

FILE

City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota

May 18, 2010

7:00 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE:
- C. ATTENDANCE: ___Johnston___ DeLapp___ Emmons, ___Park___ Smith
- D. APPROVAL OF AGENDA: (The approved agenda is the order in which the City Council will do its business.)
- E. ORDER OF BUSINESS: (This is the way that the City Council runs its meetings so everyone attending the meeting or watching the meeting understands how the City Council does its public business.)
- F. GROUND RULES: (These are the rules of behavior that the City Council adopted for doing its public business.)
- G. APPROVE MINUTES:
 - 1. Approval of the May 4, 2010 City Council minutes
- H. PUBLIC COMMENTS/INQUIRIES: In order to be sure that anyone wishing to speak to the City Council is treated the same way, meeting attendees wishing to address the City Council on any items NOT on the regular agenda may speak for up to three minutes.
- I. CONSENT AGENDA: (Items are placed on the consent agenda by City staff and the Mayor because they are not anticipated to generate discussion. Items may be removed at City Council's request.)
 - 2. Approve payment of disbursements and payroll
 - 3. Water Service Installation in VFW Park
 - 4. TH Roundabout – Mn/DOT Cooperative Agreement No. 96514-R, Resolution No. 2010-021
 - 5. State of Minnesota Redevelopment Grant Program – Resolution No. 2010-22 accepting the grant
 - 6. Award contract for Prairie Restoration Services for Sunfish Lake Park Prairie Restoration Project

J. REGULAR AGENDA:

7. Conditional Use Amendment for Lake Elmo Elementary School; Resolution No. 2010-023
- 8a. Eder's Century Pines – agreement
- b. Street vacation – Public Hearing
9. Quarterly Financial Report
10. Comprehensive Plan Amendment for Senior Living and Farm School – Resolution No. 2010-017
11. Open Space Overlay Zoning for Senior Living and Farm School; Resolution No. 2010-024

K. REPORTS AND ANNOUNCEMENTS:

(These are verbal updates and do not have to be formally added to the agenda.)

- Mayor and City Council
- Administrator
- City Engineer
- Planning Director

L. Adjourn

A social gathering may or may not be held at the Lake Elmo Inn following the meeting.

City of Lake Elmo
City Council Meeting Minutes

May 4, 2010

Mayor Johnston called the meeting to order at 7:00 p.m.

PRESENT: Mayor Johnston and Council Members DeLapp, Emmons, Smith and Park

Also Present: Administrator Messelt, City Engineer Griffin, Attorney Sandstrom, Planning Director Klatt, Finance Director Bouthilet, and City Clerk Lumby

APPROVAL OF AGENDA

MOTION: Council Member DeLapp moved to approve the May 4, 2010 City Council agenda as amended. Move Item 1-9 under Consent Agenda. Council Member Park seconded the motion. The motion passed 5-0.

GROUND RULES:

APPROVED MINUTES:

The April 20, 2010 City Council minutes were approved by consensus.

PUBLIC COMMENTS/INQUIRIES: None

CONSENT AGENDA:

MOTION: Council Member DeLapp moved to approve the Consent Agenda as presented including Agenda Items #8 and #9. Council Member Smith seconded the motion. The motion passed 5-0.

- Approve payment of disbursements and payroll in the amount of \$169,394.16
- Approve Resolution No. 2010-018 seeking Washington County action to support the authorization of the Commissioner of Transportation to perform and engineering and traffic investigation to determine the reasonable and safe speed limit at CSAH 13 (Ideal Avenue/Olson Lake Trail) between Trunk Highway 5 and CSAH 35 (50th Street N)
- Authorize the City Administrator's participation in the 2010 Minnesota City Management Association's annual conference, to be held May 5th-7th in St. Cloud, MN
- Appoint Judith Blackford to a second 3-yr term as a Full Voting member and move David Steele from an Alternate to a 3-year term as a Full Voting member to the Park Commission
- Authorize the Mayor and Administrator to enter into a temporary On-Call Building Inspection Services agreement for May-June 2010, from either City of Bayport or Woodbury, based upon best capacity fit for the City's overall inspection needs

- Approve Resolution No. 2010-019 accepting the bids, awarding a contract to the lowest bidder, Pearson Bros. Inc. for their base bid of \$177,614.65, and approval of Change order No. 1 which removed 42nd Street from the project for a reduced total contract amount of \$168,365.57 for the 2010 Seal Coat Project per the Engineer's letter of recommendation.

Keats Avenue Street and Watermain Improvements

Keats Avenue is scheduled to be improved in the 2011 construction season. The installation of a trunk watermain along Keats Avenue is seen as a critical loop connection in the water system, to be considered in conjunction with the planned street improvements. To provide an engineering recommendation of street and watermain improvements, and whether these improvements will be better completed together or separately, a geotechnical evaluation (soil borings) should be obtained so as to determine the subsurface condition of the roadway.

MOTION: Council Member DeLapp moved to authorize American Engineering Testing, Inc. to perform geotechnical services for the Keats Avenue Street and watermain improvements in the amount of \$7,700.00, Resolution No. 2010-020. Council Member Smith seconded the motion. The motion passed 5-0.

Street Capital Improvement Program - Authorization to conduct the annual pavement and management street rating services

As part of the City's Street C.I.P., the street inventory and condition assessment data needs to be updated and maintained. The data is important in that it is one of the underlying factors supporting the recommendations of the annual street maintenance and reconstruction program. To maintain the data, the best practice is to re-rate 25% of the street and roadway network each year.

MOTION: Council Member DeLapp moved to authorize TKDA to complete an update of street ratings for 25% of the street network in the amount of \$5,700.00. Council Member Smith seconded the motion. The motion passed 5-0.

Resolution of Concurrence with South Washington Watershed District Petition for a Boundary Change

Bruce Messelt, City Administrator, reported the SWWD boundary change petition requests transfer of territory from the Valley Branch Watershed District, which was formerly governed by the Lower St. Croix WMO. Upon dissolution of the Lower St. Croix WMO, a dispute ensued over which entity or entities should govern its territory.

MOTION: Council Member Emmons moved to approve Resolution No. 2010-021 providing concurrence by the City of Lake Elmo with the proposed boundary changes to the South Washington Watershed District and express concern about representation for Lake Elmo on the SWWD Board. Council Member Smith seconded the motion. The motion passed 5-0.

Comprehensive Plan Amendment for Senior Living and Farm School

Kyle Klatt, Planning Director, reported the City Council is asked to review and act upon a proposed Comprehensive Plan Amendment, requested by Tammy Malmquist, 8549 Ironwood Trail North. If there is affirmative action by the City Council, forthcoming will be separate requests for Map Amendments, an OP Open Space Preservation Concept plan, and a Planned Unit Development concept plan. These actions will allow establishment of a 40-unit senior living multi-family building, 10 townhouse units, and a farm-themed preschool on a 30.9 acre parcel at 9434 Stillwater Blvd, N.

MOTION: Council Member DeLapp moved to table this item for two weeks and for more information. Council Member Emmons seconded the motion. The motion failed 2-3 (Mayor Johnston, Council Member Park and Smith voting against the motion.)

Discussion ensued by the City Council. Residents were given an opportunity to speak.

The following residents spoke in favor of the Comprehensive Plan Amendment proposed by Tammy Malmquist:

Milt Klohn,	8716 Ironwood Trail
Gisela Lee,	3084 Layton Ct.
Alan Kupferschmidt,	2769 Legion Avenue N.
Kim Lipman,	8249 Deer Pond Ct. N.
Pat Weyandt,	8772 Ironwood Trail N.
Rita Conlin,	8560 Ironwood Trail N.

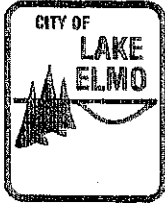
The following residents spoke against the Comprehensive Plan Amendment proposed by Tammy Malmquist:

Todd Williams,	3025 Lake Elmo Avenue N.
Ann Bucheck,	2310 Legion Avenue
Deb Krueger,	4452 Lake Elmo Avenue N.

Council Member Emmons indicated he had questions that have not been answered and wanted more time to work with Planning staff and the City Administrator.

MOTION: Mayor Johnston moved to delay this agenda item until the May 18, 2010 City Council meeting in order for the City Administrator and Planning Staff to discuss concerns with Council Member Emmons. Council Member Emmons second the motion. The motion passed 3-2 (Council Members Park and Smith voted against.)

The Council adjourned the meeting at 9:40 p.m.



MAYOR & COUNCIL COMMUNICATION

DATE: 5/18/2010
CONSENT
ITEM #: 2
MOTION *as part of Consent Agenda*

AGENDA ITEM: Approve Disbursements and Payroll in the Amount of \$ 148,957.41

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: City Staff

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements and payroll in the amount of \$ 148,957.41. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

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

Claim #	Amount	Description
ACH	\$ 6,779.64	Payroll Taxes to IRS 05/06/2010
ACH	\$ 1,138.63	Payroll Taxes to MN Dept. of Revenue 05/06/2010
DD 2748 -DD 2762	\$ 21,030.96	Payroll Dated 05/06/2010 (Direct Deposit)
35588 - 35592	\$ 17,488.36	Payroll Dated 05/06/2010
35593 - 35649	\$ 102,519.82	Accounts Payable Dated 05/18/2010
TOTAL	\$ 148,957.41	

STAFF REPORT: City staff has complied and reviewed the attached set of claims. All appears to be in order and consistent with City budgetary and fiscal policies and Council direction

RECOMMENDATION: It is recommended that the City Council approve as part of the Consent Agenda proposed disbursements in the amount of \$ 148,957.41.

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda or a particular claim from this item and further discuss and deliberate prior to taking action. If done so, the appropriate action of the Council following such discussion would be:

“Move to approve the May 18th, 2010 Disbursement and Payroll, as Presented *[and modified]* herein.”

ATTACHMENTS:

1. Accounts Payable Dated 05/18/2010

SUGGESTED ORDER OF BUSINESS (if removed from the Consent Agenda):

- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

Accounts Payable To Be Paid Proof List

User: joan Z
 Printed: 05/12/2010 - 1:47 PM
 Batch: 001-05-2010

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ACEHARD Ace Hardware, Inc										
92132	05/05/2010	12.98	0.00	05/18/2010	Recycle Flourescent Bulbs		-		No	0000
101-420-2220-44010	Repairs/Maint Bldg									
	92132 Total:	12.98								
	ACEHARD Total:	12.98								
AMFLAG American Flagpole & Flag Corp										
87309	03/02/2010	471.35	0.00	05/18/2010	Patrial Pmt for Support Flags from donat		-		No	0000
810-000-0000-20200	Accounts Payable									
	87309 Total:	471.35								
	AMFLAG Total:	471.35								
ARAM Aramark, Inc.										
629-6982602	04/29/2010	22.97	0.00	05/18/2010	Uniforms		-		No	0000
101-430-3100-44170	Uniforms									
	629-6982602 Total:	22.97								
629-6984455	05/03/2010	107.36	0.00	05/18/2010	Linen City Hall		-		No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	629-6984455 Total:	107.36								
629-6987417	05/06/2010	63.53	0.00	05/18/2010	Mats, Soap		-		No	0000
101-430-3100-44010	Repairs/Maint Bldg									
	629-6987417 Total:	63.53								
629-6987418	05/06/2010	22.97	0.00	05/18/2010	Uniforms		-		No	0000
101-430-3100-44170	Uniforms									
	629-6987418 Total:	22.97								
	ARAM Total:	216.83								
ASPENMI Aspen Mills, Inc.										
97289	04/30/2010	10.69	0.00	05/18/2010	Update Class A Jacket		-		No	0000
101-420-2220-44170	Uniforms									
	97289 Total:	10.69								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
97290	04/30/2010	19.24	0.00	05/18/2010	Update Class A Jacket		-	No		0000
101-420-2220-44170	Uniforms									
	97290 Total:	19.24								
97291	04/30/2010	109.95	0.00	05/18/2010	Replacement Bunker Boots		-	No		0000
101-420-2220-44170	Uniforms									
	97291 Total:	109.95								
	ASPENMI Total:	139.88								
BIFFS Biff's Inc.										
W404668	05/05/2010	978.69	0.00	05/18/2010	Portable Restrooms		-	No		0000
101-450-5200-44120	Rentals - Buildings									
	W404668 Total:	978.69								
	BIFFS Total:	978.69								
BUBERL Buberl Recycling & Compost Inc										
12426	05/05/2010	51.30	0.00	05/18/2010	Black Dirt		-	No		0000
101-430-3125-42250	Landscaping Materials									
	12426 Total:	51.30								
	BUBERL Total:	51.30								
C&J CONS C & J Consulting Services, LLP										
04-2010	05/04/2010	1,312.50	0.00	05/18/2010	Monthly Accounting Services - April 2010		-	No		0000
101-410-1520-43150	Contract Services									
	04-2010 Total:	1,312.50								
	C&J CONS Total:	1,312.50								
CARQUEST Car Quest Auto Parts										
2055-188028	05/05/2010	16.97	0.00	05/18/2010	Brake harness 09-1		-	No		0000
101-430-3120-42210	Equipment Parts									
2055-188028	05/05/2010	34.57	0.00	05/18/2010	Carb cleaner, start fluid sea foam		-	No		0000
101-430-3120-42120	Fuel, Oil and Fluids									
	2055-188028 Total:	51.54								
	CARQUEST Total:	51.54								
CATCO Catco										
1-33547	04/30/2010	73.97	0.00	05/18/2010	Replacement Lights for E-2		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
	1-33547 Total:	73.97								
	CATCO Total:	73.97								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
COMCAST COMCAST										
04/27/2010	04/27/2010	7.89	0.00	05/18/2010	Monthly Service		-	No		0000
101-420-2220-44300	Miscellaneous	7.89								
	04/27/2010 Total:	7.89								
	COMCAST Total:	7.89								
COMPENSA Compensation Consultants, Ltd										
04/01/2010	04/01/2010	40.00	0.00	05/18/2010	Monthly Admin Fee - May 2010		-	No		0000
101-410-1320-44300	Miscellaneous	40.00								
	04/01/2010 Total:	40.00								
	COMPENSA Total:	40.00								
CTYBLOOM City of Bloomington										
April 2010	04/30/2010	40.00	0.00	05/18/2010	Lab Bacteria tests		-	No		0000
601-494-9400-42270	Utility System Maintenance	40.00								
	April 2010 Total:	40.00								
	CTYBLOOM Total:	40.00								
CTYROSEV City of Roseville										
0010716	05/03/2010	1,551.58	0.00	05/18/2010	Monthly IT Services - May 2010		-	No		0000
101-410-1450-43180	Information Technology/Web	1,551.58								
	0010716 Total:	1,551.58								
	CTYROSEV Total:	1,551.58								
DITCHWIT Ditch Witch of Mn, Inc.										
P12365	05/05/2010	220.17	0.00	05/18/2010	Vac Ex Filters		-	No		0000
101-450-5200-42230	Building Repair Supplies	220.17								
	P12365 Total:	220.17								
	DITCHWIT Total:	220.17								
ECKBERG Eckberg Lamers Briggs Wolff										
04-2010	04/30/2010	3,914.99	0.00	05/18/2010	Legal Services - Criminal		-	No		0000
101-420-2150-43045	Attorney Criminal	3,914.99								
	04-2010 Total:	3,914.99								
104046	04/30/2010	4,407.50	0.00	05/18/2010	Legal Services - Civil		-	No		0000
101-410-1320-43040	Legal Services	4,407.50								
104046	04/30/2010	916.50	0.00	05/18/2010	Legal Services - Development		-	No		0000
203-490-9070-43040	Legal Services	916.50								
	104046 Total:	5,324.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ECKBERG Total:		9,238.99								
EMERGAUT Emergency Automotive tech, Inc 9334 410-480-8000-45500	04/30/2010 Vehicles	56.21	0.00	05/18/2010	Replace Strobe on Chief 1		-	No		0000
9334 Total:		56.21								
MS042210-14 410-480-8000-45400	04/22/2010 Heavy Machinery	266.00	0.00	05/18/2010	Replace siren on B (3178)		-	No		0000
MS042210-14 Total:		266.00								
EMERGAUT Total:		322.21								
EMMONS A Emmons Alex										
05/05/2010 101-410-1450-43620	05/05/2010 Cable Operations	41.25	0.00	05/18/2010	Cable - Emerald Ash Bohrer 4/29/10		-	No		0000
05/05/2010 101-410-1450-43620	05/05/2010 Cable Operations	55.00	0.00	05/18/2010	Cable - City Council Meeting 5/4/10		-	No		0000
05/05/2010 Total:		96.25								
EMMONS A Total:		96.25								
ENVENTIS ENVENTIS										
737500 101-430-3100-43210	05/01/2010 Telephone	444.67	0.00	05/18/2010	Phone/Data Service Public Works May '10		-	No		0000
737500 Total:		444.67								
738507 101-410-1940-43210	05/13/2010 Telephone	525.92	0.00	05/18/2010	Telephone/Data Service City Hall May '10		-	No		0000
738507 Total:		525.92								
ENVENTIS Total:		970.59								
FERGUSON Ferguson Waterworks										
SO1241039.002 601-494-9400-42300	05/04/2010 Water Meters & Supplies	2,875.81	0.00	05/18/2010	Meters		-	No		0000
SO1241039.002 Total:		2,875.81								
SO1248158.001 601-494-9400-42400	05/04/2010 Small Tools & Minor Equipment	103.27	0.00	05/18/2010	Hose/Pipe Adapters		-	No		0000
SO1248158.001 Total:		103.27								
SO1248158.002 601-494-9400-42400	05/04/2010 Small Tools & Minor Equipment	17.38	0.00	05/18/2010	Hose Clamp		-	No		0000
SO1248158.002 Total:		17.38								
FERGUSON Total:		2,996.46								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
FINANCE Finance and Commerce 22240957 101-410-1450-43510 Public Notices 22240957 Total: FINANCE Total:	05/06/2010	143.75	0.00	05/18/2010	Advertisements for Bids 2010 St & Water		-	No		0000
GORMANS GORMANS RESTAURANT 05/08/2010 101-420-2220-44300 Miscellaneous 05/08/2010 Total: GORMANS Total:	05/08/2010	86.73	0.00	05/18/2010	Dinner for Woodbury standby crew		-	No		0000
GOVTRNG Government Training Services 24242354 101-410-1320-44370 Conferences & Training 24242354 Total: GOVTRNG Total:	04/19/2010	219.00	0.00	05/18/2010	MCMA Conference - City Administrator		-	No		0000
HAGBERGS Hagbergs Country Market 04/30/2010 101-410-1940-44300 Miscellaneous 04/30/2010 101-410-1110-44300 Miscellaneous 04/30/2010 Total: HAGBERGS Total:	04/30/2010	4.57	0.00	05/18/2010	Sugar Cubes, Creamer		-	No		0000
KAISER Kaiser Manufacturing, Inc 74964 101-420-2220-42400 Small Tools & Equipment 74964 Total: KAISER Total:	05/05/2010	34.84	0.00	05/18/2010	Hydrant Bag for Station #1		-	No		0000
KAMCO Kamco, Corp 3250 101-430-3250-43150 Contract Services 3250 Total: KAMCO Total:	04/29/2010	180.00	0.00	05/18/2010	Tree & Branches removed from Pebble Park		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
KDV Kern DeWenter Viere Ltd										
110270	04/30/2010	8,032.50	0.00	05/18/2010	Financial Services - April 2010		-		No	0000
101-410-1520-43150	Contract Services									
	110270 Total:	8,032.50								
	KDV Total:	8,032.50								
LEOIL Lake Elmo Oil, Inc.										
04/30/2010	04/30/2010	547.05	0.00	05/18/2010	Fuel		-		No	0000
101-420-2220-42120	Fuel, Oil and Fluids									
	04/30/2010 Total:	547.05								
11481	04/01/2010	1,464.40	0.00	05/18/2010	Fuel		-		No	0000
101-430-3120-42120	Fuel, Oil and Fluids									
	11481 Total:	1,464.40								
	LEOIL Total:	2,011.45								
Lillie Newspapers Inc. Lillie Suburban										
05/25/10	05/25/2010	123.73	0.00	05/18/2010	Legal Publications		-		No	0000
101-410-1320-43510	Legal Publishing									
	05/25/10 Total:	123.73								
	Lillie Total:	123.73								
LINNER Linner Electric Company, Inc.										
20905	04/26/2010	426.75	0.00	05/18/2010	Panel Repair Pebble Park		-		No	0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
	20905 Total:	426.75								
	LINNER Total:	426.75								
LOEGERIN Loegering Ryan										
Chk Req	04/29/2010	1,500.00	0.00	05/18/2010	Escrow Return 9915 Tapestry permit		-		No	0000
803-000-0000-22900	Deposits Payable				6602					
	Chk Req Total:	1,500.00								
	LOEGERIN Total:	1,500.00								
LOFF Loffler Companies, Inc.										
1121108	05/04/2010	187.40	0.00	05/18/2010	Copy Machines Overage & Base April		-		No	0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt				2010					
	1121108 Total:	187.40								
	LOFF Total:	187.40								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
MARONEY'S Sanitation, Inc										
338843	05/06/2010	103.66	0.00	05/18/2010	Waste Removal - City Hall		-	No		0000
101-410-1940-43840	Refuse									
338843	05/06/2010	45.62	0.00	05/18/2010	Waste Removal - Fire		-	No		0000
101-420-2220-43840	Refuse									
338843	05/06/2010	198.87	0.00	05/18/2010	Waste Removal - Public Works		-	No		0000
101-430-3100-43840	Refuse									
338843	05/06/2010	198.87	0.00	05/18/2010	Waste Removal - Parks		-	No		0000
101-450-5200-43840	Refuse									
	338843 Total:	547.02								
	MARONEY'S Total:	547.02								
MARVS Marv's Professional Tools										
225448	05/06/2010	49.87	0.00	05/18/2010	Tools Water Dept.		-	No		0000
601-494-9400-42400	Small Tools & Minor Equipment									
	225448 Total:	49.87								
	MARVS Total:	49.87								
MENARDSO Menards - Oakdale										
57580	04/30/2010	59.58	0.00	05/18/2010	Vice Grip, pliers and fridge filter		-	No		0000
101-430-3100-42400	Small Tools & Minor Equipment									
	57580 Total:	59.58								
	MENARDSO Total:	59.58								
METCOU Metropolitan Council										
0000930220	05/05/2010	1,374.96	0.00	05/18/2010	Monthly Wastewater Service - June 2010		-	No		0000
602-495-9450-43820	Sewer Utility - Met Council									
	0000930220 Total:	1,374.96								
	METCOU Total:	1,374.96								
METRO MU METROPOLITAN MUNICIPALITIES ASSOCI										
177	05/10/2010	20.00	0.00	05/18/2010	4/8/2010 Meeting		-	No		0000
101-410-1110-44330	Dues & Subscriptions									
	177 Total:	20.00								
	METRO MU Total:	20.00								
METROFIR Metro Fire										
37902	05/05/2010	445.15	0.00	05/18/2010	Replacement Hose - Forestry		-	No		0000
404-480-8000-44040	Repairs/Maint Contractual Eqpt									
	37902 Total:	445.15								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	METROFIR Total:	445.15								
MILLEREX Miller Excavating, Inc.										
14746	04/30/2010	1,158.75	0.00	05/18/2010	Grading Gravel Roads			No		0000
101-430-3120-43150	Contract Services									
	14746 Total:	1,158.75								
MILLEREX Total:		1,158.75								
MN/DOT Mn/DOT Oakdale Sign Shop										
TBD	05/10/2010	188.85	0.00	05/18/2010	3 each Yellow Ribbon Sign panels			No		0000
810-000-0000-20200	Accounts Payable									
	TBD Total:	188.85								
MN/DOT Total:		188.85								
MNPLAYGR Minnesota Playground Inc.										
2010056	04/29/2010	1,790.00	0.00	05/18/2010	Wood Fiber Parks			No		0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
	2010056 Total:	1,790.00								
MNPLAYGR Total:		1,790.00								
ONECALL One Call Concepts, Inc Gopher Stat										
0040619	04/30/2010	211.70	0.00	05/18/2010	Line Locates - April 2010			No		0000
101-430-3100-43150	Contract Services									
	0040619 Total:	211.70								
ONECALL Total:		211.70								
PLANTH PLANT HEALTH ASSOCIATES, INC										
1003-10	05/11/2010	1,680.00	0.00	05/18/2010	Forester Services - April 2010			No		0000
101-430-3250-43150	Contract Services									
1003-10	05/11/2010	72.00	0.00	05/18/2010	Forester Services Development			No		0000
203-490-9070-43150	Contract Services									
	1003-10 Total:	1,752.00								
PLANTH Total:		1,752.00								
PRESS Press Steven										
05/10/10	05/10/2010	58.88	0.00	05/18/2010	PZ Cabled Meeting 5/10/10			No		0000
101-410-1450-43620	Cable Operations									
	05/10/10 Total:	58.88								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	PRESS Total:	58.88								
RIVRCOOP River Country Cooperative										
04/30/2010	04/30/2010	202.34	0.00	05/18/2010	Fuel		-	No		0000
101-420-2220-42120	Fuel, Oil and Fluids									
04/30/2010	04/30/2010	25.00	0.00	05/18/2010	Car Washing Card		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
	04/30/2010 Total:	227.34								
	RIVRCOOP Total:	227.34								
ROGERS Rogers Printing Services, Corp										
17093	04/30/2010	35.27	0.00	05/18/2010	Business Cards - Mayor Johnston		-	No		0000
101-410-1320-42030	Printed Forms									
	17093 Total:	35.27								
	ROGERS Total:	35.27								
RUD Prince-Rud Diane										
05/12/2010	05/12/2010	320.00	0.00	05/18/2010	Cleaning City Hall & Annex		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
05/12/2010	05/12/2010	240.00	0.00	05/18/2010	Cleaning Fire Hall		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
	05/12/2010 Total:	560.00								
	RUD Total:	560.00								
S&T S&T Office Products, Inc.										
01N20885	04/28/2010	11.70	0.00	05/18/2010	Planning Commission Name Plate		-	No		0000
101-410-1910-42000	Office Supplies									
	01N20885 Total:	11.70								
01NZ0711	04/28/2010	339.05	0.00	05/18/2010	Office Supplies		-	No		0000
101-410-1320-42000	Office Supplies									
	01NZ0711 Total:	339.05								
01NZ21735	04/30/2010	153.84	0.00	05/18/2010	Office Supplies - Printer Cartridges		-	No		0000
101-410-1320-42000	Office Supplies									
	01NZ21735 Total:	153.84								
	S&T Total:	504.59								
TASCH T.A. Schifsky & Sons Inc										
49131	04/24/2010	165.91	0.00	05/18/2010	Asphalt		-	No		0000
101-430-3120-42240	Street Maintenance Materials									
	49131 Total:	165.91								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
TASCH Total:		165.91								
TIREPROZ Tire Proz										
30660	05/10/2010	705.90	0.00	05/18/2010	Replace Tires and alignment on Chief 1		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
30660 Total:		705.90								
TIREPROZ Total:		705.90								
TKDA TKDA, Inc.										
000201001020	05/06/2010	208.28	0.00	05/18/2010	Development Whistling Valley III		-	No		0000
203-490-9070-43030	Engineering Services									
000201001020 Total:		208.28								
000201001021	05/06/2010	578.55	0.00	05/18/2010	Sanctuary		-	No		0000
203-490-9070-43030	Engineering Services									
000201001021 Total:		578.55								
000201001022	05/06/2010	148.20	0.00	05/18/2010	I-94 to 30th Street - Village Sanitary		-	No		0000
413-480-8000-43030	Engineering Services									
000201001022 Total:		148.20								
000201001023	05/06/2010	2,096.92	0.00	05/18/2010	Lake Elmo Area Village Eng. Support		-	No		0000
413-480-8000-43030	Engineering Services									
000201001023 Total:		2,096.92								
000201001024	05/06/2010	115.71	0.00	05/18/2010	2009 Street Improvement - Final Design		-	No		0000
415-480-8000-43030	Engineering Services									
000201001024 Total:		115.71								
000201001025	05/06/2010	18,121.70	0.00	05/18/2010	Lake Elmo 2010 Street & Water Quality		-	No		0000
417-480-8000-43030	Engineering Services									
000201001025 Total:		18,121.70								
000201001026	05/06/2010	185.14	0.00	05/18/2010	General Engineering		-	No		0000
101-420-2400-43030	Engineering									
000201001026	05/06/2010	185.14	0.00	05/18/2010	General Engineering		-	No		0000
101-430-3100-43030	Engineering Services									
000201001026 Total:		3,822.88								
000201001027	05/06/2010	393.41	0.00	05/18/2010	General Engineering		-	No		0000
101-410-1930-43030	Engineering Services									
000201001027 Total:		4,586.57								
000201001027	05/06/2010	551.50	0.00	05/18/2010	General Engineering - VRA		-	No		0000
101-420-2400-43030	Engineering									
000201001027	05/06/2010	2,595.50	0.00	05/18/2010	General Engineering - VRA		-	No		0000
101-410-1910-43030	Engineering Services									
000201001027 Total:		2,572.14								
000201001027	05/06/2010	185.14	0.00	05/18/2010	General Engineering - VRA		-	No		0000
409-480-8000-43030	Engineering Services									
000201001027 Total:		185.14								
404-480-8000-43030	Engineering Services									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
000201001027	05/06/2010	948.82	0.00	05/18/2010	General Engineering - VRA		-			No 0000
603-496-9500-43030	Engineering Services									
000201001027	05/06/2010	1,009.21	0.00	05/18/2010	General Engineering - VRA		-			No 0000
601-494-9400-43030	Engineering Services									
000201001027	05/06/2010	519.38	0.00	05/18/2010	General Engineering - VRA		-			No 0000
602-495-9450-43030	Engineering Services									
	000201001027 Total:	8,381.69								
000201001028	05/06/2010	6,275.67	0.00	05/18/2010	TH 5 & Jamaca Ave Roundabout		-			No 0000
417-480-8000-43030	Engineering Services									
	000201001028 Total:	6,275.67								
000201001029	05/06/2010	1,374.72	0.00	05/18/2010	Lake Elmo City Hall Improvements		-			No 0000
411-480-8000-45200	Buildings and Structures									
	000201001029 Total:	1,374.72								
000201001030	05/06/2010	747.27	0.00	05/18/2010	Lake Elmo 2010 Sealcoat		-			No 0000
409-480-8000-43030	Engineering Services									
	000201001030 Total:	747.27								
000201001031	05/06/2010	4,627.80	0.00	05/18/2010	Lake Elmo Water System Strategies/Fin.		-			No 0000
601-494-9400-43030	Engineering Services									
	000201001031 Total:	4,627.80								
	TKDA Total:	47,263.08								
USA USA Inflatables Corp										
3509	04/20/2010	298.69	0.00	05/18/2010	50% Down Pmt Rock Climbing-Fall Fest		-			No 0000
204-450-5200-43150	Contract Services									
	3509 Total:	298.69								
	USA Total:	298.69								
VALLEYTR Valley Trophy Inc.										
40075	04/26/2010	50.77	0.00	05/18/2010	Service Award		-			No 0000
101-420-2220-44300	Miscellaneous									
	40075 Total:	50.77								
	VALLEYTR Total:	50.77								
VISA-SL VISA										
05/26/10	05/26/2010	62.64	0.00	05/18/2010	Broadway Pizza		-			No 0000
101-410-1320-44300	Miscellaneous									
	05/26/10	125.00	0.00	05/18/2010	IIMC Membership for S. Lumby		-			No 0000
101-410-1320-44380	Staff Development									
	05/26/10	665.00	0.00	05/18/2010	Planning Commission Training		-			No 0000
101-410-1910-44370	Conferences & Training									
	05/26/10	60.00	0.00	05/18/2010	Staff Training - Kelli		-			No 0000
101-410-1910-44370	Conferences & Training									
	05/26/10 Total:	912.64								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
VISA-SL Total:		912.64								
WITTER Witter Nick										
04/28/2010	04/28/2010	259.00	0.00	05/18/2010	Mileage Reimbursement		-	No		0000
101-420-2220-43310	Mileage	259.00								
	04/28/2010 Total:	259.00								
WITTER Total:		259.00								
XCEL Xcel Energy										
51-4504807-7	05/10/2010	15.08	0.00	05/18/2010	Lights at Legion Park		-	No		0000
101-450-5200-43810	Electric Utility									
51-4504807-7	05/10/2010	55.42	0.00	05/18/2010	Lift Station		-	No		0000
602-495-9450-43810	Electric Utility									
51-4504807-7	05/10/2010	19.58	0.00	05/18/2010	Traffic Lights Inwood		-	No		0000
101-430-3160-43810	Street Lighting									
	51-4504807-7 Total:	90.08								
51-4572945-7	05/10/2010	45.55	0.00	05/18/2010	Street Lights - Jamely		-	No		0000
101-430-3160-43810	Street Lighting									
	51-4572945-7 Total:	182.17								
51-4576456-3	05/10/2010	45.55	0.00	05/18/2010	Fire Station 2		-	No		0000
101-420-2220-43810	Electric Utility									
	51-4576456-3 Total:	182.17								
51-4580376-5	05/10/2010	207.01	0.00	05/18/2010	City Hall		-	No		0000
101-410-1940-43810	Electric Utility									
51-4580376-5	05/10/2010	19.81	0.00	05/18/2010	Traffic Lights - Keats		-	No		0000
101-430-3160-43810	Street Lighting									
	51-4580376-5 Total:	226.82								
51-4733556-8	05/10/2010	5.53	0.00	05/18/2010	Tennis Courts - Laverne Ave		-	No		0000
101-450-5200-43810	Electric Utility									
	51-4733556-8 Total:	5.53								
51-5044219-0	05/10/2010	42.89	0.00	05/18/2010	Parks Building		-	No		0000
101-450-5200-43810	Electric Utility									
	51-5044219-0 Total:	42.89								
51-5275289-3	05/10/2010	8.89	0.00	05/18/2010	Pebble Park		-	No		0000
101-450-5200-43810	Electric Utility									
	51-5275289-3 Total:	8.89								
51-5356323-8	05/10/2010	943.49	0.00	05/18/2010	Wells 1 & 2		-	No		0000
601-494-9400-43810	Electric Utility									
	51-5356323-8 Total:	943.49								
51-5522332-2	05/10/2010	24.01	0.00	05/18/2010	Traffic Lights - Inwood		-	No		0000
101-430-3160-43810	Street Lighting									
	51-5522332-2 Total:	24.01								
51-5747685-4	05/10/2010	65.47	0.00	05/18/2010	Arts Center		-	No		0000
101-450-5200-43810	Electric Utility									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	51-5747685-4 Total:	65.47								
51-5916043-7	05/10/2010	11.11	0.00	05/18/2010	Lift Station - 34th Street		-	No		0000
602-495-9450-43810	Electric Utility									
	51-5916043-7 Total:	11.11								
51-6429583-8	05/10/2010	9.61	0.00	05/18/2010	Lift Station - Legion Ave		-	No		0000
602-495-9450-43810	Electric Utility									
	51-6429583-8 Total:	9.61								
51-6433976-2	05/10/2010	186.14	0.00	05/18/2010	Fire Station 1		-	No		0000
101-420-2220-43810	Electric Utility									
	51-6433976-2 Total:	186.14								
51-6625457-1	05/10/2010	12.90	0.00	05/18/2010	Legion Park		-	No		0000
101-450-5200-43810	Electric Utility									
	51-6625457-1 Total:	12.90								
51-6736544-2	05/10/2010	1,167.18	0.00	05/18/2010	Street Lights		-	No		0000
101-430-3160-43810	Street Lighting									
	51-6736544-2 Total:	1,167.18								
51-6928283-3	05/10/2010	19.66	0.00	05/18/2010	Traffic Lights Manning		-	No		0000
101-430-3160-43810	Street Lighting									
	51-6928283-3 Total:	19.66								
51-6956201-4	05/10/2010	235.63	0.00	05/18/2010	VFW Ballfield Lights		-	No		0000
101-450-5200-43810	Electric Utility									
	51-6956201-4 Total:	235.63								
51-7538112-1	05/10/2010	911.85	0.00	05/18/2010	Public Works		-	No		0000
101-430-3100-43810	Electric Utility									
	51-7538112-1 Total:	911.85								
51-8126093-5	05/10/2010	4.04	0.00	05/18/2010	Water Tower 2		-	No		0000
601-494-9400-43810	Electric Utility									
	51-8126093-5 Total:	4.04								
51-8711719-3	05/10/2010	6.53	0.00	05/18/2010	Speed Sign Hwy 5		-	No		0000
101-430-3160-43810	Street Lighting									
	51-8711719-3 Total:	6.53								
	XCEL Total:	4,199.55								
	Report Total:	94,601.55								



MAYOR & COUNCIL COMMUNICATION

DATE: 5/18/2010
CONSENT
ITEM #: 3
MOTION *as part of Consent Agenda*

AGENDA ITEM: Water Service Installation at VFW Park

SUBMITTED BY: Mike Bouthilet, Public Works Director

THROUGH: Bruce Messelt *BAM*

REVIEWED BY: Tom Bouthilet, Finance Director
Ryan Stempki, Assistant City Engineer

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve a Parks Commission request for the installation of a drinking fountain in the VFW Park. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

BACKGROUND INFORMATION: The City Council previously authorized the purchase of the VFW fountain, along with a replacement fountain for Pebble Park. Both fountains were procured and the Pebble fountain has been installed. The VFW fountain requires a water main tap and service installation. The cost for this project is included in the Council-approved 2010 Capitol Improvement Program (CIP).

Three quotes were obtained as follows:

- Buelow Excavating, Inc.....\$3,500.00
- Fuhr Trenching.....\$3,545.00
- Capra's Utilities, Inc.....\$4,975.00

STAFF REPORT: The contract encompasses the tapping of the water main, curb stop installation, installation of a blow-off valve and pipes for winterization, and a 270-foot service line to the fountain location. The Public works Department has contracted with all three installers in the past without any issues.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council authorize via tonight's *Consent Agenda* drafting and execution of a contract for the denoted service installation with Buelow Excavating.

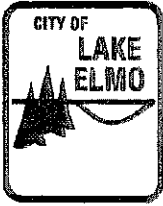
Alternatively, the City Council does have the authority to remove this item from the Consent Agenda and further discuss and deliberate prior to taking action. If done so, the appropriate action of the Council following such discussion would be:

“Move to approve the drafting and execution of a contract with Buelow Excavating in the amount of \$3,500.00 to tap the water main and install water service to the VFW Park, as presented [and/or modified] at tonight’s meeting.”

ATTACHMENTS: None

SUGGESTED ORDER OF BUSINESS (if removed from the Consent Agenda):

- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates



MAYOR & COUNCIL COMMUNICATION

DATE: 5/18/2010
CONSENT
ITEM #: 4
MOTION *as part of Consent Agenda*

AGENDA ITEM: T.H. 5 Roundabout – Mn/DOT Cooperative Construction Agreement, No. 96514-R

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Ryan Stempki, Assistant City Engineer
Mike Bouthilet, Public Works Superintendent
Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: The City Council is asked to enter into a Cooperative Construction Agreement with the Minnesota Department of Transportation for the T.H. 5 Roundabout Improvements. The agreement addresses the City cost participation requirements, method and determination of payment by the City, and the ongoing maintenance responsibilities for the completed infrastructure. No specific motion is needed, as it is recommended to be part of the overall approval of the *Consent Agenda*.

BACKGROUND INFORMATION: The proposed project is to construct a modern Roundabout at the intersection of T.H. 5 and Jamaca Ave/Stillwater Boulevard to address severe right angle crashes. The project design is complete and authorization for the City Engineer to sign the plans on behalf of Lake Elmo was approved by the City Council on April 6, 2010.

Of Note: The City's cost participation for the improvement is estimated at \$154,028.72; which may be further reduced to only \$18,148.77, should the project receive Federal Aid.

The design, completed by Mn/DOT staff incorporates, to the extent possible, the City's requests and comments pertaining to the lighting system, landscaping, water quality, watermain utilities, detour routing/staging, and signage. The letting date to receive Contractor bids has been scheduled for May 21, 2010.

STAFF REPORT: City staff has reviewed the Cooperative Construction Agreement, No. 96514-R and have determined that the agreement is consistent with the level of cost participation and the ongoing maintenance responsibilities that have been previously discussed and agreed to

by the City. It should be noted that the agreement indicates a City cost participation amount of \$154,028.72. A detailed cost breakdown can be found in the appendix in the attached Cooperative Construction Agreement as Schedule I. The City has been planning for this project with the intent of paying its share of the costs through the use of Municipal State Aid funds.

It should be noted that the cost participation amount is estimated at this time and will be recalculated by revising Schedule I using actual unit prices received by the lowest responsible bidder. Therefore, the City cost participation will not be finalized until after contractor bids are received. Further, it should be noted that MnDOT has applied for and potentially received Federal Aid for this project, which if received, a portion will be credited to the City's share of the costs. It is estimated at this time that with Federal Aid contributions, the City's cost participation will only be \$18,148.77.

With respect to the City Council's specific direction of April 6th, Staff reports the following:

- The northernmost light along Jamaca Ave N. will be 30 ft in height, further reducing light encroachment. The Maintenance agreement will apply to this light pole but the City would be responsible for replacement in case of total loss;
- Light poles are available at no additional upfront cost in a natural brown color. The City will agree to future repainting costs;
- Mn/DOT will work with the City to enhance landscaping along the corridor and throughout the project. However, maintenance concerns will limit the amount of plantings and grass within the medians of the roundabout proper;
- Mn/DOT will work with the City on potential future retrofit options with respect to high-efficiency, low impact lighting, once such products become approved and available. Mn/DOT will also work with the City and 3M on alternate location options for a "monument" sign utilizing cutting edge embedded LED technology.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council approve *Resolution 2010-021* as part of the Consent Agenda.

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda and further discuss and deliberate this recommendation prior to taking action. The Council may table this item at its discretion, take no action (in essence denying the recommendation), or amend the recommended action. If the later is done so, the appropriate action of the Council following such discussion would be:

"Move to Approve Resolution No. 2010-021 to enter into the Cooperative Construction Agreement for the T.H. 5 Roundabout Project, Mn/DOT Agreement No. 96514, as amended at tonight's meeting."

ATTACHMENTS:

1. Resolution 2010-021
2. Cooperative Construction Agreement

SUGGESTED ORDER OF BUSINESS (if removed from the Consent Agenda):

- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

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

RESOLUTION NO. 2010-021

**A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A
COOPERATIVE CONSTRUCTION AGREEMENT WITH THE
STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION
FOR THE TRUNK HIGHWAY 5 ROUNDABOUT IMPROVEMENTS**

WHEREAS, the plans for the Trunk Highway No. 5 Roundabout Improvements have been completed for the intersection of Trunk Highway 5 and Jamaca Ave/Stillwater Boulevard to address severe right angle crashes,

WHEREAS, the design has been approved by the City Council on April 6, 2010 and the City Engineer was directed to sign the plans on behalf of the City,

WHEREAS, a Cooperative Construction Agreement with the Minnesota Department of Transportation has been prepared by the State of Minnesota and reviewed by City staff to address the cost participation and ongoing maintenance provisions associated with the improvements,

NOW, THEREFORE, BE IT RESOLVED,

- 1. That the City of Lake Elmo enter into Mn/DOT Agreement No. 96514 with the State of Minnesota, Department of Transportation for the following purposes:*

To provide for payment by the City to the State of the City's share of the costs of the roundabout construction and other associated construction to be performed upon, along and adjacent to Jamaca Avenue up to the outer limits of the Trunk Highway No. 5 Roundabout within the corporate City limits under State Project No. 8214-145 (T.H. 5-045), State Project No. 082-606-008, State Project No. 206-103-002 and Federal Project No. HSIP 8210 (203).

- 2. That the Mayor and the City Clerk are authorized to execute the agreement and any amendments to the agreement.*

Date: _____, 2010

CITY OF LAKE ELMO

By: _____

Dean A. Johnston
Mayor

ATTEST:

Bruce A. Messelt
City Administrator

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

CERTIFICATION

I certify that the above Resolution is an accurate copy of the Resolution adopted by the Council of the City of Lake Elmo at an authorized meeting held on the _____ day of _____, 2010, as shown by the minutes of the meeting in my possession.

(Signature)

(Type or Print Name)

(Title)

Subscribed and sworn to before me this
_____ day of _____, 2010

Notary Public _____

My Commission Expires _____

PRE-LETTING
SERVICES
SECTION

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
COOPERATIVE CONSTRUCTION
AGREEMENT

Mn/DOT
AGREEMENT NO.
96514-R

S.P. 8214-145 (T.H. 5=045)
S.P. 082-606-008
S.P. 206-103-002
Fed. Proj. HSIP 8210 (203)

The State of Minnesota
Department of Transportation, and
The City of Lake Elmo
Re: City bid based lump sum payment
for roundabout construction by
the State on T.H. 5

AMOUNT ENCUMBERED
(None)

ESTIMATED
AMOUNT RECEIVABLE
\$154,028.72

THIS AGREEMENT is made and entered into by and between the State of Minnesota, Department of Transportation, hereinafter referred to as the "State" and the City of Lake Elmo, Minnesota, acting by and through its City Council, hereinafter referred to as the "City".

WHEREAS, the State is about to perform grading, bituminous and concrete surfacing, roundabout, lighting and signing construction and other associated construction upon, along and adjacent to Trunk Highway No. 5 from Iris Avenue to 800 feet east of Jamaca Avenue-County State Aid Highway No 6 (Stillwater Boulevard) within the corporate City limits in accordance with State plans, specifications and special provisions designated as State Project No. 8214-145 (T.H. 5=045), State Project No. 082-606-008, State Project No. 206-103-002 and in the records of the Federal Highway Administration as Minnesota Projects HSIP 8210 (203); and

WHEREAS, City cost participation is required on State Project No. 8214-145 (T.H. 5=045) and State Aid Project No. 206-103-002 for roundabout construction and other associated construction to be performed upon, along and adjacent to Jamaca Avenue up to the outer limits of the Trunk Highway No. 5 Roundabout within the corporate City limits; and

WHEREAS, the City has expressed its willingness to participate in the costs of the roundabout construction and associated construction engineering in a lump sum amount as hereinafter set forth; and

WHEREAS, Minnesota Statutes Section 161.45, subdivision 2, allows for City-owned utility relocation to be included in a State construction contract, and payment by the City for such relocation in accordance with applicable statutes and rules for utilities on trunk highways; and

WHEREAS, it is anticipated that Federal funding will be applied to certain portions of the City cost participation construction, and if so, the cost of the City participation construction and associated construction engineering will be reduced by the amount of Federal funding received therefore; and

WHEREAS, Minnesota Statutes Section 161.20, subdivision 2 authorizes the Commissioner of Transportation to make arrangements with and cooperate with any governmental authority for the purpose of constructing, maintaining and improving the trunk highway system.

IT IS, THEREFORE, MUTUALLY AGREED AS FOLLOWS:

ARTICLE I - CONSTRUCTION BY THE STATE

Section A. Contract Award

The State shall advertise for bids and award a construction contract to the lowest responsible bidder for State Project No. 8214-145 (T.H. 5=045) in accordance with State plans, specifications and special provisions which are on file in the office of the Commissioner of Transportation at St. Paul, Minnesota, and are incorporated into this Agreement by reference.

Section B. Direction and Supervision of Construction

The State shall direct and supervise all construction activities performed under the construction contract, and perform all construction engineering and inspection functions in connection with the contract construction. All contract construction shall be performed in compliance with the approved plans, specifications and special provisions.

Section C. Plan Changes, Additional Construction, Etc.

The State shall make changes in the plans and contract construction, which may include the City cost participation construction covered under this Agreement, and shall enter into any necessary addenda, change orders and supplemental agreements with the State's contractor that are necessary to cause the contract construction to be performed and completed in a satisfactory manner. The State District Engineer's authorized representative will inform the appropriate City official of any proposed addenda, change orders and supplemental agreements to the construction contract that will affect the City cost participation construction covered under this Agreement.

The City may request additional work or changes to the work in the plans as part of the construction contract. Such request shall be made by an exchange of letter(s) with the State. If the State determines that the requested additional work or plan changes are necessary or desirable and can be accommodated without undue disruption to the project, the State will cause the additional work or plan changes to be made.

Section D. Satisfactory Completion of Contract

The State shall perform all other acts and functions necessary to cause the construction contract to be completed in a satisfactory manner. Acceptance by the State of the completed contract construction shall be final, binding and conclusive upon the City as to the satisfactory completion of the contract construction.

ARTICLE II - INSPECTION BY THE CITY

The City cost participation construction covered under this Agreement shall be open to inspection by the City. If the City believes the City cost participation construction covered under this Agreement has not been properly performed or that the construction is defective, the City shall inform the State District Engineer's authorized representative in writing of those defects. Any recommendations made by the City are not binding on the State. The State shall have the exclusive right to determine whether the State's contractor has satisfactorily performed the City cost participation construction covered under this Agreement.

ARTICLE III - BASIS OF PAYMENT BY THE CITY

Section A. SCHEDULE "I"

A Preliminary SCHEDULE "I" is attached and incorporated into this Agreement. The Preliminary SCHEDULE "I" includes all anticipated City cost participation construction items and the construction engineering cost share covered under this Agreement, and is based on engineer's estimated unit prices.

Section B. City Cost Participation Construction

The City shall, at the percentage indicated, participate in the following construction to be performed upon, along and adjacent to Jamaca Avenue up to the outer limits of the Trunk Highway No. 5 roundabout within the corporate City limits under State Project No. 8214-145 (T.H. 5=045). The construction includes the City's proportionate share of item costs for mobilization, field office, field laboratory and traffic control.

1. 100 Percent minus all anticipated City Federal-aid funding shall be the City's rate of cost participation in all of the roadway construction on Jamaca Avenue up to the outer limits of the Trunk Highway No. 5 roundabout. The construction includes, but is not limited to, those construction items as tabulated on Sheets No. 3 and No. 4 of the attached Preliminary SCHEDULE "I".
2. 100 Percent shall be the City's rate of cost participation in all of the City utility construction. The construction includes, but is not limited to, those construction items as tabulated on Sheet No. 2 of the attached Preliminary SCHEDULE "I".

Section C. Construction Engineering Costs

The City shall pay a construction engineering charge in an amount equal to 8 percent of the total cost of the City participation construction covered under this Agreement.

Section D. Plan Changes, Additional Construction, Etc.

The City shall share in the costs of construction contract addenda, for the City cost participation construction covered under this Agreement.

The State reserves the right to invoice the City for the cost of any additional City requested work and plan changes, construction contract addenda, change orders and supplemental agreements, and

associated construction engineering prior to the completion of the contract construction.

Section E. City Cost May Include Anticipated Federal Aid

It is anticipated that Federal funding will be applied to the City cost participation construction as indicated in Section B of this article, and to the associated construction engineering. City costs shall include an amount equal to all anticipated Federal funding not applied to the City cost participation construction and associated construction engineering.

ARTICLE IV - PAYMENT BY THE CITY

Section A. Estimate and Advancement of the City's Cost Share

It is estimated that the City's share of the costs of the contract construction including the federal funds plus the 8 percent construction engineering cost share is the sum of \$154,028.72 as shown in the attached Preliminary SCHEDULE "I". Upon award of the construction contract the State shall prepare a Revised SCHEDULE "I" based on construction contract unit prices.

After the following conditions have been met, the City shall advance to the Commissioner of Transportation the City's full and complete lump sum cost share as shown in the Revised SCHEDULE "I":

1. Execution and approval of this Agreement and the State's transmittal of it to the City along with a copy of the Revised SCHEDULE "I".
2. Receipt by the City of a written request from the State for the advancement of funds.

Section B. Final Payment - Additional City Requested Work

Upon completion and acceptance of the contract construction and upon computation of the final amount due the State's contractor and determination by the Federal Highway Administration of the amount of

its reimbursement to the State, and only if additional work has been requested by the City in accordance with Article I, Section C. of this Agreement, the State shall prepare a Final SCHEDULE "I" and submit a copy to the City. The Final SCHEDULE "I" shall be based on final quantities of any additional City requested cost participation construction items and the construction engineering cost share due to additional requested work. The computation by the State of the amount due from the City shall be final, binding and conclusive.

Pursuant to Minnesota Statutes Section 15.415, the State waives claim for any amounts less than \$5.00 over the amount of City funds previously advanced to the State, and the City waives claim for the return of any amounts less than \$5.00 of those funds advanced by the City.

ARTICLE V - GENERAL PROVISIONS

Section A. Replacement of Castings

Adjustments to certain City-owned facilities, including but not limited to, valve boxes and frame and ring castings, are to be performed by the State's contractor under the construction contract. The City shall furnish the contractor with new units and/or parts for those in place City-owned facilities when replacements are required and not covered by a contract pay item, without cost or expense to the State or the contractor, except for replacement of units and/or parts broken or damaged by the contractor.

Section B. Utility Permits

The City shall submit to the State's Utility Engineer an original permit application for all City-owned utilities to be constructed hereunder that are upon and within the trunk highway right-of-way. Applications for permits shall be made on State form "Application For Utility Permit On Trunk Highway Right-Of-Way" (Form TP2525).

Section C. Maintenance by the City

Upon completion of the Jamaca Avenue roundabout construction, the City shall provide for the proper maintenance of those roadways up to the outer limits of the Trunk Highway No. 5 Roundabout, and all of the facilities a part thereof, without cost or expense to the State. Maintenance includes, but is not limited to, snow, ice and debris removal, resurfacing and seal coating and any other maintenance activities necessary to perpetuate the roadways in a safe and usable condition.

Upon completion of the storm sewer construction, the City shall provide for the proper routine maintenance of the catch basin inlets, without cost or expense to the State. Routine maintenance includes, but is not limited to, removal of debris, vegetation and ice from structures and grates, repair of minor erosion problems, and minor structure repair, and any other maintenance activities necessary to preserve the facilities and to prevent conditions such as flooding, erosion, sedimentation or accelerated deterioration of the facilities.

Upon completion of the City-owned utilities construction, the City shall provide for the proper maintenance of those utilities, without cost or expense to the State.

Upon completion of the landscape material construction and following the 2-year contractor establishment period, the City shall provide for the proper maintenance of those landscape materials, without cost and expense to the State. Maintenance includes, but not limited to, maintaining all landscape features (grass, flowers, shrubs, trees, etc.) watering if necessary, pruning or removal of dead or diseased plantings installed within the central island and planted median areas along Trunk Highway No. 5 near the roundabout. If any aspects of the City's maintenance work requires a lane closure, the City must contact the State's permit office. The addition of any plant materials or other features by the City in the State's R/W in the

future will require coordination with and a permit from the State's permit office.

Upon completion of the walkways that are part of the roundabout project construction, including those along Trunk Highway No. 5, County State Aid Highway No. 6 (Stillwater Boulevard), and Jamaca Avenue, the City shall provide for the proper maintenance of the walkways, without cost or expense to the State. Maintenance includes, but is not limited to, snow, ice and debris removal, patching, crack repair, panel replacement, mowing sod boulevards, and any other maintenance activities necessary to perpetuate the walkways in a safe and usable condition.

Upon completion of the lighting facilities construction, the City will provide for the proper minor maintenance of those facilities, and the State will provide the major maintenance. Minor maintenance includes; cleaning and relamping the luminaires, and painting the lighting facilities. The City will pay all monthly electrical service expenses necessary to operate the lighting facility.

The City requested a 30' pole be placed on the westside of Jamaca Avenue instead of the State's standard 40' pole. The 30' pole will be placed as part of construction, and if the pole needs to be replaced in the future by the State, the State reserves the right to place a standard 40' pole at this location.

Section D. Additional Drainage

Neither party to this Agreement shall drain any additional drainage into the storm sewer facilities to be constructed under the construction contract that was not included in the drainage for which the storm sewer facilities were designed, without first obtaining written permission to do so from the other party. The drainage areas served by the storm sewer facilities constructed under the construction contract are shown in a drainage area map, EXHIBIT "Drainage Area", which is on file in the office of the State's

District Hydraulics Engineer at Roseville and is incorporated into this Agreement by reference.

Section E. Examination of Books, Records, Etc.

As provided by Minnesota Statutes Section 16C.05, subdivision 5, the books, records, documents, and accounting procedures and practices of each party relevant to this Agreement are subject to examination by each party, and either the legislative auditor or the state auditor as appropriate, for a minimum of six years from final payment.

Section F. Claims

Each party is responsible for its own employees for any claims arising under the Workers Compensation Act. Each party is responsible for its own acts, omissions and the results thereof to the extent authorized by law and will not be responsible for the acts and omissions of others and the results thereof. Minnesota Statutes Section 3.736 and other applicable law govern liability of the State. Minnesota Statutes Chapter 466 and other applicable law govern liability of the City.

Section G. Agreement Approval

Before this Agreement becomes binding and effective, it shall be approved by a City Council resolution and executed by such State and City officers as the law may provide in addition to the Commissioner of Transportation or their authorized representative.

ARTICLE VI - AUTHORIZED AGENTS

The State's Authorized Agent for the purpose of the administration of this Agreement is Maryanne Kelly-Sonnek, Municipal Agreements Engineer, or her successor. Her current address and phone number are 395 John Ireland Boulevard, Mailstop 682, St. Paul, MN 55155, (651) 366-4634.

The City's Authorized Agent for the purpose of the administration of this Agreement is Bruce Messelt, City Administrator, or his

successor. His current address and phone number are City of Lake Elmo City Hall, 3800 Laverne Avenue North, Lake Elmo, MN 55042, (651) 777-5510.

(The remainder of this sheet has been intentionally left blank)

IN TESTIMONY WHEREOF the parties have executed this Agreement by their authorized officers.

CITY OF LAKE ELMO

By _____
Mayor

Date _____

By _____

Title _____

Date _____

DEPARTMENT OF TRANSPORTATION

Recommended for approval:

By _____
District Engineer

Approved:

By _____
State Design Engineer

Date _____

Approved as to form and execution:

By _____
Contract Management

Date _____

COMMISSIONER OF ADMINISTRATION

As delegated to Materials Management Division

By _____

Date _____



MAYOR & COUNCIL COMMUNICATION

DATE: 5/18/2010
CONSENT
ITEM #: 5
MOTION *as part of Consent Agenda*

AGENDA ITEM: State of Minnesota Redevelopment Grant Program – A Resolution
Accepting the Grant

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Ryan Stempski, Assistant City Engineer
Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: The City Council is asked to approve as part of tonight's *Consent Agenda* a resolution accepting the grant from the State of Minnesota Redevelopment Grant Program, wherein the state legislature approved a special appropriation of \$1,000,000 to be used for water system infrastructure improvements and \$1,000,000 for the construction of the 16-inch Sanitary Forcemain Extension project.

This Resolution is a requirement of the Grant Agreement administered through the Department of Employment and Economic Development. No specific motion is needed, as it is recommended to be part of the overall approval of the *Consent Agenda*.

BACKGROUND INFORMATION: On March 14th, 2010 the state legislature signed into law the Capitol Investment Bill. Included in the bill was a special appropriation under the Redevelopment Grant Account for the City of Lake Elmo in the amount of \$2,000,000; where \$1,000,000 must be used to design and construct an expansion of the city's water pumping, storage, and distribution system; and \$1,000,000 must be used to design and construct the I94 to 30th Street Trunk Sanitary Sewer Extension project. As a condition in the bill language, the special appropriation will not be available until the City has determined that an equal amount has been committed to the project from non-state sources.

STAFF REPORT: City staff is working with the State of Minnesota, Department of Employment and Economic Development to complete the Grant Agreement necessary to secure the funds for the City of Lake Elmo, as appropriated by the state legislature. As a requirement of

the Grant Agreement, the City of Lake Elmo must submit a resolution accepting the grant and committing the local match and/or non state sources required for the projects.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council move to approve Resolution 2010-022 as part of tonight's *Consent Agenda*.

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda and further discuss and deliberate this recommendation prior to taking action. The Council may table this item at its discretion, take no action (in essence denying the recommendation), or amend the recommended action. If the later is done so, the appropriate action of the Council following such discussion would be:

“Move to Approve Resolution No. 2010-022 to accept the grant from the State of Minnesota Redevelopment Grant Program, as amended at tonight’s meeting.”

ATTACHMENTS: Resolution 2010-022

SUGGESTED ORDER OF BUSINESS (if removed from the Consent Agenda):

- Questions from Council to Staff..... Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

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

RESOLUTION NO. 2010-022

**A RESOLUTION ACCEPTING THE GRANT FROM THE STATE OF
MINNESOTA REDEVELOPMENT GRANT PROGRAM**

BE IT RESOLVED that the City of Lake Elmo act as the legal sponsor for projects contained in the Redevelopment Grant Program and that the Mayor is hereby authorized to the Department of Employment and Economic Development for funding of this project on behalf of the City of Lake Elmo.

BE IT FURTHER RESOLVED that the City of Lake Elmo has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration.

BE IT FURTHER RESOLVED that the sources and amounts of the local match identified in the application are committed to the project identified.

BE IT FURTHER RESOLVED that the City of Lake Elmo has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that the City of Lake Elmo may enter into an agreement with the State of Minnesota for the above referenced projects, and that the City of Lake Elmo certifies that it will comply with all applicable laws and regulation as stated in all contract agreements.

NOW, THEREFORE BE IT FINALLY RESOLVED that the Mayor and the Clerk, are hereby authorized to execute such agreements as are necessary to implement the projects on behalf of the applicant.

Date: _____, 2010

CITY OF LAKE ELMO

By: _____

Dean A. Johnston
Mayor

ATTEST:

Bruce A. Messelt
City Administrator

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

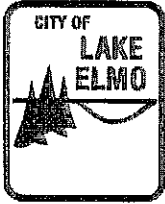
CERTIFICATION

I certify that the above Resolution is an accurate copy of the Resolution adopted by the Council of the City of Lake Elmo at an authorized meeting held on the _____ day of _____, 2010, as shown by the minutes of the meeting in my possession.

(Signature)

(Type or Print Name)

(Title)



MAYOR & COUNCIL COMMUNICATION

DATE: 5/18/2010
CONSENT
ITEM #: 6
MOTION *as part of Consent Agenda*

AGENDA ITEM: Consideration of an Agreement for Services related to the Installation and Management of Prairie in Area Two of Sunfish Lake Park

SUBMITTED BY: Carol Kriegler, Project Assistant
Kathy Widin, City Forester

THROUGH: Bruce Messelt, City Administrator

REVIEWED BY: Park Commission
Tom Bouthilet, Finance Director
Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED: The City Council is asked to consider as part of tonight's *Consent Agenda* an agreement with Minnesota Native Landscapes for services related to the installation and management of prairie in Area Two of Sunfish Lake Park.

Installation services to be provided include an initial herbicide treatment, seedbed preparation, seed mix and seed installation. Management services include monitoring, herbicide treatments to control invasive species, site monitoring and controlled burns. Other project related activities will include the mowing of annual weeds, which will be conducted by the Public Works staff, and the planting of 3,000 seedlings, which will be conducted by volunteers.

Costs associated with the prairie installation are anticipated to be \$36,540.10. Management services will be authorized on an "as needed" basis over a 4-year period with costs anticipated to be approximately \$4,025 each of the first two management years, \$7,750 for the third and \$3,250 for the fourth. The City has received a Minnesota DNR Metro Greenways Grant in the amount of \$27,425.00 for prairie installation and management services conducted through June 30, 2011.

BACKGROUND INFORMATION: Area Two of Sunfish Lake Park is a 20 acre parcel that has been in agriculture for a number of years. Most recently, the area has been planted in wheat. The Conservation Easement for the park calls for a large portion of this area to eventually be restored to a native plant community. Restoration of the area will result in improved wildlife habitat, increased plant diversity and improved aesthetics for park users and residents. The installation of the project and subsequent management practices will be based on sound and well-founded ecological principles.

In addition, the Conservation Easement allows the City to use and develop Area Two of the park, or a portion of it, as an educational, outdoor recreational, or nature observation area. It is anticipated that an area in the northeast quadrant of Area Two will someday accommodate a modest interpretive/warming shelter and year-round recreational amenities, such as a pleasure skating rink, picnic tables, and children's play area.

It is also anticipated that the area will include a short-turf – open play area to accommodate casual non-competitive play, soft trails, “cluster plantings” for plant interpretation, a native garden, informational kiosk, way-finding and interpretive signage. Therefore, the prairie seeding, seedling planting and trail installation plan reflects these anticipated future uses and placement of these amenities. Anticipated improvements to the parking area include placement of boulders and the installation of a rain garden for enhanced management of the parking area.

STAFF REPORT: The primary goal of the prairie restoration project is to restore the approximately 20 acre parcel that was previously in agriculture, to a plant community that closely resembles what would have existed during in pre-settlement times – *Mesic Tallgrass Prairie*. A future goal might be the introduction of oak trees as a means of establishing areas of *Oak Savanna*, another ecosystem that existed in the area prior to settlement.

The prairie landscape of the Midwest was once one of our continent's most diverse ecosystems. Today, less than one percent of Minnesota's tallgrass prairie remains. This project will provide for a significant expanse of tallgrass prairie to be enjoyed by the Lake Elmo community and improved habitat for area wildlife.

The prairie restoration process includes seed bed preparation, seed installation, mulching, sensibly applied herbicide applications to control invasive species, mowing and burning. A seed mix will be used that is comprised of the species that are believed to be native to the local area. The seed will originate from the same ecoregion or in counties that adjoin this ecoregion. Both the installation and subsequent management of the prairie will be based on sound and well-found ecological principles. The restoration project also includes the planting of 3,000 seedling plants. These seedlings will be planted in visible locations including at the prairie entrance, along paths and anticipated resting and viewing spots. While it will take about 5 years for the prairie to reach maturation, the planting of seedlings will provide a visual “jump start” to the prairie.

Proposals were requested and received from 3 qualified prairie restoration contractors. Quotations for the prairie installation portion of the project were as follows:

- Applied Ecological Services: \$32,130.00
- Prairie Restoration: \$32,322.10
- Minnesota Native Landscapes: \$31,700.00

In addition to Minnesota Native Landscape being lowest for the installation portion of the project, a review of unit pricing by task suggests that the Minnesota Native Landscapes provides

the best value for ongoing management related services. Additionally, MNL offered the best guarantee with composition of the prairie consisting of at least 90% native cover of at least 25 native grasses and wildflowers by the end of year 5. If this is not achieved, MNL will be responsible for corrective action beyond 5 years.

MNL's proposal includes an amendment that reflects 3 changes to the project. The first change is related to a slight change in suggested seeding techniques. The second change relates to the use of a of low-mow seed mix in the most northeast area of Area Two. This seed mix is being recommended so that a short-turf area will be available for informal play and picnicking from the project outset. The third change includes the use of a billion seed mix along anticipated soft trails through the area.

Mr. Rusty Schmidt, an ecologist and landscape architect with the Washington County Conservation District, advised the use of these seed mixes and assisted in the development of a plan detailing the seeding/seedling boundaries and trail placement. Trail placement is based on 1) enhanced views and park experiences 2) complimenting the existing trail system in Area One and 3) universal user/access issues.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council move to approve Resolution 2010-022 as part of tonight's *Consent Agenda*.

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda and further discuss and deliberate this recommendation prior to taking action. The Council may table this item at its discretion, take no action (in essence denying the recommendation), or amend the recommended action. If the later is done so, the appropriate action of the Council following such discussion would be:

“Move to award a contract to Minnesota Native Landscapes for prairie restoration and management services at Sunfish Lake Park, as amended at tonight's meeting”.

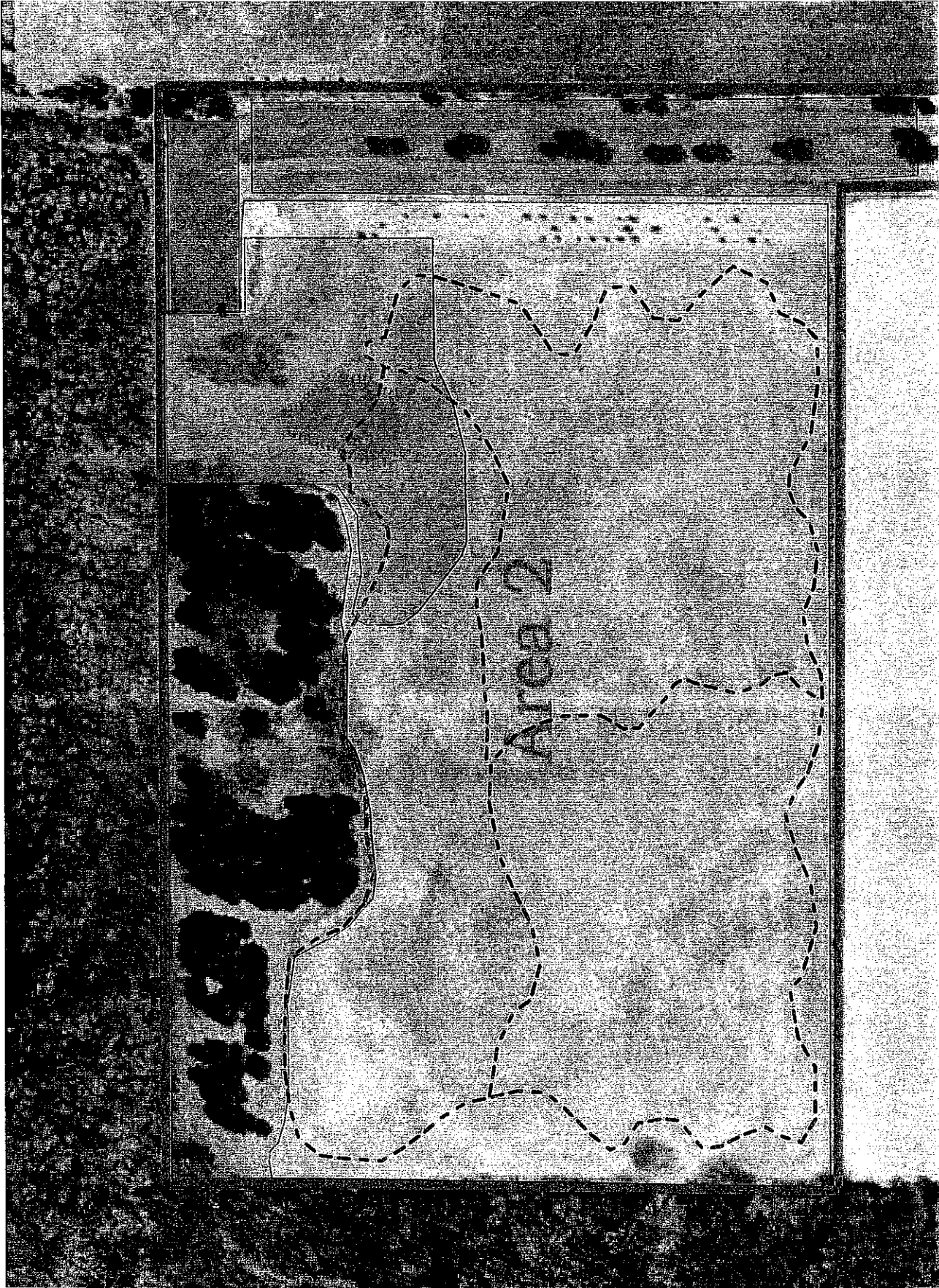
ATTACHMENTS:

- A. Sunfish Lake Park Area 2 Concept Plan 2/16/2010
- B. Contract Documents
 - Agreement
 - Aerial Photography Map of Sunfish Lake Park
 - Property Map of Sunfish Lake Park
 - Conceptual Trail layout
 - Seed Sourcing Guidelines
 - MNL proposal, dated 1/12/2010
 - MNL amendment to proposal, dated 5/13/2010

ORDER OF BUSINESS (if removed from Consent Agenda):

- Introduction..... Bruce Messelt, City Administrator
- Report/Presentation..... City Staff, Park Commission
- Call for Motion Mayor & City Council
- Discussion Mayor Facilitates
- Action on Motion..... Mayor Facilitates

Sunfish Lake Park Area 2 Concept Plan - Update to 2/16/10 Council Meeting



- Prairie / Oak Savanna restoration area
- Native planting / interpretive area
- Year-round recreational area - short turf areas that accommodate facilities / amenities that support informal active play / skating / picnicking, etc.
- Area identified for activities / placement of amenities requiring level terrain

- Parking area
- Soft trail
- ADA compliant hard surface trail

Note: Actual trail location / configuration to be based on topography, enhanced views, available screening, universal access, etc.

AGREEMENT

AGREEMENT made this 18th day of May, 2010, between the **CITY OF LAKE ELMO**, a Minnesota municipal corporation ("City"), and Minnesota Native Landscapes, Inc., a corporation organized and existing under the laws of the State of Minnesota("Contractor").

IN CONSIDERATION OF THE MUTUAL UNDERTAKINGS HEREIN CONTAINED, THE PARTIES AGREE AS FOLLOWS:

1. CONTRACT DOCUMENTS. The following documents shall be referred to as the "Contract Documents," all of which shall be taken together as a whole as the contract between the parties as if they were set verbatim and in full herein:

- A. This Agreement.
- B. Conceptual trail layout dated 5/13/10; Aerial Photography Map of Sunfish Lake Park; Property Map of Sunfish Lake Park
- C. Seed Sourcing Guidelines
- D. Proposal, dated 1/12/2010; Amendment to proposal, dated 5/13/2010.

In the event of conflict among the provisions of the Contract Documents, the order in which they are listed above shall control in resolving any such conflicts. Contract Document "A" has the first priority and Contract Document "D" has the last priority.

2. OBLIGATIONS OF THE CONTRACTOR. The Contractor shall provide the goods, services, and perform the work in accordance with the Contract Documents.

3. CONTRACT PRICE. The City shall pay the Contractor a sum not to exceed \$36,540.10 inclusive of sales tax, for completion of the work associated with a prairie installation in accordance with the Contract Documents and the City shall pay the Contractor in accordance with unit pricing outlined in Exhibit D for prairie management services as deemed necessary and authorized by the City over the 5 year prairie establishment period.

4. ASSIGNMENT. Contractor may not assign, sublet, or transfer any interest or obligation in this Agreement without the prior written consent of the City, and then only upon such terms and conditions as both parties may agree to and set forth in writing.

6. PAYMENT.

A. All invoices should be sent to the City for payment. Contractor may submit an invoice for work completed and accepted by the City following successful seed installation and establishment, and may submit an invoices on a monthly basis for management services authorized, completed and accepted by the City.

8. NONDISCRIMINATION. All Contractors and subcontractors employed shall comply with all applicable provisions of all federal, state and municipal laws which prohibit discrimination in employment to members of a protected class and all rules and regulations, promulgated and adopted pursuant thereto. Contractor will include a similar provision in all subcontracts entered into for the performance of this contract.

9. WORKER'S COMPENSATION. Contractor shall obtain and maintain for the duration of this Agreement, statutory Worker's Compensation Insurance and Employer's Liability Insurance as required under the laws of the State of Minnesota.

10. COMPREHENSIVE GENERAL LIABILITY. Contractor shall obtain the following minimum insurance coverage and maintain it at all times throughout the life of this Agreement, with the City included as an additional name insured. Contractor shall furnish the City a certificate of insurance satisfactory to the City evidencing the required coverage:

Bodily Injury:	\$2,000,000 each occurrence \$2,000,000 aggregate, products and completed operations
Property Damage:	\$2,000,000 each occurrence \$2,000,000 aggregate

Contractual Liability (identifying the contract):

Bodily Injury:	\$2,000,000 each occurrence
Property Damage:	\$2,000,000 each occurrence \$2,000,000 aggregate
Personal Injury, with Employment Exclusion deleted:	\$2,000,000 aggregate

Comprehensive Automobile Liability (owned, non-owned, hired):

Bodily Injury:	\$2,000,000 each occurrence \$2,000,000 each accident
Property Damage:	\$2,000,000 each occurrence

12. WARRANTY. Contractor shall be responsible for any and all defects in workmanship, materials, and equipment that may develop in any part of the contracted service or materials, and upon notification by the City shall immediately replace, without cost to the City, any such defective or unworkmanlike labor or materials.

13. INDEMNITY. To the fullest extent permitted by law, Contractor shall defend, indemnify and hold City, City's officer, directors, consultants, agents and employees harmless from all claims for bodily injury and property damage that may arise from the performance or attributed to such negligent or intentional acts or omissions by Contractor, subcontractors or attributed to such acts or omissions by Contractor, subcontractors or anyone employed directly or indirectly by any of them or by anyone for whose acts any of them may be liable. Contractor shall not be required to defend, indemnify or hold harmless City or others retained by the City for any acts, omissions or negligence of the City or others retained by the City.

14. NOTICE AND TERMINATION FOR DEFAULT If the Contractor refuses or persistently fails to supply enough properly skilled workers, proper materials, and/or equipment, or fails to make prompt payment to its workers, subcontractors or suppliers, disregards laws, ordinances, rules, regulations or orders of any public authority having jurisdiction, or is otherwise guilty of a material breach of a provision of the Contract, the Contractor may be deemed in default. If, within seven (7) days of receipt of a notice to cure, the Contractor fails to commence and satisfactorily continue correction of the default set forth in the notice to cure, the City may notify the Contractor that it intends to terminate this Contract for default absent appropriate corrective action within seven (7) additional days. After the expiration of the additional seven (7) day period, the City may terminate this Agreement by written notice absent appropriate corrective action. Termination for default is in addition to any other remedies available to City.

15. WAIVER. In the particular event that either party shall at any time or times waive any breach of this Agreement by the other, such waiver shall not constitute a waiver of any other or any succeeding breach of this Agreement by either party, whether of the same or any other covenant, condition, or obligation.

16. GOVERNING LAW. The laws of the State of Minnesota govern the interpretation of this Agreement.

17. SEVERABILITY. If any provision, term, or condition of this Agreement is found to be or become unenforceable or invalid, it shall not effect the remaining provisions, terms, and conditions of this Agreement, unless such invalid or unenforceable provision, term, or condition renders this Agreement impossible to perform. Such remaining terms and conditions of the Agreement shall continue in full force and effect and shall continue to operate as the parties' entire agreement.

18. ENTIRE AGREEMENT. This Agreement represents the entire agreement of the parties and is a final, complete, and all inclusive statement of the terms thereof, and supersedes and terminates any prior agreement(s), understandings, or written or verbal representations made between the parties with respect thereto.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.

CITY OF LAKE ELMO

CONTRACTOR

By: _____
Dean Johnston
Mayor

By: _____
Bruce A. Messelt
Administrator

(Contractor Name)

By: _____

Its _____

Aerial Photography Map



Legend

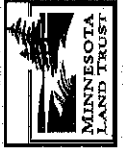
Protected Property

Section Lines

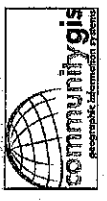
Map Created: August 14, 2008

Scale: 1" = 1,000'

1,000 500 0 1,000 Feet



Site: Sunfish Park - Tract: City of Lake Elmo
 Washington County - Twp. 29 N Rng. 21 W Sec. 10, 14 & 15

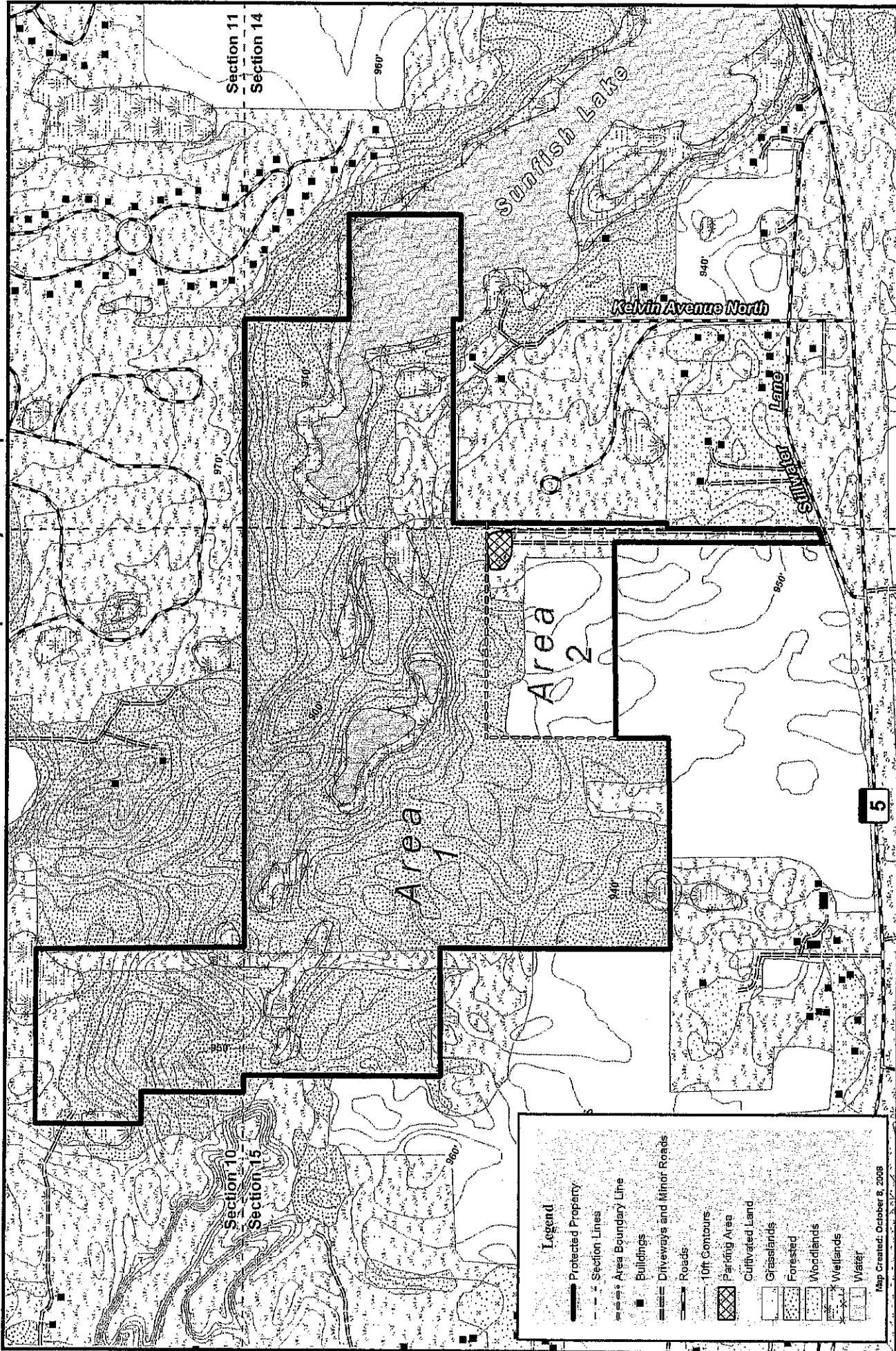


Map Resource Information

Protected Property & Section Lines created by Community GIS Services Inc. All data overlaid 2008 Farm Service Agency True Color Aerial photograph. All & labeled coordinates use projection of: UTM, Zone 15, Datum NAD83.

Users of this map agree and acknowledge that Community GIS Services Inc. and the Minnesota Land Trust cannot be held liable for accuracy of GIS material provided. GIS materials should not be relied upon to establish legal title, boundary lines, or locations of improvements.

Exhibit B: Property Map



Legend

- Protected Property
- Section Lines
- Area Boundary Line
- Buildings
- Driveways and Minor Roads
- Roads
- 10ft Contours
- Parking Area
- Cultivated Land
- Grasslands
- Forested
- Woodlands
- Wetlands
- Water

Map Created: October 8, 2008

Map Resource Information

Protected Property, Section Lines, Area Boundary Lines, Buildings, Roads, Driveways & Minor Roads, 10-Foot Contours, Parking Area, Cultivated Land, Grasslands, Forested, Woodlands, Wetlands, and Water created by Community GIS Services Inc.

Users of this map agree and acknowledge that Community GIS Services Inc. does not warrant the accuracy or completeness of any data or information recorded. GIS information should not be used to establish legal rights, boundaries, lines, or locations of improvements.



Site: Sunfish Park - Tract: City of Lake Elmo
 Washington County - Twp. 29 N Rng. 21 W Sec. 10, 14 & 15



Scale:
 1" = 800'



Feet

Attachment C

Attachment C: Seed Sourcing Guidelines

(ADAPTED FROM THE BOARD OF WATER AND SOIL RESOURCES GUIDELINES)

Intent: The information in this fact sheet summarizes guidelines for native seed origin and use. Consistent with the Environmental and Natural Resources Trust Fund legislation, projects are required to use local sources of seed and strive for diversity levels that will provide high levels of ecological function.

Ecological Restoration/Habitat Projects:

Projects should focus on using high levels of diversity to promote native community stability and function, benefits to multiple wildlife species and to prevent establishment of invasive species. The NRCS 643 Practice Standard, "Restoration and Management of Rare and Declining Habitats" can be used as guidance for ecological restoration/habitat projects. The standard provides guidelines for project planning, implementation and maintenance.

Seed Source: To the extent possible, seed must be obtained from as close to the project site as possible with an emphasis on obtaining seed from the local eco-type region. The Minnesota DNR map: "County Landscape Groupings Based on Ecological Subsections" ([HTTP://WWW.DNR.STATE.MN.US/ECO/PUBS_MAPS.HTML](http://www.dnr.state.mn.us/eco/pubs/maps.html)) can be used as a guide for selecting seed from local eco-type regions. The map shows the general grouping of counties that have eco-type similarities. Projects near a state border can use seed from the adjoining state as long as the eco-type conditions in the adjoining state are similar to the project location.

Yellow Tag Seed: When available, source identified (Yellow tag) seed through the Minnesota Crop Improvement Association (MCIA) shall be used over non-Source ID seed. See the following website for a survey of yellow tag seed availability: <http://www.mncia.org/>. Flexibility regarding the use of yellow tag seed can be granted by local staff when appropriate, such as when seed from local-remnant communities will be used for a project, or the available yellow tag seed is not of a local source.

Native Cultivar/Variety Use: The first priority for seed should be that which comes from as close to the project site as possible and has not been intentionally selected for traits such as height, aggressiveness and color. If the original collection sites used for the development of a variety were from areas local to the project site, then the variety may be appropriate for a project.

Protecting Existing Native Prairies and Seed Production Areas: Remnant prairies and seed production areas should be protected from non-local sources of seed. Cultivars and varieties of native species should not be used next to these areas to limit genetic influences. A buffer distance of one-quarter mile is recommended. Experienced resource professionals should be involved in seed selection and management planning when working in or near remnant prairies.

Seed Labeling: All seed shall be supplied as pure-live seed (PLS) and conform to State seed requirements for noxious weed content and State labeling requirements. The county of origin should be listed on the seed tag for all species in a mix to provide verification of seed source. Information about individual components in a mix is required for all species, including those that constitute less than 5% of the total mix.



REQUEST FOR PROPOSALS (RFP)
Sunfish Lake Park Prairie Restoration - - Lake Elmo Minnesota
Due January 12, 2010

Project Specific Information

Project Overview and Goal

The City of Lake Elmo is requesting proposals for a project to establish tall-grass prairie vegetation on approximately 20 acres at Sunfish Lake Park in Lake Elmo. The 284 acre park has recently been placed in conservation easement with the easement calling for these 20 acres to be restored to a native plant community. The target plant community is mesic prairie, the plant community that likely existed on the level and gently rolling landscapes of the Lake Elmo area prior to settlement.

For the past several years, the project site was in agriculture. The site was last planted in wheat during the summer of '09. The eastern edge of the site, located between the cropped fields and the drive into the park, appears to be remnant prairie which may provide some insight as to some of the plant species native to the site.

The City has secured a Minnesota DNR Metro Greenways grant for the project with an agreement expiration date of June 30, 2011. Project requirements set forth by the Minnesota Department of Natural Resources include the following:

- 1) The restoration must utilize seeds and plants only of native ecotypes to Minnesota and preferably of the local ecotype using a high diversity of species originating as close to the restoration site as possible.
- 2) The project must have an ecological restoration and management plan that is consistent with the highest quality conservation and ecological goals for the restoration site. The plan should give consideration to factors such as soil, topography, geology, and other relevant factors that would provide for the best chance of long-term success of the restoration. The plan should include a timetable for implementing the restoration, including identifying long-term maintenance and management needs.

As a cost savings measure, and in the interest of good stewardship, the City desires to utilize its Parks / Public Works staff and community volunteers for limited restoration and management activities. The City's current plan includes the planting of 3,000 seedlings. While the successful proposer would provide the seedlings, volunteers would likely plant them. City crews are capable of mowing the site when directed to do so.

Scope of Work and Deliverables

The selected contractor must have expertise in native plants and a proven track record in native plant restorations and vegetation management. The selected contractor will provide a 5 year native vegetation establishment plan to include site preparation, seeding, and maintenance as well as implementation of selected activities planned and scheduled through June 30, 2011. The plan should include field preparations, seeding techniques, control of invasives, and maintenance such as prescribed burns during the 5 year establishment period.

The work tasks carried out during the grant eligible period may include:

- Spraying the existing vegetation with a second spraying of re-growth, if needed
- Prairie seeding, use of trillion prairie drill preferred
- Mowing two or three times during the first growing seasons, and as needed based on weed competition (likely conducted by City's P&PW staff)
- Spot herbicide applications on patches of invasives
- Planting of 3,000 seedlings (likely planted by community volunteers)

The above work items are listed as an example. The details of project design, native vegetation establishment plan, and their implementation will be determined by the selected proposer. However, the final native planting must meet the quality standards of the Minnesota DNR.

Project Management

- The selected contractor will participate in a project kick-off meeting to establish a project schedule and communication strategy.
- Communicate with city staff and keep the project on schedule.
- Prepare for and participate in periodic site reviews at key points in the project.
- Keep a project journal and records to track work and progress.
- Secure Yellow Tag Certifications and other appropriate verification from the seed and seedling supplier
- Participate in a community meeting with interested and/or involved citizens, park commissioners and city council members.

Project Constraints

Responders should consider the following issues when formulating seed mixes and seedlings for this project:

- Genetic origins of species used and their proximity to the project locale, and Yellow Tag Certification of seed sources
- Diversity of seed mixes
- Appropriateness of species used in terms of local site conditions and their native range in Minnesota
- Percent composition of seed mixes in terms of cool season grasses, warm-season grasses, legumes, and other forbs

Schedule

Work is proposed to start in the spring of 2010 and carry on for approximately five growing seasons until the prairie is sustainable. The selected contractor will prepare an appropriate schedule, including site preparation, seeding, maintenance activities, etc.

Proposal Content

Please include the following information in your proposal:

1. Responder's company name, business address, the contact person's name, telephone number, fax number and email address (as available).
2. A statement of the objectives, goals and tasks to show or demonstrate the responder's view of the nature of the project.
3. A description of the proposed project approach and methodology to be utilized and deliverables to be provided by the responder, and a description of the proposed project management techniques.
4. A detailed description of the responder's background and experience with similar work. This must include three examples of similar work within the past eight years, including contact information to serve as a reference. The City may solicit additional references as well. Also include the names of key personnel who will be assigned to the project, their area of responsibility and a statement regarding the responder's ability to conduct monitoring and time-sensitive work in the project locale.
5. A work plan identifying the major tasks to be accomplished. This should include an estimated schedule for site preparation, seeding, and maintenance activities. The plan must also include details on the seed mixes to be used, the genetic origins of the species used, and the areas of the project where they will be applied.
6. A proposed guarantee of the establishment of a diverse and thriving native planting up to the point possible in a five year time period.
7. The responder must include project costs along with the following:
 - A breakout of the hours by task and associated cost for each restoration / management activity along with an anticipated schedule of the activities.
 - A breakout of provided materials (ie. seeds, seedlings) along with the proposed source of seeds and seedlings. This should include a proposed species list, rationale and resources utilized in developing the species list.
 - While the grant has an expiration date of June 30, 2011, please submit a 5-year restoration / management plan.

Attachments to this RFP:

- Attachment A – Aerial map of the restoration project area
- Attachment B – Sunfish Lake Park map

Proposal Evaluation

Representatives of the City will evaluate all responses received by the deadline. An interview may be part of the evaluation process. The city reserves the right to accept or reject any part, or the total of proposals submitted. Proposals will be evaluated on a "best value" basis with consideration of qualifications and cost.

Proposal Submittal – Due by 4:00 p.m. Tuesday, January 12, 2010.

All proposals must be sent to:

Carol Kriegler, Project Assistant
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Proposals can be emailed to ckriegler@lakeelmo.org

Proposal Questions

Responders who have any questions regarding this RFP may call or email Carol Kriegler at (651) 233-5406, ckriegler@lakeelmo.org



Minnesota Native Landscapes

*Sunfish Lake Park
Prairie Restoration
Minnesota Native Landscapes, Inc.*

January 12, 2009

Submitted by:
Jim Eckberg
Ecologist
Minnesota Native Landscapes, Inc.

8740 77th St NE
Otsego, MN 55362

Ph: 763-295-0010
Fax: 763-295-0025
Mobile: 612-490-5050
www.mnnativelandscapes.com
email: Jim@MnNativeLandscapes.com

Objectives, Goals and Tasks:

Sunfish Lake Park is a part of the Anoka Sand Plain Ecoregion, a landscape known for its mosaic of tallgrass prairie and deciduous forest. Prairie is native to Sunfish Lake Park. This is indicated by the 0.25 acre remnant prairie adjacent to the visitor parking lot. At least 11 species of grasses and forbs are present in this remnant community. It is the goal of the City of Lake Elmo to restore and expand this habitat to the adjacent 20 acre agricultural field. In doing so we would restore and expand a nationally endangered habitat that is locally degraded and rare at Sunfish Lake Park.

We would propose to prepare the seed bed, control erosion, and seed the prairie, as well as supply the seed and seedlings to establish 20 acres of mesic tallgrass prairie. Our seed originates from local sources in east-central Minnesota. This seed includes all of the same species present in the remnant prairie at Sunfish. Therefore, we would be expanding populations of native plants known to locally occur in this location.

Minnesota Native Landscapes manages hundreds of established prairie. After installation of the prairie we propose to mow annual weeds, spray herbicide on noxious weeds, monitor the site for management problems and conduct two prescribed prairie fires in the first five years after installation.

Project Approach and Methodology:

Installation:

Site characteristics and history are crucial to consider when planning a restoration. The history of agriculture on the restoration site will provide an advantage for prairie establishment. It is likely that routine herbicide applications have occurred to control weeds over the past years. This will minimize the need to control weeds during the early stages of the restoration. We propose a single herbicide application in the spring to control weeds. If needed, we will perform a second spray approximately two weeks later. The light, sand-silt soil and topography make this site conducive to erosion. Caution will be exercised to minimize erosion. In particular, the site will be closely monitored so there is little delay between the eradication of weeds and subsequent prairie installation.

After the initial control of weeds, the seed bed will be prepared, seeded, and disk anchored with straw mulch. Seed bed preparation involves harrowing or light tillage to homogenize the soil and plant debris and smooth-out any residual agricultural rows. Seeding will occur immediately after the soil bed is prepared. We will use a prairie trillion drill to seed all 20 acres. Finally, we will apply straw mulch (certified weed-free) at a rate of two tons per acre. We will disk anchor the mulch parallel to the contour lines. These "stubble" lines provide instant erosion control. One week after seeding, the cover crop (spring wheat/oats) begins germinating which provides more substantial erosion control. Once installation is complete, we recommend that the 3000 seedlings be installed by volunteers.

Management:

Rigorous long-term management is required to successfully establish native prairies. We propose to use a combination of mowing, spot herbicide treatments, and burning in the first five years of management. Recently seeded prairies are often invaded by annual and biennial weeds. Annual weeds will shade and out-compete the small and slower growing prairie plants. These weeds can be controlled with timely mow treatments which prevent weed seed production. We propose to conduct regular monitoring of the site, determine when and how much mowing should occur, and coordinate mowing with the City of Lake Elmo parks department. We think this approach will work well as long as specific recommendations (ie. Mowing height) are followed and mowing occurs within approximately 10 days of notification as conditions are highly dynamic.

While annual/biennial weeds can be controlled through mowing, perennial noxious weeds require herbicide treatments. These weeds include Canada thistle, spotted knapweed, reed canary grass and smooth brome. We propose to make regular site visits and spot spray noxious weeds before their populations expand. In the first two years (2010-2011) we propose four site visits and by the end of five years we expect to visit the site twice. During each visit, the entire 20 acres is to be walked by MNL employees (certified pesticide applicators) well-trained in identification of noxious weeds. Cool season non-native grasses (smooth brome) can also invade prairie restorations. Since these grasses continue growing in the fall, long after prairie plants are dormant, a late fall herbicide spray can be an effective method to control these grasses while minimizing effects on native grasses. We propose to include two late fall weed grass sprays in our methodology and budget.

By the third year of a prairie restoration it is recommended to conduct a prescribed burn. Prairie fires promote native plants (particularly warm season grasses) over non-native species, enhance nutrient cycling, and destroy invading tree seedlings. We propose to conduct a burn in the third

year and fifth year. Beyond five years we recommend burning the prairie every two to four years. For each burn, MNL obtains a DNR burn plan permit and City of Lake Elmo burn permit. Fire breaks are constructed by mowing the periphery (10 ft) of the prairie. A full burn crew will conduct the burn (6 employees). Our burn boss, Jake Janski, has successfully performed hundreds of prescribed burns throughout the twin cities and will lead the burns at Sunfish Lake Park.

Minnesota Native Landscapes- Background and Experience:

Minnesota Native Landscapes, Inc (MNL) was founded in 1998 as a company that specializes in the restoration of native plant communities. We have experience in the restoration of over 500 prairie, forest and wetland sites. MNL has installed thousands of acres of prairie and wetlands throughout the state and currently manages nearly 1500 acres annually.

Each prairie installation has unique site characteristics and logistical obstacles. Skilled, experienced operators are required to adequately prepare the seed bed, install native seed, and disk anchor straw mulch. Dan Marks and Joe Schaffer have a combined 20 years experience in the installation of prairies. Either Dan or Joe will be responsible for the initial installation.

Prairie management is intensive and MNL's management supervisor, Jake Janski, has over eight years experience in managing prairies and corresponding with clients. Jake will lead all prescribed burns at Lake Elmo. Jake's assistant, Chris Hoye, will direct crews and daily operations at Sunfish Lake Park. Chris has managed prairies and led work crews for over four years. Chris and Jake work together to monitor sites and perform management activities.

The success of initial seedings, mowings, burning and herbicide treatments are highly sensitive to time. MNL has performed hundreds of restoration and worked efficiently under time/seasonal constraints to successfully establish prairies. Monitoring is a critical component of carefully timed management and is at the center of our approach to restoration.

Assigned Personnel:

Joe Schaffer- President/Operations Manager (Installation)

Qualifications: Education: Joe holds a B.S. in Wildlife Biology from Iowa State University. Certifications: Certified Professional in Erosion and Sediment Control, MDA Certified Pesticide Applicator (Categories A & E), Certified MnDOT Landscape Specialist. Experience: Joe has over 15 years of extensive experience involving all aspects of the ecological restoration industry. As the founder of MNL and the current operations manager of its Restoration Installation Division, he has been involved with hundreds of restoration projects all over the upper Midwest and has vast experience in consultation, design, project management, installation and land management.

Dan Marks- Mechanic/ Operator (Installation)

Qualifications: Education: Dan holds a degree as an Automotive Technician from Dunwoody Institute Certifications: ASE Certified Mechanic, Certified MnDOT Vehicle Inspector, MDA Certified Pesticide Applicators License (Categories A & E) Experience: Dan has ten years experience as an MNL equipment operator, company mechanic and has performed all functions of ecological restoration projects.

Jake Janski- Land Management Supervisor (Management + Monitoring)

Qualifications: Education: Jake holds a B.S. in Biology and Minors in Chemistry and Environmental Studies from the University of Minnesota-Duluth. Certifications: MN Department of Agriculture (MDA) Certified Pesticide Applicators License (Categories A, E & J), ISA Certified Arborist, Advanced Wildland Firefighter Training-Ignition Operations (S-234). Experience: Jake has supervised the Land Management Division at MNL for more than six years and has extensive experience in managing an array of

native plant communities. His years of field experience conducting winter woody plant identification, selective invasive species control on a wide range of landscapes and ecologically based land management planning and practices will provide the necessary understanding to oversee this project.

Chris Hoye- Land Management Assistant (Management + Monitoring)

Qualifications: Education: Chris hold a B.A. in Environmental Studies with an Economic Minor from St. John's University Certifications: MDA Certified Pesticide Applicators License (Categories. A & E), Wildland Firefighter Training (S-130/190) Experience: Chris has been a member and leader in MNL's Land Management Division for three seasons. Chris has managed field crews as well as numerous ecosystem types throughout the state, including numerous woodland and forest areas.

Jim Eckberg- Ecologist (Monitoring + Correspondence)

Qualifications: Education: Jim holds a B.A. in Biology from Gustavus Adolphus College and an M.S. in Ecology from the University of Nebraska- Lincoln. Experience: Jim has over nine field-season's experience in identification of native plant species in upper Midwest ecosystems. Jim has conducted numerous studies on plant ecology as it relates to restoration of native plant communities and the control of non-native species. To date, Jim has published three peer-reviewed studies on plant ecology (including papers in *Ecology* and *Ecological Restoration*).

Work Examples:

Project: Wild Meadows Development

Customer: Wild Meadows Home Owners Association

Contact: Ken Anderson

Contact Number: (612) 723-2816

Scope of Work: MNL is managing and restoring over 100 acres of prairie and 80 acres of woodland at Wild Meadows Development in Medina, MN. This site was formerly managed by another restoration firm. The quality of the prairie was low at first. Through a combination of burning, herbicide treatments, reseeded, and mowing MNL is greatly improving the amount of native cover at Wild Meadows. A full report on the natural areas of Wild Meadows and MNL's restoration efforts was produced in December 2009 and can be provided upon request.

Project: Minnesota's Prairie Passage

Customer: Minnesota Department of Transportation

Contact: Ken Graeve

Contact Number: (651) 366-3613

Scope of Work: MNL is restoring a seven mile stretch of prairie along Interstate 90. MNL rigorously controlled the weeds on this project prior to seeding native plants. This project demonstrates our ability to design and establish ecologically appropriate prairie seed mixes. MNL designed three separate seed mixes appropriate for the different areas of the project (wet, mesic and dry). We obtained seed from source verified locations within 100 miles of the project. In total, MNL has installed 150 acres of prairie.

Project: Locust Hills Residential Development

Customer: Bancor Group

Contact: Paul Robinson

Contact Number: (612) 791-7080

Scope of Work: The project consists of restoring a network of prairie, woodland and wetland areas on a 69 acre low impact private development on Grays Bay – Lake Minnetonka in Wayzata, MN. Installation and design alterations began in December 2006. Our work consists of design alterations, ecological consulting, native plant community soil prep, seeding/planting and land management. We worked meticulously to establish local native genotypes of native plants in ecologically appropriate location. In total, we restored approximately 8 acres of prairie, 5 acres of wetlands, and 50 acres of woodlands were restored. MNL was highly successful in establishing vegetation native to central Minnesota.

Work Plan (General Schedule of Events):

Installation:

We plan to conduct the herbicide application in late April 2010. The exact start time will depend on how quickly the weeds emerge in the spring. Two weeks following the spray, early May, we will evaluate the effect of the spray and the potential for a second spray. We anticipate a second herbicide application will not be needed. Therefore, seed bed preparation, seeding and disk anchoring straw mulch will occur in mid-May. Installation of 3000 seedlings should occur in late May.

Management:

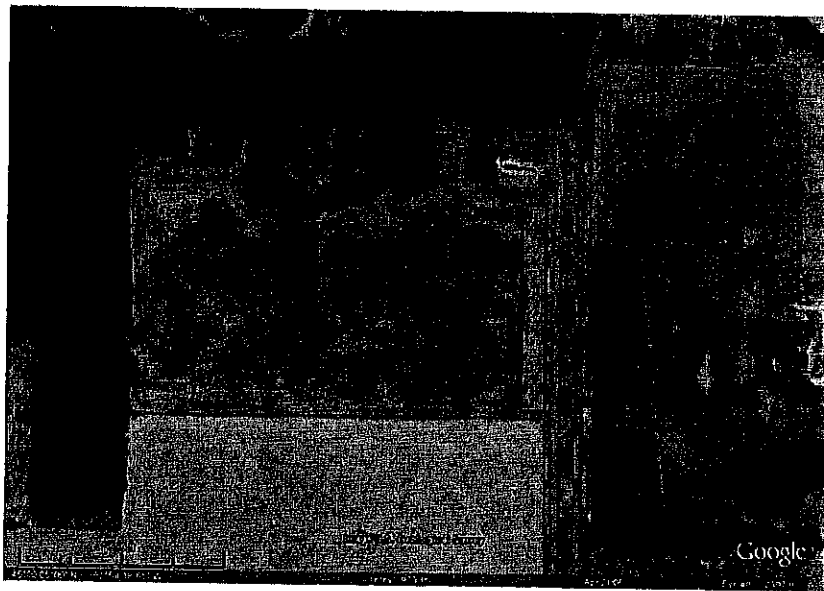
In the first two years (2010-2011), we anticipate that mowing annual weeds and spraying noxious weeds will be the main foci. In 2010, we anticipate mowing in early July and late August. In 2011, it may be necessary to mow once to twice. We will monitor the site and coordinate this activity with the parks department. To control perennial noxious MNL will use herbicides to spot treat the 20 acres. This will occur four times (2010-2011), three times (2012-2013), and two times (2014). Spot treatments will occur at regularly spaced intervals during the growing seasons. We propose to include two late fall weed grass herbicide treatments. Tentatively we plan these for October 2012 and 2014. By the third year, we anticipate that a prescribed burn will be necessary in early May 2012. The prairie will also be burned in the May 2014. Finally, regular site monitoring visits will occur in the May, July and August of each year (2010-2014).

Restoration Techniques	Year 1 (2010)	Year 2 (2011)	Year 3 (2012)	Year 4 (2013)	Year 5 (2014)
Spot spray perennial weeds	4	4	3	3	2
Overspray non-native cool season grasses	0	0	1	0	1
Mow annual weeds	2	2	0	0	0
Burn	0	0	1	0	1
Monitoring visits	3	3	3	3	3

Seed Mix:

Determination of Species List:

We determined our list of species to plant at Sunfish Lake Park (see attached list) by considering the source, suitability and diversity of our seed mix. The most suitable species are those that are known to occur naturally at Sunfish Lake Park. We surveyed the native prairie grasses and wildflower species and located a 0.25 acre remnant prairie which contains at least 11 species of prairie grasses and wildflowers. This prairie is directly adjacent to the project site (see below). The species composition of this remnant reflects the historic prairie vegetation of this area and provides a list of 11 species that are native within feet of the project location (see attached list).



Location of remnant prairie relative to project site

To determine additional species to include we considered only species that match the soil conditions and topography, and are documented as native in Washington County. First, the soil is a well-draining silty-loam. Each species we selected is adapted to this soil type, deemed mesic. Second, we used a list compiled by the Minnesota DNR on native species in Washington County. This list was obtained from Jason Garms (Prairie State Biologist) and represents the latest information on the native range of prairie plant species. Third, we ensured that our list of species has high functional diversity in that species broadly represent different plant forms including legumes, cool season grasses, warm grasses and non-leguminous forbs. Finally, we selected a suite of species that flower throughout the growing season and exhibit different colors and heights. The species list is included as a separate document.

Genetic Origins:

Selecting local genotypes is important to ensuring that prairie plants will be locally adapted to the site conditions. All seed that we selected originates from known locations (indicated in the attached list). Many of the origins of these seeds have been yellow tag certified. As a whole, all

seed originated within Minnesota. The majority of seed originated within 50 miles of the Sunfish Lake and all seed is within 100 miles. It is important to note that we produce or purchase these seeds on a regular basis but do not currently hold all seeds on the list. It is possible, though unlikely, that some substitutions would be made. If a substitution is needed, we will use the same approach for seed and species selection and we will notify the city before 30 days of the start of the project.

Seed Composition:

In total, our seed mixture contains 8 species of grasses and 26 species of wildflowers. This list includes all species known to occur at Sunfish Lake Park and only species native to Washington County. Also, all seed originates within 100 miles and most seed is within 50 miles of Sunfish Park. Over 110 seeds will be planted per square foot. This high seeding rate will ensure faster establishment and more native cover.

Based on the seed mix, we recommend a list and provide the origins for 3,000 seedlings. Planting seedlings will augment the plant populations started from seed. Seedlings will be planted along the border of the largest parcel and be in areas of high visibility. Seedlings of the same species will be planted in clusters to enhance the aesthetics of the restoration.

Five Year Guarantee:

By the end of year 5, we guarantee that the composition of prairie plants will consist of at least 90% native cover. We also guarantee that the prairie will consist of at least 25 species of native grasses and wildflowers. If this is not achieved, MNL will be responsible for taking corrective action beyond five years.

**Quote for Installing 20 acre of prairie
at Sunfish Lake Park, Lake Elmo, MN**

Item	Units	Qty	Unit Price	Total Price
Initial herbicide treatment	acre	20	\$150	\$3,000
Seed bed preparation, seed mix and seed installation	acre	20	\$950	\$19,000
Straw mulch and disc anchor (2 tons/ acre)	acre	20	\$350	\$7,000
Seedlings	each	3000	\$0.90	\$2,700
Total Amount:				\$31,700

Notes:

1. This quote assumes the area to be seeding will wheat prior to seeding.
2. This quote does not include the removal or disposal of any construction debris.
3. This quote does not include any soil amendments.
4. This quote assumes that all seedlings will be planted by city employees or volunteers.

**Quote for Management of 20 acre Mesic Prairie for
First Five Years at Sunfish Lake Park, Lake Elmo, MN**

Item	Unit	Qty	Unit Price	Total Price
Control invasive species with herbicide	Sprays	16	\$1,000	\$16,000
Mow annual weeds	Mows	4	\$2,050	\$0
Fall grass overspray	Sprays	2	\$1,500	\$3,000
Monitoring	Visit	15	\$75	\$1,125
Burn	Burn	2	\$3,000	\$6,000
Total Amount:				\$26,125

Notes:

1. Each task will be billed as it is completed. Therefore, if any tasks are deemed unnecessary due to changing circumstances it would not be billed.

Management Schedule and Hours:

A schedule of management tasks and time per task is provided as an excel file. It is important to note that different tasks have different costs due to equipment and material use. For example, grass over sprays requires a tractor and boom sprayer whereas spot sprays are conducted with back-pack sprayers.

Thank you for your consideration of Minnesota Native Landscapes, Inc. for this important and exciting project. MNL hopes to have the opportunity to prove our qualifications and expertise at Sunfish Lake Park.

Type and Frequency of Management	Year 1 (2010)	Year 2 (2011)	Year 3 (2012)	Year 4 (2013)
Spot spray perennial weeds	4	4	3	3
Fall weedy grass treatments	0	0	1	0
Mow Annual weeds	2	2	0	0
Monitoring visits	3	3	3	3
Burn	0	0	1	0

Time and Cost Per Activity	Hours	Cost Per Event (\$)
Spot spray perennial weeds	12.5	1000
Fall weedy grass treatments	12.5	1500
Mow Annual weeds	0	0
Burn	36	3000
Monitoring visits	1	75

Cost	Year 1 (2010)	Year 2 (2011)	Year 3 (2012)	Year 4 (2013)
Spot spray perennial weeds	4000	4000	3000	3000
Fall weedy grass treatments	0	0	1500	0
Mow Annual weeds	0	0	0	0
Monitoring visits	225	225	225	225
Burn	0	0	3000	0

Year 5 (2014)

2
1
0
3
1

Year 5 (2014)

2000
1500
0
225
3000

Total Cost **26125**



Sunfish Lake Park

8740 77th Street NE, Otsego, MN 55362

20.00 total acres
12.00 pls lbs per acre
240.00 PLS pound

Scientific Name	Common Name	Genetic Origin/ Variety	Documented		% native	PLS#	Seeds		Yellow Tag
			Documented at Sunfish Lake Park	in Washington County			per oz	per sqft	
<i>Andropogon gerardii</i>	Big Bluestem	Benton Co. MN	Yes	Yes	24.00	57.60	10,000	10.58	
<i>Bouteloua curtipendula</i>	Side Oats Grama	Sherburne Co. MN		Yes	16.00	38.40	6,000	4.23	Yes
<i>Bromus kalmii</i>	Prairie Brome	Dakota Co. MN		Yes	3.00	7.20	8,000	1.06	Yes
<i>Elymus canadensis</i>	Canada Wild Rye	Benton Co. MN		Yes	10.00	24.00	5,200	2.29	Yes
<i>Koeleria macrantha</i>	June Grass	Benton Co. MN		Yes	2.00	4.80	200,000	17.63	Yes
<i>Schizachyrium scoparium</i>	Little Bluestem	Sherburne Co. MN	Yes	Yes	22.00	52.80	15,000	14.55	
<i>Sorghastrum nutans</i>	Indian Grass	Benton/Sherburne Co. MN	Yes	Yes	22.00	52.80	12,000	11.64	Yes
<i>Sporobolus heterolepis</i>	Prairie Dropseed	Steele Co. MN		Yes	1.00	2.40	16,000	0.71	
					<u>100.00</u>	<u>240.00</u>		<u>62.68</u>	

20.00 total acres
3.00 pls lbs per acre
60.00 PLS pound

Scientific Name	Common Name	Genetic Origin/ Variety	Documented		% native	PLS#	Seeds		Yellow Tag
			Documented at Sunfish Lake Park	in Washington County			per oz	per sqft	
<i>Achillea millefolium</i>	Yarrow	Washington Co. MN		Yes	5.00	3.00	178,000	9.81	
<i>Agastache foeniculum</i>	Fragrant Giant Hyssop	McLeod Co. MN	Yes	Yes	3.00	1.80	90,000	2.98	
<i>Allium stellatum</i>	Prairie Onion	McLeod Co. MN		Yes	1.50	0.90	11,000	0.18	
<i>Amorpha canescens</i>	Leadplant	McLeod Co. MN		Yes	1.50	0.90	16,000	0.26	
<i>Asclepias tuberosa</i>	Butterfly Milkweed	McLeod Co. MN		Yes	3.00	1.80	4,300	0.14	Yes
<i>Aster azureus</i>	Sky Blue Aster	Rice Co. MN		Yes	2.00	1.20	80,000	1.76	
<i>Aster ericoides</i>	Heath Aster	Rice Co. MN	Yes	Yes	1.00	0.60	200,000	2.20	
<i>Aster laevis</i>	Smooth Blue Aster	Dakota Co. MN		Yes	2.00	1.20	55,000	1.21	Yes
<i>Aster oblongifolius</i>	Aromatic Aster	Rice Co. MN		Yes	1.00	0.60	51,000	0.56	
<i>Aster sericeus</i>	Silky Aster	Dakota Co. MN		Yes	2.00	1.20	26,000	0.57	
<i>Coreopsis palmata</i>	Prairie Coreopsis	Dakota Co. MN		Yes	4.50	2.70	10,000	0.50	Yes
<i>Dalea purpureum</i>	Purple Prairie Clover	McLeod Co. MN	Yes	Yes	10.00	6.00	15,000	1.65	Yes
<i>Desmodium canadensis</i>	Canada Tick Trefoil	McLeod Co. MN		Yes	4.00	2.40	5,500	0.24	Yes
<i>Heliopsis helianthoides</i>	Common Ox-Eye	McLeod Co. MN		Yes	10.00	6.00	6,300	0.69	Yes
<i>Lespedeza capitata</i>	Round-headed Bushclover	Dakota Co. MN	Yes	Yes	10.00	6.00	8,000	0.88	
<i>Liatris aspera</i>	Rough Blazing Star	Rice Co. MN		Yes	2.00	1.20	16,000	0.35	
<i>Monarda fistulosa</i>	Wild Bergamot	McLeod Co. MN	Yes	Yes	4.50	2.70	70,000	3.47	Yes
<i>Penstemon grandiflorus</i>	Large-Flowered Beard tongue	Sherburne Co. MN		Yes	3.00	1.80	14,000	0.46	
<i>Potentilla arguta</i>	Prairie Cinquefoil	Sherburne Co. MN		Yes	2.00	1.20	230,000	5.07	Yes
<i>Ratibida pinnata</i>	Yellow Coneflower	McLeod Co. MN		Yes	8.00	4.80	30,000	2.64	
<i>Rudbeckia hirta</i>	Black Eyed Susan	Rice Co. MN	Yes	Yes	5.00	3.00	92,000	5.07	
<i>Silphium laciniatum</i>	Compass Plant	Faribault Co. MN		Yes	3.00	1.80	660	0.02	
<i>Solidago rigida</i>	Stiff Goldenrod	McLeod Co. MN	Yes	Yes	5.50	3.30	41,000	2.48	Yes
<i>Solidago speciosa</i>	Showy Goldenrod	Dakota Co. MN		Yes	2.00	1.20	95,000	2.09	
<i>Verbena stricta</i>	Hoary Vervain	Rice Co. MN	Yes	Yes	4.00	2.40	28,000	1.23	
<i>Veronicastrum virginicum</i>	Culver's Root	Benton Co. MN		Yes	0.50	0.30	800,000	4.41	
					<u>100.00</u>	<u>60.00</u>		<u>50.96</u>	
									<u>113.64</u>



Minnesota Native Landscapes

*Sunfish Lake Park
Prairie Restoration
Minnesota Native Landscapes, Inc.*

*Addendum to January 12, 2010
Restoration Plan*

May 13, 2010

Submitted by:
Jim Eckberg
Ecologist
Minnesota Native Landscapes, Inc.

8740 77th St NE
Otsego, MN 55362

Ph: 763-295-0010
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This document provides additional prices and modifications in response to changes to the Sunfish Lake Park restoration plan as recommended by the City of Lake Elmo and Washington County Conservation District.

1. Area Calculation: The size of the total restoration was reduced relative to the original RFP. Minnesota Native Landscapes calculated the size of the project areas using Google Earth (measurement tool) and produced the attached map. The total project area is estimated as 18.23 acres (17.8 acres of which will be prairie and 0.43 acres as a low-mow fescue).
2. Initial Herbicide Treatment: The herbicide treatment was authorized to be conducted on May 4, 2010. The per acre price for the herbicide treatment was authorized by the City of Lake Elmo as \$200.00/acre. The total calculated area sprayed was 18.23 acres. Total cost = \$3,646.00
3. Low Mow Fescue area: Directly adjacent the parking lot has been designated as a recreational area. This area is approximately 0.43 acres (see attached map, red outline). The soil is fairly bumpy and will require smoothing to prepare it as a recreational area. We will smooth and prepare the soil to an acceptable seed bed, and seed a low-mow fescue mixture at a rate of 150 lb/acre. The area will be hydromulched to control erosion and improve aesthetics. Price = \$2,200.00
4. Blue Grama path: We will seed 5,280 linear feet (by 6 feet) path in the configuration designated by Washington County Conservation district. In total this area equals 0.73 acres. The path will be prepared and mulched differently from the rest of the prairie. This

adds complexity to the entire project. We will seed at a rate of 30 lbs/acre blue grama, 0.5 lb /acre path rush, and 1 lb/acre june grass. Price = 3,000.00

5. Tallgrass Prairie Restoration: The original bid called for 20 acres of prairie @ \$950.00/acre = \$19,000.00. The new area (after subtracting the path, low-mow fescue areas etc) is 17.07 acres. Seeding the prairie around the path adds complexity to the project as compared to the original RFP. Therefore, we have increased our per acre price by 10% (\$1,045.00/ acre). The new price = \$17,838.15.
6. Straw Mulch and Disk Anchor: The new area that will be mulched and disk anchored is 17.07 acres. We have increased the original price to \$385/acre for the prairie to reflect increased complexity due to the path (= \$6,571.95). The path will be mulched and disk anchored more intensively than the rest of the prairie. The rate for the path equals \$800/acre, \$584.00. Straw mulching may not be conducted on all area. MNL agrees to bill on these per acre rates and for only the area that is mulched.

Summary of Final Prices:

Installation Prices:

Initial Herbicide Treatment (Completed May 4, 2010).....	\$3,646.00
Low-Mow Fescue Area (0.43 acres).....	\$2,200.00
Blue Grama Path (0.73 acres).....	\$3,000.00
Tallgrass Prairie Restoration (17.07 acres).....	\$17,838.15
Straw Mulch and Disc anchor (18.23 acres) (billed @ total acres completed)...	\$7,155.95
Seedlings (3000, as in original proposal).....	\$2,700.00
 Total Installation Price.....	 \$36,540.10



MAYOR & COUNCIL COMMUNICATION

DATE: 5/18/2010
REGULAR
ITEM #: 7
MOTION Resolution 2010-023

AGENDA ITEM: Conditional Use Permit Amendment: Consideration of an Application from ISD 834 for the Lake Elmo Elementary School to modify the rear parking lot on the North side of the building, to add a parking lot, to widen a private roadway from Laverne Avenue North, and to add two portable classrooms and a hallway at 11030 Stillwater Boulevard North – PID's: 13-029-21-23-0001, 13-029-21-23-0002, 13-029-21-23-0003, 13-029-21-22-0004, and 13-029-21-22-0001.

SUBMITTED BY: Raymond Queener, ISD #834; Lake Elmo Elementary School
Lake Elmo Planning Commission
Kelli Matzek, City Planner

THROUGH: Bruce Messelt *BAM*

REVIEWED BY: Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED: The City Council is asked to review and act upon a proposed Conditional Use Permit Amendment requested by Lake Elmo Elementary School, 11030 Stillwater Boulevard North. The proposed improvements on the North side of the building include the relocation of the existing parking lot, an additional parking lot and parent drop off location, widening of the existing private road off of Laverne Avenue North, and the addition of an enclosed hallway and two portable classrooms to handle the existing student population.

The unanimous recommendation of the Planning Commission is to approve the proposed Conditional Use Permit Amendment, as reflected in the following motion:

SUGGESTED MOTION: *“Move to Approve Resolution 2010-023 Amending the Conditional Use Permit for the Lake Elmo Elementary School to add two portable classrooms, an enclosed hallway, an additional parking lot, and reconfiguration and expansion of the existing Northern parking lot, as reflected in the specific findings and recommendations of the Planning Commission.”*

BACKGROUND INFORMATION: The Applicant is proposing to reconfigure the existing northern parking lot both in location and size. The proposed 40-stall parking lot would no longer run parallel to the property line, but instead would be built in a north/south configuration off the existing entrance road from Laverne Avenue North.

In addition, a separate 19-stall parking lot is also proposed for the North side of the school. The additional parking stalls are intended to serve both staff and as overflow parking during special events at the school.

The parking lots, in addition to the widening of the existing private roadway off of Laverne Avenue North, are to accommodate a new parent drop off area at the rear (North side) of the school. This relocated parent drop off location is one of the long-term improvements identified by a working group in 2007 to address traffic concerns around the school.

The second alteration to the site is the proposed addition of two portable/temporary classrooms and an enclosed hallway connecting to the existing school building. The portable classrooms were previously allowed on this site to address student population growth, but have since been removed due to a decline in enrollment. The school is proposing to again add two portable classrooms to accommodate the need for classroom space as the student population has returned to previous levels but has also outgrown existing classroom facilities, as some existing classrooms are utilized for specialized low student-teacher ratio programs and needs.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission unanimously supported the applicant's requested Conditional Use Permit Amendment, with one additional condition of approval. The commission recommended adding the condition that the school and the City of Lake Elmo write a joint letter to Washington County requesting consideration of "No Parking" signs on County Road 17 for at least the length of the school property. The additional condition has been added to the proposed approval resolution. The findings and conditions of approval are attached in a draft Resolution for Council consideration.

STAFF REPORT: The attached Staff report from the Planning Department includes detailed information concerning the application and the review and recommendation concerning the application. The staff report also includes findings for approval with seventeen conditions. One of the original conditions of approval has been met by the applicant and is, therefore, removed from the list.

In consideration of discussions between Planning Staff and the Fire Department regarding access concerns during an emergency, in combination with the discussion at the Planning Commission meeting, an additional condition of approval is being added to require one side of the private drive from Laverne Avenue be signed "No Parking."

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council approve the Application by undertaking the following:

“Move to Approve Resolution 2010-023 Amending the Conditional Use Permit for the Lake Elmo Elementary School to add two portable classrooms, an enclosed hallway, an additional parking lot, and reconfiguration and expansion of the existing Northern parking lot, as reflected in the specific findings and recommendations of the Planning Commission.”

Alternatively, the City Council may table action at tonight’s meeting, though such action could negatively affect the proposed construction schedule. The City Council may also deny the application (*findings of fact for denial will need to be identified and recorded*) or elect to amend the recommended action. If the latter, the suggested motion would be to:

“Move to Approve Resolution 2010-023 Amending the Conditional Use Permit for the Lake Elmo Elementary School, as reflected in the specific findings and recommendations of the Planning Commission, and as amended at tonight’s meeting.”

ATTACHMENTS:

1. Resolution 2010-023
2. Staff Report
3. Location Map
4. Review Letter from TKDA
5. Review Letter from Washington County with accompanying map
6. Review Letter from Lake Elmo Fire chief
7. Email Response from MnDOT
8. Materials Submitted by the Applicant

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation..... Kelli Matzek, Planner
- Questions from Council to Staff Mayor Facilitates
- Presentation/Response to Questions Mr. Dennis Bloom, ISD #834
- Public Input, if Appropriate Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

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

RESOLUTION NO. 2010-023

*A RESOLUTION APPROVING A CONDITIONAL USE PERMIT AMENDMENT FOR LAKE
ELMO ELEMENTARY SCHOOL AT 11030 STILLWATER BOULEVARD NORTH TO ALLOW
IMPROVEMENTS ON THE NORTH SIDE OF THE PROPERTY*

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

WHEREAS, ISD 834 and Lake Elmo Elementary School, 11030 Stillwater Boulevard North (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a conditional use permit amendment to allow the following improvements on the North side of the school building: modification and relocation of the rear parking lot, construction of an additional parking lot and parent drop off location, widening of the existing road off of Laverne Avenue North, and the addition of an enclosed hallway and two portable/temporary classrooms to handle the existing student population. A copy of the proposed plans are on file with the City; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.018; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on May 10, 2010; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated May 18, 2010; and

WHEREAS, the City Council considered said matter at its May 18, 2010 meeting.

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

FINDINGS

- 1) That the procedures for obtaining said Conditional Use Permit (CUP) Amendment are found in the Lake Elmo Zoning Ordinance, Section 154.018.
- 2) That all the submission requirements of said 154.018 have been met by the Applicant.

- 3) That the proposed CUP Amendment is to allow the following improvements on the North side of the school building: modification and relocation of the rear parking lot, construction of an additional parking lot and parent drop off location, widening of the existing road off of Laverne Avenue North, and the addition of an enclosed hallway and two portable/temporary classrooms to handle the existing student population.
- 4) That the CUP Amendment will be for all five contiguous parcels owned by ISD 834 at: 13-029-21-23-0001, 13-029-21-23-0002, 13-029-21-23-0003, 13-029-21-22-0004, and 13-029-21-22-0001.
- 5) The proposed improvements will not negatively affect the health, safety, morals, convenience, or general welfare of surrounding lands.
 - a. The two portable classrooms being proposed would improve the general welfare of the existing student body at the school as it would relieve the existing overcrowded classrooms.
 - b. The proposed parking lot relocation, additional parking lot, and widening of the private access off of Laverne Avenue North would improve safety as vehicles that would previously park on County Road 17 would have additional parking opportunities on-site.
 - c. The surrounding properties would be positively affected by the improvements as the stacking of vehicles along State Highway 5 during peak parent drop off and pick up times would be relocated to the school's private property and potentially onto Laverne Avenue North – a less traveled roadway.
 - d. Additional signage off-site along State Highway 5, County Road 17, 39th Street, and Laverne Avenue North to assist in redirecting student drop off traffic would reduce or eliminate the impact to neighboring properties located along a private alleyway just North of the school.
- 6) The proposed improvements will not affect traffic or parking conditions.
 - a. The two portable classrooms are intended to serve the existing student population and would not impact traffic or parking conditions.
 - b. The parking lot relocation, additional parking lot, and widening of the private access off of Laverne Avenue North is intended to improve both traffic and parking conditions associated with the Lake Elmo Elementary School. The new drop off location on the North side of the school would relocate the stacking of vehicles from State Highway 5 onto the school's private property and potentially onto Laverne Avenue North, a less traveled public roadway. The additional parking stalls would accommodate additional vehicles for special events at the school which would otherwise park on busy roads such as County Road 17.
- 7) The proposed improvements will not have an effect on utility or school capacities.

- a. The two portable classrooms are intended to address the existing school student population as it is currently overwhelming the existing classroom space.
 - b. The parking lot expansion and addition would not have an effect on school capacities or utilities.
- 8) The proposed improvements would have no effect on property values of surrounding lands.
- a. The improvements proposed would not have an effect on property values as there exists mature vegetative screening to the South. City Hall and a commercial building are located to the North of the property which would receive no negative impact on property values due to the proposed improvements.
- 9) The proposed improvements would be consistent with the Comprehensive Plan.
- a. The Lake Elmo Elementary School is located within the Village Area and is identified to remain as a public facilities site in which schools are a conditionally permitted use. The proposed improvements would not change the use and would remain in conformance with the Comprehensive Plan.
- 10) No use may exceed a ratio of 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based on design capacity of all facilities, whichever is more restrictive.
- a. A septic system was designed for the school in 1992 by TKDA, an engineering firm. A design memorandum from that time identifies a maximum design flow of 9,000 gallons per day, which exceeds the requirement outlined in city code. The septic system is consistent with the design approved in 1992. The school is within the identified Village Area and is planned to connect to the sanitary sewer system in the future. The proposed improvements will not increase the capacity the system was designed for.
- 11) Direct access is provided to a public street classified by the Comprehensive Plan as a major collector or arterial.
- a. The school currently has access off of State Highway 5, County Road 17, and Laverne Avenue North which meets this requirement.

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicants' application for a Conditional Use Permit Amendment is granted subject to the following conditions:

1. An acceptable stormwater maintenance agreement must be provided to the city.
2. A drainage and utility easement must be provided to the City of Lake Elmo up to the 100-Year Flood Elevation for each stormwater facility.

3. A Valley Branch Watershed District must be obtained.
4. A screening fence shall be installed to separate the proposed pond from the soccer field until such time as the proposed tree line grows in maturity and provides the necessary barrier. The fence shall meet the screening requirements in the fence code.
5. A construction fence shall be shown on the plans and installed to protect the existing drainfield areas to keep construction traffic from compacting the soil in these locations.
6. The school should address the concern of the projected student population reaching the maximum capacity for the septic system design as stated in the TKDA Design Memo from December 4, 1992.
7. The school should maintain the septic system per the original designs as identified on the Lake Elmo Elementary School Drainfield Plan dated 1/13/93.
8. The septic tank shall be pumped annually.
9. The temporary classrooms and enclosed hallway shall be sprinkled as required by the State Fire Marshall.
10. The school shall cooperate with the City of Lake Elmo to install a fire hydrant on the North side of the school property at the time a public water main is extended along County Road 17 by the Lake Elmo Elementary property.
11. A revised lighting plan must be submitted to comply with the requirements of the Lake Elmo City Code and as stated in the engineer's memos dated May 3, 2010.
12. A revised landscape plan must be submitted to comply with the requirements of the Lake Elmo City Code and the material substitution as identified by staff and in the report by TKDA.
13. The school shall work with the Minnesota Department of Transportation, Washington County, and the City of Lake Elmo to add directional and other appropriate signage directing traffic for the new designated drop off area for the school. The signage would be located on State Highway 5, County Road 17, 39th Street and Laverne Avenue North.
14. A construction schedule must be provided.
15. Haul routes and temporary storage and construction parking areas identified.
16. The School District will write a letter jointly with the City of Lake Elmo to Washington County requesting "No Parking" signs be added to County Road 17 for at least the length of the school's property.
17. The school post "No Parking Anytime" signs on the Northern (entrance) side of the roadway off of Laverne Avenue in order to ensure access for public safety vehicles.

Passed and duly adopted this 18th day of May 2010 by the City Council of the City of Lake Elmo, Minnesota.

Dean A. Johnston, Mayor

ATTEST:

Bruce Messelt, City Administrator

City of Lake Elmo Planning Department
Conditional Use Permit Amendment Request

To: City Council

From: Kelli Matzek, City Planner

Meeting Date: 5/18/10

Applicant: ISD 834 Lake Elmo Elementary School; Raymond Queener

Owner: ISD 834

Location: 11030 Stillwater Blvd.

Zoning: PF – Public and Quasi-Public Open Space/Public Facilities

Introductory Information

Application Summary:

The City of Lake Elmo has received a request from the Lake Elmo Elementary School to allow improvements on the North side of the school site at 11030 Stillwater Boulevard North. The proposed improvements include the relocation of the existing parking lot, an additional parking lot and parent drop off location, widening the existing private road off of Laverne Avenue North, and the addition of a hallway and two portable classrooms to handle the existing student population.

Property Information:

The Lake Elmo Elementary School is somewhat unique in the City of Lake Elmo for a number of reasons, and most importantly from a land use perspective, it has been in operation since before the City adopted a Zoning Ordinance to regulate such uses.

City records for the school date back to the 1970's, prior to the establishment of city ordinances. The Lake Elmo Elementary School has expanded over time through a site plan review process as set in code. Because public and private schools are conditionally permitted uses in the PF zoning district, this will be reviewed as an amendment to a conditional use permit even though this process has not been used in the past.

The school district owns five contiguous parcels for a total of 12.86 acres located primarily at the corner of State Highway 5 and Lake Elmo Avenue (County Road 17). The five properties function as a whole and historically the internal lot lines were not utilized for setback purposes.

The current use of the property is for elementary school education with accessory uses such as parking lots and playground area.

Applicable Codes:

Section 154.063 PF – Public and Quasi-Public Open Space

(B) *Uses allowed by conditional use permit*

(5) Public and private schools (except licensed day care)

Section 154.018 Conditional Use Permits.

(A) Granting/Denial. Outlines the general requirements for all conditionally permitted uses in Lake Elmo.

(K) Amendment. In accordance with Section 154.018 K of the Zoning Ordinance, an amended conditional use may be administered in a manner similar to that required for a new permit.

Section 154.095 Off-Street Parking.

Contains the City's requirements for the general provisions and design and maintenance of off-street parking areas. The section of code includes landscaping, lighting, setbacks, size, signage, and various other requirements.

Findings & General Site Overview

Site Data:	<p><i>Lot Size:</i> 12.86 acres (school building, playground, open area)</p> <p><i>Existing Use:</i> Elementary School</p> <p><i>Existing Zoning:</i> PF – Public and Quasi-Public Facilities</p> <p><i>Property Identification Numbers (PID):</i> 13-029-21-23-0001, 13-029-21-23-0002, 13-029-21-23-0003, 13-029-21-22-0004, 13-029-21-22-0001</p>
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Application Review:

Past Review	<p>In reviewing the file for this property, it appears that although schools are listed as conditionally permitted uses in the PF zoning district, the school has not been reviewed as such with past improvements at the site. With additions proposed throughout the past few decades, the applications were reviewed through the site plan review process.</p> <p>With this application, staff will be reviewing the proposed amendments to the site as a conditional use permit amendment and use the applicable criteria in the review.</p>
CUP Review:	<p>The applicant is requesting approval to relocate the existing parking lot on the North side of the property and add two stalls, construct an additional parking lot and parent drop off location, widen the existing private road off of Laverne Avenue North, and add a hallway and two portable classrooms to handle the existing student population.</p>

The purpose of the additional parking lot and reconfiguration of the existing parking lot is to provide adequate parking for staff during school hours and for parents during special events at the school. The reconfiguration of the existing North parking lot and the improvement to the private road is in conjunction with a long-term plan to address concerns regarding traffic safety on Highway 5. The objective is to provide parents with a drop off location on the North side of the school which will remove the stacking of vehicles from Highway 5 and relocate the vehicles to the private road off of Laverne Avenue North.

The second component of the application is the addition of a hallway and two portable classrooms. The portable classrooms were previously allowed on the site, but were removed when the student population decreased. This addition is intended to serve the existing student population as their existing facilities are no longer able to handle the student population.

Parking Lot Relocation/Expansion

Existing Conditions

The school currently has two parking lots, one which wraps around the south (near Hwy 5) and east side (near Co Rd 17) of the school and is proposed to remain as-is at this time. This parking lot has 63 stalls (3 of which are handicapped) and 15 parking stalls for buses.

The second parking lot has 38-stalls and is located to the North of the school. This parking lot is accessed off a separate road connection to Laverne Avenue North. This parking lot has a pedestrian trail which passes the school's playground area and connects to the rear doors of the school.

Proposed Expansion/Purpose

The applicants are proposing to reconfigure this northern parking lot both in location and size. The proposed 40-stall parking lot would no longer run parallel to the south property line, but instead would be built in a north/south configuration off the existing entrance road.

In addition, a separate 19-stall (2 of which are handicapped) parking lot is also proposed for the North side of the school. The additional parking stalls are intended to serve both staff and as overflow parking during special events at the school.

The proposed improvements are to create a new parent drop off area at the rear (North side) of the school. This relocated parent drop off location is one of the long-term improvements identified by a working group in 2007 to address traffic concerns around the school.

Parking Spaces Requirements

The city requires three off-street parking spaces for each classroom in the Public Facilities zoning district. The school has 32 general education classrooms and five special education classrooms. Given the existing parking lot (63 stalls) to the South of the school and the proposed parking lots to the North (40 and 19 stalls respectively), the proposed off-street parking for the site meets the requirement for the number of stalls required.

Landscaping

The landscaping plan provided by the applicant was reviewed by a registered landscape architect and city staff to ensure that the materials suggested meet both the city code and are conducive to parking lot conditions.

Staff had a few comments that are being addressed by the applicant. At the time of this writing a revised plan had not been submitted. Staff would recommend adding as a condition of approval that a landscape plan be submitted which meets the landscaping code requirements.

Lighting

The lighting plan provided by the applicant was reviewed and additional information was needed for completion. Staff would recommend adding as a condition of approval that a lighting plan be submitted which meets the lighting code requirements.

Signage

A traffic sign plan was submitted with the application. This identifies signage in conjunction with the proposed parking lot project. Staff found the signage identified was adequate for directing traffic on-site at the proposed parent drop off location to the North of the school.

Curbing Requirements

Section 154.095 B.5. of city code requires a five foot separation from a bumper curb from a side property line. Although a property line exists which does encroach in this five foot requirement, as was noted earlier in this report, historically the internal lot lines to this site were not upheld for setback purposes as the school site functions as one large parcel. The intent of this section of code is being met.

Portable Classrooms

Purpose

The second alteration to the site is the proposed addition of two portable/temporary classrooms and a connecting hallway. The portable classrooms were previously

allowed on this site to address student population growth, but have since been removed due to a decline in enrollment. The school is proposing to again add two portable classrooms to accommodate the need for classrooms as the student population has grown and has outgrown the existing classroom facilities. The two classrooms will be connected to the existing building by a proposed hallway. The two classrooms will be visible from County Road 17, but will be a negligible visual addition.

The addition of the classrooms displaces an existing shed which is proposed to be relocated adjacent to the temporary buildings.

Sprinkling

The State Fire Marshall has identified requirements for sprinkling of the hallway addition. This will be reviewed for conformance at the time a building permit application has been submitted.

Site Evaluation

Storm Water/Fence

The City Engineer has reviewed the Storm Water Plan provided by the applicant and has found the numbers provided meet the requirements of the Storm Water and Sediment and Erosion Control Ordinance.

The City Engineer has recommended a fence be located along the proposed ponding area. This pond is separated from the soccer fields by a row of trees which will grow to be a good screen for the pond. In the interim there may be issues due to a lack of adequate protection of the pond area, in which case a fence may be a temporary solution.

Signage Off-Site

Staff is recommending the applicants continue to work with the City of Lake Elmo, Washington County and MnDOT to identify appropriate locations for directional signage on Laverne Avenue North, 39th Street, County Road 17, and State Highway 5 in order to provide clarification to drivers dropping off children at the school.

Fire Hydrants

In review of this application, the Lake Elmo Fire Chief has identified a lack of fire hydrants on the North side of the school building. Currently, there is not a city water line located on County Road 17 adjacent to this property from which to stub a hydrant. At this time, staff is not recommending the addition of pipeline and a hydrant be added as a condition of approval due to the minor improvements being requested.

However, the city has been approached by another property owner on County Road 17 who is interested in extending the existing water line to their property. Through these

discussions, staff will work with the school and adjacent property owners to find an appropriate solution.

Septic System

Representatives of the school have informed staff that the two proposed portable classrooms are to accommodate the existing student population. In addition, a chart was provided identifying the existing student body at the Lake Elmo Elementary School and a population projection to 2014.

At this time the number of students at the school are within the design parameters of the school's septic system. However, the projected student population will quickly reach that maximum capacity (2011-2012 school year). Although ISD 834 will need to determine the appropriate steps to address this diminishing capacity in the next year, Staff will continue to recommend approval of the two portable classrooms and attached hallway as they are intended to relieve the pressure placed upon the existing classrooms for the current student body. Staff will recommend a condition be placed on the conditional use permit that reiterates the recommendation from the 1992 design of the system. This condition will recommend that the newer drainfields be utilized during the school year and the older one during the summer months with the capping off of the pipe for the drainfield being rested and that the septic tanks are pumped annually.

Traffic Routes

The purpose of the improvements to the Northern parking lot, construction of an additional parking lot, and widening of the private roadway off of Laverne Avenue North is to redirect parent drop off traffic away from Highway 5.

As mentioned previously in this report, additional signage is being requested along County Road 17, State Highway 5, 39th Street and Laverne Avenue to encourage traffic flow along these routes. Due to the function of the roadway in front of City Hall as a private alleyway and the use of the adjacent building as a day care center, it was determined this would road segment would not be an appropriate route for the additional traffic.

Conditional Use Permit Criteria:

Reviewing this request requires that all general CUP criteria be examined. For these types of applications, the burden is on the City to show why the use should not be permitted due to impacts that cannot be controlled by reasonable conditions.

- 1. Effects on the health, safety, morals, convenience, or general welfare of surrounding lands.***

Parking Lot

The proposed parking lot and relocation of the parent drop off location would improve traffic safety at the school for the area. The proposed improvements would eliminate

the stacking of vehicles on State Highway 5 at peak morning and afternoon times. The stacking would instead take place on the school's private property. If additional vehicles were stacked beyond the school's property, it would continue on to Laverne Avenue, a much less traveled roadway.

The property owners adjacent to the new parking lot area are the Lake Elmo City Hall to the North and the auto dealership to the South. The visual impacts to the auto dealership would be minimal due to existing mature trees that line the adjoining property line.

The traffic is intended to be redirected to 39th Street and Laverne Avenue. Staff is recommending that a condition of approval be to work with Washington County (Co Rd 17) and MnDOT (Hwy 5) to provide additional signage directing parents to utilize 39th Street instead of the private alley just to the North of the school. This private alley currently serves Lake Elmo City Hall, a private commercial/office building, and a day care building. The additional signage identifying the use of 39th Street in lieu of the private alley is to alleviate the potential for additional traffic on the private alley.

The redirection of traffic would benefit the auto dealership as it would remove the stacked vehicles from the store's entrance on Highway 5.

The visual impact to adjacent neighbors of the portable classrooms is negligible as the property to the west is open farmed property. The additional buildings would have little impact on the day care center to the north.

Portable Classrooms

The two additional classrooms would improve the health, safety, and general welfare of the students attending the school. This additional space would accommodate the existing student population at the school. Additional classroom space will lessen the impacts to existing classrooms.

Staff finds that this criterion is met.

2. Traffic & Parking conditions.

Parking Lot

The purpose behind the expansion of the existing parking lot and additional parking stalls are to alleviate overflow parking on external roadways during school events.

The resulting redirection of traffic to the rear of the school is one of the long-term improvements to address traffic concerns around the school. This long-term solution, along with short and medium term improvements were identified at a working group that was established in 2007. This group of County, City, State, school and parent representatives worked to address the concerns regarding the significant queue of cars that forms during the peak pick-up and drop off times and resulting traffic safety.

Portable Classrooms

The portable classrooms are to accommodate an existing student population and would have no impact on traffic or parking conditions.

Staff finds that this criterion is met.

3. *Effects on utility and school capacities.*

The Lake Elmo Elementary School provided staff the current and projected student population. The student population expected for the 2010-2011 school year will continue to meet the maximum capacity identified in the septic system report done by TKDA at the time the system was designed. However, future projections, though rough, may bring the school over the maximum capacity.

Because the school is located in the Village Area, future city sewer will be available to this site which will relieve the strain that may be placed on the septic system. Staff will work with the School District on the timing of the sewer pipe availability to the site.

The additional classroom space being proposed is intended to accommodate the existing student body. This would have a positive effect on the school as those students are currently in a smaller number of classrooms and thus have larger class sizes.

Staff finds this criterion is met.

4. *Effect on property values of surrounding lands.*

The minor improvements to the site will have no impact on the property values of the surrounding lands.

Staff finds this criterion is satisfied.

5. *Effect of the proposed use on the Comprehensive Plan.*

The Lake Elmo Elementary School is located within the Village Area and is identified to remain as a public facilities site in which schools are a conditionally permitted use. The proposed improvements would not change the use and would remain in conformance with the Comprehensive Plan.

Staff finds this criterion is satisfied.

The Public and Quasi-Public Facilities zoning district identifies schools as a conditionally permitted use and outlines the following two review criteria:

1. ***No use may exceed a ratio of 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based on design capacity of all facilities, whichever is more restrictive***

The septic system was designed for the school in 1992 by TKDA, an engineering firm. A design memo from that time identifies a maximum design flow of 9,000 gallons per day, which exceeds the requirement outlined in city code. Because this septic design has been in operation for 18 years, staff is recommending that although this code requirement is not being met, a reevaluation of both the site and the code requirements at the time city sewer is made available to the site.

2. ***Direct access is provided to a public street classified by the Comprehensive Plan as a major collector or arterial.***

The school currently has access off of State Highway 5, County Road 17, and Laverne Avenue North. As such, staff finds this criterion is met.

**Conditional
Use Permit
Conclusions:**

Based on the above analysis of the review criteria in City Code, staff recommends approval of the request by ISD 834, Lake Elmo Elementary School to add two portable classrooms and an enclosed hallway, relocation and expansion of an existing parking lot, addition of a parking lot, and widening of the existing private road off of Laverne Avenue North at 11030 Stillwater Boulevard, based on the following:

1. Health, Safety, Morals, Convenience, General Welfare of Surrounding Lands.

- The two portable classrooms would improve the general welfare of the existing student body at the school as it would relieve the existing overcrowded classrooms.
- The proposed parking lot relocation, additional parking lot, and widening of the private access off of Laverne Avenue North would improve safety as vehicles that would previously park on County Road 17 would have additional parking opportunities on-site.
- The surrounding properties would be positively affected by the improvements as the stacking of vehicles along State Highway 5 during peak parent drop off and pick up times would be relocated to the school's private property and potentially onto Laverne Avenue North – a less traveled roadway.
- Additional signage off-site along State Highway 5, County Road 17, 39th Street, and Laverne Avenue North to assist in redirecting student drop off traffic would reduce or eliminate the impact to neighboring properties located along a private alleyway just North of the school.

2. It would not affect traffic or parking conditions.

- The two portable classrooms are intended to serve the existing student population and would not impact traffic or parking conditions.
- The parking lot relocation, additional parking lot, and widening of the private access

off of Laverne Avenue North is intended to improve both traffic and parking conditions associated with the Lake Elmo Elementary School. The new drop off location on the North side of the school would relocate the stacking of vehicles from State Highway 5 onto the school's private property and potentially onto Laverne Avenue North, a less traveled public roadway. The additional parking stalls would accommodate additional vehicles for special events at the school which would otherwise park on busy roads such as County Road 17.

3. The use would have no effect on utility or school capacities.

- The two portable classrooms are intended to address the existing school student population as it is currently overwhelming the existing classroom space.
- The parking lot expansion and addition would not have an effect on school capacities or utilities.

4. The proposed amendment would have no effect on property values of surrounding lands.

- The improvements proposed would not have an effect on property values as there exists mature screening to the South. City Hall and a commercial building are located to the North of the property which would receive no negative impact on property values due to the proposed improvements.

5. The use would be consistent with the Comprehensive Plan.

- The Lake Elmo Elementary School is located within the Village Area and is identified to remain as a public facilities site in which schools are a conditionally permitted use. The proposed improvements would not change the use and would remain in conformance with the Comprehensive Plan.

Resident Concerns: City staff is working with adjacent property owners to address questions regarding the future rerouting of traffic and new parent drop off location at the North side of the school.

Additional Information: The Valley Branch Watershed District is waiting for additional information from the applicant for the required VBWD permit.

Planning Commission Report:

Planning Commission Review and Public Hearing: The Planning Commission reviewed the request for a Conditional Use Permit Amendment and conducted a public hearing on the application at its May 10, 2010 meeting. At the meeting, representatives of the school spoke. No one from the public spoke.

The Commission reviewed and supported the Staff recommendation of approval with the provided findings of fact and conditions. The commission recommended adding an additional condition that the school would write a letter jointly with the City of Lake Elmo to Washington County requesting that "No Parking" signs be added to

County Road 17 for at least the length of the school's property.

Conclusion:

The Lake Elmo Elementary School is seeking approval to add two portable classrooms, an enclosed hallway, relocation and expansion of Northern parking lot, an additional parking lot, and widening of an existing private road access off of Laverne Avenue North. The improvements are intended to address concerns regarding traffic safety and overcrowding of the existing student population.

**Council
Options:**

The City Council has the following options:

- A) Approval of the conditional use permit amendment request;
- B) Denial of the conditional use permit amendment request.

The 60-day review period for this application expires on 6-24-10, but can be extended an additional 60 days if more time is needed.

Staff Rec:

Staff is recommending approval of the request to amend a conditional use permit for the Lake Elmo Elementary School at 11030 Stillwater Boulevard North based on the reasons stated above with the following conditions:

1. An acceptable stormwater maintenance agreement must be provided to the city.
2. A drainage and utility easement must be provided to the City of Lake Elmo up to the 100-Year Flood Elevation for each stormwater facility.
3. A Valley Branch Watershed District must be obtained.
4. A screening fence shall be installed to separate the proposed pond from the soccer field until such time as the proposed tree line grows in maturity and provides the necessary barrier. The fence shall meet the screening requirements in the fence code.
5. A construction fence shall be shown on the plans and installed to protect the existing drainfield areas to keep construction traffic from compacting the soil in these locations.
6. The school should address the concern of the projected student population reaching the maximum capacity for the septic system design as stated in the TKDA Design Memo from December 4, 1992.
7. The school should maintain the septic system per the original designs as identified on the Lake Elmo Elementary School Drainfield Plan dated 1/13/93.
8. The septic tank shall be pumped annually.
9. The temporary classrooms and enclosed hallway shall be sprinkled as required by the State Fire Marshall.
10. The school shall cooperate with the City of Lake Elmo to install a fire hydrant on the North side of the school property at the time a public water main is

- extended along County Road 17 by the Lake Elmo Elementary property.
11. A revised lighting plan must be submitted to comply with the requirements of the Lake Elmo City Code and as stated in the engineer's memos dated May 3, 2010.
 12. A revised landscape plan must be submitted to comply with the requirements of the Lake Elmo City Code and the material substitution as identified by staff and in the report by TKDA.
 13. The school shall work with the Minnesota Department of Transportation, Washington County, and the City of Lake Elmo to add directional and other appropriate signage directing traffic for the new designated drop off area for the school. The signage would be located on State Highway 5, County Road 17, 39th Street and Laverne Avenue North.
 14. A construction schedule must be provided.
 15. Haul routes and temporary storage and construction parking areas identified.
 16. The School District will write a letter jointly with the City of Lake Elmo to Washington County requesting "No Parking" signs be added to County Road 17 for at least the length of the school's property.
 17. The school post "No Parking Anytime" signs on the Northern (entrance) side of the roadway off of Laverne Avenue in order to ensure access for public safety vehicles.

**Denial
Motion**

To deny the request, you may use the following motion as a guide:

Template:

I move to deny the request by the Lake Elmo Elementary School to amend a conditional use permit...(please site reasons for the recommendation)

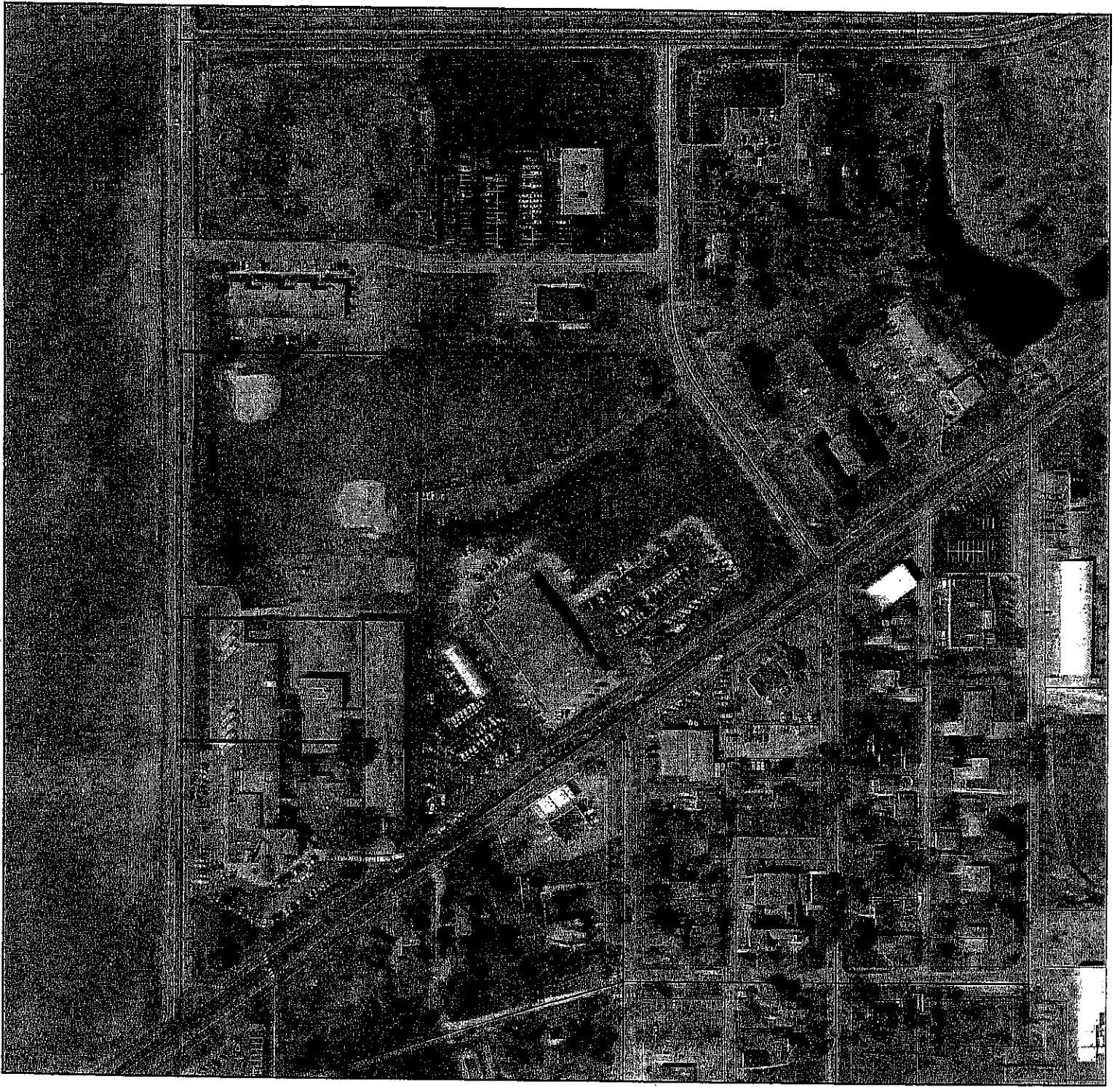
**Approval
Motion**

To approve the request, you may use the following motion as a guide:

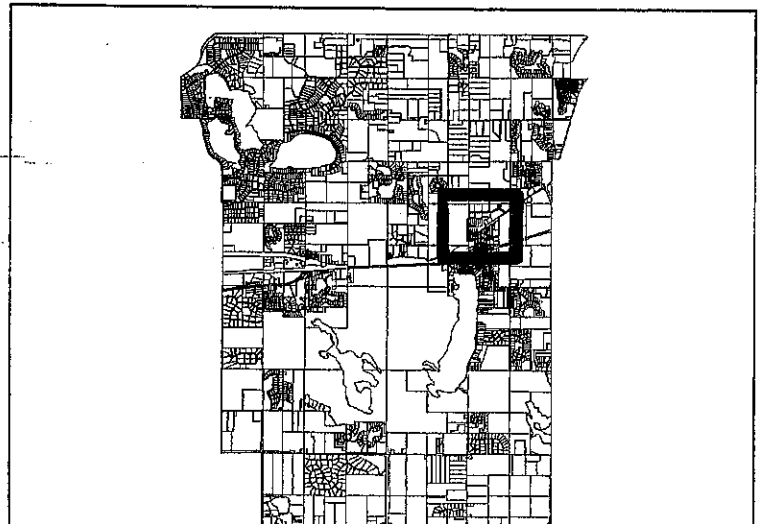
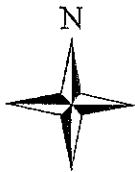
Template:

**Move to Approve Resolution 2010-023 Amending the Conditional Use Permit for the Lake Elmo Elementary School to add two portable classrooms, an enclosed hallway, an additional parking lot, and reconfiguration and expansion of the existing Northern parking lot, as reflected in the specific findings and recommendations of the Planning Commission....(or cite your own)
...with the conditions outlined in the staff report.**

cc: Tony Willgert, Lake Elmo Elementary School
Greg Buchal, Larson Engineering
Nick Marcucci, Wold Architects and Engineers



Lake Elmo Elementary School
11030 Stillwater Boulevard



MEMORANDUM

To:	<u>Kelli Matzek, City Planner</u>	Reference:	<u>2010 School Addition and Parking</u>
Copies To:	<u>Kyle Klatt, Planning Director</u>		<u>Lot Modifications</u>
	<u>Jack Griffin, City Engineer</u>		<u>Lake Elmo Elementary</u>
From:	<u>Ryan Stempski, P.E.</u>	Proj. No.:	<u>14575.001 Phase 10</u>
Date:	<u>May 3, 2010</u>	Routing:	<u></u>

We initially received an Architectural Plan dated April 8, 2010, from Wold Architects and Engineers, a Civil Plan Set dated April 6, 2010, titled 2010 Lake Elmo Elementary School Addition from Larson Engineering, a Certificate of Survey dated September 8, 2008, and a Plan Set dated April 6, 2010, titled 2010 Parking Lot Modifications from Larson Engineering. Upon request, a Summary of Stormwater Runoff, Geotechnical Analysis, and the latest version of the Stormwater Calculations being provided on April 29, 2010. Additionally, a Traffic Sign Plan dated April 14, 2010, Landscape Plan dated April 14, 2010, and Exterior Lighting Study dated April 19, 2010, were provided for review. The following comments must be addressed and the plans revised accordingly. Revised plans must be submitted for engineering review. Final engineering approval cannot be provided until all comments have been addressed.

STORMWATER MANAGEMENT

- The stormwater management plan demonstrates compliance to the City's Storm Water and Erosion and Sediment Control Ordinance. Refer to the attached Drainage Review Memo dated May 3, 2010.
- All plan sheets and details must be updated to reflect all changes in the stormwater design.
- FES 1 and FES 2 must be located and have the ability to be maintained entirely on school property.
- A stormwater maintenance agreement must be provided.
- A drainage and utility easement must be provided to the City of Lake Elmo up to the 100-Year Flood Elevation for each stormwater facility. The stormwater facilities will be maintained by the applicant.
- A VBWD Permit must be obtained.

SEPTIC SYSTEM

- The existing drainfield was installed in 1992, which provided capacity for 796 students.
- The drainfield must be evaluated by the applicant to determine if additional capacity is necessary with the proposed improvements.
- Construction fence should be shown on the plans and installed to protect the existing drainfield areas to keep construction traffic from compacting the soil in these locations.
- Entire existing septic system must be shown on the plans.

WATER IMPROVEMENTS

- It is our understanding the proposed hallway connection to the temporary classrooms will be sprinkled. A plan and detail of the proposed water extension must be added to the plan set.

STREETS AND DRAINAGE

- The street and drainage improvements identify curb cuts for surface water discharge from the streets. Curb cut design must incorporate permanent erosion control details within the plan set. We would recommend a minimum 4 -foot wide curb cut in lieu of the 24-inch wide curb cut as shown.
- Specify the width of the curb cuts proposed in the parking lot area.
- Street grades must be provided for review.

LANDSCAPING AND LIGHTING

- The lighting design parameters and requirements must be provided.
- Data for the lighting fixtures near the car dealership property line must be expanded out to 0.4 foot candles. Lighting cannot exceed 0.4 foot candles on adjacent property, which must be confirmed in this area.
- The lighting at the south end of the parent pick up/drop off is minimal. The Max/Min Ratio is high due to this issue.
- The Landscape Plan should be updated to show the correct stormwater facilities.
- Fencing is recommended along the pond area. The proposed ROD trees will grow to be a good screen for the pond, but in the interim there may be issues due to lack of adequate protection of the pond area.
- Refer to the attached Landscape Plan Review Memo dated May 4, 2010, for additional landscape comments.

GENERAL

- Working with Mn/DOT, Washington County, and the City of Lake Elmo, additional "Student Drop Off" Signs should be added along T.H. 5, Lake Elmo Avenue, and Laverne Avenue to promote the use of the designated drop off area for the school.
- Construction schedule must be provided.
- Haul routes must be designated and temporary storage and construction parking identified.

STORM WATER MANAGEMENT

Lake Elmo Standards

- The Storm Water Management Plan shall be consistent with the City Engineering Design Standards.
- Proposed discharge rates from the proposed site shall not exceed presettlement rates for the 2-, 10-, and 100-year storm events. The presettlement condition shall be as defined in the State of Minnesota Stormwater Manual for a "meadow" condition based on the applicable Hydrologic Soil Group. Analysis shall use the SCS Type II, 24-hour storm distribution.
- Proposed runoff volumes from the proposed site shall not exceed presettlement rates for the 2-, 10-, and 100-year storm events.
- Maintain existing flow patterns.
- Drainage easements must be acquired for all ponding areas up to the 100-year HWL, outlet swales, pond overflow routes, ditches, storm sewer pipes, and maintenance vehicle access to all storm water facilities where not directly available on a public road.
- Drainage easements must be acquired on behalf of the City and legally recorded at the County for all permanent storm water facilities to allow for proper access and maintenance activities.
- A maintenance agreement in a form acceptable to the City must be executed and recorded with the County for all permanent storm water facilities located on private property.

Findings

1. All soil boring logs indicate clay soils within the top 3-16 feet from the surface. Soil Type D was assumed for the entire site. Curve number 78 has been assumed for the presettlement "meadow" condition as required by the City Ordinance for D soils.
2. Proposed discharge rates for the 2-, 10-, and 100-year storm events do not exceed the presettlement discharge rates for discharge points DD and CD. See the table below:

Storm Event	Discharge Point DD		Discharge Point CD	
	Presettlement (cfs)	Proposed (cfs)	Presettlement (cfs)	Proposed (cfs)
2-Year	3.15	2.20	1.54	0.28
10-Year	8.48	5.92	3.41	0.62
100-Year	14.89	13.39	5.81	1.04

3. Proposed runoff volumes for the 2-, 10-, and 100-year storm events do not exceed the presettlement runoff volumes for discharge point CD. For discharge location DD, proposed runoff volumes for the 2-, 10-, and 100-year storm events are increased slightly. Combining the discharge point locations, the proposed runoff volume for the site does not exceed the presettlement runoff volume. See the table below:

Storm Event	Discharge Point DD		Discharge Point CD		Combined DD and CD	
	Presettlement (acft)	Proposed (acft)	Presettlement (acft)	Proposed (acft)	Presettlement (acft)	Proposed (acft)
2-Year	0.43	0.45	0.11	0.02	0.54	0.47
10-Year	0.93	1.12	0.23	0.03	1.17	1.15
100-year	1.59	1.93	0.40	0.06	1.99	1.99

4. The aprons for outlets FES1 and FES2 are located on school property, but the riprap apron may extend off school property.
5. It is unknown if the 100-year HWL is contained within school property.
6. Existing flow patterns will be modified slightly. Approximately 1.17 acres, presently being directed to discharge point CD untreated, will be redirected to discharge point DD and will be treated.

EROSION AND SEDIMENT CONTROL

Lake Elmo Standards

- The Erosion and Sediment Control Plan must be consistent with the NPDES requirements, the City Engineering Design Standards, and the VBWD.
- Minimize area and duration of disturbance and restore disturbed areas within 14 days of final grading.
- Protect soil stockpiles, receiving waters, storm sewer inlets, and adjacent properties.
- Minimize off-site sediment transport utilizing rock construction entrance(s). Streets shall be cleaned and swept within 24 hours whenever tracking of sediment occurs and before the site is left idle for weekends and holidays
- Minimize work in and adjacent to water bodies.
- Maintain stable slopes and avoid steep slopes.
- Protect infiltration areas and minimize compaction in them.
- Designate a concrete washout area and dispose of site waste properly.
- Erosion control measures must be in place before land disturbing activities begin. BMPs must be maintained until the site is permanently stabilized. BMPs shall be removed within 30 days after permanent stabilization is obtained.
- Storm sewer systems, ponds, and drainage ways must be cleaned of sediment accumulation and the sediment must be properly disposed of prior to project completion.

Findings

1. Erosion and sediment control measures are consistent with the NPDES requirements, the City Engineering Design Standards, and the VBWD.

2. The plan includes installation of temporary BMPs prior to beginning work, including maintenance.
3. The plan includes installation of a rock construction entrance.
4. The plan includes protection of soil stockpiles, receiving waters, storm sewer inlets, and adjacent properties.
5. The plan includes minimizing the area and duration of disturbance, minimizing compaction in infiltration areas, and restoring disturbed areas within 14 days of final grading.
6. The plan includes tracked sediment to be removed daily.
7. The plan includes protection of infiltration areas.
8. The plan includes a designated concrete washout area and a note to dispose of site waste properly.
9. The plan includes a note to remove BMPs after the site is permanently stabilized.
10. The plan includes restoring sediment basins to their design condition.
11. No work is proposed in or adjacent to water bodies.
12. There are no steep slopes within the project area.

COMMENTS AND RECOMMENDATIONS

1. The calculations submitted show that the project will meet the rate control requirement of the City of Lake Elmo's Storm Water and Erosion and Sediment Control Ordinance (Ordinance No. 08-016).
2. The calculations submitted show that the project will meet the volume control requirement of the City of Lake Elmo's Storm Water and Erosion and Sediment Control Ordinance (Ordinance No. 08-016).
3. Construction plan sheets and details should be updated to reflect the changes required to meet the City's ordinance.
4. Provide a drawing showing that the 100-year flood level is contained within school property.
5. A storm water maintenance agreement must be provided.
6. A drainage and utility easement up to the 100-year flood elevation must be provided.



Public Works Department

Donald J. Theisen, P.E.
Director/County Engineer

Wayne H. Sandberg, P.E.
Deputy Director/Assistant County Engineer

Kelli Matzek
City Planner
City of Lake Elmo
3800 Laverne Ave. N.
Lake Elmo, MN 55042

May 4, 2010

RE: Conditional Use Permit Amendment for Lake Elmo Elementary School to modify the rear parking lot, relocate the student drop-off and add two portable classrooms.

Dear Kelli:

Washington County Public Works has reviewed the plans for the amended conditional use permit for Lake Elmo Elementary School located at 11030 Stillwater Boulevard (Trunk Highway 5). The plans include improving the rear parking lot, adding an additional 20 spaces, improving the school access road from Laverne Avenue North and adding two portable classrooms. From our discussion, the City indicated that the additional classrooms will not increase the staffing at the school and this plan will accommodate the existing school population.

Traffic along Trunk Highway (TH) 5 through the Lake Elmo Village has long been a concern due to the current access spacing of the local roadway system, driveways, and the lack of turn lanes. The number of parents driving their children to and from this school has increased in the last number of years. This has resulted in a significant queue of cars backing out of the school parking lot and onto the shoulder and bypass lane along westbound TH 5 during these pick-up and drop-off times.

In 2007, a working group consisting of County, City, State, school and parent representatives began meeting to look more closely at the traffic concerns around the school. Based on those meetings and the analysis that was completed, several short, medium and long range improvements were identified. To date, the short and medium term improvements have been implemented. These included the installation of an electronic driver feedback sign on TH 5, flashing yellows lights on County State Aid Highway (CSAH) 17 during school pick-up and drop-off times and the completion of a Safe Routes to School Study.

One of the long-term improvements included the construction of additional parking spaces and a rerouting of the pick-up/drop-off traffic flow. The proposed plans for the new student drop-off/pick-up at the rear of the school and access from Laverne Avenue North would be consistent with the recommendations from that working group and would significantly improve the safety and operations for the pick-up / drop-off traffic flow.

Looking one step further, we would like to suggest a potential plan for the actual pick-up/drop-off process. Attached is a graphic that shows all vehicles coming to the school for pick-up/drop-off using 39th Street North to get to Laverne Avenue North and then into the school access driveway. This would allow waiting vehicles to stack along the school driveway and then back

onto the right-hand side of southbound Laverne Avenue. Vehicles exiting the driveway would then be able to turn left or right onto Laverne Avenue with minimal conflict to entering vehicles.

Parking along CSAH 17 during school hours and when large activities and athletic events occur after school hours has been a safety issue raised by the school and parents at the school. To help address this potential safety concern, parking may be prohibited on CSAH 17 in the future. We would recommend that parking be allowed along the access road during non-pick-up/drop-off times. This will allow the maximum number of vehicles to park in this area during large these school activities or athletic events, thus minimizing the number of vehicles that park along CSAH 17.

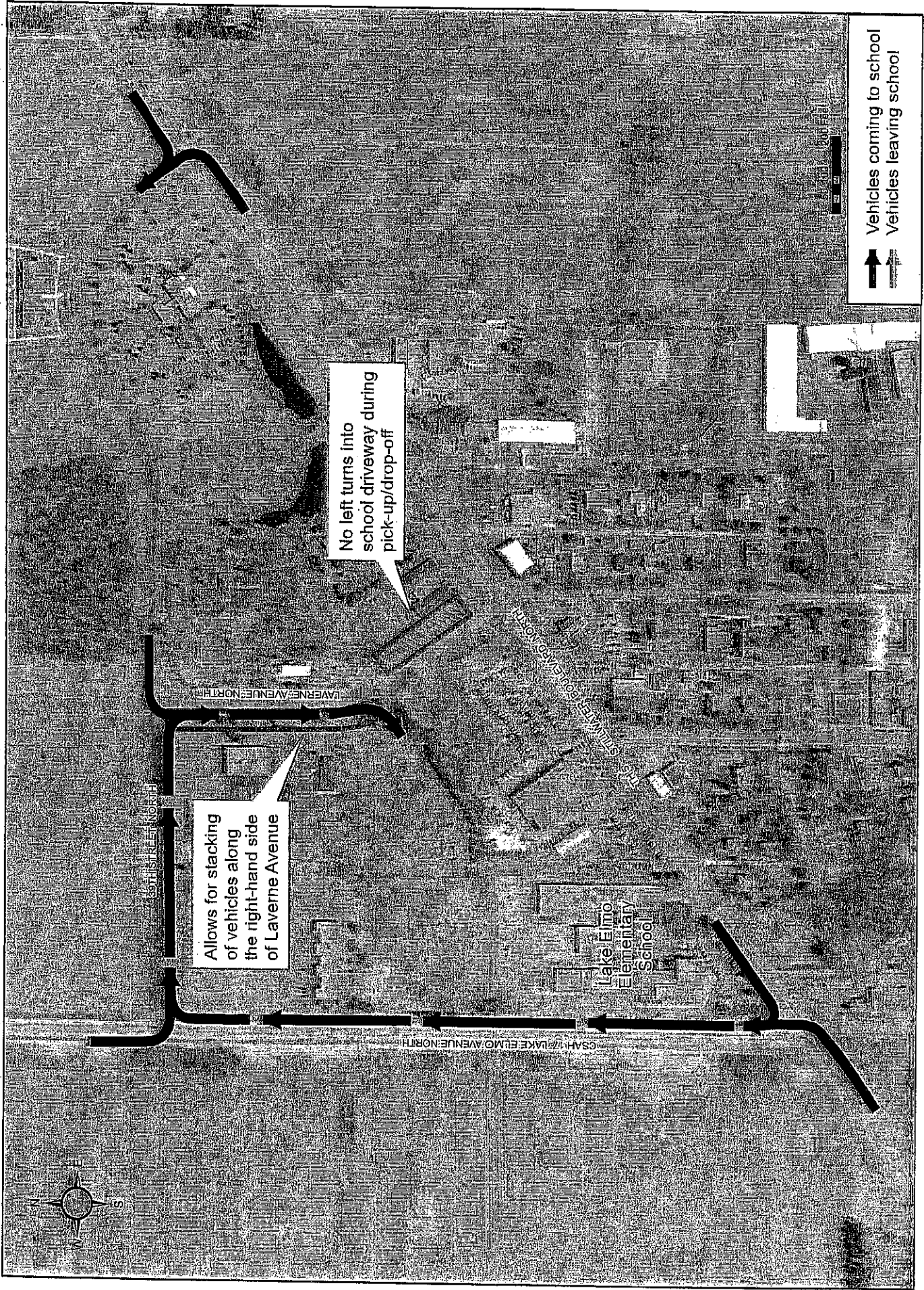
The proposed parking and pick-up/drop off plan is a great step in helping to make the traffic situation around Lake Elmo Elementary School much safer. Thank you for the opportunity to comment on this. Please call me at 651-430-4362 if you have questions or comments.


Sincerely,



Ann Pung-Terwede
Senior Transportation Planner

c: Wayne Sandberg, Washington County Deputy Director / Assistant County Engineer
Ted Schoenecker, Washington County Transportation Planning Manager
Marv Stutz, Washington County Sheriff's Commander
Adam Josephson, MnDOT East Area Manager
Andy Fields, Lake Elmo Elementary Principal



 Vehicles coming to school
 Vehicles leaving school

No left turns into school driveway during pick-up/drop-off

Allows for stacking of vehicles along the right-hand side of Laverne Avenue

Potential Parent Pick-up/Drop-off Traffic Flow

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



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

LAKE ELMO FIRE DEPARTMENT

April 28, 2010

Kelli Matzek, City Planner,

I have the following concerns regarding the Parking Lot Expansion and Portable Classroom Addition at the Lake Elmo Elementary School.

Parking Lot Expansion:

- What are the lane widths, both entrance and exit? Will they be divided by a median or just stripped? We **MUST** have access for emergency vehicles at ALL times, including peak drop off and pick up times.
- The "loop" drop off area must be designated "FIRE LANE, NO PARKING" around the entire perimeter with yellow curbs and signage to be visible in winter months. Also, depending on the width of the service road from Laverne, this may also need to be designated the same. This is to ensure access at all times, especially during "special" events when attendees are prone to parking anywhere and everywhere.
- What are the turning radius's in the drop area? We need to be able to get our FD vehicles in there. (refer to City Engineer)

Portable Classroom Addition:

- I am looking for the location of fire hydrants on this side of the building and also their proximity to the new drop off area? With these two expansions it may be necessary to add or relocate hydrants to allow for the additional fire load (even with the classrooms sprinkled) and to get the correct hydrant spacing (350' in commercial areas).

Sincerely,

Greg Malmquist, Chief

"Proudly Serving Neighbors & Friends"

Kelli Matzek

From: Goff, William (DOT) [William.Goff@state.mn.us]
Sent: Friday, April 30, 2010 10:33 AM
To: Kelli Matzek
Cc: Josephson, Adam (DOT); Sherman, Tod (DOT); Solberg, Jon P (DOT); Craig, E.Buck (DOT)
Subject: Lake Elmo Elementary School Parking Lot Expansion

Kelli,

As a follow up to the proposed expansion of the parking lot at the Lake Elmo Elementary School, please note that Mn/DOT has no formal comment. However, I know there has been discussion of improving directional signage along TH 5, this should be coordinated with Buck Craig, Mn/DOT Permits Section, at (651) 234-7911.

If you have any further questions, please do not hesitate to contact me at (651) 234-7797.

Sincerely,

William Goff

Mn/DOT Senior Planner

City of Lake Elmo DEVELOPMENT APPLICATION FORM

- | | | |
|---|--|---|
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Variance * (See below) | <input type="checkbox"/> Residential Subdivision Preliminary/Final Plat |
| <input type="checkbox"/> Zoning District Amendment | <input type="checkbox"/> Minor Subdivision | ○ 01 - 10 Lots |
| <input type="checkbox"/> Text Amendment | <input type="checkbox"/> Lot Line Adjustment | ○ 11 - 20 Lots |
| <input type="checkbox"/> Flood Plain C.U.P. Conditional Use Permit | <input type="checkbox"/> Residential Subdivision Sketch/Concept Plan | ○ 21 Lots or More |
| <input checked="" type="checkbox"/> Conditional Use Permit (C.U.P.) | <input type="checkbox"/> Site & Building Plan Review | <input type="checkbox"/> Excavating & Grading Permit |
| | | <input type="checkbox"/> Appeal <input type="checkbox"/> PUD |

APPLICANT: I.S.D. #834 Lake Elmo Elementary School 11030 Stillwater Blvd.
(Name) (Mailing Address) Lake Elmo, MN 55042 (Zip)

TELEPHONES: (651) 351-6700
(Home) (Work) (Mobile) (Fax)

FEE OWNER: I.S.D. 834 1875 South Greeley St. Stillwater, MN 55082
(Name) (Mailing Address) (Zip)

TELEPHONES: (651) 351-8374
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description): Property I.D. 1302921230001
I.S.D. #834 Lake Elmo Elementary School 11030 Stillwater Blvd.
Lake Elmo, MN 55042

(See attached for complete (long) legal description)

DETAILED REASON FOR REQUEST: The revised rear parking area at Lake Elmo Elementary School will provide improved traffic flow on Country Rd. Highway 5. This area will serve as the student drop off for parents. The portables are needed to handle the student population growth at Lake Elmo Elementary School.

VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

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

Raymond C Queener 4/2/10
Signature of Applicant Date

Signature of Applicant Date

Raymond C Queener
Asst Superintendent of Business
and Administrative Services

CONDITIONAL USE PERMIT APPLICATION

ITEM 1. Completed land use application form – attached

ITEM 2. Written statements

Owner: Stillwater Area Schools
1875 South Greeley Street
Stillwater, Minnesota 55082
Contact: Tony Willger 651.295.3999

Architect: Wold Architects & Engineers
305 Saint Peter Street
St. Paul, Minnesota 55102
Contact: Nick Marcucci 651.227.7773

Civil Engineer: Larson Engineering, Inc.
3524 Labore Road
White Bear Lake, Minnesota 55110-5126
Contact: Greg Buchal 651.255.0328

Property Address: 11030 Stillwater Blvd. N, Lake Elmo, MN 55042
Current Zoning: Public or quasi public open space
Parcel Size: acres and square feet: 12.9 acres/ 560,320 sf
Property ID Numbers: 1302921230001, 1302921230002, 1302921230003, 1302921220001,
1302921220004

Legal Description: see Certificate of Survey

History of the property: The property has been a school site since 1920. The build has had additions to the original building in 1954, 1959, 1963, 1969, 1987, 1988, 1990 and 1996. AS can be seen the district has made a large investment in the school over the years.

The proposal is to add an additional parking lot, new ball fields and to relocate 2 portable classroom on the site (these portables were previously on this site)

Number of students (after the portable move) 772 for 2010/11 and 809 for 2011/12

Number of staff: 95

Hours of operation: 6:00 am – 9:00pm

The proposal will have positive impacts to the site allowing for more parking on the site instead of on adjacent streets. The new ball fields will benefit public use allowing more usage and less travel distance to other facilities. Adjacent properties are of commercial use, this proposal

should not have impact on property values. The portable classroom are a temporary situation, the district envisions the need for less than five years.

ITEM 3. Verification of ownership –

ITEM 4. Address labels – included

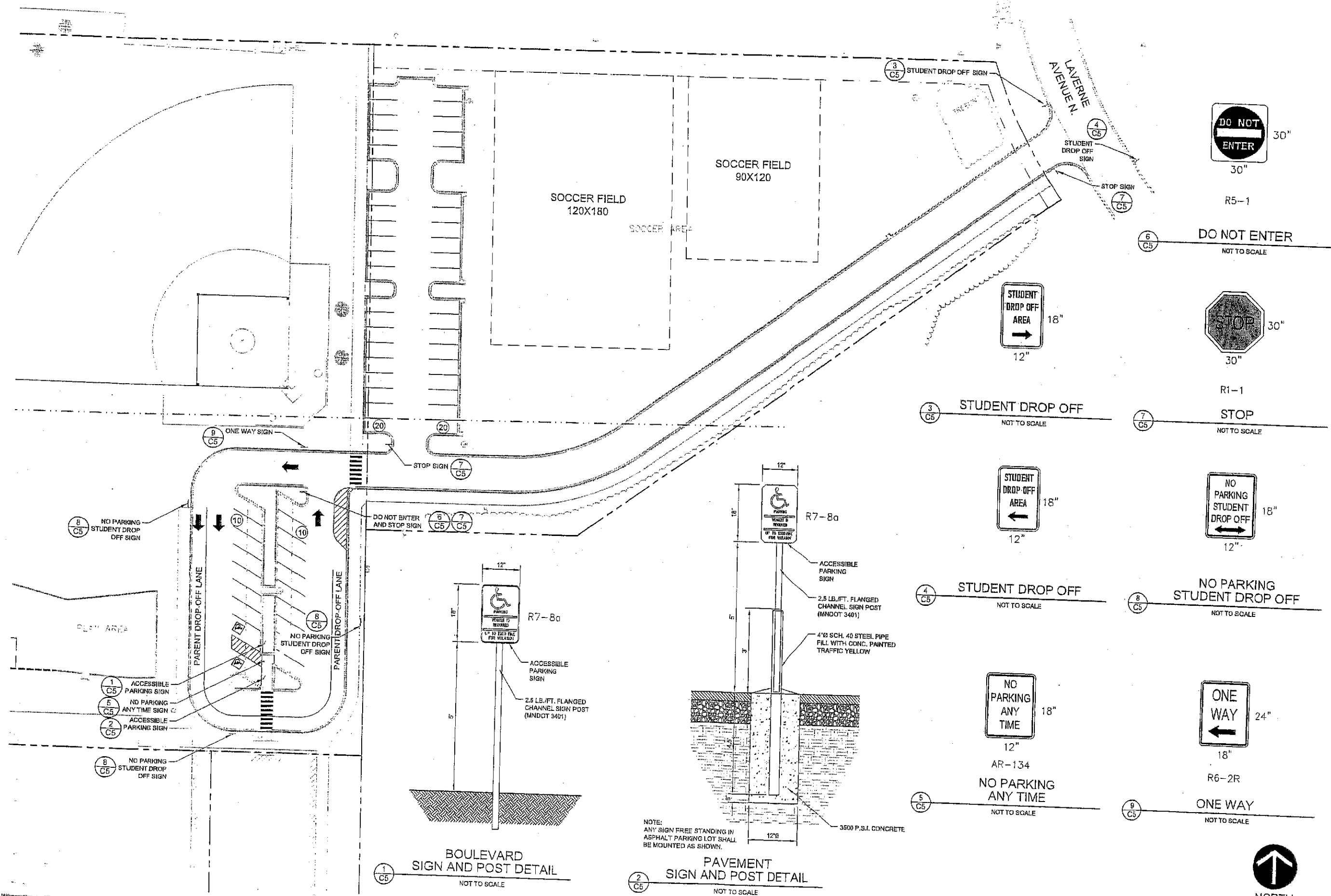
ITEM 5. (5) copies of certified survey and electronic copy – see civil drawings

ITEM 6. (5) copies of landscape plan and electronic copy – see civil drawings

ITEM 7. (5) copies of architectural plans and electronic copy – see architectural sheet A1.0

ITEM 8. Utilities and services plan – see civil drawings

ITEM 9. Electronic copy – included



Larson Engineering, Inc.
 3524 Labors Road
 White Bear Lake, MN 55110
 651.481.9120 (T) 651.481.9201
 www.larsonengr.com

© 2009 Larson Engineering, Inc. All rights reserved.

Client: **STILLWATER AREA PUBLIC SCHOOLS**
 INDEPENDENT SCHOOL DISTRICT #834
 1875 SOUTH GREELEY STREET
 STILLWATER, MN 55082

Project Title: **2010 PARKING LOT MODIFICATIONS**
 LAKE ELMO ELEMENTARY SCHOOL
 11030 STILLWATER BOULEVARD
 LAKE ELMO, MN 55042

I hereby certify that this plan, specifications or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the state of Minnesota.

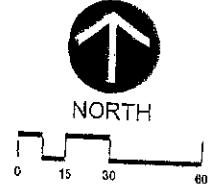
Gregory A. Buchal
 Gregory A. Buchal, P.E.
 Date: 04.14.10 Reg. No.: 23793

Rev.	Date	Description

Project #: 12090088
 Drawn By: KBK
 Checked By: JSR
 Issue Date: 04.14.10
 Sheet Title:

TRAFFIC SIGN PLAN

C5



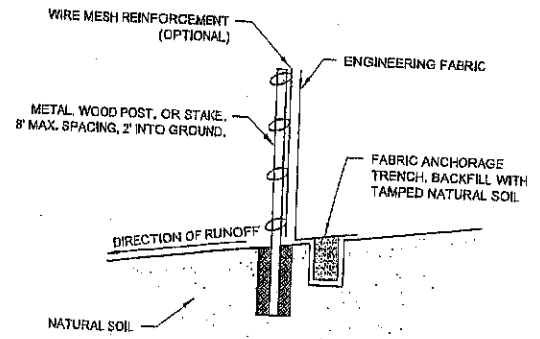
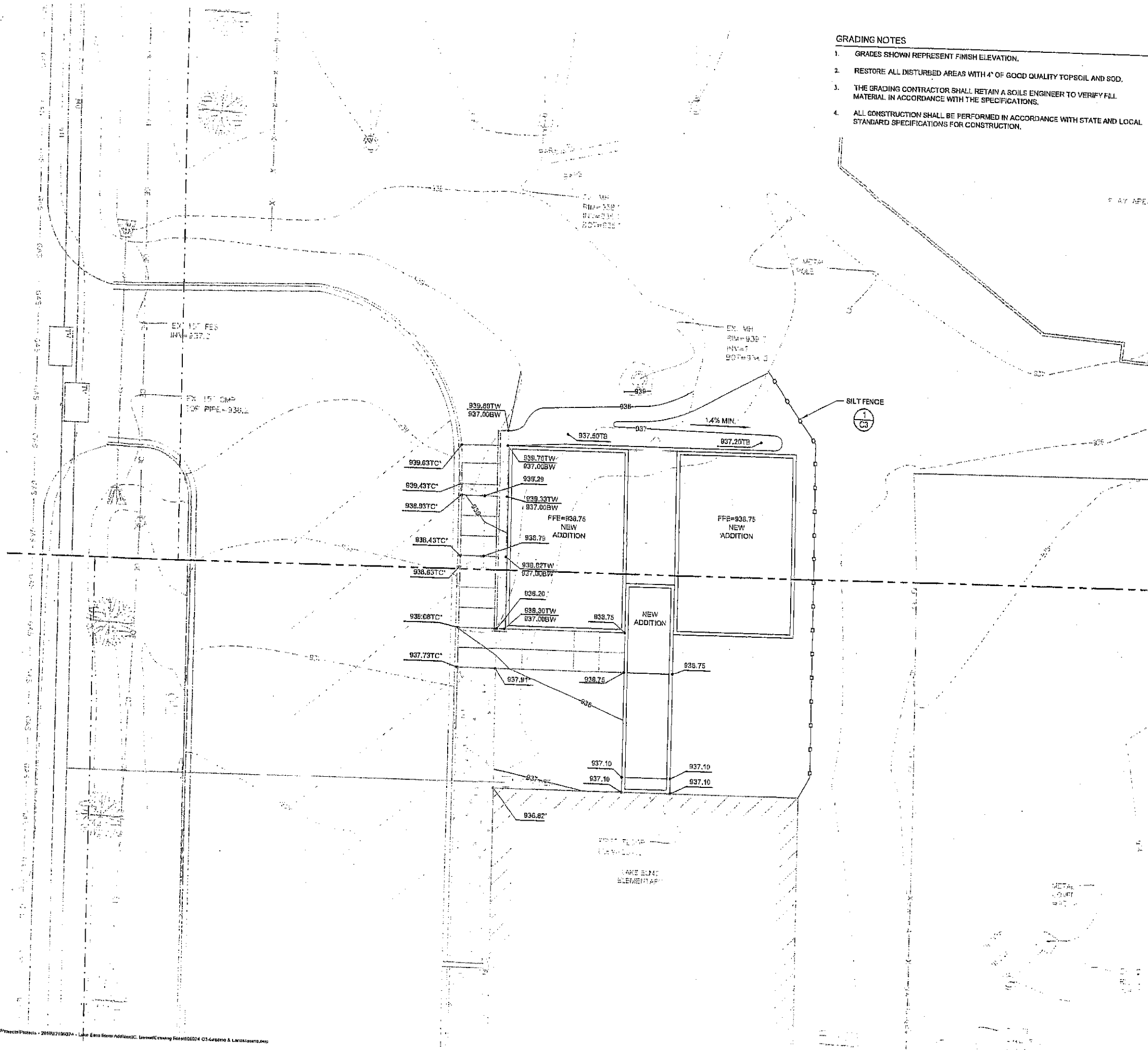
ALL EXISTING ITEMS AND CONDITIONS SHOULD BE VERIFIED BY THE CONTRACTOR BEFORE CONSTRUCTION.

GRADING NOTES

- GRADES SHOWN REPRESENT FINISH ELEVATION.
- RESTORE ALL DISTURBED AREAS WITH 4" OF GOOD QUALITY TOPSOIL AND SOD.
- THE GRADING CONTRACTOR SHALL RETAIN A SOILS ENGINEER TO VERIFY FILL MATERIAL IN ACCORDANCE WITH THE SPECIFICATIONS.
- ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH STATE AND LOCAL STANDARD SPECIFICATIONS FOR CONSTRUCTION.

EROSION CONTROL NOTES

- INSTALL TEMPORARY EROSION CONTROL MEASURES (SILT FENCE) PRIOR TO BEGINNING ANY EXCAVATION OR DEMOLITION WORK AT THE SITE.
- EROSION CONTROL MEASURES SHOWN ON THE EROSION CONTROL PLAN ARE THE ABSOLUTE MINIMUM. THE CONTRACTOR SHALL INSTALL TEMPORARY EARTH DIKES, SEDIMENT TRAPS OR BASINS, ADDITIONAL SILTATION FENCING, AND/OR DISK THE SOIL PARALLEL TO THE CONTOURS AS DEEMED NECESSARY TO FURTHER CONTROL EROSION.
- THE TOE OF THE SILT FENCE SHALL BE TRENCHED IN A MINIMUM OF 6". THE TRENCH BACKFILL SHALL BE COMPACTED WITH A VIBRATORY PLATE COMPACTOR.
- ALL GRADING OPERATIONS SHALL BE CONDUCTED IN A MANNER TO MINIMIZE THE POTENTIAL FOR SITE EROSION. SEDIMENT CONTROL PRACTICES MUST BE ESTABLISHED ON ALL DOWN GRADIENT PERIMETERS BEFORE ANY UP GRADIENT LAND DISTURBING ACTIVITIES BEGIN.
- ALL EXPOSED SOIL AREAS MUST BE STABILIZED AS SOON AS POSSIBLE TO LIMIT SOIL EROSION BUT IN NO CASE LATER THAN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED. TEMPORARY STOCKPILES WITHOUT SIGNIFICANT SILT, CLAY OR ORGANIC COMPONENTS (E.G. CLEAN AGGREGATE STOCKPILES, DEMOLITION CONCRETE STOCKPILES, SAND STOCKPILES) AND THE CONSTRUCTED BASE COMPONENTS OF ROADS, PARKING LOTS AND SIMILAR SURFACES ARE EXEMPT FROM THIS REQUIREMENT.
- IN AREAS WHERE CONCENTRATED FLOWS OCCUR (SUCH AS SWALES AND AREAS IN FRONT OF STORM CATCH BASINS AND INTAKES) THE EROSION CONTROL FACILITIES SHALL BE BACKED BY STABILIZATION STRUCTURE TO PROTECT THOSE FACILITIES FROM THE CONCENTRATED FLOWS.
- INSPECT THE CONSTRUCTION SITE ONCE EVERY SEVEN DAYS DURING ACTIVE CONSTRUCTION AND WITHIN 24 HOURS AFTER A RAINFALL EVENT GREATER THAN 0.5 INCHES IN 24 HOURS.
- ALL SILT FENCES MUST BE REPAIRED, REPLACED, OR SUPPLEMENTED WHEN THEY BECOME NONFUNCTIONAL OR THE SEDIMENT REACHES 1/3 OF THE HEIGHT OF THE FENCE. THESE REPAIRS MUST BE MADE WITHIN 24 HOURS OF DISCOVERY, OR AS SOON AS FIELD CONDITIONS ALLOW ACCESS.
- IF SEDIMENT ESCAPES THE CONSTRUCTION SITE, OFF-SITE ACCUMULATIONS OF SEDIMENT MUST BE REMOVED IN A MANNER AND AT A FREQUENCY SUFFICIENT TO MINIMIZE OFF-SITE IMPACTS.
- ALL SOILS TRACKED ONTO PAVEMENT SHALL BE REMOVED DAILY.
- TEMPORARY SOIL STOCKPILES MUST HAVE SILT FENCE OR OTHER EFFECTIVE SEDIMENT CONTROLS, AND CANNOT BE PLACED IN SURFACE WATERS, INCLUDING STORMWATER CONVEYANCES SUCH AS CURB AND GUTTER SYSTEMS, OR CONDUITS AND DITCHES UNLESS THERE IS A BYPASS IN PLACE FOR THE STORMWATER.
- COLLECTED SEDIMENT, ASPHALT AND CONCRETE MILLINGS, FLOATING DEBRIS, PAPER, PLASTIC, FABRIC, CONSTRUCTION AND DEMOLITION DEBRIS AND OTHER WASTES MUST BE DISPOSED OF PROPERLY AND MUST COMPLY WITH MPCA DISPOSAL REQUIREMENTS.
- OIL, GASOLINE, PAINT AND ANY HAZARDOUS SUBSTANCES MUST BE PROPERLY STORED, INCLUDING SECONDARY CONTAINMENT, TO PREVENT SPILLS OR OTHER DISCHARGE. RESTRICTED ACCESS TO STORAGE AREAS MUST BE PROVIDED TO PREVENT VANDALISM, STORAGE AND DISPOSAL OF HAZARDOUS WASTE MUST BE IN COMPLIANCE WITH MPCA REGULATIONS.
- EXTERNAL WASHING OF TRUCKS AND OTHER CONSTRUCTION VEHICLES MUST BE LIMITED TO A DEFINED AREA OF THE SITE. RUNOFF MUST BE CONTAINED AND WASTE PROPERLY DISPOSED OF. NO ENGINE DEGREASING IS ALLOWED ONSITE.
- ALL LIQUID AND SOLID WASTES GENERATED BY CONCRETE WASHOUT OPERATIONS MUST BE CONTAINED IN A LEAK-PROOF CONTAINMENT FACILITY OR IMPERMEABLE LINER. A COMPACTED CLAY LINER THAT DOES NOT ALLOW WASHOUT LIQUIDS TO ENTER GROUND WATER IS CONSIDERED AN IMPERMEABLE LINER. THE LIQUID AND SOLID WASTES MUST NOT CONTACT THE GROUND, AND THERE MUST NOT BE RUNOFF FROM THE CONCRETE WASHOUT OPERATIONS OR MPCA REGULATIONS. A SIGN MUST BE INSTALLED ADJACENT TO EACH WASHOUT FACILITY TO INFORM CONCRETE EQUIPMENT OPERATORS TO UTILIZE THE PROPER FACILITIES.
- UPON COMPLETION OF THE PROJECT AND STABILIZATION OF ALL GRADED AREAS, ALL TEMPORARY EROSION CONTROL FACILITIES (SILT FENCES, ETC.) SHALL BE REMOVED FROM THE SITE.



NOTE: DEPENDING UPON CONFIGURATION, ATTACH FABRIC TO WIRE MESH WITH HOG RINGS, STEEL POSTS WITH WIRES, OR WOOD POSTS WITH STAPLES.

SILTATION FENCE INSTALLATION DETAIL
NOT TO SCALE

SPOT ELEVATION LEGEND

- TC = TOP OF CURB
- TW = TOP OF WALL
- BW = BOTTOM OF WALL
- TB = TOP OF BERM
- FV = FIELD VERIFY



0 5 10 20

ALL EXISTING ITEMS AND CONDITIONS SHOULD BE VERIFIED BY THE CONTRACTOR BEFORE CONSTRUCTION.

Larson Engineering, Inc.
3927 Labors Road
White Bear Lake, MN 55110
651.481.9120 (F) 651.481.9201
www.larsonengr.com

STILLWATER AREA PUBLIC SCHOOLS
INDEPENDENT SCHOOL DISTRICT #834
1875 SOUTH GREELEY STREET
STILLWATER, MN 55082

2010 LAKE ELMO ELEMENTARY SCHOOL ADDITION
11030 STILLWATER BOULEVARD
LAKE ELMO, MN 55042

I hereby certify that this plan, specifications or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the state of Minnesota.

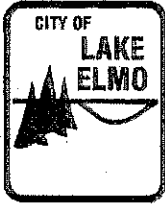
Gregory A. Buchal
Gregory A. Buchal, P.E.
Date: 04.21.10 Reg. No.: 23793

Rev.	Date	Description

Project #: 12106024
Drawn By: KBR
Checked By: JBR
Issue Date: 04.21.10

Sheet Title:
GRADING, LANDSCAPE AND EROSION CONTROL PLAN

C3
Sheet: 4 of 4



MAYOR & COUNCIL COMMUNICATION

DATE: 5/18/2010
REGULAR
ITEM 8a
MOTION

AGENDA ITEM: Eder's Century Pines Developer's Agreement

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Bruce Messelt, Cit Administrator *BAM*

REVIEWED BY: Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED: The City Council is asked to review and approve a developer's agreement related to the recently-approved Eder's Century Pines Subdivision. The primary purpose for this agreement is to document for future owners that no building permits will be issued for the vacant lots within the subdivision until a storm water and drainage and erosion control plan is approved for these lots.

SUGGESTED MOTION: *"Move to authorize the City Administrator to execute the Eder's Century Pines Developer's Agreement"*

BACKGROUND INFORMATION: On April 20th, 2010, the City Council approved the final plat for Eder's Century Pines. One of the conditions attached to this approval reads as follows:

The applicants shall enter into an agreement with the City that requires the submission of rate and volume control calculations meeting the Storm Water and Erosion and Sediment Control Ordinance for each buildable lot prior to the issuance of a building permit for each of these lots. This agreement shall be executed prior to the release of the plat for recording by the City.

STAFF REPORT: In order to address this condition, Staff has drafted a simple agreement which requires compliance with the condition noted above. Because there is no public infrastructure associated with the plat, no additional requirements are proposed as a part of this agreement.

RECOMMENDATION: Based upon the above background information, it is recommended that the City Council approve the Developer's Agreement for Eder's Century Pines by undertaking the following action:

“Move to authorize the City Administrator to execute the Eder’s Century Pines Developer’s Agreement”

Alternatively, the City Council does have the authority to further discuss and deliberate this recommendation prior to taking action. The Council may table this item at its discretion, take no action (in essence denying the recommendation), or amend the recommended action. If the later is done so, the appropriate action of the Council following such discussion would be:

“Move to authorize the City Administrator to execute the Eder’s Century Pines Developer’s Agreement, as amended at tonight’s meeting.”

ATTACHMENTS: Eder’s Century Pines Developer’s Agreement

SUGGESTED ORDER OF BUSINESS:

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

Return To:
David K. Snyder, Esq.
ECKBERG, LAMMERS, BRIGGS,
WOLFF & VIERLING, P.L.L.P.
1809 Northwestern Avenue
Stillwater, Minnesota 55082

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

**DEVELOPMENT AND STORM WATER MANAGEMENT AGREEMENT FOR
EDER'S CENTURY PINES**

THIS AGREEMENT, made and entered into this ____ day of _____, 2010, by and between the City of Lake Elmo, a Minnesota municipality organized under the laws of the State of Minnesota (hereinafter referred to as "City"); and Joel and Judith Eder; Emilie and Dean Carlson; Delmar and Joan Eder; Richard and Janet Eder; Melvin and Jane Eder; Mary Shervheim; Anne Marie Lundgren; and John Eder (hereinafter referred to as "Developer").

WHEREAS, the Developer has asked the City to approve a plat for Eder's Century Pines (referred to in this Contract as the "plat"). The land is situated in the County of Washington, State

of Minnesota, and is legally described in the attached Exhibit "A".

WHEERAS, the City approved the plat on condition that the Developer enter into this Contract to address the need for future plans that must be reviewed and approved by the City.

WHEREAS, it is the policy of the City to enter into development contracts as contemplated in Minnesota Statutes §462.358, Subd. 2(a).

1. Storm Water, Drainage, and Erosion Control Plans. The developer shall submit plans that provide for rate and volume control calculations meeting the Lake Elmo Storm Water and Erosion and Sediment Control Ordinance (City Code Section 150.280 through 150.296) for each vacant lot prior to the issuance of a building permit for each of these lots. A permit shall also be secured from the Valley Branch Watershed prior to construction on any vacant lot within the subdivision. A maintenance agreement related to any improvements required by these plans shall be submitted for review and approval by the City Engineer.

2. Warranty of Title. Developer warrants and represents to the City that it is the fee owner of the land described herein and that it has authority to execute this Development Agreement and agree to the conditions hereof and to subject the land hereto. Developer also represents and warrants that the use for which this development is sought will not violate any restrictive covenants applying to the property.

3. Binding Effect. This Agreement shall be deemed to be a restrictive covenant and the terms and conditions hereof shall run with the land described herein and be binding on and inure to the benefit of the heirs, representatives, and assigns of the parties hereto, and shall be binding upon all future owners of all or any part of the subdivision, and shall be deemed covenants running with the land. Reference herein to the Developers, if there be more than one, shall mean each and all of them.

This Agreement shall be placed of record so as to give notice hereof to subsequent purchasers. The cost of said recording shall be borne by the Developer.

4. Restrictions on Transfer/Indemnification. Developer agrees to defend and hold the City, and its officials, employees and agents, harmless against any and all claims, demands, lawsuits, judgments, damages, penalties, costs and expenses, including reasonable attorney's fees, arising out of actions or omissions by Developer, their employees and agents, in connection with the Project. No transfer or assignment shall be made without City approval and any assignment or transfer without such approval shall be void.

5. Incorporation by Reference. All general and special conditions, plans, special provisions, proposals, specifications and contracts for the play and for any improvements furnished and let pursuant to this Agreement shall be and hereby are made a part of this Agreement by reference as if fully set out herein in full.

6. Developer will comply with and promptly perform all of its obligations under this

agreement.

7. Evidence of Title. Developer shall furnish the City with evidence of fee ownership of the property through an attorneys title opinion or title insurance policy dated not earlier than 30 days prior to the issuance of any building permits.

DEVELOPER

By: _____
Its: _____

STATE OF MINNESOTA)
) **ss.**
COUNTY OF WASHINGTON)

On this _____ day of _____, 2010, before me, a Notary Public, within and for said County and State, personally appeared _____ to me personally known, who, being duly sworn, acknowledged said instrument to be her free act and deed.

OFFICIAL SEAL OF NOTARY PUBLIC

SIGNATURE OF NOTARY PUBLIC

EXHIBIT A

Page 1 of 2

PARCEL 1:

The east one-half of the Northeast Quarter of Section 10, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota, except the following described parcels:

Lot 1, Block 1, EDER PINE RIDGE ACRES, according to the recorded plat thereof on file and of record in the office of the County Recorder, Washington County, Minnesota.

The south 320.85 feet of the north 641.70 feet of the east 711.82 feet of the Northeast Quarter of the Northeast Quarter of Section 10, Township 29 North, Range 21 West, Washington County, Minnesota.

All that part of the Northeast Quarter of the Northeast Quarter of Section 10, Township 29 North, Range 21 West, Washington County Minnesota, described as follows:

Beginning at the southwest corner of the North 341.62 feet of said Northeast Quarter of the Northeast Quarter; thence easterly along the southerly line of said North 341.62 feet a distance of 606.63 feet, more or less, to the westerly line of the East 711.82 feet of said Northeast Quarter of the Northeast Quarter; thence northerly along said westerly line 20.77 feet, more or less to the southerly line of the North 320.85 feet of said Northeast Quarter of the Northeast Quarter; thence easterly along said southerly line 711.82, more or less, to the easterly line of said Northeast Quarter of the Northeast Quarter; thence northerly along said easterly line 320.85 feet, more or less, to the northeast corner thereof; thence westerly along the northerly line of said Northeast Quarter of the Northeast Quarter 1318.87 feet, more or less, to the northwest corner thereof; thence southerly along the westerly line said Northeast Quarter of the Northeast Quarter 341.62 feet, more or less, to the point of beginning.

Together with the following described parcels:

EXHIBIT A

Page 2 of 2

PARCEL 2:

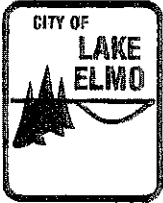
Lot 1, Block 1, EDER PINE RIDGE ACRES, according to the recorded plat thereof on file and of record in the office of the County Recorder, Washington County, Minnesota.

PARCEL 3:

The south 320.85 feet of the north 641.70 feet of the east 711.82 feet of the Northeast Quarter of the Northeast Quarter of Section 10, Township 29 North, Range 21 West, Washington County, Minnesota.

PARCEL 4:

All that part of the Northeast Quarter of the Northeast Quarter of Section 10, Township 29 North, Range 21 West, Washington County Minnesota, described as follows:
Beginning at the southwest corner of the North 341.62 feet of said Northeast Quarter of the Northeast Quarter; thence easterly along the southerly line of said North 341.62 feet a distance of 606.63 feet, more or less, to the westerly line of the East 711.82 feet of said Northeast Quarter of the Northeast Quarter; thence northerly along said westerly line 20.77 feet, more or less to the southerly line of the North 320.85 feet of said Northeast Quarter of the Northeast Quarter; thence easterly along said southerly line 711.82, more or less, to the easterly line of said Northeast Quarter of the Northeast Quarter; thence northerly along said easterly line 320.85 feet, more or less, to the northeast corner thereof; thence westerly along the northerly line of said Northeast Quarter of the Northeast Quarter 1318.87 feet, more or less, to the northwest corner thereof; thence southerly along the westerly line said Northeast Quarter of the Northeast Quarter 341.62 feet, more or less, to the point of beginning.



MAYOR & COUNCIL COMMUNICATION

DATE: 5/18/10
PUBLIC HEARING
ITEM 8b
MOTION

AGENDA ITEM: Eder's Century Pines Roadway Easement Vacation – PUBLIC HEARING

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Bruce Messelt, Cit Administrator

BAM

REVIEWED BY: Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED: The City Council is asked convene a Public Hearing to review and approve the vacation of roadway easements within the area to be re-platted as Eder's Century Pines.

The proposed vacation has been requested to eliminate existing roadway easements that have previously been granted to the City in the same location as road right-of-way that will be dedicated within this subdivision. These easements are located over a portion of the roads known as Keats Avenue, 47th Street North, and Julep Avenue North.

Upon closure of the Public Hearing and completion of Council discussion, it is recommended the City council approve the proposed vacation of roadway easements by undertaking the following:

SUGGESTED MOTION: *“Move to adopt Resolution No. 2010-025 approving the vacation of roadway and utility easements within the area to be re-platted as Eder's Century Pines”*

BACKGROUND INFORMATION: On April 20, 2010, the City Council approved the final plat for Eder's Century Pines. The application for the subdivision was accompanied by a request to vacate the underlying road and utility easements for the roadways within the platted area.

In return, the applicant has agreed to dedicate all portions of the roadways now covered by the easements, and in some cases, has expanded the right-of-way to be consistent with current City subdivision requirements. The elimination of the underlying easements will help clean up the plat and avoid duplication of dedications that are better addressed through a platting process.

STAFF REPORT: Please note that the final plat will dedicate only those portions of the streets that are located on the applicant's property. Portions of the streets outside the platted area will remain in an easement. Because the plat has not yet been recorded for the subdivision, the City will not sign the attached "Notice of Completion of Vacation Proceeding" until the final plat has also been submitted to the City for signature.

RECOMMENDATION: Based upon the above background information, it is recommended that the City Council convene the required Public Hearing and, assuming no significant reasons emerge for denial, proceed to approve the easement vacation request the by undertaking the following action:

"Move to adopt Resolution No. 2010-025 approving the vacation of roadway and utility easements within the area to be re-platted as Eder's Century Pines."

Alternatively, the City Council may table or reject the vacation request, but this action would ultimately result in duplication of dedications that have already been approved by the City. The City Council may also elect to amend the recommended action. If done so, the suggested motion would be to:

"Move to adopt Resolution No. 2010-025 approving the vacation of roadway and utility easements within the area to be re-platted as Eder's Century Pine, as amended at tonight's meeting."

ATTACHMENTS:

1. Resolution No. 2010-025
2. Notice of Completion of Vacation Proceeding
3. Easement Descriptions
4. Map Depicting Areas to be Vacated
5. Eder's Century Pines Final Plan

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....City Administrator
- Report/Presentation..... Planning Director
- Questions from Council to Staff.....Mayor Facilitates
- Open the Public Hearing.....Mayor Facilitates
- Close the Public HearingMayor Facilitates
- Call for MotionMayor & City Council
- Discussion.....Mayor & City Council
- Action on Motion.....Mayor Facilitates

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

RESOLUTION NO. 2010-025

*A RESOLUTION VACATING ROADWAY AND UTILITY EASEMENTS WITHIN
EDER'S CENTURY PINES*

**THE CITY COUNCIL OF THE CITY OF LAKE ELMO, MINNESOTA DOES HEREBY
RESOLVE AS FOLLOWS:**

WHEREAS, the City of Lake Elmo has received an application for a Final Plat from Folz, Freeman, Erickson, Inc., 12445 55th Street North, acting on behalf of Joel and Judith Eder; Emilie and Dean Carlson; Delmar and Joan Eder; Richard and Janet Eder; Melvin and Jane Eder; Mary Shervheim; Anne Marie Lundgren; and John Eder (Applicants) for a Final Plat for Eder's Century Pines, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

WHEREAS, the City Council approved the Final Plat for Eder's Century Pines at its April 20, 2010 meeting; and

WHEREAS, a request concurrent with the Final Plat has been made to the City Council pursuant to Minnesota Statute §412.851 to vacate the current roadway and utility easements that exist under the street right-of-way to be platted within Eder's Century Pines , and described as follows:

An easement for roadway and utility easement purposes over, under and across the East 33.00 feet of the Northeast Quarter of the Northeast Quarter of Section 10, Township 29 North, Range 21 West, Washington County, Minnesota, excepting therefrom the South 320.85 feet of the North 641.70 feet thereof.

AND

A permanent road easement over that part of the SE1/4 of the NE1/4 of Section 10, Township 29 North, Range 21 West, described as follows:

Commencing at the NW corner of said SE1/4 of the NE1/4, proceed easterly 33 feet along the North line of the SE1/4 of the NE1/4; thence deflect right 89 degrees 47 minutes 00 seconds and proceed 33 feet to the point of beginning; continue 923 feet; thence deflect left 90 degrees 00 minutes 00 seconds and proceed 7 feet; thence deflect left 90 degrees 00 minutes 00 seconds and proceed northerly 280 feet; thence deflect right 90 degrees 00 minutes 00 seconds and proceed easterly 10 feet; thence deflect left 90 degrees 00 minutes 00 seconds and proceed northerly 142.89 feet to the beginning of

a tangential curve concave to the East, having a radius of 448.22 feet and a central angle of 41 degrees 07 minutes 11 seconds; proceed along said curve 321.68 feet; thence deflect left 90 degrees 00 minutes 00 seconds and proceed northwesterly 10 feet; thence deflect right 90 degrees 00 minutes 00 seconds, thus establishing the line of tangency and the beginning of a curve concave to the East, having a radius of 458.22 feet and a central angle of 49 degrees 05 minutes 49 seconds, proceed 392.65 feet along said curve; thence deflect left 90 degrees 00 minutes 00 seconds and proceed northerly 7 feet; thence deflect left 90 degrees 00 minutes 00 seconds and proceed 467.11 feet to the point of beginning;

Except that part of the above described parcel East of the westerly limits and South of the northerly limits and bound on the southeast by two parallel curves: one, 95 feet northwest of said curve having a radius of 448.22 feet, and two, 85 feet northwest of said curve having a radius of 458.22 feet.

The permanent road easement contains 1.036 acres, more or less.

Together with the following:

A permanent road easement over that part of the NE1/4 of the NE1/4 of Section 10, Township 29 North, Range 21 West, lying North of a line 33 feet North of the South line of said NE1/4 of the NE1/4 and otherwise bound by a line described as follows:

Commencing at the SW corner of the NE1/4 of NE1/4 of said Section 10, proceed easterly 500.11 feet along South line of the NE1/4 of NE1/4 of said Section 10; thence deflect left 90 degrees 00 minutes 00 seconds and proceed northerly 33 feet to the point of beginning; continue 12 feet; thence deflect left 90 degrees 00 minutes 00 seconds, thus establishing the line of tangency and the beginning of a curve, concave to the South, having a radius of 543.22 feet and a central angle of 90 degrees 13 minutes 00 seconds, proceed along said curve to the point where said curve intersects said line 33 feet North of the South line of the NE1/4 of the NE1/4 of said Section 10, and there terminating.

The permanent road easement contains 0.03 acres, more or less.

WHEREAS, the City Clerk reviewed and examined the signatures on said request and determined that such signatures constituted all of the landowners abutting upon the portion of easement to be vacated and rededicated; and

WHEREAS, a public hearing to consider the vacation and rededication of the drainage and utility easement was held on the 18th day of May 2010 before the City Council in the Lake Elmo City Hall located at 3800 Laverne Avenue North at 7:00 p.m. or shortly thereafter after due published and posted notice had been given and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, the Council in its discretion has determined that the vacation will benefit the public interest because:

- 1) The proposed easement vacations will facilitate the dedications as shown on the final plat for Eder's Century Pines and will eliminate any duplicative dedications of right-of-way over the existing roadways within the platted area.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, COUNTY OF WASHINGTON MINNESOTA, that such request for vacation of existing roadway and utility easements is hereby granted in accordance with the property descriptions provided above.

BE IT FURTHER RESOLVED, that the Mayor and City Administrator are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

Adopted by the Council this 18th day of May 2010.

Effective Date: _____

	AYES	NAYS
_____ Dean A. Johnston, Mayor	_____	_____
_____ Brett Emmons, Council	_____	_____
_____ Nicole Park, Council	_____	_____
_____ Steve DeLapp, Council	_____	_____
_____ Anne Smith, Council	_____	_____

Approved:

Dean A. Johnston, Mayor

Attested by:

Bruce Messelt, City Administrator

**NOTICE OF COMPLETION
OF VACATION PROCEEDING**

TO: AUDITOR-TREASURER, WASHINGTON COUNTY, MINNESOTA:

PLEASE TAKE NOTICE, that the City of Lake Elmo has completed proceedings for the vacation of the following described Roadway and Utility Easements in the City of Lake Elmo, Washington County, Minnesota:

An easement for roadway and utility easement purposes over, under and across the East 33.00 feet of the Northeast Quarter of the Northeast Quarter of Section 10, Township 29 North, Range 21 West, Washington County, Minnesota, excepting therefrom the South 320.85 feet of the North 641.70 feet thereof.

AND

A permanent road easement over that part of the SE1/4 of the NE1/4 of Section 10, Township 29 North, Range 21 West, described as follows:

Commencing at the NW corner of said SE1/4 of the NE1/4, proceed easterly 33 feet along the North line of the SE1/4 of the NE1/4; thence deflect right 89 degrees 47 minutes 00 seconds and proceed 33 feet to the point of beginning; continue 923 feet; thence deflect left 90 degrees 00 minutes 00 seconds and proceed 7 feet; thence deflect left 90 degrees 00 minutes 00 seconds and proceed northerly 280 feet; thence deflect right 90 degrees 00 minutes 00 seconds and proceed easterly 10 feet; thence deflect left 90 degrees 00 minutes 00 seconds and proceed northerly 142.89 feet to the beginning of a tangential curve concave to the East, having a radius of 448.22 feet and a central angle of 41 degrees 07 minutes 11 seconds; proceed along said curve 321.68 feet; thence deflect left 90 degrees 00 minutes 00 seconds and proceed northwesterly 10 feet; thence deflect right 90 degrees 00 minutes 00 seconds, thus establishing the line of tangency and the beginning of a curve concave to the East, having a radius of 458.22 feet and a central angle of 49 degrees 05 minutes 49 seconds, proceed 392.65 feet along said curve; thence deflect left 90 degrees 00 minutes 00 seconds and proceed northerly 7 feet; thence deflect left 90 degrees 00 minutes 00 seconds and proceed 467.11 feet to the point of beginning;

Except that part of the above described parcel East of the westerly limits and South of the northerly limits and bound on the southeast by two parallel curves: one, 95 feet northwest of said curve having a radius of 448.22 feet, and two, 85 feet northwest of said curve having a radius of 458.22 feet.

The permanent road easement contains 1.036 acres, more or less.

Together with the following:

A permanent road easement over that part of the NE1/4 of the NE1/4 of Section 10, Township 29 North, Range 21 West, lying North of a line 33 feet North of the South line of said NE1/4 of the NE1/4 and otherwise bound by a line described as follows:

Commencing at the SW corner of the NE1/4 of NE1/4 of said Section 10, proceed easterly 500.11

feet along South line of the NE1/4 of NE1/4 of said Section 10; thence deflect left 90 degrees 00 minutes 00 seconds and proceed northerly 33 feet to the point of beginning; continue 12 feet; thence deflect left 90 degrees 00 minutes 00 seconds, thus establishing the line of tangency and the beginning of a curve, concave to the South, having a radius of 543.22 feet and a central angle of 90 degrees 13 minutes 00 seconds, proceed along said curve to the point where said curve intersects said line 33 feet North of the South line of the NE1/4 of the NE1/4 of said Section 10, and there terminating.

The permanent road easement contains 0.03 acres, more or less.

Said proceeding was completed on the 18th day of May, 2010. The only lands affected thereby are the lands abutting the above-described roadway and utility easement.

Dated at the City of Lake Elmo this _____ day of _____, 2010.

CITY OF LAKE ELMO

Bruce Messelt
City Administrator



January 25, 2010

**PROPOSED VACATION OF A
ROADWAY AND UTILITY EASEMENT
(See Exhibit A)**

The roadway and utility easement described below was conveyed to the City of Lake Elmo by the Eder family and recorded June 8th, 1997 as Document No. 934051.

We are proposing to vacate the existing 33 foot wide easement, which does not include the roadway fronting the Melvin and Jane Eder property, and subsequently dedicate a 40 foot wide roadway on the proposed plat of EDER'S CENTURY PINES.

Description of easement to be vacated

An easement for roadway and utility easement purposes over, under and across the East 33.00 feet of the Northeast Quarter of the Northeast Quarter of Section 10, Township 29 North, Range 21 West, Washington County, Minnesota, excepting therefrom the South 320.85 feet of the North 641.70 feet thereof.

**PROPOSED VACATION OF A
ROADWAY AND UTILITY EASEMENT
(See Exhibit B)**

The permanent road easements described below were conveyed to the City of Lake Elmo by Myrtle Eder and recorded March 25th, 1985 as Document No. 481950.

We are proposing to vacate the existing easements, which do not include a majority of improved 45th Street North and Julep Avenue North, which contain scrivener errors, and which do not mathematically close by 33 feet. We will subsequently dedicate a roadway that varies in width from 80.00 to 96.00 feet on the proposed plat of EDER'S CENTURY PINES.

Description of easements to be vacated

A permanent road easement over that part of the SE1/4 of the NE1/4 of Section 10, Township 29 North, Range 21 West, described as follows:

Commencing at the NW corner of said SE1/4 of the NE1/4, proceed easterly 33 feet along the North line of the SE1/4 of the NE1/4; thence deflect right 89 degrees 47 minutes 00 seconds and proceed 33 feet to the point of beginning; continue 923 feet; thence deflect left 90 degrees 00 minutes 00 seconds and proceed 7 feet; thence deflect left 90 degrees 00 minutes 00 seconds and proceed northerly 280 feet; thence deflect right 90 degrees 00 minutes 00 seconds and proceed easterly 10 feet; thence deflect left 90 degrees 00 minutes 00 seconds and proceed northerly 142.89

2/1/2010

EDER'S CENTURY PINES

Page 2 of 2

feet to the beginning of a tangential curve concave to the East, having a radius of 448.22 feet and a central angle of 41 degrees 07 minutes 11 seconds; proceed along said curve 321.68 feet; thence deflect left 90 degrees 00 minutes 00 seconds and proceed northwesterly 10 feet; thence deflect right 90 degrees 00 minutes 00 seconds, thus establishing the line of tangency and the beginning of a curve concave to the East, having a radius of 458.22 feet and a central angle of 49 degrees 05 minutes 49 seconds, proceed 392.65 feet along said curve; thence deflect left 90 degrees 00 minutes 00 seconds and proceed northerly 7 feet; thence deflect left 90 degrees 00 minutes 00 seconds and proceed 467.11 feet to the point of beginning; Except that part of the above described parcel East of the westerly limits and South of the northerly limits and bound on the southeast by two parallel curves: one, 95 feet northwest of said curve having a radius of 448.22 feet, and two, 85 feet northwest of said curve having a radius of 458.22 feet.

The permanent road easement contains 1.036 acres, more or less.

Together with the following:

A permanent road easement over that part of the NE1/4 of the NE1/4 of Section 10, Township 29 North, Range 21 West, lying North of a line 33 feet North of the South line of said NE1/4 of the NE1/4 and otherwise bound by a line described as follows:

Commencing at the SW corner of the NE1/4 of NE1/4 of said Section 10, proceed easterly 500.11 feet along South line of the NE1/4 of NE1/4 of said Section 10; thence deflect left 90 degrees 00 minutes 00 seconds and proceed northerly 33 feet to the point of beginning; continue 12 feet; thence deflect left 90 degrees 00 minutes 00 seconds, thus establishing the line of tangency and the beginning of a curve, concave to the South, having a radius of 543.22 feet and a central angle of 90 degrees 13 minutes 00 seconds, proceed along said curve to the point where said curve intersects said line 33 feet North of the South line of the NE1/4 of the NE1/4 of said Section 10, and there terminating.

The permanent road easement contains 0.03 acres, more or less.

Roadway and Utility Easement Vacation Exhibit Exhibit A

Folz, Freeman, Erickson, Inc.
LAND PLANNING ♦ SURVEYING ♦ ENGINEERING



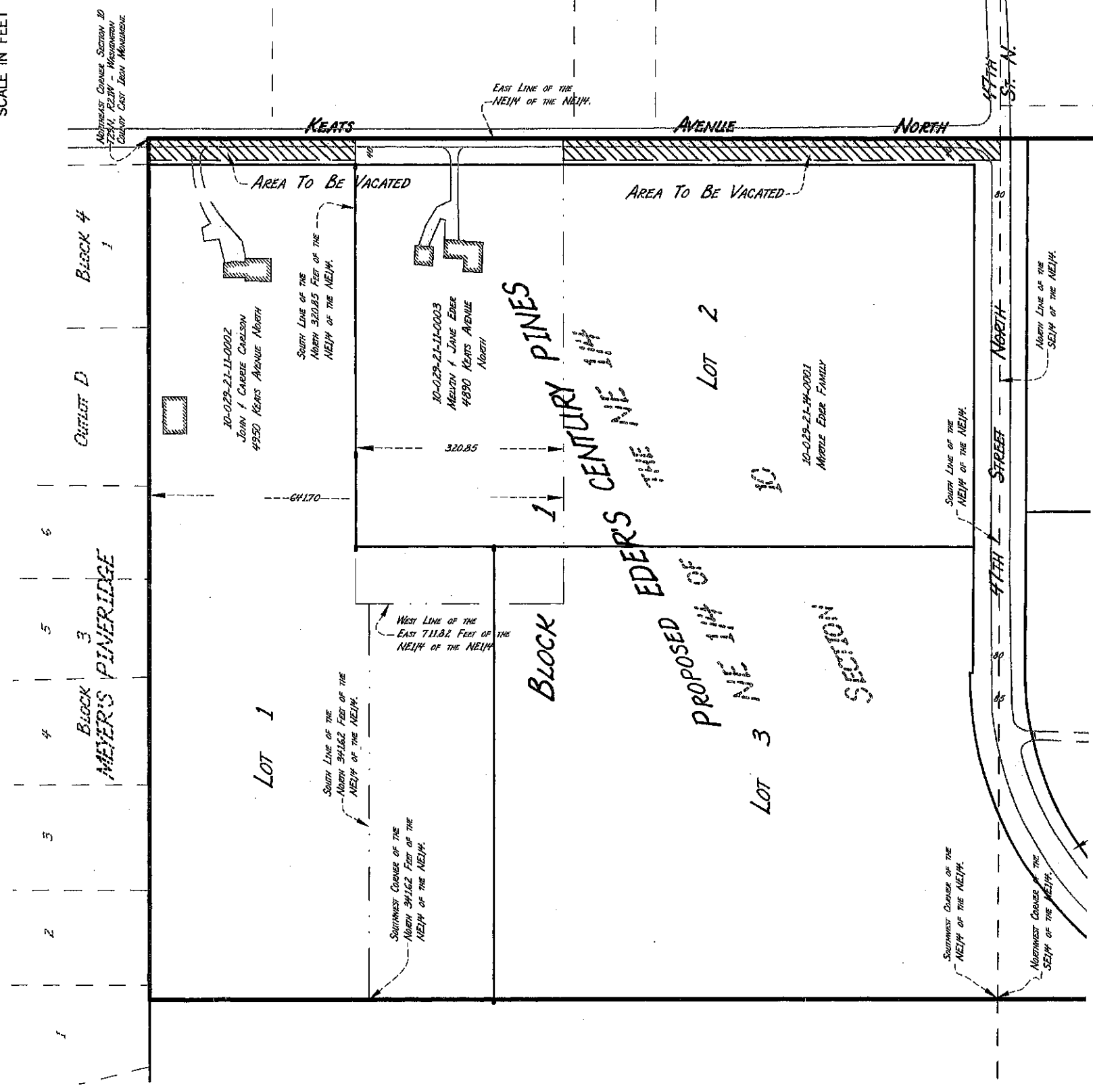
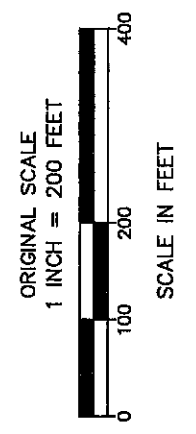
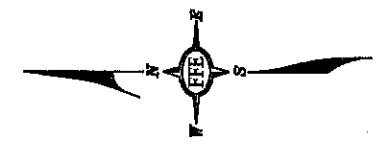
12445 55TH STREET NORTH
LAKE ELMO, MINNESOTA 55042
Phone (651) 439-8833 Fax (651) 430-9331

LEGEND



DENOTES EXISTING ROADWAY EASEMENT AREA AS DESCRIBED IN DOC. NO. 934051 THAT IS PROPOSED TO BE VACATED.


Existing Easement Legal Description:
An easement for roadway and utility easement purposes over, under and across the East 33.00 feet of the Northeast Quarter of the Northeast Quarter of Section 10, Township 29 North, Range 21 West, Washington County, Minnesota, excepting therefrom the South 320.85 feet of the North 641.70 feet thereof.



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CITY OF LAKE ELMO

Road Easement Vacation Exhibit Exhibit B

Folz, Freeman, Erickson, Inc.
LAND PLANNING • SURVEYING • ENGINEERING



12445 55TH STREET NORTH
LAKE ELMO, MINNESOTA 55042
Phone (651) 439-8833 Fax (651) 430-9331

LEGEND



DENOTES EXISTING ROADWAY EASMENT AREA AS DESCRIBED IN DOC. NO. 481950 THAT IS PROPOSED TO BE VACATED.

Existing Easement Legal Description:

A permanent road easement over that part of the SE1/4 of the NE1/4 of Section 10, Township 29 North, Range 21 West, described as follows:

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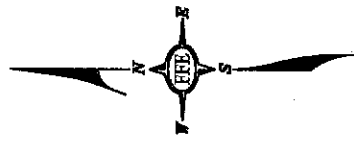
The permanent road easement contains 1.036 acres, more or less.

Together with the following:

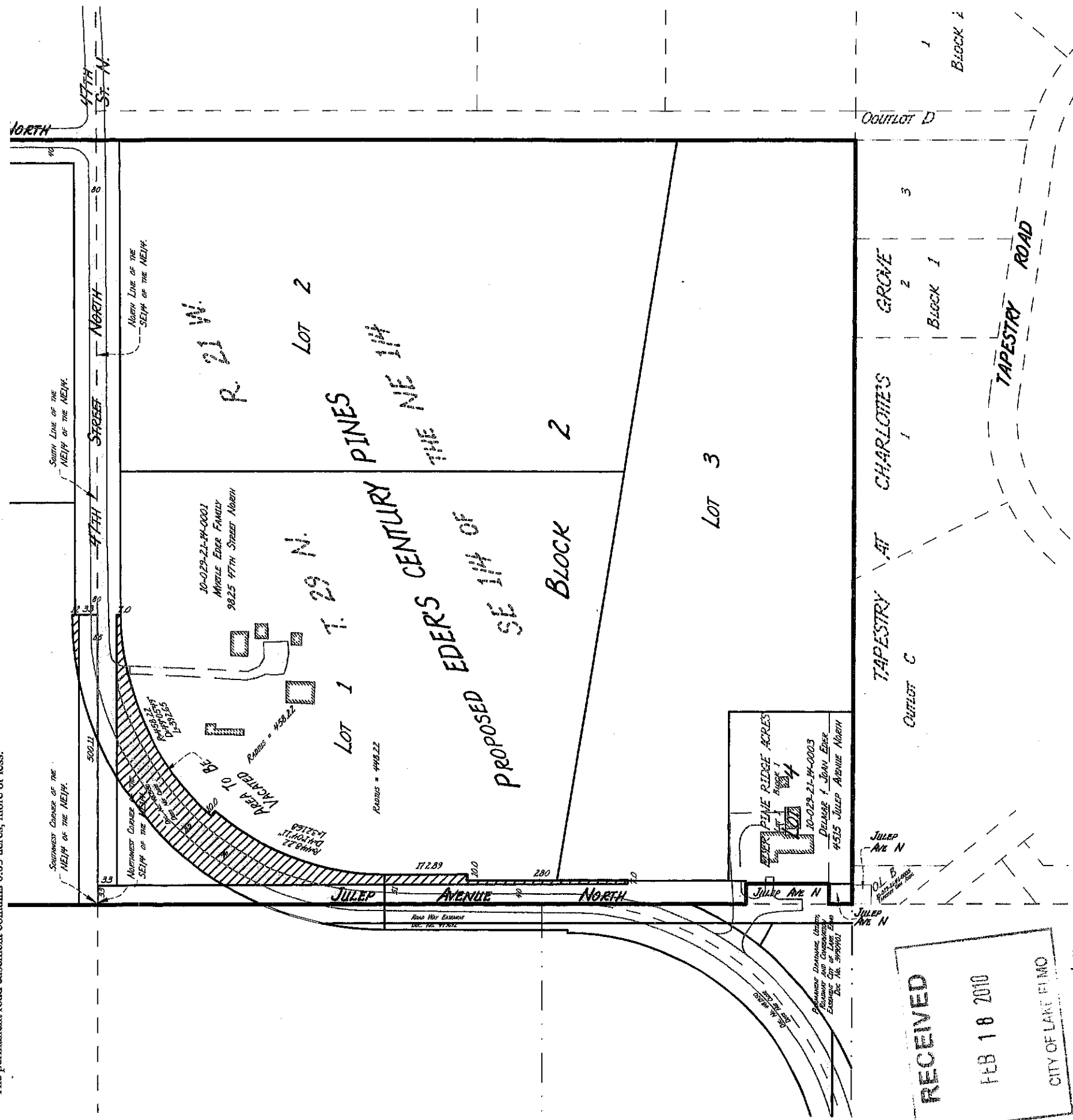
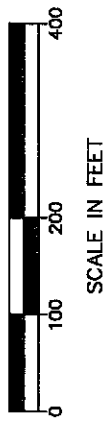
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The permanent road easement contains 0.03 acres, more or less.



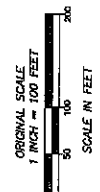
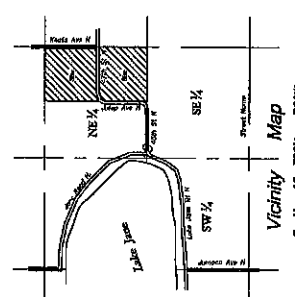
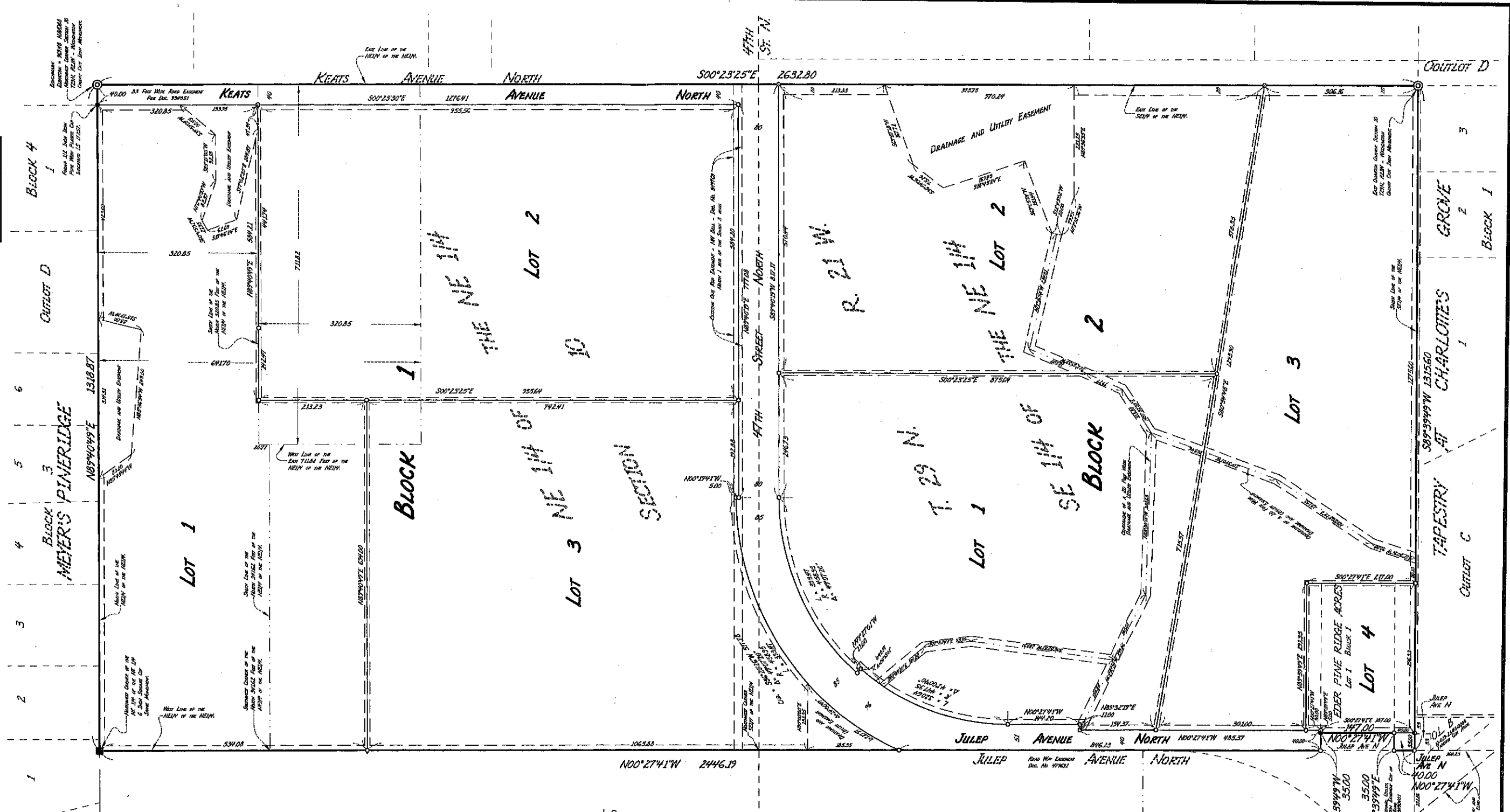
ORIGINAL SCALE
1 INCH = 200 FEET



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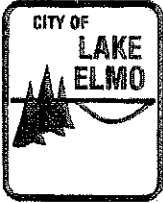
EDER'S CENTURY PINES

Folz, Freeman, Erickson, Inc.
 LAND PLANNING • SURVEYING • ENGINEERING
 12445 55TH STREET NORTH
 LAKE ELMO, MINNESOTA 55042
 Phone (651) 499-8883 Fax (651) 499-9331



- LEGEND**
- DENOTES SET 1/2 INCH BY 1 1/2 INCH IRON PIPE MONUMENT, MARKED WITH 1/2\"
 - DENOTES FOUND MONUMENT, SIZE AND MARKINGS AS INDICATED
- NOTES**
- 1) ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WASHINGTON COUNTY CORNER TO THE NE 1/4 OF SECTION 10, T29N, R21W, NE 1/4 OF THE NE 1/4 OF SECTION 10, T29N, R21W, BEARS N89°49'57\"
 - 2) DRAINAGE AND UTILITY EASEMENTS BEING TO FEET WIDE ALONG ALL BLOCK BOUNDARIES AND 5 FEET WIDE EACH SIDE OF ALL LOT LINES, UNLESS SHOWN OTHERWISE.

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MAYOR & COUNCIL COMMUNICATION

DATE: 5/18/2010
REGULAR
ITEM #: 9
DISCUSSION

AGENDA ITEM: Review of 1st Quarter of 2010 General Fund Budget (Unaudited)
SUBMITTED BY: Tom Bouthilet, Finance Director
THROUGH: Bruce Messelt, City Administrator *BAM*
REVIEWED BY: Joe Rigdon, Financial Consultant
Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED: Pursuant to City Council direction, the City Council is asked to receive an update on the now-closed 1st Quarter 2010 General Fund (unaudited) and discuss, as appropriate, any findings or trends identified therein.

No specific action or motion is recommended at tonight's meeting. However, should the Council feel so moved to undertake specific action, the Council motion and should be to:

Move to revise the 2010 Budget and to begin preparation of the 2011 Budget [as agreed to at tonight's meeting].

BACKGROUND INFORMATION: The City of Lake Elmo has both the legal and fiduciary responsibility under Minnesota State Statute to actively manage its annual Budget and Capital Improvement Program (CIP). Tonight's presentation is part of Lake Elmo's quarterly review of major budget issues and activities.

STAFF REPORT: City staff has completed the "closing of the books" for the 1st Quarter of 2010 and, in particular, the General Fund (attached). While unaudited at this time, staff has a high degree of confidence in the material provided and would like to brief the City Council on the major identified findings and trends. A summary of Staff's findings is attached, along with the detailed report.

RECOMMENDATION: It is recommended that the City Council receive an update on the now-closed 1st Quarter of the 2010 General Fund (unaudited) and discuss, as appropriate, any potential implications for the 2010 Budget and planned preparations for the 2011 Budget.

No specific action or motion is recommended at tonight's meeting. However, should the Council feel so moved to undertake specific action, the Council motion and should be to:

Move to revise the 2010 Budget and to begin preparation of the 2011 Budget [as agreed to at tonight's meeting].

Alternatively, the City Council does have the authority to discuss and adjust the 2010 Budget, either tonight or during subsequent action, and to direct the City staff accordingly with respect to execution of the 2010 budget and preparation of the 2011 draft budget.

ATTACHMENTS:

1. Staff Report on 1st Quarter 2010 General Fund (Unaudited)
2. Detailed Report on 1st quarter 2010 General Fund (Unaudited)

SUGGESTED ORDER OF BUSINESS:

- Introduction..... Bruce Messelt, City Administrator
- Staff Report/Presentation Tom Bouthilet, Finance Director
Joe Rigdon, Financial Consultant
- Questions from Council to Staff Mayor Facilitates
- Discussion Mayor & City Council
- Action or Motion, if Appropriate Mayor Facilitates

Memorandum

To: City of Lake Elmo City Council

From: Joe Rigdon, KDV

Date: May 13, 2010

Re: General Fund Revenues/Expenditures through 1st Quarter 2010 (Unaudited)

The attached report details year-to-date City of Lake Elmo General Fund revenues and expenditures through March 31, 2010 (unaudited). Highlights are as follows:

Revenues:

- Property taxes at 0.0% of budget, as projected (1st half taxes will be received in 07/10 and 2nd half taxes will be received in 12/10)
- Building permits at 13.7% of budget
- Total revenues at \$90,484, or 3.2% of budget

Expenditures:

- Total general government expenditures at 22.0% of budget – on target
- Total public safety expenditures at 10.7% of budget - no 2010 police contract invoices received or paid
- Total public works expenditures at 29.9% of budget – sand/salt budget for snow & ice removal fully expended
- Total parks and recreation expenditures at 21.8% of budget – on target
- Total expenditures and transfers out at \$518,652, or 18.2% of budget

General Ledger Revenues and Exp.

User: administrator

Printed: 05/13/2010 - 3:13 P

Periods: 01-03

Fiscal Year: 2010

JE Number: 000000

2010
ANNUAL

2010
JAN-MAR

2010
JAN-MAR

2010
BUDGETED
AMOUNT %

Account No	Description	Budget Amount	Period Amt	YTD Amount	YTD Var	Budgeted Amount	Expended
101	General Fund						
000	Revenue						
0000	General						
101-000-0000-31010	Current Ad Valorem Taxes	2,381,871.00	0.00	0.00	2,381,871.00	595,467.75	0.00
101-000-0000-31020	Delinquent Ad Valorem Taxes	0.00	0.00	0.00	0.00	0.00	0.00
101-000-0000-31030	Mobile Home Tax	8,000.00	0.00	0.00	8,000.00	2,000.00	0.00
101-000-0000-31040	Fiscal Disparities	0.00	0.00	0.00	0.00	0.00	0.00
101-000-0000-31050	Tax Abatement	0.00	0.00	0.00	0.00	0.00	0.00
101-000-0000-31810	Franchise Taxes	0.00	0.00	0.00	0.00	0.00	0.00
101-000-0000-31910	Penalty & Interest on Taxes	0.00	0.00	0.00	0.00	0.00	0.00
101-000-0000-31920	Forfeited Tax Sale Apportionmt	0.00	0.00	0.00	0.00	0.00	0.00
101-000-0000-32110	Liquor License	7,200.00	750.00	750.00	6,450.00	1,800.00	10.41
101-000-0000-32180	Waste hauler License	1,000.00	230.00	230.00	770.00	250.00	23.00
101-000-0000-32181	General Contractor License	1,800.00	1,990.00	1,990.00	(190.00)	450.00	110.55
101-000-0000-32182	Sewer Installer License	0.00	0.00	0.00	0.00	0.00	0.00
101-000-0000-32183	Heating Contractor License	200.00	0.00	0.00	200.00	50.00	0.00
101-000-0000-32184	Blacktopping Contractor License	60.00	0.00	0.00	60.00	15.00	0.00
101-000-0000-32210	Building Permits	100,000.00	13,699.49	13,699.49	86,300.51	25,000.00	13.69
101-000-0000-32215	Surcharge	0.00	0.00	0.00	0.00	0.00	0.00
101-000-0000-32220	Heating Permits	3,000.00	1,835.50	1,835.50	1,164.50	750.00	61.18
101-000-0000-32230	Plumbing Permits	3,000.00	850.50	850.50	2,149.50	750.00	28.35
101-000-0000-32231	Sewer Permits	500.00	171.00	171.00	329.00	125.00	34.20
101-000-0000-32240	Animal License	2,000.00	2,273.00	2,273.00	(273.00)	500.00	113.65
101-000-0000-32250	Utility Permits	6,000.00	2,903.75	2,903.75	3,096.25	1,500.00	48.39
101-000-0000-32260	Burning Permit	1,000.00	630.00	630.00	370.00	250.00	63.00
101-000-0000-33120	Federal Grants	0.00	0.00	0.00	0.00	0.00	0.00
101-000-0000-33130	CDBG Old Village	0.00	0.00	0.00	0.00	0.00	0.00
101-000-0000-33401	Local Government Aid	0.00	0.00	0.00	0.00	0.00	0.00
101-000-0000-33402	Homestead Credit Aid	0.00	0.00	0.00	0.00	0.00	0.00
101-000-0000-33418	MSA - Maintenance	68,500.00	38,673.50	38,673.50	29,826.50	17,125.00	56.45
101-000-0000-33420	State Fire Aid	40,000.00	0.00	0.00	40,000.00	10,000.00	0.00
101-000-0000-33422	PERA Aid	2,750.00	0.00	0.00	2,750.00	687.50	0.00

Account No	Description	Budget Amount	Period Amt	YTD Amount	YTD Var Budgeted Amount	Expended
101-000-0000-33423	DOT Municipal Grant	0.00	0.00	0.00	0.00	0.00
101-000-0000-33425	METC Infiltration Grant	0.00	0.00	0.00	0.00	0.00
101-000-0000-33426	Miscellaneous State Grants	0.00	0.00	0.00	0.00	0.00
101-000-0000-33620	Gravel Tax	3,100.00	0.00	0.00	3,100.00	775.00
101-000-0000-33621	Recycling Grant	15,000.00	0.00	0.00	15,000.00	3,750.00
101-000-0000-33622	Cable Franchise Revenue	35,000.00	0.00	0.00	35,000.00	8,750.00
101-000-0000-34103	Zoning & Subdivision Fees	1,000.00	1,810.00	1,810.00	(810.00)	250.00
101-000-0000-34104	Plan Check Fees	32,000.00	5,588.75	5,588.75	26,411.25	8,000.00
101-000-0000-34105	Sale of Copies, Books, Maps	300.00	47.00	47.00	253.00	75.00
101-000-0000-34107	Assessment Searches	200.00	90.00	90.00	110.00	50.00
101-000-0000-34109	Clean Up Days	4,000.00	0.00	0.00	4,000.00	1,000.00
101-000-0000-34110	Park Rent	0.00	0.00	0.00	0.00	0.00
101-000-0000-34111	Cable Operation Reimbursement	2,400.00	367.68	367.68	2,032.32	600.00
101-000-0000-35100	Fines	52,000.00	10,251.03	10,251.03	41,748.97	13,000.00
101-000-0000-36200	Miscellaneous Revenue	17,130.00	322.50	322.50	16,807.50	4,282.50
101-000-0000-36204	Reimbursements	0.00	0.00	0.00	0.00	0.00
101-000-0000-36205	Reimbursements	0.00	0.00	0.00	0.00	0.00
101-000-0000-36210	Interest Earnings	60,000.00	0.00	0.00	60,000.00	15,000.00
101-000-0000-36230	Donations	0.00	8,000.00	8,000.00	(8,000.00)	0.00
101-000-0000-39200	Interfund Operating Transfers	0.00	0.00	0.00	0.00	0.00
0000	General	2,849,011.00	90,483.70	90,483.70	2,758,527.30	712,252.75
000	General	2,849,011.00	90,483.70	90,483.70	2,758,527.30	3.17
Revenue		2,849,011.00	90,483.70	90,483.70	2,758,527.30	3.17
Expense						
410	General Government					
1110	Mayor & Council					
101-410-1110-41030	Part-time Salaries	(16,435.00)	0.00	0.00	(16,435.00)	0.00
101-410-1110-41220	FICA Contributions	(1,019.00)	0.00	0.00	(1,019.00)	0.00
101-410-1110-41230	Medicare Contributions	(238.00)	0.00	0.00	(238.00)	0.00
101-410-1110-43310	Mileage	(1,000.00)	0.00	0.00	(1,000.00)	0.00
101-410-1110-44300	Miscellaneous	(2,000.00)	(500.00)	(500.00)	(1,500.00)	25.00
101-410-1110-44330	Dues & Subscriptions	(9,800.00)	(3,912.00)	(3,912.00)	(5,888.00)	39.91
101-410-1110-44370	Conferences & Training	(3,500.00)	(745.71)	(745.71)	(2,754.29)	21.30
1110	Mayor & Council	(33,992.00)	(5,157.71)	(5,157.71)	(28,834.29)	15.17
1320	Administration					
101-410-1320-41010	Full-time Salaries	(220,753.00)	(45,551.71)	(45,551.71)	(175,201.29)	20.63
101-410-1320-41210	PERA Contributions	(15,453.00)	(1,674.54)	(1,674.54)	(13,778.46)	10.83
101-410-1320-41215	ICMA Employer Contribution	0.00	(1,453.93)	(1,453.93)	1,453.93	0.00

Account No	Description	Budget Amount	Period Amt	YTD Amount	YTD Var Budgeted Amount	Expended	
101-410-1320-41220	FICA Contributions	(13,687.00)	(2,757.38)	(2,757.38)	(10,929.62)	(3,421.75)	20.14
101-410-1320-41230	Medicare Contributions	(3,201.00)	(644.90)	(644.90)	(2,556.10)	(800.25)	20.14
101-410-1320-41300	Health/Dental Insurance	(36,680.00)	(10,130.26)	(10,130.26)	(26,549.74)	(9,170.00)	27.61
101-410-1320-41510	Workers Compensation	(1,741.00)	(1,921.00)	(1,921.00)	180.00	(435.25)	110.33
101-410-1320-42000	Office Supplies	(8,000.00)	(655.78)	(655.78)	(7,344.22)	(2,000.00)	8.19
101-410-1320-42030	Printed Forms	0.00	(422.29)	(422.29)	422.29	0.00	0
101-410-1320-43040	Legal Services	(60,000.00)	(4,798.12)	(4,798.12)	(55,201.88)	(15,000.00)	7.99
101-410-1320-43090	Newsletter/Website	0.00	0.00	0.00	0.00	0.00	0
101-410-1320-43100	Assessing Services	(45,500.00)	(6,000.00)	(6,000.00)	(39,500.00)	(11,375.00)	13.18
101-410-1320-43220	Postage	(7,000.00)	(1,500.00)	(1,500.00)	(5,500.00)	(1,750.00)	21.42
101-410-1320-43310	Mileage	(3,500.00)	0.00	0.00	(3,500.00)	(875.00)	0.00
101-410-1320-43510	Legal Publishing	0.00	0.00	0.00	0.00	0.00	0
101-410-1320-43610	Insurance	(39,500.00)	(38,563.04)	(38,563.04)	(936.96)	(9,875.00)	97.62
101-410-1320-43620	Cable Operation Expense	0.00	0.00	0.00	0.00	0.00	0
101-410-1320-44300	Miscellaneous	(6,000.00)	(150.00)	(150.00)	(5,850.00)	(1,500.00)	2.50
101-410-1320-44330	Dues & Subscriptions	(4,000.00)	(860.00)	(860.00)	(3,140.00)	(1,000.00)	21.50
101-410-1320-44350	Books	0.00	0.00	0.00	0.00	0.00	0
101-410-1320-44370	Conferences & Training	(3,500.00)	(1,070.00)	(1,070.00)	(2,430.00)	(875.00)	30.57
101-410-1320-44380	Staff Development	(1,000.00)	0.00	0.00	(1,000.00)	(250.00)	0.00
101-410-1320-47200	Transfer Out	0.00	0.00	0.00	0.00	0.00	0
1320	Administration	(469,515.00)	(118,152.95)	(118,152.95)	(351,362.05)	(117,378.75)	25.16
1410	Elections						
101-410-1410-41030	Part-time Salaries	(10,000.00)	0.00	0.00	(10,000.00)	(2,500.00)	0.00
101-410-1410-41220	FICA Contributions	0.00	0.00	0.00	0.00	0.00	0
101-410-1410-41230	Medicare Contributions	0.00	0.00	0.00	0.00	0.00	0
101-410-1410-42000	Office Supplies	(250.00)	(46.61)	(46.61)	(203.39)	(62.50)	18.64
101-410-1410-42030	Printed Forms	(350.00)	0.00	0.00	(350.00)	(87.50)	0.00
101-410-1410-43310	Travel Expense	0.00	0.00	0.00	0.00	0.00	0
101-410-1410-44300	Miscellaneous	(1,350.00)	(940.00)	(940.00)	(410.00)	(337.50)	69.63
101-410-1410-44370	Conferences & Training	0.00	0.00	0.00	0.00	0.00	0
101-410-1410-45800	Other Equipment	0.00	0.00	0.00	0.00	0.00	0
1410	Elections	(11,950.00)	(986.61)	(986.61)	(10,963.39)	(2,987.50)	8.25
1450	Communications						
101-410-1450-41010	Full-time Salaries	(10,920.00)	(1,607.38)	(1,607.38)	(9,312.62)	(2,730.00)	14.72
101-410-1450-41210	PERA Contributions	(764.00)	(112.25)	(112.25)	(651.75)	(191.00)	14.69
101-410-1450-41220	FICA Contributions	(677.00)	(99.66)	(99.66)	(577.34)	(169.25)	14.72
101-410-1450-41230	Medicare Contributions	(158.00)	(23.29)	(23.29)	(134.71)	(39.50)	14.74
101-410-1450-41300	Health/Dental Insurance	0.00	0.00	0.00	0.00	0.00	0
101-410-1450-41510	Workers Compensation	(398.00)	(430.00)	(430.00)	32.00	(99.50)	108.04
101-410-1450-43090	Newsletter	(5,400.00)	0.00	0.00	(5,400.00)	(1,350.00)	0.00
101-410-1450-43180	Information Technology/Web	(29,000.00)	(8,998.03)	(8,998.03)	(20,001.97)	(7,250.00)	31.02
101-410-1450-43510	Public Notices	(4,000.00)	(213.63)	(213.63)	(3,786.37)	(1,000.00)	5.34
101-410-1450-43620	Cable Operations	(4,000.00)	(691.01)	(691.01)	(3,308.99)	(1,000.00)	17.27

Account No	Description	Budget Amount	Period Amt	YTD Amount	YTD Var Budgeted Amount	Expended	
1450	Communications	(55,317.00)	(12,175.25)	(12,175.25)	(43,141.75)	(13,829.25)	22.01
1520	Finance						
101-410-1520-41010	Full-time Salaries	(34,060.00)	(7,336.00)	(7,336.00)	(26,724.00)	(8,515.00)	21.53
101-410-1520-41210	PERA Contributions	(2,384.00)	(511.55)	(511.55)	(1,872.45)	(596.00)	21.45
101-410-1520-41220	FICA Contributions	(2,112.00)	(451.78)	(451.78)	(1,660.22)	(528.00)	21.39
101-410-1520-41230	Medicare Contributions	(494.00)	(105.67)	(105.67)	(388.33)	(123.50)	21.39
101-410-1520-41300	Health/Dental Insurance	(3,915.00)	(1,096.94)	(1,096.94)	(2,818.06)	(978.75)	28.01
101-410-1520-41420	Unemployment Benefits	0.00	0.00	0.00	0.00	0.00	0
101-410-1520-41510	Workers Compensation	(161.00)	(176.00)	(176.00)	15.00	(40.25)	109.31
101-410-1520-42000	Office Supplies	(500.00)	0.00	0.00	(500.00)	(125.00)	0.00
101-410-1520-42030	Printed Forms	0.00	0.00	0.00	0.00	0.00	0
101-410-1520-43010	Audit Services	(29,500.00)	(8,000.00)	(8,000.00)	(21,500.00)	(7,375.00)	27.11
101-410-1520-43150	Contract Services	(30,000.00)	(13,032.25)	(13,032.25)	(16,967.75)	(7,500.00)	43.44
101-410-1520-43180	Software Support	0.00	0.00	0.00	0.00	0.00	0
101-410-1520-43185	Hardware Support	0.00	0.00	0.00	0.00	0.00	0
101-410-1520-43190	Software Programs	0.00	0.00	0.00	0.00	0.00	0
101-410-1520-43310	Mileage	(250.00)	0.00	0.00	(250.00)	(62.50)	0.00
101-410-1520-43300	Miscellaneous	(2,000.00)	(970.00)	(970.00)	(1,030.00)	(500.00)	48.50
101-410-1520-44330	Dues & Subscriptions	(100.00)	0.00	0.00	(100.00)	(25.00)	0.00
101-410-1520-44350	Books	(100.00)	0.00	0.00	(100.00)	(25.00)	0.00
101-410-1520-44370	Conferences & Training	(300.00)	0.00	0.00	(300.00)	(75.00)	0.00
1520	Finance	(105,376.00)	(31,680.19)	(31,680.19)	(74,195.81)	(26,469.00)	29.92
1530	Accounting Services						
101-410-1530-43010	Accounting Services	0.00	0.00	0.00	0.00	0.00	0
1530	Accounting Services						
1550	Assessing Services						
101-410-1550-43100	Assessing Services	0.00	0.00	0.00	0.00	0.00	0
1550	Assessing Services						
1610	Legal Services						
101-410-1610-43040	Legal Services	0.00	0.00	0.00	0.00	0.00	0
101-410-1610-43045	Civil Attorney Criminal	0.00	0.00	0.00	0.00	0.00	0
1610	Legal Services						
1910	Planning & Zoning						
101-410-1910-41010	Full-time Salaries	(102,265.00)	(17,349.13)	(17,349.13)	(84,915.87)	(25,566.25)	16.96
101-410-1910-41210	PERA Contributions	(7,159.00)	(1,160.35)	(1,160.35)	(5,998.65)	(1,789.75)	16.20
101-410-1910-41220	FICA Contributions	(6,340.00)	(1,032.08)	(1,032.08)	(5,307.92)	(1,585.00)	16.27
101-410-1910-41230	Medicare Contributions	(1,483.00)	(241.36)	(241.36)	(1,241.64)	(370.75)	16.27
101-410-1910-41300	Health/Dental Insurance	(25,138.00)	(3,917.29)	(3,917.29)	(21,220.71)	(6,284.50)	15.58
101-410-1910-41510	Workers Compensation	(485.00)	(526.00)	(526.00)	41.00	(121.25)	108.45

Account No	Description	Budget Amount	Period Amt	YTD Amount	YTD Var Budgeted Amount	Expended
101-410-1910-42000	Office Supplies	(2,000.00)	0.00	0.00	(2,000.00)	0.00
101-410-1910-42030	Printed Forms	0.00	0.00	0.00	0.00	0.00
101-410-1910-43010	Comm Facilities Planning-CDBG	0.00	0.00	0.00	0.00	0.00
101-410-1910-43011	Old Village Design Study-CDBG	0.00	0.00	0.00	0.00	0.00
101-410-1910-43012	Zoning Ordinance Dev - CDBG	0.00	0.00	0.00	0.00	0.00
101-410-1910-43013	Cinnarron Study - CDBG	0.00	0.00	0.00	0.00	0.00
101-410-1910-43020	Comprehensive Planning	(15,000.00)	0.00	0.00	(15,000.00)	0.00
101-410-1910-43030	Engineering Services	(10,000.00)	(2,341.51)	(2,341.51)	(7,658.49)	23.41
101-410-1910-43040	Legal Services	0.00	0.00	0.00	0.00	0.00
101-410-1910-43050	Infiltration Project	0.00	0.00	0.00	0.00	0.00
101-410-1910-43060	Old Village Tax Abatement	0.00	0.00	0.00	0.00	0.00
101-410-1910-43150	Contract Services	(10,000.00)	(1,313.50)	(1,313.50)	(8,686.50)	13.13
101-410-1910-43310	Mileage	(500.00)	0.00	0.00	(500.00)	0.00
101-410-1910-43620	Cable Operation Expense	0.00	0.00	0.00	0.00	0.00
101-410-1910-44300	Miscellaneous	(500.00)	0.00	0.00	(500.00)	0.00
101-410-1910-44330	Dues & Subscriptions	(500.00)	0.00	0.00	(500.00)	0.00
101-410-1910-44350	Books	(250.00)	0.00	0.00	(250.00)	0.00
101-410-1910-44370	Conferences & Training	(1,000.00)	0.00	0.00	(1,000.00)	0.00
1910	Planning & Zoning	(182,620.00)	(27,881.22)	(27,881.22)	(154,738.78)	15.26
1930	Engineering Services					
101-410-1930-43030	Engineering Services	(70,000.00)	(9,670.23)	(9,670.23)	(60,329.77)	13.81
1930	Engineering Services	(70,000.00)	(9,670.23)	(9,670.23)	(60,329.77)	13.81
1940	City Hall					
101-410-1940-42110	Cleaning Supplies	(550.00)	(152.90)	(152.90)	(397.10)	27.80
101-410-1940-42230	Building Repair Supplies	(1,000.00)	0.00	0.00	(1,000.00)	0.00
101-410-1940-43020	Attorney Fees	0.00	0.00	0.00	0.00	0.00
101-410-1940-43210	Telephone	(8,400.00)	(1,683.47)	(1,683.47)	(6,716.53)	20.04
101-410-1940-43250	Internet	0.00	0.00	0.00	0.00	0.00
101-410-1940-43620	Insurance	0.00	0.00	0.00	0.00	0.00
101-410-1940-43810	Electric Utility	(12,500.00)	(2,469.28)	(2,469.28)	(10,030.72)	19.75
101-410-1940-43830	Gas Utility	0.00	0.00	0.00	0.00	0.00
101-410-1940-43840	Refuse	(1,300.00)	(207.32)	(207.32)	(1,092.68)	15.94
101-410-1940-44010	Repairs/Maint Contractual Bldg	(11,000.00)	(3,127.71)	(3,127.71)	(7,872.29)	28.43
101-410-1940-44040	Repairs/Maint Contractual Eqpt	(5,000.00)	(357.27)	(357.27)	(4,642.73)	7.14
101-410-1940-44300	Miscellaneous	(1,000.00)	(42.02)	(42.02)	(957.98)	4.20
1940	City Hall	(40,750.00)	(8,039.97)	(8,039.97)	(32,710.03)	19.73
410	General Government	(970,020.00)	(213,744.13)	(213,744.13)	(756,275.87)	22.03
420	Public Safety					
2100	Police					

Account No	Description	Budget Amount	Period Amt	YTD Amount	YTD Var Budgeted Amount Expended
101-420-2100-43150	Law Enforcement Contract				
101-420-2100-47200	Transfer Out	(474,935.00)	0.00	0.00	(118,733.75)
2100	Police	0.00	0.00	0.00	0.00
		(474,935.00)	0.00	0.00	(118,733.75)
2150	Prosecution				
101-420-2150-43045	Attorney Criminal	(51,000.00)	(7,597.03)	(7,597.03)	(43,402.97)
2150	Prosecution	(51,000.00)	(7,597.03)	(7,597.03)	(43,402.97)
2220	Fire				
101-420-2220-41010	Full-time Salaries	(63,803.00)	(13,642.20)	(13,642.20)	(50,160.80)
101-420-2220-41030	Part-time Salaries	(110,000.00)	(8,545.52)	(8,545.52)	(101,454.48)
101-420-2220-41210	PERA Contributions	(8,669.00)	(1,860.01)	(1,860.01)	(2,167.25)
101-420-2220-41220	FICA Contributions	(7,106.00)	(582.13)	(582.13)	(1,776.50)
101-420-2220-41230	Medicare Contributions	(2,520.00)	(313.97)	(313.97)	(630.00)
101-420-2220-41300	Health/Dental Insurance	(15,855.00)	(3,902.24)	(3,902.24)	(3,963.75)
101-420-2220-41420	Unemployment Benefits	0.00	0.00	0.00	0.00
101-420-2220-41510	Workers Compensation	(10,575.00)	(12,472.00)	(12,472.00)	(2,643.75)
101-420-2220-42000	Office Supplies	(1,500.00)	(245.81)	(245.81)	(375.00)
101-420-2220-42030	Printed Forms	0.00	0.00	0.00	0.00
101-420-2220-42080	EMS Supplies	(1,200.00)	0.00	0.00	(300.00)
101-420-2220-42090	Fire Prevention	(3,000.00)	0.00	0.00	(750.00)
101-420-2220-42120	Fuel, Oil and Fluids	(11,500.00)	(1,356.83)	(1,356.83)	(2,875.00)
101-420-2220-42210	Equipment Parts	0.00	0.00	0.00	0.00
101-420-2220-42230	Building Repair Supplies	0.00	0.00	0.00	0.00
101-420-2220-42400	Small Tools & Equipment	(10,000.00)	(3,220.10)	(3,220.10)	(6,779.90)
101-420-2220-43050	Physicals	(7,550.00)	0.00	0.00	(7,550.00)
101-420-2220-43210	Telephone	(5,100.00)	(762.31)	(762.31)	(4,337.69)
101-420-2220-43230	Radio	(19,920.00)	(25.65)	(25.65)	(19,894.35)
101-420-2220-43250	Internet	0.00	0.00	0.00	0.00
101-420-2220-43310	Mileage	(600.00)	0.00	0.00	(600.00)
101-420-2220-43630	Vehicle Insurance	(15,475.00)	(13,980.20)	(13,980.20)	(1,494.80)
101-420-2220-43810	Electric Utility	(13,900.00)	(3,562.15)	(3,562.15)	(10,337.85)
101-420-2220-43830	Gas Utility	0.00	0.00	0.00	0.00
101-420-2220-43840	Refuse	(1,000.00)	(91.24)	(91.24)	(908.76)
101-420-2220-44010	Repairs/Maint Bldg	(10,000.00)	(9,825.79)	(9,825.79)	(174.21)
101-420-2220-44040	Repairs/Maint Eqpt	(26,907.00)	(1,733.90)	(1,733.90)	(25,173.10)
101-420-2220-44120	Rentals - Building	0.00	0.00	0.00	0.00
101-420-2220-44170	Uniforms	(5,600.00)	(961.45)	(961.45)	(4,638.55)
101-420-2220-44300	Miscellaneous	(2,800.00)	(7.88)	(7.88)	(2,792.12)
101-420-2220-44330	Dues & Subscriptions	(2,200.00)	(1,179.00)	(1,179.00)	(1,021.00)
101-420-2220-44350	Books	(850.00)	(635.91)	(635.91)	(214.09)
101-420-2220-44370	Conferences & Training	(20,225.00)	(7,053.86)	(7,053.86)	(13,171.14)
101-420-2220-44910	Pension Contribution	0.00	0.00	0.00	0.00
101-420-2220-44920	Fire State Aid	0.00	0.00	0.00	0.00
101-420-2220-45500	Vehicle	0.00	0.00	0.00	0.00

Account No	Description	Budget Amount	Period Amt	YTD Amount	YTD Var Budgeted Amount	Expended
101-420-2220-45800	Equipment	0.00	0.00	0.00	0.00	0
101-420-2220-47200	Transfer Out	0.00	0.00	0.00	0.00	0
2220	Fire	(377,855.00)	(85,960.15)	(85,960.15)	(291,894.85)	22.75
2250	Fire Relief					
101-420-2250-44920	Fire State Aid	(40,000.00)	0.00	0.00	(40,000.00)	0.00
101-420-2250-44925	City Contribution	(17,864.00)	0.00	0.00	(17,864.00)	0.00
2250	Fire Relief	(57,864.00)	0.00	0.00	(57,864.00)	0.00
2400	Building Inspection					
101-420-2400-41010	Full-time Salaries	(59,740.00)	(12,542.70)	(12,542.70)	(47,197.30)	20.99
101-420-2400-41210	PERA Contributions	(4,182.00)	(874.61)	(874.61)	(3,307.39)	20.91
101-420-2400-41220	FICA Contributions	(3,704.00)	(764.10)	(764.10)	(2,939.90)	20.62
101-420-2400-41230	Medicare Contributions	(866.00)	(178.67)	(178.67)	(687.33)	20.63
101-420-2400-41300	Health/Dental Insurance	(9,015.00)	(2,180.95)	(2,180.95)	(6,834.05)	24.19
101-420-2400-41510	Workers Compensation	(2,143.00)	(2,319.00)	(2,319.00)	176.00	108.21
101-420-2400-42000	Office Supplies	(300.00)	0.00	0.00	(300.00)	0.00
101-420-2400-42030	Printed Forms	(300.00)	0.00	0.00	(300.00)	0.00
101-420-2400-42120	Fuel, Oil and Fluids	(3,750.00)	0.00	0.00	(3,750.00)	0.00
101-420-2400-43030	Engineering	(5,000.00)	(694.26)	(694.26)	(4,305.74)	13.88
101-420-2400-43050	Plan Review Charges	(1,000.00)	0.00	0.00	(1,000.00)	0.00
101-420-2400-43060	Surcharge Payments	0.00	1,615.51	1,615.51	(1,615.51)	0
101-420-2400-43150	Inspector Contract Services	(1,000.00)	0.00	0.00	(1,000.00)	0.00
101-420-2400-43210	Telephone	(500.00)	(34.86)	(34.86)	(465.14)	6.97
101-420-2400-43310	Mileage	(250.00)	0.00	0.00	(250.00)	0.00
101-420-2400-43630	Insurance	(1,000.00)	(903.41)	(903.41)	(96.59)	90.34
101-420-2400-44040	Repairs/Maint Eqpt	(750.00)	(358.48)	(358.48)	(391.52)	47.79
101-420-2400-44120	Rentals - Building	0.00	0.00	0.00	0.00	0
101-420-2400-44170	Uniforms	(300.00)	0.00	0.00	(300.00)	0.00
101-420-2400-44300	Miscellaneous	(500.00)	(15.41)	(15.41)	(484.59)	3.08
101-420-2400-44330	Dues & Subscriptions	(200.00)	0.00	0.00	(200.00)	0.00
101-420-2400-44350	Books	(200.00)	0.00	0.00	(200.00)	0.00
101-420-2400-44370	Conferences & Training	(500.00)	(130.00)	(130.00)	(370.00)	26.00
101-420-2400-45800	Equipment	0.00	0.00	0.00	0.00	0
101-420-2400-47200	Transfer Out	0.00	0.00	0.00	0.00	0
2400	Building Inspection	(95,200.00)	(19,380.94)	(19,380.94)	(75,819.06)	20.35
2500	Civil Defense					
101-420-2500-47200	Transfer Out	0.00	0.00	0.00	0.00	0
2500	Civil Defense	0.00	0.00	0.00	0.00	0
2600	Code Enforcement					
101-420-2600-41010	Full-time Salaries	0.00	0.00	0.00	0.00	0
101-420-2600-41210	PERA Contributions	0.00	0.00	0.00	0.00	0
101-420-2600-41220	FICA Contributions	0.00	0.00	0.00	0.00	0

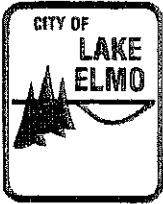
Account No	Description	Budget Amount	Period Amt	YTD Amount	YTD Var Budgeted Amount	Expended
101-420-2600-41230	Medicare Contributions	0.00	0.00	0.00	0.00	0.00
101-420-2600-41300	Health/Dental Insurance	0.00	0.00	0.00	0.00	0.00
101-420-2600-41510	Workers Compensation	0.00	0.00	0.00	0.00	0.00
101-420-2600-42000	Office Supplies	0.00	0.00	0.00	0.00	0.00
101-420-2600-42030	Printed Forms	0.00	0.00	0.00	0.00	0.00
101-420-2600-42120	Fuel, Oil and Fluids	0.00	0.00	0.00	0.00	0.00
101-420-2600-43210	Telephone	0.00	0.00	0.00	0.00	0.00
101-420-2600-43630	Vehicle Insurance	0.00	0.00	0.00	0.00	0.00
101-420-2600-44040	Repairs/Maint Contractual Eqpt	0.00	0.00	0.00	0.00	0.00
101-420-2600-44120	Rentals - Buildings	0.00	0.00	0.00	0.00	0.00
101-420-2600-44170	Uniforms	0.00	0.00	0.00	0.00	0.00
101-420-2600-44300	Miscellaneous	0.00	0.00	0.00	0.00	0.00
101-420-2600-44330	Dues & Subscriptions	0.00	0.00	0.00	0.00	0.00
101-420-2600-44350	Books	0.00	0.00	0.00	0.00	0.00
101-420-2600-44370	Conferences & Training	0.00	0.00	0.00	0.00	0.00
101-420-2600-45800	Equipment	0.00	0.00	0.00	0.00	0.00
101-420-2600-47200	Transfer Out	0.00	0.00	0.00	0.00	0.00
2600	Code Enforcement	0.00	0.00	0.00	0.00	0.00
2700	Animal Control					
101-420-2700-42030	Printed Forms	(150.00)	0.00	0.00	(150.00)	0.00
101-420-2700-43150	Contract Services	(12,600.00)	(1,073.00)	(1,073.00)	(11,527.00)	8.51
101-420-2700-43160	Impounding	0.00	0.00	0.00	0.00	0.00
101-420-2700-44300	Miscellaneous	(100.00)	0.00	0.00	(100.00)	0.00
2700	Animal Control	(12,850.00)	(1,073.00)	(1,073.00)	(11,777.00)	8.35
2800	Engineering					
101-420-2800-41010	Full-time Salaries	0.00	0.00	0.00	0.00	0.00
101-420-2800-41210	PERA Contributions	0.00	0.00	0.00	0.00	0.00
101-420-2800-41220	FICA Contributions	0.00	0.00	0.00	0.00	0.00
101-420-2800-41230	Medicare Contributions	0.00	0.00	0.00	0.00	0.00
101-420-2800-41300	Health/Dental Insurance	0.00	0.00	0.00	0.00	0.00
101-420-2800-41510	Workers Compensation	0.00	0.00	0.00	0.00	0.00
101-420-2800-42000	Office Supplies	0.00	0.00	0.00	0.00	0.00
101-420-2800-42030	Printed Forms	0.00	0.00	0.00	0.00	0.00
101-420-2800-42120	Fuel, Oil and Fluids	0.00	0.00	0.00	0.00	0.00
101-420-2800-43210	Telephone	0.00	0.00	0.00	0.00	0.00
101-420-2800-43630	Vehicle Insurance	0.00	0.00	0.00	0.00	0.00
101-420-2800-44300	Miscellaneous	0.00	0.00	0.00	0.00	0.00
101-420-2800-44330	Dues & Subscriptions	0.00	0.00	0.00	0.00	0.00
101-420-2800-44350	Books	0.00	0.00	0.00	0.00	0.00
101-420-2800-44370	Conferences & Training	0.00	0.00	0.00	0.00	0.00
101-420-2800-47200	Transfer Out	0.00	0.00	0.00	0.00	0.00
2800	Engineering	0.00	0.00	0.00	0.00	0.00

Account No	Description	Budget Amount	Period Amt	YTD Amount	YTD Var Budgeted Amount	Expended
420	Public Safety	(1,069,704.00)	(114,011.12)	(114,011.12)	(955,692.88)	(267,426.00)
430	Public Works					
3100	Full-time Salaries	(128,387.00)	(25,845.89)	(25,845.89)	(102,541.11)	(32,096.75)
101-430-3100-41010		(12,573.00)	0.00	0.00	(12,573.00)	(3,143.25)
101-430-3100-41030	Part-time Salaries	(9,867.00)	(1,802.29)	(1,802.29)	(8,064.71)	(2,466.75)
101-430-3100-41210	PERA Contributions	(8,740.00)	(1,524.85)	(1,524.85)	(7,215.15)	(2,185.00)
101-430-3100-41220	FICA Contributions	(2,044.00)	(356.68)	(356.68)	(1,687.32)	(511.00)
101-430-3100-41230	Medicare Contributions	(36,027.00)	(9,576.41)	(9,576.41)	(26,450.59)	(9,006.75)
101-430-3100-41300	Health/Dental Insurance	(11,500.00)	(13,541.00)	(13,541.00)	2,041.00	(2,875.00)
101-430-3100-41510	Workers Compensation	(500.00)	(108.41)	(108.41)	(391.59)	(125.00)
101-430-3100-42000	Office Supplies	0.00	(160.00)	(160.00)	160.00	0.00
101-430-3100-42120	Fuel, Oil and Fluids	(4,000.00)	(402.35)	(402.35)	(3,597.65)	(1,000.00)
101-430-3100-42150	Shop Materials	0.00	0.00	0.00	0.00	0.00
101-430-3100-42210	Equipment Parts	(1,000.00)	0.00	0.00	(1,000.00)	(250.00)
101-430-3100-42230	Building Repair Supplies	0.00	0.00	0.00	0.00	0.00
101-430-3100-42240	Street Maintenance Materials	0.00	0.00	0.00	0.00	0.00
101-430-3100-42250	Landscaping Materials	0.00	0.00	0.00	0.00	0.00
101-430-3100-42260	Sign Repair Materials	0.00	0.00	0.00	0.00	0.00
101-430-3100-42290	Sand/Salt	0.00	0.00	0.00	0.00	0.00
101-430-3100-42400	Small Tools & Minor Equipment	(3,000.00)	(649.05)	(649.05)	(2,350.95)	(750.00)
101-430-3100-43030	Engineering Services	0.00	(92.57)	(92.57)	92.57	0.00
101-430-3100-43090	Sealcoating & Crack Sealing	0.00	0.00	0.00	0.00	0.00
101-430-3100-43150	Contract Services	(13,400.00)	(178.30)	(178.30)	(13,221.70)	(3,350.00)
101-430-3100-43210	Telephone	(7,500.00)	(1,869.24)	(1,869.24)	(5,630.76)	(1,875.00)
101-430-3100-43230	Radio	(500.00)	0.00	0.00	(500.00)	(125.00)
101-430-3100-43250	Internet	0.00	0.00	0.00	0.00	0.00
101-430-3100-43310	Mileage	(100.00)	0.00	0.00	(100.00)	(25.00)
101-430-3100-43630	Insurance	(15,670.00)	(14,156.37)	(14,156.37)	(1,513.63)	(3,917.50)
101-430-3100-43810	Electric Utility	(29,500.00)	(6,443.78)	(6,443.78)	(23,056.22)	(7,375.00)
101-430-3100-43830	Gas Utility	0.00	0.00	0.00	0.00	0.00
101-430-3100-43840	Refuse	(1,800.00)	(397.74)	(397.74)	(1,402.26)	(450.00)
101-430-3100-44010	Repairs/Maint Bldg	(2,000.00)	(869.69)	(869.69)	(1,130.31)	(500.00)
101-430-3100-44030	Repairs/Maint Imp Not Bldgs	0.00	0.00	0.00	0.00	0.00
101-430-3100-44040	Repairs/Maint Eqpmt	(6,000.00)	(115.78)	(115.78)	(5,884.22)	(1,500.00)
101-430-3100-44120	Rentals - Buildings	0.00	0.00	0.00	0.00	0.00
101-430-3100-44170	Uniforms	(1,675.00)	(580.68)	(580.68)	(1,094.32)	(418.75)
101-430-3100-44300	Miscellaneous	(2,000.00)	(188.50)	(188.50)	(1,811.50)	(500.00)
101-430-3100-44330	Dues & Subscriptions	(150.00)	0.00	0.00	(150.00)	(37.50)
101-430-3100-44370	Conferences & Training	(900.00)	0.00	0.00	(900.00)	(225.00)
101-430-3100-44380	Clean-up Days	(7,500.00)	0.00	0.00	(7,500.00)	(1,875.00)
101-430-3100-45200	Buildings	0.00	0.00	0.00	0.00	0.00
101-430-3100-45500	Vehicles	0.00	0.00	0.00	0.00	0.00
101-430-3100-45800	Other Equipment	0.00	0.00	0.00	0.00	0.00

Account No	Description	Budget Amount	Period Amt	YTD Amount	YTD Var Budgeted Amount	Expended
101-430-3100-47200	Transfer Out	0.00	0.00	0.00	0.00	0
3100	Public Works	(306,333.00)	(78,859.58)	(78,859.58)	(227,473.42)	(76,583.25) 25.74
3120	Streets					
101-430-3120-42120	Fuel, Oil and Fluids	(32,000.00)	(4,680.21)	(4,680.21)	(27,319.79)	(8,000.00) 14.62
101-430-3120-42210	Equipment Parts	(8,500.00)	(148.64)	(148.64)	(8,351.36)	(2,125.00) 1.74
101-430-3120-42240	Street Maintenance Materials	(18,000.00)	(183.40)	(183.40)	(17,816.60)	(4,500.00) 1.01
101-430-3120-42260	Sign Repair Materials	(3,000.00)	(1,104.68)	(1,104.68)	(1,895.32)	(750.00) 36.82
101-430-3120-43150	Contract Services	(14,000.00)	0.00	0.00	(14,000.00)	(3,500.00) 0.00
101-430-3120-44040	Repairs/Maint Eqpt	(5,000.00)	0.00	0.00	(5,000.00)	(1,250.00) 0.00
3120	Streets	(80,500.00)	(6,116.93)	(6,116.93)	(74,383.07)	(20,125.00) 7.59
3125	Ice and Snow Removal					
101-430-3125-42250	Landscaping Materials	(1,000.00)	0.00	0.00	(1,000.00)	(250.00) 0.00
101-430-3125-42290	Sand/Salt	(50,000.00)	(56,368.35)	(56,368.35)	6,368.35	(12,500.00) 112.73
101-430-3125-43150	Contract Services	(10,000.00)	0.00	0.00	(10,000.00)	(2,500.00) 0.00
101-430-3125-44040	Repairs/Maint Eqpt	(2,500.00)	(1,694.64)	(1,694.64)	(805.36)	(625.00) 67.78
3125	Ice and Snow Removal	(63,500.00)	(58,062.99)	(58,062.99)	(5,437.01)	(15,875.00) 91.43
3160	Street Lighting					
101-430-3160-43810	Street Lighting	(24,000.00)	(4,121.39)	(4,121.39)	(19,878.61)	(6,000.00) 17.17
3160	Street Lighting	(24,000.00)	(4,121.39)	(4,121.39)	(19,878.61)	(6,000.00) 17.17
3200	Recycling					
101-430-3200-42100	Recycling Supplies	(3,500.00)	0.00	0.00	(3,500.00)	(875.00) 0.00
101-430-3200-43090	Newsletter	(4,000.00)	0.00	0.00	(4,000.00)	(1,000.00) 0.00
101-430-3200-44300	Miscellaneous	(7,500.00)	0.00	0.00	(7,500.00)	(1,875.00) 0.00
3200	Recycling	(15,000.00)	0.00	0.00	(15,000.00)	(3,750.00) 0.00
3250	Tree Program					
101-430-3250-43150	Contract Services	(10,000.00)	(1,992.00)	(1,992.00)	(8,008.00)	(2,500.00) 19.92
3250	Tree Program	(10,000.00)	(1,992.00)	(1,992.00)	(8,008.00)	(2,500.00) 19.92
3300	CDBG					
101-430-3300-43150	Contract Services - CDBG	0.00	0.00	0.00	0.00	0.00 0
3300	CDBG	0.00	0.00	0.00	0.00	0.00 0
430	Public Works	(499,333.00)	(149,152.89)	(149,152.89)	(350,180.11)	(124,833.25) 29.87
450	Culture, Recreation					
5200	Parks & Recreation					
101-450-5200-41010	Full-time Salaries	(77,561.00)	(14,795.67)	(14,795.67)	(62,765.33)	(19,390.25) 19.07
101-450-5200-41030	Part-time Salaries	(30,551.00)	(3,864.70)	(3,864.70)	(26,686.30)	(7,637.75) 12.65

Account No	Description	Budget Amount	Period Amt	YTD Amount	YTD Var Budgeted Amount	Expended
101-450-5200-41210	PERA Contributions	(7,568.00)	(1,167.59)	(1,167.59)	(6,400.41)	15.42
101-450-5200-41220	FICA Contributions	(6,703.00)	(1,126.53)	(1,126.53)	(5,576.47)	16.80
101-450-5200-41230	Medicare Contributions	(1,568.00)	(263.42)	(263.42)	(1,304.58)	16.80
101-450-5200-41300	Health/Dental Insurance	(14,044.00)	(3,593.30)	(3,593.30)	(10,450.70)	25.58
101-450-5200-41420	Unemployment Benefits	(1,642.00)	0.00	0.00	(1,642.00)	0.00
101-450-5200-41510	Workers Compensation	(6,703.00)	(7,253.00)	(7,253.00)	550.00	108.20
101-450-5200-42000	Office Supplies	(300.00)	0.00	0.00	(300.00)	0.00
101-450-5200-42120	Fuel, Oil and Fluids	(3,000.00)	0.00	0.00	(3,000.00)	0.00
101-450-5200-42150	Shop Materials	(750.00)	0.00	0.00	(750.00)	0.00
101-450-5200-42160	Chemicals	(1,000.00)	0.00	0.00	(1,000.00)	0.00
101-450-5200-42210	Equipment Parts	(2,500.00)	0.00	0.00	(2,500.00)	0.00
101-450-5200-42230	Building Repair Supplies	(500.00)	0.00	0.00	(500.00)	0.00
101-450-5200-42250	Landscaping Materials	(3,500.00)	0.00	0.00	(3,500.00)	0.00
101-450-5200-42400	Small Tools & Minor Equipment	(1,000.00)	(369.79)	(369.79)	(630.21)	36.97
101-450-5200-43030	Engineering Services	0.00	0.00	0.00	0.00	0
101-450-5200-43210	Telephone	(650.00)	(17.43)	(17.43)	(632.57)	2.68
101-450-5200-43230	Radio	0.00	0.00	0.00	0.00	0
101-450-5200-43250	Internet	0.00	0.00	0.00	0.00	0
101-450-5200-43310	Mileage	(200.00)	0.00	0.00	(200.00)	0.00
101-450-5200-43630	Insurance	(5,500.00)	(4,968.73)	(4,968.73)	(531.27)	90.34
101-450-5200-43810	Electric Utility	(10,164.00)	(3,096.15)	(3,096.15)	(7,067.85)	30.46
101-450-5200-43830	Gas Utility	0.00	0.00	0.00	0.00	0
101-450-5200-43840	Refuse	(2,500.00)	(397.74)	(397.74)	(2,102.26)	15.91
101-450-5200-44010	Repairs/Maint Bldg	(700.00)	0.00	0.00	(700.00)	0.00
101-450-5200-44030	Repairs/Maint Imp Not Bldgs	(4,000.00)	(700.27)	(700.27)	(3,299.73)	17.50
101-450-5200-44040	Repairs/Maint Eqpt	(2,000.00)	0.00	0.00	(2,000.00)	0.00
101-450-5200-44120	Rentals - Buildings	(5,000.00)	0.00	0.00	(5,000.00)	0.00
101-450-5200-44170	Uniforms	0.00	0.00	0.00	0.00	0
101-450-5200-44300	Miscellaneous	(1,500.00)	(129.50)	(129.50)	(1,370.50)	8.63
101-450-5200-44330	Dues & Subscriptions	0.00	0.00	0.00	0.00	0
101-450-5200-44370	Conferences & Training	0.00	0.00	0.00	0.00	0
101-450-5200-47200	Transfer Out	0.00	0.00	0.00	0.00	0
5200	Parks & Recreation	(191,104.00)	(41,743.82)	(41,743.82)	(149,360.18)	21.84
450	Culture, Recreation	(191,104.00)	(41,743.82)	(41,743.82)	(149,360.18)	21.84
493	Other Financing Uses					
9360	Transfers Out					
101-493-9360-47200	Transfers Out	(118,850.00)	0.00	0.00	(118,850.00)	0.00
9360	Transfers Out	(118,850.00)	0.00	0.00	(118,850.00)	0.00

Account No	Description	Budget Amount	Period Amt	YTD Amount	YTD Var Budgeted Amount	Expended
493	Other Financing Uses	(118,850.00)	0.00	0.00	(118,850.00)	(29,712.50) 0.00
	Expense	(2,849,011.00)	(518,651.96)	(518,651.96)	(2,330,359.04)	(712,252.75) 18.20
101	General Fund	0.00	(428,168.26)	(428,168.26)	428,168.26	0.00 0
	Revenue Total:	2,849,011.00	90,483.70	90,483.70	2,758,527.30	712,252.75 3.17
	Expense Total:	(2,849,011.00)	(518,651.96)	(518,651.96)	(2,330,359.04)	(712,252.75) 18.20
	Report Totals:	0.00	(428,168.26)	(428,168.26)	428,168.26	0.00 0.00



MAYOR & COUNCIL COMMUNICATION

DATE: 5/18/2010
REGULAR
ITEM #: 10
MOTION **Resolution 2010-017**

AGENDA ITEM: Comprehensive Plan Amendment for Senior Living and Farm School Project at 9434 Stillwater Boulevard North – PID's: 15-029-21-31-0001 and 15-029-21-31-0003

SUBMITTED BY: Tammy Malmquist, Applicant
Lake Elmo Planning Commission
Kyle Klatt, Planning Director

THROUGH: Bruce A. Messelt, City Administrator *BAW*

REVIEWED BY: Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED: As per City Council direction from May 4th, 2010, resubmitted for Council Consideration is a proposed Comprehensive Plan Amendment, requested from Mrs. Tammy Malmquist, 8549 Ironwood Trail North. Assuming affirmative action by the City Council, forthcoming will be separate requests for a Zoning Text/Map Amendment (Item #11 on tonight's Agenda) and an OP Open Space Preservation Concept Plan and a Planned Unit Development concept plan (both tabled by the Planning Commission on May 10th, 2010).

In their totality, these four actions would allow the establishment of a 40-unit senior living multi-family building, 10 townhouse units, and a farm-themed preschool on a 30.9 acre parcel at 9434 Stillwater Boulevard North. The unanimous recommendation of the Planning Commission to approve the proposed Comprehensive Plan Amendment is reflected in the following motion:

SUGGESTED MOTION: *“Move to Approve Resolution 2010-017 Amending the City of Lake Elmo Comprehensive Plan to change future land use designation for the identified parcel from RAD to RAD2, as reflected in the specific findings and recommendations of the Planning Commission.”*

BACKGROUND INFORMATION: Given the complex nature of this application, Staff has recommending that the Planning Commission and City Council review focus first on the Comprehensive Plan and Zoning amendments before proceeding with a discussion of the OP Development and PUD Concept Plans. The primary reason for the staged review was to take the bigger picture items first, and then advance with the detailed plan reviews, if warranted.

This process was designed to save time, resources and effort, should support not exist within the Planning Commission and City Council to move forward with the Comprehensive Plan and Rezoning. However, the Planning Commission elected to only consider and forward at this time for Council consideration the recommended Comprehensive Plan Amendment. A summary of this item follows:

COMPREHENSIVE PLAN AMENDMENT: A request to amend the Lake Elmo Comprehensive Plan, and specifically the Future Land Use Map, to change the future use of the applicant's 30.9 acre parcel from RAD Rural Agriculture Density (.45 dwelling units per acre) to RAD2 Rural Agricultural Density/2 (2 dwelling units per acre). The applicant has requested a transfer of some density from an existing RAD2 area located west of the applicant's site along Stillwater Boulevard to the project site.

On May 4th, the City Council discussed this item and elected to delay consideration (3-2 vote) by two weeks. During this interim period, the Planning Commission proceeded to hold the required Public Hearing and approve the requested Zoning Overlay (item #11 on tonight's Agenda) but elected to table action on the requested OP Preservation Concept Plan and Planned Unit Development.

STAFF REPORT: The attached Staff report from the Planning Department includes detailed information concerning the application and the review and recommendation concerning the first two portions of the request: the Comprehensive Plan and then-recommended Zoning Text Amendment. As the Planning Commission has acted upon the requested alternative Zoning Overlay, this item is also scheduled for Council review and consideration tonight.

The staff report also includes a brief summarization of the issues that have been identified concerning the specific concept plans, which were presented in greater detail to the Planning Commission on May 10th. Please note, however, that the City Council is **not being asked to review the concept plans at this time, and should focus its attention on the positive or negative aspects of the Comprehensive Plan Amendment** being requested.

Should the City Council decide to not move forward with the requested revisions to the Comprehensive Plan, the latter decisions will not require a significant amount of additional discussion and review, since the concept plans and Zoning changes would not be consistent with the Comprehensive Plan (and therefore could not be approved).

Planning Staff did recommend denial of the proposed Comprehensive Plan amendment, as requested by the applicant. Findings of fact for denial were included in the original Planning Commission Report and are available tonight, if requested.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission unanimously supported the applicant's requested Comprehensive Plan Amendment and developed a revised list of findings, included in the Planning Commission report. The findings have been incorporated by the Planning Director and City Attorney into the attached draft Resolution for Council Consideration.

The Planning Commission has also unanimously approved the proposed Overlay Zoning changes but chose to table taking action on the OP Development and PUD Concept Plans.

RECOMMENDATION: Based upon the above background information, staff report and recommendation of the Planning Commission, it is recommended that the City Council discuss and consider the proposed Comprehensive Plan Amendment, as delineated in the attached draft Resolution. Affirmative action can be undertaken by the following motion:

“Move to Approve Resolution 2010-017 Amending the City of Lake Elmo Comprehensive Plan to change future land use designation for the identified parcel from RAD to RAD2, as reflected in the specific findings and recommendations of the Planning Commission.”

Of note: The City Council will not be able to formally adopt the Comprehensive Plan Amendment until after Met Council review is complete. It appears that this amendment would be classified as a "minor plan amendment" by the Met Council and, therefore, not subject to adjacent review. However, staff is still researching this requirement (noted in the Resolution).

It should also be noted that final approval of the Comprehensive Plan Amendment is contingent upon approval by the City Council of the other aspects of this project. This contingency obviates the necessity or taking action to reverse tonight's decision, should the proposed development not move forward. Language to this effect has been crafted by the City Attorney and is also included in the draft Resolution.

Alternatively, the City Council does have the authority to deny the recommendation of the Planning Commission at tonight's meeting. However, further delay of action tonight may require the concurrence of the applicant, given state statutes governing timely responses to land use applications. The City Council may also elect to amend this recommendation, as appropriate. If the latter is done, the appropriate action of the Council following such discussion would be:

“Move to Approve Resolution No. 2010-017 [as amended at tonight's meeting].”

Future Considerations: Should this initial step in this development proposal be affirmed at tonight's meeting, the following "future considerations" specific to this proposal are noted for Council information:

- The feasibility of the site and proposed development to comply with all aspects of the City Code remains to be determined. Of critical importance will be compliance with the City's new storm water regulations, and the resulting impact to site.
- The City and applicant will need to take into consideration potential future local, collector and arterial transportation improvements, above those already noted, directly or indirectly resulting from the development, as well as anticipated financial participation of the applicant in such future improvements.
- The City and the applicant will need to take into consideration current and potential future provision of municipal utility services, including water and wastewater, as these services are improved and/or become available, consistent with state law and the best long-term interests of the City and development.
- The City and applicant may need to decide if the housing on the site should be age restricted and/or develop language that restricts future uses to those proposed by the applicant may prove problematic.
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With respect to more general "future considerations," the City Council may wish to consider future review of the Comprehensive Plan, which is currently devoid of any language addressing senior housing outside of the Village or multi-family buildings in rural development areas.

The City Council has also discussed, in general, a desire future consideration of City progress toward overall development objectives, revisions to the Comprehensive Plan and Zoning relating to the R@ and other designations, and completion of review of the Village Master Plan and 10th St N – I-94 Corridor area.

ATTACHMENTS:

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2. Planning Staff Report
3. Copies of Written Correspondence
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5. Farm School and Senior Living Concept Plans (*previously provided*)
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 - Minnesota Department of Transportation
 - Valley Branch Watershed District

- o Oakdale Fire Department (Public Safety)
 - o City Engineer
9. Future Land Use Map (Applicant's Site and RAD2 Areas) *(previously provided)*
10. Aerial Image of Site *(previously provided)*

SUGGESTED ORDER OF BUSINESS:

- Introduction..... City Administrator
- Discussion by the City Council..... Mayor & City Council
- Public Comments, if appropriate Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates



MAYOR & COUNCIL COMMUNICATION

DATE: 5/18/2010
REGULAR
ITEM #: 10
MOTION Resolution 2010-017

AGENDA ITEM: Comprehensive Plan Amendment for Senior Living and Farm School Project at 9434 Stillwater Boulevard North – PID's: 15-029-21-31-0001 and 15-029-21-31-0003

SUBMITTED BY: Tammy Malmquist, Applicant
Lake Elmo Planning Commission
Kyle Klatt, Planning Director

THROUGH: Bruce A. Messelt, City Administrator *BAW*

REVIEWED BY: Dave Snyder, City Attorney

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- Introduction..... City Administrator
- Discussion by the City Council..... Mayor & City Council
- Public Comments, if appropriate Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

Fee \$ _____

City of Lake Elmo DEVELOPMENT APPLICATION FORM

- Comprehensive Plan Amendment
- Zoning District Amendment
- Text Amendment
- Flood Plain C.U.P. Conditional Use Permit
- Conditional Use Permit (C.U.P.)
- Variance * (See below)
- Minor Subdivision
- Lot Line Adjustment
- Residential Subdivision Sketch/Concept Plan
- Site & Building Plan Review
- Residential Subdivision Preliminary/Final Plat
 - 01 - 10 Lots
 - 11 - 20 Lots
 - 21 Lots or More
- Excavating & Grading Permit
- Appeal
- PUD

APPLICANT: TAMMY MALMQUIST 8549 IRONWOOD TRAIL NORTH LAKE ELMO MN 55042
(Name) (Mailing Address) (Zip)

TELEPHONES: 651-777-0655 651-775-9840
(Home) (Work) (Mobile) (Fax)

FEE OWNER: ESTATE OF IRVIN FRIEDRICH
(Name) (Mailing Address) (Zip)

TELEPHONES: _____
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description):
9434 STILLWATER BLVD N. LAKE ELMO, MN. 55042
P.T.D. 15-029-21-31-0001
SEE ATTACHED LEGAL DESCRIPTION

DETAILED REASON FOR REQUEST:
COMPREHENSIVE PLAN (2005-2030) LAND USE MAP AMENDMENT.
SEE DETAILED PROJECT NARRATIVE.

*VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

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

[Signature] /31/10
Signature of Applicant Date

[Signature] /29/10
Signature of Applicant Date
OWNER

Fee \$ _____

City of Lake Elmo DEVELOPMENT APPLICATION FORM

- | | | |
|--|--|---|
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Variance * (See below) | <input type="checkbox"/> Residential Subdivision Preliminary/Final Plat |
| <input type="checkbox"/> Zoning District Amendment | <input type="checkbox"/> Minor Subdivision | ○ 01 - 10 Lots |
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9434 STILLWATER BLVD N. LAKE ELMO, MN. 55042
P.I.D. 15-029-21-31-0001
SEE ATTACHED LEGAL DESCRIPTION

DETAILED REASON FOR REQUEST: _____

ZONING TEXT AMENDMENT.
SEE DETAILED PROJECT NARRATIVE

***VARIANCE REQUESTS:** As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

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Tammy Malmquist 1/31/10
Signature of Applicant Date

Irvin Friedrich 1/29/10
Signature of Applicant Date
OWNER

Fee \$ _____

City of Lake Elmo DEVELOPMENT APPLICATION FORM

- | | | |
|---|---|---|
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Variance * (See below) | <input type="checkbox"/> Residential Subdivision Preliminary/Final Plat |
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9434 STILLWATER BLVD N. LAKE ELMO, MN. 55042
P.T.D. 15-029-21-31-0001
SEE ATTACHED LEGAL DESCRIPTION

DETAILED REASON FOR REQUEST: _____

CONCEPT PLAN REVIEW FOR OP DEVELOPMENT AND MULTI-USE
PUD. CONDITIONAL USE PERMIT FOR OP DEVELOPMENT.
SEE DETAILED PROJECT NARRATIVE.

*VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

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Tammy Malmquist 1/31/10
Signature of Applicant Date

Irvin Friedrich 1/29/10
Signature of Applicant Date
OWNER



March 22, 2010

Mr. Kyle Klatt
 Planning Director
 City of Lake Elmo
 3800 Laverne Avenue North
 Lake Elmo, MN 55042

Re: Malmquist letter dated March 11, 2010
 And City Engineer comments dated March 17, 2010

Mr. Klatt,

Your letter dated March 11, 2010, regarding Tammy Malmquist's application for a Comprehensive Plan Amendment, Zoning Text Amendment, an Open Space Development / Planned Unit Development Concept Plan stated the application was incomplete. We understand that this is a complex and multifaceted request and fully expected that questions would arise during this initial process. We have reviewed the items in your letter and trust the following explanations and additions will satisfy the requirements of the City of Lake Elmo:

First addressed are the items you have referenced according to the Open Space Preservation Ordinance.

a. *"The location and description of the vegetative cover."*

- We have created a "Sheet 15" for insertion into our concept submittal dated February 18, 2010. The title of Sheet 15 has been changed to "Concept Layout –Landscape". Labels have been added to the existing wooded areas. Additionally, please note that Sheet 5 "Existing Site Features" of our original submittal contains photographs and descriptions of the existing vegetative cover.

b. *"Calculated area for the drainage way and ponding areas."*

- See revised Sheet 13 where areas in square feet have been added to the four proposed ponding areas. Both location and size of the ponds are subject to change following completion of site engineering and a site drainage analysis. Storm water and storm sewer is discussed in item IV A. (3) of the original narrative submittal. It is the intention of the developer and Folz, Freeman, Erickson, Inc. to comply with the City of Lake Elmo Storm Water and Erosion and Sediment Control Ordinance in addition to the requirements of the Valley Branch Watershed District.

c. *"Proposed public park areas."*

- It is the developers' intent to contribute a park fee in lieu of parkland dedication. The Comprehensive Plan does not indicate a park in this area, so it is our assumption the Park Board will require cash in lieu.

d. *"A general landscape plan."*

- We have created a "Sheet 15" for insertion into our concept submittal dated February 18, 2010. The title of Sheet 15 has been changed to "Concept Layout –Landscape". We have added a legend to the sheet that identifies the 51 plantings that were previously shown on our submittal as deciduous or coniferous. A final landscape plan, in accordance with Section 150.18 of the OP Ordinance, will be part of our preliminary plat submittal.

e. *"Statement of intent establishing a homeowners association..."*

- It is the developers' intent to create a homeowners association. The association will own, manage and maintain all open space. The only city utility currently servicing the site is city water. The association will maintain all of the private utilities. Sheets 6 through 9 of our original submittal clearly illustrate that the principal and accessory structures will be constructed with a "farm theme".

f. *"Proposed staging plan."*

- No staging plan is necessary as it is the developers plan at this time to build out the entire project as one construction project.

g. *"Historic preservation plan"*.

- Developer will not submit a historic preservation plan as no credits are being sought for the planned refurbishing of the existing structures as shown on Sheet 7 of our original submittal.

Secondly are the items you have referenced according to the PUD – Planned Unit Development Ordinance:

a. *"Information pertaining to parking areas...."*

- Sheet 4 of our original submittal shows locations and stripping for proposed off street visitor parking. Additionally, Sheets 9 and 10 of our original submittal discuss and include a concept plan for an underground parking facility with 43 parking stalls. The proposed underground parking would provide parking for the proposed 40 unit senior housing structure. Each of the town homes would have a driveway and attached garage for parking.

b. *"Population – a report on the population density and building intensity for the various proposed land uses."*

- Sheet 13 of our original submittal addresses the open space and unit calculations. This requirement is difficult to answer at this conceptual stage of development given the definition of density being a number of units – people, dwellings, square feet of building – in a given land area. As stated earlier there are 40 units planned for the senior housing complex. With a combination of units ranging in size from 1,000 square feet to 1,800 square feet, some being one bedroom units and others being two bedroom units, we would anticipate a population of 60 people in the senior housing complex. In the ten town home units, which were discussed on sheet 8 of our original submittal, we would anticipate a population of 15 people. The existing structure located at the entrance of the development would be a single family structure with an anticipated population of 2 people. Using the definition of number of people (77 full time residents) to a given land area (total site area = 30.9 acres, or 1,346,004 square feet), the estimated population of the development would be 1 person per 17,480 square feet of total land area. The population (or attendance) of the proposed farm school and existing daycare is yet to be determined.
- Building intensity is even more difficult to determine at this conceptual stage given the physical size of the structures is still in the design stage. We feel that it is more important to look at the design quality than to use the physical indicator of measuring building bulk. Our original submittal clearly addresses the number of proposed structures and the design quality of this development.

3/22/2010

Malmquist Submittal

Page 3 of 3

c. *"Services and service facilities..."*

- Section IV of our original narrative submittal discusses infrastructure. The site will be serviced by a private community septic system that will be located in the open space northerly of the senior housing structure. The property is located in the city water service area and will be connected to city water. At this conceptual stage of development a complete design of other private utilities, facilities and appurtenances has not been completed. Please note that we have added a sheet 16 to our submittal that shows the location of the proposed septic system. The area available for a drain field is over 100,000 square feet, which is twice the area that we anticipate will be needed for this project. The anticipated flows will require a MPCA permit.

Finally are the items from the City Engineer in a transmittal dated March 17, 2010:

1.) *"Community septic systems...."*

- See Sheet 16 of this revised submittal.

2.) *"The City of Lake Elmo Storm Water and Erosion and Sediment Control Ordinance must be acknowledged..."*

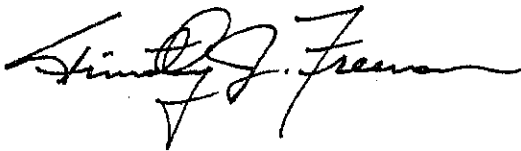
- It is the intention of the developer and Folz, Freeman, Erickson, Inc. to comply with the City of Lake Elmo Storm Water and Erosion and Sediment Control Ordinance in addition to the requirements of the Valley Branch Watershed District.

3.) *"A connection to the city's water supply...."*

- See Sheet 16 of this revised submittal. To show our proposed connections to city water service and size of pipe through the project.

We sincerely hope these explanations and clarifications will resolve any questions the City of Lake Elmo may have at this time. We would welcome further discussion if questions should arise, or if there is any confusion with the interpretation of our submittal.

Respectfully,



Timothy J. Freeman, Land Surveyor
Principal

Revised March 22, 2010



Minnesota Department of Transportation

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

April 19, 2010

Kyle Klatt, City Planner
City of Lake Elmo
3800 Laverne Avenue North
Lake, Elmo, MN 55042

**SUBJECT: Lake Elmo Farm School & Senior Living
Minnesota Department of Transportation (Mn/DOT) Review #CPA10-001
North Side of TH 5 at 31st Avenue
Lake Elmo/Washington County
Control Section 8214**

Dear Mr. Klatt:

Thank you for the opportunity to review the Lake Elmo Farm School Comprehensive Plan Amendment. Please note that Mn/DOT's review of this plan does not constitute approval of a regional traffic analysis and is not a specific approval for access or new roadway improvements. As plans are refined, we would like the opportunity to meet with our partners and to review the updated information. Mn/DOT's staff has reviewed the document and has the following comments:

Mn/DOT would prefer that the public access to the site not be provided off TH 5, particularly if it is the only access. Better and safer access could be provided off Jamaca Ave and utilize the Jamaca/TH 5 roundabout. Jamaca Court or a new east-west street that connects to Jamaca would be a better long-term transportation solution. If the access has to be from TH 5, Mn/DOT will require a west bound right turn lane and an east bound bypass lane to be constructed for the proposed street access to provide a safer access point.

The location of the proposed access does not appear to meet Mn/DOT's access management standards which call for ¼ mile spacing between primary full movement intersections. These guidelines are the Department's policy for managing access and signal spacing on the State's Trunk Highways. The policy is intended to promote the safety and mobility of the traveling public while accommodating the access needs of the surrounding area. In addition to the spacing, Mn/DOT would prefer primary full movement intersections be aligned with each other, 31st Street and the proposed new street appear to be separated by approximately 300 feet, potentially creating overlapping turning movements.

Residential Noise:

Mn/DOT's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities

listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards.

Mn/DOT policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The project proposer should assess the noise situation and take the action deemed necessary to minimize the impact of any highway noise. If you have any questions regarding Mn/DOT's noise policy please contact Peter Wasko in our Design section at (651) 234-7681.

Design:

Due to the complexity of adding a right turn and a bypass lane just east of the proposed Jamaca roundabout, a Level 2 layout would be required. Level 2 Layout requirements may be found at <http://www.dot.state.mn.us/design/geometric/index.html>. Please direct any questions regarding these comments to Nancy Jacobson, Mn/DOT Traffic Section, at (651) 234-7647.

Water Resources:

A Mn/DOT drainage permit will be required to ensure that current drainage rates to Mn/DOT right-of-way will not be increased. The drainage permit application, including the information below, should be submitted to:

Minnesota Department of Transportation
Metropolitan District - Permit Office
1500 W. County Road B-2
Roseville, MN 55113

The following information must be submitted with the drainage permit application:

- 1) A grading plan showing existing and proposed contours,
- 2) Drainage area maps for the proposed project showing existing and proposed drainage areas. Any off-site areas that drain to the project area should also be included in the drainage area maps. The direction of flow for each drainage area must be indicated by arrows,
- 3) Drainage computations for pre and post construction conditions during the 2, 10, 50 and 100 year rain events, and
- 4) An electronic copy of any computer modeling used for the drainage computations.
- 5) Current plan set showing drainage related items.

Please direct questions concerning drainage issues to Bryce Fossand (651-234-7529) or (bryce.fossand@state.mn.us) of Mn/DOT's Water Resources section.

Permits:

Any work impacting Mn/DOT right of way requires a permit. Permit forms are available from Mn/DOT's utility website at <http://www.dot.state.mn.us/utility/forms/index.html>. Please include one full-size plan set, and an 11 x 17 inch plan set for each permit application. Please direct any questions regarding permit requirements to Buck Craig, Mn/DOT's Metro Permits Section, at (651) 234-7911.

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

Development Reviews
Mn/DOT - Metro Division
Waters Edge
1500 West County Road B-2
Roseville, Minnesota 55113

Mn/DOT document submittal guidelines require either:

1. One (1) electronic pdf. version of the plans (the electronic version of the plan needs to be developed for 11" x 17" printable format with sufficient detail so that all features are legible);
2. Seven (7) sets of full size plans.

If submitting the plans electronically, please use the pdf. format. Mn/DOT can accept the plans via e-mail at metrodevreviews@state.mn.us provided that each separate e-mail is less than 20 megabytes. Otherwise, the plans can be submitted on a compact disk.

If you have any questions regarding this review please feel free to contact me at (651) 234-7792.

Sincerely,



Jon P. Solberg
Senior Planner

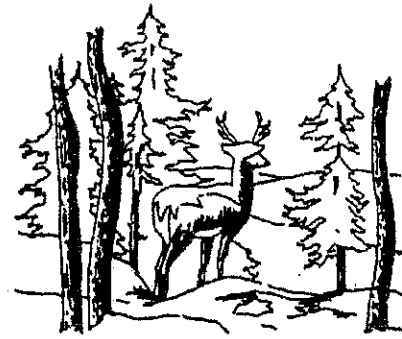
Copy:
Ted Schoenecker, Washington County

Copy via Outlook to:
Ann Braden
Jeff Rones
Marc Briese
Adam Josephson
Bryce Fossand
Jeff Dierberger
Buck Craig
Karen Bulena
Wayne Lemaniak

Ted Schoenecker,
Ted.Schoenecker@co.washington.mn.us

April 7, 2010

Mr. Kyle Klatt
Planning Director
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042



Re: Farm School & Senior Living, 9434 Stillwater Boulevard North

Dear Mr. Klatt:

Thank you for submitting information and conception plans for the Farm School & Senior Living proposal. 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.

Concept Plan

The proposed concept plan clusters the impervious surfaces on a ridge between the Beutel Pond's and Friedrich's Pond watersheds. Beutel's Pond is part of the VBWD's Project 1007 system and outlets to Raleigh Creek and ultimately the St. Croix River. Friedrich's Pond is landlocked and has experienced flooding problems in the past. In addition, there appears to be a small landlocked lowland northeast of the proposed pre-school, within the Friedrich's Pond watershed. Minimizing impervious surfaces and encouraging infiltration practices will protect downstream water bodies from negative water quality impacts, "flashy" inflows, and exacerbating flooding problems.

The concept plan shows some proposed ponding/infiltration areas. However, it appears that additional runoff management facilities might be needed to treat runoff from all of the proposed impervious surfaces before runoff leaves the site. The applicant will need to submit calculations and design details proving the project will include features to control the stormwater runoff to the VBWD standards.

Permit Requirements

The proposed project will require a permit from the VBWD, and a complete permit application packet should be submitted to me. Permit application material can be obtained from the District's website, www.vbwd.org/permitting.htm. Once a complete VBWD permit application is submitted, I will review the project for conformance to the District's rules and regulations, including:

- Stormwater rates, volumes, and water quality treatment
- Flood levels and minimum floor elevations at least two feet above the adjacent water's 100-year flood level
- Wetland delineations and protection (or documentation indicating the site has been reviewed for wetlands and none has been found)
- 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 District



DAVID BUCHECK • LINCOLN FETCHER • DONALD SCHEEL • DALE BORASH • RAY LUCKSINGER

VALLEY BRANCH WATERSHED DISTRICT • P.O. BOX 838 • LAKE ELMO, MINNESOTA 55042-0538

www.vbwd.org



City of Oakdale, Minnesota

-established 1974--

1584 Hadley Avenue North
(651) 739-5086

Oakdale, MN 55128
(651) 730-2818 (fax)

April 14, 2010

Mr. Kyle Klatt
Planning Director, City of Lake Elmo
3800 Laverne Ave. N.
Lake Elmo, MN 55042

Subject: Preliminary Comments on Farm School Project proposal

Dear Mr. Klatt;

I have reviewed the preliminary concept plans and narrative regarding the proposed Lake Elmo Farm School & Senior Living project. Listed below are some areas that I have concerns with from a fire safety perspective.

- The public road width is indicated as 22' and it appears that is within city requirements for the public roadway. My concern would be that the radius of corners and curves in the circle drive portion of roadway as well as those on the private road meet or exceed minimum requirements for the turning radius of the fire departments largest vehicles.
- On street parking restrictions may also be required in order for fire apparatus to navigate the curving roadways. If no on street parking is allowed, are there enough off street parking spaces provided?
- The Private Road that provides access to the townhomes should be constructed to accommodate the fully loaded weight of the largest fire apparatus in the departments fleet.
- Fire hydrant locations should be determined in consultation with the fire department. This may require hydrant locations that are not directly on or near the proposed 8" water main running through the project.

- Based on the size and occupancy of a number of the buildings in the proposed project fire sprinkler systems and fire alarm systems will be required. If approved the builder should work with the fire department on the location of all Fire department Connections to buildings with fire sprinkler systems.

Should this proposed project continue through the process there are likely to be other more specific issues that arise as more detailed plans are provided. I would be glad to provide any further review as needed. Please feel free to contact me if you have any questions regarding this plan review.

Sincerely,

A handwritten signature in black ink that reads "Jeff Anderson". The signature is written in a cursive style with a large, prominent "J" and "A".

Jeff Anderson
Fire Chief

TKDA

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444 Cedar Street, Suite 1500
Saint Paul, MN 55101

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

MEMORANDUM

To: Kyle Klatt, Planning Director

Copies To: _____

From: Ryan W. Stempski, P.E.

Date: April 21, 2010

Reference: Farm School & Senior Living

Concept Review

City of Lake Elmo

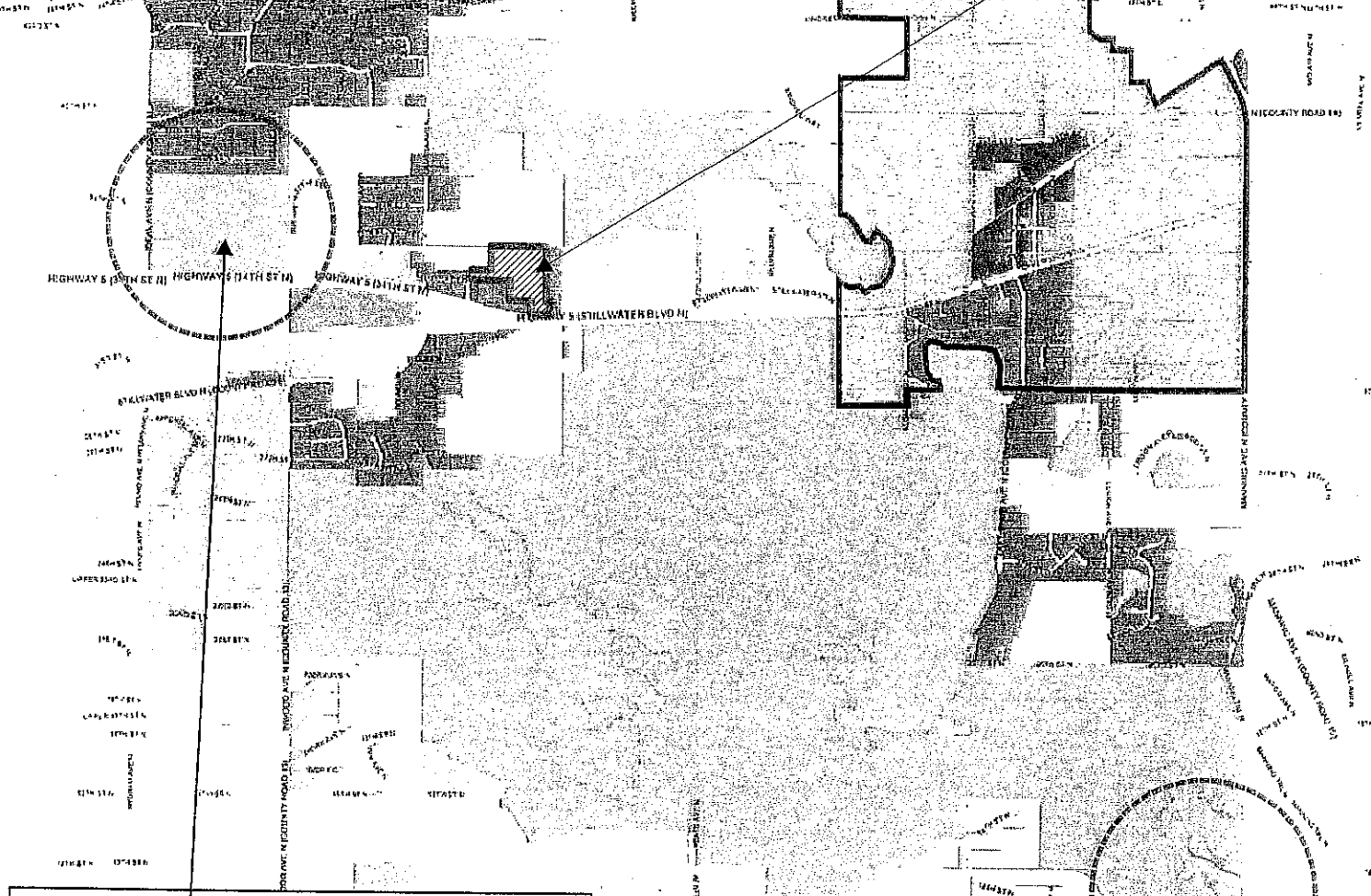
Proj. No.: 14575.001 Phase 00010

Routing: _____

A Concept Plan Narrative & Zoning Text Amendment dated February 18, 2010, were reviewed for the proposed development. A concept review of the proposed infrastructure was completed and the following comments must be addressed:

1. A community septic system is proposed within an NSP Easement. The City will require written documentation from NSP allowing the perpetual use of the easement for the purposes of the community septic system, or an alternate location must be provided.
2. A trail system is also proposed within an NSP Easement. A written acknowledgement of the proposed location must be provided to the City by NSP allowing this use with the easement terms being acceptable to the City.
3. The City of Lake Elmo Storm Water and Erosion and Sediment Control Ordinance must be acknowledged by the Applicant. The site will need to accommodate the required BMPs located entirely within dedicated easements to facilitate ongoing maintenance to address storm water quality and quantity per the current Ordinance.
4. The required storm water facilities appear to be located in the open space. The required open space calculation must acknowledge this fact.
5. The proposed water plan does not appear to meet fire flow requirements for the proposed improvements.
6. The proposed road access to Trunk Highway 5 does not meet MnDOT's or the City's access spacing guidelines. As developments occur along this corridor, access management should be strongly considered and incorporated into each site plan. Connectivity to the adjacent properties to the north and east should be addressed with this development proposal.
7. Should the Trunk Highway 5 access road be allowed for this development proposal, consideration should be given to require an alternate access plan in the future as adjacent properties develop.
8. Adequate setbacks should be provided for the existing lots that will be adjacent to the proposed access road.

Proposed Land Use Change: RAD to RAD2 (2 units per acre)

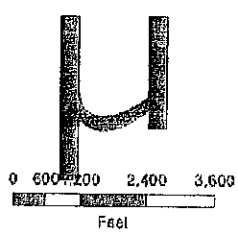


Current RAD2 Areas

FUTURE LAND USE Lake Elmo Comprehensive Plan 2005 - 2030

Limitation of Liability
This document is not a legally recorded map or survey and is not intended to be used as one. This map is a compilation of records and information from various state, county, and city offices, and other sources.

Map Date: January 31, 2006
Created By: TKDA



Land Use	
C	RED
BP - 40 Employees/Acre	NC
PF	ROW
RAD - 0.46 DU/Acre	WAT
RAD - 2 DU/Acre	VR
URD - Cimarron	
SRD - 3.5 DU/Acre	
LB Future sewer - 40 Employees/Acre	
LB Non-sewer	



**Concept Plan Narrative
&
Zoning Text Amendment**

February 18, 2010

Folz, Freeman, Erickson, Inc.



LAND PLANNING • SURVEYING • ENGINEERING

Lake Elmo, Minnesota
651-439-8833



Concept Plan Narrative

The project as proposed, is a mixed use development featuring a farm based pre-school integrated with a residential community for people age 55 and better. This concept is unique not only to the Lake Elmo community but also to the Midwest. Lake Elmo has been a leader in innovative ways to preserve its rural heritage by being the champion of open space developments. This project is a new variation of an open space development by bringing in the unique concept of focusing on seniors working side by side with pre-school children. The "farm school" experience is not unique to the area, however the idea of children working with seniors in this environment, is a very unique and exciting concept.

The property is located in the heart of Lake Elmo's farm country on the north side of Minnesota Highway 5 just east of Jamaca Avenue North. The 30.9 acre parcel is owned by the Friedrich family and has been part of the family farm heritage of Lake Elmo for well over 100 years. This unique development teams long time resident Tammy Malmquist with one of Lake Elmo's longest standing farm families. Tammy has distinguished herself as a successful owner/operator of the child care business "Wunder Years" which is now and will continue to be located at the entrance to this project.

This project presents several challenges in the municipal approval process as present day ordinances do not recognize this type of unique undertaking. This application encompasses three requests to provide a means for approval:

- First is a **Comprehensive Plan Amendment** that focuses on shifting some of the designations from the Future Land Use Map. We propose to relocate the existing Future Land Use of Rural Residential for the property with RAD 2DU/acre from the property just to the west along Highway 5. There is no increase in density for the City... only a relocation of where it is located.
- Second is a **Zoning Ordinance Text Amendment**. We propose to amend the existing OP Development ordinance to allow the density and unit types for areas within the RAD 2DU/acre guided areas to allow the Senior Housing component of this project. This will require the project to still conform to the basic premise of OP by providing 50 percent open space, village green, and trails along with the other features that go with the rural feel that Lake Elmo has strived for in these developments. This type of amendment to

the existing ordinance will insure that future projects cannot "piggy back" on to these development densities and thereby creating some kind of "precedent" that is unintended.

- Third is a **Concept Plan** review and **Conditional Use Permit** request for the OP Development and a **Mixed-Use PUD**. The concept plan and conditional use permit are the framework of the OP Development. The Planned Unit Development (PUD) is required to process the project as a multi-use project. This process isn't intended to relax or negotiate any of the development standards but to allow for multiple uses within the same project.

Site Conditions

I. PLANNING

A. Project Location

The subject site consists of approximately 30.9 acres including the two single family parcels on the south. The property is located in the City of Lake Elmo, Washington County, Minnesota. The site is bordered on the south by State Highway 5, small rural residential properties to the east and southwest and agricultural property on the north.

B. Zoning/Comprehensive Plan

The project area is currently zoned RR with a density of one unit per ten acres. This zoning district also allows for open space developments with the density of 9 units per 20 acres based on buildable area. This proposal includes a comprehensive plan amendment that will relocate RAD 2DU/acre, a type of land use, to this property to accommodate the Senior Housing component. The ordinance for OP Open Space Developments is proposed to be amended to allow the senior housing component without changing the spirit of the OP Concept. Finally, a Planned Unit Development is proposed to allow the mixed use of housing within the same project as the Farm School.

II. SITE CHARACTERISTICS

A. Existing Conditions

The site contains one existing single family home and a daycare facility, "Wunder Years". There is also a number of existing out buildings associated with the previous Friedrich farming operation that will be utilized and preserved. The majority of the property is currently farmed.

There is an area of approximately three acres that had been grazed and contains some larger white oaks, creating an oak savanna, in the north east corner of the property. This area is pristine and will be protected. There is approximately 380 feet of frontage along Highway 5 to the south, and 66 feet along Jamaca Court North to the west.

B. Existing Topography & Drainage

The elevation of the project varies from a high point of 947 feet msl in the center of the site to 918 feet msl in the southwest part of the site. The majority of the site drains to the southwest and to the northeast.

III. ENVIRONMENTAL CHARACTERISTICS

A. Soils

The Washington County Soils Survey was reviewed for preliminary geotechnical information. The Washington County Soils indicate the following soil types:

<u>Soil Number</u>	<u>Soil Name</u>	<u>Soil Type</u>
49	Antigo	Silt Loam
155	Chetek	Sandy Loam
302	Rosholt	Sandy Loam
507	Poskin	Silt Loam
1847	Barronett	Silt Loam

The following soils are suitable for road and home construction. General ratings for development within these soil types can be summarized as follows:

<u>Soil Name</u>	<u>Septic Use</u>	<u>Building Site Development</u>
Antigo	Good	Fair / Frost Susceptibility
Chetek	Fair	Good / Sandy
Rosholt	Good	Good / Sandy
Poskin	Fair	Good / Sandy
Barronett	Poor	Wetness / Frost Susceptibility

A number of areas of the site, according to the soils map indicate the availability of soils that can be utilized to correct the poor soils that may be found on the site.

Based on the information collected and provided currently, additional soil exploration, preferably test pits, are to be completed to determine actual soils for the roadway sub-base and suitability of borrow areas that will be utilized for construction and soil corrections.

The soils in the area of the identified location for the community septic appear adequate to allow for such a system. Additional testing will be required to place and size the drain field properly.

The site contains some soils that may require subsoil corrections, however it appears, that the corrections can be accomplished with on-site materials avoiding additional disruption of importing materials.

B. Wetlands

1. Office Investigation

Based on an office review and consulting the wetlands inventory map, there appears to be no wetlands found on the property. A site examination by a wetland specialist will be required to verify this determination.

C. Floodplain

The Federal Emergency Management Agency (FEMA) Maps were reviewed for any possible existence of floodplains in the vicinity of the subject site, and none were found. The Valley Branch Watershed District does impose certain restrictions for the lowest floor of homes near ponding areas. Construction will be restricted to a requirement of 2-feet of separation from the emergency overflow of each of the ponds.

IV. INFRASTRUCTURE

A. Utilities

1. Sanitary Sewer

Sanitary sewer currently does not service the site. There are no existing trunk sanitary sewer or water main charges associated with the parcel. The City of Lake Elmo does not have plans to service this area with sewer.

A community septic system is proposed to handle the septic requirements associated with this development. The area on the north end of the property appears suitable for such a system.

2. Water main

The property is located in the service area of the City of Lake Elmo water distribution system. Connection to the city system will be made to the existing system located on Highway 5.

3. Storm Water & Storm Sewer

A drainage analysis will be required for the project to determine the 100-year flood elevation of the ponding system and to calculate the ponding requirement for the increased impervious surface created by the development.

Other requirements associated with the watershed include standard Best Management Practices, storm water treatment and rate control, items that are feasible for this project.

4. Gas, Electric, Telephone & Cable

Gas, Electric, Telephone and Cable are all available to extend to the project.

B. Transportation

1. Roads/Access

The layout utilized for this project features a connection to the existing right of way of Highway 5, winding north to a looped roadway that would service both the Farm School and the Senior Living area. These roadways would be classified as City streets and would be built to 22-foot wide bituminous surface, the service roadway to access the home sites and the underground parking area are private streets and will be built as an 18-foot roadway.

The project may also include a right turn and bypass lane for the access to Highway 5, as determined by MN DOT and the City Engineer.

Proposed Zoning Text Amendment:

The following is the OP Ordinance the way it is found on the Code Website marked up in red with the proposed changes.

Items in red and underlined have been added.

Items in red with a strike line have been deleted.

§ 150.175 PURPOSE.

(A) The purpose of open space preservation (OP) is to maintain the rural character of Lake Elmo by preserving agricultural land, woodlands, corridors, and other significant natural features while allowing residential development consistent with the goals and objectives of the city's Comprehensive Plan. This type of development will allow an alternative to large lot, single-family housing and will reduce the cost of constructing and maintaining public facilities and infrastructure.

(B) Protected open space will enhance and preserve the natural character of the community and create distinct neighborhoods.

(Ord. 97-79, passed 5-1-2001)

§ 150.176 INTENT.

(A) It is the intent of the City of Lake Elmo to accomplish the stated purpose of OP by approving a conditional use permit for portions of property currently zoned Agricultural, Rural Residential, and Rural Estate and guided as RAD and RAD2DU/acre in the comprehensive plan; and by adopting the comprehensive development regulations contained herein.

(B) In return for requiring preserved open space as contained herein; it is the intent of the City of Lake Elmo to allow dwelling unit density that will provide a development density equal to or greater than the prior zoning; AG, Agricultural, RR, Rural Residential, and RE Residential Estate.

(Ord. 97-79, passed 5-1-2001)

§ 150.177 DEFINITIONS.

Unless specifically defined in §§ 150.175 *et seq.*, common definitions, words, and phrases used in §§ 150.175 *et seq.* shall be interpreted so as to give them the same meaning as they have in common usage throughout this code and are found in § 11.01.

(Ord. 97-79, passed 5-1-2001)

§ 150.178 USE REGULATIONS.

Within OP, the following uses are allowed.

(A) *Permitted uses.*

- (1) Single-family, detached;
- (2) Preserved open space;
- (3) Conservation easements;
- (4) Agriculture;
- (5) Suburban farms;
- (6) Private stables;
- (7) Single-family, attached;
- (8) Townhouses (~~no more than 25% in any development~~); and;
- (9) Multi Family Senior Housing buildings (only in RAD 2DU/acre):
- (910) Wayside stand;-
- (11) Farm Schools for pre-school children and school aged children.

(B) *Accessory uses.* Uses that are typically found accessory to a permitted use.

(C) *Prohibited uses.* All other uses are hereby prohibited.

(Ord. 97-79, passed 5-1-2001; Am. Ord. 08-006, passed 6-17-2008) Penalty, see § 10.99

§ 150.179 OP CONDITIONAL USE PERMIT REQUIRED.

No property may be developed responsive to §§ 150.175 *et seq.* unless approval is obtained from the City Council following its approval of the concept plan, development stage plan, conditional use permit, and final plan described herein. Applications for Council approval shall be submitted on forms provided by the City Administrator together with all required fees, maps, surveys, and planning data. Only completed applications shall be referred to the Planning Commission for review.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

§ 150.180 DEVELOPMENT STANDARDS.

(A) OP developments shall comply with the following minimum standards unless modified by 4/5 affirmative votes of the City Council.

(B) (1) *Land area.* Applications for a residential development in the OP District shall meet all the following criteria.

(a) The minimum land area for an OP conditional use permit is a nominal contiguous 40 acres, or 20 acres in areas guided as RAD 2DU/acre in the Comprehensive Plan. The ratio of parcel length to width shall not exceed 3 to 1. The total number of dwelling units permitted shall be according to the development density criteria contained in the Comprehensive Plan. The total number of dwelling units within an OP development shall not exceed the density limitations contained in the Comprehensive Plan for OP Districts.

(b) The total preserved open space area within the OP development shall be at least 50% of the total buildable land area, as defined by § 11.01. Areas not meeting the definition of buildable land area shall not be considered to be preserved open space in determining the amount of preserved open space proposed.

(c) Dwelling units shall be grouped so that at least 50% of the buildable land area of the proposed development remains preserved open space. The preserved open space shall consist of agricultural lands, natural habitat, pedestrian corridors, or neighborhood or community recreational areas.

(2) *Open space easement required.*

(a) *Preserved open space standards.*

1. All preserved open space shall be subject to a conservation easement and used for the purposes as defined by §§ 150.175 *et seq.* The land shall be controlled in 1 or more following manners as determined in the city's sole discretion:

a. Owned by an individual or legal entity who will use the land for preserved open space purposes as provided by permanent conservation restrictions (in accordance with M.S. Ch. 84C.01-.05, as it may be amended from time to time), to an acceptable land trust as approved by the city; and/or

b. Conveyed by conservation easement to the city.

2. Not less than 60% of the preserved open space shall be in contiguous parcels of not less than 10 acres, except in areas guided as RAD 2DU/acre where it shall be in contiguous parcels of not less than 5 acres.

3. Parks and recreational facilities shall be provided in addition to preserved open space as specified in the Lake Elmo Parks Plan; and, consistent with the park dedication and fees-in-lieu standards as specified by Chapter 153.

4. The preserved open space land shall be maintained for the purposes for which it was set aside. If preserved open space was set aside for agricultural purposes or for natural habitat, a plan shall be submitted which will indicate how the land will be maintained or returned to a natural state and who will be responsible for plan implementation. Developers shall provide copies of deed covenants to prospective purchasers, and conservation easements to the city,

describing land management practices to be followed by the party or parties responsible for maintaining the preserved open space.

5. Where applicable, a homeowner's association shall be established to permanently maintain all residual open space and recreational facilities. The homeowner's association agreements, guaranteeing continuing maintenance, and giving lien right to the city if there is lack of the maintenance shall be submitted to the city as part of the documentation requirements of §§ 150.175 *et seq.* for a final plan.

6. Preserved open space parcels uses shall be contiguous with preserved open space or public park, on adjacent parcels.

(b) *Lot design.* Lots shall be designed to achieve the following objectives (listed in order of priority):

1. On the most suitable soils for sub-surface septic disposal;
2. On the least fertile soils for agricultural uses, and in a manner which maximizes the usable area remaining for the agricultural use;
3. Within any woodland contained in the parcel, or along the far edges of the open fields, adjacent to any woodland (to reduce impact upon agriculture, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features);
4. In locations least likely to block or interrupt scenic vistas, as viewed from Highway 36 and Highway 5 corridors, and other local roads as designated in the Comprehensive Plan; and
5. Away from woodlands in open fields.

(c) *Structures.* Homes shall be oriented on the site that meets the criteria of rural hamlet. It is desired that the structures within neighborhoods convey a particular architectural style with similar building components, materials, roof pitches.

(d) *Buffer zones.* Where a proposed OP development abuts an existing residential development or a parcel of land not eligible for future development under the OP ordinance due to insufficient parcel area, a 200 foot setback shall be provided between the property line of the abutting parcel and any structure or driving surface within the OP development. In areas guided as RAD 2DU/acre the setback shall be 50 feet instead of 200 feet. Driving surfaces that cross the setback area at a 90 degree angle shall be the only exception. Where a proposed OP development abuts an existing OP development, or a land parcel eligible for future development under the OP ordinance, a 100 foot setback from any structure within the proposed OP development and the property line of the abutting parcel may be substituted. The setback substitution shall only be approved when there is existing mature vegetation and/or changes in topography occurring on the site proposed for development; and/or where the OP site developer introduces the physical features that provide an effective year round buffer of the structures proposed for the OP site from existing residences or development. The determination of the

buffering effectiveness of existing or introduced physical features that qualify a site for a 100 foot buffer shall be at the sole discretion of the City Council.

(e) *Boulevard landscaping.* Boulevard landscaping is required along all streets to consist of at least 1 tree per every 30 feet or placed in dusters at the same ratio. A landscape plan for the entire site is required and shall consist of at least 10 trees per building site; and trees shall not be not less than 1.5 inch in caliper measured at 54 inches above grade level.

(f) *Pathway.* A pathway system or sidewalks shall be identified which will extend through the buildable land area or through the open space land to connect to a planned or developed pathway on adjacent parcels or to a local road. Pathways shall be linked to the "Old Village" to emphasize the connection between existing and new development. Pathways provided shall be at least equal in length to the sum of the centerline length of all public roads within the development. Pathways shall be constructed of asphalt or concrete in compliance with the standard city design plate for OP trails.

(g) *Densities.* The maximum dwelling unit density shall be 18 units per 40 gross acres of buildable land, or 2 units per gross acre in areas guided RAD 2DU/acre in the Comprehensive Plan.

(h) *Minimum district requirements.*

<i>Open Space Preservation District (OP)</i>			
	<i>Single-Family</i>	<i>Townhouse</i>	<i>Senior Housing Buildings</i>
Maximum Building Height:			
Primary Structure	2 and ½ stories or 35 feet	2 and ½ stories or 35 feet	<u>3 stories or 48 feet</u>
Accessory Structure	25 feet	1 story or 20 feet, whichever is less	
Minimum Lot Width:	NA	NA	<u>NA</u>
½ acre lot; 1 acre lot			
Maximum Impervious Surface Coverage:	20%. This percentage may be increased to 25% provided a pervious paver or comparable system is installed consistent with the <i>City of Lake Elmo Engineering Standards Manual</i> or storm water mitigation measures are installed to mitigate the runoff created by the		<u>NA</u>
Gross Lot Area			NA

	additional coverage above the base district amount. All mitigation measures must be approved by the City Engineer.		
Minimum Setback Requirements:			
Front Yard	30 feet	20 feet	<u>20 feet</u>

<i>Open Space Preservation District (OP)</i>			
	<i>Single-Family</i>	<i>Townhouse</i>	<i>Senior Housing Buildings</i>
Side Yard	15 feet or 10% of lot width, whichever is greater	±5 feet or 10% of lot width, whichever is greater	<u>NA</u>
Corner Lot Front	30 feet	N/A	<u>NA</u>
Corner Lot Side Yard	30 feet	N/A	<u>NA</u>
Well From Septic Tank	50 feet	50 feet	<u>50 feet</u>
Minimum Lot Size:			
Individual Well and Septic System	1 acre	NA	<u>NA</u>
Individual Well and Communal Drainfield	½ acre	8,000 square feet per unit – single family <u>6,000 square feet per unit – multi-family</u>	<u>NA</u>

(i) *Utilities.*

1. OP developments may be platted to accommodate home site lots with either individual septic tanks and drainfields; or, with individual septic tanks and communal drainfields. Single-family or multiple-family lots under 1 acre shall be constructed with an individual septic tank and a communal drainfield.

2. All septic systems shall conform to the performance standards of the Minnesota Pollution Control Agency's standards for sewage treatment systems WPC-7080 and its

appendices, or the M.P.C.A. standards in effect at the time of installation and septic system regulations of the Lake Elmo Municipal Code.

3. Communal drainfields may be partially or completely located in an area designated as preserved open space provided:

- a. The ground cover is restored to its natural condition after installation; and
- b. Recreational uses are prohibited above or within 50 feet of communal drainfields, or as approved by the City Engineer.

4. No wetland treatment system shall be allowed within the village green.

(j) *Streets.* Streets shall be developed according to the following standards that promote road safety, assure adequate access for fire and rescue vehicles, and promote adequate vehicular circulation.

1. Streets shall be designed according to the following standards; pavement shall be 14 to 16 feet wide for 1-way streets; pavement shall be 22 to 24 feet wide for 2-way streets; and the pavement width shall be 22 to 24 feet for streets where homes are located on 1 side of the street.

2. The minimum street right-of-way for 1-way streets shall be 40 feet and the minimum right-of-way for 2-way street shall be 50 feet.

3. Streets shall not be constructed with a rural cross-section.

(Ord. 97-79, passed 5-1-2001; Am. Ord. 97-184, passed 10-3-2006; Am. Ord. 97-199, passed 11-5-2007; Am. Ord. 08-008, passed 8-19-2008) Penalty, see § 10.99

§ 150.181 HISTORIC PRESERVATION.

Historic structures on the site shall be identified.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

§ 150.182 OP DEVELOPMENT/CONCEPT PLAN.

(A) *Required submittals; OP development/concept plan.* The applicant shall submit 20 copies of a concept plan for a development of an OP that shall include the following information.

(1) An existing conditions plan which identifies the following (drawn to a scale of 1 inch equal to 100 feet):

- (a) Primary conservation areas;
- (b) Secondary conservation areas;
- (c) Site topography at 2 foot contour interval; and

(d) Location and description of existing vegetative cover.

(2) A general site plan to include the general location of all platted lots, streets, and open space areas, structures, trails, common open spaces, and parks (drawn to scale of 1 inch equal to 100 feet).

(3) The applicant shall submit a schedule of site characteristics, calculated in acres, which shall include the following.

(a) *Environmental resources.* Include map and calculated acreage of the following:

1. Total site;
2. Protected wetlands;
3. Wetland buffer/setback area;
4. 12% - 24% sloped area;
5. 25% + sloped area; and
6. Woodlands.

(b) *Public improvements.* Include map and calculated acreage of the following:

1. Public road right-of-way;
2. Drainage way and ponding areas;
3. Trails/bikeways and sidewalks (outside of road right-of-way);
4. Utility easements; and
5. Public parks.

(c) *Proposed development.* Include map and calculated acreage of the following:

1. Total residential area;
2. Total commercial land area; and
3. Total preserved open space.

(d) *A general landscape plan.*

(e) *Statement of intent.* If applicable, provide a statement of intent establishing a homeowners association with bylaws and deed restrictions to include, but not be limited to, the following:

1. Ownership, management, and maintenance of defined preserved open space;
2. Maintenance of public and private utilities; and
3. General architectural guidelines for principal and accessory structures.

(f) *Proposed staging plan.*

(g) *Historic preservation plan.* Where applicable, an historic preservation plan for any historic structures on the site.

(B) *Planning Commission review.*

(1) Upon receipt of a completed application for an OP development/concept plan as certified to by the City Planner, the Planning Commission shall review OP development concept plan application at a public hearing preceded by 10-days published notice and 2-weeks mailed notice to the recorded owners of each parcel located within 350 feet of the perimeter of the proposed development.

(2) The Planning Commission shall make its recommendations to the City Council within 30 days of receipt of a complete application, and shall include its findings on the following.

(a) The concept plan is consistent with the goals, objectives, and policies of the Comprehensive Plan.

(b) The concept plan is consistent with the purpose of §§ 150.175 *et seq.*

(c) The concept plan complies with the development standards of §§ 150.175 *et seq.*

(C) *City Council review.* The City Council shall review and approve or deny OP development concept plan within thirty days of the receipt of a completed application. The City Council may also table its review a reasonable time, if necessary to obtain information that will enable the Council to make a reasonable decision, and if the extension is consented to the by the applicant on the record. OP development concept plan approval shall require 3 affirmative votes of the City Council.

(D) *Limitation of approval.* Unless an OP development preliminary plan is submitted within 12 months from the date on which the City Council approved the OP development concept plan, the concept plan approval shall expire. The City Council, in its sole discretion, may extend the filing deadline for an OP development preliminary plan and conditional use permit if an application for extension is filed and approved by the City Council before the OP development concept plan approval expires.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

§ 150.183 OP DEVELOPMENT PRELIMINARY PLAN, PRELIMINARY PLAT, AND CONDITIONAL USE PERMIT.

(A) *Submittals.* The OP development preliminary plan shall include the following:

- (1) A statement of city action necessary for implementation of the proposed plan;
- (2) Twenty sets of site plans, drawn to scale of not less than 1 inch equals 100 feet containing at least the following information:
 - (a) Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat previously recorded in Washington County);
 - (b) Property boundary lines and dimensions of the property and any significant topographical or physical features of the property that may have an impact on the open space or the development;
 - (c) Location, dimensions, and number of all driveways, entrances, curb cuts, par stalls, loading spaces, and access aisles, and all other circulation elements including bike and pedestrian trails; and the total site coverage of all circulation elements;
 - (d) Location, designation, and total area of all preserved open space;
 - (e) Location, designation, and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites, and recreational facilities;
 - (f) Proposed lots and blocks, if any, and numbering system;
 - (g) The location, use, and size of structures and other land use on adjacent properties;
 - (h) Preliminary sketches of proposed landscaping;
 - (i) General grading and drainage plans for the developed OP development;
 - (j) The development plans shall also indicate the results of deep soil test pits and percolation tests, at the rate of no fewer than 2 successful test results for each proposed septic disposal area; and
 - (k) Any other information that may have been required by the City Council in conjunction with the approval of the OP development concept plan.
- (3) An accurate legal description of the entire area within the OP development for which development plans approval is sought;
- (4) Architectural and performance standards for the development;
- (5) Preliminary grading and site alteration plan illustrating changes to existing topography and natural vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan;

(6) A preliminary plat prepared in accordance with M.S. Ch. 505, as it may be amended from time to time, Chapter 153 of the Lake Elmo Municipal Code, and other applicable laws;

(7) A Soil Erosion Control Plan clearly illustrating erosion control measures to be used during construction and as permanent measures; and

(8) Homeowner's Association documents including bylaws, deed restrictions, covenants, and proposed conservation easements.

(B) *Planning Commission review.* Upon receipt of a complete OP development preliminary plan by the city, as certified as complete by the City Planner, the City Planner shall refer the preliminary plan to the appropriate city staff, consultants, and other review agencies. The Planning Commission shall review the OP development preliminary plan and shall schedule public hearings as required for preliminary plat and conditional use permit review within 30 days of the City Planner's receipt of a completed application and shall make its recommendations to the City Council regarding the preliminary plan, conditional use permit, and preliminary plat.

(C) *City Council review.*

(1) Within 60 days of the city receipt of a complete application, the City Council shall review the OP development preliminary plan, conditional use permit, and the preliminary plat. The OP development plan, conditional use permit, and preliminary plat shall require 3 affirmative council votes for approval.

(2) Upon approval, the City Council shall instruct the City Attorney to draw up an OP development agreement that stipulates the specific terms and conditions established and approved by the City Council and accepted by the applicant. This agreement shall be signed by the Mayor, City Administrator, and applicant within 30 days of Council approval of the OP development preliminary plan and conditional use permit.

(D) *Limitation on preliminary plan approval.* Unless a final plan covering the area designated in the preliminary development plan as the first stage of the OP development has been filed within 6 months from the date Council grants approval, or in any case where the applicant fails to file final plans and to proceed with the development according to the provisions of §§ 150.175 *et seq.*, the preliminary development plan and conditional use permit shall expire. The Council may, at its discretion, extend the filing deadline for any final plan when, for good cause shown, the extension is reasonable. In any case where preliminary development plan and conditional use permit approval expires, the concept plan approval and preliminary development plan approval for that portion of the OP development that has not received final plan approval is void.

(Ord. 97-79, passed 5-1-2001) Penalty. see § 10.99

§ 150.184 OP DEVELOPMENT FINAL PLAN.

(A) The purpose of the final plans is to provide a complete, thorough, and permanent public record of the OP development and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the OP

development process. It shall serve in conjunction with other city ordinances as the land use regulation applicable to the OP development.

(B) (1) *Submittals required.* After approval of the concept plan and preliminary plan for an OP development, the applicant shall submit the following material for review by the city staff prior to the issuance of any building related permits:

- (a) A detailed landscaping plan;
- (b) All easements and restrictive covenants;
- (c) All certificates, seals, and signatures required for the dedication of land and recording of documents;
- (d) General architectural working drawings of all historic structures to be rehabilitated;
- (e) Final engineering plans and specifications for streets, utilities, and other public improvements, together with all required development agreements for the installation of the improvements;
- (f) Any other plans, agreements, or specifications reasonably necessary for the city staff to review the proposed construction; and
- (g) Final plat.

(2) *City Council review.* The final plan is intended only to add administration detail to, and to put in final form, the information contained in the concept plan and the preliminary development plan, and shall conform to the concept plan and preliminary development plan. The city shall review and approve the final plan and final plat within 60 days of receipt of a complete final OP development plan and final plat, as certified as complete by the City Planner.

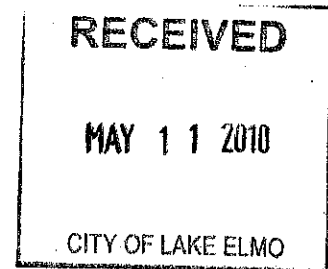
(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

§ 150.185 RECORDING OF FINAL PLAT.

The applicant shall submit to the city the recordable final plat drawings; all easements, deeds, plans, fees, financial security, and the other documentation as may be required by the development agreement within 30 days of final plan and final plat approval by the City Council. The recordable Final Plat, approval resolution, and the other documents that require recording shall be released by the city to the applicant for the recording only upon review and approval by appropriate city staff; and, execution by the applicant and required city officials.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

Ed Gorman
Gorman's Restaurant
11011 Stillwater Blvd
Lake Elmo Minnesota



May 10 , 2010

City Of Lake Elmo
Mayor & City Council Members

Re: Proposed Senior Housing & Farm School @ 9434 Stillwater Blvd

Dear Mayor and City Council Members ,

I am unable to attend the City Council meeting on Tuesday May 18th, 2010 and would like to submit my comments to you in writing prior to the meeting .

I have owned and operated our family restaurant in Lake Elmo for 30 years . I have witnessed many good things come and go in this great town ! Its my understanding that the Lake Elmo Planning Commission has voiced its support for this proposed project . The project is small in scale and has the support of the neighboring property owners . Many citizens that live in Lake Elmo have made it known at various meetings that they support the proposed plan . It also appears that it would have minimal demands of any City services. I have not heard one negative comment on this proposal and there are thousands of customers every week in our restaurant . Believe me if there were any I would know !

In our restaurant I have spoken to many people who live in town and would consider relocating there when the time comes . Currently the City Of Lake Elmo does not have a plan to retain its senior population by allowing some options for them to move into . I know the Old Village plan could provide something , but that is just not going to happen anytime to soon . It seems that the seniors just get older and leave town ! I know of many seniors over the past 30 years that have done just that ! They still come to our restaurant but they just live in another town . What a shame the city has not been more proactive in this area .

The proposed project will be a PUD and have a CUP attached to it . So just where is the risk for the City ? It would appear that the City would be protected and be able to hold the developers accountable thru many stages of the project . The developers are even proposing to save the Friedrich farms Oak Savannah on the site . Most developers would just mow that down and put another building there .

At a time when there are very few if any other proposals on the table in Lake Elmo , it would be a shame to let this one get away ! The City currently has a agreement with Met Council (like it or not) that it will have a hard time fulfilling . As a existing tax payer that concerns me very

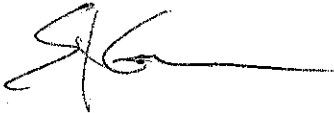
much. This proposed project would allow the City to chip away at the new housing units it agreed on and at the same time keep its rural character in the area around the proposed development site . I understand there was a suggestion to locate the proposed project at another site in the City . What a foolish thought - I can't imagine anything the City could offer them right now anywhere in town that would make any more sense than what has been proposed !

The zoning can work , the neighbors are all in support , new additional tax payers would be added to the City tax base and it would address a important need for our seniors - just where is the problem ? It also has been said that there could be a traffic problem . What !? Our restaurant is just down the road and there are hundreds of cars per day coming in and out of our parking lot and we don't have a traffic problem !

Most of the developers are gone , banks are tightening up their lending procedures for many projects and the City Of Lake Elmo is going to be challenged attracting new housing projects - large or small to town . Now I am not saying that the City should accept every proposal that comes their way , but this one makes sense !

Don't let this one get away ! I encourage all of you to support this proposed development and in doing so you will help retain our senior population in this great town ! (You might even attract some new ones)

Sincerely ,

A handwritten signature in black ink, appearing to be 'E. Gorman', with a long horizontal flourish extending to the right.

Ed Gorman
owner / operator
Gorman's Restaurant
Lake Elmo Minnesota



MAYOR & COUNCIL COMMUNICATION

DATE: 5/18/10
REGULAR
ITEM: 11
ACTION: **ORDINANCE 08-025**
RESOLUTION 2010-024

AGENDA ITEM: OP Ordinance Overlay District Zoning Amendment related to a Farm School and Senior Living Project at 9434 Stillwater Boulevard North – PID's: 15-029-21-31-0001 and 15-029-21-31-0003

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Bruce Messelt, City Administrator

REVIEWED BY: Kelli Matzek, City Planner
Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED: The City Council is asked to review a proposed amendment to the Lake Elmo City Code creating a new overlay district that would allow higher density development within the context of an OP Open Space Preservation project. This ordinance was drafted in accordance with the Planning Commission's unanimous decision on May 10th, 2010 to pursue an alternative to the Zoning Amendment originally proposed by staff and the applicant, Mrs. Tammy Malmquist, 8549 Ironwood Trail North, relating to a senior living/farm school development proposal.

The complete application from Mrs. Malmquist, including a requested Comprehensive Plan Amendment (item #10 on tonight's Agenda), an Overlay Zoning District, an OP Development Concept Plan and a Planned Unit Development Concept Plan, would allow the establishment of a 40-unit senior living multi-family building, 10 townhouse units, and a farm-themed preschool on a 30.9 acre parcel at 9434 Stillwater Boulevard North. The recommended motion to act on this portion of the approval process (Overlay Zoning District) is as follows:

“Move to adopt Ordinance 08-025 creating a new zoning district and standards associated with an OP-2 Open Space Preservation Overlay District and Resolution 2010-024 authorizing summary publication of this Ordinance”

BACKGROUND INFORMATION: The Applicant's request, as discussed in greater detail at the May 4th, 2010 Council meeting and tonight's previous Agenda item, included proposed amendments to the City's Comprehensive Plan and existing OP Open Space Preservation Ordinance to allow a proposed senior living/farm school development to proceed as an Open

Space Development. The Planning Commission unanimously recommended approval of the first part of the multi-tiered request, a Comprehensive Plan Amendment, but tabled taking action on the originally-proposed ordinance revisions. The Commission directed staff to prepare an alternate ordinance that, rather than amending the existing OP Ordinance, would instead create a new overlay zone intended for properties guided for RAD2 (2 units per acre) on the City's Future Land Use Map.

Based on the direction provided by the Planning Commission, Staff prepared a draft ordinance creating a new overlay district to be called the OP-2 Open Space Preservation Overlay District. All of the standards proposed by the applicant have been carried forward into this new district, which references all of the provisions in the current OP Ordinance, but adds language (as requested by the applicant) that allows for new uses and new district standards that would apply only to the areas with the overlay district. Staff also suggested additional provisions that were not requested by the applicant, but that should help clarify and provide consistency throughout the City Code as follows:

- Adding definitions for all the terms that are used in the proposed ordinance provisions.
- Including building standards (primarily setbacks) for Senior Housing Buildings that were not addressed by the applicant.
- Keeping a side yard setback for townhouses in OP Districts as part of the district standards table. A reduction or elimination of side yard setbacks would be appropriate to consider as part of a Planned Unit Development. Please note that the current OP Ordinance appears to use the term "townhouse" when it should describe a "single family attached" dwelling.
- Using the existing OP District language that considers only the "buildable area" in the maximum density calculations, not gross area.

Please be advised that although Staff is calling the proposed district an "overlay" district, the City regulates OP Districts as a conditional use for properties zoned Agricultural, Rural Residential, or Residential Estates. From a technical perspective, the OP District itself functions as an overlay, since the underlying zoning is not changed when an OP development is approved by the City (this is a change from earlier ordinances which established a separate district for these developments). In order to provide clarity between OP and OP-2 as proposed, Staff is recommending that the overlay terminology be used to differentiate between these two districts. If the City Council finds this language confusing, an alternate name for the OP-2 District could be considered.

PLANNING COMMISSION REPORT: The Planning Commission considered the proposed OP-2 Overlay District amendment at its May 10, 2010 meeting. A few of the discussion topics that were considered by the Planning Commission included the following:

- What does the term "senior" mean when used with "senior housing"? Is there a specific age that should be regulated differently than others?

- Should the City approve a project as a Senior Housing project if there is not an age-restriction associated with the project? Should the City's definition of Senior Housing require an age restriction?
- Is there an appropriate mix of senior living and market-based apartments/condominiums that is acceptable?
- Does the City need to differentiate between a preschool and a "farm-based" preschool?
- As drafted, the ordinance proposed by the applicant would allow a "farm-based" school for school-aged children. Is a school, or educational programs, for kids older than preschool age appropriate as part the overlay zoning district?

The Commission reviewed the draft and made recommendations for changes to certain portions of the draft, including:

- Requesting that Staff research the licensing requirements and definitions used in the State Statutes for preschool, and including this information as appropriate in the draft ordinance.
- Adding townhouses to the list of permitted uses with a provision that no more than 50% of a project could consist of townhouse units.
- Requiring that all OP-2 Developments be permitted as a Planned Unit Development.
- Specifying that the buffer setback be 100 feet for structures and 50 feet for driving surfaces.
- Adding Farm-based Preschools to the development standards table.
- Revising the district setback and impervious coverage requirements.

The Planning Commission unanimously recommended that the City Council approve the proposed amendment to the City Code related to an OP-2 Open Space Preservation Overlay District.

STAFF REPORT: Original comments from Staff concerning the applicant's initial request for OP Ordinance Zoning Text Amendments were included in the previous Staff report to the Council on this matter. As Staff has prepared the Ordinance for consideration by the City Council, there are a few additional changes that Staff recommends be included as part of the Ordinance, beyond the amendments recommended by the Planning Commission.

These changes are shown in green in the attached Draft Ordinance and include slightly revised definitions, based upon Staff's research of state licensing requirements, and a new statement concerning the keeping of domestic farm animals. All additional revisions proposed by Staff that were not specifically reviewed by the Planning Commission are depicted in green on the enclosed Draft Ordinance. Staff has undertaken these additional changes within the intent and

spirit of the Planning Commission's actions and also indicated these as separate considerations in the official Ordinance for review by the Council. Any changes made to this official document will be only as accepted and/or directed by the City Council.

RECOMMENDATION: Based upon the above background information, Planning Commission action, and staff report, it is recommended that the City Council discuss and consider the proposed OP-2 Overlay Zoning amendment. Affirmative action may be taken by the following motion:

“Move to adopt Ordinance 08-25 creating a new zoning district and standards associated with an OP-2 Open Space Preservation Overlay District and Resolution 2010-024 authorizing summary publication of this Ordinance”

Alternatively, the City Council may elect to act only upon the ordinance language recommended by the Planning Commission; table consideration at tonight's meeting, or direct the Planning Commission to consider a different type of zoning amendment. It should be noted, however, that further delay of action tonight may require the concurrence of the applicant, given state statutes governing timely responses to land use applications.

The City Council may also deny the proposed amendment with the identification of findings of fact (which may also correlate with previous Council action concerning the proposed senior living/farm school Comprehensive Plan Amendment). Finally, the Council may amend the proposed Ordinance at tonight's meeting. If the latter is undertaken, the recommended motion would be to:

“Move to adopt Ordinance 08-25 creating a new zoning district and standards associated with an OP-2 Open Space Preservation Overlay District, as amended at tonight's meeting, and Resolution 2010-024 authorizing summary publication of this Ordinance”

ATTACHMENTS:

1. Draft OP-2 Open Space Preservation Overlay District (with optional language)
2. Ordinance No 08-025
3. Resolution No. 2010-024
4. See Attachments for Item 10

SUGGESTED ORDER OF BUSINESS:

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

DRAFT ORDINANCE – OVERLAY ZONING

Lake Elmo Planning Department: 5/6/10

Planning Commission Revisions – 5/10/10

Notes: Green text is optional language that adds provisions beyond those reviewed by the Planning Commission, but has been suggested by Staff in response to some of the issues raised by the Planning Commission.

§ 11.01 DEFINITIONS.

Elderly Housing (Senior Housing). A facility consisting of three or more dwelling units, the occupancy of which is limited to persons 55 years of age or older. The facility may include medical facilities or care as an accessory use. Senior housing shall typically consist of multiple-household attached dwellings, but may include other forms of attached or detached dwelling units as part of a wholly owned and managed senior project.

Senior Housing. *See Elderly Housing.*

Preschool. A licensed facility for the organized instruction of children who have not reached the age for enrollment in kindergarten. Does not include the school aged child care.

Farm School. A facility that supports a school program that emphasizes fostering a child's intellectual, social, physical, and emotional growth, using farm animals, garden agriculture, and nature as the learning environment and conducted as part of an operational farm.

OPTIONAL DEFINITIONS – ADD/DELETE:

Day Care Center – Any facility licensed by the Minnesota Department of Human Services and operated for the purpose of providing care, protection, and guidance to 14 or more individuals during only part of a twenty-four hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full twenty-four hour period.

Schools, Public and Private – Establishments at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before or after school day care. Examples include public and private daytime schools, boarding schools, and military academies. Exemptions: 1) Preschools are classified as Day Care Facilities, and 2) Business Schools and Professional Private Trade Schools.

~~Nursery, Day. A use where care is provided for 3 or more children under kindergarten age for periods of 4 hours or more per day for pay.~~

§ 154.067 OP-2 – OPEN SPACE PRESERVATION OVERLAY DISTRICT.

(A) **Purpose.** The purpose of the Open Space Preservation Overlay District (OP-2) is to maintain the rural character of Lake Elmo by preserving agricultural land, woodlands, corridors, and other significant natural features while allowing residential development consistent with the goals and objectives of the city's Comprehensive Plan. This type of development will allow an alternative to large lot, single-family housing and will reduce the cost of constructing and maintaining public facilities and infrastructure. The OP-2 Overlay District allows for higher density development than is permitted under the OP District regulations at a density of up to 2 units per acre. In addition to single family residences and townhouses, multi-family housing for seniors is permitted in this district.

(B) **General regulation.** All regulations governing the OP Open Space Preservation District shall also apply to properties zoned OP-2 Open Space Preservation Overlay District except as outlined in this section.

(C) **Permitted uses.** Permitted uses and the general requirements of such in the OP-2 Overlay District shall be the same as in the OP District and also include the following:

- (1) Senior Housing
- (2) Farm Schools for pre-school children and school-aged children.
- (3) Townhouses (no more than 50% in any development)

(D) **Development Standards.** The development standards for the OP District shall also apply to properties zoned OP-2 Overlay District unless modified by 4/5 affirmative votes of the City Council and with the following exceptions:

(1) All development within an OP-2 district shall only be permitted as a Planned Unit Development.

- (2) The minimum land area for an OP-2 conditional use permit is a nominal contiguous 20 acres.
- (3) Not less than 60% of the preserved open space shall be in contiguous parcels of not less than 5 acres.

(4) *Buffer zones.* A ~~50-100~~ foot setback shall be provided between the property line of the abutting parcel and any structure ~~or and a 50 foot setback shall be provided between the property line and any~~ driving surface within an OP-2 development.

(5) *Densities.* The maximum dwelling unit density shall be 2 units per gross acres of buildable land.

(7) *Domestic Farm Animals.* The keeping of domestic farm animals related to an agricultural use or farm-based preschool within a development shall comply with all applicable City and MPCA requirements related to livestock and other domestic farm animals.

(7) *Minimum District Requirement.* The minimum district requirements in the OP-2 Overlay District shall be the same as in the OP Zoning District except as noted below:

<i>OP-2 Overlay District</i>		
	<i>Senior Housing Buildings</i>	<i><u>Farm-based Preschool</u></i>
Maximum Building Height:		
Primary Structure	3 stories or 48 feet	35 feet
Accessory Structure	25 feet	25 feet
Minimum Lot Width: ½ acre lot; 1 acre lot	NA	<u>NA</u>
Maximum Impervious Surface Coverage: Gross Lot Area Calculated on a development-wide basis	25%	<u>25%</u>
Minimum Setback Requirements:		
Front Yard	20 feet	<u>30 feet</u>
Side Yard	15 feet or 10% of lot width, whichever is greater <u>10 feet</u>	<u>10 feet</u>
Corner Lot Front	20 feet	<u>30 feet</u>
Corner Lot Side Yard	20 feet	<u>30 feet</u>

<i>OP-2 Overlay District</i>		
	<i>Senior Housing Buildings</i>	<i><u>Farm-based Preschool</u></i>
Well From Septic Tank	50 feet	<u>50 feet</u>
Minimum Lot Size:		
Individual Well and Septic System	NA	<u>NA</u>
Individual Well and Communal Drainfield	6,000 square feet per unit	<u>NA</u>

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

ORDINANCE NO. 08-025

**AN ORDINANCE ADDING AN OP-2 OPEN SPACE PRESERVATION
OVERLAY DISTRICT TO THE CITY CODE**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions, by amending section 11.01 Definitions to eliminate existing definitions as follows:

~~**NURSERY, DAY.** A use where care is provided for 3 or more children under kindergarten age for periods of 4 hours or more per day for pay.~~

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions, by amending section 11.01 Definitions to add the following definitions in alphabetical order with the already existing definitions:

ELDERLY HOUSING (SENIOR HOUSING). A facility consisting of three or more dwelling units, the occupancy of which is limited to persons 55 years of age or older. The facility may include medical facilities or care as an accessory use. Senior housing shall typically consist of multiple-household attached dwellings, but may include other forms of attached or detached dwelling units as part of a wholly owned and managed senior project.

SENIOR HOUSING. *See Elderly Housing.*

PRESCHOOL. A licensed facility for the organized instruction of children who have not reached the age for enrollment in kindergarten. Does not include the school aged child care.

FARM SCHOOL. A facility that supports a school program that emphasizes fostering a child's intellectual, social, physical, and emotional growth, using farm animals, agriculture, and nature as the learning environment and conducted as part of an operational farm.

DAY CARE CENTER – Any facility licensed by the Minnesota Department of Human Services and operated for the purpose of providing care, protection, and guidance to 14 or more individuals during only part of a twenty-four hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full twenty-four hour period.

SCHOOLS, PUBLIC AND PRIVATE – Establishments at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before or after school day care. Examples include public and private daytime schools, boarding schools, and military academies. Exemptions: 1) Preschools are classified as Day Care Facilities, and 2) Business Schools and Professional Private Trade Schools.

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, by adding the following language:

§ 154.067 OP-2 – OPEN SPACE PRESERVATION OVERLAY DISTRICT.

(A) **Purpose.** The purpose of the Open Space Preservation Overlay District (OP-2) is to maintain the rural character of Lake Elmo by preserving agricultural land, woodlands, corridors, and other significant natural features while allowing residential development consistent with the goals and objectives of the city's Comprehensive Plan. This type of development will allow an alternative to large lot, single-family housing and will reduce the cost of constructing and maintaining public facilities and infrastructure. The OP-2 Overlay District allows for higher density development than is permitted under the OP District regulations at a density of up to 2 units per acre. In addition to single-family residences and townhouses, multi-family housing for seniors is permitted in this district.

(B) **General regulation.** All regulations governing the OP Open Space Preservation District, Sections 150.175 through 150.189, shall also apply to properties zoned OP-2 Open Space Preservation Overlay District except as outlined in this section.

(C) **Permitted uses.** Permitted uses and the general requirements of such in the OP-2 Overlay District shall be the same as in the OP District and also include the following:

- (1) Senior Housing
- (2) Farm Schools for pre-school children and school-aged children.
- (3) Townhouses (no more than 50% in any development)

(D) **Development Standards.** The development standards for the OP District shall also apply to properties zoned OP-2 Overlay District unless modified by 4/5 affirmative votes of the City Council and with the following exceptions:

(1) All development within an OP-2 district shall only be permitted as a Planned Unit Development.

(2) The minimum land area for an OP-2 conditional use permit is a nominal contiguous 20 acres.

(3) Not less than 60% of the preserved open space shall be in contiguous parcels of not less than 5 acres.

(4) *Buffer zones.* A 100 foot setback shall be provided between the property line of the abutting parcel and any structure and a 50 foot setback shall be provided between the property line and any driving surface within an OP-2 development.

(5) *Densities.* The maximum dwelling unit density shall be 2 units per gross acres of buildable land.

(7) *Domestic Farm Animals.* The keeping of domestic farm animals related to an agricultural use or farm-based preschool within a development shall comply with all applicable City and MPCA requirements related to livestock and other domestic farm animals.

(7) *Minimum District Requirement.* The minimum district requirements in the OP-2 Overlay District shall be the same as in the OP Zoning District except as noted below:

<i>OP-2 Overlay District</i>		
	<i>Senior Housing Buildings</i>	<i>Farm-based Preschool</i>
Maximum Building Height:		
Primary Structure	3 stories or 48 feet	35 feet
Accessory Structure	25 feet	25 feet
Minimum Lot Width: ½ acre lot; 1 acre lot	NA	NA
Maximum Impervious Surface Coverage:		
Calculated on a development-wide basis	25%	25%
Minimum Setback Requirements:		
Front Yard	20 feet	30 feet
Side Yard	10 feet	10 feet
Corner Lot Front	20 feet	30 feet
Corner Lot Side Yard	20 feet	30 feet

<i>OP-2 Overlay District</i>		
	<i>Senior Housing Buildings</i>	<i>Farm-based Preschool</i>
Well From Septic Tank	50 feet	50 feet
Minimum Lot Size:		
Individual Well and Septic System	NA	NA
Individual Well and Communal Drainfield	6,000 square feet per unit	NA

SECTION 4. Effective Date

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

SECTION 5. Adoption Date

This Ordinance No. 08-025 was adopted on this 18th day of May 2010, by a vote of ___ Ayes and ___ Nays.

Mayor Dean Johnston

ATTEST:

Bruce Messelt
City Administrator

This Ordinance No 08-025 was published on the ___ day of _____, 2010.

CITY OF LAKE ELMO

RESOLUTION NO. 2010-024

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 08-025 BY TITLE AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-025, an ordinance to update the existing city code to improve consistency with the storm water and erosion and sediment control ordinance; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Administrator shall cause the following summary of Ordinance No. 08-025 to be published in the official newspaper in lieu of the entire ordinance:

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-025 which adds a new zoning district with district standards to the Zoning Ordinance and described as "OP-2 Open Space Preservation Overlay District". This new Zoning District specifies that all regulations governing the OP Open Space Preservation District shall also apply to properties zoned OP-2 Open Space Preservation Overlay District except as outlined in the ordinance. The OP-2 District specifically allows for an increase in density (up to 2 units per acre) and additional uses (including multi-family senior housing and farm-based preschools) beyond those allowed in the current OP district.

The full text of Ordinance No. 08-025 is available for inspection at Lake Elmo city hall during regular business hours.

Mayor Dean Johnston

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance in his office at city hall for public inspection and that she post a full copy of the ordinance in a public place within the city.

Dated: May 18, 2010.

Mayor Dean Johnston

ATTEST:

Bruce A. Messelt
City Administrator

(SEAL)

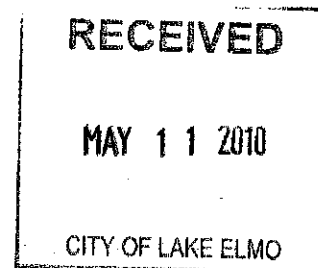
The motion for the adoption of the foregoing resolution was duly seconded by member

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

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.

Ed Gorman
Gorman's Restaurant
11011 Stillwater Blvd
Lake Elmo Minnesota



May 10 , 2010

City Of Lake Elmo
Mayor & City Council Members

Re: Proposed Senior Housing & Farm School @ 9434 Stillwater Blvd

Dear Mayor and City Council Members ,

I am unable to attend the City Council meeting on Tuesday May 18th, 2010 and would like to submit my comments to you in writing prior to the meeting .

I have owned and operated our family restaurant in Lake Elmo for 30 years . I have witnessed many good things come and go in this great town ! Its my understanding that the Lake Elmo Planning Commission has voiced its support for this proposed project . The project is small in scale and has the support of the neighboring property owners . Many citizens that live in Lake Elmo have made it known at various meetings that they support the proposed plan . It also appears that it would have minimal demands of any City services. I have not heard one negative comment on this proposal and there are thousands of customers every week in our restaurant . Believe me if there were any I would know !

In our restaurant I have spoken to many people who live in town and would consider relocating there when the time comes . Currently the City Of Lake Elmo does not have a plan to retain its senior population by allowing some options for them to move into . I know the Old Village plan could provide something , but that is just not going to happen anytime to soon . It seems that the seniors just get older and leave town ! I know of many seniors over the past 30 years that have done just that ! They still come to our restaurant but they just live in another town . What a shame the city has not been more proactive in this area .

The proposed project will be a PUD and have a CUP attached to it . So just where is the risk for the City ? It would appear that the City would be protected and be able to hold the developers accountable thru many stages of the project . The developers are even proposing to save the Friedrich farms Oak Savannah on the site . Most developers would just mow that down and put another building there .

At a time when there are very few if any other proposals on the table in Lake Elmo , it would be a shame to let this one get away ! The City currently has a agreement with Met Council (like it or not) that it will have a hard time fulfilling . As a existing tax payer that concerns me very

much. This proposed project would allow the City to chip away at the new housing units it agreed on and at the same time keep its rural character in the area around the proposed development site . I understand there was a suggestion to locate the proposed project at another site in the City . What a foolish thought - I can't imagine anything the City could offer them right now anywhere in town that would make any more sense than what has been proposed !

The zoning can work , the neighbors are all in support , new additional tax payers would be added to the City tax base and it would address a important need for our seniors - just where is the problem ? It also has been said that there could be a traffic problem . What ??? Our restaurant is just down the road and there are hundreds of cars per day coming in and out of our parking lot and we don't have a traffic problem !

Most of the developers are gone , banks are tightening up their lending procedures for many projects and the City Of Lake Elmo is going to be challenged attracting new housing projects - large or small to town . Now I am not saying that the City should accept every proposal that comes their way , but this one makes sense !

Don't let this one get away ! I encourage all of you to support this proposed development and in doing so you will help retain our senior population in this great town ! (You might even attract some new ones)

Sincerely ,

A handwritten signature in black ink, appearing to be 'E. Gorman', with a long horizontal flourish extending to the right.

Ed Gorman
owner / operator
Gorman's Restaurant
Lake Elmo Minnesota



MAYOR & COUNCIL COMMUNICATION

DATE: 5/18/10
REGULAR
ITEM: 11
ACTION: **ORDINANCE 08-025**
RESOLUTION 2010-024

AGENDA ITEM: OP Ordinance Overlay District Zoning Amendment related to a Farm School and Senior Living Project at 9434 Stillwater Boulevard North – PID's: 15-029-21-31-0001 and 15-029-21-31-0003

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Bruce Messelt, City Administrator *BAW*

REVIEWED BY: Kelli Matzek, City Planner
Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED: The City Council is asked to review a proposed amendment to the Lake Elmo City Code creating a new overlay district that would allow higher density development within the context of an OP Open Space Preservation project. This ordinance was drafted in accordance with the Planning Commission's unanimous decision on May 10th, 2010 to pursue an alternative to the Zoning Amendment originally proposed by staff and the applicant, Mrs. Tammy Malmquist, 8549 Ironwood Trail North, relating to a senior living/farm school development proposal.

The complete application from Mrs. Malmquist, including a requested Comprehensive Plan Amendment (item #10 on tonight's Agenda), an Overlay Zoning District, an OP Development Concept Plan and a Planned Unit Development Concept Plan, would allow the establishment of a 40-unit senior living multi-family building, 10 townhouse units, and a farm-themed preschool on a 30.9 acre parcel at 9434 Stillwater Boulevard North. The recommended motion to act on this portion of the approval process (Overlay Zoning District) is as follows:

“Move to adopt Ordinance 08-025 creating a new zoning district and standards associated with an OP-2 Open Space Preservation Overlay District and Resolution 2010-024 authorizing summary publication of this Ordinance”

BACKGROUND INFORMATION: The Applicant's request, as discussed in greater detail at the May 4th, 2010 Council meeting and tonight's previous Agenda item, included proposed amendments to the City's Comprehensive Plan and existing OP Open Space Preservation Ordinance to allow a proposed senior living/farm school development to proceed as an Open

Space Development. The Planning Commission unanimously recommended approval of the first part of the multi-tiered request, a Comprehensive Plan Amendment, but tabled taking action on the originally-proposed ordinance revisions. The Commission directed staff to prepare an alternate ordinance that, rather than amending the existing OP Ordinance, would instead create a new overlay zone intended for properties guided for RAD2 (2 units per acre) on the City's Future Land Use Map.

Based on the direction provided by the Planning Commission, Staff prepared a draft ordinance creating a new overlay district to be called the OP-2 Open Space Preservation Overlay District. All of the standards proposed by the applicant have been carried forward into this new district, which references all of the provisions in the current OP Ordinance, but adds language (as requested by the applicant) that allows for new uses and new district standards that would apply only to the areas with the overlay district. Staff also suggested additional provisions that were not requested by the applicant, but that should help clarify and provide consistency throughout the City Code as follows:

- Adding definitions for all the terms that are used in the proposed ordinance provisions.
- Including building standards (primarily setbacks) for Senior Housing Buildings that were not addressed by the applicant.
- Keeping a side yard setback for townhouses in OP Districts as part of the district standards table. A reduction or elimination of side yard setbacks would be appropriate to consider as part of a Planned Unit Development. Please note that the current OP Ordinance appears to use the term "townhouse" when it should describe a "single family attached" dwelling.
- Using the existing OP District language that considers only the "buildable area" in the maximum density calculations, not gross area.

Please be advised that although Staff is calling the proposed district an "overlay" district, the City regulates OP Districts as a conditional use for properties zoned Agricultural, Rural Residential, or Residential Estates. From a technical perspective, the OP District itself functions as an overlay, since the underlying zoning is not changed when an OP development is approved by the City (this is a change from earlier ordinances which established a separate district for these developments). In order to provide clarity between OP and OP-2 as proposed, Staff is recommending that the overlay terminology be used to differentiate between these two districts. If the City Council finds this language confusing, an alternate name for the OP-2 District could be considered.

PLANNING COMMISSION REPORT: The Planning Commission considered the proposed OP-2 Overlay District amendment at its May 10, 2010 meeting. A few of the discussion topics that were considered by the Planning Commission included the following:

- What does the term "senior" mean when used with "senior housing"? Is there a specific age that should be regulated differently than others?

- Should the City approve a project as a Senior Housing project if there is not an age-restriction associated with the project? Should the City's definition of Senior Housing require an age restriction?
- Is there an appropriate mix of senior living and market-based apartments/condominiums that is acceptable?
- Does the City need to differentiate between a preschool and a "farm-based" preschool?
- As drafted, the ordinance proposed by the applicant would allow a "farm-based" school for school-aged children. Is a school, or educational programs, for kids older than preschool age appropriate as part the overlay zoning district?

The Commission reviewed the draft and made recommendations for changes to certain portions of the draft, including:

- Requesting that Staff research the licensing requirements and definitions used in the State Statutes for preschool, and including this information as appropriate in the draft ordinance.
- Adding townhouses to the list of permitted uses with a provision that no more than 50% of a project could consist of townhouse units.
- Requiring that all OP-2 Developments be permitted as a Planned Unit Development.
- Specifying that the buffer setback be 100 feet for structures and 50 feet for driving surfaces.
- Adding Farm-based Preschools to the development standards table.
- Revising the district setback and impervious coverage requirements.

The Planning Commission unanimously recommended that the City Council approve the proposed amendment to the City Code related to an OP-2 Open Space Preservation Overlay District.

STAFF REPORT: Original comments from Staff concerning the applicant's initial request for OP Ordinance Zoning Text Amendments were included in the previous Staff report to the Council on this matter. As Staff has prepared the Ordinance for consideration by the City Council, there are a few additional changes that Staff recommends be included as part of the Ordinance, beyond the amendments recommended by the Planning Commission.

These changes are shown in green in the attached Draft Ordinance and include slightly revised definitions, based upon Staff's research of state licensing requirements, and a new statement concerning the keeping of domestic farm animals. All additional revisions proposed by Staff that were not specifically reviewed by the Planning Commission are depicted in green on the enclosed Draft Ordinance. Staff has undertaken these additional changes within the intent and

spirit of the Planning Commission's actions and also indicated these as separate considerations in the official Ordinance for review by the Council. Any changes made to this official document will be only as accepted and/or directed by the City Council.

RECOMMENDATION: Based upon the above background information, Planning Commission action, and staff report, it is recommended that the City Council discuss and consider the proposed OP-2 Overlay Zoning amendment. Affirmative action may be taken by the following motion:

“Move to adopt Ordinance 08-25 creating a new zoning district and standards associated with an OP-2 Open Space Preservation Overlay District and Resolution 2010-024 authorizing summary publication of this Ordinance”

Alternatively, the City Council may elect to act only upon the ordinance language recommended by the Planning Commission; table consideration at tonight's meeting, or direct the Planning Commission to consider a different type of zoning amendment. It should be noted, however, that further delay of action tonight may require the concurrence of the applicant, given state statutes governing timely responses to land use applications.

The City Council may also deny the proposed amendment with the identification of findings of fact (which may also correlate with previous Council action concerning the proposed senior living/farm school Comprehensive Plan Amendment). Finally, the Council may amend the proposed Ordinance at tonight's meeting. If the latter is undertaken, the recommended motion would be to:

“Move to adopt Ordinance 08-25 creating a new zoning district and standards associated with an OP-2 Open Space Preservation Overlay District, as amended at tonight's meeting, and Resolution 2010-024 authorizing summary publication of this Ordinance”

ATTACHMENTS:

1. Draft OP-2 Open Space Preservation Overlay District (with optional language)
2. Ordinance No 08-025
3. Resolution No. 2010-024
4. See Attachments for Item 10

SUGGESTED ORDER OF BUSINESS:

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

DRAFT ORDINANCE – OVERLAY ZONING

Lake Elmo Planning Department: 5/6/10

Planning Commission Revisions – 5/10/10

Notes: Green text is optional language that adds provisions beyond those reviewed by the Planning Commission, but has been suggested by Staff in response to some of the issues raised by the Planning Commission.

§ 11.01 DEFINITIONS.

Elderly Housing (Senior Housing). A facility consisting of three or more dwelling units, the occupancy of which is limited to persons 55 years of age or older. The facility may include medical facilities or care as an accessory use. Senior housing shall typically consist of multiple-household attached dwellings, but may include other forms of attached or detached dwelling units as part of a wholly owned and managed senior project.

Senior Housing. *See Elderly Housing.*

Preschool. A licensed facility for the organized instruction of children who have not reached the age for enrollment in kindergarten. Does not include the school aged child care.

Farm School. A facility that supports a school program that emphasizes fostering a child's intellectual, social, physical, and emotional growth, using farm animals, garden agriculture, and nature as the learning environment and conducted as part of an operational farm.

OPTIONAL DEFINITIONS – ADD/DELETE:

Day Care Center – Any facility licensed by the Minnesota Department of Human Services and operated for the purpose of providing care, protection, and guidance to 14 or more individuals during only part of a twenty-four hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full twenty-four hour period.

Schools, Public and Private – Establishments at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before or after school day care. Examples include public and private daytime schools, boarding schools, and military academies. Exemptions: 1) Preschools are classified as Day Care Facilities, and 2) Business Schools and Professional Private Trade Schools.

~~Nursery, Day. A use where care is provided for 3 or more children under kindergarten age for periods of 4 hours or more per day for pay.~~

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(A) **Purpose.** The purpose of the Open Space Preservation Overlay District (OP-2) is to maintain the rural character of Lake Elmo by preserving agricultural land, woodlands, corridors, and other significant natural features while allowing residential development consistent with the goals and objectives of the city's Comprehensive Plan. This type of development will allow an alternative to large lot, single-family housing and will reduce the cost of constructing and maintaining public facilities and infrastructure. The OP-2 Overlay District allows for higher density development than is permitted under the OP District regulations at a density of up to 2 units per acre. In addition to single family residences and townhouses, multi-family housing for seniors is permitted in this district.

(B) **General regulation.** All regulations governing the OP Open Space Preservation District shall also apply to properties zoned OP-2 Open Space Preservation Overlay District except as outlined in this section.

(C) **Permitted uses.** Permitted uses and the general requirements of such in the OP-2 Overlay District shall be the same as in the OP District and also include the following:

- (1) Senior Housing
- (2) Farm Schools for pre-school children and school-aged children.
- (3) Townhouses (no more than 50% in any development)

(D) **Development Standards.** The development standards for the OP District shall also apply to properties zoned OP-2 Overlay District unless modified by 4/5 affirmative votes of the City Council and with the following exceptions:

(1) All development within an OP-2 district shall only be permitted as a Planned Unit Development.

(2) The minimum land area for an OP-2 conditional use permit is a nominal contiguous 20 acres.

(3) Not less than 60% of the preserved open space shall be in contiguous parcels of not less than 5 acres.

(4) *Buffer zones.* A ~~50-100~~ foot setback shall be provided between the property line of the abutting parcel and any structure ~~or~~ and a 50 foot setback shall be provided between the property line and any driving surface within an OP-2 development.

(5) *Densities.* The maximum dwelling unit density shall be 2 units per gross acres of buildable land.

(7) *Domestic Farm Animals.* The keeping of domestic farm animals related to an agricultural use or farm-based preschool within a development shall comply with all applicable City and MPCA requirements related to livestock and other domestic farm animals.

(7) *Minimum District Requirement.* The minimum district requirements in the OP-2 Overlay District shall be the same as in the OP Zoning District except as noted below:

<i>OP-2 Overlay District</i>		
	<i>Senior Housing Buildings</i>	<u><i>Farm-based Preschool</i></u>
Maximum Building Height:		
Primary Structure	3 stories or 48 feet	35 feet
Accessory Structure	25 feet	25 feet
Minimum Lot Width: ½ acre lot; 1 acre lot	NA	<u>NA</u>
Maximum Impervious Surface Coverage: Gross Lot Area Calculated on a development-wide basis	25%	<u>25%</u>
Minimum Setback Requirements:		
Front Yard	20 feet	<u>30 feet</u>
Side Yard	15 feet or 10% of lot width, whichever is greater <u>10 feet</u>	<u>10 feet</u>
Corner Lot Front	20 feet	<u>30 feet</u>
Corner Lot Side Yard	20 feet	<u>30 feet</u>

OP-2 Overlay District

	<i>Senior Housing Buildings</i>	<i><u>Farm-based Preschool</u></i>
Well From Septic Tank	50 feet	<u>50 feet</u>
Minimum Lot Size:		
Individual Well and Septic System	NA	<u>NA</u>
Individual Well and Communal Drainfield	6,000 square feet per unit	<u>NA</u>

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

ORDINANCE NO. 08-025

**AN ORDINANCE ADDING AN OP-2 OPEN SPACE PRESERVATION
OVERLAY DISTRICT TO THE CITY CODE**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions, by amending section 11.01 Definitions to eliminate existing definitions as follows:

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	<i>Senior Housing Buildings</i>	<i>Farm-based Preschool</i>
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Calculated on a development-wide basis	25%	25%
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<i>OP-2 Overlay District</i>		
	<i>Senior Housing Buildings</i>	<i>Farm-based Preschool</i>
Well From Septic Tank	50 feet	50 feet
Minimum Lot Size:		
Individual Well and Septic System	NA	NA
Individual Well and Communal Drainfield	6,000 square feet per unit	NA

SECTION 4. Effective Date

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

SECTION 5. Adoption Date

This Ordinance No. 08-025 was adopted on this 18th day of May 2010, by a vote of ___ Ayes and ___ Nays.

Mayor Dean Johnston

ATTEST:

Bruce Messelt
City Administrator

This Ordinance No 08-025 was published on the ____ day of _____, 2010.

CITY OF LAKE ELMO

RESOLUTION NO. 2010-024

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 08-025 BY TITLE AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-025, an ordinance to update the existing city code to improve consistency with the storm water and erosion and sediment control ordinance; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Administrator shall cause the following summary of Ordinance No. 08-025 to be published in the official newspaper in lieu of the entire ordinance:

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-025 which adds a new zoning district with district standards to the Zoning Ordinance and described as "OP-2 Open Space Preservation Overlay District". This new Zoning District specifies that all regulations governing the OP Open Space Preservation District shall also apply to properties zoned OP-2 Open Space Preservation Overlay District except as outlined in the ordinance. The OP-2 District specifically allows for an increase in density (up to 2 units per acre) and additional uses (including multi-family senior housing and farm-based preschools) beyond those allowed in the current OP district.

The full text of Ordinance No. 08-025 is available for inspection at Lake Elmo city hall during regular business hours.

Mayor Dean Johnston

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance in his office at city hall for public inspection and that she post a full copy of the ordinance in a public place within the city.

Dated: May 18, 2010.

Mayor Dean Johnston

ATTEST:

Bruce A. Messelt
City Administrator

(SEAL)

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

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

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.