



*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, February 3, 2015 7:00 P.M.
City of Lake Elmo | 3800 Laverne Avenue North
Agenda

- A. Call to Order**
- B. Pledge of Allegiance**
- C. Roll Call**
- D. Order of Business**
- E. Approval of Agenda**
- F. Accept Minutes**
 - 1. Accept January 13, 2015 City Council Meeting Minutes
 - 2. Accept January 20, 2015 City Council Meeting Minutes
- G. Council Reports**
- H. Presentations/Public Comments/Inquiries**
- I. Finance Consent Agenda**
 - 3. Approve Payment of Disbursements and Payroll
 - 4. 39th Street N: Street & Sanitary Sewer Improvements – Change Order No. 2
 - 5. Pumphouse No. 4 Improvements – Compensating Change Order No. 2
 - 6. Pumphouse No. 4 Improvements – Pay Request No. 7
 - 7. 2015 Compensation Adjustments
- J. Other Consent Agenda**
 - 8. Designate Official Publication Newspaper of Record
 - 9. Public Safety and Finance Committee Appointment
 - 10. Amend City Facility Use Policy
- K. Regular Agenda**
 - 11. Blinkoff Pool – Sale of Property in Demontreville Wildlife Park; **Resolution No. 2015-05, Resolution No. 2015-06, VACATION PUBLIC HEARING**
 - 12. Elmo Liquor Intoxicating Liquor License; **PUBLIC HEARING**
 - 13. 5th Street Landscaping and Lighting Plan Review
 - 14. Planning Commission Work Plan for 2015
 - 15. Easton Village Final Plat; **Resolution No. 2015-07**
- L. Staff Reports and Announcements**
- M. Adjourn**

CITY OF LAKE ELMO
CITY COUNCIL MINUTES
JANUARY 13, 2015

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

PRESENT: Mayor Mike Pearson and Council Members Fliflet, Justin Bloyer, and Anne Smith.

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

SWEARING IN OF NEW ELECTED OFFICIALS

City Clerk Bell administered oath of office to new council members Julie Fliflet and Jill Lundgren

APPROVAL OF AGENDA

Council Member Fliflet pulled Item 6, 8, 9, 10 for discussion. Council Member Bloyer asked to postpone Items 15-22

MOTION: Council Member Smith moved TO APPROVE THE JANUARY 13, 2014 CITY COUNCIL AGENDA AS AMENDED. Pearson seconded the motion.

Council Member Bloyer questioned the items as there was no background provided. He did not know if they were action items or simply for discussion. Council Member Smith said that the Council Member who asked for item to be on agenda can explain the item. Ms. Smith said there have been previous items that did not include background info and it was not a problem.

Items where there was disagreement on keeping on the current agenda were voted on whether to keep on agenda:

Item 16: ***VOTE TO KEEP ON AGENDA PASSED 3-2 (PEARSON AND BLOYER - NAY).***

Item 20: ***VOTE TO KEEP ON AGENDA PASSED 4-1 (BLOYER - NAY).***

Item 21: ***VOTE TO KEEP ON AGENDA PASSED 4-1 (BLOYER - NAY).***

Item 22: ***VOTE TO KEEP ON AGENDA PASSED 3-2 (PEARSON AND BLOYER - NAY).***

ORIGINAL MOTION PASSED 5-0.

ITEM 1: ACCEPT MINUTES

THE DECEMBER 16, 2014 CITY COUNCIL MINUTES WERE APPROVED AS PRESENTED BY CONSENSUS.

COUNCIL REPORTS:

Mayor Pearson: attended Public Safety Committee meeting, Valley Branch Watershed District meeting downtown drainage meeting, meeting with Oakland Jr. High Principal Andy Fields, and Lake Elmo Rotary meeting.

Council Member Bloyer: attended milfoil meeting, county administrator & Commissioner Kriesel re: library; multiple resident concerns.

Council Member Lundgren: Working with Fire Chief Malquist. obtain an AED for City Hall.

Council Member Smith: noted that she was out of town for the 16th mtg. She commended Finance Director for work on City achieving the CAFR. Mayor Pearson reiterated the thanks to staff.

Council Member Fliflet: She is thankful to be elected. She pledged to be a thoughtful responsive council member. She wants to take a look at the development and growth and requested council have a dedicated workshop on growth. Mayor Pearson would also like the workshop to discuss the cable commission situation.

It was decided that the growth discussion will be held on 1/20 after the council meeting. Workshop on 1/27 will be on the downtown and involve the County.

PUBLIC COMMENTS/INQUIRIES

Library Director Nathan Deprey spoke about the library and upcoming events. He promoted the library's Ancestry.com access.

John Schiltz, owner of Lake Elmo Inn, spoke about his concerns for Lake Elmo. Thanked the city for providing a place to have his business for 31 years. He noted that he brought Restaurant of the Year to Lake Elmo. For first time, he has hope for downtown. The past two years have been so much better for the city government. City Hall is better than ever. The development and growth are responsible for having the MOU removed.

Jim Blackford, 9765 45th St., welcomed Council Members Fliflet and Lundgren and thanked them for running. He said the people have spoken. He believes that the Council has approved too much development. He claimed that the people want "not too much development and also quality development." He does not want development to get out of control. He asserted that there was a conflict of interest in past lake use vote. He asked Council to listen to voters and represent them, not their own agendas.

Washington County Commissioner Gary Kriesel wished the new council members the best. Washington County has built a great relationship with staff and City. He offered his assistance.

Susan Dunn, 11018 Upper 33rd St., spoke about downtown meeting on Lake Elmo Ave. She thanked the council for their service.

FINANCE CONSENT AGENDA

2. Approve Payment of Disbursements and Payroll
3. Section 34 Pressure Reduction Station – Pay Request No. 1
4. Lake Elmo Avenue Trunk Watermain Improvements – Pay Request No. 5
5. Olson Lake Trail Sanitary Sewer Project – Payment Authorization

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

OTHER CONSENT AGENDA

6. ~~Designate Official Publication Newspaper of Record~~
7. Designate Official Depositories of Funds; Resolution No. 2015-01
8. ~~Resolution Designating Data Practice Officials and Approving City's Data Practice Policy; Resolution No. 2015-02~~
9. ~~Appoint City Engineer~~
10. ~~Appoint City Attorney~~
11. Approve Resolution Calling for Public Hearing to Vacate a Portion of Park Land; Resolution No. 2015-03

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

REGULAR AGENDAITEM 6: DESIGNATE OFFICIAL PUBLICATION NEWSPAPER OF RECORD

Council Member Fliflet requested that staff obtain additional circulation and subscription information from publishers and that the designation be postponed until the January 20th meeting.

City Clerk Bell explained that the City did not put out a formal RFP for 2015, but based on the proposals that the City received this year and past recent years, the *Oakdale-Lake Elmo Review* is the most balanced option when considering circulation, cost, and publishing schedule. Council Member Smith provided some background on the past designation of the *Review*.

MOTION: Council Member Fliflet moved **TO POSTPONE UNTIL THE JANUARY 20TH COUNCIL MEETING**. Mayor Pearson seconded the motion. **MOTION PASSED 5-0.**

ITEM 8: RESOLUTION DESIGNATING DATA PRACTICE OFFICIALS AND APPROVING CITY'S DATA PRACTICE POLICY; RESOLUTION NO. 2015-02

Council Member Fliflet requested to see the data practices policy and that the designations be postponed until the January 20th meeting.

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MOTION: Council Member Fliflet moved **TO POSTPONE UNTIL THE JANUARY 20TH COUNCIL MEETING TO REVIEW POLICY.** Council Member Lundgren seconded the motion. **MOTION PASSED 5-0.**

ITEM 9: APPOINT CITY ENGINEER & ITEM 10: APPOINT CITY ATTORNEY

Council Member Fliflet requested to see the contracts for each service. She requested the appointments be postponed until the January 20th meeting.

MOTION: Council Member Fliflet moved **TO POSTPONE UNTIL THE JANUARY 20TH COUNCIL MEETING TO REVIEW CONTRACTS.** Council Member Lundgren seconded the motion. **MOTION PASSED 5-0.**

NEW BUSINESS

ITEM 12: APPOINT 2015 ACTING MAYOR

MOTION: Mayor Pearson moved **TO APPOINT COUNCIL MEMBER BLOYER AS ACTING MAYOR, TO COMPLY WITH AND FULFILL ALL DUTIES ENUMERATED IN MINNESOTA STATE STATUTE § 412.121 RELATING TO SELECTION OF AN ACTING MAYOR.** **MOTION FAILED FOR LACK OF SECOND.**

MOTION: Council Member Fliflet moved **TO APPOINT COUNCIL MEMBER SMITH AS ACTING MAYOR, TO COMPLY WITH AND FULFILL ALL DUTIES ENUMERATED IN MINNESOTA STATE STATUTE § 412.121 RELATING TO SELECTION OF AN ACTING MAYOR.** Council Member Lundgren seconded the motion. **MOTION PASSED 5-0.**

ITEM 13: APPOINT REQUIRED OFFICIALS TO FIRE RELIEF ASSOCIATION BOARD OF TRUSTEES

MOTION: Mayor Pearson moved **TO APPOINT FIRE CHIEF MALMQUIST, FINANCE DIRECTOR BENDEL, AND COUNCIL MEMBER LUNDGREN TO THE FIRE RELIEF ASSOCIATION BOARD OF TRUSTEES FOR 2015.** Council Member Smith seconded the motion. **MOTION PASSED 5-0.**

ITEM 14: 3.2% MALT LIQUOR LICENSE – KWIK TRIP

City Clerk Bell provided overview of the liquor license application. He also explained the situation regarding number of licenses available. What authority approves tobacco licenses was explained. Mr. Bell also explained that there are compliance checks conducted and the Council has the option to always consider revoking or suspending the license if there are any issues.

MOTION: Council Member Fliflet moved **TO OPEN PUBLIC HEARING.** Council Member Lundgren seconded the motion. **MOTION PASSED 5-0. Public hearing opened at 7:53 pm.**

Steve DeLapp, 8466 Lake Jane Trail, spoke on the liquor license issuance. He urged council to not approve license that sells items harmful to people.

Jim Blackford said that the City will get what they require. He asked the city to let good things in the city.

City Administrator Zuleger noted Kwik Trip was the first business to incorporate the theming elements.

MOTION: Council Member Bloyer moved **TO CLOSE PUBLIC HEARING.** Council Member Smith seconded the motion. **MOTION PASSED 5-0. Public hearing closed at 7:56 pm.**

Council Member Smith stated she appreciates the limited theming elements incorporated for the new Kwik Trip. She noted that she was told that it would be like the one in the Liberty development; however, it is not. Mayor Pearson said that the aesthetics of the building is subjective.

Council Member Fliflet asked about other gas stations in the City have ever applied. City Clerk Bell explained that the previous owners of the gas station at Lake Elmo Ave and County Road 10 had a 3.2% license as recently as 2012, but the new owners did not re-apply.

MOTION: Council Member Bloyer moved **TO APPROVE A NEW 3.2% LIQUOR LICENSE FOR KWIK TRIP AT 9955 HUDSON BLVD N.** Mayor Pearson seconded the motion. **MOTION PASSED 5-0.**

Mayor Pearson noted that Lake Elmo is in competition for businesses. He wants the message conveyed that Lake Elmo is open for business.

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Council Member Fliflet asked about the other Holiday Station on Manning Ave. had a license. Council Member Smith did not believe that they did, but she agrees that we need to keep tax base in Lake Elmo. Council Member Bloyer does not want to give up the tax base.

MOTION PASSED 5-0.

ITEM 15: 2015 CITY OF LAKE ELMO PLAN OF WORK

City Administrator Zuleger presented the proposed 2015 Plan of Work and invited the Council for feedback. Council Member Fliflet addressed Taxpayer Services section Item # 4 regarding Speak Your Peace. She wants it removed from the plan. She does not want any additional staff time to be spent on SYP. She believes that it has been used improperly. Council Member Lundgren said she wholeheartedly agrees. Ms. Fliflet noted that the City Code already contains many of the same points.

Mayor Pearson said he often fails at following it, but believes it is a good reminder for everyone. Council Member Smith would like to discuss the entire Plan at the retreat. Council Consensus was to consider the Plan of Work at the future Council/Staff retreat.

ITEM 16: REVIEW OF CURRENT COMMISSIONS AND WORK GROUPS

Council Member Fliflet supports the idea of the EDA, but thinks that the enumerated powers need to be further examined. Council Member Smith noted that there has been concern at the Planning Commission due to lack of knowledge about the EDA. Ms. Fliflet clarified that she is not against the EDA, and in fact supports the idea, but she wants the limited powers further defined as a recommending body. She explained her proposed changes.

Council Member Lundgren asked why an EDA was enabled instead of an EDC. City Administrator Zuleger explained that Former Mayor Johnston initiated this and there are particular benefits to having an EDA over a commission. Mayor Pearson urged the Council to postpone action to fully evaluate the EDA. Mr. Zuleger noted that there is a notice requirement to modify the enabling resolution.

Ms. Smith asked about planning commission applications. City Clerk Bell said that the staff has received several inquiries but has only received one submission to date. Staff is currently trying to coordinate that interview electronically.

a) **MOTION:** Council Member Smith moved **TO APPOINT COUNCIL MEMBER LUNDGREN TO EDA AS COUNCIL REPRESENTATIVE TO REPLACE FORMER COUNCIL MEMBER WALLY NELSON.** Council Member Fliflet seconded the motion. **MOTION PASSED 5-0.**

b) **MOTION:** Council Member Fliflet moved **TO RETAIN MAYOR PEARSON ON EDA.** Council Member Smith seconded the motion. **MOTION PASSED 5-0.**

c) **MOTION:** Council Member Fliflet moved **TO REINSTATE OLD VILLAGE WORKGROUP WITH THE PREVIOUS MEMBERSHIP.** Council Member Smith seconded the motion.

Previous members were: Nadine Obermueller, Steve DeLapp, Jennifer Pelletier, Kathy Haggard, Julie Fliflet, Anne Smith, and Brett Emmons.

The Council discussed the need to reinstate the workgroup. Mayor Pearson questioned why the Council could not simply discuss the issues. Council Member Fliflet wants the workgroup to deal with downtown design standards and spend time on the details. Council Member Bloyer asked if the \$30 million plan that was submitted was not the workgroup's approved plan. City Administrator Zuleger provided an overview of both the I-94 and Village Workgroups.

Council Member Smith questioned the \$30 mil figure. There was never a dollar amount, but a proposed vision devised over 5-6 years of work. Mayor Pearson does not believe that the market will support what the workgroup plan proposed. He would like a timeframe to have some resolution if continued discussions are going to take place. Ms. Fliflet disagrees that the market should decide, but believes the City should dictate what the village becomes. The historical and current status of the market was discussed.

Ms. Fliflet called the previous question. Mayor Pearson noted that Robert's Rules requires a supermajority for that procedural motion. *Ms. Fliflet withdrew her call for the previous question.*

Ms. Fliflet explained that she believes the Village deserves special consideration because it is different than other parts of the city. Mayor Pearson reiterated that if the group is reconstituted, there be a timeline and clear goal to respect both staff and developers.

MOTION PASSED 3-2 (PEARSON AND BLOYER - NAY)

ITEM 17: PLANNING COMMISSION APPOINTMENTS

MOTION: Council Member Smith moved TO RE-APPOINT TODD WILLIAMS AND ROLF LARSON TO THE PLANNING COMMISSION TO SERVE ADDITIONAL THREE-YEAR TERMS. Council Member Lundgren seconded the motion. MOTION PASSED 5-0.

ITEM 18: PARK COMMISSION APPOINTMENTS

MOTION: Council Member Smith moved TO RE-APPOINT SARAH HIEPTAS AND JACOB SILVERNALE TO THE LAKE ELMO PARK COMMISSION FOR THREE YEAR TERMS. Council Member Fliflet seconded the motion. MOTION PASSED 5-0.

ITEM 19: LIBRARY BOARD APPOINTMENTS

City Clerk Bell noted that the list provided was not the most up to date. Judy Gibson and Margo Selini replaced Rosemary Meier and Renee Murray.

MOTION: Council Member Bloyer moved TO RE-APPOINT PAUL RYBERG AND JUDY GIBSON TO THE LAKE ELMO LIBRARY BOARD FOR THREE YEAR TERMS. Council Member Fliflet seconded the motion. MOTION PASSED 5-0.

ITEM 20: ESTABLISHMENT OF COUNCIL MEMBERS TO COUNCIL COMMITTEES

a) Public Safety Committee

MOTION: Council Member Smith moved TO APPOINT MAYOR PEARSON TO THE PUBLIC SAFETY COMMITTEE. Council Member Fliflet seconded the motion. MOTION PASSED 5-0.

MOTION: Council Member Smith moved TO APPOINT COUNCIL MEMBER LUNDGREN TO THE PUBLIC SAFETY COMMITTEE. Council Member Fliflet seconded the motion. MOTION PASSED 5-0.

b) Finance Committee

MOTION: Council Member Lundgren moved TO NOMINATE COUNCIL MEMBER FLIFLET TO CHAIR OF FINANCE COMMITTEE. Council Member Fliflet seconded the motion. MOTION PASSED 5-0.

Council Member Smith resigned from the Finance Committee. She nominated Council Member Bloyer to take her place.

MOTION: Council Member Smith moved TO APPOINT COUNCIL MEMBER BLOYER TO THE FINANCE COMMITTEE. Council Member Fliflet seconded the motion. MOTION PASSED 5-0.

c) Human Resources Committee

MOTION: Council Member Fliflet moved TO APPOINT COUNCIL MEMBER SMITH TO THE HR COMMITTEE. Council Member Smith seconded the motion.

Mayor Pearson expressed his hope that Mike Reeves volunteers to stay on the committee as a public member and would support the motion if that is the case.

MOTION PASSED 5-0.

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MOTION: Council Member Lundgren moved **TO APPOINT COUNCIL MEMBER FLIFLET TO THE HR COMMITTEE.** Council Member Smith seconded the motion.

Mayor Pearson asked to stay on the committee.

MOTION PASSED 3-2 (PEARSON AND BLOYER - NAY).

d) County – Library Discussions

City Clerk Bell explained that this is not a formal body that requires an appointment, but Council is free to send anyone they choose.

MOTION: Council Member Fliflet moved **TO ASSIGN COUNCIL MEMBER SMITH TO PARTICIPATE IN THE COUNTY – LIBRARY DISCUSSIONS.** Council Member Lundgren seconded the motion. **MOTION PASSED 5-0.**

Council Member Smith explained that she believes that she should be able to be involved. She has an interest and wants to see if she can make some progress. Mayor Pearson took issue with the assertion that no progress has occurred. Council Member Smith clarified that she does not assert that no progress has been made. She simply wants to leverage her relationship with the County in the discussions. Council Member Fliflet also wants to participate. She made a commitment to fixing the library situation when campaigning. Mayor Pearson noted that it is important to the entire Council. Mayor Pearson believes that it is important the mayor is involved to represent the City. He also thinks the person participating in the library discussions should serve on the board.

MOTION PASSED 3-2 (PEARSON AND BLOYER - NAY).

Council Member Bloyer resigned from county discussions assignment and Library Board. He thinks it is important that Mayor Pearson, as mayor, should remain involved.

MOTION: Mayor Pearson moved **TO APPOINT COUNCIL MEMBER FLIFLET TO LIBRARY BOARD AS THE COUNCIL DELEGATE.** Council Member Bloyer seconded the motion.

Council Member Smith believes it would be a conflict of interest to serve on board and discuss the issue with the County as a Council Member. City Attorney Snyder stated that there is no conflict, but it can create policy issues.

MOTION PASSED 5-0.

City Administrator Zuleger explained the city is also currently involved in the County Strategic Library Plan discussions. He and Library Director Nathan Deprey are the appointed Lake Elmo representatives.

MOTION: Council Member Smith moved **TO ASSIGN COUNCIL MEMBER FLIFLET TO PARTICIPATE IN THE COUNTY – LIBRARY DISCUSSIONS.** Council Member Lundgren seconded the motion. **MOTION PASSED 3-2 (PEARSON AND BLOYER - NAY).**

Mayor Pearson asked if the County replies to current proposals, can he bring it back to the Council? Council consensus is that that is fine.

e) Parks Commission Liaison

Council Member Smith volunteered, but nominated Mayor Pearson.

MOTION: Council Member Smith moved **TO ASSIGN MAYOR PEARSON AS PARKS COMMISSION LIAISON.** Council Member Lundgren seconded the motion. **MOTION PASSED 5-0.**

f) Gateway Corridor Discussions

Council Member Bloyer volunteered as he has been involved.

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MOTION: Council Member Fliflet moved **TO ASSIGN MAYOR PEARSON AND COUNCIL MEMBER BLOYER TO GATEWAY CORRIDOR DISCUSSIONS.** Council Member Lundgren seconded the motion. **MOTION PASSED 5-0.**

g) School District Liaison

MOTION: COUNCIL CONSENSUS TO ASSIGN COUNCIL MEMBER BLOYER AS SCHOOL DISTRICT LIAISON. Council Member Smith will fill in if Mr. Bloyer is unavailable.

Point of privilege taken at 10:00 pm. Reconvened at 10:03 pm.

ITEM 21: COUNCIL PROTOCOL

a) Public Comment Restrictions

MOTION: Council Member Fliflet moved **TO REMOVE THE "3 MINUTE RULE" FOR PUBLIC COMMENT.** Council Member Lundgren seconded the motion.

Council Member Fliflet believes that Council needs to listen to the residents and three minutes is not long enough. Council Member Lundgren agrees. Mayor Pearson thinks there should be some time limit to maintain order. City Clerk Bell noted that according to City Code, the requirement for suspending council meeting procedures requires a supermajority vote to suspend or amend the rules. Ms. Fliflet thinks that the chair can manage the time. Council Member Bloyer does not want the decision to be arbitrary. Council consensus is to allow the chair to use his discretion in managing the time.

Council Member Fliflet withdrew the motion.

b) Adding Agenda Items

MOTION: Council Member Fliflet moved **TO ALLOW ANY COUNCIL MEMBER TO ADD AN ITEM TO AGENDA WITHOUT A SECOND COUNCIL MEMBER AGREEING.** Council Member Smith seconded the motion.

Council Member Smith supports this motion. She explained that it was imposed in the past due to large agendas. City Clerk Bell explained the best practice for agenda placement. It is similar to the statutory limitation for calling meetings. He pointed out that the City Code is silent on the matter.

MOTION: Council Member Bloyer moved **TO TABLE THE ITEM.** Mayor Pearson seconded the motion. **MOTION PASSED 4-1 (SMITH - NAY).**

c) Council meeting schedules

Council Member Fliflet asked that the same courtesy be granted to other council members to change meeting dates as was afforded Mayor Pearson for this meeting. It was pointed out that Council Member Smith requested that an item at the 12/16/14 meeting be postponed while she was absent and her request was denied.

Council Member Bloyer pointed out that the 2015 schedule of meetings was scheduled by the previous council, as is the standard. It was not rescheduled. Mayor Pearson said that he will not be making his request again.

MOTION: Council Member Fliflet moved **TO REQUIRE THAT MEETINGS WILL BE RESCHEDULED AS REQUESTED BY COUNCIL MEMBERS.** Council Member Smith seconded the motion.

The logistics of the proposed protocol was discussed. Mayor Pearson noted that the practice is basically already currently in place.

MOTION PASSED 5-0.

ITEM 22: STAFF PROTOCOL/RESPONSIBILITIES

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Council Member Fliflet explained that she wants staff to be able to comment and participate in discussion. She does not want to vote on anything where there are unvoiced staff concerns. Staff has told her they have been instructed to not interject. Council Member Boyer said it is not appropriate to make the meetings longer by involving staff. Mayor Pearson said he welcomes staff opinions. City Administrator Zuleger explained that staff attempts to stay out of council to council issues. Council consensus is that they want input. Council Member Smith suggested that this be discussed at the retreat.

Council Member Smith wants Council to approve *The Source* and *Fresh* prior to publication- *The Source* a week out and *Fresh* a day before. She stated that Washington County submits it for Commissioner approval prior to publication. She said that as Council Members, they have a right to review it. Mayor Pearson cautioned that it is important that policy discussions do not take place in these draft reviews. City Administrator Zuleger explained that staff will provide the drafts to Council.

ITEM 23: REVIEW OF RESTRICTION IMPOSED ON COUNCIL MEMBER SMITH REGARDING STAFF COMMUNICATION

MOTION: Council Member Boyer moved **TO POSTPONE THE ITEM TO NEXT COUNCIL MEETING.** Mayor Pearson seconded the motion.

Council Member Boyer asked if either new council member had spoken to City Attorney or reviewed documents about the issue. Council Members Fliflet and Lundgren both said they had not.

Council Member Fliflet asked for a 5 minute recess. Meeting recessed at 11:03 pm. Meeting reconvened at 11:09 pm.

City Attorney Snyder asked that due to the involvement of potential non-public data, the discussion be moved to after the executive session. Some of the questions may be addressed during the closed session.

MOTION FAILED 1-4 (PEARSON, FLIFLET, SMITH, AND LUNDGREN - NAY).

MOTION: Council Member Fliflet moved **TO POSTPONE THE ITEM TO AFTER THE EXECUTIVE SESSION.** Council Member Lundgren seconded the motion. **MOTION PASSED 5-0.**

EXECUTIVE SESSION TO RECEIVE PRIVATE PERSONNEL DATA

MOTION: Council Member Smith moved **TO ADJOURN TO CLOSED SESSION.** Mayor Pearson seconded the motion. **MOTION PASSED 5-0. Entered closed session at 11:15 pm.**

MOTION: Council Member Smith moved **TO RECONVENE TO OPEN MEETING.** Council Member Fliflet seconded the motion. **MOTION PASSED 5-0. Reconvened to Open Session at 2:04 am.**

City Attorney Snyder summarized the closed session. Present were City Attorney Snyder, Jessica Schwie, and the City Council. **No action taken.**

MOTION: Council Member Fliflet moved **TO POSTPONE THE ITEM TO 1/20/15 CITY COUNCIL MEETING.** Council Member Smith seconded the motion. **MOTION PASSED 5-0.**

MOTION: Council Member Fliflet moved **TO ADJOURN.** Council Member Lundgren seconded the motion. **MOTION PASSED 5-0.**

Mayor Pearson Adjourned the meeting at 2:05 am.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Adam R. Bell, City Clerk

LAKE ELMO CITY COUNCIL MINUTES

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CITY OF LAKE ELMO CITY COUNCIL MINUTES JANUARY 20, 2015

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

PRESENT: Mayor Mike Pearson and Council Members Fliflet, Smith, Bloyer and Lundgren

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

PLEDGE OF ALLIGENCE

APPROVAL OF AGENDA

Mayor Pearson pulled Item 9 for discussion.

City Attorney Snyder postponed the Executive Session to the next meeting.

Council Member Bloyer pulled Item 12 for discussion.

Council Member Fliflet pulled Item 6 for discussion.

MOTION: Council Member Smith moved **TO APPROVE THE JANUARY 20, 2015 CITY COUNCIL AGENDA AS AMENDED.** Council Member Lundgren seconded the motion. **MOTION PASSED 5-0.**

COUNCIL REPORTS

Mayor Pearson: presented Council with 4 E's of Great Governance piece, had a reply from County on library issues, hopefully will have something for next Council meeting.

Council Member Smith: been fielding phone calls from residents on various topics. Spoke about MAGI/Monday Meetings – a program that Mahtomedi does where residents get together.

Council Member Fliflet: attended community meeting on Old Village. Attended Library Board meeting. Planning on meeting with Commissioner Kriesel this week to discuss library issues.

Council Member Lundgren: would like to request a council driven workshop. Would like to bring notion of a Farmer's Market to downtown.

Council Member Bloyer: no report.

PUBLIC COMMENTS/INQUIRIES

Jim Blackford, 9765 45th St N, provided Council with a report which will be entered into the record. Mr. Blackford spoke about what he perceived the citizens of Lake Elmo want and what he believes are failures of the last 2 years.

Council Member Lundgren responded that she and Council Member Bloyer are working together to make the situation with lakes work.

Council Member Bloyer spoke about the election and the lakes issue.

Council Member Smith spoke about not using absolutes or accusatory language.

Attorney Snyder clarified some things about the "3 minute rule" and what was discussed at the previous meeting. He also spoke about conflicts of interests regarding the Council.

Anne Engdahl, 3296 Lake Elmo Avenue N, spoke about Washington County's plans of changing of Lake Elmo Avenue. She also spoke about the cost impacts of city sewer on the residents.

Yvette Oldendorf, 5418 Lake Elmo Avenue N, asked that Council get involved in support to the County about the issue of safety between 50th St. and Hwy 36 as it has become very dangerous. She also spoke about the lack of enforcement to the speed limit on Lake Elmo Avenue.

City Administrator Zuleger replied that the City will do some red zone traffic enforcement in the area. He also spoke about talking with the County this week on working out final details to get a stop light on the corner of Hwy 5 and Lake Elmo Avenue.

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Kristine Carr, Director of Administrative Services for Northeast Metro Intermediate School District 916, spoke about street improvements for Eagle Point Boulevard. They are in full support of the street improvements but have concerns about the assessment methodology. She thinks the unit method would be more reasonable.

John Schiltz, 3442 Lake Elmo Avenue N, thanked Council for being open to working with one another. He offered comments regarding the last meeting. Mr. Schiltz also spoke about sewer on Lake Elmo Avenue and remaking the downtown. He also spoke about growth and getting rid of the MOU.

Tammy Malmquist, 8549 Ironwood Trail, thanked Council for serving. She spoke about residents speaking for others and asked that people only speak for themselves.

FINANCE CONSENT AGENDA

1. Approve Payment of Disbursements and Payroll
2. Accept 2014 Year-End Building Report dated December 31, 2014
3. Accept City Assessor Report dated December 31, 2014
4. 2014 Street Improvements – Compensating Change Order No. 2
5. 2014 Street Improvements – Pay Request No. 5 (FINAL)
6. 2015 Compensation Adjustments

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

OTHER CONSENT AGENDA

7. Approve 2015 Waste Hauler Licenses
8. Designation of 2015 Data Practice Officials and Approving City's Data Practice Policy; Resolution No. 2015-02
9. ~~Lifting of Restriction Imposed on Council Member Smith Regarding Staff Communication~~
10. Appoint City Engineer
11. Appoint City Attorney
12. ~~Council Meeting Date Change~~

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

ITEM 6: 2015 COMPENSATION ADJUSTMENTS

Council Member Fliflet asked about the process of how this came about.

City Administrator Zuleger responded that the HR Committee met and set a dollar figure and left it up to staff to make recommendations. Staff used personnel review process and reclassification of the Public Works Department to recommend dollar amounts. There has been some room left for possible personnel adjustments to help support the Public Works Department administratively.

Council Member Fliflet asked if the proposed numbers included FICA and pension.

City Administrator Zuleger responded that it did not.

Council Member Fliflet stated that a comprehensive calculation should be done to include FICA and pension because including those could put the City over the \$35,000 agreed upon amount.

MOTION: Council Member Bloyer moved **TO TABLE ITEM 6 TO A LATER MEETING**. Council Member Lundgren seconded the motion. **MOTION PASSED 5-0.**

ITEM 9: LIFTING OF RESTRICTION IMPOSED ON COUNCIL MEMBER SMITH REGARDING STAFF COMMUNICATION

LAKE ELMO CITY COUNCIL MINUTES

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Council Member Fliflet spoke about now having the opportunity to thoroughly review the situation. Based on discussions had and assurances given by Council Member Smith she believes the restrictions on Council Member Smith should be removed.

Council Member Lundgren also spoke with the City Attorney and feels comfortable removing the restrictions on Council Member Smith.

MOTION: Council Member Fliflet moved TO RESCIND THE PREVIOUS RESTRICTION IMPOSED ON COUNCIL MEMBER SMITH REGARDING COMMUNICATIONS WITH STAFF. Council Member Lundgren seconded the motion.

Mayor Pearson stated that he felt the restriction was put in place to offer a less troublesome environment. He believes Council acted appropriately at the time and in the City's best interest. He stated that he supports the motion in the spirit of moving forward and that it is the right thing to do at this time.

Council Member Bloyer stated that he is glad Council Members Fliflet and Lundgren have now been brought up to speed on the full situation and if they are comfortable lifting the restriction he will support allowing the restriction to be lifted.

Deputy Clerk Gumatz read a letter from former Council Member **Mike Reeves, 11075 14th St N.** A copy of the letter is included in the record.

MOTION PASSED 4-0 (SMITH – ABSTAIN).

ITEM 12: COUNCIL MEETING DATE CHANGE

Council Member Bloyer stated that he will be out of town on February 24th and would not be able to make that date.

Council Member Fliflet stated that she hoped Council could find a date that works for everyone.

There was discussion about moving the second February meeting to a different day of the week.

It was the consensus of Council to figure out another date to hold the meeting, but there was no decision made.

Meeting recessed at 8:14pm. Meeting reconvened at 8:18pm.

REGULAR AGENDA

ITEM 13: DISCUSS PURCHASE OF CITY AUTOMATED EXTERNAL DEFIBRILLATOR

Council Member Lundgren spoke about her desire to purchase an AED for City Hall. She gave an overview of her discussions with the Fire Chief and what brand was recommended.

Council Member Bloyer asked about which buildings the City would be purchasing AEDs for.

Council Member Lundgren stated that it would be City Hall and possibly the Library.

Council Member Smith spoke about the Mdewakanton Sioux tribe that donates AEDs.

Steve DeLapp, 8468 Lake Jane Trail, spoke about the Library getting an AED. He also spoke about the Mdewakanton Sioux donating defibrillators to organizations.

Council Member Fliflet spoke about the City checking to see if there are other grants out there for AED funding.

NO FORMAL ACTION REQUESTED.

**ITEM 14: EAGLE POINT BOULEVARD STREET IMPROVEMENTS – AUTHORIZE
FEASIBILITY REPORT; RESOLUTION NO. 2015-04**

City Engineer Jack Griffin presented on the Eagle Point Boulevard Street Improvements. This item is in the 2015 CIP. Staff reached out to affected properties following passage of the 2015 CIP to determine interest in the improvement. Staff wanted this project to be property owner initiated. In order to do that, City needed a petition of 35% of stakeholders. Staff has received petitions from about 49% of the stakeholders. The City's assessment policy says 100% of a commercial street improvement will be done on a front footage basis. This was how the cost was presented to the affected property owners. This is one method that will be looked at in the Feasibility Report.

City Engineer Griffin explained the scope of improvements that will be done. It is approximately 3,500 lineal feet of commercial street, 40 feet wide from back of curb to back of curb. A drainage layer would be placed below the existing base and build the road back up. The Feasibility Report cost includes reviewing existing sanitary sewer and includes coordination of future sanitary sewer connecting to the Inwood PUD subdivision which would be just north of Eagle Point Boulevard.

City Engineer Griffin also discussed the project schedule. It is fairly time sensitive if Council wishes to build the road in 2015. City Engineer Griffin also explained the public improvement process. The estimated cost of the Feasibility Report is \$11,000. If the project goes forward, that amount gets rolled into the total project costs and will be assessed.

Council Member Fliflet asked if there were other costs associated with the project that could be the responsibility of the City.

City Engineer Griffin responded that if the City were to get to the design stage and didn't go forward, that cost would be the responsibility of the City as well. The 100% assessment is the City's policy, but the project does not need to be assessed that way. Council will have the opportunity to weigh in on the assessment policy.

MOTION: Mayor Pearson moved TO APPROVE RESOLUTION NO. 2015-04, ORDERING PREPARATION OF A FEASIBILITY REPORT FOR THE EAGLE POINT BOULEVARD STREET IMPROVEMENTS IN A NOT TO EXCEED AMOUNT OF \$11,000. Council Member Smith seconded the motion. MOTION PASSED 5-0.

ITEM 15: COUNCIL PROTOCOL: CLARIFICATION OF ITEMS DISCUSSED ON 1-13-2015

A. Time Limitation (3 Minute Rule) on Public Comment (Pearson Request)

Mayor Pearson spoke about his concerns of having no time limit. He felt there should be some time limit and it should be the same for everyone.

Council Member Fliflet stated that she feels three minutes is not enough.

Council Member Bloyer agreed that three minutes may be too short. He thought maybe five minutes would be a good number. Not deciding on a number would give Council no discretion at all.

Council Member Lundgren suggested doubling the allowed time to six minutes.

Council Member Smith spoke about the difficulty of people repeating themselves. She would like to have some discretion if people are saying the same things.

Council Member Fliflet would like to at least double the time.

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City Administrator Zuleger spoke with the League of MN Cities and found that a common practice was to use a volume amount to determine the time limit allowed.

City Attorney Snyder stated that Council could adopt a rule tonight, and always change or extend it at a later date.

Council Member Fliflet agreed with City Administrator Zuleger's statement and that reminding people of a full house and asking people to keep it to a certain time limit will result in people doing so.

Jim Blackford, 9765 45th St N, stated that most people just want to be heard.

MOTION: Council Member Fliflet moved **TO CHANGE THE THREE MINUTE RULE TO THE SIX MINUTE RULE.** Council Member Boyer seconded the motion. **MOTION PASSED 5-0.**

B. Adding Agenda Items (inc. Pre-Meeting Background/Communication) (Fliflet Request)

Mayor Pearson clarified that this was changing to allow one council member to add an agenda item to the council agenda.

MOTION: Council Member Fliflet moved **ANY SINGLE COUNCIL MEMBER CAN ADD AN ITEM TO THE AGENDA.** Council Member Lundgren seconded the motion. **MOTION PASSED 4-1. (BOYER - NAY).**

C. Speak Your Peace Status (Pearson Request)

Mayor Pearson voiced his concerns with getting rid of the Speak Your Peace pledge. He is in favor of the project.

Council Member Boyer stated that he is in favor of keeping the project.

Council Member Lundgren explained that she does not believe the city needs the project. She is in favor of getting rid of it.

Council Member Smith believes the city needs something but that Speak Your Peace has failed. She stated that Council needs to show the leadership.

Council Member Fliflet doesn't feel the city needs a formal project and that Speak Your Peace has failed and that there are already ground rules in the city code.

MOTION: Council Member Fliflet moved **TO DISCONTINUE THE FORMAL SPEAK YOUR PEACE PROJECT WORK AND WORK TOWARDS OTHER WAYS OF ENSURING CIVILITY WITHIN OUR CITY COUNCIL AND OUR CITY AS A WHOLE AND RELY ON THE CODE THAT IS ALREADY IN PLACE .** Council Member Smith seconded the motion. **MOTION PASSED 3-2. (PEARSON AND BOYER - NAY).**

ITEM 16: REVIEW OF HR COMMITTEE MAKE-UP.

Mayor Pearson stated that he would like to reconsider this item from last week. He would like to continue to serve on the HR Committee.

MOTION: Mayor Pearson moved **THAT MAYOR PEARSON BE REASSIGNED TO THE HR COMMITTEE TO SERVE ON THAT COMMITTEE WITH JULIE FLIFLET AS CHAIR.** Council Member Boyer seconded the motion.

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Council Member Fliflet stated that she would like to see Council Member Smith serve on the HR Committee because it will allow her be part of the changes that will be made in regards to staff and culture and policies of the city.

Mayor Pearson clarified his reasons for wanting to remain on the HR Committee.

MOTION FAILED 1-4. (PEARSON - AYE).

STAFF REPORTS AND ANNOUNCEMENTS

City Administrator Zuleger: continuing to work on Lake Jane 201 System, meeting with Azure property about future water tower site, meeting with Washington County and Shiltgen reps on regarding drainage facilities downtown, working on Carriage Station Park land transfer, continuing to track Eurasian milfoil grants, development workshop tonight, downtown workshop next Tuesday 1/27 at 6:30PM, hope to have Old Village work group meet 2/5, at next Council meeting will be discussing 5th St design.

Finance Director Bendel: no report.

City Attorney Snyder: no report.

Community Development Director Klatt: Planning Commission last meeting was cancelled. Next meeting is next Monday 1/26. They will be working on the 2015 work plan as well as reviewing a final plat for Easton Village.

City Engineer Griffin: sent out once a month engineering report.

Deputy Clerk Gumatz: announced the birth of Caroline Carlson Bell.

Mayor Pearson adjourned meeting at 9:09 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Beckie Gumatz, Deputy Clerk



MAYOR & COUNCIL COMMUNICATION

DATE: February 3, 2015
CONSENT
ITEM #3
MOTION

AGENDA ITEM: Approve Disbursements in the amount of \$192,590.81

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: \$192,590.81

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$192,590.81. 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	\$ 11,307.16	Payroll Taxes to IRS & MN Dept of Revenue 1/22/2015
ACH	\$ 6,300.73	Payroll Retirement to PERA 1/22/2015
DD6062-DD6089	\$ 29,084.95	Payroll Dated (Direct Deposits) 1/22/2015
42371-43425	\$ 143,317.97	Accounts Payable 2/03/2015
2583-2625	\$ 2,580.00	Library Card Reimbursement 2/03/2015
TOTAL	\$ 192,590.81	

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 \$192,590.81.

ATTACHMENTS:

1. Accounts Payable – check registers

Accounts Payable To Be Paid Proof List

User: PattyB

Printed: 01/29/2015 - 12:17 PM

Batch: 011-01-2015

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
AllgenPo Allgen Power Services										
7604	08/26/2014	161.10	0.00	02/03/2015	Replace 2 switches @ Stat 1		-			0000
101-420-2220-44010	Repairs/Maint Bldg	161.10								
	7604 Total:	161.10								
	AllgenPo Total:									
ANCOM ANCOM Communications, Inc.										
50318	01/13/2015	95.00	0.00	02/03/2015	Pager Repair		-			0000
101-420-2220-43230	Radio									
	50318 Total:	95.00								
50319	01/13/2015	95.00	0.00	02/03/2015	Pager Repair		-			0000
101-420-2220-43230	Radio									
	50319 Total:	95.00								
50320	01/13/2015	95.00	0.00	02/03/2015	Pager Repair		-			0000
101-420-2220-43230	Radio									
	50320 Total:	95.00								
50321	01/13/2015	107.00	0.00	02/03/2015	Paper Repair plus shipping		-			0000
101-420-2220-43230	Radio									
	50321 Total:	107.00								
50531	01/20/2015	105.00	0.00	02/03/2015	Pager Repair		-			0000
101-420-2220-43230	Radio									
	50531 Total:	105.00								
	ANCOM Total:	497.00								
ASPENMI Aspen Mills, Inc.										
158492	12/12/2014	36.00	0.00	02/03/2015	Replace maltese on sleeve		-			0000
101-420-2220-44170	Uniforms									
	158492 Total:	36.00								
159618	01/09/2015	207.10	0.00	02/03/2015	Uniform Items		-			0000
101-420-2220-44170	Uniforms									
	159618 Total:	207.10								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ASPENIMI Total:		243.10								
BANYON Banyon Data Systems, Inc.										
152070	11/01/2014	654.00	0.00	02/03/2015	Software Support		-		No	0000
601-000-0000-20200 Accounts Payable										
152070	11/01/2014	436.00	0.00	02/03/2015	Software Support		-		No	0000
603-000-0000-20200 Accounts Payable										
152070 Total:		1,090.00								
BANYON Total:		1,090.00								
BATBULBS Batteries Plus Bulbs										
032-819841	01/22/2015	39.90	0.00	02/03/2015	UPS Batteries		-		No	0000
601-494-9400-42270 Utility System Maintenance										
032-819841 Total:		39.90								
BATBULBS Total:		39.90								
BECKER Becker Fire and Safety, LLC										
1713	01/20/2015	49.00	0.00	02/03/2015	Annual Service - City Hall		-		No	0000
101-410-1940-44010 Repairs/Maint Contractual Bldg										
1713 Total:		49.00								
1714	01/20/2015	49.00	0.00	02/03/2015	Annual Service - Library		-		No	0000
206-450-5300-44010 Repairs/Maint Bldg										
1714 Total:		49.00								
1715	01/20/2015	94.25	0.00	02/03/2015	Annual Service - FD		-		No	0000
101-420-2220-44010 Repairs/Maint Bldg										
1715 Total:		94.25								
1716	01/20/2015	270.25	0.00	02/03/2015	Annual Service - PW		-		No	0000
101-430-3100-44010 Repairs/Maint Bldg										
1716 Total:		270.25								
BECKER Total:		462.50								
BOLTONME Bolton & Menk, Inc										
0174289	01/15/2015	1,469.10	0.00	02/03/2015	2013.126 Section 34		-		No	0000
601-494-9400-43030 Engineering Services										
0174289	01/15/2015	979.40	0.00	02/03/2015	2013.126 Section 34		-		No	0000
602-495-9450-43030 Engineering Services										
0174289 Total:		2,448.50								
0174290	01/15/2015	2,875.00	0.00	02/03/2015	2014 Street Improvements		-		No	0000
409-480-8000-43030 Engineering Services										
0174290 Total:		2,875.00								
0174291	01/15/2015	5,245.50	0.00	02/03/2015	2014.131 39th Street		-		No	0000
602-495-9450-43030 Engineering Services										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
174292	01/15/2014	5,245.50								
803-000-0000-22910	Developer Payments	172.50	0.00	02/03/2015	Wildflower Review		-	No		0000
	174292 Total:	172.50								
	BOLTONME Total:	10,741.50								
BRAUN Braun Intertec Corporation										
B019092	01/07/2015	624.00	0.00	02/03/2015	39th Street		-	No		0000
409-480-8000-43030	Engineering Services	624.00	0.00	02/03/2015	39th Street		-	No		0000
B019092	01/07/2015	1,248.00								
602-495-9450-43030	Engineering Services	1,248.00								
	B019092 Total:	1,248.00								
	BRAUN Total:									
CARQUEST Car Quest Auto Parts										
2055-338091	01/29/2015	9.78	0.00	02/03/2015	Service Parts		-	No		0000
101-430-3125-42210	Equipment Parts	9.78								
	2055-338091 Total:	9.78								
2055-338145	01/29/2015	56.88	0.00	02/03/2015	Service Parts		-	No		0000
101-430-3125-42210	Equipment Parts	56.88								
	2055-338145 Total:	56.88								
	CARQUEST Total:	66.66								
CDW CDW Government Inc.										
RS65123	01/12/2015	41.49	0.00	02/03/2015	Power cord for portable printer		-	No		0000
101-420-2220-42400	Small Tools & Equipment	41.49								
	RS65123 Total:	41.49								
	CDW Total:									
CENTURYL CenturyLink										
01192015	01/19/2015	127.33	0.00	02/03/2015	Phone - Library		-	No		0000
206-450-5300-43210	Telephone	45.50	0.00	02/03/2015	Internet - Library		-	No		0000
01192015	01/19/2015	172.83								
206-450-5300-43250	Internet	172.83								
	01192015 Total:	172.83								
	CENTURYL Total:									
CIRCUITW CircuitWorks										
5749	01/23/2015	295.00	0.00	02/03/2015	UPS System - Powerware		-	No		0000
601-494-9400-42400	Small Tools & Minor Equipment	295.00								
	5749 Total:	295.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
CIRCUITW Total:		295.00								
COMPASS Compass Minerals										
71286844	01/13/2015	7,968.68	0.00	02/03/2015	Road Salt		-		No	0000
101-430-3125-42290	Sand/Salt									
71286844 Total:		7,968.68								
71288919	01/16/2015	3,947.29	0.00	02/03/2015	Road Salt		-		No	0000
101-430-3125-42290	Sand/Salt									
71288919 Total:		3,947.29								
71291805	01/22/2015	3,998.81	0.00	02/03/2015	Road Salt		-		No	0000
101-430-3125-42290	Sand/Salt									
71291805 Total:		3,998.81								
COMPASS Total:		15,914.78								
CTYROSEV City of Roseville										
219793	01/13/2015	107.64	0.00	02/03/2015	Telephone - January		-		No	0000
101-410-1320-43210	Telephone									
219793	01/13/2015	17.00	0.00	02/03/2015	Telephone - January		-		No	0000
101-420-2400-43210	Telephone									
219793	01/13/2015	17.00	0.00	02/03/2015	Telephone - January		-		No	0000
101-410-1450-43210	Telephone									
219793	01/13/2015	17.00	0.00	02/03/2015	Telephone - January		-		No	0000
101-410-1930-43210	Telephone									
219793	01/13/2015	34.00	0.00	02/03/2015	Telephone - January		-		No	0000
101-410-1520-43210	Telephone									
219793	01/13/2015	47.15	0.00	02/03/2015	Telephone - January		-		No	0000
101-410-1910-43210	Telephone									
219793	01/13/2015	224.65	0.00	02/03/2015	Telephone - January		-		No	0000
101-430-3100-43210	Telephone									
219793 Total:		464.44								
219820	01/13/2015	2,951.42	0.00	02/03/2015	IT Services - January		-		No	0000
101-410-1450-43180	Information Technology/Web									
219820 Total:		2,951.42								
CTYROSEV Total:		3,415.86								
Enright Enright Robert										
Cable	01/26/2015	55.00	0.00	02/03/2015	Planning Comm - 4 hours		-		No	0000
101-410-1450-43620	Cable Operations									
Cable	01/26/2015	25.00	0.00	02/03/2015	Bonus		-		No	0000
101-410-1450-43620	Cable Operations									
Cable Total:		80.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Enright Total:		80.00								
FASTENAL Fastenal Company										
MNOAK8736	01/13/2015	53.04	0.00	02/03/2015	Hardware		-		No	0000
101-430-3125-42210 Equipment Parts										
MNOAK8736 Total:		53.04								
MNOAK8753	01/14/2015	92.00	0.00	02/03/2015	Hardware		-		No	0000
101-430-3125-42210 Equipment Parts										
MNOAK8753 Total:		92.00								
FASTENAL Total:		145.04								
FERGUSON Ferguson Waterworks, Inc #2516										
0123745-1	01/20/2015	519.10	0.00	02/03/2015	Clamps		-		No	0000
601-494-9400-44030 Repairs/Maint Imp Not Bldgs										
0123745-1 Total:		519.10								
FERGUSON Total:		519.10								
FRANCOTY Francotyp-Postalia, Inc										
R1101820105	01/15/2015	599.40	0.00	02/03/2015	Postbase Rateguard	1/01-12/31/15	-		No	0000
101-410-1320-43220 Postage										
R1101820105 Total:		599.40								
FRANCOTY Total:		599.40								
GRAPHICR Graphic Resources Inc										
50978	01/19/2015	1,605.00	0.00	02/03/2015	Winter Newsletter		-		No	0000
101-410-1450-43090 Newsletter										
50978 Total:		1,605.00								
GRAPHICR Total:		1,605.00								
GREATAM Great America Financial										
16422282	01/16/2015	701.56	0.00	02/03/2015	Copier Contract - Jan 2015		-		No	0000
101-410-1940-44040 Repairs/Maint Contractual Eqpt										
16422282	01/16/2015	152.01	0.00	02/03/2015	Copier Contract - Dec 2014		-		No	0000
101-000-0000-20200 Accounts Payable										
16422282 Total:		853.57								
GREATAM Total:		853.57								
HOLIDAYC Holiday Credit Office										
	01/15/2015	237.14	0.00	02/03/2015	Fuel		-		No	0000
101-420-2220-42120 Fuel, Oil and Fluids										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	Total:	237.14								
	HOLIDAYC Total:	237.14								
I AFC I AFC Membership										
2015	01/12/2015	234.00								
101-420-2220-44330	Dues & Subscriptions	234.00	0.00	02/03/2015	Annual Membership		-		No	0000
	2015 Total:	234.00								
	I AFC Total:	234.00								
JARDINE Jardine, Logan & O'Brien PLLP										
102685	12/22/2014	4,601.25								
101-000-0000-20200	Accounts Payable	4,601.25	0.00	02/03/2015	Legal Review		-		No	0000
	102685 Total:	4,601.25								
	JARDINE Total:	4,601.25								
kathfuel Kath Fuel Oil Service Co										
495381	01/13/2015	745.58								
101-430-3120-42120	Fuel, Oil and Fluids	745.58	0.00	02/03/2015	Fuel		-		No	0000
	495381 Total:	745.58								
495382	01/13/2015	1,235.01								
101-430-3120-42120	Fuel, Oil and Fluids	1,235.01	0.00	02/03/2015	Fuel		-		No	0000
	495382 Total:	1,235.01								
	kathfuel Total:	1,980.59								
LCSLAWN L.C.S. Lawn Service, Inc										
	01/26/2015	266.55								
101-420-2220-44010	Repairs/Maint Bldg	266.55	0.00	02/03/2015	Station 1 - Lawn service 2015		-		No	0000
	01/26/2015	965.95								
101-420-2220-44010	Repairs/Maint Bldg	965.95	0.00	02/03/2015	Station 2 - Lawn Service 2015		-		No	0000
	Total:	1,232.50								
	LCSLAWN Total:	1,232.50								
LINNER Linner Electric Company, Inc.										
24134	01/14/2015	1,068.45								
101-410-1940-44010	Repairs/Maint Contractual Bldg	1,068.45	0.00	02/03/2015	Outlets for printers		-		No	0000
	24134 Total:	1,068.45								
	LINNER Total:	1,068.45								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
LOFF Loffler Companies, Inc. 1902691 01/13/2015 101-410-1940-44040 Repairs/Maint Contractual Eqpt 1902691 Total: LOFF Total:		125.00 125.00 125.00	0.00	02/03/2015	Copier Move		-	No		0000
MENARDSO Menards - Oakdale 65639 01/09/2015 101-450-5200-42230 Building Repair Supplies 65639 Total: 65667 01/09/2015 101-430-3100-44010 Repairs/Maint Bldg 65667 Total: 66137 01/15/2015 601-494-9400-44030 Repairs/Maint Imp Not Bldgs 66137 Total: MENARDSO Total:		76.32 76.32 35.13 35.13 181.83 181.83 293.28	0.00 0.00 0.00 0.00 0.00	02/03/2015 02/03/2015 02/03/2015 02/03/2015	Supplies PW - Building Maintenance supplies Supplies		-	No No No No		0000 0000 0000 0000
MENARDST Menards - Stillwater 57683 01/16/2015 101-420-2220-44010 Repairs/Maint Bldg 57683 Total: 57861 01/19/2015 101-420-2220-42400 Small Tools & Equipment 57861 01/19/2015 101-420-2220-44300 Miscellaneous 57861 01/19/2015 101-420-2220-44040 Repairs/Maint Eqpt 57861 Total: MENARDST Total:		21.46 21.46 7.85 16.22 26.60 50.67 72.13	0.00 0.00 0.00 0.00 0.00	02/03/2015 02/03/2015 02/03/2015 02/03/2015 02/03/2015	Station Maint. Saw oil Rehab Supplies Vehicle Maint.		-	No No No No		0000 0000 0000 0000
NORTHSEC Northland Securities, Inc. 3924 01/21/2015 101-410-1520-44300 Miscellaneous 3924 Total: NORTHSEC Total:		1,375.00 1,375.00 1,375.00	0.00	02/03/2015	Continuing Disclosure Report		-	No		0000
ONECALL Gopher State One Call 131088 01/16/2015 101-430-3100-43150 Contract Services 131088 Total:		100.00 100.00	0.00	02/03/2015	Annual Fee		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ONECALL Total:		100.00								
PERMITWO PermitWorks										
2015-0023	01/01/2015	3,875.00	0.00	02/03/2015	Annual Software Support & Maintenance		-		No	0000
101-420-2400-43180	Information Technology/Web	3,875.00								
2015-0023 Total:		3,875.00								
PERMITWO Total:		3,875.00								
PINKY Pinky's Sewer Service, Inc.										
71287	01/23/2015	100.00	0.00	02/03/2015	Pump septic tanks		-		No	0000
206-450-5300-44010	Repairs/Maint Bldg	100.00								
71287 Total:		100.00								
PINKY Total:		100.00								
PLANT Plant & Flanged Equipment Co										
0064375-IN	01/13/2015	183.00	0.00	02/03/2015	Well House 4 - 2" DAT		-		No	0000
601-494-9400-43030	Engineering Services	183.00								
0064375-IN Total:		183.00								
PLANT Total:		183.00								
ROTARY LE Lake Elmo Rotary Club										
1st Qtr 2015	01/09/2015	150.00	0.00	02/03/2015	Membership Dues - Alyssa Macleod		-		No	0000
101-410-1320-44330	Dues & Subscriptions	150.00								
1st Qtr 2015 Total:		150.00								
ROTARY LE Total:		150.00								
S&T S&T Office Products, Inc.										
01QT2469	01/07/2015	286.60	0.00	02/03/2015	Supplies - Admin		-		No	0000
101-410-1320-42000	Office Supplies	33.84	0.00	02/03/2015	Supplies - Building		-		No	0000
01QT2469	01/07/2015	320.44	0.00	02/03/2015	Supplies		-		No	0000
101-420-2400-42000	Office Supplies	60.44	0.00	02/03/2015	Supplies		-		No	0000
01QT2469 Total:		60.44								
01QT4102	01/12/2015	60.44	0.00	02/03/2015	Office Supplies		-		No	0000
101-420-2220-42000	Office Supplies	11.95	0.00	02/03/2015	Office Supplies		-		No	0000
01QT4102 Total:		11.95								
01QT8261	01/19/2015	11.95	0.00	02/03/2015	Office Supplies		-		No	0000
101-450-5200-42000	Office Supplies	19.75	0.00	02/03/2015	Supplies		-		No	0000
01QT8261 Total:		11.95								
01QT9746	01/22/2015	19.75	0.00	02/03/2015	Supplies		-		No	0000
101-410-1320-42000	Office Supplies									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
01Q19746	01/22/2015	29.65	0.00	02/03/2015	Supplies		-			0000
101-410-1910-42000	Office Supplies									No
01Q19746	01/22/2015	11.98	0.00	02/03/2015	Supplies		-			0000
101-410-1520-42000	Office Supplies									No
01Q19746	Total:	61.38								
	S&T Total:	454.21								
SOIL Soil Investigation & Design										
10244	01/14/2015	570.00	0.00	02/03/2015	June 201 Wastewater System		-			0000
602-495-9450-43030	Engineering Services									
10253	01/14/2015	570.00	0.00	02/03/2015	June 201 Wastewater System		-			0000
602-495-9450-43030	Engineering Services	1,596.00								
10253	Total:	1,596.00								
	SOIL Total:	2,166.00								
SPRINT Sprint										
761950227-133	01/18/2015	60.19	0.00	02/03/2015	Cell phone - Admin		-			0000
101-410-1940-43210	Telephone									
761950227-133	01/18/2015	223.14	0.00	02/03/2015	Cell phone - Fire		-			0000
101-420-2220-43210	Telephone									
761950227-133	01/18/2015	43.96	0.00	02/03/2015	Cell phone - Building		-			0000
101-420-2400-43210	Telephone									
761950227-133	01/18/2015	85.38	0.00	02/03/2015	Cell phone - PW		-			0000
101-430-3100-43210	Telephone									
761950227-133	01/18/2015	85.91	0.00	02/03/2015	Cell phone - Parks		-			0000
101-450-5200-43210	Telephone									
761950227-133	01/18/2015	55.71	0.00	02/03/2015	Cell phone - Taxpayer Services		-			0000
101-410-1450-43210	Telephone									
761950227-133	01/18/2015	14.83	0.00	02/03/2015	Cell phone - Planning		-			0000
101-410-1910-43210	Telephone									
761950227-133	Total:	569.12								
	SPRINT Total:	569.12								
STILLMED Stillwater Medical Group										
268291	01/13/2015	265.00	0.00	02/03/2015	Pre Placement Physical - McClellan		-			0000
101-420-2220-43050	Physicals									
268291	Total:	265.00								
	STILLMED Total:	265.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
TDS TDS Metrocom - LLC										
6517798882	01/13/2015	89.53	0.00	02/03/2015	Analog - Fire		-	No		0000
101-420-2220-43210	Telephone									
6517798882	01/13/2015	215.18	0.00	02/03/2015	Analog - PW		-	No		0000
101-430-3100-43210	Telephone									
6517798882	01/13/2015	82.58	0.00	02/03/2015	Analog - Lift Station Alarm		-	No		0000
602-495-9450-43210	Telephone									
6517798882	01/13/2015	43.29	0.00	02/03/2015	Analog - Well House 2 alarm		-	No		0000
601-494-9400-43210	Telephone									
6517798882 Total:		430.58								
TDS Total:		430.58								
TELEMETR Telemetry & Process Controls										
6788	01/19/2015	730.77	0.00	02/03/2015	SCADA Upgrade - Cellular alarm		-	No		0000
601-494-9400-43180	Software Support				notifi.					
6788	01/19/2015	730.77	0.00	02/03/2015	SCADA Upgrade - Cellular alarm		-	No		0000
602-495-9450-43180	Software Support				notifi.					
6788 Total:		1,461.54								
TELEMETR Total:		1,461.54								
TMOBILE T Mobile										
947226095	01/11/2015	21.46	0.00	02/03/2015	Telephone - SCADA		-	No		0000
601-494-9400-43210	Telephone									
947226095 Total:		21.46								
TMOBILE Total:		21.46								
TOOLGUY The Tool Guy, LLC										
1189	01/20/2015	45.99	0.00	02/03/2015	Tools		-	No		0000
601-494-9400-42400	Small Tools & Minor Equipment									
1189 Total:		45.99								
1191	01/20/2015	328.00	0.00	02/03/2015	Tools		-	No		0000
101-430-3100-42400	Small Tools & Minor Equipment									
1191 Total:		328.00								
TOOLGUY Total:		373.99								
TOTALMEC Total Mechanical Services, Inc										
Pay Request 7	01/26/2015	33,601.26	0.00	02/03/2015	Pumphouse No 4		-	No		0000
601-494-9400-43030	Engineering Services									
Pay Request 7 Total:		33,601.26								
TOTALMEC Total:		33,601.26								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
WAS-PH Washington County 12631 12/15/2014 101-430-3100-44300 Miscellaneous 12631 Total: WAS-PH Total:		65.00 65.00 65.00	0.00	02/03/2015	Haz Waste License		-	No		0000
WAS-SHER Washington County 80331 01/20/2015 101-420-2100-43150 Law Enforcement Contract 80331 Total: WAS-SHER Total:		400.00 400.00 400.00	0.00	02/03/2015	Liq License Background - Kwik Trip/Elmo		-	No		0000
WATERCON Water Conservation Svs Inc. 5630 01/05/2015 601-000-0000-20200 Accounts Payable 5630 Total: 5640 01/05/2015 601-000-0000-20200 Accounts Payable 5640 Total: WATERCON Total:		272.40 272.40 372.96 372.96 645.36	0.00 0.00 0.00	02/03/2015 02/03/2015 02/03/2015	Leak - 12/15/14 LE Avenue Leak - 12/25/14 Legion Avenue		- - -	No No No		0000 0000 0000
Whiteani White Anita Cable 01/14/2015 101-410-1450-43620 Cable Operations Cable 01/20/2015 101-410-1450-43620 Cable Operations Cable 01/20/2015 101-410-1450-43620 Cable Operations Cable Total: Whiteani Total:		83.20 55.00 25.00 163.20 163.20	0.00 0.00 0.00	02/03/2015 02/03/2015 02/03/2015	Cable Ops - Library Board meeting CC Mrg & Workshop Bonus		- - -	No No No		0000 0000 0000
YOUTHSEB Youth Service Bureau, Inc Donation 01/19/2015 101-410-1320-44300 Miscellaneous Donation Total: YOUTHSEB Total:		5,000.00 5,000.00 5,000.00	0.00	02/03/2015	Donation		-	No		0000
ZACK Zack's, Inc. 30127 01/16/2015 101-430-3100-42150 Shop Materials		83.20	0.00	02/03/2015	Gloves, supplies		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
30127	01/16/2015	13.48	0.00	02/03/2015	Shop supplies		-			0000
101-430-3100-42400	Small Tools & Minor Equipment									
	30127 Total:	96.68								
	ZACK Total:	96.68								
	Report Total:	99,532.57								

Accounts Payable To Be Paid Proof List

User: PattyB

Printed: 01/29/2015 - 12:28 PM

Batch: 012-01-2015

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
DELTA Delta Dental Of Minnesota 5836346 01/15/2015		1,762.15	0.00	02/03/2015	February Premium		-	No		0000
101-000-0000-21706 Medical Insurance 5836346 Total:		1,762.15								
DELTA Total:		1,762.15								
LEASSOC Lake Elmo Associates, LLP Feb 15 01/29/2015		2,461.00	0.00	02/03/2015	February Rent		-	No		0000
101-410-1320-44120 Rentals - Building Feb 15 Total:		2,461.00								
LEASSOC Total:		2,461.00								
NCPERS 566200-NCPERS Minnesota 5662115 01/22/2015		160.00	0.00	02/03/2015	February Premium		-	No		0000
101-000-0000-21708 Other Benefits 5662115 Total:		160.00								
NCPERS Total:		160.00								
RABOUIN RABOUIN, INC Feb 2015 01/29/2015		2,500.00	0.00	02/03/2015	Feb Monthly Installment per contract		-	No		0000
101-410-1320-43100 Assessing Services Feb 2015 Total:		2,500.00								
RABOUIN Total:		2,500.00								
Report Total:		6,883.15								

Accounts Payable To Be Paid Proof List

User: PattyB
 Printed: 01/28/2015 - 11:29 AM
 Batch: 010-01-2015

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
MEITCOU Metropolitan Council											
4th Quarter	01/28/2015	36,902.25	0.00	01/28/2014	SAC Due Met Council Q4.2014					No	0000
602-000-0000-20802	SAC due Met Council	36,902.25									
	4th Quarter Total:	36,902.25									
	MEITCOU Total:	36,902.25									
	Report Total:	36,902.25									



MAYOR & COUNCIL COMMUNICATION

DATE: February 3, 2015

CONSENT

ITEM # 4

AGENDA ITEM: 39th Street North: Street and Sanitary Sewer Improvements - Change Order 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:

- Introduction/Staff 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: \$22,214.00.

This change order increases the contract amount for the project by \$22,214.00 bringing the revised construction contract to \$1,901,647.80. With this change order the project remains within the authorized project budget and contingencies.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving, *as part of the consent agenda*, Change Order No. 2 for the 39th Street North: Street and Sanitary Sewer Improvements, thereby increasing the contract amount by \$22,214.00 and extending the Contract Times for Substantial and Final Completion. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve Change Order No. 2 for the 39th Street North: Street and Sanitary Sewer Improvements thereby increasing the contract amount by \$22,214.00 and revising the Substantial and Final Completion dates.”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

This change order is being processed at the request of the City for two scope changes to be completed with the project.

1. The City requested the placement of geotextile fabric as part of the subgrade preparation for the road. The fabric was necessary to separate the existing and new subgrade materials due to existing poor soil conditions discovered when the road was excavated. Without the fabric additional subgrade correction would have been required at a greater cost.
2. A manhole had to be core drilled for the placement of an 8" sanitary sewer service stub to accommodate the future development of the adjacent property.

This change order also extends the contract times for both Substantial and Final Completion. Substantial Completion has been revised from October 31, 2014 to June 30, 2015. Final Completion is extended from June 5, 2015 to August 15, 2015. These extensions are necessary and justified due the late award of the project (delayed 5 weeks) and early winter weather conditions occurring in the fall of 2014.

RECOMMENDATION:

Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, Change Order No. 2 for the 39th Street North: Street and Sanitary Sewer Improvements, thereby increasing the contract amount by \$22,214.00 and extending the Contract Times for Substantial and Final Completion. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve Change Order No. 2 for the 39th Street North: Street and Sanitary Sewer Improvements thereby increasing the contract amount by \$22,214.00 and revising the Substantial and Final Completion dates.”

ATTACHMENT(S):

1. Change Order No. 2

CONTRACT CHANGE ORDER FORM

CITY OF LAKE ELMO, MINNESOTA
39TH ST N: STREET AND SANITARY SEWER IMP
PROJECT NO. 2014.131

FOCUS ENGINEERING, inc.

CHANGE ORDER NO. 2

DATE: January 27, 2015

TO: GEISLINGER & SONS, INC, 511 CENTRAL AVE S, PO BOX 437, WATKINS, MINNESOTA 55389

This Document will become a supplement to the Contract and all provisions will apply hereto. The Contract Documents are modified as follows upon execution of this Change Order.

CHANGE ORDER DESCRIPTION / JUSTIFICATION:

This change order is being processed at the request of the City for two scope changes to be completed with the project. 1) The City requested the placement of geotextile fabric as part of the subgrade preparation for the road. The fabric was necessary to separate the existing and new subgrade materials due to existing poor soil conditions discovered when the road was excavated. Without the fabric additional subgrade correction would have been required at a greater cost. 2) A manhole had to be core drilled for the placement of an 8" sanitary sewer service stub to accommodate the future development of the adjacent property.

This change order also extends the contract times for both Substantial and Final Completion. Substantial Completion has been revised from October 31, 2014 to June 30, 2015. Final Completion is extended from June 5, 2015 to August 15, 2015. These extensions are necessary and justified due the late award of the project (delayed 5 weeks) and early winter weather conditions occurring in the fall of 2014.

Attachments (list documents supporting change): None

ITEM	DESCRIPTION OF PAY ITEM	UNIT	QTY	UNIT PRICE	INCREASE/(DECREASE)
CO2-1	MANHOLE CORE DRILL	LS	1	\$3,825.00	\$3,825.00
CO2-2	GEOTEXTILE FABRIC	SY	9,940.00	\$1.85	\$18,389.00
NET CONTRACT CHANGE					\$22,214.00

Amount of Original Contract	\$	1,760,458.80
Sum of Additions/Deductions approved to date (CO Nos. 1)	\$	118,975.00
Contract Amount to date	\$	1,879,433.80
Amount of this Change Order (ADD) (DEDUCT) (NO CHANGE)	\$	22,214.00
Revised Contract Amount	\$	1,901,647.80

The Contract Period for Final Completion will be (UNCHANGED) (INCREASED) (DECREASED) 71 days

APPROVED BY ENGINEER: FOCUS Engineering, inc.



ENGINEER

1/27/2015

DATE

DATE

APPROVED BY CONTRACTOR



BY

1/27/2015

DATE

DATE

APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA

BY

DATE

BY

DATE



MAYOR & COUNCIL COMMUNICATION

DATE: February 3, 2015

CONSENT

ITEM # 5

AGENDA ITEM: Pumphouse No. 4 – Compensating Change Order 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: Increase of \$6,796.50 to the final construction contract amount.

This change order reconciles the estimated and actual quantities installed on the project and increases the contract amount by \$6,796.50. The final construction contract amount is \$765,041.25 or 2.2% over the original construction contract award.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving, *as part of the consent agenda*, Compensating Change Order No. 2 for the Pumphouse 4 Improvements to reconcile the estimated and actual quantities installed on the project. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve Compensating Change Order No. 2 for the Pumphouse No. 4 Improvements thereby increasing the final contract amount by \$6,796.50.”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

Total Mechanical, Inc. was awarded a construction contract on February 18, 2014 to complete the Pumphouse No. 4 Improvements. The contractor has completed the work in accordance with the contract, plans and specifications; and with approval of this change order the contract amount will be adjusted to reflect quantities actually installed as a part of the project.

The overall increase in the contract amount for this change order is \$6,796.50 as detailed on the attached itemization. Quantity increases were seen in two areas including topsoil borrow and select granular borrow material. A greater amount of topsoil was imported to the site than was originally planned due to the lack of existing topsoil which could be salvaged on site. Extra select granular borrow material was imported to make soil corrections under the footing of the building. Soil corrections were needed to replace unforeseen poor soil conditions.

The final construction contract amount is \$765,041.25 or 2.2% over the original construction contract award. The overall project remains within the budget originally approved by Council on February 18, 2014.

RECOMMENDATION:

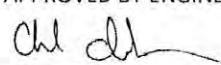
Staff is recommending that the City Council consider, *as part of the Consent Agenda*, approving Compensating Change Order No. 2 for the Pumphouse No. 4 Improvements thereby increasing the final contract amount by \$6,796.50. If removed from the consent agenda, the recommended motion for this action is as follows:

“Move to approve Compensating Change Order No. 2 for the Pumphouse No. 4 Improvements thereby increasing the final contract amount by \$6,796.50.”

ATTACHMENT(S):

1. Compensating Change Order No. 2

CONTRACT CHANGE ORDER FORM

CITY OF LAKE ELMO, MINNESOTA PUMPHOUSE NO. 4 PROJECT NO. 2013.132	FOCUS ENGINEERING, inc.																		
CHANGE ORDER NO. <u>2</u> DATE: <u>January 26, 2015</u>																			
TO: <u>TOTAL MECHANICAL SERVICES, INC. 420 BROADWAY AVE, ST. PAUL PARK, MN 55071</u>																			
This Document will become a supplement to the Contract and all provisions will apply hereto. The Contract Documents are modified as follows upon execution of this Change Order.																			
CHANGE ORDER DESCRIPTION / JUSTIFICATION:																			
Per the project Contract Documents the original contract amount and basis of award is established using the estimated quantities for each item of work listed in the bid schedule and multiplying them by the Contractor's corresponding unit bid price. The Contractor is paid for the actual final quantities installed on the project at the unit bid prices. At the completion of the project, a compensating change order is prepared to revise the estimated quantities for each work item listed in the bid schedule to the actual quantities installed and the corresponding Contract Amount is revised accordingly. This compensating change order reflects a net increase to the contract amount by \$6,796.50. The site required more topsoil than originally planned due to the lack of existing topsoil to salvage on site. Soil correction was also required due to the conditions the Well Driller left the site and due to unforeseen poor soil conditions under the footing of the building.																			
Attachments (list documents supporting change): <u>None</u>																			
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">ITEM</th> <th style="width: 40%;">DESCRIPTION OF PAY ITEM</th> <th style="width: 10%;">UNIT</th> <th style="width: 10%;">QTY</th> <th style="width: 15%;">UNIT PRICE</th> <th style="width: 15%;">INCREASE/(DECREASE)</th> </tr> </thead> <tbody> <tr> <td></td> <td>*See attached itemization for Change Order items</td> <td></td> <td></td> <td></td> <td style="text-align: right;">\$6,796.50</td> </tr> <tr> <td colspan="5" style="text-align: right;">NET CONTRACT CHANGE</td> <td style="text-align: right;">\$6,796.50</td> </tr> </tbody> </table>		ITEM	DESCRIPTION OF PAY ITEM	UNIT	QTY	UNIT PRICE	INCREASE/(DECREASE)		*See attached itemization for Change Order items				\$6,796.50	NET CONTRACT CHANGE					\$6,796.50
ITEM	DESCRIPTION OF PAY ITEM	UNIT	QTY	UNIT PRICE	INCREASE/(DECREASE)														
	*See attached itemization for Change Order items				\$6,796.50														
NET CONTRACT CHANGE					\$6,796.50														
<table style="width: 100%;"> <tr> <td style="width: 70%;">Amount of Original Contract</td> <td style="width: 30%; text-align: right;">\$ 748,640.00</td> </tr> <tr> <td>Sum of Additions/Deductions approved to date (CO Nos. 1)</td> <td style="text-align: right;">\$ 9,604.75</td> </tr> <tr> <td>Contract Amount to date</td> <td style="text-align: right;">\$ 758,244.75</td> </tr> <tr> <td>Amount of this Change Order (ADD) (~~DEDUCT~~) (~~NO CHANGE~~)</td> <td style="text-align: right;">\$ 6,796.50</td> </tr> <tr> <td>Revised Contract Amount</td> <td style="text-align: right;">\$ 765,041.25</td> </tr> </table>		Amount of Original Contract	\$ 748,640.00	Sum of Additions/Deductions approved to date (CO Nos. 1)	\$ 9,604.75	Contract Amount to date	\$ 758,244.75	Amount of this Change Order (ADD) (~~DEDUCT~~) (~~NO CHANGE~~)	\$ 6,796.50	Revised Contract Amount	\$ 765,041.25								
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Revised Contract Amount	\$ 765,041.25																		
The Contract Period for Completion will be (UNCHANGED) (~~INCREASED~~) (~~DECREASED~~) <u>0</u> days																			
APPROVED BY ENGINEER: FOCUS Engineering, inc.  _____ ENGINEER <u>1/26/2015</u> _____ DATE	APPROVED BY CONTRACTOR  _____ BY <u>1/26/15</u> _____ DATE																		
APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA _____ BY _____ DATE																			

CHANGE ORDER NO. 2
PUMPHOUSE NO. 4
CITY OF LAKE ELMO, MINNESOTA
PROJECT NO. 2013.132

FOCUS ENGINEERING, inc.

ITEM	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			TOTAL TO DATE		COMPENSATING CO NO. 2	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	NET CHANGE	AMOUNT
1	DIV 1 - GENERAL CONDITIONS	LS	1	\$60,000.00	\$60,000.00	1.00	\$60,000.00	0.00	\$0.00
2	DIV 1 - MOBILIZATION	LS	1	\$10,000.00	\$10,000.00	1.00	\$10,000.00	0.00	\$0.00
3	DIV 2 - SITE WORK	LS	1	\$45,000.00	\$45,000.00	1.00	\$45,000.00	0.00	\$0.00
4	DIV 3 - CONCRETE	LS	1	\$30,000.00	\$30,000.00	1.00	\$30,000.00	0.00	\$0.00
5	DIV 4 - MASONRY	LS	1	\$59,000.00	\$59,000.00	1.00	\$59,000.00	0.00	\$0.00
6	DIV 5 - METALS	LS	1	\$3,000.00	\$3,000.00	1.00	\$3,000.00	0.00	\$0.00
7	DIV 6 - CARPENTRY	LS	1	\$19,000.00	\$19,000.00	1.00	\$19,000.00	0.00	\$0.00
8	DIV 7 - THERMAL PROTECTION	LS	1	\$13,000.00	\$13,000.00	1.00	\$13,000.00	0.00	\$0.00
9	DIV 8 - DOORS AND WINDOWS	LS	1	\$12,000.00	\$12,000.00	1.00	\$12,000.00	0.00	\$0.00
10	DIV 9 - FINISHES	LS	1	\$10,000.00	\$10,000.00	1.00	\$10,000.00	0.00	\$0.00
11	DIV 10 - SAFETY AND SIGNS	LS	1	\$5,000.00	\$5,000.00	1.00	\$5,000.00	0.00	\$0.00
12	DIV 11 - PROCESS EQUIPMENT	LS	1	\$60,000.00	\$60,000.00	1.00	\$60,000.00	0.00	\$0.00
13	DIV 15 - MECHANICAL	LS	1	\$137,900.00	\$137,900.00	1.00	\$137,900.00	0.00	\$0.00
14	DIV 16 - ELECTRICAL	LS	1	\$243,000.00	\$243,000.00	1.00	\$243,000.00	0.00	\$0.00
15	COMMON EXCAVATION (P)	CY	350	\$11.00	\$3,850.00	350.00	\$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	114.0	\$12,312.00	-16.00	-\$1,728.00
17	BITUMINOUS MATERIAL FOR TACK COAT	GAL	35	\$6.00	\$210.00	35.0	\$210.00	0.00	\$0.00
18	AGGREGATE BASE CLASS 5, 100% CRUSHED	TN	190	\$20.00	\$3,800.00	237.0	\$4,740.00	47.00	\$940.00
19	SELECT GRANULAR BORROW (MODIFIED)	TN	380	\$13.50	\$5,130.00	637.0	\$8,599.50	257.00	\$3,469.50
20	5" CONCRETE SIDEWALK	SF	235	\$5.00	\$1,175.00	235.0	\$1,175.00	0.00	\$0.00
21	TRUNCATED DOME PANELS	SF	8	\$40.00	\$320.00	8.0	\$320.00	0.00	\$0.00
22	TOPSOIL BORROW (CV)	CY	15	\$65.00	\$975.00	226.0	\$14,690.00	211.00	\$13,715.00
23	TEMPORARY ROCK CONSTRUCTION ENTRANCE	EA	1	\$1,000.00	\$1,000.00	1.0	\$1,000.00	0.00	\$0.00
24	SILT FENCE, MACHINE SLICED	LF	400	\$3.00	\$1,200.00	400.0	\$1,200.00	0.00	\$0.00
25	STREET SWEEPER	HR	4	\$110.00	\$440.00	4.0	\$440.00	0.00	\$0.00
26	SOD	SY	2,400	\$4.00	\$9,600.00	-	\$0.00	-2400.00	-\$9,600.00

TOTALS - BASE CONTRACT	\$748,640.00	\$755,436.50	\$6,796.50
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CHANGE ORDER NO. 1

CO1-1	HYDROSEEDING	SY	2,945	\$1.90	\$5,595.50	2945.00	\$5,595.50	0.00	\$0.00
CO1-2	GRADING FOR SOIL CORRECTION	HR	14.5	\$276.50	\$4,009.25	14.50	\$4,009.25	0.00	\$0.00

TOTALS-CHANGE ORDER NO. 1	\$9,604.75	\$9,604.75	\$0.00
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TOTALS-DIFFERENCE IN CONTRACT AND ACTUAL WORK COMPLETE	\$758,244.75	\$765,041.25	\$6,796.50
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MAYOR & COUNCIL COMMUNICATION

DATE: February 3, 2015

CONSENT

ITEM # 6

AGENDA ITEM: Pumphouse No. 4 – Pay Request No. 7

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. 7 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. 7 to Total Mechanical Services, Inc. in the amount of \$33,601.26 for Pumphouse No. 4”.

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

Total Mechanical Services Inc., the Contractor for the project, has submitted Partial Pay Estimate No. 7 in the amount of \$33,601.26. 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 \$38,252.06.

This project has been completed including system start-up and public works training. However, a few operational adjustments and corrections have been identified to be addressed. Staff is therefore retaining funds in the amount of 5% of the contract until these issues have been satisfied.

RECOMMENDATION:

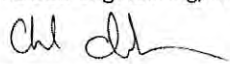
Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, Pay Request No. 7 for the Pumphouse No. 4 project. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve Pay Request No. 7 to Total Mechanical Services, Inc. in the amount of \$33,601.26, for Pumphouse No. 4”.

ATTACHMENT(S):

1. Partial Pay Estimate No. 7

PROJECT PAY FORM

PARTIAL PAY ESTIMATE NO. <u>7</u>		FOCUS ENGINEERING, inc.																			
PUMPHOUSE NO. 4 PROJECT NO. 2013.132		PERIOD OF ESTIMATE FROM <u>10/31/2014</u> TO <u>1/23/2015</u>																			
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 PARK, MN 55071 ATTN: MARK DIESSNER																			
CONTRACT CHANGE ORDER SUMMARY		PAY ESTIMATE SUMMARY																			
No.	Approval Date	Amount																			
		Additions	Deductions																		
1	11/18/2014	\$9,604.75																			
TOTALS		\$9,604.75	\$0.00																		
NET CHANGE		\$9,604.75																			
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">1. Original Contract Amount</td> <td style="width: 50%; text-align: right; padding: 2px;">\$748,640.00</td> </tr> <tr> <td style="padding: 2px;">2. Net Change Order Sum</td> <td style="text-align: right; padding: 2px;">\$9,604.75</td> </tr> <tr> <td style="padding: 2px;">3. Revised Contract (1+2)</td> <td style="text-align: right; padding: 2px;">\$758,244.75</td> </tr> <tr> <td style="padding: 2px;">4. *Work Completed</td> <td style="text-align: right; padding: 2px;">\$765,041.25</td> </tr> <tr> <td style="padding: 2px;">5. *Stored Materials</td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> <tr> <td style="padding: 2px;">6. Subtotal (4+5)</td> <td style="text-align: right; padding: 2px;">\$765,041.25</td> </tr> <tr> <td style="padding: 2px;">7. Retainage* <u>5.0%</u></td> <td style="text-align: right; padding: 2px;">\$38,252.06</td> </tr> <tr> <td style="padding: 2px;">8. Previous Payments</td> <td style="text-align: right; padding: 2px;">\$693,187.93</td> </tr> <tr> <td style="padding: 2px;">9. Amount Due (6-7-8)</td> <td style="text-align: right; padding: 2px;">\$33,601.26</td> </tr> </table>				1. Original Contract Amount	\$748,640.00	2. Net Change Order Sum	\$9,604.75	3. Revised Contract (1+2)	\$758,244.75	4. *Work Completed	\$765,041.25	5. *Stored Materials	\$0.00	6. Subtotal (4+5)	\$765,041.25	7. Retainage* <u>5.0%</u>	\$38,252.06	8. Previous Payments	\$693,187.93	9. Amount Due (6-7-8)	\$33,601.26
1. Original Contract Amount	\$748,640.00																				
2. Net Change Order Sum	\$9,604.75																				
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4. *Work Completed	\$765,041.25																				
5. *Stored Materials	\$0.00																				
6. Subtotal (4+5)	\$765,041.25																				
7. Retainage* <u>5.0%</u>	\$38,252.06																				
8. Previous Payments	\$693,187.93																				
9. Amount Due (6-7-8)	\$33,601.26																				
*Detailed Breakdown Attached																					
CONTRACT TIME																					
START DATE: <u>5/19/2014</u>		ORIGINAL DAYS <u>214</u>																			
SUBSTANTIAL COMPLETION: <u>11/28/2014</u>		REVISED DAYS <u>0</u>																			
FINAL COMPLETION: <u>12/19/2014</u>		REMAINING <u>-35</u>																			
		ON SCHEDULE YES ☐ 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 <u>1/26/2015</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>1/26/15</u> DATE																			
APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA																					
BY _____		BY _____																			
DATE _____		DATE _____																			

PARTIAL PAY ESTIMATE NO. 7

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	0.15	\$9,000.00	1.00	\$60,000.00
2	DIV 1 - MOBILIZATION	LS	1	\$10,000.00	\$10,000.00	-	\$0.00	1.00	\$10,000.00
3	DIV 2 - SITE WORK	LS	1	\$45,000.00	\$45,000.00	-	\$0.00	1.00	\$45,000.00
4	DIV 3 - CONCRETE	LS	1	\$30,000.00	\$30,000.00	-	\$0.00	1.00	\$30,000.00
5	DIV 4 - MASONRY	LS	1	\$59,000.00	\$59,000.00	-	\$0.00	1.00	\$59,000.00
6	DIV 5 - METALS	LS	1	\$3,000.00	\$3,000.00	-	\$0.00	1.00	\$3,000.00
7	DIV 6 - CARPENTRY	LS	1	\$19,000.00	\$19,000.00	-	\$0.00	1.00	\$19,000.00
8	DIV 7 - THERMAL PROTECTION	LS	1	\$13,000.00	\$13,000.00	-	\$0.00	1.00	\$13,000.00
9	DIV 8 - DOORS AND WINDOWS	LS	1	\$12,000.00	\$12,000.00	0.05	\$600.00	1.00	\$12,000.00
10	DIV 9 - FINISHES	LS	1	\$10,000.00	\$10,000.00	-	\$0.00	1.00	\$10,000.00
11	DIV 10 - SAFETY AND SIGNS	LS	1	\$5,000.00	\$5,000.00	0.50	\$2,500.00	1.00	\$5,000.00
12	DIV 11 - PROCESS EQUIPMENT	LS	1	\$60,000.00	\$60,000.00	0.05	\$3,000.00	1.00	\$60,000.00
13	DIV 15 - MECHANICAL	LS	1	\$137,900.00	\$137,900.00	-	\$0.00	1.00	\$137,900.00
14	DIV 16 - ELECTRICAL	LS	1	\$243,000.00	\$243,000.00	0.02	\$4,860.00	1.00	\$243,000.00
15	COMMON EXCAVATION (P)	CY	350	\$11.00	\$3,850.00	-	\$0.00	350.00	\$3,850.00
16	TYPE SP. 12.5 BITUMINOUS WEARING COURSE MIXTURE (2,B)	TN	130	\$108.00	\$14,040.00	-	\$0.00	114.0	\$12,312.00
17	BITUMINOUS MATERIAL FOR TACK COAT	GAL	35	\$6.00	\$210.00	-	\$0.00	35.0	\$210.00
18	AGGREGATE BASE CLASS 5, 100% CRUSHED	TN	190	\$20.00	\$3,800.00	-	\$0.00	237.0	\$4,740.00
19	SELECT GRANULAR BORROW (MODIFIED)	TN	380	\$13.50	\$5,130.00	430.00	\$5,805.00	637.0	\$8,599.50
20	5" CONCRETE SIDEWALK	SF	235	\$5.00	\$1,175.00	-	\$0.00	235.0	\$1,175.00
21	TRUNCATED DOME PANELS	SF	8	\$40.00	\$320.00	-	\$0.00	8.0	\$320.00
22	TOPSOIL BORROW (CV)	CY	15	\$65.00	\$975.00	-	\$0.00	226.0	\$14,690.00
23	TEMPORARY ROCK CONSTRUCTION ENTRANCE	EA	1	\$1,000.00	\$1,000.00	-	\$0.00	1.0	\$1,000.00
24	SILT FENCE, MACHINE SLICED	LF	400	\$3.00	\$1,200.00	-	\$0.00	400.0	\$1,200.00
25	STREET SWEEPER	HR	4	\$110.00	\$440.00	-	\$0.00	4.0	\$440.00
26	SOD	SY	2,400	\$4.00	\$9,600.00	-	\$0.00	-	\$0.00

TOTALS - BASE CONTRACT		\$748,640.00	\$25,765.00	\$755,436.50
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CHANGE ORDER NO. 1

CO1-1	HYDROSEEDING	SY	2,945	\$1.90	\$5,595.50	2945.00	\$5,595.50	2945.00	\$5,595.50
CO1-2	GRADING FOR SOIL CORRECTION	HR	14.5	\$276.50	\$4,009.25	14.50	\$4,009.25	14.50	\$4,009.25

TOTALS-CHANGE ORDER NO. 1		\$9,604.75	\$9,604.75	\$9,604.75
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TOTALS-REVISED CONTRACT		\$758,244.75	\$35,369.75	\$765,041.25
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MAYOR & COUNCIL COMMUNICATION

DATE: February 3, 2015
CONSENT
ITEM #: 7
MOTION \$\$+

AGENDA ITEM: 2015 Compensation Adjustments
SUBMITTED BY: City Administrator
THROUGH: City Council
REVIEWED BY: Finance Committee/ HR Committee/City Council via 2015 Budget

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 RECCOMENDER: City Administrator as Advised By the 2015 City of Lake Elmo Annual Budget

FISCAL IMPACT: \$34,297.00 inc. benefits

AMOUNT REQUESTED: \$34,297.00

BUDGET AMOUNT AUTHORIZED: \$35,000

FUNDING SOURCE: GENERAL BUDGET / ENTERPRISE FUNDS

SUMMARY AND ACTION REQUESTED: The City Council is asked to adopt the 2015 Employee Compensation Adjustments of \$34,297.00 retroactive to 1-1-2015 and guided by the adoption of the 2015 Lake Elmo Budget. The figure is \$703 under the authorized budget. As part of its consent agenda, no formal motion is required. If council removes this item from the consent agenda, the recommended motion is as follows:

“Move to approve the 2015 Compensation Adjustments of \$34,297 as recommended by the City Staff in accordance with the 2015 City of Lake Elmo Budget and guided by satisfactory performance reviews and the 2013 DPW Classification Matrix.”

BACKGROUND INFORMATION

Per the 2015 Budget, the City Administrator – after consultation with the designated Department Heads – recommends a staff compensation adjustment of \$34,297 for the workforce for the City

of Lake Elmo. Having completed performance reviews, organizational goals, and workload analysis, the City Administrator recommends (per City Code) that compensation increases be approved using the following methodology (see attached matrix):

- (12) Employees will receive a standard 2.5% increase, due to satisfactory performance reviews, totaling \$17,411 with no reclassification. In addition, the 2.5% increase will be applied for the Lake Elmo Fire Department Paid on Call Firefighters;
- (3) Public Work Employees will be reclassified using the approved 2013 Classification System – upon the recommendation of the Public Works Director. These reclassifications, based on the attached matrix, amount to a pay upgrade of \$12,570 and are consistent with the City Council's 2013 policy to use skill mastery as a compensation determiner within the DPW. (1) DPW employee did not advance in classification in 2015;
- (2) Employees were reclassified directly in the 2015 Annual Budget. The Taxpayer Relations Coordinator (Note A) assumed Committee Management duties for the Park Commission and a DPW Operator agreed to take on sewer maintenance and formal mechanic responsibilities, allowing the City to not have to add an additional DPW position in 2015. The compensation for the DPW employee has been split between the already designated budget number and additional reclassification (Note B);
- The total calculated benefit increase for all employees is \$4,316 for FY 2015;
- The City Administrator is not included in this formula as this compensation is generally discussed in February;
- The City Librarian is not included in this formula as his compensation is directed by the Library Board.

The 2015 Compensation Adjustments were budgeted at \$35,000 with a desire emphasis on merit or advancement through classification. Administration is currently considering an upgrade of the Planning Assistant to a dual purpose role of serving as a program assistant to the Director of Public Works for the purpose of Beehive data compilation, the development of standard operating guidelines, MS4 stormwater recordkeeping, and customer service. This role would come with an upgraded wage of \$2012 dollars (or the equivalent of the Deputy Clerk position). This upgrade would include use of the \$703 of remaining dollars and a supplemental request from the undesignated fund balance.

RECOMMENDATION: Based on the aforementioned, the Administrator recommends and appropriate guiding motion.

“Move to approve the 2015 Compensation Adjustments of \$34,297 as recommended by the City Staff in accordance with the 2015 City of Lake Elmo Budget and guided by satisfactory performance reviews and the 2013 DPW Classification Matrix.”

City of Lake Elmo Department of Public Works		Pay Classification / Street & Utility Workforce			Longevity/LE Knowledge**	
Position Classification	Hourly Rate	Skill Proficiency	Performance Rating			
Operator III (Probationary) - Six Months	\$20.00 83%	CDL (B) Basic Hand Tool Package	70		0 - 6 Mos. 20% **	
Operator III (Full Standing)	\$22.00 78%	Water Op License-Class D Waste Water License -Class D Single Axel / Snow Removal/ Ice Control Asphalt Repair Procedures Asphalt Roller ROW Flail Mower Park Maintenance / Mowers/Groomers Park Certifications (Playground, Tree Inspection) Primary Equipment Use Maintenance Procedures OSHA Safety Training	75		6 Mos. - 2 Years 40% **	
Operator II	\$24.79 74%	Skid Steer Loader Water & Sewer Distribution & Collection Systems Advanced Asphalt Repair Procedures Advance Snow Removal-Plow-Wing-Scraper Storm Water Collection Total Inventory Preventive Maintenance Procedures NIMS / FEMA Certification-Public Works OSHA Safety Training Requirements-Full Compliance	80		2 Years + 60% **	
Operator I	\$26.00 78%	Welding, Fabrication Total Inventory Equipment Repairs Backhoe & Excavator Water & Sewer Operation Controls NIMS / FEMA Certification-Haz-Mat.	85		5 Years+ 80% **	
Out of Compensation Classification Specialty Pay		Mechanic / Fabricator Water / Sewer Utility Supervisory			** =	Experience in the following areas: Streets, ROW, Signs Parks & Trails Water Distribution Water Pumps & Control Storm water Collection Waste Water Collection & Lift Stations

City of Lake Elmo
Compensation Increase Recommendations for 2015
Updated for benefit impact

Name	Position	Sal/Hrly	Annual	2.00%	2.50% Reclass	Total	SS/Med	ER-PERA	Relevant Notes
Dean Zuleger	City Administrator	Sal	113,000			113,000	0	0	
Adam Bell	City Clerk/Asst Admin	Sal	65,000		1,625	66,625	124	106	
Beckie Gumatz	Deputy Clerk	Sal	38,250		956	39,206	73	62	
Stacy Bodsberg	Asst Admin	Hrly	32,240		806	33,046	62	52	
Nathan Deprey	Library Director	Sal	45,000			45,000	0	0	Library Board Decision
Alyssa MacLeod	Taxpayer Relations	Sal	45,250			45,250	0	0	Reclassification for Park Mgmtal Per DZ
Cathy Bendel	Finance Director	Sal	73,440		1,836	75,276	140	119	
Kyle Klatt	Comm Dev Director	Sal	83,057		2,076	85,133	159	135	
Nick Johnson	Planner	Sal	50,000		1,250	51,250	96	81	
Joan Ziertman	Planning Asst	Hrly	36,088		902	36,990	69	59	
Rick Chase	Building Inspector	Sal	63,200		1,580	64,780	121	103	
Greg Malmquist	Fire Chief	Sal	68,617		1,715	70,332	25	278	Fire - No FICA and PERA at 16.2%
Mike Cornell	Fire Assistant	Hrly	16,140		404	16,544	6	65	Fire - No FICA and PERA at 16.2%
Mike Bouthilet	PW-Water	Hrly	16,140		404	16,544	31	26	
Mark Duddeck	Public Works Director	Sal	73,325		1,833	75,158	140	119	
Matt Nicklay	PW Asst Sup/Mech	Hrly	58,240		2,080	60,320	159	135	Reclassification for Sewer/Mechanic Per CC
Jamie Colmer	PW-Streets	Hrly	41,600			41,600	0	0	
Rick Gustafson	PW-Parks	Hrly	45,760		5,893	51,653	451	383	Reclassification for Pk Maintainer Per MB
Jim Sachs	PW-General	Hrly	51,563		2,517	54,080	193	164	Reclassification for Operator? Per MB
POC Fire	PW-Utilities	Hrly	54,080		2,080	56,160	159	135	Permanent Water PER MB
			80,939		2,023	82,962	155	132	Estimated based on 2014 actual wage paid
			1,150,929	0	\$17,411	\$12,570	2,162	2,154	

34,297

4,316

Benefits

A = Reclass factored into 2015 Budget
B = Partial reclass factored in 2015 Budget

2.5% Standard Increase

MAYOR & COUNCIL COMMUNICATION

DATE: February 3, 2015
CONSENT
ITEM # 8

AGENDA ITEM: Designation of Official Newspaper

SUBMITTED BY: Beckie Gumatz, Deputy Clerk

THROUGH: Dean Zuleger, City Administrator

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

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: Designation is mandated by state law.

FISCAL IMPACT: Depends on number of legal notices published and in which publication.

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to designate *The Oakdale-Lake Elmo Review* as the City's official newspaper of record for 2015 and to designate the *St. Paul Pioneer Press* as the alternate official newspaper to be used on an as needed basis. As part of its consent agenda, no specific motion is required. Should council choose to remove this item from its consent agenda, the recommended motion for this action is as follows:

"Move to designate the Oakdale-Lake Elmo Review as the official newspaper of record for 2015 and designate the St. Paul Pioneer Press as the back-up official newspaper on an as needed basis."

LEGISLATIVE HISTORY: Pursuant to Minn. State Statute § 412.831, the City Council is to select an official newspaper of record for legal publications.

From a financial and timeliness perspective, City Staff has had an effective working relationship with *The Oakdale-Lake Elmo Review* as its official newspaper for the past few years. *The Oakdale-Lake Elmo Review* meets all statutory requirements for legal publications, has a reasonable publication schedule/deadline for submission, and its rates for publication are very competitive.

The *St. Paul Pioneer Press* has been the back-up legal publication due to its shorter turn-around for unexpected and time sensitive publication needs. Due to its much quicker publication and vastly greater circulation, the *Pioneer Press* remains a viable back-up option. The City did not receive a proposal from the *Pioneer Press*.

[UPDATE] Staff solicited the *Stillwater Gazette* for a proposal, which is now included. They could not provide circulation data at the time of agenda preparation. Staff also contacted the *Review* and did not receive information back in time on the subscription status.

BACKGROUND INFORMATION (SWOT):

Strengths The *Oakdale-Lake Elmo Review* has balanced local coverage of Lake Elmo events and news along with a relatively broad distribution in the area. The rates, publication frequency, and due dates all satisfy the City's legal publication needs the vast majority of the time. The *Pioneer Press* offers daily publication, but at a much higher price for publications. It does however have a much broader distribution rate.

Weaknesses The *Oakdale-Lake Elmo Review* only publishes weekly with a due date of the preceding Friday. The *Pioneer Press* is more expensive, but it publishes daily with a due date of noon the day before.

Opportunities Planning hearings far enough in advance to avoid having to rely on the daily publication of the *Pioneer Press* for notice would save the city money. There is discussion in the legislature to eliminate the printed newspaper publication rule.

Threats Any substantial price increase would have a negative impact on publishing costs.

RECOMMENDATION: The City Council is respectfully requested to designate *The Oakdale-Lake Elmo Review* as the City's official newspaper of record for 2015 and to designate the *St. Paul Pioneer Press* as the alternate official newspaper to be used on an as needed basis. As part of its consent agenda, no specific motion is required. Should council choose to remove this item from its consent agenda, the recommended motion for this action is as follows:

"Move to designate the Oakdale-Lake Elmo Review as the official newspaper of record for 2015 and designate the St. Paul Pioneer Press as the back-up official newspaper on an as needed basis."

AUTHORITY:

2014 Minnesota Statutes

§ 412.831 OFFICIAL NEWSPAPER

"The Council shall, annually at its first meeting of the year, designate a legal newspaper of general circulation in the city as its official newspaper, in which shall be published such ordinances and other matters as are required by law to be so published and such other matters as the council may deem it advisable and in the public interest to have published in this manner."

ATTACHMENTS:

1. Lillie
2. St. Croix Valley Lowdown
3. Stillwater Gazette

Lillie Suburban Newspapers, Inc.

2515 E. Seventh Avenue
North St. Paul, MN 55109
(651) 777-8800

December 22, 2014

Adam Bell, City Clerk
City of Lake Elmo
3800 Laverne Ave. N.
Lake Elmo, MN 55042

Dear Mr. Bell:

Thank you for the opportunity to bid on public notice publication services for the City of Lake Elmo. The *Oakdale-Lake Elmo Review* has been serving the needs of the Lake Elmo area for 43 years, and is pleased to provide ongoing coverage of city government and school issues and community events. Each week we mail over 1600 copies to residents and businesses in the city of Lake Elmo.

Lillie Suburban Newspapers is the oldest weekly newspaper company in the St. Paul area. It was founded in 1938 by the late T. R. Lillie. His grandsons, Jeffery Enright and Ted H. Lillie, are continuing the family tradition of publishing award-winning community newspapers in the St. Paul suburbs.

It is our sincere desire to provide the best possible local news coverage in the Lake Elmo area. Our experienced news staff provides readers with a well-balanced, lively and informative product each week. We realize that Lake Elmo area residents look to us as one of their primary sources of information about city activities and meetings, and we will continue to publish the city's press releases and photos.

Lillie Suburban Newspapers has the official designation of the neighboring communities of North St. Paul, Maplewood and Oakdale, to name a few, as well as the North St. Paul-Maplewood-Oakdale School District.

3 P.M. Friday is the deadline each week for submitting public notices to our office. Public notices should be directed to Kitty Sundberg, Lillie Suburban Newspapers, 2515 E. Seventh Ave., North St. Paul, MN 55109. Our fax number is 651/777-8288. Notices may also be sent via e-mail to:

legals@lillienews.com

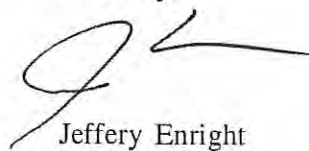
Legal publication rates for minutes, advertisements for bids and other notices are as follows:

\$5.29 per column inch for a one-time publication

\$5.05 per column inch for each additional publication

Thank you for considering the *Oakdale-Lake Elmo Review* as the official legal newspaper for the City of Lake Elmo for 2015. If you have any further questions, don't hesitate to call us.

Sincerely,



Jeffery Enright
Publisher



Ramsey County Review • Maplewood Review • Oakdale-Lake Elmo Review • Review Perspectives
New Brighton Bulletin • Shoreview Bulletin • St. Anthony Bulletin • South-West Review
Roseville-Little Canada Review • Woodbury-South Maplewood Review • East Side Review



4779 Bloom Ave., White Bear Lake, MN 55110 • Phone: 651-407-1200 • Fax: 651-429-1242

December 10, 2014

Mr. Adam Bell
City of Lake Elmo
3800 Laverne Avenue
Lake Elmo, MN 55042

Dear Ms. Lumby:

The *St. Croix Valley Lowdown* wishes to be considered as your designated newspaper for 2015.

We meet all the legal publication requirements under state statutes. Our circulation is audited by Verified Audit Circulation, an independent firm.

We offer submittal of legal notices by mail, fax at (651) 429-1242, or e-mail to legals@presspubs.com. Please clearly identify them as "Legal Notices."

The rate will be \$6.89 per column inch, in 7-point type at 9-lines per inch.

Our deadline for legal notices is Monday by 12:00 noon for that Friday's publication.

We look forward to the opportunity to serve you. We welcome any questions or concerns you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Carter Johnson".

Carter Johnson
Publisher

A handwritten signature in black ink, appearing to read "Lisa Graber".

Lisa Graber
Legal Notice Coordinator

Misc: LakeElmo2015.doc

Your Best Source For Community Information

White Bear Press • Vadnais Heights Press • Quad Community Press • Shoreview Press • The Citizen • The Lowdown • North Oaks News



Adam Bell
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Dear Mr. Bell;

I appreciate the City of Lake Elmo's request for a quote for publication of its legal notices in 2015. I do request consideration that the Stillwater Gazette be named the city's legal newspaper for the year 2015.

The Gazette continues to offer a high number of newspapers distributed within the city, and our publication schedule gives city government many options for presenting its legal advertising to the public in a timely manner. Our Legal pages are also available online at www.stillwatergazette.com.

The Gazette has the official designation of your neighboring communities of Stillwater, Oak Park Heights, and Bayport. As well as ISD 834.

The proposed legal rate for 2015 is - \$5.00 per column inch for the first insertion, and \$4.80 per column inch for subsequent insertions of the same ad. Legals submission deadline is 10 am Monday for Wednesday's edition; 10 am Wednesday for Friday's edition.

I look forward to the Gazette continuing to serve the city and its citizens. Should you have any questions, or if you are in need of additional information, please let me know. Thank you.

Sincerely,

Mark Berriman
Director of Operations
651-796-1116
mark.berriman@ecm-inc.com



MAYOR & COUNCIL COMMUNICATION

DATE: February 3, 2015

CONSENT

ITEM # 9

AGENDA ITEM: Public Safety and Finance Committee Appointment

SUBMITTED BY: Beckie Gumatz, Deputy Clerk

THROUGH: Dean Zuleger, City Administrator

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

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

FISCAL IMPACT: NA

SUMMARY AND ACTION REQUESTED: Council is respectfully requested to affirm the following appointments to the City of Lake Elmo Public Safety and Finance Committees by taking the following action:

“Move to appoint Wally Nelson to the Lake Elmo Public Safety Committee.”

“Move to appoint Wally Nelson to the Lake Elmo Finance Committee.”

LEGISLATIVE HISTORY: Wally Nelson previously served on each of these committees as a Council Member delegate during his council tenure. He has now applied to serve as a member of the public.

RECOMMENDATION: Council is respectfully requested to affirm the following appointments to the City of Lake Elmo Public Safety and Finance Committees by taking the following action:

“Move to appoint Wally Nelson to the Lake Elmo Public Safety Committee.”

“Move to appoint Wally Nelson to the Lake Elmo Finance Committee.”

ATTACHMENTS:

1. Wally Nelson Public Safety Committee Application
2. Wally Nelson Finance Committee Application



Application for Public Safety Committee

Please return to City Clerk's Office - Thank You for your interest in the Lake Elmo Public Safety Committee

Date: 1-21-2015 Name: Wally Nelson

Occupation: Business Owner Address: 4582 Lilac Lane North Lake Elmo, MN 55042

Phone Number: 612-247-3443 Email: wally@morrowpartnersinc.com Resume Attached (Optional): Yes ☐ No ☐

1. Why are you interested in serving on the Lake Elmo Public Safety Committee?

I have a strong commitment to doing my civic duty and giving back to our community. I have also been serving on the committee the last 2 years and believe we have been beneficial to the city in a number of areas.

2. What Public Safety experience and qualifications do you have?

I have 2 years of experience serving on this committee and I have 30 plus years of business experience dealing with organizational and safety issues that the public safety committee has been and will be addressing as we move forward.

3. What additional experience and qualifications do you have that demonstrate your ability to support the Mission Statement and Goals of the City and service to the community through the Public Safety Committee?

As a past Council Member I fully support, believe in, and follow the cities mission statement and goals. Furthermore, my business and life experiences and my commitment to the community has been and will continue to be beneficial to the Public Safety Committee.



Application for Finance Committee

Please return to City Clerk's Office - Thank You for your interest in the Lake Elmo Finance Committee

Date: 1/28/2015 Name: Wally Nelson

Occupation: Business Owner Address: 4582 Lilac Lane North

Phone Number: 612-247-3443 Email: wally@morrowpartnersinc.com Resume Attached (Optional): Yes ☐ No ☐

1. Why are you interested in serving on the Lake Elmo Finance Committee?

As the past Chair of the Finance Committee I would like to continue the good and important work this committee has done the last two years for the residents of Lake Elmo.

2. What finance experience and qualifications do you have?

I have a degree in accounting from UW- River Falls and I have owned a business for over 25+ years . I handle the finance and operations for our companies.

My accounting and finance skills have been effectively put to use as the finance chair for the last two years.

As a past council member and finance chair I have in-depth knowledge of what has been and is occurring in Lake Elmo.

3. What additional experience and qualifications do you have that demonstrate your ability to support the Mission Statement and Goals of the City and service to the community through the Finance Committee?

I am a past board member and finance committee member at St. Croix Catholic school.

As a council member and Finance Chair Over the last two years I have made several financial recommendations that have helped the residents of Lake Elmo. Three examples are: 1. Create a cash flow model for our enterprise funds, 2. Have the landowners on the south end of Lake Elmo Avenue Commit money to pay for the water line extension along Lake Elmo Avenue and 3. Insist that developers pay for the infrastructure (growth shall pay for growth).

I have also helped the finance committee and city implement performance based budgeting and the finance committee helped keep our residents tax rates low.

I have a very good working relationship with staff and was awarded by staff "the Guardian of the Taxpayer" award in 2013.

Finally, my knowledge and understanding of real estate and real estate development has helped Lake Elmo through the growth phase we are experiencing.

MAYOR & COUNCIL COMMUNICATION

DATE: February 3, 2015
CONSENT
ITEM #: 10

AGENDA ITEM: Amend City Facility Use Policy
SUBMITTED BY: Mayor
THROUGH: City Council
REVIEWED BY: City Administrator / City Clerk

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item Mayor
- 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 RECCOMENDER: Mayor Mike Pearson

FISCAL IMPACT: Negligible...cost of DVDs

SUMMARY AND ACTION REQUESTED: The City Council is asked to consider amending the City facility use policy to include a requirement that all statutorily created public bodies using the City of Lake Elmo facilities video record their proceedings in the interest of public transparency. As part of its consent agenda, no formal motion is required. If Council chooses to pull this item for discussion, the recommended motion is as follows:

“Move to amend the City of Lake Elmo Public Facility Use Policy to include a provision that all statutory created public bodies and taxing authorities using the City’s meeting facilities video record their proceedings in the interest of public transparency.”

BACKGROUND INFORMATION:

In 2013, the City Council adopted an ad hoc policy of video recording all public meetings including but not limited to City Council, Commissions, Committees and work groups that officially act on behalf of the residents of Lake Elmo via authority granted by state statutes. In 2014, the City acquired, via its cable franchise agreement, state of the art portable video equipment that extends the City's recording capabilities to parks, the administrative annex and the library.

This policy would formalize the video recording requirement for all statutory public bodies and

taxing authorities using City of Lake Elmo meeting facilities for the purpose of public transparency, Council education, and public information via broadcast on the City's public access channel.

RECOMMENDATION: Based on the aforementioned, the Mayor recommends the following motion:

“Move to amend the City of Lake Elmo Public Facility Use Policy to include a provision that all statutory created public bodies and taxing authorities using the City’s meeting facilities video record their proceedings in the interest of public transparency.”

CITY OF LAKE ELMO CITY FACILITIES USE POLICY

1. Introduction

City Facilities are operated by the City of Lake Elmo under the policy and guidelines established by the Lake Elmo City Council.

2. Purpose

The purpose of this policy is to provide guidelines for the use of city facilities by non-city entities.

3. Priorities for Use

Meetings related to the administration and operation of city government, including but not limited to city council, commission and advisory board meetings, have first priority for use of the facilities so that city business may be conducted. The City reserves the right to preempt a non-city related use, when necessary, to conduct essential city business. The City reserves the right to cancel any and all reservations without providing any other accommodations in the event the City facilities are needed for municipal government purposes.

4. Reservation Procedures

City facilities are available for reservations on the following days and times:

Mondays through Fridays, 5:00PM to 9:00PM

City facilities are closed to rentals on Saturdays, Sundays and legal holidays

5. Building Access

A front door key will be signed out by the user at City Hall prior to city facility use and returned immediately thereafter in person or at the drop box at City Hall. Once inside the building, access will be limited to the reserved space, including public restrooms.

6. Law/Ordinance

The user must comply with the laws of the State of Minnesota and City ordinances. The City has the right to terminate the use of the city facilities during any event or meeting if the user violates any state laws or city ordinances.

7. Prohibited Uses

The following types of activities may not be held in any city facilities: commercial, for profit events such as sales solicitations or seminars for the purpose of selling products or services; religious services, prayer meetings or religious ceremonies; social events or private parties, including wedding ceremonies, birthday parties, family reunions and receptions; political party meetings or fund raisers.

8. Smoking

Smoking at any city facility is prohibited at all times.

9. Alcohol

Alcohol at any city facility is prohibited at all times.

10. Damage

Any damage to the facilities or equipment must be reported to the city clerk's office as soon as possible. The user will be responsible for the costs of any damages incurred or extra cleaning required. Users take full responsibility for their group's conduct and for any loss, breakage or damage to the rooms, equipment, or other city facility property. The

City of Lake Elmo reserves the right to assign supervisory staff or maintenance personnel, at an additional cost to the users, if deemed necessary by the particular function or activity.

11. Liability

The City of Lake Elmo is not liable for any loss, damage, injury or illness by the users of the facilities. Neither the City of Lake Elmo nor its employees can be held responsible for any items that are left at the facility by the user.

12. Clean-Up

If a room has been rearranged by the user, it must be returned to its original condition. All trash and recycling must be picked up and put into receptacles. It is the responsibility of the user to leave the room in the condition in which it was provided.

13. Alterations

No decorations, banners or signs can be taped, pinned or affixed to the walls, ceilings or windows.

14. Kitchen

The service kitchen is not designed for preparing food and may not be used for serving food that has been prepared offsite. User groups are responsible for providing their own utensils, serving ware, coffee and condiments. The use of this facility must be strictly adhered to for safety considerations.

15. Candles

Candles are prohibited in all city facilities.

16. Gambling/Games of Chance

Gambling is prohibited in all city facilities.

17. Telephone Usage

The telephone in the room may be used for local calls.

18. Restricting Use

Staff shall have the authority, subject to the appeal of the City Council, to prohibit or limit use of city facilities by a particular user/group based upon knowledge that the user/group has caused damage to other public facilities or when disruption, damage, theft or other unfavorable history is recorded from previous use of any city facilities.

19. No Discrimination

The City of Lake Elmo is an equal opportunity employer and provider. The City does not discriminate or endorse based on race, religion, sex, age, national origin, or any other protected class under state or federal law.

20. Recording of activities

In the interest of public transparency, all statutory created public bodies and taxing authorities using the City's meeting facilities are required to video record their proceedings.

MAYOR & COUNCIL COMMUNICATION

DATE: February 03, 2015
REGULAR
ITEM # 11

AGENDA ITEM: Blinkoff Pool- Demontreville Wildlife Park Vacation: Portion of Public Park Land

SUBMITTED BY: Adam Bell, City Clerk

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Nick Johnson, City Planner
David Snyder, City Attorney
Planning Commission
Parks Commission

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Under state statute, a City must hold a public hearing for the vacation of any public land. The proposed vacation is required for the sale of a 6,300 square foot triangle of land (0.15 acres), and is intended to correct an encroachment of a swimming pool that was constructed in 2005. Staff is recommending that the City Council hold the required public hearing, consider and approve the resolution authorizing the vacation of the respective portion of park land, and approve the resolution authorizing the sale of the land.

FISCAL IMPACT:

The negotiated consideration given for the portion of land is \$3,000.00. This amount is based on the City Assessor's market value appraisal of \$1,800.00 and the initial City demand of \$5,000.00.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to hold a public hearing to consider the vacation of the subject property, a portion of public park land. Following the hearing, Council is further requested to approve Resolution No. 2015-05, A Resolution Vacating a Portion of Public Park Land by taking the following action:

“Move to approve Resolution No. 2015-05, A Resolution Vacating a Portion of Public Park Land.”

In addition, Council is also respectfully requested to approve Resolution No. 2015-06, A Resolution Authorizing the Sale of City Property by taking the following action:

“Move to approve Resolution No. 2015-06, A Resolution Authorizing the Sale of City Property.”

LEGISLATIVE HISTORY:

In the process of preparing their property for sale, property owners David and Mary Blinkoff of 7920 DeMontreville Trail North were notified that their pool was partially located on municipal park land in the DeMontreville Wildlife Park. Based on staff research, it appears that the final pool location was not correctly placed according to the survey or verified in reference to the proposed survey during the permitting process in 2005. The issue now creates a potential liability problem for both the City as well as the property owner. After consulting with the City Attorney as to the various options, staff and the owners have agreed that selling to the property owners the impacted land where the pool is located, consisting of approximately 6,300 square feet, is the best option for all parties.

Pursuant to Minn. Stat. §§ 412.861 and 462.358, subd. 7, a city may vacate public land in the same manner as vacating streets. By law, in order to vacate public park land, Council must hold a public hearing on the vacation and then pass a resolution vacating the public park land.

A resolution granting a vacation commenced solely on the initiative of the city council requires a four-fifths majority vote in favor of the resolution. The City Planning, Legal, and Administration Departments have all reviewed this item. The Parks Commission reviewed this item at their December 15th meeting. It voted 7-0 to recommend selling the land to the owners at market value. The Planning Commission reviewed the vacation/sale proposal and the compliance with the Comprehensive Plan at its January 26, 2015 meeting and unanimously recommended the sale of the subject property to resolve the pool encroachment. In making a recommendation to sell the land, the Planning Commission included two findings of fact:

1. That the pool encroachment is a unique occurrence and has created extreme circumstances for the property owners that do not otherwise apply to other properties in the community. The sale of this public land therefore does not create precedence for such property transfers in the future; and
2. That the lot line adjustment and subsequent transfer of property is the reasonable, minimal amount to bring the pool into conformance with City subdivision and zoning regulations.

In addition, the Planning Commission noted that any sale of the land should be a fair market value.

On January 13, 2015 Council approved Resolution No. 2015-03 calling for the public hearing to vacate the portion of public park land. Notice of the hearing was published, posted, and mailed to affected property owners by the City Clerk as required by law. Tonight Council is expected to hold that public hearing.

The sale of the property and the vacation process is time sensitive and does have an impact on the property owners' real estate transaction, therefore Council is respectfully asked to hold the public hearing and approve both recommendations without delay.

BACKGROUND INFORMATION (SWOT):

Strengths Granting this vacation will eliminate the potential liability that currently exists with the fact that there is a private structure, a below-ground pool, constructed on public park land. The conveyance of the land to the affected property owners is the best option presented. The other options were a) to do nothing, b) offer an encroachment agreement, and c) grant a permanent easement. Clearly, doing nothing is not an option for either party. An encroachment agreement would not satisfy title and mortgage companies to allow for the transfer of the related property. This also does not address all potential liability issues. An easement is not recommended as it does not eliminate any of the liability issues created by having a pool structure on public land. Lastly, approving the vacation and subsequent sale of the property will allow the Blinkoffs to sell their property with the pool intact.

Weaknesses A small portion (6,300 square foot triangle of land (0.15 acres)) of Demontreville Wildlife Park is no longer available for public use. The appraised value of the subject land is only \$1,800.00, but it has a much greater benefit to the Blinkoffs.

Opportunities This situation provides an opportunity to review current permitting and final inspection procedures to ensure that this type of situation does not occur again.

Threats The nature of this encroaching type of structure has a high inherent potential liability for all property owners. The City has no interest in maintaining the pool as a public facility or continuing to assume the liability for its use. If the vacation and sale are not approved, the current property owners will not be able to sell their property.

A resolution granting a vacation commenced solely on the initiative of the city council requires a four-fifths majority vote in favor of the resolution. Staff and the City Attorney have reviewed this process.

RECOMMENDATION: Based on the aforementioned, following the public hearing, the staff recommends the appropriate guiding motions:

“Move to approve Resolution No. 2015-05, A Resolution Vacating a Portion of Public Park Land.”

and:

“Move to approve Resolution No. 2015-06, A Resolution Authorizing the Sale of City Property.”

ATTACHMENTS:

1. Resolution No. 2015-05, A Resolution Vacating a Portion of Public Park Land
2. Resolution No. 2015-06, A Resolution Authorizing the Sale of City Property
3. Location map
4. Blinkoff Request w/Surveys and Maps
5. Original Building Permit

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

RESOLUTION NO. 2015 – 05

A RESOLUTION VACATING A PORTION OF PUBLIC PARK LAND

**THE CITY COUNCIL OF THE CITY OF LAKE ELMO, MINNESOTA DOES HEREBY
RESOLVE AS FOLLOWS:**

WHEREAS, the City Council previously passed Resolution No. 2015-03, noting its interest in vacating pursuant to Minnesota Statute § 412.851 a portion of public park land on the subject property legally described as:

Tract C, Registered Land Survey No. 98, Washington County, Minnesota;

and

WHEREAS, that said portion of public park located in the City of Lake Elmo, County of Washington, State of Minnesota is described as follows, to-wit:

That part of Tract C, REGISTERED LAND SURVEY NO. 98, Washington County, Minnesota:

Beginning at the most westerly corner of Lot 2, Block 4, DEMONTREVILLE HIGHLANDS, said Washington County; thence North 76 degrees 00 minutes 57 seconds East (assumed bearing) along the northerly line of said Lot 2 a distance of 163.36 feet to an angle point along said northerly line; thence North 46 degrees 13 minutes 09 seconds East 24.89 feet to the most northerly corner of said Lot 2; thence North 42 degrees 33 minutes 28 seconds West 63.00 feet; thence South 52 degrees 23 minutes 58 seconds West 168.98 feet to the point of beginning.

and setting a public hearing to consider the vacation of such portion of park land; and

WHEREAS, a public hearing to consider the vacation of such street was held on the third day of February, 2015, before the City Council in the City Hall located at 3800 Laverne Avenue North at 7:00 p.m. after due published and posted notice had been given, as well as personal mailed notice to all affected property owners by the City Clerk on the 14th day of January 2015, and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, any person, corporation or public body owning or controlling easements contained upon the property vacated, reserves the right to continue maintaining the same or to enter upon such way or portion thereof vacated to maintain, repair, replace or otherwise attend thereto; and

WHEREAS, the Council in its discretion has determined that the vacation will benefit the public interest by eliminating potential liability of the city owning and having a pool structure on public land. In addition, the vacation will also benefit the public interest by allowing the sale of the related parcel; and

WHEREAS, four-fifths of all members of the City Council concur in this resolution;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, COUNTY OF WASHINGTON, MINNESOTA, that such petition for vacation is hereby granted and the portion of park land described as follows is hereby vacated:

That part of Tract C, REGISTERED LAND SURVEY NO. 98, Washington County, Minnesota:

Beginning at the most westerly corner of Lot 2, Block 4, DEMONTREVILLE HIGHLANDS, said Washington County; thence North 76 degrees 00 minutes 57 seconds East (assumed bearing) along the northerly line of said Lot 2 a distance of 163.36 feet to an angle point along said northerly line; thence North 46 degrees 13 minutes 09 seconds East 24.89 feet to the most northerly corner of said Lot 2; thence North 42 degrees 33 minutes 28 seconds West 63.00 feet; thence South 52 degrees 23 minutes 58 seconds West 168.98 feet to the point of beginning.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

This Resolution shall become effective upon its passage and without publication.

ADOPTED THIS THIRD DAY OF FEBRUARY 2015.

	AYES	NAYS
_____ Mike Pearson, Mayor	_____	_____
_____ Justin Bloyer, Council Member	_____	_____
_____ Julie Fliflet, Council Member	_____	_____
_____ Jill Lundgren, Council Member	_____	_____
_____ Anne Smith, Council Member	_____	_____

Approved:

CITY OF LAKE ELMO

(Seal)

By: _____

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

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

RESOLUTION NO. 2015 – 06

A RESOLUTION AUTHORIZING THE SALE OF CITY PROPERTY

WHEREAS, the City of Lake Elmo has full title and ownership rights to the following legally described public park land:

Tract C, Registered Land Survey No. 98, Washington County, Minnesota;

and

WHEREAS, a portion of said public park located in the City of Lake Elmo, County of Washington, State of Minnesota is described as follows, to-wit:

That part of Tract C, REGISTERED LAND SURVEY NO. 98, Washington County, Minnesota:

Beginning at the most westerly corner of Lot 2, Block 4, DEMONTREVILLE HIGHLANDS, said Washington County; thence North 76 degrees 00 minutes 57 seconds East (assumed bearing) along the northerly line of said Lot 2 a distance of 163.36 feet to an angle point along said northerly line; thence North 46 degrees 13 minutes 09 seconds East 24.89 feet to the most northerly corner of said Lot 2; thence North 42 degrees 33 minutes 28 seconds West 63.00 feet; thence South 52 degrees 23 minutes 58 seconds West 168.98 feet to the point of beginning.

(the "Property"); and

WHEREAS, the City Council of the City of Lake Elmo has determined that the conveyance of the Property is necessary to eliminate potential liability of the City for improper placement of a private structure on public land; and

WHEREAS, the City Council of the City of Lake Elmo has further determined that the conveyance of the Property is necessary to correct the title of lands adjacent to the Property, and the Property is not needed for any City purpose, is landlocked, and has minimal value; and

WHEREAS, the pool encroachment is a unique occurrence and has created extreme circumstances for the property owner that do not otherwise apply to other properties in the community. The sale of this public land therefore does not create a precedent for such property transfers in the future; and

WHEREAS, the lot line adjustment and subsequent transfer of property is the reasonable, minimal amount to bring the pool into conformance with City subdivision and zoning regulations.

WHEREAS, the negotiated purchase price for the property has been based on the market value estimate provided by the City Assessor.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo that the City Administrator be and hereby is authorized to execute the necessary deeds and documents to transfer the title to the property to David and Mary Blinkoff.

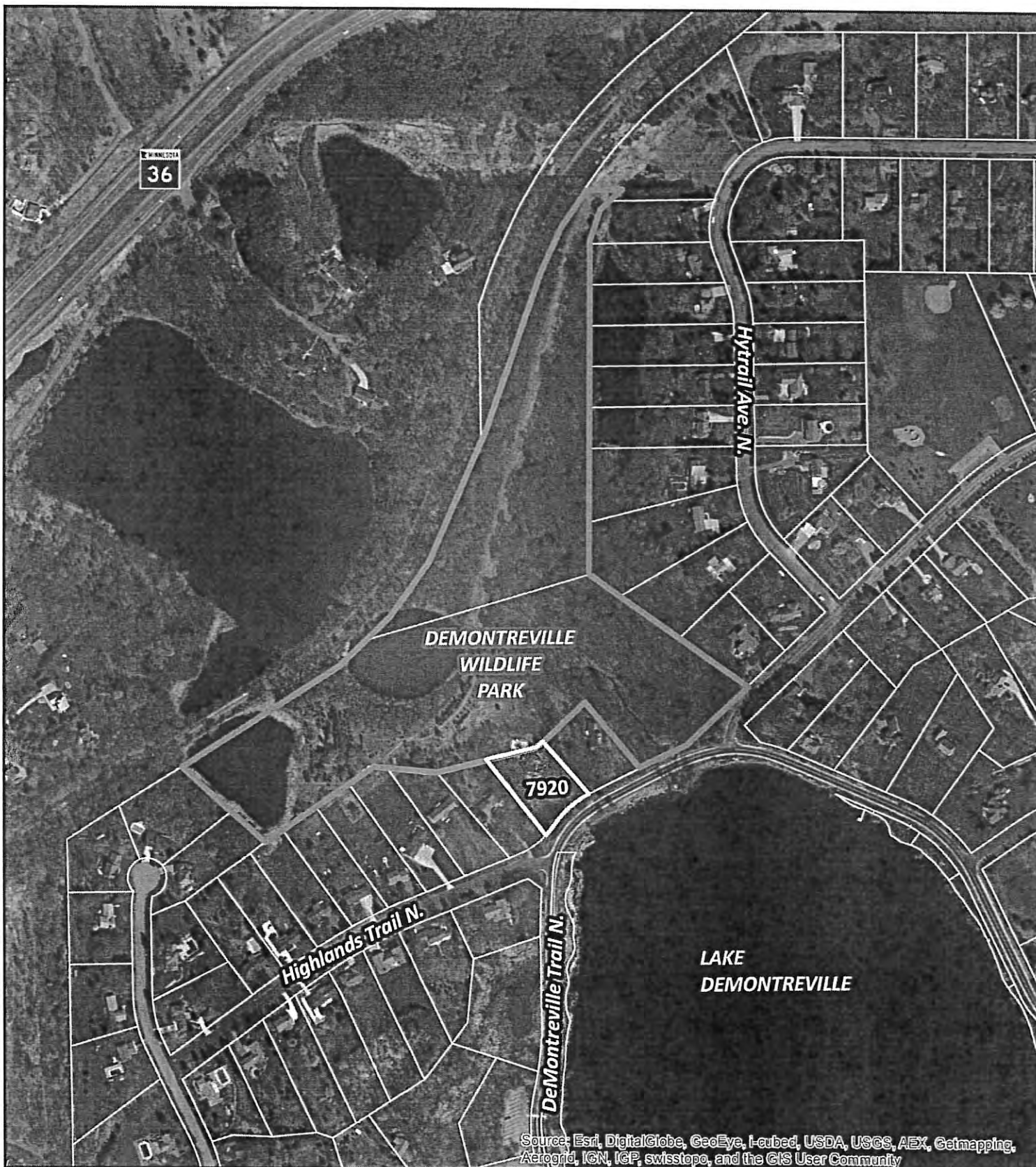
This Resolution shall become effective immediately upon its passage and without publication.

ADOPTED THIS THIRD DAY OF FEBRUARY, 2015

Mike Pearson, Mayor

Attest:

Adam Bell, City Clerk



Location Map: 7920 DeMontreville Trail North

THE CITY OF
LAKE ELMO

Data Source: Washington County, MN
1-7-2014

Blinkoff Property
7920 DeMontreville Trl



DeMontreville
Wildlife Park

0 200 400 800 Feet
1"=400'



CERTIFICATE OF SURVEY

FOR: PAT McGRATH

PROPERTY ADDRESS: 7920 DEMONTREVILLE TRAIL NORTH LAKE ELMO, MN



Squaring off resolution including new legal description

PROPOSED PARCEL "A" LEGAL DESCRIPTION

That part of Tract C, REGISTERED LAND SURVEY NO. 98, Washington County, Minnesota, described as follows:

Beginning at the most westerly corner of Lot 2, Block 4, DEMONTREVILLE HIGHLANDS, said Washington County; thence North 76 degrees 00 minutes 57 seconds East (assumed bearing) along the northerly line of said Lot 2 a distance of 163.36 feet to an angle point along said northerly line; thence North 46 degrees 13 minutes 09 seconds East 24.89 feet to the most northerly corner of said Lot 2; thence North 42 degrees 33 minutes 28 seconds West 63.00 feet; thence South 52 degrees 23 minutes 58 seconds West 168.98 feet to the point of beginning.

SHEET 2 OF 2

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

Job #14526

ACRE LAND SURVEYING

Serving Twin Cities Metro area and beyond

763-458-2997 acrelandsurvey@gmail.com

Eric R. Vickaryous
ERIC R. VICKARYOUS

REV. 10/04/14, NEW LEGAL
Date: 9/25/2014 Reg. No. 44125

C:\Land Projects 2008\14526 TO ERV FROM MDN 9-25\dwg\14526Bdry.dwg 10/4/2014 3:36:29 PM CDT

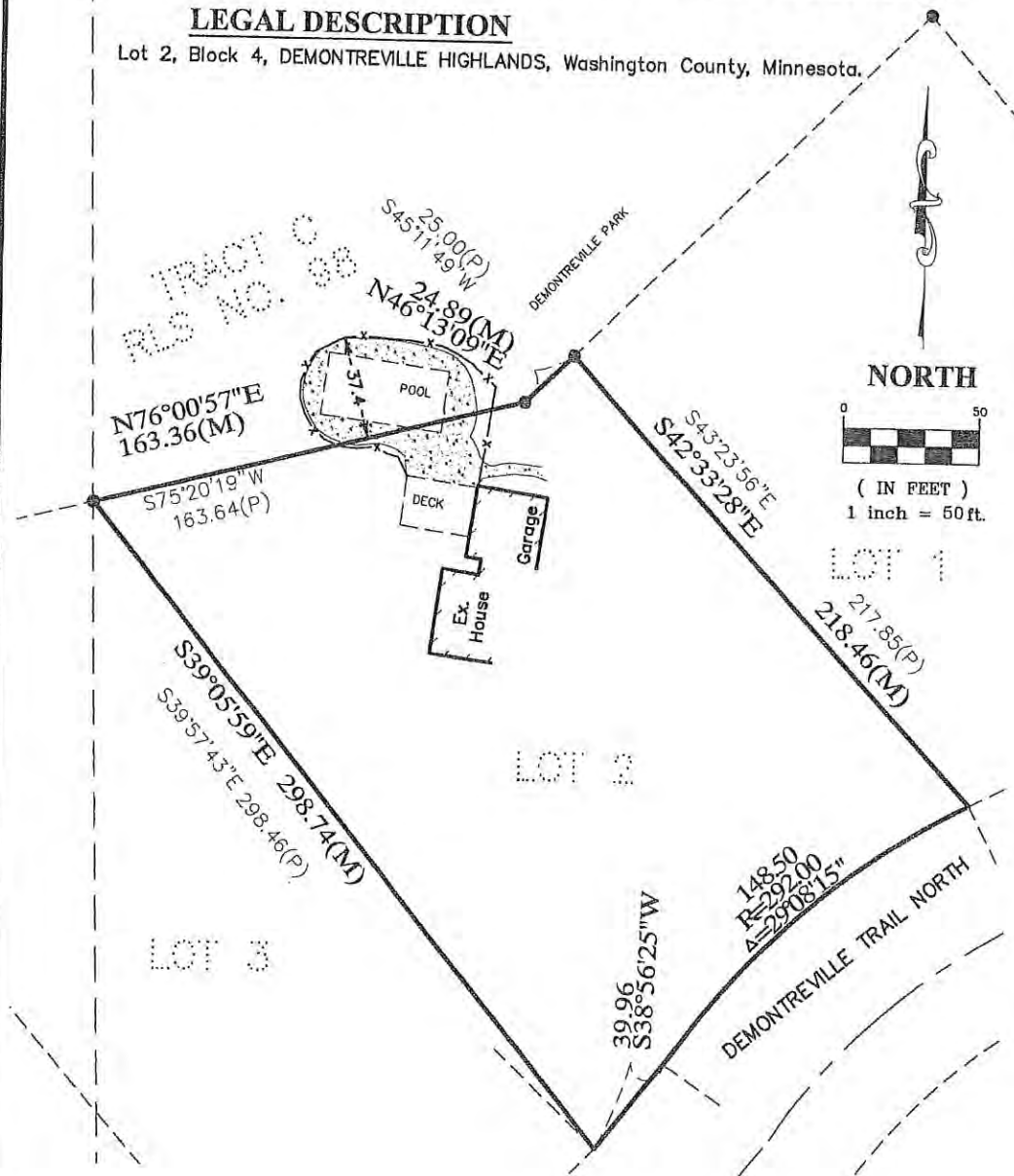
CERTIFICATE OF SURVEY

FOR: PAT McGRATH

PROPERTY ADDRESS: 7920 DEMONTREVILLE TRAIL NORTH LAKE ELMO, MN

LEGAL DESCRIPTION

Lot 2, Block 4, DEMONTREVILLE HIGHLANDS, Washington County, Minnesota.



NOTES

- BEARING'S SHOWN ARE ON ASSUMED DATUM.
- FIELD SURVEY COMPLETED 9/25/14.
- This survey was prepared without the benefit of titlework. Easement, appurtenances and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a title insurance commitment or attorneys title opinion.

LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES CONCRETE
- X— DENOTES EXISTING FENCE

SHEET 1 OF 2

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

Eric R. Vickaryous

ERIC R. VICKARYOUS

Date: 9/25/2014 Reg. No. 44125

Job #14526

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763-458-2987 acrelandsurvey@gmail.com

City asked that we contract a surveyor to determine exactly what we have.

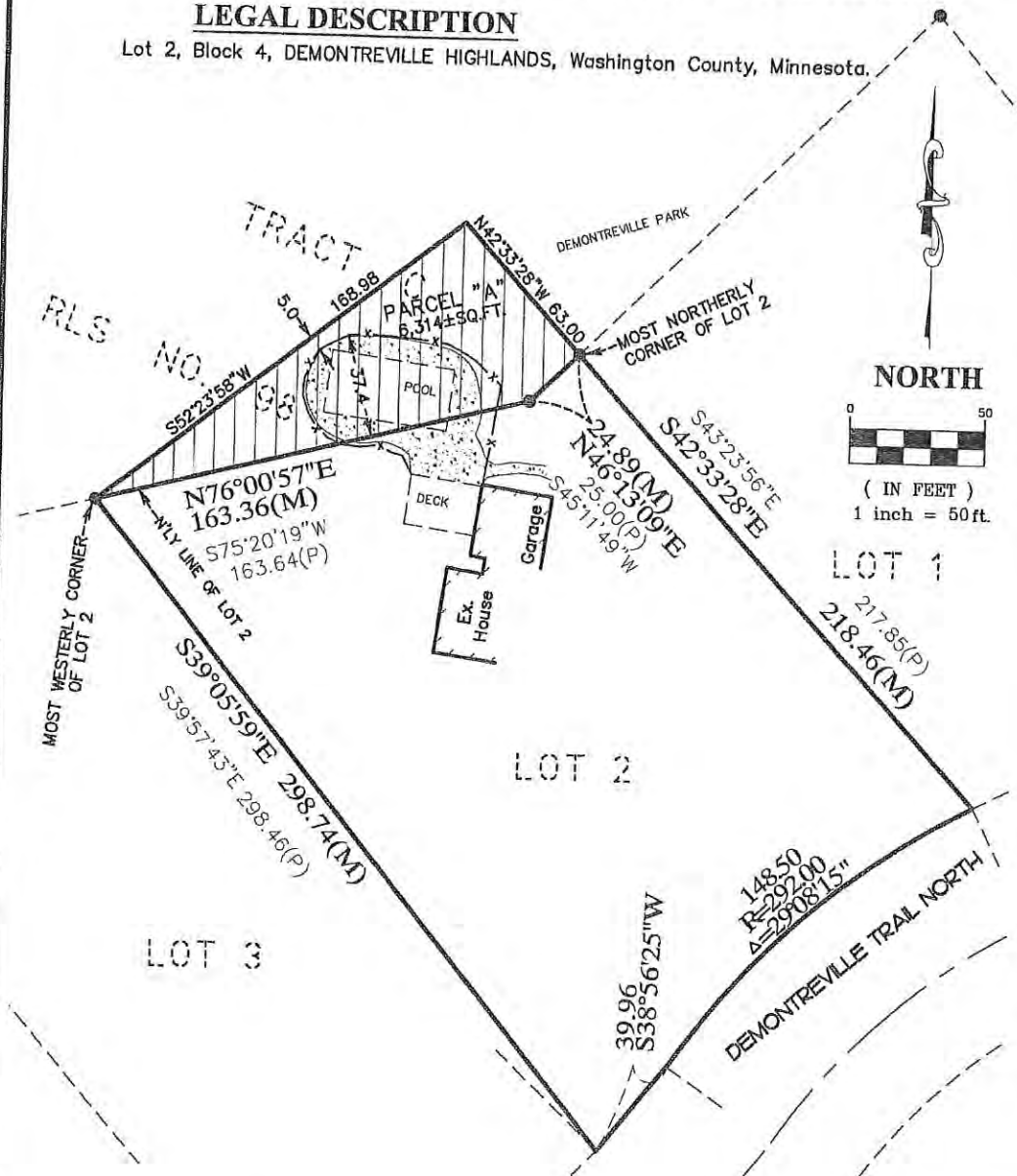
CERTIFICATE OF SURVEY

FOR: PAT McGRATH

PROPERTY ADDRESS: 7920 DEMONTREVILLE TRAIL NORTH LAKE ELMO, MN

LEGAL DESCRIPTION

Lot 2, Block 4, DEMONTREVILLE HIGHLANDS, Washington County, Minnesota.



NOTES

- BEARING'S SHOWN ARE ON ASSUMED DATUM.
- FIELD SURVEY COMPLETED 9/25/14.
- This survey was prepared without the benefit of titlework. Easement, appurtenances and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a title insurance commitment or attorneys title opinion.

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- ▤ DENOTES CONCRETE
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SHEET 1 OF 2

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Job #14526

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Serving Twin Cities Metro area and beyond

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ERIC R. VICKARYOUS

REV. 10/04/14, NEW LEGAL
Date: 9/25/2014 Reg. No. 44125

C:\Land Projects 2008\14526 TO ERV FROM MDN 9-25\dwg\14526\dry.dwg 10/4/2014 3:36:29 PM CDT

Proposed resolution is squaring off the lot

December 19, 2014

City of Lake Elmo
3800 Laverne Ave N
Lake Elmo MN 55042

Attention: City of Lake Elmo Planning Commission and City Council

In the process of preparing 7920 Demontreville Tr N property for sale, it was brought to our attention by a prospective buyer that the swimming pool appeared to be located partially over the lot line. This was observed by looking at the Washington County aerial mapping. The homeowners were clearly surprised, due to the fact that the pool was installed nine years ago and all permits were taken out and approved by the City.

Pat McGrath , Coldwell Banker Realtor, brought this to the attention of the City of Lake Elmo where we were told to commission a survey to verify the exact situation. After a survey was completed, it was evident that the pool encroached on the park property.

In order to correct the situation, an additional survey drawing and legal description was created to include the pool area and necessary setbacks to meet code. This new legal description can be used for a lot line adjustment of 6314 sq ft or .149 acres.

Dean Zuleger and Mary and David Blinkoff negotiated a purchase price of \$3,000 for the property.

We are respectfully requesting the City of Lake Elmo to approve the transfer of this property and the lot line adjustment.

Please find attached supporting documentation including the areal maps, survey, and new legal description.

Sincerely,

David and Mary Blinkoff

City of Lake Elmo

3800 Lavene Avenue N
Lake Elmo MN 55042
Telephone (651)777-5510 Facsimile (651)777-9815

Building Permit

Permit Number 4485
Use of Building Single Family Dwelling

PERMISSION IS HEREBY GRANTED

To carry out the work specified in this permit on the following described property. Upon the express condition that said persons and their agents, employees and workmen, in such work done, shall conform in all respects to the provisions of the Minnesota State Building Code and local ordinances. This permit may be revoked at any time upon the violation of any of the provisions of said code.

Building Permit Fee	\$321.25
Surcharge	\$10.00
Plan Review	\$0.00
Investigation	\$0.00
Other:	\$0.00
SAC Fee	\$0.00
Sewer Fee	\$0.00
WAC Fee	\$0.00
Plumbing Fee	\$0.00
Surcharge	\$0.00
HVAC Fee	\$0.00
Surcharge	\$0.00
Fire Suppression Fee:	\$0.00
Surcharge	\$0.00
Water Meter	\$0.00
SalesTax	\$0.00
Total Fee	\$331.25

Owner	Dav&Mary Blinkoff (651) 207-4219	Address	same MN
Company	Paragon Pools (651) 653-6807	Address	305 Stillwater Rd Willernie Mn 55090

Project Address	7920 Demontreville Tr
Legal Description	
Property Identification Number	
Geographic Code	
Zoning District	R-1

Class Of Work	Type Of Construction	Square Footage	Occupancy	Valuation
Add	V-N	0	U-1	20,000

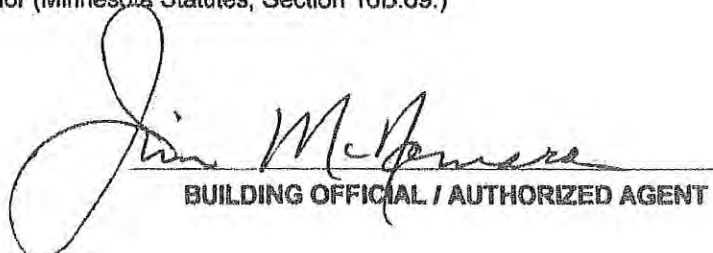
Authorized Work/Special Conditions swimming pool per approved plans and local codes.

This Permit Is Issued: 3/2/2005

This Permit Expires: 3/2/2006

A Certificate of Occupancy must be requested and issued prior to use or occupancy. This Permit shall expire and be null and void if the work authorized by the building permit is not commenced within 60 days of the date of issuance or if work is abandoned or suspended for a period of 120 days. Term of the permit is 12 months from date of issuance. A violation of a provision of this Code is a misdemeanor (Minnesota Statutes, Section 16B.69.)

White -Applicant
Canary -Municipality
Pink -Assessor


BUILDING OFFICIAL / AUTHORIZED AGENT

305 Stillwater Road • Willernie, MN 55090
(651) 653-6807 • Fax: (651) 653-1104

305 Stillwater Road • Willernie, MN 55090
(651) 653-6807 • Fax: (651) 653-1104

Back Hoe	_____	Bob Cat
Cat	_____	Truck
Snow Fence	_____	Uni-Loader

Acct No Pool Size Date
Name 7920 Demetrius W/E 207-4219
Street 1414 E 1 MD Home Phone
City State Zip Code
Directions

2-21105

Date 207-4219

Home Phone

Work Phone

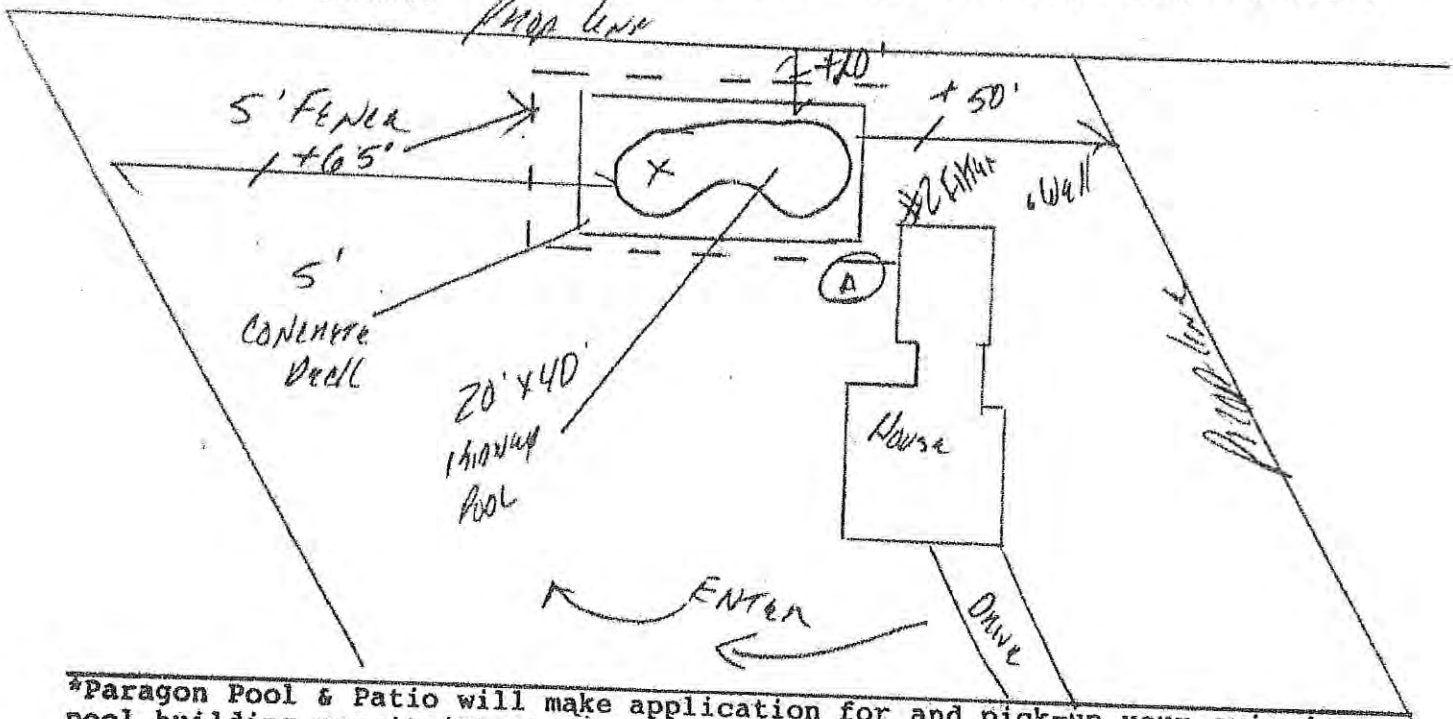
State Zip Code

Directions

Contact

_____ Walls _____ contact
_____ Plumbing _____
_____ Footing _____
_____ Before Backfill _____

Diagram pool site in relation to house, garage, property line, and wires
(Allow 3" variance)



*Paragon Pool & Patio will make application for and pick-up your swimming pool building permit. (Electrical, gas, fence, or other permits are the responsibility of the contractor doing the work).
*The actual cost of the permit is \$100.00.

*The actual cost of the permit is the responsibility of the home owner and Paragon Pool & Patio will expect to be reimbursed for this permit cost within 30 days of obtaining the permit for you.

Signed:

Date:

- Mark location of filter and/or heater by (#2).
- Indicate deep end by (X).
- Does Customer wish to retain any or all dirt from pool excavation: all
- Will any obstructions be encountered—such as trees, clothes poles or power/phone lines etc.: _____
- Elevation from location marked _____
- Show type and location of slide _____

Location for disposal of dirt:

Paragon Pool & Patio recommends that customer install (As soon as possible following pool construction);

- 1) Rain gutters adjacent to pool _____
- 2) Retaining wall where diagramed _____
- 3) Run off control or drainfield _____
- 4) Permanent or temporary fence _____

*** CUSTOMER ALSO UNDERSTANDS & ACKNOWLEDGES THE FOLLOWING ***

MAYOR & COUNCIL COMMUNICATION

DATE: February 3, 2015
REGULAR
ITEM # 12

AGENDA ITEM: Consider Approval of a new Off-Sale Intoxicating Liquor License for Elmo Liquor, located at 11029 10th St N

SUBMITTED BY: Beckie Gumatz, Deputy Clerk

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Adam Bell, City Clerk/Assistant City Administrator
Washington County Sheriff

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Clerk
- Questions from Council to Staff.....Mayor Facilitates
- Public Hearing Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Staff

FISCAL IMPACT: Approval of license will provide additional \$200 in annual license fees.

SUMMARY AND ACTION REQUESTED: It is respectfully requested that the City Council approve a new Off-Sale Intoxicating Liquor License for Elmo Liquor, located at 11029 10th St N. Following the required public hearing, staff recommends Council approve the application by taking the following action:

“Move to approve a new Off-Sale Intoxicating Liquor License for Elmo Liquor, located at 11029 10th St N.”

LEGISLATIVE HISTORY: One of the co-applicants of Elmo Liquor is the co-owner of the building. The other co-applicant is the manager of the gas station also located in the building. The City has received their completed application, associated fees, and proof of insurance. The background check conducted by the Washington County Sheriff's office found no issues. Once the City approves the license, it will be submitted to the state for final approval.

The other Off-Sale Intoxicating Liquor Licenses approved by the City are:

- Village Wine & Spirits
- Twin Point Tavern
- Lake Elmo Inn

Pursuant to MN Stat. § 340A.413, Lake Elmo may issue as many off-sale licenses as their ordinances allow. There is no limitation set in the City Code. An off-sale license allows the sale of intoxicating liquor in its original container for consumption off the licensed premises only. An off-sale intoxicating liquor licensee may sell off-sale wine and 3.2 percent malt liquor without an additional license.

The Minnesota Supreme Court has held that a city council is vested with broad discretion in determining whether to issue a liquor license. The Court noted “a city council has the power to refuse a license or to limit the number of licenses to be granted, when, in the judgment of the council, the welfare of the city suggests such action.” *Polman v. City of Royalton*, 311 Minn. 555, 249 N.W.2d 466 (1977). A court will only overturn a legislative decision of a city council when it determines that “the city council has acted arbitrarily, capriciously, or unreasonably.” *Id.*

If Council members have any general questions on liquor license issuance and regulation, the League of Minnesota Cities has a memo on the topic available here:

<http://www.lmc.org/media/document/1/liquorlicensingandregulation.pdf>. The memo is also available from City staff. It is 57 pages, so it is not included.

BACKGROUND INFORMATION (SWOT):

Strengths This will bring another business to Lake Elmo and the associated revenue. There are no other liquor stores within 2-3 miles of this location. The nearest other liquor store location is in Woodbury Commons retail space in Woodbury.

Weaknesses There are currently three off-sale intoxicating liquor licenses in Lake Elmo, all in the Old Village. There was a fourth the last several years, the Lake Elmo Wine Company, but that establishment closed at the end of 2014. Staff would rather not speculate whether the community market can support another business of this nature.

Opportunities The issuance of this license will continue to expand the retail options and services provided to this part of the city. If there are any issues that arise after the issuance, there are procedures that can be taken to suspend or revoke the license.

Threats There is always a possibility of increased law enforcement costs with the addition of any business which provides. Initial estimates provided by the Washington County Sheriff do not anticipate any issues. The Sheriff did suggest that the applicants implement security measures to prevent theft.

RECOMMENDATION: As the application is in order, staff respectfully recommends that the City Council approve a new Off-Sale Intoxicating Liquor License for Elmo Liquor:

“Move to approve a new Off-Sale Intoxicating Liquor License for Elmo Liquor, located at 11029 10th St N.”

ATTACHMENT(S):

Excerpts of state and city applications (a copy of the Application is on file for review)



Minnesota Department of Public Safety
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
444 Cedar St., Suite 222, St. Paul, MN 55101-5133
(651) 201-7507 FAX (651) 297-5259 TTY (651) 282-6555
WWW.DPS.STATE.MN.US



APPLICATION FOR OFF SALE INTOXICATING LIQUOR LICENSE

No license will be approved or released until the \$20 Retailer ID Card fee is received

Workers compensation insurance company. Name West Bend Mutual Insurance Policy # WCN2193048
Licensee's MN Sales and Use Tax ID # 3835132 To apply for a MN sales and use tax ID #, call (651) 296-6181
Licensee's Federal Tax ID # 47-2665757

If a corporation, an officer shall execute this application If a partnership, a partner shall execute this application.

Licensee Name (Individual, Corporation, Partnership, LLC) <u>Elmo Liquor Inc</u>	Social Security #	Trade Name or DBA <u>Elmo Liquor Inc</u>
License Location (Street Address & Block No.) <u>11029 10th St N</u>	License Period From <u>Jan 1st - 15</u> To <u>Dec 31st - 15</u>	Applicant's Home Phone #
City <u>Lake Elmo</u>	County <u>Washington</u>	State <u>MN</u>
Name of Store Manager <u>Keith P. Carlson</u>	Business Phone Number <u>612-819-1837</u>	Zip Code <u>55042</u>
DOB (Individual Applicant)		

If a corporation or LLC state name, date of birth, Social Security # address, title, and shares held by each officer. If a partnership, state names, address and date of birth of each partner.

Partner Officer (First, middle, last)	DOB	SS#	Title	Shares	Address, City, State, Zip Code
<u>Keith P. Carlson</u>			<u>Vice president</u>	<u>500</u>	<u>1626 Hunter Hill Rd Hudson WI 54016</u>
<u>Sana B. Hattar</u>			<u>president</u>	<u>500</u>	<u>18787 Jordan Circle Lakeville MN 55044</u>

- If a corporation, date of incorporation 12-8-14, state incorporated in Minnesota, amount paid in capital \$60,000.00. If a subsidiary of any other corporation, so state _____ and give purpose of corporation _____. If incorporated under the laws of another state, is corporation authorized to do business in the state of Minnesota? ☐ Yes ☒ No
- Describe premises to which license applies; such as (first floor, second floor, basement, etc.) or if entire building, so state.
first and only floor in a small strip mall
- Is establishment located near any state university, state hospital, training school, reformatory or prison? ☐ Yes ☒ No If yes state approximate distance. _____
- Name and address of building owner: Keith P. Carlson 1626 Hunter Hill Rd - Hudson, WI 54016
Mike Cleary 9630 Walleye Rd NW Brandon MN 56315
Has owner of building any connection, directly or indirectly, with applicant? ☒ Yes ☐ No
- Is applicant or any of the associates in this application, a member of the governing body of the municipality in which this license is to be issued? ☐ Yes ☒ No If yes, in what capacity? _____
- State whether any person other than applicants has any right, title or interest in the furniture, fixtures or equipment for which license is applied and if so, give name and details. NO
- Have applicants any interest whatsoever, directly or indirectly, in any other liquor establishment in the state of Minnesota?
☐ Yes ☒ No If yes, give name and address of establishment. NO

8. Are the premises now occupied or to be occupied by the applicant entirely separate and exclusive from any other business establishment? ☒ Yes ☐ No
9. State whether applicant has or will be granted, an On sale Liquor License in conjunction with this Off Sale Liquor License and for the same premises. ☐ Yes ☒ No ☐ Will be granted
10. State whether applicant has or will be granted a Sunday On Sale Liquor License in conjunction with the regular On Sale Liquor License. ☐ Yes ☒ No ☐ Will be granted
11. If this application is for a County Board Off Sale License, state the distance in miles to the nearest municipality. _____
12. State Number of Employees 3
13. If this license is being issued by a County Board, has a public hearing been held as per MN Statute 340A.405 sub2(d)? _____
14. If this license is being issued by a County Board, is it located in an organized township? If so, attach township approval. _____

1. State whether applicant or any of the associates in this application, have ever had an application for a liquor license rejected by any municipality or state authority; if so, give dates and details. NO
2. Has the applicant or any of the associates in this application, during the five years immediately preceding this application ever had a license under the Minnesota Liquor Control Act revoked for any violation of such laws or local ordinances; if so, give dates and details. NO
3. Has applicant, partners, officers, or employees ever had any liquor law violations or felony convictions in Minnesota or elsewhere, including State Liquor Control penalties? ☐ Yes ☒ No If yes, give dates, charges and final outcome. _____
4. During the past license year, has a summons been issued under the Liquor Civil Liability Law (Dram Shop) M.S. 340A.802.
☐ Yes ☒ No If yes, attach a copy of the summons. _____

This licensee must have one of the following:

(ATTACH CERTIFICATE OF INSURANCE TO THIS FORM.)

Check one

- ☒ A. Liquor Liability Insurance (Dram Shop) - \$50,000 per person, \$100,000 more than one person; \$10,000 property destruction; \$50,000 and \$100,000 for loss of means of support.
- or
- ☐ B. A surety bond from a surety company with minimum coverage as specified in A.
- or
- ☐ C. A certificate from the State Treasurer that the licensee has deposited with the state, trust funds having market value of \$100,000 or \$100,000 in cash or securities.

I certify that I have read the above questions and that the answers are true and correct of my own knowledge.

Print name of applicant & title

Signature of Applicant

Date

Keith P. Carlson - V.P.

Keith P. Carlson

1-5-15

REPORT BY POLICE/SHERIFF'S DEPARTMENT

This is to certify that the applicant and the associates named herein have not been convicted within the past five years for any violation of laws of the State of Minnesota or municipal ordinances relating to intoxicating liquor except as follows:

x R O S

Chief Deputy

Police/Sheriff's Department

Title

Signature

County Attorney's Signature

PS 9136-(2009)

IMPORTANT NOTICE

All retail liquor licensees must register with the Alcohol, Tobacco Tax and Trade Bureau.
For information call (513) 684-2979 or 1-800-937-8864

City of Lake Elmo

3800 Laverne Avenue North
Lake Elmo, MN 55042

**APPLICATION FOR ON SALE LIQUOR LICENSE and/or
WINE LICENSE and/or
WINE LICENSE PLUS A 3.2% MALT LIQUOR LICENSE (TO SELL STRONG BEER)
FOR A RESTAURANT and/or
OFF-SALE INTOXICATING LICENSE/OFF-SALE 3.2 % LICENSE**

This application/renewal shall be completed and filed with the City Clerk together with the appropriate forms and proof of liability insurance as required by State Statute and City Code. Every question must be answered. The applicant shall be stated in the same manner for this application form, on all related forms and on the certificate of insurance.

Applicant Name Elmo Liquor Inc
(Individual, Business, Partnership, Corporation)

Applicant Name _____
(Individual, Business, Partnership, Corporation)

Trade Name or Doing Business As Elmo Liquor inc

Business Address 11029 10th St N Lake Elmo MN 55042
City State Zip

Applicant is: ☒ Owner ☐ Operator

License period: January 1 to December 31, 2015 or _____ Other

Age of applicant: 27+ Is the applicant a citizen of the United States? Yes

Application is: ☒ New ☐ Renewal

Name of former owner (if applicable) N/A

How long has the applicant been in this business at this address? 0 (owned property since

If partnership, state the name and address of each partner. If corporation, state the name and address of each officer:

SANA HATTAR 18787 Jordan circle Lakeville MN 55044
Business Partner/Officer Address

Keith P. Carlson 1626 Hudson Hunter Hill Rd Hudson WI
Business Partner/Officer Address

Business Partner/Officer Address

The owner of the property is: CHO investments / Keith P. Carlson + Mike Cleary

The address of the property owner is: 1626 Hunter Hill Rd Hudson WI / 9630 Wallace Rd NW
Brandon MN

Does the building owner have connections, direct or indirect, with the applicant?

yes, Keith (applicant) is part owner of property since

Are the property taxes delinquent? yes ☒ no

Describe the premises to be licensed Not assigned (see attached legal description) Lot Number _____ Block Number _____

- Please attach a floor plan of licensed premises (including patio if applicable)

Restaurant

Seating Capacity _____ Business Hours _____ Hours food will be available _____

Number of Employees _____ Seasonal Operation yes ☐ no ☐

Will food be the principal business of the restaurant? yes ☐ no ☐

What percentage of business is food _____%. If no, describe the principal business:

License being applied for with this application:
(Please note the combination of On-Sale
Wine & 3.2% allows for the sale of strong beer)

_____ On Sale Liquor \$1,500 (2nd \$750)
_____ On Sale Wine \$300
_____ On Sale 3.2 Malt Liquor \$100
_____ On-Sale Club \$100
_____ On-Sale Sunday \$200
☒ Off-Sale Liquor \$200
_____ Off-Sale 3.2 Malt Liquor \$150
_____ Investigation Fee \$350

New Licensee Investigation:

- New Licensees must submit investigation forms and applicable fees for all owners/managers.
- Upon renewal the city council may determine to conduct a background investigation on any license holder within the city limits and the licensee will be responsible for the investigation fee.

Is the applicant, or any of the associates in this application a member of the Lake Elmo City Council? yes ☒ no (If the applicant is the spouse of a member of the City Council, or another family relationship exists, the member shall not vote on this application.)

During the past year has a summons been issued under the liquor civil liability law, also know as the dram shop law? yes ☒ no If yes, attach a copy of the summons.

Has the applicant, or any of the associates in this application, been convicted during the past five years of any violation of federal, state, or local liquor laws in this state? NO If yes, give details and dates: _____

Does the applicant have any interest, directly or indirectly, in any other liquor establishment in Minnesota? yes ☒ no If yes, provide name and address of the establishment: _____

Please attach to this application:

- A. ~~X~~ Certificate of Insurance-\$50,000 per person; \$100,000 more than one person; \$10,000 property destruction; \$50,000 and \$100,000 for loss of means of support, and
- B. A surety bond in the amount of \$1000, or in lieu of a bond, cash or United States government bonds of equivalent value.
- C. Proof of Financial Responsibility: No liquor license may be issued, maintained, or renewed unless the applicant demonstrates proof of financial responsibility with regard to liability imposed by M.S. 340A.801. The proof shall be filed with the Commissioner and the liability insurance policy shall conform to M.S. 340A.409.

Have you presented a check in full payment of the license fee(s) made payable to the City of Lake Elmo and the investigation fee included if applicable? X yes _____ no/provide reason: (no license will be processed without proper payment) _____

You have submitted a check for \$20 made payable to AGED for a buyers card and submitted it directly to the Director of Public Safety, Alcohol and Gambling Enforcement Division, 444 Cedar Street, Suite 222, St. Paul, MN 55101 (applicable to all on-sale liquor and wine licenses and off-sale liquor licenses (not 3.2 malt liquor) X yes _____ no/not applicable.

I CERTIFY THAT I HAVE READ THE ABOVE QUESTIONS AND THAT THE ANSWERS ARE TRUE AND CORRECT.

Sara Halton 1-5-15
Signature of Applicant Date

Frank P. Pank 1-5-15
Signature of Applicant Date

REPORT BY WASHINGTON COUNTY SHERIFF DEPARTMENT

This is to certify that the applicant(s), and the associates, named herein have not been convicted within the past five years for any violation of Laws of the State of Minnesota, Municipal or County ordinances relating to intoxicating liquor:

R. O. Stang Chief Deputy 01/19/2015
Sheriff Signature Title Date

This is to certify that the applicant(s), and/or the associates, named herein have the following conviction(s)/violation(s) on record within the past five years pursuant to the Laws of the State of Minnesota, Municipal or County ordinances relating to intoxicating liquor:

Sheriff Signature Title Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
1/7/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 3600 America Blvd. West, Suite 500 Bloomington MN 55431		CONTACT NAME: Cheryl Busker PHONE (A/C, No, Ext): 952-358-7500 FAX (A/C, No): 952-358-7501 E-MAIL ADDRESS: Cheryl_Busker@ajg.com	
INSURED Elmo Liquor Inc 11029 10th St N Lake Elmo MN 55042		INSURER(S) AFFORDING COVERAGE INSURER A: West Bend Mutual Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
ELMOLIQ-01		NAIC # 15350	

COVERAGES

CERTIFICATE NUMBER: 652787328

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:			BON2193047	1/1/2015	1/1/2016	EACH OCCURRENCE \$500,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$200,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$500,000 GENERAL AGGREGATE \$1,000,000 PRODUCTS - COMP/OP AGG \$1,500,000 \$
A	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☒ HIRED AUTOS ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS			CPN2193062	1/1/2015	1/1/2016	COMBINED SINGLE LIMIT (Ea accident) \$500,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB ☐ EXCESS LIAB ☐ OCCUR ☐ CLAIMS-MADE ☐ DED ☐ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐ N/A		WCN2193048	1/1/2015	1/1/2016	PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$100,000 E.L. DISEASE - EA EMPLOYEE \$100,000 E.L. DISEASE - POLICY LIMIT \$500,000
A	Liquor Liability			CPN2193063	1/1/2015	1/1/2016	Occurrence 500,000 Aggregate 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

City of Lake Elmo
3800 Laverne Ave N
Lake Elmo MN 55042

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Wesley D. Busker

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MAYOR & COUNCIL COMMUNICATION

DATE: February 3, 2015

REGULAR

ITEM # 13

AGENDA ITEM: 5th Street Landscaping and Lighting Presentation

SUBMITTED BY: Kyle Klatt, Community Development Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Planning Commission
Nick Johnson, City Planner
Jack Griffin, City Engineer
Stephen Mastey, Landscape Architect

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item Community Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff Mayor Facilitates
- Discussion..... Mayor & City Council

POLICY RECCOMENDER: Staff has been working with the City's Landscape Architect consultant to develop a final landscape design for the 5th Street minor collector road that is presently under construction within some of the initial subdivisions that have been approved in the I-94 Corridor planning area. This work takes into account the feedback that the City has been receiving from project developers who have been working on finalizing their plans for this road. Staff would like to present the proposed landscape design to the Council before developers are asked to incorporate the design into their plans for 5th Street.

FISCAL IMPACT: No initial City costs up front, but the City will be responsible for the maintenance of the road, trails, sidewalk, and landscaping within the right-of-way once the public improvements are accepted by the City. The final landscape design and the construction/installation of all improvements within 5th Street will be the responsibility of private developers. The overall design has been proposed to help minimize long-term maintenance costs for the City.

SUMMARY AND ACTION REQUESTED: Staff is asking that the City Council review the proposed final landscape and lighting plan for 5th Street prior to the City's final approval of

individual construction projects along this roadway. The plans and materials attached to this report include the general landscape concept plan for 5th Street, photographs of the trees, shrubs, and plantings that have been proposed, and a photograph of the street lights that will be used for both the local residential streets and the minor collector routes. Staff will then be asking that the landscape plans for projects that include any segment of 5th Street incorporate the general 5th Street concept plan into these plans.

There is no suggested motion to since this is an informational/discussion item.

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT: After completing the Lake Elmo theming study within the past couple of years, the City hired Damon Farber associates to create a very generalize plan for 5th Street in order to help identify a unified vision for the entire length of this corridor. This led to the creation of a standard cross section for this road (also attached), which will include divided, one-lane travel lanes in both directions with a center median, turn lanes at all intersections, a 6-foot sidewalk within the northern boulevard, a 10-foot bituminous trail on the south side of the road, street trees, and other amenities. The proposed road design was seen as the minimal needed to provide for the regional transportation needs, and to also help provide for the regional pedestrian and trail amenities that are supported in the Comprehensive Plan.

As individual projects have come forward that include segments of 5th Street, Staff has been working with individual developers to implement the vision of the theming study through the specific landscape plans for each project. In addition, City Staff has been working with the City's landscape architect to create a unified plan for the corridor that places a high level of importance on minimizing long-term maintenance costs for the City while still promoting an attractive landscaping that is consistent with the City's past theming work. Throughout this process, there has been a lot of back and forth discussions concerning the cost implications of the theming study and landscaping as proposed by the City's landscape architect. Staff has been working to complete a final design for the road keeping all of these considerations in mind, and the plan being presented to the City Council represents the culmination of this process.

Staff will spend some time reviewing the plan with the City Council at the meeting, but would like to generally note that the plan focuses on the center median within 5th Street as a native planting and landscape area, while the portion of the boulevard between the road and sidewalk/trail will be planted with turf in order to maintain appropriate clear zones from the road and to help minimize overall project costs. Where there is additional room on the outside parts of the 5th Street right-of-way, the plan proposed native prairie plantings that can blend in with the adjacent development. This layout should promote the center median as an attractive, low-maintenance amenity while integrating turf grass where appropriate.

The final design element that Staff would like to share with the Council is the lighting elements that are proposed both along the local streets and 5th Street Minor Collector road. In both cases, the City will be leasing fixtures from Xcel Energy, with developers paying for the full installation costs to include street lights within new subdivisions. Because the City will be leasing from Xcel, the street light options available are limited to those offered through Xcel.

For the residential streets, Staff has recommended the “California Acorn” style lighting that was used for the Lake Elmo Avenue downtown demonstration project (these fixtures are presently installed in front of the Lake Elmo Inn). For the minor collector road, Staff is recommending that the “Evans” overhead lighting fixture be used, which was recommended in the Damon Farber 5th Street plan. At one point Staff was looking into a combination of less expensive overhead lights at main intersections with the residential decorative lighting in between, but found that it would actually be somewhat less expensive to use only the higher, more decorative Evans fixture along the corridor since the spacing between fixtures would be increased in this scenario (and hence would require fewer fixtures overall). Photographs of both the California Acorn and Evans fixtures are included as attachments.

BACKGROUND INFORMATION (SWOT):

Strengths: The proposed landscape design strikes a balance between creating a nice, attractive, and low-maintenance boulevard and overall project costs. Leasing street lights from Xcel helps minimize the up-front City costs for building new roads.

Weaknesses: The City will assume responsibility for future maintenance of the public boulevard areas.

Opportunities: The proposed landscape design will help implement many of the recommendations from the Damon Farber theming study.

Threats: The City will be assuming additional maintenance costs for the landscaping and trails within the right-of-way. The streets lights include a monthly leasing cost.

RECOMMENDATION: The City Council is being asked to review the 5th Street landscape design and plans and provide any feedback to Staff concerning the plan.

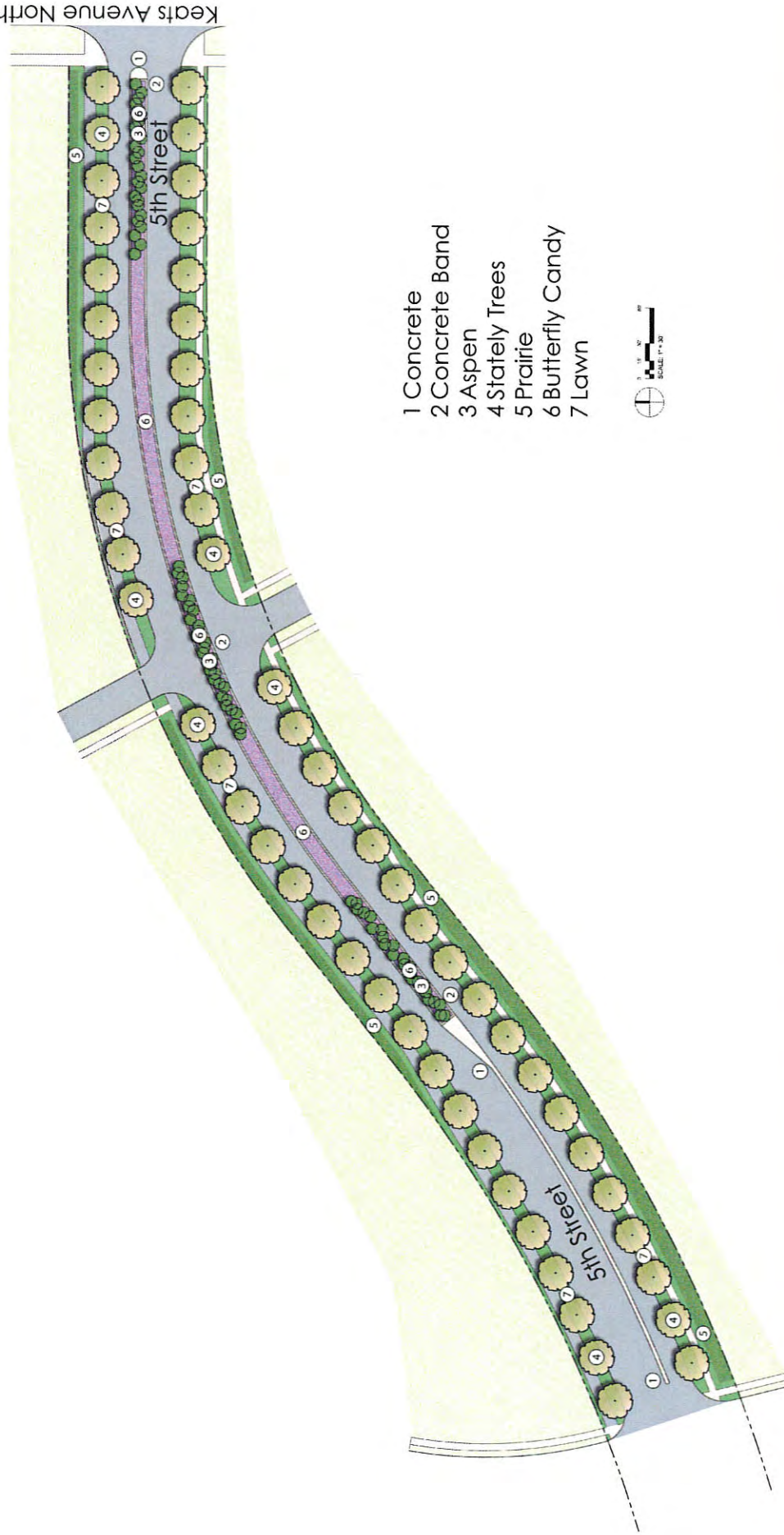
There is no suggested motion to since this is an informational/discussion item.

ATTACHMENTS:

1. 5th Street General Landscape Design Concept
2. Proposed Plant Materials
3. 5th Street Collector Design Guidelines
4. Lighting Fixture Photographs:
 - a. Evans
 - b. California Acorn

LANDSCAPE CONCEPT PLAN

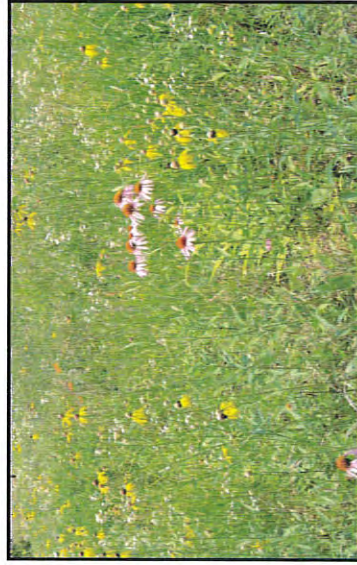
Keats Avenue North



- 1 Concrete
- 2 Concrete Band
- 3 Aspen
- 4 Stately Trees
- 5 Prairie
- 6 Butterfly Candy
- 7 Lawn



BUTTERFLY CANDY + LITTLE BLUESTEM



PRAIRIE



LIATRIS



LITTLE BLUESTEM



QUAKING ASPEN



DAFFODIL



LIATRIS

5TH STREET PLANT PALETTE, CITY OF LAKE ELMO LANDSCAPE ARCHITECTURE INCORPORATED

HERITAGE ROSES + STATELY TREES



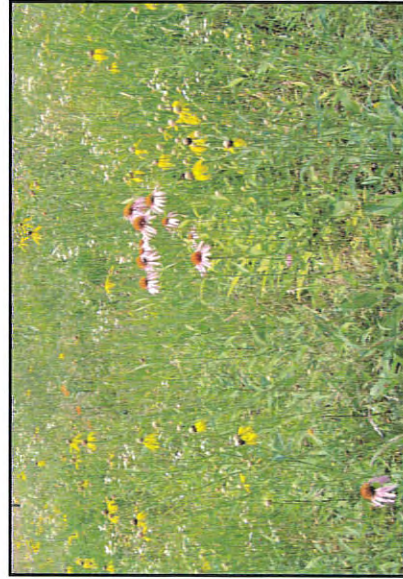
HERITAGE ROSES



OAK



MAPLE



PRAIRIE



ELM

5TH STREET PLANT PALETTE, CITY OF LAKE ELMO LANDSCAPE ARCHITECTURE INCORPORATED

5TH STREET COLLECTOR DESIGN GUIDELINES

5th Street seeks to become the backbone of future development along the I94 corridor, essentially becoming the primary access in and out of the future neighborhoods. The quality of the street and its connections are critically important. The purpose of the proposed street standards are to 1) improve the function and appearance of the street, 2) encourage pedestrian and bicycle use, and 3) reduce the potential for speeding.

2030 PROJECTED ADT = 5,000 [Transportation Plan]. 4-lane road not required in foreseeable future.
STATE AID URBAN DESIGN [8820.9936] – Collector with ADT > 10,000; 40 mph design speed.

TYPICAL SECTION

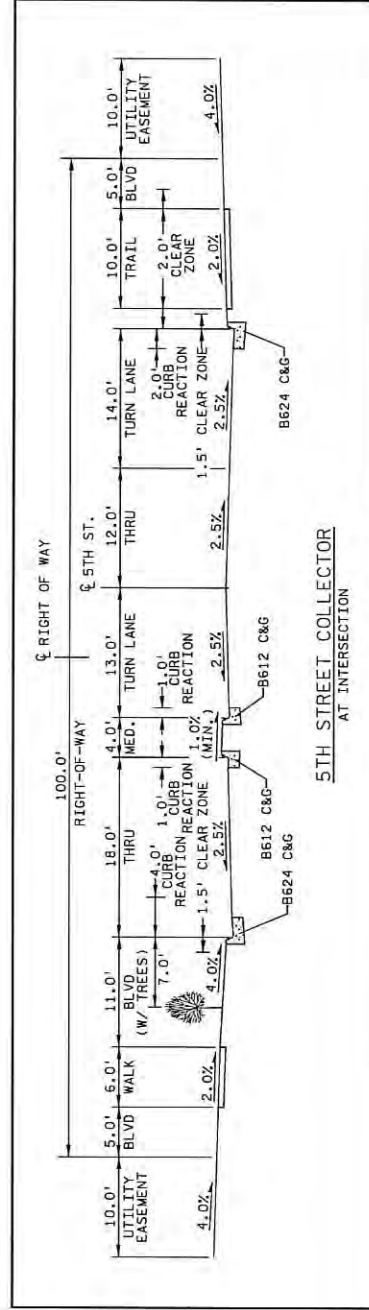
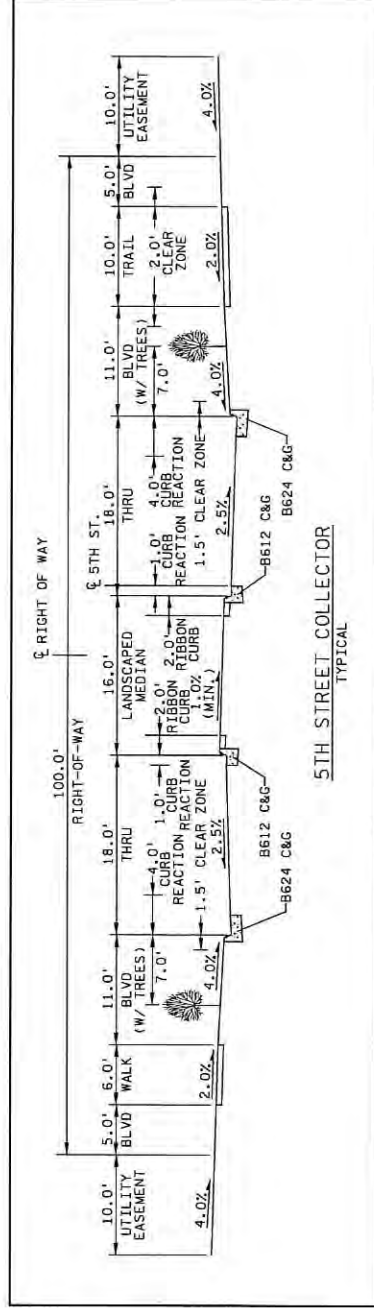
- Minimum R/W = 100 feet. **PLUS** 10-ft utility easements /clear zones on each side of the street.
- Two-lane Parkway design with 16 foot center landscaped median.
- Trough Lanes = 18 feet wide from face-face, with 4-foot curb reaction zones.
- With Median, curb reaction zone = 1 foot on either side.
- Minimum median width with turn lanes = 4 feet hardscaped.
- Pavement Section = minimum 10 ton design.
- For posted speeds 40 – 45 mph, 1.5 foot minimum clearance from face of curb to fixed objects.
- No on street parking. If parking is incorporated, minimum parking lane width = 10 feet.
- No super elevation. Maintain 2.0% cross slopes on curves.
- Minimum horizontal curvature is 667 feet.

ACCESS SPACING AND INTERSECTION REQUIREMENTS

- Residential driveways prohibited.
- Commercial driveways, non-continuous streets, and continuous local streets every 660 feet.
- Collector streets every 1,320 feet. Arterial streets every 2,640 feet.
- Left turn lanes required at all full access intersections.
- Right turn lanes required for all non-residential areas and residential areas with 25 units or greater.

AMENITIES

- North side Bituminous Trail = 10 foot minimum with 5 foot clear zone.
- South side Concrete Sidewalk = 6 foot minimum with 2 foot clear zone.
- Landscaping elements:
 - Center landscape median [combination perennial/shrub beds + sod + median trees]. Center median lined with 2 ft. wide concrete ribbon curb.
 - Boulevards at 7-ft from face of curb [boulevard trees, deciduous trees = 2.5" cal in. minimum + ornamental trees = 1.5" cal in. minimum. Tree spacing = 75 feet on both sides.
 - Special concrete in median [pavers or color concrete at end caps of median]. Bollards at key pedestrian crossings to provide a pedestrian refuge.
 - Landscape Berms, 3 to 5 feet in height, between residential property and street R/W.
 - Site Irrigation.
- Theming Elements:
 - Street Lights -25 ft. poles @ 250 ft. spacing [Xcel Energy - 'Evans' Lamp].
 - Ornamental Street Lights – 15 ft. poles @ intersections [Xcel Energy - 'Acorn' Lamp].
 - Banner Poles at primary gateway intersections.
 - White post & rail fencing along important arterial streets.
 - Protective bollards at key pedestrian crossings.

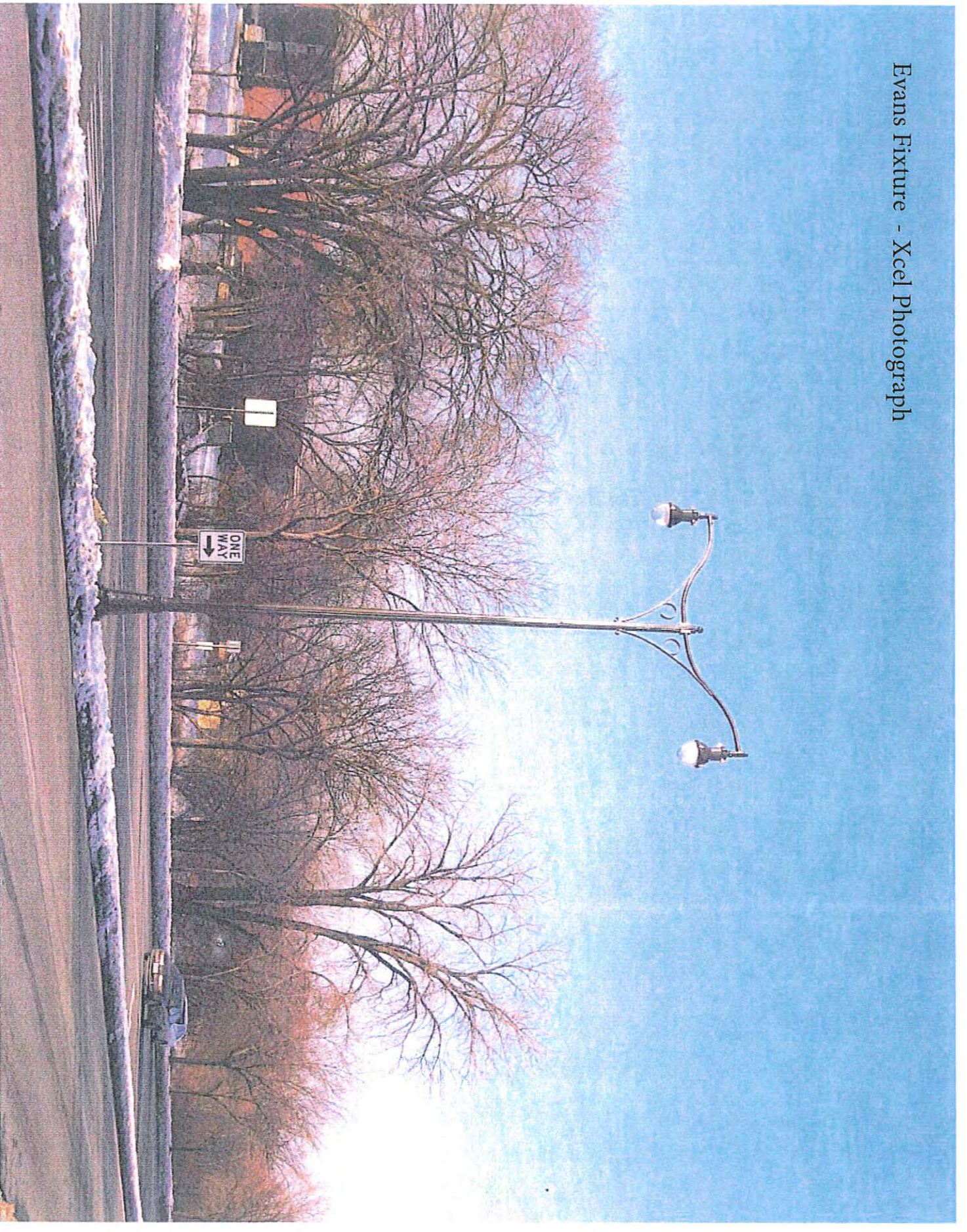


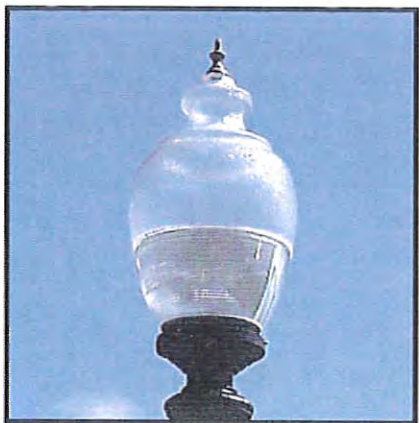
5th Street North Collector Typical Sections



Job #8132
1/30/2014

Evans Fixture - Xcel Photograph

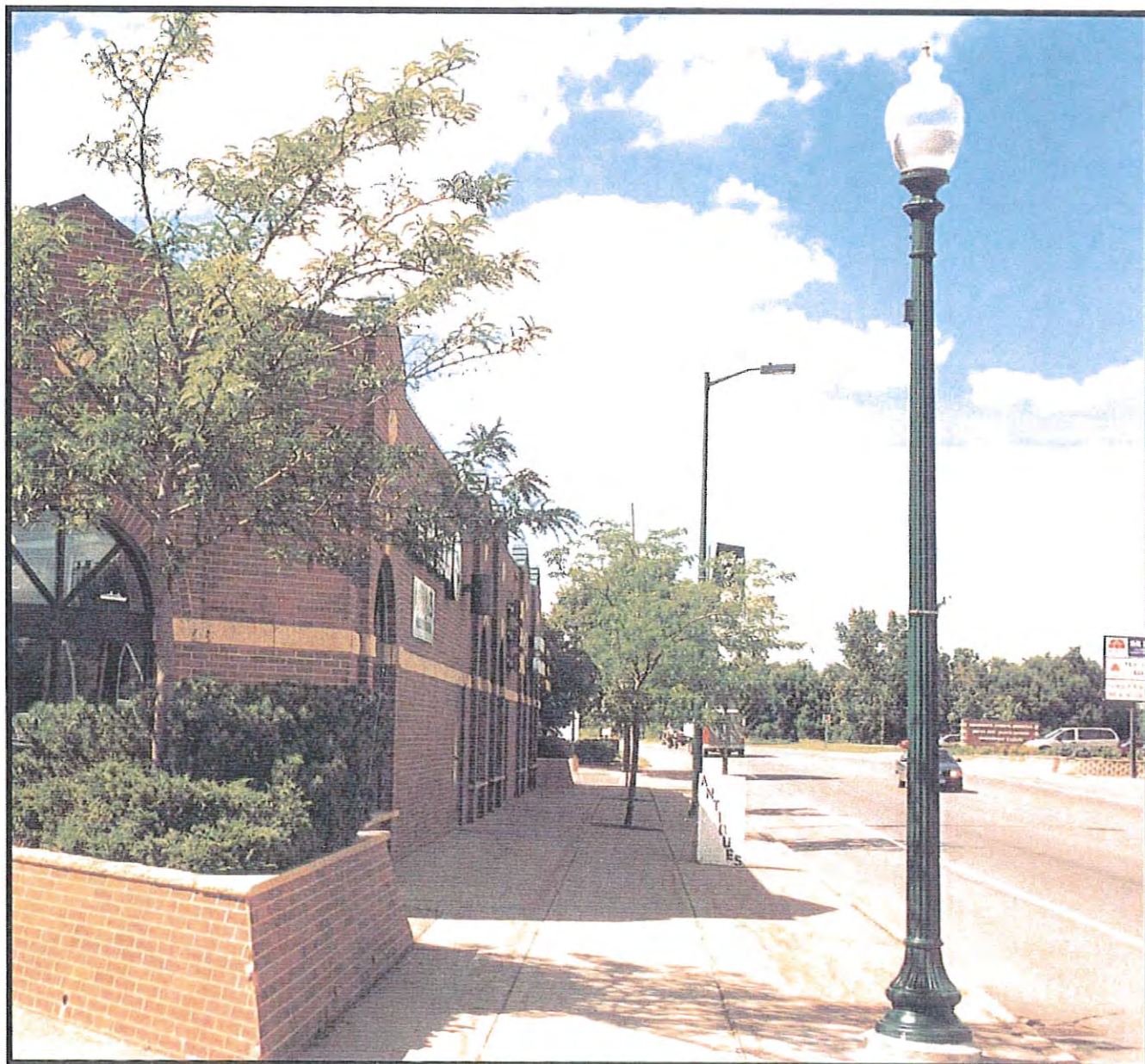




Acorn

High Performance Beauty

The Acorn Series combines superior photometrics with exceptional design and sets a new standard for decorative post top luminaires.





MAYOR & COUNCIL COMMUNICATION

DATE: February 3, 2015
REGULAR
ITEM # 14

AGENDA ITEM: Community Development Department 2015 Work Plan

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 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 and Planning Commission

FISCAL IMPACT: Not yet specified. Certain items on the work plan may require outside assistance. Staff will seek Council direction as appropriate prior to utilizing such assistance.

SUMMARY AND ACTION REQUESTED: The City Council is being asked to review and accept the Community Development Department's annual work plan for 2015 that has been prepared with input from the Planning Commission. The Council is asked to review the plan and comment on it so that the Planning Commission and Council are communicating about priorities at the start of the year. The primary intent of the work plan is to help prioritize the projects the Planning Commission will be reviewing over the course of 2015, and to also help keep the Commission informed about the internal planning related activities and projects that will be undertaken by the Staff over the coming year. This is a working document that provides guidance to the Commission and Council yet has the flexibility to respond to priorities as they emerge. It will also help the Commission gauge its progress at achieving some of its goals for the year.

The plan has been drafted in a format similar to the one used for previous years, using the format and codes that were include in last year's work plan. Please note that this document is intended to augment the City-wide work plan recently adopted by the Council, and all land use items on the Council's work plan have been assigned a high-priority designation in the attached document.

The recommended motion to act on this is as follows:

"Move to accept the 2015 Community Development Department Work Plan"

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT: The work plan as recommended by the Planning Commission was prepared using the previous year's plan as a template and tracking any changes (deletions and additions) that were used to create the new document. The version that is attached for consideration by the Council has had all revisions made in order to present a final, clean document for review.

The Planning Commission reviewed the work plan at its January 26, 2015 meeting and recommended approval with a minor modifications that have since been made to the document.

BACKGROUND INFORMATION (SWOT): Adoption of a work plan helps provide for an increased level of accountability within the department and also helps to ensure that the Planning Commission and City Council are in agreement concerning the overall priorities for the Community Development Department for the year. The one drawback to the plan that has been recommended is that it is fairly extensive, and not all items are likely to be completed by the end of the year. In addition, the plan anticipates that the Planning Commission will receive a large number of land use applications this year, which will make achieving some of the broader goals somewhat difficult.

RECOMMENDATION: Based upon the above background information, Staff report, and Planning Commission recommendation, it is recommended that the City Council accept the 2015 Community Development Department Work Plan by undertaking the following action

"Move to accept the 2015 Planning Commission Work Plan"

Alternatively, the City Council may make modifications to the Plan as it deems necessary and adopt the work plan with modifications.

ATTACHMENTS:

1. 2015 Community Development Department Work Plan

2015 Community Development Work Plan

Prepared by the Lake Elmo Planning Commission: 1/26/15

Accepted by the City Council _____



Key:

Status:	C – Complete IP – In Progress
Date: (Completion Goal)	A – 0 to 3 months B – 3 to 6 months C – 6 to 9 months D – 9 to 12 months
Admin:	Staff Projects/Initiatives
PL:	Priority Level (1-5 with 1 being the highest priority)

Project and Description

Date
(Months) PL Status

ZONING INITIATIVES

Zoning Map Updates

- Update Zoning Map to change Village parcels to VMX consistent with the Comprehensive Plan B 2
- General map updates and corrections C 3
- Implement zoning map changes for specific developments in the Village and I-94 Corridor. B 2

File Organization

- Archive older zoning files B 2
- Scan zoning files into Laserfische system C 4

Zoning Text Amendments (Zoning Code Update)

- General performance standards B 1
- Specific development standards C 4
- Public Facilities ordinance amendments B 1
- Tree Preservation Ordinance perfecting amendments C 3

Zoning Text Amendments (General)

- Outdoor Lighting Ordinance Revisions D 3
- Outdoor Wood Burning Furnaces D 5
- Revise contractor work hours ordinance C 3
- Sign Code Revisions C 3

Form-based Code

- | | | | |
|---|---|---|--|
| • Establish general objectives for the creation of a form-based code within the Village Planning Area | A | 1 | |
| • Draft a form-based code to supplement the Village Mixed-Use zoning district | C | 2 | |
| • Incorporate design standards from the Design Standards Manual as part of a form-based code | C | 2 | |

Airport Zoning

- | | | | |
|---|---|---|--|
| • Work towards creating an airport zoning ordinance that allows development flexibility within the Village Planning Area with the Metropolitan Airports Commission, Met Council, MnDOT, and Washington County | D | 1 | |
| • Implement City airport zoning regulations for the airport safety zones within the Village Planning Area | D | 2 | |

Permit Software Implementation

- | | | | |
|--|---|---|--|
| • Implement Code Enforcement Module for Permit Works | A | 2 | |
| • Add Planning Module from PermitWorks to track planning and zoning applications | B | 1 | |

Shoreland Ordinance Update

- | | | | |
|--|---|---|--|
| • Prepare request for flexibility through DNR | A | 1 | |
| • Adopt final version of Shoreland Ordinance based on DNR approval | B | 1 | |

Subdivision Ordinance

- | | | | |
|---|---|---|--|
| • Review ordinance for consistency with ongoing zoning amendments | B | 2 | |
| • Prepare update to incorporate updated engineering standards and to revise submission requirements | D | 4 | |

Development Reviews

- | | | | |
|---|---|---|----|
| • Savona 3 rd Addition Final Plat | B | 2 | |
| • Boulder Ponds Final Plat – 1 st Phase | A | 2 | |
| • InWood PUD (1 st Phase) Final Plat | A | 2 | |
| • Landucci Goetschel Property development – Concept Plan | B | 2 | IP |
| • Hunter's Crossing 2 nd Addition Final Plat | A | 2 | |
| • Detriech/Reider Property Sketch Plan and Preliminary Plat | B | 2 | |
| • Hammes West Final Plat – Final Implementation | A | 2 | IP |
| • Easton Village Final Plat | A | 2 | IP |
| • Wildflower at Lake Elmo Preliminary and Final Plat | B | 2 | IP |
| • Village Preserve Final Plat | A | 2 | |
| • Village Park Preserve Final Plat | A | 2 | |
| • ISD 916 Final Development Plans | C | 2 | |
| • Launch Properties Preliminary and Final PUD Plans | D | 2 | |

- I-94 Commercial development C 2

PLANNING INITIATIVES

Village Area Planning

- Act as a staff resource for the Village Planning Work Group and participate in Work Group Meetings C 1
- Complete functional master plan for the downtown based on economic metrics, infrastructure needs, and practical, taxpayer-driven input D 1
- Participate in Lake Elmo Avenue/TH17 reconstruction planning project A 1 IP
- Participate in Lake Elmo Avenue/Village Storm Water study with Washington County A 2 IP
- Submit application for new Village Parkway railroad crossing B 2 IP
- Plan for a trail connection between downtown Lake Elmo and the Lake Elmo Park Reserve D 3

I-94/10th Street Corridor Planning

- Develop a transit oriented development plan for Hudson Boulevard to accommodate the Gateway Corridor Bus Rapid Transit system. D 1

General Comprehensive Planning

- Prepare rural development area study to consider future development options for rural areas B 2 IP
- Review Waste Water chapter of Comprehensive Plan in conjunction with rural areas review D 3
- Review 2015 Met Council Systems Statement A 1
- Reduce the population expectations to 18,000 by 2040 by careful negotiations with the Met Council prior to the adoption of the 2015 System Statements including the possibility of reducing density expectations in sewer served areas and re-designating high density areas in the SE to commercial A 1
- Review individual projects for compliance with the Comprehensive Plan C 3

Park Planning

- Assist with the creation of a master plan for selected City parks, provide assistance to Parks Commission as needed D 3
- Review park plans for individual developments with the Park Commission D 2 IP
- Work with the Park Commission to update the Park Plan in City's Comprehensive Plan C 3
- Review and update the Trail Plan in City's Comprehensive Plan D 4

Conduct a joint meeting with the Park Commission to discuss park planning for new developments	B	3	
Capital Improvement Plan			
Planning Commission review of 2015-2019 Capital Improvement Plan for consistency with the Comprehensive Plan	D	2	
Joint City Council/Planning Commission Workshop			
Conduct a workshop with the City Council to discuss goals, policies, and general land use planning issues	B	3	
General Planning Studies			
Conduct review of 201 (community) septic system policies and management practices. Develop system for proper oversight, billing, and maintenance of community systems.	D	3	IP
aDevelop list of contacts and resources for private community septic systems	C	3	
Economic Development Support			
Provide support and assistance to City Administrator and Economic Development Authority (EDA) as needed for economic development activities	D	3	
Maintain list of business in Lake Elmo on City web site	D	5	
<u>ADMINISTRATIVE INITIATIVES</u>			
Developer's Agreements and Escrows			
Track planning and other review time against development escrow accounts	A	1	IP
Public Infrastructure Review			
Successfully manage development infrastructure construction to City specifications	C	1	IP
Building Division			
Hire building inspector as demand for service and inspection revenue increases	A	2	
Develop disaster preparedness manual for Lake Elmo	D	3	
Gateway Corridor Commission			
Act as City representative for Technical Advisory Commission	A	3	
Provide support for station area planning process	B	2	
Permit Tracking Software			
Complete move of planning file system to PermitWorks	B	3	

software

Code Enforcement

- | | | | |
|---|---|---|--|
| • Provide support code enforcement program with the Building Inspector as the City's code enforcement officer | B | 3 | |
|---|---|---|--|

File Archiving and Management

- | | | | |
|---|---|---|--|
| • Scan address files into the City Laserfische system | D | 3 | |
|---|---|---|--|

Engineering Projects

- | | | | |
|--|---|---|----|
| • Provide planning assistance as needed for regional trunk sewer project | A | 2 | IP |
|--|---|---|----|

Policy and Procedures Review

- | | | | |
|---|---|---|----|
| • Develop application intake and completeness worksheet | A | 2 | IP |
| • Streamline & Improve Policies/Procedures for the handling of routine land matters including but not limited to variances, site plan review, setbacks et al; | A | 1 | |

TRANSPORTATION PLANNING PROJECTS

- | | | | |
|---|---|---|----|
| • Participate in Lake Elmo Avenue (CSAH 17) study with Washington County. | C | 2 | IP |
| • Participate in Manning Avenue (CSAH 15) study with Washington County. | B | 2 | IP |
| • Provide support to City Engineer on TH36 intersection and access management study | D | 4 | IP |



MAYOR & COUNCIL COMMUNICATION

DATE: February 3, 2015
REGULAR
ITEM # 15

AGENDA ITEM: Easton Village – Final Plat (Phase 1)
SUBMITTED BY: Kyle Klatt, Community Development Director
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Planning Commission
Nick Johnson, City Planner
Jack Griffin, City Engineer

SUGGESTED ORDER OF BUSINESS:

- 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: The Planning Commission is recommending that the City Council approve a final plat request from Easton Village, LLC for the first phase of a planned 217 unit residential subdivision to be located on 98.47 acres within the Village Planning Area. The final plat will include 71 single-family lots located within the southern portion of the subdivision.

The Planning Commission considered the final plat at its January 26, 2015 meeting and a summary of the Commission's report and recommendation are included below.

FISCAL IMPACT: TBD – the City will be asked to review a developer's agreement concerning the final plat at an upcoming meeting. The agreement will include a detailed accounting of any development costs that will be the responsibility of the developer and/or the City. As per the Staff recommendation, the developer has also prepared plans for the Eastern Village Trunk Sewer line, and this project will be subject to a separate developer's agreement as well.

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider a final plat request from Easton Village, LLC for approval of a final plat for the first phase of the Easton Village residential development. The final plat includes 71 single-family residential lots, and the related construction plans for the improvements necessary to serve these homes. The City Council approved the Easton Village Preliminary Plat on July 15, 2014, which covered approximately 98.5 acres of land within the Village planning area. There are 71 single-family residential units planned within the entire subdivision, and the final plat covers approximately one-third of the overall total of units that will eventually be platted.

The Planning Commission considered this matter at its January 26, 2015 meeting and recommended approval of the final plat as presented and subject to conditions of approval.

The suggested motion to adopt the Planning Commission recommendation is as follows:

“Move to adopt Resolution No. 2015-07 approving the final plat for Easton Village”

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT: The attached Staff report to the Planning Commission includes detailed information concerning the final plat in addition to the staff review and analysis of the request. The preliminary plat was approved by the City Council on July 15, 2014, and this approval included a series of conditions that must be met by the applicant. Included in the Staff analysis is a line-by-line review of the conditions attached to the preliminary plat.

The Planning Commission considered the proposed final plat at its January 26, 2015 meeting and recommended approval with revisions one of the conditions of approval as drafted by Staff to require additional issues to be disclosed on the proposed disclosure statement. The Commission also requested a minor modification to one of the draft findings of approval.

As part of its review, the Commission asked several questions concerning the proximity of the subdivision to the Lake Elmo Airport, Union Pacific Railroad, and Manning Avenue. In order to help ensure that future property owners and builders are aware of the potential noise impacts from these uses, the Commission is recommending that a disclosure statement be provided to the initial buyer/builder of lots within Easton Village. The requirements for such a statement and the exact wording for the disclosures will be included as part of the development contract for this subdivision. The Commission's draft condition as revised (condition number 8) is included as part of Resolution 2015-07.

The Commission also discussed the request from the Metropolitan Airports Commission (MAC) that a barrier be installed between the residential lots and the storm water ponding area along Manning Avenue. The developer indicated that they would like to install a horse fence consistent with the City's theming study with lower shrubs to act as a barrier, and that they would be further discussing this concept with MAC.

The Planning Commission adopted a motion to recommend approval of the final plat consistent with the findings as noted in the attached Resolution No. 2015-007 and including all conditions of approval as listed in the resolution. The vote on the motion passed with a vote of 5 to 1. The dissenting Commissioner explained that she wanted to see more information on the individual houses and more details concerning the park land dedication before voting on the final plat.

BACKGROUND INFORMATION (SWOT):

- | | |
|----------------------|---|
| Strengths | <ul style="list-style-type: none">• The proposed plat is consistent with preliminary plat subject to the conditions being recommended by Staff and the Planning Commission. |
| Weaknesses | <ul style="list-style-type: none">• Several conditions of approval must be met by the applicant, including revisions to the final construction plans to address comments from the City Engineer.• The applicant must still secure approval from the Valley Branch Watershed District concerning the revised storm water management plan. |
| Opportunities | <ul style="list-style-type: none">• The final plat, in conjunction with the Eastern Village Trunk Sewer project, will complete a missing and critical portion of the Village sewer system. Without Easton Village and the related public improvements, the 39th Street sewer project will not be connected to the lift station along 30th Street.• The project represents the first Village subdivision to include a portion of the Village Parkway. |
| Threats | <ul style="list-style-type: none">• The project is located adjacent to the airport, and as such, there is potential for noise and visual impacts to the future residents of this subdivision. Because the preliminary plat area is located outside of the immediate noise and safety zones, the conditions of approval as drafted are advisory in nature. |

RECOMMENDATION: The Planning Commission and Staff are recommending that the City Council approve the final plat for Easton Village with 11 conditions of approval. The suggested motion to adopt the Planning Commission recommendation is as follows:

“Move to adopt Resolution No. 2015-07 approving the final plat for Easton Village”

ATTACHMENTS:

1. Resolution No. 2015-07
2. Planning Commission Staff Report – 1/26/15
3. Application Form
4. Applicant Memorandum – Southwest Grading
5. City Engineer Review Letter
6. Landscape Architecture Review Letter

7. Metropolitan Airports Commission Review Letter
8. Sample Airport Disclosure Notification
9. Baytown Township Comments
10. Easton Village Final Plat
11. Landscape and Tree Preservation Plan – Phase I
12. Tree Survey
13. Grading and Erosion Control Plan – Phase I (electronic only)
14. Street and Utility Plan – Phase I (electronic only)
15. Landscape and Tree Preservation Plan - All Phases (electronic only)

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

RESOLUTION NO. 2015-07

A RESOLUTION APPROVING A FINAL PLAT FOR EASTON VILLAGE

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

WHEREAS, Easton Village, LLC, 2140 West County Road 42, Burnsville , MN (Applicant) has submitted an application to the City of Lake Elmo (City) for a Final Plat for Easton Village, a copy of which is on file in the City of Lake Elmo Community Development Department; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on June 30, 2014 to consider the Easton Village Preliminary Plat; and

WHEREAS, the Lake Elmo Planning Commission submitted its report and recommendation concerning the Preliminary Plat as part of a memorandum to the City Council for the July 15, 2014 City Council Meeting; and

WHEREAS, the Lake Elmo Planning Commission adopted a motion recommending approval of the Preliminary Plat; and

WHEREAS, the City Council reviewed the Preliminary Plat request at its July 15, 2014 meeting and adopted Resolution No. 2014-058 approving the Preliminary Plat; and

WHEREAS, the Lake Elmo Planning Commission met on January 26, 2015 to review the Final Plat for Easton Village consisting of 71 single-family detached residential lots; and

WHEREAS, on January 26, 2015 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council approve the Final Plat for Easton Village with conditions; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission and the Final Plat for Easton Village at a meeting held on February 3, 2015; and

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

FINDINGS

- 1) That the procedure for obtaining approval of said Final Plat is found in the Lake Elmo City Code, Section 153.08.

- 2) That all the requirements of said City Code Section 153.07 related to the Final Plat have been met by the Applicant, with the exception of the items identified in the Staff report to the Planning Commission dated January 26, 2015.
- 3) That the proposed Final Plat for Easton Village consists of the creation of 71 single-family detached residential structures.
- 4) That the Easton Village Final Plat is consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on July 15, 2014 and as amended to comply with all conditions of preliminary plat approval.
- 5) That the Easton Village Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 6) That the Easton Village Final Plat complies with the City's Urban Low Density Residential zoning district regulations.
- 7) That the Easton Village Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances with the exception of issues identified in the January 26, 2015 Staff report to the Planning Commission.
- 8) That the Easton Village Final Plat complies with the City's subdivision ordinance.
- 9) That the Easton Village preliminary plat is consistent with the City's engineering standards with the plan revisions as requested by the City Engineer in his review comments to the City dated January 22, 2015.

CONCLUSIONS AND DECISION

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Final Plat for Easton Village subject to the following conditions:

- 1) Final grading, drainage, and erosion control plans, sanitary and storm water management plans, landscape plans, and street and utility construction plans shall be reviewed and approved by the City Engineer prior to the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in a memorandum dated January 22, 2015 shall be incorporated into these documents before they are approved.
- 2) Prior to the execution of the Final Plat by City officials, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements for: a) the Easton Village Final Plat with financial guarantees therefore, and b) for the Eastern Village Trunk Utility Project with financial guarantees therefore.

- 3) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to the execution of the final plat by City Officials.
- 4) A Common Interest Agreement concerning management of the common areas of Easton Village and establishing a homeowner's association shall be submitted in final form to the Community Development Director before a building permit may be issued for any structure within this subdivision. The applicant shall also enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the final plat
- 5) The developer is encouraged to incorporate elements from the Lake Elmo Theming Study into the final design of the community mailboxes within Easton Village.
- 6) The applicant shall separate those portions of Outlots B and E that are intended to be used for storm water management facilities and trails respectfully to facilitate the transfer of these public facilities to the City of Lake Elmo. The applicant shall deed Outlots A, D, F and those portions of D and E as described above to the City upon recording of the final plat.
- 7) The applicant shall comply with recommendations of the Metropolitan Airports Commission as documented in a letter dated December 8, 2014 from the Commission's Airport Planner.
- 8) The applicant shall provide shall provide a disclosure statement to all first homeowners in the development advising of the airport and associated over-flights, strobe lighting used by the airport, the potential future expansion of the airport, the location of an active Union Pacific rail line in close proximity to the development, and the temporary nature of the Manning Avenue connection providing access to Easton Village.
- 9) All builders shall be encouraged to incorporate interior noise reduction measures into single family residential structures within the subdivision based on the Metropolitan Council's Builder Guide.
- 10) The proposed street names shall be revised as follows to match existing and planned subdivisions in the area: a) 34th Street North to 32nd Street North and b) Lockwood Avenue North North to Linden Avenue North, and c) Lockwood Lane North to Linden Lane North.
- 11) The proposed access to Manning Avenue will be permitted as a temporary access until such time that the Village Parkway is connected to 30th Street or 5 years has passed from the date of final plat approval, whichever is longer. The developer's agreement for Easton Village shall include appropriate financial securities concerning the future cost for removal of the temporary access.

Passed and duly adopted this 3rd day of February 2015 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk



PLANNING COMMISSION
DATE: 1/26/15
AGENDA ITEM: 5B – BUSINESS ITEM
CASE # 2015-02

ITEM: Easton Village Final Plat (Phase 1)
SUBMITTED BY: Kyle Klatt, Planning Director
REVIEWED BY: Nick Johnson, City Planner
Jack Griffin, City Engineer

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a Final Plat request from Easton Village, LLC for the first phase of a planned 217 unit residential development to be called Easton Village. The final plat includes 71 single family lots that are located within the southern portion of the preliminary plat and extended along the southern boundary of the subdivision. Staff is recommending approval of the request subject to compliance with the conditions listed in this report.

GENERAL INFORMATION

Applicant: Easton Village, LLC, (Tom Wolter) 2140 West County Road 42, Burnsville, MN
Property Owners: Same
Location: Section 13, Township 29 North, Range 21 West in Lake Elmo, north of 30th Street, west of Manning Avenue, and south of the Union Pacific railroad right-of-way. PID Numbers 13.029.21.14.0002, 13.029.21.41.0001, 13.029.21.42.0001 and 13.029.21.13.0001
Request: Application for final plat approval of a 71 unit residential subdivision to be named Easton Village.
Existing Land Use and Zoning: Agriculture, Woods/Natural Vegetation Current Zoning: RT – Rural Transitional
Surrounding Land Use and Zoning: North – vacant/agricultural land; west – single family home, City park, natural vegetation; south – vacant/agricultural land; east – Lake Elmo Airport (Baytown Township). Surrounding Zoning: RT – Rural Transitional and PF – Public and Quasi Public Open Space
Comprehensive Plan: Village Urban Low Density Residential (1.5 - 2.5 units per acre)
History: Property was included in Village Planning Area boundary and municipal sewer service area as defined in the 2013 Village Land Use Plan. Site has historically been used for farming activities, including the growing of agricultural crops. Sketch Plan review by Planning Commission on 1/27/14 with Preliminary Plat approval on July

15, 2014. An AUAR for the Village Planning area was approved by the City in May of 2009.

Deadline for Action: Application Complete – 8/8/14
 60 Day Deadline – 10/8/14
 Extension Letter Mailed – No
 120 Day Deadline – 12/8/14

Applicable Regulations: Chapter 153 – Subdivision Regulations
 Article 10 – Urban Residential Districts (LDR)
 §150.270 Storm Water, Erosion, and Sediment Control

REQUEST DETAILS

The City of Lake Elmo has received a request from Easton Village, LLC for final plat approval of the initial phase of the Easton Village residential subdivision. The area to be platted represents approximately one-third of the lots that were approved with the preliminary plat, and will include 71 single-family lots, outlots for storm water management facilities, outlot areas for park land dedication, required easements, and a larger outlot area that will be set aside for future plat phases. The City of Lake Elmo approved the Easton Village Preliminary Plat on July 15, 2014, and the final plat includes lots along the southern portion of the overall area that will be subdivided.

In advance of submitting an application for a final plat, the developer undertook a fairly lengthy review process with the City and other external agencies to address the conditions attached to the City's approval of the preliminary plat. The end result of this process was a revised preliminary plat and associated plans that were deemed compliant with the previous conditions of approval by the City on December 18, 2014. The City did not deem the final plat application complete until all previous review comments were addressed in the preliminary plat documents, which is part of the reason why the application has not been scheduled for Planning Commission review until now. The most significant of the issues that the applicant has had to address concerns the storm water management plan, which has undergone revisions in order to address previous review comments. The updated storm water plans must still be reviewed by the Valley Branch Watershed District for conformance to its rules and regulations, but the updated plans address previous City review comments by: 1) lowering the depth of the larger pond in along the eastern portion of the site, 2) providing for proper overflow of all storm water ponding areas, 3) providing for property access and safety benching around ponds, 4) providing adequate cover for all storm water pipes that cross City roads, and 5) responding to other general review comments.

Another part of the preliminary plat submission that has undergone a more extensive review since the City's approval back in July of last year are the landscape plans, which now include a specific tree protection and replacement plan. The City's landscape architect completed a review of the general landscape plans and found that the plans conform to the City's requirements; however, he noted that the applicant did not submit a tree protection and replacement plan that followed the City's ordinance. The applicant has since submitted this plan for review, and the updated plan has been deemed compliant with City regulations. All plans have been updated to address comments from the landscape architect, and these plans are included in the materials being presented to the Planning Commission.

The revised preliminary plat and plans address other review comments as noted in the following section of this report. As the applicant has worked to address the previous review comments and conditions of approval, there have been some minor modifications to the configuration of some lots

within the subdivision. These changes directly address preliminary plat review comments, and more specifically respond to the following:

- The need to reconfigure the temporary access into the subdivision, and to remove this road from the final plat as a permanent public right-of-way.
- Revisions to the grading plan within the southwestern portion of the site that are necessary to comply with storm water management and infiltration requirements and as further explained in the attached letter from the project engineer.
- Adjustments to the property boundaries adjacent to the gas line that bisects the site in order to provide larger setbacks from the edge of this pipe.
- The provision of a slightly larger buffer from the railroad tracks and increased setbacks between lots and the railroad. Please note that these changes do not appear in the final plat documents since the final plat does not include any lots adjacent to the railroad.
- Revisions to the storm water management plan that resulted in modifications to the high water level of the various storm water ponds throughout the subdivision. The City is requiring that the high water level of all ponds be contained within City outlots, and when these levels are adjusted to address review comments, the resulting property boundaries may have changed to accommodate these changes.

The updated preliminary plat documents are available for review upon request. In the interest of keeping the meeting materials for the Planning Commission's review of the final plat to a manageable level, these materials have not been included with the meeting agenda and packet. Staff has included the updated landscape plan (and tree protection and replacement plan) for the entire project area since it provides a good overview of the entire subdivision area and future project phases.

In addition to the final plat, the application has submitted an updated landscape plan for area covered under the final plat, grading and erosion control plans, and street and utility plans for Phase 1. Please note that applicant is proposing to extend public sewer to the site from the lift station along 30th Street, and doing so will require the applicant to cross the private property to the south with this sewer line. This trunk sewer line is proposed to be constructed as part of a separate project that will involve coordination with the property owner to the south (Gonyea Homes). Staff is recommending that the City enter into a developer's agreement concerning the trunk sewer project prior to or at the same time that City accepts a developer's agreement for the Easton Village Final Plat. This action would essentially tie these projects together, and would not allow one to progress without the other. The eastern village trunk line project will be an important component of the City's overall plans to provide sanitary sewer service to the Village since the sewer line north of the railroad tracks has already been installed as part of a public improvement project and will not be usable without the applicant's private project to connect to the lift station.

The proposed subdivision will plat lots along the southern boundary of the overall subdivision area along with lots surrounding the planned park area identified as "Outlot D" on the plat. The platted lots will extended to the western limits of the subdivision area, and will also provide for the needed easements to bring the sewer line up through the project from the south. The sewer line will then follow a proposed drainage and utility easement area along the western edge of the plat and under the location of a planned roadway in future additions. As part of the final plat, the developer will also be constructing the first segment of the planned Village Parkway minor collector road, with future extensions of this roadway to be constructed with latter additions. The developer is proposing a temporary access into the development from Manning Avenue, which is shown on the construction plans but does not show up on the final plat due to its temporary nature. The developer has asked

that this intersection remain for at least five years, even if the Village Parkway connection to 30th Street is made in a shorter period of time.

Please note that the grading and utility plans generally follow the area covered under the final plat, but that there is a fair amount of mass grading shown for the entire site as part of these plans in order to ensure that the larger storm water ponding areas function properly from the start of development activity. The street and utility plans are specific to the final plat with the exception of the trunk sewer project which has been submitted as a separate plan set. The applicant has submitted detailed construction plans for related to sanitary sewer, water main, storm sewer, grading, drainage, erosion control, landscaping, and other details that have been reviewed by the City Engineer.

The City's subdivision ordinance establishes the procedure for obtaining final subdivision approval, in which case a final plat may only be reviewed after the City takes action on a preliminary plat. As long as the final plat is consistent with the preliminary approval, it must be approved by the City. Please note that the City's approval of the Easton Village Preliminary Plat did include a series of conditions that must be met by the applicant, which are addressed in the "Review and Analysis" section below. There are no public hearing requirements for a final plat.

The City's zoning map for all of the area included in the preliminary plat for Easton Village has not yet been updated to reflect the future land use plan for this area. Staff is recommending that the City delay taking action to update the Zoning Map for this area until a final development agreement has been executed for this project. This delay is necessary to ensure that the zoning for this area is completed in conjunction with the availability of public services. The zoning for the site will be LDR – Urban Low Density Residential, and the proposed lots, setbacks, streets, and other plan elements have been found to be consistent with the LDR district requirements.

Staff has reviewed the final plat and found that it is consistent with the preliminary plat that was approved by the City. Please note that the final plat now includes proposed street names; however, Staff is recommending changes to the street names to ensure consistency with the surrounding subdivisions. The City Engineer and Landscape Architect have reviewed the final plat, and these comments are attached to this report. Although there are some additional revisions to the final construction plans that will need to be addressed by the applicant, the remaining revisions are relatively minor and can be made before the City releases the final plat for recording.

REVIEW AND ANALYSIS

The preliminary plat for Easton Village was approved with several conditions, which are indicated below along with Staff's comments on the status of each. Staff is recommending approval of the final plat with conditions intended to address the outstanding issues that will require additional review and/or documentation. In order to assist the Planning Commission with its review, Staff is also including a summary the critical issues that need to be resolved for the subdivision to move forward.

Critical Issues Summary:

- 1) With the additional work performed by the applicant to address previous comments concerning the storm water management plan, the overall plan was changed in a manner that will likely require further review and approval by the Valley Branch Watershed District. The review (and all final approvals from the watershed district, including any conditions of approval) must be completed before the City will grant final approval of the construction plans and the related commencement of any grading activity on the site.

- 2) The extension of sewer service to the site is proposed to be completed as part of a separate project that will require the participation and/or cooperation of the property owner to the south of Easton Village. The applicant has submitted plans to the City for the construction of this sewer line, and has indicated that he does have the agreement of the property owner to the south (Gonyea Homes) to construct this line. In order to ensure that the platting and construction of Easton Village does not take place before the sewer line is also being built, Staff is recommending that the final approvals for Easton Village be tied to the approval of a developer's agreement for the trunk sewer line.
- 3) The final plat does not separate out the portion certain outlots (Outlots B and E) that must be deeded to the City for park and storm water purposes. The developer will need to make minor modifications to the final plat to separate these areas from the larger outlots. Because this action will only affect these respective outlots, this can be addressed by the applicant on the final plat that is submitted for recording.
- 4) The Metropolitan Airports Commission (MAC) has provided recommendations concerning the design of the storm water retention and infiltration areas that should be reflected in the final plans. The applicant has updated the landscape plan in response to these comments, and the plans should be further revised to address the recommendation for a barrier between private yards and the storm water ponds. In addition to the landscape and storm water pond comments, MAC has also requested that noise impacts associated with the airport also be acknowledged by the applicant and future homeowners within Easton Village. Because this concern was also a component of the Village Area AUAR (environmental review document), Staff is recommending a condition that encourages home builders to incorporate noise abatement techniques into their homes. Staff is not recommending a specific noise threshold for this mitigation measures at this time because: a) the residential lots within Easton Village fall outside of the airport noise buffer zones where residential construction is deemed an unacceptable use, and b) the City is continuing to work towards an overall airport zoning ordinance with MAC and other affiliated agencies that will more specifically address structural requirements within the noise buffer zones (and to address other issues concerning residential development in and around these zones).
- 5) All other recommended conditions of approval relate to final details that must be addressed by the applicant and can be handled prior to release of the final plat for recording.

In order to provide the Planning Commission with an update concerning the conditions associated with the preliminary plat for Easton Village, Staff has prepared the following:

Preliminary Plat Conditions – With Staff Update Comments (updated information in bold italics):

- 1) Within six months of preliminary plat approval, the applicant shall complete the following: a) the applicant shall provide adequate title evidence satisfactory to the City Attorney; and b) the applicant shall pay all fees associated with the preliminary plat. The above conditions shall be met prior to the City accepting an application for final plat and prior to the commencement of any grading activity on the site. *Comments: a) all title work will need to be submitted and reviewed by the City Attorney before City officials sign the final plat; b) the applicant has submitted an escrow payment related to the preliminary plat application that is being used to cover Staff and consultant expenses related to the City's review.*

- 2) The grading plan shall be updated to include the protective tree fencing necessary to preserve all vegetative areas identified for protection around the 5.15 acre residential parcel to the west of the subdivision. **Comments:** *The grading plan has been updated accordingly; the applicant has proposed additional tree disturbance and grading activity in this area in accordance with the attached memorandum describing the need for additional storm water infiltration on the site to comply with watershed district requirements. All disturbed areas are shown on the plan, and the applicant will need to replace disturbed trees in accordance with the City's tree replacement schedule.*
- 3) The applicant shall work with the City and Washington County to identify and reserve sufficient space for a future trail corridor along the western right-of-way line of Manning Avenue. **Comments:** *The proposed Manning Avenue right-of-way is consistent with County requirements the planned roadway segment, which includes room for trails on one or both sides of the right-of-way. The County's future plans for Manning Avenue include a trail along the western side of this road.*
- 4) The applicant shall submit a landscape plan prepared by landscape architect for review and approval by the City. The landscape plan submittal will include a tree protection and replacement plan consistent with City ordinances. **Comments:** *The applicant has submitted an updated plan that has been reviewed by the City's landscape architect for consistency with City Ordinances. Review comments from the landscape architect are attached to this report.*
- 5) The final plat will incorporate all review comments from the City's landscape architect, including the selection and mix of plantings within storm water basins and infiltration areas. **Comments:** *Please see above condition.*
- 6) The landscape plan shall include additional plantings around the Northern Natural Gas utility site. **Comments:** *The applicant has added additional plantings to the plan in this part of the site. These plantings are documented on the overall landscape plan (attached).*
- 7) The proposed access to Manning Avenue will be permitted as a temporary access until such time that the Village Parkway is connected to 30th Street. The construction plans will be updated to reflect the temporary nature of this street. **Comments:** *The applicant is asking that this provision be updated to state that the temporary access will be allowed for a minimum of five years. Staff does not object to this revision, and has updated the proposed conditions of final plat approval to address this request.*
- 8) The applicant shall be responsible for the construction of all improvements within the Manning Avenue (CSAH 15) right-of-way as required by Washington County and further described in the review letter received from the County dated June 24, 2014. **Comments:** *The final construction plans have been updated to incorporate the required improvements to Manning Avenue. The applicant will need a County construction permit to work within the right-of-way, and the County will not approve this work unless the plans conform to their requirements.*
- 9) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from the appropriate watershed districts for the storm water management system prior to the commencement of any grading or development activity on the site. **Comments:** *Because the Valley Branch Watershed District has not yet completed its review of the revised storm water plans, this condition will need to be*

addressed before the City will grant final approval of the construction plans. Since this condition was included as part of the preliminary plat approval, it will not be repeated as part of the Staff recommendation concerning the final plat.

- 10) The applicant shall enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the final plat. ***Comment: This condition will be incorporated into the development contract for the project and will continue to apply to future phases of Easton Village.***
- 11) The developer shall provide an updated accounting of the land to be dedicated for park purposes prior to submission of a final plat. If required, the developer shall be required to pay a fee in lieu of park land dedication equivalent to the fair market value for the amount of land that is required to be dedicated for such purposes in the City's Subdivision Ordinance less the amount of land that is accepted for park purposes by the City. Any cash payment in lieu of land dedication shall be paid by the applicant prior to the release of the final plat for recording. ***Comments: The applicant has provided an updated accounting of the land to be dedicated for park purposes, and is stating that the entire development will provide 7.29 acres of public park land. Staff has reviewed these numbers with the applicant and found them to be accurate. The entire site is 98.47 acres in size, and therefore the park dedication requirement (which is 10% of the subdivision area in LDR zoning district) is 9.84 acres of land, meaning that the developer will need to pay a fee in lieu of land dedication for 2.55 acres of land. As an alternative, the City may give consideration to future park land dedication on the northern portion of the site since this property is also owned by the applicant. The final agreement with the City concerning either a cash payment for the park land shortfall or future land dedication should be addressed in the developer's agreement for Easton Village.***
- 12) Any land under which public trails are located will be accepted as park land provided the developer constructs said trails as part of the public improvements for the subdivision. ***Comments: The developer's park land calculations include land under which trails will be located. The final construction plans will need to include these trails, which the developer will be required to construct as part of the improvements for Easton Village.***
- 13) All required modifications to the plans as requested by the City Engineer in a review letter dated June 26, 2014 shall be incorporated into the plans prior to consideration of a final plat. ***Comments. The preliminary plat and plans have been updated to address the City Engineer's review comments. The Engineer has submitted an updated report specific to the final plat, and this review is attached for consideration by the Planning Commission. Most of the comments pertain to final information or revisions necessary to approve the construction plans for the proposed improvements.***
- 14) The City and developer will determine the appropriate distribution of future costs associated with the Village Parkway railroad crossing improvements as part of a developer's agreement for any portion of Easton Village. ***Comments: Staff will be drafting a developer's agreement for consideration by the Council that will incorporate a section dealing with this provision.***
- 15) The developer shall address any comments from Metropolitan Airport Commission as part of a final plat submission for any portion of Easton Village. MAC will be asked to comment on the landscape plan, and the plan shall be revised to address any specific comments concerning the

appropriate vegetation to be planted within storm water facilities. *Comments: MAC has provided a review of the updated plans and provided comments to the developer in a letter dated December 8, 2015. This letter contains recommended mitigation strategies to reduce the attractiveness of the storm water retention and infiltration areas for waterfowl. Other recommendations from MAC have been incorporated into the applicant's landscape plans. Staff is recommending that the final plat include a condition concerning the MAC review comments.*

- 16) The landscape plan shall be revised to eliminate all trees planted within the Lake Elmo Airport Regulatory Protection Zone. *Comments. The landscape plan has been updated accordingly.*
- 17) The final plat shall include a paved trail connection between Lots 13 and 14 of Block 3. *Comments: This trail connection is now depicted on the plans.*
- 18) The applicant shall submit written acknowledgement from the property owner of the parcel immediately to the south of Easton Village concerning the storm water being outlet running into their property. *Comments: Since the approval of the preliminary plat, the applicant has met with the watershed district, county, and Gonyea Homes to discuss the proposed storm water management system along Manning Avenue. The proposed plans cannot move forward without the cooperation of the property owner to the south.*
- 19) The applicant is encouraged to incorporate elements from the Lake Elmo Theming Study into the open space areas within the subdivision. *Comments: Staff is encouraging the applicant to utilize a white "horse fence" with landscaping in order to address the comments from MAC to provide a barrier around the storm water ponds. The applicant's landscape plan incorporates elements from the theming study, including the proposed entrance monument sign. The Planning Commission has specifically requested that the community mailboxes incorporated elements from the theming study with previous subdivision approvals, and this requirement is being recommended by Staff as a condition of final plat approval.*
- 20) The developer shall obtain all required permits from Northern Natural Gas to perform construction work over the gas line that runs from north to south across this site. *Comments. Northern Natural Gas provided review comments to the developer in August of 2014, and these comments have been incorporated into the updated plans. The developer will need to submit the final construction plans to the gas company for review, and will need to abide by any conditions imposed by Northern Natural Gas.*
- 21) The developer shall be required to extend sewer to the northernmost boundary of the site. *Comments. The Eastern Village Trunk Sewer Line project will extend sanitary sewer service to the northern boundary of the plat, and will connect to the sewer line recently installed by the City of Lake Elmo under the railroad tracks that continues further north (and connects to the 39th Street line also recently installed by the City). As noted earlier in this report, Staff is requiring that the developer enter into a contract to build this improvement at the same time the City accepts a developer's agreement for the Easton Village Final Plat.*

Staff is recommending certain conditions that been specifically identified as part of the final plat review, and that have not otherwise been addressed by the applicant, be addressed as part of the Planning Commission's recommendation to the City Council. The City Engineer's review letter does

identify several issues that need to be addressed by the developer in order for the City to deem the final plans complete; additionally, the Engineer has also requested some minor changes to the final plat to allow for the proper public dedication of the storm water ponding areas that will be constructed with the first phase of the project. In this case, these changes can be addressed by splitting the affected outlots in two, which would have no impact on other portions of the plat. Staff is recommending that City Officials not sign the final plat mylars until the City's construction plan review is finalized and all necessary easements are documented on the final plat.

Based on the above Staff report and analysis, Staff is recommending approval of the final plat with several conditions intended to address the outstanding issues noted above and to further clarify the City's expectations in order for the developer to proceed with the recording of the final plat.

The recommended conditions are as follows:

Recommended Conditions of Approval:

- 1) Final grading, drainage, and erosion control plans, sanitary and storm water management plans, landscape plans, and street and utility construction plans shall be reviewed and approved by the City Engineer prior to the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in a memorandum dated January 22, 2015 shall be incorporated into these documents before they are approved.
- 2) Prior to the execution of the Final Plat by City officials, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements for: a) the Easton Village Final Plat with financial guarantees therefore, and b) for the Eastern Village Trunk Utility Project with financial guarantees therefore.
- 3) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to the execution of the final plat by City Officials.
- 4) A Common Interest Agreement concerning management of the common areas of Easton Village and establishing a homeowner's association shall be submitted in final form to the Community Development Director before a building permit may be issued for any structure within this subdivision. The applicant shall also enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the final plat
- 5) The developer is encouraged to incorporate elements from the Lake Elmo Theming Study into the final design of the community mailboxes within Easton Village.
- 6) The applicant shall separate those portions of Outlots B and E that are intended to be used for storm water management facilities and trails respectfully to facilitate the transfer of these public facilities to the City of Lake Elmo. The applicant shall deed Outlots A, D, F and those portions of D and E as described above to the City upon recording of the final plat.
- 7) The applicant shall comply with recommendations of the Metropolitan Airports Commission as documented in a letter dated December 8, 2014 from the Commission's Airport Planner.

- 8) The applicant shall provide a disclosure statement to all first homeowners in the development advising of the airport and associated over-flights.
- 9) All builders shall be encouraged to incorporate interior noise reduction measures into single family residential structures within the subdivision based on the Metropolitan Council's Builder Guide.
- 10) The proposed street names shall be revised as follows to match existing and planned subdivisions in the area: a) 34th Street North to 32nd Street North and b) Lockwood Avenue North North to Linden Avenue North, and c) Lockwood Lane North to Linden Lane North.
- 11) The proposed access to Manning Avenue will be permitted as a temporary access until such time that the Village Parkway is connected to 30th Street or 5 years has passed from the date of final plat approval, whichever is longer. The developer's agreement for Easton Village shall include appropriate financial securities concerning the future cost for removal of the temporary access.

DRAFT FINDINGS

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Easton Village Final Plat:

- That all the requirements of City Code Section 153.07 related to the Final Plan and Final Plat have been met by the Applicant.
- That the proposed Final Plat for Easton Village consists of the creation of 71 single-family detached residential structures.
- That the Easton Village Final Plat is consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on July 15, 2014 and as amended to comply with all conditions of preliminary plat approval.
- That the Easton Village Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- That the Easton Village Final Plat complies with the City's Urban Low Density Residential zoning district regulations.
- That the Easton Village Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances with the exception of issues identified in the January 26, 2015 Staff report to the Planning Commission.
- That the Easton Village Final Plat complies with the City's subdivision ordinance.
- That the Easton Village preliminary plat is consistent with the City's engineering standards with the plan revisions as requested by the City Engineer in his review comments to the City dated January 22, 2015.

RECCOMENDATION:

Staff recommends that the Planning Commission recommend approval of the Final Plat for Easton Village with the 11 conditions of approval as listed in the Staff report. Suggested motion:

“Move to recommend approval of the Easton Village Final Plat with the 11 conditions of approval as drafted by Staff”

ATTACHMENTS:

1. Application Form
2. Applicant Memorandum – Southwest Grading
3. City Engineer Review Letter
4. Landscape Architecture Review Letter
5. Metropolitan Airports Commission Review Letter
6. Sample Airport Disclosure Notification
7. Baytown Township Comments
8. Easton Village Final Plat
9. Landscape and Tree Preservation Plan – Phase I
10. Tree Survey
11. Grading and Erosion Control Plan – Phase I
12. Street and Utility Plan – Phase I
13. Landscape and Tree Preservation Plan (All Phases)

SUGGESTED ORDER OF BUSINESS:

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

Date Received: 11/17/14
Received By: [Signature]
LU File #: 2614-S1



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

FINAL PLAT APPLICATION

Applicant: Easton Village
Address: 2140 W County Rd 42
Phone #: 952 292 0046
Email Address: Timbercrest@xmail.com

Fee Owner: Same as Above
Address: _____
Phone #: _____
Email Address: _____

Property Location (Address and Complete (long) Legal Description: _____

General information of proposed subdivision: Southern 71 Lots of
the Easton Village preliminary plat

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: 11-17-2014

Fee Owner Signature: [Signature] Date: 11-17-2014



Lake Elmo City Hall
651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

Name of applicant Easton Village LLC
(Please Print)

Street address/legal description of subject property _____

Tom White
Signature

11-17-2014
Date

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

If a corporation is fee title holder, attach a copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.



Lake Elmo City Hall
651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read and understand the instructions supplied for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I understand that this application may be reviewed by City staff and consultants. I further understand that additional information, including, but not limited to, traffic analysis and expert testimony may be required for review of this application. I agree to pay to the City upon demand, expenses, determined by the City, that the City incurs in reviewing this application and shall provide an escrow deposit to the City in an amount to be determined by the City. Said expenses shall include, but are not limited to, staff time, engineering, legal expenses and other consultant expenses.

I agree to allow access by City personnel to the property for purposes of review of my application.

Signature of applicant Tom Weiss Date 11-17-2014
Name of applicant Easton Village LLC Phone 952-292-0046
(Please Print)

Name and address of Contact (if other than applicant) _____

MEMORANDUM

Project: Easton Village – Phase I

To: Kyle Klatt

From: Todd A. Erickson

Date: 12-24-2014

Re: Preliminary Plat – Grading Revisions Southwest Corner of Property

Kyle,

Following is the response to your request to explain the reason for the change in the grading of the southwest corner of the Easton Village Project:

Currently a small drainage area flows from the southwest corner of the Easton Village Parcel onto the Reid Park. The requirements of the watershed is to limit the flow of the proposed conditions to less than or equal to the current conditions. The water is also expected to be treated prior to exiting the site.

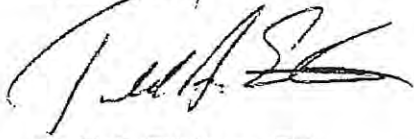
Overall the Easton Village drainage system greatly reduces the rate of flow from the property and in the initial submission of the preliminary plat, this uncontrolled flow from the site was not considered due to the substantial overall reduction from the project as a whole.

The requirement from the Watershed is to maintain or reduce the flow from all discharge points and this area was no exception. To accomplish this change a pond was needed to regulate the flow from the property.

The grading plan has now been designed to direct the flow to a small pond which provides both water quality and water rate control from this corner of the site. This pond is the smallest footprint that can be designed and still meet the City requirements. The proposed location has also been chosen to minimize the disturbance of trees.

Please feel free to contact me with any questions concerning this required revision.

Sincerely,
EricksonCivil

A handwritten signature in black ink, appearing to read 'Todd A. Erickson', with a stylized flourish at the end.

Todd A. Erickson, PE

MEMORANDUM

FOCUS ENGINEERING, inc.

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

Date: January 22, 2015

To: Kyle Klatt, Planning Director
Cc: Nick Johnson, City Planner

Re: Easton Village
Final Plat/Construction Plan Review

From: Jack Griffin, P.E., City Engineer

An engineering review has been completed for the Easton Village development. Final Plat/Construction Plans were received on January 9, 2015. The submittal consisted of the following documentation prepared by Erickson Civil:

- Final Plat –Phase 1, not dated.
- Phase 1 -Grading & Erosion Control Plans dated 12.24.2014.
- Phase 1 -Street and Utility Plans dated 12.24.2014.
- Phase 1 -Trunk Utility Plans dated January 7, 2015.
- Phase 1 -Landscape & Tree Preservation Plans dated December 24, 2014.
- Easton Village Drainage Report dated January 8, 2015.
- Easton Village Drainage Report –Phase 1 dated January 8, 2015.

STATUS/FINDINGS: The Engineering review has been separated for Final Plat approval and Final Construction Plan approval. Please see the following review comments.

FINAL PLAT:

- A separate Outlot must be created to fully encompass the storm water pond and infiltration basin along the west side of Manning Avenue and south of the UPRR; splitting Outlot B into two separate Outlots. The new Outlot must be dedicated to the city for ongoing operation and maintenance of the storm water facilities.
- The remaining portions of Outlot B (future plat areas) must contain a drainage and utility easement to encompass the proposed drainage and grading areas and storm sewer piping for the Phase 1 plans (north of Blocks 1, 2, 6 and 7, and along the future extension of Village Parkway (west side of Blocks 1 and 3).
- Temporary roadway easements must be provided on Outlot B to facilitate the construction of temporary cul-de-sacs at the north end of Lockwood Avenue and north of Block 6.
- Outlot A must be city owned (trail / storm water facilities / temporary street access).
- Outlot C should be owned by the HOA. However a drainage and utility easement must be provided to the city over the entire Outlot.
- Outlot D should be owned by the HOA. A drainage and utility easement has been provided to the city over the entire Outlot as required.
- Outlot E should be split. A 30-foot wide Outlot must be provided and dedicated to the city for the proposed trail and storm sewer pipe. The remaining portion of the Outlot E should be HOA owned with a drainage and utility easement provided to the city over the entire Outlot.
- Outlot F must be city owned (trail / storm water facilities).

- Note: City utilities will be constructed within HOA owned Outlots B, C, D and E. Drainage and utility easements dedicated to the City of Lake Elmo must be provided over these entire Outlots and must be recorded at Washington County as part of the First Addition Final Plat.
- Additional drainage and utility easements are required along the rear yards for Lots 1 and 2, Block 6 and Lots 3 and 4, Block 5. Easements must be extended 10 feet past the centerline of the rear yard drainage swale.

STORM WATER MANAGEMENT PLAN: Stormwater Management Plan revisions were necessary after significant site plan changes in the grading and the storm sewer system were made by the applicant during the Preliminary Plat approval process.

- Preliminary and Final Plat approval must be contingent upon a Stormwater Management Plan approved by the VBWD.
- Final Plat approval must be contingent upon the Phase 1 Stormwater Management Plan being compliant with VBWD.
- Final Plat approval must be contingent upon an approved NPDES Stormwater Construction Permit from the MPCA.

CONSTRUCTION PLANS – SANITARY SEWER, WATER MAIN, STORM SEWER, AND STREETS

- No construction, including grading operations, may occur on the site until the applicant has received City Engineer approval for the final construction plans and has obtained all applicable permits for the Subdivision.
- Final construction plan review comments will be provided separately to assist the applicant with the completion of Final Construction Plans.
- **ADDITIONAL SUBMITTALS REQUIRED.** Additional submittal materials are required to facilitate staff plan review.
 - Storm sewer system design calculations.
 - Project Specification Manual for Site Grading.
 - Project Specification Manual for Utility and Street Construction.
 - Project Specification Manual for the Trunk Utility Construction.

PROJECT SPECIFICATION MANUALS

- The governing specifications shall be the City Standard Specifications as found in the City's Engineering Design Standards Manual located on the City website. The City Standard Specifications must be placed and bound in the Project Manual as the primary specifications for the project.
- The general project requirements must be the City Standard Specifications for General Project requirements
- Under the section "Applicable Specifications" a statement must indicate: *"The City Standard Specifications shall apply to the work performed under this contract. Any supplemental specifications are intended to supplement the City Standard Specifications; however they do NOT supersede the City Standard Specifications, Details, Design Standards, or ordinances unless specific written approval has been provided by the City."*
- Any additional specifications for the project shall be clearly identified as "Supplemental Provisions" not "Special Provisions".

EASTON VILLAGE – DESIGN REVIEW REPORT **LAKE ELMO, MN**

LANDSCAPE ARCHITECTURAL DESIGN REVIEW DATED DECEMBER 3RD, 2014

REVIEWED PLAN SET DATED DECEMBER 2ND, 2014

Per our review the Landscape Plan is in compliance with the City's planting requirements.

Additional Required Action Items by Easton Village Project Team

1. Provide landscape irrigation plans for all commonly held HOA & City Outlots / R.O.W. areas.
2. We recommend you provide a three year maintenance plan for all landscape materials/areas within all commonly held HOA & City Outlot / R.O.W areas.
3. Additional information is required as it relates to tree preservation to finalize our review of that aspect of the code requirements.

SINCERELY,

LANDSCAPE ARCHITECTURE, INC.

STEPHEN MASTEY, ASLA, CLARB, LEED AP BD+C
DIRECTOR OF DESIGN

Kyle Klatt

From: Stephen Mastey <stephen@landarcinc.com>
Sent: Friday, December 12, 2014 4:02 PM
To: 'Todd Erickson'; Kyle Klatt
Subject: confirmed number on tree replacement

Todd,
94 caliper inches to be replaced is correct as discussed over the phone when you were in Kyle's office.

Thanks and have a great weekend!

Stephen Mastey, CLARB, ASLA, LEED AP BD+C
LANDSCAPE ARCHITECTURE, INC.
2350 Bayless Place
St. Paul, MN 55114

Office 651.646.1020
Email Stephen@landarcinc.com
Web www.landarcinc.com

From: Todd Erickson [mailto:todd@tericksonllc.com]
Sent: Friday, December 12, 2014 2:49 PM
To: Kklatt@lakeelmo.org; Stephen Mastey
Cc: Thomas Wolter
Subject: Updated Tree Survey and Landscape Plan

Stephen and Kyle,

I have attached the updated landscape and tree survey prints for your review. I will also be dropping off these two printed plans, along with the preliminary plat this afternoon.

Please let me know if you have any questions.

Thanks!

Todd

--

Todd A. Erickson, PE (MN, WI)
todd@tericksonllc.com
www.ericksoncivilsite.com

612-309-3804

METROPOLITAN AIRPORTS COMMISSION

Minneapolis-Saint Paul International Airport

6040 - 28th Avenue South • Minneapolis, MN 55450-2799

Phone (612) 726-8100



December 8, 2014

Mr. Nick Johnson
City Planner
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042-9629

Re: Easton Village – Updated Storm Water Plan Review
Lake Elmo Airport

SENT VIA EMAIL

Dear Mr. Johnson:

The Metropolitan Airports Commission (MAC) has reviewed the updated Easton Village Preliminary Plat documentation provided by the Developer's Engineer, Erickson Civil. We appreciate the opportunity to review the updated plans.

According to the plans, the development will create a large permanent open-water retention pond and one infiltration basin to accommodate surface water runoff.

As outlined in previous review comments, the guidance provided in Federal Aviation Administration (FAA) Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports* suggests that open water ponds, especially those with mowed grass nearby, have been shown to be hazardous to the flight of aircraft due to the use of the ponds by Canada geese and other waterfowl.

As a matter of practice, MAC does not advocate the construction of open-water retention ponds in close proximity to our Airports due to their potential to attract and/or sustain hazardous wildlife populations. Based on this policy, we are not supportive of the proposed open-water retention pond.

However, we acknowledge that engineering challenges on the development site make the sole use of dry ponds or infiltration basins to accommodate the upstream developed flows and the surface water runoff from on-site development impractical. We also acknowledge the efforts being made by the City of Lake Elmo to design and construct a regional storm water retention system to reduce the volume and rate of unmitigated storm water flowing to parcels in the immediate vicinity of the Airport.

Based on these site-specific conditions, the following waterfowl mitigation techniques – per the attached letter from our USDA Wildlife Biologist that is based on a review of the adjacent Village Park Preserve development plans – must be incorporated into the final design of the necessary ponding areas for the proposed development.

Mr. Nick Johnson
December 8, 2014
Page 2

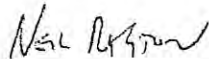
1. Create a physical barrier (i.e., a permanent fence) between the water and manicured lawns.
2. Reduce the overall surface area of the water and encourage emergent vegetation to grow.
3. Eliminate manicured lawn/turf in close proximity to the water source by using a native prairie seed mix.

We request that the Developer's Engineer provide written confirmation that a permanent fence line between the pond and manicured back-yard lawns will be designed, constructed with the initial site development, and maintained in good order to deter waterfowl feeding/loafing and promote growth of both native grasses and emergent vegetation at the edge of the ponds. We also request clarification about the seed mix that will be used along the perimeter of the pond to ensure that it incorporates native prairie grasses that are not a viable food source for waterfowl. Finally, we request that cranberry bush shrubs be removed from use in the proposed infiltration basin as they are fruit-bearing and may be a wildlife attractant.

As noted in the letter from USDA, implementation of these recommendations does not guarantee that geese or other hazardous wildlife will not be attracted to the permanent water features associated with the proposed development. However, incorporation of these design elements should reduce the likelihood of waterfowl becoming a greater hazard to flying operations at the Lake Elmo Airport. If notified by the MAC that birds and/or waterfowl activity poses a safety hazard to the Airport due to design elements that fail to incorporate the mitigation techniques described above or improper maintenance of the storm water pond, we will expect the City or its designee to take immediate remediation efforts to alleviate the hazards caused by the pond.

Thank you for the opportunity to provide these additional comments related to the Easton Village design plans. The Lake Elmo Airport is an important transportation asset to the City of Lake Elmo, Washington County, and the region. If you have any questions, please call me at 612-726-8129 or email me at neil.ralston@mspmacc.org.

Sincerely,



Neil Ralston, A.A.E.
Airport Planner

Attachment: USDA letter dated November 12, 2014

cc: Bridget Rief, MAC
Chad Leque, MAC
Joe Harris, MAC
Patrick Mosites, MAC
Al Dye, MAC
Todd Erickson, Erickson Civil



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Wildlife Services

St. Paul Downtown
Airport
644 Bayfield Street,
Suite 215
Saint Paul, MN
55107
Ph: 651-224-6027
Fax: 651-224-4271

November 12, 2014

Mr. Neil Ralston
Airport Planner
MAC- Airport Development
6040 28th Avenue South
Minneapolis, MN 55450

Dear Mr. Ralston,

This letter is in response to your request to examine the potential wildlife hazards related to the proposed Village Park Preserve Housing Development near the Lake Elmo Airport (21D) in Lake Elmo, Minnesota.

After reviewing the documents provided in our meeting on November 5, 2012, USDA-Wildlife Services has a few recommendations to reduce the potential for wildlife use at the proposed housing development. If not implemented, the land and water features created may attract species of wildlife that could impact safe flying operations at nearby Lake Elmo Airport. Species of concern in this area would most likely be waterfowl, especially Canada geese. Canada geese have shown great adaptability to the habitats proposed in the development layout plan. Water and landscaped/manicured lawns in close proximity have proven excellent habitats for both loafing and feeding of resident Canada geese. Furthermore, if resident Canada geese are allowed to nest in the development, geese should be expected on and around the ponds and in homeowner's yards from April-August. These geese while becoming unwelcome to the majority of homeowners would also create a hazard for the adjacent airport.

The following recommendations should be implemented at the Village Park Preserve Development to reduce the potential for use by Canada geese.

1. Create a physical barrier between the water and manicured lawns. A chain link fence is the most effective method to preventing geese from transitioning back and forth between feeding/loafing areas of the lawn and pond. This can also be accomplished by a thick vegetation buffer (shrubs), but has been less effective at deterring geese than fencing. While raising goslings, adult Canada geese lose flight feathers and like their young, are unable to fly. During this time (approximately May-July) this physical barrier is most effective at deterring Canada geese.
2. Reduce the overall surface area of water. By eliminating the water source, the area will be less attractive overall. Deep linear ponds help reduce the surface area. Emergent vegetation, such as cattails, should be encouraged to grow further reducing the overall surface area of the water.

3. Eliminate manicured lawn/turf in close proximity to the water source (including boulevards and right-of-ways). Consider using a native prairie seed mix which is not a viable food source for waterfowl and require less annual maintenance.

Implementation of these recommendations does not guarantee geese or other hazardous wildlife will never utilize the features in the proposed development, but they should reduce the chances of them becoming an issue for safe flying operations at Lake Elmo Airport.

Feel free to contact the USDA Wildlife Services office at 651-224-6027 if you have any questions concerning these recommendations.

Sincerely,



Alan K. Schumacher
Wildlife Biologist

cc:

G. Nohrenberg, USDA-WS, St. Paul, MN
J. Ostrom, MAC, St. Paul, MN



Safeguarding American Agriculture

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1-800-877-8339

EXHIBIT D

DEVELOPMENT AGREEMENT – REEDER RIDGE

DISCLOSURE OF INFORMATION

Developer shall cause the following notice to be given, either from Developer itself or Developer's successors in interest to any portion of the Property, to all residential home purchasers of lots within the Property who intend to occupy a residence on such lot, prior to the execution of a purchase agreement or agreement to construct a residence on a lot within the Property, whichever occurs first:

The Property is located near Flying Cloud Airport, a public use airport owned and operated by the Metropolitan Airports Commission. The Airport is available 24 hrs a day, year round.

The Airport operates two parallel east/west runways, and a north/south crosswind runway, all of which are lighted. An FAA control tower manages air traffic near the airport from 7:00 am – 10:00 pm.

The Airport accommodates aircraft operations from single and multi-engine propeller aircraft; corporate jet aircraft; helicopters; and pilot training facilities; which may affect the Property. Further information regarding the airport can be obtained from the Office of the Airside Project Manager, Telephone No.: 612-725-8371.



Baytown Township

4220 Osgood Avenue North | Stillwater, MN 55082

P: (651) 430-4992 | F: (651) 430-4986 | E: baytowncf@comcast.net

December 31, 2014

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

Re: Baytown Township comments regarding Easton Village Final Plat
TKDA Project No. 15476.000

Dear Mr. Klatt,

The Baytown Township Board has requested that I respond to your request for comments regarding the Final Plat for Easton Village. The Board has the following comments about adjacent uses that may impact the residents of proposed development:

- The proposed development is in close proximity to the Union Pacific railroad tracks. There are frequent trains on this route that generate noise that some residents may find objectionable.
- The proposed development is directly across Manning Avenue from the Lake Elmo Airport. The plan sheets note that a portion of the airport's runway protection zone extends over the northern portion of the proposed development. Potential residents should be informed about the safety zone location, as well as the noise generated by the airport, and the night-time revolving strobe light from the airport tower.
- The proposed development is adjacent to Manning Avenue. The roadway generates significant traffic noise, and the future reconstruction of the roadway planned by Washington County is likely to create additional noise during construction and with increased traffic after construction.
- The proposed development is close to the Washington County Fairgrounds. The Fairgrounds holds regular outdoor events and activities each year that generate noise and traffic that may affect nearby residential uses.

Thank you for the opportunity to provide these comments. If you have questions about the Board's comments, please contact me at 651.292.4582.

Sincerely,

Sherri A. Buss, RLA AICP
Township Planner

cc: Kent Grandlienard, Baytown Township Supervisor
Connie Fredkove, Township Clerk

Easton Village

Site Location Map

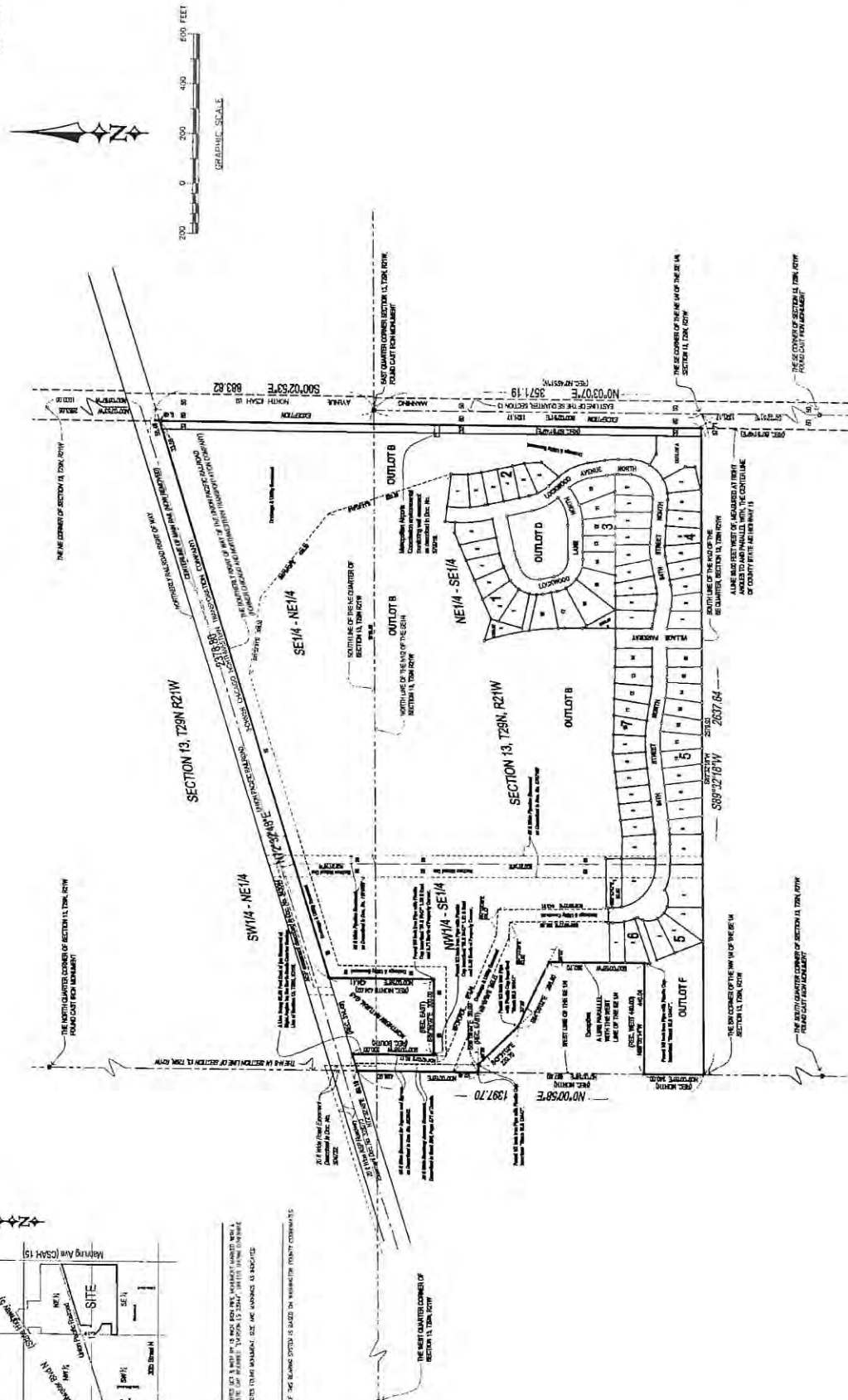


LEGEND

- PROJECT SITE
- ADJACENT PROPERTY
- ADJACENT ROAD
- ADJACENT RAILROAD
- ADJACENT WATERWAY
- ADJACENT AIRPORT
- ADJACENT PARK
- ADJACENT INDUSTRIAL
- ADJACENT RESIDENTIAL
- ADJACENT COMMERCIAL
- ADJACENT GOVERNMENT
- ADJACENT EDUCATIONAL
- ADJACENT HEALTHCARE
- ADJACENT RECREATION
- ADJACENT UTILITIES
- ADJACENT TRANSPORTATION
- ADJACENT INFRASTRUCTURE
- ADJACENT LANDSCAPE
- ADJACENT PLANTING
- ADJACENT ANIMALS
- ADJACENT PLANTS
- ADJACENT TREES
- ADJACENT SHRUBS
- ADJACENT HERBS
- ADJACENT FLOWERS
- ADJACENT FRUITS
- ADJACENT VEGETATION
- ADJACENT WILDLIFE
- ADJACENT INSECTS
- ADJACENT MICROBES
- ADJACENT FUNGI
- ADJACENT BACTERIA
- ADJACENT VIRUSES
- ADJACENT PARASITES
- ADJACENT DISEASES
- ADJACENT INJURIES
- ADJACENT DEATHS
- ADJACENT BODILY FLUIDS
- ADJACENT BODILY TISSUES
- ADJACENT BODILY ORGANS
- ADJACENT BODILY SYSTEMS
- ADJACENT BODILY FUNCTIONS
- ADJACENT BODILY RESPONSES
- ADJACENT BODILY ADAPTATIONS
- ADJACENT BODILY EVOLUTIONS
- ADJACENT BODILY SPECIES
- ADJACENT BODILY GENES
- ADJACENT BODILY PROTEINS
- ADJACENT BODILY CELLS
- ADJACENT BODILY TISSUES
- ADJACENT BODILY ORGANS
- ADJACENT BODILY SYSTEMS
- ADJACENT BODILY FUNCTIONS
- ADJACENT BODILY RESPONSES
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- ADJACENT BODILY EVOLUTIONS
- ADJACENT BODILY SPECIES
- ADJACENT BODILY GENES
- ADJACENT BODILY PROTEINS
- ADJACENT BODILY CELLS

NOTES

- 1) SURVEY OF THE BLANKS SYSTEM IS BASED ON THE SURVEY OF THE BLANKS SYSTEM.



Easton Village

ERICKSON
CIVIL

333 North Main Street, Suite 201
St. Paul, Minnesota 55102
Phone: (612) 399-3804
www.ericksoncivil.com

Section 13, T29N, R21W

NE 1/4 - SE 1/4



GRAPHIC SCALE

LEGEND

- EASEMENT SET 3' AND 5' FROM PROPERTY LINES AND 1' FROM ADJACENT PROPERTY LINES
- EASEMENT FROM EASEMENT SET AND ADJACENT PROPERTY LINES

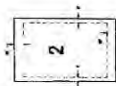
NOTES

1) DIMENSIONS OF THIS EASEMENT SETTING ARE BASED ON THE PROPERTY CORNER DATA.

EASEMENT DETAIL

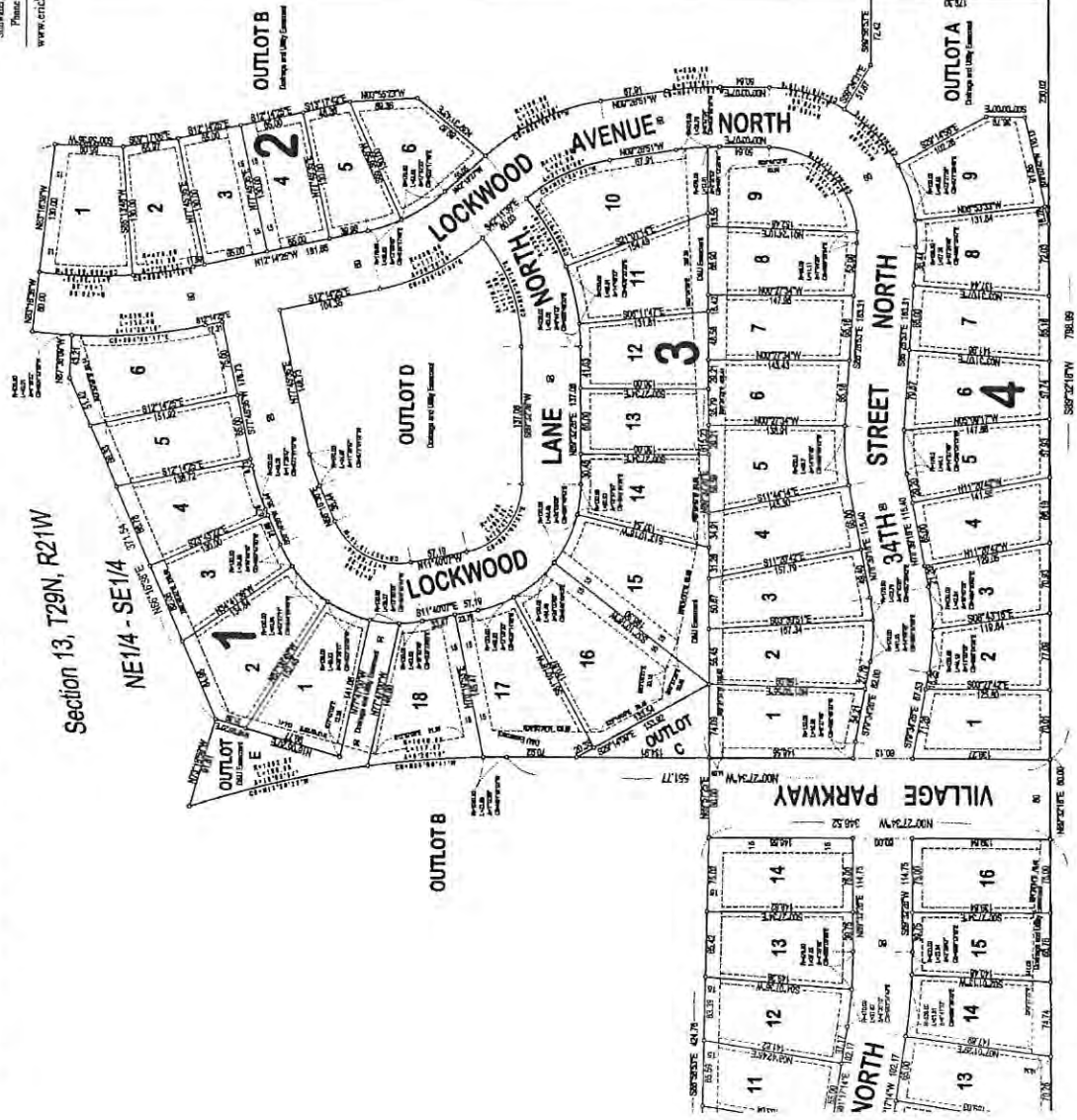
DRAWING AND UTILITY ANALYSTS ARE SHOWN THIS

10/1/2014



THIS EASEMENT SETTING IS BASED ON THE PROPERTY CORNER DATA AND THE EASEMENT SETTING IS BASED ON THE PROPERTY CORNER DATA.

SEE SHEET 4 OF 4



NORTH (CSAH 15)

AVENUE

EXCEPTION

MANNING

788.69

Easton Village

ERICKSON
Civil,

133 North Main Street, Suite 201
Stillwater, Minnesota 55062
Phone (612) 309-3804
www.ericsoncivil.com



GRAPHIC SCALE

LEGEND

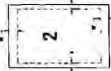
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NOTES

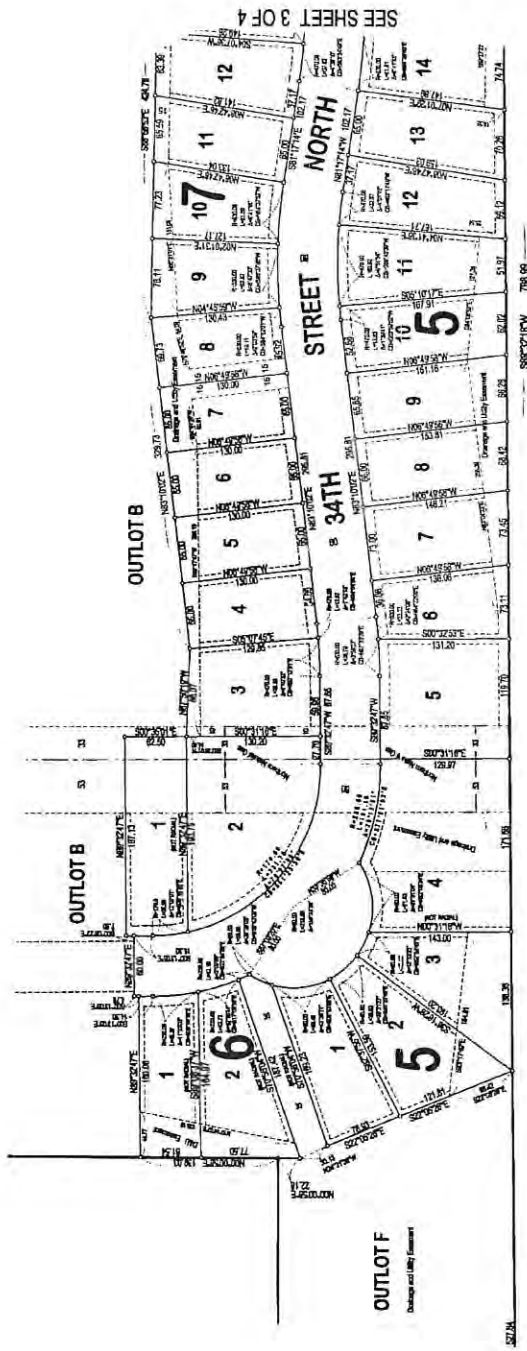
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EASEMENT DETAIL

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN WITH
THE FOLLOWING:



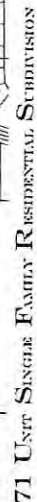
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SEE SHEET 3 OF 4

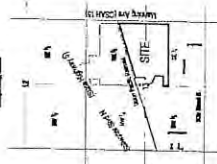
LAKE ELMO, MINNESOTA

DECEMBER 24, 2014



GRAPHIC SCALE

Site Location Map



PLAN SHEET INDEX:

SHEET NO.	SHEET ID	DESCRIPTION
1	L1	TITLE SHEET
2	L2	LANDSCAPE PLAN EAST
3	L3	LANDSCAPE PLAN WEST
4	L4	CONFORMANCE PLAN
5	L5	CONFORMANCE PLAN

EASTON VILLAGE
LANDSCAPE PLAN
LAKE ELMO, MINNESOTA

EASTON VILLAGE, LLC
2140 COUNTY ROAD 42 WEST
BURNSVILLE, MN 55337

ERICKSON
Civil

111 North Main Street, Suite 101
Bellevue, Minnesota 55005
Phone (612) 369-8004
www.crickradio.com

DRAWING PHASE:	
OWNER REVIEW	
AGENCY REVIEW	
BID DOCUMENT	
FOR CONSTRUCTION	
AS BUILT DOCUMENT	

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EASTON VILLAGE, LLC
2140 COUNTY ROAD 42 WEST
BURNSVILLE, MN 55337

EASTON VILLAGE
LANDSCAPE PLAN
LAKE ELMO, MINNESOTA

13-114
R. TAE, JSR
R. DC

TITLE SHEET

40	L1
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PLANTING SCHEDULE AND QUANTITIES FOR ENTIRE PROJECT

Abb	Common Name	Latin Name	Quantity	Size	Notes
RM	Common Red Maple	Acer rubrum 'Norwood'	10	2-1/2" Dia	100%
AE	Prune Cascade Willow	Salix pyramidalis	54	2-1/2" Dia	B&B
AE	Aurora Blaze Maple	Acer x freemanii 'Jefferson'	54	2-1/2" Dia	B&B
AE	Golden Chain	Rhus typhina	17	2-1/2" Dia	B&B
AE	Black Dog	Quercus macrocarpa	17	2-1/2" Dia	B&B
AE	Canada Red Chokeberry	Prunus virginiana	15	2-1/2" Dia	B&B
AE	Black Dog	Quercus macrocarpa	15	2-1/2" Dia	B&B
AE	Black Dog	Quercus macrocarpa	15	2-1/2" Dia	B&B
AE	Black Dog	Quercus macrocarpa	15	2-1/2" Dia	B&B
AE	Black Dog	Quercus macrocarpa	15	2-1/2" Dia	B&B

Abb	Common Name	Latin Name	Quantity	Size	Notes
AE	Prune Cascade Willow	Salix pyramidalis	15	2" Dia	B&B
AE	Golden Chain	Rhus typhina	6	2" Dia	B&B
AE	Black Dog	Quercus macrocarpa	15	2" Dia	B&B
AE	Black Dog	Quercus macrocarpa	15	2" Dia	B&B
AE	Black Dog	Quercus macrocarpa	15	2" Dia	B&B

Abb	Common Name	Latin Name	Quantity	Size	Notes
AE	Prune Cascade Willow	Salix pyramidalis	28	8-11"	B&B
AE	Golden Chain	Rhus typhina	42	8-11"	B&B
AE	Black Dog	Quercus macrocarpa	42	8-11"	B&B
AE	Black Dog	Quercus macrocarpa	42	8-11"	B&B
AE	Black Dog	Quercus macrocarpa	42	8-11"	B&B



LEGEND

- PROPERTY BOUNDARY
- DENOTES EXISTING TREES TO REMAIN
- DENOTES CRANIE TREE PROTECTION FENCING
- DENOTES PROPOSED DECIDUOUS TREE (OVERSTORY)
- DENOTES PROPOSED CONIFEROUS TREE
- DENOTES PROPOSED SHRUB (5 TO 6-FT MATURITY SIZE) (AT ENTRANCE)
- DENOTES FOND MAINTENANCE ACCESS ROUTE
- DENOTES (A) RAIL WHITE VINYL FENCING WITH POST SPACED AT 6 FT (C) AS NOTICED ON PG 21 OF THE STUDY COMMON ALONG COLLECTOR ROAD AND TRAIL ENTRANCES ALSO LOCATED AT ENTRANCE
- SEEDING: 1) LOTS AND OPEN SPACE, LOW GROW FESCUE @ 250 LBS/ACRE.
2) OPEN SPACE TO INCLUDE 1 LB/ACRE LAMINIS, COVE LOWER, BLACK EYED SUSAN & BUTTERFLY WEED.
3) INFILTRATION AREA AND POND BENCH MANDOT TYPE 33-261 @ 35 LBS/ACRE WITH 1 LB PER ACRE SWAMP MAINTENANCE TOPSOIL: 8" MINIMUM DEPTH, MEETING MANDOT SPEC. FOR TOPSOIL BORROW.

1) Prior to the removal of any tree, the contractor shall contact the City Landscape Architect for a review and approval of the proposed removal.

2) The City Landscape Architect shall be responsible for the removal of any tree, and shall provide the City with a list of trees to be removed and a list of trees to be preserved.

3) The City Landscape Architect shall be responsible for the removal of any tree, and shall provide the City with a list of trees to be removed and a list of trees to be preserved.

ERICKSON CIVIL
1000 Main Street, Suite 100
Burnsville, MN 55337
Phone: 952.895.3337
www.ericksoncivil.com

DRAWING PHASE: 1. DESIGN REVIEW
2. DESIGN DEVELOPMENT
3. PRELIMINARY
4. FINAL DESIGN
5. AS-BUILT DOCUMENT

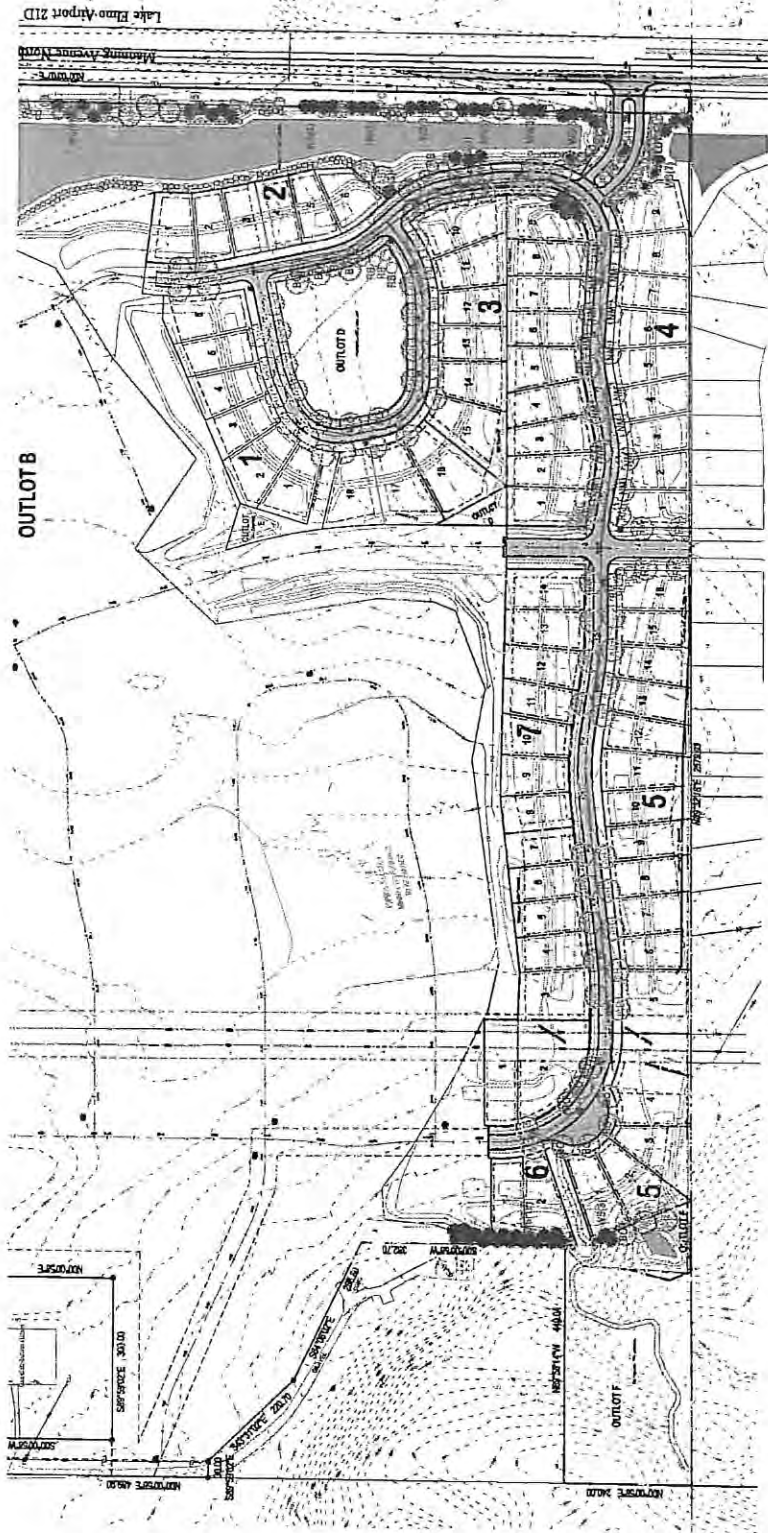
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BY: [Signature]

EASTON VILLAGE, LLC
2140 COUNTY ROAD 42 WEST
BURNSVILLE, MN 55337

EASTON VILLAGE
LANDSCAPE PLAN
LAKE ELMO, MINNESOTA

DATE: 12/24/2014
PROJECT: T&E, R&E
DESIGNER: T&E

LANDSCAPE PLAN
PHASE 1 - SOUTH
SHEET NO. **L2**
DATE: 12/24/2014



R#	Species	Latin Name	Size	Type	Notes
	OVERSTORY TREES				
	Northeast Red Maple	Acer rubrum 'Northeast'	2 1/2"	Dio	B6B
	Prinze Cedars Yellow Birch	Sax. 'Prinze Cascade'	2 1/2"	Dio	B6B
	Quaking Aspen	Picea canadensis 'Aspen'	2 1/2"	Dio	B6B
	Quaking Aspen	Populus tremuloides	1" Dia.	#10 Can.	Barr/Open Space Only
	Quaking Aspen	Populus tremuloides	2 1/2"	#95 Can.	Barr/Open Space Only
	Garcia Red Choke Cherry	Cornus virginiana	2 1/2"	Dio	B6B
	Redmond Linden	Tilia americana 'Redmond'	2 1/2"	Dio	B6B
	Redmond Linden	Aesc. glaberrima 'Redmond'	2 1/2"	Dio	B6B
	Common Highbush	Viburnum cinnamomifolium	2 1/2"	Dio	B6B

	Latin Name	Size	Type	Notes
ORIENTAL				
Bright Pine Cone	Melia Protera Fing.	2" Dia.	EAB	
Red Pine Cone	Meloe Spring 30W'	2" Dia.	EAB	
Red Barky Crab	Meloe Spring 30W'	2" Dia.	EAB	
Adams Crab	Melias Artery	2" Dia.	EAB	
Double Flowering Plum	Praunus Ulibis	2" Dia.	EAB	Burn/Open Since Only

		Latin Name	Size	Type	Notes
CONFERIGUS					
	10	Austrian Pine	8-11	B&B	
	11	Norway Spruce	8-11	B&B	
	12	White Hills Spruce	8-11	B&B	
	13	White Pine	8-11	B&B	

UNIMANUAL	Log ₁₀ Items	Quantity	Size	Type	Notes
Corvus Glaucopis	Corvus Glaucopis	50	#1	Container	Initiation/Items
Corvus Glaucopis	Corvus Glaucopis	109	#1	Container	Initiation/Pool
Corvus Glaucopis	Corvus Glaucopis	50	#1	Container	Items
Corvus Glaucopis	Corvus Glaucopis	274	#1	Container	Initiation/Pool
Corvus Glaucopis	Corvus Glaucopis	143	#2	Container	Items
Corvus Glaucopis	Corvus Glaucopis	232	#2	Container	Initiation/Pool
Corvus Glaucopis	Corvus Glaucopis	50	#2	Container	Items

GRAPHIC SCALE

[illegible]

- PROPERTY BOUNDARY
- --
- DENOTES EXISTING TREES TO REMAIN
- --
- DENOTES BURNING TREE PROTECTION FENCING
- DENOTES PROPOSED DECIDUOUS TREE (OVERSTORY)
- DENOTES PROPOSED ORNAMENTAL TREE
- DENOTES PROPOSED CONIFEROUS TREE
- DENOTES PROPOSED #1 SHRUB (5 TO 4-F' MATURITY SIZE) AT ENTRANCE
- DENOTES POND MAINTENANCE ACCESS ROUTE
- DENOTES PROPOSED ARTC FIRE DOGWOOD (#1 CONTAINER SIZE)
- DENOTES PROPOSED GARDEN GLOW DOGWOOD (#1 CONTAINER SIZE)
- DENOTES PROPOSED PLANE WILLOW (#1 CONTAINER SIZE)
- DENOTES PROPOSED SAGE BAR WILLOW (#1 CONTAINER SIZE)
- DENOTES PROPOSED FIRST EDITIONS JUNIFER (#1 CONTAINER SIZE)
- DENOTES PROPOSED STAY POWER JUNIFER (#2 CONTAINER SIZE)
- DENOTES PROPOSED GRAY DOGWOOD (#1 CONTAINER SIZE)
- DENOTES 4" BAL. WHITE VINYL FENCING WITH POST SPACED @ 4' C. AS INDICATED ON PG. 24 OF THINKING STUDY CONVENED ALONG COLLECTOR ROAD AND TRAIL ENTRANCES, ALSO LOCATED AT ENTRANCE

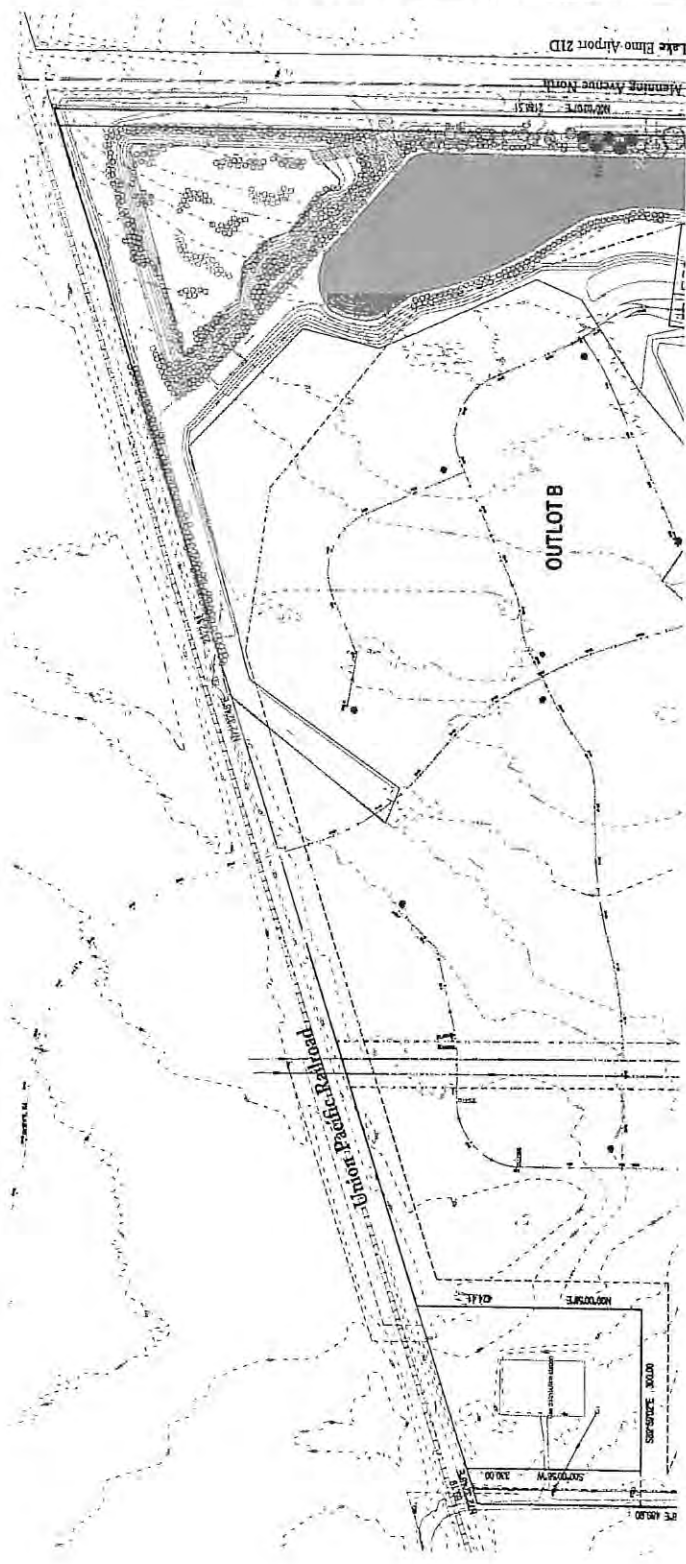
SEEDING: 1) LOTS AND OPEN SPACE, LOW GROW RESCUE @ 220 LBS./ACRE.
2) OPEN SPACE TO INCLUDE 1) LEAFY LINTAS, CONE FLOWER, BLACK EYED SUSAN & BUTTERFLY WEED.
3) INFILTRATION AREA AND POND BENCH, UNDOBT TYPE 33-287, @ 35 LBS./ACRE WITH 1 LB. PER ACRE SWAMP MILWOOD.
TOPDRESS: 5" MINIMUM DEPTH, MEETING UNDOBT SPEC. FOR TOPSOIL BORROW.

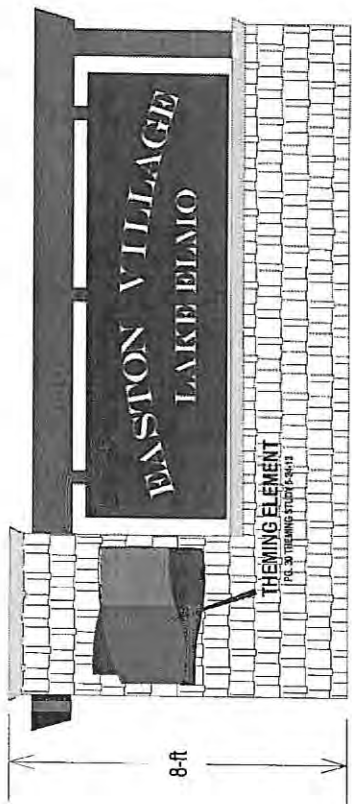
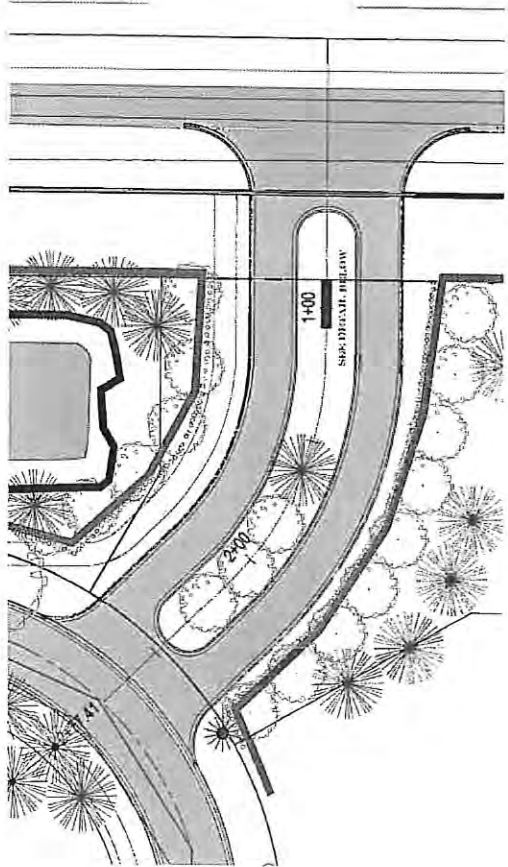
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EASTON VILLAGE, LLC
2140 COUNTY ROAD 42 WEST
BURNSVILLE, MN 55337

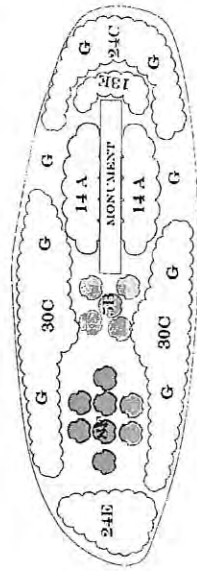
EASTON VILLAGE
LANDSCAPE PLAN
LAKE ELMO, MINNESOTA

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DATE	TAE JSR
LOCATION	DC
TEST TYPE	LANDSCAPE PLAN PHASE I - NORTH
ET NO.	L3



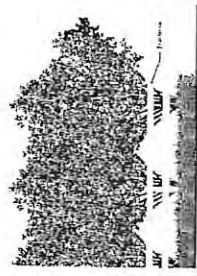


NOTE: FINAL DESIGN OF MONUMENT SUBJECT TO REVISION

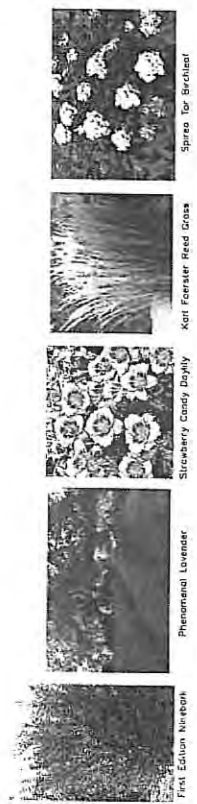


PLANTING DETAIL AT ENTRANCE

THEMING ELEMENT
PG. 11 THEMING STUDY 6-24-13



FENCE DETAIL AT ENTRANCE



Plant Name	Latin Name	Quantity	Size	Type
Blue Chip Angier	Asparagus setacea 'Blue Chip'	25	#5	Container
Spiraea for Brilliant	Spiraea betulifolia 'Ice'	5	#5	Container
Strawberry Candy Daylily	Heimerzella 'Strawberry Candy'	84	#1	Container
Phenomenal Lovelace	Heimerzella 'Lovelace'	157	#1	Container
Xant Forster Reed Grass	Calamagrostis canadensis 'Xan'	37	#1	Container
First Edition Noregon	Physocarpus opulifolius 'Noregon'	500	#1	Container
Strawberry Candy Daylily	Heimerzella 'Strawberry Candy'	84	#1	Container
Phenomenal Lovelace	Heimerzella 'Lovelace'	157	#1	Container
Xant Forster Reed Grass	Calamagrostis canadensis 'Xan'	37	#1	Container
Spiraea for Brilliant	Spiraea betulifolia 'Ice'	5	#5	Container

* Daylilies shall be planted 1 ft. on center in some planting bed as daylily and between daylily beds.

ERICSSON CIVIL

200 Rock Hill Drive, Suite 200
Shiloh, Minnesota 55080
Phone (612) 291-8888
www.ericssoncivil.com

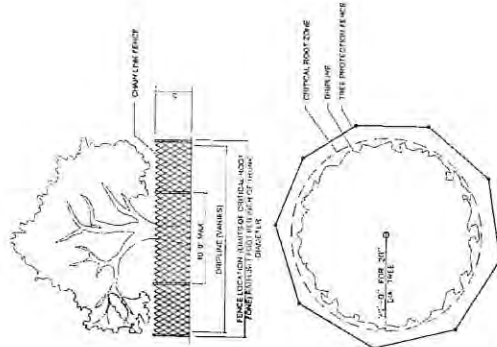
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DESIGN DEVELOPMENT
ARCHITECT REVIEW
NO DOCUMENT
ON CONSTRUCTION
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PROJECT LOCATION
EASTON VILLAGE LANDSCAPE PLAN
2140 COUNTY ROAD 42 WEST
BURNSVILLE, MN 55337

DATE
12/24/2014

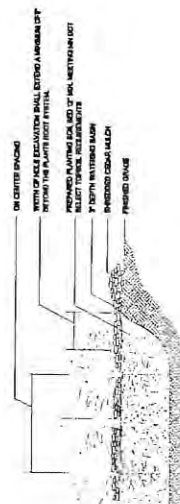
EASTON VILLAGE LANDSCAPE PLAN
2140 COUNTY ROAD 42 WEST
BURNSVILLE, MN 55337

PROJECT NO.
13114
SHEET NO.
ENTRANCE DETAIL
SHEET NO.
L4



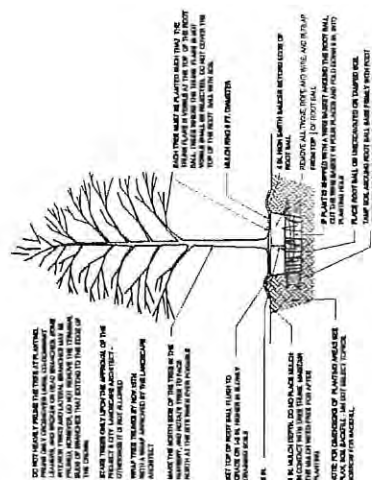
TREE PROTECTION - SECTION & PLAN

NOT TO SCALE



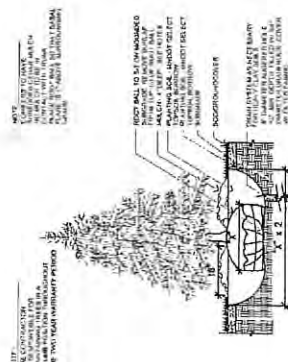
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NOT TO SCALE



DECIDUOUS TREE PLANTING DETAIL - SECTION

NOT TO SCALE



CONIFEROUS TREE PLANTING DETAIL - SECTION

NOT TO SCALE

ERICKSON
Civil

333 North Main Street, Suite 301
Sellingwood, Missouri 65082
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www.ericsonarchive.com

DRAWING PHASE	
OWNER REVIEW	
✓ AGENCY REVIEW	
BID DOCUMENT	
FOR CONSTRUCTION	
AS-BUILT DOCUMENT	

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1600 A ERICSSON DR	40418	LOUISIANA	12/17/2014
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EASTON VILLAGE, LLC
2140 COUNTY ROAD 42 WEST
BURNSVILLE, MN 55337

EASTON VILLAGE
PRELIMINARY PLAT
LAKE ELMO, MINNESOTA

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NO 13-114
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ET 10

TREE SURVEY

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TIME @	KEY TYPE	COUNTS	IMPADDED COUNT	DIFFERENCE COUNT	WATERGARD COUNT	CONCENTR. PERCENT
137	1000000000	4	4			
138	1000000000	2	2			
139	1000000000	2	2			
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141	1000000000	2	2			
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212	1000000000	2	2			
213	1000000000	2	2			

[illegible][illegible]