

*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, June 3, 2014 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
 - 1a. Accept April 23, 2014 City Council Special Meeting Minutes
 - 1b. Accept May 20, 2014 City Council Meeting Minutes
- G. Council Reports
 - Mayor
 - Council
- H. Public Comments/Inquiries
- I. Presentations – 2014 State Bonding Team Recognition
- J. Finance Consent Agenda
 - 2. Approve Payment of Disbursements and Payroll
 - 3. Well No. 4 Connecting Watermain Improvements – Pay Request No. 2
 - 4. Pumphouse No. 4 Improvements – Pay Request No. 1
- K. Other Consent Agenda
 - 5. Wedding Ordinance 08-107 Summary Publication; **Resolution No. 2014-34**
 - 6. Perfecting Comp Plan Amendment; **Resolution No. 2014-35**
 - 7. Sign Retroreflectivity Policy
 - 8. Accessory Building Forward of Primary Structure – 11991 30th Street North; **Resolution No. 2014-36**
 - 9. 39th Street N: Street & Sanitary Sewer Improvements – Order Plans and Specifications. **Resolution No. 2014-37**
 - 10. Metropolitan Council MOU Termination
- L. Regular Agenda
 - 11. Abatement of 8350 38th St.
 - 12. Lake Elmo Avenue Trunk Watermain Improvements – Accept Bids and Award Contract; **Resolution No. 2014-38**
 - 13. 2014 Capital Improvement Finance Plan; **Resolution No. 2014-39**
 - 14. Shoreland Amendment Ordinance; **Ordinance 08-111, Resolution No. 2014-40**
 - 15. Garage Ordinance; **Ordinance 08-112**
 - 16. Annual Public Meeting to Approve MS4 Annual Report for MPCA Submittal
- M. Staff Reports and Announcements
 - City Administrator
 - City Attorney
 - Planning Director
 - City Engineer
 - Finance Director
 - City Clerk
- N. Adjourn

LAKE ELMO SPECIAL CITY COUNCIL MINUTES
APRIL 23, 2014
CITY OF LAKE ELMO
SPECIAL CITY COUNCIL MINUTES
APRIL 23, 2014

Mayor Pearson called the meeting to order at 2:32 pm.

PRESENT: Mayor Mike Pearson and Council Members Wally Nelson, and Mike Reeves. Council Member Justin Bloyer arrived at 2:33 pm. Council Member Anne Smith arrived at 2:36 pm.

Staff present: City Administrator Zuleger, City Attorney Snyder, Community Development Director Klatt, City Engineer Griffin, Finance Director Bendel, and City Clerk Bell.

PLEDGE OF ALLIGENCE

APPROVAL OF AGENDA

Mayor Pearson asked that the JPA discussion be moved to beginning of agenda.

MOTION: Council Member Reeves moved TO APPROVE THE APRIL 23, 2014 SPECIAL CITY COUNCIL AGENDA AS AMENDED. Council Member Nelson seconded the motion. MOTION PASSED 4-0.

ITEM 1: JPA WITH STILLWATER SCHOOL DISTRICT

City Administrator Zuleger provided summary of background and proposal for a joint park with school district. Stillwater School District Director of Operations Dennis Bloom provided update on the construction bids that have been received. The estimated cost is now \$63,000 instead of \$80,000.

It was explained that the Council options are: 1) not to have park 2) participate in tennis courts only 3) placeholder for a future park. It was explained that there is also a grant program available because the proposed park would be located on regional trail. Eligible grant improvements are primarily: shelter, bathrooms, and potable water.

Council Member Bloyer asked about the legal implications of the agreement termination. City Attorney Snyder stated that the City can later choose not to participate in building the park, but the district cannot unilaterally cancel the agreement.

Council Member Nelson asked about the timeline for the anticipated development build-outs. The estimation is 3-5 years. The district is okay with the extension of the master plan timeline.

The council discussed the distance that residents are willing to travel to use a park. Mr. Zuleger explained again that the location is not perfect, but it would accomplish establishing a park in a sector of the city that presents multiple challenges in locating a park. Council Member Reeves explained the park survey results that support a park near there.

Mayor Pearson asked about the security. The City would be responsible for security as with other parks. It was noted that if the park was developed, it may reduce the potential criminal activity in immediate vicinity.

Mr. Nelson asked about the Manning Avenue construction was scheduled. It is planned for 2016-17.

Ms. Smith reiterated that her belief is that the park is too far away from residential areas. Planner Johnson further explained the land use situation. The approximate distance that people will travel for a park is about ¼ mile.

Council Member Smith asked about the Sanctuary neighborhood park and why that does not have a higher priority than this park. It was explained that the proposed development adjacent to that area is not moving as fast as expected and it was hoped that the two properties would share a larger park. Mayor Pearson noted that the current Parks Commission is making Sanctuary Park a much higher priority than in the past.

MOTION: Council Member Reeves moved TO APPROVE THE JOINT POWERS AGREEMENT WITH THE STILLWATER SCHOOL DISTRICT FOR THE CREATION OF A MASTER PLAN FOR A

LAKE ELMO SPECIAL CITY COUNCIL MINUTES

APRIL 23, 2014

3.7 ACRE MULTI-USE PARK AT OAKLAND JUNIOR HIGH SCHOOL AND THE DISBURSEMENT, WHEN INVOICED, OF \$64,000 OF PARKLAND DEDICATION FUNDS FOR THE CONSTRUCTION OF THREE NEW TENNIS COURTS PER UNANIMOUS RECOMMENDATION OF THE PARK COMMISSION WITH THE IMPLEMENTATION OF THE PARK MASTER PLAN OCCURRING WHEN DEVELOPMENT WARRANTS AND IN COMPLIANCE WITH THE PARK COMMISSION PRIORITIES. *Council Member Nelson seconded the motion.*

It was decided that leaving the timeline open would be more beneficial to accommodate unknown contingencies. Messrs. Nelson, Mayor Pearson, Mr. Reeves all explained their reasoning for supporting. Park Commission Chair Shane Weis has commented that there is a benefit of the timing to coordinating with the district. Mr. Reeves believes that this is a great price to gain three more tennis courts. Mayor Pearson agreed that this is making the best of a location with few options.

Ms. Smith does not support the location or access. She is also frustrated that the city is subsidizing tennis courts that in her opinion do not have a use demand. She does not think there is a current need. She stipulated that she is very supportive of the school and the district, but disagrees that there is a need at this time. Her opinion is that the park funds should be directed elsewhere. Mayor Pearson explained that this is a good partnership opportunity with school district.

Mr. Bloyer expressed he is torn with the decision. He is opposed due to this being a subsidy to the school district. He also does not think there is a current demand. However, because this involves park funds, those funds can only be used on parks. Ms. Smith noted that she supports the Parks Commission; however, this item did not originate from a resident.

MOTION PASSED 3-1-1 (Smith - nay; Bloyer voted present)

ITEM 2: NEW PARK SIGNS

City Administrator Zuleger provided overview of the project that includes the replacement of all 17 city park signs. Costs would be paid out of park funds. The signs are designed using the theming work done with Damon Farber Associates. The lifetime of these signs would be 5-10 years. The signs are also designed to be able to be updated in parts as opposed to the entire sign.

MOTION: *Council Member Nelson moved TO APPROVE THE EXPENDITURE OF \$32,916 IN PARKLAND DEDICATION FUNDS TO PURCHASE AND INSTALL NEW PARK SIGNS.*
Council Member Reeves seconded the motion.

Council Member Smith supports this. She like the fact that the signs can be modified as the park amenities may change. The price was discussed. It is a large amount, but it comes out of parkland dedication funds. Council Member Reeves noted that this is part of the City's rebranding efforts.

The lower price than the quote was explained as some of the labor and parts will be done by staff. It was also explained that there is a desire to have the signs ready for the summer meetings held in the parks.

MOTION PASSED 5-0.

ITEM 3: POLICY DECISION: LATERAL BENEFIT CHARGES

City Administrator Zuleger provided overview of the lateral benefit charge history. The last time a charge amount was set was in 2006. Mr. Zuleger explained the Municipal Utility Service Area. The benefits provided for each property were described.

Mr. Zuleger explained the staff recommendation: LBC of actual cost based on rolling three year average. If located in established MUSA, full LBC and property owner is required to connect within 2 years. If not located in established MUSA, property owner is required to pay true costs for stub and full costs if

LAKE ELMO SPECIAL CITY COUNCIL MINUTES

APRIL 23, 2014

connecting later. It was clarified that a landowner whose property could be subdivided, a full LBC would be charged and subsequent subdivided lots would pay the full WAC/SACS and connection charges.

It was noted that Lake Elmo has a low LBC and most communities apply a LBC in all cases. The area that is considered MUSA was further explained and discussed.

The impact of putting in a stub at a later date was explained and discussed. Costs would be substantially higher, but it depends on the circumstances for each case as far as what the actual cost would be. There are several factors that would affect the cost, including location and other infrastructure impacted.

Council Member Nelson wants everyone to pay for a stub, then pay WAC and connection fees at time of hook up. Mayor Pearson sees it similar to a road. There are different levels of interest, but everyone pays for the benefit. Council discussed the actual charge of installing a stub and what to call it. City Engineer Griffin explained the background of what was done for Keats Ave. and how the various charges are used or paid.

Whether the residents can be protected from having to connect within a defined time frame was discussed. City Attorney Snyder explained that there are ways, but the economic realities can make this challenging.

Mr. Nelson expressed his regret voting for Keats Ave. and forcing people, who will never connect, to pay anything. He understands that the system is built on WACs. He does not believe that there is an actual benefit, so requiring stub cost only is a compromise. Mr. Griffin clarified that the entire system is not built on WACs, but only the over-sizing, water towers, etc. The standard 8 inch trunk pipe is funded differently.

MOTION: Council Member Bloyer moved TO ADOPT COUNCIL POLICY ASSESS LATERAL BENEFIT CHARGE OF \$2900 FOR ANY PROPERTY OUTSIDE OF SERVICE AREA. Council Member Nelson seconded the motion.

Council Member Reeves wants the charge to be accurate. He is hesitant to set number at this time. Conceptually he agrees, but not sure what to call the charge. He likes the rolling average concept. It was reiterated that the Lake Elmo charge of \$5,800 is low compare to other communities. It was stated that \$2,900 would cover the cost of the stub only in most cases.

Council Member Nelson offered friendly amendment: "when connection is made, property owner will pay \$3000 WAC and all corresponding connection charges." Amendment was accepted. The stub charge was further discussed.

City Attorney Snyder explained that there is a consideration the council must make of whether there is a benefit that can survive an appeal when determining to assess a property. Council discussed whether there is an actual benefit.

Staff stated that it has direction on how to proceed. Council Member Reeves wants the figure worked out further.

MOTION FAILED 2-3 (PEARSON, SMITH AND REEVES – NAY).

Mayor Pearson adjourned the meeting at 4:42 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Adam R. Bell, City Clerk

LAKE ELMO CITY COUNCIL MINUTES

MAY 20, 2014

CITY OF LAKE ELMO
CITY COUNCIL MINUTES
MAY 20, 2014

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

PRESENT: Mayor Mike Pearson and Council Members Wally Nelson, Anne Smith, Mike Reeves and Justin Bloyer (7:03 pm).

Staff present: City Administrator Zuleger, City Attorney Snyder, Community Development 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 MAY 20, 2014 CITY COUNCIL AGENDA AS PRESENTED.** Council Member Nelson seconded the motion. **MOTION PASSED 4-0.**

ITEM 1: ACCEPT MINUTES

THE MAY 6, 2014 CITY COUNCIL MINUTES WERE APPROVED AS PRESENTED BY CONSENSUS OF THE CITY COUNCIL.

COUNCIL REPORTS:

Mayor Pearson: Julie Fliflet appointment to Finance Committee. The Committee is still looking for one more member, preferably a small business owner; the City was successful in obtaining \$3.5 Million in state bonding. The Mayor thanked all who were involved. City Administrator Zuleger elaborated on the sponsors and parties who worked to accomplish this task. MNDEED will be administering the funds. Council Member Smith congratulated everyone and asked what conditions were included. Mr. Zuleger explained that the City's application included repaying the state some funds from any potential recovery against 3M. Mr. Zuleger specifically recognized Beckie Gumatz's role in lobbying. Mayor Pearson also noted that this will greatly help the water situation.

Council Member Bloyer arrived at 7:03 pm

Council Member Smith: no report

Council Member Nelson: no report

Council Member Bloyer: met with residents on lake levels in city; noted he was aware of discussion surrounding dog park in city; reported hearing about an incident with a resident at the Lennar building site. Mr. Bloyer asked counsel about the role of people representing the city. Mr. Bloyer suggested that the person involved should be removed from any City positions of authority.

Council Member Reeves: attended parks commission meeting. Group discussed proposed a dog park. Reported there is nothing imminent happening on the dog park. Residents from Sanctuary also inquired about that neighborhood's park at the meeting; attended Gateway Corridor meeting. Reported that he learned a lot about that project; attended the annual firefighter dinner. Council Member Smith noted that she has received phone calls from Sanctuary residents who are questioning the recent approval of the tennis courts by the Jr. High while they have been waiting for some time for their park improvements. Mr. Reeves noted that part of the delay was that the city was hoping to have a joint park with surrounding property. Public Works Director Bouthilet commented that the trail would be possible this year.

Council Member Nelson acknowledged that the water bonding was a huge deal, and the impact on the water system will be great.

Council Member Bloyer noted that there was a recent Wall Street Journal article on the MN Met Council. He suggested that people read it.

PUBLIC COMMENTS

Library Director Linda Orsted reported upcoming events at the Library: Patricia Cornell will speak on farmers' markets; second annual summer reading program – "Read S'more Books." There will be a medallion hunt and afternoon programs. Event will be on library calendar; space expansion is nearly complete. Library

MAY 20, 2014

is opening up space to children's room. Expect to be in space by early June; Library will be closed on Memorial Day.

PRESENTATIONS

a. Lake Elmo Rotary

Jim Leonard from the Lake Elmo Rotary Club presented check to the city of Lake Elmo in amount of \$1,100 from the Gold Plate Dinner. He also thanked Mike Bouthilet and Public Works for the job they have done with the ice rinks. The Mayor thanked Rotary for the contribution to the City. Council Member Reeves commended the school class for their efforts.

b. Lake Elmo Elementary Speak Your Peace Recap

Alyssa MacLeod introduced Lake Elmo Elementary 6th grade teacher Paula Verstegen. Ms. Verstegen spoke about how the 6th grade class implemented Speak Your Peace. Students presented video that they created.

c. Fire Department New Officer

Fire Chief Malmquist explained the officer changes. He administered the oath to the new officers. New officers are: Assistant Chief Mike Cornell, Station #1 Captain Nick Witter, and Station #1 Captain Lieutenant Larry Cornell. Mayor Pearson thanked the Fire Department for their service.

d. Damon Farber Associates Streetscape Design

Tom Whitlock and Jesse Symynkywicz, of DFA presented the proposed streetscape design. He provided overview of the entire process that has been undertaken thus far. The opportunity to bury overhead power lines and the related benefits was discussed. Xcel study will cost \$5,000. Council Member Nelson asked about which lines. City Administrator Zuleger stated considering tracks to Hwy 5. Council Member Reeves supports having Xcel do the study. Mayor Pearson does as well. Council Member Bloyer wants the business community to fund the option. Council Member Smith supports spending the money for the study. She does not believe that the business community should have to pay for this on its own. She believes that this is an investment in the downtown. Mr. Nelson supports doing the study, but he would like some buy-in by the business community. The Council consensus was to support the study.

The proposed enhanced intersections, sidewalk extension, and bump-outs were explained. Safety will improve dramatically due to the shortened distances from curb to curb. This would also create a continuous sidewalk from south of the tracks north to Hwy 5. It was noted that closing several of the non-used driveways would also add parking capacity.

Stormwater management was explained and can include rain gardens and similar vegetation, Silva cells (storing water underneath boulevard trees), and permeable pavers. Mayor Pearson pointed out that the options look great, but the cost will be a factor. Mr. Reeves supports possibly reusing the stormwater for irrigation. Ms. Smith commented again that many of these improvements are investments in developing a viable downtown. Mr. Nelson asked that the City Engineer provide input. Mr. Reeves expanded on Ms. Smith's comments that these are 40-50 year improvements.

Mr. Whitlock explained the three levels of streetscape improvements (Basic, Moderate, and Advanced) and scope of proposed area. Ms. Smith stated that she would love to have the advanced level for the whole area, but thinks the main segment of Lake Elmo Avenue should have the advanced level to start and upgrade other remaining sections as downtown grows – basically Option 1. Mr. Bloyer stated he would support Option 1 if he were to support the improvements. He noted that there are many variables involved. Mr. Reeves would support a hybrid Option 1.5. He questioned the need to have sidewalks farther south along Lake Elmo Avenue. Mr. Nelson urged baby steps and prudence. He would support Option 1. Mr. Zuleger asked if Option 1 is selected, a gateway would be possible at Hwy 5 as well. DFA confirmed that it was. Council consensus was supportive of attracting people to downtown.

Public open house will be held on June 12th, and then the findings will be brought back to Council.

TIF Districts and redevelopment grant were discussed.

LAKE ELMO CITY COUNCIL MINUTES

MAY 20, 2014

MOTION: Council Member Bloyer moved **TO ENTER EXECUTIVE SESSION TO DISCUSS PERSONNEL ISSUES**. Council Member Nelson seconded the motion.

City Attorney Snyder inquired about what the matter was, stating that more specifics are needed in order to know if an executive session was warranted. Mr. Snyder advised the Council that he receive more info and then hold the executive session outside of this meeting.

Council Member Bloyer rescinded his motion.

MOTION: Council Member Bloyer moved **TO RECESS FOR 5 MINUTES**. Council Member Nelson seconded the motion. **MOTION PASSED 5-0.**

Meeting recessed at 8:30 pm. Mayor Pearson reconvened the meeting at 8:38 pm.

City Attorney Snyder explained that the previous question was discussed with Councilman Bloyer and that the closed session is not needed at this time.

MOTION: Council Member Nelson moved **TO MOVE ITEM 14 TO BEGINNING OF REGULAR AGENDA**. Council Member Smith seconded the motion. **MOTION PASSED 5-0.**

FINANCE CONSENT AGENDA

2. Approve Payment of Disbursements and Payroll in the amount of \$282,142.09
3. Accept Financial Report dated April 30, 2014
4. Accept Building Report dated April 30, 2014
5. Accept City Assessor report dated April 30, 2014
6. Production Well No. 4 – Pay Request No. 6
7. Section 34 Water and Sewer Utility Extension Improvements – Pay Request No. 4

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

OTHER CONSENT AGENDA

8. Driveway Ordinance Amendment, **Ordinance 08-109**
9. ~~City Code Amendment – Net Density Definition, **Ordinance 08-110**~~

Council Member Smith pulled Item 9 for discussion.

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

ITEM 9: CITY CODE AMENDMENT - NET DENSITY DEFINITION, **ORD. 08-110**

Community Development Director Klatt explained the reason for the proposed code amendment. The purpose is to define the term that we are using in a consistent manner. The proposed definition is similar to what the Metropolitan Council uses.

Council Member Smith is not concerned how the Met Council defines the term. She prefers what some of the other surrounding communities have used. Mr. Klatt explained that the main purpose to provide a consistent standard and that it is better for the City to have this definition because it will not allow non-developable land to count towards density calculation. This will actually help density be more accurate. Ms. Smith wants the density calculation to be appropriate.

Council Member Nelson asked if this will discourage private parks and open space. Mr. Klatt said that it should not. It will force developers to carefully consider the lot sizes and number of lots.

MOTION: Council Member Smith moved **TO APPROVE ORDINANCE 08-110 ADDING A DEFINITION FOR NET DENSITY TO THE CITY CODE**. Council Member Reeves seconded the motion.

LAKE ELMO CITY COUNCIL MINUTES

MAY 20, 2014

Mayor Pearson noted that his neighborhood has neighborhood maintained open spaces and it serves as a decent model.

MOTION PASSED 5-0.

REGULAR AGENDA

ITEM 14: PUBLIC HEARING: 12TH STREET VACATION; RES. NO. 2014-33

Community Development Director Klatt provided overview of the proposed street vacation. He noted that this request has been before the Council two previous times. Now that a satisfactory survey has been received with needed information, staff is comfortable with the requested vacation. The City Engineer approved this item, but requested that the ROW be wider. City Attorney Snyder cautioned that because the vacation is taking place adjacent to a waterway, the DNR will have to be notified.

Council Member Reeves asked how much of a threat building a structure on the existing infrastructure would pose. Mr. Klatt said that without a specific proposal, that is difficult to determine. The 15 foot ROW meets current needs, but is not ideal. The vacation does not make the situation worse.

MOTION: Council Member Smith moved **TO OPEN THE PUBLIC HEARING.** Council Member Bloyer seconded the motion. **MOTION PASSED 5-0. PUBLIC HEARING OPENED AT 9:05 PM.**

No public input.

MOTION: Council Member Reeves moved **TO CLOSE THE PUBLIC HEARING.** Council Member Bloyer seconded the motion. **MOTION PASSED 5-0. PUBLIC HEARING Closed AT 9:06 PM.**

MOTION: Council Member Smith moved **TO ADOPT RESOLUTION 2014-33, APPROVING A REQUEST TO VACATE A PORTION OF THE 12TH STREET RIGHT-OF-WAY LOCATED WITHIN THE MYRON ELLMAN SUBDIVISION SUBJECT TO THE DNR NOTIFICATION.** Council Member Bloyer seconded the motion.

Council Member Smith commented that she is glad that this long time problem is finally being rectified.

MOTION PASSED 5-0.

ITEM 10: APPROVAL OF PARK EQUIPMENT PURCHASE: PICK-UP, TRAILER, AND UTILITY VEHICLE

Public Works Director Mike Bouthilet explained the request. The current park vehicles do not meet the current needs. This purchase will also allow the City to groom our own ski trails instead of relying on the County to do it. This will include cost savings and improved service. The Park Commission approved this. Mr. Bouthilet explained that the City can receive grant funds to recover up to 90% of the use cost.

Council Member Reeves asked about the funding. City Administrator Zuleger explained that the purchase will be spread out across multiple funds. \$25,285.20 – 30% out of Vehicle Fund, \$16,856.95 – 20% out of Stormwater Fund and \$42,132.58 – 50% from Park Dedication Fund.

Mr. Bouthilet further explained the cost savings and the grant process. Initially there will be a cost savings, but at some point, the threshold would be met where the savings are replaced by increased service at an overall increased cost.

It was clarified that all the equipment will be used for the parks and other areas and therefore split alike.

MOTION: Council Member Nelson moved **TO PURCHASE A NEW 2014 TRAILER, 2015 FORD F250 PICKUP WITH PLOW, AND 2014 KUBOTA UTILITY VEHICLE WITH BALL FIELD AND X-C SKI GROOMERS NOT TO EXCEED THE AMOUNT OF \$84,284.76 PAID FOR 20% OUT OF STORMWATER FUND, 30% OUT OF VEHICLE FUND, AND 50% OF PARK FUNDS.** Council Member Smith seconded the motion.

Mayor Pearson commented that he hopes this expenditure and the improved trails will increase the use of Sunfish Lake Park.

MOTION PASSED 5-0.

ITEM 11: APPROVAL OF AERIAL FIRE TRUCK PURCHASE

LAKE ELMO CITY COUNCIL MINUTES

MAY 20, 2014

Fire Chief Malmquist explained background on the Aerial Fire Truck purchase. The truck is a 78 foot aerial.

Council Member Nelson asked when the truck would be delivered if ordered now. If ordered now, it will be available in early 2015. Council discussed waiting to bond to save on interest. Borrowing next year would save interest, but the City would still have a truck payment this year. Finance Director Bendel recommends bonding this year.

Chief Malmquist explained the condition of the current 34 year old truck. The repair costs are increasing yearly. Ms. Bendel explained the impact on the taxpayers. It will result in roughly \$25 more per year per current resident for 10 years.

MOTION: Council Member Smith moved TO APPROVE \$715,000 FOR THE PURCHASE OF: AERIAL FIRE TRUCK FROM ROSENBAUER, FIRE HOSE FROM EMERGENCY RESPONSE SOLUTIONS, RADIO REMOVAL FROM CURRENT TRUCK BY ANCOM, ADDITIONAL TOOLS AND EQUIPMENT AS SPECIFIED AS WELL AS APPROVAL OF INTERLOCAL CONTRACT FOR COOPERATIVE PURCHASING TO OBTAIN HGAC PRICING. Council Member Reeves seconded the motion.

Council Member Smith thinks that the City made an error in past not purchasing two trucks for the price of one. Past issues could possibly have been mitigated by newer improved equipment. She strongly supports this purchase to provide better service to residents. Mayor Pearson would have preferred a better solution, but this is the best option we have at this time. Council Member Bloyer too wishes there were better options, but this is the option available. Council Member Nelson acknowledged that Public Safety Committee members were very frugal in the decision. Council Member Reeves believes the Council is making the right decision in supporting the Fire Department.

Chief Malmquist noted that this purchase will greatly increase the confidence of the force. Mr. Bloyer asked if chief was okay with a 78 ft. truck. The Chief stated yes. Mr. Bloyer reiterated that many of these purchases are fixing past problems. He hopes the City does not wait another 34 years to correct problems. Ms. Smith likened this to investing in roads. Mr. Nelson acknowledged the accomplishments in the past 18 months. Mr. Reeves noted that the City has to make investments in order to attract people to the city while still being frugal. At times there may be things council members personally to not necessarily agree with, but it is the right thing to do for the city. Chief Malmquist explained how this will help with recruiting. Mayor Pearson also acknowledged that fixing the past problems will require spending money and this needs to be done prudently.

MOTION PASSED 5-0.

Council Member Bloyer asked what will be done with the old truck. Chief Malmquist said the department will try to sell it.

ITEM 12: SAVONA DEVELOPER'S AGREEMENT; RES. NO. 2014-31

Community Development Director Klatt explained that this item was part of final plat conditions. This is the first agreement in about 7 years, and this is the first sewered development in the city. The key aspects of the agreement include the following components: That all improvements are to be completed by October 31, 2015; that the developer provide a letter of credit in the amount of \$3,113,846 related to the cost of the proposed improvements; and that the developer provide a cash deposit of \$316,432 for SAC and WAC charges, engineering administration, one year of street light operating costs, and other City fees, but not including the required fee in lieu of park land dedication. Staff is still waiting to obtain an estimated fair market value related to the developer's fee in lieu of park land dedication (or the equivalent of 3.74 acres). This amount will need to be included in the agreement and will increase the cash payments required by the developer.

This project will set the stage for future development in the area.

The only amendment that staff requests are: on Page 17, section 33 under warranty: add "or cash equivalent" and on page 18, section 34 should reflect "total cost."

LAKE ELMO CITY COUNCIL MINUTES

MAY 20, 2014

MOTION: Council Member Bloyer moved **TO ADOPT RESOLUTION 2014-31 APPROVING THE DEVELOPER'S AGREEMENT FOR SAVONA INCLUDING NOTED AMENDMENTS.** Council Member Reeves seconded the motion. **MOTION PASSED 5-0.**

ITEM 13: 2014 SEAL COAT PROJECT – ACCEPT BIDS AND AWARD CONTRACT; RES.NO. 2014-32

City Engineer Griffin explained the scope and status of the project. The total cost for the project is \$193,389.88 of which \$189,889.88 is the Cities. The project was authorized by the City council on April 15, 2014 in the amount of \$213,000, so the bids came in under the estimated cost.

Council Member Smith departed at 9:49 pm.

MOTION: Council Member Reeves moved **TO APPROVE RESOLUTION NO. 2014-32, ACCEPTING THE BIDS AND AWARDING A CONTRACT TO PEARSON BROS., INC. IN THE AMOUNT OF \$265,298.88 FOR THE 2014 SEAL COAT PROJECT; WHICH INCLUDES THE ALTERNATE BID FOR LAKE ELMO IN THE AMOUNT OF \$189,889.88; THE BASE BID FOR WEST LAKELAND IN THE AMOUNT OF \$44,175.00; AND THE BASE BID FOR BAYTOWN IN THE AMOUNT OF \$31,234.00.** Council Member Nelson seconded the motion.

Council Member Nelson reiterated that financially, this proposal meets what the Finance Committee desired.

MOTION PASSED 4-0.

STAFF REPORTS AND ANNOUNCEMENTS

City Administrator Zuleger: asked that council be present at the Met Council for the formal termination on 5/28. Mr. Zuleger commended Nick, Kyle, and Jack for their work and getting along with Met Council staff.

City Attorney Snyder: working with security and assessment and waivers for southeast developments; reported working on 39th Street waivers.

Community Development Director Klatt: stormwater at Hammes site impacted a neighboring property. Staff is working with contractor to remediate the impact; upcoming public hearing on shoreland ordinance at Planning Commission; the Engstrom development will move to a PUD concept plan and to expect that in June; the lighting ordinance is part of the work plan and will be worked on as quickly as time allows; Mr. Klatt also noted that Catherine (Casey) Reily has began as a Planning Intern this week.

City Engineer Griffin: property owner meeting for 2015 street improvements; Lake Elmo Ave Water bids are in and are lower than expected.

Finance Director Bendel: Finance Committee meeting, cash flow analysis.

City Clerk Bell: working with staff on securing 39th St. documentation; beginning preparation for 2014 elections; attended meeting with the MN Public Facilities Authority to investigate obtaining public infrastructure grants; met with the Metro-INET Technology Consortium; reported that staff has denied a number of chicken applications due to lot size restrictions in the Old Village.

Mayor Pearson adjourned meeting at 10:04 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Adam R. Bell, City Clerk



MAYOR & COUNCIL COMMUNICATION

DATE: 06/03/2014
CONSENT
ITEM #2
MOTION

AGENDA ITEM: Approve Disbursements in the amount of \$397,379.72

SUBMITTED BY: Cathy Bendel, Finance Director

THROUGH: Cathy Bendel, Finance Director

REVIEWED BY: Dean Zuleger, City Administrator

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Finance

FISCAL IMPACT: \$397,379.72

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$397,379.72. No specific motion is needed as this is recommended to be part of the *Consent Agenda*.

LEGISLATIVE HISTORY: NA

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

Claim #	Amount	Description
ACH	\$ 13,345.19	Payroll Taxes to IRS & MN Dept of Revenue 5/29/14
ACH	\$ 5,975.70	Payroll Retirement to PERA 5/29/14
DD5531-DD5557	\$ 28,863.72	Payroll Dated (Direct Deposits) 5/29/14
41352-41358	\$ 12,674.54	Payroll Dated (Checks) 5/29/2014
41359-41392	\$ 335,980.57	Accounts Payable 6/03/14
2390-2398	540.00	Library Card Reimbursement 6/03/14
TOTAL	\$ 397,379.72	

RECOMMENDATION: Based on the aforementioned, the staff recommends the City Council approve as part of the Consent Agenda the aforementioned disbursements in the amount of \$397,379.72.

ATTACHMENTS:

1. Accounts Payable – check registers

Accounts Payable To Be Paid Proof List

User: PattyB

Printed: 05/29/2014 - 2:04 PM

Batch: 008-05-2014

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
AMAZONIN Amazon Inc										
604578781032040	05/10/2014	357.76	0.00	06/03/2014	Books		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
604578781032040	05/10/2014	14.79	0.00	06/03/2014	Teen Books		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
604578781032040	05/10/2014	92.80	0.00	06/03/2014	Childrens Books		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
604578781032040	05/10/2014	104.87	0.00	06/03/2014	DVD		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
604578781032040	05/10/2014	162.99	0.00	06/03/2014	Kindle e-reader		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
604578781032040	05/10/2014	-0.05	0.00	06/03/2014	Credit		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
604578781032040 Total:		733.16								
AMAZONIN Total:		733.16								
ASPENMI Aspen Mills, Inc.										
149906	05/16/0204	33.95	0.00	06/03/2014	Uniform shirt/patches		-		No	0000
101-420-2220-44170	Uniforms									
149906 Total:		33.95								
149907	05/16/0204	44.85	0.00	06/03/2014	Update Class A		-		No	0000
101-420-2220-44170	Uniforms									
149907 Total:		44.85								
ASPENMI Total:		78.80								
BOLTONME Bolton & Menk, Inc										
0165331	03/31/2014	19,027.67	0.00	06/03/2014	2013.132 Pumphouse No 4		-		No	0000
601-494-9400-43030	Engineering Services									
0165331 Total:		19,027.67								
0166022	04/30/2014	1,085.00	0.00	06/03/2014	2013.132 Pumphouse No 4		-		No	0000
601-494-9400-43030	Engineering Services									
0166022 Total:		1,085.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
BOLTONME Total:		20,112.67								
CARDMEMB Cardmember Service										
05212014	05/21/2014	75.99	0.00	06/03/2014	VISA bill		-		No	0000
101-410-1320-44300	Miscellaneous									
05212014	05/21/2014	32.78	0.00	06/03/2014	VISA bill		-		No	0000
101-410-1940-44300	Miscellaneous									
05212014	05/21/2014	58.94	0.00	06/03/2014	VISA bill		-		No	0000
101-430-3200-42100	Recycling Supplies									
05212014	05/21/2014	42.28	0.00	06/03/2014	VISA bill		-		No	0000
101-410-1320-44350	Books									
05212014	05/21/2014	1.75	0.00	06/03/2014	VISA bill		-		No	0000
101-410-1320-44300	Miscellaneous									
05212014	05/21/2014	572.45	0.00	06/03/2014	VISA bill		-		No	0000
601-494-9400-44370	Conferences & Training									
05212014	05/21/2014	572.45	0.00	06/03/2014	VISA bill		-		No	0000
602-495-9450-44370	Conferences & Training									
05212014	05/21/2014	249.79	0.00	06/03/2014	VISA bill		-		No	0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
05212014	05/21/2014	129.48	0.00	06/03/2014	VISA bill		-		No	0000
101-430-3120-42240	Street Maintenance Materials									
05212014	05/21/2014	454.29	0.00	06/03/2014	VISA bill		-		No	0000
101-430-3100-42230	Building Repair Supplies									
05212014	05/21/2014	53.51	0.00	06/03/2014	VISA bill		-		No	0000
101-420-2220-42120	Fuel, Oil and Fluids									
05212014	05/21/2014	78.58	0.00	06/03/2014	VISA bill		-		No	0000
101-420-2220-44010	Repairs/Maint Bldg									
05212014	05/21/2014	35.45	0.00	06/03/2014	VISA bill		-		No	0000
101-420-2220-42400	Small Tools & Equipment									
05212014	05/21/2014	0.75	0.00	06/03/2014	VISA bill		-		No	0000
101-410-1910-44300	Miscellaneous									
05212014	05/21/2014	16.29	0.00	06/03/2014	VISA bill		-		No	0000
101-410-1520-42000	Office Supplies									
05212014	05/21/2014	16.29	0.00	06/03/2014	VISA bill		-		No	0000
101-410-1910-42000	Office Supplies									
05212014	05/21/2014	100.00	0.00	06/03/2014	VISA bill		-		No	0000
101-410-1450-44370	Conferences & Training									
05212014	05/21/2014	26.99	0.00	06/03/2014	VISA bill		-		No	0000
101-410-1320-44330	Dues & Subscriptions									
05212014	05/21/2014	57.76	0.00	06/03/2014	VISA bill		-		No	0000
101-420-2400-42120	Fuel, Oil and Fluids									
05212014	05/21/2014	96.77	0.00	06/03/2014	VISA bill		-		No	0000
101-420-2400-44350	Books									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
05212014	05/21/2014	109.00	0.00	06/03/2014	VISA bill		-		No	0000
101-420-2400-44370	Conferences & Training									
05212014	05/21/2014	18.29	0.00	06/03/2014	VISA bill		-		No	0000
206-450-5300-42000	Office Supplies									
05212014	05/21/2014	149.50	0.00	06/03/2014	VISA bill		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
05212014	05/21/2014	29.90	0.00	06/03/2014	VISA bill		-		No	0000
101-410-1320-43210	Telephone									
05212014	05/21/2014	11.00	0.00	06/03/2014	VISA bill		-		No	0000
101-410-1320-44300	Miscellaneous									
05212014	05/21/2014	-1.05	0.00	06/03/2014	VISA bill		-		No	0000
101-430-3100-42230	Building Repair Supplies									
	05212014 Total:	2,989.23								
	CARDMEMB Total:	2,989.23								
CARQUEST Car Quest Auto Parts										
2055-318503	05/16/2014	41.56	0.00	06/03/2014	Balde Belt toro		-		No	0000
101-450-5200-42210	Equipment Parts									
	2055-318503 Total:	41.56								
2055-318710	05/19/2014	7.20	0.00	06/03/2014	Filter		-		No	0000
101-450-5200-42210	Equipment Parts									
	2055-318710 Total:	7.20								
2055-318716	05/19/2014	44.52	0.00	06/03/2014	Filters		-		No	0000
101-450-5200-42210	Equipment Parts									
	2055-318716 Total:	44.52								
2055-318860	05/20/2014	73.57	0.00	06/03/2014	Repair Parts 91 Dodge		-		No	0000
101-450-5200-42210	Equipment Parts									
	2055-318860 Total:	73.57								
2055-319088	05/22/2014	165.34	0.00	06/03/2014	Fuel Pump/Filter 91 Dodge		-		No	0000
101-450-5200-42210	Equipment Parts									
	2055-319088 Total:	165.34								
2055-319358	05/27/2014	11.08	0.00	06/03/2014	Fuel system repair parts		-		No	0000
101-450-5200-42210	Equipment Parts									
	2055-319358 Total:	11.08								
2055-319382	05/27/2014	10.05	0.00	06/03/2014	Fuel Line connector		-		No	0000
101-450-5200-42210	Equipment Parts									
	2055-319382 Total:	10.05								
	CARQUEST Total:	353.32								
CENTURYLink										
5192014	05/19/2014	125.89	0.00	06/03/2014	Phone - Library		-		No	0000
206-450-5300-43210	Telephone									
5192014	05/19/2014	38.44	0.00	06/03/2014	Internet - Library		-		No	0000
206-450-5300-43250	Internet									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
5192014 Total: CENTURYL Total:		164.33 164.33								
<hr/>										
CHRISTEN Christenson Kristin 05/22/2014		25.00	0.00	06/03/2014	Refund Chicken permit fee		-		No	0000
101-000-0000-36200 Miscellaneous Revenue Total: CHRISTEN Total:		25.00 25.00								
<hr/>										
DENALI Denali Custom Homes 05/15/2014		5,000.00	0.00	06/03/2014	10977 57th Street # 8491		-		No	0000
803-000-0000-22900 Deposits Payable Total: DENALI Total:		5,000.00 5,000.00								
<hr/>										
DITCHWIT Ditch Witch of Mn, Inc. PO 6781 05/20/2014		15.75	0.00	06/03/2014	Vac Ex Parts		-		No	0000
101-450-5200-42230 Building Repair Supplies PO 6781 Total: DITCHWIT Total:		15.75 15.75								
<hr/>										
Enright Enright Robert 05/29/2014		55.00	0.00	06/03/2014	Planning Commission Meeting		-		No	0000
101-410-1450-43620 Cable Operations 05/29/2014		25.00	0.00	06/03/2014	Bonus		-		No	0000
101-410-1450-43620 Cable Operations Total: Enright Total:		80.00 80.00								
<hr/>										
FRANZ Franz Reprographics Inc 130328 05/20/2014		280.90	0.00	06/03/2014	Plotter Ink and Paper		-		No	0000
101-410-1910-42000 Office Supplies 130328 Total: FRANZ Total:		280.90 280.90								
<hr/>										
GRAPHICR Graphic Resources Inc 49087 05/16/2014		235.50	0.00	06/03/2014	Invoice Paper		-		No	0000
601-494-9400-42030 Printed Forms 49087 05/16/2014		235.50	0.00	06/03/2014	Invoice Paper		-		No	0000
603-496-9500-42030 Printed Forms										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
49114	05/16/2014	49087 Total: 471.00								
101-430-3200-42100	Recycling Supplies	1,099.46	0.00	06/03/2014	Fresh Air letter		-		No	0000
49114 Total:		1,099.46								
GRAPHICR Total:		1,570.46								
HOLIDAYC Holiday Credit Office										
05/15/2014		454.15	0.00	06/03/2014	Fuel		-		No	0000
101-420-2220-42120	Fuel, Oil and Fluids	454.15								
Total:		454.15								
HOLIDAYC Total:		454.15								
HORWATH Horwath Construction										
May-14	05/20/2014	370.00	0.00	06/03/2014	VFW Dugout		-		No	0000
101-450-5200-44010	Repairs/Maint Bldg	370.00								
May-14 Total:		370.00								
HORWATH Total:		370.00								
LANDTITL Land Title Inc										
3313	05/21/2014	100.00	0.00	06/03/2014	Reco		-		No	0000
409-480-8000-43040	Legal Services	100.00								
3313 Total:		100.00								
3331	05/21/2014	100.00	0.00	06/03/2014	Trinity		-		No	0000
409-480-8000-43040	Legal Services	100.00								
3331 Total:		100.00								
3334	05/21/2014	100.00	0.00	06/03/2014	EN Property		-		No	0000
409-480-8000-43040	Legal Services	100.00								
3334 Total:		100.00								
3335	05/21/2014	100.00	0.00	06/03/2014	Yik Chi Lo		-		No	0000
409-480-8000-43040	Legal Services	100.00								
3335 Total:		100.00								
3338	05/21/2014	50.00	0.00	06/03/2014	Landucci		-		No	0000
409-480-8000-43040	Legal Services	50.00								
3338 Total:		50.00								
3339	05/21/2014	50.00	0.00	06/03/2014	Diedrich		-		No	0000
409-480-8000-43040	Legal Services	50.00								
3339 Total:		50.00								
LANDTITL Total:		500.00								
MENARDSO Menards - Oakdale										
45074	05/12/2014	3,885.93	0.00	06/03/2014	Sign Post Parks		-		No	0000
404-480-8000-45300	Improvements Other Than Bldgs									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
45074 Total:		3,885.93								
MENARDSO Total:		3,885.93								
<hr/>										
MENARDST Menards - Stillwater										
41679	05/15/2014	4.97	0.00	06/03/2014	Batteries		-		No	0000
101-420-2220-42000	Office Supplies									
41679	05/15/2014	10.96	0.00	06/03/2014	Pole		-		No	0000
101-420-2220-42400	Small Tools & Equipment									
41679	05/15/2014	24.98	0.00	06/03/2014	Station Supplies		-		No	0000
101-420-2220-44010	Repairs/Maint Bldg									
41679	05/15/2014	-9.84	0.00	06/03/2014	Credit		-		No	0000
101-420-2220-44010	Repairs/Maint Bldg									
41679 Total:		31.07								
MENARDST Total:		31.07								
<hr/>										
MES Municipal Emergency Svs. Inc.										
521024 SNV	05/12/2014	37.44	0.00	06/03/2014	Repair Gas monitor		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
521024 SNV Total:		37.44								
MES Total:		37.44								
<hr/>										
MESSERLI Messerli & Kramer										
298105	05/16/2014	5,000.00	0.00	06/03/2014	Professional Services - 2013-2014		-		No	0000
101-410-1320-43150	Contract Services				Legist					
298105 Total:		5,000.00								
MESSERLI Total:		5,000.00								
<hr/>										
MNPIPE Minnesota Pipe & Equipment										
313851	05/09/2014	269.09	0.00	06/03/2014	Valve Boxes		-		No	0000
601-494-9400-42270	Utility System Maintenance									
313851 Total:		269.09								
MNPIPE Total:		269.09								
<hr/>										
NORTHDAL Northdale Construction Co, INC										
No 2	05/27/2014	266,151.71	0.00	06/03/2014	2013.131 Well No 4 Watermain		-		No	0000
601-494-9400-43030	Engineering Services									
No 2 Total:		266,151.71								
NORTHDAL Total:		266,151.71								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
READYWAT Ready Watt Electric										
98297	05/19/2014	3,745.00	0.00	06/03/2014	Warning siren repair and maintenance		-		No	0000
101-420-2500-43150	Contract Services									
	98297 Total:	3,745.00								
	READYWAT Total:	3,745.00								
S&T S&T Office Products, Inc.										
01QJ7200	05/20/2014	114.32	0.00	06/03/2014	Office supplies		-		No	0000
101-410-1320-42000	Office Supplies									
01QJ7200	05/20/2014	53.82	0.00	06/03/2014	Office supplies		-		No	0000
101-410-1910-42000	Office Supplies									
01QJ7200	05/20/2014	11.04	0.00	06/03/2014	Office supplies		-		No	0000
101-420-2400-42000	Office Supplies									
	01QJ7200 Total:	179.18								
	S&T Total:	179.18								
SELECTAC SelectAccount										
1011994	05/09/2014	8.44	0.00	06/03/2014	Participant fee 5/01-5/31/2014		-		No	0000
101-410-1520-43150	Contract Services									
	1011994 Total:	8.44								
	SELECTAC Total:	8.44								
SPRINT Sprint										
761950227-133	05/18/2014	55.36	0.00	06/03/2014	Cell phone		-		No	0000
101-410-1940-43210	Telephone									
761950227-133	05/18/2014	193.96	0.00	06/03/2014	Cell phone		-		No	0000
101-420-2220-43210	Telephone									
761950227-133	05/18/2014	38.18	0.00	06/03/2014	Cell phone		-		No	0000
101-420-2400-43210	Telephone									
761950227-133	05/18/2014	70.07	0.00	06/03/2014	Cell phone		-		No	0000
101-430-3100-43210	Telephone									
761950227-133	05/18/2014	74.55	0.00	06/03/2014	Cell phone		-		No	0000
101-450-5200-43210	Telephone									
761950227-133	05/18/2014	48.38	0.00	06/03/2014	Cell phone		-		No	0000
101-410-1450-43210	Telephone									
761950227-133	05/18/2014	12.87	0.00	06/03/2014	Cell phone		-		No	0000
101-410-1910-43210	Telephone									
	761950227-133 Total:	493.37								
	SPRINT Total:	493.37								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
STILLMED Stillwater Medical Group										
168132	05/13/2014	358.00	0.00	06/03/2014	Annual physicals - Jorgensen, Zeimer		-	No		0000
101-420-2220-43050	Physicals									
	168132 Total:	358.00								
	STILLMED Total:	358.00								
TASCH T.A. Schifsky & Sons Inc										
56375	05/09/2014	1,288.58	0.00	06/03/2014	Asphalt		-	No		0000
101-430-3120-42240	Street Maintenance Materials									
	56375 Total:	1,288.58								
	TASCH Total:	1,288.58								
TKDA TKDA, Inc.										
002014001258	05/08/2014	154.86	0.00	06/03/2014	General Engineering Records & Data		-	No		0000
101-410-1930-43030	Engineering Services									
	002014001258 Total:	154.86								
002014001286	05/08/2014	987.53	0.00	06/03/2014	2013.123 LE Ave Sewer		-	No		0000
602-495-9450-43030	Engineering Services									
	002014001286 Total:	987.53								
	TKDA Total:	1,142.39								
TOTALMEC Total Mechanical Services, Inc										
Pay No 1	05/27/2014	16,150.00	0.00	06/03/2014	2013.132 Pumphouse No 4		-	No		0000
601-494-9400-43030	Engineering Services									
	Pay No 1 Total:	16,150.00								
	TOTALMEC Total:	16,150.00								
VALLEYTR Valley Trophy Inc.										
454371	05/15/2014	48.00	0.00	06/03/2014	Annual Outstanding Service Award		-	No		0000
101-420-2220-44300	Miscellaneous									
	454371 Total:	48.00								
	VALLEYTR Total:	48.00								
Whiteani White Anita										
	05/20/2014	55.00	0.00	06/03/2014	CC Meeting		-	No		0000
101-410-1450-43620	Cable Operations									
	05/20/2014	25.00	0.00	06/03/2014	Bonus		-	No		0000
101-410-1450-43620	Cable Operations									
	Total:	80.00								

Invoice # Inv Date Amount Quantity Pmt Date Description Reference Task Type PO # Close POLine #

Whiteani Total: 80.00

Report Total: 331,595.97

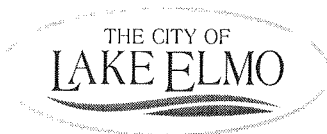
Accounts Payable To Be Paid Proof List

User: PattyB

Printed: 05/29/2014 - 2:16 PM

Batch: 009-05-2014

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
DELTA Delta Dental Of Minnesota 5534509 05/15/2014 101-000-0000-21706 Medical Insurance 5534509 Total: DELTA Total:		1,724.60 1,724.60 1,724.60	0.00	06/03/2014	June Premium		-	No		0000
NCPERS 566200-NCPERS Minnesota 5662414 05/20/2014 101-000-0000-21708 Other Benefits 5662414 Total: NCPERS Total:		160.00 160.00 160.00	0.00	06/03/2014	June Premium		-	No		0000
RABOIN Raboin Daniel 05/28/2014 101-410-1320-43100 Assessing Services Total: RABOIN Total:		2,500.00 2,500.00 2,500.00	0.00	06/03/2014	June monthly installment - per contract		-	No		0000
Report Total:		4,384.60								



MAYOR & COUNCIL COMMUNICATION

DATE: 06/03/2014
CONSENT
ITEM # 3

AGENDA ITEM: Well No. 4 Connecting Watermain – Pay Request No. 2

SUBMITTED BY: Chad Isakson, Project Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Jack Griffin, City Engineer
Cathy Bendel, Finance Director

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

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

POLICY RECOMMENDER: Engineering

FISCAL IMPACT:

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

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving Pay Request No. 2 for the Well No. 4 Connecting Watermain project. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve Pay Request No. 2 to Northdale Construction Company in the amount of \$266,151.71, for the Well No. 4 Connecting Watermain Project”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

Northdale Construction Company, the Contractor for the project, has submitted Partial Pay Estimate No. 2 in the amount of \$266,151.71. The request has been reviewed and payment is recommended in the amount requested. In accordance with the contract documents, the City has retained 5% of the total work completed. The amount retained is \$17,584.99.

RECOMMENDATION:



Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, Pay Request No. 2 for the Well No. 4 Connecting Watermain project. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve Pay Request No. 2 to Northdale Construction Company in the amount of \$266,151.71, for the Well No. 4 Connecting Watermain Project”

ATTACHMENT(S):

1. Partial Pay Estimate No. 2

PROJECT PAY FORM

PARTIAL PAY ESTIMATE NO. <u>2</u>				FOCUS ENGINEERING, inc.	
WELL NO. 4 CONNECTING WATERMAIN IMPROVEMENTS PROJECT NO. 2013.131				PERIOD OF ESTIMATE FROM <u>4/26/2014</u> TO <u>5/23/2014</u>	
PROJECT OWNER: CITY OF LAKE ELMO 3800 LAVERNE AVENUE NORTH LAKE ELMO, MN 55042 ATTN: JACK GRIFFIN, P.E., CITY ENGINEER				CONTRACTOR: NORTHDAL CONSTRUCTION COMPANY INC. 9760 71ST ST. NE ALBERTVILLE, MN 55301 ATTN: THOMAS WILEBSKI	
CONTRACT CHANGE ORDER SUMMARY				PAY ESTIMATE SUMMARY	
No.	Approval Date	Amount			
		Additions	Deductions		
				1. Original Contract Amount <u>\$442,484.13</u>	
				2. Net Change Order Sum <u>\$0.00</u>	
				3. Revised Contract (1+2) <u>\$442,484.13</u>	
				4. *Work Completed <u>\$351,699.82</u>	
				5. *Stored Materials <u>\$0.00</u>	
				6. Subtotal (4+5) <u>\$351,699.82</u>	
				7. Retainage* <u>5.0%</u> <u>\$17,584.99</u>	
				8. Previous Payments <u>\$67,963.12</u>	
				9. Amount Due (6-7-8) <u>\$266,151.71</u>	
TOTALS		\$0.00	\$0.00		
NET CHANGE		\$0.00		*Detailed Breakdown Attached	
CONTRACT TIME					
START DATE: <u>4/14/2014</u>		ORIGINAL DAYS <u>86</u>		ON SCHEDULE	
SUBSTANTIAL COMPLETION: <u>6/9/2014</u>		REVISED DAYS <u>0</u>		YES <input checked="" type="checkbox"/>	
FINAL COMPLETION: <u>7/9/2014</u>		REMAINING <u>47</u>		NO <input type="checkbox"/>	
ENGINEER'S CERTIFICATION: The undersigned certifies that the work has been reviewed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.				FOCUS Engineering, Inc.  _____ ENGINEER <u>5/27/2014</u> _____ DATE	
CONTRACTOR'S CERTIFICATION: The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.				CONTRACTOR  BY <u>5-27-14</u> _____ DATE	
APPROVED BY OWNER: <u>CITY OF LAKE ELMO, MINNESOTA</u>					
BY _____			BY _____		
DATE _____			DATE _____		

PARTIAL PAY ESTIMATE NO. 2

WELL NO. 4 CONNECTING WATERMAIN IMPROVEMENTS
CITY OF LAKE ELMO, MINNESOTA
PROJECT NO. 2013.131

FOCUS ENGINEERING, inc.

ITEM	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			THIS PERIOD		TOTAL TO DATE	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
1	MOBILIZATION	LS	1	\$19,640.77	\$19,640.77	0.25	\$4,910.19	0.75	\$14,730.58
2	TRAFFIC CONTROL	LS	1	\$2,275.00	\$2,275.00	0.25	\$568.75	0.75	\$1,706.25
3	CLEAR AND GRUB TREE	EA	5	\$375.00	\$1,875.00	-	\$0.00	-	\$0.00
4	CONNECT TO EXISTING 12" WATERMAIN	EA	1	\$1,033.82	\$1,033.82	-	\$0.00	-	\$0.00
5	CONNECT TO EXISTING 16" WATERMAIN	EA	1	\$3,353.64	\$3,353.64	-	\$0.00	-	\$0.00
6	6" DIP, CL. 52 WATERMAIN	LF	40	\$76.89	\$3,075.60	26.50	\$2,037.59	26.5	\$2,037.59
7	12" DIP, CL. 52 WATERMAIN	LF	76	\$118.02	\$8,969.52	33.50	\$3,953.67	106.5	\$12,569.13
8	12" HDPE WATERMAIN, DIRECTIONAL DRILL	LF	4,347	\$50.57	\$219,827.79	3210.00	\$162,329.70	4000.0	\$202,280.00
9	6" GATE VALVE AND BOX	EA	8	\$1,214.39	\$9,715.12	5.00	\$6,071.95	5.0	\$6,071.95
10	12" GATE VALVE AND BOX	EA	9	\$4,755.14	\$42,796.26	5.00	\$23,775.70	7.0	\$33,285.98
11	VALVE BOX EXTENSION	LF	9	\$138.70	\$1,248.30	-	\$0.00	-	\$0.00
12	HYDRANT	EA	8	\$6,752.79	\$54,022.32	5.00	\$33,763.95	5.0	\$33,763.95
13	HYDRANT EXTENSION	LF	4	\$991.24	\$3,469.34	-	\$0.00	-	\$0.00
14	1" TYPE "K" COPPER WATER SERVICE	LF	5	\$31.09	\$155.45	-	\$0.00	-	\$0.00
15	1" TYPE "K" COPPER WATER SERVICE, DIRECTIONAL DRILL	LF	220	\$43.50	\$9,570.00	251.00	\$10,918.50	251.0	\$10,918.50
16	1.5" TYPE "K" COPPER WATER SERVICE	LF	65	\$39.74	\$2,583.10	-	\$0.00	-	\$0.00
17	1.5" TYPE "K" COPPER WATER SERVICE, DIRECTIONAL DRILL	LF	215	\$46.83	\$10,068.45	239.00	\$11,192.37	239.0	\$11,192.37
18	1" CORPORATION STOP W/ FUSABLE SADDLE	EA	4	\$469.74	\$1,878.96	-	\$0.00	-	\$0.00
19	1" CURB STOP & BOX	EA	4	\$712.75	\$2,851.00	3.00	\$2,138.25	3.0	\$2,138.25
20	1.5" CORPORATION STOP W/ FUSABLE SADDLE	EA	6	\$527.08	\$3,162.48	-	\$0.00	-	\$0.00
21	1.5" CURB STOP & BOX	EA	6	\$755.16	\$4,530.96	3.00	\$2,265.48	3.0	\$2,265.48
22	OFF ROAD STRUCTURE MARKER	EA	9	\$71.25	\$641.25	-	\$0.00	-	\$0.00
23	DUCTILE IRON FITTINGS	LB	1,500	\$8.55	\$12,825.00	1132.00	\$9,678.60	1376.0	\$11,764.80
24	POTHOLE EXISTING UTILITY	EA	24	\$275.00	\$6,600.00	23.00	\$6,325.00	23.0	\$6,325.00
25	PATCH BITUMINOUS STREET	SY	25	\$90.00	\$2,250.00	-	\$0.00	-	\$0.00
26	TOPSOIL BORROW (CV)	CY	100	\$26.50	\$2,650.00	-	\$0.00	-	\$0.00
27	SEED MIX 250 & EROSION CONTROL BLANKET	SY	3,000	\$1.60	\$4,800.00	-	\$0.00	-	\$0.00
28	SODDING	SY	1,000	\$4.57	\$4,570.00	-	\$0.00	-	\$0.00
29	SILT FENCE, MACHINE SLICED	LF	350	\$4.20	\$1,470.00	-	\$0.00	100.0	\$420.00
30	STREET SWEEPER WITH PICK UP BROOM	HR	5	\$115.00	\$575.00	2.00	\$230.00	2.0	\$230.00

TOTALS - BASE CONTRACT

\$442,484.13

\$280,159.70

\$351,699.82



MAYOR & COUNCIL COMMUNICATION

DATE: 06/03/2014

CONSENT

ITEM # 4

AGENDA ITEM: Pumphouse No. 4 – Pay Request No. 1

SUBMITTED BY: Chad Isakson, Project Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Jack Griffin, City Engineer
Cathy Bendel, Finance Director

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

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

POLICY RECOMMENDER: Engineering

FISCAL IMPACT:

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

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving Pay Request No. 1 for the Pumphouse No. 4 project. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve Pay Request No. 1 to Total Mechanical Services, Inc. in the amount of \$16,150.00, for the Pumphouse No. 4 Project”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

Total Mechanical Services Inc., the Contractor for the project, has submitted Partial Pay Estimate No. 1 in the amount of \$16,150.00. The request has been reviewed and payment is recommended in the amount requested. In accordance with the contract documents, the City has retained 5% of the total work completed. The amount retained is \$16,150.00.

RECOMMENDATION:

Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, Pay Request No. 1 for the Pumphouse No. 4 project. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve Pay Request No. 1 to Total Mechanical Services, Inc. in the amount of \$16,150.00, for the Pumphouse No. 4 Project”

ATTACHMENT(S):

1. Partial Pay Estimate No. 1

PROJECT PAY FORM

PARTIAL PAY ESTIMATE NO. 1

FOCUS ENGINEERING, inc.

PUMPHOUSE NO. 4
PROJECT NO. 2013.132

PERIOD OF ESTIMATE
FROM 4/1/2014 TO 5/21/2014

PROJECT OWNER:
CITY OF LAKE ELMO
3800 LAVERNE AVENUE NORTH
LAKE ELMO, MN 55042
ATTN: JACK GRIFFIN, P.E., CITY ENGINEER

CONTRACTOR:
TOTAL MECHANICAL SERVICES, INC.
420 BROADWAY AVE
ST. PAUL, MN 55071
ATTN: MARK DIESSNER

CONTRACT CHANGE ORDER SUMMARY

No.	Approval Date	Amount	
		Additions	Deductions
TOTALS		\$0.00	\$0.00
NET CHANGE		\$0.00	

PAY ESTIMATE SUMMARY

1. Original Contract Amount	\$748,640.00
2. Net Change Order Sum	\$0.00
3. Revised Contract (1+2)	\$748,640.00
4. *Work Completed	\$17,000.00
5. *Stored Materials	\$0.00
6. Subtotal (4+5)	\$17,000.00
7. Retainage* <u>5.0%</u>	\$850.00
8. Previous Payments	\$0.00
9. Amount Due (6-7-8)	\$16,150.00

*Detailed Breakdown Attached

CONTRACT TIME

START DATE: 5/19/2014
SUBSTANTIAL COMPLETION: 10/10/2014
FINAL COMPLETION: 11/21/2014

ORIGINAL DAYS 186
REVISED DAYS 0
REMAINING 184

ON SCHEDULE
YES ☒ X
NO ☐

ENGINEER'S CERTIFICATION:

The undersigned certifies that the work has been reviewed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.

FOCUS Engineering, inc.



ENGINEER

5/27/2014
DATE

CONTRACTOR'S CERTIFICATION:

The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.

CONTRACTOR



BY

5/23/14
DATE

APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA

BY _____

DATE _____

BY _____

DATE _____

PARTIAL PAY ESTIMATE NO. 1

PUMPHOUSE NO. 4
CITY OF LAKE ELMO, MINNESOTA
PROJECT NO. 2013.132

FOCUS ENGINEERING, inc.

ITEM	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			THIS PERIOD		TOTAL TO DATE	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
1	DIV 1 - GENERAL CONDITIONS	LS	1	\$60,000.00	\$60,000.00	0.17	\$10,200.00	0.17	\$10,200.00
2	DIV 1 - MOBILIZATION	LS	1	\$10,000.00	\$10,000.00	0.50	\$5,000.00	0.50	\$5,000.00
3	DIV 2 - SITE WORK	LS	1	\$45,000.00	\$45,000.00	0.04	\$1,800.00	0.04	\$1,800.00
4	DIV 3 - CONCRETE	LS	1	\$30,000.00	\$30,000.00	-	\$0.00	-	\$0.00
5	DIV 4 - MASONRY	LS	1	\$59,000.00	\$59,000.00	-	\$0.00	-	\$0.00
6	DIV 5 - METALS	LS	1	\$3,000.00	\$3,000.00	-	\$0.00	-	\$0.00
7	DIV 6 - CARPENTRY	LS	1	\$19,000.00	\$19,000.00	-	\$0.00	-	\$0.00
8	DIV 7 - THERMAL PROTECTION	LS	1	\$13,000.00	\$13,000.00	-	\$0.00	-	\$0.00
9	DIV 8 - DOORS AND WINDOWS	LS	1	\$12,000.00	\$12,000.00	-	\$0.00	-	\$0.00
10	DIV 9 - FINISHES	LS	1	\$10,000.00	\$10,000.00	-	\$0.00	-	\$0.00
11	DIV 10 - SAFETY AND SIGNS	LS	1	\$5,000.00	\$5,000.00	-	\$0.00	-	\$0.00
12	DIV 11 - PROCESS EQUIPMENT	LS	1	\$60,000.00	\$60,000.00	-	\$0.00	-	\$0.00
13	DIV 15 - MECHANICAL	LS	1	\$137,900.00	\$137,900.00	-	\$0.00	-	\$0.00
14	DIV 16 - ELECTRICAL	LS	1	\$243,000.00	\$243,000.00	-	\$0.00	-	\$0.00
15	COMMON EXCAVATION (P)	CY	350	\$11.00	\$3,850.00	-	\$0.00	-	\$0.00
16	TYPE SP. 12.5 BITUMINOUS WEARING COURSE MIXTURE (2,8)	TN	130	\$108.00	\$14,040.00	-	\$0.00	-	\$0.00
17	BITUMINOUS MATERIAL FOR TACK COAT	GAL	35	\$6.00	\$210.00	-	\$0.00	-	\$0.00
18	AGGREGATE BASE CLASS 5, 100% CRUSHED	TN	190	\$20.00	\$3,800.00	-	\$0.00	-	\$0.00
19	SELECT GRANULAR BORROW (MODIFIED)	TN	380	\$13.50	\$5,130.00	-	\$0.00	-	\$0.00
20	5" CONCRETE SIDEWALK	SF	235	\$5.00	\$1,175.00	-	\$0.00	-	\$0.00
21	TRUNCATED DOME PANELS	SF	8	\$40.00	\$320.00	-	\$0.00	-	\$0.00
22	TOPSOIL BORROW (CV)	CY	15	\$65.00	\$975.00	-	\$0.00	-	\$0.00
23	TEMPORARY ROCK CONSTRUCTION ENTRANCE	EA	1	\$1,000.00	\$1,000.00	-	\$0.00	-	\$0.00
24	SILT FENCE, MACHINE SLICED	LF	400	\$3.00	\$1,200.00	-	\$0.00	-	\$0.00
25	STREET SWEEPER	HR	4	\$110.00	\$440.00	-	\$0.00	-	\$0.00
26	SOD	SY	2,400	\$4.00	\$9,600.00	-	\$0.00	-	\$0.00
TOTALS - BASE CONTRACT					\$748,640.00		\$17,000.00		\$17,000.00



MAYOR & COUNCIL COMMUNICATION

DATE: 06/03/2014

CONSENT

ITEM # 5

AGENDA ITEM: Commercial Wedding Ceremony Venue Ordinance 08-107 Summary Publication

SUBMITTED BY: Beckie Gumatz, Deputy Clerk

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Adam Bell, City Clerk/Assistant City Administrator
Nick Johnson, City Planner

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Staff

FISCAL IMPACT: NA

SUMMARY AND ACTION REQUESTED: City Council is respectfully requested to pass a Resolution authorizing summary publication of Ordinance 08-107, adding provisions concerning Commercial Wedding Ceremony Venues to the Zoning Ordinance. As part of its consent agenda, no specific motion is required. If removed from the consent agenda, the recommended motion is as follows:

“Move to adopt Resolution No. 2014-34 to allow for summary publication of Ordinance 08-107.”

LEGISLATIVE HISTORY:

At the meeting on May 6, 2014, City Council passed Ordinance 08-107, adding provisions concerning Commercial Wedding Ceremony Venues to the Zoning Ordinance. As the Ordinance

is lengthy, and to save money, staff recommended also passing a Resolution authorizing summary publication of the Ordinance. Summary Publication Resolutions require a 4/5 vote. There were only 3 Council Members in attendance at the meeting on May 6th, so this item is being brought back to Council so that it can have at least a 4/5 vote.

BACKGROUND INFORMATION (SWOT):

Strengths	Publishing the Ordinance in the City's designated newspaper allows the Ordinance to become law.
------------------	---

Weaknesses	NA
-------------------	----

Opportunities	NA
----------------------	----

Threats	NA
----------------	----

RECOMMENDATION: As part of its consent agenda, no specific motion is required. If removed from the consent agenda, the recommended motion is as follows:

“Move to adopt Resolution No. 2014-34 to allow for summary publication of Ordinance 08-107.”

ATTACHMENTS:

1. Resolution No. 2014-34

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

RESOLUTION NO. 2014-34

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-107 BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-107, an ordinance to allow Commercial Wedding Ceremony Venues as an Interim Use on certain properties zoned A – Agriculture and RT – Rural Transitional; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-107 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-107, which amends certain sections of the Zoning Ordinance to allow a new use called “commercial wedding ceremony venue” as an accessory use within the City’s use classification system. These types of activities would be allowed as an interim use in A and RT zoning districts. The draft ordinance includes a series of requirements for commercial wedding ceremonies, and covers a wide range of issues, including the maximum number of guests allowed, hours of operation, off-street parking requirements, setbacks, landscaping, screening, lighting, and other application requirements.

The Ordinance includes the following components:

- Definitions of the terms “wedding ceremony” and “wedding reception”
- A listing of the districts in which a Commercial Wedding Ceremony Venue is allowed through an interim use permit
- The development standards for a Commercial Wedding Ceremony

The full text of Ordinance No. 08-107 is available for inspection at Lake Elmo city hall during regular business hours.

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

Dated: May 6, 2014.

Mayor Mike Pearson

ATTEST:

Adam Bell, City Clerk

(SEAL)

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

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

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



MAYOR & COUNCIL COMMUNICATION

DATE: 06/03/2014

CONSENT

ITEM # 6

RESOLUTION 2014-35

AGENDA ITEM: Minor Comprehensive Plan Amendment – Residential Land Use Density Ranges

SUBMITTED BY: Kyle Klatt, Community Development Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Planning Commission
Nick Johnson, City Planner

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECCOMENDER: The Planning Commission and Staff are recommending amendments to the Comprehensive Plan that would eliminate existing gaps in the density ranges between the various residential land use categories.

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider minor amendments to the Lake Elmo Comprehensive Plan to remove gaps in the residential density ranges used to differentiate between the various residential land use categories. The proposed amendment will not alter the single family categories in any manner, and will instead revise the density range for medium density uses to close existing gaps at both the low and high end of this land use category. The only other land use category that would be revised is the Village Mixed Use area, in which case the minimal density would be lowered by 1 unit per acre.

The Planning Commission and Staff are recommending that the City Council approve amendments to the Lake Elmo Comprehensive Plan to remove gaps in the density ranges that

differentiate the various residential land use categories with a condition that states the amendment will not become effective until after the Met Council has completed its review of the proposed changes. The Council is being asked to consider the following motion to take action on this item if it is pulled from the Consent Agenda:

“Move to adopt Resolution No. 2014-35 approving amendments to the Lake Elmo Comprehensive Plan to eliminate gaps between residential land use categories”

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT: The Planning Commission reviewed the proposed minor Comprehensive Plan amendments at its May 28, 2014 meeting and conducted a public hearing concerning the proposed changes at this meeting. No one spoke at the hearing and the Commission closed the hearing while noting that no written comments had been received concerning this matter.

The Commission questioned why the low and high density residential land use categories were not being adjusted instead of the medium density category. Staff noted that if the City only adjusted the medium density category it would likely eliminate the need for external review of the proposed amendment and save time and effort at completed the recommended changes. The Commission generally discussed the recent adoption of the revised regional population and household forecasts, and recommended that the Commission further discuss these updated numbers for Lake Elmo as part of a future meeting.

At the meeting, Staff noted that Table 3-B in the Comprehensive Plan would also need to be updated to reflect the revised density ranges. The Commission also directed Staff to further revised the ranges to avoid any overlap between categories at the high or lower end of the scale.

The Planning Commission adopted a motion unanimously to recommend approval of the Comprehensive Plan amendment as presented with the additional changes to Table 3-B as recommended by Staff and to also further tweak the density ranges to avoid any duplication of density numbers.

BACKGROUND INFORMATION (SWOT):

Strengths: The proposed amendments will fix an existing deficiency within the Comprehensive Plan by eliminating the density gaps between residential land use categories.

The proposed amendments will eliminate confusion concerning the classification of residential projects that fall between the existing categories.

Weaknesses: None

Opportunities: The amendments will provide additional clarity concerning the intent of the Plan.

Threats: None

RECOMMENDATION: Based on the aforementioned, the Planning Commission and Staff are recommending that the City Council approve amendments to the Lake Elmo Comprehensive Plan to remove gaps in the density ranges that differentiate the various residential land use categories with the following condition of approval:

- Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that its review has been completed and approved. Acknowledgement of these comments and final adoption of the Comprehensive Plan Amendment will not require any formal action by the City Council.

Should this item be pulled from the consent agenda, Staff is recommending that the Council consider taking action by adopting the following motion:

“Move to adopt Resolution No. 2014-35 approving amendments to the Lake Elmo Comprehensive Plan to eliminate gaps between residential land use categories”

ATTACHMENTS:

1. Resolution No. 2014-35
2. Proposed Comprehensive Plan Amendments to Chapter III – Land Use
3. Planning Commission Report – 5/28/13

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

RESOLUTION NO. 2014-35

*RESOLUTION APPROVING A MINOR AMENDMENT TO THE CITY OF LAKE ELMO
COMPREHENSIVE PLAN TO ELIMINATE GAPS BETWEEN THE EXISTING DENSITY RANGES
OF THE URBAN RESIDENTIAL LAND USE CATEGORIES*

WHEREAS, the City of Lake Elmo ("City") 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, Chapter III of the Comprehensive Plan describes urban residential land use categories that include gaps in the densities used to differentiate between the various residential land uses; and

WHEREAS, the City is proposing to eliminate these gaps in order to avoid any potential confusion regarding the classification of future developments; and

WHEREAS, the Lake Elmo Planning Commission held a Public Hearing on May 28, 2014 to consider a request to amend the Comprehensive Plan to remove gaps in the density ranges that differentiate the various residential land use categories; and

WHEREAS, on May 28, 2014 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council approve the request to amend the Comprehensive Plan; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan at its June 3, 2014 meeting.

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

FINDINGS

- 1) That the Comprehensive Plan amendment would revise Chapter III – *Land Use* of the Lake Elmo Comprehensive Plan to change the densities used to differentiate specific land use categories as follows:
 - a) Urban Low Density: 2.5 to less than 4 units per acre
 - b) Urban Medium Density: 4 to less than 7.5 units per acre
 - c) Urban High Density 7.5 to 15 units per acre
 - d) Village Urban Low Density Residential: 1.5 to less than 2.5 units per acre
 - e) Village Urban Medium Density Residential: 2.5 to less than 5 units per acre

f) Village Mixed Use: 5 to 10 units per acre

NOW, THEREFORE, BE IT RESOLVED, that based on the foregoing, the Lake Elmo City Council hereby approves an amendment to Chapter III – *Land Use* of Lake Elmo Comprehensive Plan subject to and contingent upon the following:

- 1) Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that its review has been completed and approved. Acknowledgement of these comments and final adoption of the Comprehensive Plan Amendment will not require any formal action by the City Council.

Passed and duly adopted this 3rd day of June, 2014 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

The official land use plan categories are as follows:

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 less than 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 less than seven and one half (7.5) 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]

Village Land Use Plan

The Village Land Use Plan, **Map 3-5**, identifies three primary land use categories within this planning area that will accommodate growth, and incorporates an open space overlay category to specify which portions of the area will be designated for open space. The land use categories as applied in the Village Planning Area include:

- V-LDR – Village Urban Low Density Residential at 1.5 to less than 2.5 units per acre
- V-MDR – Village Urban Medium Density Residential at ~~3.0~~ 2.5 to ~~4.0~~ less than 5.0 units per acre
- VMX – Village Mixed Use with residential densities of ~~6.0~~ 5.0 to 10.0 units per acre

All of these categories are defined in the previous section of this Chapter. The Village Open Space Overlay category is further described below.

**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) ³				Change (acres)
	Min	Max			City wide (Village) ¹	2012 to 2015	2015 to 2020	2020 to 2025	
RESIDENTIAL									
Rural Area Development	n/a	0.1	7094.24	5157.62	6610.08	6125.92	5641.76	5157.62	-1936.62
Rural Area Dev. ALT	n/a	2.0	0.00	155.62	38.91	77.81	116.72	155.62	155.62
Residential Estates	0.1	0.4	771.26	793.71	776.87	782.49	788.10	793.71	22.45
Rural Single Family	0.66	2.0	1665.92	1666.41	1666.04	1666.16	1666.28	1666.41	0.49
Urban Low Density	2.5	3.994	0.00	496.39	124.10	248.20	372.29	496.39	496.39
Urban Medium Density	4.5	7.49	176.08	390.49	229.68	283.29	336.89	390.49	214.41
Urban High Density	7.5	15	0.00	157.67	39.42	78.84	118.25	157.67	157.67
Village Urban Low Density	1.5	2.495	0.00	216.20	54.05	108.10	162.15	216.20	216.20
Village Urban Medium Density	3.0	4.990	0.00	113.70	28.43	56.85	85.28	113.70	113.70
COMMERCIAL ²									
Business Park	7.5	15	120.65	329.69	172.91	225.17	277.43	329.69	209.04
Commercial	4.5	7	99.86	208.33	126.98	154.10	181.22	208.33	108.47
Limited Business	—	—	111.41	66.16	100.09	88.78	77.47	66.16	-45.25
Village Mixed Use	65.0	10.0	0.00	164.40	41.10	82.20	123.30	164.40	164.40
PUBLIC/SEMI PUBLIC/OPEN SPACE ³									
Public/Park	—	—	3298.94	3352.24	3312.27	3325.59	3338.92	3352.24	53.3
Greenbelt Corridor ⁴	—	—	0.00	82.67	20.66	41.34	62.01	82.67	82.67
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:	—	—	15,584.58	15,584.58	15,584.55	15,584.55	15,584.55	15,584.55	0.0

¹ 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

² 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.

³ 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.

⁴ The acreage of the greenbelt corridor areas, which are portions of the Village Open Space Overlay, that are adjacent to urban zoning districts were calculated to account for the remaining acreage in the Village. The other portions of the Village Open Space Overlay are accounted for through the base land use guidance (i.e. Rural Area Development or Rural Single Family).



PLANNING COMMISSION
DATE: 5/28/14
AGENDA ITEM: 5C – PUBLIC HEARING
CASE # 2014-028

ITEM: Minor Comprehensive Plan Amendment – Residential Land Use Density Ranges

SUBMITTED BY: Kyle Klatt, Community Development Director

REVIEWED BY: Nick Johnson, City Planner

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to conduct a public hearing and consider minor amendments to the Lake Elmo Comprehensive Plan to remove gaps in the residential density ranges used to differentiate between the various residential land use categories. The proposed amendment will not alter the single family categories in any manner, and will instead revise the density range for medium density uses to close existing gaps at both the low and high end of this land use category. The only other land use category that would be revised is the Village Mixed Use area, in which case the minimal density would be lowered by 1 unit per acre.

The proposed changes are summarized in the following table:

Land Use Category	Existing Density Range (Units Per Acre)	Proposed Density Range (Units Per Acre)
Urban Low Density	2.5 – 4	2.5 – 4
Urban Medium Density	4.5 – 7	4 – 7.5
Urban High Density	7.5 – 15	7.5 – 15
Village Low Density	1.5 – 2.5	1.5 – 2.5
Village Medium Density	3 – 4	2.5 – 5
Village Mixed Use	6 – 10	5 - 10

REQUEST DETAILS

At the time Staff was working with work groups to draft Comprehensive Plan Amendments for the I-94 Corridor and Village Planning Area, a key part of the discussions concerning these land use plans was the allocation of housing units throughout these development areas. In order to track projected development in the future sewer areas, Staff used the low end of the density range for each residential land use categories in order to calculate total housing unit numbers. While this system allowed the City to prepare a plan that met the obligations of the MOU and was consistent with Lake Elmo's systems statement (Met Council Forecasts), the ranges ultimately used included gaps between the low, medium, and high density land use categories as

documented above. While these gaps did not present any immediate issues concerning the plan itself, as Staff has been reviewing specific development proposals it has created issues for interpreting the appropriate the land use category for residential projects that fall within one of the density gaps.

With the City Council's recent adoption of a specific definition for "net density", Staff is recommending that the Comprehensive Plan be amended to provide a continuous range of residential densities across all residential land use categories in order to eliminate any potential confusion or points of conflict between future development plans and the Comprehensive Plan. Staff is recommending the following changes to the Comprehensive Plan in order to carry out this objective:

- Revising the lower and upper ends of the Urban Medium Density and Village Medium Density and use categories to line up with the upper end of the low density land uses and lower end of the high density land uses.
- Adjusting the "break point" between Village Medium Density and Village Mixed Use down from 6 units per acre to 5 units per acre.

The attached amendments document the specific changes to the Comprehensive Plan as proposed by Staff.

Please note that the proposed amendments will need to be reviewed by the Met Council, and the final approval should be conditional upon the completion of this review.

RECCOMENDATION:

Staff is recommending that the Planning Commission recommend approval of amendments to the Lake Elmo Comprehensive Plan to remove gaps in the density ranges that differentiate the various residential land use categories, provided the following condition is met:

- Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that its review has been completed and approved. Acknowledgement of these comments and final adoption of the Comprehensive Plan Amendment will not require any formal action by the City Council.

ATTACHMENTS:

1. Proposed Comprehensive Plan Amendments to Chapter III – Land Use

ORDER OF BUSINESS:

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff
- Questions from the Commission..... Chair & Commission Members
- Open the Public HearingChair
- Close the Public HearingChair

- Discussion by the Commission..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members



MAYOR & COUNCIL COMMUNICATION

DATE: 06/03/2014

CONSENT

ITEM # 7

AGENDA ITEM: Sign Retroreflectivity Policy

SUBMITTED BY: Beckie Gumatz, Deputy Clerk

THROUGH: Dean Zuleger, City Administrator

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

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Staff, League of MN Cities

FISCAL IMPACT: Cost will vary depending on number, type, and frequency of signs replaced.

SUMMARY AND ACTION REQUESTED:

Council is respectfully requested to adopt a sign retroreflectivity policy. According to new state law, by June 13, 2014, all agencies, including cities, who maintain roadways open to public travel must adopt a sign maintenance program designed to maintain traffic sign retroreflectivity at or above specific levels. "Retroreflectivity" describes how light is reflected from a surface and returned to its original source. Traffic signs are made with retroreflective sign sheeting material that redirects headlamp illumination back toward the vehicle, thereby making the sign visible at nighttime to the vehicle driver. In consultation with the League of Minnesota Cities, staff has developed a sign retroreflectivity policy. As part of its consent agenda, no specific motion is required. If removed from the consent agenda, the recommended motion for the action is as follows:

"Move to approve the Sign Retroreflectivity Policy"

LEGISLATIVE HISTORY:

The *Manual of Uniform Traffic Control Devices* (MUTCD), published by the U.S. Department of Transportation, Federal Highway Administration (FHWA), sets forth basic principles of traffic signs in order to promote public safety on public roads. The MUTCD establishes uniform standards for traffic signs. The Minnesota Department of Transportation (MN/DOT) has adopted MUTCD and certain MN/DOT appendices as the *Minnesota Manual on Uniform Traffic Control Devices* (MN MUTCD). The Minnesota Commissioner of Transportation has ordered that the MN MUTCD shall be implemented and applied to all traffic control devices. The MN MUTCD requires the city to establish an assessment or management method that is designed to maintain sign retroreflectivity at or above minimum levels specified in MN MUTCD.

Regulatory, warning, and guide signs and object markers must be retroreflective or illuminated to show the same shape and similar color both day and night unless there is an exception in MN MUTCD. The requirements for sign illumination are not satisfied by street, highway, or strobe lighting.

A city may exclude the following signs from the retroreflectivity maintenance guidelines:

- A. Parking, Standing, and Stopping Signs
- B. Walking/Hitchhiking/Crossing signs
- C. Acknowledgment signs, including Memorial signs
- D. All signs with blue or brown backgrounds
- E. Bikeway signs that are intended for exclusive use by bicyclists or pedestrians

The MN MUTCD describes various evaluation methods that cities can elect to provide reasonable nighttime sign visibility. It does not dictate which method to use. Rather, the city has several options to choose from based on the city's resources, needs, and current practices.

After reviewing each of the evaluation methods described by the League of Minnesota Cities, and talking with Public Works about current practices, it seems most practical to go with a management method called 'expected sign life.' In this method, signs are replaced before they reach the end of their expected service life. The expected service life is based on the time required for the retroreflective material to degrade to the minimum retroreflectivity levels. The expected service life of a sign can be based on sign sheeting warranties, test deck measurements, measurement of signs in the field (control signs) and measurement of signs taken out of service, or information from other municipalities. The key to this method is being able to identify the age of individual signs. This is often accomplished by placing a sticker or other label on the sign that identifies the year of fabrication, installation, or planned replacement, or by recording the date of installation in a sign management system.

The basic idea is that the installation date of every sign in a city's jurisdiction is known, along with the type of retroreflective sheeting material used on the sign face. It is also necessary to define an expected sign life for each type of retroreflective sheeting material. This information is used in a systematic manner to "flag" signs that need to be replaced before their sign life expires.

One way this method is used is by placing an installation or replacement date sticker on each sign to allow field crews to know when specific signs reach their replacement age. If a sign is found to be older than indicated by the maximum life noted on the sticker, then the sign should be replaced. This method can be time consuming if signs along a roadway vary significantly in age, but it can be executed during the day and requires no inspection or measurement of the sign. This method requires that cities track the installation date of their signs. For the field replacement approach to this method, there is the benefit of associating the condition of a sign to its age.

The proposed policy reserves the right to be modified at any time deemed to be in the best interests of the City. Further implementation details will be brought back to Council as needed.

BACKGROUND INFORMATION (SWOT):

Strengths Improvements to nighttime visibility of traffic signs will help drivers better navigate roads at night and thus promote safety and mobility. Improvements in sign visibility will also help older drivers whose visual capabilities may be declining.

Adopting a Sign Retroreflectivity Policy will bring us in to compliance with the law.

Weaknesses Some studies have shown that if signs are too bright there may be a loss of legibility or create a glare that limits the driver's ability to see potentially hazardous objects near or on the road. The retroreflective properties of all sign sheeting materials degrade over time making signs progressively less visible at night.

One drawback to the enforcement method chosen is that it can be fairly time consuming to check date stickers if the stickers are not easily viewable or identifiable on the sign. Another possible difficulty relates to marking signs that need to be replaced, although immediate replacement is possible for some sign types.

Opportunities Adopting a sign retroreflectivity policy will significantly reduce tort liability lawsuits involving traffic signs.

Another opportunity would be to implement a computerized sign management system.

Threats None known at this time

RECOMMENDATION: Staff recommends approving the Sign Retroreflectivity Policy. If removed from the consent agenda, staff recommends the following motion:

"Move to approve the Sign Retroreflectivity Policy"

City of Lake Elmo, Minnesota Sign Retroreflectivity Policy

Article I. Purpose and Goal.

The purpose of this policy is to establish how the city will implement an assessment or management method, or combination of methods, to meet the minimum sign retroreflectivity requirements in the Minnesota Manual on Uniform Traffic Control Devices (MN MUTCD).

Substantial conformance with the MN MUTCD is achieved by having a method in place to maintain minimum retroreflectivity levels. Conformance does not require or guarantee that every individual sign in the city will meet or exceed the minimum retroreflective levels at every point in time.

The goal of this policy is to improve public safety on the city's streets and roads and prioritize the city's limited resources to replace signs.

Article II. Applicable Signs.

This policy applies to all regulatory, warning, and guide signs as set forth in the MN MUTCD.

Pursuant to Section 2A.8 of the MN MUTCD the city excludes the following signs from the retroreflectivity maintenance guidelines:

- A. Parking, Standing, and Stopping signs (R7 and R8 series)
- B. Walking/Hitchhiking/Crossing signs (R9 series, R10-1 through R10-4b)
- C. Acknowledgment signs, including Memorial signs
- D. All signs with blue or brown backgrounds
- E. Bikeway signs that are intended for exclusive use by bicyclists or pedestrians

Article III. Resource Materials

The city has reviewed and relied on numerous resources in adopting this policy. These resource materials include, but are not limited to the following:

- *Methods for Maintaining Traffic Sign Retroreflectivity*, Publication No. FHWA-HRT-08-026, U.S. Department of Transportation, Federal Highway Administration (November 2007).
- *Sign Retroreflectivity Guidebook*, Publication No. FHWA-CFL/TD-09-005, U.S. Department of Transportation, Federal Highway Administration (September 2009).
- *Sign Retroreflectivity: A Minnesota Toolkit*, Minnesota Department of Transportation, Local Road Research Board (June 2010).
- *Traffic Sign Maintenance/Management Handbook*, Report No. 2010RIC10, Version 1.1, Minnesota Department of Transportation (October 2010).
- *LMCIT Sign Retroreflectivity Memo and Model Policy*, League of Minnesota Cities (Final Edition, March 2014).

Article IV. Sign Inventory

To meet the city's goal of maintaining sign retroreflectivity above certain levels, the city will maintain a sign inventory of all new or replacement signs installed after the effective date of this policy. The inventory shall indicate the type of sign, the location of the sign, the date of installation or replacement, the type of sheeting material used on the sign face, the expected life of the sign, and any maintenance performed on the sign.

As to existing signs, the city will perform an inventory of all signs covered by this policy. The city recognizes this process will occur over time subject to the city's monetary and human resources. The city will update its current sign inventory as warranted. The city shall record the above information related to new signs to the extent that such information is known and shall also include a statement on the general condition of the sign.

Article V. Removal of Signs

In recognition of the fact that excess road signs have been shown to reduce the effectiveness of signage, as well as impose an unnecessary financial burden on road authorities, it is the city's policy to remove signs determined to be unnecessary for safety purposes and which are not required to comply with an applicable state or federal statute or regulation. The removal of signs shall be based on an engineering study and the MN MUTCD.

Article VI. Approved Sign Evaluation Method.

Expected Sign Life. The installation date is labeled or recorded when a sign is installed, so that the age of any given sign is known. The age of the sign is compared to the expected sign life. The expected sign life is based on the experience of sign retroreflectivity degradation in the City. Signs older than the expected life will be replaced.

Article VII. Sign Replacement.

The City hereby establishes the following priority order in which road signs will be replaced:

- First priority shall be given to replacing all signs determined not to meet applicable retroreflectivity standards. Top priority shall also be given to replacing missing or damaged signs determined to be of a priority for safety purposes.
- Second priority shall be given to signs determined to be marginal in their retroreflectivity evaluation.
- Third priority shall be given to all remaining signs as they come to the end of their anticipated service life, become damaged, etc.

In addition, within each category above, further priority shall be given to warning and regulatory signs on roads with higher vehicle usage.

After the initial replacement of signs as provided for in this Article or the installation of new signs, the City shall, for the purpose of complying with the requirements of the MN MUTCD, maintain minimum retroreflectivity standards, as budgetary factors allow, by replacing signs as they reach the

end of the latter of their (a) warranty period; (b) expected life expectancy for the sheeting material used on the sign; or (c) expected life as determined by an authorized engineering study.

Damaged, stolen, or missing signs may be replaced as needed.

Article VIII. Modification and Deviation from Policy.

The City reserves the right to modify this Sign Retroreflectivity Policy at any time if deemed to be in the best interests of the City based on safety, social, political and economic considerations.

The Director of Public Works, or his or her designee, may authorize a deviation from the implementation of this policy in regard to a particular sign when deemed to be in the best interests of the City based on safety, social, political and economic considerations. Such deviation shall be documented including the reason for the deviation and other information supporting the deviation.

Adopted by the City Council of the City of Lake Elmo on this 3rd day of June, 2014.

City Clerk

Mayor



MAYOR & COUNCIL COMMUNICATION

DATE: 06/03/2014

CONSENT

ITEM # 8

RESOLUTION 2014-36

AGENDA ITEM: Accessory Building Forward of Principal Structure – 11991 30th Street N.

SUBMITTED BY: Nick M. Johnson, City Planner

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Kyle Klatt, Community Development Director

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

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

POLICY RECCOMENDER: Staff is recommending approval of a request by Mike and Delise Conroy to construct an accessory structure closer to the front lot line than the principal structure at 11991 30th Street North. Per the established procedure in §154.406 Accessory Structures, Rural Districts (Attachment #4) of the City's Zoning Code, the City may allow accessory structures closer to the front lot line than the principal structure by Resolution of the City Council. This procedure allows the City to use discretion about the location of accessory buildings in rural districts in situations where there are no negative impact to locating the structure in front of the principal building. If this procedure did not exist, the applicants would have to proceed through a variance process, which is more costly in terms of time and expense to both the applicant and City.

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: The City Council is asked to approve a request by Mike and Delise Conroy to construct an accessory structure closer to the front lot line than the principal structure at 11991 30th Street North. Staff has reviewed the request and is recommending approval.

Staff is recommending that the City Council approve Resolution No. 2014-36 to approve an accessory structure forward of the principal building at 11991 30th Street North as part of the Consent Agenda. If removed from the Consent Agenda, Resolution No. 2014-36 can be approved through the following motion:

“Move to approve Resolution No. 2014-36, approving a request by Mike and Delise Conroy to construct an accessory building forward of the principal structure at 11991 30th Street North.”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

When the City amended its provisions related to accessory structures in all zoning districts, the procedure to allow accessory building forward of principal structures in rural zoning districts by Resolution of the City Council was carried forward from the existing accessory building provisions. Following this procedure gives the City the discretion to permit accessory buildings forward of the principal building without following the variance process. In cases where the proposed structure will not negatively impact adjacent properties, traffic sightlines, or other considerations, the allowance to process these requests outside of the variance process allows for greater overall efficiency and less cost to the landowner and City.

Regarding the request by Mike and Delise Conroy, they would like to build an accessory building on their property that has access to their existing driveway. However, due to the setback of their existing principal home, as well as the location of conservation easements on the southern and eastern portions of their property, it is difficult to locate an accessory structure behind the home. In addition, in the applicant narrative, they have noted that the structure in the proposed location would allow greater buffering to Manning Ave. N. (CSAH 15), which is scheduled to expand. Finally, the applicants have noted that the proposed location would not negatively impact any adjacent properties, as the proposed location is not within close proximity to any neighboring parcels.

In submitting their application materials to the City, Staff found that the proposed structure is too large per the allowed structure size for accessory buildings in this area. Staff notified the applicants of this situation and recommended that the issue be addressed at time of building permit. The applicants reported that this solution will not be problematic, as they can address the appropriate structure size at the time of building permit. Staff will work with the applicants once their application for an accessory building forward of the principal structure has been approved.

In reviewing the submitted request, staff reviewed the proposed location for potential conflicts or negative impacts. After reviewing the proposed location, staff did not see any potential negative impacts to adjacent properties. Staff also found merit in the requested buffering along Manning Ave. that the accessory structure could provide. In addition, staff is note concerned about the proposed location of the structure from a traffic safety perspective along 30th Street or Manning Ave. (CSAH 15). Overall, staff has not found any potential conflicts with the proposed location of the accessory structure.

BACKGROUND INFORMATION (SWOT):

Strengths: Proceeding through the process by Resolution of the City Council as opposed to the variance process improves overall efficiency and minimizes cost to the City and applicant.

Weaknesses: The existing process does not require a public hearing or formal notification. A public hearing would allow for neighboring property owners to be notified and given the opportunity to speak about the request. However, given that the proposed structure is not in close proximity to adjacent parcels, and is in fact closer to Manning Ave., staff has determined that following the proposed procedure is acceptable in this case.

Opportunities: None

Threats: None

RECOMMENDATION:

Based on the aforementioned, Staff is recommending that the City Council approve Resolution No. 2014-36 to approve an accessory structure forward of the principal building at 11991 30th Street North as part of the Consent Agenda. If removed from the Consent Agenda, Resolution No. 2014-36 can be approved through the following motion:

“Move to approve Resolution No. 2014-36, approving a request by Mike and Delise Conroy to construct an accessory building forward of the principal structure at 11991 30th Street North.”

ATTACHMENTS:

1. Resolution No. 2014-36
2. Location Map
3. Application Materials
4. Accessory Buildings, Rural Districts (§154.406)
5. Response Email Regarding Structure Size

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

RESOLUTION NO. 2014-36

**RESOLUTION APPROVING AN ACCESSORY BUILDING TO BE LOCATED
FORWARD OF THE PRINCIPAL BUILDING AT 11991 30TH STREET NORTH**

WHEREAS, the Lake Elmo Zoning Code (§154.406) allows for accessory structures to be located nearer the front lot line than the principal structure in rural zoning districts by resolution of the City Council.

WHEREAS, pursuant to Section 154.406, Mike and Delise Conroy, 11991 30th Street North, have made a formal request to the City Council to allow for the construction of an accessory building closer to the front lot line than the principal building.

WHEREAS, City staff reviewed the request and determined that no negative impacts or nuisance would result from locating the structure in the proposed location

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Lake Elmo hereby grants permission for construction of an accessory structure nearer the front property line than the principal structure at 11991 30th Street North, per plans received by staff dated May 25, 2007, subject to the following condition:

1. The size of the approved accessory building may not exceed 1,300 square feet in size, which is the maximum size allowable in rural zoning districts on properties 2 to 5 acres in size.

Dated: June 3, 2014.

Mayor Mike Pearson

ATTEST:

Adam Bell, City Clerk

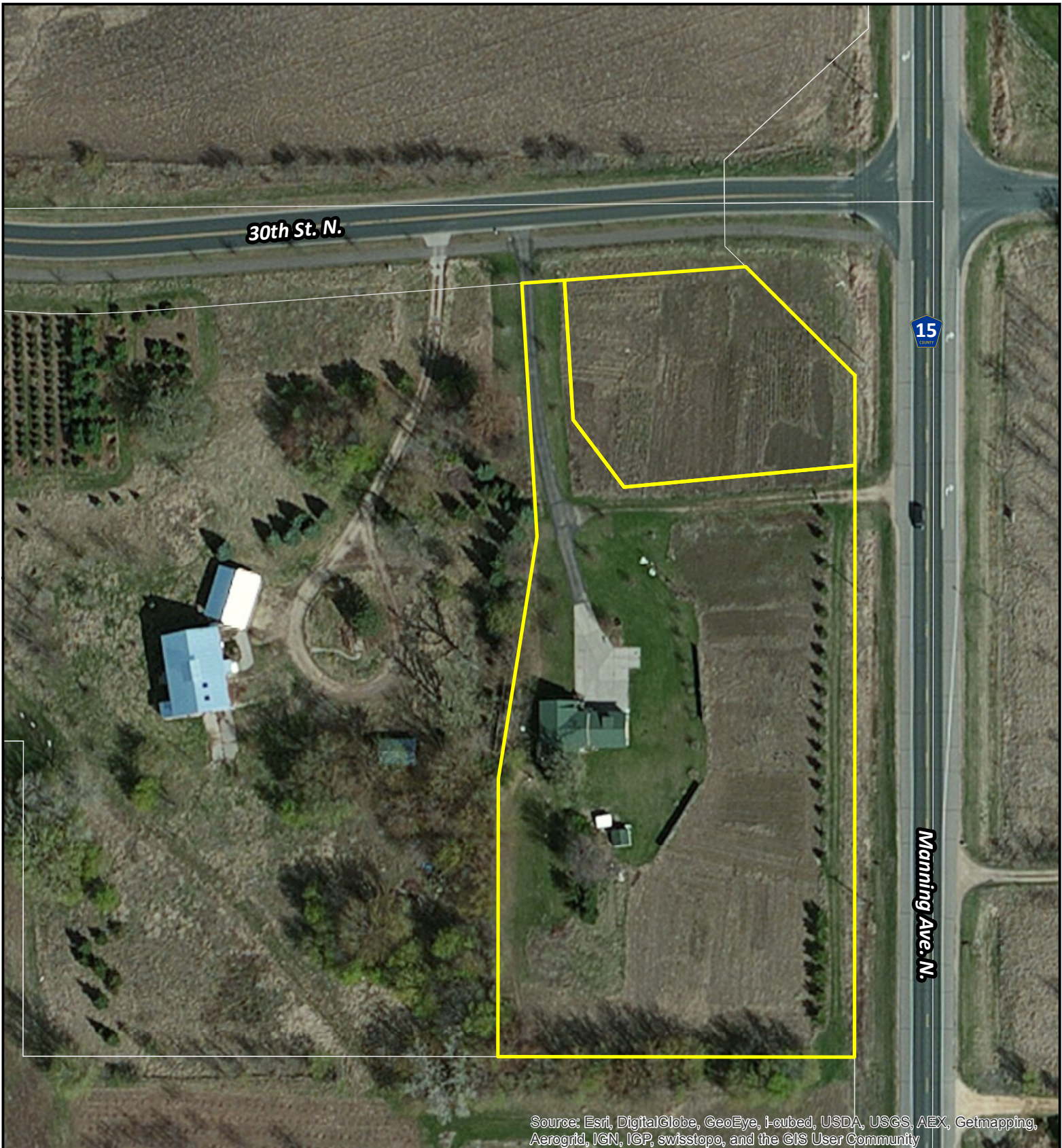
(SEAL)

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

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

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



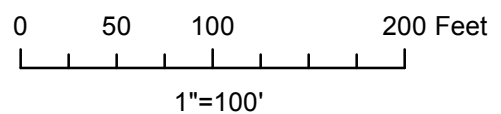
Location Map: 11991 30th Street North



Data Source: Washington County, MN
5-29-2014



11991 30th St. N.



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



LAND USE APPLICATION

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

Applicant: Mike Conroy
Address: 11991 30th Street N.
Phone # 651-777-6619
Email Address: dconroy1972@gmail.com

Fee Owner: _____
Address: _____
Phone # _____
Email Address: _____

Property Location (Address and Complete (long) Legal Description: 11991 30th Street N.
Heritage Farm

Detailed Reason for Request: Requesting approval for accessory building forward of primary structure.

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

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

Signature of applicant: [Signature] Date: 5-25-2014

Signature of fee owner: _____ Date: _____

Mike and Delise Conroy
11991 30th Street N.
Lake Elmo, MN 55042
Phone: 651.777.6619
May 22, 2014

City of Lake Elmo
3800 Laverne Avenue N.
Lake Elmo, MN 55042

City Council Members of Lake Elmo:

We are writing to ask for resolution to allow an accessory building closer to the front property line than our principle structure (11991 30th Street N.).

The reasons we are proposing this location are:

- To block noise from Manning (especially since Manning will be widened)
- It will be more cost efficient to pave a driveway to this location
- It will look more uniform to the primary structure than being placed elsewhere on the property

In addition, there are no neighbors that will be impacted by the accessory building and our only neighbor (quite a distance from us) has a similar set-up.

As you can see from the site plan, the structure would be placed in the center of a 3.5 acre lot which will not inconvenience anyone.

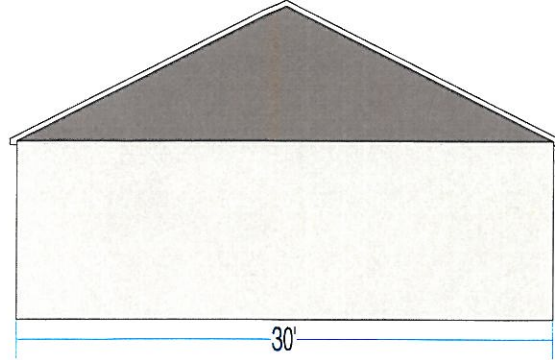
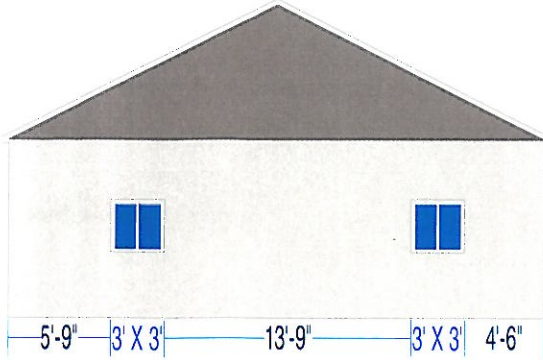
We appreciate your support and consideration.

Sincerely,

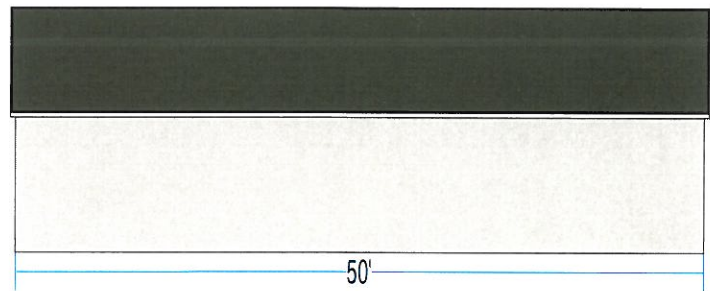
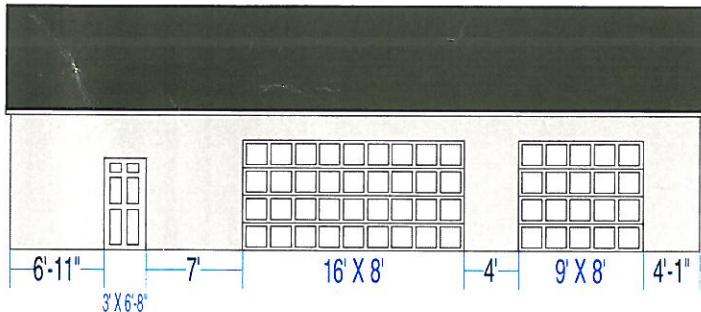
Mike and Delise Conroy

*** Here are the wall configurations for your design.

Illustration May Not Depict All Options Selected



Gable Front View
(2) - 36X36 VINYL SLIDER CLEAR GLASS



Eave Front View
(1) - CM-1 6-PANEL STEEL DOOR 36X80 LH PH
(1) - WHITE PREM R/P MDP38 16X8 EZSET TORS
(1) - 9X8 WHITE INSUL RAISED PNLEZSETTORSN M4SV

Eave Back View

Building Size: 30 feet wide X 50 feet long X 10 feet high

Approximate Peak Height: 17 feet 11 inches (215 inches)

Menards provided material estimates are intended as a general construction aid and have been calculated using typical construction methods. Because of the wide variable in codes and site restrictions, all final plans and material lists must be verified with your local zoning office, architect and/or builder for building design and code compliance. Menards is a supplier of construction materials and does not assume liability for design, engineering or the completeness of any material lists provided. Underground electrical, phone and gas lines should be located and marked before your building plans are finalized. Remember to use safety equipment including dust masks and sight and hearing protection during construction to ensure a positive building experience.

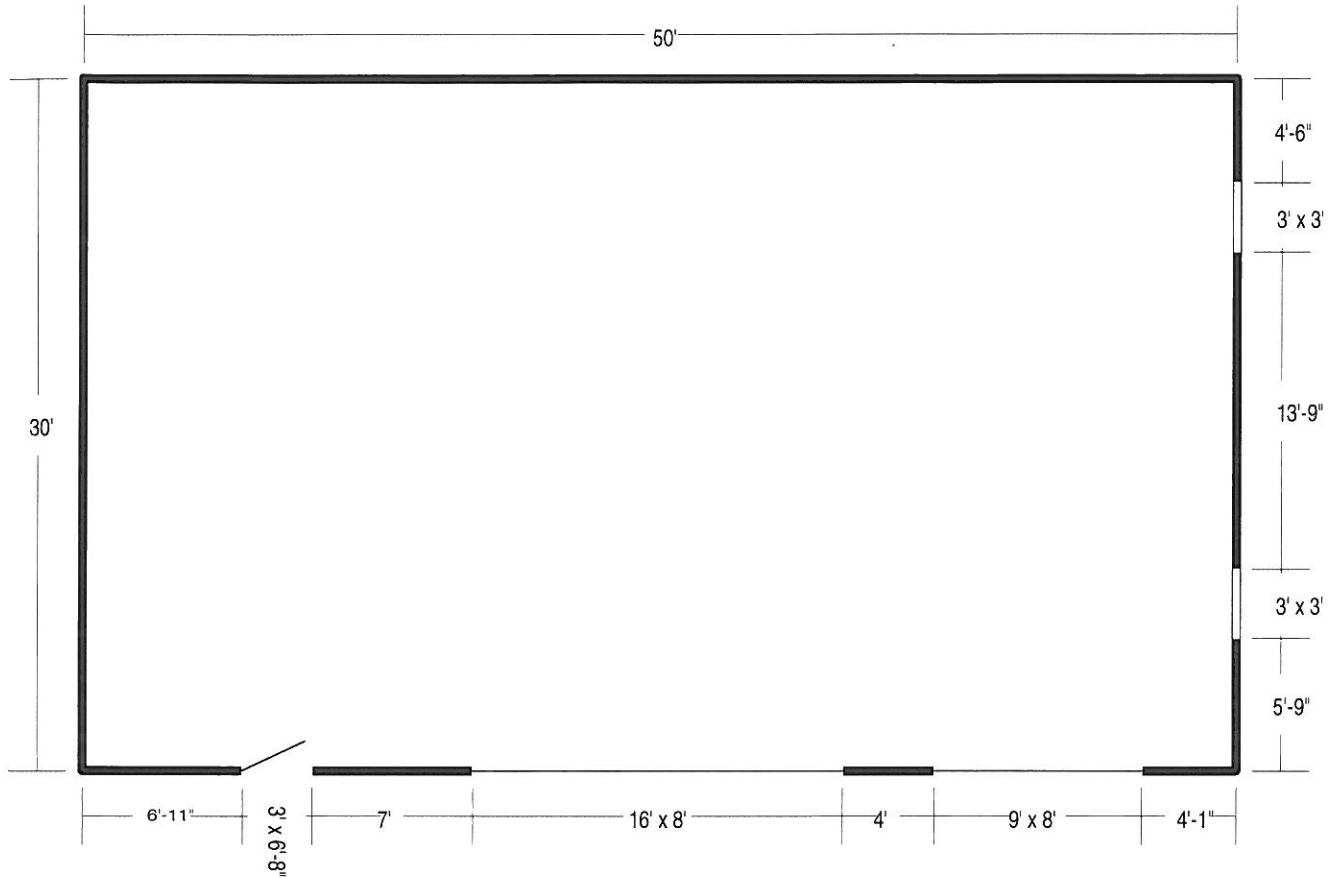
Design # 84471



Page 3 of 3
5/17/2014

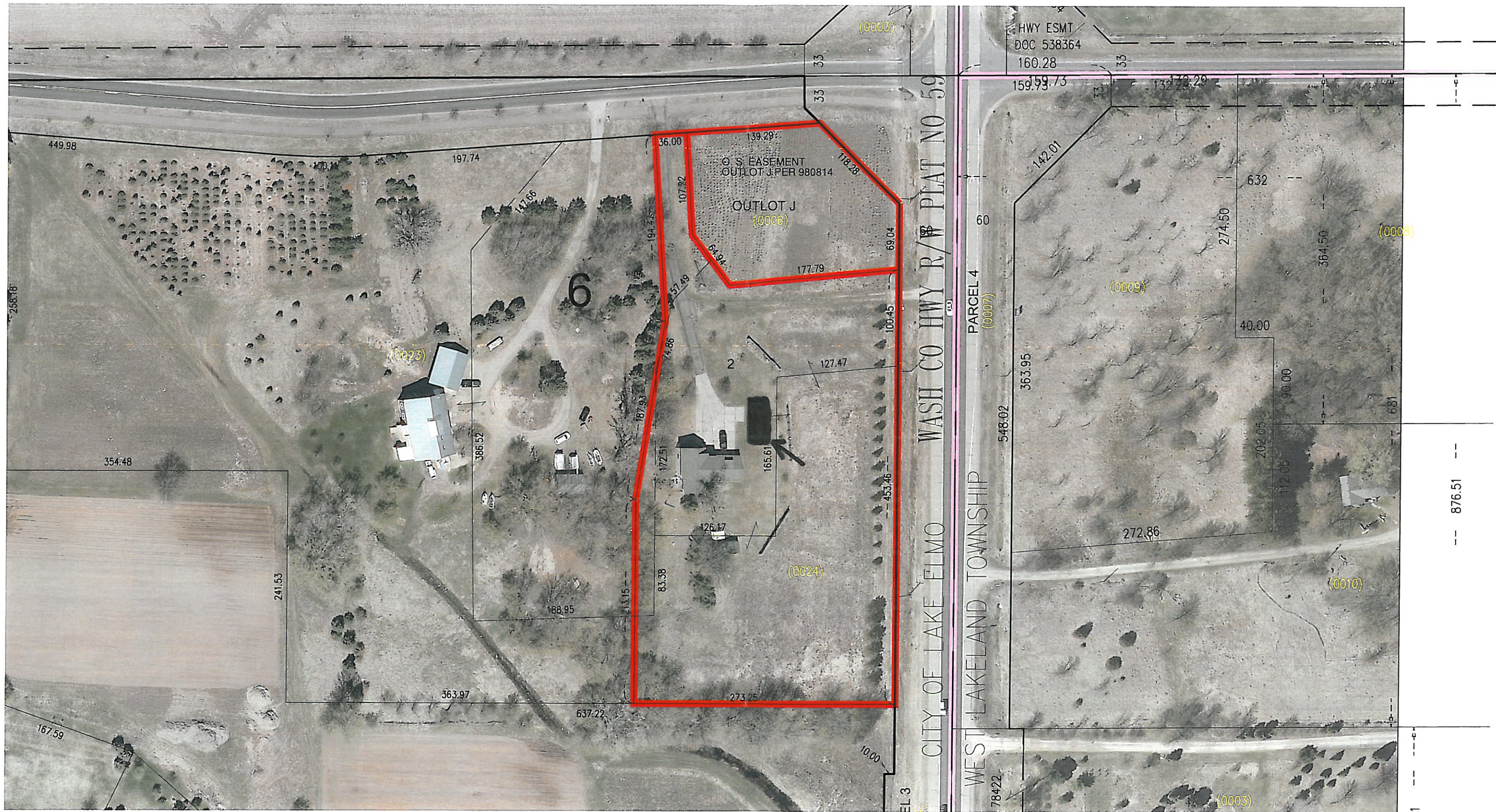
*** Garage Floor Plan.

Illustration May Not Depict All Options Selected



Building Size: 30 feet wide X 50 feet long X 10 feet high

Note: Wall construction is 2x4 @ 16" on center



PUBLIC WORKS DEPARTMENT
SURVEY AND LAND MANAGEMENT DIVISION
14949 62nd Street North, P.O. Box 6
Stillwater, Minnesota 55082-0006
(651) 430-6875
surveyor@co.washington.mn.us
www.co.washington.mn.us/surveyor

LEGEND

- DNR PROTECTED WATERS
- DNR PROTECTED WETLAND
- DNR PROTECTED WATERCOURSE
- MUNICIPAL BOUNDARY
- PARK BOUNDARY



SCALE: 1 inch = 100 feet

SECTION-TOWNSHIP-RANGE INDEX

1402921	1302921	1802920
2302921	2402921	1902920
2602921	2502921	3002920

COUNTY VICINITY MAP



SECTION VICINITY MAP

22	21	12	11
NW		NE	
23	24	13	14
SW		SE	
32	31	42	41
33	34	43	44

PROPERTY IDENTIFICATION NUMBER FORMAT (GEOCODE)

SECTION NUMBER	TOWNSHIP NUMBER	RANGE NUMBER	QUARTER	SPECIAL PARCEL
##	###	##	##	####
(0001) - LAST FOUR DIGITS OF PROPERTY IDENTIFICATION NUMBER				

THIS DRAWING IS THE RESULT OF A COMPILATION AND REPRODUCTION OF LAND RECORDS AS THEY APPEAR IN VARIOUS WASHINGTON COUNTY OFFICES. WASHINGTON COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES.
PROPERTY LINES AS SHOWN ARE FOR REFERENCE PURPOSES AND MAY NOT REPRESENT ACTUAL LOCATIONS.

MAP LAST UPDATED: November 4, 2013
NO ADDITIONAL CHANGES HAVE BEEN REPORTED TO DATE
DATE OF CONTOURS: November, 2011 DATE OF PHOTOGRAPHY: May, 2013

§ 154.405 ACCESSORY USES AND STRUCTURES.

Accessory uses are listed in the Rural District Use Table as permitted or conditional accessory uses. Accessory uses and structures in the rural districts shall comply with the following standards and all other applicable regulations of this ordinance:

- A. *Phasing*. No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.
- B. *Incidental to Principal Use*. The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.
- C. *Subordinate to Principal Use*. The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.
- D. *Function*. The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.
- E. *Location*. The accessory use or structure shall be located on the same zoning lot as the principal use or structure.

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

§ 154.406 ACCESSORY STRUCTURES, RURAL DISTRICTS

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

Table 9-3: Accessory Buildings, Rural Zoning Districts

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

Notes to Table 9-3

- a. Maximum structure size accounts for the total maximum area allowed for all permitted accessory structures combined.

- b. The 1,200 square foot allowance is for the combined area of the attached and detached accessory structure or residential garage.
- c. To be allowed additional accessory buildings beyond two total buildings, the buildings must be agricultural buildings as defined in §154.213 or clearly serve an agricultural purpose in the judgment of the City.
- B. *Additional Accessory Buildings.* Allowances for additional accessory buildings in A and RR zones may be considered via a conditional use permit.
- C. *Structure Height, Rural Districts.* No accessory building shall exceed twenty-two (22) feet in height or the height of the principal structure, with the exception of buildings that are intended for a farming or other agricultural use in the judgment of the City. Building projections or features, such as chimneys, cupolas, and similar decorations that do not exceed twenty-five (25) feet in height are permitted in rural districts.
- D. *Structure Location, Rural Districts.* No detached garages or other accessory buildings shall be located nearer the front lot line than the principal building on that lot, unless, by Resolution of the City Council, an exception is made to permit a detached garage or accessory structure nearer the front lot line than the principal building.
- E. *Exterior Design and Color.* The exterior building materials, design and color of all accessory building or structures shall be similar to or compatible with the principal building, with the exception of the following accessory building or structures:
 - 1. Detached domesticated farm animal buildings
 - 2. Agricultural farm buildings
 - 3. Pole buildings, as defined and regulated in §154.214.
 - 4. Gazebos
 - 5. Swimming pools
 - 6. Other structures in which the required design is integral to the intended use, such as a greenhouse.
- F. *Openings and Doors.* Garage doors and other openings shall not exceed fourteen (14) feet in height for all accessory structures, with the exception of buildings that are intended for a farming or other agricultural use in the judgment of the City.
- G. *Attached Garages, Size.* Attached garages must not exceed the footprint size of the principal building.

(Ord. 08-104, passed 3-18-2014) Penalty, see § 154.999

§ 154.407 ACCESSORY USES.

- A. *Exterior Storage in Residential Districts.* All materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following:
 - 1. Laundry drying

From: [Delise Conroy](#)
To: [Nick Johnson](#)
Subject: Re: Accessory Building - 11991 30th St. N.
Date: Wednesday, May 28, 2014 7:52:47 PM

Hi Nick,

Thanks for the the update. Unfortunately we aren't able to get the updated building plan to you by tomorrow but will be happy to change the size of the proposed accessory building according to code. If we can proceed and make the adjustment at the time of the building permit, that would be great.

In the meantime please let us know if there is anything else you need from us and thanks for all of your help!!

Mike and Delise

On Wed, May 28, 2014 at 2:13 PM, Nick Johnson <NJohnson@lakeelmo.org> <<mailto:NJohnson@lakeelmo.org>> > wrote:

Delise,

I did receive your application. However, in reviewing the application, I noticed that the proposed building is 1500 square feet in size. The Code only allows 1,300 square feet for properties in rural zoning district between 2 and 5 acres in size. Please see the attached zoning code for clarification, I have highlighted the applicable section.

In terms of how this impacts meeting the 6/3 Council Meeting, we can still proceed. However, if I can receive an updated building plan sometime tomorrow before the Council packet is completed, that would be helpful. If this is not possible, we can address this at the building permit. The important note is that the proposed building is too large per what is allowed under our Code.

Let me know if you have any questions.

Take care,

Nick M. Johnson | City Planner
City of Lake Elmo, Minnesota
njohnson@lakeelmo.org <<mailto:njohnson@lakeelmo.org>>

(w) 651-747-3912 <<tel:651-747-3912>> | (f) 651-747-3901 <<tel:651-747-3901>>
www.lakeelmo.org <<http://www.lakeelmo.org>>

-----Original Message-----

From: Delise Conroy [<mailto:dconroy1972@gmail.com> <<mailto:dconroy1972@gmail.com>>]

Sent: Thursday, May 22, 2014 1:54 PM
To: Nick Johnson
Subject: Re: Accessory Building - 11991 30th St. N.

Hi Nick,



MAYOR & COUNCIL COMMUNICATION

DATE: 06/03/2014
CONSENT
ITEM 9

AGENDA ITEM: 39th Street North: Street and Sanitary Sewer Improvements - Resolution Ordering the Improvement and the Preparation of Plans and Specifications

SUBMITTED BY: Adam Bell, City Clerk

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Jack Griffin, City Engineer
Cathy Bendel, Finance Director
Dave Snyder, City Attorney

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Engineer
- Report/Presentation..... City Engineer
- Questions from Council to Staff Mayor Facilitates
- Open Public Improvement Hearing; Public Input Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

SEE BOLD TEXT FOR UPDATED INFO

POLICY RECOMMENDER: Engineering/City Clerk

FISCAL IMPACT: No additional fiscal impact. The previous fiscal impact stated for the recommended action is the engineering, geotechnical and legal fees necessary for the preparation of plans and specifications and bidding services for the improvements.

Ordering the Improvements and authorizing the preparation of plans and specifications commits the City to incur the engineering, geotechnical and legal costs necessary to complete detailed design and receive contractor bids to ready the project for construction in 2014.

The total estimated project cost for the 39th Street North: Street and Sanitary Sewer Improvements project is \$1,247,000. The improvements will be funded through the issuance of general obligation bonds with bond payments made from the general tax levy and through special assessment revenue as identified in the feasibility report. The Council will be asked to award a contract for construction in August 2014, at which time the City would commit to the remaining project costs based on the Council approved project financing plan.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested adopt Resolution No. 2014-37, Ordering the Improvement and the Preparation of Plans and Specifications. *As part of the Consent Agenda, no specific motion is required.* If removed from the Consent Agenda, the recommended motion for this action is as follows:

“Move to adopt Resolution No. 2014-37, Ordering the 39th Street North: Street and Sanitary Sewer Improvements and the Preparation of Plans and Specifications.”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

Pursuant to Minnesota Statutes, Section 429.011 to 429.111, a Public Improvement Hearing was properly noticed and held on May 6, 2014, to consider making the following improvements:

- Reconstruction of 39th Street North from State Highway 5 to CSAH 17. The street improvements are proposed to be an extension of the Village Parkway street section as envisioned in the Village area plan.
- The improvement includes an alternative to add an 8-foot bituminous trail along the north boulevard and a 6-foot sidewalk along the south boulevard in order to maintain the extension of Village Parkway.
- Replacement of the existing storm sewer conveyance system along 39th Street North.
- Extension of 10 and 12-inch diameter trunk sanitary sewer in connection with the Village East Trunk Sanitary Sewer extension.
- Installation of 11 service stubs to existing properties to provide owners with the opportunity to hook up to municipal sewer.

Following that public hearing, Council adopted Resolution 2014-27 Ordering the 39th Street North: Street and Sanitary Sewer Improvements and the Preparation of Plans and Specifications, including the following motion language: “Contingent Upon the City Receiving All of the Petition and Waiver Agreements and Green Acres Documentation by Deadline of Close of Business, Friday (5/16).”

All parties had committed in principle, but due to minor ministerial issues (some parties being out of town and subsequent clerical modifications to some documents), some of the documents are dated after the required deadline of 5/16/2014. While bond counsel does not require this item to be brought back, staff elected to be prudent and not jeopardize the City’s bonding by bringing this item back for formal passage again.

STAFF REPORT

As a recap: The 39th Street North: Street and Sanitary Sewer Improvement project will be built in conjunction with the Village East Trunk Sanitary Sewer extension project in 2014. The Village Sewer project will extend trunk sanitary sewer from the new Village lift station near Reid Park to undeveloped properties in the north and northwestern Village area. The Village area comprehensive sewer plan indicates the preferred alignment for this trunk sewer to be along 39th Street North.

The project will be partially funded by imposing special assessments against 11 benefitting properties abutting the improvements along 39th Street North. Eighty percent (80%) of the street, storm sewer and sidewalk improvements will be specially assessed on the basis of front footage with the remaining twenty percent (20%) paid through the general City tax levy. The bituminous trail costs will be funded through Park Dedication.

The total estimated project costs to bring sanitary sewer from the lift station through 39th Street will be paid in full by all properties benefitting from the extension with the City sewer enterprise fund paying the pipe oversize costs. Project costs were apportioned based on the Residential Equivalent (REC) Unit method. Benefitting properties along 39th Street are proposed to be specially assessed for their proportionate share of the trunk sanitary sewer extension.

RECOMMENDATION:

The City Council is respectfully requested adopt Resolution No. 2014-37, Ordering the Improvement and the Preparation of Plans and Specifications for the 39th Street North: Street and Sanitary Sewer Improvements. As a property owner petitioned improvement, ordering the public improvement project requires a majority 3/5 vote. *As part of the Consent Agenda, no specific motion is required.* If removed from the Consent Agenda, the recommended motion for this action is as follows:

“Move to adopt Resolution No. 2014-37, Ordering the 39th Street North: Street and Sanitary Sewer Improvements and the Preparation of Plans and Specifications.”

ATTACHMENT(S):

1. Resolution 2014-37 Ordering the Improvements and Preparation of Plans and Specifications.

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

**RESOLUTION NO. 2014-37
A RESOLUTION ORDERING THE IMPROVEMENT AND PREPARATION OF
PLANS AND SPECIFICATIONS FOR THE 39TH STREET NORTH:
STREET AND SANITARY SEWER IMPROVEMENTS**

WHEREAS, pursuant a resolution of the city council adopted the 15th day of April, 2014, the council ordered a hearing on Improvement for the 39th Street North: Street and Sanitary Sewer Improvements; and

WHEREAS, ten days' mailed notice and two weeks published notice of the hearing was given, and the hearing was held thereon on the 6th day of May, 2014, at which all persons desiring to be heard were given the opportunity to be heard thereon; and

WHEREAS, the feasibility report prepared by FOCUS Engineering, Inc., and dated April 2014 states that the project is necessary, cost-effective, and feasible.

NOW, THEREFORE, BE IT RESOLVED,

1. Such improvement is deemed necessary, cost-effective, and feasible as detailed in the Feasibility Report dated April 2014.
2. Such improvement is hereby ordered as proposed in the council resolution adopted this 3rd day of June, 2014.
3. Assessments shall be levied to the benefiting properties identified in the Report for 80% of the Street, Storm Sewer and Sidewalk Improvements on the basis of front footage, and for Sanitary Sewer Improvements as presented in the Report.
4. The city council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds.
5. The city engineer is hereby designated as the engineer for making this improvement. The engineer, and his consultants, shall oversee the preparation of the Plans and Specifications for the making of such improvement.
6. The city engineer shall retain the services of a consulting engineering firm to assist, where needed, to prepare Plans and Specifications for the making of such improvement and to assist the city engineer during the construction phase of the improvement as requested.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE THIRD DAY OF JUNE, 2014.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)
ATTEST:

Adam Bell
City Clerk



MAYOR & COUNCIL COMMUNICATION

DATE: 06/03/2014
CONSENT
ITEM #: 10
MOTION

AGENDA ITEM: Affirm Resolution to Terminate the MOU with the Metropolitan Council

SUBMITTED BY: Dean Zuleger, City Administrator

THROUGH: Mayor Mike Pearson

REVIEWED BY: Planning Staff, Focus Engineering

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: City of Lake Elmo, Metropolitan Council

FISCAL IMPACT: Elimination of Wastewater Inefficiency Fee (\$1.5 Million), Reduction in Cost Associates in Obligated Population Growth

SUMMARY AND ACTION REQUESTED: The Met Council, in cooperation with the City of Lake Elmo has determined by principle and technical evaluation to terminate the MOU established in 2005 (and subsequently amended) that mandated growth to 24,000 by 2030 and prescribed the installation of sewer lines or face a \$1.5 Wastewater Inefficiency Fine. This recommendation is based on actions taken by the City Council both in the adoption of the Comprehensive Plan and the construction of two sewer lines in 2013. The Met Council adopted a resolution (No. 2014-8) on May 28, 2014. In addition, the Met Council adopted a Thrive 2040 forecast of 20,500 population by the year 2040. As part of its consent agenda, no specific motion is required. If removed from the consent agenda, the recommended motion is as follows:

"Move to approve Met Council Resolution No. 2014-8."

LEGISLATIVE HISTORY: See Attached Resolution

BACKGROUND INFORMATION (SWOT):

Strengths	Lake Elmo is no longer contractually obligated to grow and can control its own pace of growth
Weaknesses	None
Opportunities	The City can rebalance growth based on the 2040 forecast that reduces population by 3,500 residents or 1,372 homes in conjunction with its 2018 Comp Plan Update
Threats	Termination of MOU may cause community to slow growth to a pace that does not cash flow infrastructure investments.

RECOMMENDATION: As part of its consent agenda, no specific motion is required. If removed from the consent agenda, the recommended motion is as follows:

“Move to approve Met Council Resolution No. 2014-8.”

METROPOLITAN COUNCIL

390 Robert Street North, Saint Paul, Minnesota 55101

RESOLUTION NO. 2014-8

AUTHORIZING THE REGIONAL ADMINISTRATOR TO NEGOTIATE AND EXECUTE TERMINATION OF THE MEMORANDUM OF UNDERSTANDING, AND ALL AMENDMENTS THERETO, BETWEEN THE CITY OF LAKE ELMO AND THE METROPOLITAN COUNCIL

WHEREAS, in September 2002, the Metropolitan Council (Council) found that a proposed comprehensive plan update submitted by the City of Lake Elmo (City) may have substantially departed from and may have had 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, 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 resolved certain local and regional comprehensive planning issues raised by the City during the 1998 decennial local comprehensive plan review and update process required by Minnesota Statutes section 473.864; and

WHEREAS, various local and regional comprehensive planning issues that arose after the Supreme Court's decision have been addressed by the Council and the City through formal resolutions and binding memoranda of understanding, including:

- *Memorandum of Understanding between the City of Lake Elmo and the Metropolitan Council* (Jan. 27, 2005) outlining criteria to be considered in preparation of City comprehensive plan;
- *Metropolitan Council Resolution No. 2005-04* (adopted Feb. 9, 2005) ratifying the January 27, 2005, Memorandum of Understanding between the City of Lake Elmo and the Metropolitan Council outlining criteria to be considered in preparing a modified comprehensive plan;
- *Metropolitan Council Resolution No. 2005-20* (adopted July 27, 2006) granting the City's request to extend the time within which the City must adopt a local comprehensive plan with required modifications and attaching reasonable requirements and conditions to the extension;
- *Metropolitan Council Resolution 2010-08* (adopted Mar. 24, 2010) granting the City's request for temporary relief from the "Wastewater Inefficiency Fee" imposed under Metropolitan Council Resolution No. 2005-20;
- *City of Lake Elmo Resolution No. 2010-065* (adopted Nov. 16, 2010) acknowledging modification to the Wastewater Inefficiency Fee provisions and stating the City's continued agreement to comply with the terms and conditions stated in Metropolitan Council Resolution No. 2005-20;
- *Memorandum of Understanding between the City of Lake Elmo and the Metropolitan Council* (Dec. 30, 2010) regarding Wastewater Inefficiency Fees;
- *Memorandum of Understanding between the City of Lake Elmo and the Metropolitan Council* (June 14, 2013) regarding Comprehensive Planning Issues; and

WHEREAS, the City has prepared and proposed amendments to its comprehensive plan for South of 10th Street Area and the Village Area, both of which are planned to receive regional wastewater conveyance and treatment services, and these amendments reflect the City's efforts to plan consistent with Council resolutions and memoranda of understanding listed above, the Metropolitan Land Planning Act, as well as the Council's policy plans and metropolitan system plans; and

WHEREAS, the City has committed local resources to construct the local wastewater collection system needed to support sewered development in the aforementioned areas, comprising the Section 34 Improvements of gravity sanitary sewer, sanitary sewer forcemain, and lift station; and the Lake Elmo Avenue Sewer Infrastructure Project including trunk gravity improvements between 10th Street and I-94 where connection to the regional system occurs, and lift station and forcemain piping along Lake Elmo Avenue between the Village Area and 10th Street; and

WHEREAS, the City expects to submit documentation of payment for substantial completion for these main components of the City's local wastewater collection system in the near term; 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. The Council finds that the City has satisfied the conditions underlying the Memorandum of Understanding and Metropolitan Council resolutions and related memoranda and that the City is planning for sewered, urban growth in the City that uses the regional services which have been or will be provided to the City.
2. Based on the City's commitment to plan and prepare for its share of the region's growth and development conforming to and consistent with the Council's comprehensive development guide and policy plans as required by the Metropolitan Land Planning Act, the Council agrees that the prior memoranda and resolutions described above will be terminated and of no further force and effect.
3. The memoranda will be terminated upon execution of an agreement by the Council and the City after receipt of the documentation of payment for substantial completion of the main components of the local wastewater collection system. The Regional Administrator is authorized to execute that termination agreement on behalf of the Council.

Adopted this 28th day of May, 2014.



Susan Haigh, Chair


Emily Getty, Recording Secretary



MAYOR & COUNCIL COMMUNICATION

DATE: 06/03/2014
REGULAR
ITEM # 11

AGENDA ITEM: Request for Abatement - 8350 38th Street

SUBMITTED BY: Rick Chase, Building Official

THROUGH: Rick Chase, Building Official

REVIEWED BY: Kyle Klatt, Community Development Director

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Building Department

FISCAL IMPACT: None – Fully reimbursed via property assessment

SUMMARY AND ACTION REQUESTED: The City Council is being asked to order the abatement of all exterior nuisances at 8350 38th Street, including current and future mowing of the lawn. When the abatement is completed a resolution will be brought to Council for approval to assess the cost of the abatement to the property taxes. The recommended motion for this action is as follows:

“Move to enact §96.11 and §96.12 of the City of Lake Elmo Code to abate 8350 38th Street based on the definition of nuisance in § 96.01 of the city code.”

LEGISLATIVE HISTORY: A complaint was received on 4/22/14 regarding the exterior nuisances at 8350 38th Street. An administrative citation was issued on 4/23/14 and a letter and pictures were mailed to the tenant and JP Morgan who is listed as the owner on Washington County. On 5/5/14 the City received notice that JP Morgan is not the current owner. On 5/6/14 the City spoke with a representative of the Shapiro, Nordmeyer, Zielke law office who was going to contact the property manager. The Building Official asked for a response from the property manager within 7 days and to date, there has been no response. As of 5/14/14 there has been no progress on the site and there is a foreclosure notice on the door.

BACKGROUND INFORMATION (SWOT):

Strengths The property will be cleaned up and will no longer be a nuisance to surrounding neighbors. The cost for abatement can be billed to the property and assessed, thereby reimbursing the cost.

Weaknesses This is a foreclosed property and it is more difficult to collect on.

Opportunities If this foreclosed property is cleaned up, it will be more attractive to a potential purchaser.

Threats None identified.

RECOMMENDATION: The City Council is respectfully requested to order the abatement of the exterior nuisance and current lawn care at 8350 38th Street. The recommended motion for this action is as follows:

““Move to enact §96.11 and §96.12 of the City of Lake Elmo Code to abate 8350 38th Street based on the definition of nuisance in § 96.01 of the city code.”

AUTHORITY:

Minnesota State Statute: § 1335.13, 1997 Code; City Code 96.12 Assessment of Costs

“If the nuisance is not abated within 5 days in compliance with the notice, the Council shall cause the nuisance to be abated. The Council shall recover the actual cost of the abatement by civil action against the person or persons served. Alternatively, if service has been made upon the record owner, as shown on the records, of the County Auditor, collection may be made by ordering the Administrator to extend the sum, plus 25% of it as a special assessment against the property upon which the nuisance existed. This amount shall be certified to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected.”

ATTACHMENTS:

1. List of action taken
2. Response from Chase
3. 4/25/14 Letter to resident & Owner

8350 38th St N Notes:

Contact information for JP Morgan chase fax 614 776 - 8688

4-22-2014 complaint received, site observed, pictures taken.

4-23-2014 Citation issued to JP Morgan Chase current owner according to county data. Citation was e-mailed and faxed. Citation was issued due to the number of violations.

4-24-2014 Contacted chase 1-800-836-5656 machine answered not able to leave a message. Property preservation unit 888-310-1506 same. Bank e-mail cpcviolations@chase.jpmchase.com

4-25-2014 Letter to tenant and e-mailed to bank with pictures.

5-05-2014 Notice received from chase bank not current owner

5-06-2014 Contacted law office Shapiro Nordmeyer & Zielke by phone, 952 831- 4060 spoke with Lynn she will follow up with property manager to contact building department for current exterior nuisance. Requested a response from property manager with-in 7 days to begin abating Nuisance.

5-08-2013 Observed property, no progress on clean-up, also stopped at neighbors to discuss concerns, neighbor was not home.

5-14-2014 observed exterior of site no progress, picture taken of foreclosure notice on door.

5-27-2014 observed exterior of site no progress made.

5-27-2014 forwarded abatement letter to City attorney for opinion and process requirements.

5-29-2014 Added to council agenda for abatement.



To: Current resident & Owner
8350 38th St N
Lake Elmo, MN 55042

Date: 4/25/2014

RE: City code violations 96 Nuisance

Current resident & Owner

The above address was inspected due to a complaint received on 4-22-2014. There are numerous exterior City Code violations, due to the number of violations pictures are enclosed for your reference, all garbage, rubbish, debris, scrap and the like are required to be removed with-in 10 days. The site will be re-inspected on or about May 8th 2014, if the site is abated no further action will be required. If violations are observed additional action by the city will be required. This action may include additional citations, and or abatement by the City at owner(s) expense.

If you need any assistance in finding a service to assist you with the clean-up, please contact me I would be happy to provide some businesses that specialize in this type of clean-up. I look forward to working with you to bring the property into compliance with the City of Lake Elmo Municipal Code. If you have any questions please contact me.

X 

Rick Chase
Building Official

1st letter 4/25/2014

Chase (OH1-8086)
800 Brookside Boulevard
Westerville, OH 43081-2822



April 29, 2014

007120 - 1 of 1 NSP01F1A-Z1 000000000000

City of Lake Elmo
code enforcement
3800 Laverne Ave North
Lake Elmo, MN 55042



We are not able to act on your notice

Property Address: 8350 38th St N
Lake Elmo, MN 55042-0000

Dear City of Lake Elmo and code enforcement Representative:

We recently received a municipal code violation notice from your office regarding the property referenced above.

We are not the owner of this property, but we will notify the borrower(s) of our receipt of your notice.

If you have any questions, please call us at one of the telephone numbers listed below.

Sincerely,

Chase
1-888-310-1506
1-800-582-0542 TTY
1-855-232-8015 Fax
cpc.violations@chase.com

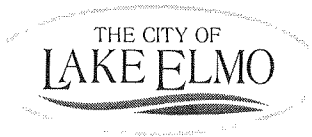
HR502

Shapiro, Norton, Meyer 5/06/2014

952-831-4060

Client - local Agent

Lynal-Sw gave number & Lynn stated property
manager will call.



MAYOR & COUNCIL COMMUNICATION

DATE: 06/03/2014
REGULAR
ITEM # 12

AGENDA ITEM: Lake Elmo Ave Trunk Watermain Improvements – Accept Bids and Award Contract

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Chad Isakson, Project Engineer
Cathy Bendel, Finance Director
Mike Bouthilet, Public Works

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Engineering

FISCAL IMPACT: \$2,427,500.00.

Approval of this resolution commits the council to entering into a construction contract for the project in the amount of \$2,015,687.39 and incurring the other project related construction costs including engineering construction administration, staking, inspection, record drawings, geotechnical services, and contingency budget in the amount of \$411,800.

The Lake Elmo Avenue Trunk Watermain Improvements construction contract amount is \$2,015,687.39. The total estimated feasibility report project cost was \$2,894,000. With the reduced construction bid, the total estimated project cost is reduced roughly \$395,600 to \$2,498,400 with \$70,900 already expended in engineering report and design. The project is scheduled to be paid through a combination of water enterprise funds, in the amount of

\$2,405,600, and special assessments in the amount of \$92,800. The city cost share, or water enterprise funds will be financed through the issuance of bonds with the bond payments paid with the collection of water availability and water connection charges.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider accepting contractor bids as presented and award a contract for the Lake Elmo Avenue Trunk Watermain Improvements. The recommended motion for this action is as follows:

“Move to approve Resolution No. 2014-38, Accepting Bids and Awarding a Contract to GM Contracting Inc., in the amount of \$2,015,687.39 for the Lake Elmo Avenue Trunk Watermain Improvements.”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

Bids were received, publicly opened, and read aloud on Thursday May 15, 2014. The city engineer and design consultant has prepared and attached the Tabulation of Bids and a letter of recommendation for the award of the contract. The City received three (3) bids for this project, with GM Contracting Inc., providing the lowest bid in the amount of \$2,015,687.39. The Engineer's feasibility construction cost estimate for the project was \$2,175,000.00.

Contractor references for GM Contracting Inc. were reviewed and verified. The City Engineer and his consultant are therefore recommending that the Council award the contract to the lowest responsible bidder, GM Contracting Inc., as outlined in the attached letter.

The City Council approved the Plans and Specifications for the Lake Elmo Avenue Trunk Watermain Improvements on April 15, 2014, and authorized staff to advertise the Project for bids. The Project was advertised on QuestCDN.com and in the Oakdale-Lake Elmo Review in accordance with the Minnesota Competitive Bidding requirements. The improvements include:

- Construction of approximately 13,700 LF of 16-inch watermain extending from the existing watermain at Lake Elmo Avenue and 30th Street south to future 5th Street.
- Replacement of 11 existing water service connections and installation of 32 new service stubs to existing properties to provide property owners the opportunity to hook up to municipal water.
- Traffic control, Erosion control, cleanup and site restoration.

RECOMMENDATION:

Staff is recommending that the city council approve Resolution No. 2014-38, thereby accepting bids and awarding a contract to GM Contracting Inc., in the amount of \$2,015,687.39, for the Lake Elmo Avenue Trunk Watermain Improvements. The recommended motion for this action is as follows:

“Move to approve Resolution No. 2014-38, Accepting Bids and Awarding a Contract to GM Contracting Inc., in the amount of \$2,015,687.39 for the Lake Elmo Avenue Trunk Watermain Improvements.”

ATTACHMENT(S):

1. Resolution No. 2014-38 Accepting Bids and Awarding a Contract.
2. Tabulation of Bids and Engineer's Letter of Award Recommendation.
3. Project Schedule.

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

RESOLUTION NO. 2014-38

**A RESOLUTION ACCEPTING BIDS AND AWARDING A CONTRACT
FOR THE LAKE ELMO AVENUE TRUNK WATERMAIN
IMPROVEMENTS**

WHEREAS, pursuant to an advertisement for bids for the Lake Elmo Avenue Trunk Watermain Improvements, bids were received, opened, and tabulated according to law, and bids were received complying with the advertisement; and

WHEREAS, bids were tabulated, checked and summarized to verify that all requirements of the submittals were met; and

WHEREAS, the project engineer reviewed the bids and has provided a letter recommending the award of the contract to the lowest responsible bidder, GM Contracting Inc., in the amount of \$2,015,687.39.

NOW, THEREFORE, IT IS HEREBY RESOLVED,

1. That the Mayor and City Clerk are hereby authorized and directed to enter into a Contract in the accordance with the above ordered Project, in the amount of the Contractor's lowest responsible bid, and according to the plans and specifications thereof approved by the City Council.
2. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next two lowest bidders shall be retained until a contract has been signed.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE THIRD DAY OF JUNE
2014.**

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)

ATTEST:

Adam Bell
City Clerk

FOCUS ENGINEERING, inc.

May 19, 2014

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

Honorable Mayor and City Council
City of Lake Elmo, Minnesota 55042

Re: Lake Elmo Ave Trunk Watermain Improvements
City of Lake Elmo
Project No. 2013.133

Dear Mayor and City Council:

Bids for the Lake Elmo Ave Trunk Watermain Improvements project were opened on Thursday, May 15, 2014 at 2:00 PM with the following results. A complete tabulation of bids is enclosed for your information.

Contractor	Base Bid
GM Contracting, Inc.	\$2,015,687.39
Northdale Construction Company, Inc.	\$2,639,136.24
EJM Pipe Services, Inc.	\$2,932,125.00

Recommendation

We recommend that you award the Contract to the lowest responsible bidder, GM Contracting, Inc., for their base bid of \$2,015,687.39. Please do not hesitate to call me with any questions you may have.

Sincerely,



Chad J. Isakson, P.E.
Project Engineer

LAKE ELMO AVENUE WATERMAIN INFRASTRUCTURE IMPROVEMENTS - FUTURE 5TH TO 30TH STREET
TKDA PROJECT NO. 15507.000
CITY OF LAKE ELMO, MINNESOTA

ITEM NO. ITEM DIVISION 1 - GENERAL

ITEM NO.	ITEM	UNIT	Engineer's Estimate		GM Contracting		Northlake Construction		EIM Pipe Services		
			QUANTITY	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
DIVISION 1 - GENERAL											
1	MOBILIZATION	LS	1	\$ 125,000.00	\$ 125,000.00	\$ 85,000.00	\$ 85,000.00	\$ 247,263.13	\$ 247,263.13	\$ 130,000.00	\$ 130,000.00
2	TRAFFIC CONTROL	LS	1	\$ 32,500.00	\$ 32,500.00	\$ 53,951.69	\$ 53,951.69	\$ 46,912.50	\$ 46,912.50	\$ 50,000.00	\$ 50,000.00
3	SILT FENCE	LF	461	\$ 2.00	\$ 922.00	\$ 2.50	\$ 1,152.50	\$ 5.25	\$ 2,420.25	\$ 5.00	\$ 2,305.00
4	TREE REMOVAL	EA	20	\$ 300.00	\$ 6,000.00	\$ 400.00	\$ 8,000.00	\$ 575.00	\$ 11,500.00	\$ 350.00	\$ 7,000.00
5	INLET PROTECTION	EA	3	\$ 300.00	\$ 900.00	\$ 152.58	\$ 457.74	\$ 375.00	\$ 1,125.00	\$ 300.00	\$ 900.00
6	INLET PROTECTION	EA	267	\$ 5.50	\$ 1,468.50	\$ 6.50	\$ 1,762.50	\$ 10.00	\$ 2,670.00	\$ 25.00	\$ 6,675.00
7	TEMPORARY WATER SERVICE	LS	1	\$ 25,500.00	\$ 25,500.00	\$ 4,500.00	\$ 4,500.00	\$ 22,500.00	\$ 22,500.00	\$ 13,750.00	\$ 13,750.00
	SUBTOTAL DIVISION 1				\$ 197,290.30		\$ 154,744.03		\$ 334,324.38		\$ 210,630.00
DIVISION 2 - WATERMAIN											
1	REMOVE EXISTING WATERMAIN - ALL SIZES AND TYPES	LF	416	\$ 9.00	\$ 3,744.00	\$ 2.85	\$ 1,185.60	\$ 73.00	\$ 9,568.00	\$ 15.00	\$ 6,240.00
2	ABANDON EXISTING WATERMAIN IN PLACE - ALL SIZES AND TYPES	LF	970	\$ 15.00	\$ 14,550.00	\$ 2.85	\$ 2,764.50	\$ 12.50	\$ 12,125.00	\$ 2.50	\$ 2,425.00
3	SALVAGE EXISTING HYDROBANT, LEAD, AND VALVE	EA	2	\$ 525.00	\$ 1,050.00	\$ 350.00	\$ 700.00	\$ 525.00	\$ 1,050.00	\$ 1,800.00	\$ 3,600.00
4	REMOVE/ABANDON EXISTING WATER SERVICE - ALL SIZES AND TYPES	EA	15	\$ 250.00	\$ 3,750.00	\$ 150.00	\$ 2,250.00	\$ 425.00	\$ 6,375.00	\$ 500.00	\$ 7,500.00
5	CONNECT TO EXISTING WATERMAIN	EA	1	\$ 3,500.00	\$ 3,500.00	\$ 1,448.16	\$ 1,448.16	\$ 103,000.00	\$ 103,000.00	\$ 3,500.00	\$ 3,500.00
6	6" GATE VALVE & BOX	EA	27	\$ 1,250.00	\$ 33,750.00	\$ 2,036.85	\$ 54,994.95	\$ 1,321.65	\$ 35,684.55	\$ 1,800.00	\$ 48,600.00
7	8" GATE VALVE & BOX	EA	4	\$ 1,850.00	\$ 7,400.00	\$ 2,530.54	\$ 10,122.16	\$ 1,877.13	\$ 7,508.52	\$ 2,800.00	\$ 11,200.00
8	12" GATE VALVE & BOX	EA	1	\$ 3,000.00	\$ 3,000.00	\$ 3,508.66	\$ 3,508.66	\$ 3,100.78	\$ 3,100.78	\$ 5,500.00	\$ 5,500.00
9	16" BUTTERFLY VALVE & BOX	EA	17	\$ 3,500.00	\$ 59,500.00	\$ 3,489.56	\$ 59,322.52	\$ 3,440.09	\$ 58,481.53	\$ 4,500.00	\$ 76,500.00
10	HYDRANT - 8" BURY	EA	27	\$ 3,250.00	\$ 87,750.00	\$ 4,182.48	\$ 112,976.96	\$ 5,349.83	\$ 144,445.41	\$ 4,400.00	\$ 118,800.00
11	1" CORPORATION STOP	EA	6	\$ 275.00	\$ 1,650.00	\$ 425.90	\$ 2,555.40	\$ 724.08	\$ 4,344.48	\$ 2,200.00	\$ 13,200.00
12	1.5" CORPORATION STOP	EA	38	\$ 450.00	\$ 17,100.00	\$ 550.20	\$ 20,907.60	\$ 860.90	\$ 32,714.20	\$ 2,800.00	\$ 106,400.00
13	1.5" CORPORATION STOP	EA	2	\$ 600.00	\$ 1,200.00	\$ 647.35	\$ 1,294.70	\$ 1,039.01	\$ 2,078.02	\$ 2,900.00	\$ 5,800.00
14	1.5" CURB STOP AND BOX	EA	38	\$ 600.00	\$ 22,800.00	\$ 463.58	\$ 2,781.48	\$ 429.08	\$ 2,520.48	\$ 650.00	\$ 3,900.00
15	1.5" CURB STOP AND BOX	EA	3	\$ 380.00	\$ 1,140.00	\$ 746.85	\$ 2,240.55	\$ 577.32	\$ 2,138.16	\$ 800.00	\$ 3,600.00
16	2" CURB STOP AND BOX	EA	204	\$ 380.00	\$ 77,520.00	\$ 746.85	\$ 152,357.40	\$ 65.29	\$ 13,319.16	\$ 300.00	\$ 61,500.00
17	1" TYPE K COPPER WATER SERVICE PIPE	LF	1,586	\$ 47.00	\$ 74,562.00	\$ 32.06	\$ 50,847.16	\$ 49.14	\$ 77,936.04	\$ 45.00	\$ 71,370.00
18	1.5" TYPE K COPPER WATER SERVICE PIPE	LF	52	\$ 61.00	\$ 3,172.00	\$ 37.35	\$ 1,942.20	\$ 47.82	\$ 2,486.64	\$ 75.00	\$ 3,900.00
19	CONNECT TO EXISTING WATER SERVICE - ALL SIZES AND TYPES	LF	15	\$ 1,500.00	\$ 22,500.00	\$ 500.00	\$ 7,500.00	\$ 572.45	\$ 8,586.75	\$ 750.00	\$ 11,250.00
20	6" DIP CL 52 WATERMAIN	LF	379	\$ 28.00	\$ 10,612.00	\$ 79.50	\$ 11,180.50	\$ 52.59	\$ 19,931.61	\$ 65.00	\$ 24,635.00
21	8" DIP CL 52 WATERMAIN	LF	387	\$ 68.00	\$ 26,316.00	\$ 74.63	\$ 28,881.81	\$ 100.96	\$ 39,071.52	\$ 85.00	\$ 32,895.00
22	8" HDPE DR 11 WATERMAIN	LF	174	\$ 50.00	\$ 8,700.00	\$ 70.93	\$ 12,341.82	\$ 110.85	\$ 19,287.90	\$ 155.00	\$ 26,970.00
23	12" HDPE DR 11 WATERMAIN	LF	74	\$ 58.00	\$ 4,292.00	\$ 81.80	\$ 6,053.20	\$ 122.84	\$ 9,090.16	\$ 165.00	\$ 12,210.00
24	16" HDPE DR 11 WATERMAIN	LF	11,152	\$ 87.00	\$ 970,224.00	\$ 89.00	\$ 992,528.00	\$ 103.12	\$ 1,149,994.24	\$ 105.00	\$ 1,170,960.00
25	16" HDPE DR 11 WATERMAIN	LF	2,200	\$ 91.00	\$ 200,200.00	\$ 89.00	\$ 195,800.00	\$ 103.12	\$ 226,864.00	\$ 125.00	\$ 275,000.00
26	16" HDPE DR11 WATERMAIN, EXTRA DEPTH (PI)	LF	32	\$ 235.00	\$ 7,520.00	\$ 362.03	\$ 11,584.96	\$ 444.59	\$ 14,226.88	\$ 550.00	\$ 17,600.00
27	6"x45" BEND MJ DUCTILE IRON COMPACT FITTING	EA	1	\$ 600.00	\$ 600.00	\$ 1,325.00	\$ 1,325.00	\$ 1,795.03	\$ 4,550.00	\$ 4,550.00	\$ 4,550.00
28	16"x45" BEND MJ DUCTILE IRON COMPACT FITTING	EA	2	\$ 1,200.00	\$ 2,400.00	\$ 1,337.00	\$ 2,674.00	\$ 2,659.67	\$ 5,319.34	\$ 8,850.00	\$ 13,700.00
29	8"x6" TEE MJ DUCTILE IRON COMPACT FITTING	EA	3	\$ 500.00	\$ 1,500.00	\$ 548.52	\$ 1,645.56	\$ 869.19	\$ 2,607.57	\$ 950.00	\$ 2,850.00
30	16"x6" TEE MJ DUCTILE IRON COMPACT FITTING	EA	23	\$ 1,350.00	\$ 3,105.00	\$ 1,458.00	\$ 3,353.40	\$ 2,902.26	\$ 6,675.18	\$ 6,300.00	\$ 14,900.00
31	16"x8" TEE MJ DUCTILE IRON COMPACT FITTING	EA	4	\$ 1,700.00	\$ 6,800.00	\$ 1,968.00	\$ 7,872.00	\$ 1,686.70	\$ 3,476.80	\$ 6,300.00	\$ 25,400.00
32	16"x8" TEE MJ DUCTILE IRON COMPACT FITTING	EA	2	\$ 1,700.00	\$ 3,400.00	\$ 1,588.00	\$ 3,176.00	\$ 3,532.32	\$ 7,064.64	\$ 6,400.00	\$ 12,800.00
33	16"x12" CROSS MJ DUCTILE IRON COMPACT FITTING	EA	1	\$ 360.00	\$ 360.00	\$ 1,657.77	\$ 3,315.54	\$ 850.06	\$ 1,700.12	\$ 550.00	\$ 1,100.00
34	16"x12" CROSS MJ DUCTILE IRON COMPACT FITTING	EA	1	\$ 705.00	\$ 705.00	\$ 588.10	\$ 588.10	\$ 850.06	\$ 850.06	\$ 850.00	\$ 850.00
35	16"x8" REDUCER MJ DUCTILE IRON COMPACT FITTING	EA	3	\$ 175.00	\$ 525.00	\$ 762.51	\$ 2,287.53	\$ 1,255.51	\$ 3,766.53	\$ 850.00	\$ 2,550.00
36	16"x8" REDUCER MJ DUCTILE IRON COMPACT FITTING	EA	4	\$ 175.00	\$ 700.00	\$ 268.40	\$ 1,073.60	\$ 210.75	\$ 843.00	\$ 200.00	\$ 800.00
37	12" PLUG MJ DUCTILE IRON COMPACT FITTING	EA	4	\$ 275.00	\$ 1,100.00	\$ 322.24	\$ 1,288.96	\$ 310.84	\$ 1,243.36	\$ 650.00	\$ 2,600.00
38	12" PLUG MJ DUCTILE IRON COMPACT FITTING	EA	4	\$ 600.00	\$ 2,400.00	\$ 506.18	\$ 2,024.72	\$ 529.73	\$ 2,118.92	\$ 650.00	\$ 2,600.00
39	16" PLUG MJ DUCTILE IRON COMPACT FITTING	EA	1	\$ 235,000.00	\$ 235,000.00	\$ 70,092.00	\$ 70,092.00	\$ 40,500.00	\$ 40,500.00	\$ 308,050.00	\$ 308,050.00
40	HORIZONTAL DIRECTIONAL DRILLING BORE PITS	LS	1	\$ 85,500.00	\$ 85,500.00	\$ 55,577.00	\$ 55,577.00	\$ 83,500.00	\$ 83,500.00	\$ 22,500.00	\$ 22,500.00
41	WATER SERVICE CONNECTION PITS	LS	27	\$ 225.00	\$ 6,075.00	\$ 57.70	\$ 1,557.90	\$ 84.00	\$ 2,268.00	\$ 50.00	\$ 1,350.00
42	OFF ROAD STRUCTURE MARKER	SF	96	\$ 4.75	\$ 456.00	\$ 7.37	\$ 707.52	\$ 7.38	\$ 708.48	\$ 10.00	\$ 960.00
43	4" POLYSTYRENE INSULATION				\$ 1,977,308.00		\$ 1,808,790.41		\$ 2,252,033.63		\$ 2,648,085.00
DIVISION 3 - STREETS											
1	SAWCUT BITUMINOUS PAVEMENT	LF	1,020	\$ 5.00	\$ 5,100.00	\$ 3.92	\$ 3,998.40	\$ 5.18	\$ 5,283.60	\$ 10.00	\$ 10,200.00
2	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT, ALL TYPES	SY	1,125	\$ 2.50	\$ 2,812.50	\$ 5.67	\$ 6,378.75	\$ 8.63	\$ 9,708.75	\$ 6.50	\$ 7,312.50
3	CLS REGENERATE BASE	TN	410	\$ 21.00	\$ 8,610.00	\$ 29.93	\$ 12,271.50	\$ 33.35	\$ 13,673.50	\$ 50.00	\$ 20,500.00
4	CLS REGENERATE SURFACE	TN	62	\$ 15.00	\$ 930.00	\$ 17.32	\$ 1,073.84	\$ 43.35	\$ 2,698.40	\$ 45.00	\$ 2,790.00
5	SPINW3408 BITUMINOUS NON-WEAR COURSE, STREETS	SY	12	\$ 77.00	\$ 924.00	\$ 124.82	\$ 1,497.84	\$ 107.78	\$ 1,293.36	\$ 150.00	\$ 1,800.00
6	SPINW3408 BITUMINOUS WEAR COURSE, STREETS	TN	67	\$ 71.00	\$ 4,757.00	\$ 144.44	\$ 9,697.48	\$ 110.98	\$ 7,435.46	\$ 150.00	\$ 10,050.00
7	BITUMINOUS MATERIAL FOR TACK COAT	GA	56	\$ 3.75	\$ 210.00	\$ 2.06	\$ 115.36	\$ 2.30	\$ 128.80	\$ 8.00	\$ 448.00
	SUBTOTAL DIVIONS 3				\$ 31,464.50		\$ 52,152.95		\$ 52,578.23		\$ 73,410.50
					\$ 2,201,063.30		\$ 2,015,687.39		\$ 2,639,136.54		\$ 2,932,125.50

PROJECT SCHEDULE
CITY OF LAKE ELMO

FOCUS ENGINEERING, inc.

LAKE ELMO AVENUE TRUNK WATERMAIN IMPROVEMENTS
PROJECT NO. 2013.133

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

APRIL 2014

September 17, 2013	Council authorizes Feasibility Report.
November 6, 2013	Presentation of Feasibility Report. Council accepts Report and Calls Hearing.
November 21, 2013	Property owner meeting. Presentation of Report findings and recommendations.
December 3, 2013	Public Improvement Hearing. Council orders Preparation of plans and specifications.
April 15, 2014	Council approves Plans and Specifications; Orders Advertisement for Bids.
May 15, 2014	Receive Contractor Bids.
June 3, 2014	Council accepts bids and awards Contract.
June 16, 2014	Conduct Pre-construction Meeting and Issue Notice to Proceed.
October 17, 2014	Substantial completion (estimated 15 weeks).
November 14, 2014	Final Completion.



MAYOR & COUNCIL COMMUNICATION

DATE: 06/03/2014

REGULAR \$\$

ITEM # 13

AGENDA ITEM: 2014 Capital Improvement Financing Plan; Presentation of Financing Plan of G.O. Bonds, Series 2014A; Approval of the issuance of G.O. Bonds, Series 2014A

SUBMITTED BY: Cathy Bendel, Finance Director

THROUGH: Tammy Omdal, Senior Vice President, Northland Securities

REVIEWED BY: Dean Zuleger, City Administrator
Finance Committee

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Finance Committee

FISCAL IMPACT:

City responsibility for the debt service on the issuance of \$6,235,000 of new debt as presented in the Financing Plan.

SUMMARY AND ACTION REQUESTED:

Throughout 2014, various projects have been brought to City Council and have been approved to move forward. The updated 2014 CIP listing was reviewed in detail by the Finance Committee. This Financing Plan represents the financing needs based on those approved projects.

STAFF REPORT: Tammy Omdal, Senior Vice President with Northland Securities will present the report and respond to inquiries.

BACKGROUND INFORMATION (SWOT):

Strengths	Provides funding for infrastructure projects at a low rate. Water projects allow for the completion of the water “loop” in 2015 resulting in better water pressure and quality for all residents.
Weaknesses	Large increases to debt service payments in the enterprise funds. Cash flow assumptions reviewed by the Finance Committee and represent best case scenarios and assume all developers follow through on timing as presented to Planners and Engineers.
Opportunities	Ability to complete the water “loop” in 2015 and provide water and sewer to new development areas of the City.
Threats	If developments are delayed or do not materialize, the enterprise fund may not be able to independently fund the debt service payments on the infrastructure bonding.

RECOMMENDATION:

It is recommended that the City Council approve Resolution 2014-39 authorizing the issuance and sale of \$6,235,000 in General Obligation Bonds, Series 2014A.

“Move to approve Resolution 2014-39 authorizing the issuance and sale of General Obligation Bonds, Series 2014A in the amount of \$6,235,000”

ATTACHMENT(S):

1. Northland Securities Finance Plan Summary for G.O. Bonds, Series 2014A
2. Certificate of Minutes and Resolution 2014-39 Authorizing the Issuance and Sale of G.O. Bonds, Series 2014A

CERTIFICATION OF MINUTES RELATING TO
\$6,235,000 GENERAL OBLIGATION BONDS, SERIES 2014A

Issuer: City of Lake Elmo, Minnesota

Governing Body: City Council

Kind, date, time and place of meeting: A regular meeting held on June 3, 2014 at 7:00 p.m. at the Issuer offices.

Members present:

Members absent:

Documents Attached:

Minutes of said meeting (pages):

RESOLUTION NO. 2014-39

RESOLUTION AUTHORIZING ISSUANCE AND SALE OF
\$6,235,000 GENERAL OBLIGATION BONDS, SERIES 2014A

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

WITNESS my hand officially as such recording officer on June 3, 2014.

City Administrator

Councilmember _____ introduced the following resolution and moved its adoption, which motion was seconded by Councilmember _____:

RESOLUTION NO. 2014-39

RESOLUTION AUTHORIZING ISSUANCE AND SALE OF
\$6,235,000 GENERAL OBLIGATION BONDS, SERIES 2014A

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

Section 1. Authorization; Purpose. It is hereby determined to be in the best interests of the City to issue its General Obligation Bonds, Series 2014A, in the approximate principal amount of \$6,235,000 (the "Bonds"), as authorized pursuant to Minnesota Statutes, Chapters 475, 444, 429 and 412.301, for the purpose of (a) financing various street improvements in the City, (b) financing various water and sewer improvement in the City, (c) financing various items of capital equipment and (d) funding costs of issuance of the Bonds.

Section 2. Notice of Sale. Northland Securities, Inc., financial advisor to the City, has presented to this Council a form of Notice of Sale for the Bonds which is attached hereto and hereby approved and which shall be placed on file by the City Administrator. Each and all of the provisions of the Notice of Sale are hereby adopted as the terms and conditions of the Bonds and of the sale thereof. Northland Securities, Inc. is hereby authorized to solicit bids for the Bonds on behalf of the City on a competitive basis.

Section 3. Award and Sale. The City Council shall meet at the times and places shown in the Notice of Sale for the purpose of considering sealed bids for the purchase of the Bonds and of taking such action thereon as may be in the best interest of the City.

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

and the following members voted against the same:

whereupon the resolution was declared duly passed and adopted.

NOTICE OF SALE

\$6,235,000*

GENERAL OBLIGATION BONDS, SERIES 2014A

CITY OF LAKE ELMO, MINNESOTA

(Book-Entry Only)

NOTICE IS HEREBY GIVEN that these Bonds will be offered for sale according to the following terms:

TIME AND PLACE:

Proposals will be opened by the City Administrator, or designee, on Tuesday, June 17, 2014, at 11:30 A.M., CT, at the offices of Northland Securities, Inc., 45 South 7th Street, Suite 2000, Minneapolis, Minnesota 55402. Consideration of the Proposals for award of the sale will be by the City Council at its meeting at the City Offices beginning Tuesday, June 17, 2014, at 7:00 P.M., CT.

SUBMISSION OF PROPOSALS

Proposals may be:

- a) submitted to the office of Northland Securities, Inc.,
- b) faxed to Northland Securities, Inc. at 612-851-5918,
- c) for proposals submitted prior to the sale, the final price and coupon rates may be submitted to Northland Securities, Inc. by telephone at 612-851-5900 or 612-851-4920, or
- d) submitted electronically.

Notice is hereby given that electronic proposals will be received via PARITY™, or its successor, in the manner described below, until 11:30 A.M., CT, on Tuesday, June 17, 2014. Proposals may be submitted electronically via PARITY™ or its successor, pursuant to this Notice until 11:30 A.M., CT, but no Proposal will be received after the time for receiving Proposals specified above. To the extent any instructions or directions set forth in PARITY™, or its successor, conflict with this Notice, the terms of this Notice shall control. For further information about PARITY™, or its successor, potential bidders may contact Northland Securities, Inc. or i-Deal® at 1359 Broadway, 2nd floor, New York, NY 10018, telephone 212-849-5021.

Neither the City nor Northland Securities, Inc. assumes any liability if there is a malfunction of PARITY™ or its successor. All bidders are advised that each Proposal shall be deemed to constitute a contract between the bidder and the City to purchase the Bonds regardless of the manner in which the Proposal is submitted.

BOOK-ENTRY SYSTEM

The Bonds will be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. The Bonds will be issued in fully registered form and one bond certificate, representing the aggregate principal amount of the Bonds maturing in each year, will be registered in the name of Cede & Co. as nominee of Depository Trust Company ("DTC"), New York, New York, which will act as securities depository of the Bonds.

* Preliminary; subject to change. The City reserves the right to increase or decrease the principal amount of the Bonds. Any such increase or decrease will be made in multiples of \$5,000 and may be made in any maturity. If any maturity is adjusted, the purchase price will also be adjusted to maintain the same gross spread.

Individual purchases of the Bonds may be made in the principal amount of \$5,000 or any multiple thereof of a single maturity through book entries made on the books and records of DTC and its participants. Principal and interest are payable by the City through Northland Trust Services, Inc. Minneapolis, Minnesota (the "Paying Agent/Registrar"), to DTC, or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants will be the responsibility of such participants and other nominees of beneficial owners. The successful bidder, as a condition of delivery of the Bonds, will be required to deposit the bond certificates with DTC. The City will pay reasonable and customary charges for the services of the Paying Agent/Registrar.

DATE OF ORIGINAL ISSUE OF BONDS

July 15, 2014

AUTHORITY/PURPOSE/SECURITY

The Bonds are being issued pursuant to Minnesota Statutes, Chapters 475, 429, 444 and 412.301, as amended. Proceeds will be used to finance (i) various street, water and sewer improvements in the City; (ii) various items of capital equipment; and (iii) costs associated with Bond issuance. The Bonds are valid and binding general obligations of the City and are payable from special assessments against all benefited properties, net revenues of the sewer and water utility systems, and tax levies. The full faith and credit of the City is pledged to their payment and the City has validly obligated itself to levy ad valorem taxes in the event of any deficiency in the debt service account established for this issue.

INTEREST PAYMENTS

Interest is due semiannually on each January 15 and July 15, commencing July 15, 2015, to registered owners of the Bonds appearing of record in the Bond Register as of the close of business on the first day (whether or not a business day) of the calendar month of such interest payment date.

MATURITIES

Principal is due annually on January 15, inclusive, in each of the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2016	\$355,000	2021	\$430,000	2026	\$390,000
2017	415,000	2022	445,000	2027	400,000
2018	415,000	2023	445,000	2028	405,000
2019	420,000	2024	455,000	2029	420,000
2020	430,000	2025	380,000	2030	430,000

Proposals for the Bonds may contain a maturity schedule providing for any combination of serial bonds and term bonds, subject to mandatory redemption, so long as the amount of principal maturing or subject to mandatory redemption in each year conforms to the maturity schedule set forth above.

INTEREST RATES

All rates must be in integral multiples of 1/20th or 1/8th of 1%. *Rates must be in level or ascending order.* All Bonds of the same maturity must bear a single uniform rate from date of issue to maturity.

ADJUSTMENTS TO PRINCIPAL AMOUNT AFTER PROPOSALS

The City reserves the right to increase or decrease the principal amount of the Bonds. Any such increase or decrease will be made in multiples of \$5,000 and may be made in any maturity. If any maturity is adjusted, the purchase price will also be adjusted to maintain the same gross spread. Such adjustments shall be made promptly after the sale and prior to the award of Proposals by the City and shall be at the sole discretion of the City. The successful bidder may not withdraw or modify its Proposal once submitted to the City for any reason, including post-sale adjustment. Any adjustment shall be conclusive and shall be binding upon the successful bidder.

OPTIONAL REDEMPTION

Bonds maturing on January 15, 2023 through 2030 are subject to redemption and prepayment at the option of the City on January 15, 2022 and any date thereafter, at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the maturities and principal amounts within each maturity to be redeemed shall be determined by the City and if only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar.

CUSIP NUMBERS

If the Bonds qualify for assignment of CUSIP numbers such numbers will be printed on the Bonds, but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the successful bidder thereof to accept delivery of and pay for the Bonds in accordance with terms of the purchase contract. The CUSIP Service Bureau charge for the assignment of CUSIP identification numbers shall be paid by the successful bidder.

DELIVERY

Delivery of the Bonds will be within forty days after award, subject to an approving legal opinion by Dorsey & Whitney LLP, Bond Counsel. The legal opinion will be paid by the City and delivery will be anywhere in the continental United States without cost to the successful bidder at DTC.

TYPE OF PROPOSAL

Proposals of not less than \$6,172,650 (99.00%) and accrued interest on the principal sum of \$6,235,000 must be filed with the undersigned prior to the time of sale. Proposals must be unconditional except as to legality. Proposals for the Bonds should be delivered to Northland Securities, Inc. and addressed to:

Dean Zuleger, City Administrator
Lake Elmo City Hall
3800 Laverne Avenue N.
Lake Elmo, Minnesota 55042

A good faith deposit (the "Deposit") in the amount of \$124,700 in the form of a federal wire transfer (payable to the order of the City) is only required from the apparent winning bidder, and must be received within two hours after the time stated for the receipt of Proposals. The apparent winning bidder will receive notification of the wire instructions from the Financial Advisor promptly after the sale. If the Deposit is not received from the apparent winning bidder in the time allotted, the City may choose to reject their Proposal and then proceed to offer the Bonds to the next lowest bidder based on the terms of their original proposal, so long as said bidder wires funds for the Deposit amount within two hours of said offer.

The City will retain the Deposit of the successful bidder, the amount of which will be deducted at settlement and no interest will accrue to the successful bidder. In the event the successful bidder fails to comply with the accepted Proposal, said amount will be retained by the City. No Proposal can be withdrawn after the time set for receiving Proposals unless the meeting of the City scheduled for award of the Bonds is adjourned, recessed, or continued to another date without award of the Bonds having been made.

AWARD

The Bonds will be awarded on the basis of the lowest interest rate to be determined on a true interest cost (TIC) basis. The City's computation of the interest rate of each Proposal, in accordance with customary practice, will be controlling. In the event of a tie, the sale of the Bonds will be awarded by lot. The City will reserve the right to: (i) waive non-substantive informalities of any Proposal or of matters relating to the receipt of Proposals and award of the Bonds, (ii) reject all Proposals without cause, and (iii) reject any Proposal which the City determines to have failed to comply with the terms herein.

INFORMATION FROM SUCCESSFUL BIDDER

The successful bidder will be required to provide, in a timely manner, certain information relating to the initial offering price of the Bonds necessary to compute the yield on the Bonds pursuant to the provisions of the Internal Revenue Code of 1986, as amended.

OFFICIAL STATEMENT

By awarding the Bonds to any underwriter or underwriting syndicate submitting a Proposal therefor, the City agrees that, no more than seven business days after the date of such award, it shall provide to the senior managing underwriter of the syndicate to which the Bonds are awarded, the Final Official Statement in an electronic format as prescribed by the Municipal Securities Rulemaking Board (MSRB).

FULL CONTINUING DISCLOSURE UNDERTAKING

The City will covenant in the resolution awarding the sale of the Bonds and in a Continuing Disclosure Undertaking to provide, or cause to be provided, annual financial information, including audited financial statements of the City, and notices of certain material events, as required by SEC Rule 15c2-12.

BANK QUALIFICATION

The City will designate the Bonds as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

BOND INSURANCE AT UNDERWRITER'S OPTION

If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the successful bidder, the purchase of any such insurance policy or the issuance of any such commitment shall be at the sole option and expense of the successful bidder of the Bonds. Any increase in the costs of issuance of the Bonds resulting from such purchase of insurance shall be paid by the successful bidder, except that, if the City has requested and received a rating on the Bonds from a rating agency, the City will pay that rating fee. Any other rating agency fees shall be the responsibility of the successful bidder. Failure of the municipal bond insurer to issue the policy after the Bonds have been awarded to the successful bidder shall not constitute cause for failure or refusal by the successful bidder to accept delivery on the Bonds.

The City reserves the right to reject any and all Proposals, to waive informalities and to adjourn the sale.

Dated: June 3, 2014

BY ORDER OF THE LAKE ELMO CITY COUNCIL

/s/ Dean Zuleger

City Administrator

Additional information may be obtained from:

Northland Securities, Inc.

45 South 7th Street, Suite 2000

Minneapolis, Minnesota 55402

Telephone No.: 612-851-5900



MAYOR & COUNCIL COMMUNICATION

DATE: 06/03/2014
REGULAR
ITEM # 14
ORDINANCE 08-111
RESOLUTION 2014-40

AGENDA ITEM: Zoning Text Amendment – Shoreland Ordinance Update

SUBMITTED BY: Nick M. Johnson, City Planner

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Planning Commission
Kyle Klatt, Community Development Director
Dave Snyder, City Attorney
Rick Chase, Building Official
Valley Branch Watershed District
MN DNR

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECCOMENDER: The Planning Commission and Staff are recommending approval of Ordinance 08-111 to update the City's shoreland provisions in advance of future sewer growth in the community. At present, the City's shoreland provisions only relate to rural development and properties. The City must update the shoreland provisions to address sewer properties in shoreland areas.

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: The Planning Commission and Staff are recommending that the City Council approve Ordinance 08-111 to update the City's shoreland provisions to incorporate standards and best practices for sewer properties in shoreland areas.

The Planning Commission is recommending that the City Council approve Ordinance 08-111 to update the City's shoreland provisions by incorporating best practices for sewer properties in shoreland areas through the following motion:

"Move to approve Ordinance 08-111 to adopt updated shoreland provisions to incorporate standards and best practices for sewer properties in shoreland areas."

Staff is recommending that the City Council approve Resolution No. 2014-40 to authorize summary publication of Ordinance 08-111 through the following motion:

"Move to approve Resolution No. 2014-40, authorizing summary publication of Ordinance 08-111."

BACKGROUND INFORMATION/PLANNING COMMISSION REVIEW:

Similar to other updates related to the overhaul of the Zoning Code, the City must adopt an updated Shoreland Ordinance in order to incorporate standards for sewer properties in shoreland districts. Not only is the City preparing for sewer growth in many areas, but many of the existing properties in the Village Area that are in the shoreland district are also guided for sanitary sewer service. It is important to update these standards in advance of these sewer connections and future sewer growth.

When looking at adopting new shoreland rules for sewer properties, City staff researched multiple other communities that have standards pertaining to sewer properties. In addition, staff also referenced the State's model shoreland provisions. In researching the various ordinances, staff modeled several of the provisions included in the proposed ordinance after the City of Woodbury's shoreland provisions. The reason for this is that they have created a model to balance the protection of surface waters in the community while still accommodating sewer growth in targeted shoreland areas. The method in which they are able to accomplish this relates to dedicated riparian buffer areas. In order to update the shoreland ordinance, the following additions and changes have been included:

- The permitted and conditional use chart for shoreland areas has been updated to reflect acceptable uses in shoreland areas, and is now linked to the City's updated use classification system in the Zoning Code.
- Bulk and dimension standards related to lot size and other requirements have been added to account for sewer residential properties. IN the existing shoreland provisions, different dimensional standards are applied according to the zoning of the property. However, moving forward, staff recommends a more straightforward system of applying performance standards based on sewer vs. unsewered properties, riparian vs. non-riparian properties, and properties that are adjacent to dedicated riparian areas. Utilizing this system, there are no longer different shoreland requirements for different zoning classifications. Some of these dimensional standards relate to lot size, lot width, amount of maximum impervious surface and other dimensional standards.
- The proposed shoreland ordinance includes the provision of requiring dedicated riparian areas around certain lakes. The purpose of this riparian dedication (150 feet) is to create

a zone of natural vegetation to protect surface waters while still allowing the base rules to apply of the underlying zoning district. At this time, the Planning Commission and Staff are recommending that only Goose and Kramer Lake are subject to required riparian dedication, as these are the only lakes that are within areas guided for future sewered growth and development. The shoreland district boundary of Armstrong Lake does encroach into an area guided for sewered growth in Lake Elmo. However, the riparian area is not in Lake Elmo jurisdiction, as it is in Oakdale. Through using riparian dedication, the City can allow for sewered growth, as it has planned, but still protect surface waters from any negative impacts of the land alteration or development activities.

- The allowed height of water oriented accessory structures has been reduced from 13 feet to 10 feet at the request of the DNR. In addition, staff proposed language to clarify that roofs are not permitted above rooftop decks above water-oriented accessory structures at the request of the DNR. However, the Planning Commission discussed this item and recommended to strike this language, as they determined that the language “must not be enclosed” (C.4.a.v) was adequate.
- The proposed ordinance also includes a verified list of registered public water bodies. The existing shoreland provisions does not include all the registered water bodies, and the City’s current shoreland district map includes shoreland areas that are not registered with the DNR. For this reason, staff also updated the Shoreland Map (Attachment #4) to reflect the registered public water bodies.

In terms of external review of the proposed ordinance, the City received review comments from the Valley Branch Watershed District and DNR. Staff updated the ordinance to reflect the review comments of the Valley Branch Watershed District in advance of the public hearing. However, the City did not receive the review comments of the DNR until after (on 5/29) the public hearing has already been held. In the review letter of the DNR, there is no opposition to proceeding with riparian buffering in Staff’s judgment. The majority of the review comments relate to the proposed Hammes Estates Preliminary Plat application, as well as commentary on the City’s provisions related to water-oriented accessory structures. In her letter, Molly Shodeen, Area Hydrologist, recommends that the City add language to clarify that roofs are not allowed above rooftop decks of water-oriented accessory structures. Staff initially added this language per DNR direction, but the Planning Commission recommended that this language was unnecessary. The Planning Commission also requested the interpretation of the City Attorney to better understand what is defined as an “enclosed structure”. Planning staff has consulted with the Building Official, Rick Chase, in this matter. In the judgment of the Building Official, having a roof over a water oriented accessory structure with four open sides does not constitute an enclosed structure. He is basing this judgment on his knowledge of the State Building Code.

In terms of the Planning Commission review of the proposed shoreland ordinance, the Planning Commission reviewed the draft ordinance at meeting on 4/14/14 and 4/28/14. On 5/28/14, the Planning Commission held a public hearing on the draft shoreland ordinance. No one spoke at the hearing. As previously mentioned, the Planning Commission recommended to strike the language pertaining to roofs over water-oriented accessory structures. In addition, they recommended adding a definition for dedicated riparian areas. With these amendments, the Planning Commission unanimously recommended the Shoreland Ordinance for approval (Vote: 5-0).

BACKGROUND INFORMATION (SWOT):

Strengths: Updating the shoreland provisions clarify critical land use considerations in advance of sewer growth or exiting properties in shoreland areas. Allowing for riparian dedication for two lakes in the I-94 Corridor allow the City to balance the need for planned growth, while at the same time protecting these water bodies.

Weaknesses: None

Opportunities: Allowing for riparian buffering in critical growth areas will provide the City the opportunity to have greater control of protecting water bodies while balancing needed growth in the community. In addition, riparian dedication may offer the City additional opportunities for recreational amenities near these water bodies (Goose and Kramer Lakes).

Threats: The DNR has noted their difference in interpretation with regards to water-oriented accessory structures. The Planning Commission has requested the opinion of the City Attorney with regards to what constitutes an enclosed structure.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission is recommending that the City Council approve Ordinance 08-111 to update the City's shoreland provisions by incorporating best practices for sewer properties in shoreland areas through the following motion:

"Move to approve Ordinance 08-111 to adopt updated shoreland provisions to incorporate standards and best practices for sewer properties in shoreland areas."

Staff is recommending that the City Council approve Resolution No. 2014-40 to authorize summary publication of Ordinance 08-111 through the following motion:

"Move to approve Resolution No. 2014-40, authorizing summary publication of Ordinance 08-111."

ATTACHMENTS:

1. Ordinance 08-111
2. Resolution No. 2014-40
3. Planning Commission Reports (4/14 and 5/28)
4. Updated Shoreland Map
5. Review Letter from Valley Branch Watershed District, dated 5/20/2014
6. Review Letter from MN DNR, dated 5/28/2014

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-111

AN ORDINANCE ADOPTING NEW SHORELAND PROVISIONS INTO THE ZONING CODE TO
INCORPORATE UPDATED STANDARDS AND BEST PRACTICES FOR SEWERED ZONING
DISTRICTS AND PROPERTIES IN SHORELAND AREAS.

SECTION 1. The City Council of the City of Lake Elmo hereby strikes Title XV: Land Usage; Chapter 150: General Provisions; by repealing Section 150.250 through 150.257 in their entirety.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 800 to read the following:

ARTICLE 17. SHORELAND MANAGEMENT OVERLAY DISTRICT

§154.800 Shoreland Management Overlay District

§154.800 Shoreland Management Overlay District

- A. *Purpose.* The purpose of the Shoreland Management Overlay District is to preserve and enhance the quality of surface waters and conserve the economic and natural environmental values of shorelands through the following activities:
1. Regulate placement of sanitary and waste treatment facilities on shorelands of public waters to prevent pollution of public waters and public health hazards resulting from the facilities.
 2. Regulate alteration of shorelands of public waters to prevent excessive sediment pollution, increased water runoff and excessive nutrient runoff pollution.
 3. Preserve and enhance the unique aesthetic appearance and ecological value of the shoreland.
 4. Regulate the construction of buildings and changes of land use in shorelands to minimize property damage during periods of high water.

- B. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bluff. A topographic feature such as a hill, cliff, or embankment having the following characteristics. (An area with an average slope of less than 18% over a distance of 50 feet or more shall not be considered part of the bluff.)

1. Part or all of the feature is in a Shoreland area;
2. The slope rises at least 25 feet above the ordinary high water level of the water body;
3. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30% or greater; and
4. The slope must drain toward the water body.

Bluff Impact Zone. A bluff and land located within 20 feet from the top of a bluff.

Boathouse. A structure designed and used solely for the storage of boats and boating equipment.

Dedicated Riparian Area. Starting at the Ordinary High Water Level (OHWL), areas dedicated to the City to be maintained in a permanent state of natural vegetation for the purposes of protecting surface waters from the impacts of land alteration and/or development activity. Permitted uses within dedicated riparian areas are noted in subsection C.7.f

D.N.R. The Minnesota Department of Natural Resources.

Land Alteration. The excavation or grading of land involving movement of earth and materials in excess of 50 yards.

Shore Impact Zone. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.

Shoreland. Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or foliage; and 300 feet from a river or stream, or the landward extend of a flood plain designated by ordinance on a river or stream; whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

Water-Oriented Accessory Structure of Facility. A small, above-ground building or other improvement, except stairways, fences, docks, and retaining walls which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of the structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

C. Shoreland Management Overlay District

1. **Shoreland Classifications.** The public waters in Table 17-1 have been classified by the commissioner of natural resources as natural environment (NE), recreational development (RD) and tributary (T) shorelands. Where noted, riparian dedication is required by the City.

Table 17-1: Shoreland Classifications

DNR ID #	Name	Location	Ordinary High Water Level	Class	150 FT ^a Riparian Dedication Required
82011601	Armstrong (north of CSAH 10)	Sec 28, T29, R21	1020.3	NE	No
82011602	Armstrong (south of CSAH 10)	Sec 28, T29, R21	1019.3	NE	No
82009900	Clear	Sec 2 & 11, T29, R21	-	NE	No
82010100	DeMontreville	Sec 4, 5 & 9, T29, R21	929.3	RD	No
82011000	Downs	Sec 24, T29, R21	889.1	NE	No
82010900	Eagle Point	Sec 22 & 27, T29, R21	896.5	NE	No
82010600	Elmo	Sec 13, 14, 23, 24 & 26, T29, R21	885.6	RD	No
82010800	Friedrich Pond	Sec 15 & 22, T29, R21	-	NE	No
82011300	Goose	Sec 27, 34 & 35, T29, R21	924.4	NE	Yes
82011100	H.J. Brown Pond	Sec 26, T29, R21	-	NE	No
82007400	Horseshoe	Sec 25, T29, R21	876.8	NE	No
82010400	Jane	Sec 9 & 10, T29, R21	924.0	RD	No

82011700	Kramer	Sec 35, T29, R21	-	NE	Yes
82041900	Margaret	Sec 26, T29, R21	-	NE	No
82010300	Olson	Sec 8 & 9, T29, R21	929.3	RD	No
N/A	Raleigh Creek North (to Eagle Point Lake)	Sec 16, 21 & 22, T29, R21	-	T	No
N/A	Raleigh Creek South (Eagle Point Lake to Lake Elmo)	Sec 22, 23 & 227, T29, R21	-	T	No
82011200	Rose	Sec 25 & 36, T29, R21	-	NE	No
82010700	Sunfish	Sec 14, T29, R21	896.4	NE	No
82010000	Unnamed	Sec 4, T29, R21	-	NE	No
82031300	Unnamed	Sec 12, T29, R21	-	NE	No
82041700	Unnamed	Sec 25, T29, R21	-	NE	No
82048400	Unnamed	Sec 11, T29, R21	-	NE	No
N/A	Unnamed to Wilmes Lake	Sec 33, T29, R21	-	T	No
N/A	Unnamed Tributary	Sec 25, T29, R21	-	T	No

Classifications

RD = Recreational Development Lake Classification

NE = Natural Environment Lake Classification

T = Tributary River Classification

Notes to Table 17-1:

a. As measured from and perpendicular to the ordinary high water level (OHWL)

- Land Uses in Shoreland Districts. All uses of land shall be regulated by the applicable zoning district subject to applicable conditions. Notwithstanding the underlying zoning district, the following uses shall be regulated in shoreland districts as specified in Table 17-2:

Table 17-2: Permitted (P), Conditional (C) and Interim (I) Uses, Shoreland Classifications

Land Uses	Shoreland Classification		
	Recreational Development	Natural Environment	Tributary River
Residential	P	P	P
Commercial	P	C	C
Public and Civic Uses	P	C	C
Outdoor Recreation ^a	C	C	C
Agricultural and Related Uses ^b	P	P	P
Industrial and Extractive Uses	-	-	-
Utilities, Transportation and Communications	C	C	C
Accessory Uses	P	P	P
Planned Developments (PUDs)	C	C	C

Notes to Table 17-2:

- a. City owned parks and open space and any uses or structures accessory to such uses are permitted within shoreland areas.
 - b. Vegetative clearing within shore and bluff impact zones and on steep slopes is not permitted.
3. *Shoreland Standards.* The following standards in Table 17-3 shall apply within shoreland areas to principal, conditional and accessory uses and structures:

Table 17-3: Shoreland Standards

	Shoreland Classification		
Standards	Recreational Development	Natural Environment	Tributary River
Minimum structure setback from County, State or Federal road right-of-way	50 feet	50 feet	50 feet
Minimum structure setback from an unplatted cemetery or historical site ^a	50 feet	50 feet	50 feet
Minimum structure setback from the Ordinary High Water Level (OHWL) ^{b, c}			
Riparian dedication required	200 feet	200 feet	200 feet
Riparian dedication not required ^d			
Sewered	75 feet	100 feet	75 feet
Unsewered	100 feet	150 feet	100 feet
Minimum structure setback from top of bluff	30 feet	30 feet	30 feet
Minimum septic system setback from OHWL	75 feet	150 feet	75 feet
Minimum low floor elevation above the 100-year flood elevation	2 feet	2 feet	2 feet
Maximum impervious lot coverage			
With riparian dedication	50%	50%	50%
Without riparian dedication			
Sewered ^e	30%	30%	30%
Unsewered	15% or 6,000 square feet (sf), whichever is larger		
Minimum lot size ^f , riparian lots			
Riparian dedication required	Same as zoning district		
Riparian dedication not required, sewered			
Single family detached	20,000 sf	40,000 sf	Same as zoning district
Two-family or duplex	35,000 sf	70,000 sf	
Riparian dedication not required, unsewered			
Single family detached	40,000 sf	80,000 sf	Same as zoning district
Minimum lot size ^f , non-riparian lots			
Riparian dedication required	Same as zoning district		
Riparian dedication not required, sewered			
Single family detached	15,000 sf	20,000 sf	Same as zoning

Two-family or duplex	17,500 sf	26,000 sf	district
Riparian dedication not required, unsewered			
Single family detached	40,000 sf	80,000 sf	Same as zoning district
Minimum lot width ^f			
Riparian dedication required	Same as zoning district		
Riparian dedication not required, sewer			
Single family detached	80 feet	125 feet	80 feet
Two-family or duplex	135 feet	225 feet	115 feet

Notes to Table 17-3:

- a. Reduction of the required setback from a historic site is permitted with the approval of the office of the Minnesota State Archeologist.
- b. Where structures exist on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the Ordinary High Water Level (OHWL), provided the proposed building is not located in a shore impact zone or bluff impact zone.
- c. With the exception of public crossings of public waters, roads, driveways and parking areas shall meet the minimum structure setback. Where no alternative exists, such improvements may be placed within the required structure setbacks provided they are designed to adapt to the natural landscape, soil erosion is minimized and no construction shall occur in shore or bluff impact zones. Exceptions to setback requirements must comply with the rules and regulations of local watershed districts.
- d. Commercial and public and civic uses with public waters frontage shall be setback double the required setback or be substantially screened from the water by vegetation or topography, assuming summer, leaf-on conditions.
- e. The maximum amount of impervious surface allowed for sewer lots zoned Rural Single Family (RS) is 15% of lot area or 6,000 sf, whichever is larger.
- f. Minimum lot size and width requirements apply to residential uses only.

4. Design Criteria for Structures

- a. *Water Oriented Accessory Structures.* Each lot may have one (1) water oriented accessory structure not meeting the normal structure setbacks if the structure complies with the following provisions:
 - i. *Structure Height.* The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, from the average grade of the structure to the peak of the roof. Detached decks must not exceed eight (8) feet above grade at any point.
 - ii. *Structure Size.* Water oriented accessory structures cannot occupy an area greater than two-hundred and fifty (250) square feet.
 - iii. *Structure Setback.* The setback of the structure or facility landward from the Ordinary High Water Level (OHWL) must be at least ten (10) feet on a recreational development lake and fifty (50) feet on a natural environment lake.
 - iv. *The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.*
 - v. *The roof of the structure may be used as a deck with safety rails, but must not be enclosed or used as a storage area.*

- vi. The structure or facility must not be used for human habitation and must not contain water supply or sewage treatment facilities.
 - vii. *Watercraft Storage Facilities.* As an alternative for recreational development water bodies, water oriented accessory structures used solely for watercraft storage, and including the storage of related boating and water oriented sporting equipment, may occupy up to four hundred (400) square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.
- b. *Stairways, Lifts and Landings.* Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
- i. Stairways and lifts must not exceed four (4) feet in width. Wider stairways may be used for public open space or recreation properties.
 - ii. Landings for stairways and lifts must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for public open space or recreation properties.
 - iii. Canopies or roofs are not allowed on stairways, lifts or landings.
 - iv. Stairways, lifts and landings may be either constructed above ground on posts or pilings or placed into the ground, provided that they are designed and built in a manner that ensures control of soil erosion.
 - v. Stairways, lifts and landing must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.
 - vi. Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subsections (i) through (v) above are satisfied.
5. *Subdivision Standards.* The following standards shall apply to subdivisions in shoreland areas:
- a. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. In determining suitability the City will consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision, or of the community at large.
 - b. Subdivisions must conform to all other official controls adopted by the City of Lake Elmo. Subdivisions will not be approved that are designed so variances from one or more standards in official controls would be needed to use the lots for their intended purpose.
 - c. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this section, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirement of this section as much as possible.
6. *Agricultural Activities.* The following standards shall apply to agricultural activities in shoreland areas:
- a. The shore impact for parcels with permitted agricultural uses is equal to a line parallel to and 50 feet from the OHWL.

- b. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore impact zones are maintained in permanent vegetation or operated under an approved conservation plan (resource management systems) consistent with the field office technical guides of the local soil and water conservation district or the USDA Natural Resources Conservation Service.
 - c. Feedlots and manure storage are not permitted within the shoreland of watercourses or in bluff impact zones, and must meet a minimum setback of 300 feet from the ordinary high water level of all public water basins identified in subsection (1).
 - d. The use of pesticides, fertilizers or animal wastes within shoreland areas shall be done in such a way as to minimize impacts on shore impact zones by proper application or use of earth or vegetation.
7. *Shoreland Alterations.* The purpose of this section is to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent back slumping and protect fish and wildlife habitat. Shoreland alterations shall be allowed in accordance with the following standards:
- a. No principal or accessory structure or use shall be placed within bluff or shore impact zones other than agricultural activities as permitted by subsection (5)(b).
 - b. Shore impact zones shall be maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local soil and water conservation district.
 - c. *Intensive Vegetative Clearing.* Intensive vegetation clearing within shore and bluff impact zones and/or steep slopes is not permitted. Intensive clearing within shoreland areas outside of bluff or shore impact zones and steep slope areas is permitted subject to City approval of an erosion and sedimentation control plan that is consistent with the City's Storm Water and Erosion and Sediment Control Ordinance (§150.270).
 - d. *Limited Tree Clearing.* Limited clearing of trees and shrubs and the cutting, pruning and trimming of trees within bluff and shore impact zones or steep slopes to accommodate picnic areas, trails and water access and to provide a view to the water from a principal dwelling site shall be permitted provided the screening of structures, as viewed from the water, is not substantially reduced. These provisions do not apply to the removal of tree limbs or branches that are dead or pose a safety hazard.
 - e. *Grading in Shoreland Areas.* All grading and filling activities must be in conformance with the Wetland Conservation Act. Any grading or filling on steep slopes or within shore or bluff impact zones involving the movement of ten (10) or more cubic yards of material or involving more than fifty (50) cubic yards of material elsewhere in a shoreland area shall require the submission of a Grading Permit. Approval shall be granted only if the following conditions are met:
 - i. Any filling or grading in any Type 2, 3, 4, 5, 6, 7 or 8 wetland shall be in conformance with the Wetland Conservation Act of 1991 and shall require consideration of how extensively the proposed activity will affect the following functional qualities of the wetland:
 - a) Sediment and pollution trapping and retention
 - b) Storage of surface runoff to prevent or reduce flood damage
 - c) Fish and wildlife habitat and endangered plants and animals
 - d) Recreational use
 - e) Shoreline or bank stabilization
 - f) Historical significance
 - ii. The smallest amount of bare ground is exposed for the shortest time possible;

- iii. Ground cover such as mulch is used for temporary bare soil coverage and permanent ground cover, such as sod, is established;
 - iv. Methods to prevent erosion and trap sediment during construction are employed;
 - v. Altered areas are stabilized to accepted erosion control standards;
 - vi. Fill is not placed so as to create unstable slopes;
 - vii. Plans to place fill or excavated material on steep slopes are certified by qualified professionals as to slope stability;
 - viii. Alterations below the OHWL are authorized by the Commissioner of the Minnesota Department of Natural Resources per Minn. Stats. § 103G.245;
 - ix. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the OHWL and the height of the riprap above the OHWL does not exceed three feet; and
 - x. Alterations of topography shall only be permitted if accessory to a permitted or conditional use.
- f. *Dedicated Riparian Areas.* Riparian areas dedicated to the City shall be protected from intensive development. Permitted uses include passive open space, pedestrian trails, public parks and park-related structures, facilities for public water access, fishing piers, parking lots for park users, and stormwater treatment ponds. Unless being used for active park purposes, the riparian areas shall be maintained in permanent natural vegetation.
8. *Sand and Gravel Extraction.* The following standards shall apply to sand and gravel extraction uses:
- a. Processing machinery shall be located consistent with setback standards for structures.
 - b. A site development and restoration plan shall be developed by the owner for approval by the city which addresses dust, noise, possible pollutant discharges, hours and duration of operation and anticipates vegetation and topography alterations. It shall identify actions to be taken to mitigate adverse environmental impacts and measures to be employed to restore the site after excavation.
9. *Stormwater Management.* Stormwater management shall be in accordance with the City's Storm Water and Erosion and Sediment Control Ordinance (§150.270). In addition, the Minnesota Pollution Control Agency's Minnesota Stormwater Manual shall be used as guidance. Within shoreland areas, the following standards also apply:
- a. Existing natural drainage ways, wetlands and vegetated soil surfaces must be used to convey, store, filter and retain storm water in a manner consistent with local watershed district rules and regulations before discharge to public waters.
 - b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as grading is complete and facilities or methods used to retain sediment on the site are removed.
 - c. Use of fertilizers, pesticides or animal wastes within shoreland areas must be done in a way to minimize impact on the shore impact zone or public water by proper application.
 - d. New constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
10. *Private Utilities.* The following provisions shall apply in shoreland areas:
- a. Private subsurface sewage treatment systems shall meet applicable City and County requirements and Minnesota Pollution Control Agency's Chapter 7080 standards. Publicly owned sewer systems shall be used where available.

- b. Any private water supply to be used for domestic purposes shall meet quality standards established by the Minnesota Department of Health and the Minnesota Pollution Control Agency.
- 11. *Planned Unit Developments*. Residential planned unit developments shall be permitted in shoreland areas subject to the requirements of Article XVI of this chapter.
 - a. Design criteria for planned unit developments within shoreland areas:
 - i. At least 50 percent of the total project area shall be preserved as open space. The open space computation shall not include road rights-of-way, or land covered by roads, structures or parking surfaces.
 - ii. Open space shall include areas having physical characteristics that are unsuitable for development in their natural state and areas containing significant historic sites or unplatted cemeteries.
 - iii. Open space may contain outdoor recreational facilities for use by the owners of residential units or the public.
 - iv. The appearance of open space areas, including topography, vegetation and allowable uses, shall be preserved.
 - v. PUDs shall be connected to public water supply and sewer systems.
 - vi. Before final approval of a PUD is granted, the developer/owner shall provide for the preservation and maintenance, in perpetuity, of open space and the continuation of the development as a community.
- 12. *Nonconformities*. Nonconformities, substandard lots and structures, and nonconforming on-site sewage treatment systems within shoreland areas shall meet the requirements specified in Article IV of this chapter.
 - a. The expansion or enlargement of a riparian substandard structure shall meet the shoreland development standards set forth in subsection (3) except as follows:
 - i. The extension, enlargement or alteration of a riparian substandard structure or sanitary facility may be permitted on the side of the structure or facility facing away from the OHWL without following the variance process.
 - ii. An improvement to a riparian substandard structure or sanitary facility may be allowed to extend laterally by a conditional use permit (parallel to the OHWL) when the improvement is in compliance with the other dimensional standards of this chapter. In no case shall the improvement extend closer to the OHWL than the existing structure.
 - iii. Decks may be allowed without a variance where riparian dedication is not required, provided as follows:
 - a) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing OHWL setback of the structure;
 - b) The deck encroachment toward the OHWL does not exceed 15 percent of the existing shoreline setback of the structure from the OHWL or does not encroach closer than 30 feet, whichever is more restrictive; and
 - c) The deck is constructed primarily of wood, and is not roofed or screened.
 - iv. If a riparian substandard structure is demolished, replacement shall comply with the dimensional standards of this section.
- C. *Required Notice to the Department of Natural Resources*. The zoning administrator shall send copies of notices of any public hearings to consider variances, plats, ordinance amendments, PUDs or conditional uses under local shoreland management controls to the commissioner of the department of natural resources or his designee at least ten days prior to the hearings. In

addition, a copy of the approved amendments, plats, variances and conditional uses shall be sent to the commissioner or his designee within ten days of the final decision.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance 08-111 was adopted on this twentieth day of May 2014, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

This Ordinance 08-111 was published on the ____ day of _____, 2014.

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

RESOLUTION NO. 2014-40

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-111 BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-111, an ordinance to the City's regulations pertaining to Shoreland Areas; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-111 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-111, which replaces the current sections of the City Code pertaining to the Shoreland Ordinance. The revised ordinance includes the following revisions from the previous ordinance:

- The list of registered public water bodies has been updated and verified using the MN DNR inventory of public waters.
- The bulk and dimension standards related to lot size, lot width, maximum impervious surface and other performance standards for properties in shoreland areas has been updated according to sewer vs. non-sewered lots and riparian vs. non-riparian lots.
- The establishment of required dedicated riparian areas around Goose and Kramer Lakes.
- The establishment of permitted, conditional and interim uses that are allowed in shoreland areas;

The full text of Ordinance No. 08-111 is available for inspection at Lake Elmo city hall during regular business hours.

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

Dated: June 3, 2014.

Mayor Mike Pearson

ATTEST:

Adam Bell, City Clerk

(SEAL)

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

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

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



PLANNING COMMISSION
DATE: 4/14/14
AGENDA ITEM: 5C – BUSINESS ITEM
CASE # 2014 - 20

ITEM: Zoning Text Amendment – Shoreland Ordinance Update

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director

SUMMARY AND ACTION REQUESTED:

The Planning Commission is asked to review a draft Shoreland Ordinance intended to update the City's shoreland provisions in advance of upcoming sewer growth in the community. The City will work with the DNR to review the draft ordinance in advance of a future public hearing.

REQUEST DETAILS

In an effort to update the City's shoreland provisions in advance of future sewer growth, staff has produced a draft ordinance that would address all anticipated development activity in the future. The proposed ordinance is modeled after the City of Woodbury's shoreland provisions. The reason that the City's existing shoreland provisions must be updated is that they only address activities and performance standards for rural development types in shoreland areas. As the City moves towards more sewer growth, the shoreland provisions must be updated accordingly. For example, the City's existing Shoreland Ordinance lists specific development standards by specific zoning district. Many of these zoning districts, such as R3, are longer in the City's Zoning Code. Moving forward, staff would like to provide standards that relate to whether the lot is riparian or non-riparian, or whether or not the lot is sewer or unsewered. This approach is different from the existing provisions which list performance standards by zoning district. In addition, staff is proposing to bring the shoreland provisions into the Zoning Code (Chapter 154).

TO update the Shoreland Ordinance to prepare for future sewer development, staff is proposing the following changes contained within the draft ordinance:

- Permitted and conditional uses within shoreland areas has been updated to reflect the City's updates list of use classifications and definitions (Article II – Definitions, §154.012).
- The biggest change to the provisions relate to the shoreland standards, which include performance standards and lot size requirements for various forms of residential development. The shoreland standards have been updated with the following changes:
 - Maximum impervious surface requirements have been updated according to riparian vs. non-riparian lots and sewer vs. non-sewer lots. The only exception proposed is to maintain the 15% or 6,000 square-foot maximum

standards for Rural Single Family (RS) lots. The reason for carrying this standard forward is that many RS lots are likely to get sewered within the City's Sanitary Sewer Service Areas.

- Lot size and width requirements have been updated according to riparian vs. non-riparian lots and sewered vs. unsewered lots.
- Provision have been added to require riparian dedications of 150' around both Goose and Kramer Lake, both of which are in the I-94 Corridor. Through the use of a riparian buffer, sewered development can proceed through the provisions of the base zoning district. Without this 150-foot riparian dedication, sewered developments would need to meet larger lot size requirements. These riparian dedications allow the City to take a more active role in ensuring surface water quality for public water bodies in and around developing areas.
- Per a previous request by the DNR, staff is proposing to change the allowed height of water oriented accessory structures from 13 feet to 10 feet. This change would make the City's ordinance consistent with the State model standard, as well as all other Metro communities researched by staff.

The attached draft ordinance is the first attempt to update these provisions. The City still must review the proposed shoreland ordinance with the DNR. In addition, as staff is proposing to bring the shoreland provisions into the Zoning Code, a future public hearing will also be necessary. To help facilitate the review of the shoreland ordinance at the meeting and in the future, staff will create a shoreland map to show the location and extent of these areas. Staff intends to present this map at the Planning Commission meeting.

RECCOMENDATION:

No formal action is required at this time. The Planning Commission is asked to provide initial feedback regarding the draft shoreland ordinance. This feedback, along with DNR review, will inform a future draft, at which time staff intends to hold a public hearing.

ATTACHMENTS:

1. Draft Shoreland Ordinance, dated 4/14/14
2. Existing Shoreland Ordinance (§150.250)

ORDER OF BUSINESS:

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



PLANNING COMMISSION

DATE: 5/28/14

AGENDA ITEM: 4A – PLANNING COMMISSION

CASE # 2014 - 20

ITEM: Zoning Text Amendment – Shoreland Ordinance Update

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director
John Hanson, Valley Branch Watershed District

SUMMARY AND ACTION REQUESTED:

The Planning Commission is asked to hold a public hearing on a draft Shoreland Ordinance intended to update the City's shoreland provisions in advance of upcoming sewer growth in the community. The Planning Commission reviewed the ordinance at the meeting on 4/28/14. Staff is recommending that the Planning Commission recommend approval the draft shoreland ordinance.

REQUEST DETAILS:

The Planning Commission last reviewed the proposed shoreland ordinance on 4/28/14. At that meeting, staff explained the purpose of the ordinance update is to adopt shoreland standards for sewer properties in Lake Elmo. The existing Shoreland Ordinance does not address dimensional and bulk standards for properties that are sewer. Alternatively, the current ordinance contains standards for individual zoning districts as opposed to sewer vs. non-sewer properties. As the City is now planning for sewer growth in both the I-94 Corridor and Village Planning Areas, it is critical to update the City's shoreland standards to account for these new types of land uses.

In terms of the review of the draft shoreland ordinance that was presented to the Planning Commission, staff has updated the ordinance based upon the discussion and other refinements intended to improve the document. The proposed changes in the document can be identified in redlines. The proposed refinements to the ordinance include the following:

- A definitions section was added to include key terminology that accompanies the shoreland standards. While the definitions of these terms are already included in the definition section of the City Code, staff thought it would be helpful to include these definitions in the ordinance itself.
- Table 17-1 was updated to include the known Ordinary High Water Level (OHWL) of various lakes and surface waters in the community. While the OHWL for some water bodies is undetermined, staff thought it is helpful to include this information for known lakes in the ordinance as a reference, which the current ordinance also provides.
- The list of public water bodies has been cross-referenced with the DNR's listed public waters database. In addition, staff has provided an updated shoreland map (Attachment

#3) identifying the locations of the registered public waters and their associated shoreland districts.

- The ordinance has been updated in the following areas in response to the review by the Valley Branch Watershed District:
 - Clarification was added to the title of Table 17-2 to identify what the abbreviation P (Permitted) and C (Conditional) refer to in terms of allowed land uses.
 - Table 17-3 was updated to reflect that the minimum low floor elevation allowed must be two feet above the 100-year flood elevation as opposed to Ordinary High Water Level.
 - Note c of Table 17-3 was updated to clarify that any exceptions to setback requirements must meet the rules and regulation of the applicable watershed district.
 - The section related to shoreland alterations was updated to reflect that all grading and filling activity must comply with the requirements of the Wetland Conservation Act.
 - Language was added to the section that relates to storm water management to clarify that wetlands and natural drainage ways should be used in a manner that is consistent with watershed district rules.
- The section related to water-oriented accessory structures was amended to clarify that rooftop decks on top of accessory structures must not be enclosed with an additional roof. This clarification has been requested by the DNR in the past.

These changes identified, most of which identified in redlines, summarize the refinements that have been completed by staff since the Planning Commission last reviewed the shoreland ordinance. In addition to some of these changes, the Planning Commission requested that staff review other public water bodies to see if any of them would benefit from required riparian buffering. In staff's judgment, no other lakes in the community other than Goose and Kramer would benefit from these provisions, as these are the only two lakes that are directly adjacent to areas guided for urban development.

In addition to the staff recommended changes, it should be noted that the Valley Branch Watershed District reviewed the proposed ordinance and submitted comments (Attachment #4). The draft ordinance was sent out to the DNR and the three watershed districts that are located in Lake Elmo (Valley Branch, Brown's Creek and South Washington). At the time of drafting this staff report, staff has not received any comments from the DNR, Brown's Creek Watershed District or the South Washington Watershed District. If any comments are submitted, staff will distribute the review comments electronically and address them at the Planning Commission meeting.

RECCOMENDATION:

Staff is recommending that the Planning Commission recommend approval of the updated shoreland ordinance through the following motion:

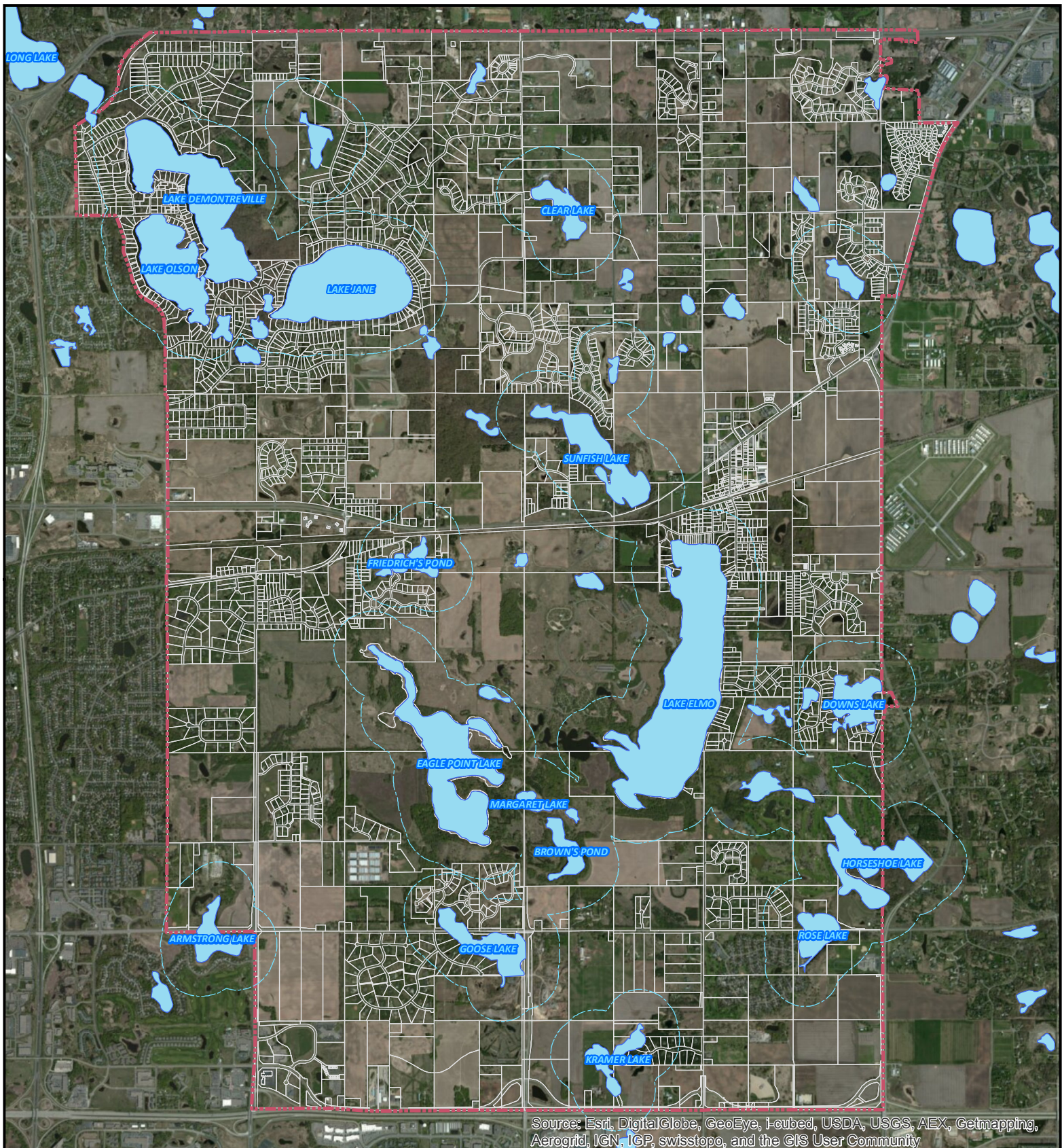
“Move to recommend approval of the updated Shoreland Ordinance (§154.800)”

ATTACHMENTS:

1. Draft Shoreland Ordinance (§154.800), dated 5/28/14
2. Existing Shoreland Standards (§150.250) (hard copies distributed previously)
3. Shoreland Map (Updated)
4. Valley Branch Watershed District Review Letter

ORDER OF BUSINESS:

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



Shoreland Areas (Updated) - Lake Elmo, MN



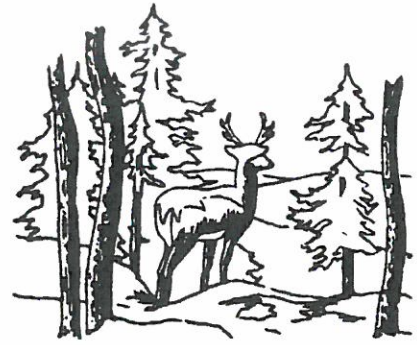
- Lakes/Public Water Bodies
- Shoreland District
- Municipal Boundary

City of Lake Elmo
5-22-2014
Data Source:
Washington County, MN



May 20, 2014

Mr. Nick Johnson
City Planner
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042



Re: Shoreland Management Overlay District Ordinance Amendment

Dear Mr. Johnson:

Thank you for submitting the proposed Shoreland Management Overlay Ordinance to me for review. On behalf of the Valley Branch Watershed District (VBWD), this letter provides my comments.

- Table 17-2 on page 3 includes P's and C's, but neither is defined.
- Note "a" of Table 17-2 on page 3 appears to automatically allow City-owned structures in shorelands. City-owned structures will need to conform to VBWD Rules and Regulations.
- Table 17-3 on page 4 indicates that minimum floor elevations of structures need to be 2 feet above the OHWL. This is not in compliance with the VBWD Rules and Regulations. Minimum floor elevations need to be at least 2 feet above the adjacent water's 100-year flood level. As the 100-year flood level is likely always higher than the DNR's OHWL, the row in the table should be changed to be comply with the VBWD Rules and Regulations.
- Note "c" to Table 17-3 on page 5 could create confusion. The VBWD limits the amount of fill that can be placed below the 100-year flood level of a water. Note "c" should be revised and/or include a statement that any exception will still need to comply with other entities' rules and regulations.
- Item C.7.e on page 7 should be clarified. All grading and filling must be in conformance with the Wetland Conservation Act. By having item "i" a subset of paragraph "e," there could be some confusion that only activities that move 10 cubic yards or 50 cubic yards must conform to the Wetland Conservation Act.
- With Item C.7.e.vii on page 8, please note that the VBWD requires permits for all activities below the 100-year flood level of waters. Waters are defined as a watercourse or a natural or constructed water basin, including the area around lakes, wetlands, stormwater ponds, lowlands, and intermittent and perennial streams.
- A revision might be needed to Item C.9.a on page 8. The VBWD has several requirements regarding stormwater discharges to wetlands. In some cases, the statement, "Existing...wetlands...must be used to convey, store, and retain storm water..." could be in conflict with the VBWD Rules and Regulations and the Wetland Conservation Act.

Sincerely,

John P. Hanson
Barr Engineering Company
Engineers for the Valley Branch Watershed District



DAVID BUCHECK • LINCOLN FETTER • DALE BORASH • JILL LUCAS • EDWARD MARCHAN

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

www.vbwd.org

Minnesota Department of Natural Resources

Division of Ecological and Water Resources
1200 Warner Road
Saint Paul, MN 55106-6793



May 28, 2014

Nick Johnson
City of Lake Elmo
3800 Laverne Ave. N.
Lake Elmo, MN 55042

RE: Shoreland Ordinance Revisions/Hammes Plat

Dear Mr. Johnson:

I have taken a preliminary look at the proposed revisions to your shoreland ordinance. It will take me more time to complete a thorough review without a redline version to compare to your old ordinance. It is also extremely time consuming to have to look in other parts of the ordinance for some of the standards. I may need to meet with you again so that you can highlight the changes.

The revision you are most interested in I think, is the riparian dedication so that you can apply it to the Hammes plat to increase density. You also mentioned that there may be other developments coming up. That is the section I will comment on at this time. Riparian buffers do have value when applied to undeveloped lakes so that the buffer functions to protect the riparian zone from individual property owner alterations that effect water quality and habitat. The city really only has 1 partially developed and one mostly undeveloped water body that these would be applicable to. The other water bodies are fully developed.

If approved, the riparian dedications areas must remain largely undeveloped and free of impervious surfaces. It seems like the standards for use contained in the ordinance would allow significant alteration for common spaces. For the Hammes Plat, the riparian dedication is small compared to the size of the lake. Such uses should be clustered for minimal impact and restricted to the greatest extent possible. Facilities and alterations must be setback the greatest amount possible to keep the buffer nearest the lake intact. It is also extremely important that the buffer areas be marked with monuments and signs to prevent yard creep. There should be deed restrictions and clear rules and enforcement.

Regarding the Hammes plat, we noticed that the riparian dedication does not cover the southern-most extension of the lake. As this is part of Goose Lake, the riparian dedication should also extend to protect the entire south end of the lake, including the extension. It is unknown to me whether this was natural or manmade, but at this point, it is considered part of the lake. It is unlikely that we could approve a flexibility request by the city to allow a riparian dedication of a 150' buffer without including the whole portion of the lake contained within the proposed plat.

mndnr.gov
An Equal Opportunity Employer

Another consideration for flexibility approval will be to evaluate the section of the ordinance regarding water oriented structures. We would still like to receive a written response to our letter regarding the Leonard structure. We appreciate that the city has revised the height to conform to the state standard in the new ordinance, but if our interpretations differ, we need to assure that we are on the same page going forward. This may involve inserting some additional language.

We likely need additional conversations regarding the steps forward in order to implement and approve flexibility for reduced standards. Unfortunately our time is very limited for land use related activities, but we are sensitive to the fact that the city needs to move forward and will try to prioritize reaching a conclusion of these issues.

Please contact me at (651) 259-5845 or molly.shodeen@state.mn.us to discuss your thoughts.

Sincerely,



Molly Shodeen
Area Hydrologist

cc: Kyle Klatt, City Planning Director
Dan Petrik, DNR EWR Land Use Unit



MAYOR & COUNCIL COMMUNICATION

DATE: 06/03/2014
REGULAR
ITEM # 15
ORD 08-112

AGENDA ITEM: Zoning Text Amendments – Single Family Garage Requirements

SUBMITTED BY: Kyle Klatt, Community Development Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Planning Commission
Nick Johnson, City Planner

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECCOMENDER: The Planning Commission and Staff are recommending amendments to the Zoning Ordinance concerning provisions regulating the setback of the garage in relation to the front façade of a house and the amount of the front façade that can be used for a garage.

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider amendments to the City's development standards for urban residential zoning districts, and specifically, the requirements concerning attached residential garages. The proposed amendments would eliminate the portion of the Zoning Ordinance that requires garages to be set back behind the façade of the house or behind a porch extension, and would also modify the maximum percentage of the width of the front façade of the house that could be occupied by a garage. The Planning Commission is recommending that the width of the visible garage door area when closed not exceed 60% of the principal building façade fronting the primary street.

The Planning Commission is recommending that the City Council adopt revisions to the attached garage requirements in urban residential districts the through the following motion:

“Move to adopt Ordinance 08-112 amending the Zoning Ordinance by revising the requirements for attached garages in urban residential districts”

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT: The Planning Commission reviewed the proposed ordinance amendments at its May 28, 2014 meeting and conducted a public hearing at this meeting. Staff distributed a packet of typical house plans that was provided by Lennar to demonstrate the range of housing options that would be built within the Savona subdivision. At the hearing the following individuals addressed the Planning Commission:

- **Joe Jablonski, Lennar Homes.** He shared his experiences building single-family homes and noted that Lennar does not offer single-family homes without a 3-car garage. He also explained that Lennar adds architectural features to their homes to add visual interest around the garage. Jablonski further stated that the garage side is typically determined by the grading plan and elevations of the lot. In response to a question from the Commission, Jablonski noted that close to 75% of the home types that were distributed to the Planning Commission do not meet the garage standards.
- **Craig Allen, Gonyea Company.** He spoke about his experience working with custom home builders and noted that the City’s garage requirements have an indirect consequence of limiting creativity within new developments. Allen also stated that Gonyea and their custom builders construct very few homes that do not have a three-car garage.
- **Michael Ramme, Ryland Homes.** He noted that Ryland does not build any homes with only a two-car garage. He discussed that their single-family home customer is demanding a three-car garage. Ramme explained that requiring garages to be recessed four feet would increase the redundancy of homes within new neighborhoods. Ramme also noted that he has not encountered other communities that have performance standards for attached garages.

In addition to the above comments, the City received six sets of written comments from builders as well. These written comments are attached for review by the City Council.

The Commission generally discussed the rationale for originally including the attached garage requirements in the Zoning Ordinance, and discussed other options for addressing the concerns of the builders. The Commission ultimately recommended removing the garage setback requirements from the code as recommended by Staff, but decided to revise the provision concerning the front façade of the house to read as follows:

- The width of the visible garage door area when closed shall not exceed 60% of the width of the entire principal building façade (including garage) fronting the primary street

The revision as proposed by the Planning Commission was slightly different than the ordinance amendment as initially proposed by Staff. Specifically, Staff recommended keeping the existing language but changing the percentage of the entire garage compared to the rest of the house façade to 75%. The attached Staff report to the Planning Commission includes additional information and discussion concerning the Staff recommendation to the Commission.

The Commission adopted a motion to recommend approval of the attached garage ordinance amendments with the revisions adopted at its meeting; the Commission's motion was adopted with a vote of four ayes and one nay.

BACKGROUND INFORMATION (SWOT):

Strengths: The proposed ordinance will provide additional flexibility for home builders in new subdivisions.

The ordinance still encourages garages to be side or rear loaded, but does not mandate such design.

The ordinance will allow builders to select from their entire portfolio of homes rather than preventing several of their homes from being built in Lake Elmo.

Weaknesses: The attached garage provisions were some of the few design requirements that were adopted for single-family homes as part of the urban residential zoning ordinance amendments.

Opportunities: Maintaining maximum flexibility of choices for both builders and consumers will help ensure that newer subdivisions will be successful.

Threats: The proposed ordinance is still more restrictive than the requirements in nearly every other municipality in the Twin Cities, which may still restrict builders from constructing certain types of housing.

It may be difficult for multi-family or townhouse developments to comply with the garage façade requirements as recommended by the Planning Commission.

RECOMMENDATION: Based on the aforementioned, the Planning Commission is recommending that the City Council adopt revisions to the attached garage requirements in urban residential districts through the following motion:

"Move to adopt Ordinance 08-112 amending the Zoning Ordinance by revising the requirements for attached garages in urban residential districts"

ATTACHMENTS:

1. Ordinance 08-112
2. Planning Commission Report – 5/28/13
3. Developer Comments:
 - a. Ryland Homes
 - b. Lennar
 - c. Hans Hagen Homes
 - d. Gonyea Company
 - e. Bob McDonald (McDonald Construction)
 - f. Amaris Homes

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-112

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
REVISING THE REQUIREMENTS FOR ATTACHED GARAGES IN
URBAN RESIDENTIAL ZONING DISTRICTS

SECTION 1. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended as follows:

§154.457 Attached Garages, Urban Residential Districts

A. *Attached Garages.*

1. Attached garages are encouraged to be side or rear loaded. ~~If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:~~
 - a. ~~The front of the garage is recessed at least four (4) feet behind the plane of the primary façade; or~~
 - b. ~~The front of the garage is recessed at least four (4) feet behind a porch if the garage is even with the primary façade; or~~
2. The width of the visible garage door area when closed ~~attached garage~~ shall not exceed 60% of the principal building façade width ~~of the entire principal building façade (including garage) fronting the primary street.~~

SECTION 2. **Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. **Adoption Date.** This Ordinance 08-112 was adopted on this 3rd day of June 2014, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

This Ordinance 08-112 was published on the ____ day of _____, 2014.



PLANNING COMMISSION
DATE: 5/28/14
AGENDA ITEM: 4B – PUBLIC HEARING
CASE # 2014-026

ITEM: Zoning Text Amendments – Single Family Garage Requirements
SUBMITTED BY: Kyle Klatt, Community Development Director
REVIEWED BY: Nick Johnson, City Planner

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider amendments to the City's development standards for urban residential zoning districts, and specifically, the requirements concerning attached residential garages. The proposed amendments would eliminate the portion of the Zoning Ordinance that requires garages to be set back behind the façade of the house or behind a porch extension, and would also modify the maximum percentage of the width of the front façade of the house that could be occupied by a garage from 60% to 75%.

GENERAL INFORMATION

Applicant: City-initiated action for discussion, but based on feedback from home builders and developers
Request: Zoning Text Amendment
History: The City adopted the existing standards for attached garages as part of the 2012 code amendments for urban residential zoning districts. These provisions were further revised in early 2013 to reduce the minimum lot widths and side yard setbacks within these districts. In advance of homes within new subdivisions being constructed, several builders have expressed concern that the City's requirements for garages are overly restrictive and will reduce variety within new subdivisions.
Deadline for Action: None
Applicable Regulations: Zoning Ordinance – Article 10: Urban Residential Districts
Section 154.457 – Residential Accessory Structures

REVIEW AND ANALYSIS

A significant part of the City's 2012 zoning ordinance amendments included the creation of new urban residential zoning districts that were adopted to help implement the Lake Elmo Comprehensive Plan. These amendments were a critical part of implementing the Comprehensive Plan because they created the City's first sewerred residential districts that would be able to accommodate the residential densities proposed in the Plan. A large portion of the residential zoning requirements focused on development standards for certain uses and activities, and included standards for attached accessory

structures in urban residential districts. The specific section of this ordinance that is the subject to the proposed revisions is found in Section 154.457 and includes the following provisions (the specific sections of the code that would be effected by the proposed amendments are underlined):

A. *Attached Garages.*

1. Attached garages are encouraged to be side or rear loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:
 - a. The front of the garage is recessed at least four (4) feet behind the plane of the primary façade; or
 - b. The front of the garage is recessed at least four (4) feet behind a porch if the garage is even with the primary façade; or
2. The width of the attached garage shall not exceed 60% of the width of the entire principal building façade (including garage) fronting the primary street.

The intent of these provisions was to help ensure that garages did not become the dominant feature of newer subdivisions within the community, and to encourage a house design that was more friendly to pedestrians and non-motorists travelling through the development. When these provisions were drafted, there was not a lot of analysis performed to examine the types of houses that could and could not be built under these standards, nor did the City use any specific examples to illustrate the types of housing that was preferred. Please also note that the City Council has previously provided direction to the Planning Commission that it does not support design standards for single family structures within the community. While the attached provisions do not specifically relate to the design of single family homes, they do minimize the options for building certain types of house plans within new neighborhoods.

As builders have progressed further along with development plans for specific neighborhoods, Staff has heard from most of these developers that the City's garage requirements are overly restrictive and will reduce the choices of their customers to build a large portion of the house plans that are offered. The problem as expressed to Staff is that with the smaller lots allowed under the ordinance (which also helps promote a more intimate scale and is more pedestrian friendly), there is not a lot of room on each lot to accommodate a garage larger than two stalls in width. In addition, several builders have also indicated that they build a variety of housing types (some of which include a garage-forward design), and that eliminating some of their house plans because of the garage issue will lead to a more monotonous selection of houses along each street.

After discussing this matter with several developers of newer subdivisions and viewing developments in other communities, Staff is recommending that the City revise the zoning ordinance to allow for additional flexibility in the design of single family homes. The recommendation is based on the following observations:

- A large number of the house plans that are being offered by developers in Lake Elmo include a three car garage, and these garages take up a large portion of the front façade of homes.
- Narrower lots do not provide the room needed to accommodate a side-loading garage. Larger lots that would provide such opportunities would cause neighborhoods to fall short of the City's planned density for low and medium density residential areas.

- The visual character of neighborhoods with three car garages does is not significantly impacted by the location of the garage or the portion of the lot frontage occupied by the garage.
- All builders that discussed this issue with Staff have noted that they intend to build a variety of housing designs within new neighborhoods, and that the existing ordinance will limit the choices that they offer consumers.
- The public improvements within a subdivision (i.e. road width, sidewalks, street trees, lighting, open space, trails, park areas, etc.) tend to have a greater impact on the character and feel of a neighborhood than the types of houses that built.
- The ability to bring garages forward on a lot can reduce the amount of driveway necessary to serve each home.

The specific amendments that are proposed are documented in the attached ordinance. These amendments would specifically eliminate all language concerning garages being recessed behind the front façade or a porch and increase the maximum percentage of the entire principal building façade that can be a garage to 75%. The Planning Commission is being asked to review these changes and to make a recommendation to the City Council on whether or not to adopt the ordinance as proposed or to make any additional amendments beyond the changes drafted by Staff.

RECCOMENDATION:

Staff is recommending that the Planning Commission recommend approval of the amendments to Section 154.457 of the Zoning Ordinance concerning attached garages as drafter by Staff.

ATTACHMENTS:

1. Draft Ordinance Amending Section 154.457
2. Developer Comments:
 - a. Ryland Homes
 - b. Lennar
 - c. Hans Hagen Homes
 - d. Gonyea Company
 - e. Bob McDonald (McDonald Construction)
 - f. Amaris Homes

ORDER OF BUSINESS:

- Introduction Community Development Director
- Report by Staff Community Development Director
- Questions from the Commission Chair & Commission Members
- Public Hearing..... Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members

RYLAND HOMES®

TWIN CITIES DIVISION

7599 Anagram Drive
Eden Prairie, MN 55344

952.229.6000 Tel
952.229.6024 Fax

www.ryland.com

May 12, 2014

Nick Johnson, City Planner
City of Lake Elmo
3800 Laverne Ave. N.
Lake Elmo, MN 55042

RE: Urban Residential Zoning Standards

Dear Mr. Johnson:

On May 6, 2014, Ryland Homes was asked to give feedback on the City's current Urban Residential Zoning Standards. Specifically, two standards found in 154.457 regarding:

1. Garage Recession: Attached garages must be recessed 4 feet back from the façade of the principle structure or 4 feet behind the porch.
2. Garage Width: Front facing garages must not exceed 60% of the overall width of the principle building.

While Ryland understands the original intent of the standards to reduce the negative visual impact of garage dominated streetscapes, we believe that the standard forcing all garages to be recessed can have the same negative affect on a neighborhood by creating redundancy. Ryland's position is that a neighborhood with a variety of homes makes for a more attractive street scape.

The current garage width standard of 60% maximum, along with the market demand for 3 car garages, is difficult to achieve especially with smaller lot neighborhoods. As with Ryland's Hunters Crossing site, the minimum lot width requirement is 60 feet with a combined side yard setback of 15 feet for a 45 foot pad size. The maximum percent is automatically exceeded with the demand for a 3 car garage (30 foot garage/45 foot pad = 67%).

Ryland has submitted for a Preliminary Plat for Hunters Crossing with none of our planned homes meeting these current zoning standards. It's Ryland's position that both of the above Residential Zoning Standards be removed allowing for added flexibility and variation in product while still meeting the market demands.

Ryland looks forward to an appropriate resolution. Please feel free to contact Tracey Rust at 952.229.6063 or Mark Sonstegard at 952.229.6007, both with Ryland Homes, with any questions.

Sincerely,

THE RYLAND GROUP, INC.


Tracey Rust, PE
Entitlement Manager


Mark Sonstegard
VP of Land Development



Kyle Klatt
Community Development Director
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

May 9, 2014

RE: Lake Elmo Builders Poll – Urban Residential Zoning Standards

Thank you for allowing Lennar the opportunity to comment on the design standards relating to garages. As you know, we are actively marketing in Savona so this is a topic of particular interest to Lennar.

1. *Attached garages are encouraged to be side or rear loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:*
 - a. *The front of the garage is recessed at least 4 feet behind the plane of the primary façade; or*
 - b. *The front of the garage is recessed at least 4 feet behind a porch if the garage is even with the primary façade.*

Lennar requests the requirement relating to recessing garages be removed. Lennar would support a statement such as: 'garages are encouraged to be recessed from the façade of the principal structure, or front porch, whenever possible to draw visual attention away from the parking areas.' It is our feeling that encouraging but not requiring recessing the garage will allow the opportunity for an even wider variety of house styles further promoting an interesting streetscape. The majority of our house plans include a large front porch that draws attention to the primary entrance to the home. In regards to side loaded garages, our experience is that turning movements become problematic for homeowners and can decrease the desirability of that type of plan, especially on a narrower lot.

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

Lennar requests the requirement relating to garage not exceeding 60% of the front of the home be removed. The reason for this request is generated from our site plan. In today's market conditions single family detached homebuyers demand a three car garage. Developing with efficiency through the use of smaller lots creates a situation where it becomes problematic to create house plans that effectively use land and provide three garage stalls. For demonstrative purpose a typical three car garage is 32 feet. A home footprint not exceeding the 60% guide would need to be 53 feet wide. When the standard side setbacks are added the minimum lot size at front setback would need to be 68 ft. Our



Savona plat has a number of lots that are 65 feet wide. We intend to offset this concern with the use of covered front porches and architectural elements above the garage to de-emphasize the doors and bring the garage into the design of the home. In many cases, there is usable space built above the garage further promoting the notion that the garage is part of the home.

We are actively marketing our Savona neighborhood and need to bring this to resolution quickly. Thank you for your support. If I can be of further assistance, please let me know.

Joe Jablonski

A handwritten signature in dark ink, appearing to read "Joe Jablonski", written over a horizontal line.

Development Area Manager
Lennar



May 22, 2014

Nick M. Johnson
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

RE: Comments on Attached Garages.

Dear Mr. Johnson:

Thank you for the opportunity to comment on the design standards for attached garages. While we agree with the intent of de-emphasizing garage doors, we believe the current standards are not appropriate for the variety of housing that will be constructed in the City of Lake Elmo. Further, we believe there are other creative ways to address the appearance of attached garages through the use of appropriate architecture, materials, and the design of the home.

It is very difficult to prescribe "good" architecture through zoning standards. At some level, any architectural standard for visual appearance is arbitrary. As such, any architectural standard or requirements should include a process to allow flexibility in the application of the standards, such as the PUD process. By allowing flexibility, you will avoid the "one size fits all" approach to dealing with garages. You will also encourage creativity and avoid monotony in the appearance of new neighborhoods.

Certain housing types and styles would be prohibited based on the current standards. For example, many housing styles for empty nesters are constructed on smaller lots with narrow lot frontage. This creates a situation where the garage occupies a large portion of the front façade. The design of these homes are based on established needs and desires of the empty nester household, and forcing alternative designs will jeopardize the marketability of these homes.

The visual appearance of a garage can be mitigated through a variety of architectural treatments, designs, and materials. Site planning, including home orientation, street design, landscaping, and other factors also influence the visual appearance of garages. The visual relationship of these factors cannot be quantified into a zoning standard. However, through the PUD process you can accommodate creative ideas and concepts for new neighborhoods in the City of Lake Elmo.

We appreciate the opportunity to provide feedback on your current ordinance and look forward to working with the City of Lake Elmo as we plan our new neighborhood.

Sincerely,



John Rask
Vice President of Land Development

From: Craig@gonyeacompany.com
To: [Nick Johnson](#)
Cc: [Kyle Klatt](#); [Dean Zuleger](#)
Subject: FW: Zoning Text Amendment
Date: Thursday, March 13, 2014 6:19:26 PM

Hi Nick,

Since the meeting on Monday night I've been thinking a lot about the item before ours on the accessory building ordinance updates. Admittedly, I wasn't paying a lot of attention until the discussion on side and rear loading garages, and I know Dave Gonyea made a few remarks to get clarification. I understand from the response he received that it is only encouraged to have side and rear loading garages and I remember hearing you state that you had reached out to single family builders for remarks. I did not hear if you had received remarks and what those were and was wondering if you could share a little of that feedback.

The item that I've been thinking the most about is the 4' recess required for a garage behind the primary facade or porch. Did you get any feedback from the builders on this requirement and if so, could you also share. I'm not sure about the national builders, but this could really limit a lot of the custom builders we work with. I think if you looked around on Gonyea Homes, McDonald Construction or Hanson Builders (all builders we've had site visits with in Lake Elmo) website you would find that the majority will not meet these requirements. I've attached a link below to the gallery on Hanson's website.

Could you let me know if you've received similar feedback?

<http://hansonbuilders.com/gallery.php>

Thanks,

Craig

B. Attached Garages, Urban Residential Districts

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

- a. The front of the garage is recessed at least 4 feet behind the plane of the primary facade; or
 - b. The front of the garage is recessed at least 4 feet behind a porch if the garage is even with the primary facade.
2. The width of the attached garage shall not exceed 60% of the width of the entire principal building facade (including garage) fronting the primary street.

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

Craig Allen
10850 Old County Road 15
Suite 200
Plymouth, MN 55441
Cell: 952-270-4473
craig@gonyeacompany.com

From: Craig@gonyeacompany.com
To: [Nick Johnson](#)
Subject: Fwd: Lake Elmo Builders Poll - Urban Residential Zoning Standards
Date: Friday, May 16, 2014 3:58:06 PM

Craig Allen
10850 Old County Road 15
Suite 200
Plymouth, MN 55441
Cell: 952-270-4473
craig@gonyeacompany.com <<mailto:craig@gonyeacompany.com>>

Begin forwarded message:

From: Bob McDonald <bobm@mcdonaldconstruction.com <<mailto:bobm@mcdonaldconstruction.com>> >
Date: May 16, 2014 at 3:03:00 PM CDT
To: "Craig@gonyeacompany.com <<mailto:Craig@gonyeacompany.com>> " <Craig@gonyeacompany.com <<mailto:Craig@gonyeacompany.com>> >
Subject: RE: Lake Elmo Builders Poll - Urban Residential Zoning Standards

To: Craig Allen and Lake Elmo City Planner.

I have reviewed the Urban Residential Zoning Standards and would like to bring to you attention a problem with the attached garage section. I did a development in Woodbury which required the garages be behind the front of the home. This causes a large design problem with narrow lots. Example – 65' wide with 15' setback leaves 50' structure. With 60% being garage (almost every person wants a 3 car garage as they have 2 cars and use the 3rd stall for storage yard equipment and toys) leaves only 20 feet for the home. When the garage is behind the front that creates a 20 foot wide by 22 foot area along the length of the garage. So now you end up with a 22' hallway before you can do anything behind the garage. When lots are less than this it compounds the problem even more. After discussing this with the ARC committee in Woodbury and explaining the problem they changed that requirement as they could see that it hindered the interior design. The recessed garage requirement impedes the design tremendously and limits the option of the floor plan. I know that everyone for some reason has something against garage doors but in reality everyone knows that you have a garage with garage doors. I am not sure how setting the garage 4 feet back from the front of the home hides the fact that there is a garage. One thing that we have done is use garage doors that have a design or windows which softens the garage doors.

Thank you for allowing me to give you the input of a builder.

Thanks

Bob McDonald

From: raypruban@gmail.com on behalf of [Raymond Pruban](#)
To: [Nick Johnson](#)
Cc: Dave@gonyeacompany.com; Craig@gonyeacompany.com; Sonstegard, Mark; Rust, Tracey L.; Brian McGoldrick; [Joe Jablonski](#); [Steven Ach](#); [Raymond Pruban](#); tenpratt@pratthomes.com; [Tom Wolter \(tom@wolter-mn.com\)](mailto:Tom Wolter (tom@wolter-mn.com)); [Robert Engstrom](#); [Kyle Klatt](#); [Dean Zuleger](#); [Tim Brown](#)
Subject: Re: Lake Elmo Builders Poll - Urban Residential Zoning Standards
Date: Tuesday, May 06, 2014 1:25:54 PM

Nick,

If a house gets a 3-car garage (36'+/-) and the pad is 50' wide that is 72%. If limited at 60% on a 50' wide pad that leaves only 30' which is not enough for a 3-car garage.

I would also expect garages to be forward on most of these homes.

We will need to add this to the PUD on our project if not adjusted in the underlying ordinance.

Sincerely,

Raymond Pruban
Chief Manager
Amaris Homes, LLC
Custom Green Home Builder... *where healthy living is built in!*
rpruban@amariscustomhomes.com
Cell 651-248-3631

Amaris Custom Homes works primarily on a referral basis. If you know of anyone thinking about building or remodeling, please consider passing our name along.

On Tue, May 6, 2014 at 11:59 AM, Nick Johnson <NJohnson@lakeelmo.org> wrote:

Greetings,

I am writing on behalf of the City to poll the various builders who will likely be working in the sewer districts of Lake Elmo to receive feedback on a couple of performance standards found in the City's urban residential districts of the Zoning Code. Attached you will find the City's Urban Residential Districts (Article X). I have highlighted the applicable sections that I would like to inquire with you about. More specifically, there are two standards that some builders have expressed concern about with regards to sewer single family residential homes. These standards are found in 154.457 and are the following:

1. Garage Recession: Attached garages must be recessed 4 feet back from the façade of the principal structure or 4 feet behind the porch.
2. Garage width: Front facing garages must not exceed 60% of the overall width of the



MAYOR & COUNCIL COMMUNICATION

DATE: 06/03/2014
REGULAR
ITEM # 16

AGENDA ITEM: Municipal Separate Storm Sewer System (MS4) Permit – Annual Public Meeting and Accept the 2013 MS4 Annual Report

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Jack Griffin, City Engineer
Adam Bell, Assistant City Administrator/City Clerk
Mike Bouthilet, Public Works

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemAssistant City Engineer
- Report/Presentation.....Assistant City Engineer
- Questions from Council to Staff Mayor Facilitates
- Annual Public Meeting, request public input.....Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion Mayor Facilitates

POLICY RECOMMENDER: Engineering

FISCAL IMPACT:

None. The Annual Public Meeting and Annual Report are MS4 Permit requirements.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to conduct the Annual Public Meeting required by the MS4 Permit and receive public input and comments. After receiving a staff presentation and public comments, it is respectfully requested that the Council accept the 2013 MS4 Annual Report and authorize staff to submit this report to the MPCA by June 30, 2014. The recommended motion for this action is as follows:

“Move to accept the Municipal Separate Storm Sewer System (MS4) Annual Report for 2013, and authorize staff to submit this report to the MPCA by June 30, 2014.”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

The MS4 General Permit is mandated by the federal regulations under the Clean Water Act and administered by the Minnesota Pollution Control Agency. A municipal storm sewer system (MS4) is a conveyance or system of conveyances (roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains) owned by a municipality. The MS4 program gives owners or operators of MS4's approval to discharge storm water to lakes, rivers and wetlands in Minnesota. The MS4 General Permit focuses on reducing the pollution that enters these public systems and discharges to wetlands, streams and lakes (“waters of the state”). By federal rule, storm water systems in urban areas are labeled Mandatory MS4s. The City of Lake Elmo is a Mandatory MS4 City.

As a MS4 City, Lake Elmo was required to obtain and comply with a National Pollutant Discharge and Elimination System (NPDES) storm water permit. To meet these requirements the City prepared and implemented a five year Storm Water Pollution Prevention Program (SWPPP) beginning in 2006 and extending through 2010. The MPCA reissued a new five year program effective August 1, 2013.

The SWPPP specifies and outlines a series of best management practices intended to satisfy the permit requirements for each of the six minimum control measures. The six minimum control measures are:

1. Public Education and Outreach
2. Public Involvement and Participation
3. Illicit Discharge Detection and Elimination
4. Construction Site Storm Water Controls
5. Post-Construction Storm Water Management for development and redevelopment
6. Pollution Prevention/Good Housekeeping for Municipal Operations

As part of the on-going permit requirements as a mandatory MS4 City, Staff has prepared the 2013 MS4 Annual Report and will present a summary report to the City Council and general public. The City must hold an Annual Public Meeting to encourage public discussion and participation regarding its storm water quality and steps it is taking to address the MS4 Permit requirements. Notice of this meeting was posted at City hall and published in the Oakdale-Lake Elmo Review on April 30, 2014 (see attachment). Public input received will be considered for updating the City's Storm Water Pollution Prevention Program (SWPPP) and the meeting minutes will be incorporated into the City's final report. The 2013 MS4 Annual Report must be submitted to the MPCA by June 30, 2014. A copy of the City's Storm Water Pollution Prevention Program (SWPPP) is available on the City website.

The Annual Meeting is scheduled to be held as part of the regular City Council meeting at City Hall. The agenda for this meeting will include:

- A presentation about implementation of the City's Storm Water Pollution Prevention Program in 2013,
- Affording interested persons an opportunity to make oral statements concerning the Storm Water Pollution Prevention Program,
- Consideration of relevant written materials that interested persons submit concerning the Storm Water Pollution Prevention Program; and,
- Consideration of public input in making adjustments to the 2014 implementation plan for the Storm Water Pollution Prevention Program.

2013 MS4 REPORT HIGHLIGHTS

The City's annual implementation of its Storm Water Pollution Prevention Program (SWPPP) addresses all permit requirements through six minimum control measures as outlined below.

MCM 1 and 2: Public Education & Outreach, Public Involvement & Participation: In 2013, the City renewed its contract with the East Metro Water Resource Education Program (EMWREP), which continues to be a high value, low cost solution to address many of the educational and public outreach requirements of the City's permit program. A copy of the 2013 EMWREP Annual Report has been attached. Lake Elmo Staff used EMWREP as a primary resource to create educational materials for the public on storm water best management practices (available at City Hall, in City Newsletters and on the City's website).

MCM 3: Illicit Discharge Detection and Elimination: As part of the MS4 Outfall Inspections, Public Works staff inspected potential contamination sites within the City (mining site, sites with large stockpiles, etc.). No known illicit discharges were recorded in 2013. A list of subsurface sewage treatment systems (SSTS) with known problems was provided in 2013 by Washington County. The City will continue to work with the County to address these issues with property owners.

MCM 4: Construction Site Storm Water Controls: Enforcement tools were improved (checklists, handouts, website improvements) to enhance storm water education and improve erosion control techniques used in the City. In 2013 there were 29 violations cited to builders for non-compliance to the City's Erosion and Sediment Control Ordinance.

MCM 5: Post-Construction Storm Water Management for development and redevelopment: Updates were made to the Engineering Design Standards Manual for Private Development, which was adopted by the City Council in early 2013. Impervious surface is reviewed for compliance on every building permit. Several new home permits implemented rain gardens or other water quality best management practices to mitigate impervious surface overages per City Ordinance.

MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operations: The Public Works Department inspected the storm sewer system in the northwest area of the City. Street sweeping was completed on all City streets in April 2013, with 3 additional areas receiving spot sweeping throughout the year. The City worked with the Washington Conservation District to

maintain rain gardens installed on past street improvement projects. Public Works performed storm sewer structure repairs, cleaned out and restored ditches, assisted with rain garden maintenance, cleaned out sump manholes and responded to resident drainage issues.

MS4 GENERAL PERMIT UPDATE:

On May 21, 2013, the Minnesota Pollution Control Agency (MPCA) reissued the General Permit for discharges of stormwater associated with small Municipal Separate Storm Sewer Systems (MS4). The new state wide permit became effective on August 1, 2013.

As an existing MS4, Lake Elmo was required to submit a 2013 permit reissuance that included an application and new Stormwater Pollution Prevention Program (SWPPP) document; completed in the form provided by the MPCA. The new SWPPP document was submitted December 30, 2013, and was approved and made effective as of April 3, 2014. City Staff will be working to meet many of the new requirements that must be completed within 12 months of the effective date, or by April 3, 2015.

RECOMMENDATION:

Staff is recommending that the City Council accept the MS4 Annual Report for 2013, and authorize staff to submit this report to the MPCA by June 30, 2014. The recommended motion for this action is as follows:

“Move to accept the Municipal Separate Storm Sewer System (MS4) Annual Report for 2013, and authorize staff to submit this report to the MPCA by June 30, 2014.”

ATTACHMENT(S):

1. Notice of MS4 Annual Public Meeting
2. 2013 MS4 Annual Report
3. EMWREP Annual Report Executive Summary (full Report available upon request)

**CITY OF LAKE ELMO
NOTICE OF ANNUAL PUBLIC MEETING
ON THE CITY STORM WATER POLLUTION PREVENTION PROGRAM**

Notice is hereby given that the City Council of Lake Elmo will meet at City Hall at 7:00 p.m. on Tuesday, June 3, 2014, to conduct a public meeting to encourage public discussion and participation regarding its storm water quality and Storm Water Pollution Prevention Program (SWPPP).

A 1987 Amendment to the Federal Clean Water Act required implementation of a two-phase comprehensive national program to reduce pollution from storm water runoff. A National Pollutant Discharge Elimination System (NPDES) permit from the Minnesota Pollution Control Agency (MPCA) is required as part of this program. The permit identifies a number of measures that must be met or implemented by each community. The six minimum measures are:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Storm Water Controls
- Post-Construction Storm Water Management for development and redevelopment
- Pollution Prevention/Good Housekeeping for Municipal Operations

The City's Storm Water Pollution Prevention Program specifies best management practices intended to satisfy the permit requirements for each of the minimum measures. As part of this program, the City is required to hold an annual meeting to encourage public discussion and participation regarding its storm water quality and steps it is taking to address the six minimum control measures. A copy of the SWPPP is available on the City website or by contacting the City Engineer. An annual report will be submitted to the MPCA in June 2014. The minutes of the annual public meeting will be incorporated into the City's annual report.

The meeting will be held as part of the regular city council meeting at City Hall. The agenda for this meeting will include:

- 1) A Presentation about implementation of the City's Surface Water Pollution Prevention Program in 2013,
- 2) Affording interested persons the opportunity to make oral statements concerning the Storm Water Pollution Prevention Program,
- 3) Consideration of relevant written materials that interested persons submit concerning the Storm Water Pollution Prevention Program; and,
- 4) Consideration of public input in making adjustments to the 2014 implementation plan for the Storm Water Pollution Prevention Program.

DATED: April 25, 2014

**BY ORDER OF THE LAKE ELMO CITY CLERK
Adam Bell, City Clerk**

(Published in the Oakdale-Lake Elmo Review on April 30, 2014)



**Minnesota Pollution
Control Agency**

520 Lafayette Road North
St. Paul, MN 55155-4194

MS4 Annual Report for 2013

Municipal Separate Storm Sewer Systems (MS4s)

Reporting period January 1, 2013 to December 31, 2013

Due June 30, 2014

Doc Type: Permitting Annual Report

Instructions: By completing this mandatory MS4 Annual Report form, you are providing the Minnesota Pollution Control Agency (MPCA) with a summary of your status of compliance with permit conditions, including an assessment of the appropriateness of your identified best management practices (BMPs) and progress towards achieving your identified measurable goals for each of the minimum control measures as required by the MS4 Permit (permit). If a permittee determines that program status or compliance with the permit can not be adequately reflected within the structure of this form additional explanation and/or information may be referenced in an attachment. This form has limitations and provides only a snap shot of your compliance with the conditions in the permit. After reviewing the information, MPCA staff may need to contact the permittee to clarify or seek additional information.

Submittal: This MS4 Annual Report must be submitted electronically to the MPCA using the submit button at the end of the form, from the person that is duly authorized to certify this form. All questions with an asterisk (*) are required fields (these fields also have a red border), and must be completed before the form will send. A manual confirmation e-mail will be sent in response to electronic submissions. If you do not receive an e-mail confirmation within two business days, please contact the program staff below. (If the submit button does work for you, you can save a copy of the form to a location on your computer where you will easily be able to retrieve it. You will then have to attach the form separately to an e-mail once you are within your Internet mail.)

If you have further questions, please contact one of these MPCA staff members (toll-free 800-657-3864):

- | | | |
|---------------------|--------------|--|
| • Scott Fox | 651-757-2368 | scott.fox@state.mn.us |
| • Claudia Hochstein | 651-757-2881 | claudia.hochstein@state.mn.us |
| • Cole Landgraf | 651-757-2880 | cole.landgraf@state.mn.us |
| • Dan Miller | 651-757-2246 | daniel.miller@state.mn.us |
| • Rachel Stangl | 651-757-2879 | rachel.stangl@state.mn.us |

General Contact Information (*Required fields)

*Name of MS4: City of Lake Elmo *Contact name: Ryan Stempski
 *Mailing address: 3800 Laverne Avenue N
 *City: Lake Elmo *State: MN *Zip code: 55042
 *Phone (including area code): 651.300.4267 *E-mail: ryan.stempski@focusengineeringinc.com

Minimum Control Measure 1: Public Education and Outreach [V.G.1] (*Required fields)

- A. The permit requires each permittee to implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and steps that the public can take to reduce pollutants in stormwater runoff. [Part V.G.1.a]

Note: Indicate which of the following distribution methods you used. Indicate the number distributed in the spaces provided (enter "0" if the method was not used or "NA" if the data does not exist):

Media type	Number of media	Number of times published	Circulation/ Audience
<i>Example: Brochures:</i>	<i>3 different brochures</i>	<i>published 5 times</i>	<i>about 10,000</i>
Brochures:	2 different brochures	always available at City Hall	about 3,500
Newsletter:	Lake Elmo Newsletter	published 2 times	about 7,000
Posters:			
Newspaper articles:	Lillie Review & Valley Life	published 52 articles	about 3,500
Utility bill inserts:			
Radio ads:			
Television ads:			
Cable Access Channel:			
Other: Websites/Social Media	4 different locations	Continuous	about 2,000
Other:	The Source E-Newsletter	2 times	about 7,000
Other:			

- B. *Do you use a website as a tool to distribute stormwater educational materials? ☒ Yes ☐ No
What is the URL: www.lakeelmo.org and www.mnwcd/emwrep
- C. If you answered yes in question B. above, do you track hits to the site? ☐ Yes ☒ No
How many hits were to the stormwater page?: 387 stormwater hits to the City Website
- D. *Did you hold stormwater related events, presentations to schools or other such activities? ☒ Yes ☐ No
If yes, describe:
Rain Garden Maintenance Workshop
- E. *Have specific messages been developed and distributed during this reporting year for Minimum Control Measure (MCM):
MCM 1: ☒ Yes ☐ No MCM 4: ☒ Yes ☐ No
MCM 2: ☒ Yes ☐ No MCM 5: ☒ Yes ☐ No
MCM 3: ☒ Yes ☐ No MCM 6: ☒ Yes ☐ No
- F. *Have you developed partnerships with other MS4s, watershed districts, local or state governments, educational institutions, etc., to assist you in fulfilling the requirements for MCM 1? ☒ Yes ☐ No
- G. List those entities with which you have partnered to meet the requirements of this MCM and describe the nature of the agreement(s). Attach a separate sheet if necessary:
East Metro Water Resources Education Program - Contract to provide education and public outreach
Washington Conservation District - Assist in rain garden outreach and education
- H. *Have you developed methods to assess the effectiveness of your public education/outreach program? ☒ Yes ☐ No
If yes, describe:
Number of Property Owners engaged in the City's Rain Garden Maintenance Program
Phone Calls Tracked to City Hall regarding Storm Water Pollution Prevention Program

Minimum Control Measure 2: Public Participation/Involvement [V.G.2] (*Required fields)

- A. The permit requires you to hold at least one public meeting per year addressing the Stormwater Pollution Prevention Program. You must hold the public meeting prior to submittal to the Commissioner of the annual report. [Part V.G.1.e.]
- B. *Did you hold a public meeting to present accomplishments and to discuss your Stormwater Pollution Prevention Program (SWPPP)? ☒ Yes ☐ No
If no, explain:
- C. *What was the date of the public meeting: 06/04/2014
- D. *How many citizens attended specifically for stormwater (excluding board/council members and staff/hired consultants)? 0
- E. *Was the public meeting a stand-alone meeting for stormwater or was it combined with some other function (City Council meeting, other public event, etc.)? ☐ Stand-alone ☒ Combined
- F. *Each permittee must solicit and consider input from the public prior to submittal of the annual report. Did you receive written and/or oral input on your SWPPP? [Part V.G.2.b.1-3] ☐ Yes ☒ No
- G. *Have you revised your SWPPP in response to written or oral comments received from the public since the last annual reporting cycle? [Part V.G.2.c] ☐ Yes ☒ No
If yes, describe. Attach a separate sheet if necessary:

Minimum Control Measure 3: Illicit Discharge Detection and Elimination [V.G.3] (*Required fields)

The permit requires permittees to develop, implement, and enforce a program to detect and eliminate illicit discharges as defined in 40 CFR 122.26(b)(2). You must also select and implement a program of appropriate BMPs and measurable goals for this minimum control measure.

- A. *Did you update your storm sewer system map? ☐ Yes ☒ No

If yes, please explain which components (ponds, pipes, outfalls, waterbodies, etc.) were updated/added:

Note: The storm sewer system map was to be completed by June 30, 2008. [Part V.G.3.a]

- B. *Have you modified the format in which the map is available? ☐ Yes ☒ No

- C. If yes, indicate the new format: ☐ Hardcopy only ☐ GIS system ☐ CAD

☐ Other system: _____

- D. *Did you inspect for illicit discharges during the reporting year? ☒ Yes ☐ No

- E. If you answered yes in question D. above, did you identify any illicit discharges? ☐ Yes ☒ No

- F. If you answered yes in question E. above, how many illicit discharges were detected during the reporting period? _____

- G. If you answered yes in question E. above, did the illicit discharge result in an enforcement action? ☐ Yes ☐ No

If yes, what type of enforcement action(s) was taken (check all that apply):

☐ Verbal warning ☐ Notice of violation ☐ Fines ☐ Criminal action ☐ Civil penalties

☐ Other (describe): _____

Minimum Control Measure 4: Construction Site Stormwater Runoff [V.G.4] (*Required fields)

The permit requires that each permittee develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to your small MS4 from construction activities within your jurisdiction that result in a land disturbance of equal to or greater than one acre, including the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb one or more acres. [Part V.G.4.]

- A. The permit requires an erosion and sediment control ordinance or regulatory mechanism that must include sanctions to ensure compliance and contains enforcement mechanisms [Part V.G.4.a]. Indicate which of the following enforcement mechanisms are contained in your ordinance or regulatory mechanism and the number of actions taken for each mechanism used during the reporting period (enter "0" if the method was not used or "NA" if the data does not exist). **Check all that apply.**

Enforcement mechanism	Number of actions
<input checked="" type="checkbox"/> Verbal warnings	# 35
<input checked="" type="checkbox"/> Notice of violation	# 29
<input type="checkbox"/> Administrative orders	#
<input checked="" type="checkbox"/> Stop-work orders	# 0
<input checked="" type="checkbox"/> Fines	# 16
<input checked="" type="checkbox"/> Forfeit of security of bond money	# 0
<input checked="" type="checkbox"/> Withholding of certificate of occupancy	# 0
<input checked="" type="checkbox"/> Criminal actions	# 0
<input checked="" type="checkbox"/> Civil penalties	# 0
<input type="checkbox"/> Other:	#

- B. *Have you developed written procedures for site inspections? ☒ Yes ☐ No

- C. *Have you developed written procedures for site enforcement? ☒ Yes ☐ No

- D. *Identify the number of active construction sites greater than an acre in your jurisdiction during the 2013 calendar year: 2
- E. *On average, how frequently are construction sites inspected (e.g., weekly, monthly, etc.)? Weekly
- F. *How many inspectors, at any time, did you have available to verify erosion and sediment control compliance at construction sites during the reporting period? 1

Minimum Control Measure 5: Post-construction Stormwater Management in New Development and Redevelopment [V.G.5] (*Required fields)

The permit requires each permittee to develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects within your jurisdiction that disturb an area greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale that discharge into your small MS4. Your program must ensure that controls are in place that would prevent or reduce water quality impacts. You must also select and implement a program of appropriate BMPs and measurable goals for this minimum control measure.

Note: The MS4 permit requirements associated with this minimum control measure were required to be fully developed and implemented by June 30, 2008.

- A. *Have you established design standards for stormwater treatment BMPs installed as a result of post-construction requirements? ☒ Yes ☐ No
- B. *Have you developed procedures for site plan review which incorporate consideration of water quality impacts? ☒ Yes ☐ No
- C. *How many projects have you reviewed during the reporting period to ensure adequate long-term operation and maintenance of permanent stormwater treatment BMPs installed as a result of post-construction requirements? [Part V.G.5.b. and Part V.G.5.c.] 6
- D. *Do plan reviewers use a checklist when reviewing plans? ☒ Yes ☐ No
- E. *How are you funding the long-term operation and maintenance of your stormwater management system? (Check all that apply)
- ☐ Grants ☒ Stormwater utility fee ☐ Taxes
- ☐ Other: _____

Minimum Control Measure 6: Pollution Prevention/Good Housekeeping for Municipal Operations [V.G.6] (*Required fields)

The permit requires each permittee to develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Your program must include employee training to prevent and reduce stormwater pollution from activities, such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance.

- A. *The permit requires each permittee to inspect annually all structural pollution control devices, such as trap manholes, grit chambers, sumps, floatable skimmers and traps, separators, and other small settling or filtering devices [Part V.G.6.b.2)]
- B. *Did you inspect all structural pollution control devices during the reporting period? ☒ Yes ☐ No
- C. *Have you developed an alternate inspection frequency for any structural pollution control devices? [V.G.6.b.7)] ☐ Yes ☒ No

**Indicate the total number of structural pollution control devices for which you have developed and alternative inspection frequency:*

0

- D. *Indicate the total number of structural pollution control devices (for example-grit chambers, sumps, floatable skimmers, etc.) within your MS4, the total number that were inspected during the reporting period, and calculate the percent inspected. Enter "0" if your MS4 does not contain structural pollution control devices or none were inspected. Enter "NA" if the data does not exist:

	*Total number	*Number inspected	*Percentage
*Structural pollution control devices:	4	4	100

- E. *Did you repair, replace, or maintain any structural pollution control devices? ☐ Yes ☒ No

- F. *For each BMP below, indicate the total number within your MS4, how many of each BMP type were inspected and the percent inspected during the reporting period. Enter "0" if your MS4 does not contain BMPs or none were inspected. Enter "NA" if the data does not exist:

Structure/Facility type	*Total number	*Number inspected	*Percentage
*Outfalls to receiving waters:	126	25	20
*Sediment basins/ponds:	69	9	13
*Total	195	34	17.5

- G. Of the BMPs inspected in F.. above, did you include any privately owned BMPs in that number? ☐ Yes ☒ No

H. If yes in G.. above, how many: _____

Section 7: Impaired Waters Review (*Required fields)

The permit requires any permittee whose MS4 discharges to a Water of the State, which appears on the current U. S. Environmental Protection Agency (EPA) approved list of impaired waters under Section 303(d) of the Clean Water Act, review whether changes to the SWPPP may be warranted to reduce the impact of your discharge [Part IV.D].

- A. *Does your MS4 discharge to any waters listed as impaired on the state 303 (d) list? ☒ Yes ☐ No
- B. *Have you modified your SWPPP in response to an approved Total Maximum Daily Load (TMDL)? ☐ Yes ☒ No

If yes, indicate for which TMDL: _____

Section 8: Additional SWPPP Issues (*Required fields)

- A. *Did you make a change to any BMPs or measurable goals in your SWPPP since your last report? [Part VI.D.3.] ☐ Yes ☒ No

- B. If yes, briefly list the BMPs or any measurable goals using their unique SWPPP identification numbers that were modified in your SWPPP, and why they were modified: *(Attach a separate sheet if necessary)*

- C. *Did you rely on any other entities (MS4 permittees, consultants, or contractors) to implement any portion of your SWPPP? [Part VI.D.4.] ☒ Yes ☐ No

If yes, please identify them and list activities they assisted with:

East Metro Water Resources Education Program (EMWREP) - Assisted & provided resource for education, meetings, newsletter articles and mailings for MCM 1 and 2.

Washington Conservation District - Assistance in Rain Garden Maintenance (technical support and outreach).

Owner or Operator Certification (*Required fields)

The person with overall administrative responsibility for SWPPP implementation and permit compliance must certify this MS4 Annual Report. This person must be duly authorized and should be either a principal executive (i.e., Director of Public Works, City Administrator) or ranking elected official (i.e., Mayor, Township Supervisor).

- ☐ *Yes - I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete (Minn. R. 7001.0070). I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment (Minn. R. 7001.0540).

*Name of certifying official: Dean A. Zuleger

*Title: Lake Elmo City Administrator

*Date: _____

(mm/dd/yyyy)

Submit



2013 Annual Report



Above: Angie Hong talks about public outreach and engagement during the St. Croix Workshop on the Water for local elected officials and decision makers.

Members of the East Metro Water Resource Education Program:

Brown's Creek Watershed • Carnelian-Marine-St. Croix Watershed •
Comfort Lake-Forest Lake Watershed • Cottage Grove •
Dellwood • Forest Lake • Lake Elmo • Middle St. Croix Watershed •
Ramsey-Washington Metro Watershed • Rice Creek Watershed • Stillwater •
South Washington Watershed • Valley Branch Watershed • Willernie •
West Lakeland • Woodbury • Washington Conservation District • Washington County

**East Metro Water Resource Education Program
2013 Annual Report**

TABLE OF CONTENTS

<u>About the Program</u>	3
<u>2013 Executive Summary</u>	4
Program Activities and Evaluation	
<u>General Education Program</u>	7
<u>Blue Thumb – Planting for Clean Water</u>	17
<u>Rural Outreach</u>	21
<u>Blue Biz – Helping Local Businesses go Blue</u>	24
<u>Stormwater U</u>	26
<u>Northland NEMO</u>	28
<u>MS4 Toolkit</u>	30
<u>Appendix A: Education Program Budget for 2013-2015</u>	31
<u>Appendix B: Map of EMWREP Education Activities in 2013</u>	32

About the East Metro Water Resource Education Program

Background: The East Metro Water Resource Education Program (EMWREP) is a partnership that was formed in 2006 to develop and implement a comprehensive water resource education and outreach program for the east metro area of St. Paul, MN. Current EMWREP partners include Brown's Creek, Carnelian-Marine-St Croix, Comfort-Lake Forest Lake, Rice Creek, Ramsey-Washington Metro, South Washington, and Valley Branch Watershed Districts, Middle St. Croix Watershed Management Organization, the cities of Cottage Grove, Dellwood, Forest Lake, Lake Elmo, Stillwater, Willernie, and Woodbury, West Lakeland Township, Washington County and the Washington Conservation District.

Purpose: The purpose of the shared education program is to provide education about the impacts of non-point source pollution on local lakes, rivers, streams, wetlands and groundwater resources and to engage people in projects that will help to protect and improve water quality in the region. In addition to educating the public, EMWREP also provides training for city, county and watershed staff and local elected officials.

Partnership Structure: EMWREP is guided by a steering committee comprised of representatives from each of the 18 partner organizations. The committee generally meets twice a year to provide recommendations on the program budget and activities. During 2013, EMWREP staff included Angie Hong, full-time education specialist and coordinator for the program, Jenn Radtke, half-time education assistant, and Wendy Griffin, a Washington Conservation District natural resource specialist who provided 170 hours of support for rural education activities. The EMWREP coordinator sends a quarterly e-newsletter to all partners' staff, council members and board members, and communicates one-on-one with individual partners on projects throughout the year. The EMWREP education plan is revised every two to three years to accommodate changing priorities and new target audiences. In addition, the EMWREP coordinator prepares an annual report on program activities and provides outreach data and statistics for partners' MS4 Permit reports. All EMWREP reports, plans, and education updates are available on-line at www.mnwcd.org/emwrep.

Coordination with Other Regional Education Efforts: One of the major benefits of the EMWREP program is that it has helped to strengthen relationships between Washington Conservation District, Washington County and the eight watershed management organizations and eight cities that constitute the partnership, which has resulted in better coordination and less overlap in the management of local water resources. By promoting partner's BMP programs, EMWREP has helped to increase the total number of water quality improvement projects implemented and to target these projects in priority areas.

EMWREP has also played a central role in the coordination and development of two regional education programs, Blue Thumb and WaterShed Partners. Blue Thumb is a partnership of more than 70 public and private entities in the Upper Midwest, developed to promote the use of native plantings, raingardens and shoreline plantings to conserve water resources and reduce runoff pollution. WaterShed Partners, which manages the Clean Water Minnesota media campaign, is a collaborative of more than 60 non-profit and public entities in the Twin Cities metro area that work together to educate the public about stormwater pollution. Additionally, EMWREP frequently partners with other organizations within the St. Croix River Basin for educational events and activities.

Accolades: In 2012, the Minnesota Association of Watershed Districts recognized EMWREP as the Watershed Program of the Year.

2013 Executive Summary

General Education Campaign: During 2013, EMWREP continued to use a variety of strategies to educate the general public about stormwater pollution and other issues affecting the quality of surface and groundwater resources, and to inform them about partner programs and activities. Major strategies include more than 100 articles per year in local newspapers and community newsletters, ample use of social media, direct mailings to specific audiences, and participation in nearly 30 community events.

Though the impact of these larger public education and awareness raising efforts is often hard to measure directly, we know they greatly improve the success of our targeted outreach activities and are usually the initial gateway through which people learn about EMWREP partner organizations and engage at a higher level by attending a workshop, participating in a watershed planning process, or installing a clean water project on their property.

In 2013, EMWREP also initiated three new special education projects:

- 1) We collaborated with Chisago County to hold an Aquatic Invasive Species workshop in Scandia, attended by 75 people;
- 2) We created new educational materials and sent mailings to homeowners' associations and lawn care companies in Forest Lake and Woodbury; and
- 3) We held a focus group with representatives from area churches, which led to the creation of a new e-newsletter for congregations and plans for additional education activities in 2014.

Blue Thumb Program: The Blue Thumb – Planting for Clean Water program (www.BlueThumb.org) was developed by the Rice Creek Watershed District in 2006 and is now a dynamic coalition of more than 70 partner organizations working together to raise awareness about stormwater pollution and encourage homeowners to plant native gardens, raingardens and shoreline projects to protect surface and groundwater resources.

EMWREP uses Blue Thumb tools and resources, such as the website and print materials, to promote partner BMP programs and strengthen targeted outreach for neighborhood stormwater retrofit projects. In addition to giving presentations about the Blue Thumb program to several community groups and lake / neighborhood associations, EMWREP also conducted five workshops during the year:

- 1) A raingarden workshop in Scandia;
- 2) A prairie workshop in Afton;
- 3) A workshop for large lot owners in West Lakeland Twp.;
- 4) A raingarden maintenance workshop in Lake Elmo; and
- 5) A shoreline maintenance workshop in Forest Lake.

During 2013, EMWREP provided outreach support for stormwater retrofit projects near Casey Lake (Ramsey-Washington Metro Watershed District), Brown's Creek (Brown's Creek Watershed District), and Lily and McKusick Lakes (Middle St. Croix Watershed Management Organization). We also held Ice Cream Social / Raingarden Tours in Stillwater and Woodbury (South Washington Watershed District) to celebrate the completion of recent neighborhood stormwater retrofit projects.

The number of raingardens and other residential projects installed in Washington County continues to climb each year, at least in part, as a result of EMWREP education and outreach efforts. Conservation District staff conducted 240 site visits during 2013. 62 projects were installed with watershed cost-share funding, 45 projects were completed with only technical assistance, and an additional 115 new projects are still in progress. The WCD estimates that residential projects installed in 2013 will reduce phosphorus loading to area waters by 37 pounds per year.

Rural Outreach: During 2013, EMWREP offered several programs specifically designed to engage rural property owners. These included a full-day workshop for horse owners, three water testing clinics for homeowners with private wells, and two buckthorn workshops. In addition, EMWREP also provided outreach support for several targeted implementation projects, including:

- Washington Conservation District - Turf to Prairie;
- Washington Conservation District – Top50P!; and
- South Washington Watershed District's - Trout Brook.

Because previous audience research has shown us that many rural property owners are more interested in creating wildlife habitat or managing invasive species than in protecting surface water quality, we've adapted our messages and workshops for these audiences accordingly. Though we still talk about protecting water resources, we usually use other topics as the hook to engage rural property owners.

Blue Biz: The Blue Biz program consists of a website (www.cleanwaterMN.org/businesses) and outreach materials that partners can use to engage commercial property owners in BMP projects. During 2013, EMWREP initiated conversations with Tamarack Village Shopping Center in Woodbury about a potential stormwater reuse project on their property.

Stormwater U: Early after the EMWREP partnership was created, we worked with staff from Minnesota Extension and the Minnesota Erosion and Stormwater Management Certification Program to develop Stormwater U, a technical training series for municipal staff and contractors, including engineers, planners, inspectors and public works. Past workshops have included Designing for Volume Control, Protecting Water Resources through Comprehensive Planning, Stormwater Pond Management, Turf Management, Illicit Discharge Detection and Elimination and Winter Snow and Ice Management.

In 2013, EMWREP:

- Hosted a Stormwater U workshop in January in Cottage Grove, *What is in your Stormwater BMP Toolbox?*;
- Presented at the Stormwater U *Lessons Learned* workshop in February;
- Collaborated with MECA (Minnesota Erosion Control Association) to hold an outdoor erosion control field seminar in Cottage Grove at the site of a new housing development; and
- Hosted a workshop on Street Sweeping for Nutrient Reduction.

NEMO: The Northland NEMO program (Non-point Education for Municipal Officials) provides local elected officials and decision makers with resources and information to make informed decisions about land use and water quality in their communities. Northland NEMO is hosted by the University of Minnesota Extension and EMWREP is one of ten to twenty partner organizations. Program offerings include several basic presentations, as well as the interactive Watershed Game.

During 2013, EMWREP collaborated with several other partners to hold its fifth *Workshop on the Water* for St. Croix Basin communities in both Minnesota and Wisconsin. Over 120 people attended. In September we held a workshop for Washington County communities to introduce the Minimal Impacts Design Standards Community Assistance Package developed as part of a three-year grant project. Representatives from ten cities and the county attended. After the workshop, we met one-on-one with the communities who attended to discuss how they might incorporate the new package into their ordinances and zoning code in the future. An accelerated implementation grant from the Minnesota Board of Water and Soil Resources will allow the Washington Conservation District to continue working with these communities in 2014.

MS4 Toolkit: EMWREP developed the MS4 Toolkit (www.cleanwatermn.org/MS4toolkit) several years ago with a grant from the Minnesota Pollution Control Agency. The toolkit includes educational materials that partners can use to meet the six minimum control measures in the MS4 permit, such as brochures, posters, slide shows, training videos and more. In addition to the on-line materials, training videos for parks and public works staff and pop-up banners for community events are available partners to borrow. The Metro WaterShed Partners MS4 work group is currently discussing strategies for updating the MS4 Toolkit and website.