



*Our Mission is to Provide Quality Public Services in a
Fiscally Responsible Manner While Preserving the City's
Open Space Character*

NOTICE OF MEETING

City Council Meeting

Tuesday, March 18, 2014 7:00 P.M.

City of Lake Elmo | 3800 Laverne Avenue North

AGENDA

- A. Call to Order**
- 7:00 **B. Pledge of Allegiance**
- C. Roll Call**
- D. Order of Business**
- E. Approval of Agenda**
- F. Accept Minutes**
1. Accept March 04, 2014 City Council Meeting Minutes
- G. Council Reports**
- Mayor
 - Council
- 7:10 **H. Public Comments/Inquiries**
- I. Consent Agenda**
2. Approve Payment of Disbursements and Payroll
3. Accept Financial Report dated February 28, 2014
4. Accept Building Report dated February 28, 2014
5. Approve League of MN Cities Insurance Trust Waiver Form – Annual Renewal
6. Lake Elmo Sewer Infrastructure Improvements: I-94 to 30th St. – Pay Request No. 6.
7. 2014 Seal Coat Project – Joint Services Agreement with Baytown Township
- J. Regular Agenda**
- 7:15 8. Schiltgen Farm Parcel B Sketch Plan Review
9. Accessory Structure Ordinance Amendment; **ORDINANCE 08-104, RESOLUTION NO. 2014-16**
- 8:05 10. 2013 Internal Loan Repayment; **RESOLUTION NO. 2014-17**
11. 39th Street North: Street and Sanitary Sewer Improvements -Accept Petition and Authorize Feasibility Report; **RESOLUTION NO. 2014-18**
- K. New Business**
- 8:30 12. Downtown Lake Elmo Market Area Profile
13. Approve Washington County Municipal Water Coalition Resolution; **RESOLUTION NO. 2014-19**
- L. Staff Reports and Announcements**
- City Administrator
 - City Attorney
 - Planning Director
 - City Engineer
 - Finance Director
 - City Clerk
- 9:00 **M. Adjourn**

******Item times are estimates and subject to change******

LAKE ELMO CITY COUNCIL MINUTES
MARCH 04, 2014, 2014

CITY OF LAKE ELMO
CITY COUNCIL MINUTES
MARCH 04, 2014

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

PRESENT: Mayor Mike Pearson, Council Members Wally Nelson, Justin Bloyer, and Mike Reeves. Anne Smith arrived at 7:23PM.

Also Present: City Administrator Zuleger, Associate City Attorney Brekken, City Engineer Griffin, Finance Director Bendel, City Clerk Bell, and Public Works Director Mike Bouthilet

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

MOTION: Council Member Bloyer moved TO APPROVE THE MARCH 04, 2014 CITY COUNCIL AGENDA AS PRESENTED. Council Member Reeves seconded the motion. MOTION PASSED 5-0.

ITEM 1: ACCEPT MINUTES

THE FEBRUARY 18, 2014 CITY COUNCIL MINUTES WERE APPROVED AS PRESENTED BY CONSENSUS OF THE CITY COUNCIL.

COUNCIL REPORTS:

Council Member Reeves: attended Human Resources Committee meeting. It is a highly qualified group. The Committee discussed scope and purpose as well as the 2014 plan of work. The group plans on meeting on quarterly basis and as needed.

Council Member Bloyer: informed everyone that his email was attacked by a virus. He cautioned anyone who was on his list to not open any recent emails.

Mayor Pearson: attended water bonding meetings; attended Public Safety Committee meeting; met with neighboring fire chiefs to discuss service sharing; acknowledged Public Works crew for great work over past few weeks; attended Highway 5/Manning Ave. realignment meeting; attended Parks Commission meeting.

Council Member Nelson: attended Public Safety Committee meeting; attended Fire Relief Association annual meeting. The fund up is up 15%.

Public Comments

Ruth Pallmeyer, 8989 Lake Jane Trail N., spoke on the library system membership. She has lived in Lake Elmo for 28 years. She is distressed about the Council withholding funds from the county system. Ms. Pallmeyer alleged there was little citizen input considered when the council decision to withdraw was made. She stated she now feels like a second rate citizen. She reported regularly visiting Stillwater, Oakdale, and Woodbury libraries. She claimed that being out of the county system has a negative effect and requested that the Council discuss re-entering the county system.

It was explained that the city was working with the county to re-establish the e-book services.

Presentation

A. Lake Elmo Public Works: 2013-2014 Winter Maintenance Update

Public Works Director Mike Bouthilet gave presentation on snowplowing and winter maintenance. He provided the type of equipment used and the department's approach to various types of events. Mr. Bouthilet also identified the various factors that can impact the deployment decision as well as the challenges that are faced. He noted that in the amount of time it takes to plow a cul-de-sac, the City can plow 2 miles of straight roads. Mr. Bouthilet explained the snow emergency and mailbox replacement

**LAKE ELMO CITY COUNCIL MINUTES
MARCH 04, 2014, 2014**

policies; however, they are not formal policies. He suggested that the city develop a written mailbox policy. He also would like to develop a policy on other items located in the ROW.

Council Member Smith arrived at 7:23PM.

B. Firefighter Relief Association Raffle Drawing

Brad Winkels presented the raffle drawing and Council Member Smith drew winners. Winners selected: \$25 – Tim McGlynn, Lake Elmo, MN; Zona Butler, St. Paul, MN; The Malmbergs; Todd Williams, Lake Elmo, MN. \$100 – Liz Niehaus. \$250 – Robert & Cynthia Schoenrock, Lake Elmo, MN.

CONSENT AGENDA

2. Approve Payment of Disbursements and Payroll
3. Approve 2014 Animal Humane Society Impound Contract
4. 2014 Seal Coat Project – Joint Services Agreement with West Lakeland Township
5. Add Landscape Architecture Firm to the Consultant Pool

MOTION: Council Member Nelson moved TO APPROVE THE CONSENT AGENDA AS PRESENTED. Council Member Reeves seconded the motion. MOTION PASSED 5-0.

REGULAR AGENDA

ITEM 6: APPROVE RESOLUTION IN SUPPORT OF PUBLICATION ALTERNATIVES FOR LOCAL GOVERNMENTS; RES. NO. 2014-14.

City Administrator Zuleger and City Clerk Bell explained the background of the resolution and the rationale behind supporting the measure. The proposal would allow cities to use alternative method of publishing public notices instead of having to pay to use print newspapers. The city currently uses the *Oakdale-Lake Elmo Review*. It was noted that the City would have saved \$6,500.00 in 2013. Clerk Bell noted that publication costs are nearly impossible to accurately budget for.

MOTION: Council Member Reeves moved TO APPROVE RESOLUTION NO. 2014-14, A RESOLUTION SUPPORTING LEGISLATION ALLOWING CITIES TO DESIGNATE THEIR CITY WEBSITE TO PUBLISH PUBLIC NOTICES. Council Member Bloyer seconded the motion.

The Council expressed the desire to have a strong alternative method, but was supportive of measure.

MOTION PASSED 5-0.

ITEM 7: CONNECTING WATERMAIN IMPROVEMENTS – ACCEPT BIDS AND AWARD CONTRACT. RES. NO. 2014-15

City Engineer Griffin gave overview of the proposed project and the scope of the work. City received bids and the low bidder was Northdale Construction Company, Inc. Total award is for \$442,484.13. The Engineer's feasibility construction cost estimate for the project was \$464,000.00.

MOTION: Mayor Pearson moved TO APPROVE RESOLUTION NO. 2014-15, ACCEPTING BIDS AND AWARDED A CONTRACT TO NORTHDAL CONSTRUCTION COMPANY INC., IN THE AMOUNT OF \$442,484.13 FOR THE WELL NO. 4 CONNECTING WATERMAIN IMPROVEMENTS. Council Member Smith seconded the motion. MOTION PASSED 5-0.

SUMMARY REPORTS AND ANNOUNCEMENTS

Mayor Pearson informed everyone that he is hosting a Meeting with the Mayor event at city hall at 10:00AM on Saturday, March 8, 2014.

LAKE ELMO CITY COUNCIL MINUTES
MARCH 04, 2014, 2014

City Administrator Zuleger: explained the 3/11 workshop on the downtown; attended meeting with the school district with Planner Nick Johnson; attended meeting with eastern Village developers to discuss sewer; attended meetings on water funding and groundwater issues; met with 3M representatives along with the Mayor and Council Member Reeves and reported that it went very well; meeting with other cities in the county to discuss the regional groundwater issues.

Associate City Attorney Brekken: no report

City Engineer Griffin: upcoming Lake Elmo Ave./CSAH 17 open house meeting will be held on March 13 at 4:00PM at Christ Lutheran Church.

City Administrator Zuleger reported on behalf of Community Development Director Klatt: City will be recommending 18,000 population target to Met Council; Planning Commission will have accessory structure and outdoor wedding venue ordinances discussed at next Commission meeting;

Finance Director Bendel: been doing audit prep. Auditors will be onsite this week.

City Clerk Bell: No report.

Mayor Pearson adjourned the meeting at 8:01 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Adam R. Bell, City Clerk



MAYOR & COUNCIL COMMUNICATION

DATE: March 18, 2014
CONSENT
ITEM #2
MOTION

AGENDA ITEM: Approve Disbursements in the amount of \$343,339.53

SUBMITTED BY: Cathy Bendel, Finance Director

THROUGH: Cathy Bendel, Finance Director

REVIEWED BY: Dean Zuleger, City Administrator

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Finance

FISCAL IMPACT: \$343,339.53

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$343,339.53. No specific motion is needed as this is recommended to be part of the *Consent Agenda*.

LEGISLATIVE HISTORY: NA

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

Claim #	Amount	Description
ACH	\$ 13,665.46	Payroll Taxes to IRS & MN Dept of Revenue 3/06/14
ACH	\$ 6,636.10	Payroll Retirement to PERA 3/06/14
DD5365-DD5405	\$ 38,441.25	Payroll Dated (Direct Deposits) 3/06/14
41058-41119	\$ 283,756.72	Accounts Payable 3/18/14
2300-2314	\$ 840.00	Library Card Reimbursement 3/18/14
TOTAL	\$ 343,339.53	

RECOMMENDATION: Based on the aforementioned, the staff recommends the City Council approve as part of the Consent Agenda the aforementioned disbursements in the amount of \$343,339.53.

ATTACHMENTS:

1. Accounts Payable – check registers

Accounts Payable To Be Paid Proof List

User: PattyB

Printed: 03/13/2014 - 12:29 PM

Batch: 003-03-2014

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ALDEN PO Alden Pool & Municipal Supply										
14038	02/04/2014	61.40	0.00	03/18/2014	Chlorinator parts		-	No		0000
601-494-9400-44030	Repairs/Maint Imp Not Bldgs									
	14038 Total:	61.40								
	ALDEN PO Total:	61.40								
BAKERPAT Baker Patricia										
2014-02	03/02/2014	1,850.00	0.00	03/18/2014	Contract Service - February 2014		-	No		0000
101-410-1520-43150	Contract Services									
	2014-02 Total:	1,850.00								
	BAKERPAT Total:	1,850.00								
BERTELSON Bertelson's										
WO-916084-1	02/27/2014	64.99	0.00	03/18/2014	Office Supplies - Admin		-	No		0000
101-410-1320-42000	Office Supplies									
WO-916084-1	02/27/2014	28.82	0.00	03/18/2014	Office Supplies - Finance		-	No		0000
101-410-1520-42000	Office Supplies									
	WO-916084-1 Total:	93.81								
	BERTELSON Total:	93.81								
BUCHECKA Buecheck Ann										
031214	01/30/2014	166.03	0.00	03/18/2014	Software for Finance Committee		-	No		0000
206-450-5300-42185	Software									
	031214 Total:	166.03								
	BUCHECKA Total:	166.03								
C A C Companion Animal Control, LLC										
2	02/01/2014	500.00	0.00	03/18/2014	Animal Control Services - February		-	No		0000
101-420-2700-43150	Contract Services									
2	02/01/2014	30.00	0.00	03/18/2014	Dog/Cat pick-up/impoundment 7am-7pm		-	No		0000
101-420-2700-43160	Impounding									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
2 Total:		530.00								
C A C Total:		530.00								
CENTURYL CenturyLink										
02192014	02/19/2014	125.80	0.00	03/18/2014	Phone Service - Library		-			No 0000
206-450-5300-43210	Telephone									
02192014	02/19/2014	38.44	0.00	03/18/2014	Internet Service - Library		-			No 0000
206-450-5300-43250	Internet									
02192014 Total:		164.24								
CENTURYL Total:		164.24								
CHASERIC Chase Rick										
03/03/2014	03/03/2014	121.98	0.00	03/18/2014	Work Boot Reimbursement		-			No 0000
101-420-2400-44170	Uniforms									
Total:		121.98								
CHASERIC Total:		121.98								
COMCAST Comcast										
8.77211E	02/24/2014	4.19	0.00	03/18/2014	Monthly Service		-			No 0000
101-420-2220-44300	Miscellaneous									
8.77211E Total:		4.19								
COMCAST Total:		4.19								
CTYBLOOM City of Bloomington										
Feb-14	03/05/2014	31.50	0.00	03/18/2014	Lab Bacteria Testing - Feb 2014		-			No 0000
601-494-9400-42270	Utility System Maintenance									
Feb-14 Total:		31.50								
CTYBLOOM Total:		31.50								
CTYOAKDA City of Oakdale										
1000460-01	02/28/2014	3,283.00	0.00	03/18/2014	Water Service I-94 02/02-03/04/14		-			No 0000
601-494-9400-43820	Water Utility									
1000460-01 Total:		3,283.00								
CTYOAKDA Total:		3,283.00								
CTYOAKDP City of Oakdale										
201402254085	02/25/2014	325.25	0.00	03/18/2014	CV-2, replace alternator and light		-			No 0000
101-420-2220-44040	Repairs/Maint Eqpt									
201402254085 Total:		325.25								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
CTYOAKDP Total:		325.25								
EARLANDE Earl F. Andersen, Inc.										
104148-IN	01/23/2014	968.60	0.00	03/18/2014	Sign posts, cones		-	No		0000
101-430-3100-42260	Sign Repair Materials	968.60								
	104148-IN Total:	968.60								
	EARLANDE Total:	968.60								
EMERGREG Emergency Response Solutions										
1707	03/06/2014	240.00	0.00	03/18/2014	Replace Class A foam		-	No		0000
101-420-2220-44300	Miscellaneous	240.00								
	1707 Total:	240.00								
	EMERGREG Total:	240.00								
Enright Enright Robert										
	03/04/2014	55.00	0.00	03/18/2014	Cable Operations - 3/04/14 CM		-	No		0000
101-410-1450-43620	Cable Operations	55.00								
	03/11/2014	51.56	0.00	03/18/2014	Cable Operations - 3/11/14 CC Workshop		-	No		0000
101-410-1450-43620	Cable Operations	51.56								
	Total:	106.56								
	Enright Total:	106.56								
ENVIWOOD Environmental Wood Supply LLC										
33	09/05/2013	500.00	0.00	03/18/2014	Mobilization of Bulk Wood Chipper 6/2013		-	No		0000
101-430-3100-44380	Clean-up Days	500.00								
	33 Total:	500.00								
	ENVIWOOD Total:	500.00								
FIELDSST Fields of St. Croix										
Ck Req	03/05/2014	278.94	0.00	03/18/2014	Refund Overpayment of SW Account		-	No		0000
603-000-0000-37100	Surface Water Utility Sales	278.94								
	Ck Req Total:	278.94								
	FIELDSST Total:	278.94								
FIORILLO Fiorillo Megan										
	03/10/2014	55.00	0.00	03/18/2014	Cable operations - 3/10/14 planning		-	No		0000
101-410-1450-43620	Cable Operations	55.00								
	03/10/2014	25.00	0.00	03/18/2014	Bonus		-	No		0000
101-410-1450-43620	Cable Operations	25.00								
	Total:	80.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
FIORILLO Total:		80.00								
FRANZ Franz Reprographics Inc										
127980	03/07/2014	86.68	0.00	03/18/2014	Ink for Plotter		-	No		0000
101-410-1910-42000	Office Supplies									
127980 Total:		86.68								
FRANZ Total:		86.68								
FRRELJEF Fire Relief Association										
03042014	03/18/2014	1,000.00	0.00	03/18/2014	Supplemental retirement - M. Tremain		-	No		0000
101-000-0000-20200	Accounts Payable									
03042014	03/18/2014	1,000.00	0.00	03/18/2014	Supplemental retirement - D. Pepin		-	No		0000
101-000-0000-20200	Accounts Payable									
03042014	03/18/2014	1,000.00	0.00	03/18/2014	Supplemental retirement - M. Vandemell		-	No		0000
101-000-0000-20200	Accounts Payable									
03042014 Total:		3,000.00								
FRRELJEF Total:		3,000.00								
FXL FXL, Inc.										
Feb 14	03/03/2014	2,000.00	0.00	03/18/2014	Assessment Services - Final Pmt -Feb		-	No		0000
101-410-1320-43100	Assessing Services									
Feb 14 Total:		2,000.00								
FXL Total:		2,000.00								
HOLIDAYC Holiday Credit Office										
1400012574096	02/15/2014	200.94	0.00	03/18/2014	Fuel		-	No		0000
101-420-2220-42120	Fuel, Oil and Fluids									
1400012574096 Total:		200.94								
HOLIDAYC Total:		200.94								
HP Hewlett-Packard Company										
54002690	03/04/2014	941.25	0.00	03/18/2014	Desk Top		-	No		0000
101-430-3100-42000	Office Supplies									
54002690 Total:		941.25								
HP Total:		941.25								
INFINITP Infinity Printing Supplies										
457772	02/25/2014	133.79	0.00	03/18/2014	Office Supplies - Admin		-	No		0000
101-410-1320-42000	Office Supplies									
457772 Total:		133.79								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
INFINITP Total:		133.79								
ISACKSON Isackson John & Cassandra										
03132014	03/10/2014	100.00	0.00	03/18/2014	Replace broken mailbox		-	No		0000
101-430-3125-42210	Equipment Parts	100.00								
03132014 Total:		100.00								
ISACKSON Total:		100.00								
JOHNSON & Johnson & Turner Attorneys										
33239	03/07/2014	388.00	0.00	03/18/2014	Legal Services - Lennar Matter		-	No		0000
803-000-0000-22900	Deposits Payable	388.00								
33239 Total:		388.00								
33265	03/07/2014	3,184.00	0.00	03/18/2014	Legal Services - Civil		-	No		0000
101-410-1320-43040	Legal Services	3,184.00								
33265 Total:		3,184.00								
33370	03/07/2014	4,512.50	0.00	03/18/2014	Legal Services - Prosecution		-	No		0000
101-420-2150-43045	Attorney Criminal	4,512.50								
33370 Total:		4,512.50								
JOHNSON& Total:		8,084.50								
kathfuel Kath Fuel Oil Service Co										
453852	02/27/2014	1,240.47	0.00	03/18/2014	Fuel		-	No		0000
101-430-3120-42120	Fuel, Oil and Fluids	1,240.47								
453852 Total:		1,240.47								
453875	02/27/2014	2,449.57	0.00	03/18/2014	Fuel		-	No		0000
101-430-3120-42120	Fuel, Oil and Fluids	2,449.57								
453875 Total:		2,449.57								
453876	02/27/2014	3,218.80	0.00	03/18/2014	Fuel		-	No		0000
101-430-3120-42120	Fuel, Oil and Fluids	3,218.80								
453876 Total:		3,218.80								
453915	02/27/2014	162.12	0.00	03/18/2014	Hoses parts		-	No		0000
101-430-3120-42210	Equipment Parts	162.12								
453915 Total:		162.12								
kathfuel Total:		7,070.96								
LEOIL Lake Elmo Oil, Inc.										
5375263	02/28/2014	49.27	0.00	03/18/2014	Fuel		-	No		0000
101-430-3120-42120	Fuel, Oil and Fluids	49.27								
5375263 Total:		49.27								
5675221	02/28/2014	38.02	0.00	03/18/2014	Fuel		-	No		0000
101-430-3120-42120	Fuel, Oil and Fluids	38.02								
5675221 Total:		38.02								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
5735252	02/28/2014	17.00	0.00	03/18/2014	Fuel	-	-	No		0000
101-430-3120-42120	Fuel, Oil and Fluids	17.00								
	5735252 Total:	104.29								
	LEOIL Total:									
Lillie Newspapers Inc. Lillie Suburban										
Acct 007148	02/28/2014	98.90	0.00	03/18/2014	2/5 Notice AFB Well 4	-	-	No		0000
101-410-1320-43510	Legal Publishing									
Acct 007148	02/28/2014	26.40	0.00	03/18/2014	2/19/Notice - 2014 Budget	-	-	No		0000
101-410-1320-43510	Legal Publishing									
Acct 007148	02/28/2014	33.00	0.00	03/18/2014	2/26 Notice- Ord 08-098	-	-	No		0000
101-410-1320-43510	Legal Publishing									
Acct 007148	02/28/2014	22.00	0.00	03/18/2014	2/26 Notice- Ord 08-099	-	-	No		0000
101-410-1320-43510	Legal Publishing									
Acct 007148	02/28/2014	24.20	0.00	03/18/2014	2/26 Notice- Ord 08-0100	-	-	No		0000
101-410-1320-43510	Legal Publishing									
Acct 007148	02/28/2014	13.20	0.00	03/18/2014	2/26 Notice- Ord 08-101	-	-	No		0000
101-410-1320-43510	Legal Publishing									
Acct 007148	02/28/2014	107.80	0.00	03/18/2014	2/26 Notice- Ord 08-102	-	-	No		0000
101-410-1320-43510	Legal Publishing									
Acct 007148	02/28/2014	66.00	0.00	03/18/2014	2/26 Notice- Ord 08-103	-	-	No		0000
101-410-1320-43510	Legal Publishing									
Acct 007148	02/28/2014	28.60	0.00	03/18/2014	2/26 Notice- PlanComm 3/10	-	-	No		0000
101-410-1320-43510	Legal Publishing									
	Acct 007148 Total:	420.10								
	Lillie Total:	420.10								
LOFF Loffler Companies, Inc.										
1711096	03/03/2014	397.65	0.00	03/18/2014	Copy Machine Contract & Overage	-	-	No		0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt				2/10-3/0					
	1711096 Total:	397.65								
	LOFF Total:	397.65								
MARONEYS Maroney's Sanitation, Inc										
513790	03/04/2014	109.93	0.00	03/18/2014	Waste Removal - City Hall	-	-	No		0000
101-410-1940-43840	Refuse									
513790	03/04/2014	48.38	0.00	03/18/2014	Waste Removal - Fire	-	-	No		0000
101-420-2220-43840	Refuse									
513790	03/04/2014	210.94	0.00	03/18/2014	Waste Removal - PW	-	-	No		0000
101-430-3100-43840	Refuse									
513790	03/04/2014	210.94	0.00	03/18/2014	Waste Removal - Parks	-	-	No		0000
101-450-5200-43840	Refuse									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
513790	03/04/2014	48.74	0.00	03/18/2014	Waste Removal - Library		-	No		0000
206-450-5300-43840	Refuse									
	513790 Total:	628.93								
	MARONEYS Total:	628.93								
MENARDSO Menards - Oakdale										
35696	03/03/2014	0.90	0.00	03/18/2014	Shorted on original payment		-	No		0000
101-430-3100-42150	Shop Materials									
	35696 Total:	0.90								
39263	02/27/2014	196.26	0.00	03/18/2014	Water Conductivity parts		-	No		0000
601-494-9400-42270	Utility System Maintenance									
	39263 Total:	196.26								
39571	03/03/2014	6.98	0.00	03/18/2014	Parts to repair Ranger		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
39571	03/03/2014	60.69	0.00	03/18/2014	Stat #2 supplies		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
39571	03/03/2014	-22.83	0.00	03/18/2014	Rebate		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
	39571 Total:	44.84								
39572	03/03/2014	636.43	0.00	03/18/2014	Stat #2 doorway project		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
	39572 Total:	636.43								
39614	02/27/2014	23.94	0.00	03/18/2014	Service line thawing parts		-	No		0000
601-494-9400-42270	Utility System Maintenance									
	39614 Total:	23.94								
39868	03/11/2014	45.96	0.00	03/18/2014	Hose adapter & spotlight		-	No		0000
601-494-9400-42400	Small Tools & Minor Equipment									
	39868 Total:	45.96								
40097	03/07/2014	43.14	0.00	03/18/2014	Elec parts		-	No		0000
101-430-3125-44040	Repairs/Maint Eqpt									
	40097 Total:	43.14								
40196	03/10/2014	56.79	0.00	03/18/2014	Shop Supplies		-	No		0000
101-430-3100-42150	Shop Materials									
	40196 Total:	56.79								
40217	03/07/2014	17.82	0.00	03/18/2014	LP Tank Exchange		-	No		0000
101-430-3100-42150	Shop Materials									
	40217 Total:	17.82								
	MENARDSO Total:	1,066.08								
MESSERLI Messerli & Kramer										
295469	03/05/2014	5,000.00	0.00	03/18/2014	Legislative Representation		-	No		0000
101-410-1320-43150	Contract Services									
	295469 Total:	5,000.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
	MESSERLI Total:	5,000.00								
METCOU Metropolitan Council										
1031424	03/04/2014	1,550.84	0.00	03/18/2014	Monthly wastewater service - March 2014		-	No		0000
602-495-9450-43820	Sewer Utility - Met Council									
	1031424 Total:	1,550.84								
	METCOU Total:	1,550.84								
METRO FI Metro Fire Chiefs Assoc										
342014	03/04/2014	100.00	0.00	03/18/2014	Annual Dues		-	No		0000
101-420-2220-44330	Dues & Subscriptions									
	342014 Total:	100.00								
	METRO FI Total:	100.00								
MILLEREX Miller Excavating, Inc.										
17954	02/28/2014	4,033.25	0.00	03/18/2014	Water main excavation 11087 33rd St		-	No		0000
601-494-9400-44030	Repairs\Maint Imp Not Bldgs									
	17954 Total:	4,033.25								
	MILLEREX Total:	4,033.25								
MINGERCO Minger Construction Inc										
Pay Request 6	03/11/2014	171,722.00	0.00	03/18/2014	Proj 2013.123 LE Ave Sewer Infrast. Imp		-	No		0000
602-495-9450-43030	Engineering Services									
	Pay Request 6 Total:	171,722.00								
	MINGERCO Total:	171,722.00								
MNFIRECH MN State Fire Chiefs Assn										
03032014	03/04/2014	241.00	0.00	03/18/2014	MSFCA 2014 Dues		-	No		0000
101-420-2220-44330	Dues & Subscriptions									
	03032014 Total:	241.00								
	MNFIRECH Total:	241.00								
MSAPROF MSA Professional Services, Inc										
02	03/06/2014	7,502.50	0.00	03/18/2014	Proj 2014.129 Inwood Booster Station		-	No		0000
601-494-9400-43030	Engineering Services									
	02 Total:	7,502.50								
1	02/21/2014	4,892.56	0.00	03/18/2014	2014.130 Inwood Trunk Watermain		-	No		0000
601-494-9400-43030	Engineering Services									
1	02/21/2014	1,434.50	0.00	03/18/2014	Inwood Booster Station 2014.129		-	No		0000
601-494-9400-43030	Engineering Services									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
2	03/06/2014	6,327.06	0.00	03/18/2014	2014.130 Inwood Trunk Watermain Imp		-	No		0000
601-494-9400-43030	Engineering Services	14,899.46								
	MSAPROF Total:	14,899.46								
	1 Total:	28,729.02								
MSFDA MSFDA										
030314	03/03/2014	240.00	0.00	03/18/2014	2014 Dues		-	No		0000
101-420-2220-44330	Dues & Subscriptions	240.00								
	MSFDA Total:	240.00								
	030314 Total:	240.00								
NAMERICA North American Salt Company										
71140529	03/05/2014	1,908.28	0.00	03/18/2014	Road Salt		-	No		0000
101-430-3125-42290	Sand/Salt	1,908.28								
	71140529 Total:	1,908.28								
	NAMERICA Total:	1,908.28								
NEWPIGCO New Pig Corporation										
21337365-00	03/06/2014	81.82	0.00	03/18/2014	Restock absorbents		-	No		0000
101-420-2220-42400	Small Tools & Equipment	81.82								
	21337365-00 Total:	81.82								
	NEWPIGCO Total:	81.82								
NYTIMES THE NEW YORK TIMES										
890168271	02/23/2014	139.40	0.00	03/18/2014	Subscription 2/20-5/14/14		-	No		0000
206-450-5300-44330	Dues & Subscriptions	139.40								
	890168271 Total:	139.40								
	NYTIMES Total:	139.40								
ONECALL Gopher State One Call										
94205	02/28/2014	18.85	0.00	03/18/2014	FTP Tickets - February		-	No		0000
101-430-3100-43150	Contract Services	18.85								
	94205 Total:	18.85								
96396	02/28/2014	23.20	0.00	03/18/2014	FTP Tickets - February		-	No		0000
101-430-3100-43150	Contract Services	23.20								
	96396 Total:	23.20								
	ONECALL Total:	42.05								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
OURTEAMA Our Team Advantage Inc.										
849	02/26/2014	2,760.00	0.00	03/18/2014	Contract Snow Plowing		-	No		0000
101-430-3125-43150	Contract Services									
	849 Total:	2,760.00								
889	02/28/2014	805.00	0.00	03/18/2014	Contact Snow Plowing		-	No		0000
101-430-3125-43150	Contract Services									
	889 Total:	805.00								
	OURTEAMA Total:	3,565.00								
OVERDRIV OverDrive, Inc										
H-0020165	01/29/2014	5,000.00	0.00	03/18/2014	OverDrive e-resources platform & content		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
	H-0020165 Total:	5,000.00								
	OVERDRIV Total:	5,000.00								
PINKY Pinky's Sewer Service, Inc.										
66864	03/01/2014	100.00	0.00	03/18/2014	Pump 2 tanks		-	No		0000
206-450-5300-44010	Repairs/Maint Bldg									
	66864 Total:	100.00								
	PINKY Total:	100.00								
PIONEERP Pioneer Press										
214520397	02/28/2014	162.00	0.00	03/18/2014	City Notices/Public Hearings		-	No		0000
101-410-1450-43510	Public Notices									
	214520397 Total:	162.00								
	PIONEERP Total:	162.00								
POMPS Pomp's Tire Service, Inc.										
210105997	02/28/2014	149.75	0.00	03/18/2014	Tire repair - 04-1 JD Tractor		-	No		0000
101-430-3125-44040	Repairs/Maint Eqpt									
	210105997 Total:	149.75								
	POMPS Total:	149.75								
POSTOFFI Postmaster										
03102014	03/11/2014	557.35	0.00	03/18/2014	Postage for Spring Newsletter		-	No		0000
101-410-1320-43090	Newsletter/Website									
	03102014 Total:	557.35								
	POSTOFFI Total:	557.35								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
PRIMARY Products Company										
52662	02/24/2014	124.87	0.00	03/18/2014	Medical Gloves		-	No		0000
101-420-2220-42080	EMS Supplies									
	52662 Total:	124.87								
	PRIMARY Total:	124.87								
RIVERPRT River Valley Printing										
4219	03/04/2014	38.00	0.00	03/18/2014	2-pt carbonless paper		-	No		0000
101-420-2220-42000	Office Supplies									
	4219 Total:	38.00								
	RIVERPRT Total:	38.00								
ROETTGER Roettger Welding, Inc.										
H128404	03/03/2014	1,440.00	0.00	03/18/2014	Water Service Line Thawing		-	No		0000
601-494-9400-42270	Utility System Maintenance									
	H128404 Total:	1,440.00								
	ROETTGER Total:	1,440.00								
S&T S&T Office Products, Inc.										
01QG1924	02/26/2014	48.47	0.00	03/18/2014	Office Supplies - Admin		-	No		0000
101-410-1320-42000	Office Supplies									
01QG1924	02/26/2014	4.92	0.00	03/18/2014	Office Supplies - Building		-	No		0000
101-420-2400-42000	Office Supplies									
01QG1924	02/26/2014	26.49	0.00	03/18/2014	Office Supplies - Finance		-	No		0000
101-410-1520-42000	Office Supplies									
	01QG1924 Total:	79.88								
	S&T Total:	79.88								
TKDA TKDA, Inc.										
0020130027202	09/12/2013	1,340.22	0.00	03/18/2014	Keats MSA Street		-	No		0000
409-480-8000-43030	Engineering Services									
0020130027202	09/12/2013	1,011.05	0.00	03/18/2014	Keats Trunk Watermain		-	No		0000
601-494-9400-43030	Engineering Services									
	0020130027202 Total:	2,351.27								
002014000457	03/05/2014	7,125.87	0.00	03/18/2014	2013.133 LE Ave Trunk Watermain Imp		-	No		0000
601-494-9400-43030	Engineering Services									
	002014000457 Total:	7,125.87								
002014000459	03/05/2014	707.06	0.00	03/18/2014	2013.123 LE Ave Sewer Imp		-	No		0000
602-495-9450-43030	Engineering Services									
	002014000459 Total:	707.06								
002014000574	03/07/2014	58.07	0.00	03/18/2014	General Engineering Services		-	No		0000
101-410-1930-43030	Engineering Services									

Invoice #	Inv Date	Amount	Quantity	Pnt Date	Description	Reference	Task	Type	PO #	Close POLine #
2014000587	03/07/2014	58.07	0.00	03/18/2014	Keats MSA Street		-	No		0000
409-480-8000-43030	Engineering Services	130.02								
2014000587	03/07/2014	98.10	0.00	03/18/2014	Keats Trunk Watermain		-	No		0000
601-494-9400-43030	Engineering Services	228.12								
	2014000587 Total:	10,470.39								
	TKDA Total:									
TOWNCTRY Town & Country Cleaning Co										
314778	03/01/2014	230.00	0.00	03/18/2014	March Services		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg	230.00								
	314778 Total:	175.00								
314818	03/01/2014	175.00	0.00	03/18/2014	March Services - Library		-	No		0000
206-450-5300-44010	Repairs/Maint Bldg	175.00								
	314818 Total:	405.00								
	TOWNCTRY Total:									
UNITEDPR NorthMarq										
02262013	02/26/2013	472.00	0.00	03/18/2014	2013 OEA costs Eagle Pt		-	No		0000
101-410-1320-44300	Miscellaneous	472.00								
	02262013 Total:	472.00								
	UNITEDPR Total:									
WASH-REC Washington County										
P247771	12/31/2013	364.00	0.00	03/18/2014	Recorded/Registrar - ROW Platt		-	No		0000
101-410-1910-42030	Printed Forms	364.00								
	P247771 Total:	364.00								
	WASH-REC Total:									
WASHHLTH Washington Cty -Health & Safety										
12159	02/19/2014	85.00	0.00	03/18/2014	Hazardous Waster Generator License		-	No		0000
101-430-3100-44330	Dues & Subscriptions	85.00								
	12159 Total:	85.00								
	WASHHLTH Total:									
WASHTAX Washington County										
78219	03/04/2014	35.00	0.00	03/18/2014	Audit Report Levy Book		-	No		0000
101-410-1520-44300	Miscellaneous	35.00								
78219	03/04/2014	35.00	0.00	03/18/2014	Top 25 Taxpayers 2013		-	No		0000
101-410-1520-44300	Miscellaneous	70.00								
	78219 Total:									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
WASHTAX Total:		70.00								
Whiteami White Anifa										
03102014	03/10/2014	55.00	0.00	03/18/2014	Cable Operations - 3/10/14 Plan		-	No		0000
101-410-1450-43620	Cable Operations									
03102014	03/10/2014	25.00	0.00	03/18/2014	Bonus		-	No		0000
101-410-1450-43620	Cable Operations									
03102014 Total:		80.00								
Whiteami Total:		80.00								
XCEL Xcel Energy										
5101174170	03/03/2014	27.58	0.00	03/18/2014	Electric Utility Service		-	No		0000
101-430-3160-43810	Street Lighting									
5101174170 Total:		27.58								
5106306205	03/03/2014	787.77	0.00	03/18/2014	Electric Utility Service		-	No		0000
206-450-5300-43810	Electric Utility									
5106306205	03/03/2014	244.51	0.00	03/18/2014	Electric Utility Service		-	No		0000
602-495-9450-43810	Electric Utility									
5106306205 Total:		1,032.28								
5145048077	03/03/2014	120.85	0.00	03/18/2014	Electric Utility Service		-	No		0000
101-450-5200-43810	Electric Utility									
5145048077	03/03/2014	33.87	0.00	03/18/2014	Electric Utility Service		-	No		0000
602-495-9450-43810	Electric Utility									
5145048077	03/03/2014	79.08	0.00	03/18/2014	Electric Utility Service		-	No		0000
101-430-3160-43810	Street Lighting									
5145048077 Total:		233.80								
5145729457	03/03/2014	20.09	0.00	03/18/2014	Electric Utility Service		-	No		0000
101-430-3160-43810	Street Lighting									
5145729457 Total:		20.09								
5145764563	03/03/2014	1,416.29	0.00	03/18/2014	Electric Utility Service		-	No		0000
101-420-2220-43810	Electric Utility									
5145764563 Total:		1,416.29								
5145803765	03/03/2014	470.62	0.00	03/18/2014	Electric Utility Service		-	No		0000
101-410-1940-43810	Electric Utility									
5145803765	03/03/2014	36.24	0.00	03/18/2014	Electric Utility Service		-	No		0000
101-430-3160-43810	Street Lighting									
5145803765	03/03/2014	1,105.61	0.00	03/18/2014	Electric Utility Service		-	No		0000
101-410-1940-43810	Electric Utility									
5145803765 Total:		1,612.47								
5147335568	03/03/2014	11.60	0.00	03/18/2014	Electric Utility Service		-	No		0000
101-450-5200-43810	Electric Utility									
5147335568 Total:		11.60								
5150442190	03/03/2014	101.94	0.00	03/18/2014	Electric Utility Service		-	No		0000
101-450-5200-43810	Electric Utility									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	5150442190 Total:	101.94								
5152752893	03/03/2014	11.60	0.00	03/18/2014	Electric Utility Service		-	No		0000
	101-450-5200-43810 Electric Utility									
	5152752893 Total:	11.60								
5153563238	03/03/2014	1,793.61	0.00	03/18/2014	Electric Utility Service		-	No		0000
	601-494-9400-43810 Electric Utility									
	5153563238 Total:	1,793.61								
5155223322	03/03/2014	50.06	0.00	03/18/2014	Electric Utility Service		-	No		0000
	101-430-3160-43810 Street Lighting									
	5155223322 Total:	50.06								
5157476854	03/03/2014	221.26	0.00	03/18/2014	Electric Utility Service		-	No		0000
	101-450-5200-43810 Electric Utility									
	5157476854 Total:	221.26								
5159160437	03/03/2014	21.72	0.00	03/18/2014	Electric Utility Service		-	No		0000
	602-495-9450-43810 Electric Utility									
	5159160437 Total:	21.72								
5164295838	03/03/2014	18.91	0.00	03/18/2014	Electric Utility Service		-	No		0000
	602-495-9450-43810 Electric Utility									
	5164295838 Total:	18.91								
5164339762	03/03/2014	769.77	0.00	03/18/2014	Electric Utility Service		-	No		0000
	101-420-2220-43810 Electric Utility									
	5164339762 Total:	769.77								
516625457151643	03/03/2014	386.11	0.00	03/18/2014	Electric Utility Service		-	No		0000
	101-450-5200-43810 Electric Utility									
	516625457151643 Total:	386.11								
5167365442	03/03/2014	1,894.22	0.00	03/18/2014	Electric Utility Service		-	No		0000
	101-430-3160-43810 Street Lighting									
	5167365442 Total:	1,894.22								
5169282833	03/03/2014	29.63	0.00	03/18/2014	Electric Utility Service		-	No		0000
	101-430-3160-43810 Street Lighting									
	5169282833 Total:	29.63								
5169562014	03/03/2014	15.18	0.00	03/18/2014	Electric Utility Service		-	No		0000
	101-450-5200-43810 Electric Utility									
	5169562014 Total:	15.18								
5169562014	03/03/2014	32.31	0.00	03/18/2014	Electric Utility Service		-	No		0000
	101-450-5200-43810 Electric Utility									
	5169562014 Total:	32.31								
5175381121	03/03/2014	47.49	0.00	03/18/2014	Electric Utility Service		-	No		0000
	101-430-3100-43810 Electric Utility									
	5175381121 Total:	47.49								
5175381121	03/03/2014	3,720.15	0.00	03/18/2014	Electric Utility Service		-	No		0000
	601-494-9400-43810 Electric Utility									
	5175381121 Total:	3,720.15								
5181260935	03/03/2014	151.99	0.00	03/18/2014	Electric Utility Service		-	No		0000
	601-494-9400-43810 Electric Utility									
	5181260935 Total:	151.99								
5187117193	03/03/2014	12.83	0.00	03/18/2014	Electric Utility Service		-	No		0000
	101-430-3160-43810 Street Lighting									
	5187117193 Total:	12.83								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
XCEL Total:		13,585.40								
YALEMECH Yale Mechanical										
147489	02/28/2014	179.75	0.00	03/18/2014	Repair Heater at Station 2		-	No		0000
101-420-2220-44010 Repairs/Maint Bldg		179.75								
147489 Total:		179.75								
YALEMECH Total:		179.75								
Report Total:		283,756.72								



MAYOR & COUNCIL COMMUNICATION

DATE: March 18, 2014
CONSENT
ITEM #3
MOTION

AGENDA ITEM: February 2014 Financial Reporting

SUBMITTED BY: Cathy Bendel, Finance Director

THROUGH: Cathy Bendel, Finance Director

REVIEWED BY: Finance Committee

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Finance

FISCAL IMPACT: NA

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to accept the February 2014 Financial Reporting Packet. 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 operations and report the financial (unaudited) statement to the City Council. City guidelines suggest the Council be updated on a regular basis.

STAFF REPORT: Attached please find the comparative financial statements for the month of February 2014 reflecting the monthly and year to date detail, comparing the actual results to the 2014 Budget.

The most significant variances are highlighted below:

Revenues:

- Building Permit revenue for the month was 15% below budget and 40% below budget on a year to date basis. When the budget was prepared, it was anticipated that the Lennar development would be well on its way by this time with on-going building activity, which has not been the case.
- Plan check fees are 30% below budget for the month and 53% below budget on a year to date basis as a result of the delay in the Lennar development build out mentioned earlier.

Expenses:

Most departments were at or below budget for the month. Variance fluctuation commentary is now reflected on the comparative financial reports for easier reference and review.

RECOMMENDATION: Based on the aforementioned, the staff recommends the City Council accept the attached February Financial Report.

ATTACHMENT:

1. February Financial Reports

3/14/2014

City of Lake Elmo
 2014 By Month
 Budget to Actual Comparative
 For the month ending February 28, 2014
 101-General Fund Detail
 By Department

	MONTH			YTD		
	BUDGET	ACTUAL	Variance (\$)	BUDGET	ACTUAL	Variance (\$)
	Month	Month	Month	YTD	YTD	YTD
REVENUE						
Current Ad Valorem Taxes	0.00	0.00	0.00%	0.00	0.00	0.00%
Delinquent Ad Valorem Taxes	0.00	0.00	0.00%	0.00	0.00	0.00%
Mobile Home Tax	0.00	0.00	0.00%	0.00	0.00	0.00%
Fiscal Disparities	0.00	0.00	0.00%	0.00	0.00	0.00%
Penalty & Interest on Taxes	0.00	0.00	0.00%	0.00	0.00	0.00%
Liquor License	500.00	0.00	(500.00)	1,000.00	0.00	(1,000.00)
Wastewater License	0.00	0.00	0.00%	0.00	840.00	840.00
General Contractor License	0.00	0.00	0.00%	0.00	0.00	0.00%
Heating Contractor License	590.00	150.00	(440.00)	1,690.00	900.00	(790.00)
Blacktopping Contractor License	0.00	0.00	0.00%	0.00	0.00	0.00%
Building Permits	12,000.00	10,253.20	(1,746.80)	22,000.00	13,111.75	(8,888.25)
Heating Permits	1,500.00	560.00	(940.00)	2,000.00	2,180.00	180.00
Plumbing Permits	1,500.00	420.00	(1,080.00)	2,000.00	1,560.00	(440.00)
Sewer Permits	180.00	0.00	(180.00)	180.00	0.00	(180.00)
Animal License	280.00	252.50	(27.50)	980.00	1,617.50	637.50
Utility Permits (ROW)	750.00	637.60	(112.40)	750.00	1,547.60	797.60
Burning Permit	200.00	0.00	(200.00)	400.00	0.00	(400.00)
Massage Therapy Licenses	0.00	0.00	0.00%	0.00	0.00	0.00%
Homestead Credit Aid	0.00	0.00	0.00%	0.00	0.00	0.00%
MSA-Maintenance	0.00	0.00	0.00%	0.00	0.00	0.00%
State Fire Aid	0.00	0.00	0.00%	0.00	0.00	0.00%
PERA Aid	0.00	0.00	0.00%	0.00	0.00	0.00%
Gravel Tax	0.00	0.00	0.00%	0.00	0.00	0.00%
Recycling Grant	0.00	0.00	0.00%	0.00	0.00	0.00%
Misc State Grant/Surcharge Rev	49,011.00	50,848.00	1,837.00	49,011.00	50,848.00	1,837.00
Cable Franchise Revenue	0.00	0.00	0.00%	0.00	0.00	0.00%
Zoning & Subdivision Fees	0.00	0.00	0.00%	0.00	0.00	0.00%
Plan Check Fees	7,000.00	4,920.68	(2,079.32)	14,000.00	6,573.49	(7,426.51)
Sale of Copies, Books, Maps	61.00	17.25	(43.75)	79.50	22.75	(56.75)
Assessment Searches	60.00	15.00	(45.00)	165.00	45.00	(120.00)
Clean Up Days	0.00	0.00	0.00%	0.00	0.00	0.00%
Cable Operation Reimbursement	0.00	0.00	0.00%	0.00	0.00	0.00%
Fines	4,000.00	3,108.31	(891.69)	7,500.00	3,108.31	(4,391.69)
Miscellaneous Revenue	200.00	0.00	(200.00)	400.00	430.73	30.73
Internal Charges	400.00	142.00	(258.00)	600.00	332.00	(268.00)
Interest Earnings	0.00	0.00	0.00%	0.00	0.00	0.00%
Donations	0.00	0.00	0.00%	0.00	0.00	0.00%
Total Revenue	78,232.00	71,324.54	(6,907.46)	102,755.50	83,117.13	(19,638.37)

-40.40% Due to development delays
 -53.05% Due to development delays
 -71.38%
 -72.73%
 -58.56% Dec fines pd Jan booked back
 7.68% to 2013
 -44.67% Fewer library card reimb than budgeted
 0.00%
 0.00%
 -19.11%

EXPENSE
1110 - Mayor & Council

PT Salaries	0.00	0.00	0.00	0.00%
FICA Contributions	0.00	0.00	0.00	0.00%
Medicare Contributions	0.00	0.00	0.00	0.00%
Workers Compensation	0.00	0.00	0.00	0.00%
Mileage	0.00	0.00	0.00	0.00%
Miscellaneous	0.00	699.23	(699.23)	-100.00%
Dues & Subscriptions	7,117.00	0.00	7,117.00	100.00%
Conferences & Training	0.00	0.00	0.00	0.00%
Total Mayor & Council	7,117.00	699.23	6,417.77	90.18%

	0.00	0.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	0.00	699.23	(699.23)	-100.00%
	7,117.00	3,397.00	3,720.00	52.27%
	0.00	0.00	0.00	0.00%
	7,117.00	4,096.23	3,020.77	42.44%

-100.00% Chamber Membership \$685 + \$14.23 Mayor show backdrop

1320 - Administration

FT Salaries	13,568.00	13,167.88	400.12	2.95%
PERA Contributions	983.68	952.98	30.70	3.12%
ICMA Contributions	0.00	0.00	0.00	0.00%
FICA Contributions	841.22	771.75	69.47	8.26%
Medicare Contributions	196.74	180.48	16.26	8.26%
Health/Dental Insurance	3,620.00	3,620.00	0.00	0.00%
Unemployment Benefits	0.00	0.00	0.00	0.00%
Workers Compensation	0.00	0.00	0.00	0.00%
Office Supplies	500.00	248.88	251.12	50.22%
Printed Forms	0.00	0.00	0.00	0.00%
Legal Services	5,000.00	2,707.75	2,292.25	45.85%
Newsletter/Website	0.00	0.00	0.00	0.00%
Assessing Services	2,000.00	2,000.00	0.00	0.00%
Information Technology	0.00	1,879.00	(1,879.00)	-100.00%
Contract Services	0.00	5,000.00	(5,000.00)	-100.00%
Software Programs	0.00	0.00	0.00	0.00%
Telephone	337.06	102.05	235.01	69.72%
Postage	0.00	200.00	(200.00)	-100.00%
Mileage	0.00	0.00	0.00	0.00%
Legal Publishing	200.00	0.00	200.00	100.00%
Insurance	0.00	0.00	0.00	0.00%
Cable Operation Expense	0.00	0.00	0.00	0.00%
Miscellaneous	50.00	113.75	(63.75)	-127.50%
Dues & Subscriptions	50.00	26.99	23.01	46.02%
Books	0.00	0.00	0.00	0.00%
Conferences & Training	35.00	2,569.00	(2,534.00)	-7240.00%
Staff Development	0.00	0.00	0.00	0.00%
Total Administration	27,381.70	33,540.51	(6,158.81)	-22.49%

	27,136.00	26,124.23	1,011.77	3.73%
	1,967.36	1,892.32	75.04	3.81%
	0.00	0.00	0.00	0.00%
	1,682.43	1,531.84	150.59	8.95%
	393.47	358.22	35.25	8.96%
	7,240.00	7,240.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	1,000.00	1,192.72	(192.72)	-19.27%
	0.00	0.00	0.00	0.00%
	10,000.00	2,707.75	7,292.25	72.92%
	0.00	0.00	0.00	0.00%
	4,000.00	2,000.00	2,000.00	50.00%
	0.00	1,879.00	(1,879.00)	-100.00%
	0.00	10,000.00	(10,000.00)	-100.00%
	0.00	0.00	0.00	0.00%
	674.12	189.15	484.97	71.94%
	500.00	799.40	(299.40)	-59.88%
	0.00	0.00	0.00	0.00%
	400.00	0.00	400.00	100.00%
	0.00	214.67	(214.67)	0.00%
	0.00	0.00	0.00	0.00%
	100.00	205.27	(105.27)	-105.27%
	100.00	26.99	73.01	73.01%
	0.00	0.00	0.00	0.00%
	395.00	3,679.00	(3,284.00)	-831.39%
	0.00	0.00	0.00	0.00%
	55,588.38	60,040.56	(4,452.18)	-8.01%

-100.00% Comp upgrades appr by CC

-100.00% Leg Lobbyist appr by CC

-831.39% \$2.2k PI; CC approved

1910 - Planning & Zoning

FT Salaries	10,589.09	1,708.91	13.90%
PERA Contributions	941.85	(50.24)	-5.63%
FICA Contributions	759.73	2.75	0.36%
Medicare Contributions	177.69	0.63	0.35%
Health/Dental Insurance	2,678.00	0.00	0.00%
Workers Compensation	0.00	0.00	0.00%
Office Supplies	150.00	44.07	70.62%
Printed Forms	46.00	(46.00)	-100.00%
Engineering Services	3,000.00	1,914.25	36.19%
Contract Services	0.00	0.00	0.00%
Information Technology	0.00	0.00	0.00%
Telephone	100.00	51.01	48.99%
Postage	0.00	0.00	0.00%
Mileage	0.00	0.00	0.00%
Miscellaneous	50.00	0.00	0.00%
Dues & Subscriptions	0.00	135.00	98.50%
Books	0.00	(135.00)	-100.00%
Conferences & Training	0.00	0.00	0.00%
Total Planning & Zoning	20,108.41	17,337.44	13.78%

1930 - Engineering Services

Engineering Services	4,000.00	2,975.01	25.62%
Total Engineering Services	4,000.00	2,975.01	25.62%

1940 - City Hall

Cleaning Supplies	0.00	0.00	0.00%
Building Repair Supplies	0.00	0.00	0.00%
Telephone	200.00	60.42	69.79%
Utilities	1,100.00	1,677.15	-52.47%
Refuse	108.32	109.93	-1.49%
Repairs/Maint Contractual Bldg	600.00	1,294.42	-115.74%
Repairs/Maint Contractual Equip	200.00	491.24	-145.62%
Miscellaneous	50.00	19.86	60.28%
Total City Hall	2,258.32	3,653.02	-61.76%

Total General Government

	76,248.01	76,951.91	-0.92%
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1910 - Planning & Zoning

	24,596.00	23,469.88	1,126.12	4.58%
	1,783.21	1,875.72	(92.51)	-5.19%
	1,524.95	1,514.37	10.58	0.69%
	356.64	354.17	2.47	0.69%
	5,356.00	5,356.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	300.00	56.56	243.44	81.15%
	0.00	46.00	(46.00)	-100.00%
	6,000.00	5,291.25	708.75	11.81%
	0.00	0.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	200.00	105.65	94.35	47.18%
	0.00	0.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	100.00	0.75	99.25	99.25%
	0.00	135.00	(135.00)	-100.00%
	0.00	0.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	40,216.80	38,205.35	2,011.45	5.00%

1930 - Engineering Services

	8,000.00	7,155.87	844.13	10.55%
	8,000.00	7,155.87	844.13	10.55%

1940 - City Hall

	0.00	0.00	0.00	0.00%
	0.00	163.97	(163.97)	0.00%
	400.00	285.55	114.45	28.61%
	2,200.00	1,677.15	522.85	23.77%
	216.64	109.93	106.71	49.26%
	1,200.00	1,583.29	(383.29)	-31.94%
	400.00	491.24	(91.24)	-22.81%
	50.00	19.86	30.14	60.28%
	4,466.64	4,330.99	135.65	3.04%
	146,021.10	148,075.86	(2,054.76)	-1.41%

Total General Government

	146,021.10	148,075.86	(2,054.76)	-1.41%
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Annex repairs - Yale Meach

DEPT 420 - PUBLIC SAFETY

2100 - Police

Law Enforcement Contract

0.00 0.00 0.00 0.00%

634.22 (634.22) -100.00%

0.00%

Total Police

0.00 0.00 0.00 0.00%

634.22 (634.22) -100.00%

0.00%

2150 - Prosecution

Agency Criminal

4,250.00 0.00 4,250.00 100.00%

4,230.00 4,170.00 49.06%

49.06%

Total Prosecution

4,250.00 0.00 4,250.00 100.00%

4,230.00 4,170.00 49.06%

49.06%

2220 - Fire

FT Salaries

5,701.46 5,701.47 (0.01) 0.00%

11,402.92 0.00 0.00%

0.00%

PT Salaries

7,618.46 8,140.55 (522.09) -6.85%

25,652.92 2,742.47 10.69%

10.69%

PERA Contributions

940.37 1,024.33 (83.96) -8.93%

2,089.65 (276.23) -15.23%

-15.23%

FICA Contributions

825.84 450.65 375.19 45.43%

1,310.26 987.20 42.97%

42.97%

Medicare Contributions

193.14 193.17 (0.03) -0.02%

483.14 54.17 10.88%

10.88%

Health/Dental Insurance

1,250.00 1,142.00 88.00 7.15%

2,284.00 176.00 7.15%

7.15%

Unemployment Benefits

0.00 0.00 0.00 0.00%

0.00 0.00 0.00%

0.00%

Workers Compensation

0.00 0.00 0.00 0.00%

0.00 0.00 0.00%

0.00%

Office Supplies

50.00 230.74 (180.74) -361.48%

50.00 (180.74) -361.48%

-361.48%

EMS Supplies

400.00 (272.42) 672.42 0.00%

400.00 672.42 0.00%

0.00%

Fire Prevention

250.00 0.00 250.00 100.00%

500.00 500.00 100.00%

100.00%

Fuel, Oil & Fluids

1,200.00 812.64 387.36 32.28%

2,400.00 1,391.65 42.01%

42.01%

Small Tools & Equip

1,900.00 2,096.00 (196.00) -5.58%

3,800.00 6,914.85 -81.97%

-81.97%

Physicals

575.00 0.00 575.00 100.00%

1,150.00 0.00 100.00%

100.00%

Information Technology

0.00 0.00 0.00 0.00%

0.00 0.00 0.00%

0.00%

Telephone

350.00 327.16 22.84 6.53%

700.00 723.51 -3.36%

-3.36%

Radio

1,000.00 0.00 1,000.00 100.00%

1,000.00 0.00 100.00%

100.00%

Miscage

0.00 0.00 0.00 0.00%

0.00 0.00 0.00%

0.00%

Vehicle Insurance

0.00 0.00 0.00 0.00%

0.00 0.00 0.00%

0.00%

Electric Utility

1,800.00 2,302.51 (502.51) -27.92%

3,600.00 2,302.51 36.04%

36.04%

Refuse

47.68 48.38 (0.70) -1.47%

95.36 48.38 49.27%

49.27%

Repair/Maint Bldg

1,000.00 803.09 196.91 19.69%

2,000.00 1,614.40 19.28%

19.28%

Repair/Maint Equip

3,400.00 3,323.41 76.59 2.25%

6,800.00 1,477.37 21.73%

21.73%

Uniforms

250.00 0.00 250.00 100.00%

500.00 0.00 100.00%

100.00%

Miscellaneous

100.00 211.54 (111.54) -111.54%

200.00 223.51 -11.76%

-11.76%

Dues & Subscriptions

1,600.00 1,295.00 305.00 19.06%

2,200.00 1,654.00 24.82%

24.82%

Books

0.00 102.00 (102.00) -100.00%

50.00 102.00 -104.00%

-104.00%

Conferences & Training

500.00 400.00 100.00 20.00%

1,000.00 600.00 60.00%

60.00%

Conferences & Training (Reimb)

0.00 (186.38) 186.38 100.00%

364.46 364.46 100.00%

100.00%

Total Fire

30,931.95 28,955.84 2,876.11 9.309%

70,692.39 9,176.66 13.00%

13.00%

2250 - Fire Relief

Fire State Aid

0.00 0.00 0.00 0.00%

0.00 0.00 0.00%

0.00%

Total Fire Relief

0.00 0.00 0.00 0.00%

0.00 0.00 0.00%

0.00%

Returned some EMS gear

-81.97% YTD includes Thermal Imaging camera from Jan

To better track training reimb

DEPT 430 - PUBLIC WORKS

3100 - Public Works

FT Salaries	13,736.00	15,354.44	(1,618.44)	-11.78%	27,472.00	29,126.91	(1,654.91)	-6.02%
PT Salaries	0.00	1,857.93	(1,857.93)	-100.00%	0.00	3,016.38	(3,016.38)	-100.00%
PERA Contributions	995.86	1,247.90	(252.04)	-25.31%	1,991.72	2,338.14	(336.42)	-16.89%
FICA Contributions	851.63	1,023.66	(172.03)	-20.20%	1,703.26	1,907.13	(203.87)	-11.97%
Medicare Contributions	199.17	239.36	(40.19)	-20.18%	398.34	445.99	(47.65)	-11.96%
Health/Dental Insurance	3,280.00	2,899.00	381.00	11.62%	6,560.00	5,798.00	762.00	11.62%
Unemployment Benefits	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Workers Compensation	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Office Supplies	25.00	0.00	25.00	100.00%	50.00	0.00	50.00	100.00%
Shop Materials	50.00	252.68	(202.68)	-405.36%	100.00	232.68	(132.68)	-132.68%
Building Repair Supplies	25.00	0.00	25.00	100.00%	50.00	0.00	50.00	100.00%
Small Tools and Minor Equip	200.00	290.55	(90.55)	-45.28%	400.00	368.10	31.90	7.97%
Engineering Services	750.00	493.75	256.25	34.17%	1,500.00	731.25	768.75	51.25%
Contract Services	100.00	50.95	49.05	49.05%	200.00	50.95	149.05	74.53%
Information Technology	638.43	561.37	77.06	12.07%	1,276.86	1,172.19	104.67	8.20%
Telephone	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Radio	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Mitige	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Insurance	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Electric Utility	2,000.00	3,332.27	(1,332.27)	-66.61%	4,000.00	3,332.27	667.73	16.69%
Refuse	207.82	210.94	(3.12)	-1.50%	415.64	210.94	204.70	49.25%
Fuel, Oil, Fluids (ALL depts)	4,000.00	11,135.94	(7,135.94)	-178.40%	8,000.00	11,785.69	(3,785.69)	-47.32%
Repair/Maint Bldg	100.00	1,160.93	(1,060.93)	-1060.93%	200.00	1,264.68	(1,064.68)	-532.34%
Repair/Maint Equip (out)	300.00	448.00	(398.00)	-796.00%	100.00	448.00	(348.00)	-348.00%
Equipment Parts	0.00	0.00	300.00	100.00%	600.00	0.00	600.00	100.00%
Uniforms	100.00	200.93	(100.93)	-100.93%	200.00	0.00	200.00	100.00%
Miscellaneous	50.00	14.00	36.00	72.00%	100.00	294.40	(194.40)	-194.40%
Landscaping Material	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Dues & Subscriptions	50.00	0.00	50.00	100.00%	50.00	100.00	(50.00)	-100.00%
Conferences & Training	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Clean up Days	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Total Public Works	27,708.91	40,774.60	(13,065.69)	-47.15%	55,367.82	63,495.64	(8,127.82)	-14.68%

Extra staff for snow removal

-16.89%

-11.97%

-11.96%

11.62%

0.00%

0.00%

100.00%

-152.68%

100.00%

7.97%

51.25%

74.53%

0.00%

8.20%

0.00%

0.00%

0.00%

16.69%

49.25%

-47.32%

-532.34%

-348.00%

100.00%

0.00%

-0.47%

-194.40%

0.00%

-100.00%

0.00%

0.00%

0.00%

3120 - Streets

Equipment Parts	100.00	47.32	52.68	52.68%	200.00	566.32	(366.32)	-183.16%
Street Maintenance Materials	1,000.00	3,574.34	(2,574.34)	-257.43%	2,000.00	3,766.34	(1,766.34)	-88.32%
Sign Repair Materials	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Contract Services	300.00	0.00	300.00	100.00%	300.00	0.00	300.00	100.00%
Repair/Maint Equipment	200.00	0.00	200.00	100.00%	400.00	0.00	400.00	100.00%
Total Streets	1,600.00	3,621.66	(2,021.66)	-126.35%	2,900.00	4,332.66	(1,432.66)	-49.40%



MAYOR & COUNCIL COMMUNICATION

DATE: March 18, 2014
CONSENT
ITEM #4
MOTION

AGENDA ITEM: New Single Family Home Permit Report

SUBMITTED BY: Rick Chase, Building Official

THROUGH: Rick Chase, Building Official

REVIEWED BY: Kyle Klatt, Planning Director

SUGGESTED ORDER OF BUSINESS:

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

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to accept the monthly new single family home permit report for through February of 2014. No specific motion is needed as this is recommended as part of the *Consent Agenda*.

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

	<u>2014</u>	<u>2013</u>	<u>2012</u>	<u>2011</u>
New homes	1	6	2	3
Total valuation	\$ 825,000	\$2,532,289	\$1,110,412	\$1,000,000
Average home value	825,000	422,408	555,206	333,000
Total Building Permits	12	17	21	29
Total Valuation (New homes included)	\$1,220,483	\$2,876,283	\$1,392,143	\$1,485,446

RECOMMENDATION: Based on the aforementioned, the staff recommends the City Council accept the February 2014 monthly building permit report.



MAYOR & COUNCIL COMMUNICATION

DATE: March 18, 2014
CONSENT
ITEM #5
MOTION

AGENDA ITEM: Annual League of MN Cities Insurance Trust Waiver Form

SUBMITTED BY: Cathy Bendel, Finance Director

THROUGH: Cathy Bendel, Finance Director

REVIEWED BY: Adam Bell, City Clerk/Assistant City Administrator

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Finance

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve the attached annual liability coverage waiver from. The form has been completed based on a recommendation by our insurance agent and the League of MN Cities Insurance Trust. No specific motion is needed as this is recommended to be part of the *Consent Agenda*.

LEGISLATIVE HISTORY: NA

BACKGROUND INFORMATION/STAFF REPORT: The City is required on an annual basis to specifically state if they want to waive the monetary limits on municipal tort liability established by Minnesota State Statutes. It is recommended that the City NOT waive the monetary limits as notes on the attached form.

RECOMMENDATION: Based on the aforementioned, the staff recommends the City Council approve as part of the Consent Agenda the annual League of MN Cities Insurance Trust Waiver Form.

ATTACHMENTS:

1. 2014 League of MN Cities Insurance Trust Waiver Form.



LIABILITY COVERAGE – WAIVER FORM

LMCIT members purchasing coverage must complete and return this form to LMCIT before the effective date of the coverage. Please return the completed form to your underwriter or email to pstech@lmc.org

This decision must be made by the member's governing body every year. You may also wish to discuss these issues with your attorney.

Cities and other League of Minnesota Cities Insurance Trust members that obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- If the member does not waive the statutory tort limits*, an individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether the city purchases the optional excess liability coverage.
- If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could potentially recover up to \$1,500,000 for a single occurrence. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$1,500,000, regardless of the number of claimants.
- If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

THE CITY OF LAKE ELMO accepts liability coverage limits of \$500,000/\$1,500,000 from the League of Minnesota Cities Insurance Trust (LMCIT).

Check one:

- The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes Section 466.04.
- The member **WAIVES** the monetary limits on municipal tort liability established by Minnesota Statutes Section 466.04, to the extent of the limits of the liability coverage obtained from LMCIT.

Date of city council/governing body meeting _____

Signature _____

Position _____



MAYOR & COUNCIL COMMUNICATION

DATE: March 18, 2014
CONSENT
ITEM # 6

AGENDA ITEM: Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30th Street
– Pay Request No. 6

SUBMITTED BY: Ryan Stempiski, Project Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Jack Griffin, City Engineer
Cathy Bendel, Finance Director
Mike Bouthilet, Public Works

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

- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

POLICY RECOMMENDER: Engineering

FISCAL IMPACT:

None. Partial payment is proposed in accordance with the Contract for the project. Payment remains within the authorized scope and budget.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving Pay Request No. 6 for the Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30th Street. If removed from the consent agenda, the recommended motion for this action is as follows:

“Move to approve Pay Request No. 6 to Minger Construction, Inc. in the amount of \$171,722.00 for the Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30th Street.”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

Minger Construction Inc., the Contractor for the project, has submitted Partial Pay Estimate No. 6 in the amount of \$171,722.00. The request has been reviewed and payment is recommended in the amount requested. In accordance with the contract documents, the City has retained 5% of the total work completed. The amount retained is \$164,851.39.

RECOMMENDATION:

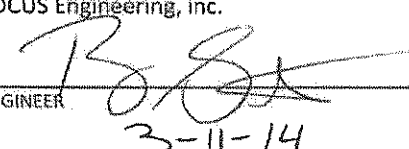

Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, Pay Request No. 6 for the Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30th Street. If removed from the consent agenda, the recommended motion for this action is as follows:

“Move to approve Pay Request No. 6 to Minger Construction, Inc. in the amount of \$171,722.00 for the Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30th Street.”

ATTACHMENT(S):

1. Partial Pay Estimate No. 6

PROJECT PAY FORM

PARTIAL PAY ESTIMATE NO. <u>6</u>		FOCUS ENGINEERING, inc.	
LAKE ELMO AVENUE SEWER INFRASTRUCTURE IMPROVEMENTS PROJECT NO. 2013.123		PERIOD OF ESTIMATE FROM <u>2/2/2014</u> TO <u>3/1/2014</u>	
PROJECT OWNER: CITY OF LAKE ELMO 3800 LAVERNE AVENUE NORTH LAKE ELMO, MN 55042 ATTN: JACK GRIFFIN, CITY ENGINEER		CONTRACTOR: MINGER CONSTRUCTION, INC. 2471 GALPIN COURT, SUITE 110, PO BOX 236 CHANHASSEN, MN 55317-0236 ATTN: AARON HOEFS, PROJECT MANAGER	
CONTRACT CHANGE ORDER SUMMARY		PAY ESTIMATE SUMMARY	
No.	Approval Date	Amount	
		Additions	Deductions
1	10/15/2013	\$0.00	\$19,603.70
2	11/6/2013	\$9,070.00	\$0.00
3	1/6/2014	\$0.00	\$0.00
4	2/5/2014	\$6,053.34	\$0.00
TOTALS		\$15,123.34	\$19,603.70
NET CHANGE		(\$4,480.36)	
			1. Original Contract Amount <u>\$3,463,201.60</u>
			2. Net Change Order Sum <u>-\$4,480.36</u>
			3. Revised Contract (1+2) <u>\$3,458,721.24</u>
			4. *Work Completed <u>\$3,297,027.87</u>
			5. *Stored Materials <u>\$0.00</u>
			6. Subtotal (4+5) <u>\$3,297,027.87</u>
			7. Retainage* <u>5.0%</u> <u>\$164,851.39</u>
			8. Previous Payments <u>\$2,960,454.48</u>
			9. Amount Due (6-7-8) <u>\$171,722.00</u>
			<i>*Detailed Breakdown Attached</i>
CONTRACT TIME			
START DATE:	<u>9/9/2013</u>	ORIGINAL DAYS	<u>265</u>
SUBSTANTIAL COMPLETION:	<u>2/14/2014</u>	REVISED DAYS	<u>0</u>
FINAL COMPLETION:	<u>6/1/2014</u>	REMAINING	<u>92</u>
		ON SCHEDULE	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
ENGINEER'S CERTIFICATION:		FOCUS Engineering, inc.	
The undersigned certifies that the work has been reviewed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.		 ENGINEER	
		<u>3-11-14</u> DATE	
CONTRACTOR'S CERTIFICATION:		CONTRACTOR	
The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.		 BY	
		<u>3-12-14</u> DATE	
APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA			
BY		BY	
DATE		DATE	

LAKE ELMO AVENUE SEWER INFRASTRUCTURE IMPROVEMENTS
CITY OF LAKE ELMO, MINNESOTA
PROJECT NO. 2013.123



ITEM	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			THIS PERIOD		TOTAL TO DATE	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
DIVISION 1 - GENERAL									
1	MOBILIZATION	LS	1	\$33,000.00	\$33,000.00	0.00	\$0.00	1	\$33,000.00
2	TRAFFIC CONTROL	LS	1	\$16,500.00	\$16,500.00	0.04	\$660.00	0.95	\$15,675.00
3	SILT FENCE	LF	3654	\$3.65	\$6,029.10	0.00	\$0.00	1,627	\$3,014.55
4	ROCK CONSTRUCTION ENTRANCE	EA	3	\$970.00	\$2,910.00	0.00	\$0.00	0.5	\$485.00
5	WATER FOR DUST CONTROL	MGAL	2	\$278.00	\$556.00	0.00	\$0.00	0	\$0.00
6	TREE REMOVAL	EA	206	\$266.00	\$54,796.00	0.00	\$0.00	209	\$55,594.00
7	CLEARING & GRUBBING	AC	1.9	\$4,160.00	\$7,904.00	0.00	\$0.00	1.9	\$7,904.00
8	INLET PROTECTION	EA	4	\$350.00	\$1,400.00	0.00	\$0.00	6	\$2,100.00
9	HYDRO MULCH W/ SEED & FERTILIZER	AC	9.49	\$3,700.00	\$35,113.00	0.00	\$0.00	4.30	\$15,910.00
10	SEEDING (WETLAND MIX)	AC	0.2	\$4,250.00	\$850.00	0.00	\$0.00	0	\$0.00
11	EROSION CONTROL BLANKET (WOOD FIBER)	SY	5625	\$1.10	\$6,187.50	0.00	\$0.00	6	\$0.00
12	TOPSOIL BORROW	CY	500	\$13.00	\$6,500.00	0.00	\$0.00	0	\$0.00
13	DITCH CHECK	LF	60	\$5.25	\$315.00	0.00	\$0.00	0	\$0.00
14	MODULAR BLOCK RETAINING WALL	SF	60	\$55.00	\$3,300.00	0.00	\$0.00	0	\$0.00
15	SALVAGE/SALVAGE AND REINSTALL EXISTING IRRIGATION PUMP HOUSE	LS	0	\$1,400.00	\$0.00	0.00	\$0.00	0	\$0.00
16	RAIN GARDEN	LS	1	\$11,500.00	\$11,500.00	0.00	\$0.00	0	\$0.00
SUBTOTAL - DIVISION 1					\$186,860.60		\$660.00		\$133,682.55
DIVISION 2 - SANITARY SEWER									
1	CONNECT TO EXISTING MANHOLE	EA	1	\$11,600.00	\$11,600.00	0.00	\$0.00	1	\$11,600.00
2	SALVAGE & REINSTALL EXISTING SANITARY SEWER MANHOLE	EA	1	\$3,760.00	\$3,760.00	0.00	\$0.00	1	\$3,760.00
3	SALVAGE & REINSTALL EXISTING SANITARY SEWER	LF	100	\$84.00	\$8,400.00	0.00	\$0.00	52	\$4,368.00
4	LIFT STATION STRUCTURE, VALVE VAULT, AND PIPING	LS	1	\$187,000.00	\$187,000.00	0.00	\$0.00	1	\$187,000.00
5	LIFT STATION PUMPS AND ACCESSORIES	LS	1	\$66,750.00	\$66,750.00	0.00	\$0.00	0.95	\$63,412.50
6	LIFT STATION ELECTRICAL AND CONTROLS	LS	1	\$134,000.00	\$134,000.00	0.10	\$13,400.00	0.95	\$127,300.00
7	GENERATOR	LS	1	\$98,250.00	\$98,250.00	0.00	\$0.00	0.95	\$93,337.50
8	CHEMICAL FEED SYSTEM	LS	1	\$243,000.00	\$243,000.00	0.10	\$24,300.00	0.95	\$230,850.00
9	16" HDPE FORCEMAIN, INSTALLED BY HDD	LF	15649	\$81.00	\$1,267,569.00	1,300.00	\$105,300.00	15,619	\$1,265,139.00
10	16" HDPE FORCEMAIN, INSTALLED BY OPEN CUT	LF	399	\$57.00	\$22,743.00	0.00	\$0.00	438	\$24,966.00
11	8" PVC, SDR 35 SANITARY SEWER (10'-15' DEPTH)	LF	15	\$155.00	\$2,325.00	0.00	\$0.00	15	\$2,325.00
12	8" PVC, SDR 35 SANITARY SEWER (15'-20' DEPTH)	LF	15	\$155.00	\$2,325.00	0.00	\$0.00	15	\$2,325.00
13	8" PVC, SDR 35 SANITARY SEWER (20'-25' DEPTH)	LF	0	\$155.00	\$0.00	0.00	\$0.00	0	\$0.00
14	18" PVC, SDR 26 SANITARY SEWER (10'-15' DEPTH)	LF	213	\$91.00	\$19,383.00	0.00	\$0.00	211	\$19,201.00
15	18" PVC, SDR 26 SANITARY SEWER (15'-20' DEPTH)	LF	193	\$91.00	\$17,563.00	0.00	\$0.00	193	\$17,563.00
16	18" PVC, PS115 SANITARY SEWER (30'-35' DEPTH)	LF	25	\$258.00	\$6,450.00	0.00	\$0.00	20	\$5,160.00
17	24" SANITARY SEWER (0-10' DEPTH)	LF	45	\$116.00	\$5,220.00	0.00	\$0.00	61	\$7,076.00
18	24" SANITARY SEWER (10-15' DEPTH)	LF	999	\$116.00	\$115,884.00	0.00	\$0.00	1,513	\$175,508.00
19	24" SANITARY SEWER (15-20' DEPTH)	LF	1353	\$116.00	\$156,948.00	0.00	\$0.00	934	\$108,344.00
20	24" SANITARY SEWER (20-25' DEPTH)	LF	583	\$116.00	\$67,828.00	0.00	\$0.00	486	\$56,376.00
21	24" SANITARY SEWER (25-30' DEPTH)	LF	213	\$116.00	\$24,708.00	0.00	\$0.00	202	\$23,432.00
22	24" SANITARY SEWER (30-35' DEPTH)	LF	92	\$116.00	\$10,672.00	0.00	\$0.00	153	\$17,748.00
23	24" SANITARY SEWER (35-40' DEPTH)	LF	169	\$116.00	\$19,604.00	0.00	\$0.00	105	\$12,180.00
24	6" PVC, SDR 26 SOLVENT WELD SERVICE PIPE	LF	20	\$82.00	\$1,640.00	0.00	\$0.00	120	\$9,840.00
25	6" ON 16" WYE BRANCH	EA	1	\$1,140.00	\$1,140.00	0.00	\$0.00	6	\$6,840.00
26	48" DIAMETER SAN. MANHOLE, TYPE 301 (0'-10' DEPTH)	EA	12	\$4,900.00	\$58,800.00	0.00	\$0.00	11	\$53,900.00
27	54" DIAMETER SAN. MANHOLE, TYPE 301 (0'-10' DEPTH)	EA	4	\$8,400.00	\$33,600.00	0.00	\$0.00	5	\$42,000.00
28	48" DIAMETER SAN. MANHOLE, TYPE 301 EXTRA DEPTH (>10' DEPTH)	VF	120.1	\$73.00	\$8,767.30	0.00	\$0.00	112.0	\$8,173.08
29	54" DIAMETER SAN. MANHOLE, TYPE 301 EXTRA DEPTH (>10' DEPTH)	VF	44.1	\$120.00	\$5,292.00	0.00	\$0.00	56.2	\$6,746.40
30	72" CLEANOUT MANHOLE	EA	5	\$10,400.00	\$52,000.00	0.00	\$0.00	5	\$52,000.00
31	72" AIR RELEASE MANHOLE	EA	4	\$13,500.00	\$54,000.00	1.00	\$13,500.00	4	\$54,000.00
32	6" DIP CLASS 50 SANITARY SEWER	LF	0	\$108.00	\$0.00	0.00	\$0.00	0	\$0.00
33	18" DIP CLASS 50 SANITARY SEWER	LF	18	\$138.00	\$2,484.00	0.00	\$0.00	20	\$2,760.00
34	24" DIP CLASS 50 SANITARY SEWER	LF	36	\$301.00	\$10,836.00	0.00	\$0.00	40	\$12,040.00
35	EXTERNAL MANHOLE DROP	EA	3	\$9,300.00	\$27,900.00	0.00	\$0.00	3	\$27,900.00
36	16" RES. SEAT GATE VALVE & BOX	EA	18	\$8,000.00	\$144,000.00	2.00	\$16,000.00	18	\$144,000.00
37	EXCAVATE, SALVAGE, AND STOCKPILE WETLAND SOIL (CV)	CY	803	\$1.00	\$803.00	0.00	\$0.00	300	\$300.00
38	PLACE SALVAGED WETLAND SOIL (CV)	CY	803	\$1.00	\$803.00	0.00	\$0.00	300	\$300.00
39	TRENCH STABILIZATION ROCK	LF	300	\$32.00	\$9,600.00	0.00	\$0.00	0	\$0.00
40	TELEVISIONING	LF	4541	\$1.25	\$5,675.25	0.00	\$0.00	0	\$0.00
41	HORIZONTAL DIRECTIONAL DRILLING BORE PITS	LS	1	\$180,000.00	\$180,000.00	0.04	\$7,600.00	0.95	\$180,500.00
SUBTOTAL - DIVISION 2					\$3,099,123.55		\$180,100.00		\$3,060,270.48

ITEM	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			THIS PERIOD		TOTAL TO DATE	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
DIVISION 3 - WATERMAIN									
1	8"x6" WET TAP (INCLUDE SLEEVE AND VALVE)	EA	0	\$5,100.00	\$0.00	0.00	\$0.00	0	\$0.00
2	6" DIP, CL. 52 WATERMAIN	LF	100	\$41.00	\$4,100.00	0.00	\$0.00	153	\$6,273.00
3	6" RES. SEAT GATE VALVE & BOX	EA	1	\$1,300.00	\$1,300.00	0.00	\$0.00	1	\$1,300.00
4	6" HYDRANT (8'-6" BURY)	EA	1	\$4,600.00	\$4,600.00	0.00	\$0.00	1	\$4,600.00
SUBTOTAL - DIVISION 3					\$10,000.00		\$0.00		\$12,173.00
DIVISION 4 - STREETS AND RESTORATION									
1	SAWCUT BITUMINOUS PAVEMENT	LF	85	\$5.50	\$467.50	0.00	\$0.00	24	\$132.00
2	REMOVE PIPE CULVERT [ALL TYPES & SIZES]	LF	178	\$4.50	\$801.00	0.00	\$0.00	178	\$801.00
3	SALVAGE & REINSTALL WOOD WIER	EA	1	\$1,050.00	\$1,050.00	0.00	\$0.00	1.0	\$1,050.00
4	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT, DRIVES	SY	120	\$2.90	\$348.00	0.00	\$0.00	135	\$391.50
5	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT, STREETS	SY	25	\$2.90	\$72.50	0.00	\$0.00	39	\$113.10
6	REMOVE & DISPOSE OF EXIST. CONCRETE CURB & GUTTER	LF	20	\$2.50	\$50.00	0.00	\$0.00	25	\$62.50
7	LIFT STATION SITE GRADING	LS	1	\$21,600.00	\$21,600.00	0.00	\$0.00	1	\$18,360.00
8	CL.5 AGGREGATE BASE	TN	1101	\$18.00	\$19,818.00	0.00	\$0.00	913	\$16,425.90
9	SPWEA240B BITUMINOUS WEAR COURSE, DRIVES	SY	120	\$44.00	\$5,280.00	0.00	\$0.00	0	\$0.00
10	SPNWB230B BITUMINOUS NON-WEAR COURSE, STREETS	TN	165	\$194.00	\$32,010.00	0.00	\$0.00	7	\$1,358.00
11	SPWEA240B BITUMINOUS WEAR COURSE, STREETS	TN	125	\$194.00	\$24,250.00	0.00	\$0.00	0	\$0.00
12	BITUMINOUS MATERIAL FOR TACK COAT	GA	69	\$4.25	\$293.25	0.00	\$0.00	0	\$0.00
13	CONCRETE CURB & GUTTER	LF	20	\$55.00	\$1,100.00	0.00	\$0.00	0	\$0.00
14	CL.5 AGGREGATE BASE, SHOULDER	TN	55	\$47.00	\$2,585.00	0.00	\$0.00	0	\$0.00
15	15" CMP PIPE CULVERT W/APRON	LF	178	\$47.00	\$8,366.00	0.00	\$0.00	286	\$13,442.00
16	CL.3 RIP RAP W/ GEOTEXTILE FABRIC	CY	5	\$125.00	\$625.00	0.00	\$0.00	0	\$0.00
17	OFF ROAD STRUCTURE MARKER	EA	25	\$88.00	\$2,200.00	0.00	\$0.00	0	\$0.00
SUBTOTAL - DIVISION 4					\$120,916.25		\$0.00		\$52,136.00

TOTALS - BASE CONTRACT \$3,416,900.40 \$180,760.00 \$3,258,262.03

CHANGE ORDER NO. 1

CO1-1	8" PVC, SDR 23.5 SANITARY SEWER (25'-30' DEPTH)	LF	44.0	\$200.00	\$8,800.00	0.00	\$0.00	40.0	\$8,000.00
CO1-2	4" POLYSTYRENE INSULATION	SY	10.5	\$35.00	\$367.50	0.00	\$0.00	42.5	\$1,487.50

TOTALS - CHANGE ORDER NO. 1 \$9,167.50 \$0.00 \$9,487.50

CHANGE ORDER NO. 2

CO2-1	COST FOR ADDITIONAL EASEMENT TO RELOCATE MH 0-1	LS	1.0	-\$3,500.00	-\$3,500.00	0.00	\$0.00	1.0	-\$3,500.00
CO2-2	8" X 8" WET TAP INCL. VALVE & SLEEVE	EA	1.0	\$5,500.00	\$5,500.00	0.00	\$0.00	1.0	\$5,500.00
CO2-3	12" DIP CL. 52 WATERMAIN INCL. FITTINGS	LF	328.0	\$75.00	\$24,600.00	0.00	\$0.00	283.0	\$21,225.00

TOTALS - CHANGE ORDER NO. 2 \$26,600.00 \$0.00 \$23,225.00

CHANGE ORDER NO. 4

CO4-1	ADDITIONAL FILL & GRADING AT LS SITE	CY	699.0	\$8.66	\$6,053.34	0.00	\$0.00	699.0	\$6,053.34
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TOTALS - CHANGE ORDER NO. 4 \$6,053.34 \$0.00 \$6,053.34

TOTALS - REVISED CONTRACT \$3,458,721.24 \$180,760.00 \$3,297,027.87



MAYOR & COUNCIL COMMUNICATION

DATE: March 18, 2014

CONSENT

ITEM # 7

AGENDA ITEM: 2014 Seal Coat Project – Project Agreement for Joint Services with Baytown Township

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Jack Griffin, City Engineer
Mike Bouthilet, Public Works
Cathy Bendel, Finance Director

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

- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate.....Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Engineering.

FISCAL IMPACT: Cost savings of \$3,000 to \$12,000.

Through a joint project effort, it’s anticipated that the project cost savings can be realized through an economy of scale and sharing in project expenses for preparation of plans and specifications, bidding, and construction administration. In addition staff believes that by combining the project work for multiple communities, we can continue to promote a more favorable bidding environment that may result in lower overall construction costs.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving the Baytown Township Joint Services Agreement for the 2014 Seal Coat Project. If removed from the consent agenda, the recommended motion for this action is as follows:

“Move to approve the Baytown Township Joint Services Agreement for the 2014 Seal Coat Project.”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

Staff has prepared a Joint Services Agreement with Baytown Township in preparation of the 2014 Seal Coat Project. Staff is recommending that the city include Baytown Township to join their current partnership with West Lakeland Township to perform seal coating for routine maintenance of city and township streets. The agreement identifies the terms and conditions upon which the City of Lake Elmo prepares and administrates a contract for the 2014 Seal Coat Project to be completed on streets within both the city and township. Each jurisdiction pays its portion of the construction costs and shares in the engineering design, bidding and construction administration costs. The construction observation services would be contracted directly by each jurisdiction.

The City of Lake Elmo is defined as the lead entity and prepares the plans and specifications with input from the township. The city bids the project and enters into a contract with the selected contractor for all the work. Baytown will pay a fee to the city in the amount of \$3,000 to reimburse the city for the design, bidding and construction administration services related to the project. The township will reimburse the city within 30 days of receiving contractor invoices for the work performed by the contractor on Baytown streets.

RECOMMENDATION:

Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, the Baytown Township Joint Services Agreement for the 2014 Seal Coat Project. If removed from the consent agenda, the recommended motion for this action is as follows:

***“Move to approve the Baytown Township Joint Services Agreement
for the 2014 Seal Coat Project.”***

ATTACHMENT(S):

1. Baytown Township Joint Services Agreement for the 2014 Seal Coat Project.

JOINT SERVICES AGREEMENT FOR THE 2014 SEAL COAT PROJECT

This Agreement is made this ____ day of _____ 2014, by and between Baytown Township (hereinafter referred to as "Baytown") and the City of Lake Elmo (hereinafter referred to as "Lake Elmo").

WHEREAS, it is the desire of the parties, and it is the purpose of this Agreement, that certain road-related services be performed or contracted by Lake Elmo on behalf of Baytown for the purpose of sealcoating certain street segments as designated by Baytown;

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth below, the above parties hereto agree as follows:

1. Term: The term of this Agreement shall commence upon the date of execution and shall be for the duration of the one year warranty period for the 2014 Seal Coat Project.
2. Services. For the term of this Agreement, Lake Elmo shall provide Baytown with the following services in and on behalf of Baytown and at the direction of Baytown's Engineer:
 - a. Lake Elmo will provide professional engineering services to prepare Plans and Specifications and Contract documents for the 2014 Seal Coat Project. The project will include seal coating of street segments located in Baytown, in addition to the street segments located in Lake Elmo for which Lake Elmo is otherwise contracting.
 - b. Prior to March 20, 2014, Baytown will provide Lake Elmo with a plan, designating and depicting the street segments to be seal coated in Baytown, said plan to be suitable for inclusion in the Plan documents, along with a tabulation of the estimated quantities (in square yards) showing the seal coating work to be performed in Baytown as a part of the project.
 - c. Lake Elmo will advertise the 2014 Seal Coat Project for contractor bids and may award a contract for seal coating, or a portion thereof, as deemed in the best interests of Lake Elmo. If Lake Elmo awards a contract for the 2014 Seal Coat Project and Baytown agrees, the award shall include that portion of streets within Baytown.
 - d. Lake Elmo will provide professional engineering services for the construction administration of the contract.
 - e. At its sole cost and expense, Baytown will provide a construction observer to inspect the seal coat work performed on Baytown streets.
3. Payments. Baytown shall make payments to Lake Elmo for services related to the project or directly for services as follows:

- a. Baytown will pay Lake Elmo a fee in the amount of \$3,000 for engineering and administration fees performed by Lake Elmo for the seal coat project. Lake Elmo will invoice this amount to Baytown once the Lake Elmo City Council accepts the bids and awards the construction contract.
- b. Lake Elmo will make Contractor payments for all work completed in accordance with the Contract. Baytown will reimburse Lake Elmo for the work completed and paid to the contractor in accordance with the contract for the actual quantities of work performed on Baytown streets.
- c. Lake Elmo will invoice Baytown for services to be reimbursed by Baytown as outlined above and Baytown will pay all invoices within 30 days after receipt of the invoice. Lake Elmo shall include with its invoices copies of the contractor's claims showing the amount charged for the work performed and materials used in Baytown.

4. Insurance. Lake Elmo shall require its contractor(s) to provide insurance as specified below, and Baytown shall be named as an additional insured on such insurance:

Comprehensive General Liability	\$1,000,000 per occurrence, \$2,000,000 aggregate
Auto Liability	\$1,200,000 per occurrence
Workers compensation	Statutory amount

5. Indemnification. Lake Elmo agrees to defend, indemnify and hold harmless Baytown, and its officials, agents and employees from and against all claims, actions, damages, losses and expenses, including attorneys fees, arising out of or resulting from Lake Elmo's performance of the duties required under this Agreement, provided that any such claim, action, damage, loss or expense is caused in whole or in part by an alleged negligent act, omission, or willful misconduct (including, but not limited to, a claimed breach of contract made by the contractor) of Lake Elmo. Lake Elmo agrees to require, as part of its contract with the contractor used to provide the seal coating, to include Baytown in the contractor's indemnification obligation under the contract. Baytown agrees to defend, indemnify and hold harmless Lake Elmo, and its officials, agents and employees from and against all claims, actions, damages, losses and expenses, including attorneys' fees, arising out of or resulting from Baytown's performance of the duties required of it under this Agreement, provided that any such claim, action, damage, loss or expense is caused in whole or in part by an alleged negligent act or omission or willful misconduct of Baytown. This provision shall not be construed as a waiver by either party of any defenses, immunities or limitations on liability to which they are entitled, under Minnesota Statutes, Chapter 466 or otherwise. Under no circumstances shall a party be required to pay on behalf of itself and other parties, any amounts in excess of the limits of liability established in Minnesota Statutes, Chapter 466, applicable to any one party. The limits of liability for some or all of the parties may not be added together to determine the maximum amount of liability for any party.

6. Service Contract. This is a service contract. The parties do not intend to create, and nothing herein shall be construed as creating, a joint powers agreement, joint venture, or joint enterprise. However, to the extent a court of competent jurisdiction may find such a relationship exists, Lake Elmo and Baytown shall be considered a single governmental entity as provided in Minnesota Statutes, section 471.59, subdivision 1a for the purposes of determining total liability.

The limits of liability for Lake Elmo and Baytown shall not be added together to determine the maximum amount of liability for either party or for any occurrence.

7. Contracting Procedure and Oversight. Lake Elmo shall be solely responsible for letting the contracts for the services to be provided hereunder in accordance with all applicable laws, rules, and regulations. The bonds obtained from the contractor for the work shall include the work to be performed in Baytown. Lake Elmo shall, to the extent reasonably necessary, assist Baytown to draw upon the performance bond as needed to complete or correct any work the contractor fails to perform in Baytown in accordance with the contract. Baytown will be responsible for inspecting the work to be performed in Baytown, but Lake Elmo shall be responsible for generally overseeing the contractor's performance of services in accordance with the contract.

8. Miscellaneous. This Agreement is solely for the benefit of the parties hereto and no other person shall have any right, claim, or interest in it.

9. Legal Compliance. Both parties agree to comply with all applicable state, federal and local laws, rules and regulations in carrying out their respective obligations under this Agreement.

10. Entire Agreement. This Agreement represents the entire agreement between Lake Elmo and Baytown and supersedes and cancels any and all prior agreements or proposals, written or oral, between the parties relating to the subject matter hereof. No amendments, addenda, alterations, or modifications to the terms and conditions of this Agreement shall be effective unless in writing and signed by both parties.

IN WITNESS WHEREOF, the parties have set forth their hands on the day and year first written above.

CITY OF LAKE ELMO

TOWN OF BAYTOWN

By: _____
Its Mayor

By: _____
Its Town Chairperson

Date

Date

By: _____
Its City Administrator

By: _____
Its Town Clerk-Treasurer

Date

Date



MAYOR & COUNCIL COMMUNICATION

DATE: March 18, 2014
REGULAR
ITEM # 8

AGENDA ITEM: Schiltgen Farms - Parcel B Sketch Plan
SUBMITTED BY: Nick M. Johnson, City Planner
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Planning Commission
Kyle Klatt, Community Development Director
Jack Griffin, City Engineer
Ann Pung-Terwedo, Washington County

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemCommunity Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff..... Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECCOMENDER: The City Council is asked to review a Sketch Plan submitted by GWSA Land Development for the purpose of providing initial feedback and direction to aid in the submittal of a future Preliminary Plat application.

FISCAL IMPACT: None – The applicants have established a development review escrow with the City per the City Council adopted policy.

SUMMARY AND ACTION REQUESTED: The City Council is asked to review a Sketch Plan for a proposed 101 unit single family subdivision in the northern portion of the Village Planning Area. The Sketch Plan is the required first step in the subdivision review process per the City’s subdivision ordinance. In accordance with the ordinance, the review of the Sketch Plan requires no formal action by the City. Rather, it is a formal opportunity for the City to provide initial review of the proposed subdivision for consistency with the City’s Comprehensive Plan and ordinances.

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT:

The Planning Commission reviewed the Schiltgen Farms – Parcel B Sketch Plan on 3/10/14. At that meeting, staff presented their review of the Sketch Plan, which is documented in the Staff Report to the Planning Commission (Attachment #1). The Staff Report contains all of the key considerations identified by staff for the development moving forward.

In reviewing the Sketch Plan, the Planning Commission identified three priorities for the purpose of informing a preliminary plat application:

1. The Planning Commission wanted to see the middle cul-de-sac road carried through the site to the east and connect with the neighboring property;
2. The Planning Commission wanted additional trail improvements and wanted to avoid dead-end cul-de-sacs with limited pedestrian connectivity; and
3. The Planning Commission recommended that a small neighborhood park be included in the plan, possibly through a shared neighborhood park with the property to the east, which is expected to develop at a similar density per the Comprehensive Plan.

With these improvements, the Planning Commission felt that the development would be more consistent with the goals of the Village Land Use Plan. More specifically, topics that were discussed include more direct connections between neighborhoods, better pedestrian facilities and connections to get downtown and a possible neighborhood park or open space amenities. The Planning Commission discussion of the Schiltgen Farms – Parcel B Sketch Plan can be reviewed in greater detail by reviewing the draft minutes of the 3/10/14 meeting.

BACKGROUND INFORMATION (SWOT):

Strengths: The Sketch Plan process allows for the City Council to provide direct feedback in advance of Preliminary Plat application. Utilizing this process allows for the applicant to receive substantial direction before going to the significant expense of preparing Preliminary Plat.

Weaknesses: None

Opportunities: In reviewing the Sketch Plan, the City can offer feedback of how to make the proposed neighborhood more consistent with the City's vision and Comprehensive Plan. Suggested improvements or revisions for the Sketch Plan include greater connectivity to the parcel to the proposed development to the east, as well as additional trail facilities to improve pedestrian accessibility to downtown.

Threats: None

RECOMMENDATION:

No formal action is required at this time. It is recommended that the City Council provide direction and feedback about the proposed subdivision in advance of a future Preliminary Plat application.

ATTACHMENTS:

1. Planning Commission Report, dated 3/10/14
2. Location Map
3. Application Form and Narrative
4. Schiltgen Farms – Parcel B Sketch Plan
5. Topographical Survey – Schiltgen Farms Parcels
6. Future Land Use Map, Map 3-3 of Comprehensive Plan
7. City Engineer Review Memorandum
8. Washington County Review Comments



PLANNING COMMISSION
DATE: 3/10/14
AGENDA ITEM: 5A – BUSINESS ITEM
CASE # 2014-12

ITEM: Schiltgen Farms – Parcel B Sketch Plan Review
SUBMITTED BY: Nick Johnson, City Planner
REVIEWED BY: Kyle Klatt, Community Development Director
Jack Griffin, City Engineer
Greg Malmquist, Fire Chief
Ann Pung-Terwedo, Washington County

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to review a Sketch Plan related to a proposed residential subdivision within the Village Planning Area. The proposed subdivision would be located in the portion of the Village located approximately 500 feet north of 39th Street and east of Lake Elmo Avenue (CSAH 17). The Sketch Plan includes 101 single-family residential homes on a total site area of close to 40 acres. Because this is a Sketch Plan review, there is no formal action required by the Planning Commission.

GENERAL INFORMATION

Applicant: GWSA Land Development, LLC (Craig Allen); 10850 Old County Road 15, Suite 200, Plymouth, MN 55441
Property Owners: Schiltgen Farms, Inc.; 10880 Stillwater Blvd. N., Lake Elmo, MN 55042
Location: Part of Sections 12, Township 29 North, Range 21 West in Lake Elmo, north of 39th Street and east of Lake Elmo Avenue (CSAH 17). PID Number: 12.029.21.33.0001.
Request: Sketch Plan Review
Existing Land Use: Agriculture
Existing Zoning: RT – Rural Transitional Zoning
Surrounding Land Use: North – vacant/agricultural land (likely flood plain); west – agricultural land, guided for Village Low Density Residential (V-LDR); south – vacant land guided for Village Mixed-Use (VMX); east – vacant/agricultural land
Surrounding Zoning: RT – Rural Transitional; GB – General Business
Comprehensive Plan: Village Urban Medium Density Residential (3.0 - 4.0 units per acre)
Proposed Zoning: MDR – Urban Medium Density Residential

History: Property was included in Village Planning Area boundary and municipal sewer service area as defined in the 2013 Village Land Use Plan. Site has historically been used for farming activities, including the growing of agricultural crops.

Deadline for Action: N/A – No action required by City

Applicable Regulations: Article 10 – Urban Residential Districts (MDR)

REQUEST DETAILS

The City of Lake Elmo is in receipt of a Sketch Plan from GWSA Land Development, LLC related to a proposed residential subdivision that would be located within the northern portion of the Village Planning Area as defined in the Comprehensive Plan. This subdivision represents the second proposed sewer project within the Village Planning Area. The applicant is proposing to construct 101 single family homes as part of the project, all of which would be located east of Lake Elmo Avenue (CSAH 17) and north of 39th Street. The applicants also have the property to the west of Lake Elmo Avenue, the Schiltgen farmstead site, under contract for future single family development. However, they are not proposing any development in this area as part of the current request.

The Lake Elmo Subdivision Ordinance specifies that as part of the pre-application process for a new subdivision, the applicant must first submit a Sketch Plan for review by the Planning Commission. The Ordinance notes that the purpose of the Sketch Plan review is as follows:

Sketch plan. In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this chapter and the requirements or limitations imposed by other city ordinances or plans, prior to the development of a preliminary plat, the subdivider shall meet with the Planning Commission and prepare a sketch plan which explains or illustrates the proposed subdivision and its purpose. The Planning Commission shall accept the information received, but take no formal or informal action which could be construed as approval or denial of the proposed plat.

Based on this wording, the Planning Commission is not being asked to take any formal action as part of its review other than to accept the information received. Staff has completed an internal review of the Sketch Plan, and general comments from Staff are included in this memorandum and applicable attachment.

BACKGROUND

The proposed Sketch Plan is located within the Village Planning Area and is therefore located within the one of the City's sewer service areas. The Comprehensive Plan guides this area as Village Urban Medium Density Residential (V-MDR) at a density of 3.0 to 4.0 units per acre, which is consistent with the residential land use classification used for areas in close proximity to the mixed-use area of the Village. The applicant is proposing to build 101 homes over a land area of +/- 38.29 acres, which results in a gross project density of approximately 2.53 units per acre. The applicants have also submitted a net density calculation of 3.12 units per acre, which falls within the guidance range of the City's Comprehensive Plan. Given its location within the Village Planning Area, it should be noted that the project falls under the scope of the AUAR Mitigation Plan, and the components of this plan that may be relevant to the applicant's project must be addressed at the preliminary platting stage.

Staff has provided comments where appropriate in following section to identify elements of the plan that will need to be further addressed before a submission of a preliminary plat.

The applicant's submission to the City includes the following components:

- *Sketch Plan Narrative.* The attached narrative includes a general overview of the project with additional details concerning the proposed density, phasing, streets and trails, and utilities associated with the project.
- *Sketch Plan.* The Sketch Plan includes a proposed configuration of roads, lots, storm water facilities and pedestrian facilities on the applicant's site. Per the submitted narrative, all parcels and roads have been designed to conform to the City's standards and ordinances. The general lot sizes of 65' (minimum width) x 130' (depth) meets the City's requirements for the MDR – Medium Density Residential zoning district, and the 28-foot streets w/60-foot rights-of-way conform to the City's standard for urban low density residential local roads.
- *Topographic Survey.* The applicant has provided a topographic survey depicting the existing conditions of the site. With the exception of the wooded area at the north-central portion of the parcel, the site is relatively flat and open. It should be noted that the northern area of the site substantially decreases in grade as the land slopes downward towards the parcel to the north.

The Staff review comments that follow are all based on conducting a very high level review of the Sketch Plan since there is not a lot of detailed information that is required at this stage in the development process. Staff has instead focused on the bigger picture items and those things that would otherwise not allow the development to move forward if they contrasted with elements from the Comprehensive Plan, Village AUAR Mitigation Plan, or the City Code.

STAFF REVIEW COMMENTS:

Members of the Community Development, Public Works, Engineering, and Fire Departments have reviewed the proposed Sketch Plan and provided comments in the following areas:

- **Land Use:** The proposed Sketch Plan appears to generally conform to the City's future land use plan for this portion of the Village Planning Area in terms of the proposed single family development and related net densities just above 3 units per acre. There are some aspects of the plan as presented that could better incorporate elements from the land use plan that are specific to the Village area. Staff would like to see the future plan submissions for this site consider the following objectives/components from the Village Land Use Plan:
 - *Planning for development at a "village" scale rather than a "suburban" scale:* Although the layout of the proposed subdivision will be constricted by the locations of the approved access points to Lake Elmo Avenue (CSAH 17) and 39th Street, the design could be revised slightly to provide a more direct connection to the future residential development to the east. Creating more direct connections between neighborhoods as a practice is more consistent with Village or urban development than suburban development, more closely meeting the intent of the City's vision as guided under the Village Land Use Plan.

- *Create a walkable community:* - Fostering connections between the residential areas to the core or mixed-use area is of critical importance with regards to the Village Land Use Plan. The Sketch Plan includes a trail along the Lake Elmo Avenue, but only for a limited segment or length. As part of the construction of this single family neighborhood, Staff would recommend that the trail connection be provided all the way south to 39th Street in order to connect with future facilities planned for this corridor. In addition, Staff recommend that the applicants investigate the possibility of additional trail connections, as referenced in the City Engineer's Review Memorandum. Finally, the Sketch Plan also proposes a trail to the Natural Preservation Area to the north, as described in the Sketch Plan Narrative. If the proposed preservation area moves forward in collaboration with the neighboring property owner to the north and east, the City would support these trail connections as part of some public or recreational use.
- ***Village Guiding Principles.*** The Village Land Use Plan incorporated the 13 guiding principles from the Village Master Plan. Of these principles, Staff has found that at least three will apply to the proposed Easton Village, including:
 - Principle 1 - Evoke a sense of place: Build on existing assets to preserve the small town, rural character of Lake Elmo, maintaining the Old Village as the heart of the city.
 - Principle 7 - Improve connectivity: Provide a balanced network for movement that links local neighborhoods and Village Area attractions with city-wide and regional systems, paying equal attention to cars, bicycles, pedestrians and transit.
 - Principle 11 - Become a great model: Encourage other communities to 'raise the bar' by demonstrating low impact development, best practices and sustainability.
- ***Lake Elmo Theming Study.*** As GSWA Land Development, LLC moves forward with the preparation of a Preliminary Plat, Staff is strongly encouraging the applicant to incorporate elements from the Lake Elmo Branding and Theming Study into the design of the project. The inclusion of various theming elements would help address some of the concerns noted above, especially, those that relate to creating a sense of place.
- ***Density:*** The submitted Sketch Plan includes calculations for both the gross and net density figures, and the provided net density calculation of 3.12 units per acre falls within the allowed range as specified in the Comprehensive Plan (V-MDR: 3.0 - 4.0 units per acre).
- ***Zoning.*** The City recently adopted new urban development districts, including urban low density, medium density, and high density residential zoning districts. The Sketch Plan has been designed to comply with the medium density district standards in regards to lot area, setbacks, and other dimensional standards. The application does not include an average lot area. However, given the minimum dimensions of the proposed lots (65' x 130'), the lots should meet the district minimum standard of 7,000 square feet without difficulty. The City has not adopted any special zoning for the Village Residential areas, and Staff is recommending that the City rezone applicant's site to MDR at the time of Preliminary Plat approval.

- ***Parks and Open Space.*** As noted in the Sketch Plan Narrative, the applicants are not proposing a neighborhood park as part of this development at this time. They have noted that the prospective property owner to the north is planning some type of recreational or open space amenity within the natural resource preservation area to the north. In addition, it should be noted that the applicants also have property in the southeast portion of the Village Planning Area owned Schiltgen Farms, Inc. under contract. As part of subdividing this property at a future date, the applicants propose to dedicate land adjacent to Reid Park as an expansion of this park or facility. If this proposal is acceptable to the City, the applicants could receive credit towards their parkland dedication requirements for dedicating land adjacent to Reid Park under this arrangement. Please note that the applicants will be seeking direction from the Park Commission at its upcoming meeting on March 17th, 2014. The Park Commission will review the Sketch Plan, as well as the other properties under contract by Gonyea Homes, with the intent of formulating a more global strategy for parkland dedication in the Village Planning Area.
- ***Sidewalks and Trails.*** The submitted Sketch Plan includes sidewalks on one side of all local residential streets, which is consistent with City standards for single family residential subdivisions. In addition, the Sketch Plan includes two proposed local trails. The first trail provides a connection from the entrance off Lake Elmo Avenue southward towards 39th Street. Staff is recommending that this proposed trail connect all the way down to 39th Street for the purpose of maximizing pedestrian and bicycle circulation down to the Village/downtown. The second proposed trail connects the residential subdivision to the proposed natural preservation area to the north. If this recreation, open space or preservation area is developed in collaboration with the adjoining property owner, Staff would support this trail connection as show. Finally, as shown in the Engineer's review memorandum, Staff would recommend that a trail be installed along the access road that connects to 39th Street along the eastern side of the property. Ensuring adequate and efficient pedestrian circulation to the core or mixed-use area is an important component of the Village Land Use Plan. For all proposed trails, Staff recommends a standard of an 8-foot bituminous trail.
- ***Public Utilities.*** The subject property has access to 8" water main in 39th Street. In addition, 16" water main is available in Lake Elmo Avenue. The applicant will be responsible for extending water service throughout the development. In terms of sanitary sewer, service is currently not readily available for the subject property. The applicants will be required to extend municipal sanitary sewer to the development site at developers cost. Based upon communications with many of the property owners of the developable portions of the Village Planning Area, it is the City's understanding that a plan is currently begin developed to extend the sanitary sewer service privately from the lift station adjacent to Reid Park up to Trunk Highway 5 (TH 5) at 39th Street. Preliminary Plat approval will be conditioned upon this sanitary sewer connection being completed.
- ***Landscaping.*** The applicant has not provided any details concerning landscaping for the site, which must be submitted at the time of Preliminary Plat submission. One recommendation that Staff would make with regards to the landscape plan is to install a sufficient amount of coniferous or evergreen trees along Lake Elmo Avenue to serve as a buffer and mitigate noise and traffic. The applicant will also need to submit a tree preservation and protection plan as part of this application. More specifically, Staff is encouraging the applicant to

preserve the existing trees and vegetation along the northern property line to the greatest extent possible. Any removal of significant trees on the site that exceeds the allowed tree removal (30%) will be subject to the tree replacement schedule as determined by the City's Tree Preservation Ordinance.

- **Streets.** The Sketch Plan includes 60' rights-of-way and 28' streets, back of curb to back of curb. This design is consistent with the City standard for local residential streets, and would allow for parking on both sides of the street while maintaining safe traffic circulation and emergency vehicle access. In addition, per the Engineer's memorandum, Staff is recommending that additional or improved access to the property to the east be provided to improve connectivity between the neighborhoods as called for in the Village Land Use Plan. Finally, the Sketch Plan includes three cul-de-sacs, all of which comply with the City's Subdivision Ordinance regarding maximum length.
- **Lake Elmo Avenue Access.** The County has reviewed the Sketch Plan (see Attachment #8) and noted that the proposed access to Lake Elmo Avenue (CSAH 17) does not currently meet the County access spacing guidelines for an arterial road, which is 1,320 feet (1/4 mile). Staff recommends that the City work with the applicants and County to identify the best possible location for the access to Lake Elmo Avenue. In addition, the applicants should be aware that the County will likely require improvements to Lake Elmo Avenue in order for this connection to be made. The County has also requested that the developer plat a portion of the required right-of-way for Lake Elmo Avenue as part of the proposed subdivision. The County has noted in their review that the right-of-way for a County arterial is typically 150 feet. Finally, it should be noted that the applicants are proposing to front 9 residential lots directly onto the Lake Elmo Avenue right-of-way. Staff would recommend that some additional buffer, vegetative screening or berming be used to mitigate potential nuisance related to traffic and noise.
- **Environmental Review.** The proposed subdivision is located within the area covered by the Village Alternative Urban Area-wide Review (AUAR). As such, the City and the applicants will need to comply with the AUAR Mitigation plan that was adopted with the Final AUAR. The most critical elements of the Mitigation Plan that must be addressed include the following:
 - **Storm Water Management.** The storm water management plan for the development will need to meet the AUAR requirements in addition to City ordinances and Valley Branch Watershed District standards.
 - **Natural Resource Areas.** Preservation of the primary ecological areas is encouraged as noted above.
 - **Transportation.** The developer is not proposing any streets or connections that are inconsistent with the AUAR. As the Village continues to develop, the City will need to consider the broader transportation network to ensure that needed improvements are being made.

- **City Engineer Review.** The City Engineer’s review comments are found in Attachment #7. The Engineer did note that the storm water management plan would need to be consistent with City and Valley Branch Watershed District standards.
- **Fire Chief Review.** The Fire Chief has asked that the roads within the development be designed in accordance with Minnesota Fire Code standards.
- **Subdivision Review Process.** In order to proceed with the subdivision of the land included in the Sketch Plan, the applicant will need to next prepare a Preliminary Plat application. At the Preliminary Plat stage, there is much more information required as part of the submission process, which also requires a public hearing. GWSA Land Development, LLC has indicated that they would like to proceed with the submission of a Preliminary Plat application in early spring of 2014.

RECCOMENDATION:

Staff is recommending that the Planning Commission accept the Sketch Plan provided by GWSA Land Development, LLC for a 101 unit single family residential development that would be located within the Village Planning Area.

ATTACHMENTS:

1. Location Map
2. Application Form
3. Sketch Plan Narrative
4. Schiltgen Farms – Parcel B Sketch Plan
5. Topographical Survey – Schiltgen Farm Parcels
6. Future Village Land Use Map (Map 3-3 from Comprehensive Plan)
7. City Engineer Review Memorandum
8. Washington County Review Letter

ORDER OF BUSINESS:

- IntroductionCommunity Development Director
- Report by Staff City Planner
- Questions from the Commission Chair & Commission Members
- Discussion by the Commission Chair & Commission Members




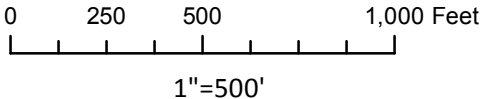
Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Location Map: 12.029.21.33.0001



Data Source: Washington County, MN
3-7-2014

 12.029.21.33.0001
(Sketch Plan Location)



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



LAND USE APPLICATION

- Comprehensive Plan Zoning District Amend Zoning Text Amend Variance*(see below) Zoning Appeal
- Conditional Use Permit (C.U.P.) Flood Plain C.U.P. Interim Use Permit (I.U.P.) Excavating/Grading
- Lot Line Adjustment Minor Subdivision Residential Subdivision Sketch/Concept Plan

Applicant: GWSA Land Development, LLC
Address: 10850 Old County Road 15, Suite 200, Plymouth, MN 55441
Phone # 952-270-4473
Email Address: Craig.garyen@company.com

Fee Owner: Schiltgen Farms, Inc.
Address: 10880 Stillwater Blvd. N, Lake Elmo, MN 55042
Phone # 651-303-8188
Email Address: Pete.schiltgen@gmail.com

Property Location (Address and Complete (long) Legal Description): The Southwest Quarter of the Southwest Quarter of Section 12, Township 29 North, Range 21 West, Washington County, MN

Detailed Reason for Request: A residential subdivision sketch/concept plan for 103 single family lots.

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

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

Signature of applicant: Craig Garyen Date: 2/13/2014

City Use Only
Planning: Zoning District: _____
Reviewed by: _____ Date: _____
Subject to the following conditions: _____
Engineering: Reviewed by: _____ Date: _____
Subject to the following conditions: _____

Signature of Fee Owner: Pete Schiltgen Date: 2-14-14



GWSA Land Development, LLC
10850 Old County Road 15
Suite 200
Plymouth, MN 55441

Craig Allen
952-270-4473
Craig@gonyeacompany.com

Sketch Plan Narrative Schiltgen Farms – Parcel B March 6, 2014

This project property consists of +/- 39.8 acres (39.8-1.51 ROW=38.29 acres) and is located on the east side of Lake Elmo Avenue North (CSAH No. 17), about 500 feet north of 39th Street N. The property is currently used for agricultural purposes. The Existing Land Use is classified as Rural Area Development. The planned Land Use is Village Urban Medium Density. The attached sketch plan shows 101 single family lots, the lots are a minimum of 65 feet in width, with a depth of 130 feet or greater.

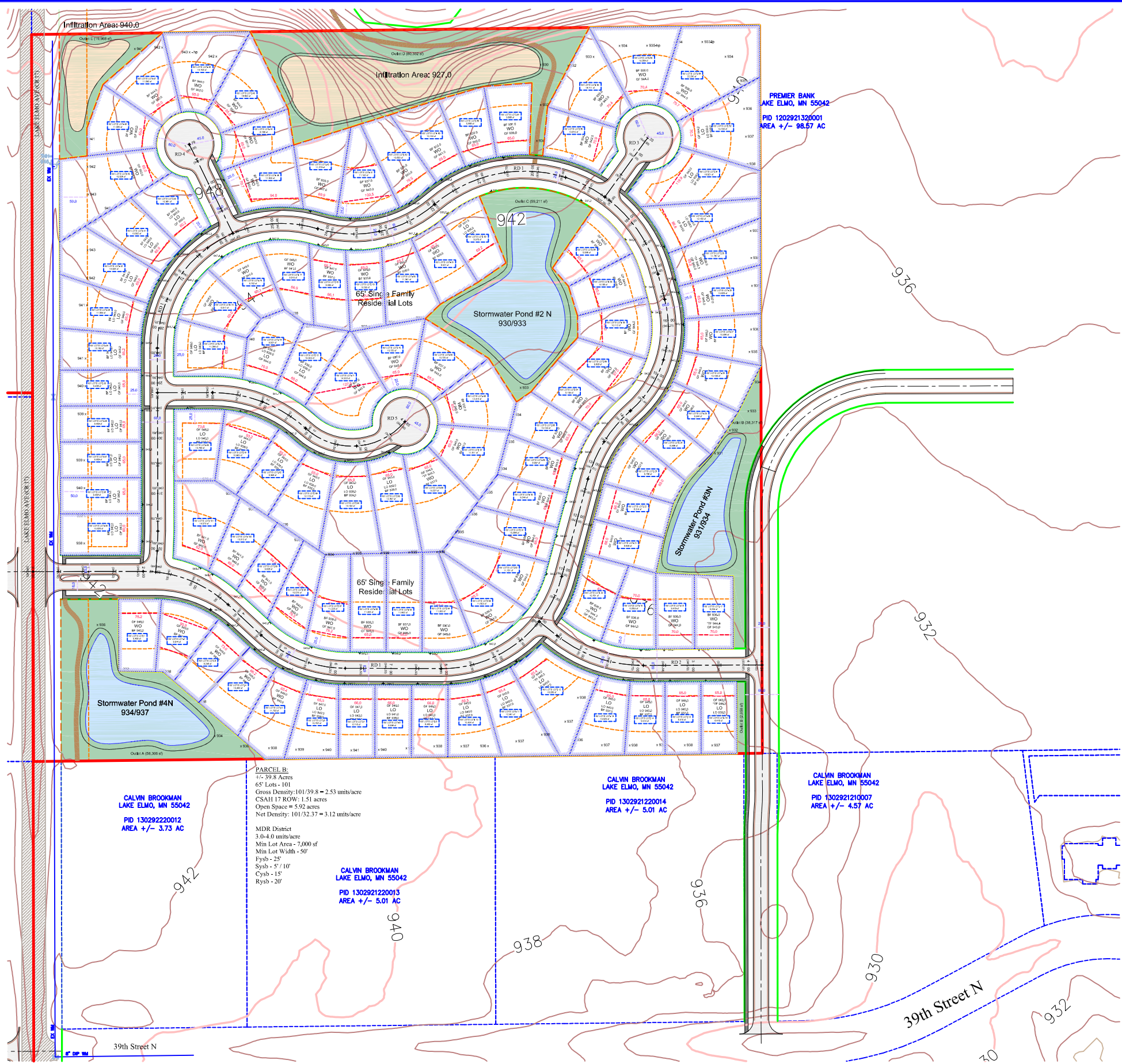
On the Village Land Use Plan, the project site is classified as Village Urban Medium Density (V-MDR). The City has a proposed density goal of 3-4 units per acre. The proposed plan has 101 lots on 39.8 acres, for a gross density of $101/39.8 = 2.53$ units per acre. The area of open space and ponding is estimated at 5.92 acres, yielding a net area of $39.8-1.51-5.92 = 32.37$ acres; net density of $101/32.37 = 3.12$ units per acre.

The MDR residential district has a minimum lot area requirement of 7,000 sf, with a minimum lot width of 50 feet. All of the proposed lots would exceed this requirement. The front yard setback is 25 feet, the side yard setback is 5 feet for the attached garages and 10 feet for the principal buildings. The corner yard setback is 15 feet and the rear yard setback is 20 feet. A 50 foot setback is being proposed along Lake Elmo Avenue North for additional screening. All single family dwellings shall be at least 24 feet in width and at least 960 square feet in area. No variances are being requested with this application.

For park, the Village Open Space Overlay Map defines the area directly north of our development as a Natural Resource Preservation Area and we are aware of plans for park and open space at this location as part of a neighboring development. With this in mind, as well as the close proximity to the Elementary School park and playground, we are not proposing a neighborhood park as part of our development. Our proposal is to dedicate land east of Reid Park, currently under contract with Mr. Schiltgen, also defined on the Village Open Space Map and specifically mentioned in the Village Comprehensive Land Use Plan as a possible “opportunity to acquire environmentally sensitive lands that could be incorporated into recreation”. Also per the Comprehensive Land Use Plan, we have incorporated sidewalks throughout our development with connections to neighboring subdivisions and south to 39th Street; as well as trail connections along Lake Elmo Avenue from the south and north connecting to the before mentioned Preservation Area.

The main access to the project will be from Lake Elmo Avenue North. The public streets will be 28' back of curb to back of curb, with sidewalk on one side, within a 60' ROW. The cul-de-sacs will have a 45' radius to the back of the curb.

It is anticipated that the project will be constructed in phases of 30-40 lots; with the majority of the site grading work being completed with the first and/or second phase. The project will be served by City Sewer and Water. The City Village Sewer Study Plan shows the proposed Trunk Sanitary Sewer Lines that are proposed to provide service to this project. City water is available for 39th Street N. and will be extended to service this site. The stormwater treatment system will be designed to meet the requirements of the City and the Watershed.



CALVIN BROOKMAN
LAKE ELMO, MN 55042
PID 130292220012
AREA +/- 3.73 AC

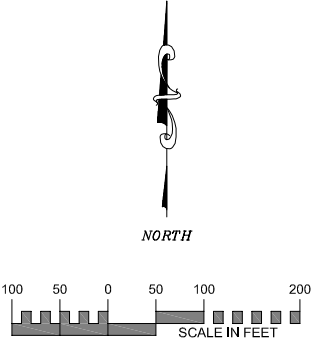
PARCEL B:
+/- 39.8 Acres
65' Lots - 101
Gross Density: 101/39.8 = 2.53 units/acre
CSA: 17 ROW: 1.51 acres
Open Space = 5.92 acres
Net Density: 101/32.37 = 3.12 units/acre

MDR District
3.0-4.0 units/acre
Min Lot Area - 7,000 sf
Min Lot Width - 50'
Fybs - 25'
Sybs - 5' / 10'
Cysb - 15'
Rybs - 20'

CALVIN BROOKMAN
LAKE ELMO, MN 55042
PID 1302921220013
AREA +/- 5.01 AC

CALVIN BROOKMAN
LAKE ELMO, MN 55042
PID 1302921220014
AREA +/- 5.01 AC

CALVIN BROOKMAN
LAKE ELMO, MN 55042
PID 1302921210007
AREA +/- 4.57 AC



DRAWING NAME	NO.	BY	DATE	REVISIONS
xxx				
DRAWN BY				
xxx				
CHECKED BY				
xxx				
DATE				
xxx/xx/xx				

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I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION 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.

Name, P.E. _____
Date: _____ Lic. No. _____

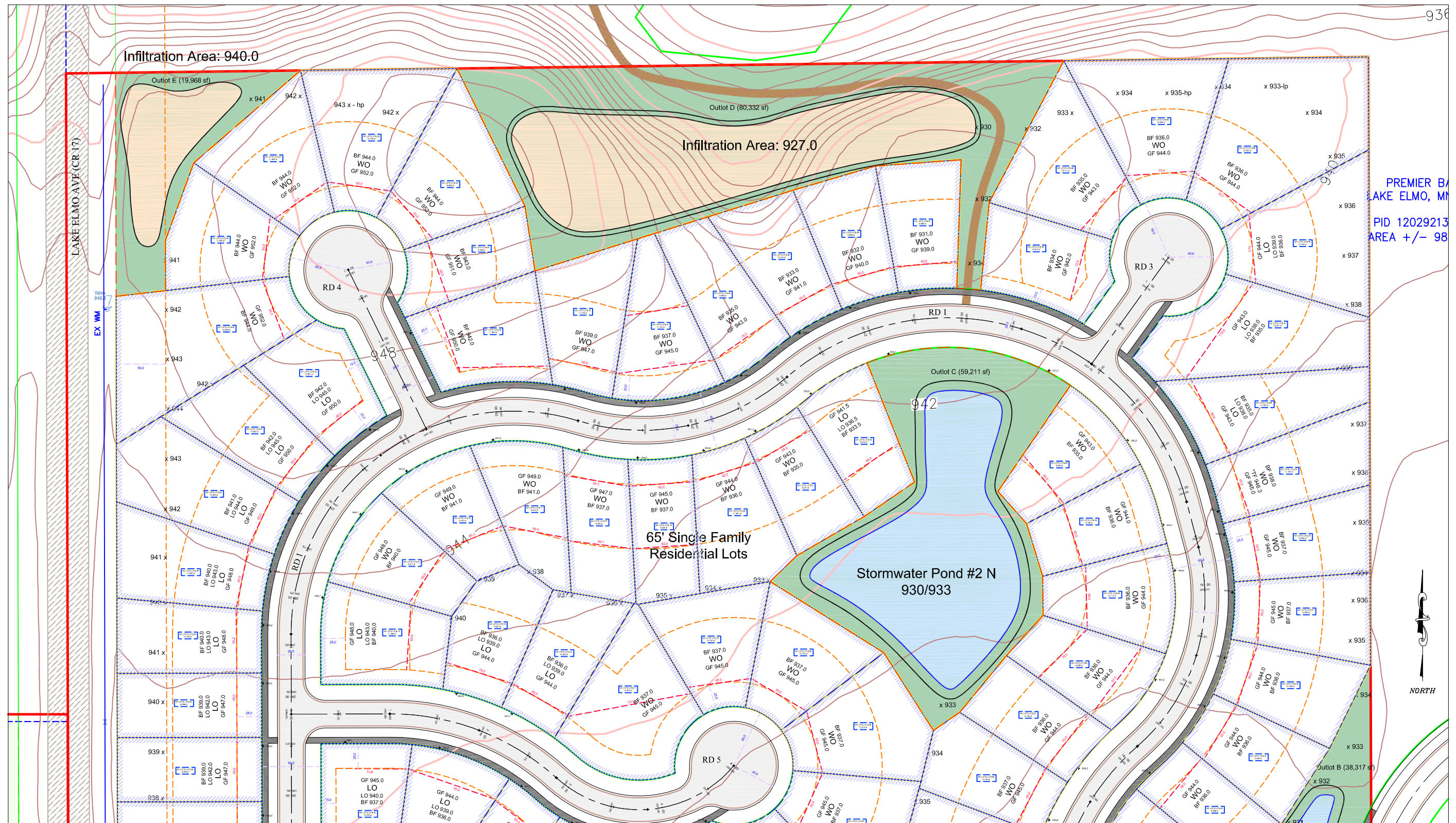


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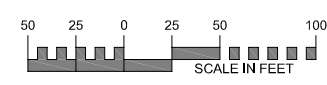
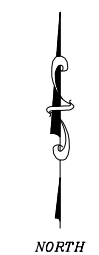
CITY PROJECT NO.
LAKE ELMO,
MINNESOTA

SKETCH PLAN R1 030614
PARCEL B
SCHILTGEN FARMS
GW LAND DEVELOPMENT

FILE NO.
3120-047
1
3



PREMIER BAY
LAKE ELMO, MN
PID 12029213
AREA +/- 98

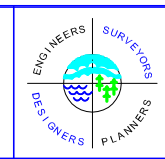


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I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Name, P.E. _____
Date: _____ Lic. No. _____

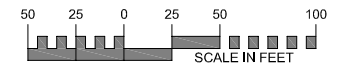
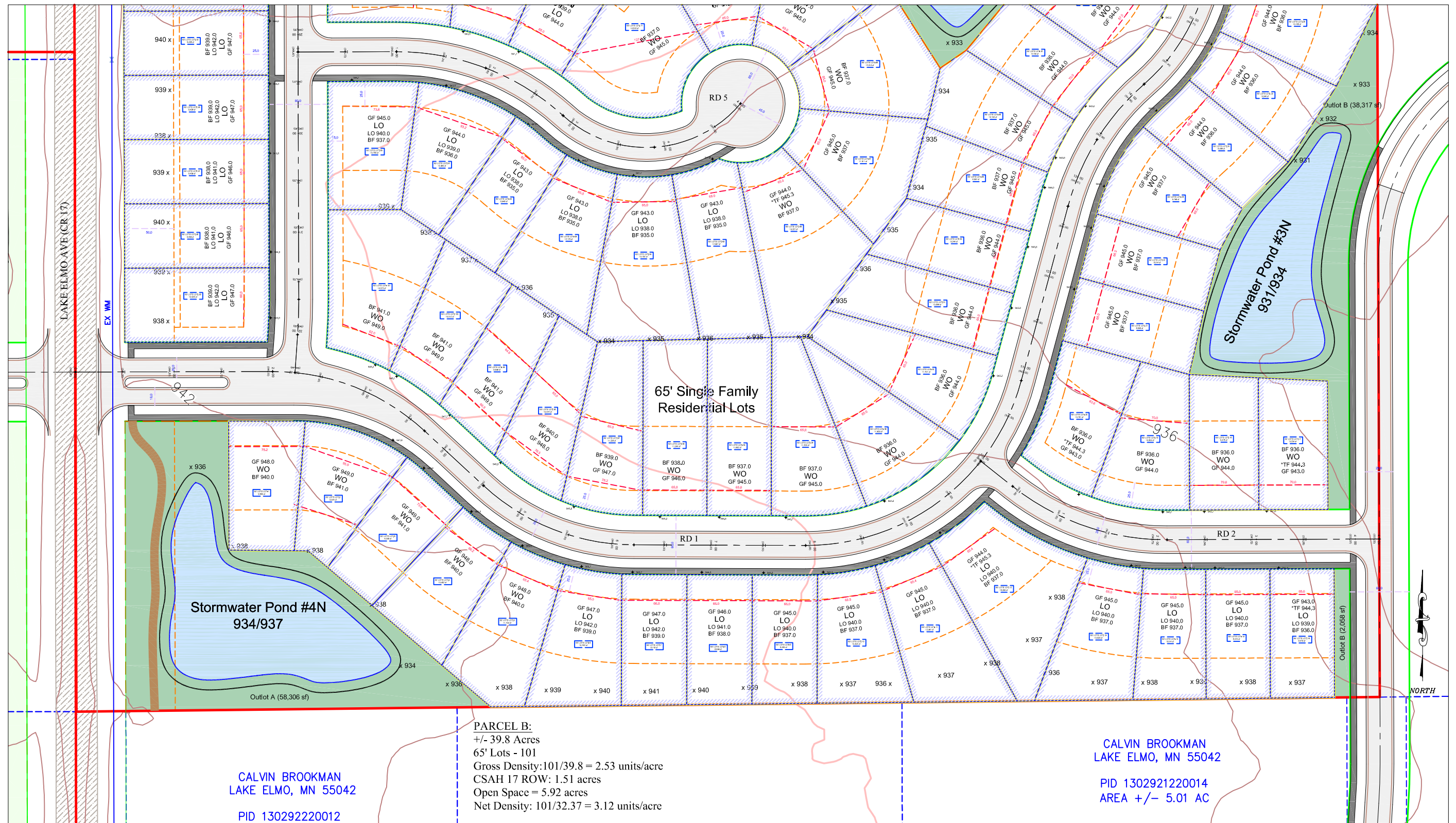


SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO. _____
LAKE ELMO, MINNESOTA

**SKETCH PLAN R1 030614
PARCEL B
SCHILTGEN FARMS
GW LAND DEVELOPMENT**

FILE NO.
3120-047
2
3

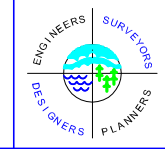


DRAWING NAME	NO.	BY	DATE	REVISIONS
xxxx				
DRAWN BY				
xxxx				
CHECKED BY				
xxxx				
DATE				
xxxx/xx/xx				

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I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION 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.

Name, P.E. _____ Lic. No. _____
 Date: _____



SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.
 LAKE ELMO,
 MINNESOTA

SKETCH PLAN R1 030614
PARCEL B
 SCHILTGEN FARMS
 GW LAND DEVELOPMENT

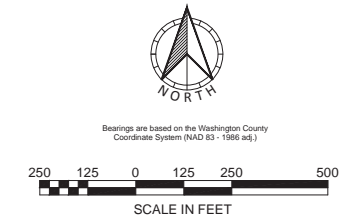
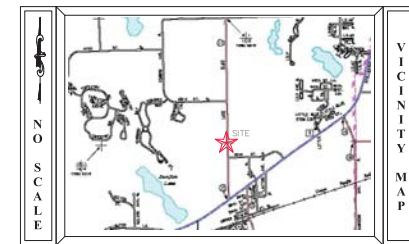
FILE NO.
 3120-047
 3
 3

DESCRIPTION OF PROPERTY SURVEYED
(Per Schedule A of the herein referenced Title Commitment)

- Parcel 1:
The South 658.02 feet of the Southwest Quarter of the Southeast Quarter of Section 11, Township 29 North, Range 21 West, Washington County, Minnesota.
- Parcel 2:
The South 20 acres of the East Half of the Southeast Quarter of Section 11, Township 29 North, Range 21 West, Washington County, Minnesota.
- Parcel 3:
The Southwest Quarter of the Southwest Quarter of Section 12, Township 29 North, Range 21 West, Washington County, Minnesota.
- Parcel 4:
The Northeast Quarter of Section 14, Township 29 North, Range 21 West, Washington County, Minnesota.

ALTA/ACSM OPTIONAL TABLE A NOTES
(The following items reference Table A optional survey responsibilities and specifications)

- 2) **Address:** Parcel 1- Unassigned
Parcel 2- Unassigned
Parcel 3- Unassigned
Parcel 4- 10880 Stillwater Blvd N., Lake Elmo, MN 55042
 - 3) **Flood Zone Information:** Parcels 1 and 3 are contained in Zone X (area of minimal flooding) and Zone A (Areas subject to inundation by the 1-percent-annual-chance flood event. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown) per Flood Insurance Rate Map, Community Panel No. 27163C0245E, effective date of February 3, 2010. Parcel 2 is contained in Zone X (area of minimal flooding) per Flood Insurance Rate Map, Community Panel No. 27163C0245E, effective date of February 3, 2010. Parcel 4 is contained in Zone X (area of minimal flooding) and Zone AE (Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. BFEs are shown within these zones.) per Flood Insurance Rate Map, Community Panel No. 27163C0245E, effective date of February 3, 2010. Please note that we have shown the division line between these zones hereon by digitizing said Flood Insurance Rate Maps.
 - 4) **Parcel Area Information:**
 - Parcel 1: Net- 858,947 Sq. Ft. - 19.72 Acres
 - Parcel 2: Gross- 871,200 Sq. Ft. - 20.00 Acres
ROW- 33,370 Sq. Ft. - 0.77 Acres
Net- 837,830 Sq. Ft. - 19.23 Acres
 - Parcel 3: Gross- 1,735,349 Sq. Ft. - 39.84 Acres
ROW- 65,794 Sq. Ft. - 1.51 Acres
Net- 1,669,555 Sq. Ft. - 38.33 Acres
 - Parcel 4: Gross- 6,890,526 Sq. Ft. - 158.18 Acres
ROW- 204,699 Sq. Ft. - 4.70 Acres
Net- 6,685,827 Sq. Ft. - 153.48 Acres
 - Total Net: Net- 10,052,159 Sq. Ft. - 230.76 Acres
 - 5) Elevations are based on MNDOT Geodetic Database Station Name: 6214K which has an elevation of: 935.539 feet (NAVD88). Contours shown hereon are per field observations along with LiDAR data obtained from the Minnesota Department of Natural Resources on January 11, 2013.
 - 6) The current Zoning for the subject property is RT (Rural Transitional) per the City of Lake Elmo's zoning map dated May 21, 2013. The planning department is informed by a per phone call that the property is in the process of changing to Village Low Density. Per this phone call, the setback, height, and density restrictions for this zoning designation are going to be as follows: SETBACKS - Front 25 feet, Side 10 feet living and 5 feet garage, Rear 20 feet; HEIGHT - 35 feet; DENSITY - 1.5 - 2 unit per acre.
- Please note that the general restrictions for the subject property may have been amended through a city process. We could be unaware of such amendments if they are not in a recorded document provided to us. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site.
- 11(a) We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property of which we are unaware.
 - 19) The Wetland delineation was performed on Parcels 1, 2, 3, and the North 900 feet of Parcel 4 by Kjolhaug Environmental Service and the delineation flags were located on January 15, 2014. The remaining South portion of Parcel 4 may contain wetlands per FEMA mapping, that were not delineated as part of this survey.



SURVEY LEGEND

● CAST IRON MONUMENT	⊠ CABLE TV PEDESTAL	▨ BITUMINOUS
⊠ CATCH BASIN	⊠ ELECTRIC TRANSFORMER	— CONCRETE CURB
⊠ FLARED END SECTION	⊠ ELECTRIC MANHOLE	— CONTOUR EXISTING
⊠ GATE VALVE	⊠ ELECTRIC METER	— ELC — ELECTRIC UNDERGROUND
< GUY WIRE	⊠ GAS METER	— x — x — FENCE
⊠ HYDRANT	⊠ GAS VALVE	— GAS — GAS UNDERGROUND
⊠ IRON PIPE SET	⊠ HAND HOLE	— OHU — OVERHEAD UTILITY
⊠ IRON PIPE FOUND	⊠ BENCHMARK	—> — SANITARY SEWER
⊠ LIGHT POLE	⊠ TELEPHONE MANHOLE	—>> — STORM SEWER
⊠ POWER POLE	⊠ TELEPHONE PEDESTAL	— TEL — TELEPHONE UNDERGROUND
⊠ SANITARY MANHOLE	⊠ UTILITY MANHOLE	— UTL — UTILITY UNDERGROUND
⊠ UTILITY MANHOLE	⊠ UTILITY PEDESTAL	
⊠ GROUND ELEVATION		

SURVEY REPORT

This map and report was prepared with the benefit of a Commitment for Title Insurance issued by Custom Home Builders Title, LLC as issuing agent for Old Republic National Title Insurance Company, File No. HB-26627, dated August 9, 2013.

- We note the following with regards to Schedule B, Section II of the herein referenced Title Commitment:
 - Item no. 1-12 are not survey related.
 - Item no. 13. Terms and conditions of easement for trunk highway purposes, to erect snow fences, to construct and maintain slopes, and take the right of access as contained in Final Certificate, filed April 23, 1962, as Document No. 220861 (Book 246 of Deeds, page 592). **This easement, noted as parcel 10 in said Document, is located over the southeasterly portion of parcel 4, as shown hereon. Please note the second exception described therein describes a strip of land "lying southeasterly of the southeasterly right-of-way of Trunk Highway No. 212, as now laid out and traveled" We have surveyed the location of "Trunk Highway No. 212, as now laid out and traveled" as having the same centerline as the 150 foot wide strip taken for the road easement. Furthermore, We have surveyed its width as being 66 feet wide based on dimensions from MnDot Right-of-Way Map No. 4-41.002. A document could exist that would place the center line of Trunk Highway No. 212 in a different location and it could change the width that we have used for the placement of the original Trunk Highway No. 212.**
 - Item no. 14. Terms and conditions of easement for highway purposes, together with the unrestricted right to improve the same as contained in Highway Easement, dated August 25, 1949, filed May 21, 1963, as Document No. 229009 (Book 258 of Deeds, pages 39 and 40). **This easement is located over the easterly portion of parcel 2 and 4, and westerly portion of parcel 3, as shown hereon. Please note that this document creates an additional 17 feet of R/W to the present (1949) 33 foot right-of-way of County Aid Road No. 25. We have surveyed it as providing a total R/W width of 50 feet. We have not provided the original document for the R/W for County Aid Road No. 25 which would define the present (1949) R/W. Also, We have surveyed it as being centered on the east line of Sections 11 and 14. The Original document that defines the present (1949) R/W could place this R/W in a different location and could provide an alternate width to said R/W.**
 - Item no. 15. Subject to a highway easement for County State Aid Highway 17 over the East 50 feet thereof of the South 20 acres of the East Half of the Southeast Quarter of Section 11, Township 29 North, Range 21 West, Washington County, Minnesota, as recited in Deed filed November 10, 1994, as Document No. 822407. **Please note this document is a warranty deed which transfers title to parcels 2, 3, and 4. Subject to a 50 foot highway easement as created by Book 258 pages 39 and 40 of deeds. This book and page document creates a 17 feet of additional R/W to the existing 33 foot, which is centered on the East Section Line of 11 and 14, and West Section Line of 12 as shown hereon. It does not create a 100' wide R/W as the warranty deed states, clients counsel may wish to pursue this matter further so as to determine how this affects the subject property.**
 - Item no. 16. Subject to a highway easement for County State Aid Highway 17 over the West 50 feet thereof of the Southwest Quarter of the Southwest Quarter of Section 12, Township 29 North, Range 21 West, Washington County, Minnesota, as recited in Deed filed November 10, 1994, as Document No. 822407. **Please note this document is a warranty deed which transfers title to parcels 2, 3, and 4. Subject to a 50 foot highway easement as created by Book 258 pages 39 and 40 of deeds. This book and page document creates a 17 feet of additional R/W to the existing 33 foot, which is centered on the East Section Line of 11 and 14, and West Section Line of 12 as shown hereon. It does not create a 100' wide R/W as the warranty deed states, clients counsel may wish to pursue this matter further so as to determine how this affects the subject property.**
 - Item no. 17. Subject to a highway easement for County State Aid Highway 17 over the East 50 feet of the Northeast Quarter of Section 14, Township 29 North, Range 21 West, Washington County, Minnesota, as recited in Deed filed November 10, 1994, as Document No. 822407. **Please note this document is a warranty deed which transfers title to parcels 2, 3, and 4. Subject to a 50 foot highway easement as created by Book 258 pages 39 and 40 of deeds. This book and page document creates a 17 feet of additional R/W to the existing 33 foot, which is centered on the East Section Line of 11 and 14, and West Section Line of 12 as shown hereon. It does not create a 100' wide R/W as the warranty deed states, clients counsel may wish to pursue this matter further so as to determine how this affects the subject property.**
 - Item no. 18. A portion of the property contains wetlands which may be subject to federal, state, or local regulation. The right to use or improve these wetlands is excepted herein. **See note #19 of Table A Notes.**
- This survey was prepared for the purpose of a residential housing development on parcels 1, 2, 3, and to subdivide the northerly portion of Parcel 4 to be included in the development. There are site features located on the southerly portion of Parcel 4 that were not included as part of this survey.**
- There is a boundary overlap issue on the northerly portion of Parcel 2. The legal description of Parcel 2 and the legal description of the adjoining parcels to the north create a mathematical overlap of 7.4 feet, as shown hereon. We have requested the original deeds of the properties to see who has junior and senior rights to assist with the resolution of this issue. Clients counsel may wish to pursue this matter so as to determine the actual location of the northerly boundary line of Parcel 2.**

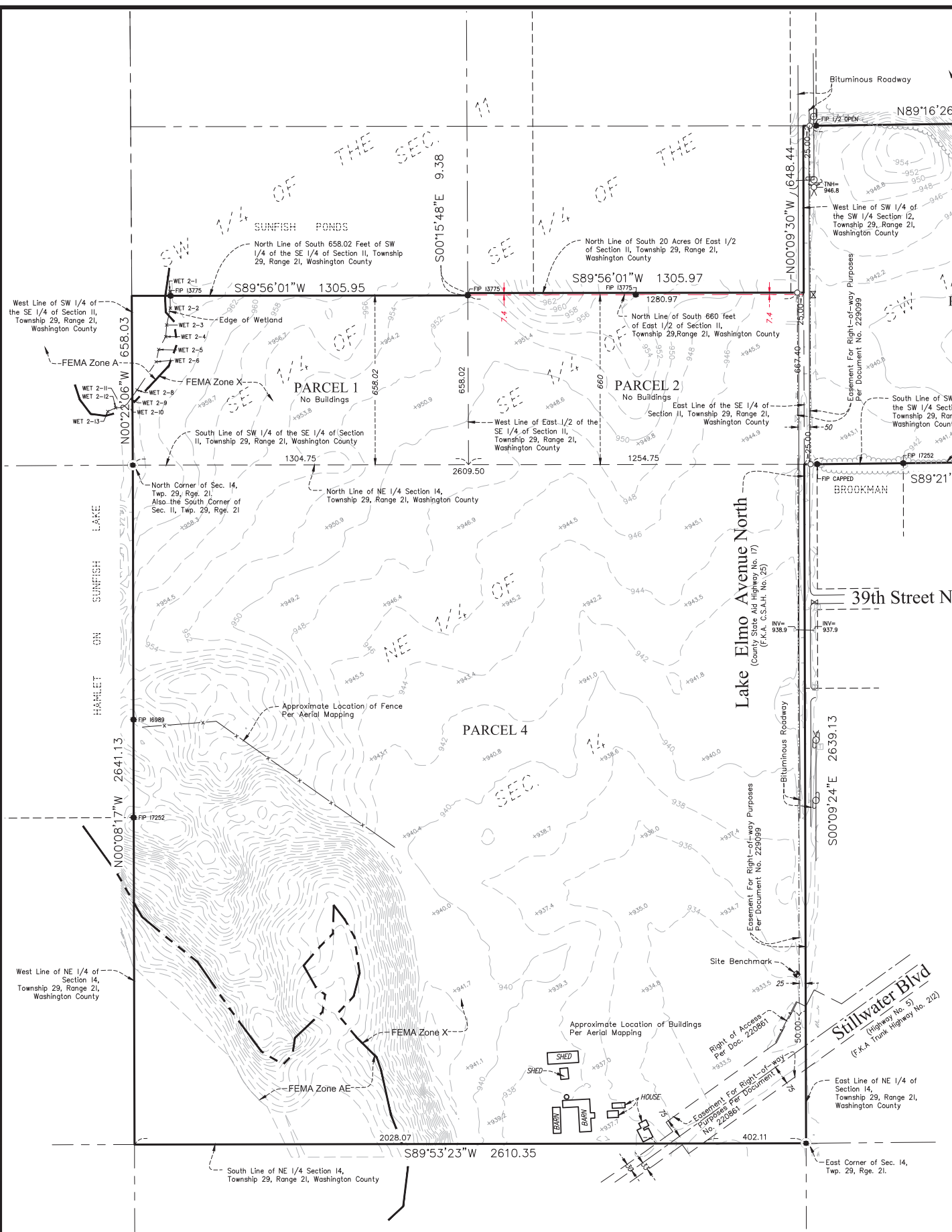
CERTIFICATION

To GW Land Development, and Custom Home Builders Title, LLC as issuing agent for Old Republic National Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS in 2011, and includes Items 1 - 5, 8, 9, 11(a), and 19 of Table A thereof. The field work was completed on January 15, 2014.

Date of Plat of Map: February 6, 2014.

Rory L. Synstallen
Rory L. Synstallen, PLS
rory@sathre.com
Minnesota License No. 44565



FIELD CREW	NO.	BY	DATE	REVISIONS
LAKE, AVERBECK				
DRAWN BY				
JML				
CHECKED BY				
RLS				
DATE				
01-21-14				

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

Dated this 6th day of February, 2014.

Rory L. Synstallen, PLS
rory@sathre.com
Minnesota License No. 44565

ENGINEERS SURVEYORS DESIGNERS PLANNERS

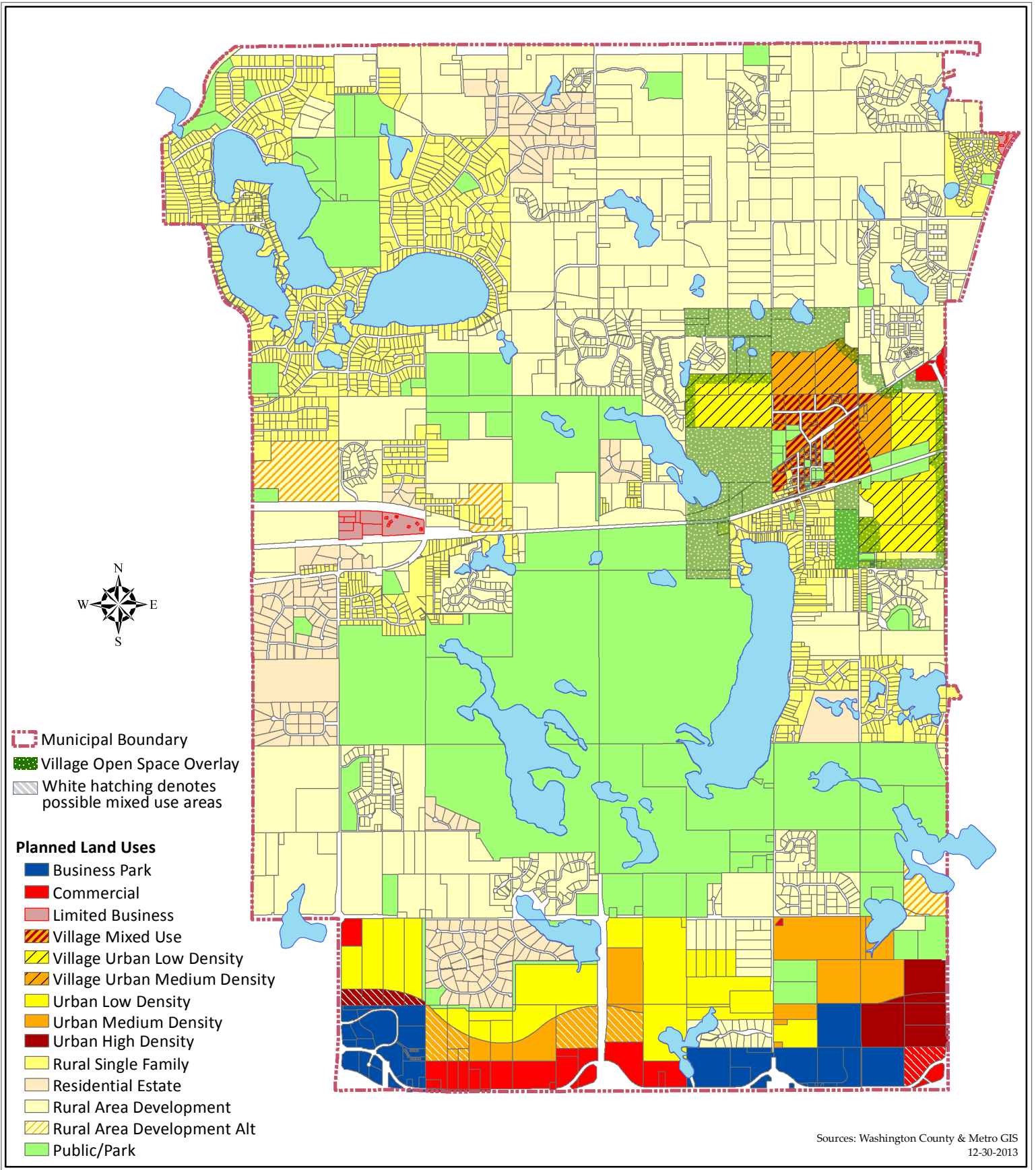
SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

LAKE ELMO, MINNESOTA

TWP. 29 - RGE. 21 - SEC. 11, 12, 14
WASHINGTON COUNTY
ALTA SURVEY DWG

ALTA/ACSM LAND TITLE SURVEY
PREPARED FOR:
GW LAND DEVELOPMENT
CUSTOM HOME BUILDERS TITLE, LLC
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

FILE NO. 3120-047
PARCEL A&B
1



Planned Land Use

Lake Elmo Comprehensive Plan 2030



MEMORANDUM

FOCUS ENGINEERING, inc.

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

Date: March 7, 2014

To: Kyle Klatt, Planning Director
Cc: Nick Johnson, City Planner
From: Jack Griffin, P.E., City Engineer
Re: Gonyea Village North
Shiltgen Farms – Parcel B

We have received a Concept Plan re-submittal for the above referenced development proposal consisting of the following exhibits/documentation prepared by Sathre-Bergquist, Inc. All materials were received on March 7, 2014:

- Concept Sketch Plan R1 dated March 6, 2014, Sheet 1.
 - Concept Sketch Plan R1 dated March 6, 2014, Sheets 1-3
-

We have the following review comments:

MUNICIPAL WATER SUPPLY

- Municipal water supply is available along 39th Street North and along Lake Elmo Avenue. Connections to both locations will likely be required.
- The applicant is responsible to extend the municipal water supply to the development site at developers cost. Watermain distribution lines will need to be looped wherever reasonably possible.

MUNICIPAL SANITARY SEWER

- Municipal sanitary sewer is not currently available to the site. The applicant is responsible to extend the municipal sanitary sewer to the development site at developers cost. We understand that the developer is pursuing a trunk sanitary sewer extension project to route the sewer along the east side of the Village, then along 39th Street north. Preliminary Plat approval should be conditioned upon this extension being completed.

STORMWATER MANAGEMENT: Stormwater facilities shall be in accordance with the Requirements listed in the City of Lake Elmo Engineering Design Standards, in addition to the requirements of the Valley Branch Watershed District. Specifically:

- It appears that all storm water facilities (ponds and infiltration basins) have been placed in Outlots. These Outlots will be deeded to the City for maintenance purposes. The Stormwater Facility Outlots must fully incorporate the 100-year HWL.
- Maintenance access roads meeting the engineering design standards must be provided for all storm water facilities. Improved access must be provided for the infiltration basin located in the northwest corner of the development.

STREETS AND TRANSPORTATION

- The development access location to CSAH 17 (Lake Elmo Avenue) must be reviewed jointly with the City and County to ensure that appropriate access spacing guidelines are met for this development, as well as allowing for proper access management opportunities for surrounding properties.
- Adequate R/W must be reserved along CSAH 17 per County requirements.
- The development will be required to provide any improvements along CSAH 17 as required by the County, including turn lanes and or by-pass lane improvements.
- A second street connection with the development to the east is recommended. This would improve the neighborhood connectivity envisioned by the Village Plan.
- Additional trail segments should be provided.
 - The trail along Lake Elmo Avenue should connect to 39th Street North.
 - The street connecting to 39th Street should include both a sidewalk and trail to improve pedestrian mobility to the Village Downtown.
 - An internal trail should be provided to connect the Lake Elmo Avenue trail to the trail in the north part of the development.

Nick Johnson

From: Ann Pung-Terwedo <Ann.Pung-Terwedo@co.washington.mn.us>
Sent: Friday, March 07, 2014 9:12 AM
To: Nick Johnson; 'Bob Molstad'
Cc: Kyle Klatt
Subject: RE: Gonyea North Sketch Plan
Attachments: STREET EXHIBIT 030614.pdf

Nick,

Bob sent me the concept plans for this development (Parcel B) as well as the development on the West side of CSAH 17/Lake Elmo Avenue (Parcel A). CSAH 17 is an A Minor Arterial Roadway. The Access Spacing Requirements for local streets is $\frac{1}{4}$ mile or 1320 feet. The local street access spacing for Parcel A is 868.5 feet which does not meet this requirement as shown.

I could not determine the existing and future dedicated right-of-way for CSAH 17. The County Right-of-Way Requirements for this section of roadway is 150 feet (typically, 75 feet from the center of the roadway). Please verify the existing and required right-of-way for this plat as well as Parcel A.

Based on the plans submitted, turn lanes will be necessary on CSAH 17. Without a Traffic Impact Study (TIS) and review by the County Traffic Engineer, we can't determine at this time, what will be required for this Plat and Parcel A. Please provide a TIS prior to the preliminary plat for these developments. The County will work with the city on determining the roadway improvement requirements.

These are my initial comments on the concept plans for this plat and Parcel A. These subdivisions should be coordinated together as they impact

CSAH 17.

Thanks Nik,

Regards,

Ann

Ann Pung-Terwedo

Senior Planner

Washington County Public Works

11660 Myeron Road North

Stillwater, MN 55082

Phone: 651-430-4362

FAX: 651-430-4350

E-Mail: Ann. Pung-terwedo@co.washington.mn.us <mailto:Pung-terwedo@co.washington.mn.us>

Washington County Public Works Department

Stewards of the county's investment in parks, buildings, transportation, land survey, and land use planning.

www.co.washington.mn.us <<http://www.co.washington.mn.us>>

From: Nick Johnson [mailto:NJohnson@lakeelmo.org]

Sent: Thursday, March 06, 2014 4:39 PM

To: Ann Pung-Terwedo

Nick Johnson

From: Ann Pung-Terwedo <Ann.Pung-Terwedo@co.washington.mn.us>
Sent: Monday, March 10, 2014 2:59 PM
To: Nick Johnson
Subject: FW: Gonyea North Sketch Plan
Attachments: STREET EXHIBIT 030614.pdf

Nick,

I had traffic staff review the eastern Parcel B. They are reviewing the sight distance issues along CSAH 17 at the north access.

They also felt that the first local street to the north within the plat is too close to the intersection at CSAH 17.

Just a few more comments.

Hope the Planning Commission meeting goes well,

Regards,

Ann

Ann Pung-Terwedo

Senior Planner

Washington County Public Works

11660 Myeron Road North

Stillwater, MN 55082

Phone: 651-430-4362

FAX: 651-430-4350

E-Mail: Ann. Pung-terwedo@co.washington.mn.us <mailto:Pung-terwedo@co.washington.mn.us>



MAYOR & COUNCIL COMMUNICATION

DATE: March 18, 2014
REGULAR
ITEM # 9
ORDINANCE 08-104

AGENDA ITEM: Accessory Structure Ordinance Amendment

SUBMITTED BY: Nick M. Johnson, City Planner

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Planning Commission
Kyle Klatt, Community Development Director
Rick Chase, Building Official

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemCommunity Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff..... Mayor Facilitates
- Call for MotionMayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECCOMENDER: The Planning Commission and Staff recommend amending the City’s Zoning Code by updating provisions related to accessory structures to provide better organization and additional clarity.

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: The City Council is asked to consider a zoning text amendment to update the City’s accessory structure provisions. This action is intended to improve the organization of the Zoning Code by moving the general accessory structure provisions to Article V – General Regulations. Specific provisions that relate to accessory buildings in the rural, urban residential or Village Mixed-Use districts will be located within those specific articles. This effort is a continuation of the ongoing Zoning Code Update Project.

The Planning Commission and Staff are recommending that the City Council adopt updated accessory structure provisions the through the following motion:

“Move to adopt Ordinance 08-104 as amended, reorganizing and updating the City’s accessory structure provisions within the Zoning Code.”

In addition, Staff recommends proceeding with summary publication of the adopted ordinance through the following motion:

“Move to adopt Resolution 2014-16 to allow for summary publication of Ordinance 08-104.”

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT:

As part of the Zoning Code Update Project, planning staff have been working to reorganize and improve various sections of the Zoning Code to incorporate best management practices and make use of the new organizational structure of the document. The effort to update the City’s accessory structure provisions is a part of the ongoing effort to update the Zoning Code. In reviewing the City’s existing provisions (Attachment #3), staff identified several opportunities for improve or add clarity to the provisions. Proposed changes within the new provisions include the following:

- Additional clarity is added regarding permit requirements for accessory building depending on State Building Code.
- The permitted size and number of accessory buildings is regulated solely by parcel size, as opposed to having different allowances for properties zoned Rural Residential vs. Agricultural.
- The number of permitted buildings for properties 5 -10 acres and 10-15 acres in size were increased from one to two buildings.
- Exempt structures not counting towards accessory building allowances are identified in the ordinance, along with the standards to regulate these exempt structures. Exempt structures include gazebos, detached decks, animal buildings up to 200 square feet associated with a legal animal use, tennis and sport courts and swimming pools. It is important to note that maximum impervious surface for properties still does apply.
- Regarding structure location, the existing ordinance allows accessory structures in Agricultural (A), Rural Residential (RR) and Rural Single Family (RS) to be located closer to the front lot line than the principal structure by Resolution of the Council. The proposed ordinance includes this provision, but makes it available to all rural districts, not just RS, RR and A.
- Related to architectural design of structures, exemptions from the requirement to match the principal structure are identified for structures where the design of the building is integral to its purpose, such as a greenhouse for example.
- The proposed ordinance amends the definition of a tool shed by eliminating the maximum door size of 28 square feet. The Building Official noted that many sheds are currently non-conforming to this standard. The Planning Commission supported staff and agreed that the max size regulated these structures sufficiently.

The Planning Commission reviewed the proposed accessory structure ordinance at meetings on 2/10/14 and 2/24/14. After two stages of initial review, the Planning Commission held a public hearing on March 10, 2014. Mr. Dave Gonyea, Gonyea Company, spoke at the public hearing to clarify proposed provisions related to attached garages in urban residential districts. Mr. Gonyea's questions were clarified and the Planning Commission continued their discussion. In reviewing the propose ordinance, the Planning Commission recommended minor amendments to the ordinance pertaining to the height of detached accessory structures in the urban residential and Village Mixed-Use districts. The proposed accessory structure ordinance was unanimously recommended for approval by the Planning Commission.

It should also be noted that the Planning Commission recommended that language be added to both 154.456.B.1.a-b and 154.508.B.1.a-b to specify that side loaded garages do not need to meet the front facing garage design requirements, inserting the language "unless the garage is side-loaded" into each section. However, upon further reviewing this recommended change, staff does not think this language is necessary, as subsection 1 in both sections clarifies that only garages facing the primary street must meet the design requirements. Staff would recommend striking "unless the garage is side-loaded" in all of these sections, making it consistent with the way the ordinance was originally proposed. To execute this change, City Council will have to amend Ordinance 08-104 to reflect this correct language.

BACKGROUND INFORMATION (SWOT):

Strengths: Reorganizing and updating the accessory building ordinance improves the structure of the Zoning Code and incorporates additional best practices into the City's accessory building provisions.

Weaknesses: None

Opportunities: The City receives frequent inquiries regarding accessory buildings from property owners and builders. Staff recommends taking the opportunity to reorganize and improve these provisions within the Zoning Code.

Threats: None

RECOMMENDATION:

Based on the aforementioned, the Planning Commission and Staff are recommending that the City Council adopt updated accessory structure provisions the through the following motion:

"Move to adopt Ordinance 08-104 as amended, reorganizing and updating the City's accessory structure provisions within the Zoning Code."

In addition, Staff recommends proceeding with summary publication of the adopted ordinance through the following motion:

“Move to adopt Resolution 2014-16 to allow for summary publication of Ordinance 08-104.”

ATTACHMENTS:

1. Ordinance 08-104
2. Resolution 2014-16
3. Existing Accessory Structure Provisions
4. Planning Commission Reports, 2/10/14, 2/24/14 and 3/10/14

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-104

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING THE CITY'S PROVISIONS RELATED TO ACCESSORY STRUCTURES

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, by repealing City Code Sections 154.902 through 154.903 in their entirety.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 151: Building Regulations, by repealing City Code Section 151.024 in its entirety.

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 213 and 214 by adding the following language:

ARTICLE 5. GENERAL REGULATIONS

§154.213 Accessory Buildings and Structures, Generally
§154.214 Pole Construction Buildings

§154.213 Accessory Buildings and Structures, Generally

- A. *Purpose.* Within the city of Lake Elmo, the following provisions shall apply to accessory building and structures in all zoning districts.
- B. *Definitions.* The following words, terms and phrases, when used in this section, and all sections pertaining to accessory buildings or structures, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Agricultural Farm Building. An accessory building used or intended for use on an active commercial food-producing farm operation of more than 20 acres. A Minnesota Pollution Control Agency permit may be required.

Detached Domesticated Farm Animal Building. A 1-story accessory building used or intended for the shelter of domestic farm animals and/or related feed or other farm animal supportive materials. The building may require a Minnesota Pollution Control Agency feedlot permit in addition to site and building plan approval.

Detached Residential Accessory Building. A 1-story accessory building primarily used or intended for the storage of automobiles and other miscellaneous equipment.. No door or other access opening shall exceed 14 feet in height.

Storage or Tool Shed. A 1-story accessory building of less than 160 square feet gross area with a maximum roof height of 12 feet.

- C. *Permit Required.* All accessory building and structures require either a certificate of zoning compliance or a building permit as determined by the Minnesota State Building Code.
- D. *Principal Structure Necessary.* No accessory buildings of structures shall be constructed nor accessory use located on a lot until a building permit has been issued for the principal structure to which it is accessory.
- E. *Proximity to Principal Structure.* Accessory buildings shall maintain a six (6) foot setback from the principal structure. An accessory building or structure will be considered as an integral part of the principal building if it is located six (6) feet or less from the principal structure.
- F. *Storage or Tool Sheds.* A storage or tool shed as defined in this section may be placed on any lot in addition to the permitted number of accessory buildings.
- G. *Exempt Structures.* The following residential improvements shall be exempt from the maximum allowed structure size and number requirements in residential districts:
 - 1. Unenclosed playhouses
 - 2. Gazebos up to a total of 120 square feet in size and a maximum of twelve (12) feet in overall height
 - 3. Detached decks over thirty (30) inches in height up to a total of 120 square feet in size
 - 4. Outdoor swimming pools
 - 5. Patios
 - 6. Tennis and sport courts
 - 7. Structures, sheds or coops up to a total of two hundred (200) square feet in size used to house permitted animals, such as chickens, horses, or other livestock. These structures must not exceed twelve (12) feet in height and must meet all required setbacks per MPCA guidelines and the City's animal ordinances.

§154.214 Pole Construction Buildings

- A. *Pole Construction Buildings, A and RR Districts.*
 - 1. Pole construction buildings are permitted in the A and RR zoning districts subject to the setbacks and other performance standards required under the Zoning Code.
 - 2. Pole construction buildings are prohibited on properties zoned A and RR where a conditional use permit has been issued for an open space preservation (OP) development.
- B. *Pole Construction Buildings, RS District.* Pole construction buildings are permitted in the RS zoning district only on parcels that are abutted by land zoned Rural Residential (RR) or Agricultural (A) Zoned along 75% or more of the perimeter of the subject parcel.

SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 406 to read the following:

§154.406 Accessory Structures, Rural Districts.

- A. *Size and Number.* The maximum number and size of accessory buildings permitted in rural zoning districts are outlined in Table 9-3:

Table 9-3: Accessory Buildings, Rural Zoning Districts

Lot Size	Maximum Structure Size ^a (square feet)	No. of Permitted Bldgs
under 1 acre	1,200 ^b	1
1 - 2 acres	1,200	1
2 - 5 acres	1,300	1
5 - 10 acres	2,000	2
10 - 15 acres	2,500	2
15 - 20 acres	3,000	2
20 - 40 acres	4,000	2
40+ acres	Unregulated ^c	Unregulated ^c

Notes to Table 9-3

- a. Maximum structure size accounts for the total maximum area allowed for all permitted accessory structures combined.
- b. The 1,200 square foot allowance is for the combined area of the attached and detached accessory structure or residential garage.
- c. To be allowed additional accessory buildings beyond two total buildings, the buildings must be agricultural buildings as defined in §154.213 or clearly serve an agricultural purpose in the judgment of the City.
- C. *Additional Accessory Buildings.* Allowances for additional accessory buildings in A and RR zones may be considered via a conditional use permit.
- D. *Structure Height, Rural Districts.* No accessory building shall exceed twenty-two (22) feet in height or the height of the principal structure, with the exception of buildings that are intended for a farming or other agricultural use in the judgment of the City. Building projections or features, such as chimneys, cupolas, and similar decorations that do not exceed twenty-five (25) feet in height are permitted in rural districts.
- E. *Structure Location, Rural Districts.* No detached garages or other accessory buildings shall be located nearer the front lot line than the principal building on that lot, unless, by Resolution of the City Council, an exception is made to permit a detached garage or accessory structure nearer the front lot line than the principal building.
- F. *Exterior Design and Color.* The exterior building materials, design and color of all accessory building or structures shall be similar to or compatible with the principal building, with the exception of the following accessory building or structures:
 - 1. Detached domesticated farm animal buildings
 - 2. Agricultural farm buildings
 - 3. Pole buildings, as defined and regulated in §154.214.
 - 4. Gazebos
 - 5. Swimming pools
 - 6. Other structures in which the required design is integral to the intended use, such as a greenhouse.

- F. *Openings and Doors.* Garage doors and other openings shall not exceed fourteen (14) feet in height for all accessory structures, with the exception of buildings that are intended for a farming or other agricultural use in the judgment of the City.
- G. *Attached Garages, Size.* Attached garages must not exceed the footprint size of the principal building.

SECTION 5. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 456 to read the following:

§154.456 Residential Accessory Structures, Urban Residential Districts.

- A. *Attached Structures, Urban Residential Districts.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:
 1. The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located; and
 2. The structure shall not exceed the height of the principal building to which it is attached.
- B. *Attached Garages, Urban Residential Districts*
 1. Attached garages are encouraged to be side or rear loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:
 - a. The front of the garage is recessed at least 4 feet behind the plane of the primary façade, unless the garage is side-loaded; or
 - b. The front of the garage is recessed at least 4 feet behind a porch if the garage is even with the primary façade, unless the garage is side-loaded.
 2. The width of the attached garage shall not exceed 60% of the width of the entire principal building façade (including garage) fronting the primary street.
 3. Attached garages shall not exceed 1,000 square feet in area at the ground floor level except by conditional use permit.
 4. Garage doors or openings shall not exceed 14 feet in height.
- C. *Detached Structures, Urban Residential Districts.* Detached accessory structures shall be permitted in residential districts in accordance with the following requirements:
 1. Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the required front yard or within a side yard abutting a street.
 2. Detached garages shall not exceed 1,000 square feet at ground floor level and shall not exceed a height of 22 feet or the height of the principal structure. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.
 3. Pole barns, as defined herein, exceeding 120 square feet shall be prohibited.
 4. No more than 30% of the rear yard area may be covered by accessory structures.
 5. Garage doors or openings shall not exceed 14 feet in height.

- D. *Exterior Design and Color, All Accessory Structures.* The exterior building materials, design and color of all accessory building or structures shall be similar to or compatible with the principal building, with the exception of the following accessory building or structures:
1. Gazebos
 2. Swimming pools
 3. Tennis and sport courts
 4. Other structures in which the required design is integral to the intended use, such as a greenhouse.

SECTION 6. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 508 to read the following:

§154.508 Residential Accessory Structures, Village Mixed-Use District.

- A. *Attached Structures, Village Mixed-Use District.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:
1. The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.
 2. The structure shall not exceed the height of the principal building to which it is attached.
- B. *Attached Garages, Mixed-Use District*
1. Attached garages are encouraged to be side or rear loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:
 - a. The front of the garage is recessed at least four (4) feet behind the plane of the primary façade, unless the garage is side-loaded; or
 - b. The front of the garage is recessed at least four (4) feet behind a porch if the garage is even with the primary façade, unless the garage is side-loaded;
 2. The width of the attached garage shall not exceed 40% of the width of the entire principal building façade (including garage) fronting the primary street.
 3. Attached garages shall not exceed one thousand (1,000) square feet in area at the ground floor level except by conditional use permit.
 4. Garage doors or openings shall not exceed fourteen (14) feet in height.
- C. *Detached Structures, Village Mixed-Use District.* Detached accessory structures that are accessory to permitted residential structures in the VMX District shall adhere to the following requirements:
1. Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the required front yard or within a side yard abutting a street.
 2. Detached garages shall not exceed one thousand (1,000) square feet at ground floor level and shall not exceed a height of twenty-two (22) feet or the height of the principal structure. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.
 3. Pole barns, as defined herein, shall be prohibited.

4. No more than thirty (30) percent of the rear yard area may be covered by accessory structures.
 5. Garage doors or openings shall not exceed fourteen (14) feet in height.
- D. *Exterior Design and Color, All Accessory Structures.* The exterior building materials, design and color of all accessory building or structures shall be similar to or compatible with the principal building, with the exception of the following accessory building or structures:
1. Gazebos
 2. Swimming pools
 3. Tennis and sport courts
 4. Other structures in which the required design is integral to the intended use, such as a greenhouse.

SECTION 7. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 8. Adoption Date. This Ordinance 08-104 was adopted on this eighteenth day of March 2014, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

This Ordinance 08-104 was published on the ____ day of _____, 2013.

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

RESOLUTION NO. 2014-016

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-104 BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-104, an ordinance to the City's regulations pertaining to Accessory Structures; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-104 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-104, which replaces the current sections of the City Code pertaining to Accessory Structures. The revised ordinance includes the following revisions from the previous ordinance:

- The size and permitted number of accessory buildings in rural zoning districts has been modified in Table 9-3;
- Accessory structures that are exempt from the maximum number or size of permitted accessory structures have been identified, including the required standards to meet exemption;
- The ordinance has been updated to clarify permitting requirements.
- Additional allowances for accessory buildings in A and RR zones may be considered via the conditional use permit process.

The full text of Ordinance No. 08-104 is available for inspection at Lake Elmo city hall during regular business hours.

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

Dated: March 18, 2014.

Mayor Mike Pearson

ATTEST:

Adam Bell, City Clerk

(SEAL)

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

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

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.

*Existing Ordinances pertaining to Accessory Structures
Planning Commission, 2/10/2014*

§154.902 ACCESSORY BUILDINGS AND STRUCTURES.

(A) Types of accessory buildings include storage or tool sheds; detached residential garage; detached rural storage building; detached domesticated farm animal buildings; agricultural farm buildings. The accessory buildings are defined as follows:

(1) ***STORAGE OR TOOL SHED.*** A 1-story accessory building of less than 160 square feet gross area with a maximum roof height of 12 feet and exterior colors or material matching the principal structure or utilizing earthen tones. No door or other access opening in the storage or tool shed shall exceed 28 square feet in area.

(2) ***DETACHED RESIDENTIAL GARAGE.*** A 1-story accessory building used or intended for the storage of motor driven passenger vehicles regulated in § 154.093 with a maximum roof height of 20 feet. No door or other access opening shall exceed 14 feet in height. The exterior color, design, and materials shall be similar to the principal structure.

(3) ***DETACHED RURAL STORAGE BUILDING.*** A 1-story accessory building used or intended for the storage of hobby tools, garden equipment, workshop equipment and the like. Exterior materials shall match the principal structure in exterior color or be of an earthen tone.

(4) ***DETACHED DOMESTICATED FARM ANIMAL BUILDING.*** A 1-story accessory building used or intended for the shelter of domestic farm animals and/or related feed or other farm animal supportive materials. The building shall require a Minnesota Pollution Control Agency feedlot permit and site and building plan approval.

(Am. Ord. 97-38, passed 11-17-1998)

(5) ***AGRICULTURAL FARM BUILDING.*** An accessory building used or intended for use on an active commercial food-producing farm operation of more than 20 acres, a Minnesota Pollution Control Agency permit may be required.

(B) A tool shed as defined in this section may be placed on any lot in addition to the permitted number of accessory buildings.

(C) No accessory building shall be constructed nor accessory use located on a lot until a building permit has been issued for the principal building to which it is accessory.

(D) No accessory building used or intended for the storage of passenger automobiles shall exceed 1,000 square feet of gross area, nor shall any access door or other opening exceed the height of 10 feet, nor shall any structure exceed 1 story in height except when the garages are located in business, industrial or planned unit developments. On parcels of 20,000 square feet in area or less, no detached accessory building or garage shall exceed the size of the principal

building in gross floor area.

(E) An accessory building shall be considered as an integral part of the principal building if it is located 6 feet or less from the principal building. The exterior design and color shall be the same as that of the principal building or be of an earthen tone; the height shall not exceed the height of the principal structure unless more restrictive portions of this chapter prevail.

(F) No accessory building in a commercial or industrial district shall exceed the height of the principal building.

(G) No accessory buildings in apartment developments shall exceed the height of the principal building.

(H) Accessory buildings in the commercial and industrial districts may be located to the rear of the principal building, subject to the Building Code and fire zone regulations.

(I) No detached garages or other accessory buildings in residential districts shall be located nearer the front lot line than the principal building on that lot, except in AG, RR, and R-1 Districts where detached garages may be permitted nearer the front lot line than the principal building by resolution of the City Council, except in planned unit developments or duster developments.

(Ord. 97-107, passed 4-16-2002)

(J) Accessory structures located on lake or stream frontage lots may be located between the public road and the principal structure, provided that the physical conditions of the lot require such a location and a resolution is issued. In no event shall the structure be located closer than 20 feet to the public right-of-way.

(K) All accessory buildings over 35 square feet in area shall have a foundation, concrete slab or wind anchor. Buildings larger than 100 square feet shall require a building permit regardless of improvement value. Roof loads and wind loads shall conform to requirements as contained in the Building Code.

(L) The required rear yard setbacks for detached residential garages, and storage, boat, and tool sheds shall be a distance equal to the required side yard setback for each zoning district, except on through lots when the required rear yard setback in each zoning district shall apply.

(M) Performance standards for detached agricultural buildings and domesticated farm animal buildings on parcels of less than 20 acres shall include the following:

(1) *Setbacks.* All animal buildings, feedlots, and manure storage sites shall be set back in accordance with the underlying zoning district regulations.

(2) *Slopes.* The building, feedlot, or manure storage shall not be placed on slopes which exceed 13%.

(3) *Water level.* Evidence of the seasonally high groundwater level or mottled soil (as established by 8-1/2 foot borings) shall not be closer than 6-1/2 feet to the natural surface ground grade in any area within 100 feet of the proposed building and/or feedlot.

(4) *Wetlands.* No marsh or wetland (as established by the predominant wetland vegetation and/or soils) shall be utilized for placement of the proposed structure, feedlot, or grazing area.

(1997 Code, § 300.13 Subd. 3)

§ 154.903 NUMBER/SIZE OF ACCESSORY BUILDINGS.

The maximum number and size of accessory buildings permitted in each zoning district shall be as follows. No accessory building shall be constructed unless there is adequate room for the required secondary drainfield site.

<i>Maximum Number and Size of Accessory Buildings</i>	
Agricultural	There shall be no limit on the size or number of accessory buildings so long as the parcel is a nominal 40 acres or more, and buildings are agricultural buildings as defined in § 154.092(A)(5).
<i>Maximum Number and Size of Accessory Buildings</i>	
Agricultural (Non-conforming)	
Up to 10 acres	Two buildings with a combined area not to exceed 2,000 square feet
Over 10 acres but less than 40 acres	Two buildings and the area of each building not to exceed 2,000 square feet
Rural Residential	
Up to 10 acres	One 2,000-square foot detached building, in addition to an attached garage
Over 10 acres 15 Acres	One 2,500-square foot detached building in addition to an attached garage
Over 15 acres	One 3,000-square foot detached building, in addition to an attached garage
Residential - R-1, RED, and OP	
Over 5,000 square feet but less than 1 acre	A combined 1,200 square feet total for both attached and detached accessory structures or residential garage; the size of the footprint of the detached structure shall not exceed the size

	of the footprint of the primary structure
From 1 acre to 2 acres	One 1,200-square foot detached residential, garage or building, in addition to an attached garage
Over 2 acres	One 1,300-square foot detached residential garage or building in addition to an attached garage

(1997 Code, § 300.13 Subd. 4) (Am. Ord. 97-38, passed 11-17-1998; Am. Ord. 97-206, passed 12-11-2007)

§ 151.024 POLE CONSTRUCTION BUILDINGS.

Pole construction buildings shall be permitted in the Agricultural and Rural Residential Zoning Districts only, except they are permitted in the R1 Zoning District where a parcel Zoned R-1 is abutted in a measured amount of 75% or more its perimeter by lands zoned Agricultural; and except they shall be prohibited where a conditional use permit has been issued for an open space preservation development.

(1997 Code, § 505.10) (Am. Ord. 97-91, passed 10-16-2001; Am. Ord. 97-100, passed 2-5-2002)

§ 154.406 ACCESSORY STRUCTURES – RURAL DISTRICTS.

In all rural districts, the design and construction of any garage, carport, or storage building shall be similar to or compatible with the design and construction of the principal building. The exterior building materials, roof style, and colors shall be similar to or compatible with the principal building.

- A. *Maximum Number and Size of Accessory Structures in Rural Districts.* The maximum number and size of accessory buildings permitted in the rural districts are outlined in Table 9-3. No accessory building shall be constructed unless there is adequate room for the required secondary drainfield site.

Table 9-3 Maximum Number and Size of Accessory Structures – Rural Districts

Zoning District + Parcel Size	Standard
A (Conforming)	There shall be no limit on the size or number of accessory buildings so long as the parcel is a nominal 40 acres or more, and buildings are agricultural buildings as defined in § 154.092(A)(5)
A (Non-conforming)	
Up to 10 acres	Two buildings with a combined area not to exceed 2,000 square feet.
Over 10 acres but less than 40 acres	Two buildings and the area of each building not to exceed 2,000 square feet
RR	
Up to 10 acres	One 2,000-square foot detached building.
10-15 acres	One 2,500-square foot detached building.
Over 15 acres	One 3,000-square foot detached building.
RS and RE	
Over 5,000 square feet but less than one acre	A combined 1,200 square feet total for both attached and detached accessory structures or residential garage; the size of the footprint of the detached structure shall not exceed the size of the footprint of the primary structure

1-2 acres	One 1,200-square foot detached residential garage or building.
Over 2 acres	One 1,300-square foot detached residential garage or building.

- B. *Attached Structures.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:
1. The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.
 2. The structure shall not exceed the height of the principal building to which it is attached.
- C. *Detached Structures.* Detached accessory structures shall be permitted in rural districts in accordance with the following requirements:
1. Detached structures shall comply with the provisions of Section 154.092.
 2. No detached garages or other accessory buildings in residential districts shall be located nearer the front lot line than the principal building on that lot, except in AG, RR and RS Districts where detached garages may be permitted nearer the front lot line than the principal building by resolution by the City Council.
 3. Pole barns, as defined herein, exceeding one hundred twenty (120) square feet shall be prohibited in the RS and RE Districts.
 4. Garage doors or openings shall not exceed fourteen (14) feet in height.
 5. Detached structures shall not exceed a height of twenty-two (22) feet or the height of the principal structure, whichever is higher unless otherwise specified in Section 154.092.

(Ord. 2012-073, passed 3-19-2013)

§ 154.457 RESIDENTIAL ACCESSORY STRUCTURES.

In all residential districts, the design and construction of any garage, carport, or storage building shall be similar to or compatible with the design and construction of the main building. The exterior building materials, roof style, and colors shall be similar to or compatible with the main building or shall be commonly associated with residential construction.

(A) *Attached structures.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:

- (1) The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located; and
- (2) The structure shall not exceed the height of the principal building to which it is attached.

(B) *Attached garages.*

(1) Attached garages are encouraged to be side or rear loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:

- (a) The front of the garage is recessed at least 4 feet behind the plane of the primary facade;
- (b) The front of the garage is recessed at least 4 feet behind a porch if the garage is even with the primary façade; or

(2) The width of the attached garage shall not exceed 60% of the width of the entire principal building façade (including garage) fronting the primary street.

(3) Attached garages shall not exceed 1,000 square feet in area at the ground floor level except by conditional use permit.

(4) Garage doors or openings shall not exceed 14 feet in height.

(C) *Detached structures.* Detached accessory structures shall be permitted in residential districts in accordance with the following requirements:

(1) Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the required front yard or within a side yard abutting a street.

(2) Detached garages shall not exceed 1,000 square feet at ground floor level and shall not exceed a height of 22 feet or the height of the principal structure, whichever is higher. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.

(3) Pole barns, as defined herein, exceeding 120 square feet shall be prohibited.

(4) No more than 30% of the rear yard area may be covered by accessory structures.

(5) Garage doors or openings shall not exceed 14 feet in height.

(Ord. 2012-062, passed 9-18-2012) Penalty, see § 154.999

§ 154.508 RESIDENTIAL ACCESSORY STRUCTURES

On parcels used for residential structures within the VMX District, the design and construction of any garage, carport, or storage building shall be similar to or compatible with the design and construction of the main building. The exterior building materials, roof style, and colors shall be similar to or compatible with the main building or shall be commonly associated with residential construction.

- A. *Attached structures.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:
1. The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.
 2. The structure shall not exceed the height of the principal building to which it is attached.
- B. *Attached Garages.*
1. Attached garages are encouraged to be side or rear loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:
 - a. The front of the garage is recessed at least four (4) feet behind the plane of the primary façade; or
 - b. The front of the garage is recessed at least four (4) feet behind a porch if the garage is even with the primary façade; or
 - c. The width of the attached garage shall not exceed 40% of the width of the entire principal building façade (including garage) fronting the primary street.
 2. Attached garages shall not exceed one thousand (1,000) square feet in area at the ground floor level except by conditional use permit.
 3. Garage doors or openings shall not exceed fourteen (14) feet in height.
- C. *Detached structures.* Detached accessory structures for permitted residential structures in the VMX District accordance with the following requirements:
1. Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the required front yard or within a side yard abutting a street.
 2. Detached garages shall not exceed one thousand (1,000) square feet at ground floor level and shall not exceed a height of twenty-two (22) feet or the height of the principal structure, whichever is higher. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.

3. Pole barns, as defined herein, shall be prohibited.
4. No more than thirty (30) percent of the rear yard area may be covered by accessory structures.
5. Garage doors or openings shall not exceed fourteen (14) feet in height.

(Ord 08-091, passed 11-13-2013)



PLANNING COMMISSION
DATE: 2/10/14
AGENDA ITEM: 5C – BUSINESS ITEM
CASE # 2014 - 10

ITEM: Zoning Text Amendment – Accessory Building Ordinance Updates

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to review a draft ordinance that would update various portions of the City's provisions related to accessory buildings. The ordinance update is partially a house cleaning effort to organize the various accessory building provisions into the correct location. Also, there are some additional amendments that staff is proposing. The purpose of reviewing the accessory building ordinance is to get feedback from the Planning Commission in advance of a future Public Hearing.

REQUEST DETAILS

City staff has been working on an update to the City's accessory building provisions. One of the key elements of this effort is to complete some house-keeping by removing an unnecessary code section that is currently duplicative. When the City adopted new zoning district sections as part of the Zoning Code Update Project, accessory building provisions were included in each individual Article (Article 9 – Rural Districts, Article 10 – Urban Residential Districts and Article 11 – Village Mixed-Use District). However, the old accessory building ordinance (§154.902) was left in-tact despite the recent updates to accessory building provisions. It is staff's intent to remove this duplicative section and replace it with general accessory structures provisions that relate to structures in all districts (rural, urban and mixed use). The general provisions would be located in Article 5 – General Regulations. Included in this section are the following additions:

- The existing ordinance (§154.902) requires that all accessory buildings over 100 square feet require a building permit. However, under the current version of the State Building Code, the current threshold is 120 square feet. In addition, there is a possibility that this may be raised to 160 square feet in the future. For this reason, staff is proposing to eliminate this provision and replace it with language that requires a certificate of zoning compliance or building permit dependent on the size of the structure.
- Exempt Structures: The current ordinance does not address certain structures that other cities do not include in their accessory building allowance. For example, gazebos, play structures, sport courts, and other structure types do not count towards a property owner's accessory building allowance in other communities. In other words, if a resident wanted

to build a small gazebo, this structure would not count as their one allowed accessory building under the proposed ordinance.

In addition, staff is proposing to relocate the City Code provisions that relate to pole building from Chapter 151: Building Regulations to the Zoning Code.

In addition to the cleanup effort, staff has also evaluated the accessory building provisions for rural districts. The City has undertaken previous efforts to update the accessory building provisions in rural districts in the past. However, these efforts were not completed at that time. As part of this proposed update, staff is proposing the following changes/recommendations:

- The maximum number and size of allowed accessory buildings chart (Table 9-3) has been simplified by regulating accessory structure allowance based solely on parcel size as opposed to parcel size and zoning. More specifically, the existing ordinance provides different accessory building allowances depending on whether a parcel is Rural Residential (RR) or Agricultural (A) zoning. However, in all practicality, the land use of these two types of areas is extremely similar. Farming and other similar activities that drive the need for accessory buildings take place on properties with both RR and A zoning classifications. Therefore, in staff's judgment, the parcel size is the more critical consideration than the zoning considering that the zoning categories and the parcels that have those categories are so similar.
- Regarding structure location, the existing ordinance does not allow accessory buildings to be located nearer the front lot line than the principal structure. However, there is an exception listed for A, RR and RS (formerly R-1) properties where these structures can be located closer to the front lot line by resolution by the City Council. This procedure is similar to a variance, but more streamlined. Staff recommends that if this provision is kept in place, it should apply to all rural zoning districts, as opposed to just the A, RR, and RS districts.
- Finally, regarding structure design, there are some types of accessory buildings that are unable to match the design of the principal structure for reasons related to their intended use. Animal buildings, greenhouses, and gazebos are a few examples where the use of the structure calls for a different design than the principal building.

While the changes to the accessory building provisions in the rural districts may not seem substantial, staff is still seeking feedback regarding the allowed size and number of buildings. Given the wide mix rural and older platted lots and variety of agricultural and other land uses in Lake Elmo, the accessory building provisions need to accommodate a wide mix of situations.

Finally, it should be noted that staff is proposing to leave the accessory building provisions for the Urban Residential and Village Mixed-Use Districts the same as before, with minor title and order changes. In terms of accessory structures in Commercial districts, it is also worth noting that all structures in commercial districts have to meet setback building material requirements of principal structures. The Lake Elmo Design Guidelines and Standards Manual would also apply to structures in more intense districts related to building materials and design.

RECOMMENDATION:

No formal action is required at this time. Staff is looking for feedback on the accessory building ordinance in advance of a future Public Hearing.

ATTACHMENTS:

1. Draft Accessory Building Ordinance
2. Existing Ordinances pertaining to Accessory Buildings

ORDER OF BUSINESS:

- IntroductionPlanning Staff
- Report by StaffPlanning Staff
- Questions from the Commission Chair & Commission Members
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members



PLANNING COMMISSION
DATE: 2/24/14
AGENDA ITEM: 4A – BUSINESS ITEM
CASE # 2014 - 10

ITEM: Zoning Text Amendment – Accessory Building Ordinance Updates

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director

SUMMARY AND ACTION REQUESTED:

The Planning Commission is asked to review an updated draft of the City's provisions related to accessory buildings. The Planning Commission reviewed the draft ordinance at a meeting on 2/10/14. Staff would like to discuss the various provisions of the ordinance in advance of an upcoming public hearing on March 10, 2014.

REQUEST DETAILS

City Staff has been working on an update to the City's accessory building provisions. This effort is two-fold: 1) the proposed update would move the general accessory building provisions into Article V – General Regulations, continuing the Zoning Code update and general house-keeping efforts, and 2) the proposed update allows the City to evaluate which aspects of the City's accessory building provisions should be modified or updated based upon community desire and best practices. At this time, Staff is proposing to leave the residential accessory building provisions in the Urban Residential and Village Mixed-Use districts the same. Rather, Staff would like the Planning Commission to focus on the accessory building provisions in the rural districts to determine if any changes should be made.

As part of the first review of the draft ordinance presented on 2/10/14, Staff presented proposed changes to the City's accessory building provisions. Generally, these proposed changes included the following:

- Either a zoning permit or building permit will be required as determined by the State Building Code. The current ordinance requires a building permit above 100 square feet, which is not consistent with the State Building Code.
- Staff proposes to regulate the allowed number and size of accessory buildings based solely on parcel size, whereas the existing ordinance has different considerations for parcels zoned Agricultural (A) vs. Rural Residential (RR).
- Staff proposes to list exempt structures that do not count towards a property's accessory building allowance, such as gazebos, sport courts, swimming pools, etc.
- Related to structure location in rural districts, staff would propose that the exception to allow buildings nearer the front property line in RS, A and RR districts by resolution of the City Council should apply to all rural districts.

- Staff proposed to include a list of structures where the design of the structure does not have to match the principal structure due to the purpose of the building. The best example of such a structure is a greenhouse.

In addition to these changes, Staff also presented two proposed changes as a result of a review of the draft ordinance by the Building Official, Rick Chase:

- He recommended removing the maximum door size for tool sheds due to the fact that most of the existing structures in the community would not comply with the maximum size allowed (28 square feet). In discussion the matter with the Planning Commission, there seemed to be general agreement that regulating the maximum size of these structures (less than 160 square feet) would be sufficient.
- The Building Official recommended a six-foot setback for accessory structures from the principal building. The reason for this is to avoid additional regulations required by the State Building Code for structures within 6 feet of the principal building.

In addition to Staff recommendations, the Planning Commission discussed two main areas related to accessory buildings: 1) the size of attached garages allowed under the ordinance, and 2) the allowed size and number of accessory building in rural districts.

- ***Attached Garages.*** The existing ordinance has a provision which limits the size of any building, attached or detached, intended for the storage of automobiles to 1000 square feet maximum. In discussing this provision with the Planning Commission, there was general consensus that this provision does not need to be carried forward, as many new homes include attached garage space that exceeds 1000 square feet. Staff would recommend limiting the size of attached garages by including a provision that an attached garage cannot exceed the size of the principal building.
- ***Allowed Size and Number of Accessory Buildings – Rural Districts.*** At the meeting on 2/10/14, Staff suggested that the Planning Commission take additional time to consider what the appropriate quantities should be for allowed size and number of accessory buildings in rural zoning districts. In researching other similar communities, Staff has found that some cities that are similar in character have a larger allowance for accessory buildings than Lake Elmo. However, given the great variation of the lots in the rural areas or zoning districts in Lake Elmo, the allowed number and size of buildings has to be appropriate given the existing context of the lots in the rural areas. In addition, the allowed size and number of buildings should reflect community desire. During the Planning Commission discussion of this topic, Staff interpreted that there may be some support to slightly increasing the size and building allowance in some instances. For example, allowing 2 buildings on parcels of 10 acres or more was discussed. Staff recommends discussing the issue further to build greater consensus and direction in advance of the public hearing.

RECCOMENDATION:

No formal action is required at this time. Staff is looking for feedback on the accessory building ordinance in advance of a Public Hearing on 3/10/14.

ATTACHMENTS:

1. Draft Accessory Building Ordinance, dated 2/24/14
2. Existing Ordinances pertaining to Accessory Buildings – Hard Copies delivered in 2/10/14 Agenda Packet.

ORDER OF BUSINESS:

- IntroductionPlanning Staff
- Report by StaffPlanning Staff
- Questions from the Commission Chair & Commission Members
- Discussion by the Commission Chair & Commission Members



PLANNING COMMISSION
DATE: 3/10/14
AGENDA ITEM: 4A – PUBLIC HEARING
CASE # 2014 - 10

ITEM: Zoning Text Amendment – Accessory Building Ordinance Updates

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director

SUMMARY AND ACTION REQUESTED:

The Planning Commission is asked to hold a public hearing to review a draft ordinance updating the City's provisions related to accessory buildings. The Planning Commission reviewed the draft ordinance at meetings on 2/10/14 and 2/24/14. Staff is recommending that the Planning Commission recommend the proposed Accessory Building Ordinance for approval to the City Council.

REQUEST DETAILS

In an effort to reorganize and improve the City's accessory building provisions, Staff has been working on a draft ordinance. As a result of the previous reviews of the proposed accessory building provisions by the Planning Commission, Staff has made several updates to the draft ordinance. Specifically related to the Planning Commission review on 2/24/14, the following changes to the draft ordinance have been incorporated (shown in redlines):

- The building type and definition of a detached residential garage was changed to a more general type of structure: detached residential accessory building.
- Regarding exempt structures, clarification was added to gazebos, detached decks and animal structures, better defining the total amount of square footage allowed.
- In terms the allowed size and number of buildings in the rural districts, Staff made two changes to Table 9-3. First, the lot size category was changed from "5,000 square feet – 1 acre" to "under 1 acre". Second, the number of permitted buildings in the 5-10 and 10-15 acre categories was changed from 1 to 2 buildings.
- A provision was added to allow for additional accessory buildings in RR and A zones beyond the permitted number via conditional use permit.
- Related to attached garages, clarification was added to note that the size of the attached garage cannot exceed the "footprint" size of the principal building.

In addition to these changes, Staff is also working to respond to the Planning Commission discussion regarding the size of attached garages in the urban residential zoning districts. There was some discussion about whether or not it would be difficult for single family home builders to meet the 60% maximum width for the attached garage with their home plans given the size of some of the lots. Staff has reached out to some of the single family home builders, including national builders, to determine if the 60% maximum width for garages presents a significant problem. Staff will present whatever findings are reached at the meeting Monday evening.

RECOMMENDATION:

Staff is recommending that the Planning Commission recommend approval of the proposed Accessory Building Ordinance through the following motion:

“Move to recommend approval of the proposed Accessory Building Ordinance.”

ATTACHMENTS:

1. Draft Accessory Building Ordinance, dated 3/10/14

ORDER OF BUSINESS:

- IntroductionPlanning Staff
- Report by StaffPlanning Staff
- Questions from the Commission Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members



MAYOR & COUNCIL COMMUNICATION

DATE: March 18, 2014
REGULAR
ITEM #10
MOTION

AGENDA ITEM: Approval of 2013 Internal Loan Repayment Installment

SUBMITTED BY: Cathy Bendel, Finance Director

THROUGH: Cathy Bendel, Finance Director

REVIEWED BY: Dean Zuleger, City Administrator

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Finance

FISCAL IMPACT: \$200,000.

SUMMARY AND ACTION REQUESTED:

As of December 31, 2012, there was an outstanding internal loan balance due from the Village Fund to the General fund of \$1,005,398. As part of the initiative begun in 2012 to resolve this outstanding debt, the City budgeted for annual repayments on this loan until it is resolved.

The City Council is respectfully requested to consider approving Resolution #2014-17 approving an internal loan repayment from the Village Fund to the General Fund in the amount of \$200,000. The recommended motion for this action is as follows:

“Move to approve Resolution No. 2014-17 approving an internal loan fund repayment, from the Village Fund to the General Fund in the amount of \$200,000 effective December 31, 2013”

LEGISLATIVE HISTORY: The initial internal loan amount was \$1 million and terms of the loan included that the loan would accrue interest at 4% on the outstanding balance. During 2012, \$200k was repaid and interest accrued through December 31, 2012 was approximately \$200k. Should this additional repayment be approved, the remaining outstanding balance will be approximately \$605k.

As presented by the Community Development Director on February 18, 2014, it is anticipated that of this balance, \$253k will be recovered through the project capitalization upon its completion, leaving a remaining balance of \$352k to be addressed.

BACKGROUND INFORMATION (SWOT):

Strengths This paper only loan repayment will strengthen the undesignated fund balance in the General Fund as of December 31, 2013 while reducing official debt.

Weaknesses None.

Opportunities The City General Fund will be in a better cash position as of December 31, 2013 which is a critical metric for the annual borrowing cycle.

Threats There is an extremely remote chance that the final 2013 audited results may not be as strong as projected.

RECOMMENDATION: Based on the aforementioned, the staff recommends the City Council approve an internal loan repayment in the amount of \$200,000 effective December 31, 2013.

“Move to approve Resolution No. 2014-17 approving an internal loan fund repayment, from the Village Fund to the General Fund in the amount of \$200,000 effective December 31, 2013”

ATTACHMENTS:

1. Resolution 2014-17

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

RESOLUTION 2014-17

**A RESOLUTION APPROVING A \$200,000 INTERNAL LOAN REPAYMENT, FROM
THE VILLAGE FUND TO THE GENERAL FUND IN THE AMOUNT OF \$200,000
EFFECTIVE DECEMBER 31, 2013**

WHEREAS, the City of Lake Elmo approved the 2014 General Fund budget on December 3, 2013; and

WHEREAS, the City included in that budget a loan repayment in the amount of \$200,000; and

WHEREAS, based upon the completion of the preliminary fieldwork the actual results have surpassed the 2014 budget sufficiently to allow for this budgeted internal loan repayment; and

BE IT RESOLVED THAT THE City of Lake Elmo approves a \$200,000 internal loan repayment, from the Village Fund to the General Fund, effective December 31, 2013.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO THIS
EIGHTEENTH DAY OF MARCH 2014.**

**CITY COUNCIL
CITY OF LAKE ELMO**

By: _____
Mike Pearson
Mayor

ATTEST:

Adam Bell
City Clerk



MAYOR & COUNCIL COMMUNICATION

DATE: March 18, 2014
REGULAR
ITEM # 11

AGENDA ITEM: 39th Street North: Street and Sanitary Sewer Improvements– Resolution No. 2014-18 Declaring Adequacy of Petition; and Ordering Preparation of Feasibility Report

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Cathy Bendel, Finance Director
Dave Snyder, City Attorney
Chad Isakson, Project Engineer

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....	City Engineer
- Report/Presentation.....	City Engineer
- Questions from Council to Staff.....	Mayor Facilitates
- Public Input, if Appropriate.....	Mayor Facilitates
- Call for Motion.....	Mayor & City Council
- Discussion.....	Mayor & City Council
- Action on Motion.....	Mayor Facilitates

POLICY RECOMMENDER: Engineering

FISCAL IMPACT: \$9,400.

If authorized, FOCUS Engineering Inc. will prepare a feasibility report in the not to exceed amount of \$9,400, to evaluate street and sanitary sewer improvements along 39th Street North, from Trunk Highway 5 to Lake Elmo Avenue (CSAH 17). If the improvements are ordered, the report costs will be charged against the project fund and become assessable to the benefitting properties. Should the project not be constructed, the report costs cannot be assessed.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving Resolution No. 2014-18 Declaring Adequacy of Petition and Ordering Preparation of Feasibility Report. The recommended motion for this action is as follows:

“Move to approve Resolution No. 2014-18 Declaring Adequacy of Petition and Ordering Preparation of Feasibility Report for the 39th Street North: Street and Sanitary Sewer Improvements, in a not to exceed amount of \$9,400.”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

The City of Lake Elmo received a Petition, pursuant to Minnesota Statue 429, requesting street and sanitary sewer improvements along 39th Street North, from State Highway 5 to Lake Elmo Avenue (CSAH 17). The Petition has been reviewed and certified by the City Clerk to represent at least 35% of the properties to be benefitted by the requested improvements (see attached Petition for Local Improvements and petition map).

The improvements would be completed in 2014 in connection with the Village East Trunk Sanitary Sewer extension project being proposed by various Village area developers. This project proposes to extend trunk sanitary sewer from the new Village lift station near Reid Park to the undeveloped properties in the north and northwestern Village area. The Village area comprehensive sewer plan indicates the preferred alignment for this trunk sewer to be along 39th Street North, therefore, the sewer extension project would also provide service to the existing commercial properties along this street segment.

On March 5, 2014, staff met with the potentially impacted property owners to present a preliminary scope of improvements together with a high level estimate of project costs and corresponding assessments. Assessments would be levied for both sanitary sewer and street improvements since the sewer construction would result in the need to reconstruct 39th Street. Following the meeting the property owners expressed interest in moving the project forward.

Should the Council choose to accept the petition and authorize the Feasibility Report, the report will evaluate and consider a new street section for 39th Street that will match the proposed street section to the future Village Parkway section that is planned south of Highway 5.

STRENGTHS: This project, together with the Village East Trunk Sanitary Sewer Improvements would make sewer and water available to most of the undeveloped properties in the Village area with all or a substantial portion of the project costs assessed to the benefitting properties. This project accelerates the development opportunities in the north and northwestern part of the Village. Development staging in the northern part of the Village improves the sequencing of Village area development and improves the ability to better manage storm water.

WEAKNESSES: The project impacts existing commercial properties and requires the City to reconstruct 39th Street North in connection with the project. The project must be implemented on an accelerated timeframe and must follow statutory requirements for special assessments. Bids will be received in mid-summer with construction to occur late in the year.

OPPORTUNITIES: This project would substantially enhance and perhaps accelerate Village area development which would improve the City’s ability to meet debt obligations.

THREATS: The City must front the costs to complete the feasibility report which cannot be assessed should the project not be constructed. The City may need to participate in some of the project costs (the existing property owners have requested consideration of City cost participation). The City could receive appeals on the proposed assessments and incur additional costs proving benefit.

RECOMMENDATION:

Staff is recommending that the City Council approve Resolution No. 2014-18 Declaring Adequacy of Petition and Ordering Preparation of Feasibility Report. The recommended motion for this action is as follows:

“Move to approve Resolution No. 2014-18 Declaring Adequacy of Petition and Ordering Preparation of Feasibility Report for the 39th Street North: Street and Sanitary Sewer Improvements, in a not to exceed amount of \$9,400.”

ATTACHMENT(S):

1. Resolution No. 2014-18 Declaring Adequacy of Petition and Ordering Preparation of Feasibility Report.
2. Petition(s) for Local Improvements.
3. Petition Map.
4. Proposed Project Schedule.

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

RESOLUTION NO. 2014-18

**A RESOLUTION DECLARING ADEQUACY OF PETITION AND
ORDERING PREPARATION OF FEASIBILITY REPORT**

WHEREAS, a petition was received from the owners of real property abutting 39th Street North, from State Highway 5 to Lake Elmo Avenue (CSAH 17), in the City of Lake Elmo, requesting street and sanitary sewer improvements along said street; and

WHEREAS, it is proposed to assess all or a portion of the cost of the improvements pursuant to the City's Special Assessment Policy and Minnesota Statutes, Chapter 429.

NOW, THEREFORE, IT IS HEREBY RESOLVED,

1. The Petition requesting the improvements is hereby declared to be signed by the required percentage of owners of property affected thereby. This declaration is made in conformity to Minnesota Statutes 429.035.
2. The Petition for the proposed street and sanitary sewer improvements are hereby referred to the City Engineer and FOCUS Engineering, Inc., to complete a feasibility report in accordance with Minnesota Statutes, Chapter 429 for the proposed improvements, and to report to the council with all convenient speed advising the council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE EIGHTEENTH OF
MARCH 2014.**

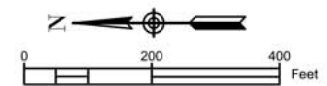
CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)

ATTEST:

Adam Bell
City Clerk



PROJECT SCHEDULE
CITY OF LAKE ELMO

FOCUS ENGINEERING, inc.

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

39th Street North Street and Sanitary Sewer Schedule
PROJECT NO. 2014.131

MARCH 2014

March 18, 2014	Council Declares Adequacy of Petition and Orders Preparation of Feasibility Report.
April 15, 2014	Presentation of Feasibility Report. Council accepts Report and Calls Hearing.
April 29, 2014	Property owner meeting. Presentation of Report findings and recommendations.
May 6, 2014	Public Improvement Hearing. Council orders Preparation of plans and specifications.
July 1, 2014	Council approves Plans and Specifications; Orders Advertisement for Bids.
July 31, 2014	Receive Contractor Bids.
August 5, 2014	Council accepts bids and awards Contract.
August 25, 2014	Conduct Pre-construction Meeting and Issue Notice to Proceed.
November 28, 2014	Substantial completion (estimated 12 weeks).
Summer, 2015	Final Completion.



MAYOR & COUNCIL COMMUNICATION

DATE: March 18, 2014
REGULAR
ITEM # 12

AGENDA ITEM: Downtown Lake Elmo Market Area Profile – Authorize Execution of Contract with University of MN Extension Service

SUBMITTED BY: Kyle Klatt, Community Development Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Nick Johnson, City Planner

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemCommunity Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff..... Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECCOMENDER: Staff – as per direction from the March 11th City Council/EDA workshop.

FISCAL IMPACT: \$750 for the study. The preparation of the report will require Staff time, and the City will need to help coordinate the participation of the local businesses community as well. Staff is proposing to use the Planning Department’s contractual services budget for the project.

SUMMARY AND ACTION REQUESTED: The City Council is being asked to enter into an agreement with the University of Minnesota Extension Service to conduct a downtown Lake Elmo market area profile. The Council recently viewed a presentation describing the study at its March 11th joint workshop with the EDA. There was a general consensus at this meeting to proceed with the Study, and Staff is seeking authorization to enter into a contract with the Extension Service to begin the project. The work is expected to take approximately six to nine months, and will require the participation of representatives from the local business community.

The recommended motion to take action on this item is as follows:

“Move to authorize Staff to enter into an agreement with the University of Minnesota Extension Service to complete a Market Area Profile for Lake Elmo”

LEGISLATIVE HISTORY: With the completion of the Village Area Comprehensive Plan amendment, the City may now move forward with implementation of the goals and objectives from the plan. An important step to take prior to moving ahead with commercial development initiatives is to gain a better understanding of current market conditions and to better understand the potential for attracting certain types of businesses into the downtown. Staff met earlier this year with our local Extension Service Educator to discuss the market study work that is performed by the University of Minnesota Extension Service, and this work appears to be a very good fit for Lake Elmo and can be done at a very reasonable cost.

The Market Area Profile that would be conducted is intended to help identify the City’s market area and to better understand the types of businesses that may or may not be a good fit for the community. The study makes use of available demographic and retail sales information in order to better understand the market for Lake Elmo. The attached Extension Service handout provides a summary of the Market Area Profile program, which is consistent with the information presented during the recent downtown workshop.

Should the Council elect to move forward with the study, Staff will work to assemble a Market Profile Team comprised of Staff, local officials, and members of the business community. This group will be tasked with identifying the City’s market area that will serve as the basis for the information analysis. Although the attached agreement specifies a project end date of April 1, 2013, the entire study is expected to take six to nine months.

BACKGROUND INFORMATION (SWOT):

- | | |
|----------------------|---|
| Strengths | <ul style="list-style-type: none">• The Market Area Profile will help the City and local businesses better understand the City’s market area.• The Extension Service performs this work at a minimal cost to the City. |
| Weaknesses | <ul style="list-style-type: none">• Undertaking the study will require a time commitment from the City and a local study group. |
| Opportunities | <ul style="list-style-type: none">• The study helps identify gaps in the local business offerings.• The study will help businesses and the City identify strategies to attract new businesses to the community.• The study will help local businesses better understand current market conditions in Lake Elmo. |
| Threats | <ul style="list-style-type: none">• Lack of participation from local businesses or the inability of these businesses to devote time for the study. |

RECOMMENDATION: Based upon the above background information and previous discussion at the March 11th workshop, Staff is recommending that the City Council authorize

Staff to enter into an agreement with the University of Minnesota Extension Service to conduct a downtown Lake Elmo market area profile. The suggested motion for this action on this item is as follows:

“Move to authorize Staff to enter into an agreement with the University of Minnesota Extension Service to complete a Market Area Profile for Lake Elmo”

ATTACHMENTS:

1. University of Minnesota Extension Program Fee Agreement
2. Market Area Profile Fact Sheet



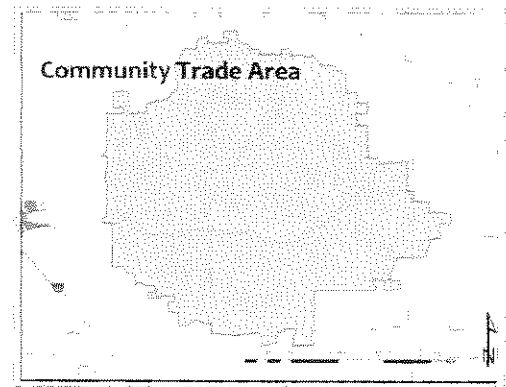
HELPING BUSINESS COMMUNITIES KNOW AND GROW THEIR CUSTOMER BASE

Market Area Profiles

WHY MARKET AREA PROFILES?

Business communities can work together to attract and grow a customer base for their entire community. Individual businesses make better decisions when they consider the consumer environment in which their business is operating. Market Area Profiles (MAP) can help businesses and business communities understand their customer base better, and consider together how to preserve and grow that base.

MAP reports organize data from multiple sources into a comprehensive description of those who visit and shop there – their demographics, purchasing power, lifestyles, information sources and values. Extension organizes this data into easy-to-understand reports, and then leads community discussions to bring local knowledge to the analysis of this data, and to provoke new questions. Ultimately, our goal is for communities to use the report and the related discussions to inform business plans, as well as community-based strategies to grow the local economy.



USEFUL DATA FOR COMMUNITIES AND BUSINESSES

The MAP includes a breadth of information of interest to local retailers, tourism businesses and community leaders, including:

- The geographic reach of the community's trade area
- Spending potential of local residents
- Demographics of households
- Income levels of households
- Types of media households in the trade area use

Chambers, economic development professionals, tourism organizations and business associations might use the information to consider questions such as:

- What new businesses might succeed in our town?
- How can we effectively use media to market our community and its businesses?
- What community events or festivals would attract the audience in our trade area?
- What main street or tourism development strategies would work for this market?

- Individual businesses in the community can use the information to consider questions such as:
 - How can I better reach my customers?
 - Do I have a viable business plan for this market?
 - How can we change our inventory or expand our product lines to increase profits?

CHOOSE A MAP REPORT – SIMPLE OR CUSTOMIZED

Your Community Economics educator will help you determine whether a simple or a customized report of is right for your community.

The *Simple Report*:

- Describes the customers in your local trade area (zip code(s) or other specified area).
- Engages the community in a two-hour discussion about results and future plans
- Works well for traditional, main street communities

Cost: \$750

The *Customized Report*:

- Is customized from addresses of customers on local business lists
- Includes consultations with a local study group to guide the analysis
- Works well for a larger community or to profile a seasonal/tourism market

Cost: \$1,500

CONTACT YOUR EXTENSION EDUCATOR IN COMMUNITY ECONOMICS:

See map of service areas and contact information: extension.umn.edu/community/staffmap

OTHER OFFERINGS FOR YOUR BUSINESS COMMUNITIES

- [A Retail Trade Analysis](#) report describes a town or county's retail strengths, weaknesses and patterns.
- [Business Retention and Expansion Strategies](#) programs get community members involved in the meeting the needs of local businesses.
- [Economic Impact Analysis](#) – workshops and research reports using IMPLAN™ data help decision-makers respond to changes in economies.
- [Minnesota Intelligent Rural Communities](#) – helping businesses work together to use the Internet for marketing, sales, customer communication, and customer support.



UNIVERSITY OF MINNESOTA

Extension Program Fee Agreement*

The Regents of the University of Minnesota, through Extension (the "University"), agree to provide a program for **the City of Lake Elmo, Minnesota, a local government** (the "Organization"), on the following terms and conditions:

- 1. Description of Program:** Lake Elmo Market Area Profile
- 2. Date, Location, and Time:**
Date: **completed by 4/1/2015**
Location: **Lake Elmo**
Time: **TBD**
- 3. Payment Terms:** For the Program described in Section 1, Organization shall pay University **seven hundred fifty and 0/100 dollars (\$750)**. Payment is due on the date of the Program or upon receipt of invoice. In the event Organization cancels for any reason, except for extraordinary causes beyond the reasonable control of Organization, Organization shall remain obligated for the full amount set forth in this paragraph unless notified by Extension.
- 4. Obligations of Organization.** Organization agrees to provide the following accommodations, equipment, and material: **provide a planning committee for two planning meetings, meeting facility for both planning meetings and report presentation, advertising for the report presentation, and optional refreshments for all meetings. Extension will print 25 full-color reports and an electronic version of the report -- additional paper copies will be at the client's cost.**

5. Ownership of Materials and Presentation. The Program and all related materials provided by University shall remain the property of University. Organization is provided a license to use the material in connection with the Program, but Organization may not copy or distribute the material without the express written consent of University. University further owns all rights to the Program and related materials. The Program shall not be recorded or taped in any form without the express written consent of University.

6. Disclaimer. University makes no claims of any kind with respect to the Program and shall not be liable for Organization's reliance on any statements or demonstrations made during the Program. University's maximum obligation to Organization for any cause of action arising under this Agreement, including failure to perform, shall not exceed the amount actually paid to University by Organization under Section 3.

7. Complete Agreement/Governing Law. This Agreement, including any attached exhibits, represents the complete agreement of the parties. No amendments to this Agreement shall be binding upon University unless signed by University. This Agreement cancels, supersedes and revokes all prior negotiations, representations and agreements between the parties, whether oral or written, relating to the subject matter of this Agreement. The terms and conditions of any purchase order or similar document submitted by Organization in connection with the services provided under this Agreement shall not be binding upon University. This Agreement shall be governed by the laws of Minnesota and any action to enforce this Agreement shall be brought only in Hennepin County, Minnesota.

IN WITNESS WHEREOF, the parties have entered into the Agreement effective

Regents of the University of Minnesota

By: _____
Name:
Title:
Date: _____

By: _____
Name: **Kyle Klatt**
Title: **Planning Director, City of Lake Elmo**
Date: _____
Address: **3800 Laverne Ave. N.**
Lake Elmo, MN 55042
Phone: **651-747-3911** Fax:

*Programs of 1-2 days and valued \$5,000 and less

INTERGOVERNMENTAL AGREEMENT REGARDING WATER SUPPLY

This intergovernmental agreement (IGA) is entered into by and among the following parties:

City of Bayport
City of Cottage Grove
City of Forest Lake
City of Hugo
City of Lake Elmo
City of Mahtomedi
City of Newport
City of Oakdale
City of Oak Park Heights
City of Saint Paul Park
City of Scandia
City of Woodbury

each acting by and through its duly authorized officers. The parties to this IGA hereby agree as follows:

I. INTRODUCTION

The parties agree that addressing the water supply needs of the Washington County Area (referred to in this agreement as the "Area") while at the same time protecting natural resources requires cooperation among all of the above named parties. A cooperative approach among all of the above named parties to both technical and institutional issues related to water quantity, water quality, and data gathering and management is necessary to ensure the long-term viability of the Area. The following parties to this Agreement are served by municipal water supplies or private water supply wells that access the same source water and will be referred to herein as the Communities:

- City of Bayport
- City of Cottage Grove
- City of Forest Lake
- City of Hugo
- City of Lake Elmo
- City Mahtomedi
- City of Newport
- City of Oakdale
- City of Oak Park Heights
- City of Saint Paul Park
- City of Scandia
- City of Woodbury

II. BACKGROUND

In 2013, the Washington County Administrator's began discussing the anticipated challenges the communities may face in obtaining sufficient and potable water to supply their current needs and projected growth. The Washington County Municipal Water Coalition (WCMWC) was formed in 2014 to serve as a forum to discuss the issues facing the Communities. The WCMWC has served as a forum for sharing of information and discussion of each community's development of plans for supplying water while protecting surface water features.

III. PURPOSE

The Washington County Municipal Water Coalition is a collaborative, voluntary organization created for the following purposes:

- Plan for reliable and safe water supplies to meet the needs of the Area for the long term through the actions of individual member entities.
- Planning and advocating the protection and wise stewardship of existing and potential sources of drinking water.
- Promote the voluntary coordination of individual and collective actions of the Communities in managing the sub-regional water supply for the Washington County area;
- Provide a forum for the study and discussion of water supply issues of mutual interest to participants, to coordinate the responses of participants to such issues; and for review and discussion of water resource-related issues before any final actions by individual participants.
- Acting in a consensus manner to the greatest degree possible so that the Communities can speak with one voice on matters on state and regional policy matters.
- Implementing sub-regional conservation programs collectively to provide a more economical service to our individual customers.
- Providing technical and educational support to individual members for their use in the provision of water supplies and programs at the sub-regional level.
- Building partnerships to explore options, implement mutually beneficial programs, and operate systems while retaining individual decision making authority and accountability to customers.
- Sharing information about water systems to better serve customers.

Therefore, purpose of this IGA is for the Communities to commit to work together toward the above purposes in the effort to retain a sufficient supply of water to the Communities while protecting natural resources in the Area. This IGA also seeks to clarify the roles of the Communities in meeting this need.

IV. AUTHORITY

Nothing in this Agreement shall be construed to modify, amend, or alter any statutory authority or right or legal obligations or responsibilities of the parties. In addition, each party's activities and obligations under this Agreement are expressly subject to the availability of appropriated or budgeted funds to the party. This IGA is only intended to facilitate cooperative implementation of statutory requirements and efforts.

V. IMPLEMENTATION

The Communities fully support the concepts of cooperation and coordination and are committed to developing efficient mechanisms to address the water supply needs of the Washington County area while protecting natural resources. To this end, the Communities will continue to utilize the WCMWC as a forum for discussion of sub-regional issues with meetings to be held as necessary. In addition the designated parties will continue the following work to address the management of the Area's ground and surface water resources.

Administrative and Regulatory

- Each of the communities will maintain a MDNR-approved water supply plan, developed in accord with Minnesota Statutes, section 103G.291, subdivision 3 and a Wellhead Protection Plan in accord with Minnesota Rule 4720, when required.
- Each Community will continue to evaluate opportunities for co-development of supplies including source sharing, regular and emergency interconnections and other opportunities.
- The Communities will evaluate source water alternatives including use of surface waters, inter-community sharing, reuse, and alternative aquifer use.
- The Communities with input from others will evaluate means and methods to manage stormwater to encourage groundwater recharge while protecting groundwater quality.

Water Resource Information Collection and Sharing

- The Communities will continue to collect information including water levels, water withdrawal rates, water use and pump tests. The information will be shared with the communities and others as needed. The information will also be submitted to the appropriate agency on a periodic basis.
- Each of the Communities will inform adjacent communities when a new water supply well is being planned including the proposed location and aquifer that is to be utilized.
- Each Community proposing new production wells or significant increases in authorized volumes will coordinate with adjacent local units of governments to minimize domestic well interferences.

- The Communities will share information about high capacity non- municipal wells that are being installed in the Area.

Water Conservation

Minnesota Statutes Section 103G.291 subdivision 3(c) requires that public water suppliers serving more than 1,000 people must employ demand reduction measures prior to requesting approval to construct a water supply well or an increase in the authorized appropriation volume. In addition to these requirements, the Communities agree to work toward the following conservation goals and applicable measures.

- .
- Maintain or reduce both overall and residential per capita demand.
- Establish water efficient landscaping and practices on public lands and set an example in the community with water efficient practices in municipal uses.
- Provide customers with information on the benefits of conservation and how they can reduce water use. Start education efforts related to lawn watering before the season begins and continue throughout the irrigation season.
- Work with businesses and industry to lower water use and increase re-use where possible.
- Consider ordinances to encourage improvements in water use efficiencies and reduce peak demands to the maximum extent possible. Potential ordinances include, without limitation:
 - time of day lawn watering restrictions,
 - limiting lawn watering to a certain number of days per week, requiring use of drought tolerant turf and landscaping,
 - requirements for soil restoration before establishing new lawns, including adding 4" or more of top soil and deep tilling of compacted soils following construction
 - prohibiting irrigation of landscape strips that are less than eight feet wide,
 - prohibiting water waste or runoff from irrigation systems, and
 - establishing a minimum number of trees based on lot size.
- Consider establishing limits on the percent of total open space lot area that can be developed with water intensive landscaping or turf.

VI. MODIFICATION; TERMINATION AND EXPIRATION

This Agreement shall become effective upon execution by all parties and shall remain effective until terminated. This Agreement may be amended upon the mutual agreement of all of the parties, and only by a written amendment executed by duly authorized representative of all the parties. Any of the parties may terminate its participation in this Agreement, by a written notification to the other parties specifying the termination date and issued by the terminating party not less than 30 calendar days before the specified termination date. This Agreement may also be terminated by the mutual agreement of all the entities that remain parties to the Agreement at the time of the termination. Unless earlier terminated as provided above, this Agreement shall terminate 10 years after its effective date. The effective date of the Agreement is the date on which the Agreement has been fully executed by all of the parties.

_____ Mayor, City of _____	_____ Date	_____ City Manager (or Administrator) City of _____	_____ Date
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_____ Mayor, City of _____	_____ Date	_____ City Manager (or Administrator) City of _____	_____ Date
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Mayor, City of _____ Date

City Manager (or Administrator) Date
City of _____

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Mayor, City of _____ Date

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City of _____

Mayor, City of _____ Date

City Manager (or Administrator) Date
City of _____



**City of Lake Elmo
Planning Commission Meeting
Minutes of March 10, 2014**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Williams, Yocum, Dodson, Haggard, Dorschner, Kreimer, Larson and Lundgren;

COMMISSIONERS ABSENT: Morreale;

STAFF PRESENT: Community Development Director Klatt and City Planner Johnson.

Approve Agenda:

The agenda was accepted as presented.

Approve Minutes: February 24, 2014

Chairman Williams noted that he did not abstain from voting regarding the February 10th minutes, he did not vote on the minutes because he was not in attendance at the previous meeting.

M/S/P: Kreimer/Lundgren, move to approve the minutes as amended, ***Vote: 7-0, motion carried unanimously.***

Public Hearing: Zoning Text Amendment – Accessory Building Ordinance

Johnson reviewed various revisions to the draft Accessory Building Ordinance, made as a result of the last meeting. He noted that the draft was revised to allow for additional accessory building square footage through a Conditional Use Permit process. He also stated that Staff is still researching the potential impacts of the 60/40 house to garage ratio in urban residential and mixed-use districts.

Williams questioned why garages are encouraged to be side or rear loaded when this would be difficult to accomplish with smaller lots. Johnson stated that this was intended to communicate the City's design preference at the time, but that it would not be something that could be enforced.

The Commission generally discussed the implications of the existing language concerning garages. Williams suggested revising this provision so that the garage could be set back from the primary façade or be side or rear loaded.

Klatt noted that the City Engineer also provided input to ensure that vehicles parked on driveways would not interfere or encroach onto sidewalks.

Yocum questioned whether or not Lennar had given the City any feedback on this provision. Johnson noted that Lennar was more concerned about the lot width and side yard setbacks.

Klatt noted that the code was intended to prohibit "snout houses" so that garages were not the dominant feature of the landscape.

M/S/P: Williams/Larson, move to add language to 154.456.B.1.a and b to state "unless the garage is side loaded".

Dorschner stated that the City is not gaining much by adopting this language. Larson commented that the best examples of side-loaded garages occur on curved streets.

Vote: 6-1, motion carried, with Dorschner voting no.

Dodson noted that the same provision should be applied to the VMX district.

Williams noted that they should not have taken any action until after the public hearing.

Williams asked if the City allows accessory apartments or secondary swellings in accessory buildings. Johnson replied that the City Code allows for secondary dwellings as a conditional use.

Williams questioned the language concerning accessory building height compared to the principal building. Klatt stated that the intent of this provision was to restrict the height of the accessory building to either 22 feet or no higher than the principal building.

Public Hearing opened at 7:30pm.

Dave Gonyea, Gonyea Company, asked whether or not the code would require garages to be side or rear loaded. Williams stated that the code language encourages, but does not require this. Gonyea stated that front loaded garages are often required on a smaller lots.

Staff noted that there were not written comments submitted for the public record.

Public Hearing closed at 7:34pm.

MSP: Williams/Dodson, move to add similar language regarding side loaded garages within the VMX district (see above), **Vote: 6-1, motion carried**, with Dorschner voting no.

There was a general discussion concerning the provision that requires a detached accessory building to be 22 feet in height or no higher than the principle building, whichever is higher.

M/S/P: Dodson/Williams, move to strike "whichever is higher" in 154.08 C2 and 154.4563c.2, **Vote: 6-1, motion carried**, with Dorschner voting no. Dorschner stated that he feels that 22' in height is an adequate standard regardless of the height of the principal structure.

M/S/P: Dodson/Dorschner, move to recommend approval of the accessory building ordinance as amended, **Vote: 7-0, motion carried unanimously**.

Business Item: Schiltgen Farms Parcel B Sketch Plan

Johnson reviewed a sketch plan that has been submitted by Gonyea Homes for a proposed residential development in the northern portion of the Village Planning Area consisting of 101 single family sewerer homes on approximately 40 acres of land presently owned by Pete Schiltgen. He noted that the project includes a portion of Lake Elmo Avenue, which will need to be platted as road right-of-way as part of the subdivision.

Johnson reviewed staff comments concerning the plan: access and access spacing on Lake Elmo Avenue; park dedication, trails and landscaping/buffering along CSAH 17.

Haggard asked if roads taken out of the calculation when calculating net density. Johnson noted that different cities define net density differently. However, generally roads are not counted towards the area in a net density calculation. Staff is working on this definition to make sure that it is consistently applied throughout the City.

Lundgren asked if there is any plan to do construction on Lake Elmo Avenue. Johnson noted that no construction is currently planned in the County CIP north of Trunk Highway 5. Williams noted that there would be improvements required as part of the proposed subdivision such as a turn lane on Lake Elmo Avenue. Johnson sated that Staff is asking that the developer provide a trail along Lake Elmo Avenue.

Kreimer asked if the trail would continue north. Johnson said that extending the trail north makes sense if the northern parcel is developed as a nature preserve.

Dodson questioned why 39th street could not extend across Lake Elmo Avenue and serve that parcel. Johnson stated that it would in the future and would provide secondary access to the future residential neighborhood west of CSAH 17.

Williams expressed concern that the proposed subdivision represents a typical suburban layout and not a traditional grid pattern that would be expected as part of the Village Land Use Plan. Johnson replied that the gridded street pattern can be challenging because of constraints of the property such as access management required by the County. The gridded street pattern also does increase the amount of infrastructure and impervious surface. Nevertheless, the land use plan calls for greater connectivity. Klatt provided comments concerning gridded and traditional neighborhood design. Klatt stated that there needs to be some flexibility in the plans while still meeting the intent of the Comp Plan. Staff would like to see connectivity through sidewalks and trails.

Williams stated that he feels that the Land Use Plan encourages more uniformity between neighborhoods.

Haggard asked how the housing would be consistent with the Old Village character. She shared her concern that it will not be consistent.

Johnson discussed general market trends of housing and its application to this site. Alley loaded homes are not in demand right now. The City needs to be careful about over programming these developments where the market won't support them.

Larson shared some comments concerning park and lack of play areas for children within the development. Johnson noted that the applicant is not opposed to looking at a neighborhood park, but has been focusing on expansion of Reid Park. The City is currently looking at joint powers agreements with the school district for parks at Lake Elmo Elementary and Oakland Junior High. Klatt stated that the property to the North is guided for open space in the Comprehensive Plan and they are looking to put in a Nature Preserve with bees and butterflies and natural plantings.

Haggard stated that she would like to see better access to parks. Yocum stated that she would like to see a smaller park for neighborhood kids.

Williams asked if the northern portion that is covered by trees buildable. Johnson stated that it is not, and the area was not included in net density calculations.

Dodson would like to see a trail connection with the Cul-de-sacs for a more walkable neighborhood.

Dave Gonyea noted that they are not opposed to putting in a small park and are looking for feedback from the Park Commission. Williams suggested putting in a shared park with adjoining property owner to the east.

Williams questioned the objectives of the builder and stated that it is not the objective to have a series of monumented developments that feel separate from the Village. Gonyea commented that the proposed layout does create more connectivity and provides for a different feel to the neighborhood. In his opinion, it is much more walkable neighborhood than if it was in a grid pattern.

Williams stated that he would like to see additional roads that connect to adjacent development and would recommend that one of the cul-de-sac roads go through the development to the east.

Gonyea stated that they would consider the road connection, and that it may not significantly alter project.

Haggard asked how the proposed is consistent with the existing Old Village. Gonyea stated that they are trying to make as consistent as possible by making it walkable, providing connections to school and other points of interest, adding trees and fencing and other elements to the plan.

Johnson stated that the County's likely request to move the access further north will have some implications on how the streets flow through the development.

Kreimer asked what the typical lot width is for Gonyea. Gonyea stated that is between 80 – 95 feet in width for custom lots and they have gone down to 65-70 foot in some instances. They generally build larger homes.

Kreimer asked if Gonyea is planning on working with different builders. Gonyea stated that on a project like this they will probably bring in 5-6 different builders with different home plans. Dodson asked if the 65' wide lots will be starter homes. Gonyea stated will be in the 400k to 550k range.

Williams noted that drainage on the property slopes northwest to southeast. Pete Schiltgen commented that storm water flows more to the east and then south. Gonyea stated that there was a wetland delineation done for the site.

Dorschner would like to see connectivity to the east. Feels that if we can get connectivity to flow towards the downtown that would be the goal.

Kreimer also want to see better walkability. Would like to see trails through cul-de-sac in cases where streets do not extend through. Would like to see a park in the development and a trail along Lake Elmo Avenue.

Johnson asked the Planning Commission to clarify expectations and direction.

Williams suggested the Commission come up with street alternatives:

Street alignment alternatives

- 1) As presented
- 2) Trail from middle cul-de-sac the North/South street to the east
- 3) Connected road through to the east (extending cul-de-sac to neighboring property)

Yocum suggested looking at Interlochen parkway in Woodbury as an example.

Dorschner state that he would rather see trail connection if Lake Elmo access needs to move further to the north, otherwise it may generate too much through traffic.

Dodson not as concerned with curvilinear pattern.

There was a general consensus to make road connectivity a priority, and to otherwise provide trail connections where direct road access would not be possible.

Business Item: *Outdoor Wedding Venue Ordinance*

Klatt started his presentation by reviewing the draft ordinance of the Outdoor Wedding Venue Ordinance that was discussed at the last meeting. Klatt presented the specific standards in order to allow the accessory use of weddings to proceed. The specific performance standards include food, alcohol, noise, lighting, and other standards that are intended to mitigate potential nuisance. Klatt noted that the use would be processed under the interim use permit process. Related to potential nuisance, Klatt noted that amplification of noise would only be allowed during the wedding ceremony, not during the reception.

Dodson asked if other types of events would be allowed, such as anniversaries, graduation parties, bar mitzvahs, etc. He asked why the events have to be restricted to religious events. Dodson noted that it may be a slippery slope allowing only certain types of events, but not others. The Planning Commission noted that not all weddings are religious events. Dodson noted that to allow some type of use on agricultural sites, he would like to expand the types of uses that occur.

Larson asked about the timeframe of when the events would be allowed. Klatt noted it is May through October. Larson also asked if it would be appropriate to require notification of adjacent properties. Klatt noted that notice is sent out to all properties within 350 feet for a public hearing at the Planning Commission. In addition, the interim use permit allows for the City to review the permit when it expires.

Williams noted that he is in agreement with Dodson in that there may be other events that should be allowed in addition to weddings. Haggard noted her concern about the level of noise with other events. She added that enforcement of the City's noise ordinance is difficult.

Kreimer noted that he supports limiting the activity to weddings, as well as limiting the number of activities per week. Kreimer noted that he would be interested in the thoughts of the City Council so that the Planning Commission does not invest too much time before learning their perspective.

Klatt noted that the frequency restriction of limiting the number of events per week could be added back into the ordinance. Dorschner suggested limiting the number events per year, such as 10 events. Williams suggested restricting the number of hours per day as well to minimize the impact.

Williams asked the Commission if everyone is in agreement that there should be some allowance for these special events. Everyone agreed that there should be some allowance. Williams noted that some more thought into mitigating potential nuisance, particularly hours and frequency of operation, noise and the provision of alcohol.

Williams asked about State Statutes with regard to serving alcohol from grapes grown on-site. Klatt noted that Staff is doing additional research. Dodson noted his confusion between the various types of wines. Klatt noted that if alcohol is sold, a liquor license is required. There was a general discussion about alcohol. Staff will research this issue more.

Williams noted that the Planning Commission would like some feedback from the City Council.

Haggard asked about a number of provisions, including portable toilets, lighting, and signage. Williams suggested providing links to the other ordinances.

Kreimer suggested being more specific with regards to having portable toilets. Klatt stated that the specifics would be spelled out as part of the IUP.

Haggard asked how hard it is to revoke an interim use permit. Klatt noted that if the conditions of the interim use are violated, it can be revoked. Klatt explained that it depends on how the IUP agreement is written up, but it is not as difficult to revoke as a CUP.

Haggard also asked about the number of cars allowed to park on the site. Klatt noted the interim use permit review process can address many of these concerns. Each permit will be written based on site conditions.

Dodson asked about security. Klatt stated that an applicant would need to provide contact information for any security that is required.

Klatt asked if the Planning Commission would like to see a revised draft before a public hearing is scheduled. The Planning Commission confirmed that they would like to see a draft before setting up a public hearing.

Updates and Concerns

Council Updates

1. No updates from the previous City Council meeting
2. City Council is planning a joint workshop with the Planning Commission to discuss Thrive 2040 population forecasts – April or May.
3. The 3/11/14 City Council workshop is dedicated to downtown planning. They will be talking about a market study for downtown, business improvements, EDA and discussion of TIF and the County reconstruction of Lake Elmo Avenue.
4. The first open house for the Lake Elmo reconstruction project will take place 3/13/14 at Christ Lutheran Church from 4-7pm. This will be a good information gathering process for the City, VBWD, and Washington County.

Staff Updates

1. Upcoming Meetings
 - a. March 24, 2014
 - b. April 14, 2014

Commission Concerns -

Williams suggested that the Planning Commission take another look and discuss the sketch plan for Easton Village after the Park Commission review. Klatt stated that it could be brought back at a future meeting, but to keep in mind that they could come in with the preliminary plat at any time. Kreimer thinks if it is more than a few tweaks it should come back. Larson stated that some of the changes were based on Planning Commission recommendations and the larger changes were based on the Park Commissions recommendation that there not be a park in the northwest corner.

Dorschner is wondering if there has been any thought put into the need for schools with all of the upcoming development. Johnson stated that staff made a presentation to ISD 834 and they have the City's projection for growth. They could possibly put a school down along the I94 corridor and that would accommodate new growth down there along with the kids that currently go to Lake Elmo Elementary from Woodbury.

Dorschner would like to see the schools integrated more into the neighborhood areas so that they would feel more like neighborhood schools and the kids could walk to them vs. in the more commercial areas.

Yocum was wondering if they could get a map that shows all the developments and what currently surrounds them.

Meeting adjourned at 10:20 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant

Lake Elmo Finance Committee Minutes
February 12, 2014

Chairman Wally Nelson called the meeting to order at 2:16 pm

Approved 3/14/14

PRESENT: Chairman Wally Nelson, Council Member Anne Smith and Finance Director Cathy Bendel. Commissioner Terry Forrest was out of town and we attempted to teleconference him in but we were unable to get through due to weather issues.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Chairman Nelson asked if anyone had any changes to the minutes. No changes were suggested.

APPROVAL OF AGENDA

Chairman Nelson moved to approve the agenda. Council Member Smith seconded the motion.

REVIEW OF MONTHLY FINANCIAL REPORT

Chairman Nelson asked if anyone had any questions or issues on the Financial Statements. Everyone thought they were ok as is. Follow up feedback was received via email from Commissioner Forrest that any and all detail on variances would be welcome.

A discussion was had on the fact that salt expense was actually under budget for the month. Finance Director Bendel mentioned that the Director of Public Works had put more expense in January when budgeting since January tends to be the heaviest snow removal month. Until the season is over, it will be hard to determine exactly where it will end up.

SPECIAL ACTIVITIES

REVIEW OF DRAFT ASSESSOR CONTRACT

Chairman Nelson asked if anyone had any changes to the draft assessor contract. Finance Director Bendel asked if the Finance Committee thought the "desired knowledge section" belonged in the document. It was in the RFP so she included it in the draft. A discussion was briefly had and it was decided it was best to leave it in.

It was also discussed that it needed to be clear that we would refund the withheld retainer/escrow “upon the successful completion of the board of appeals cycle”. It was discussed that it would not be fair to withhold them any longer than that as the work would be completed, but a clause should be added to the contract addressing if someone left mid-year their payout would be prorated for the work performed.

Chairman Nelson asked to change the escrow/holdback amount to \$3,700 vs \$5,000. He thought this would be more reasonable. Everyone agreed this was reasonable.

It was discussed that the next steps would be to have the City Administrator and the City Attorney review the contract and then get a draft to the new Assessor and the sooner the better since it is to be effective 3/1/14. Finance Director Bendel was asked to make the necessary changes and circulate the contract for closure.

UPDATE ON FINANCIAL DEPARTMENT STAFFING DISCUSSION

Chairman Nelson asked for an update on where things were at with the staffing issue. Finance Director Bendel mentioned that current person in the position was terminated as of Friday the 10th and the functions would be covered by the Finance consultant and herself until the position is permanently filled.

DEBT SERVICE/ CASH FLOW UPDATE

REVIEW OF WATER FUND CASH FLOW PROJECTIONS

The water fund projections were updated and presented in the layout from the water utility workshop. Chairman Nelson mentioned they need to be updated in detail since the WAC amount of \$2.8M that was in the 2014 budget is not going to happen this year. He also asked that they be put in the other layout showing recs and bonding needs. Chairman Nelson mentioned he would get updated numbers from the Planning Department and follow up with Finance Director Bendel.

AUDIT/INTERNAL CONTROLS

Finance Director updated the group that the 2013 audit fieldwork is scheduled for March 3-5th.

OTHER

Meeting was adjourned by Chairman Nelson at approximately 3:10.