regarding State Aid Operations Rules Chapter 8820. For driveway standards, the designer is directed to refer to the Mn/DOT Road Design Manual (English) Table 5-3.04A and Figure 5-3.04A for guidance and policies. Please contact Jim Deeny in our State Aid section at (651) 582-1389 with any additional questions.
- Please send a copy of the final plat for Mn/DOT review to the following address:

Brad Canaday
Mn/DOT -- Metro East Surveys
3485 Hadley Ave. N.
Oakdale, Minnesota 55128
Phone: (651) 779-5007

As a reminder, please address all initial future correspondence for development activity such as plats and site plans to:

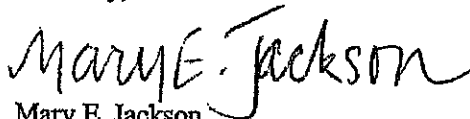
Development Review Coordinator
Mn/DOT - Metro Division
1500 West County Road B-2
Roseville, Minnesota 55113

Mn/DOT document submittal guidelines require three (3) complete copies of plats and two (2) copies of other review documents including site plans. Failure to provide three (3) copies of a plat and/or two (2) copies of other review documents will make a submittal incomplete and delay Mn/DOT's review and response to development proposals. We appreciate your anticipated cooperation in providing the necessary number of copies, as this will prevent us from having to delay and/or return incomplete submittals.

As our request, could you please send an electronic .pdf file copy of your plan submittal for our record keeping purposes to mary.jackson@dot.state.mn.us Please refer to **Lake Elmo Project, Mn/DOT Review S05-059** when emailing the .pdf file.

If you have any questions concerning this review, please contact me at 651-582-1724.

Sincerely,



Mary E. Jackson
Transportation Planner

Copy: Wayne Sandberg, Washington County
Joe Lux, Washington County
Kathleen O'Connell, MFRA, Inc.
Michael J. Glair, MFRA, Inc.
Sue Tarasar, Sunde Land Surveying, LLC.

Lake Elmo City Council July 5, 2005	Agenda Section: Planning, Land Use and Zoning	No. 9C
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Agenda Item: OP Concept Plan – Lake Elmo Development Company/Bergmann

Background Information for July 5, 2005:

At its meeting June 27 the Planning Commission conducted a Public Hearing and adopted a recommendation of approval (6-3, Ptacek, Helwig, and Schneider opposed) for the OP Concept Plan for 54 or 62 single family dwelling lots on a 155 acre site at Manning/State Highway 5. The two major issues discussed by the Planning Staff Report and the Commission were those of the need for a neighborhood park on this site, and the applicants' exclusion of a 23 acre portion of one of the parent tax parcels from the Concept Plan. Staff had recommended tabling of the Concept Plan to the July 27 Planning Commission meeting to enable the Park Commission to provide a recommendation on the park issue at its July 18 meeting; and, to provide the applicants an opportunity to further address the future end use of the 23 acre exception as a part of this application. The Commission did not agree regarding the tabling, nor with the need to designate end use of the 23 acre exclusion. The Commission did retain a condition regarding Park Commission review of the need for a neighborhood park, but did not require that review to be reported to the Planning Commission at Concept Stage.

While not addressed during the Planning Commission discussion, Section 400.07, Subd. 5E does permit the Planning Commission to require the developer to provide a sketch plan for the development of any adjoining land owned by the applicant at the Preliminary Plat Stage (but not at the OP Concept Stage). It appears that the Commission can waive that provision and it appears that they intend to based on the Concept Plan actions.

A draft Resolution is attached providing for the approval of the OP Concept Plan for Lake Elmo Development Company/Bergmann based on Findings and conditions of approval recommended by the Planning Commission. The application date for this Concept Plan is June 8, 2005. The 60 day review period will expire – unless extended – on August 7, 2005. The Planning Commission meets again on July 11, and July 27; and, the Council meets again on July 19, and August 2. The Park Commission meets next on July 18.

<p><u>Action items:</u> Motion to adopt Resolution #2: approving the OP Concept Plan for Lake Elmo Development Company/Bergmann per plans staff dated June 7, 2005 based on Findings and conditions of approval recommended by the Planning Commission.</p>	<p><u>Person responsible:</u> City Planner </p>
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Draft Resolution of Approval 2. Draft Planning Commission Minutes of June 27 3. Planning Staff Report 4. Location Map 5. Applicants' Documentation/Graphics 	<p><u>Time Allocated:</u></p>

RECEIVED
JUN 21 2005

MEMORANDUM

To: Planning Commission **Reference:** Concept Plan Review
Copies To: _____ Bergmann Property
_____ City of Lake Elmo
_____ **Proj. No.:** 13267.000
From: Thomas Prew, P. E. *TP* **Routing:** _____
Date: June 24, 2005

I have reviewed the Concept Plan dated June 7, 2005, and have the following comments:

Plat

The site will be accessed from TH 36 and Manning Trail, a 40-foot right-of-way should be platted along Manning Trail to the entrance of this plat.

The street right-of-way south of the entrance should be vacated, as it actually functions as a driveway, and the City well site can be accessed from within the development with a shorter driveway.

Streets

The "T" intersection off of Manning Trail should be designed as a curve. Manning Trail to the south should intersect with that curve.

The primary north-south street and the primary east-west street should be constructed to a 26-foot width, as they will carry larger volumes of traffic and could be part of our State-Aid system.

A roundabout would be a good traffic calming feature at the intersection of the two primary roads. I would recommend it be looked at.

Manning Trail, south of TH 36 will need to be upgraded.

All streets should have concrete curb and gutter, as the development will have sewer and water.

The cul-de-sacs shall be island style.

A driveway to the City well house on 55th Street should be constructed from the north-south street.

Watermain

A 16-inch watermain is required from our City well on 55th Street, to the west end of the plat.

Watermain should be extended to the northeast corner of the plat for future extension.

Sanitary Sewer

No mention of sewer system was made in this submittal.

Trails

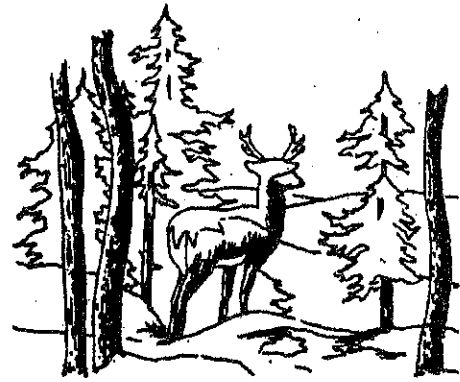
An extension of our proposed 55th Street Trail should be made. To the west through the plat

It would be nice to have a trail loop around the pond.

The main east-west street should have a trail so a future link to the trail in other subdivisions can be maintained.

June 22, 2005

Mr. Chuck Dillerud
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042



Re: Lake Elmo Development Company – Bergmann Parcels

Dear Mr. Dillerud:

Thank you for submitting the concept plan for the proposed 155-acre development southwest of Manning Avenue and Highway 36. Most of the site appears to be within the Brown's Creek Watershed District (BCWD), and the developers should obtain a permit from the BCWD. Because the extreme western portion of the site appears to drain to the Valley Branch Watershed District (VBWD), the VBWD will offer comments to the BCWD in its permit review process.

Several wetlands appear to exist within the site. The VBWD is the Local Government Unit (LGU) responsible for administering the Wetland Conservation Act (WCA) for that part of Lake Elmo within the VBWD. For the portion of Lake Elmo within the BCWD, the City of Lake Elmo is the LGU, and I believe the City consults with Jyneen Thatcher of the Washington Conservation District on WCA issues. Again, because the extreme western portion of the site appears to drain to the VBWD, the VBWD would like to offer comments to the City in its review of WCA issues.

If you have any questions, please contact me at 952-832-2622.

Sincerely,

John P. Hanson, P.E.
BARR ENGINEERING COMPANY
Engineers for the Valley Branch Watershed District

c: David Bucheck, VBWD President (via e-mail)
Karen Kill, BCWD Administrator (via e-mail)
Kathleen O'Connell, MFRA, Developer's Consultant (via e-mail)
Jyneen Thatcher, WCD (via e-mail)



DAVID BUCHECK LINCOLN FETCHER DONALD SCHEEL DALE BORASH DUANE JOHNSON

VALLEY BRANCH WATERSHED DISTRICT
P.O. BOX 838

www.vbwd.org

LAKE ELMO, MINNESOTA 55042-0538

To the Lake Elmo City Planning Commission:

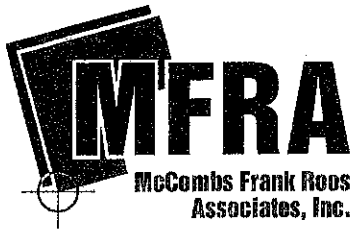
It appears that in our attempt to maintain a rural styled farm amongst a growing city, we have created a "significant issue" pertaining to the development of the property to our East. Within the concept plan presented today, 27 acres of our property along the South border of the "Bergmann estate" has been included in the proposed development. This is 27 acres which we have farmed for many years. Due to the closing of 56th street, and the increased traffic on Highway 36, it has become virtually impossible, and considerably dangerous to access this property with our farm equipment. It has become increasingly difficult to drive a tractor and plow down to this property to prepare the land for planting, and just as hazardous to pull wagons filled with pumpkins back to our farm during our fall harvest. We feel that now is a good time for us to let this property be retired from farming and enjoyed by other new families. At the same time though, this 27 acres of plowed ground is very important to us as crop production, so it only makes sense to us to exchange this piece of ground for another piece approximately 23 acres which adjoins our current farming operation. In fact we have already reclaimed most of the old fields on this property and the pumpkins planted there are growing as we speak. Having these fields adjoined to the rest of the property definitely makes growing and harvesting a crop a much easier endeavor.

By including this land in the development, we would not only lose the ground to crop production, but we would also lose some of the rural character that surrounds our farm. By maintaining this land, we create an open agriculture space between ourselves and the proposed development which we are sure all will enjoy. It is not in our plans to develop all of our property; in fact, it is our hope to preserve our land for the next generation, so that they may enjoy a rural Lake Elmo as we have. Someday it may come about that our property is developed like the surrounding parcels but we would prefer for that day to come in the distant future. For now we see no reason to develop a parcel of property that still has some crop life left.

Thank you,

Richard Bergmann and Family

RECEIVED
JUN 2 / 2011



June 7, 2005

Mr. Chuck Dillerude, City Planner
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

Subject: Lake Elmo Development Corporation
155 Acre Open Space Preservation Plat Concept Review
MFRA #15215

Dear Mr. Dillerude:

With this letter we are transmitting a planning application request for the concept review of a proposed Open Space Preservation Plat for a custom-built single family residential subdivision on behalf of Lake Elmo Development Corporation.

This project has been the subject of staff discussions with Lake Elmo Development Corporation and MFRA over the past several months.

The proposed 155 acre development is located west of Manning Avenue and due-south of Highway 36.

The applicant is requesting a concept stage review for an Open Space Preservation Plat. Lake Elmo Development corporation has retained the services of MFRA to provide technical, design and project management services to prepare a site design and to complete a wetland delineation in matters of compliance with the Minnesota Wetlands Conservation Act. Lake Elmo Development will market the custom-built lots to a select number of builders.

Lake Elmo Development has worked diligently over the past several months to consolidate three parcels into a distinctive residential development. It allows for the future development of 55-62 single family homes on ¾ acre lots and provides for future roadway connections to the west and south as indicated by Staff.

Approximately 79 feet of relief exists on the property in conjunction with numerous pockets of woodlands and approximately 20 acres of wetlands. In addition, an existing historic barn will remain as part of the development.

Site planning efforts have centered on the creation of a contiguous open space system through the following means:

- Careful siting of the proposed roadways to minimize grading and preserve the trees, wetlands and the rolling character of the site.
- Probable house pad areas and lots are located to maximize access, visual and physical, to the open space system, while creating a sense of neighborhood.
- Preservation of historic barn.
- Designated conservation area and covenants that will allow for continuation of some farming.

The result is a proposed 57% of the total site is a contiguous open space that encompasses wetlands and preserves views and the existing rural character of the land. Development of the proposed property would result in 55 lots @ 16/40 or 62 lots @ 18/40. The site summary is as follows:

Site Summary

Site Area	155 Acres
<u>Wetlands</u>	<u>+/- 20 Acres</u>
Developable Land	+/- 135 Acres
135 Ac	135 Ac
<u>X .4 (16/40)</u>	<u>X .45 (18/40)</u>
54 lots	61 lots
<u>+1 historic barn</u>	<u>+1 historic barn</u>
55 lots	62 lots

We believe that conservation areas, natural features, retention of the historic barn and quality builders will contribute to what we expect will be a great place to live and an asset to the City of Lake Elmo.

Mr. Chuck Dillelrude

June 7, 2005

Page 3

We appreciate the time and effort the City has given to this development and look forward to a mutually successful conclusion.

Yours truly,

MFRA

Kathleen O'Connell
Landscape Architect

Michael J. Gair, ASLA
Vice President

KOC:jm

Enclosure

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Historic Barn Preservation
MFRA #15215

It is Lake Elmo Development Co.'s intention to rehabilitate the existing historic barn on the site. A minimum of \$25,000 is anticipated for this. Work will include inspection and reinforcement of the existing stone base and footings. In addition, two cupolas , weather vanes and other architectural details will be added to reflect the agricultural heritage of the area and enhance the historic appearance of the structure.

It is the developer's intention to include the historic structure on a lot for use by the future owners, with the stipulation that it be maintained in perpetuity as a barn.

RECEIVED
 July 7, 2005



2500 2nd Avenue North - Phoenix, Arizona, 85016-5542
 Phone: 781.417-6010 • Fax: 781.417-8532
 E-Mail: info@mpra.com

Client
 Lake Elmo
 Development Company
 Lake Elmo, MN

Project

Lake Elmo Project

Lake Elmo, MN

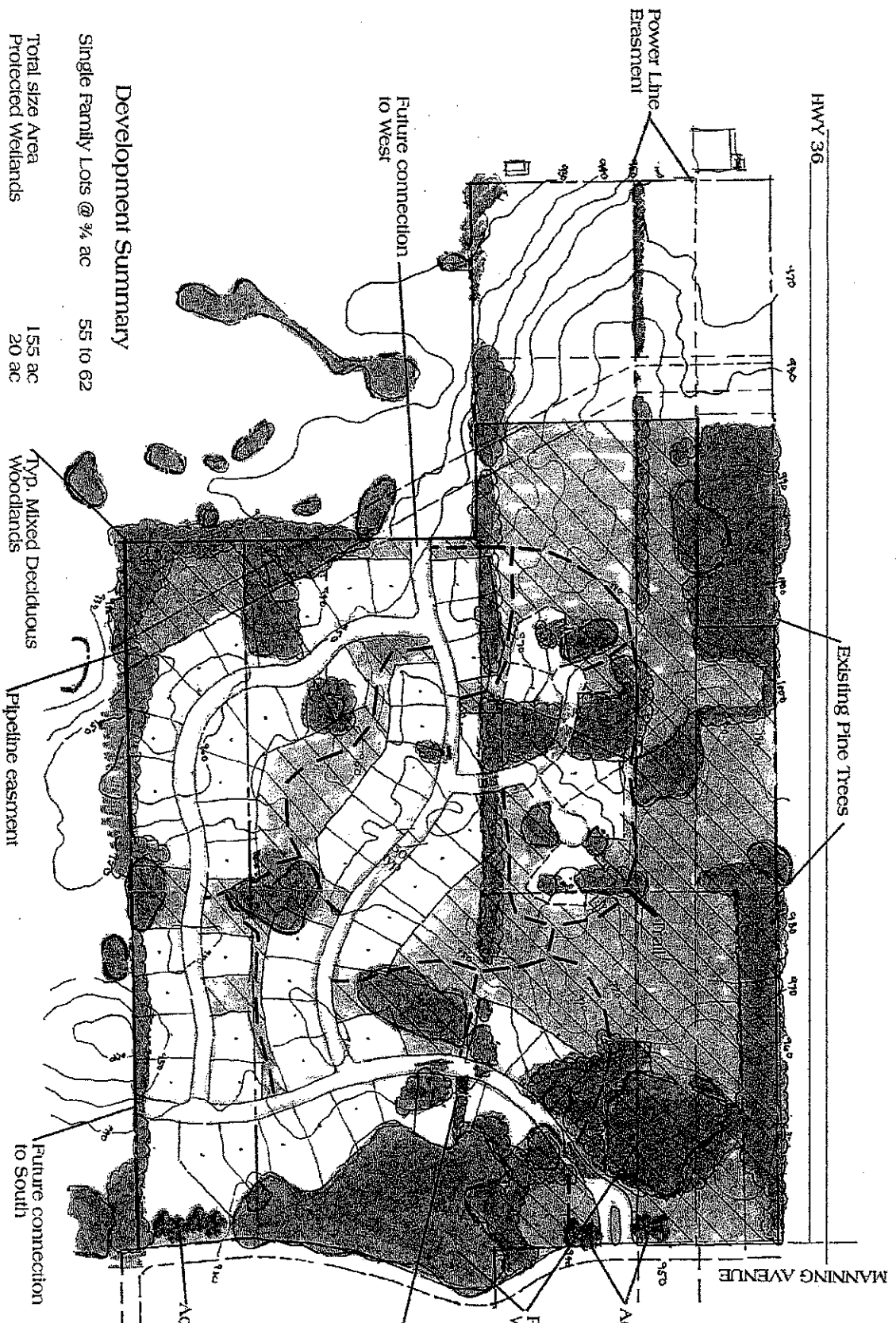
Sheet Title
 Open Space
 Preservation Plat Concept

I hereby certify that this plan 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.

Signature	_____ Liamon J
Date	_____ Liamon J
Designed	_____ Drewski
Drawn	_____ Approved
Date	_____
Revisions	_____
No. Date By Remarks	_____

Sheet	Revised
1 / 1	

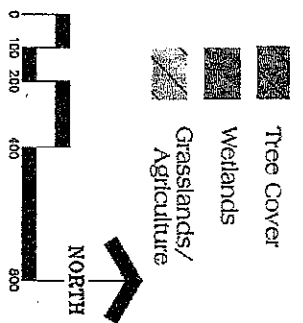
MPRA FILE NO.: 18218



Development Summary

Single Family Lots @ ¼ ac	55 to 62
Total size Area	155 ac
Protected Wetlands	20 ac
(Preliminary)	17 ac
12% to 24% slopes	.3 ac
Woodlands	26.6 ac
Rights of Way (R.O.W.)	9.42 ac
Linear feet of R.O.W.	8215 LF
Linear feet of Trail	8742 LF
Developable Land	135 ac
Contiguous Open Space	88.35 ac

Note:
 Blvd. Landscape: Minimum 3 trees per lot. Total
 tree count to equal min 10 trees per building site.



<p>Lake Elmo City Council July 19, 2005</p>	<p>Agenda Section: CITY ADMINISTRATOR'S REPORT</p>	<p><u>No. 11 A.</u></p>
<p><u>Agenda Item:</u> Logo/New City Identity</p>		
<p><u>Background Information:</u></p> <p>At the Public Works Committee meeting on Tuesday the 12th, the committee discussed public signage in general and specifically at the entrances of the city. The Public Works Superintendent reviewed past proposals and sign design utilization practices. The discussion included a long time interest/desire to redesign the identity/logo for the City of Lake Elmo as it would be expressed graphically. The identity/logo is utilized in all communications of the city including letterhead, cards, envelopes, webpage, marking buildings and facilities, water towers and signs to name a few.</p> <p>After careful consideration the committee recommended that the Administrator be given authority to retain the services of a marketing professional with an expenditure range of not to exceed \$5,000 to develop a new identity/logo that depicts Lake Elmo's image and extend that new image/identity into the communication pathways as expressed above.</p>		
<p><u>Action Items:</u> Motion authorizing the Administrator to retain the services of a marketing professional, with a not to exceed budget of \$5,000 for the purpose of developing a new logo/identity and extend redesigned image into the communications of the city.</p>	<p><u>Person responsible:</u> Martin Rafferty</p>	
<p><u>Attachments:</u></p>		