



MAYOR & COUNCIL COMMUNICATION

DATE: July 1, 2014

CONSENT

ITEM # 14

AGENDA ITEM: Planning Commission Appointments

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 Item.....Community 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

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: The City has received notification from Commissioner Sara Yocum that she will be stepping down from the Planning Commission due to a significant amount of professional and family commitments. Per her request, staff is recommending that the City Council vacate her appointment to the Planning Commission. In addition, Commissioner Jay Morreale has been unable to attend Planning Commission meetings since December of 2013. Per the procedural requirements for the Planning Commission in the City Code (§32.029), the City Council may vacate an appointment if the member has three consecutive absences or if they are absent from more than 1/3 of the total meetings during a calendar year. Staff is recommending vacating Commissioner Morreale's appointment so that a new member may be appointed who is more able to regularly attend the meetings. If the Council vacates the appointments of Commissioners Yocum and Morreale, there would be a vacancy of one Full Voting Member (Morreale's term). As a result, staff is recommending that the City Council appoint Commissioner Jill Lundgren (1st Alternate) to Full Voting Member status to fill the remainder of Commissioner Morreale's term.

Staff is recommending that the City Council vacate the appointments of Sara Yocum and Jay Morreale to the Planning Commission and appoint Jill Lundgren as a Full Voting Member of the Planning Commission as part of the Consent Agenda. If removed from the Consent Agenda, the recommended action can be approved through the following motion:

“Move to vacate the appointments of Sara Yocum and Jay Morreale to the Planning Commission. In addition, move to appoint Jill Lundgren as a Full Voting Member of the Planning Commission.”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

The Planning Commission consists of 7 full voting members and 2 alternates. At this time, the roster is full. However, Commissioner Yocum has notified the City that she intends to step down. In addition, Commissioner Morreale has been unable to attend Planning Commission meetings for some time. As the orientation, training and acclimation of a Planning Commissioner takes a significant amount of time, staff is recommending that the City work to appoint two new candidates as soon as possible. As the City encounters more and more land use application associated with upcoming growth and development, it is important to have a full roster of experienced Planning Commissioners to review the multitude of various requests that the city receives.

BACKGROUND INFORMATION (SWOT):

Strengths: Proceeding through the vacation of the two appointments will allow the City to recruit two new members. In addition, Commissioner Lundgren's growth and experience as an alternate has made her a qualified candidate to become a Full Voting Member.

Weaknesses: None

Opportunities: Appointing two new members to the Planning Commission would allow them to start the orientation and training process as soon as possible.

Threats: None

RECOMMENDATION:

Based on the aforementioned, Staff is recommending that the City Council vacate the appointments of Sara Yocum and Jay Morreale to the Planning Commission and appoint Jill Lundgren as a Full Voting Member of the Planning Commission as part of the Consent Agenda. If removed from the Consent Agenda, the recommended action can be approved through the following motion:

“Move to vacate the appointments of Sara Yocum and Jay Morreale to the Planning Commission. In addition, move to appoint Jill Lundgren as a Full Voting Member of the Planning Commission.”

ATTACHMENTS:

1. Sara Yocum's Letter of Resignation

From: [Klepac, Jodi and Sara Yocum](#)
To: [Kyle Klatt; Nick Johnson](#)
Subject: Planning Commission
Date: Monday, June 09, 2014 7:38:23 PM
Attachments: [image003.png](#)

Kyle & Nick,

It is with sincere regret that I write this note. I have to step down from the Planning Commission at this time. My husband accepted a new job that involves quite a bit of travel and long work days which means that I am taking on a lot more responsibility at home with our three very busy children. It is nearly impossible for me to balance home life and a full time job with another commitment at this time.

I would love to be considered for the Commission again in the future when things settle down for us. For now, I want to sincerely thank you for the opportunity to learn and assist with the tremendous growth of the City of Lake Elmo.

Sincerely,

Sara Yocum

Sara Joynson Yocum (Attorney)

651.334.4740

Jodi Joynson Klepac (Licensed in MN and WI)

651.226.2672

Barb Joynson

651.428.8643

Download Our App! <<http://app.edinarealty.com/YocumRealEstateGroup>>

520 Commons Drive- Woodbury, MN 55125

YocumRealEstateGroup@EdinaRealty.com

www.YocumRealEstateGroup.com

<<http://www.linkedin.com/in/jodiklepac/>>

<<http://www.linkedin.com/pub/sara-yocum/6/b77/196/>>



MAYOR & COUNCIL COMMUNICATION

DATE: July 1, 2014
CONSENT
ITEM # 15

AGENDA ITEM: Easement Encroachment Agreement – 9954 Tapestry Road

SUBMITTED BY: Joan Ziertman, Planning Program Assistant

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Rick Chase, Building Official
Adam Bell, City Clerk

SUGGESTED ORDER OF BUSINESS(if removed from consent agenda):

- Introduction of ItemStaff
- Report/Presentation.....Staff
- 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 recommends that the City Council approve the encroachment agreement for Matthew & Cynthia Fanta at 9954 Tapestry Road North as part of tonight's consent agenda.

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to authorize as part of tonight's consent agenda, the execution of an easement encroachment agreement. The City has received a request to install a fence within a drainage and utility easement area at 9954 Tapestry Road North from Matthew & Cynthia Fanta. Approval of the requested improvement within the City's drainage and utility easements would allow the property owners to construct the requested improvement within the City's drainage and utility easements located on their private property.

Staff is recommending that the City Council approve the easement encroachment agreement as part of the Consent Agenda. If the City Council removes the item from the Consent Agenda, the recommended action can be completed through the following motion:

“Move to approve the easement encroachment agreement for Matthew & Cynthia Fanta at 9954 Tapestry Road to install a driveway and retaining wall within the City’s drainage and utility easement.”

LEGISLATIVE HISTORY: The City holds easements of different sizes and for different purposes on many residential and commercial properties throughout the City. When a resident is interested in putting a structure within an easement, the city has requested the property owner provide a site plan showing where the improvement is proposed to be located, a detail of what the improvement will look like and how it will function. After that information is received, staff reviews the proposed improvement and the use of the easement to determine if the proposed improvement will impede the functionality of the easement. If staff determines that the improvement will not negatively impact the functionality of the easement, an approved building permit showing the requested work and an Easement Encroachment Agreement is needed before the work may commence.

The Easement Encroachment Agreement that has been submitted for Council consideration is for a fence and has been reviewed by planning staff. The proposed fence meets all city code requirements and Staff would have otherwise authorized construction of the retaining wall and driveway if they did not encroach into a drainage and utility easement.

BACKGROUND INFORMATION (SWOT):

Strengths: The easement encroachment agreement is a legal document that has been signed by all property owners seeking to install improvements within an easement. The document, among other things, indemnifies the city from responsibility if damage occurs to the improvement or if it needs to be removed at some point in the future.

Weaknesses: None

Opportunities: None

Threats: None

RECOMMENDATION:

Based on the aforementioned, Staff is recommending that the City Council approve the easement encroachment agreement as part of the Consent Agenda. If the City Council removes the item from the Consent Agenda, the recommended action can be completed through the following motion:

“Move to approve the easement encroachment agreement for Matthew & Cynthia Fanta to install a fence within the City’s drainage and utility easement.”



MAYOR & COUNCIL COMMUNICATION

DATE: July 1, 2014
REGULAR
ITEM # 16

AGENDA ITEM: 2015 Street and Utility Improvements – Authorize Preparation of a Feasibility Report; Approve Task Order No. 1 for Engineering Support Services

SUBMITTED BY: Ryan Stempski, Assistant Engineer

THROUGH: Dean A. Zuleger, City Administrator

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

SUGGESTED ORDER OF BUSINESS:

- 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: \$15,500

If authorized, FOCUS Engineering Inc., together with Hydromethods, LLC will prepare a feasibility report in the not to exceed amount of \$15,500 for the 2015 Street and Utility Improvements. If the improvements are ordered, the report costs will be charged against the project fund and become assessable to the benefiting properties. Should the project not be constructed, the report costs cannot be assessed.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving Resolution No. 2014-56, Ordering Preparation of a Feasibility Report; and approving Task Order No. 1 to Hydromethods, LLC. The recommended motions for these actions are as follows:

“Move to approve Resolution No. 2014-56, Ordering preparation of a Feasibility Report for the 2015 Street and Utility Improvements to FOCUS in the not to exceed amount of \$12,300.”
and

“Move to approve a Task Order No. 1 to Hydromethods, LLC. for Engineering Support Services in the not to exceed amount of \$3,192.”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

In accordance with the proposed 2014-2018 Street Capital Improvement Plan (Street CIP), the following local streets represent the most essential street improvements for implementation in 2015. The streets programmed for improvement in 2015 include:

- 36th Street North, from Jamaca Avenue to Irwin Avenue,
- 37th Street North, from Jamaca Avenue to Irwin Avenue,
- Irwin Avenue North,
- 38th Street North, from Ideal Avenue to Innsdale Avenue,
- 39th Street North, from Ideal Avenue to Innsdale Avenue,
- Innsdale Avenue North, and
- Kelvin Avenue North, from Trunk Highway 5 to cul-de-sac (including the private drive north of Kelvin Court).

In order to initiate this improvement the Council must direct the preparation of a feasibility report as required by the statutory process for public improvements that are specially assessed. The report will advise on the scope of recommended improvements for each local street; provide estimated project costs of the recommended improvements; identify easement and right-of-way, permits, and other requirements of other local agencies needed to implement the improvements; recommend whether the improvements should be best made as proposed or in connection with some other improvement; and advise if the improvements are necessary, cost effective, and feasible. The Report will also provide a proposed preliminary assessment roll for each of the benefiting properties based upon the City's Special Assessment Policy for Local Improvements, dated June 2014.

The improvements will likely include full street reconstruction, storm sewer and drainage improvements, and will consider watermain replacement or watermain extension consistent with the City's 2030 Comprehensive Plan. Water quality improvements will be evaluated and incorporated as necessary to meet VBWD permitting requirements. To assist with storm water management, it is recommended that Hydromethods, LLC. be retained to model the existing and proposed conditions and provide the recommended storm sewer system improvements for the project areas.

A project schedule for the 2015 Street and Utility Improvements is attached and outlines the implementation timeframe necessary to ready the improvements for construction in 2015. The proposed schedule provides the necessary time to address public involvement, acquire project related easements, acquire field survey before snowfall, and to receive contractor bids early in 2015 to promote a competitive bid environment.

RECOMMENDATION:

Staff is recommending that the City Council authorize FOCUS Engineering, Inc. to prepare a Feasibility Report for the 2015 Street and Utility Improvements in the estimated amount of \$12,300. The recommended motion for this action is as follows:

“Move to approve Resolution No. 2014-56, Ordering preparation of a Feasibility Report for the 2015 Street and Utility Improvements to FOCUS in the not to exceed amount of \$12,300.”

Staff is also recommending that the City Council approve Task Order No. 1 to Hydromethods, LLC. to complete a Storm Sewer System Improvement plan for the 2015 Street and Utility Improvements Feasibility Report. The recommended motion for this action is as follows:

“Move to approve a Task Order No. 1 to Hydromethods, LLC. for Engineering Support Services in the not to exceed amount of \$3,192.”

ATTACHMENT(S):

1. Resolution No. 2014-56, Ordering Preparation of a Feasibility Report.
2. 2015 Street and Utility Improvements – Location Map.
3. 2015 Street and Utility Improvements – Project Schedule.
4. Hydromethods,, LLC. Task Order No. 1 – 2015 Street and Utility Improvements: Storm Sewer System Improvments.

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

RESOLUTION NO. 2014-56

**A RESOLUTION ORDERING PREPARATION OF A FEASIBILITY
REPORT FOR THE 2015 STREET AND UTILITY IMPROVEMENTS**

WHEREAS, the City maintains a 5-year revolving Street Capital Improvement Program (Street CIP) to promote the strategic use of limited financial resources while maintaining, developing or replacing the City's local street network; and

WHEREAS, the Street CIP represents the City's long-range street improvement program that identifies the present and future needs and priorities, and develops a schedule of public improvements to address the most essential improvements first; and

WHEREAS, with a street reconstruction project the City reviews and considers the potential replacement or need for utility improvements in accordance with the City's 2030 Comprehensive Plan, including watermain or sanitary sewer, to be constructed in conjunction with the street improvement; and

WHEREAS, it is proposed to initiate the 2015 Street and Utility Improvement project to improve the following local streets;

- 36th Street North, from Jamaca Avenue to Irwin Avenue,
- 37th Street North, from Jamaca Avenue to Irwin Avenue,
- Irwin Avenue North,
- 38th Street North, from Ideal Avenue to Innsdale Avenue,
- 39th Street North, from Ideal Avenue to Innsdale Avenue,
- Innsdale Avenue North,
- Kelvin Avenue North, from Trunk Highway 5 to cul-de-sac; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED,

That the proposed improvement, called the 2015 Street and Utility Improvements, be referred to the City Engineer and FOCUS Engineering, and that FOCUS Engineering is instructed to complete a feasibility report in accordance with Minnesota Statutes, Chapter 429 for the proposed improvements, and to report to the council with all convenient speed advising the council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible; whether it should be best made as proposed or in connection with some other

improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE FIRST DAY OF JULY 2014.

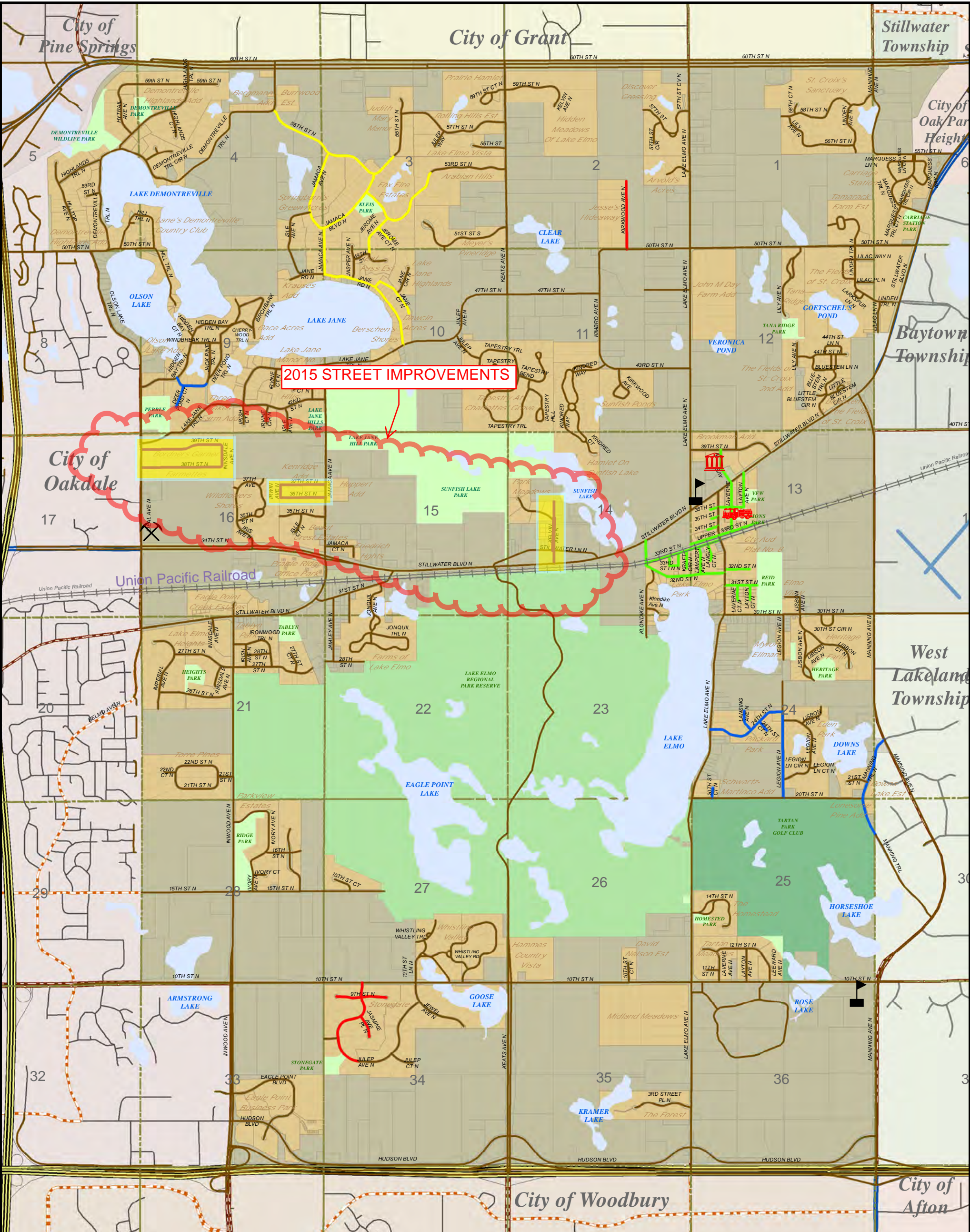
CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)

ATTEST:

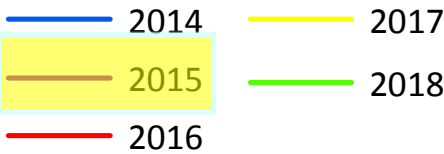
Adam Bell
City Clerk



2014 - 2018 RESIDENTIAL STREET CAPITAL IMPROVEMENT PLAN



Improvement Year



City Hall
3800 Laverne Avenue N
651/777-5510
www.lakeelmo.org



Public Works Building
3445 Ideal Ave N
651/233-5414



Fire Stations
Station No. 1
3510 Laverne Ave N
651/770-5006



Schools
Station No. 2
4259 Jamaica Ave N
651/779-8882



Parcels



Subdivisions



City Parks



Golf Course



**Lake Elmo Regional
Park Reserve
Park Office
651/430-8368
Lakes**



Map Date: October 2013

Created By:

FOCUS ENGINEERING, inc.

PRELIMINARY PROJECT SCHEDULE
CITY OF LAKE ELMO

FOCUS ENGINEERING, inc.

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

2015 STREET & UTILITY IMPROVEMENTS
PROJECT NO. 2014.136

JUNE 2014

July 1, 2014	Council authorizes Feasibility Report.
September 2, 2014	Presentation of Feasibility Report. Council accepts Report and Calls Hearing.
September, 2014	Property owner meeting. Presentation of Report findings and recommendations.
October 7, 2014	Public Improvement Hearing. Council orders Preparation of plans and specifications.
January 20, 2015	Council approves Plans and Specifications; Orders Advertisement for Bids.
February 19, 2015	Receive Contractor Bids.
March 3, 2015	Council accepts bids and awards Contract.
April 15, 2015	Conduct Pre-construction Meeting and Issue Notice to Proceed.
August 28, 2015	Substantial completion.
October 16, 2015	Final completion.

In accordance with ARTICLE 1 of the Master AGREEMENT between the City of Lake Elmo ("CITY") and Hydromethods, LLC ("ENGINEER"), dated JULY 1, 2014 ("AGREEMENT"), the ENGINEER agrees to provide Professional Engineering Support Services as follows:

**STORM SEWER SYSTEM IMPROVEMENTS FOR THE
2015 STREET AND UTILITY IMPROVEMENTS**

PROJECT OVERVIEW: The City of Lake Elmo is completing a Feasibility Report to determine the scope of improvements and costs associated with the road reconstruction, drainage and utility improvements of the Bordners Garner Neighborhood, including 38th Street, 39th Street, and Innsdale Avenue; and the Kenridge Addition Neighborhood, including 36th Street, 37th Street, and Irwin Avenue. The improvements are planned for construction to occur in 2015. The scope of services requested as a part of this Task Order includes Engineering Services to complete the preliminary storm sewer design for the neighborhoods identified above.

SERVICES TO BE PROVIDED BY ENGINEER: Hydromethods, LLC shall provide the following Professional Engineering Services:

- Review and identify watershed district rules and regulations applicable to the projects.
- Complete HydroCAD or similar modeling for existing and proposed rate control at each proposed discharge location for each neighborhood.
- Identify proposed storm sewer system and storm water management improvements necessary to be incorporated into the street improvement projects to address neighborhood drainage and to meet VBWD permitting requirements for rate and volume control.
- The storm sewer system engineering evaluations will include flow routing and ponding recommendations and will include:
 - Review of downstream pond models if they're required to be included in ultimate rate control for the project.
 - Verification of downstream flow paths and to ensure that nuisance issues at outlet locations are not created.
 - Quantify Valley Branch Watershed District required volume abstraction and identify potential locations and BMPs.
 - Drainage Analysis with recommendations for the existing agriculture field outlet retrofit south of Bordners Garner Neighborhood.

DELIVERABLES:

- Storm sewer design calculations for inlet, manhole, pipe sizing, and spacing.
- Proposed storm sewer system layout in AutoCAD and PDF format.
- Technical Summary memo and storm sewer quantities.
- Engineer's Estimate of Cost for the proposed storm sewer system improvements.

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

- Coordination with the public and conduct public meetings.
- Presentation(s) to the City Council.
- Provide Valley Branch Watershed District modeling for the ponds west of Irwin Avenue.

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

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

COMPENSATION: Compensation to ENGINEER shall be on an hourly rate basis using the hourly billing rates and assigned personnel in a not to exceed amount of \$3,192.00.

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

ATTACHMENTS: The following documents are incorporated by reference: None.

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

The Effective Date of this Task Order is **JULY 1, 2014**.

HYDROMETHODS, LLC

CITY OF LAKE ELMO, MINNESOTA

By _____

(Authorized Principal of the Firm)

By _____

City Administrator



MAYOR & COUNCIL COMMUNICATION

DATE: July 1, 2014

REGULAR

ITEM # 17

AGENDA ITEM: Old Village Phase 1 Street and Utility Improvements – Authorize Preparation of a Feasibility Report

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Ryan Stempski, Assistant City Engineer
Cathy Bendel, Finance Director
Nick Johnson, City Planner

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: \$20,700.

If authorized, FOCUS Engineering Inc. will prepare a feasibility report in a not to exceed amount of \$20,700 for the Old Village Phase 1 Street and Utility Improvements. If the improvements are ordered, the report costs will be charged against the project fund and become assessable to the benefiting properties. Should the project not be constructed, the report costs cannot be assessed.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving Resolution No. 2014-57, Ordering Preparation of Feasibility Report. The recommended motion for this action is as follows:

“Move to approve Resolution No. 2014-57, Ordering preparation of a Feasibility Report for the Old Village Phase 1 Street and Utility Improvements in a not to exceed amount of \$20,700.”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

Over the past six months, the City of Lake Elmo and Washington County have been working jointly on the Lake Elmo Avenue (County Road 17) Corridor Management and Safety Improvement Project to improve Lake Elmo Avenue from 30th Street to Trunk Highway 5 while extending sanitary sewer service into the Downtown Village area. While Washington County is the lead agency for the project, each entity will be responsible for sharing in the project costs.

At the April 8 Transportation Workshop, the project team presented a proposed utility and project phasing plan that would phase the improvements over the 2015 and 2016 construction seasons. In 2015, street, drainage and utility improvements, including the extension of sanitary sewer service, would be completed along 30th Street from the Reid Park lift station to Lake Elmo Avenue, then north along Lake Elmo Avenue to the north side of the UP Railroad, then east along Upper 33rd Street to Laverne Avenue, then north along Laverne Avenue to Trunk Highway 5. Then in 2016, street, drainage and utility improvements would be constructed along Lake Elmo Avenue from the UP Railroad to Trunk Highway 5 together with Downtown streetscape improvements (see attached project Location Map).

Consistent with most public street and utility improvement projects the use of special assessments has been identified as one of the available funding mechanisms for the improvements, where the benefiting properties are specially assessed all or a portion of the cost of the improvement, pursuant to the City's Special Assessment Policy and Minnesota Statutes, Chapter 429. In order to maintain special assessments as a viable funding alternative, the City Council must direct the preparation of a feasibility report meeting the statutory process for public improvements that are specially assessed.

The report will advise on the scope of recommended improvements along each corridor, provide estimated project costs of the City cost share for the recommended improvements, identify easement and right-of-way, permits, and other requirements of other local agencies needed to implement the improvements, recommend whether the improvements should be made as proposed or in connection with some other improvement, and advise if the improvements are necessary, cost effective, and feasible. The Report will also provide a proposed preliminary assessment roll for each of the benefitting properties based upon the City's Special Assessment Policy for Local Improvements, dated June 2014. It is anticipated that a Council workshop will

be necessary once a draft preliminary assessment roll has been developed in order to address the more unique assessment aspects for a Downtown revitalization type project.

The report will address street, drainage and utility improvements for the following alignments:

- 30th Street North, from the Reid Park lift station to Lake Elmo Avenue.
- Lake Elmo Avenue from 30th Street to Upper 33rd Street.
- Upper 33rd Street North, from Lake Elmo Avenue to Laverne Avenue North.
- Laverne Avenue North, from Upper 33rd Street North to Trunk Highway 5.

Utility improvements will address both sanitary sewer service to replace individual on-site treatment systems, and replacement of aging watermain infrastructure. Costs will be developed in conjunction with Washington County and their consultants and the Washington County cost participation policy will be used to identify the City cost share for the improvements along the County road system.

Streetscape improvements (landscaping, street lighting, etc.) together with other ancillary costs such as overhead utilities are not included in the scope of this report since these project components are being developed under a separate contract. However, it is anticipated that the total project costs for these additional improvements may need to be incorporated as part of the project assessment policy and preliminary assessment roll and carried forward as part of a joint improvement hearing process.

RECOMMENDATION:

Staff is recommending that the City Council authorize FOCUS Engineering, Inc. to prepare a Feasibility Report for the Old Village Phase 1 Street and Utility Improvements in the estimated amount of \$20,700. The recommended motion for this action is as follows:

“Move to approve Resolution No. 2014-57, Ordering preparation of a Feasibility Report for the Old Village Phase 1 Street and Utility Improvements in a not to exceed amount of \$20,700.”

ATTACHMENT(S):

1. Resolution No. 2014-57, Ordering Preparation of a Feasibility Report.
2. Project Location Map.
3. Project Schedule.

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

RESOLUTION NO. 2014-57

**A RESOLUTION ORDERING PREPARATION OF A FEASIBILITY REPORT FOR
THE OLD VILLAGE PHASE 1 STREET AND UTILITY IMPROVEMENTS**

WHEREAS, the City of Lake Elmo and Washington County have been working jointly on the Lake Elmo Avenue (County Road 17) Corridor Management and Safety Improvement Project to improve Lake Elmo Avenue from 30th Street to Trunk Highway 5 while extending sanitary sewer service into the Downtown Village area; and

WHEREAS, each entity will be responsible for sharing in the project costs as jointly agreed to; and

WHEREAS, the improvements will be implemented in two phases with the Phase 1 Street and Utility Improvements proposed for construction in 2015; and the remaining improvements constructed in 2016; and

WHEREAS, the Phase 1 Improvements includes street, drainage and utility improvements, including the extension of sanitary sewer service and replacement of aging watermain infrastructure along the following corridors;

- 30th Street North, from the Reid Park lift station to Lake Elmo Avenue.
- Lake Elmo Avenue, from 30th Street North to Upper 33rd Street.
- Upper 33rd Street North, from Lake Elmo Avenue to Laverne Avenue North.
- Laverne Avenue North, from Upper 33rd Street North to Trunk Highway 5.

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

NOW, THEREFORE, IT IS HEREBY RESOLVED,

That the proposed improvement, called the Old Village Phase 1 Street and Utility Improvements, be referred to the City Engineer and FOCUS Engineering, and that FOCUS Engineering is instructed to complete a feasibility report in accordance with Minnesota Statutes, Chapter 429 for the proposed improvements, and to report to the council with all convenient speed advising the council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible; whether it should be best made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE FIRST DAY OF JULY 2014.
CITY OF LAKE ELMO**

By: _____
Mike Pearson
Mayor

(Seal)

ATTEST:

Adam Bell
City Clerk



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

Lake Elmo Ave Corridor Project

THE CITY OF
LAKE ELMO

Project Phasing

- 2015
- 2016

City of Lake Elmo
5-13-2014
Data Source:
Washington County, MN



PROJECT SCHEDULE
CITY OF LAKE ELMO

FOCUS ENGINEERING, inc.

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

OLD VILLAGE PHASE 1 STREET & UTILITY IMPROVEMENTS
PROJECT NO. 2014.137

JUNE 2014

July 1, 2014 Council authorizes Feasibility Report.

September 16, 2014 Presentation of Feasibility Report. Council accepts Report and Calls Hearing.

October, 2014 Property owner meeting. Presentation of Report findings and recommendations.

October 21, 2014 Public Improvement Hearing. Council orders Preparation of plans and specifications.

*PLANS AND SPECIFICATIONS WILL BE PREPARED IN CONJUNCTION WITH THE CSAH 17 (LAKE ELMO AVENUE) CORRIDOR IMPROVEMENT PROJECT – A COUNTY-CITY JOINT PROJECT.

*PROJECT IS BEING IMPLEMENTED FOR CONSTRUCTION IN 2015.



MAYOR & COUNCIL COMMUNICATION

DATE: July 1, 2014
REGULAR
ITEM # 18

AGENDA ITEM: Wildflower at Lake Elmo (Robert Engstrom Companies) Comprehensive Plan Amendment

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 reviewed a PUD Concept Plan and Comprehensive Plan Amendment related to the proposed Wildflower at Lake Elmo development at its June 9, 2014 meeting and recommended approval of both requests with conditions. The City Council approved the PUD Concept Plan at its June 17th meeting, but tabled discussion concerning the proposed Comprehensive Plan Amendment due the absence of two Council members.

FISCAL IMPACT: TBD – The Comprehensive Plan Amendment is necessary for the development project to move forward as proposed. If the amendment is not approved, the applicant will need to submit a revised concept plan.

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider a Comprehensive Plan Amendment to allow residential development to occur on two small areas within the proposed Wildflower at Lake Elmo subdivision that are currently guided for RAD – Rural Area Development and Open Space. The City Council approved the PUD Concept Plan for this development at its last meeting, but could not take action on the related Comprehensive Plan amendment because the proposed amendment requires a 4/5ths majority of the Council to

pass and two Council members were absent from this meeting. Action on this part of the applicant's original request has been postponed until the July 1st meeting.

The Planning Commission has recommended approval of the Comprehensive Plan amendment. The suggested motion to adopt the Planning Commission recommendation is as follows:

***“Move to adopt Resolution No. 2014-046 approving a Comprehensive Plan Amendment to change the future land use designation of two areas within the Wildflower at Lake Elmo development from RAD and OP to LDR and MDR.*”**

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT: The information attached to the previously Council agenda packet for this item included detailed plans, reports, and other information concerning the Wildflower at Lake Elmo Development. In the interest of avoiding additional copying for the July 1st Council meeting, Staff has not provided information included in the previous packet except for the proposed resolution of approval and related map. All of the previous information is available upon request (and still available on-line).

As part of its approval of the Wildflower Concept Plan, the City Council added two conditions to the Planning Commission recommendation based on feedback from the surrounding property owners, include the Fields of St. Croix Homeowner's Association. These conditions requested the following:

- That prior to approval of the Comprehensive Plan Amendment the Fields of St. Croix Association and Robert Engstrom Companies would submit their written agreement to the City concerning the proposed development on Outlot P and proposed amendments to the conservation easement over Outlot P.
- That prior to approval of the Comprehensive Plan Amendment the three property owners to the east of Wildflower that have submitted written statements to the City concerning the development (Eischen, Dupuis, and Smith) would work out an agreement with the developer concerning buffering and screening of their properties.

Since the Council meeting, Staff has received the written agreement between Robert Engstrom Companies and the Fields Association. This agreement is attached for consideration by the Council. In addition, the developer has met on site with the three eastern property owners and also participated in a meeting at City Hall with Staff and the Mayor present to further discuss their concerns. The result of this meeting is the attached landscape plan that documents the types of planting and location for the plantings that was deemed acceptable to all parties. Furthermore, the developer has agreed to the following actions to further address neighbor concerns:

- To conduct a further investigation of wooded area to the east of the Eischen's home that extends into Outlot P. This investigation is intended to identify any work needed (removal of dead trees, removal of invasive species, additional plantings) to allow this area to provide an effective screen and keep the area in a natural state.

- To revise the parcel layout in front of the Smith property to remove one buildable lot and to reconfigure the adjacent parcels so that they only abut Smith's land at one point. All land between the Smith property and public roadway would be platted as an outlot to be owned and maintained by the future HOA. This revised layout is depicted in the attached updated landscape plan for this area.

With the submission of this information, the relevant conditions of approval attached to the concept plan appear to have been addressed. The developer was still reviewing some of the details of the updated plan with the property owners, any further updates will be discussed at the City Council meeting.

As noted in the previous Staff report on this item, the Planning Commission discussed the request, and unanimously recommended approval of the comprehensive plan amendment as presented with the one condition as recommended by Staff.

BACKGROUND INFORMATION (SWOT) FROM PREVIOUS RERPOT:

Strengths

- The PUD Concept Plan is consistent with the City's Comprehensive Plan for the Village Planning Area (with the exception of the plan amendments requested by the developer).
- The project has been designed to comply with the City's zoning regulations and development standards for the Village Medium Density district.
- The project addresses several of the Village Planning Principles adopted as part of the Comprehensive Plan.

Weaknesses

- The concept plan will require the removal of a portion of the existing conservation easement over Outlot P of the Fields of St. Croix Second Addition.

Opportunities

- The development will include 145 REC units and will pay connection fees for sewer and water service.
- The project includes a large conservation area that will ensure the permanent protection of a large portion of the planned Village Open Space/Buffer area.
- The development will bring sewer to the extreme northeastern portion of the Village Planning Area and will be designed to allow for future connections in this part of the City.

Threats

- The developer will need to work with the City on establishing a plan for management and oversight of the conservation area in a manner that will not overburden the City.

RECOMMENDATION: Based upon the above report and analysis, Staff and the Planning Commission are recommending that the City Council approve the request from Robert Engstrom Companies for a Comprehensive Plan Amendment related to a residential subdivision to be called Wildflower at Lake Elmo. The suggested motion to adopt the Planning Commission recommendation are as follows:

***“Move to adopt Resolution No. 2014-046 approving a Comprehensive Plan Amendment to change the future land use designation of two areas within the Wildflower at Lake Elmo development from RAD and OP to LDR and MDR.*”**

ATTACHMENTS:

1. Resolution No. 2014-46 (Comprehensive Plan Amendment)
2. Proposed Comprehensive Plan Amendments
3. Updated Landscaping Sketch Plan – Wildflower at Lake Elmo
4. Planting List and Details
5. Aerial Photograph – Smith, Eischen, and Dupuis Property
6. Fields of St. Croix and Engstrom Written Agreement
7. Letter From Robert and Marcella Eischen 6/24/14

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

RESOLUTION NO. 2014-46

*RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF LAKE ELMO
COMPREHENSIVE PLAN*

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

WHEREAS, Robert Engstrom Companies, 4801 West 81st Street, #101, Bloomington, MN, (“Applicant”) has submitted an application to the City of Lake Elmo (“City”) to amend the Lake Elmo Comprehensive Plan, a copy of which is on file in the City Planning Department; and

WHEREAS, the request to amend the Comprehensive Plan was submitted along with a Planned Unit Development concept plan for a proposed single-family residential subdivision to be called Wildflower at Lake Elmo; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on June 9, 2014 to consider the request to amend the Comprehensive Plan; and

WHEREAS, on June 9, 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 meetings on June 17, 2014 and July 1, 2014; and.

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

FINDINGS

- 1) That the Applicant has submitted a request to amend the Comprehensive Plan in accordance with the procedures as established by the Lake Elmo Planning Department and Lake Elmo Planning Commission.
- 2) That the request to is to amend the Future Land Use Map (Map 3-3 in Chapter III – *Land Use Plan*) and Village Planned Land Use Map (Map 3-5 in Chapter III – *Land Use Plan*) in

the Lake Elmo Comprehensive Plan, and to specifically change the future land use designation of a portion of two parcels of land located within the Wildflower at Lake Elmo development as depicted in the attached Exhibit A and described as follows:

- a) To change the western portion of Outlot P of the Fields of St. Croix Second Addition from RAD – Rural Area Development to V-MDR Village Urban Medium Density Residential (a portion of PID 12.029.21.43.0013).
 - b) To change the approximately eight acres immediately east of the intersection of 43rd Street North and Lake Elmo Avenue (the area depicted for the westernmost single family residential lots on the Wildflower at Lake Elmo PUD Concept Plan approved by the City Council on June 9, 2014) from RAD – Rural Area Development and Village Open Space Overlay to V-LDR Village Urban Low Density Residential (a portion of PID 12.029.21.32.0001).
- 3) That the proposed area impacted by the proposed amendment is relatively small and will not have a significant impact on the City's 2030 household and population forecasts.
 - 4) That the proposed amendments are consistent with the overall goals and objectives of the Village Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED, that based on the foregoing, the Lake Elmo City Council hereby approves the Applicant's request to amend the Lake Elmo Comprehensive Plan, subject to and contingent upon the following:

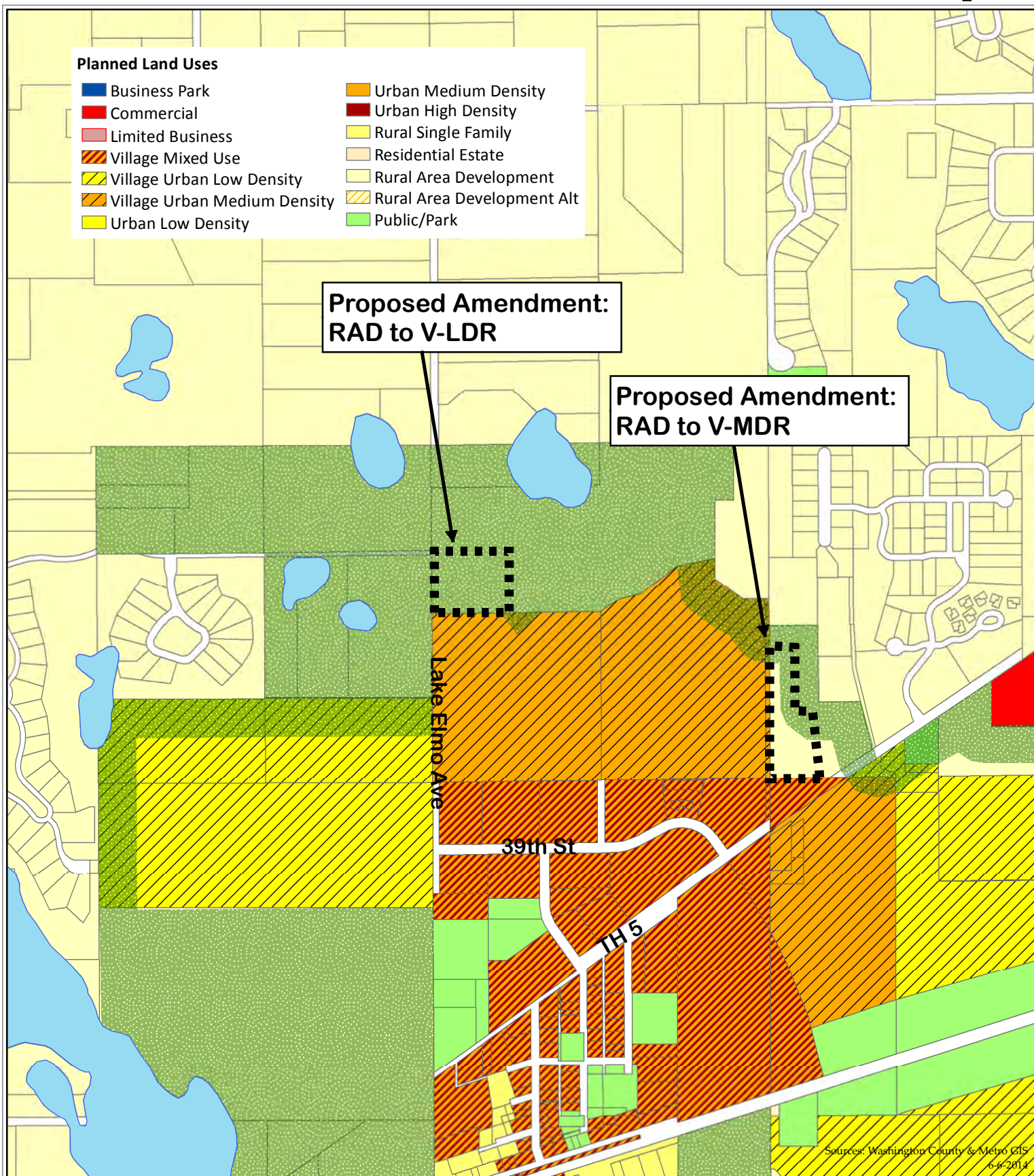
- 1) Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that its review has been completed and approved.

Passed and duly adopted this 1st day of July 2014 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

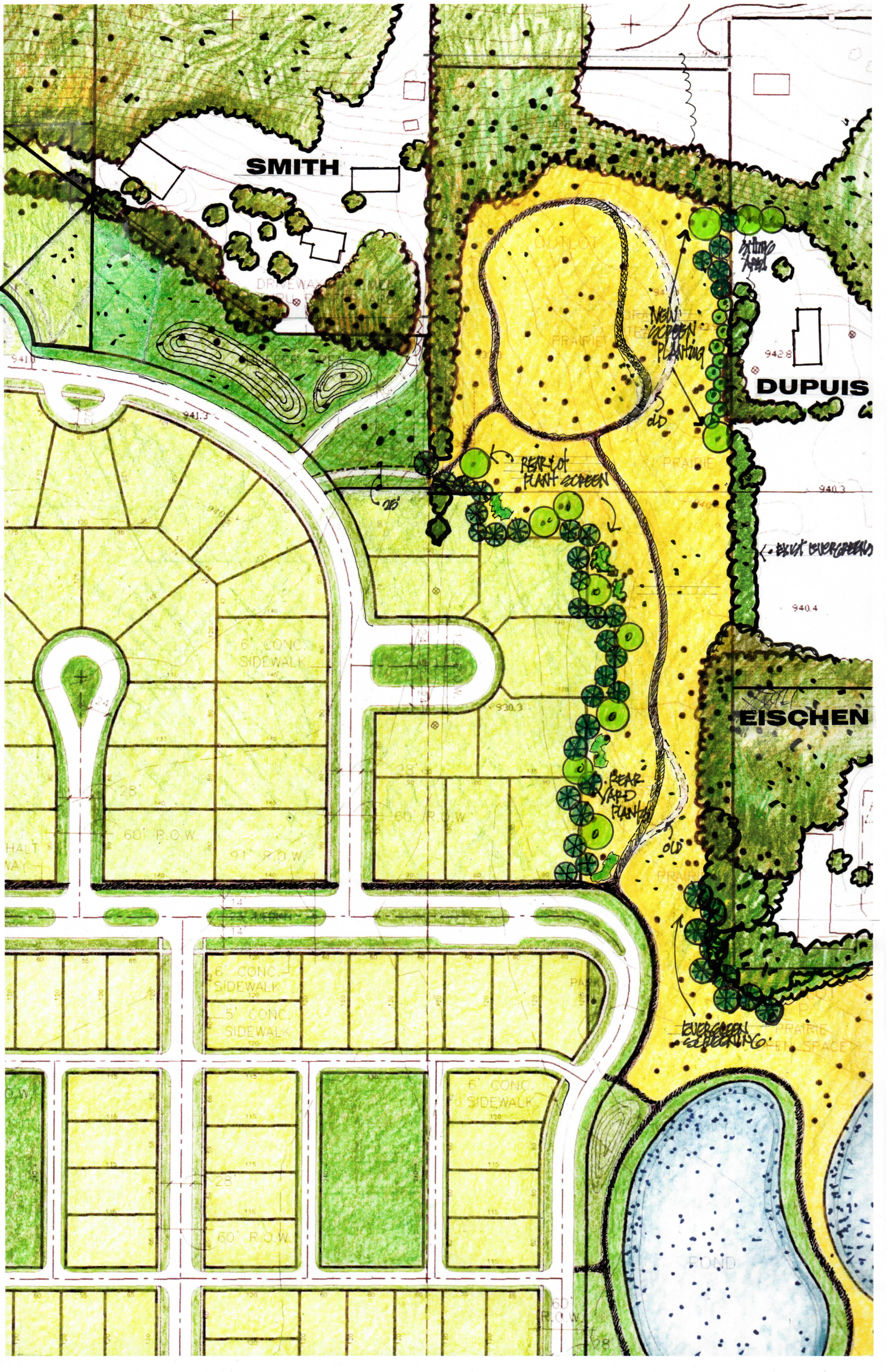
Adam Bell, City Clerk



Proposed Comprehensive Plan Amendment

Wildflower at Lake Elmo Concept Plan





SMITH

DUPUIS

EISEN

DRIVEWAY

NEW SCREEN PLANTING

REAR LOT PLANT SCREEN

REAR YARD PLANTING

EXIST. EVERGREENS

EVERGREEN SCREENING

POND

6' CONC. SIDEWALK

6' CONC. SIDEWALK

5' CONC. SIDEWALK

6' CONC. SIDEWALK

60' R.O.W.

60' R.O.W.

60' R.O.W.

60' R.O.W.

HALT WAY

WILDFLOWER

PLANT LIST

(Dry mesic soils)

- A. Sugar Maple – 1” – 1 ½”
- B. American Basswood - #2
- C. Swamp Oak
- D. Crab Apple
 - Donald Wyman
 - Spring Snow
 - Red Splendor
- E. Japanese Lilac
- F. Black Hills Spruce and/or Colorado Spruce – 5’-6’
- G. Shrubs
 - 1. Chokecherry
 - 2. Highbush Cranberry
 - 3. Dogwood
 - 4. Lilac
 - 5. Service Berry (multi-stem) - #2
 - 6. Fragrant Sumac - #2
 - 7. Grow Low Sumac (ground cover) - #1
 - 8. Arrowwood Viburnum - #2
 - 9. Nannyberry Viburnum - #2
 - 10. Big Bluestem (grass)

WILDFLOWER

Plant Quantities & Layout

Note:

Plans as shown are illustrated with plant materials deemed appropriate for soil conditions existing at sites (dry mesic soils). The attached list names these materials. The developer would like to have the flexibility to substitute within this group if better or larger selections are available at time of planting. The homeowner will be asked for substitution approval. Planting schedule will occur at such time when the site is in final graded condition and weather is cooperative. Actual tree planting locations will be done in the field with property owner's input.

Dupuis Property:

Developer will plant a screen grouping at NE corner of property to screen an existing sitting area. Plant screen will wrap lot corner west and north.

Recommended plant materials will be spruce trees 5'-6' ht and sugar maple 1 1/2" cal. An additional understory plant screen will be planted in front of existing norway pines to screen approx. 6'-8' of open area between ground and existing top mass of trees. Plant material selection will be selected from group G.

Eischen Property:

Developer will plant spruce evergreen trees at SW corner of lot to provide screening of car head lights. Screen will wrap corner as shown on site plan. Other plantings along west property line will be determined after an assessment of existing trees is made and determined what plants will be appropriate.

Smith Property:

Developer has provided a south buffer area along the total south line of property. Exact berming and plantings along with a new road easement is in the process of final negotiations.



June 9, 2014

The following is a summary of a tentative agreement between the Fields of St Croix Community Association (FoSC) and Robert Engstrom Companies (RECo) regarding RECo's proposed Wildflower development. This summary is provided for summary purposes only and is not meant to be a complete statement of the proposed agreement and is subject to change.

Subject: The Fields of St Croix Community Association (FoSC) and Robert Engstrom Companies (RECo) Wildflower development

Background: The Open Space Agreement(s) is/are key to this discussion because it explicitly prohibits the Wildflower development proposed for Outlots O & P, which are part of the FoSC. The express intent of the Open Space Agreement is in summary to:

- Permanently retain the protected land in its predominately natural, scenic, agricultural, forested and open space condition;
- Prevent or remedy action or use that significantly impairs or interferes with the Conservation Values of the land;
- Expressly prohibits the Owner (RECo) from subdividing all or part of the protected lands for residential, commercial or industrial development;
- Prohibits construction of roads, driveways and the alteration of the surface of the protected land, including excavation.

FoSC Homeowners

- Purchased lots and built homes understanding FoSC was a conservation community with Open Space Agreement protection.
- Do not want development on Outlot O & Outlot P, but will support *limited* residential development on part of Outlot P in turn for "additional" legal protection preventing development on the other Outlots associated with FoSC.
- Requested that representatives of FoSC conduct negotiations with RECo. Tentative agreement between FoSC and RECo was reached, pending City approval to allow limited residential development on Outlot P, given the terms of the agreement, which are attached.

The FoSC Community Association requests this agreement become part of Wildflower's development plan, and its terms enforced by the City of Lake Elmo.

Respectfully submitted on behalf of the FoSC Association homeowners:

John W. Hodler
Fields of St Croix Board President

The following are highlights of the tentative agreement:

- No development will occur on Outlot O.
 - Retain the existing Open Space Easement condition;
 - Fields of St Croix Community Association (FoSC) will be added as a party to the easement, thereby requiring FoSC's approval for any future changes thereto.
- Outlot P will have *limited* development on its west boundary (plan on page #4):
 - Includes small number of RECo-constructed homes along the west boundary of Outlot P;
 - No coffee shop or other retail/commercial facilities located on Outlot P;
 - RECo will install a path around part of the storm water system on Outlot P. This path will not connect to the FoSC pathways;
 - FoSC will have easement access rights for pedestrian and bicycles to Outlots O & P, and any Outlot created out of Outlot P for the storm water system;
 - FoSC will be added as a party to the existing easement on the title to the section of Outlot P not included in the new development's homes;
 - The exact boundary of the re-sized Outlot P will be defined by a survey (paid by RECo).
- The City of Lake Elmo will ensure the design of the Wildflower development's storm water system does not include a storm water retention basin on Outlot O; and will not increase the current flow of storm water drained onto Outlot O or any FoSC II Outlot (exception Outlot P):
 - The storm water design will not allow drainage to adversely affect any FoSC II homeowner;
 - Lake Elmo City will ensure the contractor and developer install the storm water system as designed;
 - The City of Lake Elmo will be responsible for maintenance of any portion of the Wildflower storm water system installed on Outlot P, or any Outlot created from Outlot P for the storm water system.
- Road access to Wildflower development:
 - The existing FOSE, phase II, entry will remain "as is". This access road will not connect to the Wildflower development;
 - No access road for the new development will be constructed that connects to highway #5 through any Outlot.

- Ensure FoSC has the right to object to or modify any future development requests involving any one or more of the Outlots located in the Fields of St Croix development (see Outlots page #5).
 - FoSC will be added as a party to all Open Space Easements now in place for Phase II Outlots;
 - FOSC will be added as a party to the Minnesota Land Trust Conservation Easement now in place for Phase I Outlots.
- Phase I Outlots A & E's Minnesota Land Trust Conservation Easement revisions.
 - Rescind the right to construct a farm home;
 - Livestock operation or use of temporary farm buildings will only be granted if all parties to the easement (including FoSC) agree.
- RECo will transfer ownership of the Bluestem Village Green property (PIN1202921440009) if it is not under a 'public right of way restriction'.
- All easement updates or amendments and Outlot ownership transfers will be completed prior to approval of the new development's plans by the City of Lake Elmo.
- RECo's creation of the storm water system, path, natural setting, and plantings on Outlots O and P will be completed ~~in the beginning stage of the new development. The "beginning stage" is defined as a date equal to the completion of the first home.~~ *for the requirements and timeline established by Lake Elmo City and incorporated into the final plan*
- RECo coordinates with Lake Elmo City & FoSC during the design and installation of Wildflower's sewer pipe *Just REC 6/9/2014*
 - Ensure adequate capacity to handle the wastewater from FoSC's phase I, phase II (including Bluestem) and Tana Ridge homes;
 - Sewer easement across the Northeast corner of the new development and Outlots O & P will be granted to FoSC;
 - Final connection, if and when completed, between the Lake Elmo City sewer system and the FoSC wastewater system (currently serving the above homes) will be coordinated by the FoSC Association at a later time.

It is understood, that any agreements between RECo and FOSC will be subject to approval by the Lake Elmo City Council and other regulatory bodies.

The final agreement will include a provision that neither party may assign the agreement to any other person without the express prior written consent of the other party or its successor in interest.

REC
Robert E. Engstrom
 6/9/14

FOSC
John Holden
 6/9/2014

The map shows the 40th Street North area in Minneapolis, divided into Phase I and Phase II. Phase I is located north of 44th Street North and includes lots A, B, C, D, E, F, G, H, K, and L. Phase II is located south of 44th Street North and includes lots A, B, C, D, E, F, G, H, I, J, M, N, O, and P. The map also shows the 40th Street North project area, which is highlighted in yellow. The map includes street names such as 40th St N, 44th St N, 46th St N, and 48th St N. The map also shows the 40th Street North project area, which is highlighted in yellow. The map includes street names such as 40th St N, 44th St N, 46th St N, and 48th St N.

ROBERT & MARCELLA EISCHEN

Date: June 24, 2014
To: Kyle Klatt
Community Development Director
Subject: Wildflower Proposal

As we are adjoining property owners to the proposed Engstrom Wildflower Development, my wife Marcy and I met with Bob Engstrom and architect Jerry Mazarra on June 19th to review our proposals for changes to the most recently proposed changes to the conservation easement adjacent to our land. As we previously agreed:

- ✚ Remove large parking and small Public Park from the close proximity to the S/E portion of our property.
- ✚ Straighten the walking path away from the western edge of our property and more toward the middle of the conservation easement.
- ✚ Straighten Wildflower property road with circular drive and remove pie shaped circular turn to help eliminate vehicle lights shining and flashing on our home.
- ✚ As proposed by the developer, plant a buffer of evergreen trees near S/W corner of our property. We request two rows of 5' trees planted on the S/W corner estimated some 40 feet long. We feel this is a satisfactory solution for the S/W corner of our property.

We withdraw our previous request for a 5' earthen berm with trees and shrubs planted on the berm's western side of our property.

The developer now proposes trees and shrubs be planted in front of homes located adjacent to the west side of our property. We agree this is a good idea but not an alternative to our request for trees and shrubs, i.e., Black Hills and Colorado Spruce interspaced with Maple Trees and shrubs such as High Bush

Cranberry, Bridal Wreath and shrubs compatible with butterfly conservation issues. These plantings should be adjacent to the western edge of the Eischen property line and extending north from the evergreens planted to serve as a light buffer to the N/W Eischen property line marker. These plantings should be further extended north through the western edge of the Dupuis property as recommended by Mary Jean. We feel the developer and/or property association is further responsible for maintenance of these plantings.

We request these agreements and/or lack thereof be recorded and put in writing. Where reasonable requests and/or agreements can't be agreed upon, we would suggest a further opportunity to review these issues with a mediator and/or arbitrator.

Respectfully

Robert Eischen

Robert Eischen

Marcela Eischen

Marcella Eischen
