



*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, April 02, 2013 7:00 P.M.**

**City of Lake Elmo | 3800 Laverne Avenue North**

## **AGENDA**

- A. Call to Order**
- B. Pledge of Allegiance**
- C. Roll Call**
- D. Order of Business**
- E. Approval of Agenda**
- F. Accept Minutes**
  - 1. Accept March 19, 2013 City Council Meeting Minutes
- G. Public Comments/Inquiries**
- H. Proclamations**
  - 2. National Library Week April 14-20
  - 3. Community Media Week April 22-27
- I. Presentations**
  - 4. Quality Star Presentation – Rick Chase
  - 5. Lake Elmo Jaycees
  - 6. South Washington Watershed District
- J. Consent Agenda**
  - 7. Approve Payment of Disbursements and Payroll
  - 8. 2013 Seal Coat Project – Approve Plans and Specifications and Authorize Advertisement for Bids; ***Resolution 2013-23; Agreement***
- K. Regular Agenda**



9. State Highway 36 South Frontage Road Study – Resolution Approving MnDOT Agreement No. 03330; ***Resolution 2013-24; Agreement***
10. State Highway 36 South Frontage Road Study – Authorize Mayor and Administrator to Execute Task Order No. 1 for SRF Consulting Services, Inc. for Transportation Planning Services; ***Agreement***
11. Approve Fund Balance/Net Assets Policy; ***Policy***
12. Approve Debt Management Policy; ***Policy***
13. Adopt I-94 Comprehensive Plan Update; ***Resolution 2013-25***

**L. Summary Reports and Announcements**

- Mayor and Council
- Administrator
- City Attorney
- Planning Director
- City Engineer
- Finance Director
- Clerk

**M. Adjourn**



**LAKE ELMO CITY COUNCIL MINUTES  
MARCH 19, 2013**

**CITY OF LAKE ELMO  
CITY COUNCIL MINUTES  
March 19, 2013**

Mayor Pearson called the meeting to order at 7:01 P.M.

**PRESENT: Mayor Pearson, Council Members Bloyer, Nelson, Smith, and Park [7:04]**

Also Present: City Attorney Snyder, Planning Director Klatt, City Engineer Griffin, Finance Director Bendel, and City Clerk Bell

**PLEDGE OF ALLIGENCE**

**APPROVAL OF AGENDA**

*MOTION: Council Member Smith moved **TO APPROVE THE MARCH 19, 2013 CITY COUNCIL AGENDA AS PRESENTED.** Council Member Nelson seconded the motion. **Motion passed 4-0.***

**ITEM 1: ACCEPT MINUTES**

***THE MARCH 05, 2013 CITY COUNCIL MINUTES WERE APPROVED AS PRESENTED BY CONSENSUS OF THE CITY COUNCIL.***

**ITEM 2: NATIONAL ARBOR DAY/MONTH PROCLAMATION**

City Clerk Bell explained that Lake Elmo has participated in Arbor Day/Tree City USA project for the past 10 years. Part of participation is for the city council to issue a proclamation declaring Arbor Day and Arbor Month. Mayor Pearson read the resolution.

*Council Member Park arrived at 7:04*

*MOTION: Council Member Smith moved **TO APPROVE THE ARBOR DAY/MONTH PROCLAMATION.** Mayor Pearson seconded the motion. **MOTION PASSED 5-0.***

**CONSENT AGENDA**

1. Approve Payment of Disbursements and Payroll of \$213,557.04
2. Accept Financial Report dated February 28, 2013
3. Accept Building Permit Report dated February 28, 2013
4. Approve Letter of Understanding to join North Metro Mayors Association as an Associate Member; **Agreement**
5. Zoning Text Amendment - Rural Districts; **Ordinance 08-073, Resolution 2013-18**

City Clerk Bell noted check #39703 has been voided from the disbursements and Payroll.



**LAKE ELMO CITY COUNCIL MINUTES**  
**MARCH 19, 2013**

*MOTION: Council Member Smith moved **TO APPROVE THE CONSENT AGENDA AS AMENDED.** Council Member Park seconded the motion. **MOTION PASSED 5-0.***

**REGULAR AGENDA**

**ITEM 8: OLSON LAKE TRAIL SANITARY SEWER EXTENSION IMPROVEMENTS -RESOLUTION TO ACCEPT AMENDED REPORT AND DECLARE AMENDED COSTS TO BE ASSESSED; RESOLUTION 2013- 19**

City Engineer Griffin explained the amendment to the feasibility report. The amendment entails the addition of Marsha Anderson who resides at 4709 Olson Lake Trail who asked to be included in the project's first phase instead of waiting for phase II.

Because of the way that the costs will be assessed equally, it does not matter in which phase the property is included. However, Mr. Griffin noted that there is a chance that after surveying the project, it will be discovered that the property will not be able to be included. Mr. Griffin stated that City Attorney Snyder recommended adding the property now and removing it from phase I later if it is found to be unfeasible. Staff therefore recommends adding the additional property. The addition will increase the project cost from \$128,000 to \$141,000, but reduces the City's carrying costs from \$10,500 to \$7,100.

*MOTION: Council Member Smith moved **TO APPROVE RESOLUTION 2013- 19, ACCEPTING THE AMENDED FEASIBILITY REPORT FOR THE OLSON LAKE TRAIL SANITARY SEWER EXTENSION, AND DECLARING COSTS TO BE ASSESSED IN THE AMOUNT OF \$92,500.** Council Member Bloyer seconded the motion. **MOTION PASSED 5-0.***

**ITEM 9: PUBLIC HEARING: IMPROVEMENT HEARING: OLSON LAKE TRAIL SANITARY SEWER EXTENSION IMPROVEMENTS -RESOLUTION ORDERING THE IMPROVEMENT AND THE PREPARATION OF PLANS AND SPECIFICATIONS; RESOLUTION 2013- 20**

City Engineer Griffin introduced the item and gave summary of the project. He explained that history of the process and outlined the notices and hearing held. This process was is under MN Stat. §429. Two Oakdale residents petitioned Oakdale for sewer extension. The City of Oakdale asked Lake Elmo to join project. The Lake Elmo portion was not done by petition, but by Council direction. Mr. Griffin noted that this therefore requires a 4/5 vote.

Mr. Griffin explained all the associated costs. The total project cost will be \$141,000. The project will service seven properties. There are five properties in Lake Elmo. The proposed unit assessment will be \$18,500 [2013] as a 15-year levy on taxes. Connections charges are estimated to be \$3,500 [2013]. Sewer service connection will be property specific. Future project costs will be indexed for inflation. This will come to an increase of \$500 per year.

Mr. Griffin explained the next steps of the project and gave the proposed project schedule.

*Council Member Smith **MOVED TO OPEN PUBLIC HEARING.** Seconded by Council Member Park. **Motion Passed 5-0.***



**LAKE ELMO CITY COUNCIL MINUTES**  
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**Public hearing opened at 7:21 PM**

Tony Heider, 4575 Olson Lake Trail, spoke in favor of sewer extension. State legislature has mandated new septic laws to take effect in 2014. Pine City, which is more rural is sewerred. Their lake has actually been cleaned up as a result. He personally has obtained multiple bids. A new mound system was estimated at \$22,000 and all payment is due up front.

*Council Member Nelson **MOVED TO CLOSE PUBLIC HEARING.** Seconded by Council Member Bloyer. **Motion Passed 5-0.***

**Public hearing closed at 7:24 PM**

*MOTION: Council Member Bloyer moved **TO APPROVE RESOLUTION 2013- 20, ORDERING THE IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS.** Council Member Park seconded the motion. **MOTION PASSED 5-0.***

**ITEM 10: PUBLIC HEARING: ASSESSMENT HEARING: OLSON LAKE TRAIL SANITARY SEWER EXTENSION IMPROVEMENTS -RESOLUTION ADOPTING FINAL ASSESSMENT ROLL: RESOLUTION 2013- 21**

City Engineer Griffin explained the assessment process. City clerk certifies roll to County for 2014. Another purpose of hearing is to receive objections. Mr. Griffin noted that the available deferment information for hardships was noticed.

Assessment will be on five properties over 15 years. Interest rate will be 4%. First installment will be due in January 2014. Payment in full prior to certification to County Auditor will preclude any interest penalties.

*Council Member Park moved **TO OPEN PUBLIC HEARING.** Seconded by Council Member Smith. **Motion Passed 5-0.***

**Public hearing opened at 7:28 PM**

Judy Brown spoke on behalf of Joyce Kvaase of 4655 Olson Lake Trail and asked about the future road improvement costs and whether they were included in the assessment. Mr. Griffin stated some of the costs are included because of county involvement. However, the county may change their plans. Ms. Brown also asked about city water. Mr. Griffin said that water is not currently planned. Adjacent Oakdale residents have not recently been interested.

*Council Member Smith **MOVED TO CLOSE PUBLIC HEARING.** Seconded by Council Member Nelson **Motion Passed 5-0.***

**Public hearing closed at 7:30 PM**

Council Member Smith commended staff for obtaining the public input. It was noted that another benefit is protecting Lake Olson.



**LAKE ELMO CITY COUNCIL MINUTES  
MARCH 19, 2013**

*MOTION: Council Member Park moved **TO APPROVE RESOLUTION 2013- 21, ADOPTING THE FINAL ASSESSMENT ROLL FOR 2013 OLSON LAKE TRAIL SANITARY SEWER EXTENSION IMPROVEMENTS.** Council Member Smith seconded the motion. **MOTION PASSED 5-0.***

**ITEM 11: LAKE ELMO AVENUE SEWER INFRASTRUCTURE IMPROVEMENTS: I-94 TO 30TH STREET -AUTHORIZE THE PREPARATION OF PLANS AND SPECIFICATIONS AND APPROVE ENGINEERING DESIGN AND CONSTRUCTION SUPPORT SERVICES CONTRACT**

City Engineer Griffin gave summary of 3/19 workshop. Mr. Griffin provided overview of sewer plan. The City has a \$1,000,000 grant that expires in Dec 2014. Because want to have time built in for delays and issues that may arise, staff is asking to start early. The project had been designed earlier in 2010, but the bids were rejected and there were difficulties in obtaining easement agreements.

It was noted that following the workshop the Council consensus was in favor of Option B.

Council Member Nelson noted that Option B was chosen because of the long term savings. Council Member Bloyer, while having some reservations with the Gravity line costs, concurred. Mayor Pearson voiced his concurrence. Council Member Smith stated she is excited about moving forward after 8 years of hard work.

*MOTION: Council Member Smith moved **TO APPROVE OPTION B, AUTHORIZING PREPARATION OF PLANS AND SPECIFICATIONS FOR THE LAKE ELMO AVENUE SEWER INFRASTRUCTURE IMPROVEMENTS FROM I-94 TO 30TH STREET CONSISTING OF A REDESIGN FOR THE TRUNK GRAVITY SEWER REALIGNMENT WITHIN THE I-94 CORRIDOR; AND APPROVE THE ENGINEERING DESIGN AND CONSTRUCTION SUPPORT SERVICES CONTRACT TO TKDA, INC. IN THE ESTIMATED NOT TO EXCEED AMOUNT OF \$77,200.** Council Member Nelson seconded the motion. **MOTION PASSED 4-0-1. COUNCIL MEMBER PARK RECUSED HERSELF BECAUSE SHE LIVES IN PROJECT AREA***

**ITEM 12: SOUTH 1/2 OF SECTION 34 (LENNAR PROJECT AREA) WATER AND SEWER UTILITY EXTENSION IMPROVEMENTS -ACCEPT PETITION AND AUTHORIZE FEASIBILITY REPORT; PREPARATION OF PLANS AND SPECIFICATIONS; AND APPROVE ENGINEERING REPORT AND DESIGN SERVICES CONTRACT; RESOLUTION 2013-22. AGREEMENT**

City Engineer Griffin gave background and overview of project. Area includes 230 acres, 11 parcels/6 owners. City Clerk Bell has certified the petitions. There are several properties who have not signed petition that sewer line will go past, but currently have 100% petition involvement in affected area. Lennar signed the petition as a contract owner. Lennar would be responsible for negotiating with property owners in conjunction with their developer.

It was noted that a developer could do this project themselves and then try to recover from neighboring benefiter. Otherwise, developer and surrounding property owners submit a 429 petition as has been done in this instance.



**LAKE ELMO CITY COUNCIL MINUTES**  
**MARCH 19, 2013**

Mr. Griffin explained the steps to mitigate risk to the City. 1) Developer signs Fee Escrow Agreement to cover engineering and legal costs associated with the project up to the point of establishing the Assessment Methodology and Assessable Costs to each parcel. The City has asked Lennar for fee escrow agreement to secure cost risks. Current projection is \$112,000. 2) The property owner for each parcel to be assessed will be required to sign a waiver of Irregularity and Appeal agreement prior to the city undertaking the next step of ordering the improvement.

Mr. Griffin explained the proposed timeline of project. Lennar wants to fast-track this project in 2013.

The process of the waivers was further discussed. The City will have the option to proceed with any number of the waivers, but the amount will depend on the percentage of waivers obtained. Councilman Bloyer asked about when Lennar closed on properties and who will sign the assessment waivers. City Attorney Snyder stated it will be the property owners who sign the waivers.

Mayor Pearson asked about brining Lake Elmo water to area. Mr. Griffin said the Inwood line will be a bigger part of infrastructure.

Futher discussion was had regarding what risk the City would bear with the inclusion of the fee escrow agreement and waivers. Mr. Snyder stated that with the escrow agreement and the waivers, the city should not bear any risk because no additional work will be done prior to assessment.

*MOTION: Council Member Park moved **TO APPROVE RESOLUTION 2013-22, DECLARING ADEQUACY OF PETITION; APPROVING PRELIMINARY FEE AGREEMENT; ORDERING PREPARATION OF FEASIBILITY REPORT AND PREPARATION OF PLANS AND SPECIFICATIONS; AND APPROVING ENGINEERING SERVICES AGREEMENT FOR THE SECTION 34 (LENNAR AREA) WATER AND SEWER UTILITY EXTENSION IMPROVEMENTS.** Seconded by Council Member Nelson. **MOTION PASSED 5-0.***

**ITEM 13: RE-DESIGNATION OF PLANNING COMMISSION MEMBERS**

Planning Director Klatt explained that Commissioner Nadine Obermueller has requested that she be re-designated to an alternate position on the Planning Commission. Mr. Klatt also noted that in the past week, Commissioner Greg Hall has resigned from the Planning Commission. Therefore, the Council can move up the two current existing alternates, Rolf Larson and Jay Morealle, to regular positions and Ms. Obermueller down to an alternate. This will leave one alternate vacancy on the Commission.

*MOTION: Council Member Smith moved **TO APPROVE MOVING COMMISSIONER OBERMUELLER TO ALTERNATE STATUS AND ACCEPT THE RESIGNATION OF COMMISSIONER GREG HALL.** Seconded by Council Member Park. **MOTION PASSED 5-0.***



**LAKE ELMO CITY COUNCIL MINUTES**  
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**SUMMARY REPORTS AND ANNOUNCEMENTS PART**

**Council Member Nelson** – no report.

**Council Member Smith** – no report.

**Council Member Park** – no report.

**Council Member Bloyer** reported attending Parks Commission meeting on 3/18. There was good discussion, which included the parks survey. Would like some discussion on what council would like to see in survey. Does not want bias in the questions. Wants it objective.

Council Member Nelson noted that in hindsight would prefer to do survey in-house. Council Member Smith asked that the city administrator be present for discussion regarding the parks survey. Survey was different than what she expected. Supported survey because there was money in fund and has not been spent. She believes that the Parks Commission now understands that it is time to act, especially now with development coming.

There was discussion about several of the questions, such as demographic info. It was explained that the reasoning given was for a statistically significant survey.

**Mayor Pearson** attended parks commission meeting. There is an exorbitant amount in Parks fund. Wants direction to parks commission to spend money. Also shares some reservations with the survey itself; Met with EDA applicant. Asked for HR and finance applicants

**City Clerk Bell** reported meeting with various city services vendors; Reviewing city contracts; Will be attending annual municipal clerk conference.

**Finance Director Bendel** reported CIP; working on debt service.

**City Attorney Snyder** reported working on Lennar project; property clean up action.

**Planning Director Klatt** reported upcoming national planning conference in April. Scheduled webinar on 4/13 at 9:00 AM for Role of Planning Commission; Upcoming Village planning workshop involving parking standards. At April meeting planning to bring back I-94 comp plan for formal adoption.

Mayor Pearson noted that he took the League of Minnesota Cities webinar on Land Use and reiterated his desire for the Planning Commission members to also take the course.

**City Engineer Griffin** reported working on sewer. Washington County has released RFP for Manning Avenue project 2014-2015. County has invited city staff to be involved. MnDOT funding program meeting. There is also MN-DEED funding. City may be able to obtain funding for pedestrian funding from one of those sources.

Meeting adjourned at 8:11 P.M.

**LAKE ELMO CITY COUNCIL**

ATTEST:

\_\_\_\_\_  
Mike Pearson, Mayor

\_\_\_\_\_  
Adam R. Bell, City Clerk



## CITY OF LAKE ELMO

### NATIONAL LIBRARY WEEK 2013 PROCLAMATION

**WHEREAS**, libraries are the heart of their communities, campuses, and schools;

**WHEREAS**; librarians work to meet the changing needs of their communities, including providing resources for everyone and bringing services outside of library walls;

**WHEREAS**, libraries and librarian volunteers bring together community members to enrich and shape the community and address local issues;

**WHEREAS**, librarians are trained, tech-savvy professionals, providing technology training and access to downloadable content;

**WHEREAS**, libraries offer programs to meet community needs, providing residents with computer classes and financial planning services to both teens and older adults

**WHEREAS**, libraries continuously grow and evolve in how they provide for the needs of every member of their communities;

**WHEREAS**, libraries, librarians, library workers, and supporters across America are celebrating National Library Week.

**NOW, THEREFORE, BE IT RESOLVED** that I Mike Pearson, Mayor of Lake Elmo proclaim April 14-20, 2013 as

### NATIONAL LIBRARY WEEK

I encourage all residents to visit the library this week to take advantage of the wonderful library resources available at your library. *"Communities matter @ your library."*

Signed this April 02, 2013

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Mike Pearson, Mayor



## **CITY OF LAKE ELMO**

### **COMMUNITY MEDIA WEEK PROCLAMATION**

*On behalf of Ramsey/Washington Counties Suburban Cable Commission*

**WHEREAS**, community cable television provides citizens, local non-profits, and governmental and other institutions with access to electronic communications training, equipment, facilities, and delivery systems; and enable civic dialogue and participation via cable communications;

**WHEREAS**, community cable television provides viewers with local coverage of municipal meetings as well as other valuable governmental programming;

**WHEREAS**, community cable television contributes to the quality of life in our community;

**WHEREAS**, Ramsey/Washington Counties Suburban Cable Commission ("Cable Commission") is planning on behalf of its member municipalities a week of celebration of local cable television April 22-27, 2013;

**WHEREAS**, on April 25, 2013, an Open House for the public will be held from 3:00 p.m. to 7:00 p.m. at the Cable Commission community television studios, 2460 East County Road F, White Bear Lake, Minnesota.

**NOW, THEREFORE BE IT RESOLVED** that the City of Lake Elmo hereby proclaims the week of April 22, 2013 as

### **COMMUNITY MEDIA WEEK**

and additionally invites and encourages residents to attend the Open House for the public to be held Thursday, April 25 from 3:00 p.m. to 7:00 p.m. at the Cable Commission community television studios, 2460 East County Road F, White Bear Lake, Minnesota.

Signed this April 02, 2013

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Mike Pearson, Mayor





## MAYOR AND COUNCIL COMMUNICATION

DATE: 4/02/2013

**CONSENT**

ITEM #: 7

**MOTION** Consent Agenda

**AGENDA ITEM:** Approve Disbursements in the Amount of \$92,761.08

**SUBMITTED BY:** Cathy Bendel, Finance Director

**REVIEWED BY:** Dean Zuleger, City Administrator

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**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$92,761.08. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

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

Claim #	Amount	Description
ACH	\$ 10,086.74	Payroll Taxes to IRS & MN Dept of Revenue 3/21/13
ACH	\$ 5,631.66	Payroll Retirement to PERA 3/21/13
DD4510- DD4529	\$ 27,010.48	Payroll Dated 3/21/13 (Direct Deposits)
1914-1929	\$ 960.00	Library Card Reimbursements 4/2/13
39719-39722	\$ 1,195.22	Manual Checks 3/26/13
39723-39768	\$ 47,876.98	Accounts Payable 4/2/13
<b>TOTAL</b>	<b>\$ 92,761.08</b>	



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

**RECOMMENDATION:** It is recommended that the City Council approve as part of the Consent Agenda proposed disbursements in the amount of \$92,761.08.

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

**“Move to approve the April 2, 2013, Disbursements as  
Presented *[and modified]* herein.”**

**ATTACHMENTS:**

1. Accounts Payable Dated 4/2/13

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

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



# Accounts Payable To Be Paid Proof List

User: Joan Z

Printed: 03/28/2013 - 9:11 AM

Batch: 012-03-2013

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ADAMBELL Bell Adam										
03/26/2013	03/27/2013	219.08	0.00	04/02/2013	Mileage & Parking for Conference		-	No		0000
101-410-1320-43310	Mileage	219.08								
	03/26/2013 Total:	219.08								
	ADAMBELL Total:	219.08								
ANCOM ANCOM Communications, Inc.										
36095	03/27/2013	159.78	0.00	04/02/2013	Pager Batteries		-	No		0000
101-420-2220-43230	Radio	159.78								
	36095 Total:	159.78								
	ANCOM Total:	159.78								
ARAM Aramark, Inc.										
629-7706523	03/18/2013	212.03	0.00	04/02/2013	Monthly Rug Service, Station #2		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg	212.03								
	629-7706523 Total:	212.03								
629-7706524	03/18/2013	51.83	0.00	04/02/2013	City Hall Floor Mats & Linen Svs		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg	51.83								
	629-7706524 Total:	209.62								
629-7706525	03/18/2013	209.62	0.00	04/02/2013	Monthly Rug Service, Station #1		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg	25.54								
	629-7706525 Total:	25.54								
629-7709518	03/21/2013	499.02	0.00	04/02/2013	Uniforms		-	No		0000
101-430-3100-44170	Uniforms	25.54								
	629-7709518 Total:	499.02								
	ARAM Total:	66.50								
ASPENMI Aspen Mills, Inc.										
132825	03/14/2013	66.50	0.00	04/02/2013	Pants and belts		-	No		0000
101-420-2220-44170	Uniforms	66.50								
	132825 Total:	66.50								



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
132826	03/14/2013	99.95	0.00	04/02/2013	Medic Boots		-			0000
101-420-2220-42080	EMS Supplies							No		
	132826 Total:	99.95								
132827	03/14/2013	192.00	0.00	04/02/2013	Shirts, hat, tie, tie clip		-			0000
101-420-2220-44170	Uniforms							No		
132827	03/14/2013	317.90	0.00	04/02/2013	Medic Boots		-			0000
101-420-2220-42080	EMS Supplies							No		
	132827 Total:	509.90								
CM2587	03/14/2013	-50.15	0.00	04/02/2013	Return Shirt		-			0000
101-420-2220-44170	Uniforms							No		
	CM2587 Total:	-50.15								
	ASPENMI Total:	626.20								
<hr/>										
BATTYPL Batteries Plus Woodbury, Corp										
771219	03/13/2013	80.00	0.00	04/02/2013	Emergency Lights batteries		-			0000
101-430-3100-42230	Building Repair Supplies							No		
	771219 Total:	80.00								
771248	03/13/2013	80.00	0.00	04/02/2013	Emergency Lights batteries		-			0000
101-430-3100-42230	Building Repair Supplies							No		
	771248 Total:	80.00								
771249	03/13/2013	26.67	0.00	04/02/2013	Emergency Lights batteries		-			0000
101-430-3100-42230	Building Repair Supplies							No		
	771249 Total:	26.67								
	BATTYPL Total:	186.67								
<hr/>										
BERTELSO Bertelson's										
WO-838018-1	03/08/2013	343.36	0.00	04/02/2013	Supplies - Administration		-			0000
101-410-1320-42000	Office Supplies							No		
WO-838018-1	03/08/2013	79.15	0.00	04/02/2013	Supplies - Planning		-			0000
101-410-1910-42000	Office Supplies							No		
WO-838018-1	03/08/2013	1.38	0.00	04/02/2013	Supplies - Finance		-			0000
101-410-1520-42000	Office Supplies							No		
	WO-838018-1 Total:	423.89								
WO-838018-2	03/19/2013	140.11	0.00	04/02/2013	Admin - Versadater W/Base		-			0000
101-410-1320-42000	Office Supplies							No		
	WO-838018-2 Total:	140.11								
WO-838962-1	03/12/2013	68.38	0.00	04/02/2013	Planning - Copy Paper		-			0000
101-410-1910-42000	Office Supplies							No		
WO-838962-1	03/12/2013	68.38	0.00	04/02/2013	Admin - Copy Paper		-			0000
101-410-1320-42000	Office Supplies							No		
	WO-838962-1 Total:	136.76								
WO-841040-1	03/19/2013	136.78	0.00	04/02/2013	Planning - Corrugated Roll Files		-			0000
101-410-1910-42000	Office Supplies							No		
	WO-841040-1 Total:	136.78								



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close P	OLine #
BERTELSON Total:		837.54									
BEVERAL Bever Al											
03/19/2013	03/27/2013	36.53	0.00	04/02/2013	Menards Door Repair Supplies		-		No		0000
101-410-1940-42230 Building Repair Supplies											
03/19/2013 Total:		36.53									
BEVERAL Total:		36.53									
CENTURYL CenturyLink											
02/19/2013	03/19/2013	120.33	0.00	04/02/2013	Phone Service - Library		-		No		0000
206-450-5300-43210 Telephone											
02/19/2013	03/19/2013	35.95	0.00	04/02/2013	Internet Service - Library		-		No		0000
206-450-5300-43250 Internet											
02/19/2013 Total:		156.28									
CENTURYL Total:		156.28									
CHASERIC Chase Rick											
03/18/2013	03/27/2013	101.28	0.00	04/02/2013	IFSTA Code Book Reimbursement		-		No		0000
101-420-2400-44350 Books											
03/18/2013 Total:		101.28									
CHASERIC Total:		101.28									
CTYHUGO City of Hugo											
3/11-3/15/13	03/18/2013	645.00	0.00	04/02/2013	Building Inspector Service		-		No		0000
101-420-2400-43150 Inspector Contract Services											
3/11-3/15/13	03/18/2013	143.51	0.00	04/02/2013	Building Inspector - Mileage		-		No		0000
101-420-2400-43310 Mileage											
3/11-3/15/13 Total:		788.51									
CTYHUGO Total:		788.51									
CTYOAKDA City of Oakdale											
201303113576	03/11/2013	315.34	0.00	04/02/2013	Replace Batteries on B1		-		No		0000
101-420-2220-44040 Repairs/Maint Eqpt											
201303113576 Total:		315.34									
CTYOAKDA Total:		315.34									
DELTA Delta Dental Of Minnesota											
5087589	03/15/2013	1,445.10	0.00	04/02/2013	April 2013 Dental Coverage		-		No		0000
101-000-0000-21706 Medical Insurance											
5087589 Total:		1,445.10									



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	DELTA Total:	1,445.10								
DiedRied Tammy Diedrich & Garhar Rieder 03/26/2013 03/27/2013 602-000-0000-16600 Infrastructure 03/26/2013 Total: DiedRied Total:		16,141.71 16,141.71 16,141.71	0.00	04/02/2013	LE Ave Sewer Infra Permanent Easement	-	-	No		0000
FINANCE Finance and Commerce 10268694 03/14/2013 101-410-1450-43510 Public Notices 10268694 Total: FINANCE Total:		146.56 146.56 146.56	0.00	04/02/2013	Affidavit of Publication - Bids/Construc	-	-	No		0000
FIORILLO Fiorillo Megan Cable Operator 03/19/2013 101-410-1450-43620 Cable Operations Cable Operator Total: FIORILLO Total:		55.00 55.00 55.00	0.00	04/02/2013	Cable Operator - 3/19/13 CC Meeting	-	-	No		0000
FXL FXL, Inc. April 2013 04/01/2013 101-410-1320-43100 Assessing Services April 2013 Total: FXL Total:		2,000.00 2,000.00 2,000.00	0.00	04/02/2013	Assessment Service	-	-	No		0000
GIBSONJU Gibson Judy 02/20/2013 02/20/2013 206-450-5300-42000 Office Supplies 02/20/2013 Total: 03/07/2013 03/07/2013 206-450-5300-42000 Office Supplies 03/07/2013 03/07/2013 206-450-5300-42000 Office Supplies 03/07/2013 03/07/2013 GIBSONJU Total:		100.68 100.68 159.96 43.84 203.80 304.48	0.00 0.00 0.00 0.00	04/02/2013 04/02/2013 04/02/2013 04/02/2013	Ink for front desk printer - office max Vacuum Cleaner Cleaning Supplies	- - -	- - -	No No No		0000 0000 0000
GRAPHICR Graphic Resources 45323 03/08/2013 101-420-2400-42000 Office Supplies		420.02	0.00	04/02/2013	2 Part Carbonless Inspection Forms	-	-	No		0000



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
	45323 Total:	420.02								
	GRAPHICR Total:	420.02								
GUMATZ Gumatz Beckie										
03/27/2013	03/27/2013	157.64	0.00	04/02/2013	Mileage - MCFOA Conference		-	No		0000
101-410-1320-43310	Mileage									
	03/27/2013 Total:	157.64								
	GUMATZ Total:	157.64								
HOLIDAYC Holiday Credit Office										
03/15/2013	03/15/2013	255.35	0.00	04/02/2013	Fuel		-	No		0000
101-420-2220-42120	Fuel, Oil and Fluids									
	03/15/2013 Total:	255.35								
	HOLIDAYC Total:	255.35								
HOTSY Hotsy Equipment of Minnesota										
42246	03/13/2013	145.66	0.00	04/02/2013	Vehicle Wash Soap		-	No		0000
101-430-3100-44300	Miscellaneous									
42246	03/13/2013	44.95	0.00	04/02/2013	Swivel Gun - Pressure Washer		-	No		0000
101-430-3100-42400	Small Tools & Minor Equipment									
	42246 Total:	190.61								
	HOTSY Total:	190.61								
INTERSTA Interstate All Battery Ctr										
52340	02/28/2013	106.30	0.00	04/02/2013	Replacement batteries for SCBA's		-	No		0000
101-420-2220-42400	Small Tools & Equipment									
	52340 Total:	106.30								
	INTERSTA Total:	106.30								
JOHNSO Johnson Kevin										
03/11/2013	03/11/2013	55.00	0.00	04/02/2013	Cable Operations 3/11/13 PZ Meeting		-	No		0000
101-410-1450-43620	Cable Operations									
	03/11/2013 Total:	55.00								
	JOHNSO Total:	55.00								
LANDMARK Landmark Builders, Inc.										
21010	03/18/2013	2,000.00	0.00	04/02/2013	Refund of Escrow 10949 32nd Street		-	No		0000
803-000-0000-22900	Deposits Payable									
	21010 Total:	2,000.00								



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close P	OLine #
LANDMARK Total:		2,000.00									
LANDUCCI Landucci Nathan											
03/26/20113	03/27/2013	7,007.84	0.00	04/02/2013	LE Ave Sewer Infra Permanent Easement		-	No			0000
602-000-0000-16600 Infrastructure											
03/26/20113 Total:		7,007.84									
LANDUCCI Total:		7,007.84									
LEAGMN League of MN Cities											
181682	03/16/2013	620.00	0.00	04/02/2013	MN Cities Stormwater Coalition Contrib		-	No			0000
603-496-9500-44370 Conferences & Training											
181682 Total:		620.00									
LEAGMN Total:		620.00									
LEOIL Lake Elmo Oil, Inc.											
12236, 12235	03/08/2013	1,482.18	0.00	04/02/2013	Fuel		-	No			0000
101-430-3120-42120 Fuel, Oil and Fluids											
12236, 12235	03/08/2013	2,246.40	0.00	04/02/2013	Fuel		-	No			0000
101-430-3120-42120 Fuel, Oil and Fluids											
12236, 12235 Total:		3,728.58									
LEOIL Total:		3,728.58									
MALMQ Malmquist Greg											
03/15/2013	03/15/2013	45.78	0.00	04/02/2013	Meal Reimbursement		-	No			0000
101-420-2220-44370 Conferences & Training											
03/15/2013 Total:		45.78									
MALMQ Total:		45.78									
MARONEYS Maroney's Sanitation, Inc											
466356	03/01/2013	108.32	0.00	04/02/2013	Waste Removal - City Hall		-	No			0000
101-410-1940-43840 Refuse											
466356	03/01/2013	47.68	0.00	04/02/2013	Waste Removal - Fire		-	No			0000
101-420-2220-43840 Refuse											
466356	03/01/2013	207.82	0.00	04/02/2013	Waste Removal - Public Works		-	No			0000
101-420-2220-43840 Refuse											
466356	03/01/2013	207.82	0.00	04/02/2013	Waste Removal - Parks		-	No			0000
101-450-5200-43840 Refuse											
466356	03/01/2013	48.12	0.00	04/02/2013	Waste Removal - Library		-	No			0000
206-450-5300-43840 Refuse											
466356 Total:		619.76									



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MARONEYS Total:		619.76								
MENARDSO Menards - Oakdale										
14053	03/13/2013	39.87	0.00	04/02/2013	Step Ladder		-		No	0000
101-450-5200-42400	Small Tools & Minor Equipment									
14053	03/13/2013	27.25	0.00	04/02/2013	Graffiti Remover, Batteries		-		No	0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
	14053 Total:	67.12								
MENARDSO Total:		67.12								
MES Municipal Emergency Svs. Inc.										
00392939-SNV	03/08/2013	595.09	0.00	04/02/2013	Replacement Booster Hose, T2		-		No	0000
101-420-2220-42400	Small Tools & Equipment									
	00392939-SNV Total:	595.09								
MES Total:		595.09								
METROFIR Metro Fire										
46726	03/13/2013	255.42	0.00	04/02/2013	Nomex helmet liners		-		No	0000
101-420-2220-42400	Small Tools & Equipment									
	46726 Total:	255.42								
METROFIR Total:		255.42								
MURRYREN Murray Renee										
03/28/2013	03/28/2013	63.41	0.00	04/02/2013	Books for Collection - Library		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
	03/28/2013 Total:	63.41								
MURRYREN Total:		63.41								
NEXTEL Nextel Communications										
761950227-120	04/18/2013	126.23	0.00	04/02/2013	Cell Phone Service - Administration		-		No	0000
101-410-1940-43210	Telephone									
761950227-120	04/18/2013	102.07	0.00	04/02/2013	Cell Phone Service - Fire Dept		-		No	0000
101-420-2220-43210	Telephone									
761950227-120	04/18/2013	50.07	0.00	04/02/2013	Cell Phone Service - Building Dept		-		No	0000
101-420-2400-43210	Telephone									
761950227-120	04/18/2013	35.14	0.00	04/02/2013	Cell Phone Service - Public Works Dept		-		No	0000
101-430-3100-43210	Telephone									
761950227-120	04/18/2013	101.96	0.00	04/02/2013	Cell Phone Service - Parks Dept		-		No	0000
101-450-5200-43210	Telephone									
761950227-120	04/18/2013	64.60	0.00	04/02/2013	Cell Phone Service - Taxpayer Services		-		No	0000
101-410-1450-43210	Telephone									



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
761950227-120	04/18/2013	19.60	0.00	04/02/2013	Cell Phone Service - Planning Dept		-		No	0000
101-410-1910-43210	Telephone	499.67								
	761950227-120 Total:	499.67								
	NEXTTEL Total:									
POSTOFFI Postmaster										
02/20/2013	02/20/2013	200.00	0.00	04/02/2013	Postage (Permit #19)		-		No	0000
101-410-1320-43220	Postage	200.00								
	02/20/2013 Total:	200.00								
	POSTOFFI Total:	200.00								
PUGLEASA Pogleasa Co. Inc.										
IN00076176	03/07/2013	522.75	0.00	04/02/2013	Garage Door repairs		-		No	0000
101-430-3100-44010	Repairs/Maint Bldg	522.75								
	IN00076176 Total:	522.75								
	PUGLEASA Total:	522.75								
REEDKATR Reed Katrina										
4/2/2013	04/02/2013	96.00	0.00	04/02/2013	HSA Daycare Reimbursement		-		No	0000
101-000-0000-21710	Health HSA	96.00								
	4/2/2013 Total:	96.00								
	REEDKATR Total:	96.00								
SAMSLUB Sam's Club										
03/14/2013	03/14/2013	68.66	0.00	04/02/2013	Rehab Supplies		-		No	0000
101-420-2220-44300	Miscellaneous	10.56	0.00	04/02/2013	Cleaner for pagers		-		No	0000
03/14/2013	03/14/2013	7.88	0.00	04/02/2013	Mop Head		-		No	0000
101-420-2220-43230	Radio	19.90	0.00	04/02/2013	Water for city hall		-		No	0000
03/14/2013	03/14/2013	107.00								
101-420-2220-44010	Repairs/Maint Bldg	107.00								
03/14/2013	03/14/2013									
101-410-1320-42000	Office Supplies									
	03/14/2013 Total:	107.00								
	SAMSLUB Total:	107.00								
SCHLOMKA Schlomka										
14180	03/12/2013	225.00	0.00	04/02/2013	Pump Holding Tank - PW		-		No	0000
101-430-3100-44010	Repairs/Maint Bldg	225.00								
	14180 Total:	225.00								



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
SCHLOMKA Total:		225.00								
SCHWAAB Schwaab, Inc.										
C82819	02/11/2013	79.25	0.00	04/02/2013	Self-inking Signature Stamps for Council		-	No		0000
101-410-1110-42000	Office Supplies									
C82819 Total:		79.25								
SCHWAAB Total:		79.25								
TDS TDS Metrocom - LLC										
651-779-8882	03/18/2013	139.66	0.00	04/02/2013	Analog Lines - Fire		-	No		0000
101-420-2220-43210	Telephone									
651-779-8882	03/18/2013	227.10	0.00	04/02/2013	Analog Lines - Public Works		-	No		0000
101-430-3100-43210	Telephone									
651-779-8882	03/18/2013	129.51	0.00	04/02/2013	Analog Lines - Lift Station Alarms		-	No		0000
602-495-9450-43210	Telephone									
651-779-8882	03/18/2013	45.38	0.00	04/02/2013	Analog Lines - Well House #2		-	No		0000
601-494-9400-43210	Telephone									
651-779-8882 Total:		541.65								
TDS Total:		541.65								
UNITEDPR NorthMarq										
03/25/2013	03/28/2013	300.00	0.00	04/02/2013	Balance due on 2012 OEA Costs Eagle Pt		-	No		0000
101-410-1320-44300	Miscellaneous									
03/25/2013 Total:		300.00								
UNITEDPR Total:		300.00								
VANGADOR Vang Adora										
Cable Operator	03/25/2013	48.13	0.00	04/02/2013	Cable Operations 3/25/13 PZ Workshop		-	No		0000
101-410-1450-43620	Cable Operations									
Cable Operator Total:		48.13								
VANGADOR Total:		48.13								
WASRADIO Washington County										
74905	03/20/2013	309.06	0.00	04/02/2013	800 radio fees - Public Works		-	No		0000
101-430-3100-43230	Radio									
74905 Total:		309.06								
74906	03/20/2013	3,800.76	0.00	04/02/2013	1/4rly user fee for 800 MHz radios		-	No		0000
101-420-2220-43230	Radio									
74906	03/20/2013	114.00	0.00	04/02/2013	Radio repair/maintenance fund		-	No		0000
101-420-2220-43230	Radio									
74906 Total:		3,914.76								



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	WASRADIO Total:	4,223.82								
WEEKSEND Weeks-End Signs & Graphics										
1773	03/14/2013	26.71	0.00	04/02/2013	Weight Restriction Graphics		-		No	0000
601-494-9400-45200	Building and Structures	26.71								
	1773 Total:	26.71								
	WEEKSEND Total:	26.71								
WEIR D Weir Dick										
538778	03/03/2013	800.00	0.00	04/02/2013	February Snow Removal		-		No	0000
206-450-5300-43150	Contract Services	800.00								
	538778 Total:	800.00								
	WEIR D Total:	800.00								
	Report Total:	47,876.98								



# Accounts Payable To Be Paid Proof List

User: JOAN Z

Printed: 03/27/2013 - 12:48 PM

Batch: 010-03-2013

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MDH Minnesota Department of Health										
03/27/2013	03/27/2013	150.00	0.00	03/26/2013	Watermain Extension Plan Permit Review		-			0000
601-494-9400-46400	Water Mains									
	03/27/2013 Total:	150.00								
	MDH Total:	150.00								
	Report Total:	150.00								





## MAYOR AND COUNCIL COMMUNICATION

DATE: 4/02/2013

**CONSENT**

ITEM #: 8

**RESOLUTION**

**AGENDA ITEM:** 2013 Seal Coat Project – Resolution No. 2013-23 Approving Plans and Specifications and Ordering Advertisement for Bids

**SUBMITTED BY:** Ryan Stempski, Assistant City Engineer

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Jack Griffin, City Engineer  
Mike Bouthilet, Public Works Superintendent  
Adam Bell, City Clerk  
Cathy Bendel, Finance Director

**SUMMARY AND ACTION REQUESTED:** The city council is respectfully requested to consider adopting Resolution No. 2013-23 approving the plans and specifications and ordering the advertisement for bids for the 2013 Seal Coat Project.

**STAFF REPORT AND BACKGROUND INFORMATION:** In accordance with the annual street maintenance program, the city council ordered, on February 19, 2013, the preparation of plans and specifications for the 2013 Seal Coat Project, and approved the Joint Services Agreement with West Lakeland Township to once again complete seal coating work in a combined project. The project includes the specifications to seal coat approximately 6 miles of city streets (see attached Project Location Map) and includes an additional 4.9 miles of streets for West Lakeland Township. By competitively bidding both the city and township projects together, staff hopes to promote a more competitive bid environment that may result in reduced costs to both communities.

A project schedule is attached. With the approval of the Plans and Specifications, the bids would be presented to council for award at the May 21, 2013, council meeting. The work is scheduled to be substantially complete by July 12, 2013 and has a final completion date of August 2, 2013.

West Lakeland Township will reimburse Lake Elmo for the portion of the work completed on township roads in accordance with the project agreement for joint services, dated February 26, 2013. The township will also be reimbursing the city for administration and engineering services associated with the project, in the amount of 6% of the construction costs as tabulated at the time of the bids.



In 2012, the city completed a crack seal project for these city street segments in preparation of this year's seal coat application. The 2013 Seal Coat Project now provides the design documents for seal coating these same street segments to complete the maintenance process.

**FUNDING:** The city portion of the work will be paid through the street maintenance funds with a 2013 seal coat budget in the amount of \$160,000 (Fund No. 409). This includes both construction and engineering costs. The engineer's post design total project cost estimate is \$148,000, which is within the planned budget amount.

**RECOMMENDATION:** Staff is recommending that the city council approve, as part of the *Consent Agenda*, Resolution No. 2013-23, thereby approving the plans and specifications and ordering the advertisement for bids for the 2013 Seal Coat Project.

**ATTACHMENTS:**

1. Resolution No. 2013-23
2. 2013 Seal Coat Project Location Map
3. Project Schedule



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

**RESOLUTION NO. 2013-23**

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND  
ORDERING ADVERTISEMENT FOR BIDS FOR THE  
2013 SEAL COAT PROJECT**

**WHEREAS**, pursuant to a motion passed by the City Council on the 19th day of February, 2013, FOCUS Engineering, Inc. has prepared plans and specifications for the 2013 Seal Coat Project and has presented such plans and specifications for approval.

**NOW, THEREFORE, BE IT RESOLVED,**

1. Such plans and specifications, a copy of which is on file at Lake Elmo City Hall and made a part hereof, are hereby approved.
2. The City Clerk shall prepare and cause to be inserted in the official paper and in Finance & Commerce an advertisement for bids upon the making of such improvements under such approved plans and specifications. The advertisement shall be published for at least 21 days, shall specify the work to be done, and shall state that sealed bids provided to the City Clerk prior to the specified bid date and time and accompanied by a bid bond or cashier's check made payable to the City of Lake Elmo in an amount not less than 5% of the amount of such bid will be considered.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE SECOND DAY OF  
APRIL, 2013.**

**CITY OF LAKE ELMO**

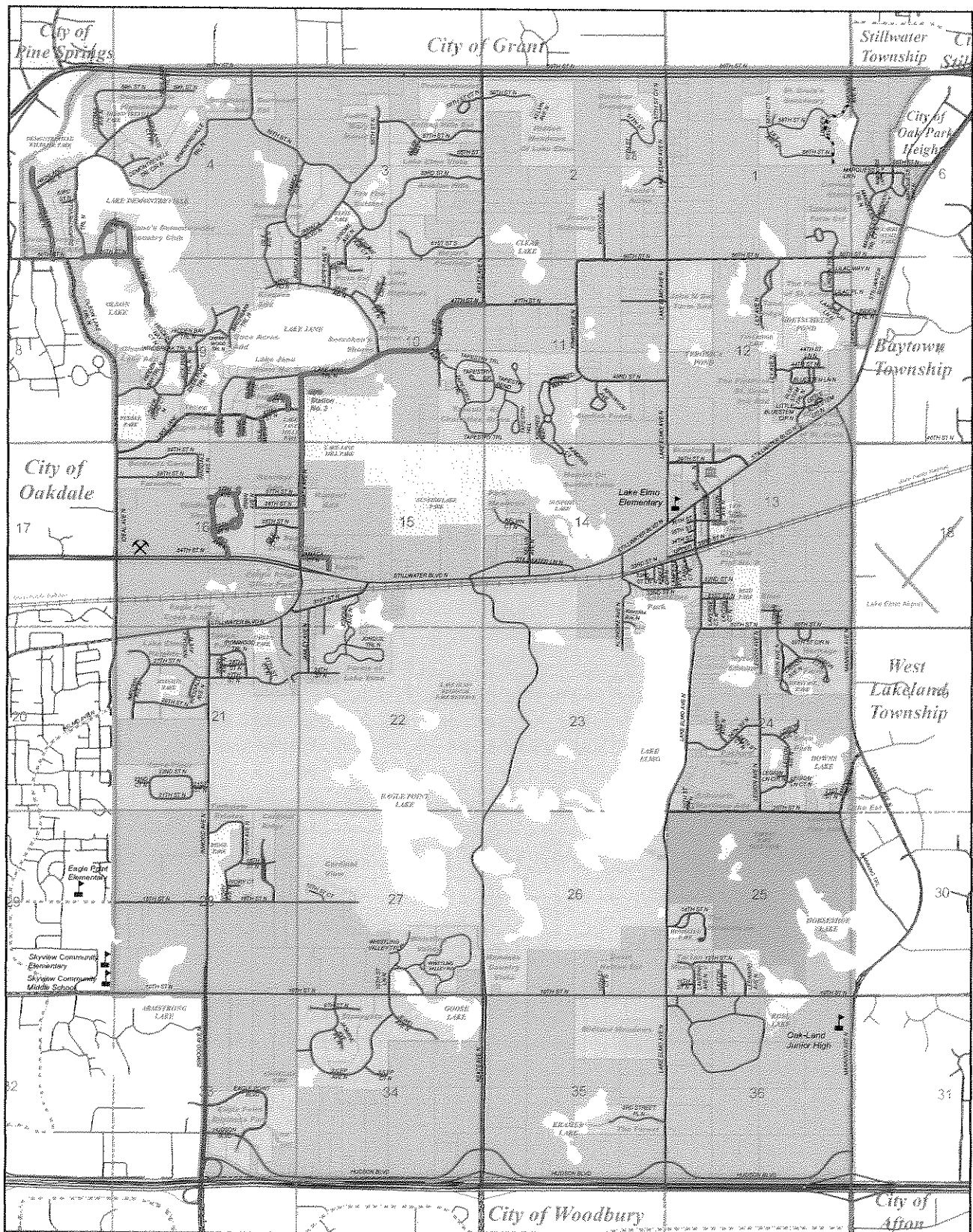
By: \_\_\_\_\_  
Mike Pearson  
Mayor

(Seal)

ATTEST:

\_\_\_\_\_  
Adam Bell  
City Clerk





## 2013 SEAL COAT PROJECT LOCATION MAP

2013 SEAL COAT

THE CITY OF  
**LAKE ELMO**



**City Hall**  
2805 Lawrence Avenue N  
651777-5510  
www.lakeditto.org



**Public Works Building**  
3445 Ives Ave N  
65123-0414



**Fire Stations**

Station No. 1  
4205 Johnson Ave N  
65176-0022



**Schools**



**Parcels**



**Subdivisions**



**City Parks**



**Golf Course**



**Lake Elmo Regional  
Park Reserve**  
Park Office  
651430-0008



**Lakes**



0 0.15 0.3 0.6  
Miles

Map Date: APRIL 2013

Created By:

**FOCUS ENGINEERING, inc.**



**CITY OF LAKE ELMO  
2013 SEAL COAT PROJECT  
PROJECT NO. 2013.118**

**PROJECT SCHEDULE**

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February 19, 2013	Council orders preparation of Plans and Specifications.
April 2, 2013	Presentation of Plans and Specifications. Council Approves Plans and Specifications and Orders Advertisement for Bids.
April 5, 2013	Placement of Advertisement for Bids. –Oakdale-Lake Elmo Review. Publication on April 10 & April 17 – Finance and Commerce. Publication on April 8 & April 15 – Quest CDN. Publication on April 5
May 2, 2013	Receive Contractor bids.
May 21, 2013	City Council accepts bids and awards Contract.
May 24, 2013	Process and send out Contract Documents.
June 7, 2013	Receipt of Contractor's Bonds/Legal Review.
June 11, 2013	Conduct Pre-Construction Meeting and Issue Notice to Proceed.
June 12, 2013	Contractor begins Work.
July 12, 2013	Substantial Completion of Work (including sweeping of excess aggregate).
August 2, 2013	Final Completion of Work (including Punchlist and final documentation).





## MAYOR AND COUNCIL COMMUNICATION

DATE: 4/02/2013

**REGULAR**

ITEM #: 9

**RESOLUTION**

**AGENDA ITEM:** State Highway 36 South Frontage Road Study – Resolution Approving the Minnesota Department of Transportation Agency Agreement No. 03330

**SUBMITTED BY:** Jack Griffin, City Engineer

**THROUGH:** Dean A. Zuleger, City Administrator

**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to consider approving Resolution No. 2013-24 Approving the Minnesota Department of Transportation Agency Agreement No. 03330 for the Federal Aid Funding for State Highway 36 South Frontage Road Study.

**STAFF REPORT:** On behalf of the City, MnDOT applied for and secured Federal Aid Funding to complete preliminary engineering work to develop a preferred future alignment of a south frontage road to State Highway 36.

Federal Aid Funding has been obtained in the amount of 80% of the project costs, or \$64,000. The City of Lake Elmo must pay the balance of \$16,000 and any costs over and above the project budget, if necessary. Costs incurred prior to this authorization are not eligible for federal participation. The preliminary engineering work will be completed by the City of Lake Elmo, through its consultant, with MnDOT designated to act as the City's agent to accept and disburse funds as incurred for the Project. The City is further subject of the terms and conditions as identified in the attached Agreement.

The project will endeavor to identify improvements along the State Highway 36 corridor necessary to improve east-west access for Lake Elmo property owners and businesses. The project will consist of three phases including concept development, preliminary design and layout of a preferred alternative, and preparation of a Met Council interchange request for the preferred alternative.

The work will be participative in nature seeking to gain stakeholder input and guidance and will include at least two council workshops, meetings with city staff, and meetings with MnDOT, Washington County, Met Council and the City of Grant. A project schedule will be developed once the City's consultant has been retained.



**RECOMMENDATION:** Staff is recommending that the City Council approve Resolution No. 2013-24 Approving the Minnesota Department of Transportation Agency Agreement No. 03330.

**ATTACHMENTS:**

1. Resolution No. 2013-24
2. Minnesota Department of Transportation Agency Agreement No. 03330



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

**RESOLUTION NO. 2013-24**

**A RESOLUTION APPROVING THE MINNESOTA DEPARTMENT OF  
TRANSPORTATION AGENCY AGREEMENT NO. 03330**

**WHEREAS**, the City of Lake Elmo seeks to complete preliminary engineering work to develop a preferred future alignment of a State Highway 36 south frontage road with east-west access to State Highway 36.

**NOW, THEREFORE, BE IT RESOLVED,**

1. That pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the City of Lake Elmo to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.
2. That the Mayor and the City Administrator are hereby authorized and directed for and on behalf of the City to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 03330", a copy of which said agreement was before the City Council and which is made a part hereof by reference.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE SECOND DAY OF  
APRIL, 2013.**

**CITY OF LAKE ELMO**

By: \_\_\_\_\_  
Mike Pearson  
Mayor

(Seal)

ATTEST:

\_\_\_\_\_  
Adam Bell  
City Clerk



STATE OF MINNESOTA AGENCY AGREEMENT  
BETWEEN  
DEPARTMENT OF TRANSPORTATION  
AND  
CITY OF LAKE ELMO

FOR FEDERAL PARTICIPATION IN PRELIMINARY ENGINEERING  
FOR  
S.P. 206-080-001; M.P. HPPH H126(002)

---

This agreement is entered into by and between CITY OF LAKE ELMO ("City") and the State of Minnesota acting through its Commissioner of Transportation ("MnDOT"),

Pursuant to Minnesota Statutes Section 161.36, the City desires MnDOT to act as the City's agent to accept and disburse federal funds for the study of transportation alternatives financed in whole or in part by federal funds, hereinafter referred to as the "Project"; and

The City is proposing a federal aid project to study roadway approach alternatives along TH 36 between Hilton Trail and Manning Ave leading up to the Saint Croix River Crossing. A public interest finding has determined that the project can be completed more economically as a Preliminary Engineering hereinafter referred to as the "PRELIMINARY ENGINEERING"; and

The PRELIMINARY ENGINEERING is eligible for the expenditure of federal aid funds, and is identified in MnDOT records as State Project 206-080-001, and in Federal Highway Administration ("FHWA") records as Minnesota Project HPPH H126(002); and

The CFDA number for this project is 20.205; and

MnDOT requires that the terms and conditions of this agency be set forth in an agreement.

THE PARTIES AGREE AS FOLLOWS:

I. DUTIES OF THE CITY.

A. DESIGNATION. The City designates MnDOT to act as its agent to accept and disburse federal funds made available for the Project.

B. ELIGIBILITY / COSTS. The estimated cost of the PRELIMINARY ENGINEERING is \$80,000.

1. It is anticipated that 80% (up to \$ 64,000) of the cost of the PRELIMINARY ENGINEERING is to be paid from federal funds made available by the FHWA, and that the remaining 20% will be paid by the City. The City will pay any part of the cost or expense of the work that the FHWA does not pay.
2. Any costs incurred by the City prior to authorization, will not be eligible for federal participation.



3. Eligible cost and expense, if approved, may consist of the following:
  - a) The cost of conducting the predesign and study of the roadway approach alternatives.
  - b) Expenditures for materials, supplies, mechanical data processing and equipment rental, limited to the actual expenditures for the purposes of this agreement.
4. Expenditures for general administration, supervision, maintenance and other overhead or incidental expenses of the City are not eligible for federal participation.
5. Acceptability of costs under this agreement will be determined in accordance with the cost principles and procedures set forth in the applicable Federal Acquisition Regulations, Contract Cost Principles and Procedures, 48 Code of Federal Regulations (CFR) 31 which is hereby incorporated by reference and made a part of this agreement.
6. For costs expected to exceed \$80,000, the City must request the preparation and execution of a supplement to this agreement, prior to incurring such costs.

C. STAFFING.

1. The City will designate a publicly employed registered engineer, ("Project Engineer"), to be in responsible charge of the Project and to supervise and direct the work to be performed under any construction contract let for the Project. If City elects to use a private consultant for engineering services, the City will provide a qualified, full-time public employee of the City, to be in responsible charge of the Project. The services of the City to be performed pursuant to this agreement may not be assigned, sublet, or transferred unless the City is notified in writing by MnDOT that such action is permitted under 23 CFR 1.33 and 23 CFR 635.105 and state law. This written consent will in no way relieve the City from its primary responsibility for performance of the work.
2. The City will furnish the personnel, services, supplies, and equipment necessary to properly supervise, inspect, and document the work for the Project.

D. CONTRACT ADMINISTRATION.

1. The City will request approval from MnDOT for all costs in excess of the amount of federal funds previously approved for the Project prior to incurring such costs. Failure to obtain such approval may result in such costs being disallowed for reimbursement.
2. The City will prepare reports, keep records, and perform work so as to enable MnDOT to collect the federal aid sought by the City. The City will retain all records and reports in accordance with MnDOT's record retention schedule for federal aid projects.



3. Upon completion of the Project, the Project Engineer will determine whether the work will be accepted.

E. PAYMENTS.

1. The entire cost of the Project is to be paid from federal funds made available by the FHWA and by other funds provided by the City. The City will pay any part of the cost or expense of the Project that is not paid by federal funds.
2. The City may request partial payments not more than once each thirty (30) days. The Project Engineer will certify each partial estimate.
3. The invoice and supplements thereto, will contain all details that may be necessary for a proper audit. Such details will consist of at least the following:
  - (a) A breakdown of labor by individual, classification, dates and hours worked times the applicable rate to arrive at a total dollar amount for each individual.
  - (b) The labor additive may be applied to total labor dollars, not including overtime labor dollars.
  - (c) The equipment charges must be broken down by type of equipment times the applicable rate and dates used to arrive at total equipment charges.
  - (d) A detailed breakdown of outside services used and supporting invoices. Documentation that costs of outside services have been paid.
  - (e) Detail for materials, supplies, and other items with the description, units, and unit prices included in the invoice. If materials or supplies are purchased from an outside source, a copy of that invoice must be included.
  - (f) The invoices will include 100% of eligible charges applicable to the Preliminary Engineering so that the prorata share of federal and City participation can be applied to the total costs.
4. Following certification, by the Project Engineer, of the final estimate, the City may request reimbursement for costs eligible for federal funds. The City's request will be made to MnDOT and will include a copy of the certified final estimate along with the required records.
5. Reimbursement of costs under this agreement will be based on actual costs, but limited to eligible items.

F. LIMITATIONS.

1. The City will comply with all applicable Federal, State, and local laws, ordinances, and regulations.
2. Nondiscrimination. It is the policy of the Federal Highway Administration and the State of Minnesota that no person in the United States will, on the grounds of



race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (42 U.S.C. 2000d). Through expansion of the mandate for nondiscrimination in Title VI and through parallel legislation, the proscribed bases of discrimination include race, color, sex, national origin, age, and disability. In addition, the Title VI program has been extended to cover all programs, activities and services of an entity receiving Federal financial assistance, whether such programs and activities are Federally assisted or not. Even in the absence of prior discriminatory practice or usage, a recipient in administering a program or activity to which this part applies, is expected to take affirmative action to assure that no person is excluded from participation in, or is denied the benefits of, the program or activity on the grounds of race, color, national origin, sex, age, or disability. It is the responsibility of the City to carry out the above requirements.

3. Workers' Compensation. Any and all employees of the City or other persons while engaged in the performance of any work or services required or permitted by the City under this agreement will not be considered employees of MnDOT, and any and all claims that may arise under the Workers' Compensation Act of Minnesota on behalf of said employees, or other persons while so engaged, will in no way be the obligation or responsibility of MnDOT. The City will require proof of Workers' Compensation Insurance from any contractor and sub-contractor.

G. AUDIT.

1. The City will comply with the Single Audit Act of 1984 and Office of Management and Budget (OMB) circular A-133 including amendments and successors thereto, which are incorporated herein by reference.
2. As provided under Minnesota Statutes Section 16C.05, subdivision 5, all books, records, documents, and accounting procedures and practices of the City are subject to examination by the United States Government, MnDOT, and either the Legislative Auditor or the State Auditor as appropriate, for a minimum of six years. The City will be responsible for any costs associated with the performance of the audit.

- H. CLAIMS. The City will pay any and all lawful claims arising out of or incidental to the performance of the Project work. The City acknowledges that MnDOT is acting only as the City's agent for receipt and disbursement of federal funds, and not as a principal or co-principal with respect to the Project. In all events, the City will indemnify MnDOT and hold MnDOT harmless from any claims arising out of the Project.

- I. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA). This Agreement requires the City to provide supplies and/or services that are funded in whole or in part by federal funds that are subject to FFATA. The City is responsible for ensuring that all applicable requirements, including but not limited to those set forth herein, of FFATA are met and that the City provides information to the MnDOT as required.

The City shall comply with the following:



1. Reporting of Total Compensation of the City's Executives.

(a) The City shall report the names and total compensation of each of its five most highly compensated executives for the City's preceding completed fiscal year, if in the City's preceding fiscal year it received:

- i. 80 percent or more of the City's annual gross revenues from Federal procurement contracts and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
- ii. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
- iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>).

Executive means officers, managing partners, or any other employees in management positions.

(b) Total compensation means the cash and noncash dollar value earned by the executive during the City's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- i. Salary and bonus.
- ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
- iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
- iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
- v. Above-market earnings on deferred compensation which is not tax qualified.
- vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

- 2. The City must report executive total compensation described above to the MnDOT by the end of the month during which this agreement is awarded.
- 3. The City will obtain a Data Universal Numbering System (DUNS) number and maintain its DUNS number for the term of this agreement. This number shall be



provided to MnDOT on the plan review checklist submitted with the plans for each project. More information about obtaining a DUNS Number can be found at: <http://fedgov.dnb.com/webform/>

4. The City's failure to comply with the above requirements is a material breach of this agreement for which the MnDOT may terminate this agreement for cause. The MnDOT will not be obligated to pay any outstanding invoice received from the City unless and until the City is in full compliance with the above requirements.

## II. DUTIES OF MnDOT.

- A. ACCEPTANCE. MnDOT accepts designation as Agent of the City for the receipt and disbursement of federal funds and will act in accordance herewith.
- B. PROJECT ACTIVITIES. MnDOT will make the necessary requests to the FHWA for authorization to use federal funds for the Project, and for reimbursement of eligible costs pursuant to the terms of this agreement.
- C. PAYMENTS.
  1. MnDOT will receive the federal funds to be paid by the FHWA for the Project, pursuant to Minnesota Statutes § 161.36, Subdivision 2.
  2. MnDOT will review and certify each partial pay request. Following certification of the partial estimate, MnDOT will reimburse the City, from said federal funds made available to the Project, for each partial payment request, subject to the availability and limits of those funds.
  3. Upon completion of the Project, the City will prepare a final payment request in accordance with the terms of this agreement. MnDOT will review and certify the final payment request with a final audit.
  4. No more than 90% of the reimbursement due under this agreement will be paid until completion of the final audit and approval by MnDOT's authorized representative.
  5. In the event MnDOT does not obtain funding from the FHWA or other funding source, or funding cannot be continued at a sufficient level to allow for the processing of the federal aid reimbursement requests, the City may continue the work with local funds only, until such time as MnDOT is able to process the federal aid reimbursement requests.
- D. AUTHORITY. MnDOT may withhold federal funds, where MnDOT or the FHWA determines that the Project was not completed in compliance with federal requirements.
- E. INSPECTION. MnDOT, the FHWA, or duly authorized representatives of the state and federal government will have the right to audit, evaluate and monitor the work performed under this agreement. The City will make available all books, records, and documents pertaining to the work hereunder, for a minimum of seven years following the closing of the construction contract.



- III. AUTHORIZED REPRESENTATIVES. Each authorized representative will have responsibility to administer this agreement and to ensure that all payments due to the other party are paid pursuant to the terms of this agreement.
- A. The City authorized representative is Dean Zuleger, City Administrator, City of Lake Elmo, 3800 Laverne Ave N, Lake Elmo, MN 55042, (651)233-5401, or his successor.
- B. MnDOT's authorized representative is Lynnette Roshell, Minnesota Department of Transportation, State Aid for Local Transportation, 395 John Ireland Boulevard, Mail Stop 500, St Paul, MN 55155, phone 651.366.3822, or her successor.
- IV. TORT LIABILITY. Each party is responsible for its own acts and omissions and the results thereof to the extent authorized by law and will not be responsible for the acts and omissions of any others and the results thereof. The Minnesota Tort Claims Act, Minnesota Statutes Section 3.736, governs MnDOT liability.
- V. ASSIGNMENT. Neither party will assign or transfer any rights or obligations under this agreement without prior written approval of the other party.
- VI. AMENDMENTS. Any amendments/supplements to this Agreement must be in writing and be executed by the same parties who executed the original agreement, or their successors in office.
- VII. TERM OF AGREEMENT. This agreement will be effective upon execution by the City and by appropriate State officials, pursuant to Minnesota Statutes Section 16C.05, and will remain in effect for five (5) years from the effective date or until all obligations set forth in this agreement have been satisfactorily fulfilled, whichever occurs first.
- VIII. TERMINATION. This agreement may be terminated by the City or MnDOT at any time, with or without cause, upon ninety (90) days written notice to the other party. Such termination will not remove any unfulfilled financial obligations of the City as set forth in this Agreement. In the event of such a termination the City will be entitled to reimbursement for MnDOT-approved federally eligible expenses incurred for work satisfactorily performed on the Project to the date of termination subject to the terms of this agreement.



IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed intend to be bound thereby.

CITY

City certifies that the appropriate person(s) have executed the contract on its behalf as required by applicable resolutions, ordinances, or charter provisions

By: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_

Title: Director State Aid for Local Transportation

Date: \_\_\_\_\_

COMMISSIONER OF ADMINISTRATION

By: \_\_\_\_\_

Date: \_\_\_\_\_



## SAMPLE RESOLUTION FOR AGENCY AGREEMENT

BE IT RESOLVED, that pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the City of Lake Elmo to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

BE IT FURTHER RESOLVED, the \* (Mayor) and the \* (Clerk) are hereby authorized and directed for and on behalf of the City to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 03330", a copy of which said agreement was before the City Council and which is made a part hereof by reference.

*\*Titles of persons authorized to sign on behalf of the City\**

## SAMPLE CERTIFICATION

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

I hereby certify that the foregoing Resolution is a true and correct copy of the Resolution presented to and adopted by the City of Lake Elmo at a duly authorized meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, as shown by the minutes of said meeting in my possession.

\_\_\_\_\_  
Clerk

Notary Public  
My Commission expires \_\_\_\_\_

(SEAL)





**Minnesota Department of Transportation**  
**State Aid for Local Transportation**

395 John Ireland Boulevard, MS 500  
Saint Paul, MN 55155

March 27, 2013

Dean Zuleger  
City Administrator  
City of Lake Elmo  
3800 Laverne Ave N  
Lake Elmo, MN 55042

SUBJECT: **SP 206-080-001, HPPH H126(002)**  
**Roadway approach study**  
**Agency Agreement No. 03330**

Dear Mr. Zuleger:

Your project is now authorized you may now begin work and be reimbursed for it. Attached are four copies of the agency agreement between the City of Lake Elmo and MnDOT, which allows for MnDOT to act as the City's agent in accepting federal aid in connection with the above referenced project.

While I do not anticipate that the requirements in Section I.I.1 will apply to you, the language required by federal law and must be included in all federally funded project agreements as of October 1, 2010. Please review and if approved, have all four copies signed. A Council resolution similar to the example attached, must be passed. The certified resolution should then be placed as the last page in each of the four copies of the agreement. Please verify that the person/title authorized to sign as stated in the resolution, corresponds to the signature (person/title) on the signature page. Please return all four copies of the agreement to me for MnDOT signatures. A fully executed copy will be returned to you. If you have any questions or need any revisions, please feel free to contact me at 651.366.3822.

Sincerely,

  
Lynnette Roshell, PE  
Project Development Engineer

Enclosures

cc: Ted Schoenecker--DSAE  
Adam Josephson--Metro  
File

An Equal Opportunity Employer







**Minnesota Department of Transportation**  
**State Aid for Local Transportation**

395 John Ireland Boulevard, MS 500  
Saint Paul, MN 55155

March 27, 2013

Dean Zuleger  
City Administrator  
City of Lake Elmo  
3800 Laverne Ave N  
Lake Elmo, MN 55042

**SUBJECT: SP 206-080-001, HPPH H126(002)**  
**Roadway approach study**  
**Agency Agreement No. 03330**

Dear Mr. Zuleger:

Attached is a fully executed agency agreement between City of Lake Elmo and MnDOT, which allows for MnDOT to act as City's agent in accepting federal aid in connection with the above referenced project.

Also attached is a sample billing summary. Please include this information with any invoices you send to TED SCHOENECKER when requesting for payment. It must be signed or it will be returned for signature.

If you have any questions, please feel free to contact me at 651.366.3822, or by e-mail at [Lynnette.Roshell@state.mn.us](mailto:Lynnette.Roshell@state.mn.us).

Sincerely,

Lynnette Roshell, PE  
Project Development Engineer

Enclosure

Cc: Ted Schoenecker—DSAE  
Adam Josephson—Metro  
Cyndi Degener—MS 215  
Kai Vang—OCPPM  
File

An Equal Opportunity Employer







**Minnesota Department of Transportation**

**State Aid for Local Transportation**

395 John Ireland Boulevard, MS 500  
Saint Paul, MN 55155

**MEMORANDUM**

DATE: March 27, 2013

TO: James Cownie  
Contracts Management  
MS 130

FROM: Lynnette Roshell  
Project Development Engineer

PHONE: 651.366.3822

SUBJECT: **Agreement No. 03330**  
**SP 206-080-001; HPPH H126(002)**  
**AGREEMENT EXECUTION**

Please process the attached agency agreement between MnDOT and the City of Lake Elmo which provides for MnDOT to act as the City's agent in accepting federal aid for Preliminary Engineering work. Attached are four copies.

Please contact me if you have any questions.

File

An Equal Opportunity Employer





# Your organization's letterhead

TO: Minnesota Department of Transportation

Date:

State Project number: SP 206-080-001

Federal Project number: HPPH H126(002)

Agreement number: 03330

Invoice number:

Partial or Final Payment (circle one)

Dates this invoice covers: January 2010 to June 2010 (for example)

Agreement amount: List total amount of project( local and federal share)

Work completed to date: Briefly list what work has been done

Percentage complete: pp%

Amount requested this invoice: \$nnn,nnn.nn.

Amount requested to date: \$nnn,nnn.nn

Please forward payment to:

Payment requested by: Project manager must sign.

Approval to pay: by TED SCHOENECKER

Date: xx/xx/xxxx

Enclosures (Include all backup documentation)





## MAYOR AND COUNCIL COMMUNICATION

DATE: 4/02/2013

**REGULAR**

ITEM #: 10

**MOTION**

**AGENDA ITEM:** State Highway 36 South Frontage Road Study – Authorize Mayor and Administrator to execute Task Order No. 1 to SRF Consulting Services for Transportation Planning Services

**SUBMITTED BY:** Jack Griffin, City Engineer

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Cathy Bendel, Finance Director

**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to consider approving Task Order No. 1 to SRF Consulting Services, Inc. for Transportation Planning Services for the State Highway 36 South Frontage Road Study.

**STAFF REPORT:** The City Engineer is recommending that the city retain the Professional Services of SRF Consulting Services, Inc. for Transportation Planning Services for the State Highway 36 South Frontage Road Study. SRF is one of the firms under contract with the city through the city's consulting pool for engineering support services, specifically in the area of Transportation. The City Engineer worked with SRF and MnDOT to develop a work plan and fee proposal that was used to apply for and receive federal aid funding for the project. The work plan has therefore been reviewed and approved by MnDOT and is deemed funding eligible project costs per the federal aid funding agreement.

**RECOMMENDATION:** Staff is recommending approval of Task Order No. 1 to SRF Consulting Services, Inc. for Transportation Planning Services for the State Highway 36 South Frontage Road Study in an amount not to exceed \$64,500.

**ATTACHMENTS:**

1. Task Order No. 1-State Highway 36 South Frontage Road Study Transportation Planning Services-SRF Consulting Services, Inc.



In accordance with ARTICLE 1 of the Master AGREEMENT between the City of Lake Elmo ("CITY") and SRF Consulting Services, Inc. ("ENGINEER"), dated JUNE 27, 2012 ("AGREEMENT"), the ENGINEER agrees to provide Professional Engineering Support Services as follows:

### **STATE HIGHWAY 36 SOUTH FRONTAGE ROAD STUDY**

**PROJECT OVERVIEW:** As part of the long-range planning of State Highway 36, the City of Lake Elmo will develop a preferred future alignment of a State Highway 36 south frontage road, including the identification of east-west access to State Highway 36. The project limits will include approximately one-quarter mile north and south of State Highway 36 from east of Hilton Trail to west of County Road 5. SRF will provide transportation planning services to assist the city in developing this preferred future alignment and access plan.

**SERVICES TO BE PROVIDED BY ENGINEER:** SRF Consulting Services, Inc. shall provide the following Professional Engineering Services:

#### **Phase 1 – Concept Development**

1. Meetings
  - a. One meeting with Washington County, MnDOT, Met Council and City of Grant.
  - b. One meeting with staff.
  - c. Two council workshops.
2. Review previous documents, drawings and traffic information.
3. Internal brainstorming of potential alternatives.
4. Develop up to three main concept alternative drawings for a south frontage road ("marker drawings"), including access points onto TH 36 (high-level).  
*Note: Regional guidelines will be utilized in the identification of potential access points.*
5. Revise concept alternative drawings to address input from staff and council.
6. Prepare concept layout of the preferred alternative (general alignment and right-of-way; no turn-lanes or typical sections).
7. Prepare summary to document process and results.

#### **Phase 2 – Further Development of a Preferred Concept (but not a staff approved layout)**

1. Project management and coordination.
2. Meetings.
  - a. Two meetings with Washington County, MnDOT and Met Council.
  - b. Two meetings with the City of Grant.
  - c. Two meetings with staff.



3. For the forecast year, develop/update traffic volumes (daily, am peak hour and pm peak hour) and intersection analysis for the preferred alternative to determine number of lanes, turn lane lengths, etc.
4. Develop concept layout and planning level cost estimate for the preferred alternative. The layout and estimate would be updated one time based on comments from reviewing agencies and city. The layout will not include construction limits or x-sections, etc. The layout will not be developed to staff approval, nor will any environmental documents be prepared.

**Phase 3 – Highway Interchange Request**

1. Prepare Metro Council Appendix E: Highway Interchange Requests - Evaluation Criteria and Review Procedures for the preferred alternative. This assumes only one interchange.

**CITIES RESPONSIBILITIES:** The City (or its consultants) will provide the following:

1. Base mapping with contours
2. Any previous work completed
3. Feedback of concepts and cost estimates
4. Setting up meetings

**TIMES FOR RENDERING SERVICES:** Upon execution of the Task Order, the ENGINEER shall submit a project implementation schedule for review and approval of the City for the performance of its services. Upon acceptance of the City, services shall be provided per the project schedule.

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

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

**COMPENSATION:** Compensation to ENGINEER shall be on an hourly rate basis using the hourly billing rates provided in the ENGINEER's Proposal for the work, in a not to exceed amount of \$14,500 for Phase I, an additional \$40,000 for Phase II, and an additional \$10,000 for Phase III. The total for all three phases would be \$64,500.



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

**ATTACHMENTS:** The following documents are incorporated by reference:

1. None.

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

The Effective Date of this Task Order is April 3, 2013.

SRF CONSULTING SERVICES, INC.

CITY OF LAKE ELMO, MINNESOTA

By \_\_\_\_\_

(Authorized Principal of the Firm)

By \_\_\_\_\_

City Administrator





## MAYOR AND COUNCIL COMMUNICATION

DATE: 4/02/2013

**CONSENT**

ITEM #: 11

**MOTION**

**AGENDA ITEM:** Approve Fund Balance/Net Assets Policy

**SUBMITTED BY:** Cathy Bendel, Finance Director

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Dean Zuleger, City Administrator

**SUMMARY AND ACTION REQUESTED:** The City Council is asked to consider approval of a policy related to the Fund Balance/Net Assets.

**BACKGROUND INFORMATION:** The City of Lake Elmo currently has no official policy surrounding the Fund Balances and Net Assets. Although most items listed are currently being adhered to, there is nothing documenting that fact as there should be. By approving the attached policy the City Council will strengthen the internal controls surrounding the use of these funds and provide clear direction to staff on the monitoring and reporting surrounding those funds.

**STAFF REPORT:** It is important for the financial stability of the City to maintain fund balance/net assets for unanticipated expenditures, as well as to provide adequate working capital for current operating needs so as to avoid short-term borrowing. The monitoring and reporting on all fund balances is a critical function and this policy will outline the process and procedure.

During the 2013 budget cycle the use of a "contingency fund" was introduced to set aside money for unforeseen expenditures that always seem to arise in the course of doing business. This policy will ensure that this continues to happen as part of the regular annual budgeting process.

**RECOMMENDATION:** It is recommended that the City Council consider approval of the Fund Balance/Net Asset Policy. The suggested motion to do so is as follows:

***"Move to approve the Fund Balance/Net Assets policy as presented"***



**ATTACHMENTS:**

1. Draft Fund Balance/Net Assets Policy

**SUGGESTED ORDER OF BUSINESS:**

Introduction of Item.....City Administrator  
Report/Presentation.....Finance Director  
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





## **CITY OF LAKE ELMO FUND BALANCE / NET ASSETS POLICY**

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### **PURPOSE**

It is important for the financial stability of the City of Lake Elmo to maintain fund balance/net assets for unanticipated expenditures or unforeseen emergencies, as well as to provide adequate working capital for current operating needs so as to avoid short-term borrowing. The Fund Balance/Net Assets Policy of the City is managed closely with the City's Debt Management Policy. The City's Debt Management Policy calls for a pay-as-you-go strategy for supporting capital spending without use of debt whenever feasible. The City strives to pay cash for capital projects that can be anticipated and planned for in advance. The City recognizes that for certain projects that the use of debt may be of financial benefit to the City. The City's fund balance/net assets levels fluctuate, in part, based on capital project plans.

### **POLICY STATEMENT**

#### **Governmental Funds**

1. The City will maintain fund balances in the General and Special Revenue Funds at a level which will avoid issuing short-term debt to meet the cash flow needs of the current operating budget. Generally, the goal would be to maintain a minimum total General Fund unassigned balance of 35% - 50% of the operating budget revenues; however, this need could fluctuate with each year's budget objectives and appropriations such as large capital expenditures, and variations in the collection of revenues. The goal for the Special Revenue Funds is to maintain adequate cash flow to meet current operating needs, total amounts needed or percentage of operating budget may vary by Special Revenue Fund.
2. The City will maintain fund balance in designated Capital Funds at a minimum level sufficient to provide adequate working capital for current expenditure needs. Generally the City shall strive for a minimum of 3-months operating cash in these funds. (This minimum shall be calculated based on the approved budget multiplied by 25 percent.) The maximum amount shall be limited to the 3-months operating cash plus an amount of cash that is estimated to be needed to pay for future capital projects. Future capital projects must be identified and quantified in a written finance plan for the fund which shall be included in the City's annual budget document.
3. The City will annually review the adequacy of all fund balances.
4. Judicious use of fund balance within funds can be used to moderate fluctuations in capital projects and infrastructure maintenance expenses.



5. For financial reporting in the fund financial statements, governmental funds report fund balances that are nonspendable and spendable. Nonspendable balances by nature cannot be spent by the government (*i.e.*, prepaids, inventories, long-term receivables, etc.). Spendable balances are further classified by the relative strength of the constraints that control how amounts can be spent. Those classifications are:

- a. Restricted – constraint imposed for a specific purpose by external parties, constitutional provisions, or enabling legislation.
- b. Committed – constraint imposed for a specific purpose determined by formal action of the City Council, the highest level of decision making authority. The council action must be approved no later than the close of the reporting period.

*\* Commitments apply to fund balances that are not otherwise nonspendable or restricted.*

- c. Designated – constraint imposed for a specific purpose by the intent of the City Council or an official to which the City Council has delegated the authority to assign specific amounts.

The City Council authorizes the City Administrator and/or his/her designee to assign fund balance that reflects the City's intended use of those funds.

- d. Undesignated – fund balance that has not been reported in any other classification. The General fund is the only fund that can report a positive undesignated fund balance. Other governmental funds would report deficit fund balances as unassigned.

- Working Capital for the General Fund. The City's General Fund undesignated fund balance for working capital as of the end of the year should equal 50% of the next year's budgeted tax revenue. Any amount in excess of 50% will be used for budget stabilization. If the balance falls below 50%, a plan will be developed and implemented to replenish the funds. A balance equal to 50% of the next year's budgeted tax revenue is necessary to fund the following year's operations until the tax settlement is received at the end of June.
- Undesignated Fund Balance for the General Fund for Contingencies and to Maintain Bond Rating. In recognition that the amount for working capital only covers operating costs for the first six months of the years, the City wants to maintain additional resources on hand to provide for contingencies. Therefore, at the end of each year, the City will maintain an amount for contingencies and maintenance of the City's bond rating of 5% of the next year's budget. The intent is not to use this balance except in extreme emergencies.



When any combination of committed, designated, or undesignated resources are available for use, the City will use committed resources first, then designated, then undesignated resources as they are needed.

### **Enterprise Funds**

1. The City will maintain net assets in the Enterprise Funds at a minimum level sufficient to provide adequate working capital for current expenditure needs. Generally the City shall strive for a minimum of operating cash in these funds equal to 50 percent of the operating budget. (This minimum shall be calculated based on the most current adopted operating budget - not inclusive of depreciation or other operating expenses - multiplied by 50-percent). The maximum amount in the Enterprise Funds shall be limited to the calculated minimum operating cash plus an amount of cash that is estimated to be needed to pay for future capital projects. Future capital projects must be identified and quantified in a written CIP.
2. The City will annually review the adequacy of all net assets balances.
3. The City will periodically complete a rate study for these funds to ensure that rates and unrestricted net assets are sufficient to operate and maintain these activities.
4. Judicious use of net assets within funds can be used to moderate fluctuations in capital projects and infrastructure maintenance expenses.





## MAYOR AND COUNCIL COMMUNICATION

DATE: 4/02/2013

**CONSENT**

ITEM #: 12

**MOTION**

**AGENDA ITEM:** Approve Debt Management Policy

**SUBMITTED BY:** Cathy Bendel, Finance Director

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Dean Zuleger, City Administrator

**SUMMARY AND ACTION REQUESTED:** The City Council is asked to consider approval of a policy related to Debt Management for the City of Lake Elmo.

**BACKGROUND INFORMATION:** The City of Lake Elmo currently has no official policy surrounding Debt Management. Although most items listed are currently being adhered to, there is nothing documenting that fact as there should be. By approving the attached policy the City Council will strengthen the internal controls surrounding the use of debt.

**STAFF REPORT:** The use of borrowing and the issuance of debt is an important and flexible funding source available to the City. With the anticipated growth on the horizon, it is critical to have a policy surrounding the use of debt and this policy will outline the policy for the City of Lake Elmo.

Debt management is an integral part of the overall financial management of the City. This policy will ensure that adequate financial resources will be available for the repayment of debt while maintaining and/or enhancing the City's credit rating without placing a financial burden on the taxpayers.

**RECOMMENDATION:** It is recommended that the City Council consider approval of the Debt Management Policy. The suggested motion to do so is as follows:

***"Move to approve the Debt Management policy as presented"***



**ATTACHMENTS:**

- 1. Draft Debt Management Policy

**SUGGESTED ORDER OF BUSINESS:**

Introduction of Item.....	City Administrator
Report/Presentation.....	Finance Director
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





## **CITY OF LAKE ELMO DEBT MANAGEMENT POLICY**

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### **PURPOSE**

The use of borrowing and the issuance of debt is an important and flexible revenue source available to the City of Lake Elmo. It is important the City maintain a debt management policy. The issuance of debt is a mechanism which allows capital improvements to proceed when necessary and in advance of when it may otherwise be feasible. It can reduce long-term costs due to inflation, prevent lost opportunities, and equalize the costs of improvements to present and future property owners and customers of the City.

Debt management is an integral part of the overall financial management of the City. Adequate financial resources must be provided for the repayment of debt, and the level of debt incurred by the City must be effectively controlled to amounts that are manageable and within levels that will maintain and/or enhance the City's credit rating. A goal of debt management is to stabilize the overall debt burden and future tax levy requirements to ensure that issued debt can be repaid and prevent default on any municipal debt. A debt level which is too high places a financial burden on taxpayers and can create challenges for the local economy as a whole.

### **POLICY STATEMENT**

Fiscally prudent and managed use of debt provides financial and operating advantages. Extensive use of debt places a burden on the fiscal resources of the City and its taxpayers. The City strives for a balanced approach to the use of debt. The following guidelines provide a framework and limit on debt utilization:

1. The City will maintain a Five-Year Capital Improvement Plan (CIP). The CIP will include source and use of funds.
2. The City will restrict long-term borrowing to planned capital improvements, as included in the CIP, and a limited use of short-term debt for capital outlay and acquisition. On all projects, at least 50% of the principal will be retired within 10 years.
3. The City will not use long-term debt for current operations.
4. The City will strive to maintain a "pay-as-you-go" capital funding policy, supporting capital spending without use of debt whenever feasible. The City will strive to pay cash for capital projects that can be anticipated and planned for in advance. Where possible, the City will use special assessment, revenue or other self-supporting bonds instead of General Obligation Bonds.



5. The City recognizes that for certain projects that the use of debt may be of overall financial benefit to the City and that all projects should be evaluated to determine whether debt financing is the appropriate choice at the time of authorization.
6. The City will pay back debt within a period not to exceed the expected useful life of the projects, typically at or below 20 years.
7. Direct net debt (gross debt less available debt service funds) shall not exceed 3 percent of the total market valuation of taxable property in the City.
8. The City will manage debt issuance plans and structuring of debt service to strive to maintain a total debt service levy that is less than 25% the City's total combined certified property tax levies.
9. The City will maintain good communications with bond rating agencies regarding its financial condition. The City will follow a policy of full disclosure in every financial report and bond disclosure document.
10. When feasible the City will use refunding mechanisms to reduce interest cost and evaluate the use of debt reserves to lower overall annual debt service where possible.
11. During the annual budget process, a debt study will be prepared in conjunction with the CIP to provide information about the City's planned debt structuring. The annual debt study shall include at a minimum:
  - a. Future estimated total debt outstanding, including both existing debt and planned new debt issuance, by type of debt (general obligation, revenue, etc.)
  - b. Annual estimated sources of revenue by type (i.e., property tax levy, special assessments, utility revenue, etc.) for payment of debt service (principal and interest), for both existing debt and planned new debt.
12. Refunding and advance refunding savings opportunities will be monitored by the Finance Department and the City's financial advisor and action will be taken when determined financially advantageous. Net Present Value debt service savings of a minimum of three percent (3%) will be the target savings threshold. Refunding at the time of the call or in advance of the call may be considered from time to time to remove restrictive covenants of revenue bond issues.



MAYOR AND COUNCIL COMMUNICATION

DATE: 4/02/2013

**REGULAR**

ITEM #: 13

**RESOLUTION**

**AGENDA ITEM:** Formal Adoption of Lake Elmo I-94 Land Use and Housing Chapter  
Comprehensive Plan Updates

**SUBMITTED BY:** Kyle Klatt, Planning Director

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Planning Commission  
Nick M. Johnson, City Planner

**SUMMARY AND ACTION REQUESTED:**

The City Council is being asked to review and consider formal adoption of amendments to the 2030 Comprehensive Plan related to the Land Use and Housing sections of the plan based on the Metropolitan Council's acceptance of this document at its February 27, 2013 meeting. The action by the Met Council grants Lake Elmo authorization to put the updated Land Use and Housing chapters into effect.

In conjunction with its review and approval of the City's Comprehensive Plan amendments, the Met Council also adopted a resolution at this same meeting modifying and clarifying the scope and nature of the Memorandum of Understanding (MOU) between the City of Lake Elmo and the Met Council. The MOU amendment allows the City to include revised household and population forecasts in the Comprehensive Plan update based on a previous agreement with the Met Council that granted the City additional flexibility from the mandated growth numbers.

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

*"Move to approve Resolution No. 2013-025 adopting amendments to the Lake Elmo 2030  
Comprehensive Plan"*

**BACKGROUND INFORMATION:**

Minnesota law specifies that a local governmental unit cannot formally adopt a major amendment to a comprehensive plan within the Twin Cities metropolitan area until after the Metropolitan Council has reviewed and taken action on the plan. In cases where the Met Council has recommended changes, the local government should incorporate them into the plan or respond to the Council before the governing body finally adopts the comprehensive plan. The Met Council's comments concerning Lake Elmo's I-94 Corridor Land Use and Housing amendment were all advisory in nature, and the City did not receive any comments during the adjacent jurisdiction review that warranted revisions to the plan. Because no further changes are needed to the document, the City may now formally place the Comprehensive Plan amendments into effect.



The parallel action taken by the Met Council to clarify the scope and nature of the MOU between the City and Met Council will require future action by the Council in order to formally acknowledge these modifications. The Resolution adopted by the Met Council does grant the Council's Regional Administrator the ability to negotiate with the City on a revised MOU that is consistent with this resolution.

#### **OTHER INFORMATION:**

The attached document represents the final version of the plans that were authorized for distribution and include Chapter III – Land Use and Chapter IV – Housing. These new sections will replace the existing land use and housing chapters in the Comprehensive Plan.

Please note that the Village Land Use Plan amendment is currently undergoing adjacent jurisdiction review and will be submitted to the Met Council for review in approximately 30 days. Because the City will be replacing the existing land use chapter in its entirety with the new language, Staff has included a new notation to Map 3-3 (Future Land Use) to note that the Village Plan is in pending status. Given the relatively short amount of time between the Council's formal adoption of the current plan and when the Village Plans will come forward for similar action, Staff does not recommend keeping any portion of the existing land use chapter during this interim period of time.

The Planning Commission has conducted the required public hearing for each of the revised sections, and the Planning Department has previously incorporated comments from the Commission and City Council into the final documents.

#### **RECCOMENDATION:**

Based upon the above background information, Staff report, Planning Commission recommendation and Metropolitan Council action, it is recommended that the City Council approve amendments to Chapter III – Land Use and Chapter IV – Housing of the Comprehensive Plan by undertaking the following action:

***“Move to approve Resolution No. 2013-025 adopting amendments to the Lake Elmo 2030 Comprehensive Plan”***

#### **ATTACHMENTS:**

1. Resolution No. 2013-025
2. Final Comprehensive Plan Amendments
  - a. Chapter III – Land Use
  - b. Chapter IV – Housing
3. Met Council Review Notification (March 5, 2013)
4. Met Council Resolution 2013-1 (MOU Modifications)

#### **SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item..... City Administrator
- Report/Presentation..... Planning Director
- 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



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

**RESOLUTION NO. 2013-025**

**A RESOLUTION AUTHORIZING ADOPTION OF UPDATES TO THE  
LAKE ELMO 2030 COMPREHENSIVE PLAN RELATED TO CHAPTER  
III LAND USE AND CHAPTER IV HOUSING**

**WHEREAS**, the City of Lake Elmo has established a Comprehensive Plan that provides a compilation of background data, policy statements, standards, and maps, which help to guide the future physical, social, and economic development of the City; and

**WHEREAS**, said Comprehensive Plan has been prepared in compliance with Minnesota Statutes section 473.864 that requires local governmental units to review and, if necessary, amend their entire comprehensive plans and their fiscal devices and official controls at least once every ten years to ensure comprehensive plans conform with metropolitan system plans and ensure fiscal devices and official controls do not conflict with comprehensive plans or permit activities that conflict with metropolitan system plans; and

**WHEREAS**, the City of Lake Elmo previously updated the Land Use and Housing chapters in its Comprehensive Plan in 2006 to include plans to extend regional sewer service into two distinct areas within the City; and

**WHEREAS**, the City of Lake Elmo prepared further amendments to its Comprehensive Plan concerning Transportation, Surface Water Management, Water Resources, and Implementation as part of the 2008 decennial review; and

**WHEREAS**, the City of Lake Elmo has previously committed to updating the housing chapter of its Comprehensive Plan as part of any future amendments; and

**WHEREAS**, the City of Lake Elmo completed updates to the Land Use Chapter of the Comprehensive Plan that includes a revised land use plan for the I-94 Corridor to be served by regional sanitary sewer services; and

**WHEREAS**, the City of Lake Elmo also completed updates to the Housing Chapter of the Comprehensive Plan in conjunction with said Land Use Chapter amendments; and

**WHEREAS**, the City Council, City Staff, and the Planning Commission have prepared amendments to Chapter III – Land Use and Chapter IV – Housing of the Comprehensive Plan intended to meet the requirements of Minnesota Statutes and the Metropolitan Council guidelines;



**WHEREAS**, the City conducted a public hearing on July 23, 2012 relative to the adoption of the Land Use and Housing Comprehensive Plan amendments; and

**WHEREAS**, the City Council has reviewed the Comprehensive Plan amendments and those recommendations, public comments, and comments from neighboring jurisdictions and affected governing bodies;

**WHEREAS**, the City Council granted the draft plan preliminary approval on August 21, 2012 and authorized staff to submit the plan to the Metropolitan Council for review;

**WHEREAS**, the Metropolitan Council has reviewed and taken final action on the plan on February 27, 2013 and found that the plan meets all Metropolitan Land Planning Act requirements, conforms to regional systems plans for transportation, water resources management, and parks, and is compatible with the plans of adjacent and affected jurisdictions.

**NOW THERE, BE IT RESOLVED** by the City Council of the City of Lake Elmo that the City of Lake Elmo 2030 Comprehensive Plan Land Use and Housing Update is hereby adopted and put into effect.

The foregoing resolution, offered by Councilmember \_\_\_\_\_ and supported by Councilmember \_\_\_\_\_, was declared and carried on the following vote:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Passed: April 2, 2013

#### **CITY OF LAKE ELMO**

By: \_\_\_\_\_

Mike Pearson

Mayor

(Seal)

ATTEST:

\_\_\_\_\_  
Adam Bell, City Clerk



## LAND USE PLAN

### Introduction

The City of Lake Elmo is a unique gem within the metropolitan region given its overall rural character, significant natural resources and abundance of agricultural lands. The land use plan herein represents a series of significant steps the City is taking to preserve and protect these treasured characteristics while simultaneously responding to its fiscal and regional responsibilities. The plan is a culmination of a new vision for Lake Elmo that was forged over seven years of debate, discussion, deliberation and the hard work of many dedicated citizens.

### Purpose

The land use plan is prepared and presented for the following purposes:

1. **The Land Use Plan is intended to be a management tool for City officials, City staff and other parties involved in land development and growth management in Lake Elmo.** Land use planning is the most directly tangible evidence of a community's comprehensive planning objectives. Lake Elmo's land use plan indicates the basic location, density and types of land uses in the City that are considered to be compatible with the competing goals of maintaining rural character and allowing for necessary growth. Goals and policy statements are outlined herein to assist officials in making decisions on various development proposals anticipated as a result of this plan.
2. **The Land Use Plan is intended to be a guide for future development which reinforces the City's commitment to preserving a rural character.** By focusing required and necessary growth into targeted and logical areas based on historical and transportation system factors, the City can ensure a vast majority of the community can and will retain its agricultural feel. The plan is responsive to development patterns in neighboring communities by focusing a majority of the proposed urbanized development South of 10<sup>th</sup> Street near or adjacent to similar developments in Oakdale and Woodbury. Rural boundaries with neighboring communities are also maintained.
3. **The Land Use Plan is intended to advise the Metropolitan Council and our municipal neighbors of Lake Elmo's planning and growth management programs.** The Land Use Plan is a convenient medium to illustrate and coordinate the various goals and policies of all the elements of the City's Comprehensive Plan. Facility plans, transportation plans and other plan components are directly linked to the land use policies contained herein. The most significant description of Lake Elmo's planning intentions is the designations of urban and rural development areas as depicted on Map 3-1.









Sources: MetroGIS  
7-6-12

## Urban/Rural Areas & Surface Waters

Lake Elmo Comprehensive Plan 2030

-  Municipal Boundary
-  Rural
-  Urban (I-94)
-  Urban (Old Village)



This map was created using MFR's Geographic Information Systems (GIS). It is a compilation of information and data from various sources. This map is not a surveyed or legally recorded map and is intended to be used as a reference. MFR is not responsible for any inaccuracies contained herein.



4. **The Land Use Plan is intended to be used as a basis for public facilities planning.** A major function of municipal government is planning for and establishment of public facilities such as sewer, water, roads, stormwater facilities, and parks. These physical improvements require extensive initial investment and a long term maintenance commitment that can become a financial burden when such systems are overbuilt or prematurely installed. The Land Use Plan therefore plays an important role in determining each neighborhood's ultimate population, the required capacity of public facilities, and an appropriate capital improvements program. The level of services and facilities required by this Plan are consistent with the existing or planned capacity of the applicable regional systems.
5. **The Land Use Plan is intended to be used as the basis for developing responsible ordinances for land use management.** Development according to the land use plan, especially in a community like Lake Elmo, is almost totally accomplished by private development forces, many times on the scale of individual homeowners. To ensure all parties are working towards the common goals of the community, it is incumbent upon the city to provide reasonable regulations to properly guide development. Zoning, licensing and subdivision controls have been and will continue to be established to implement the intent of this Land Use Plan.
6. **The Land Use Plan is intended to clearly delineate how Lake Elmo complies with the memorandum of understanding between the City and the Metropolitan Council.** Ensuring the City's legal obligations are ultimately met for residential equivalency units, households, employment, etc, is another important purpose behind the land use plan. Maps, tables and text within this chapter fully outline how all objectives are to be met.

#### Plan Timeframe

The time framework of the Land Use Plan is intended to be consistent with the regional planning period of 2008 through 2030.

#### Land Use Plan

Lake Elmo's land use plan is guided by its core vision of creating and maintaining a rural community within the Metropolitan region. The plan itself provides guidance for a desired land use pattern, mix of uses, range of densities, and site/building designs. To ultimately ensure future development adds to the overall quality and uniqueness of the community and builds upon the existing foundation that defines Lake Elmo, the plan is centered on the following core set of principles:

1. The preservation of rural lands;
2. Promotion of open space and green corridors;
3. A rebirth of the historic village center;
4. Enhancement of the community's rural sense of place (through design standards); and
5. Establishment of a sustainable planned growth pattern which strikes a balance between providing municipal services and local/regional fiscal responsibility.



Whenever possible, the guiding principles should be kept in mind to guide individual development at all scales: community, neighborhood, street, block front and individual parcel.

### Existing Land Use

An examination of Lake Elmo in 2012 clearly shows a community with a rich history of agricultural use, open space development, and preservation of significant park lands. Lake Elmo Regional Park and Sunfish Lake Park, covering 2,165 and 284 acres respectfully, are at the heart of the community and provide significant natural and recreational opportunities not generally available in the metropolitan area. Single-family homes on lots measured in acreages rather than square feet dominate the residential housing stock throughout the community, and the City's 30+ open space cluster/rural neighborhoods established Lake Elmo as a local, regional and national leader in this type of development. Non-residential uses are largely restricted to a few scattered focal points along Highway 5, Highway 36, and Interstate 94.

A total of approximately 3400 parcels covering 15,584 acres (24.35 square miles) are currently found within the municipal boundary. The distribution of existing land uses in this area is shown on Map 3-2 and is summarized in Table 3-A:

Table 3-A Existing Land Use				
Land Use		Existing Permitted Residential Density (units/acre)		Existing Land Use (acres)
		Min	Max	
Residential	Rural Area Development	n/a	0.1	7094.27
	Residential Estates	0.1	0.4	771.26
	Rural Single Family	0.66	2.0	1665.92
	Urban Medium Density	3.5	7.2	176.08
Commercial	Business Park	na	na	120.65
	Commercial	na	na	99.86
	Limited Business	na	na	111.41
Public/Semi Public	Public/Park	na	na	3298.94
	Road ROWs	na	na	890.93
Undeveloped	Open Water	na	na	1355.29
TOTAL:				15,584.61





- Business Park
- Commercial
- Limited Business
- Public/Park
- Rural Area Development
- Residential Estate
- Rural Single Family
- Urban Residential Development
- Municipal Boundary

## Existing Land Use

Lake Elmo Comprehensive Plan 2030



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Sources: MetroGIS  
7-6-12



*Existing Land Use Category Definitions*

The existing land use types within the City are defined as follows:

- **Rural Area Development** – This category represents the large areas of rural residential development and agricultural uses within the City. Common uses found in these areas include working farms, alternative agricultural uses as defined by City Code, and rural single family detached residences. Development in these areas requires 10+ acres, or a conditional use permit to authorize a cluster development meeting the City's Preserved Open Space regulations.
- **Residential Estates** – This category defines areas developed specifically for large lot single family detached housing typically on 2+ acres of land.
- **Rural Single Family** – This category defines a large portion of the City that was platted for conventional subdivision prior to 2005, but is largely serviced by private on-site well and septic systems.
- **Urban Medium Density** – This category current defines areas within Lake Elmo dedicated to manufactured home parks. The Cimarron development is currently the only such area within Lake Elmo.
- **Business Park** – This category provides for a wide variety of professional businesses including medical and research facilities, offices and corporate headquarters. Uses specifically excluded from existing business park areas include warehousing, manufacturing, distribution, assembly and truck terminals. Retail sales of goods and services are allowable uses by conditional use permit provided such uses are goods and services to the employees of the permitted business use.
- **Commercial** – This category is includes areas that have been used for retail business land uses, and primarily covers lands within or near the Village Area. Small pockets of commercial land can also be found where retail goods and services are integrated within and are demonstrably designed to provide retail goods and services to employees of Business Park lands or sewerred residential properties.
- **Limited Business** – This category defines areas within the City that are allowed to host commercial land uses at a more restricted level than would typically be allowed within a commercially guided area.
- **Public/Park** – This category defines lands that include publicly owned facilities, places of worship, public parks, and privately owned recreational facilities. The scale and types of uses allowable on public/park lands are controlled by the city's conditional use permit process.
- **Road ROWs** – This category encompasses all areas dedicated specifically for use as road right-of-way. It should be noted that not all roads in Lake Elmo are on platted right-of-way, but are rather accommodated by easements over other land use categories. Accordingly, there is more land dedicated to use by roads than is depicted on the existing land use table.



- **Open Water** – This category includes all land area in Lake Elmo covered by open water lakes and ponds as identified in the DNR Public Waters Inventory.

#### *Existing Land Use Dichotomy*

Unlike most communities within the Minneapolis-St. Paul metropolitan area, Lake Elmo is and will continue to be a city which supports two very different land use types. The City's predominant land use has always focused on agricultural uses and settings. Large working farms, significant public parks, open space developments and large-lot single family neighborhoods have historically combined to form the agricultural setting Lake Elmo is known for throughout the region. In contrast, the higher density old-town area referred to as the Old Village provides the community an urban focal point that supports its rural uses.

The split between urban and rural has always been significantly slanted towards rural uses throughout Lake Elmo's history. The Old Village first took form in the late 1800's following the construction of Highway 5, a post office, and ultimately the establishment of the St. Paul, Stillwater & Taylor's Falls Railroad (later the Omaha RR). To support the "resort" area around Bass Lake (renamed "Lake Elmo" in 1879), the Old Village was home to a store, a saloon, a "flat" grain house where farmers could unload wagons directly onto trains, a blacksmith, and a wagon repair shop. By the 1920s, the Old Village was viewed regionally as a substantial shipping point and dairy center which included a creamery, grain elevator, two grocery stores, hardware and implement stores, a private hospital, a bank, a garage, and even a roller skating rink. Changes to the regional streetcar transportation system in the early 1900's, however, resulted in traffic being diverted away from the Old Village and its growth (but not its importance to the Community) has been curtailed since that time ensuring that rural uses continued to be the predominant focus of the community.

Today the Old Village stands as a unique example of a classic urban setting within rural America. While the future land use plan anticipates resurgence within this area following nearly a century of limited growth, the City has no intent of losing the characteristics which make the existing Old Village special. Future growth plans will require adherence to specific design standards reminiscent of the Old Village's last period of growth, and a defined development boundary will ensure expansion of the Old Village is contained to avoid the typical "sprawl" development pattern seen in many suburbs throughout the region.

#### *Planned Land Use*

Per the memorandum of understanding with the Metropolitan Council initially adopted by the City in 2005 and subsequently amended, urbanized growth must be part of Lake Elmo's future. To that end, the next chapter in the evolution of Lake Elmo will include resurgence within and around the Old Village, and the establishment of a new urbanized zone between Interstate Highway 94 and 10<sup>th</sup> Street. The remainder of the community north of 10<sup>th</sup> Street and surrounding the Old Village will continue Lake Elmo's long tradition of providing rural living opportunities within the Metropolitan area.



This section of the Land Use chapter establishes the City's official land use categories and the official Future Land Use Map. The map assigns planned land use types to all parcels within the community to guide current and future planning and development through the year 2030, and is the official land use designation map for the City. The assigned land use designations are intended to shape the character, type and density of future development according to sound planning principles. Any new development, redevelopment, change in land use or change in zoning is required to be consistent with the official land use guidance for each parcel.

**The official land use plan categories are as follows:**

**RURAL AREA DEVELOPMENT** – This category represents the large areas of rural residential development within the City. Common uses found in these areas include working farms, alternative agricultural uses as defined by City Code, and rural single family detached residences. Development in these areas requires 10+ acres, or a conditional use permit to authorize a cluster development meeting the City's Open Space Preservation regulations. Densities are allowed up to 0.45 dwelling units per buildable acre when planned as part of an Open Space Preservation development. No new areas of rural area development are being established by the official land use plan. [Corresponding Zoning District(s): A, RR, OP]

**RURAL AREA DEVELOPMENT – ALTERNATE DENSITY** – This land use category represents a subset of land guided for Rural Area Development and provides for an increase in the densities allowed through an Open Space Preservation development of up to 2.0 dwelling units per buildable acre. Further increases in the base density may be allowed through a Planned Unit Development through incentives for density bonuses that are permitted as part of a PUD and that maintain the open space character of a development. In addition to single-family residences and townhouses, multi-family housing for seniors is permitted in this district. [Corresponding Zoning District(s): A, RR, OP-2]

**RESIDENTIAL ESTATE** – This category defines areas developed specifically for large lot single family detached housing typically on 2+ acres of land. No new areas of residential estate are being established by the official land use plan. [Corresponding Zoning District(s): RE]

**RURAL SINGLE FAMILY** – This category defines a large portion of the City that was historically platted for conventional subdivision prior to 2005, but has been and will continue to be serviced by private on-site well and septic systems. Limited locations within this classification are allowed to have two-family dwellings based on zoning. [Corresponding Zoning District(s): R-1, R-2]

**URBAN LOW DENSITY** – The Urban Low Density land use category is intended primarily for single-family detached housing serviced by public sewer and water. This category allows net residential densities from two and one-half (2.5) to four (4) units per acre. Significant new areas of urban low density are guided both within the Old Village and along I-94. [Corresponding Zoning District: LDR]

**URBAN MEDIUM DENSITY** – The Urban Medium Density land use category allows net residential densities from four and one-half (4.5) to seven (7) units per acre; with greater densities only allowed if deemed appropriate and approved through the PUD process and that meet incentives for density bonus



as allowed under the PUD ordinance . This category allows for a variety of housing types including single-family detached, duplexes, townhomes, and small two- and three-story apartment buildings and/or senior living centers. Significant new areas of urban medium density are guided both within the Old Village and along I-94. [Corresponding Zoning District(s): R-3, MDR]

**URBAN HIGH DENSITY** – The Urban High Density land use category is intended for higher density, compact urban residential development. This category allows for a net residential density range of seven and one-half (7.5) to fifteen (15) units per acre; however zoning may allow a greater net density if approved through the PUD process. The appropriate building height will vary by development and depend upon the characteristics of the development and its surroundings. In addition to residential development, a small proportion of supportive retail and service is also appropriate in this land use category. Retail, service and office beyond those supporting the residential development would only be permitted as part of a mixed-use planned unit development. Significant new areas of urban high density are guided both within the Old Village and along I-94. [Corresponding Zoning District(s): HDR]

**LIMITED BUSINESS** – This category defines areas within the City that are allowed to host commercial land uses at a more restricted level than would typically be allowed within a commercially guided area and in areas that are not planned for public sanitary sewer services. No new areas of limited business are being established by the official land use plan. [Corresponding Zoning District(s): LB, LC]

**COMMERCIAL** – This category is intended to accommodate a wide range and scale of commercial uses (such as retail, service, entertainment, and office) throughout the City's planned urban centers. Commercial uses can range from small neighborhood convenience nodes, to community retail areas along major roadways, to large shopping centers, to auto-related commercial uses along freeways. Residential uses are also appropriate as part of a mixed-use commercial development where allowed, with unit densities being determined by either the identified range within the comprehensive plan or to a level deemed appropriate by a planned unit development process. Significant new areas of commercial land use are guided both within the Old Village and along I-94. [Corresponding Zoning District(s): C, CC, GB]

**BUSINESS PARK** – The Business Park land use category is intended to encourage the creation of significant employment centers that accommodate a diverse mix of office and light industrial uses and jobs. Specific desired attributes of this land use include a diversity of jobs, high development densities and jobs per acre, high quality site and building architectural design, and increased tax revenues for the community. Office, office showroom/warehousing, research and development services, light and high-tech electronic manufacturing and assembly, and medical laboratories are typical uses appropriate for this land use category. Some retail and service uses may be allowed as supporting uses for the primary office and light industrial uses of the employment center. In addition to the Eagle Point Business Park, much of the land between Manning Ave and Keats Ave adjacent to I-94 is guided for this land use classification. [Corresponding Zoning District(s): BP]

**PUBLIC/PARK** – This category defines lands that include publicly owned facilities, places of worship, public parks, and privately owned recreational facilities. The scale and types of uses allowable on



public/park lands are controlled by the city's conditional use permit process. No new areas of public/park space are currently designated by the new land use plan, but it is recognized that such areas will be created during the development process, and the land use map will need to be updated accordingly. [Corresponding Zoning District(s): P, OSP]

**ROAD R.O.W.s** – This category encompasses all areas dedicated specifically for use as road right-of-way. It should be noted that not all roads in Lake Elmo are on platted right-of-way, but are rather accommodated by easements over other land use categories. Accordingly, there is more land dedicated to use by roads than is depicted on the existing/planned land use table. New development will be required to dedicate right-of-way to accommodate the proposed road network.

**OPEN WATER** – This category includes all land area in Lake Elmo covered by open water lakes and ponds as identified in the DNR Public Waters Inventory. No new areas of open water are by the official land use plan.

The distribution of planned land uses on the official Future Land Use Map is shown on Map 3-3 and is summarized in Table 3-B:

#### Mixed Uses

Within the Old Village and in areas south of 10<sup>th</sup> Street, specific areas are targeted for potential mixed-use development; however, this designation means different things in both districts.

##### Mixed Uses within the Old Village

The mixed use designation on property within the Old Village indicates development must adhere to the specific zoning requirements established for mixed use development within the City Code. This type of development will typically see residential, commercial, office, and/or similar uses combined in complimentary ways within the same building.

##### Mixed Uses south of 10<sup>th</sup> Street

The mixed use designation on property south of 10<sup>th</sup> Street is intended to spur development by providing maximum flexibility on future land uses, thereby allowing a development proposal to cater to existing market conditions. In the areas designated as possible mixed-use on the Future Land Use Map (Map 3-3), the City's planning process has identified that either the base land use or the adjacent land use designation would be appropriate for the site. These mixed-use areas may be zoned in accordance with the base land use category, or the adjacent land use category provided that:

- Any such zoning will only be allowed if it is contiguous to property in an adjacent land use category; and
- The Urban Low Density Residential land use category will not allowed as an alternative land use within mixed-use areas.

Alternatively, a combination of the uses allowed within the base land use category and future land uses adjacent to a mixed use area may be allowed through a planned unit development process.



**Table 3-B  
Existing and Planned Land Use Table**

Land Use	Residential Density (units/acre)		Existing Land Use (acres)	Planned Land Use (acres)	Planned Land Use Changes (anticipated acreages in 5 year increments) <sup>4</sup>				Change (acres)
	Min	Max	City wide (Village) <sup>1</sup>		2012 to 2015	2015 to 2020	2020 to 2025	2025 to 2030	
RESIDENTIAL									
Rural Area Development	n/a	0.1	7094.24 (854.37)	5608.75	6722.89	6351.51	5980.13	5608.75	-1485.52
Rural Area Dev. ALT	n/a	2.0	0.00 (0.0)	155.62	38.91	77.81	116.72	155.62	155.62
Residential Estates	0.1	0.4	771.26 (0.0)	793.71	776.87	782.49	788.10	793.71	22.45
Rural Single Family	0.66	2.0	1665.92 (151.36)	1689.16	1671.73	1677.54	1683.35	1689.16	23.24
Urban Low Density	2.5	4	0.0 (0.0)	496.39	124.10	248.20	372.29	496.39	496.39
Urban Medium Density	4.5	7	176.08 (0.0)	390.49	229.68	283.29	336.89	390.49	214.41
Urban High Density	7.5	15	0.0 (0.0)	157.67	39.42	78.84	118.25	157.67	157.67
COMMERCIAL <sup>2</sup>									
Business Park	7.5	15	120.65 (0.0)	329.69	172.91	225.17	277.43	329.69	209.04
Commercial	4.5	7	99.86 (94.45)	295.68	148.82	197.77	246.73	295.68	195.82
Limited Business	—	—	111.41 (22.9)	68.99	100.81	90.20	79.60	68.99	-42.42
PUBLIC/SEMI PUBLIC <sup>3</sup>									
Public/Park	—	—	3298.94 (59.17)	3352.24	3312.27	3325.59	3338.92	3352.24	53.3
Road ROWs	—	—	890.93	890.93	890.93	890.93	890.93	890.93	0.0
UNDEVELOPED									
Open Water	—	—	1355.29	1355.29	1355.29	1355.29	1355.29	1355.29	0.0
TOTALS:	—	—	15,584.61	15,584.61	15,584.55	15,584.55	15,584.55	15,584.55	0.0

<sup>1</sup> Land Use numbers in the Old Village area are called out separately as planning for land use in this area is still on-going. The Village acreages are INCLUDED in the "city wide" total shown in **bold**, and are provided to give perspective on the areas still being discussed. This table will be updated again in the future to reflect the final existing and proposed land use numbers once all Village planning has been completed. Planned Land Use numbers as shown currently assume no change within the Village area.

<sup>2</sup> Residential uses within the "Business Park" and "Commercial" land use designations can only occur in areas specifically designated for mixed use on the planned land use map

<sup>3</sup> It is recognized that both park and road ROW areas will expand as new development occurs, but such acreage is accounted for in the respective development land use types as such land areas must contribute towards required development densities.

<sup>4</sup> The staging plan for future development is fluid and will allow development to occur as market conditions dictate. Because of this, specific timing for development of any specific land use category is not possible. For the purposes of this table, the anticipated acreage changes are incrementally broken down into four periods of time showing a consistent rate of change between now and 2030.





## Village Land Use Plan Pending

### Planned Land Uses

- Business Park
- Urban Low Density
- Urban Medium Density
- Urban High Density
- Village (TBD)
- Commercial
- Limited Business
- Public/Park
- Rural Area Development
- Rural Area Development Alt
- Residential Estate
- Rural Single Family

(white hatching denotes possible mixed use areas)

Sources: MetroGIS  
8-14-12

## Planned Land Use

Lake Elmo Comprehensive Plan 2030



This map was created using MIRA's Geographic Information Systems (GIS). It is a compilation of information and data from various sources. This map is not a surveyed or legally recorded map and is intended to be used as a reference. MIRA is not responsible for any inaccuracies contained herein.



### *Design Standards*

Following completion of the Comprehensive Plan, the City will adopt design standards to ensure the look and feel of future development is compatible with the community vision of a small town within a rural setting. Standards for building materials, building articulation, design variety and other requirements should be upheld to ensure the quality of the built environment is distinctly Lake Elmo.

### *Preservation of Rural Character*

One of the main benefits of the official land use plan is that the long range planning objective to retain a permanent rural identity is achieved. Under the memorandum of understanding with the Metropolitan Council, a vast majority of the City will be allowed to maintain its rural character and existing land uses. Furthermore, concentrating urbanization adjacent to I-94 and within the Old Village will result in clear boundaries between the urban and rural portions of the community. Beyond that, the City's desire to protect its sensitive park lands is also achieved. Both Lake Elmo Regional Park and Sunfish Lake Park will continue to be surrounded by agricultural lands and will not be impacted by encroaching urbanization.

### *Future Land Use Boundaries*

The curved lines separating future land uses on Map 3-3 midway between I-94 and 10<sup>th</sup> Street indicate one possible alignment of a future east/west collector roadway envisioned to serve the new development in this area of the City. Future development proposals and their associated engineering studies will ultimately determine the exact alignment of this collector roadway. The final boundary between the proposed different land uses shall ultimately be set by the final location of the east/west collector roadway, whether or not this roadway deviates from the approximate location shown.

### *Buffering/Land Use Transitions*

The City's Land Use Plan calls for a diverse range of development types, from very low density agricultural and rural residential uses to high density urban residential and commercial development. In order to provide for a transition between the existing and planned rural development and future urban development, the Land Use Plan creates a lower density urban residential district. This low density urban district is planned for areas near existing rural development areas, and will provide for an area of transition between higher density residential development and either existing or planned rural development areas.

Certain areas designated as Public/Park on the Future Land Use Map (Map 3-3) have been established to provide a green belt/buffer between areas developed under a previous Comprehensive Plan at rural development densities and areas planned for residential development at higher densities. This green belt will be incorporated as part of any development plans for new development with a minimum width of 100 feet. The green belt may be incorporated as part of the greenway envisioned in the Lake Elmo Comprehensive Park and Recreation Plan (Chapter IX).

### *Open Space Preservation*

The City will encourage the preservation of open space within new developments through the dedication of public parkland and the clustering of lots within urban residential districts. The specific zoning development standards for the City's urban residential districts will allow the platting of smaller



lots that will allow open space to be set aside in each development while still achieving the overall minimum density guidance for each land use area.

### Staging Plan/Memorandum of Understanding

The City of Lake Elmo entered into a Memorandum of Understanding (MOU) with the Metropolitan Council prior to the preparation of its 2005 Land Use Plan and this MOU remains in effect to ensure the City's conformance to metropolitan system statements as required by state law. This MOU has since been revised; however, to take into account a severe downturn in the housing market and to grant the City of Lake Elmo additional flexibility in meeting the population, household, and employment targets from the original MOU. Table 3-C summarizes the updated development staging plan that will be used to measure conformance to the MOU. This table is broken down into five year increments starting in 2010 and continuing forward to the end of the planning period in 2030.

The targets from the original MOU have been moved back five years to reflect the economic downturn and the extension of time to meet the mandated REC unit counts consistent with the requirements of the revised MOU. The population and household targets at the end of the 2030 planning period have not been adjusted and reflect the numbers approved in the MOU.

<b>Table 3-C</b> <b>Housing, Population and Employment Projections 2010-2030</b>					
Year	2010	2015	2020	2025	2030
<b>Total Households</b>	<b>2779</b>	<b>3519</b>	<b>5114</b>	<b>6524</b>	<b>8727</b>
Sewered Households					
New	0	515	1650	2700	4200
Existing	0	0	100	700	700
<b>Total Sewered Households</b>	<b>0</b>	<b>515</b>	<b>1750</b>	<b>3400</b>	<b>4900</b>
Non-Residential REC Units					
New	0	0	520	970	1400
Existing	100	100	250	300	300
<b>Total Non-Residential REC Units</b>	<b>100</b>	<b>100</b>	<b>770</b>	<b>1270</b>	<b>1700</b>
<b>Total REC Units</b>	<b>100</b>	<b>615</b>	<b>2520</b>	<b>4670</b>	<b>6600</b>
<b>Total Population</b>	<b>8069</b>	<b>9677</b>	<b>14064</b>	<b>17941</b>	<b>24000</b>

The density ranges specified in the Land Use Plan have been established so that development at the minimum levels will achieve the residential and non-residential REC unit counts listed in Table 3-C. A variation in development densities is expected at the level of specific development projects, but overall densities within a land use planning area must achieve the minimum levels specified in the



Comprehensive Plan. The City will also be adopting zoning district standards within the urban residential development areas that will allow the clustering of housing on smaller lots in exchange for the preservation of open space within new developments.

### Staging Plan

While **Table 3-C** provides a projected schedule for the construction of new residential and non-residential developments, the City has also adopted a general staging plan within the City's urban growth areas to help ensure that the City is able to deliver the required municipal services and public infrastructure that will be needed to support new development. The infrastructure needed to serve these developing areas is substantial and the staging plan will provide a mechanism for the City to manage this growth and to be able to adequately prepare for the City's future infrastructure needs. The objectives of the staging plan are to:

- Identify a logical pattern for future growth based on the amount of land planned for new development and the availability of infrastructure to serve this development
- Give the City additional control over the timing and location of new development to coincide with the City's ability to provide the required services.

Provide additional opportunities and an official mechanism for the City to be able to plan, budget, and set goals for future development.

The Staging Plan is document as part of **Map 3-4**, and identifies three separate stages for future development without a specific time period attached to these phases. Instead, growth is expected to occur at the rate documented in **Table 3-C**, with each of the stages being developed in the order depicted on the map and further described as follows:

- Stage I: New sewered development located west of Keats Avenue that will connect to the MCES WONE interceptor.
- Stage II: New sewered development located west of Manning Avenue and south of the Forest residential subdivision that will connect to the MCES Cottage Grove Ravine regional interceptor.
- Stage III: All remaining new sewered development south of 10<sup>th</sup> Street that will connect to the MCES Cottage Grove Ravine regional interceptor.







The City will monitor growth by assessing market conditions, land capacity, and the availability of public infrastructure in order to determine when development may occur in stages subsequent to the first stage. The acceleration of a development in any of the latter stages may be permitted by the City provided it is demonstrated that adequate public infrastructure exists to support this development. The availability of infrastructure and any necessary utility extensions and transportation improvements needed to support new development will be considered in deciding whether or not to open up the next staging area to development. In order to accelerate the development of latter stages, there must be a commitment that the development will pay its proportionate share of the infrastructure costs to extend services to any new development.





**Map 3-4**

# I-94 Corridor Development Staging Plan - Lake Elmo, MN

	<p>City of Lake Elmo 7-19-2012 Data Source: Washington County, MN</p>	<div data-bbox="1372 1186 1534 1281">    </div> <div data-bbox="1380 1060 1526 1155"> <p>Stage 1 Stage 2 Stage 3</p> </div>		
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To help ensure that public facilities needed to support new development meet or exceed an acceptable level of service, the City will consider adoption of an adequate facilities ordinance. The primary goals of this ordinance are to: 1) avoid sprawling or leapfrog development that would result in an inefficient use of the City's infrastructure and services, and 2) give priority to development opportunities that do not require the construction of significant extensions of public infrastructure. When developers build on parcels that are not contiguous to areas served by existing infrastructure, there is an expectation that the developer will pay for the added costs to serve non-contiguous development. Non-contiguous development will not be allowed if it would negatively impact the City's financial stability and capacity.

### Implementation

The following tasks will be completed by the City to facilitate the implementation of the land use plan.

#### *Zoning Code Update*

Planned development within the Old Village and south of 10<sup>th</sup> Street will introduce development styles and patterns new to the community that cannot be achieved by existing zoning classifications. The zoning code will need to be updated to include new residential, commercial and Business Park districts as needed to ensure the City's vision can be successfully carried out.

- *Creation of Design Standards*

As a supplement to the new zoning districts, the City will pursue the creation and adoption of specific design standards for areas of new development. Design standards go beyond standard zoning requirements such as area and width to specify required building materials, building articulation, architectural standards, etc. Adoption of design standards sets an overall policy for what development should look like to guide the quality of the built environment towards the community's established vision.

- *Form Based Code*

Within the Old Village area, the City will consider implementation of a form based code in lieu of standard Euclidian zoning districts. Under a form based code, requirements focus primarily on the built environment and its relation to the public realm rather than on the separation of uses. Form based codes are regulatory, not advisory like typical design standards. Specific standards for public spaces and building forms are adopted directly into code and mandate that future construction achieve the established community vision.

#### *Internal Process Evaluation*

A review of procedures for all application types will be undertaken by the City to ensure internal processes are optimized for quick turn-around and minimal delays whenever possible.

#### *Cooperation with Other Government Agencies*

The City will reach out to neighboring communities and reviewing agencies to proactively address issues that may impact future development.



## HOUSING PLAN

### Introduction

In order to build off of Lake Elmo's treasured asset of open space, it is critical to incorporate strategies for providing housing that maintain and protect the city's natural resources. These natural resources greatly contribute to the character and vibrancy of Lake Elmo and must be accordingly preserved. For this reason, Lake Elmo's future housing needs will be provided for in the I-94 Corridor and Old Village planning districts. This plan will maintain existing open space in the rural planning district of Lake Elmo, as well as incorporate open space into the new housing development in the Old Village and I-94 Corridor.

In addition, the Housing Plan is intended to provide a greater variety of housing choice within the city, as well as fulfill Lake Elmo's obligations related to regional growth. Also, it is important to note that housing represents the foundation or fabric of a healthy community. In order to ensure Lake Elmo's continuing character and vibrancy, it is important to provide a range of housing that offers future residents access to the same amenities and levels of service which current residents have come to expect and appreciate.

### Purpose

The Housing Plan is prepared and presented for the following purposes:

1. **The Metropolitan Land Planning Act requires all communities to include a housing element in their Comprehensive Plan.** State law requires that this housing element include a housing implementation program, describing the official controls and mechanisms used to implement the future land use plan, making land available for the development of low and moderate income housing.
2. **The housing plan provides the opportunity to identify Lake Elmo's current housing needs, as well as outline the City's goals and strategies as they relate to future housing.** The current housing stock in Lake Elmo consists of mostly single-family detached housing. In the future, the City would like to encourage the development of life-cycle, workforce, and rental housing. With a greater mix of available housing types, the City hopes to give more people who work in Lake Elmo the opportunity to live within the community. In addition, greater variety and affordability should provide younger homebuyers or renters the opportunity to find housing in Lake Elmo.



## Existing Conditions

The following section is intended to report population and housing demographics based upon 2010 Census and American Community Survey data. It is important to understand the existing demographic and housing trends in order to identify Lake Elmo's future housing needs.

### Population

The city of Lake Elmo, Minnesota has been experiencing slow and steady population growth since the 1960's. Throughout this period, the greatest population growth occurred during the decade of the 1970's. During this decade, the city added 622 households, experiencing a population growth of 31.3%. Table 4A reveals the overall trends of population growth throughout the last 50 years.

Table 4A Lake Elmo, MN Population Growth						
Year	Population	Households	Total Pop Change	Change	Total HH Change	Person Per HH
1960*	550	162				3.40
1970**	4,032	1,065				3.79
1980	5,296	1,687	1,264	31.3%	622	3.14
1990	5,903	1,973	607	11.5%	286	2.99
2000	6,863	2,347	960	16.3%	374	2.92
2010	8,069	2,779	1,206	17.6%	432	2.90

\*Population reflects original village.

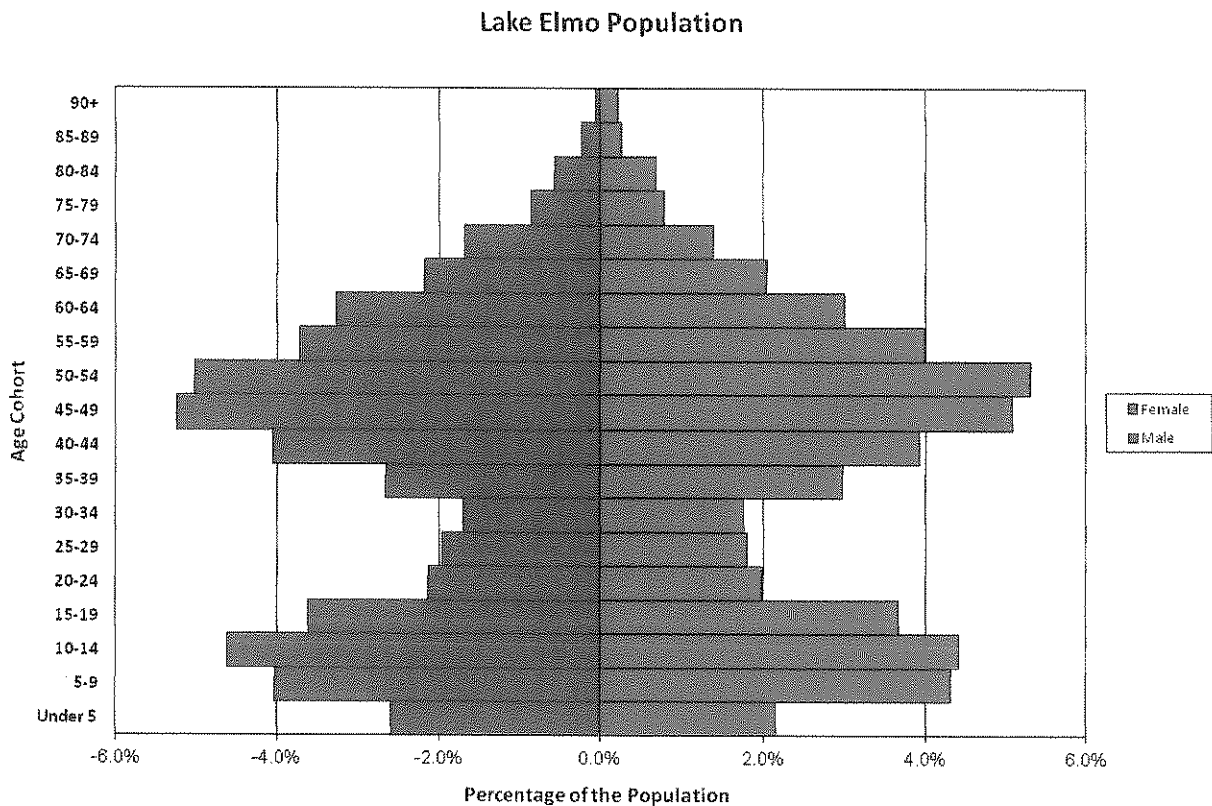
\*\*Population reflects incorporation of surrounding township.

As of the 2010 Census, there are 2,779 households in the city of Lake Elmo with a population of 8,069 residents. These figures represent an average household size of 2.90 persons per household. Figure 4A shows the breakdown of this population by age and sex. It is clear from this population breakdown that the two largest segments of the Lake Elmo population are between 5-19 years old and 40-54 years old. This data indicates that there are many families with children in Lake Elmo. In addition, the population breakdown indicates that there is a gap in the Lake Elmo population between the ages of 20-39. Finally, the 2010 Census data also reveals that the Lake Elmo population is aging. Table 4B confirms this trend.

Table 4B Lake Elmo, MN Population Over Age 65				
Year	Population	Median Age	Residents Over 65	Percent Over 65
1970	4,032	23	214	5.3%
1980	5,296	27.6	270	5.1%
1990	5,903	32.7	347	5.9%
2000	6,863	37.3	481	7.0%
2010	8,069	42.4	886	11.0%



Figure 4A



The data in Table 4B reveals that 11% of the Lake Elmo population is over the age of 65. This is a significant trend indicating a likely need to provide additional senior housing in the future. In addition, the gap in the Lake Elmo population of 20-39 year olds, found in Figure 4A, may point to important trends related to housing affordability in Lake Elmo. These are important questions to consider when crafting a strategy to meet Lake Elmo's future housing needs and goals.

## Housing

According to the Census, there were 2,779 occupied housing units in 2010. Of these 2,779 occupied housing units, 95.3% (2,648) of these units were owner-occupied. The remaining 4.7% (131) of the housing units are renter-occupied. Given these figures, it is clear that the majority of Lake Elmo residents live in owner-occupied housing units. Comparing these figures to neighboring communities, the 2010 Census reveals that the home-ownership rate in Washington County is 83%. It is quite clear Lake Elmo does not contain a significant amount of rental housing.

Regarding median home values, the housing stock in Lake Elmo remains significantly more valuable than the median values of Washington County, MN. According to American Community Survey (ACS) data,

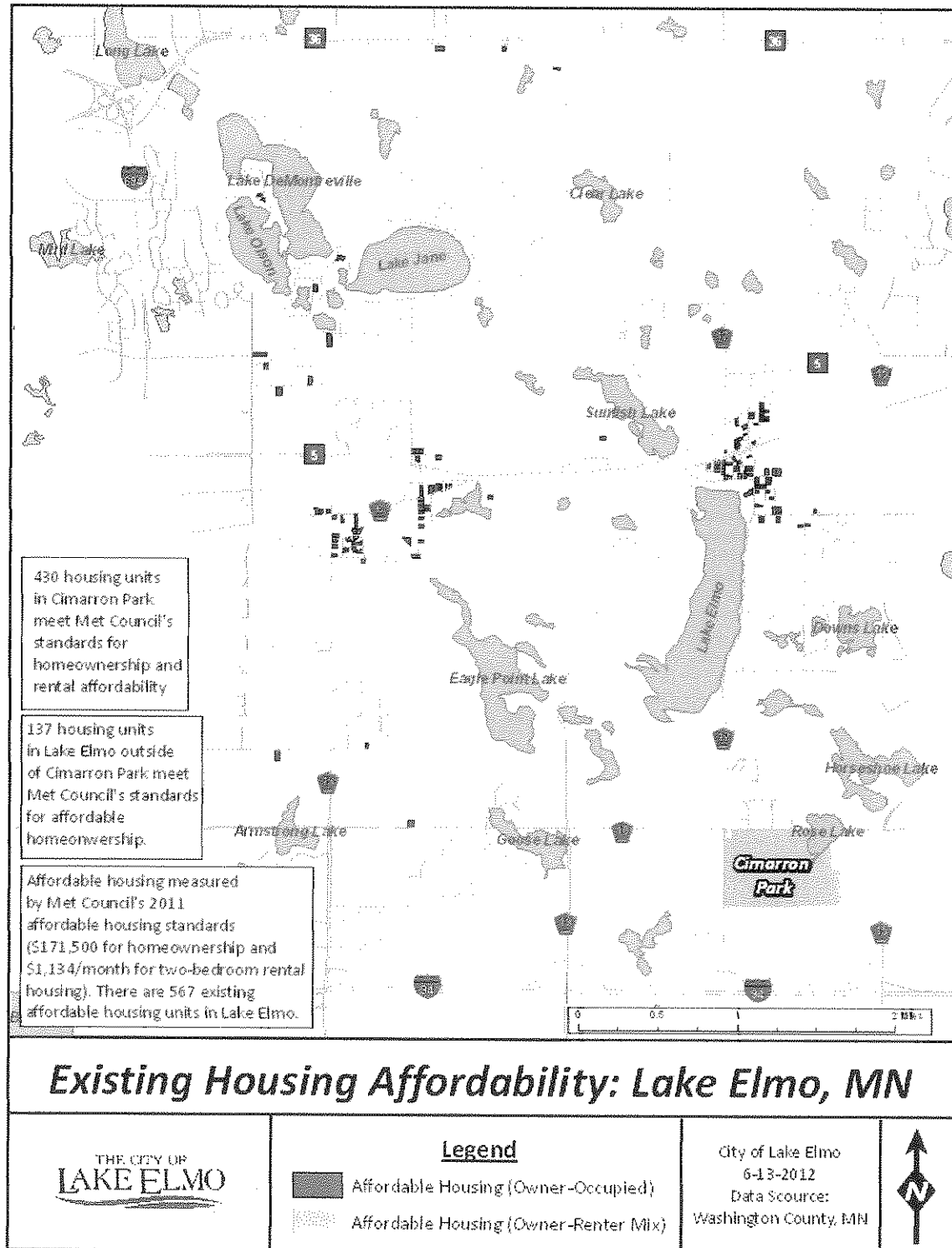


the median home value in Lake Elmo from 2006-2010 was \$396,500, whereas the median home value in Washington County during this same period was \$264,800. This significant gap in the median home values indicates that housing affordability will be an important issue in meeting Lake Elmo's future housing needs.

Regarding the existing stock of housing that remains affordable, Lake Elmo does have some housing that meets the Metropolitan Council's standards of affordability. According to the 2011 Met Council standards, a family making 60% of the area median income (\$50,340) can afford the purchase of a home valued at \$171,500 or less. Additionally, the 2011 Met Council affordability standards deem a two-bedroom rental unit at \$1,134/month or less as affordable. Conducting an analysis of the existing housing stock in Lake Elmo reveals that there are 567 such properties that are affordable by the Met Council standards, which equates to 20.4% of the occupied housing units in the city. These properties can be found in Map 4-1. Four hundred-thirty (or just over 76% of the City's affordable units) are found in the Cimarron Manufactured Home Park where there is a mix of affordable ownership and rental opportunities. The remaining 137 affordable owner-occupied housing units are mostly located in the Western portion of Lake Elmo near County Road 6, as well as within the Old Village.



Map 4-1





## Future Housing Needs

In order for Lake Elmo to achieve balanced growth and maintain its strong sense of community, it is essential to plan and develop the future housing stock in a manner that is mindful of the city's population trends and future needs. For this reason, it is important for Lake Elmo to clearly define its goals as they pertain to housing.

### Goals

In planning for the land use and future growth of Lake Elmo, the City aims to achieve the following goals related to housing:

1. **Continue to support and develop family-friendly neighborhoods, emphasizing safety and access to open or recreation space.** Throughout its history, Lake Elmo has been lauded as a great place to raise a family. For this reason, many of Lake Elmo's future residents will be families with children. In planning future housing for these residents, it is the responsibility of the City to be cognizant of how site, building, and street design relate to safety and access to public recreation space. Promoting these principles will ensure that the future population of Lake Elmo is safe and healthy.
2. **When planning for the future residential neighborhoods in Lake Elmo, it is critical to incorporate walkability into the design of housing and streets to ensure a positive pedestrian environment in both the I-94 Corridor and Old Village.** In order to maintain a healthy and vibrant environment in Lake Elmo, safe and aesthetically pleasing pedestrian spaces within residential neighborhoods are essential. Additionally, for the Old Village land use plan to effectively support and promote walking in Lake Elmo's downtown, steps must be taken to ensure that walkability is considered when planning future housing. Creating a more walkable downtown area with more street amenities encourages nearby residents to travel by means other than the automobile, which in turn promotes pedestrian traffic and physical exercise. In addition, increased pedestrian accessibility to downtown should drive greater support and patronage of local businesses in the Old Village. Finally, greater pedestrian traffic could allow for reduction in needed parking facilities, decreasing the amount of impervious surfaces and easing the burden on storm water management systems.
3. **Expand housing opportunities for seniors in Lake Elmo, placing an emphasis on affordability and life-cycle housing.** As the data from the 2010 Census indicates, the Lake Elmo population is aging. 11.0% of the population in Lake Elmo is over the age of 65. In order to provide opportunities for these residents to remain in Lake Elmo, the City must strive to attract and develop a greater variety of housing that suits the needs of seniors, including those who require medical assistance or are disabled, requiring barrier-free housing. In addition, affordability is increasingly becoming important factor for many seniors in making housing choices. To give these residents the option to remain in Lake Elmo, developing housing options that are both senior friendly and affordable will be critical over the next 25 years and beyond.



4. **Provide a greater variety of housing in terms of cost and tenure type (ownership vs. rental) in order to give more people the opportunity to live in Lake Elmo, particularly younger residents and families.** Considering the gap in the Lake Elmo population of 20-39 year olds, it is important to be cognizant of how housing affordability relates to the current demographics of the city. If the city wishes to retain younger residents and families in Lake Elmo, then opportunities for more affordable and rental housing must be present. Adding more young residents to Lake Elmo will strengthen the social fabric of the community and encourage more unique activities and programming. Additionally, providing more options in terms of affordability will allow more employees of businesses located in Lake Elmo the option of both living and working in the community.

### Future Housing

According to Met Council forecasts, the growth of Lake Elmo will result in an increase of 5,948 households by 2030, representing an increase of 214%. In order to achieve this growth in a balanced and sustainable manner, as well as fulfill Lake Elmo's housing goals, the I-94 Corridor and Old Village land use plans provide opportunity for a wide mix of housing types and densities. These housing densities will vary with a floor range of 2.0 units per acre to 10 units per acre, allowing for a greater variety of housing in Lake Elmo. These new housing units are guided for the I-94 Corridor and Old Village at the following minimum densities:

#### I-94 Corridor

- Urban Low Density: 2.5 units/acre
- Urban Medium Density: 4.0 units/acre
- Urban High Density: 7.0 units/acre

#### Old Village

- Village Low Density: 2.0 units/acre
- Village Medium Density: 4.0 units/acre
- Village High Density: 10.0 units/acre

These densities result in meeting the Met Council expectations of adding a minimum of 4,200 new housing units to the I-94 Corridor and Old Village as outlined in the MOU. The City will work to pursue a mix of densities that are consistent with the Comprehensive Plan with the understanding that the City and Met Council will monitor growth against the expectations of the MOU. The City recognizes that development at densities above the minimum requirements may create opportunities to provide increased open space above the typical standard and other amenities considered a public benefit, thereby improving the character of these areas to better blend with the overall rural character of the community.



## Affordable Housing

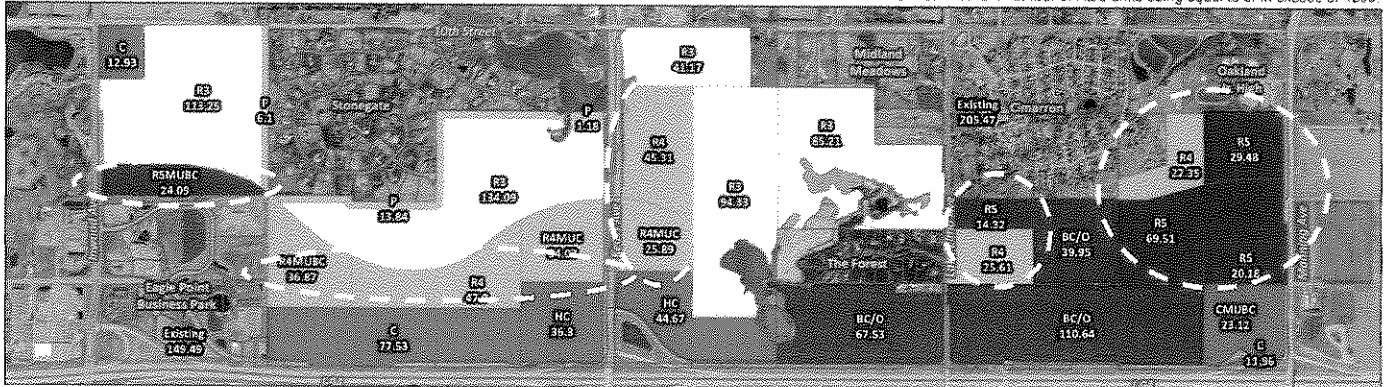
In terms of fulfilling Lake Elmo's regional obligations for affordable housing, the Metropolitan Council's allocation of affordable units within Lake Elmo for the 2011-2020 timeframe is 661 housing units. Again, affordable housing is defined as housing units that are priced at monthly payment that are no more than 30% of gross income of a household earning 60% of the Twin Cities median family income. This definition translates into a home purchase price of \$171,500 (or less), or a rental housing opportunity of \$1,134/month (or less) for a two-bedroom unit. If Lake Elmo would like to retain and attract younger residents and families, it is critical to encourage greater affordability within the future housing stock as well as provide options for rental housing.

Related to the affordability of Lake Elmo's future housing stock, several areas in the I-94 Corridor and Old Village will provide an opportunity for the development of more affordable and rental housing. Specifically, several areas of the I-94 Corridor and Old Village are currently guided for densities that would be conducive to greater affordability. In addition to areas guided for multi-family housing, the I-94 Corridor and Old Village will also make use of mixed use zoning to provide more housing options. The areas can be viewed in Map 4-2 and 4-3, highlighted by white circles.

**Map 4-2**

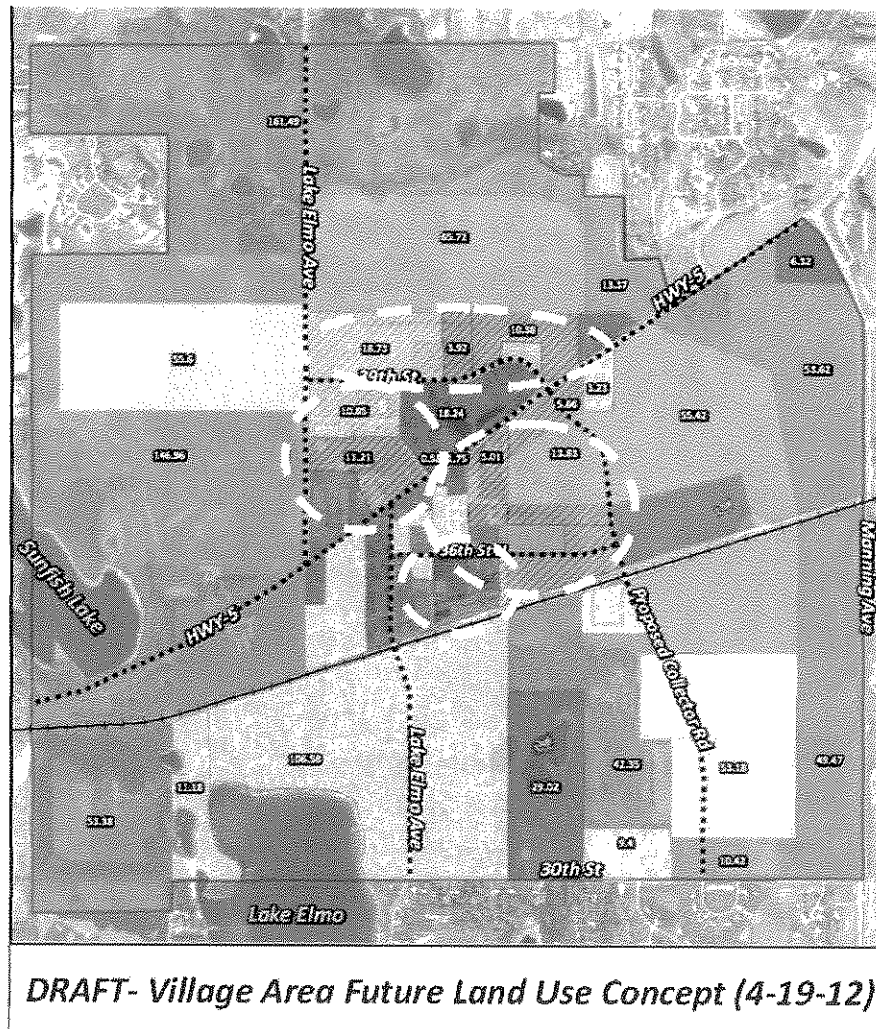
### Land Use Plan for South of 10th Street

*Boundaries, densities and text subject only to changes which result in the final minimum number of REC units being equal to or in excess of 4500.*





Map 4-3



Regarding implementation, the City will work directly with developers to explore various funding opportunities to support greater housing variety and affordability. To support these efforts, the City of Lake Elmo will investigate working with the Washington County Housing and Redevelopment Authority (HRA). This relationship may prove valuable in working with developers of affordable and senior housing to identify additional funding opportunities. In addition, the City will explore opportunities for affordable housing when considering the disposal of excess properties. Given the stated goals related to future housing, the City would like to support efforts to diversify the current housing stock to meet the future needs of Lake Elmo.



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March 5, 2013

Kyle Klatt, Planning Director  
City of Lake Elmo  
3800 Laverne Avenue N  
Lake Elmo, MN 55042

**RE: City of Lake Elmo I-94 Corridor Comprehensive Plan Amendment**  
Metropolitan Council Review File No. 20599-3  
Metropolitan Council District 12

Dear <sup>Mr. Klatt</sup> ~~Mr. Klatt~~:

At its meeting on February 27, 2013, the Metropolitan Council reviewed the City's I-94 Corridor Comprehensive Plan Amendment (CPA), based on the staff's report (Business Item 2013-28). The amendment proposes new land use guiding for the I-94 Corridor area, adjust forecasts and staging for sewered development in the community, includes a new Housing Plan chapter, and reguides inholding parcels in the Lake Elmo Park Reserve to Parks/Open Space.

The Council found that the CPA conforms to the regional system plans for transportation, wastewater, and parks; is consistent with the *2030 Regional Development Framework* and Council policies; and is compatible with the plans of adjacent jurisdictions. Therefore, the City may place the CPA into effect.

The Council took the following actions:

1. Adopt the attached review record and allow the City of Lake Elmo to put the I-94 Corridor CPA into effect.
2. Adopt the revised interim milestone forecasts for the City as shown in the corrected Table 2 in the attached memorandum.
3. Encourage the City to begin participation in the Livable Communities Act (LCA) Local Housing Incentives Account in order to become eligible for LCA grants that can assist in the development and preservation of affordable housing.
4. Advise the City to implement the advisory comments in the Review Record for transportation and Housing.

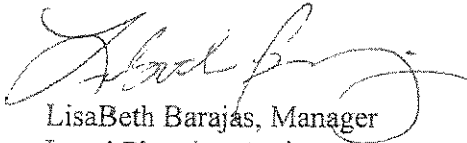
In addition, the Council adopted Resolution No. 2013-1 (Business Item 2013-76), which modifies and clarifies the scope and nature of the Memorandum of Understanding (MOU) between the City of Lake Elmo and the Council to address planning issues brought out by the proposed CPA. Council staff is finalizing the MOU amendment and will forward it to the City for execution in the near future.



Kyle Klatt, Planning Director  
March 5, 2013  
Page 2 of 2

A copy of the staff report to the Council on both business items is attached for your records, along with a copy of the resolution. The Council will append the amendment, submission form, and supplemental information to the City's plan in the Council's files. If you have any questions at all, please do not hesitate to contact me at 651-602-1895.

Sincerely,



LisaBeth Barajas, Manager  
Local Planning Assistance

*Attachment*

CC: Julie Monson, Minnesota Housing  
Tod Sherman, Development Reviews Coordinator, MnDOT Metro  
Harry Melander, Metropolitan Council District 12  
Guy Peterson, Community Development  
Leisa Thompson, Environmental Services  
Kyle Colvin, Environmental Services  
LisaBeth Barajas, Principal Reviewer / Sector Representative  
Dave Theisen, Legal  
Raya Esmaeili, Reviews Coordinator

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**PROPOSED RESOLUTION  
METROPOLITAN COUNCIL**

390 Robert Street North, Saint Paul, Minnesota 55101

**RESOLUTION NO. 2013-1**

**MODIFYING AND CLARIFYING THE SCOPE AND NATURE OF THE MEMORANDUM OF  
UNDERSTANDING BETWEEN THE CITY OF LAKE ELMO AND THE METROPOLITAN  
COUNCIL TO ADDRESS PLANNING ISSUES**

**WHEREAS**, in September 2002, the Council found that a proposed comprehensive plan update submitted by the City may substantially depart from and may have a substantial impact on metropolitan system plans, and subsequently required the City to modify its proposed plan update to ensure the City's proposed plan update did not have a substantial impact on or contain a substantial departure from metropolitan system plans; and

**WHEREAS**, the City appealed the Council's "final decision," but in August 2004, the Minnesota Supreme Court concluded the Council has the statutory authority to require modifications to the City's proposed plan update and affirmed the Council's "final decision"; and

**WHEREAS**, in January 2005, the Mayor of Lake Elmo and the Chair of the Metropolitan Council signed a Memorandum of Understanding, subsequently ratified by their respective governing bodies, that outlined certain criteria for guiding the City and the Council as the City modified its proposed plan update to ensure conformity with metropolitan system plans; and

**WHEREAS**, on July 27, 2005, the Council adopted Resolution No. 2005-20 and granted the City's request for additional time within which to submit its update comprehensive plan, but the Council deemed it appropriate and necessary to attach certain requirements and conditions to the time extension to ensure the Memorandum of Understanding would be successfully implemented over time and ensure costly regional infrastructure is used effectively and efficiently; and

**WHEREAS**, Council Resolution No. 2005-20 established certain population, household, and residential equivalent unit ("REC") levels the City is required to meet beginning in 2010 and extending through 2030; and

**WHEREAS**, Council Resolution No. 2005-20 required the City to pay the Council by January 31, 2011 a wastewater inefficiency fee ("WIF") if the City did not meet its REC commitments in the 2007 to 2010 timeframe; and

**WHEREAS**, the WIF is intended to help pay the operation, maintenance, and capital costs of underutilized regional wastewater infrastructure and the costs of providing regional sewer service for development elsewhere in the region that would have occurred within the City; and

**WHEREAS**, the City requested temporary relief from the WIF payment due in January 2011 because the prolonged downturn of the economy made it difficult for the City to meet its population, household, and employment REC commitments for the 2007 to 2010 timeframe; and



## PROPOSED RESOLUTION

**WHEREAS**, on March 24, 2010, the Council adopted Council Resolution No. 2010-08 and agreed to provide the City with its requested relief subject to the execution of a binding Memorandum of Understanding acknowledging the City's continuing agreement to comply with the requirements and conditions stated in Council Resolution No. 2005-20; and

**WHEREAS**, the City has prepared a proposed amendment to its comprehensive plan for the South of 10<sup>th</sup> Street Area, but the staging of development served by wastewater in the proposed amendment may not technically comply with the Memorandum of Understanding (as amended on March 24, 2010) between the Council and the City; and

**WHEREAS**, the City's proposed comprehensive plan amendment reflects the City's efforts to plan consistent with the Memorandum of Understanding (as amended), the requirements of the Metropolitan Land Planning Act, and the Council's adopted policies and metropolitan system plans; and

**WHEREAS**, the Metropolitan Council is updating its metropolitan development guide, and in that process, is examining forecasted growth through 2040 and will continue dialog with the City regarding the long-term forecasted growth and pace of growth for the City.

### NOW THEREFORE, BE IT RESOLVED:

1. Consistent with the MOU granting the City relief from the WIF, Paragraph 3(i) of Council Resolution 2005-20 (as amended on March 24, 2010) is changed to reflect a compressed schedule for development through 2030 to read as follows:

	Households	Population	RECs*	
2010	2,319	8,189	0	
2015	3,519	9,677	615	(515 residential, 100 employment)
2020	5,124	14,961	2,460	(1,750 residential, 710 employment)
2025	6,524	17,941	4,670	(3,400 residential, 1,270 employment)
2030	7,724	21,061	6,880	(4,900 residential, 1,980 employment)

\* Includes 500 RECs existing Cimarron, 200 RECs existing Village, 300 RECs existing Eagles Point


2. This modification and clarification of the Memorandum of Understanding (as amended on March 24, 2010) is effective on the date the Council and the City enter into a binding agreement under which the City acknowledges this modification and clarification and states its continued agreement to comply with the requirements and conditions stated in the Council Resolutions and the Memorandum of Understanding.



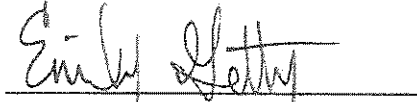
### PROPOSED RESOLUTION

3. The Regional Administrator is authorized to negotiate and execute on behalf of the Council a Memorandum of Understanding consistent with this Resolution.
4. Except for the modifications and clarifications identified in this Resolution, the requirements and conditions of Council Resolution Nos. 2005-20 and 2010-08 shall remain in force and effect without change.

Adopted this 27 day of February, 2013.



Susan Haigh, Chair



Emily Getty, Recording