THE CITY OF LAKE ELMO

STAFF REPORT

DATE: November 15, 2022
REGULAR

AGENDA ITEM: Halcyon Stormwater Appeal
SUBMITTED BY: Kristina Handt, City Administrator
REVIEWED BY: Sarah Sonsalla, City Attorney

BACKGROUND:

This spring as the city began making the transition to quarterly stormwater billing for those properties with water and/or sewer bills, staff noticed that Halcyon Cemetery, 11050 50th St, Lake Elmo, was billed at the commercial rate for their water usage but still on the residential rate for stormwater. Given that the property is no longer a residence and operated as a business and to be consistent with the water charge, staff updated the stormwater billing to charge the commercial rate. The City's rates, processes and appeal options can be found in city code chapter 5.16.

The new rate was applied with first quarter 2023 billing and paid. Upon receiving the second quarter billing, the property owner reached out to city staff to contest the new rate. A copy of the July 20th communication is included in your packet. Upon review by the Public Works Director, the utility billing clerk sent a letter dated August 24, 2022 reducing the charge by 25% and denying the request for an exemption as it did not fall into any of the categories as noted in code. A copy is included in your packet.

On October 19, 2022, Chris Boline, legal counsel for Halcyon Cemetery, submitted an appeal to the city council.

ISSUE BEFORE COUNCIL:

Should Council approve a reduction in the stormwater fee for Halcyon Cemetery?

PROPOSAL:

Staff asked the city engineer to review the appeal and provide feedback as related to the code and the stormwater improvements planned for the property. A copy of the city engineer's memo is included in your packet.

Based upon this information, I would recommend council affirm the reduction of 25% for 2023 and condition future year reductions of 25% upon the completion and submittal of the items noted in the city engineer's memo. These items include: no credits until the stormwater management improvements for Halcyon Cemetery development have been fully completed, accepted and approved by the City and Valley Branch Watershed District, the developer must have its engineer perform an asbuilt survey and prepare as-built record plans (in accordance with as-built drawing plan format requirements in the city engineering design standards manual) for city review and approval, the property owner must have on file with the city a fully executed Stormwater Maintenance and Easement Agreement in the city standard form of agreement, and the property owner must submit to the city the records of all inspections and maintenance

activities relating to the storm water improvements, and submit such records by March 1st of each year to the city.

FISCAL IMPACT:

A 25% reduction would result in a loss of $543.24 in 2022. This amount will be adjusted per the fee schedule adjustment for stormwater fees annually adopted by the City Council.

OPTION:

1) Approve reduction of 25% with the conditions noted by staff
2) Approve a different level of reduction with/without conditions
3) Don't approve a reduction

RECOMMENDATION:

"Motion to approve a 25% reduction in the stormwater fee for Halycon Cemetery, 11050 50th St, for 2022 and condition the 25% reduction for future years upon meeting the requirements as noted in the City Engineer's memo dated November 8, 2022."

ATTACHMENTS:

- July 20th letter from Halcyon
- August 24th City response letter
- October 19th appeal
- Nov. 8th City Engineer memo

HALCYON CEMETERY CORPORATION
11050 50TH ST N
LAKE ELMO, MN 55042

6014

DATE July 19 2022 77-1052/913

PAY TO THE ORDER OF City of Lake Elmo

$ 30.42

DOLLARS

Bell Bank
bellbank

FOR Water Bill

Dee Sommers

⑈006014⑈ ⑆091310521⑆ 852108428⑈

Security Features Details on back

1st Class Mail
U.S. POSTAGE
PAID
Lake Elmo, MN
Permit No. 3

RETURN THIS PORTION WITH YOUR PAYMENT

ACCT. NO. Due By 08/15/2022
03-00000441-00-4

AMT. **$573.66**

After 08/15/2022 Pay $575.49

HALCYON CEMETERY CORPORATION
LEROY ROSSOW
11050 50TH STREET N
LAKE ELMO MN 55042

HALCYON CEMETERY CORPORATION
11050 50TH STREET NORTH
LAKE ELMO, MN 55042

July 20, 2022

Lake Elmo Water Department,

To whom it may concern,

At this time, we are refusing to pay the storm water portion on the quarterly water charges added to the water bill. Please forward this letter to the appropriate area.

The following facts should be considered when discussing this matter:

1. The property is still considered Rural Residential. Although the development of the Cemetery was held to the commercial standards, the zoning remained the same. It still functions the same as a farm.
2. Halcyon operates as a 501 C 13 Tax Exempt Charitable Institution that was created for the common good and it should be considered the same as a park or ball field. Taxing us at this rate will cripple our chances of success.
3. The standards of the Valley Branch Watershed were followed to the TEE, requiring the creation of water mitigating collecting ponds, evaporative ponds and retention ponds to ensure that no additional water be allowed to exit the property. Clearly this storm fee will not benefit us.
4. Portions of the original farm were dedicated to the County for future road development.

Respectfully,

Lee Rossow

Lee Rossow Chairman
651 308 2999

CITY OF LAKE ELMO

Bill History

03-00000441-00-4 HALCYON CEMETERY CORPORATION 11050 50TH STREET N LAKE ELMO MN 55042

Type	Charge	Amount	Date	Prev Read	Prev Read Date	Curr Read	Curr Read Date	Usage	Bill Per	Year
For 03-00000441-00-4 11050 50TH STREET N										
Calculation Number 95										
Prev Bal		$0.00							9	2021
Service	WATER-COM	$145.25	7/7/2021			34000	6/28/2021	34000	9	2021
Service	SEWER-COM	$158.10	7/7/2021					34000	9	2021
Cur Charges		$303.35	7/7/2021						9	2021
Total		$303.35	7/7/2021						9	2021
Calculation Number 95										
Calculation Number 96										
Prev Bal		$303.35							12	2021
Adjustment	WATER-COM	-$123.82	8/3/2021						12	2021
Adjustment	SEWER-COM	-$158.10	8/3/2021						12	2021
Service	WATER-COM	$30.12	10/1/2021	0	6/28/2021	1000	9/28/2021	1000	12	2021
Service	SEWER-COM	$0.00	10/1/2021					0	12	2021
Cur Charges		$30.12	10/1/2021						12	2021
Total		$51.55	10/1/2021						12	2021
Calculation Number 96										
Calculation Number 97										
Prev Bal		$51.55							3	2022
Receipt		$51.55	10/21/2021						3	2022
Service	WATER-COM	$30.12	1/5/2022	1000	9/28/2021	2000	12/28/2021	1000	3	2022
Cur Charges		$30.12	1/5/2022						3	2022
Total		$30.12	1/5/2022						3	2022
Calculation Number 97										
Calculation Number 98										
Prev Bal		$30.12							6	2022
Receipt		$100.00	1/31/2022						6	2022
Service	WATER-COM	$27.06	4/6/2022	2000	12/28/2021	2000	3/30/2022	0	6	2022
Service	STRM WTR C	$543.24	4/6/2022					25.564	6	2022
Cur Charges		$570.30	4/6/2022						6	2022
Total		$500.42	4/6/2022						6	2022
Calculation Number 98										
Calculation Number 99										
Prev Bal		$500.42							9	2022
Receipt		$500.42	4/21/2022						9	2022
Service	WATER-COM	$30.42	6/30/2022	2000	3/30/2022	3000	6/28/2022	1000	9	2022
Service	STRM WTR C	$543.24	6/30/2022					25.564	9	2022
Cur Charges		$573.66	6/30/2022						9	2022
Total		$573.66	6/30/2022						9	2022
Calculation Number 99										

For 03-00000441-00-4 11050 50TH STREET N

FILTER: ([full Account number] = "030000044100") and (([calculation number] = 99) or ([calculation number] = 98) or ([calculation number] = 97) or ([calculation number] = 96) or ([calculation number] = 95))


LAKE ELMO AVE N
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535.05
1203.03
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110.00
70.00
71.23
405.15
343.18

3800 Laverne Avenue North, Lake Elmo, MN 55042
(651) 747-3906

August 24, 2022

Halcyon Cemetery
Lee Rossow
11050 50th Street N
Lake Elmo, MN 55042

RE: Stormwater Appeal

I left a message for you earlier this week regarding your storm water appeal and haven't heard back. I wanted to follow up in writing just to make sure you have the information.

Our Public Works Director reviewed your appeal form and is proposing a 25% reduction in your storm water fee. This reduction is due to your storm water ponds collecting a minimal amount of water that does not shed off your property. Instead of the $543.24 due quarterly, the fee would be $407.43 quarterly. Please let me know if you agree with this reduction or if you would like to take the appeal to the City Council for further review.

Per city code § 53.05 EXEMPTIONS the following land uses are exempt from the surface water management fee:
(A) Public right-of-way;
(B) Parks;
(C) Lakes; and
(D) Railroad property.

Since your property is not considered one of the exemptions listed, we are unable to waive storm water fees.

Please contact me by email tbatchelor@lakeelmo.org or call me at 651-747-3906.

Thank you.

Tanya Batchelor
Utility Billing
City of Lake Elmo

FELHABER LARSON

ATTORNEYS AT LAW

Christopher W. Boline
(612) 373-8516
cboline@felhaber.com

October 19, 2022

Via U.S. Mail & E-Mail

Mayor Charles Cadenhead
and Lake Elmo City Council Members
3880 Laverne Avenue
Lake Elmo, MN 55042

RE: Storm Water Management Fee Appeal
11050 50th Street North, Lake Elmo, MN 55042
PID: 01.029.21.33.0008
Felhaber File No. 33327.00001

Dear Mayor Cadenhead and City Council Members:

Felhaber Larson represents Halcyon Cemetery, a Minnesota nonprofit corporation ("**Halcyon Cemetery**"). By this letter, Halcyon Cemetery respectfully appeals the storm water management fee assessed against the property located at 11050 50th Street North, Lake Elmo, MN 55042, property ID No. 01.029.21.33.0008 (the "**Property**"). As the party responsible for paying the surface water management fee, Halcyon Cemetery has standing to bring this appeal under Section 5.16.070 of the Lake Elmo City Code (the "**Code**"). For the reasons set forth below, Halcyon Cemetery requests that the City of Lake Elmo (the "**City**") apply a 75% ongoing credit to the surface water management fee for the Property, and that it apply the same credit for amounts already paid in 2022.

Under Chapter 5.16 of the City Code, the City may apply varying credits to surface water management fees. Generally, there are three credit categories. First, the City may apply a credit up to 75% for "financial hardship." (Code § 5.16.040(c).) Second, the City shall apply a credit up to 75% based on the surface water retention practices at the subject property.[1] (*Id.* § 5.16.040(a).) Third, the City may apply a discount up to 50% of the surface

[1] The Code makes this credit mandatory, using the words "shall apply a credit" if qualifying conditions exist.

220 South Sixth Street
Suite 2200
Minneapolis, MN 55402-4504

Phone: 612-339-6321
Fax: 612-338-0535

Felhaber.com

water management fee based on the "effectiveness of the surface water retention as it relates to the management of the municipal surface water management system as a whole." (*Id.* § 5.16.040(b).) All three credit categories apply here.

Financial Hardship Credit

The City initially imposed a quarterly surface water management fee of $543.24, or $65.45 per acre,[2] which causes Halcyon Cemetery a financial hardship. By letter dated August 24, 2022, the City's Public Works Director proposed a 25% reduction in the surface water management fee from $534.24 to $407.43 per quarter because the Property's "storm water ponds collect[] a minimal amount of water that does not shed" off the Property. With the proposed 25% reduction, the quarterly fee per acre is $49.09. For the reasons set forth below, Halcyon Cemetery will continue to bear a financial hardship, even with the proposed discount.

Halcyon Cemetery is a nonprofit corporation. As a nonprofit, Halcyon Cemetery does not provide pecuniary gain or dividends to its members. It was developed to benefit Lake Elmo and the surrounding community. After the cemetery received a certificate of occupancy, it quickly began fulfilling its mission to give back to the community by providing a free burial place for 97 unclaimed individuals who died without pre-planned post-mortem arrangements for their remains, or the means to pay for such arrangements. As part of its continuing mission to give back, Halcyon Cemetery works with the University of Minnesota Medical School's Anatomy Bequest Program to provide a no-cost resting place for the cremains of the deceased who donate their bodies to the school as a contribution to medical research and education.

There were significant development costs involved in getting Halcyon Cemetery to a place where it can fulfill its goals of community building and charitable endeavors. Even the reduced storm water fee of $407.43 per quarter ($1,629.72 annually) works as a financial hardship against the cemetery. Halcyon Cemetery was created to provide a peaceful and respectful resting place into perpetuity. In addition to the significant development costs invested in improving the Property, Halcyon Cemetery's operating costs are expected to exceed revenue for years. For these reasons, an ongoing 75% credit is appropriate to reduce Halcyon Cemetery's surface water management fee from $534.24 to $133.56 per quarter.

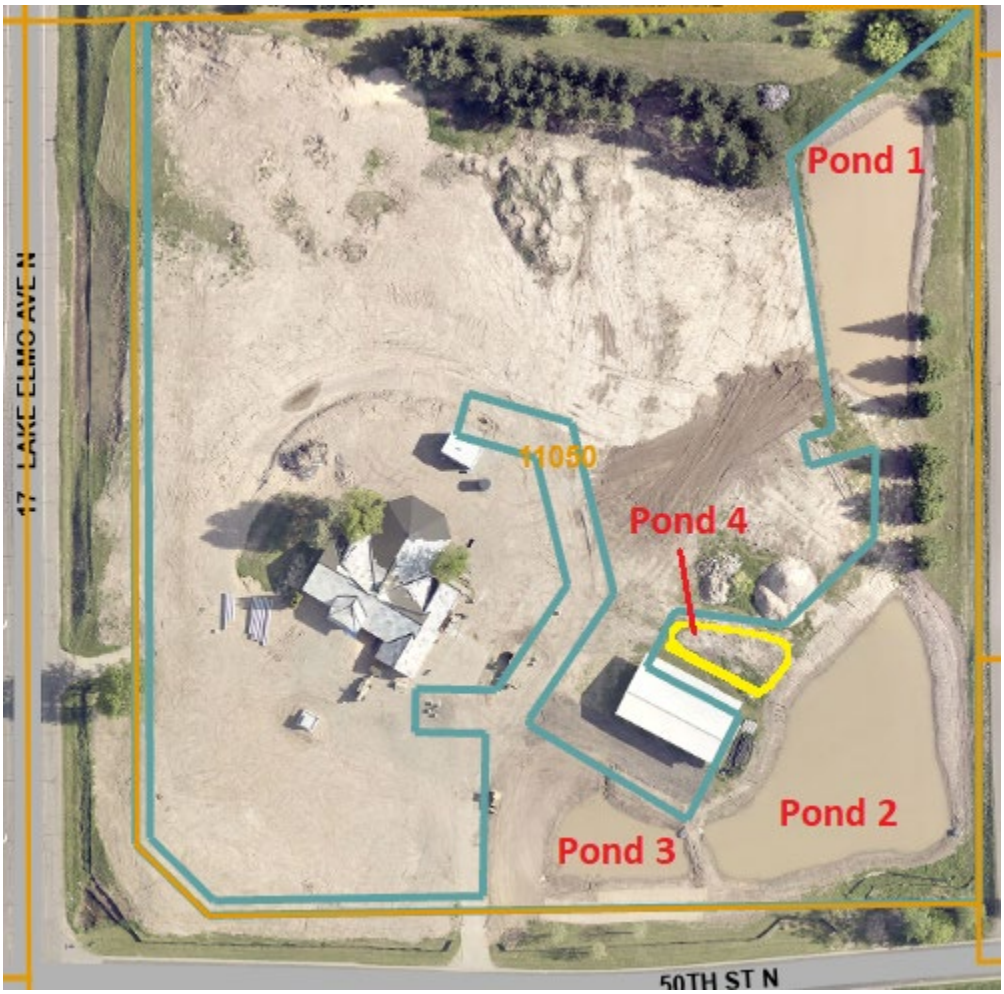
Credit for Intentional Retention and Re-Use of Surface Water Run-off

Halcyon Cemetery qualifies for a 75% credit based on its water retention practices. (Code § 5.16.040(a).) Section 5.16.040(a) provides credits for retention practices including but not limited to the use of rain barrels, rain gardens, retention ponds, swales, ditches, or manmade watercourses, riparian area plantings, and other actions that are deemed to

[2] The Property is 8.3 acres.

intentionally detain surface water run-off. The broader objective of this credit is to provide a discount for property owners who "contributed to the management of surface water through intentional acts of retaining or re-using surface water to have a minimal impact on the municipal surface water management system or surface waters of the state." (Id.)

There are four retention ponds at Halcyon Cemetery in the drainage and utility easement as shown on the GIS map image below, with the boundary of the fourth pond drawn in yellow:



The retention ponds not only collect surface water run-off from the Property, but they also collect water run-off from the properties to the north (10.0 acres) and to the east (9.0 acres) that are at higher elevations than the Property. As shown above in the GIS image, the drainage and utility easement carveout on the east side, and more than half of the southern boundary consume a large portion of the acreage and are dedicated to keeping all surface water, and surface water from neighboring properties, on the Property.

Loucks Associates prepared a Stormwater Management Plan as part of the development of the cemetery. (*See* enclosed Exhibit A.) The cemetery was designed and developed to ensure that all surface water on the Property would stay on the Property. Storm water management at the cemetery consists "of an infiltration basin along the perimeter of the site with vegetative swales and NURP ponding for pretreatment." (Ex. A, p. 2.) The conclusion from the Loucks Associates Stormwater Management Plan describes the

> The proposed Stormwater Management Plan for The Halcyon Cemetery project is designed to meet the Valley Branch Watersheds storm water requirements. The plan provides rate control by decreasing the rates from existing for the 2-, 10-, and 100-year events. We are also meeting the Volume Control requirement by providing 26,812 cubic feet of storage below the outlets of the infiltration basins. The owner will build the storm water treatment for the entire site during phase 1.

(Ex. A, p. 3.)

Because Halcyon Cemetery employs multiple features that aid the management of surface water through intentional acts of retaining or re-using surface water, the cemetery requests a surface water management fee credit of 75%, reducing the fee to $133.56 per quarter.

Credit for Surface Water Retention Benefiting the System as a Whole

Finally, while the two previous credit categories relate to property-specific discounts, the third category provides for credits up to 50% based on the "effectiveness of the surface water retention as it relates to the management of the municipal surface water management system as a whole." (Code § 5.16.040(b).) The Property has been in the Rossow family for decades. LeRoy J. Rossow, Jr., the Chairman of the Board of Halcyon Cemetery, is acutely aware of the Lake Elmo's past and ongoing growth, and of its goals to not have an adverse impact to ground and surface water resources in the area, to protect ground water quality and quantity, and to protect and enhance the quality of its natural resources. The cemetery was designed and developed with the assistance of engineering professionals to ensure that the Property complied with all Valley Branch Watershed District requirements and that it retained as much surface water on its 8.3 acres as possible. Because Halcyon Cemetery implemented a surface water retention system that will benefit the municipal water management system for many years, it requests that the City apply a 50% credit to the surface water management fee.

Summary

All three credit categories under Section 5.16.040 of the Code provide Halcyon Cemetery relief from the surface water management fee. The City has ample authority to grant Halcyon Cemetery a 75% credit for financial hardship or for its intentional retention and re-use of surface water run-off. Even if the cemetery didn't qualify under either of these credit categories, its contributions to the broader municipal surface water management system justifies a 50% credit. Halcyon Cemetery respectfully requests that the City reduce the storm water management fee by 75% to $133.56 per quarter, that the discount be applied annually to the Property, and that the City apply a credit against future fees for the amounts already paid in 2022 greater than 25% of the assessed fee. We have prepared draft findings of fact and conclusions of law for your consideration as we encourage you to adopt this draft as part of your appeal determination in favor of Halcyon Cemetery. (*See* Exhibit B.)

Please let me know if you have any questions. Thank you.

Sincerely,

Christopher W. Boline

cc: Tanya Batchelor, Utility Billing (*via e-mail*)
LeRoy J. Rossow, Jr. (*via e-mail*)

EXHIBIT A

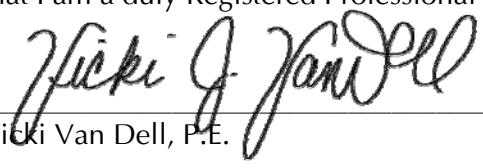
Loucks Associates Stormwater Management Plan

Stormwater Management Plan

Halcyon Cemetery
Lake Elmo, MN

Prepared by Loucks Associates
July 11, 2018

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



Vicki Van Dell, P.E.

Date: 7/11/18
Reg. No. 41352

Halcyon Cemetery

Lake Elmo, Minnesota

Stormwater Management Plan

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Appendices

Halcyon Cemetery

Lake Elmo, Minnesota

Stormwater Management Plan

Introduction

This storm water management plan was created for The Halcyon Cemetery project located east of Lake Elmo Avenue North and north of 50th Street in Lake Elmo, Minnesota.

On behalf of the owner, we are pleased to submit this application for Watershed approval. Although a new cemetery may not be typical, it is planned to be an exceptional facility.

The project consists of a parcel approximately 8± acres with approximately 90% of the site proposed to be disturbed with ultimate build-out. The project consists of converting the existing house into an administration building and the shed will remain as maintenance shed. The remaining portion of the parcel will consist of access roads, mausoleums and grave sites. The wetland in the northeast portion of the site is planned to remain.

Included in this Stormwater Management Plan are calculations for the existing and proposed discharge off site.

Methodology

Valley Branch Watershed requirements state that the project must retain 1.1 inches times the impervious surface without any losses. Peak runoff from the developed site must not exceed existing rates for the 2-year, 10-year and 100-year rainfall events. Soils information was taken from the Natural Resources Conservation Service. The site has a combination of A, B & C soils, see the attached soils map. Based on Valley Branch rules, the infiltration rate for C soil is 0.5 inches/hour.

The stormwater calculations were created utilizing the stormwater-modeling program HydroCAD 9.00. Calculations were performed for the Lake Elmo-24hr S1, using Altas 14 for 2-year, 10-year and 100-year rainfall events of 2.8 inches, 4.17 inches and 7.25 inches respectively. The rainfall values were taken from the Altas 14 database for the site location.

City of Lake Elmo requires the existing Curve Number be based on Pre-Settlement conditions, so for the C-Soils, we were required to use a CN of 71. NPDES requirements are then required by the City of Lake Elmo, which match the Valley Branch Watershed.

Existing Conditions

The existing site consists of a house and shed with the remainder of the site consisting of grass, a small existing wetland in the center of the site and an existing wetland in the

northeast portion of the site. The existing approximate 8-acre site has approximately 0.46 acres of impervious surface.

Additional off site area is added to the analysis to better determine the water flow through the site. Based on the information provided by the watershed, there are two main drainage areas flowing through the site, with one being split into two. This drainage area was split into two areas based on the data provided by the watershed. The contour data given showed lowland areas to the east of the site, which is consistent with the survey data we have. Based on that information the area was split based on what drains directly onto the site and that which drains to other lowland areas first.

Proposed Conditions

The proposed project consists of a main administration building, a maintenance shed, mausoleums and grave sites. The proposed impervious surface for the parcel is 2.07 acres. Storm water management will consist of an infiltration basin along the perimeter of the site with vegetative swales and NURP ponding for pretreatment.

Volume Control

The site is designed to meet the volume reduction of 1.1 inches times the impervious surfaces for the site. This amounts to 8,278 cubic feet of storage required. The storage below the outlet of the infiltration basin is 15,738 cf for the south infiltration basin & 12,318 cf for the north infiltration basin.
Additional volume control is needed for the existing outlet to the south. For the proposed 2-year 24-hour event, the outlet can take no more than 25% more volume than existing. The existing volume was 0.115 acre-feet and the proposed volume is 0.000 acre-feet.

Rate Control

The site is designed to decrease the rates from existing conditions for the 2-year, 10-year and 100-year rainfall events. The attached Flow Summary/Volume Control worksheet shows the existing and proposed rates have decreased from the existing conditions.

Drawdown

The depth of the infiltration basin is based on the drawdown time of the infiltration rate used over a 48 hour drawdown time frame. At a 0.3 in/hr infiltration rate over 48 hours, the pond can be 1.3' deep. The proposed infiltration depth from the lowest outlet to the bottom of the basin for the north infiltration basin (P-3) is 0.90-ft and the infiltration depth from the lowest outlet to the bottom of the basin for the south infiltration basin (P-12) is 0.75-ft'. These depths are below the required maximum depth of 1.3-ft.

Best Management Practices

Best management practices (BMP's) will be implemented during construction per the project Stormwater Pollution Prevention Plan (SWPPP). The final SWPPP will be prepared as part of the construction documents as required and updated as the development occurs. Proposed BMP's will minimize erosion and manage sedimentation as required by the National Pollution

Discharge Elimination System (NPDES). During construction, erosion control measures will include dust control, silt fencing, inlet protection, a temporary rock construction entrance, and a concrete wash-out area. Permanent BMP's will include an infiltration basin, sum and surface paving of disturbed areas.

Conclusion

The proposed Stormwater Management Plan for The Halcyon Cemetery project is designed to meet the Valley Branch Watersheds storm water requirements. The plan provides rate control by decreasing the rates from existing for the 2-, 10-, and 100-year events. We are also meeting the Volume Control requirement by providing 26,812 cubic feet of storage below the outlets of the infiltration basins. The owner will build the storm water treatment for the entire site during phase 1. The owner requests that once this storm sewer treatment is approved, that this site be considered as fully compliant. The development of this parcel will take place over many years as the cemetery plots are sold. The owner does not want to have to provide additional stormwater treatment in the future.

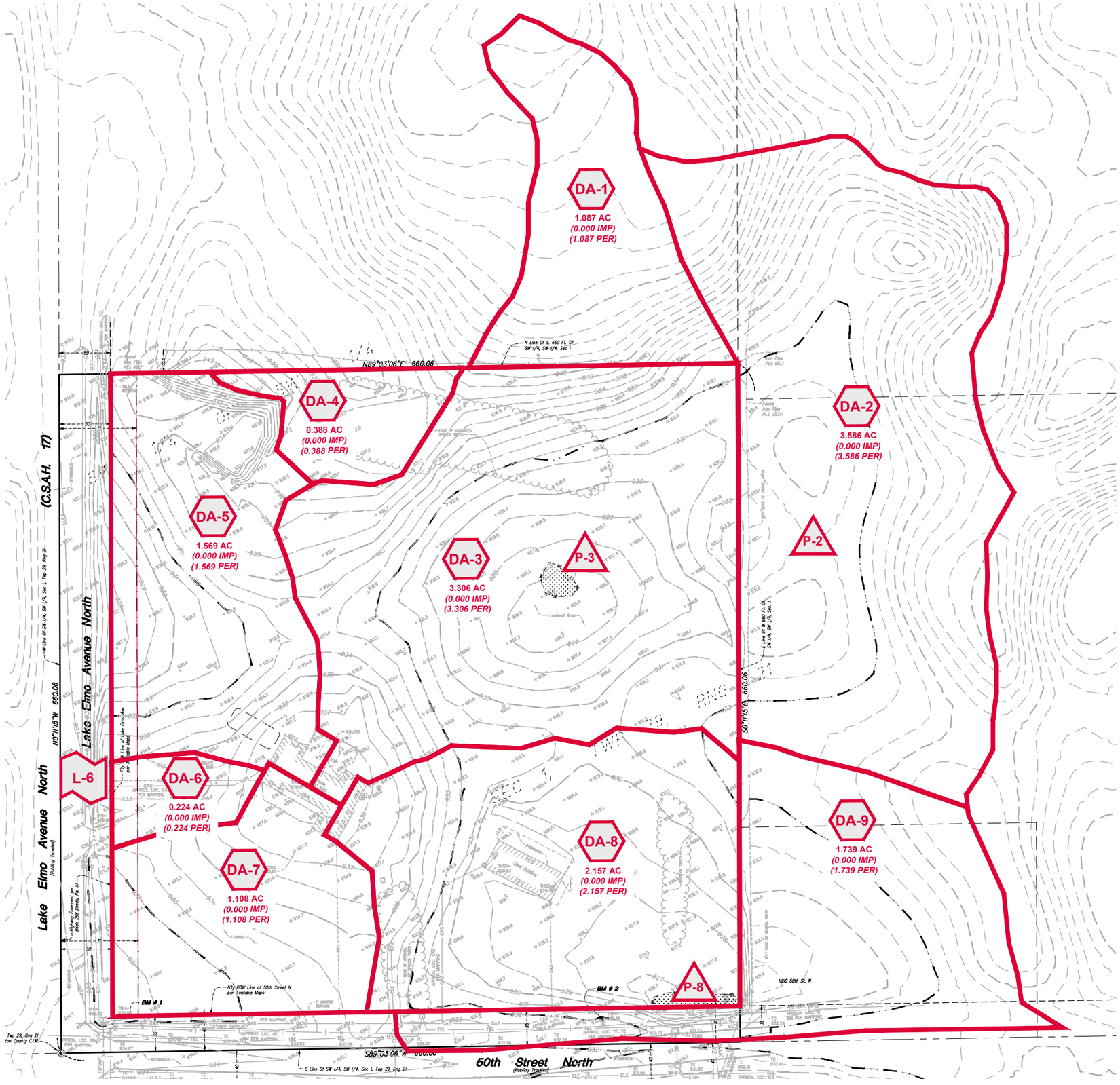
APPENDIX A

Project: HALCYON
Project No: 14530
Date: 7/11/2018

FLOW SUMMARY / VOLUME CONTROL WORKSHEET

2-YR Event						10-YR Event						100-YR Event					
Existing (CFS)		Volume (AF)	Proposed (CFS)		Volume (AF)	Existing (CFS)		Volume (AF)	Proposed (CFS)		Volume (AF)	Existing (CFS)		Volume (AF)	Proposed (CFS)		Volume (AF)
DA-4	0.21	0.021	DA-4	0.00	0.000	DA-4	0.56	0.050	DA-4	0.00	0.000	DA-4	1.41	0.129	DA-4	0.02	0.005
P-8	0.29	0.115	P-8	0.00	0.000	P-8	2.27	0.402	P-8	0.00	0.000	P-8	2.56	1.196	P-8	1.70	1.766
L-6	1.54	0.157	L-6	0.99	0.084	L-6	4.16	0.371	L-6	2.42	0.188	L-6	10.48	0.962	L-6	5.63	0.463
Total	2.04	0.293	Total	0.99	0.084	Total	6.99	0.823	Total	2.42	0.188	Total	14.45	2.287	Total	7.35	1.771

APPENDIX B



0 40 80

SCALE IN FEET

HALCYON

LAKE ELMO, MN

GLCJ Properties, Inc.

1870 Rice Street
Roseville, MN 55113

LOUCKS

PLANNING
CIVIL ENGINEERING
LAND SURVEYING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL

7200 Hemlock Lane, Suite 300
Maple Grove, MN 55369
763.424.5505
www.loucksinc.com

CADD QUALIFICATION

CADD files prepared by the Consultant for this project are instruments of the Consultant professional services for use solely with respect to this project. These CADD files shall not be used on other projects, for additions to this project, or for completion of this project by others without written approval by the Consultant. With the Consultant's approval, others may be permitted to obtain copies of the CADD drawing files for information and reference only. All intentional or unintentional revisions, additions, or deletions to these CADD files shall be made at the full risk of that party making such revisions, additions or deletions and that party shall hold harmless and indemnify the Consultant from any & all responsibilities, claims, and liabilities.

SUBMITTAL/REVISIONS

03/04/15	Revised City Submittal
05/14/15	Watershed submittal
06/17/15	Final City Submittal
06/13/18	Construction Documents

PROFESSIONAL SIGNATURE

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

Vicki J. VanDell, P.E.

License No.	41352
Date	06/13/18

QUALITY CONTROL

Loucks Project No.	014530.00
Project Lead	GAJ
Drawn By	GAJ/WBS
Checked By	GAJ/VJV
Review Date	06/13/18

SHEET INDEX

WARNING

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES.

THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.

CALL BEFORE YOU DIG!

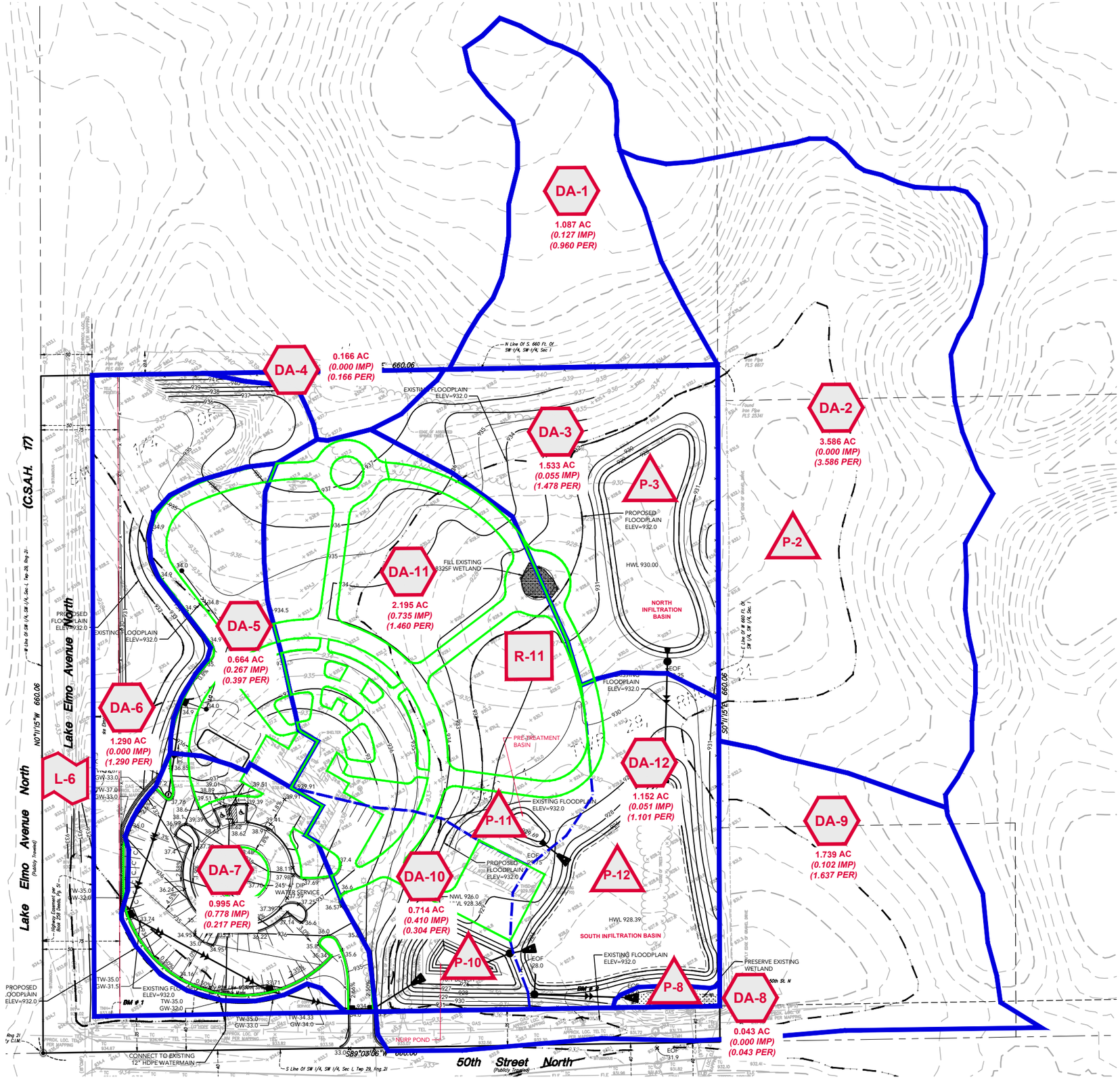
Gopher State One Call

TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166

EXISTING DRAINAGE AREA MAP

H1-1

Plotted: 06/18/2018 8:14 AM W:\2014\14530\CADD DATA\CIVIL\.dwg Sheet Files\C14530 H1-1



N

0 40 80

SCALE IN FEET

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Gopher State One Call
TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166

HALCYON

LAKE ELMO, MN

GLCJ Properties, Inc.

1870 Rice Street
Roseville, MN 55113

LOUCKS

PLANNING
CIVIL ENGINEERING
LAND SURVEYING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL

7200 Hemlock Lane, Suite 300
Maple Grove, MN 55369
763.424.5505
www.loucksinc.com

CADD QUALIFICATION

CADD files prepared by the Consultant for this project are instruments of the Consultant professional services for use solely with respect to this project. These CADD files shall not be used on other projects, for additions to this project, or for completion of this project by others without written approval by the Consultant. With the Consultant's approval, others may be permitted to obtain copies of the CADD drawing files for information and reference only. All intentional or unintentional revisions, additions, or deletions to these CADD files shall be made at the full risk of that party making such revisions, additions or deletions and that party shall hold harmless and indemnify the Consultant from any & all responsibilities, claims, and liabilities.

SUBMITTAL/REVISIONS

03/04/15	Revised City Submittal
05/14/15	Watershed submittal
06/17/15	Final City Submittal
06/13/18	Construction Documents

PROFESSIONAL SIGNATURE

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

Vicki J. VanDell, PE

License No. 41352
Date 06/13/18

QUALITY CONTROL

Loucks Project No.	014530.00
Project Lead	GAJ
Drawn By	GAJ/WBS
Checked By	GAJ/VJV
Review Date	06/13/18

SHEET INDEX

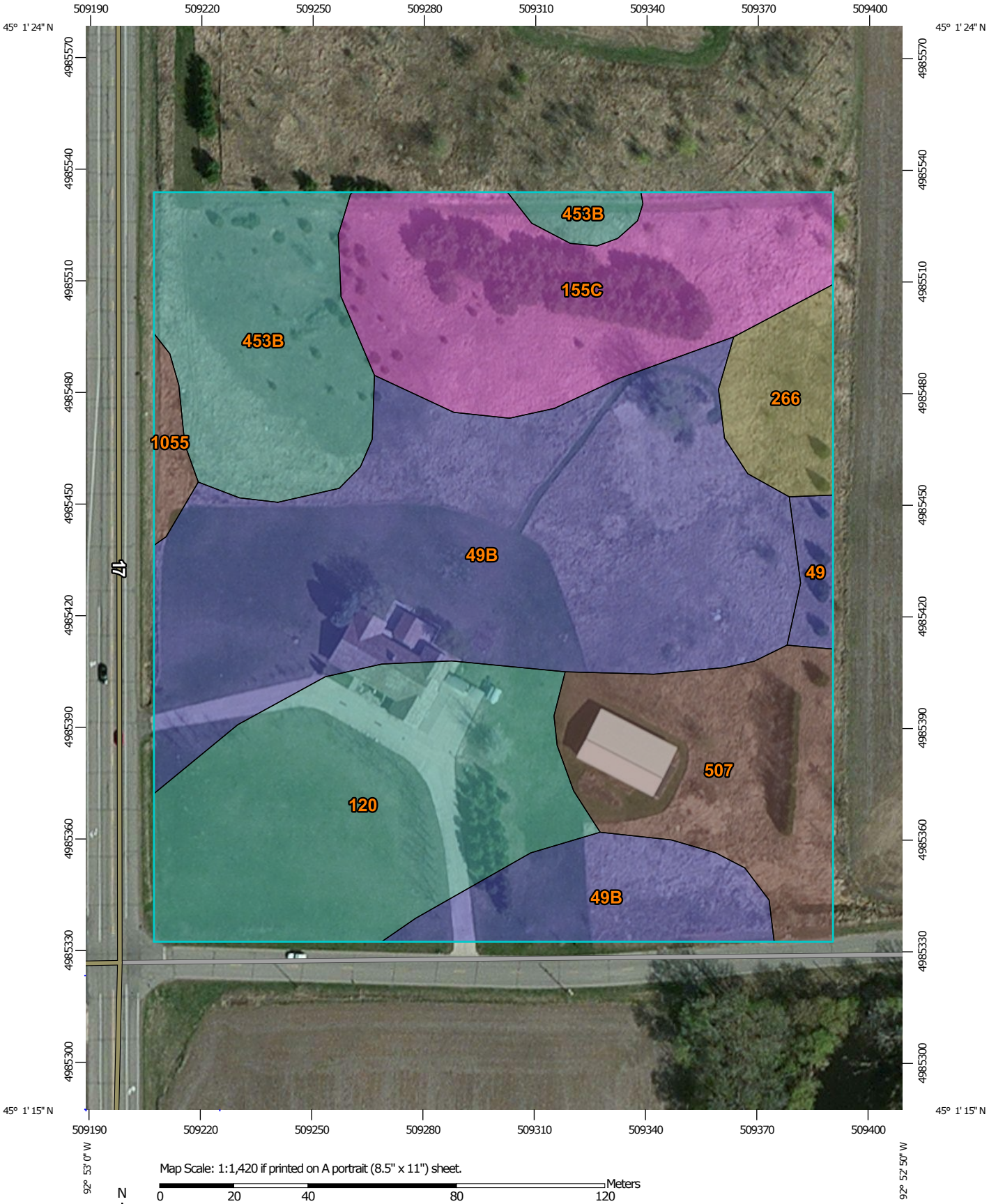
PROPOSED DRAINAGE AREA MAP

H2-1

Plotted: 06/18/2018 9:38 AM W:\2014\14530\CADD DATA\CIVIL\ dwg Sheet Files\C14530 H2-1

APPENDIX C

Hydrologic Soil Group—Washington County, Minnesota
(Hydrologic Soil Group Map)



MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils

Soil Rating Polygons
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Lines
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Points
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Washington County, Minnesota
Survey Area Data: Version 9, Sep 16, 2014

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 16, 2012—Apr 26, 2012

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Hydrologic Soil Group— Summary by Map Unit — Washington County, Minnesota (MN163)				
Map unit symbol	**Map unit name**	**Rating**	**Acres in AOI**	**Percent of AOI**
49	Antigo silt loam, 0 to 2 percent slopes	B	0.1	1.1%
49B	Antigo silt loam, 2 to 6 percent slopes	B	3.4	37.0%
120	Brill silt loam	C	1.7	18.3%
155C	Chetek sandy loam, 6 to 12 percent slopes	A	1.5	16.0%
266	Freer silt loam	C/D	0.3	3.6%
453B	DeMontreville loamy fine sand, 2 to 6 percent slopes	C	1.1	12.1%
507	Poskin silt loam	B/D	1.0	10.7%
1055	Aquolls and Histosols, ponded	B/D	0.1	1.1%
Totals for Area of Interest			**9.1**	**100.0%**

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

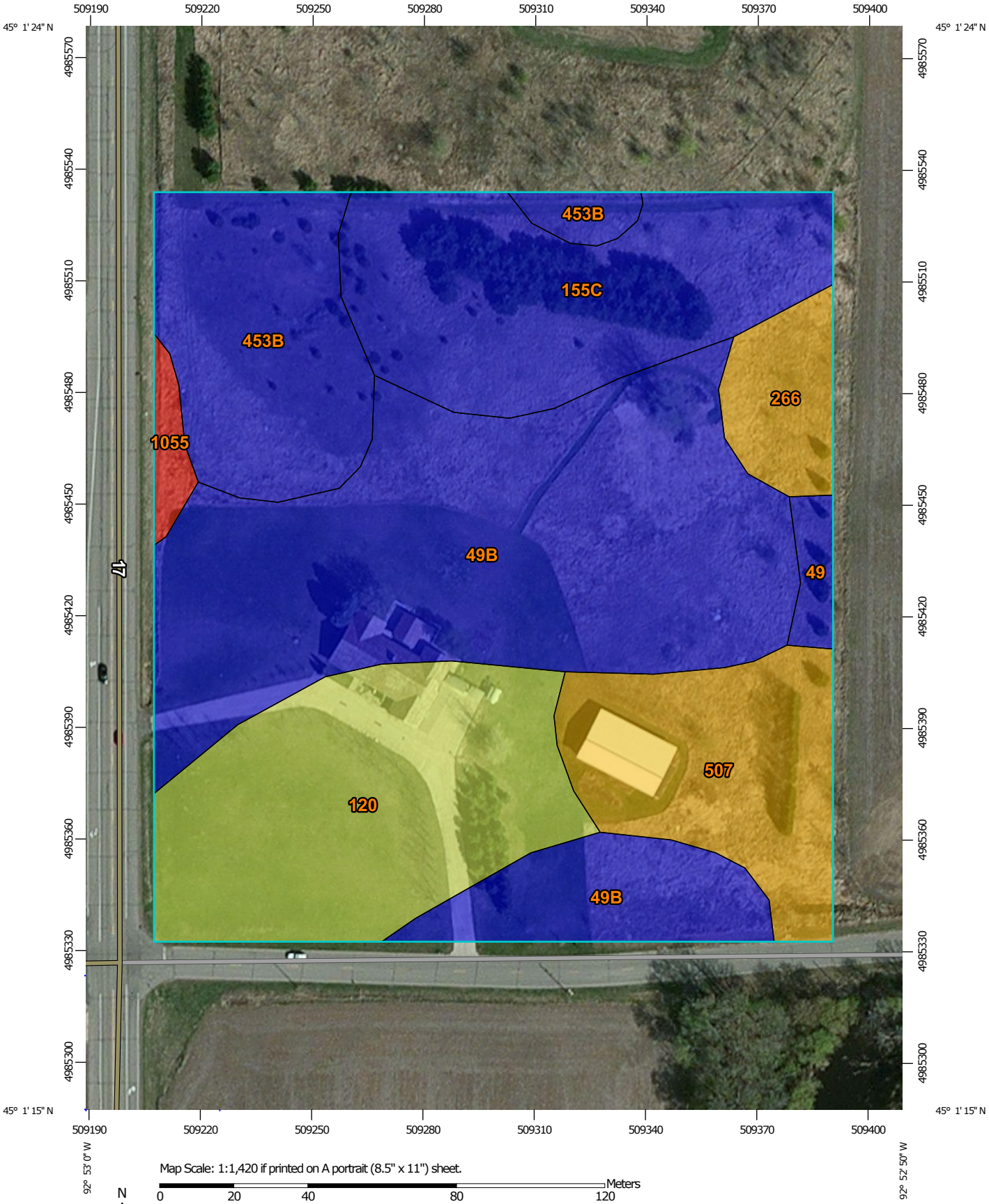
Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Depth to Water Table—Washington County, Minnesota
(Depth to Water Table Map)



MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils

Soil Rating Polygons
- 0 - 25
- 25 - 50
- 50 - 100
- 100 - 150
- 150 - 200
- > 200
- Not rated or not available

Soil Rating Lines
- 0 - 25
- 25 - 50
- 50 - 100
- 100 - 150
- 150 - 200
- > 200
- Not rated or not available

Soil Rating Points
- 0 - 25
- 25 - 50
- 50 - 100
- 100 - 150
- 150 - 200
- > 200
- Not rated or not available

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

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Warning: Soil Map may not be valid at this scale.

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Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
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Coordinate System: Web Mercator (EPSG:3857)

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Survey Area Data: Version 9, Sep 16, 2014

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The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Depth to Water Table

Depth to Water Table— Summary by Map Unit — Washington County, Minnesota (MN163)				
Map unit symbol	**Map unit name**	**Rating (centimeters)**	**Acres in AOI**	**Percent of AOI**
49	Antigo silt loam, 0 to 2 percent slopes	>200	0.1	1.1%
49B	Antigo silt loam, 2 to 6 percent slopes	>200	3.4	37.0%
120	Brill silt loam	76	1.7	18.3%
155C	Chetek sandy loam, 6 to 12 percent slopes	>200	1.5	16.0%
266	Freer silt loam	30	0.3	3.6%
453B	DeMontreville loamy fine sand, 2 to 6 percent slopes	>200	1.1	12.1%
507	Poskin silt loam	46	1.0	10.7%
1055	Aquolls and Histosols, ponded	0	0.1	1.1%
Totals for Area of Interest			**9.1**	**100.0%**

Description

"Water table" refers to a saturated zone in the soil. It occurs during specified months. Estimates of the upper limit are based mainly on observations of the water table at selected sites and on evidence of a saturated zone, namely grayish colors (redoximorphic features) in the soil. A saturated zone that lasts for less than a month is not considered a water table.

This attribute is actually recorded as three separate values in the database. A low value and a high value indicate the range of this attribute for the soil component. A "representative" value indicates the expected value of this attribute for the component. For this soil property, only the representative value is used.

Rating Options

Units of Measure: centimeters

Aggregation Method: Dominant Component

Component Percent Cutoff: *None Specified*

Tie-break Rule: Lower

Interpret Nulls as Zero: No

Beginning Month: January

Ending Month: December

Flooding Frequency Class—Washington County, Minnesota
(Flooding Frequency Class Map)

Map Scale: 1:1,420 if printed on A portrait (8.5" x 11") sheet.

N

Meters
0 20 40 80 120

Feet
0 50 100 200 300

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils

Soil Rating Polygons
- None
- Very Rare
- Rare
- Occasional
- Frequent
- Very Frequent
- Not rated or not available

Soil Rating Lines
- None
- Very Rare
- Rare
- Occasional
- Frequent
- Very Frequent
- Not rated or not available

Soil Rating Points
- None
- Very Rare
- Rare
- Occasional
- Frequent
- Very Frequent
- Not rated or not available

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
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Flooding Frequency Class

Flooding Frequency Class— Summary by Map Unit — Washington County, Minnesota (MN163)				
Map unit symbol	**Map unit name**	**Rating**	**Acres in AOI**	**Percent of AOI**
49	Antigo silt loam, 0 to 2 percent slopes	None	0.1	1.1%
49B	Antigo silt loam, 2 to 6 percent slopes	None	3.4	37.0%
120	Brill silt loam	None	1.7	18.3%
155C	Chetek sandy loam, 6 to 12 percent slopes	None	1.5	16.0%
266	Freer silt loam	None	0.3	3.6%
453B	DeMontreville loamy fine sand, 2 to 6 percent slopes	None	1.1	12.1%
507	Poskin silt loam	None	1.0	10.7%
1055	Aquolls and Histosols, ponded	None	0.1	1.1%
Totals for Area of Interest			**9.1**	**100.0%**

Description

Flooding is the temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding.

Frequency is expressed as none, very rare, rare, occasional, frequent, and very frequent.

"None" means that flooding is not probable. The chance of flooding is nearly 0 percent in any year. Flooding occurs less than once in 500 years.

"Very rare" means that flooding is very unlikely but possible under extremely unusual weather conditions. The chance of flooding is less than 1 percent in any year.

"Rare" means that flooding is unlikely but possible under unusual weather conditions. The chance of flooding is 1 to 5 percent in any year.

"Occasional" means that flooding occurs infrequently under normal weather conditions. The chance of flooding is 5 to 50 percent in any year.

"Frequent" means that flooding is likely to occur often under normal weather conditions. The chance of flooding is more than 50 percent in any year but is less than 50 percent in all months in any year.

"Very frequent" means that flooding is likely to occur very often under normal weather conditions. The chance of flooding is more than 50 percent in all months of any year.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: More Frequent

Beginning Month: January

Ending Month: December

APPENDIX D

EXHIBIT B

Draft Resolution Approving Storm Water Assessment Credit
for Halcyon Cemetery

PROPOSED RESOLUTION

* * * * * * * * * * * *

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

RESOLUTION NO. 2022-XXX

A RESOLUTION APPROVING A STORM WATER ASSESSMENT CREDIT FOR HALCYON CEMETERY

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

WHEREAS, Halcyon Cemetery has submitted an appeal to the City of Lake Elmo (the "City") requesting that the City grant an ongoing credit of 75% of the surface water management fee for the property located at 11050 - 50th Street North, Lake Elmo, Minnesota 55042, and legally described as Lot 1, Block 1, HALCYON, Washington County, Minnesota (PID# 01.029.21.33.0008) (the "Property"); and

WHEREAS, the City Council considered said matter at its November 1, 2022 meeting and directed City staff to draft a resolution granting Halcyon Cemetery an ongoing credit of 75% of the surface water management fee for the Property, and to apply a retroactive setoff credit for future water management fees based on the amounts already paid for 2022; and

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

FINDINGS

1) That the City may make surface water management fee adjustment credits as provided for in Section 5.16.040 of the Lake Elmo City Code.

2) That all appeal submission requirements of Section 5.16.070 of the Lake Elmo City Code have been met by Halcyon Cemetery.

3) That Halcyon Cemetery has demonstrated that it meets the conditions for a credit to be applied to the surface water management fee for the Property, including the following:

    a) **Financial Hardship Credit**. Halcyon Cemetery qualifies for a financial hardship credit pursuant to Section 5.16.040(c) of the Lake Elmo City Code because, among other things, (i) it is a nonprofit corporation that does not provide pecuniary gain or dividends to its members, (ii) the cemetery at the

Property has and continues to benefit Lake Elmo and the surrounding community by providing free burial places for 97 unclaimed individuals who lacked the means or arrangements for burial and by working with the University of Minnesota Medical School's Anatomy Bequest Program to provide a no-cost resting place for the cremains of those who donate their deceased bodies to school as a contribution to medical research and education, (iii) Halcyon's Cemetery's operating costs have and are expected to exceed revenue.

b) **Intentional Retention and Re-Use of Surface Water Run-off**. Halcyon Cemetery qualifies for a surface water management fee credit pursuant to Section 5.16.040(a) of the Lake Elmo City Code because, among other things, (i) there are four retention ponds on the Property that capture surface water from the Property and run-off from the properties north and east of the Property, and (ii) the cemetery implemented a storm water management plan with the assistance of Loucks Associates such that cemetery meets the Valley Branch Watershed's storm water requirements, provides better rate control than previously existed at the property, and meets volume control requirements.

c) **Surface Water Retention Relating to the Management of the Municipal Surface Water Management System as a Whole**. Halcyon Cemetery qualifies for a surface water management fee credit pursuant to Section 5.16.040(b) of the Lake Elmo City Code because, among other things, (i) the property was designed and developed to retain the majority of the surface water on the 8.3 acres of the Property, and (ii) the cemetery implemented a storm water management plan with the assistance of Loucks Associates such that cemetery meets the Valley Branch Watershed's storm water requirements, provides better rate control than previously existed at the property, and meets volume control requirements.

DECISION

NOW, THEREFORE, BE IT FURTHER RESOLVED, and based upon the information received and the above Findings, that the City Council of the City of Lake Elmo hereby granted Halcyon Cemetery's request for an ongoing credit of 75% of the surface water management fee for the Property and a retroactive setoff credit of 75% of the surface water management fee for the Property for amounts paid for 2022 to be applied to future surface water management fees.

Passed and duly adopted this 1st day of November, 2022 by the City Council of the City of Lake Elmo, Minnesota.

By: _____
Charles Cadenhead
Mayor

(Seal)
ATTEST:

_____
Julie Johnson
City Clerk

MEMORANDUM

FOCUS ENGINEERING, inc.

Cara Geheren, P.E.	**651.300.4261**
Jack Griffin, P.E.	**651.300.4264**
Ryan Stempski, P.E.	**651.300.4267**
Chad Isakson, P.E.	**651.300.4285**

Date: November 8, 2022

To: Kristian Handt, City Administrator
Cc: Marty Powers, Public Works Director

Cc: Chad Isakson, PE, Assistant City Engineer
From: Jack Griffin, PE, City Engineer

Re: Halcyon Cemetery (11050 50th Street North)
Stormwater Management Fee Appeal

This memorandum is intended to address the status of the Halcyon Cemetery stormwater management improvements that were recently constructed as part of the Halcyon Cemetery development. The property owner has submitted an appeal for a reduction in the Stormwater Management Fee for the property under Lake Elmo City Code (LEC) 5.16.040.

Engineering has the following findings and recommendations:

1. No credit is recommended for the storm water management fees until after the stormwater management improvements for the Halcyon Cemetery development (the "Improvements") have been fully completed, accepted and approved by the city and the Valley Branch Watershed District.
2. Once the "Improvements" have been completed, an ongoing credit of 25% is recommended. The design performance of the Improvements provides a rate reduction in runoff of roughly 50% from the pre-existing conditions. All other benefits provided by the applicant's stormwater management system are for the sole benefit of the property owner and the expanded use of the property.
3. The ongoing credit should be limited to 25%. In addition to the maintenance of storm water infrastructure, the Stormwater Utility expenditures include extensive unfunded mandates related to the city's duties and responsibilities as a mandated MS4 permittee through the EPA. Permit requirements include extensive ongoing studies, reporting, inspections and operating procedures to be completed by the city whether or not the city has limited its discharges to waters of the State.
4. As a requirement for any credit to the storm water management fee, the property owner must have on file with the city a fully executed Stormwater Maintenance and Easement Agreement in the city's standard form of agreement, including the provisions that require the property owner to agree to provide for the adequate long term maintenance and continuation of the storm water improvements.
5. For the ongoing credit to be applied in any given year, the property owner must submit to the city the records of all inspections and maintenance activities relating to the storm water improvements, and submit such records by March 1st of each year to the city.

Status of the Construction of the Improvements:

1. The Halcyon Cemetery site improvements remains an active construction site.
2. The stormwater management improvements constructed as part of the Halcyon Cemetery development (the "Improvements") have not been approved and accepted by the city.
3. Before the Improvements can be accepted by the city, the developer must have its engineer perform an as-built survey and prepare as-built record plans (in accordance with as-built drawing plan format requirements in the city engineering design standards manual) for city review and approval.

4. Once as-built record plans have been provided with all required information, the city must perform a final construction inspection of the site. The developer will be required to complete all corrective work and punch lists items identified as remaining work items.
5. The Stormwater Management Improvements have not been approved and accepted by the Valley Branch Watershed District (VBWD). The permit for the site remains open. The property owner must take all steps necessary to close out the permit with the VBWD.