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

**NOTICE OF MEETING**
**City Council Meeting**
**Tuesday, April 7, 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**
1a. Approve March 10, 2015 Special City Council Meeting Minutes
1b. Approve March 17, 2015 City Council Meeting Minutes
**G. Council Reports**
**H. Presentations/Public Comments/Inquiries**
**I. Proclamation –** National Library Week Proclamation
**J. Finance Consent Agenda**
2. Approve Payment of Disbursements and Payroll
3. Accept Building Report dated February 28, 2015
4. Approval for 2015 Tax abatement; ***Resolution No. 2015-26***
**K. Other Consent Agenda**
5. LMCIT Waiver Form
6. Workshop Date Change
7. Order Abatement Action – 8085 Hill Trail North; ***Resolution No. 2015-21***
8. Approve Encroachment Agreement – 859 Julep Avenue North
9. Zoning Map Amendment – General Amendments, ***Ordinance 08-117***
10. Easton Village Developer Agreement
**L. Regular Agenda**
11. Elmo Liquor Inc- New Intoxicating Liquor License; ***Public Hearing***
12. Eagle Point Boulevard Street Improvements – Improvement Hearing; Order Plans and Specifications; ***Public Hearing; Resolution No. 2015-22***
13. Boulder Ponds Zoning Map Amendment, Final Plat and Final PUD Plan; ***Resolution No. 2015-23, Ordinance 08-118***
14. Wildflower Preliminary Plat; ***Resolution No. 2015-24***
15. 39th Street: Street and Sanitary Sewer Improvements –Change Order No. 4.
16. Discussion of City Hall Water Solution – *Lundgren Request*
17. Council Driven Workshop - *Lundgren Request (no memo)*
18. Boulder Ponds Developer Agreement; ***Resolution No. 2015-25***
19. Third Party Review of Finances Discussion - *Bloyer Request (no memo)*
**M. Staff Reports and Announcements**
**N. Executive Session to Discuss Employment Matter**
**O. Adjourn**

# CITY OF LAKE ELMO

## NATIONAL LIBRARY WEEK 2015 PROCLAMATION

**WHEREAS**, libraries create potential and possibilities within their communities, campuses and schools;

**WHEREAS;** libraries level the playing field for all who seek information and access to technologies;

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

**WHEREAS**, libraries and librarians open up a world of possibilities through innovative programming, job-seeking resources and the power of reading;

**WHEREAS**, libraries support democracy and effect social change through their commitment to provide equitable access to information for all library users regardless of race, ethnicity, creed, ability, sexual orientation, gender identity or socio-economic status;

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

**NOW, THEREFORE, BE IT RESOLVED** that I Mike Pearson, Mayor of Lake Elmo proclaim April 12-18, 2015 as

**NATIONAL LIBRARY WEEK**

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

Signed this April 07, 2015

_____

Mike Pearson, Mayor

CITY OF LAKE ELMO
SPECIAL CITY COUNCIL MEETING MINUTES
MARCH 10, 2015

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

**PRESENT:** Mayor Mike Pearson and Council Members Julie Fliflet, Anne Smith, Justin Bloyer, and Jill Lundgren.

Staff present: City Administrator Zuleger, City Clerk Bell, Community Development Director Klatt, City Planner Johnson, Deputy Clerk Gumatz, Fire Chief Malmquist, Assistant Fire Chief Cornell, Building Official Chase, Taxpayer Services and Communications Coordinator MacLeod, and City Attorney Snyder and Finance Director Bendel.

**PLEDGE OF ALLIGENCE**

**CITY ATTORNEY REQUESTED DISCUSSION REGARDING EMPLOYMENT MATTERS**

City Attorney Snyder stated that City Administrator Zuleger has expressed his belief that it may be time to transition the Administrator role to another person. The intention is to balance the City needs with Mr. Zuleger's goals.

City Administrator Zuleger spoke about the goals he was given when he was hired. He noted the accomplishments and the great staff that has been assembled. He thinks he may have met his threshold and it may be time to have a new administrator. He asked council to consider whether now was the appropriate time to separate or not. If Council decides that it is appropriate, Mr. Zuleger offered to provide consultation during the transition.

Mr. Snyder recommended that Council direct staff to coordinate with Mr. Zuleger for providing consultation services as part of a separation agreement. Mr. Snyder recommended Council give consideration to a separation agreement that meets both City needs and Mr. Zuleger's objectives. Mr. Snyder reminded Council that it should not disclose private employment matters.

Council Member Lundgren expressed her desire to honor Mr. Zuleger's request to transition from the administrator position.

***MOTION:*** *Council Member Lundgren moved* ***TO ACCEPT RESIGNATION AND DIRECT CITY ATTORNEY TO WORK ON SEPARATION AGREEMENT.*** *Council Member Fliflet seconded the motion.*

City Attorney Snyder clarified that Mr. Zuleger is not resigning at this time. The language of the motion was discussed.

Council discussed whether it is appropriate to allow public comments. Mr. Snyder noted that this employment matter has legal implication involving personnel data.

***MOTION:*** *Mayor Pearson moved* ***TO TABLE UNTIL AFTER RECEIVING PUBLIC COMMENTS.*** *Council Member Bloyer seconded the motion.*

It was pointed out that past council meetings included listening to the public. Council Member Fliflet said that this item was different. Ms. Fliflet stated that it is inappropriate to have public input on discussing transitioning to a different city administrator. The council cannot control the content of the comments and cannot ensure the comments will be positive. Ms. Fliflet said she will not support it.

Council Member Bloyer asked if there was any way City Administrator Zuleger would consider staying with Lake Elmo. Council Member Lundgren asked if Mr. Zuleger wanted public comment. Mr. Zuleger noted he is honored by the many people who have shown up, but he cannot answer the question.

***MOTION TO TABLE UNTIL RECEIVING PUBLIC COMMENT PASSED 3-2 (Fliflet and Smith – Nay).***

City Attorney Snyder asked public to respect Council's erring on side of protecting personnel data privacy.

**Paul Novak,** 3409 Lake Elmo Ave, Noted that Mr. Zuleger asked council to consider the timing of transition. If council found it that his services are needed, asked if he would consider staying. Mr. Zuleger responded that he would need time to consider it. Mr. Novak stated he feels offended by the difficulty that council had on whether to decide to receive public input. He said Council has to listen to constituents and needs public input. He asked Council to always accept public input.

**Todd Gilbert,** 8665 Hudson Blvd, owner of Valley Cartage. Moved his company from Hudson and that would not have happened without leadership of Mr. Zuleger. He doesn't know if Council understands what the Council has in Mr. Zuleger. He gets things done and makes things happen. Asked council to find a way to create an environment where Mr. Zuleger would stay.

**Scott Schoonmaker,** 1149 Hudson Blvd, asked Council to make it very clear why Mr. Zuleger would come to this point after three very successful years. It does not make sense.

**Pat Dean,** 8028 Hill Trail, worked with Mr. Zuleger on lake issues. Mr. Zuleger is very professional despite not always agree on everything. He supports Mr. Zuleger as City Administrator.

**John Thompson,** 2119 Lake Elmo Ave, explained how good administrators are difficult to find. He attends many cities' council meetings and usually City Administrators have personal agendas. Mr. Zuleger doesn't. He said losing a City Administrator as successful as Mr. Zuleger is a big mistake.

**Dale Dorschner,** 3150 Lake Elmo Ave, spoke as a commissioner, resident, and public employee. He cannot believe the city is even talking about this. He cannot believe we are here. He said he spoke with staff and they support their boss. He asked council to reconsider decision.

**John Schiltz,** 3442 Lake Elmo Ave, owner of Lake Elmo Inn, agrees with other positive comments regarding Administrator. He asked why such an important vote doesn't require a supermajority. He asked what happened in two months that changed from his last favorable review. He said it is not a good time to change the City Administrator. It is one of the most pivotal times in Lake Elmo to get the important things done.

Mr. Zuleger said tonight is not the best time to hash out the frustrations.

**Kelly Brookman,** 3385 Lake Elmo Ave, first mayor of consolidated Lake Elmo. Believes Mr. Zuleger is the best City Administrator city has ever had. He said the Council should be discussing how to keep Mr. Zuleger.

**John Zignego** He has been waiting for action on sewer, curb and gutter, and sidewalks. It is finally happening. He spoke in support of Mr. Zuleger as Administrator.

**Bryan Billingsley,** 2700 Lisbon Ave, from Heritage Farms. Mr. Zuleger was first City Administrator to contact any of the HOAs. That was the most favorable interaction with City ever. The City needs to keep him.

**Dean Dodson,** 2915 Jonquil Trail, citizen and chair of Planning Comm. Apologized that the council has created a hostile environment. Mr. Zuleger noted he has not said that. He asked council to improve working environment.

**Stuart Helgason,** 11150 12th St N, Mr. Zuleger has shown excellent leadership and great communication skills. He is the best City Administrator he has had contact with.

**Ed Nielson,** 9498 Stillwater Blvd, spoke about how Mr. Zuleger did not take a position when there was an issue in his neighborhood, but stayed objective. He said the Council should not fire him.

**Larry Weiss,** 9302 Stillwater Blvd, reiterated Mr. Zuleger is the best City Administrator the City has ever had. Mr. Zuleger gets right to the point and tells you what is. He asked the Council to listen to the people.

**Judy Gibson,** 10684 10th Street Ct, also on Library board. Mr. Zuleger has been very helpful with all the library issues. He has helped in several technical and organizational areas and she greatly appreciated his help. She spoke about how changing administrators at such a close time for library and county relations to be repaired would be a setback.

**Tammy Malmquist,** 8549 Ironwood Trail, stated that the Council reports to the people. She asked there never be another time discussing whether to listen to the public. She is concerned about the number of administrators the City has had. Mr. Zuleger was supposed to be "the guy." She is adamantly opposed to Mr. Zuleger leaving.

**Shane Weiss,** 8483 27th Street, Chair of Parks Commission. Spoke about how Mr. Zuleger is a parks guy – he brings a lot of enthusiasm. Mr. Weis does not see the Parks Commission getting everything done on their agenda without Mr. Zuleger's help.

**Terry Emerson,** 2204 Legion Lane Circle, noted that Mr. Zuleger's previous city, Weston, wondered what they would do without him when he left. Mr. Zuleger was selected as best applicant of 30 applicants. He

suggested that the Council ask the outside groups, the Met Council, County, etc. what the city should do with Mr. Zuleger. The City won't find another person who could do the job he's been doing. City should give him a raise.

**Wally Nelson,** 4582 Lilac Lane, spoke about how he has had a great relationship with Mr. Zuleger. He is very professional. He has formed a professional staff. He has no idea why the Council is considering this issue. He said Mr. Zuleger has done many little things that are positive that the public doesn't even know about.

**Mike Reeves,** 11075 14th Street, believes Mr. Zuleger has been exceptional and has brought stability to position. He noted the City's financial position and accomplishments inside and outside city hall. He said Mr. Zuleger is a dedicated public servant. He said positive results come from positive leadership.

**Nick Witter,** 653 Cimarron, said Mr. Zuleger's priority has been serving the city and the people of the City. He always has what is best for the City in his mind. It would be a travesty to let him go. City should be asking how to reward him or keep him.

**Rita Conlin,** 8560 Ironwood Trail, spent two terms as council member and planning commissioner. She related her change of vote when the people were opposed to the water tower location in Sunfish Lake Park. She urged council members to be open to changing their minds.

**Ed Gorman,** 11011 Stillwater Blvd, owner of Gorman's Family Restaurant. Said Mr. Zuleger gets things done. He spoke about the stormwater issue Mr. Zuleger helped him resolve. Mr. Zuleger does the right thing, and has many beneficial relationships. The list of accomplishments is astonishing.

**Milt Klohn,** 8716 Ironwood Trail, has lived in city for 56 years. Mr. Zuleger is the finest City Administrator the City has ever had. Said the City still has obligations under Met Council. Mr. Zuleger would be best person to lead the City through this. He asked Council to create a work environment where this does not happen again.

Council Member Bloyer read **Jill Mitchell's** (2811 Irish Ave) letter in support of Mr. Zuleger.

Council Member Bloyer read **Sharon Bernardy's** (8352 27th Street) letter in support of Mr. Zuleger.

Council Member Bloyer read **Teresa Silvernale's** (11751 58th Street) letter in support of Mr. Zuleger.

Council Member Bloyer read Library Board Member **Paul Ryberg's** (11326 30th Street) letter in support of Mr. Zuleger.

Mayor Pearson read **Pat Weyandt's** (8772 Ironwood Trail) letter in support of Mr. Zuleger.

Mayor Pearson read Finance Committee Member **Terry Forrest's** letter in support of Mr. Zuleger.

Mayor Pearson read **Washington County Commissioner Gary Kriesel's** letter in support of Mr. Zuleger.

Mayor Pearson read **Family Means'** letter in support of Mr. Zuleger.

Mayor Pearson read Park Commissioner **David Steele's** (9576 55th Street) letter in support of Mr. Zuleger.

Mayor Pearson read **Washington County Sheriff Bill Hutton's** letter in support of Mr. Zuleger.

Mayor Pearson read staff member's letter in support of Mr. Zuleger.

Mayor Pearson read staff letter in support of Mr. Zuleger.

City Attorney Snyder reiterated that council members must refrain from discussing employee evaluations in public. He again asked Council to consider a separation agreement that balances City needs, including Mr. Zuleger providing consulting services, and Mr. Zuleger's objectives.

Council Member Bloyer noted that some speakers, with whom he has not always agreed, agree that Mr. Zuleger is needed.

***MOTION:*** *Council Member Bloyer moved* ***TO EXTEND A CONTRACT FOR 18 MONTHS, NEGOTIATED WITH COUNSEL, WHERE THE ADMINISTRATOR ONLY BE REMOVED FOR JUST CAUSE.*** He wants the term to be long enough for new council members to become familiar with Mr. Zuleger. *Mayor Pearson seconded the motion.*

Mayor Pearson noted that not all employees are always positive of their bosses. With all the current issues the City is facing, consistency is important, and changing right now does not make sense. Council Member Bloyer asked what the city will do tomorrow. He is concerned that the City will lose the talented staff. This will cause problems for the City.

Council Member Lundgren noted that the City Attorney requested the meeting and Mr. Zuleger requested that the position be transitioned. She wants to respect Mr. Zuleger wishes. Council Member Fliflet believes it is important for people to be happy in their job. She does not see that right now and thinks it would be best for City to allow transition.

Mayor Pearson wants to commit to creating a good environment for staff.

Ms. Fliflet noted that there limitations on what can be said and that these issues are difficult to discuss. Mr. Bloyer stated the reason the Council is here tonight is because the Council was given an ultimatum of providing a severance or a harassment free workplace. He said the Council is choosing to offer the severance.

Mayor Pearson asked if there is a conflict of interest because one of the council members pursued the administrator job. Mr. Snyder said that is up to council members to individually decide.

Mr. Zuleger stated that he believes that his season in Lake Elmo may be over. There have been many accomplishments by the staff, but it may be time to move on. He said he appreciates the outpouring of public support.

***ROLL CALL VOTES ON MOTION TO EXTEND 18 MONTH CONTRACT SUBJECT TO REMOVAL ONLY FOR JUST CAUSE:***

Fliflet – NO; Smith – NO; Pearson – YES; Bloyer – YES; Lundgren - NO
***MOTION FAILED 2-3 (Fliflet, Smith, and Lundgren – Nay)***

MOTION: Council Member Lundgren moved ***TO ACCEPT MR. ZULEGER'S REQUEST TO TRANSITION OUT OF THIS POSITION AND TO ANOTHER, AND TO RETAIN HIS EXPERTISE, KNOWLEDGE, AND TECHNICAL SKILLS FOR CONSULTATION TO CITY, AND DIRECT MR. SNYDER TO WORK ON SEPARATION AGREEMENT.*** *Council Member Fliflet seconded the motion.*

The timing of the action on the separation agreement was discussed. It was noted that the terms of the agreement will be public. City Attorney Snyder said the agreement would be brought back to Council at another meeting.

***ROLL CALL VOTES ON MOTION:***

Lundgren – YES; Bloyer – NO; Pearson – NO; Smith – YES; Fliflet - YES
***MOTION PASSED 3-2 (Pearson and Bloyer – Nay)***

Council Member Bloyer asked what would happen next. The Council discussed what happens next and when things will happen. Council Member Fliflet said there is a 30 day notice and Mr. Zuleger is being retained as a consultant, so there is no urgency. Mr. Snyder stated that Mr. Zuleger is still engaged and is the administrator until he decides he is not. Council Member Lundgren said she does not believe Mr. Zuleger would be unprofessional in his departure. Council Member Smith noted that there are two executive search firms available to aide in the search, Brimeyer and Springsted.

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

***Mayor Pearson Adjourned the meeting at 9:15 pm.***

LAKE ELMO CITY COUNCIL

ATTEST:

_____
Mike Pearson, Mayor

_____
Adam R. Bell, City Clerk

**CITY OF LAKE ELMO**
**CITY COUNCIL MINUTES**
**MARCH 17, 2015**

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

**PRESENT:** Mayor Mike Pearson and Council Members Julie Fliflet, and Jill Lundgren.

**ABSENT:** Council Members Anne Smith and Justin Bloyer

Staff present: City Attorney Chris Johnson, Community Development Director Klatt, City Engineer Griffin, Finance Director Bendel, and City Clerk Bell.

**PLEDGE OF ALLIGENCE**

**APPROVAL OF AGENDA**

Council Member Lundgren noted Item 9 has been postponed by applicant. Council Member Fliflet pulled Item 6 for discussion. Mayor Pearson pulled Item 8 for discussion.

***MOTION:*** *Council Member Lundgren moved* ***TO APPROVE THE MARCH 17, 2015 CITY COUNCIL AGENDA AS AMENDED.*** *Council Member Fliflet seconded the motion.* ***MOTION PASSED 3-0.***

**ITEM 1: ACCEPT MINUTES**

***THE FEBRUARY 24, 2015 CITY COUNCIL MINUTES WERE APPROVED AS AMENDED BY CONSENSUS.***

***THE MARCH 3, 2015 CITY COUNCIL MINUTES WERE APPROVED AS PRESENTED BY CONSENSUS.***

**COUNCIL REPORTS:**

**Mayor Pearson:** attended Public Safety Committee meeting, Gateway Corridor meeting, and Park Commission meeting. Park Commission asked to be empowered in Village planning. Mayor Pearson explained that the Commission tabled their agenda items and adjourned in protest over administrator vote; there will be a Meet the Mayor session at Hagberg's Market on 3/18/15 at 4:30-5:30 pm.

**Council Member Fliflet:** spoke about public concerns over Council workshops not being taped. She explained the nature of workshops and her reasoning why she opposed recording them. They are supposed to be less formal with no action taken. She said the intent is not to limit or reduce transparency; she addressed the response from public regarding the city administrator vote. She reiterated that there are restrictions on public disclosure of information involved in decision and there are facts that predate her taking office that the public is unaware of due to privacy restrictions. The Council is trying to facilitate the transition with the best interest of the City and Mr. Zuleger in mind.

**Council Member Lundgren:** met with Washington County Commissioner Kriesel; attended workshop on farmer's markets; attended Public Safety Committee and Fire Relief Association meetings; she addressed the response from public regarding the city administrator vote. While she appreciates the public feedback, she asked that the comments be made in a more respectful manner. She also asked that the public respect the private nature of personnel matters and the related council actions.

Mayor Pearson responded to council reports. He objected to the way the administrator vote and public response is being characterized. He also responded to workshop taping discussion. He objected to the way that those discussions are being framed. The scheduling of the administrator's 2014 review was discussed.

**PUBLIC COMMENTS/INQUIRIES**

**Margaret "Tedi" Carlson,** 8735 27th Street, spoke about council transparency. She questioned past claims of desires to listen to public input. Council Member Fliflet responded that her point was that the public meeting was not the appropriate forum for public input on employment matters.

**Dale Dorschner,** 3150 Lake Elmo Ave, said he is very passionate about the Council vote on the city administrator. He noted his kids will be 4th generation Lake Elmo residents. He took issue with the way campaign pledges have been carried out. He asked that pledges to listen to the public be kept. He asserted that Mr. Zuleger would not be looking for somewhere else to work if environment was better. He spoke about why employees leave jobs.

**Dave Moore,** 8680 Stillwater Blvd, has attended every meeting since new Council was seated. He spoke about the numerous 3-2 votes that have occurred without any debate. He said that it appears there have been discussions prior to and outside of open public meetings. Council Member Lundgren noted that there have been recent non-3-2 split votes.

**Mike Reeves,** 11075 14th Street, found council members' opening statements demeaning. The public does not want to be lectured on how to behave. He spoke about the cost of separating with the administrator and the cost of employee turnover. He questioned why the Council would favor letting the administrator leave rather than create a better working environment. He urged council to reconsider their previous vote.

**Milt Klohn,** 8716 Ironwood Trail, questioned what issues could have existed prior to new Council taking office when four of the previous five council members in 2014 strongly supported Mr. Zuleger's performance. He took issue with accusation of incivility on behalf of the public. He asked about the Old Village Workgroup. He wants more information on the group and asked what authority they have. He wants to get involved with group and attend next Village Workgroup meeting.

**Tammy Malmquist,** 8549 Ironwood Trail, spoke about her disappointment in Council behavior. She asked about administrator review process.

**Rita Conlin,** 8560 Ironwood Trail, noted that Council is dealing with an educated public, and that the public knows what workshops involve. She asked what measures were taken to address any employment issues that have been requested that council members who were so quick to accept administrator's resignation consider their own resignation.

**Jim Leonard,** 3012 Lake Elmo Ave, respects job the council members have and decisions they have to make. He has 300 employees in Lake Elmo. He asserted that the desire to remove Mr. Zuleger was known prior to election. He said that he knows Mr. Zuleger does not want to leave the City. He hasn't spoke at council meeting since 2005. He said he works with five cities and Mr. Zuleger is the best administrator he has worked with. He commended Mr. Zuleger for his accomplishments and asked council to reconsider their vote.

## FINANCE CONSENT AGENDA

2. Approve Payment of Disbursements and Payroll in the amount of $202,848.30
3. Accept Financial Report dated February 28, 2015
4. ~~Accept Building Report dated February 28, 2015~~ – *No Report*
5. Accept City Assessor Report dated February 28, 2015
6. ~~Authorize Purchase of Replacement Fire Department Command Vehicle~~. *Removed from Consent*

***MOTION:*** *Council Member Fliflet moved* ***TO APPROVE THE FINANCE CONSENT AGENDA AS AMENDED.*** *Council Member Lundgren seconded the motion.* ***MOTION PASSED 3-0.***

## ITEM 6: AUTHORIZE PURCHASE OF REPLACEMENT FIRE DEPARTMENT COMMAND VEHICLE

Council Member Lundgren asked if this item should be discussed by the full Council. Fire chief Malmquist explained that there is a deadline for the purchase under the state pricing. Council Member Fliflet stated that the Finance Committee did approve moving forward with purchase.

***MOTION:*** *Council Member Lundgren moved* ***TO APPROVE THE PURCHASE OF A REPLACEMENT FIRE DEPARTMENT COMMAND VEHICLE IN THE AMOUNT NOT TO EXCEED $39,000.*** *Council Member Fliflet seconded the motion.* ***MOTION PASSED 3-0.***

Council Member Fliflet asked that items approved by Finance Committee be placed on Regular Agenda.

## OTHER CONSENT AGENDA

7. Approve 2015 Election Judges; **Resolution No. 2015-19**
8. ~~Sale of City Hall Annex~~ *Removed from Consent*

***MOTION:*** *Mayor Pearson moved* ***TO APPROVE THE OTHER CONSENT AGENDA AS AMENDED.*** *Council Member Fliflet seconded the motion.* ***MOTION PASSED 3-0.***

## ITEM 8: SALE OF CITY HALL ANNEX

Mayor Pearson asked for clarification on the remaining depreciation. Finance Director Bendel explained the remaining depreciation will just be listed as a loss on the books.

***MOTION:*** *Mayor Pearson moved* ***TO APPROVE SALE OF THE CITY HALL ANNEX TO WASHINGTON COUNTY FOR SPECIFIED TERMS.*** *Council Member Fliflet seconded the motion.* ***MOTION PASSED 3-0.***

**REGULAR AGENDA**

**ITEM 10: APPROVE VARIANCE – 3033 INWOOD AVE. N.; Resolution No. 2015-20**

Community Development Director Klatt provided summary of the proposed variance to allow an accessory building that is closer to the front lot line than the principal building and does not meet the 100ft setback. The Planning Commission unanimously recommended approval 5-0.

***MOTION:*** *Council Member Lundgren moved* ***TO ADOPT RESOLUTION NO. 2015-20, APPROVING A VARIANCE TO ALLOW AN ACCESSORY BUILDING THAT DOES NOT MEET THE 100-FOOT FRONT YARD SETBACK AND IS CLOSER TO THE FRONT LOT LINE THAN THE PRINCIPAL BUILDING.*** *Council Member Fliflet seconded the motion.* ***MOTION PASSED 3-0.***

**ITEM 11: 39TH STREET: STREET AND SANITARY SEWER IMPROVEMENTS – CHANGE ORDER NO. 4**

City Engineer Griffin provided an update on the project. Negotiations are ongoing. Due to time constraints, Council Member Fliflet suggested that Council Member Smith and Mayor Pearson be authorized to approve on behalf of Council. Council Member Lundgren would be back up. Finance Director Bendel noted that additional costs would be part of 2015 bonding.

**DISCUSSION ITEM: COUNCIL DRIVEN WORKSHOP**

Council discussed involving outside facilitator. Directed Clerk Bell to coordinate when and where and obtaining facilitator.

Mayor Pearson called for a workshop to discuss administrator issue. The workshop would be held on March 24, 2015 at 6:30 pm at City Hall. Clerk Bell was directed to coordinate with Council.

**STAFF REPORTS & ANNOUNCEMENTS:**

**City Finance Director Bendel:** Finance Committee had meeting on downtown assessments; attended Fire Relief Association meeting. Working on audit reports. It was clarified that some of the Jaycees' money was used for the Youth Service Bureau. Committee unanimously thought that the Committee can do the financial services work requested by Mayor Pearson.

**City Attorney Johnson:** No report.

**Community Development Director Klatt:** Planning Commission approved Wildflower Preliminary Plat and Boulder Ponds Final Plat. Those items will be brought to Council at next meeting. Easton Village developer agreement is being negotiated with attorneys.

**City Engineer Griffin:** reviewing Valley Branch Watershed Dist 2015 plan; Jane Rd. 201 septic found in compliance. The City will now have 2-3 years to determine how to extend service to larger area with new system.

**City Clerk Bell:** Deputy Clerk and he will be attending MN Clerk and Finance Officer Association Conference Wednesday through Friday of this week.

***Mayor Pearson Adjourned the meeting at 8:16 pm.***

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Adam R. Bell, City Clerk

THE CITY OF LAKE ELMO

# MAYOR & COUNCIL COMMUNICATION

**DATE:** **April 7, 2015**
**CONSENT ITEM** **#2**
**MOTION**

**AGENDA ITEM:** Approve Disbursements in the amount of $164,164.62

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

**THROUGH:** Cathy Bendel, Finance Director

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

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**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:** $164,164.62

**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of $164,164.62. 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 | $ 11,362.96 | Payroll Taxes to IRS & MN Dept of Revenue 4/02/2015 |
| ACH | $ 6,365.32 | Payroll Retirement to PERA 4/02/2015 |
| DD6141-DD6167 | $ 28,769.61 | Payroll Dated (Direct Deposits) 4/02/2015 |
| 42588 | $ 2,461.00 | Accounts Payable 4/01/2015 |
| 42589-42661 | $ 114,245.73 | Account Payable 4/07/2015 |
| 2692-2707 | $ 960.00 | Library Card Reimbursement 4/07/2015 |
| | | |
| | | |
| | | |
| **TOTAL** | **$ 164,164.62** | |

**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 $164,164.62.

**ATTACHMENTS:**

1. Accounts Payable – check registers

# Accounts Payable
## To Be Paid Proof List

User: PattyB
Printed: 03/31/2015 - 11:51 AM
Batch: 005-03-2015

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close | POLine # |
|---|---|---|---|---|---|---|---|---|---|---|---|
| LEASSOC Lake Elmo Associates, LLP | | | | | | | | | | | |
| April 15 | 04/01/2015 | 2,461.00 | 0.00 | 04/01/2015 | April 15 Rent | | - | | | No | 0000 |
| 101-410-1940-44120 | Rentals - Building | | | | | | | | | | |
| | April 15 Total: | 2,461.00 | | | | | | | | | |
| | LEASSOC Total: | 2,461.00 | | | | | | | | | |
| | Report Total: | 2,461.00 | | | | | | | | | |

# Accounts Payable
## To Be Paid Proof List

User: PattyB
Printed: 04/02/2015 - 9:41 AM
Batch: 002-04-2015

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close | POLine # |
|---|---|---|---|---|---|---|---|---|---|---|---|
| AMAZONIN Amazon Inc | | | | | | | | | | | |
| | 02/10/2015 | 578.41 | 0.00 | 04/07/2015 | Adult | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | 03/10/2015 | 308.54 | 0.00 | 04/07/2015 | Adult books | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | 02/10/2015 | 22.95 | 0.00 | 04/07/2015 | Magazine | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | 03/10/2015 | 174.68 | 0.00 | 04/07/2015 | Office Equipment | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | 02/10/2015 | 97.55 | 0.00 | 04/07/2015 | Office | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | 03/10/2015 | 208.59 | 0.00 | 04/07/2015 | Office | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | 02/10/2015 | 171.14 | 0.00 | 04/07/2015 | DVDs | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | 03/10/2015 | 240.41 | 0.00 | 04/07/2015 | DVDs | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | 02/10/2015 | 24.80 | 0.00 | 04/07/2015 | Teen | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | 03/10/2015 | 74.36 | 0.00 | 04/07/2015 | Teen | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | 02/10/2015 | 311.38 | 0.00 | 04/07/2015 | Juv | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | 03/10/2015 | 297.42 | 0.00 | 04/07/2015 | Juv | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | 02/10/2015 | 35.89 | 0.00 | 04/07/2015 | Audio | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | 03/10/2015 | 26.90 | 0.00 | 04/07/2015 | 1000 Books before K | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | Total: | 2,573.02 | | | | | | | | | |
| 035812177531 | 03/30/2015 | 37.95 | 0.00 | 04/07/2015 | Book | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | 035812177531 Total: | 37.95 | | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close PO | Line # |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 057501898431 | 03/30/2015 | 9.43 | 0.00 | 04/07/2015 | Book | - | | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | 057501898431 Total: | 9.43 | | | | | | | | | |
| 300610214788 | 03/30/2015 | 13.46 | 0.00 | 04/07/2015 | Book | - | | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | 300610214788 Total: | 13.46 | | | | | | | | | |
| | AMAZONIN Total: | 2,633.86 | | | | | | | | | |
| ASPENMI Aspen Mills, Inc. | | | | | | | | | | | |
| 162162 | 03/06/2015 | 46.50 | 0.00 | 04/07/2015 | Uniform - Jorgensen | - | | | | No | 0000 |
| 101-420-2220-44170 | Uniforms | | | | | | | | | | |
| | 162162 Total: | 46.50 | | | | | | | | | |
| | ASPENMI Total: | 46.50 | | | | | | | | | |
| ATLANTIC THE ATLANTIC | | | | | | | | | | | |
| | 03/11/2015 | 14.95 | 0.00 | 04/07/2015 | Subscription | - | | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | Total: | 14.95 | | | | | | | | | |
| | ATLANTIC Total: | 14.95 | | | | | | | | | |
| BAKERPAT Baker Patricia | | | | | | | | | | | |
| 2015-03 | 04/01/2015 | 567.19 | 0.00 | 04/07/2015 | Contact hours - March | - | | | | No | 0000 |
| 101-410-1520-43150 | Contract Services | | | | | | | | | | |
| 2015-03 | 04/01/2015 | 1,134.38 | 0.00 | 04/07/2015 | Contact hours - March | - | | | | No | 0000 |
| 601-494-9400-43150 | Contract Services | | | | | | | | | | |
| 2015-03 | 04/01/2015 | 226.88 | 0.00 | 04/07/2015 | Contact hours - March | - | | | | No | 0000 |
| 602-495-9450-43150 | Contract Services | | | | | | | | | | |
| 2015-03 | 04/01/2015 | 340.30 | 0.00 | 04/07/2015 | Contact hours - March | - | | | | No | 0000 |
| 603-496-9500-43150 | Contract Services | | | | | | | | | | |
| | 2015-03 Total: | 2,268.75 | | | | | | | | | |
| | BAKERPAT Total: | 2,268.75 | | | | | | | | | |
| BERTELSO Bertelson's | | | | | | | | | | | |
| WO-104993-1 | 03/24/2015 | 47.70 | 0.00 | 04/07/2015 | Paper towels | - | | | | No | 0000 |
| 101-410-1320-42000 | Office Supplies | | | | | | | | | | |
| | WO-104993-1 Total: | 47.70 | | | | | | | | | |
| | BERTELSO Total: | 47.70 | | | | | | | | | |
| BOLTONME Bolton & Menk, Inc | | | | | | | | | | | |
| 0175961 | 02/27/2015 | 343.20 | 0.00 | 04/07/2015 | 2013.132 Pumphouse No 4 | - | | | | No | 0000 |
| 601-494-9400-43030 | Engineering Services | | | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close | POLine # |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 0175961 Total: | 343.20 | | | | | | | | | |
| 0176177 | 03/19/2015 | 1,932.00 | 0.00 | 04/07/2015 | 2014.131 39th Street N | | - | | | No | 0000 |
| 602-495-9450-43030 | Engineering Services | | | | | | | | | | |
| | 0176177 Total: | 1,932.00 | | | | | | | | | |
| | BOLTONME Total: | 2,275.20 | | | | | | | | | |
| BONAPPET Bon Appetit | | | | | | | | | | | |
| | 03/11/2015 | 12.00 | 0.00 | 04/07/2015 | Subscription | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | Total: | 12.00 | | | | | | | | | |
| | BONAPPET Total: | 12.00 | | | | | | | | | |
| CARDMEMB Cardmember Service | | | | | | | | | | | |
| | 03/20/2015 | 53.51 | 0.00 | 04/07/2015 | Holiday | | - | | | No | 0000 |
| 101-420-2220-44300 | Miscellaneous | | | | | | | | | | |
| | 03/20/2015 | 58.18 | 0.00 | 04/07/2015 | Pump | | - | | | No | 0000 |
| 101-420-2220-44040 | Repairs/Maint Eqpt | | | | | | | | | | |
| | 03/20/2015 | 53.84 | 0.00 | 04/07/2015 | Fuel small engines | | - | | | No | 0000 |
| 101-420-2220-42120 | Fuel, Oil and Fluids | | | | | | | | | | |
| | 03/20/2015 | 7.96 | 0.00 | 04/07/2015 | Rehab supplies | | - | | | No | 0000 |
| 101-420-2220-44300 | Miscellaneous | | | | | | | | | | |
| | 03/20/2015 | 28.99 | 0.00 | 04/07/2015 | WSJ | | - | | | No | 0000 |
| 101-410-1320-44330 | Dues & Subscriptions | | | | | | | | | | |
| | 03/20/2015 | 4.00 | 0.00 | 04/07/2015 | Postage | | - | | | No | 0000 |
| 602-000-0000-20802 | SAC due Met Council | | | | | | | | | | |
| | 03/20/2015 | 39.91 | 0.00 | 04/07/2015 | Fuel | | - | | | No | 0000 |
| 101-420-2400-42120 | Fuel, Oil and Fluids | | | | | | | | | | |
| | 03/20/2015 | 385.00 | 0.00 | 04/07/2015 | Various dues/subscriptions | | - | | | No | 0000 |
| 101-420-2400-44330 | Dues & Subscriptions | | | | | | | | | | |
| | 03/20/2015 | 85.00 | 0.00 | 04/07/2015 | Training | | - | | | No | 0000 |
| 101-420-2400-44370 | Conferences & Training | | | | | | | | | | |
| | 03/20/2015 | 45.89 | 0.00 | 04/07/2015 | Books | | - | | | No | 0000 |
| 101-420-2400-44350 | Books | | | | | | | | | | |
| | 03/20/2015 | 8.00 | 0.00 | 04/07/2015 | Parking | | - | | | No | 0000 |
| 101-410-1320-44300 | Miscellaneous | | | | | | | | | | |
| | 03/20/2015 | 58.00 | 0.00 | 04/07/2015 | Finance & Commerce | | - | | | No | 0000 |
| 101-410-1320-44330 | Dues & Subscriptions | | | | | | | | | | |
| | 03/20/2015 | 32.04 | 0.00 | 04/07/2015 | Audible | | - | | | No | 0000 |
| 101-410-1320-43210 | Telephone | | | | | | | | | | |
| | 03/20/2015 | 25.52 | 0.00 | 04/07/2015 | Water | | - | | | No | 0000 |
| 101-410-1940-44300 | Miscellaneous | | | | | | | | | | |
| | 03/20/2015 | 60.00 | 0.00 | 04/07/2015 | Conference - Alyssa | | - | | | No | 0000 |
| 101-410-1450-44370 | Conferences & Training | | | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close | POLine # |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 03/20/2015 | 60.00 | 0.00 | 04/07/2015 | Conference - Lundgren | | - | | | No | 0000 |
| 101-410-1110-44370 | Conferences & Training | | | | | | | | | | |
| | 03/20/2015 | 55.30 | 0.00 | 04/07/2015 | Interest & fees | | - | | | No | 0000 |
| 101-410-1520-44300 | Miscellaneous | | | | | | | | | | |
| | Total: | 1,061.14 | | | | | | | | | |
| | CARDMEMB Total: | 1,061.14 | | | | | | | | | |
| CARQUEST | Car Quest Auto Parts | | | | | | | | | | |
| 2055-342861 | 03/11/2015 | 38.99 | 0.00 | 04/07/2015 | Sway bar link | | - | | | No | 0000 |
| 101-430-3100-42210 | Equipment Parts | | | | | | | | | | |
| | 2055-342861 Total: | 38.99 | | | | | | | | | |
| | CARQUEST Total: | 38.99 | | | | | | | | | |
| CENCOLLE | Century College | | | | | | | | | | |
| 575648 | 03/10/2015 | 100.00 | 0.00 | 04/07/2015 | Training supplies | | - | | | No | 0000 |
| 101-420-2220-44370 | Conferences & Training | | | | | | | | | | |
| | 575648 Total: | 100.00 | | | | | | | | | |
| | CENCOLLE Total: | 100.00 | | | | | | | | | |
| CENTURYL | CenturyLink | | | | | | | | | | |
| 3192015 | 03/19/2015 | 133.33 | 0.00 | 04/07/2015 | Phone service - library | | - | | | No | 0000 |
| 206-450-5300-43210 | Telephone | | | | | | | | | | |
| 3192015 | 03/19/2015 | 45.50 | 0.00 | 04/07/2015 | Internet - library | | - | | | No | 0000 |
| 206-450-5300-43250 | Internet | | | | | | | | | | |
| | 3192015 Total: | 178.83 | | | | | | | | | |
| | CENTURYL Total: | 178.83 | | | | | | | | | |
| COLDWELL | Coldwell Banker Commercial | | | | | | | | | | |
| 40013 | 02/19/2015 | 180.00 | 0.00 | 04/07/2015 | Preventive maintenance | | - | | | No | 0000 |
| 206-450-5300-44040 | Repairs/Maint Eqpt | | | | | | | | | | |
| | 40013 Total: | 180.00 | | | | | | | | | |
| | COLDWELL Total: | 180.00 | | | | | | | | | |
| CONSUMER | Consumer Reports | | | | | | | | | | |
| | 03/11/2015 | 20.00 | 0.00 | 04/07/2015 | Subscription | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | Total: | 20.00 | | | | | | | | | |
| | CONSUMER Total: | 20.00 | | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close PO | Line # |
|---|---|---|---|---|---|---|---|---|---|---|---|
| CRYBERG Ryberg Candace | | | | | | | | | | | |
| | 03/11/2015 | 52.78 | 0.00 | 04/07/2015 | Program Supply Reimbursement | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | Total: | 52.78 | | | | | | | | | |
| | CRYBERG Total: | 52.78 | | | | | | | | | |
| CTYBLOOM City of Bloomington | | | | | | | | | | | |
| FEb 15 | 03/01/2015 | 31.50 | 0.00 | 04/07/2015 | Lab Testing - Feb 2015 | | - | | | No | 0000 |
| 601-494-9400-42270 | Utility System Maintenance | | | | | | | | | | |
| | FEb 15 Total: | 31.50 | | | | | | | | | |
| | CTYBLOOM Total: | 31.50 | | | | | | | | | |
| CTYOAKDP City of Oakdale | | | | | | | | | | | |
| 201530244627 | 03/24/2015 | 197.24 | 0.00 | 04/07/2015 | Cv-1 oil change, belt tensioner | | - | | | No | 0000 |
| 101-420-2220-44040 | Repairs/Maint Eqpt | | | | | | | | | | |
| | 201530244627 Total: | 197.24 | | | | | | | | | |
| | CTYOAKDP Total: | 197.24 | | | | | | | | | |
| CTYROSEV City of Roseville | | | | | | | | | | | |
| 220049 | 03/10/2015 | 967.94 | 0.00 | 04/07/2015 | Laserfiche Rio | | - | | | No | 0000 |
| 101-410-1320-43180 | Information Technology/Web | | | | | | | | | | |
| | 220049 Total: | 967.94 | | | | | | | | | |
| 220064 | 03/19/2015 | 1,263.25 | 0.00 | 04/07/2015 | Cisco Switch | | - | | | No | 0000 |
| 101-410-1320-43180 | Information Technology/Web | | | | | | | | | | |
| | 220064 Total: | 1,263.25 | | | | | | | | | |
| 220071 | 03/19/2015 | 113.97 | 0.00 | 04/07/2015 | Domain name registration | | - | | | No | 0000 |
| 101-410-1320-43180 | Information Technology/Web | | | | | | | | | | |
| | 220071 Total: | 113.97 | | | | | | | | | |
| 220072 | 03/19/2015 | 369.80 | 0.00 | 04/07/2015 | Web hosting charge | | - | | | No | 0000 |
| 101-410-1320-43180 | Information Technology/Web | | | | | | | | | | |
| | 220072 Total: | 369.80 | | | | | | | | | |
| | CTYROSEV Total: | 2,714.96 | | | | | | | | | |
| DELAPP DeLapp Steve | | | | | | | | | | | |
| | 03/31/2015 | 95.87 | 0.00 | 04/07/2015 | Building Maintenance Supplies | | - | | | No | 0000 |
| 206-450-5300-44010 | Repairs/Maint Bldg | | | | | | | | | | |
| | Total: | 95.87 | | | | | | | | | |
| | DELAPP Total: | 95.87 | | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close | POLine # |
|---|---|---|---|---|---|---|---|---|---|---|---|
| DITCHWIT Ditch Witch of Mn, Inc. | | | | | | | | | | | |
| P10728 | 03/18/2015 | 144.13 | 0.00 | 04/07/2015 | Supplies | | - | | | No | 0000 |
| 602-495-9450-42270 | Utility System Maint Supplies | | | | | | | | | | |
| P10728 | 03/18/2015 | 144.14 | 0.00 | 04/07/2015 | Supplies | | - | | | No | 0000 |
| 603-496-9500-42270 | Utility System Maint Supplies | | | | | | | | | | |
| | P10728 Total: | 288.27 | | | | | | | | | |
| | DITCHWIT Total: | 288.27 | | | | | | | | | |
| DWINC D.W. INC. | | | | | | | | | | | |
| 208 | 02/08/2015 | 240.00 | 0.00 | 04/07/2015 | Plowing - January | | - | | | No | 0000 |
| 206-450-5300-44040 | Repairs/Maint Eqpt | | | | | | | | | | |
| | 208 Total: | 240.00 | | | | | | | | | |
| | DWINC Total: | 240.00 | | | | | | | | | |
| EMERGRES Emergency Response Solutions | | | | | | | | | | | |
| 3694 | 03/12/2014 | 82.74 | 0.00 | 04/07/2015 | Water maintenance parts | | - | | | No | 0000 |
| 601-494-9400-42270 | Utility System Maintenance | | | | | | | | | | |
| | 3694 Total: | 82.74 | | | | | | | | | |
| 3729 | 03/18/2015 | 85.00 | 0.00 | 04/07/2015 | Replacement Foam | | - | | | No | 0000 |
| 101-420-2220-42400 | Small Tools & Equipment | | | | | | | | | | |
| | 3729 Total: | 85.00 | | | | | | | | | |
| | EMERGRES Total: | 167.74 | | | | | | | | | |
| EMMONSB Emmons Brett | | | | | | | | | | | |
| | 03/06/2015 | 100.00 | 0.00 | 04/07/2015 | Reimbursement for author visit | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | Total: | 100.00 | | | | | | | | | |
| | EMMONSB Total: | 100.00 | | | | | | | | | |
| Enright Enright Robert | | | | | | | | | | | |
| CC 3/10/15 | 03/10/2015 | 48.13 | 0.00 | 04/07/2015 | Cable Operations | | - | | | No | 0000 |
| 101-410-1450-43620 | Cable Operations | | | | | | | | | | |
| | CC 3/10/15 Total: | 48.13 | | | | | | | | | |
| PC 3/9/15 | 03/09/2015 | 55.00 | 0.00 | 04/07/2015 | Cable Operations | | - | | | No | 0000 |
| 101-410-1450-43620 | Cable Operations | | | | | | | | | | |
| PC 3/9/15 | 03/09/2015 | 25.00 | 0.00 | 04/07/2015 | Bonus | | - | | | No | 0000 |
| 101-410-1450-43620 | Cable Operations | | | | | | | | | | |
| | PC 3/9/15 Total: | 80.00 | | | | | | | | | |
| | Enright Total: | 128.13 | | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close | POLine # |
|---|---|---|---|---|---|---|---|---|---|---|---|
| EXCELEL Excel Electric LLC | | | | | | | | | | | |
| 2015-0113 | 03/17/2015 | 19.25 | 0.00 | 04/07/2015 | Refund 5264 Linden Trl | | - | | | No | 0000 |
| 101-000-0000-32280 | Electrical Permit Revenue | | | | | | | | | | |
| 2015-0113 | 03/17/2015 | 57.75 | 0.00 | 04/07/2015 | Refund 5264 Linden Trl | | - | | | No | 0000 |
| 101-000-0000-20802 | Electrical Permit Fees Payable | | | | | | | | | | |
| | 2015-0113 Total: | 77.00 | | | | | | | | | |
| | EXCELEL Total: | 77.00 | | | | | | | | | |
| FIELDSTR FIELD & STREAM | | | | | | | | | | | |
| | 04/02/2015 | 19.97 | 0.00 | 04/07/2015 | Subscription | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | Total: | 19.97 | | | | | | | | | |
| | FIELDSTR Total: | 19.97 | | | | | | | | | |
| FOCUS Focus Engineering, Inc. | | | | | | | | | | | |
| 1804-1808 | 03/28/2015 | 672.00 | 0.00 | 04/07/2015 | Building | | - | | | No | 0000 |
| 101-420-2400-43030 | Engineering | | | | | | | | | | |
| 1804-1808 | 03/28/2015 | 558.75 | 0.00 | 04/07/2015 | PW | | - | | | No | 0000 |
| 101-430-3100-43030 | Engineering Services | | | | | | | | | | |
| 1804-1808 | 03/28/2015 | 2,395.10 | 0.00 | 04/07/2015 | General | | - | | | No | 0000 |
| 101-410-1930-43030 | Engineering Services | | | | | | | | | | |
| 1804-1808 | 03/28/2015 | 3,506.25 | 0.00 | 04/07/2015 | Planning | | - | | | No | 0000 |
| 101-410-1910-43030 | Engineering Services | | | | | | | | | | |
| 1804-1808 | 03/28/2015 | 835.00 | 0.00 | 04/07/2015 | ROW | | - | | | No | 0000 |
| 101-430-3100-43030 | Engineering Services | | | | | | | | | | |
| | 1804-1808 Total: | 7,967.10 | | | | | | | | | |
| 1809 | 03/28/2015 | 2,379.95 | 0.00 | 04/07/2015 | Water | | - | | | No | 0000 |
| 601-494-9400-43030 | Engineering Services | | | | | | | | | | |
| 1809 | 03/28/2015 | 1,285.00 | 0.00 | 04/07/2015 | Sewer | | - | | | No | 0000 |
| 602-495-9450-43030 | Engineering Services | | | | | | | | | | |
| 1809 | 03/28/2015 | 1,901.25 | 0.00 | 04/07/2015 | Surface Water | | - | | | No | 0000 |
| 603-496-9500-43030 | Engineering Services | | | | | | | | | | |
| | 1809 Total: | 5,566.20 | | | | | | | | | |
| 1810 | 03/28/2015 | 411.10 | 0.00 | 04/07/2015 | 2015.113 Transportation & Traffic | | - | | | No | 0000 |
| 409-480-8000-43030 | Engineering Services | | | | | | | | | | |
| 1810 | 03/28/2015 | 773.75 | 0.00 | 04/07/2015 | 2015.115 Street Maintenance | | - | | | No | 0000 |
| 409-480-8000-43030 | Engineering Services | | | | | | | | | | |
| 1810 | 03/28/2015 | 1,170.00 | 0.00 | 04/07/2015 | 2015.114 Municipal Aid | | - | | | No | 0000 |
| 409-480-8000-43030 | Engineering Services | | | | | | | | | | |
| 1810 | 03/28/2015 | 59.00 | 0.00 | 04/07/2015 | 2015.116 Capital Improvement | | - | | | No | 0000 |
| 409-480-8000-43030 | Engineering Services | | | | | | | | | | |
| | 1810 Total: | 2,413.85 | | | | | | | | | |
| 1811 | 03/28/2015 | 401.90 | 0.00 | 04/07/2015 | 2013.127 CSAH 15 Corridor | | - | | | No | 0000 |
| 602-495-9450-43030 | Engineering Services | | | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close PO | Line # |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1811 Total: | 401.90 | | | | | | | | | |
| 1812 | 03/28/2015 | 225.00 | 0.00 | 04/07/2015 | 2013.132 Pumphouse NO 4 | | - | | | No | 0000 |
| 601-494-9400-43030 | Engineering Services | | | | | | | | | | |
| | 1812 Total: | 225.00 | | | | | | | | | |
| 1813 | 03/28/2015 | 1,742.46 | 0.00 | 04/07/2015 | 2013.133 LE AVe Trunk Watermain | | - | | | No | 0000 |
| 601-494-9400-43030 | Engineering Services | | | | | | | | | | |
| | 1813 Total: | 1,742.46 | | | | | | | | | |
| 1814 | 03/28/2015 | 5,932.80 | 0.00 | 04/07/2015 | 2013.134 LE Ave Corridor | | - | | | No | 0000 |
| 409-480-8000-43030 | Engineering Services | | | | | | | | | | |
| | 1814 Total: | 5,932.80 | | | | | | | | | |
| 1815 | 03/28/2015 | 152.00 | 0.00 | 04/07/2015 | 2013.135 2014 Street Improve | | - | | | No | 0000 |
| 409-480-8000-43030 | Engineering Services | | | | | | | | | | |
| | 1815 Total: | 152.00 | | | | | | | | | |
| 1816 | 03/28/2015 | 681.60 | 0.00 | 04/07/2015 | 2014.129 Inwood Booster Station | | - | | | No | 0000 |
| 601-494-9400-43030 | Engineering Services | | | | | | | | | | |
| | 1816 Total: | 681.60 | | | | | | | | | |
| 1817 | 03/28/2015 | 4,180.50 | 0.00 | 04/07/2015 | 2014.131 39th Street | | - | | | No | 0000 |
| 409-480-8000-43030 | Engineering Services | | | | | | | | | | |
| | 1817 Total: | 4,180.50 | | | | | | | | | |
| 1818 | 03/28/2015 | 1,314.25 | 0.00 | 04/07/2015 | 2014.140 Jane Road 201 | | - | | | No | 0000 |
| 602-495-9450-43030 | Engineering Services | | | | | | | | | | |
| | 1818 Total: | 1,314.25 | | | | | | | | | |
| 1819 | 03/28/2015 | 827.50 | 0.00 | 04/07/2015 | 2015.117 2015 Seal Coat | | - | | | No | 0000 |
| 409-480-8000-43030 | Engineering Services | | | | | | | | | | |
| | 1819 Total: | 827.50 | | | | | | | | | |
| 1820 | 03/28/2015 | 1,782.25 | 0.00 | 04/07/2015 | 2015.120 Eagle Point Blvd Street | | - | | | No | 0000 |
| 409-480-8000-43030 | Engineering Services | | | | | | | | | | |
| | 1820 Total: | 1,782.25 | | | | | | | | | |
| 1821 | 03/28/2015 | 291.25 | 0.00 | 04/07/2015 | 2012.130A Lennar I94 corridor | | - | | | No | 0000 |
| 803-000-0000-22910 | Developer Payments | | | | | | | | | | |
| | 1821 Total: | 291.25 | | | | | | | | | |
| 1822 | 03/28/2015 | 8,314.60 | 0.00 | 04/07/2015 | 2013.128 Boulder Ponds | | - | | | No | 0000 |
| 803-000-0000-22910 | Developer Payments | | | | | | | | | | |
| | 1822 Total: | 8,314.60 | | | | | | | | | |
| 1823 | 03/28/2015 | 1,999.00 | 0.00 | 04/07/2015 | 2013.129 Hammes | | - | | | No | 0000 |
| 803-000-0000-22910 | Developer Payments | | | | | | | | | | |
| | 1823 Total: | 1,999.00 | | | | | | | | | |
| 1824 | 03/28/2015 | 305.00 | 0.00 | 04/07/2015 | 2013.130 Hunters Crossing | | - | | | No | 0000 |
| 803-000-0000-22910 | Developer Payments | | | | | | | | | | |
| | 1824 Total: | 305.00 | | | | | | | | | |
| 1825 | 03/28/2015 | 1,326.60 | 0.00 | 04/07/2015 | 2014.124 Wildflower | | - | | | No | 0000 |
| 803-000-0000-22910 | Developer Payments | | | | | | | | | | |
| | 1825 Total: | 1,326.60 | | | | | | | | | |
| 1826 | 03/28/2015 | 2,094.50 | 0.00 | 04/07/2015 | 2014.125 Village Preserve | | - | | | No | 0000 |
| 803-000-0000-22910 | Developer Payments | | | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close | POLine # |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1826 Total: | 2,094.50 | | | | | | | | | |
| 1827 | 03/28/2015 | 838.00 | 0.00 | 04/07/2015 | 2014.126 Easton Village | | - | | | No | 0000 |
| 803-000-0000-22910 | Developer Payments | | | | | | | | | | |
| | 1827 Total: | 838.00 | | | | | | | | | |
| 1828 | 03/28/2015 | 677.50 | 0.00 | 04/07/2015 | 2014.138 Savonna 2nd addition | | - | | | No | 0000 |
| 803-000-0000-22910 | Developer Payments | | | | | | | | | | |
| | 1828 Total: | 677.50 | | | | | | | | | |
| 1829 | 03/28/2015 | 1,395.00 | 0.00 | 04/07/2015 | 2014.139 Inwood PUD - Hans Hagen | | - | | | No | 0000 |
| 803-000-0000-22910 | Developer Payments | | | | | | | | | | |
| | 1829 Total: | 1,395.00 | | | | | | | | | |
| 1830 | 03/28/2015 | 383.50 | 0.00 | 04/07/2015 | 2015.121 Halcyon Cemetery | | - | | | No | 0000 |
| 803-000-0000-22910 | Developer Payments | | | | | | | | | | |
| | 1830 Total: | 383.50 | | | | | | | | | |
| 1831 | 03/28/2015 | 950.00 | 0.00 | 04/07/2015 | 2015.123 Hunter's Crossing - 2nd | | - | | | No | 0000 |
| 803-000-0000-22910 | Developer Payments | | | | | | | | | | |
| | 1831 Total: | 950.00 | | | | | | | | | |
| 1832 | 03/28/2015 | 126.50 | 0.00 | 04/07/2015 | 2015.124 Lennar 3rd | | - | | | No | 0000 |
| 803-000-0000-22910 | Developer Payments | | | | | | | | | | |
| | 1832 Total: | 126.50 | | | | | | | | | |
| | FOCUS Total: | 51,888.86 | | | | | | | | | |
| GKSERVIC | G&K Services | | | | | | | | | | |
| 1182806829 | 03/18/2015 | 37.62 | 0.00 | 04/07/2015 | Uniforms | | - | | | No | 0000 |
| 101-430-3100-44170 | Uniforms | | | | | | | | | | |
| | 1182806829 Total: | 37.62 | | | | | | | | | |
| | GKSERVIC Total: | 37.62 | | | | | | | | | |
| Glamour | Glamour | | | | | | | | | | |
| | 04/02/2015 | 16.00 | 0.00 | 04/07/2015 | Subscription | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | Total: | 16.00 | | | | | | | | | |
| | Glamour Total: | 16.00 | | | | | | | | | |
| GREATAM | Great America Financial | | | | | | | | | | |
| 16703721 | 03/16/2015 | 480.05 | 0.00 | 04/07/2015 | Copier Maintenance | | - | | | No | 0000 |
| 101-410-1940-44040 | Repairs/Maint Contractual Eqpt | | | | | | | | | | |
| | 16703721 Total: | 480.05 | | | | | | | | | |
| | GREATAM Total: | 480.05 | | | | | | | | | |
| HOLIDAYC | Holiday Credit Office | | | | | | | | | | |
| | 03/15/2015 | 393.78 | 0.00 | 04/07/2015 | 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: | 393.78 | | | | | | | | | |
| | HOLIDAYC Total: | 393.78 | | | | | | | | | |
| HOTSY HotsyMinnesota.com | | | | | | | | | | | |
| 48208 | 03/16/2015 | 215.00 | 0.00 | 04/07/2015 | Maintenance supplies | | - | | | No | 0000 |
| 101-450-5200-44010 | Repairs/Maint Bldg | | | | | | | | | | |
| | 48208 Total: | 215.00 | | | | | | | | | |
| 48209 | 03/09/2015 | 280.60 | 0.00 | 04/07/2015 | Building repair | | - | | | No | 0000 |
| 101-450-5200-44010 | Repairs/Maint Bldg | | | | | | | | | | |
| | 48209 Total: | 280.60 | | | | | | | | | |
| | HOTSY Total: | 495.60 | | | | | | | | | |
| HOUSEWR Housewright David | | | | | | | | | | | |
| | 02/19/2015 | 100.00 | 0.00 | 04/07/2015 | Author visit | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | Total: | 100.00 | | | | | | | | | |
| | HOUSEWR Total: | 100.00 | | | | | | | | | |
| INNOVAT Innovative Office Solutions | | | | | | | | | | | |
| 01QV9765 | 03/06/2015 | 135.02 | 0.00 | 04/07/2015 | Office supplies | | - | | | No | 0000 |
| 101-410-1320-42000 | Office Supplies | | | | | | | | | | |
| | 01QV9765 Total: | 135.02 | | | | | | | | | |
| 01QW0623 | 03/09/2015 | 11.95 | 0.00 | 04/07/2015 | Office supplies | | - | | | No | 0000 |
| 101-410-1910-42000 | Office Supplies | | | | | | | | | | |
| | 01QW0623 Total: | 11.95 | | | | | | | | | |
| 01QW4185 | 03/17/2015 | 60.15 | 0.00 | 04/07/2015 | Office Supplies | | - | | | No | 0000 |
| 101-410-1320-42000 | Office Supplies | | | | | | | | | | |
| | 01QW4185 Total: | 60.15 | | | | | | | | | |
| 01QW7045 | 03/24/2015 | 79.78 | 0.00 | 04/07/2015 | Toner for fax | | - | | | No | 0000 |
| 101-410-1320-42000 | Office Supplies | | | | | | | | | | |
| 01QW7045 | 03/24/2015 | 14.26 | 0.00 | 04/07/2015 | Office Supplies | | - | | | No | 0000 |
| 101-410-1910-42000 | Office Supplies | | | | | | | | | | |
| | 01QW7045 Total: | 94.04 | | | | | | | | | |
| | INNOVAT Total: | 301.16 | | | | | | | | | |
| JJRROOFI JJR Roofing Inc | | | | | | | | | | | |
| | 12/04/2014 | 8,145.00 | 0.00 | 04/07/2015 | Building Gutters | | - | | | No | 0000 |
| 206-450-5300-44010 | Repairs/Maint Bldg | | | | | | | | | | |
| | 02/16/2015 | 2,800.00 | 0.00 | 04/07/2015 | Building Gutters | | - | | | No | 0000 |
| 206-450-5300-44010 | Repairs/Maint Bldg | | | | | | | | | | |
| | Total: | 10,945.00 | | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close | POLine # |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | JTRROOFI Total: | 10,945.00 | | | | | | | | | |
| KALMBACH Kalmbach Publishing Co | | | | | | | | | | | |
| | 03/11/2015 | 15.00 | 0.00 | 04/07/2015 | Subscription | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | Total: | 15.00 | | | | | | | | | |
| | KALMBACH Total: | 15.00 | | | | | | | | | |
| kathfuel Kath Fuel Oil Service Co | | | | | | | | | | | |
| 498001 | 02/04/2015 | 718.28 | 0.00 | 04/07/2015 | Fuel | | - | | | No | 0000 |
| 101-430-3100-42120 | Fuel, Oil and Fluids | | | | | | | | | | |
| | 498001 Total: | 718.28 | | | | | | | | | |
| 503430 | 03/19/2015 | 850.85 | 0.00 | 04/07/2015 | Fuel | | - | | | No | 0000 |
| 101-430-3100-42120 | Fuel, Oil and Fluids | | | | | | | | | | |
| | 503430 Total: | 850.85 | | | | | | | | | |
| | kathfuel Total: | 1,569.13 | | | | | | | | | |
| KORTHER KORTH ERIC | | | | | | | | | | | |
| PC 3/23/15 | 03/23/2015 | 55.00 | 0.00 | 04/07/2015 | Cable Operations | | - | | | No | 0000 |
| 101-410-1450-43620 | Cable Operations | | | | | | | | | | |
| | PC 3/23/15 Total: | 55.00 | | | | | | | | | |
| | KORTHER Total: | 55.00 | | | | | | | | | |
| LANG RON Ron's Inspection Services, LLC | | | | | | | | | | | |
| 11 | 04/01/2015 | 2,457.75 | 0.00 | 04/07/2015 | Inspector Services | | - | | | No | 0000 |
| 101-420-2400-43150 | Inspector Contract Services | | | | | | | | | | |
| 11 | 04/01/2015 | 310.50 | 0.00 | 04/07/2015 | Mileage | | - | | | No | 0000 |
| 101-420-2400-43310 | Mileage | | | | | | | | | | |
| | 11 Total: | 2,768.25 | | | | | | | | | |
| | LANG RON Total: | 2,768.25 | | | | | | | | | |
| Library1 Library Ideas | | | | | | | | | | | |
| 44651 | 02/28/2015 | 3.50 | 0.00 | 04/07/2015 | Freading as you go | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | 44651 Total: | 3.50 | | | | | | | | | |
| Various | 02/26/2015 | 21.50 | 0.00 | 04/07/2015 | Freading as you go | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | Various Total: | 21.50 | | | | | | | | | |
| | Library1 Total: | 25.00 | | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close PO | Line # |
|---|---|---|---|---|---|---|---|---|---|---|---|
| LUNDGREN Lundgren Jill | | | | | | | | | | | |
| | 03/17/2015 | 86.36 | 0.00 | 04/07/2015 | Mileage | | - | | | No | 0000 |
| 101-410-1110-43310 Mileage | | | | | | | | | | | |
| | 03/17/2015 | 55.00 | 0.00 | 04/07/2015 | Farmer's Market Book | | - | | | No | 0000 |
| 101-410-1110-44300 Miscellaneous | | | | | | | | | | | |
| | Total: | 141.36 | | | | | | | | | |
| | LUNDGREN Total: | 141.36 | | | | | | | | | |
| MENARDSO Menards - Oakdale | | | | | | | | | | | |
| 70699 | 03/11/2015 | 119.05 | 0.00 | 04/07/2015 | Maintenance supplies | | - | | | No | 0000 |
| 601-494-9400-42270 Utility System Maintenance | | | | | | | | | | | |
| | 70699 Total: | 119.05 | | | | | | | | | |
| 70822 | 03/11/2015 | 39.99 | 0.00 | 04/07/2015 | Degreaser | | - | | | No | 0000 |
| 101-430-3120-42240 Street Maintenance Materials | | | | | | | | | | | |
| | 70822 Total: | 39.99 | | | | | | | | | |
| 70850 | 03/19/2015 | 15.04 | 0.00 | 04/07/2015 | Landscape Supplies | | - | | | No | 0000 |
| 101-450-5200-42250 Landscaping Materials | | | | | | | | | | | |
| | 70850 Total: | 15.04 | | | | | | | | | |
| 71351 | 03/19/2015 | 74.92 | 0.00 | 04/07/2015 | Shop supplies | | - | | | No | 0000 |
| 101-450-5200-42150 Shop Materials | | | | | | | | | | | |
| | 71351 Total: | 74.92 | | | | | | | | | |
| | MENARDSO Total: | 249.00 | | | | | | | | | |
| MENARDST Menards - Stillwater | | | | | | | | | | | |
| 60857 | 03/10/2015 | 29.54 | 0.00 | 04/07/2015 | Floor Dri | | - | | | No | 0000 |
| 101-420-2220-42400 Small Tools & Equipment | | | | | | | | | | | |
| 60857 | 03/10/2015 | 6.46 | 0.00 | 04/07/2015 | Compressor parts | | - | | | No | 0000 |
| 101-420-2220-44040 Repairs/Maint Eqpt | | | | | | | | | | | |
| | 60857 Total: | 36.00 | | | | | | | | | |
| 61220 | 03/16/2015 | 28.35 | 0.00 | 04/07/2015 | Station supplies | | - | | | No | 0000 |
| 101-420-2220-44010 Repairs/Maint Bldg | | | | | | | | | | | |
| 61220 | 03/16/2015 | 4.19 | 0.00 | 04/07/2015 | Maint. for boat | | - | | | No | 0000 |
| 101-420-2220-44040 Repairs/Maint Eqpt | | | | | | | | | | | |
| | 61220 Total: | 32.54 | | | | | | | | | |
| | MENARDST Total: | 68.54 | | | | | | | | | |
| MES Municipal Emergency Svs. Inc. | | | | | | | | | | | |
| 00614360SNV | 03/23/2015 | 253.16 | 0.00 | 04/07/2015 | 2 -5" Storz fittings | | - | | | No | 0000 |
| 101-420-2220-42400 Small Tools & Equipment | | | | | | | | | | | |
| | 00614360SNV Total: | 253.16 | | | | | | | | | |
| | MES Total: | 253.16 | | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close PO | Line # |
|---|---|---|---|---|---|---|---|---|---|---|---|
| MILLEREX Miller Excavating, Inc. | | | | | | | | | | | |
| 19197 | 03/20/2015 | 2,359.25 | 0.00 | 04/07/2015 | Water main break | | - | | | No | 0000 |
| 601-494-9400-44030 | Repairs\Maint Imp Not Bldgs | | | | | | | | | | |
| | 19197 Total: | 2,359.25 | | | | | | | | | |
| | MILLEREX Total: | 2,359.25 | | | | | | | | | |
| MOVIE MOVIE LICENSING USA | | | | | | | | | | | |
| 2024276 | 02/17/2015 | 255.00 | 0.00 | 04/07/2015 | Copyright compliance license | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | 2024276 Total: | 255.00 | | | | | | | | | |
| | MOVIE Total: | 255.00 | | | | | | | | | |
| NATGEO National Geographic Society | | | | | | | | | | | |
| | 04/02/2015 | 19.95 | 0.00 | 04/07/2015 | Subscription | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | Total: | 19.95 | | | | | | | | | |
| | NATGEO Total: | 19.95 | | | | | | | | | |
| ONECALL Gopher State One Call | | | | | | | | | | | |
| 134433 | 03/31/2015 | 146.75 | 0.00 | 04/07/2015 | Tickets | | - | | | No | 0000 |
| 101-430-3100-43150 | Contract Services | | | | | | | | | | |
| | 134433 Total: | 146.75 | | | | | | | | | |
| | ONECALL Total: | 146.75 | | | | | | | | | |
| PEOPLMAG People | | | | | | | | | | | |
| | 04/02/2015 | 116.07 | 0.00 | 04/07/2015 | Subscription | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | Total: | 116.07 | | | | | | | | | |
| | PEOPLMAG Total: | 116.07 | | | | | | | | | |
| REALSIMP Real Simple | | | | | | | | | | | |
| | 03/11/2015 | 23.95 | 0.00 | 04/07/2015 | Subscription | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | Total: | 23.95 | | | | | | | | | |
| | REALSIMP Total: | 23.95 | | | | | | | | | |
| RIVRCOOP River Country Cooperative | | | | | | | | | | | |
| | 02/28/2015 | 160.49 | 0.00 | 04/07/2015 | Fuel | | - | | | No | 0000 |
| 101-420-2220-42120 | Fuel, Oil and Fluids | | | | | | | | | | |
| | Total: | 160.49 | | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close | POLine # |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | RIVRCOOP Total: | 160.49 | | | | | | | | | |
| SAMSCLUB Sam's Club | | | | | | | | | | | |
| | 03/16/2015 | 101.40 | 0.00 | 04/07/2015 | Station Supplies | | - | | | No | 0000 |
| 101-420-2220-44010 | Repairs/Maint Bldg | | | | | | | | | | |
| | 03/16/2015 | 19.90 | 0.00 | 04/07/2015 | Rehab Supplies | | - | | | No | 0000 |
| 101-420-2220-44300 | Miscellaneous | | | | | | | | | | |
| | 03/16/2015 | -6.25 | 0.00 | 04/07/2015 | Rehab Supplies | | - | | | No | 0000 |
| 101-420-2220-44300 | Miscellaneous | | | | | | | | | | |
| | Total: | 115.05 | | | | | | | | | |
| 03072015 | 03/07/2015 | 90.00 | 0.00 | 04/07/2015 | Sams club renewal | | - | | | No | 0000 |
| 101-410-1320-44330 | Dues & Subscriptions | | | | | | | | | | |
| | 03072015 Total: | 90.00 | | | | | | | | | |
| | SAMSCLUB Total: | 205.05 | | | | | | | | | |
| SCHWAAB Schwaab, Inc. | | | | | | | | | | | |
| E40393 | 03/09/2015 | 69.24 | 0.00 | 04/07/2015 | Self Inking Stamps | | - | | | No | 0000 |
| 101-410-1320-42000 | Office Supplies | | | | | | | | | | |
| | E40393 Total: | 69.24 | | | | | | | | | |
| | SCHWAAB Total: | 69.24 | | | | | | | | | |
| SELECTAC SelectAccount | | | | | | | | | | | |
| 1088779 | 02/08/2015 | 6.33 | 0.00 | 04/07/2015 | Participant Fee 3/01-3/31/15 | | - | | | No | 0000 |
| 101-410-1520-43150 | Contract Services | | | | | | | | | | |
| | 1088779 Total: | 6.33 | | | | | | | | | |
| | SELECTAC Total: | 6.33 | | | | | | | | | |
| SMITHSCH Smith Schafer & Associates,LTD | | | | | | | | | | | |
| 25451 | 03/28/2015 | 12,225.00 | 0.00 | 04/07/2015 | Interim Billing | | - | | | No | 0000 |
| 101-410-1520-43010 | Audit Services | | | | | | | | | | |
| | 25451 Total: | 12,225.00 | | | | | | | | | |
| | SMITHSCH Total: | 12,225.00 | | | | | | | | | |
| SPORTSIL Sports Illustrated | | | | | | | | | | | |
| | 03/11/2015 | 20.00 | 0.00 | 04/07/2015 | Subscription | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | Total: | 20.00 | | | | | | | | | |
| | SPORTSIL Total: | 20.00 | | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close PO | Line # |
|---|---|---|---|---|---|---|---|---|---|---|---|
| SPRINT Sprint | | | | | | | | | | | |
| 761950227-144 | 03/18/2015 | 69.98 | 0.00 | 04/07/2015 | Cell phones - Admin | | - | | | No | 0000 |
| 101-410-1940-43210 | Telephone | | | | | | | | | | |
| 761950227-144 | 03/18/2015 | 237.90 | 0.00 | 04/07/2015 | Cell phones - Fire | | - | | | No | 0000 |
| 101-420-2220-43210 | Telephone | | | | | | | | | | |
| 761950227-144 | 03/18/2015 | 47.66 | 0.00 | 04/07/2015 | Cell phones - Building | | - | | | No | 0000 |
| 101-420-2400-43210 | Telephone | | | | | | | | | | |
| 761950227-144 | 03/18/2015 | 87.07 | 0.00 | 04/07/2015 | Cell phones - PW | | - | | | No | 0000 |
| 101-430-3100-43210 | Telephone | | | | | | | | | | |
| 761950227-144 | 03/18/2015 | 93.27 | 0.00 | 04/07/2015 | Cell phones - Parks | | - | | | No | 0000 |
| 101-450-5200-43210 | Telephone | | | | | | | | | | |
| 761950227-144 | 03/18/2015 | 55.78 | 0.00 | 04/07/2015 | Cell phones - Taxpayer Services | | - | | | No | 0000 |
| 101-410-1450-43210 | Telephone | | | | | | | | | | |
| 761950227-144 | 03/18/2015 | 18.87 | 0.00 | 04/07/2015 | Cell phones - PLanning | | - | | | No | 0000 |
| 101-410-1910-43210 | Telephone | | | | | | | | | | |
| | 761950227-144 Total: | 610.53 | | | | | | | | | |
| | SPRINT Total: | 610.53 | | | | | | | | | |
| SRFCONSU SRF Consulting Group, Inc | | | | | | | | | | | |
| | 02/28/2015 | 291.00 | 0.00 | 04/07/2015 | State Highway 36 Road Study | | - | | | No | 0000 |
| 409-480-8000-43030 | Engineering Services | | | | | | | | | | |
| | Total: | 291.00 | | | | | | | | | |
| | SRFCONSU Total: | 291.00 | | | | | | | | | |
| TDS TDS Metrocom - LLC | | | | | | | | | | | |
| 6517798882 | 03/13/2015 | 89.53 | 0.00 | 04/07/2015 | Analog - Fire | | - | | | No | 0000 |
| 101-420-2220-43210 | Telephone | | | | | | | | | | |
| 6517798882 | 03/13/2015 | 209.88 | 0.00 | 04/07/2015 | Analog - PW | | - | | | No | 0000 |
| 101-430-3100-43210 | Telephone | | | | | | | | | | |
| 6517798882 | 03/13/2015 | 82.58 | 0.00 | 04/07/2015 | Analog - Lift Station alarms | | - | | | No | 0000 |
| 602-495-9450-43210 | Telephone | | | | | | | | | | |
| 6517798882 | 03/13/2015 | 43.29 | 0.00 | 04/07/2015 | Alarm - Well House 2 | | - | | | No | 0000 |
| 601-494-9400-43210 | Telephone | | | | | | | | | | |
| | 6517798882 Total: | 425.28 | | | | | | | | | |
| | TDS Total: | 425.28 | | | | | | | | | |
| TEILANDM TEI Landmark Audio | | | | | | | | | | | |
| 11834123 | 02/25/2015 | 163.77 | 0.00 | 04/07/2015 | Used Audio CDs | | - | | | No | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | | |
| | 11834123 Total: | 163.77 | | | | | | | | | |
| | TEILANDM Total: | 163.77 | | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close | POLine # |
|---|---|---|---|---|---|---|---|---|---|---|---|
| TESSMAN Tessman Company Corp | | | | | | | | | | | |
| S209208-IN | 03/18/2015 | 580.14 | 0.00 | 04/07/2015 | Landscape repair supplies | | - | | | No | 0000 |
| 101-430-3125-42250 Landscaping Materials | | | | | | | | | | | |
| | S209208-IN Total: | 580.14 | | | | | | | | | |
| | TESSMAN Total: | 580.14 | | | | | | | | | |
| TKDA TKDA, Inc. | | | | | | | | | | | |
| 002015000406 | 03/09/2015 | 37.20 | 0.00 | 04/07/2015 | 2013.133 LE Ave Trunk Watermain | | - | | | No | 0000 |
| 601-494-9400-43030 Engineering Services | | | | | | | | | | | |
| | 002015000406 Total: | 37.20 | | | | | | | | | |
| | TKDA Total: | 37.20 | | | | | | | | | |
| TMOBILE T Mobile | | | | | | | | | | | |
| | 03/10/2015 | 20.58 | 0.00 | 04/07/2015 | SCADA line | | - | | | No | 0000 |
| 601-494-9400-43210 Telephone | | | | | | | | | | | |
| | Total: | 20.58 | | | | | | | | | |
| | TMOBILE Total: | 20.58 | | | | | | | | | |
| TOOLGUY The Tool Guy, LLC | | | | | | | | | | | |
| 2765 | 03/24/2015 | 69.56 | 0.00 | 04/07/2015 | Tools | | - | | | No | 0000 |
| 101-430-3100-42400 Small Tools & Minor Equipment | | | | | | | | | | | |
| | 2765 Total: | 69.56 | | | | | | | | | |
| | TOOLGUY Total: | 69.56 | | | | | | | | | |
| VANITY Vanity Fair | | | | | | | | | | | |
| | 04/02/2015 | 26.00 | 0.00 | 04/07/2015 | Subscription | | - | | | No | 0000 |
| 206-450-5300-42500 Library Collection Maintenance | | | | | | | | | | | |
| | Total: | 26.00 | | | | | | | | | |
| | VANITY Total: | 26.00 | | | | | | | | | |
| WASRADIO Washington County | | | | | | | | | | | |
| 80714 | 03/16/2015 | 309.06 | 0.00 | 04/07/2015 | 1st Qtr radio usage | | - | | | No | 0000 |
| 101-430-3100-43230 Radio | | | | | | | | | | | |
| | 80714 Total: | 309.06 | | | | | | | | | |
| 80715 | 03/16/2015 | 3,914.76 | 0.00 | 04/07/2015 | Qtr user fee for 800 MHz radios | | - | | | No | 0000 |
| 101-420-2220-43230 Radio | | | | | | | | | | | |
| | 80715 Total: | 3,914.76 | | | | | | | | | |
| | WASRADIO Total: | 4,223.82 | | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close PO | Line # |
|---|---|---|---|---|---|---|---|---|---|---|---|
| WHEATON Wheaton Joseph | | | | | | | | | | | |
| 20130331 | 04/01/2015 | 1,010.62 | 0.00 | 04/07/2015 | March Inspection Services | | - | | | No | 0000 |
| 101-000-0000-20802 | Electrical Permit Fees Payable | | | | | | | | | | |
| | 20130331 Total: | 1,010.62 | | | | | | | | | |
| | WHEATON Total: | 1,010.62 | | | | | | | | | |
| Whiteani White Anita | | | | | | | | | | | |
| CC 3/17/15 | 03/17/2015 | 55.00 | 0.00 | 04/07/2015 | Cable Operations | | - | | | No | 0000 |
| 101-410-1450-43620 | Cable Operations | | | | | | | | | | |
| | CC 3/17/15 Total: | 55.00 | | | | | | | | | |
| CC 3/24/15 | 03/24/2015 | 37.81 | 0.00 | 04/07/2015 | Cable Operations | | - | | | No | 0000 |
| 101-410-1450-43620 | Cable Operations | | | | | | | | | | |
| | CC 3/24/15 Total: | 37.81 | | | | | | | | | |
| | Whiteani Total: | 92.81 | | | | | | | | | |
| WINNICK Winnick Supply | | | | | | | | | | | |
| 291655 | 03/19/2015 | 251.10 | 0.00 | 04/07/2015 | Maintenance supplies | | - | | | No | 0000 |
| 603-496-9500-42270 | Utility System Maint Supplies | | | | | | | | | | |
| | 291655 Total: | 251.10 | | | | | | | | | |
| | WINNICK Total: | 251.10 | | | | | | | | | |
| YALEMECH Yale Mechanical | | | | | | | | | | | |
| 153666,730 | 03/09/2015 | 597.76 | 0.00 | 04/07/2015 | Maintenance City Hall | | - | | | No | 0000 |
| 101-410-1940-44010 | Repairs/Maint Contractual Bldg | | | | | | | | | | |
| | 153666,730 Total: | 597.76 | | | | | | | | | |
| 154610 | 03/09/2015 | 1,339.46 | 0.00 | 04/07/2015 | Maintenance Public Works | | - | | | No | 0000 |
| 101-430-3100-44010 | Repairs/Maint Bldg | | | | | | | | | | |
| | 154610 Total: | 1,339.46 | | | | | | | | | |
| 157771,154611/2 | 03/09/2015 | 1,635.53 | 0.00 | 04/07/2015 | Maintenance Fire Stations | | - | | | No | 0000 |
| 101-420-2220-44010 | Repairs/Maint Bldg | | | | | | | | | | |
| | 157771,154611/2 Total: | 1,635.53 | | | | | | | | | |
| | YALEMECH Total: | 3,572.75 | | | | | | | | | |
| | Report Total: | 109,776.13 | | | | | | | | | |

# Accounts Payable
## To Be Paid Proof List

User: PattyB
Printed: 04/02/2015 - 9:54 AM
Batch: 003-04-2015

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close PO | Line # |
|---|---|---|---|---|---|---|---|---|---|---|---|
| DELTA Delta Dental Of Minnesota | | | | | | | | | | | |
| 5924525 | 03/15/2015 | 1,724.60 | 0.00 | 04/07/2015 | April Premium | | - | | | No | 0000 |
| 101-000-0000-21706 | Medical Insurance | | | | | | | | | | |
| | 5924525 Total: | 1,724.60 | | | | | | | | | |
| | DELTA Total: | 1,724.60 | | | | | | | | | |
| LEAGMN League of MN Cities | | | | | | | | | | | |
| 215607 | 04/01/2015 | 85.00 | 0.00 | 04/07/2015 | Annual Mayor's Conference | | - | | | No | 0000 |
| 101-410-1110-44370 | Conferences & Training | | | | | | | | | | |
| | 215607 Total: | 85.00 | | | | | | | | | |
| | LEAGMN Total: | 85.00 | | | | | | | | | |
| NCPERS 566200-NCPERS Minnesota | | | | | | | | | | | |
| 5662415 | 03/20/2015 | 160.00 | 0.00 | 04/07/2015 | April Premium | | - | | | No | 0000 |
| 101-000-0000-21708 | Other Benefits | | | | | | | | | | |
| | 5662415 Total: | 160.00 | | | | | | | | | |
| | NCPERS Total: | 160.00 | | | | | | | | | |
| RABOUIN RABOUIN, INC | | | | | | | | | | | |
| | 04/01/2015 | 2,500.00 | 0.00 | 04/07/2015 | April Monthly Installment | | - | | | No | 0000 |
| 101-410-1320-43100 | Assessing Services | | | | | | | | | | |
| | Total: | 2,500.00 | | | | | | | | | |
| | RABOUIN Total: | 2,500.00 | | | | | | | | | |
| | Report Total: | 4,469.60 | | | | | | | | | |

THE CITY OF LAKE ELMO

# MAYOR & COUNCIL COMMUNICATION

**DATE:** April 7, 2015
**CONSENT ITEM MOTION**

**AGENDA ITEM:** New Single Family Home Permit Report

**SUBMITTED BY:** Rick Chase, Building Official

**THROUGH:** Rick Chase, Building Official

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

---

**SUGGESTED ORDER OF BUSINESS:**

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

**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, the City Council is asked to accept the monthly new single family home permit report through February, 2015. No specific motion is needed as this is recommended as part of the *Consent Agenda*.

**LEGISLATIVE HISTORY/BACKGROUND INFORMATION:**

| | 2015 | 2014 | 2013 |
|---|---|---|---|
| New Homes | 8 | 1 | 6 |
| Total valuation | $3,559,370 | $825,000 | $2,532,289 |
| Average home value | 444,921 | 825,000 | 422,000 |
| Total Valuation YTD | 5,348,857 | 1,220,483 | 2,876,283 |

**RECOMMENDATION:** Based on the aforementioned, the staff recommends the City Council accept the February, 2015 monthly new home building permit report.

THE CITY OF LAKE ELMO

# MAYOR & COUNCIL COMMUNICATION

**DATE:** **April 7, 2015**
**CONSENT ITEM** **#4**
**MOTION**

**AGENDA ITEM:** Request for approval of an abatement for assessments levied in 2015

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

**THROUGH:** Cathy Bendel, Finance Director

**REVIEWED BY:**

---

**SUGGESTED ORDER OF BUSINESS:**

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

**POLICY RECOMMENDER:** Finance

**FISCAL IMPACT:** NA

**SUMMARY AND ACTION REQUESTED:** As part of the Consent Agenda, the City Council is respectfully requested to consider approval to remove the following parcels from the 2015 assessment roll with Washington County:

04.029.21.23.0003
04.029.21.23.0010
04.029.21.24.0004
05.029.21.14.0013
05.029.21.14.0019

**BACKGROUND INFORMATION/STAFF REPORT:** Residents have the option to either pay the City directly or to pay the County through their tax roll for street assessments. These parcels paid their assessments direct to the City in 2013. The 2014 assessments were abated,

however the remaining balances were not deleted. As a result, the assessments remained in the Washington County file for the 2015 assessment roll in error. To resolve this, the 2015 tax assessments need to be abated which will result in a revised tax statement being sent to each of the property owners. In addition, a deletion form will be filed with the County to ensure the assessments are permanently removed from the future tax roll files.

**RECOMMENDATION**: Based on the fact that all of these assessments have been paid in full, it is recommended that the City Council approve Resolution 2015-26 so that an abatement of the assessment can be filed with Washington County.

**ATTACHMENTS:**

1. Washington County Abatement Forms
2. Resolution 2015-26

# WASHINGTON COUNTY ASSESSMENT DIVISION
# APPLICATION FOR ABATEMENT - GENERAL FORM
# CLASSIFICATION / DISASTER CREDIT / SPECIAL ASSESSMENTS

Received:

Worksheet#

Assessment Year: **2014**

Payable Year: **2015**

## APPLICANT

| Owner's Name (please print or type) | Soc. Sec. / Fed ID | Phone | Cell |
|---|---|---|---|
| **Carol and Todd Benjamin** | | | |
| Owner's Name | Soc. Sec. / Fed ID | Phone | Cell |
| | | | |
| Owner's Name | Soc. Sec. / Fed ID | Phone | Cell |
| | | | |

| Owner's Mailing Address | | | Property Address (if different from mailing address) | | |
|---|---|---|---|---|---|
| **5695 Highlands Trail N** | | | | | |
| City | State | Zip | City | State | Zip |
| **Lake Elmo** | **MN** | **55042** | | | |

## DESCRIPTION OF PROPERTY

| Property ID Number | Linked Group Number | | |
|---|---|---|---|
| **04.029.21.23.0003** | | | |
| Legal Description of Property | City or Township | School District # | TAG |
| | **Lake Elmo** | **834** | |

## ASSESSOR'S ESTIMATED MARKET VALUE

**Original:**

| Land EMV | Improvement EMV | Total | Class |
|---|---|---|---|
| | | **0** | |

**Revised:**

| Land EMV | Improvement EMV | Total | Class |
|---|---|---|---|
| | | **0** | |

**Applicant's Statement of Facts:**

The City of Lake Elmo assessed this parcel for the 2012 street project assessment in error.

An abatement form was filed for the 2014 tax roll to remove the 2014 assessment; however no deletion form was filed to remove the remaining assessment balance resulting in the assessment remaining in the 2015 tax roll file in error.

**Applicant's Request:**

Abate the special assessment and interest for Pay 2015 in the amount of $421.50. ($300 prin $121.50 int)

**Applicant's Signature:** Cathy Benjamin **Date:** 4/3/15

**NOTE: M.S. §609.41,** "Whoever, in making any statement, oral or written, which is required or authorized by law to be made as a basis of imposing, reducing, or abating any tax or assessment, intentionally makes any statement (as to any material matter whi

**Note:** Must include city/Township Resolution for reductions on assessments
**Note:** Must include Fire report for Local Option Disaster Credit

## OFFICE USE ONLY

| ORIGINAL | Class | EMVL | EMVI | EMV | TMV | Tax Capacity | | Taxes Credits | SPASS | Total Tax |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | LNTC | | | |
| Val Grp - 1 | | | | - | | | TIF | | | |
| Val Grp - 2 | | | | - | | | FD | | | |
| Val Grp - 3 | | | | - | | | STATE | | | |
| Val Grp - 4 | | | | - | | | RMV | | | |
| Val Grp - 5 | | | | - | | | PWRL CR | | | |
| **TOTAL** | | - | - | - | - | - | AG CR | | | |
| | | | | | | | HST CR | | | |
| | | | | | | | **TOTAL** | - | | - |

| REVISED | Class | EMVL | EMVI | EMV | TMV | Tax Capacity | | Taxes Credits | SPASS | Total Tax |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | LNTC | | | |
| Val Grp - 1 | | | | - | | | TIF | | | |
| Val Grp - 2 | | | | - | | | FD | | | |
| Val Grp - 3 | | | | - | | | STATE | | | |
| Val Grp - 4 | | | | - | | | RMV | | | |
| Val Grp - 5 | | | | - | | | PWRL CR | | | |
| **TOTAL** | | - | - | - | - | - | AG CR | | | |
| | | | | | | | HST CR | | | |
| | | | | | | | **TOTAL** | - | | - |
| **TOTAL DIFFERENCE** | | - | - | - | - | - | | - | - | - |

## REPORT OF INVESTIGATION

☐ Tax is paid as of: _____ Local Tax Rate: _____

☐ Tax NOT paid as of: _____ RMV Rate: _____

After examining the applicant's claims, I have carefully investigated this application and find the facts to be as follows:

Investigator's Signature: Date:

## CERTIFICATE OF APPROVAL - COUNTY ASSESSOR

*Note: (under $10,000) For this abatement to be approved, the Assessor and Director of Property Records & Taxpayer Services must both favorable recommend its adoption.*

**ASSESSOR'S RECOMMENDATION** (County Assessor or City Assessor)

**CRITERIA:**

| Approved | Denied | Assessor's Signature | Date: |
|---|---|---|---|
| ☐ | ☐ | | |

**DIRECTOR'S RECOMMENDATION**

| Approved | Denied | Director's Signature | Date: |
|---|---|---|---|
| ☐ | ☐ | | |

## COUNTY BOARD OF COMMISSIONER'S - COUNTY AUDITOR

*Note: For abatements resulting in a change of $10,000 and above including tax, penalty and interest. For this abatement to be approved, the Assessor, Director of Property Records & Taxpayer Services, and the County Board of Commissioners must all favorab*

| Approved | Denied | Auditor's Signature | Date: |
|---|---|---|---|
| ☐ | ☐ | | |

I certify that at a meeting held (month, day) _____(year) _____ the County Board of Commissioners took the above action on this abatement. This action was duly adopted and entered upon the minutes of its proceedings as a public record, s

# WASHINGTON COUNTY ASSESSMENT DIVISION
# APPLICATION FOR ABATEMENT - GENERAL FORM
# CLASSIFICATION / DISASTER CREDIT / SPECIAL ASSESSMENTS

Received:

Worksheet#

Assessment Year: **2014**

Payable Year: **2015**

## APPLICANT

| Owner's Name (please print or type) | Soc. Sec. / Fed ID | Phone | Cell |
|---|---|---|---|
| **Justin Hauer** | | | |
| Owner's Name | Soc. Sec. / Fed ID | Phone | Cell |
| | | | |
| Owner's Name | Soc. Sec. / Fed ID | Phone | Cell |
| | | | |

| Owner's Mailing Address | | | Property Address (if different from mailing address) | | |
|---|---|---|---|---|---|
| **5787 Highlands Ct N** | | | | | |
| City | State | Zip | City | State | Zip |
| **Lake Elmo** | **MN** | **55042** | | | |

## DESCRIPTION OF PROPERTY

| Property ID Number | Linked Group Number | | |
|---|---|---|---|
| **04.029.21.23.0010** | | | |
| Legal Description of Property | City or Township | School District # | TAG |
| | **Lake Elmo** | **834** | |

## ASSESSOR'S ESTIMATED MARKET VALUE

**Original:**

| Land EMV | Improvement EMV | Total | Class |
|---|---|---|---|
| | | **0** | |

**Revised:**

| Land EMV | Improvement EMV | Total | Class |
|---|---|---|---|
| | | **0** | |

**Applicant's Statement of Facts:**

The City of Lake Elmo assessed this parcel for the 2012 street project assessment in error.
An abatement form was filed for the 2014 tax roll to remove the 2014 assessment; however no deletion form was filed to remove the remaining assessment balance resulting in the assessment remaining in the 2015 tax roll file in error.

**Applicant's Request:**

Abate the special assessment and interest for Pay 2015 in the amount of $421.50. ($300 prin $121.50 int)

**Applicant's Signature:** Cathy Bendl **Date:** 4/3/15

**NOTE: M.S. §609.41,** "Whoever, in making any statement, oral or written, which is required or authorized by law to be made as a basis of imposing, reducing, or abating any tax or assessment, intentionally makes any statement (as to any material matter whi

**Note:** Must include city/Township Resolution for reductions on assessments
**Note:** Must include Fire report for Local Option Disaster Credit

## OFFICE USE ONLY

| ORIGINAL | Class | EMVL | EMVI | EMV | TMV | Tax Capacity | | Taxes Credits | SPASS | Total Tax |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | LNTC | | | |
| Val Grp - 1 | | | | - | | | TIF | | | |
| Val Grp - 2 | | | | - | | | FD | | | |
| Val Grp - 3 | | | | - | | | STATE | | | |
| Val Grp - 4 | | | | - | | | RMV | | | |
| Val Grp - 5 | | | | - | | | PWRL CR | | | |
| **TOTAL** | | - | - | - | - | - | AG CR | | | |
| | | | | | | | HST CR | | | |
| | | | | | | | **TOTAL** | - | | - |

| REVISED | Class | EMVL | EMVI | EMV | TMV | Tax Capacity | | Taxes Credits | SPASS | Total Tax |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | LNTC | | | |
| Val Grp - 1 | | | | - | | | TIF | | | |
| Val Grp - 2 | | | | - | | | FD | | | |
| Val Grp - 3 | | | | - | | | STATE | | | |
| Val Grp - 4 | | | | - | | | RMV | | | |
| Val Grp - 5 | | | | - | | | PWRL CR | | | |
| **TOTAL** | | - | - | - | - | - | AG CR | | | |
| | | | | | | | HST CR | | | |
| | | | | | | | **TOTAL** | - | | - |
| **TOTAL DIFFERENCE** | | - | - | - | - | - | | - | - | - |

## REPORT OF INVESTIGATION

☐ Tax is paid as of: _____ Local Tax Rate: _____

☐ Tax NOT paid as of: _____ RMV Rate: _____

After examining the applicant's claims, I have carefully investigated this application and find the facts to be as follows:

Investigator's Signature: Date:

## CERTIFICATE OF APPROVAL - COUNTY ASSESSOR

*Note: (under $10,000) For this abatement to be approved, the Assessor and Director of Property Records & Taxpayer Services must both favorable recommend its adoption.*

**ASSESSOR'S RECOMMENDATION** (County Assessor or City Assessor)

**CRITERIA:**

| Approved | Denied | Assessor's Signature | Date: |
|---|---|---|---|
| ☐ | ☐ | | |

**DIRECTOR'S RECOMMENDATION**

| Approved | Denied | Director's Signature | Date: |
|---|---|---|---|
| ☐ | ☐ | | |

## COUNTY BOARD OF COMMISSIONER'S - COUNTY AUDITOR

*Note: For abatements resulting in a change of $10,000 and above including tax, penalty and interest. For this abatement to be approved, the Assessor, Director of Property Records & Taxpayer Services, and the County Board of Commissioners must all favorab*

| Approved | Denied | Auditor's Signature | Date: |
|---|---|---|---|
| ☐ | ☐ | | |

I certify that at a meeting held (month, day) _____(year) _____ the County Board of Commissioners took the above action on this abatement. This action was duly adopted and entered upon the minutes of its proceedings as a public record, s

# WASHINGTON COUNTY ASSESSMENT DIVISION
# APPLICATION FOR ABATEMENT - GENERAL FORM
# CLASSIFICATION / DISASTER CREDIT / SPECIAL ASSESSMENTS

Received: | Assessment Year: **2014**

Worksheet# | Payable Year: **2015**

## APPLICANT

| Owner's Name (please print or type) | Soc. Sec. / Fed ID | Phone | Cell |
|---|---|---|---|
| **Ronald Lynch** | | | |
| Owner's Name | Soc. Sec. / Fed ID | Phone | Cell |
| | | | |
| Owner's Name | Soc. Sec. / Fed ID | Phone | Cell |
| | | | |

| Owner's Mailing Address | | | Property Address (if different from mailing address) | | |
|---|---|---|---|---|---|
| **5757 Highlands Ct N** | | | | | |
| City | State | Zip | City | State | Zip |
| **Lake Elmo** | **MN** | **55042** | | | |

## DESCRIPTION OF PROPERTY

| Property ID Number | Linked Group Number | | |
|---|---|---|---|
| **04.029.21.24.0004** | | | |
| Legal Description of Property | City or Township | School District # | TAG |
| | **Lake Elmo** | **834** | |

## ASSESSOR'S ESTIMATED MARKET VALUE

**Original:**

| Land EMV | Improvement EMV | Total | Class |
|---|---|---|---|
| | | **0** | |

**Revised:**

| Land EMV | Improvement EMV | Total | Class |
|---|---|---|---|
| | | **0** | |

**Applicant's Statement of Facts:**

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**Applicant's Request:**

Abate the special assessment and interest for Pay 2015 in the amount of $421.50. ($300 prin $121.50 int)

**Applicant's Signature:** Cathy Bendel **Date:** 4/3/15

**NOTE: M.S. §609.41,** "Whoever, in making any statement, oral or written, which is required or authorized by law to be made as a basis of imposing, reducing, or abating any tax or assessment, intentionally makes any statement (as to any material matter whi

**Note:** Must include city/Township Resolution for reductions on assessments

**Note:** Must include Fire report for Local Option Disaster Credit

## OFFICE USE ONLY

| ORIGINAL | Class | EMVL | EMVI | EMV | TMV | Tax Capacity | | Taxes Credits | SPASS | Total Tax |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | LNTC | | | |
| Val Grp - 1 | | | | - | | | TIF | | | |
| Val Grp - 2 | | | | - | | | FD | | | |
| Val Grp - 3 | | | | - | | | STATE | | | |
| Val Grp - 4 | | | | - | | | RMV | | | |
| Val Grp - 5 | | | | - | | | PWRL CR | | | |
| **TOTAL** | | - | - | - | - | - | AG CR | | | |
| | | | | | | | HST CR | | | |
| | | | | | | | **TOTAL** | - | | - |

| REVISED | Class | EMVL | EMVI | EMV | TMV | Tax Capacity | | Taxes Credits | SPASS | Total Tax |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | LNTC | | | |
| Val Grp - 1 | | | | - | | | TIF | | | |
| Val Grp - 2 | | | | - | | | FD | | | |
| Val Grp - 3 | | | | - | | | STATE | | | |
| Val Grp - 4 | | | | - | | | RMV | | | |
| Val Grp - 5 | | | | - | | | PWRL CR | | | |
| **TOTAL** | | - | - | - | - | - | AG CR | | | |
| | | | | | | | HST CR | | | |
| | | | | | | | **TOTAL** | - | | - |
| **TOTAL DIFFERENCE** | | - | - | - | - | - | | - | - | - |

## REPORT OF INVESTIGATION

☐ Tax is paid as of: _____ Local Tax Rate: _____

☐ Tax NOT paid as of: _____ RMV Rate: _____

After examining the applicant's claims, I have carefully investigated this application and find the facts to be as follows:

Investigator's Signature: Date:

## CERTIFICATE OF APPROVAL - COUNTY ASSESSOR

*Note: (under $10,000) For this abatement to be approved, the Assessor and Director of Property Records & Taxpayer Services must both favorable recommend its adoption.*

**ASSESSOR'S RECOMMENDATION** (County Assessor or City Assessor)

**CRITERIA:**

| Approved | Denied | Assessor's Signature | Date: |
|---|---|---|---|
| ☐ | ☐ | | |

**DIRECTOR'S RECOMMENDATION**

| Approved | Denied | Director's Signature | Date: |
|---|---|---|---|
| ☐ | ☐ | | |

## COUNTY BOARD OF COMMISSIONER'S - COUNTY AUDITOR

*Note: For abatements resulting in a change of $10,000 and above including tax, penalty and interest. For this abatement to be approved, the Assessor, Director of Property Records & Taxpayer Services, and the County Board of Commissioners must all favorab*

| Approved | Denied | Auditor's Signature | Date: |
|---|---|---|---|
| ☐ | ☐ | | |

I certify that at a meeting held (month, day) _____(year) _____ the County Board of Commissioners took the above action on this abatement. This action was duly adopted and entered upon the minutes of its proceedings as a public record, s

# WASHINGTON COUNTY ASSESSMENT DIVISION
# APPLICATION FOR ABATEMENT - GENERAL FORM
# CLASSIFICATION / DISASTER CREDIT / SPECIAL ASSESSMENTS

Received:

Worksheet#

Assessment Year: **2014**

Payable Year: **2015**

## APPLICANT

| Owner's Name (please print or type) | Soc. Sec. / Fed ID | Phone | Cell |
|---|---|---|---|
| **Andrew & Ellen Rolling** | | | |
| Owner's Name | Soc. Sec. / Fed ID | Phone | Cell |
| | | | |
| Owner's Name | Soc. Sec. / Fed ID | Phone | Cell |
| | | | |

| Owner's Mailing Address | | | Property Address (if different from mailing address) | | |
|---|---|---|---|---|---|
| **5710 Hytrail Avenue N** | | | | | |
| City | State | Zip | City | State | Zip |
| **Lake Elmo** | **MN** | **55042** | | | |

## DESCRIPTION OF PROPERTY

| Property ID Number | Linked Group Number | | |
|---|---|---|---|
| **05.029.21.14.0013** | | | |
| Legal Description of Property | City or Township | School District # | TAG |
| | **Lake Elmo** | **834** | |

## ASSESSOR'S ESTIMATED MARKET VALUE

**Original:**

| Land EMV | Improvement EMV | Total | Class |
|---|---|---|---|
| | | **0** | |

**Revised:**

| Land EMV | Improvement EMV | Total | Class |
|---|---|---|---|
| | | **0** | |

**Applicant's Statement of Facts:**

The City of Lake Elmo assessed this parcel for the 2012 street project assessment in error.
An abatement form was filed for the 2014 tax roll to remove the 2014 assessment; however no deletion form was filed to remove the remaining assessment balance resulting in the assessment remaining in the 2015 tax roll file in error.

**Applicant's Request:**

Abate the special assessment and interest for Pay 2015 in the amount of $421.50. ($300 prin $121.50 int)

**Applicant's Signature:** Carly Bendel **Date:** 4/3/15

**NOTE: M.S. §609.41,** "Whoever, in making any statement, oral or written, which is required or authorized by law to be made as a basis of imposing, reducing, or abating any tax or assessment, intentionally makes any statement (as to any material matter whi

**Note:** Must include city/Township Resolution for reductions on assessments
**Note:** Must include Fire report for Local Option Disaster Credit

## OFFICE USE ONLY

| ORIGINAL | Class | EMVL | EMVI | EMV | TMV | Tax Capacity | | Taxes Credits | SPASS | Total Tax |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | LNTC | | | |
| Val Grp - 1 | | | | - | | | TIF | | | |
| Val Grp - 2 | | | | - | | | FD | | | |
| Val Grp - 3 | | | | - | | | STATE | | | |
| Val Grp - 4 | | | | - | | | RMV | | | |
| Val Grp - 5 | | | | - | | | PWRL CR | | | |
| **TOTAL** | | - | - | - | - | - | AG CR | | | |
| | | | | | | | HST CR | | | |
| | | | | | | | **TOTAL** | - | | - |

| REVISED | Class | EMVL | EMVI | EMV | TMV | Tax Capacity | | Taxes Credits | SPASS | Total Tax |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | LNTC | | | |
| Val Grp - 1 | | | | - | | | TIF | | | |
| Val Grp - 2 | | | | - | | | FD | | | |
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| Val Grp - 5 | | | | - | | | PWRL CR | | | |
| **TOTAL** | | - | - | - | - | - | AG CR | | | |
| | | | | | | | HST CR | | | |
| | | | | | | | **TOTAL** | - | | - |
| **TOTAL DIFFERENCE** | | - | - | - | - | - | | - | - | - |

## REPORT OF INVESTIGATION

☐ Tax is paid as of: _____ Local Tax Rate: _____

☐ Tax NOT paid as of: _____ RMV Rate: _____

After examining the applicant's claims, I have carefully investigated this application and find the facts to be as follows:

Investigator's Signature: Date:

## CERTIFICATE OF APPROVAL - COUNTY ASSESSOR

*Note: (under $10,000) For this abatement to be approved, the Assessor and Director of Property Records & Taxpayer Services must both favorable recommend its adoption.*

**ASSESSOR'S RECOMMENDATION** (County Assessor or City Assessor)

**CRITERIA:**

| Approved | Denied | Assessor's Signature | Date: |
|---|---|---|---|
| ☐ | ☐ | | |

**DIRECTOR'S RECOMMENDATION**

| Approved | Denied | Director's Signature | Date: |
|---|---|---|---|
| ☐ | ☐ | | |

## COUNTY BOARD OF COMMISSIONER'S - COUNTY AUDITOR

*Note: For abatements resulting in a change of $10,000 and above including tax, penalty and interest. For this abatement to be approved, the Assessor, Director of Property Records & Taxpayer Services, and the County Board of Commissioners must all favorab*

| Approved | Denied | Auditor's Signature | Date: |
|---|---|---|---|
| ☐ | ☐ | | |

I certify that at a meeting held (month, day) _____(year) _____ the County Board of Commissioners took the above action on this abatement. This action was duly adopted and entered upon the minutes of its proceedings as a public record, s

# WASHINGTON COUNTY ASSESSMENT DIVISION
# APPLICATION FOR ABATEMENT - GENERAL FORM
# CLASSIFICATION / DISASTER CREDIT / SPECIAL ASSESSMENTS

Received:

Worksheet#

Assessment Year: **2014**

Payable Year: **2015**

## APPLICANT

| Owner's Name (please print or type) | Soc. Sec. / Fed ID | Phone | Cell |
|---|---|---|---|
| **David Broomell & Jamie Schwartz** | | | |
| Owner's Name | Soc. Sec. / Fed ID | Phone | Cell |
| | | | |
| Owner's Name | Soc. Sec. / Fed ID | Phone | Cell |
| | | | |

| Owner's Mailing Address | | | Property Address (if different from mailing address) | | |
|---|---|---|---|---|---|
| **5655 Highlands Trail N** | | | | | |
| City | State | Zip | City | State | Zip |
| **Lake Elmo** | **MN** | **55042** | | | |

## DESCRIPTION OF PROPERTY

| Property ID Number | Linked Group Number | | |
|---|---|---|---|
| **05.029.21.14.0019** | | | |
| Legal Description of Property | City or Township | School District # | TAG |
| | **Lake Elmo** | **834** | |

## ASSESSOR'S ESTIMATED MARKET VALUE

**Original:**

| Land EMV | Improvement EMV | Total | Class |
|---|---|---|---|
| | | **0** | |

**Revised:**

| Land EMV | Improvement EMV | Total | Class |
|---|---|---|---|
| | | **0** | |

**Applicant's Statement of Facts:**

The City of Lake Elmo assessed this parcel for the 2012 street project assessment in error.

An abatement form was filed for the 2014 tax roll to remove the 2014 assessment; however no deletion form was filed to remove the remaining assessment balance resulting in the assessment remaining in the 2015 tax roll file in error.

**Applicant's Request:**

Abate the special assessment and interest for Pay 2015 in the amount of $421.50. ($300 prin $121.50 int)

**Applicant's Signature:** Cathy Bendel **Date:** 4/3/15

**NOTE: M.S. §609.41,** "Whoever, in making any statement, oral or written, which is required or authorized by law to be made as a basis of imposing, reducing, or abating any tax or assessment, intentionally makes any statement (as to any material matter whi

**Note:** Must include city/Township Resolution for reductions on assessments

**Note:** Must include Fire report for Local Option Disaster Credit

## OFFICE USE ONLY

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| Val Grp - 2 | | | | - | | | FD | | | |
| Val Grp - 3 | | | | - | | | STATE | | | |
| Val Grp - 4 | | | | - | | | RMV | | | |
| Val Grp - 5 | | | | - | | | PWRL CR | | | |
| **TOTAL** | | - | - | - | - | - | AG CR | | | |
| | | | | | | | HST CR | | | |
| | | | | | | | **TOTAL** | - | | - |

| REVISED | Class | EMVL | EMVI | EMV | TMV | Tax Capacity | | Taxes Credits | SPASS | Total Tax |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | LNTC | | | |
| Val Grp - 1 | | | | - | | | TIF | | | |
| Val Grp - 2 | | | | - | | | FD | | | |
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| Val Grp - 5 | | | | - | | | PWRL CR | | | |
| **TOTAL** | | - | - | - | - | - | AG CR | | | |
| | | | | | | | HST CR | | | |
| | | | | | | | **TOTAL** | - | | - |
| **TOTAL DIFFERENCE** | | - | - | - | - | - | | - | - | - |

## REPORT OF INVESTIGATION

☐ Tax is paid as of: _____ Local Tax Rate: _____

☐ Tax NOT paid as of: _____ RMV Rate: _____

After examining the applicant's claims, I have carefully investigated this application and find the facts to be as follows:

Investigator's Signature: Date:

## CERTIFICATE OF APPROVAL - COUNTY ASSESSOR

*Note: (under $10,000) For this abatement to be approved, the Assessor and Director of Property Records & Taxpayer Services must both favorable recommend its adoption.*

**ASSESSOR'S RECOMMENDATION** (County Assessor or City Assessor)

**CRITERIA:**

| Approved | Denied | Assessor's Signature | Date: |
|---|---|---|---|
| ☐ | ☐ | | |

**DIRECTOR'S RECOMMENDATION**

| Approved | Denied | Director's Signature | Date: |
|---|---|---|---|
| ☐ | ☐ | | |

## COUNTY BOARD OF COMMISSIONER'S - COUNTY AUDITOR

*Note: For abatements resulting in a change of $10,000 and above including tax, penalty and interest. For this abatement to be approved, the Assessor, Director of Property Records & Taxpayer Services, and the County Board of Commissioners must all favorab*

| Approved | Denied | Auditor's Signature | Date: |
|---|---|---|---|
| ☐ | ☐ | | |

I certify that at a meeting held (month, day) _____(year) _____ the County Board of Commissioners took the above action on this abatement. This action was duly adopted and entered upon the minutes of its proceedings as a public record, s

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

**RESOLUTION NO. 2015-26**

**A RESOLUTION RELATED TO 2015 ASSESSMENTS TO WASHINGTON COUNTY**

BE IT RESOLVED, by the City Council of the City of Lake Elmo, Minnesota, that the following parcels may be removed from the 2015 assessment roll due per the attached Washington County abatement forms.

04.029.21.23.0003
04.029.21.23.0010
04.029.21.24.0004
05.029.21.14.0013
05.029.21.14.0019

APPROVED by the Lake Elmo City Council on this 7th day of April, 2015.

By: _____
Mike Pearson
Mayor

ATTEST:

_____
Adam Bell
City Clerk

THE CITY OF LAKE ELMO

# MAYOR & COUNCIL COMMUNICATION

**DATE:** **April 7, 2015**
**CONSENT ITEM** **5**

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

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

**THROUGH:** Cathy Bendel, Finance Director

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

**SUGGESTED ORDER OF BUSINESS:**

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

**POLICY RECOMMENDER:** Finance

**FISCAL IMPACT:** None

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

**LEGISLATIVE HISTORY: NA**

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

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

**ATTACHMENTS:**

1. 2015 League of MN Cities Insurance Trust Waiver Form.

LEAGUE OF MINNESOTA CITIES

CONNECTING & INNOVATING
SINCE 1913

# LIABILITY COVERAGE – WAIVER FORM

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

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

---

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

- *If the member does not waive the statutory tort limits*, an individual claimant would be able to recover no more than $500,000 on any claim to which the statutory tort limits apply. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to $1,500,000. These statutory tort limits apply regardless of whether the city purchases the optional excess liability coverage.
- *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could potentially recover up to $2,000,000 for a single occurrence. (Under this option, the tort cap liability limits are waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is $2 million.) The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to $2,000,000, regardless of the number of claimants.
- *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

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

---

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

*Check one:*

☒ The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04.

☐ The member **WAIVES** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 to the extent of the limits of the liability coverage obtained from LMCIT.

Date of city council/governing body meeting _____

Signature_____ Position_____

145 UNIVERSITY AVE. WEST
ST. PAUL, MN 55103-2044

PHONE: (651) 281-1200 FAX: (651) 281-1299
TOLL FREE: (800) 925-1122 WEB: WWW.LMC.ORG

THE CITY OF LAKE ELMO

# MAYOR & COUNCIL COMMUNICATION

**DATE:** **April 7, 2015**
**CONSENT ITEM #** **6**

**AGENDA ITEM:** Council Meeting Date Change

**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:** State Law

**FISCAL IMPACT:** NA

**SUMMARY AND ACTION REQUESTED:** City Council is respectfully requested to move the City Council Workshop from Tuesday, May 12, 2015 to Wednesday, May 13, 2015 due to the ISD 834 Special Election. The recommended motion for this action is as follows:

***"Move to approve moving the Tuesday, May 12, 2015 Council Workshop to Wednesday, May 13, 2015, due to the ISD 834 Special Election."***

**LEGISLATIVE HISTORY:** When the 2015 Meeting calendar was presented and approved, it was not known that there would be a school district special election. Now that staff has been notified of an election, the workshop meeting needs to be moved. State law prohibits cities from holding meetings between 6:00pm and 8:00pm on the date of an election. By moving the meeting to Wednesday, the City will be better able to conduct its business.

**RECOMMENDATION**: City Council is respectfully requested to move the City Council Workshop from Tuesday, May 12, 2015 to Wednesday, May 13, 2015 due to the ISD 834 Special Election. The recommended motion for this action is as follows:

***"Move to approve moving the Tuesday, May 12, 2015 Council Workshop to Wednesday, May 13, 2015, due to the ISD 834 Special Election."***

**AUTHORITY**:

**2014 Minnesota Statutes**

**204C.03 PUBLIC MEETINGS PROHIBITED ON ELECTION DAY.**
Subdivision 1.**School districts; counties; municipalities; special taxing districts.**

No special taxing district governing body, school board, county board of commissioners, city council, or town board of supervisors shall conduct a meeting between 6:00 p.m. and 8:00 p.m. on the day that an election is held within the boundaries of the special taxing district, school district, county, city, or town. As used in this subdivision, "special taxing district" has the meaning given in section275.066.

THE CITY OF LAKE ELMO

# MAYOR & COUNCIL COMMUNICATION

DATE: April 7, 2015
**CONSENT**
ITEM #: 7

**AGENDA ITEM:** Order Abatement Actions – 8085 Hill Trail North.

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

**THROUGH:** Mike Pearson, Mayor

**REVIEWED BY:** Dean Zuleger, City Administrator
David Snyder, City Attorney

---

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

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

**SUMMARY AND ACTION REQUESTED:**

The City Council is respectfully requested to consider approving abatement actions for the two properties stated below.

The City of Lake Elmo has been working with a nuisance property – 8085 Hill Trail North – for over two decades. The City has used all of its legal remedies to clean up the property, including a Washington County court decision. As of the writing of this memo all efforts to clean up the property has stalled and the current condition of the property continues to deteriorate the quality of life for neighbors living around the property. The staff would like to request that the City Council to enact §96.11 of municipal code and order abatement (clean up) on this property.

**BACKGROUND INFORMATION:**

§96.11 of the City Code reads:

"If any nuisance occurs as defied in §96.01, the Council may, by majority vote, order the owner, lessee, or occupant or any person having care or control of the lot or land to abate the nuisance. The Council shall issue a written notice to the person allowing 5 days after the notice is served for the person to comply.

Further, §96.12 reads:

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

8085 Hill Trail Road has failed to progress in the upkeep of the property to the satisfaction of both the City Code and the neighborhood. Staff has made numerous efforts to have the property owner make incremental improvement to the site to no avail. The property owner cites there are many other properties not in compliance throughout the community and he does not have to remedy his property until those other properties are in compliance.

**RECOMMENDATION**:

Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, the ordering abatement actions on the referenced property. If removed from the consent agenda for discussion, the recommended motion for this action is as follows:

***"Move to approve Resolution 2015-21, A Resolution Ordering Abatement of Existing Violations At 8085 Hill Trail North, Lake Elmo, Minnesota, 55042 thereby enacting §96.11 and §96.12 of the City of Lake Elmo Code to abate 8085 Hill Trail North based on the definition of nuisance in § 96.01 of the city code"***

**ATTACHMENT(S):**

1. Resolution No. 2015-21
2. Nuisance/Abatement Code Provisions

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

**RESOLUTION NO. 2015 - 21**

**A RESOLUTION ORDERING ABATEMENT OF EXISTING VIOLATIONS AT 8085 HILL TRAIL NORTH, LAKE ELMO, MINNESOTA, 55042**

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

**WHEREAS,** the City of Lake Elmo (hereinafter "City") has the authority to abate nuisances and code violations existing within its borders pursuant to Minnesota Statute and the Lake Elmo City Code (hereinafter "City Code").

**WHEREAS**, there exists property conditions at 8085 Hill Trail North, Lake Elmo, MN 55042 (hereinafter "Property") in violation of the City Code. The Property is owned, without limitation, by Daniel R. Burgess (hereinafter "Owner").

**WHEREAS**, without limitation, the following and other conditions exist upon the Property in violation of the Lake Elmo City Code:

1. Accumulation of unlicensed, inoperable, and illegally parked vehicles on the Property without proper screening, in violation of City Code Sections 96.03B(11), 150.001(A)(4), 150.003 and 150.020(C).

2. Accumulation of exterior storage, rubbish, auto parts, junk and other debris on the Property, in violation of City Code Sections 96.03B(11), 150.001(A).

3. Failure to maintain improvements, including failure to maintain a fence enclosure so as to avoid health or safety hazards and prevent degradation in the value of adjacent property, in violation of City Code Sections 96.03B(6) and 154.205.

**WHEREAS**, the City has taken efforts to work with the Owner in order to remove the violations and the Owner has failed to bring the Property into compliance with the City Code.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, COUNTY OF WASHINGTON, MINNESOTA**, that the Property is in violation of the City Code, and the City directs and orders as follows:

1. That the owner shall bring all violating conditions into compliance with the City Code within 30 days of signing and issuance of this Resolution, and shall inform the City Inspector and Building Official, Rick L. Chase, that all violating conditions have been so removed, abated, or brought into compliance with the City Code;

2. That the City Building Inspector shall make arrangements to inspect the property upon the 30 day deadline contemplated by this resolution and upon notice provided

by the Owner that all violating conditions are in compliance, to determine whether all violating conditions have been brought into compliance with the City Code;

3. That should the City Building Inspector determine that all violating conditions are not in compliance with the City Code, he is to inform the Owner of the remaining violating conditions, and the Owner shall bring such violations into compliance immediately;

4. That should the Owner not bring any violating conditions into compliance after the City Building Inspector's determination, the City Building Inspector is to inform the City Attorney of the remaining violating conditions;

5. That the City Attorney, upon being informed by the City Building Inspector that all violating conditions are not in compliance with the City Code, shall commence legal action against the Owner, seeking a Court Order to enforce compliance with the City Code, and allowing the City Building Inspector to take all necessary measures in order to enforce the City Code and bring the Property into compliance;

6. That the Owner shall be given notice of this Resolution via U.S. Mail and by direct contact between the City Building Inspector and/or City Administrator;

**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.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE 7TH DAY OF APRIL, 2015.**

EFFECTIVE DATE: _____

Approved:

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

ATTEST:

_____
Adam Bell
City Clerk

# CHAPTER 96: NUISANCES

Section

*Public Nuisances*

96.01 Generally
96.02 Public nuisances affecting morals and decency
96.03 Public nuisances affecting peace and safety
96.04 Public nuisances affecting health, comfort, or repose
96.05 Littering
96.06 Dumping
96.07 Storing
96.08 Improper ground disposal
96.09 Nuisance disposal
96.10 Peddling and soliciting
96.11 Abatement
96.12 Assessment of costs

## PUBLIC NUISANCES

### § 96.01 GENERALLY.

No person, firm, corporation, or association shall cause, suffer, or permit any nuisance as defined in §§ 96.01 *et seq.* to exist or to be maintained upon property situated in the whole or in part within the limits of the City of Lake Elmo.

(1997 Code, § 1335.10) Penalty, see § 10.99

### § 96.02 PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

(A) The following are declared public nuisances affecting public morals and decency.

(B) The looking into or peeping through doors, windows, or openings of private homes by methods of stealth and without proper authority and by surreptitious method, or what is commonly known as "window peeping."

(1997 Code, § 1335.01) Penalty, see § 10.99

### § 96.03 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

(A) The following are declared to be nuisances affecting peace and safety.

(B) (1) *Altering drainage.* Placing entrance culverts, or doing any act which may alter or affect the drainage of public streets or other public property or the surface or grade of public streets or sidewalks, without proper permit;

(2) *Attractive dangers.* All dangerous, unguarded machinery, equipment, or other property in any public place, or so situated or operated on private property as to attract the public;

(3) *Dangerous objects.* The placing or throwing on any street, alley, road, highway, sidewalk, or other public or private property of any glass, tacks, nails, bottles, or other nuisances which may injure any person or animal or may cause damage to any pneumatic tire when passing over the same;

(4) *Environmental nuisances.* No odors, vibration, noise, smoke, air pollution, liquid or solid wastes, heat, glare, dust, or other sensory irritations or health hazards caused, suffered, or permitted in excess of the minimum standards as set in §§ 96.01 *et seq.* The minimum standards shall be as follows.

(a) *Odors.* Any land use or other activity shall be conducted so as to prevent the emission of odorous or solid matter of the quality and quantity as to be reasonably objectionable at any point beyond the lot line of the site on which the use or activity is located.

(b) *Vibration.* The following vibrations are prohibited:

1. Any vibration discernible (beyond the property line) to the human sense of feeling for 3 minutes or more duration in any 1 hour; and

2. Any vibration resulting in any combination of amplitudes and frequencies beyond the "safe" range of the most current standards of the United States Bureau of Mines on any structure.

(c) *Toxic or noxious matter.* Any land use or other activity shall be conducted so as to control the emission of smoke or particulate matter to the degree that it is not detrimental to or shall endanger the public health, safety, comfort, or general welfare of the public.

(d) *Noise.* Any noise caused, suffered, or permitted in violation of its provisions of §§ 96.01 *et seq.*

(e) *Lighting and glare.* Any lighting, lighting fixtures, or glare caused, suffered, or permitted in violation of §§ 96.01 *et seq.*

(f) *Minimum standards.* Unless otherwise stated in this code, the minimum standards of the Pollution Control Agency as to noise, air, and water pollution and glare, shall be the minimum standards for the purpose of §§ 96.01 *et seq.*

(5) *Explosives.* All explosives, inflammable liquids, and other dangerous substances or materials stored or accumulated in any manner or in any amount other than that provided by law;

(6) *Failure to maintain improvements.* In all zoning districts it is hereby declared necessary that all structures, landscaping, and fences be reasonably maintained so as to avoid health or safety hazards and prevent a degradation in the value of adjacent property. Failure to so maintain the improvements is declared to be a nuisance;

(7) *Fire hazards.* Any building or structure which, by reason of age, dilapidated condition, defective chimneys or stove pipes, defective electric wiring, defective gas connections, defective heating apparatus, or other defect, is susceptible to fire, and which thus endangers life or limb or other buildings or property within the city; and any accumulations of brush, tree trimming, fallen leaves, parts of dead trees, timber, or other materials or substances on either vacant or improved property, which accumulations are susceptible to fire or capable of spreading fire to adjacent property;

(8) *Fires.* The setting of fire prohibited under the provisions of this code;

(9) *Fireworks.* All use or display of fireworks except as provided by law;

(10) *Hazardous buildings.* Any building which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health of the residents of the city;

(11) *Junk.*

(a) The accumulation, storing, or keeping of old machinery, wrecked or inoperable vehicles or household appliances, and unlicensed vehicles and other junk or debris.

(b) For purposes of §§ 96.01 *et seq.*, any personal property stored in violation of the provision of §§ 150.001 *et seq.* regulating exterior storage, shall be deemed junk.

(12) *Littering.* Causing or permitting refuse, rubbish, or garbage to accumulate or disposing of waste in violation of the provisions of § 96.06;

(13) *Low limbs.* All limbs of trees which are less than 8 feet above the surface of any public sidewalk or street. (See §§ 93.40

*et seq.*);

(14) *Low wires.* All wires which are strung less than 15 feet above the surface of any public street or alley;

(15) *Maintenance of boulevard.* Any boulevard which is not maintained as required by §§ 93.40 *et seq.*;

(16) *Material from air.* Throwing, dropping, or releasing printed matter, paper, or any other material or objects over the city from an airplane, balloon, or other aircraft, or in a manner as to cause the material to fall or land in the city;

(17) *Obstruction and excavation.* Obstructions and excavations affecting the ordinary use of the public streets, alleys, sidewalks, or public grounds except under the conditions as are provided by this code. Any other excavation left unprotected or uncovered indefinitely or allowed to exist in the manner as to attract people;

(18) *Obstruction of streets.* Any use of property abutting on a public street or sidewalk, or use of a public street or sidewalk which causes large crowds of people to gather obstructing traffic and the free use of public streets or sidewalks;

(19) *Obstruction of view of traffic.* All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached;

(20) *Other acts detrimental to peace and safety.* All other conditions, acts, or things which in the determination of the Council are likely to cause injury to the person or property of anyone;

(21) *Repairing vehicles on streets.* Making repairs to motor vehicles or tires in public streets or alleys, except in the case of emergency repairs when it will not unduly impede or interfere with traffic;

(22) *Signs over streets.* All hanging signs, awnings, and other similar structures over public streets or sidewalks, or so situated as to endanger public safety not constructed and maintained as provided by law, or without proper permit;

(23) *Snow on streets and sidewalks.* All snow and ice not removed from public sidewalks 12 hours after the snow and ice has stopped precipitating. Snow plowed or shoveled into a public street shall be declared a nuisance;

(24) *Unauthorized signs.* Erecting, painting, or placing of unauthorized traffic signs or advertising signs in streets or sidewalks;

(25) *Unused refrigerators and the like.* Any unused refrigerator or other container, with doors which fasten automatically when closed of sufficient size to retain any person, and which is exposed and accessible to the public, without removing the doors, lids, hinges, or latches, or providing locks to prevent access by the public; and

(26) *Water from buildings.* The allowing of rain, water, ice, or snow to fall from any building on any public street of sidewalk or to flow across any public sidewalk.

(1997 Code, § 1335.02) Penalty, see § 10.99

## § 96.04 PUBLIC NUISANCES AFFECTING HEALTH, COMFORT, OR REPOSE.

(A) The following are declared to be public nuisances affecting health, comfort, or repose.

(B) (1) *Decayed food.* All decayed or unwholesome food offered for sale to the public;

(2) *Milk from untested cows.* Milk which is produced by cows which have not been tested and found free of tuberculosis within the year previous to the offering of the milk for sale to the public;

(3) *Diseased animals.* All diseased animals running at large;

(4) *Carcasses.* Carcasses of animals not buried or destroyed within 24 hours after death;

(5) *Garbage cans.* Privy vaults and garbage cans which are not fly-tight;

(6) *Cesspool contents.* Causing or suffering the effluent from any cesspool, septic tank, drainfield, or human sewage disposal system to discharge upon the surface of the ground, or dumping the contents of it at any place except as authorized by law;

(7) *Accumulation of refuse and debris.* An accumulation of refuse, rubbish, or garbage (as defined in § 96.05) or debris of any nature or description;

(8) *Pollution of wells or public water.* Causing or suffering the pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;

(9) *Smoke and fumes.* Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities;

(10) *Medicine samples.* The distribution of samples of medicines or drugs unless the samples are placed in the hands of an adult person by someone properly licensed; and

(11) *Other acts detrimental to health.* All other acts, omissions of acts, occupations, and uses of property which are determined by the Council to be a menace to the health of the citizens or a considerable number of citizens.

(1997 Code, § 1335.03) Penalty, see § 10.99

## § 96.05 LITTERING.

(A) Unless specifically defined in §§ 96.01 *et seq.*, words or phrases used in §§ 96.01 *et seq.* shall be interpreted so as to give them the same meaning as they have in common usage throughout this code.

(B) Definitions are found in § 11.01.

(1997 Code, § 1335.04)

## § 96.06 DUMPING.

It shall be unlawful for any person to cause or permit refuse, rubbish, or garbage to be thrown or scattered upon any street, alley, highway, vacant or occupied real estate; or to fail, neglect, or refuse to remove the same from the real estate.

(1997 Code, § 1335.05) Penalty, see § 10.99

## § 96.07 STORING.

It shall be unlawful for any owner or occupant of any property in the city to cause or permit refuse, rubbish, or garbage to accumulate or be stored on the property, except in containers as provided by Ch. 52 relating to solid waste disposal.

(1997 Code, § 1335.06) Penalty, see § 10.99

## § 96.08 IMPROPER GROUND DISPOSAL.

It shall be unlawful for any person to pump or empty the effluent from any sewage disposal system on to or allow the contents of it to flow on to the surface of any public or private ground including that of the owners.

(1997 Code, § 1335.07) Penalty, see § 10.99

## § 96.09 NUISANCE DISPOSAL.

It shall be unlawful to dispose of any liquid or solid wastes when the result of the disposal shall be a nuisance, a source of filth, a cause of obnoxious odors, or a cause of sickness.

(1997 Code, § 1335.08) Penalty, see § 10.99

## § 96.10 PEDDLING AND SOLICITING.

(A) *Entering private property.* The practice of going in and upon private residences or residential properties in the city by solicitors, peddlers, hawkers, itinerant merchants, and transient vendors of merchandise, not having been requested or invited to do so

by the owner or owners, occupant or occupants, of the private residences, for the purpose of soliciting orders for sale of goods, wares, and merchandise, or for the purpose of disposing of or peddling the same, is declared to be a nuisance, except as provided in §§ 96.01 *et seq.*

(B) *Exceptions.* The provisions of §§ 96.01 *et seq.* shall not apply to the sale or soliciting of orders for the same of milk, dairy products, vegetables, poultry, eggs and other farm and garden produce so far as the sale of the commodities named in §§ 96.01 *et seq.* is authorized by law.

(C) *Charitable organizations exempted.* The provisions of this section shall not apply to any charitable, religious, patriotic, or philanthropic organization, society, association, or corporation desiring to sell or distribute any items of literature or to sell or distribute any goods, wares, and merchandise, for which a fee is charged or solicited from the persons other than members of the organization upon the streets, in office or business buildings, by house to house canvass, or in public places, for a charitable, religious, patriotic, or philanthropic purpose.

(1997 Code, § 1335.09) Penalty, see § 10.99

## § 96.11 ABATEMENT.

If any nuisance occurs as defined in §§ 96.01 *et seq.*, the Council may by majority vote order the owner, lessee, or occupant or any person having care or control of the lot or land to abate the nuisance. The Council shall issue a written notice to the person allowing 5 days after the notice is served for the person to comply.

(1997 Code, § 1335.12)

## § 96.12 ASSESSMENT OF COSTS.

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

(1997 Code, § 1335.13)

THE CITY OF LAKE ELMO

# MAYOR & COUNCIL COMMUNICATION

**DATE:** April 7, 2015
**CONSENT ITEM#** 8

**AGENDA ITEM:** Easement Encroachment Agreement – 859 Julep Ave

**SUBMITTED BY:** Joan Ziertman, Planning Program Assistant

**THROUGH:** Dean Zuleger, City Administrator

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

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

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

**POLICY RECCOMENDER:** Staff recommends that the City Council approve the encroachment agreement for Donna M. Amundson at 859 Julep Avenue N as part of tonight's consent agenda.

**FISCAL IMPACT:** None

**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to authorize as part of tonight's consent agenda, the execution of an easement encroachment agreement. The City has received a request to install a fence within a drainage and utility easement area at 859 Julep Avenue from Donna M. Amundson. Approval of the requested improvement within the City's drainage and utility easements would allow the property owners to construct the requested improvement within the City's drainage and utility easements located on their private property.

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

***"Move to approve the easement encroachment agreement for Donna M. Amundson, 859 Julep Avenue N to install a fence within the City's drainage and utility easement."***

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

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

**BACKGROUND INFORMATION (SWOT):**

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

**Weaknesses:** None

**Opportunities**: None

**Threats:** None

**RECOMMENDATION**:

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

***"Move to approve the easement encroachment agreement for Donna M. Amundson to install a fence within the City's drainage and utility easement."***

THE CITY OF LAKE ELMO

# MAYOR & COUNCIL COMMUNICATION

**DATE:** **April 7, 2015**
**CONSENT ITEM #** **9**

**AGENDA ITEM:** Zoning Map Amendments – Perfecting Amendments

**SUBMITTED BY:** Kyle Klatt, Community Development Director

**THROUGH:** Dean Zuleger, City Administrator

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

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**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Planner
- Report/Presentation..... ..City Planner
- 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 adopt an updated Zoning Map that addresses several land use and development projects that have recently been approved by the City. The Commission is also recommending amendments that will address previous map issues in order to improve the overall consistency of the map.

The Planning Commission considered the proposed zoning map amendments at its March 23, 2015 meeting and a summary of the Commission's report and recommendation are included below.

**FISCAL IMPACT:** There are no direct fiscal impacts to the City associated with the proposed Zoning Map Amendment.

**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to adopt an updated Zoning Map that addresses several land use and development projects that have recently been approved by the City. Staff and the Planning Commission are also recommending other minor corrections from previous maps.

The Planning Commission considered this matter at its March 23, 2015 meeting and recommended approval of the proposed zoning map amendments.

If this item is pulled from the consent agenda, the suggested motion to adopt the Planning Commission recommendation is as follows:

***"Move to adopt Ordinance. 08-117 adopting a revised zoning map for the City of Lake Elmo"***

**LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT:** All of the requested changes to the Zoning Map are based on approvals given or actions already taken by the City, or are intended to bring the Map into conformance with the Comprehensive Plan. The proposed changes include the following:

| Parcel/Description | Existing Zoning | Proposed Zoning |
|---|---|---|
| Langley Court Water Tower | RS | PF - Public Facilities |
| Village Preserve | RT | LDR – Low Density Residential |
| Village Park Preserve | RT | LDR – Low Density Residential |
| Easton Village | RT | LDR – Low Density Residential |
| 3520 Laverne Avenue North | RS | GB – General Business |
| 8282 Stillwater Boulevard North (Rear Lot) | RE | RS – Rural Single Family Residential |
| 8308 Stillwater Boulevard North (Rear Lot) | RE | RS – Rural Single Family Residential |
| Parcel ID 16.029.21.34.0008 (Rear Lot) | RE | RS – Rural Single Family Residential |
| 8364 Stillwater Boulevard North (Rear Lot) | RE | RS – Rural Single Family Residential |
| 8428 Stillwater Boulevard North (Rear Lot) | RE | RS – Rural Single Family Residential |
| 8488 Stillwater Boulevard North (Rear Lot) | RE | RS – Rural Single Family Residential |

Because the proposed map amendments are intended to address developments or projects that have already been approved by the City, Staff recommended approval of all changes as presented.

The Planning Commission conducted a public hearing on the proposed map amendments at its March 23, 2015 meeting. No one spoke at the hearing and the Planning Commission unanimously recommended approval of the amended Zoning Map as presented (7 ayes and 0 nays).

**BACKGROUND INFORMATION (SWOT):**

| | |
|---|---|
| **Strengths** | • The proposed Zoning Map amendments brings the map up to date with the approval of recent development projects.<br>• The amendment fixes a map error that has a commercial property in the Village Area zoned rural single family. |
| **Weaknesses** | • None |
| **Opportunities** | • Staff is recommending adopting several amendments together rather than taking additional time to review each change separately. |
| **Threats** | • None |

**RECOMMENDATION**: The Planning Commission and Staff are recommending that the City Council approve an updated Zoning Map to adopt the appropriate zoning for recently approved subdivision and development projects and to make other map corrections to bring the map into conformance with the City's Comprehensive Plan. If this item is pulled from the consent agenda, the suggested motion to adopt the Planning Commission recommendation is as follows:

***"Move to adopt Ordinance 08-117 adopting a revised zoning map for the City of Lake Elmo"***

**ATTACHMENTS:**

1. Ordinance 08-117
2. Proposed Zoning Map
3. Existing Zoning Map

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE 08-117

AN ORDINANCE AMENDING CHAPTER 154 OF THE LAKE ELMO CITY CODE OF ORDINANCES BY ADOPTIONG A REVISED OFFICIAL ZONING DISTRICT MAP

**SECTION 1.** The Zoning Map of the City of Lake Elmo established by the City Code, Section 154.351 is amended by deleting the existing Lake Elmo Zoning Map and adopting a new official Zoning Map which is attached and incorporated herein as Exhibit "A".

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

**SECTION 3.** Adoption Date. This Ordinance 08-117 was adopted on this 7th day of April 2015, by a vote of ___ Ayes and ___ Nays.

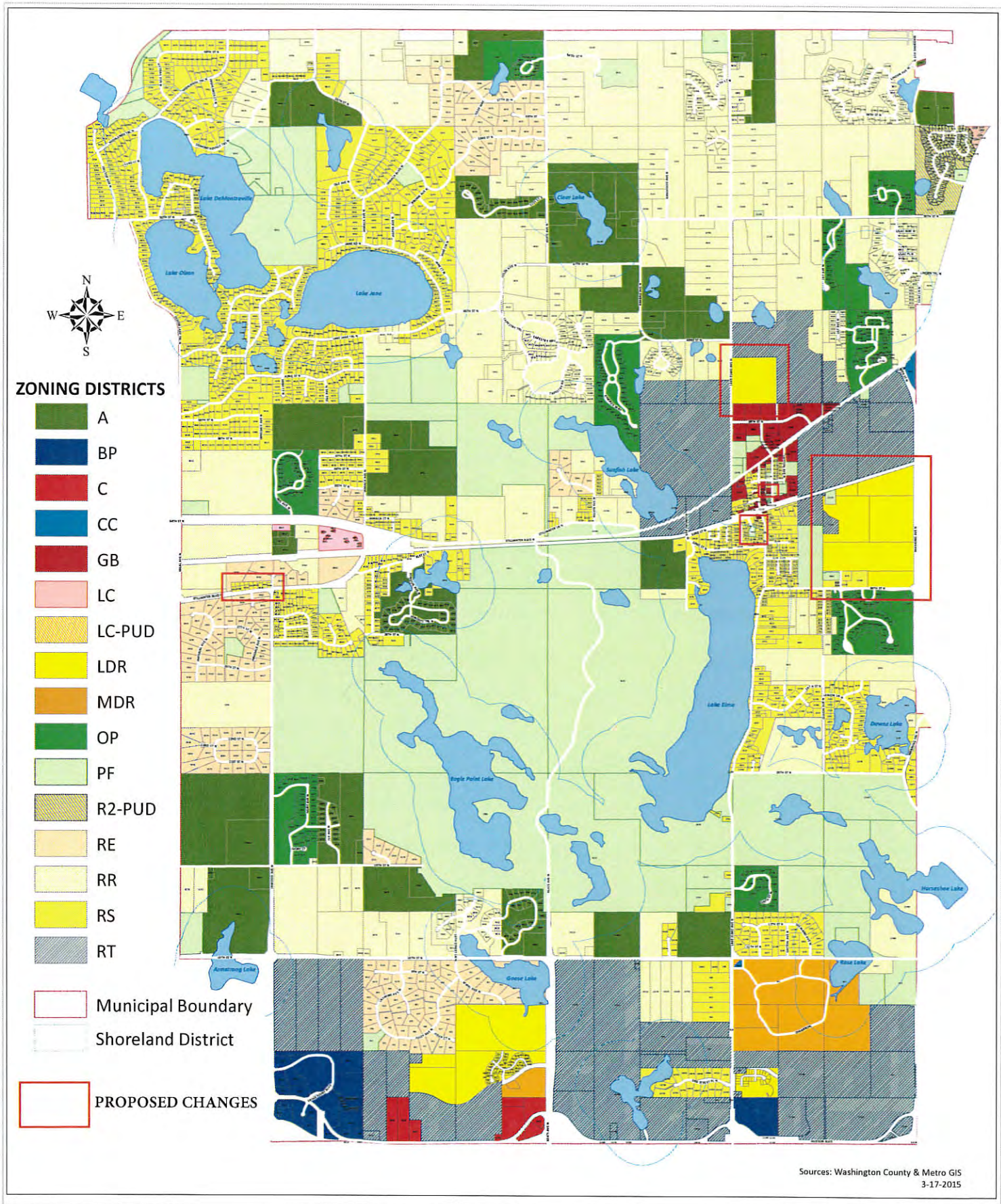
LAKE ELMO CITY COUNCIL

_____
Mike Pearson, Mayor

ATTEST:

_____
Adam Bell, City Clerk

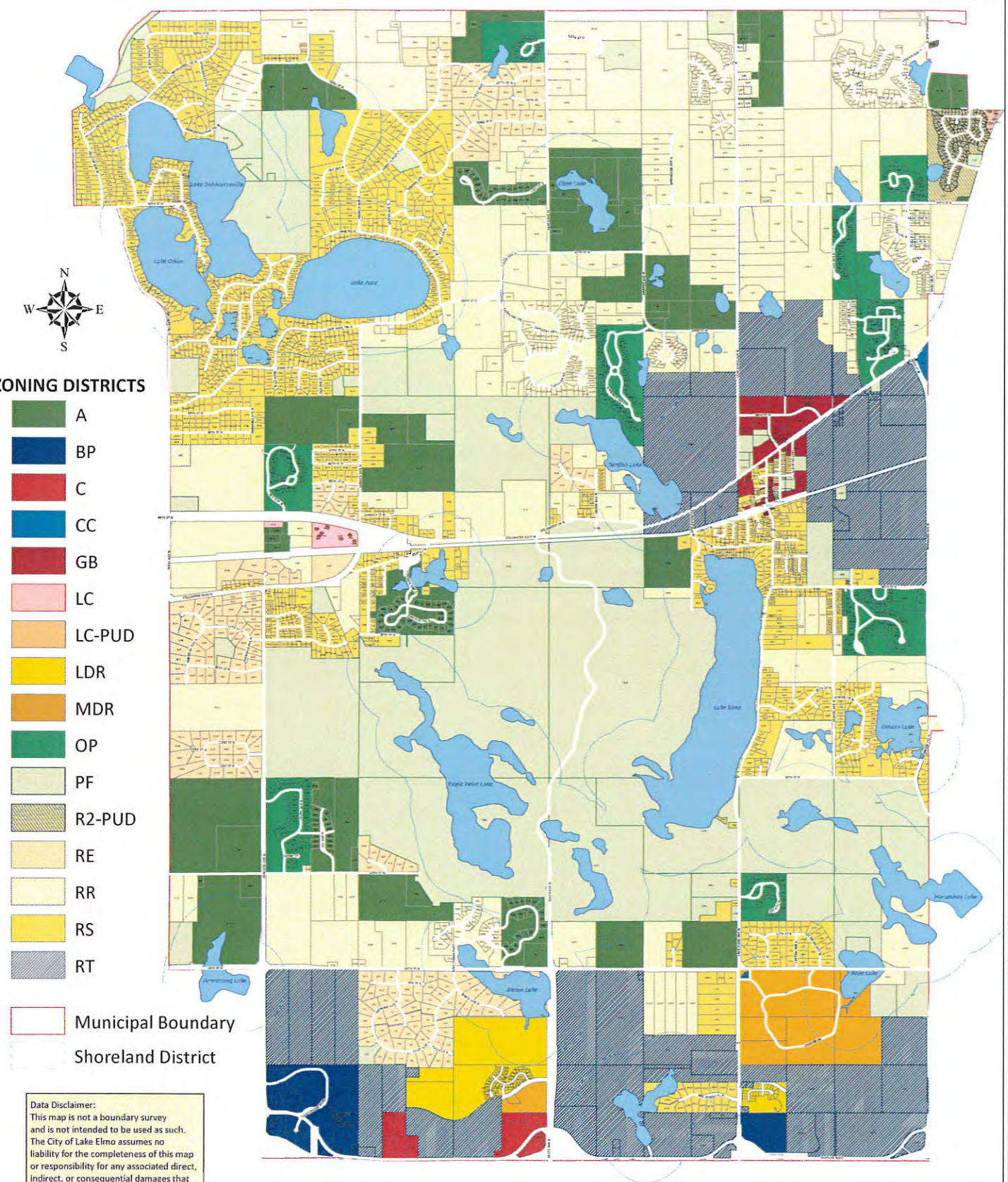
This Ordinance 08-117 was published on the ____ day of _____, 2015.




Sources: Washington County & Metro GIS
3-17-2015

# Official Zoning Map
*Proposed*

THE CITY OF LAKE ELMO




# Official Zoning Map

THE CITY OF LAKE ELMO

THE CITY OF LAKE ELMO

# MAYOR & COUNCIL COMMUNICATION

**DATE:** **April 7, 2015**
**CONSENT ITEM #** **10**

**AGENDA ITEM:** Easton Village Developer's Agreement – Affirm Final Contract Language

**SUBMITTED BY:** Kyle Klatt, Community Development Director

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Jack Griffin, City Engineer
Dave Synder, City Attorney
Nick Johnson, City Planner

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**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 City Council approved a Development Agreement for Easton Village at its March 3, 2015. This approval was contingent upon final review and approval by the City Attorney, who has requested that the final document be brought back to the Council for final conformation.

**FISCAL IMPACT:** Direct Payments to Developer – None: there are no City payments for oversizing of utilities or for other reasons included in the agreement. Although the construction plans include oversizing of some infrastructure, the developer has previously agreed to absorb these costs as part of the City's 39th Street Sewer assessment project. Future financial impacts include maintenance of streets, trails, sanitary sewer mains, watermains and other public infrastructure, maintenance of storm water ponding areas (after three years), monthly lease payments for street light, and other public financial responsibilities typically associated with a new development.

**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to affirm the final language to be included in the developer's agreement for Easton Village. The agreement has gone through a final round of reviews by City Staff, the developer, and the City Attorney,

and the final document is being presented to the City Council for final review. If this item is pulled from the consent agenda, the recommended motion to take action on the request is as follows:

***"Move to affirm the final language to be included in the developer's agreement for Easton Village"***

**LEGISLATIVE HISTORY/STAFF REPORT:** The City Council has previously approved a developer's agreement for Easton Village contingent upon the City Attorney completing a final review of the document. The City Council was especially concerned that the provision in the agreement concerning development reimbursement for future railroad crossing improvements be reviewed with final input from the City Attorney before the agreement was executed. Since the Council's March 3, 2015 meeting, the developer has requested minor revisions to a few sections of the document, and Staff has suggested some minor changes as well. All changes since the document was conditionally approved by the City Council have been tracked in the attached document, and can be summarized as follows:

- Minor corrections as recommended by the City Engineer since the Council review of this item.
- Adjusted construction costs for Streets and Erosion Control as per the recommendation of the City Engineer.
- Section 29 concerning railroad crossing improvements and developer contributions for the future crossing improvements has been modified from the version presented to the City Council. The attached agreement includes revisions to change the fee from a REC-unit based fee to one that is now calculated based on the overall percentage of REC units from contributing parcels. A table has also been added to the agreement to document the calculations used to determine the share for all benefitting parcels. The new calculation resulted in a very small increase to the developer's required cash contribution for this item.
- Section 30 (E) has been revised at the request of the developer to allow a letter of credit to be used for the required temporary access road removal security. It also notes that the developer may elect to renew this security as part of future project phases.

Please note that the developer requested that a new provision has been added to Section 22 to lock in the SAC and WAC charges at the present amount for future project phases within the development. This change is not recommended by Staff and has not been included as part of the final document. In addition, the City is waiting to receive additional documentation from the developer concerning the estimated costs to remove the temporary access road into the development. It is expected that this cost estimate will increase and that this amount will need to be included before the document is executed.

All other terms and conditions of the agreement are unchanged from the version presented on March 3rd.

**BACKGROUND INFORMATION (SWOT):**

**Strengths:** The developer's agreement has been drafted to guarantee that the improvements associated with Easton Village plans will installed in accordance with City specifications.

Execution of the developer's agreement and compliance with all conditions in the agreement will allow the developer to record the Final Plat.

**Weaknesses:** The City will assume responsibility for future maintenance of the public improvements.

**Opportunities**: The proposed improvements will provide for infrastructure connections to adjacent properties.

**Threats:** The City will need to provide construction observation throughout the course of the project (these costs will be covered under an Engineering Administration Escrow).

**RECOMMENDATION**: Based on the above Staff report, Staff is recommending that the City Council conform that the revisions to the developer's agreement for Easton Village (as documented in the updated agreement) are consistent with the City's conditional approval of the agreement at a previous meeting. If this item is pulled from the consent agenda, the suggested motion to adopt the Staff recommendation is as follows:

***"Move to affirm the final language to be included in the developer's agreement for Easton Village"***

**ATTACHMENTS:**

1. Easton Village Developer's Agreement – Final Draft (with revisions tracked)

*(reserved for recording information)*

# DEVELOPMENT CONTRACT

*(Public sewer and water)*

## *Easton Village*

**AGREEMENT** dated_____, 2015, by and between the **CITY OF LAKE ELMO** a Minnesota municipal corporation ("City"), and Easton Village, LLC (the "Developer").

**1. REQUEST FOR PLAT APPROVAL.** The Developer has asked the City to approve the plat for Easton Village (referred to in this this Contract as the "plat"). The land is situated in the County of Washington, State of Minnesota, and is legally described as:

**2. CONDITIONS OF PLAT APPROVAL.** The City hereby approves the plat on condition that the Developer enter into this Contract, furnish the security required by it, and record the plat with the County Recorder or Registrar of Titles within (180) days after the City Council approves the final plat.

**3. RIGHT TO PROCEED.** Unless separate written approval has been given by the City, within the plat or land to be platted, the Developer may not grade or otherwise disturb the earth, remove trees, construct sewer lines, water lines, streets, utilities, public or private improvements, or any buildings until all the following conditions have been satisfied: 1) this agreement has been fully executed by both

parties and filed with the City Clerk, 2) the necessary security has been received by the City, 3) the plat and required homeowner's association documents have been recorded with the Washington County Recorder's Office, and 4) the City's Community Development Director has issued a letter that all conditions have been satisfied, a preconstruction conference has been held, and that the Developer may proceed.

**4. PHASED DEVELOPMENT.** This plat is a phase of a multi-phased preliminary plat; the City may refuse to approve final plats of subsequent phases if the Developer has breached this Contract and the breach has not been remedied. Development of subsequent phases may not proceed until Development Contracts for such phases are approved by the City. Park charges and area charges for sewer and water referred to in this Contract are not being imposed on outlots, if any, in the plat that are designated in an approved preliminary plat for future subdivision into lots and blocks. Such charges will be calculated and imposed when the outlots are final platted into lots and blocks.

**5. PRELIMINARY PLAT STATUS.** The plat is a phase of a multi-phased preliminary plat, the preliminary plat approval for all phases not final platted shall lapse and be void unless final platted into lots and blocks, not outlots, within five (5) years after preliminary plat approval.

**6. CHANGES IN OFFICIAL CONTROLS.** For two (2) years from the date of this Contract, no amendments to the City's Comprehensive Plan or official controls shall apply to or affect the residential use, development density, lot size, lot layout or dedications of the approved final plat unless required by state or federal law or agreed to in writing by the City and the Developer. Thereafter, notwithstanding anything in this Contract to the contrary, to the full extent permitted by state law, the City may require compliance with any amendments to the City's Comprehensive Plan, official controls, platting or dedication requirements enacted after the date of this Contract.

**7. DEVELOPMENT PLANS.** The plat shall be developed in accordance with the following plans and at the Developer's sole expense. The plans shall not be attached to this Contract. If the plans vary from the written terms of this Contract, the written terms shall control. The plans are:

Plan A – Final Plat

Plan B – Final Grading, Drainage, and Erosion Control Plans
Plan C – Final Sanitary Sewer, Water Main, Storm Sewer, and Street Plans
Plan D – Final Landscape and Tree Preservation Plan
Plan E – Eastern Village Trunk Sewer Line

**8. IMPROVEMENTS.** The Developer shall install and pay for the following:

A. Streets
B. Sanitary Sewer
C. Sanitary Sewer - Eastern Village Trunk Sewer Line
D. Watermain
E. Surface Water Facilities (pipe, ponds, rain gardens, etc.)
F. Grading and Erosion Control
G. Sidewalks/Trails
H. Street Lighting
I. Underground Utilities
J. Street Signs and Traffic Control Signs
K. Landscaping and Street Trees
L. Tree Preservation and Reforestation
M. Wetland Mitigation and Buffers
N. Monuments Required by Minnesota Statutes

The improvements shall be installed in accordance with the City subdivision ordinance and the City's Engineering Design and Construction Standards Manual and pursuant to the direction of the City Engineer. The Developer shall submit plans and specifications which have been prepared by a competent registered professional engineer to the City for approval by the City Engineer. The Developer shall instruct its engineer to provide adequate field inspection personnel to assure an acceptable level of quality control to the extent that the Developer's engineer will be able to certify that the construction work meets the approved City standards as a condition of City acceptance. In addition, the City may, at the City's discretion and at the Developer's expense, have one or more City inspectors and a soil engineer inspect the work on a full or part-time basis. The Developer's engineer shall provide for on-site project management. The Developer's engineer is responsible for design changes and contract administration between the Developer

and the Developer's contractor. The Developer or his engineer shall schedule a pre-construction meeting at a mutually agreeable time at the City Hall with all parties concerned, including the City staff, to review the program for the construction work.

All labor and work shall be done and performed in the best and most workmanlike manner and in strict conformance with the approved plans and specifications. No deviations from the approved plans and specifications will be permitted unless approved in writing by the City Engineer. The Developer agrees to furnish to the City a list of contractors being considered for retention by the Developer for the performance of the work required by the Contract. The Developer shall not do any work or furnish any materials not covered by the plans and specifications and special conditions of this Contract, for which reimbursement is expected from the City, unless such work is first ordered in writing by the City Engineer as provided in the specifications.

**9. CITY ENGINEERING ADMINISTRATION AND CONSTRUCTION OBSERVATION.** Prior to the commencement of any construction activity authorized under this agreement, the Developer shall submit an escrow for City Engineering Administration and Construction Observation in an amount provided under paragraph 36, Summary of Cash Requirements (City Engineering Administration Escrow). The escrow account will be used to reimburse the City for all engineering administration and construction observation performed during the construction of the improvements until the escrow has been reduced to half of its original amount. Thereafter, the Developer shall reimburse the City each month, within 30 days of receiving an invoice, for all engineering administration and construction observation performed during the construction of the improvements (at normal City rates for such services) and will maintain the account at half of the original balance. If Developer fails to pay the invoiced amount within such 30-day period, and such failure continues for an additional five (5) business days after written notice from the City of such failure, the City may draw upon the escrow and stop the work on site until said escrow has been replenished in ~~in~~ accordance with this Section. City engineering administration will include monitoring of construction progress and construction observation, consultation with Developer and his engineer on status or problems regarding the project, coordination for testing,

final inspection and acceptance, project monitoring during the warranty period, and processing of requests for reduction in security. Construction observation may be performed by the City's in-house staff or consulting engineer. Construction observation shall include, at the discretion of the City, part or full time inspection of proposed public utilities and street construction. Services will be billed on an hourly basis at normal City rates therefor.

The direction and review provided through the inspection of the improvements should not be considered a substitute for the Developer required management of the development. Developer will cause the contractor(s) to furnish the City with a schedule of proposed operations at least five (5) days prior to the commencement of construction of each type of Improvement. City shall inspect all Developer Installed Improvements during and after construction for compliance with approved plans and specifications. Developer will notify the City Engineer at such times during construction as the City Engineer requires for inspection purposes. Such inspection is pursuant to the City's governmental authority, and no agency or joint venture relationship between the City and Developer is thereby created.

**10. CONTRACTORS/SUBCONTRACTORS.** City Council members, City employees, and City Planning Commission members, and corporations, partnerships, and other entities in which such individuals have greater than a 25% ownership interest or in which they are an officer or director may not act as contractors or subcontractors for the public improvements identified in Paragraph 8 above.

**11. PERMITS.** The Developer shall obtain or require its contractors and subcontractors to obtain all necessary permits, including but not limited to:

A. Right-of-Way Excavations and Obstructions:
- City of Lake Elmo, Right-of-Way Utility Installation(s)
- City of Lake Elmo, Right-of-Way Obstruction(s)
- Washington County, Utility Installations(s)
- Washington County, Street or Driveway Access(s)
- Minnesota Department of Transportation, Utility Installation
- Minnesota Department of Transportation, Right-of-Way Permit

B. Watermain Extensions:
- Minnesota Department of Health

C. Sanitary Sewer Extensions:
- Minnesota Pollution Control Agency
- Metropolitan Council Environmental Services

D. Stormwater Management:
- Valley Branch, Brown's Creek or South Washington Watershed District Permit

E. Erosion, Sedimentation Control:
- Minnesota Pollution Control Agency, General NPDES Stormwater Permit
- SWPPP (Stormwater Pollution Prevention Plan)

F. Wetland Mitigation:
- Board of Water and Soil Resources, WCA

G. Construction Dewatering:
- Minnesota Department of Natural Resources

**12. TIME OF PERFORMANCE.** The Developer shall install all required public improvements by June 30, 2016, with the exception of the final wear course of asphalt on streets. The Developer shall have the option of installing the wearing course of streets within one (1) year following initial commencement of work on the required basic improvements or installing it after the first course has weathered a winter season, consistent with warranty requirements, however final acceptance of the improvements will not be granted until all work is completed including the final wear course. The Developer may, however, request an extension of time from the City. If an extension is granted, it shall be conditioned upon updating the security posted by the Developer to reflect cost increases and amending this agreement to reflect the extended completion date. Final wear course placement outside of this time frame must have the written approval of the City Engineer.

**13. LICENSE.** The Developer hereby grants the City, its agents, employees, officers and contractors a license to enter the plat to perform all work and inspections deemed appropriate by the City in conjunction with plat development.

**14. CONSTRUCTION ACCESS.** Construction traffic access and egress for grading, public utility construction, and street construction is restricted to access the subdivision via the planned construction access off of Manning Avenue. No construction traffic is permitted on other adjacent local streets.

**15. CONSTRUCTION SEQUENCE AND COMPLIANCE.** The City will require the developer to construct the improvements in a sequence which will allow progress and compliance points

to be measured and evaluated. The Developer and/or their representatives are required to supervise and coordinate all construction activities for all improvements and must notify the City in writing stating when the work is ready for the inspection at each of the measurable points defined in the following paragraphs 16., 17. and 18. For the purpose of this paragraph, Electronic message (email) shall be deemed an acceptable method of notification provided it is captioned "Notice pursuant to Development Agreement".

**16. EROSION CONTROL.** Prior to initiating site grading, the erosion control plan, Plan B, shall be implemented by the Developer and inspected and approved by the City. Erosion control practices must comply with the approved plans and specifications for the plat, with all watershed district permits and with Minnesota Pollution Control Agency's Best Management Practices. The City may impose additional erosion control requirements as deemed necessary. The parties recognize that time is of the essence in controlling erosion. If the Developer does not comply with the erosion control plan and schedule or supplementary instructions received from the City, the City may take such action as it deems appropriate to control erosion. The City will endeavor to notify the Developer in advance of any proposed action, but failure of the City to do so will not affect the Developer's and City's rights or obligations hereunder. If the Developer does not reimburse the City for any cost the City incurred for such work within ten (10) days, the City may draw down the security to pay any costs. No development, utility or street construction will be allowed and no building permits will be issued unless the plat is in full compliance with the approved erosion control plan.

If building permits are issued prior to the acceptance of public improvements, the developer assumes all responsibility for erosion control compliance throughout the plat and the City may take such action as allowed by this agreement against the Developer for any noncompliant issue as stated above. Erosion control plans for individual lots will be required in accordance with the City's building permit requirements, or as required by the City or City Engineer.

**17. GRADING PLAN.** The plat shall be graded in accordance with the approved grading drainage and erosion control plan, Plan "B". The plan shall conform to Engineering Design and

Construction Standards Manual. All grading shall be completed within the Subdivision prior to the preparation and submittal of the as-constructed grading plan.

Within thirty (30) days after completion of the grading, the Developer shall provide the City with a "record" grading plan certified by a registered land surveyor or engineer that all trails, ponds, swales, and ditches have been constructed on public easements or land owned by the City. The "record" plan shall contain site grades and field verified elevations of the following: a) cross sections of ponds; b) location and elevations along all swales, emergency overflows, wetlands, wetland mitigation areas if any, ditches, locations and dimensions of borrow areas/stockpiles; c) lot corner elevations and house pads; and d) top and bottom of retaining walls. The City will not issue any building permits, with the exception of the model homes described in Section 26(A), -until the approved certified record grading plan is on file with the City.

**18. STREET AND UTILITY IMPROVEMENTS.** All storm sewers, sanitary sewers, watermain, and streets shall be installed in accordance with the approved Plans and Specifications for Public Improvements, Plan "D". The plan shall conform to the City's Engineering Design and Construction Standards Manual. Curb and gutter and the first lift of the bituminous streets, sidewalks, the boulevards graded, street signs installed, and all restoration work on the site shall be completed in accordance with the approved plans. Once the work is completed, the developer or its representative shall submit a written request to the City asking for an inspection of the initial improvements. The City will then schedule a walk-through to create a punch list of outstanding items to be completed. Upon receipt of the written punch list provided by the City, the punch list items must be completed by the Developer and the City notified to re-inspect the improvements. The final bituminous wear course may be installed in accordance with paragraph 12. above.

**19. STREET MAINTENANCE DURING CONSTRUCTION.** The Developer shall be responsible for all street maintenance until the streets are accepted by the City in writing. Warning signs shall be placed when hazards develop in streets to prevent the public from traveling on same and to direct attention to detours. If and when streets become impassable, such streets shall be barricaded and closed. In the event residences are occupied prior to completing streets, the Developer

shall maintain a smooth surface and provide proper surface drainage to insure that the streets are passable to traffic and emergency vehicles. The Developer shall be responsible for keeping streets within and without the subdivision clean of dirt and debris that may spill, track, or wash onto the street from Developer's operation. The Developer may request, in writing, that the City keep the streets open during the winter months by plowing snow from the streets prior to final acceptance of said streets. The City shall not be responsible for repairing the streets because of snow plowing operations. Providing snow plowing service does not constitute final acceptance of the streets by the City. The Developer shall contract for street cleaning within and immediately adjacent to the development. At a minimum, scraping and sweeping shall take place on a weekly basis. A copy of this contract shall be approved by the City before grading is started. The contract shall provide that the City may direct the contractor to clean the streets and the contractor will bill the Developer.

**20. OWNERSHIP OF IMPROVEMENTS.** Upon completion of the work and construction required by this Contract, the improvements lying within public easements shall become City property. Prior to acceptance of the improvements by the City, the Developer must furnish the City with a complete set of reproducible "record" plans, an electronic file of the "record" plans in accordance with the City's Engineering Design and Construction Standards Manual together with the following affidavits:

- Developer/Developer Engineer's Certificate
- Land Surveyor's Certificate

certifying that all construction has been completed in accordance with the terms of this Contract. All necessary forms will be furnished by the City. Upon receipt of "record plans" and affidavits, and upon review and verification by the City Engineer, the City Engineer will accept the completed public improvements.

**21. PARK DEDICATION.** The Developer shall be required to dedicate 9.84 acres of land for public park purposes for the entire subdivision. The Easton Village Final Plat includes the dedication of 3.99 acres of land, which represents 40.5% of the overall total land dedication required. Future project phases shall either include dedication of the remaining 5.85 acres of park land or a cash payment in lieu

of land dedication consistent with the Lake Elmo Subdivision Ordinance.

**22. SANITARY SEWER AND WATER UTILITY AVAILABILITY CHARGES (SAC AND WAC).** The Developer shall be responsible for the payment of all sewer availability charges (SAC) and all water availability charges (WAC) with respect to the Improvements required by the City and any state or metropolitan government agency.

The sewer availability charge (SAC) in the amount of $3,000.00 per REU shall be paid by the Developer prior to the City recording the final plat. The total amount to be paid by the Developer is $213,000.00.

The water availability charge (WAC) in the amount of $3,000.00 per REU shall be paid by the Developer prior to the City recording the final plat. The total amount to be paid by the Developer is $213,000.00.

In addition, a sewer connection charge in the current amount of $1,000.00 per REU, a Met Council sewer availability charge in the current amount of $2,485.00 per REU, and a water connection charge in the current amount of $1,000.00 per REU will be collected by the City at the time the building permit is issued for each lot. These amounts are charged at the time of building permit in accordance with the latest city fee schedule, which may be more or less than the amount specified herein.

**23. TRAFFIC CONTROL SIGNS.** Traffic control signs shall be included as part of the public street improvements, and the installation costs shall be included in the street construction calculations.

**24. STREET LIGHTS.** The Developer is responsible for the installation of street lights consistent with a street lighting plan approved by the City. The Developer shall coordinate the installation of street lights with Xcel Energy in conjunction with the other improvements, and agrees to pay Xcel Energy for all upfront costs associated with the street lighting system, including underground cables, posts, lamps, ballasts, starters, photocells, and glassware. All street lights will be leased by the City upon final acceptance of the system. The Developer shall also pay $749.52 in payment for the first year operating costs for street lights.

**25. WETLAND MITIGATION.** The Developer shall complete any required wetland mitigation/restoration in accordance with the approved Plans and Specifications and in accordance with any applicable Watershed or agency Permits. If any required mitigation work is found to be incomplete or restoration is unsuccessful, and if Developer fails to remedy such default within fifteen (15) days after written notice from the City (provided, however, that in the event of a bona fide emergency, the City shall only be required to give such notice as is practicable under the circumstances), the City may draw down the security at any time during the warranty period if the Developer fails to take corrective measures to be used by the City to perform the work.

**26. BUILDING PERMITS/CERTIFICATES OF OCCUPANCY.**

A. Public sewer and water, curbing, and one lift of asphalt shall be installed on all public and private streets prior to issuance of any building permits, except five (5) model homes on lots acceptable to the Community Development Director.

B. Prior to issuance of building permits, wetland buffer monuments shall be placed in accordance with the City's zoning ordinance. The monument design shall be approved by the Community Development Department.

C. Written certification of the as-constructed grading must be on file at the City for the block where the building is to be located.

D. Breach of the terms of this Contract by the Developer, including nonpayment of billings from the City, shall be grounds for denial of building permits and/or withholding of other permits, inspection or actions, including lots sold to third parties, and the halting of all work in the plat.

E. If building permits are issued prior to the acceptance of public improvements, the Developer assumes all liability and costs resulting in delays in completion of public improvements and damage to public improvements caused by the City, Developer, their contractors, subcontractors, materialmen, employees, agents, or third parties.

F. No sewer and water connection permits may be issued until the streets needed for access have been paved with a bituminous surface and the utilities are tested and approved by the City

Engineer.

G. The City will not issue a certificate of occupancy for any building constructed on any lot or parcel in the Plat, including any model homes authorized under this agreement, until Public sewer and water, curbing, and one lift of asphalt is installed on all public and private streets; all utilities are tested and approved by the City Engineer; and the as- constructed grading must be on file at the City for the block where the building is to be located.

**27. RESPONSIBILITY FOR COSTS.**

A. In the event that the City receives claims from labor, materialmen, or others that work required by this Contract has been performed, the sums due them have not been paid, and the laborers, materialmen, or others are seeking payment from the City, and in the further event that such claims have not been resolved by Developer within thirty (30) days after written notice from the City, the Developer hereby authorizes the City to commence an Interpleader action pursuant to Rule 22, Minnesota Rules of Civil Procedure for the District Courts, to draw upon the letters of credit in an amount up to 125 percent of the claim(s) and deposit the funds in compliance with the Rule, and upon such deposit, the Developer shall release, discharge, and dismiss the City from any further proceedings as it pertains to the letters of credit deposited with the District Court, except that the Court shall retain jurisdiction to determine payment of attorneys' fees pursuant to this Contract.

B. Except as otherwise specified herein, the Developer shall pay all costs incurred by it or the City in conjunction with the development of the plat, including but not limited to legal, planning, engineering and inspection expenses incurred in connection with approval and acceptance of the plat, the preparation of this Contract, review of construction plans and documents, and all costs and expenses incurred by the City in monitoring and inspecting development of the plat, all at normal City rates therefor. All amounts incurred and due at the time, must be fully paid prior to execution and release of the final plat for recording.

C. The Developer shall hold the City and its officers, employees, and agents harmless from claims made by itself and third parties for damages sustained or costs incurred resulting from plat

approval and development. The Developer shall indemnify the City and its officers, employees, and agents for all costs, damages, or expenses which the City may pay or incur in consequence of such claims, including attorneys' fees. Notwithstanding anything to the contrary, Developer's obligation to indemnify, hold harmless and defend the City shall not extend to any claim, liability, loss, costs, damages or expenses, including attorney's fees, which relate to, result from or are caused by the City's violation of applicable law, this Agreement or the negligence of the City and/or its officers, employees, consultants or agents.

D. The Developer shall reimburse the City for costs incurred in the enforcement of this Contract, including reasonable engineering and attorneys' fees.

E. The Developer shall pay in full all bills submitted to it by the City for obligations incurred under this Contract within thirty (30) days after receipt. Bills not paid within thirty (30) days shall be assessed a late fee per the City of Lake Elmo adopted Fee Schedule. Upon request, the City will provide copies of detailed invoices of the work performed.

**28. CITY PAYMENTS.** There are no City payments for oversizing due to previous agreements with the Developer concerning the 39th Street Trunk Sewer Line project.

**29. RAILROAD CROSSING IMPROVEMENTS**: The Developer shall be required to pay for a portion of the costs to secure, build and install a public rail crossing at the location shown in Exhibit B to specifications required by the City, the Minnesota Department of Transportation, the Union Pacific Rail Road and any other regulatory agency having jurisdiction over the crossing and the track in accordance with the specifications of the City of Lake Elmo. The Developer's portion of these costs shall be calculated based on the ~~number~~percentage of the overall number of Residential Equivalency Connection (REC) units ~~associated with the development~~planned for developments that will directly access the Village Parkway minor collector road between State Highway 5 and 30th Street divided by the estimated overall project costs. The City will request that Aall future development projects ~~that~~ connecting directly to Village Parkway ~~shall also be required to~~ contribute ~~in a similar manner~~towards said crossing improvement. The Developer shall provide all property in fee and/or easements as required by the City necessary to establish the railroad crossing. The Developer agrees to submit a cash payment of

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$62,69363,000 to the City for its share of the railroad crossing improvements.

A. The amount of the cash payment was calculated as follows: $500,000 estimated project costs dividedmultiplied by 12.6% (71 units out of 562) 566 benefitting REC units = $833 per REC unit payment multiplied by 71 REC units within the Plat$63,000.

B. The calculation for future railroad crossing costs has been determined as follows:

| Parcel ID(s) | REC Unit Count | Percentage | Total Costs |
|---|---|---|---|
| 13.029.21.14.0002<br>13.029.21.42.0001<br>13.029.21.41.0001<br>13.029.21.13.0001 | 217 | 38.6% | $193,000 |
| 13.029.21.43.0004<br>13.029.21.44.0002 | 100 | 17.8% | $89,000 |
| 13.029.21.12.0001<br>13.029.21.14.0002 | 170 | 30.2% | $151,000 |
| 13.029.21.24.0001 | 75 | 13.4% | $67,000 |
| Totals | 562 | 100% | $500,000 |

29.30. **SPECIAL PROVISIONS.** The following special provisions shall apply to plat development:

A. Implementation of the recommendations listed in the January 22, 2015, February 5, 2015, and February 10, 2015 -Engineering review memorandums concerning the Easton Village Final Plat.

B. Before the City executes the final plat, the Developer shall convey Outlots A, B, D, G, Part of E, and F to the City by warranty deed, free and clear of any and all encumbrances.

C. Railroad Crossing Improvements. The Developer shall enter into an escrow agreement with the City satisfactory to the City Attorney concerning acquisition of and the payment of costs associated with a new railroad crossing and the construction of related public improvements serving the property and providing financial guarantees concerning the construction of said improvements. Developer shall provide all property in fee and/or easements as required by the City

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necessary to establish the railroad crossing.

D. The Developer shall install temporary turnarounds on the northern end of Linden Avenue North and the termination point of 32nd Street North until these roads are extended to the north as part of a future development phase.

E. Temporary Manning Avenue Access Removal. Prior to the City's acceptance of the streets, the developer shall submit an letter of credit or cash escrow to the City in the amount of ($26,246) [increase amount per additional information to be submitted by developer] to guarantee the removal of the temporary access road connecting to Manning Avenue. This letter of credit or escrow may be renewed for future project phases if the requirements for removal of the access road have not been met prior to the platting of future project phases.

F. Compliance with recommendations of the Metropolitan Airports Commission as documented in a letter dated December 8, 2014 from the Commission's Airport Planner.

G. Disclosure of Information: The declarations for the Homeowner's Association shall include a disclosure statement in form and substance as attached as Exhibit B hereto regarding the Lake Elmo Airport, Access to Manning Avenue, and Union Pacific Railroad rail line.

H. The Developer must obtain a sign permit from the City prior to installation of any permanent subdivision identification signs.

I. The Developer 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.

I. The Developer shall observe all other County requirements as specified in the Washington County review letter dated June 24, 2014.

J. The Developer 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.

K. Any land under which public trails are located will be accepted as park land

provided the Developer constructs said trails within the dedicated areas as part of the public improvements for the subdivision and easements are provided where required by the City.

O. The City and Developer agree to prepare a plan for improvements to the Outlot D park area by December 15, 2015 with installation of said improvements to be completed by June 30, 2016.

**~~30.~~31. MISCELLANEOUS.**

A. The Developer may not assign this Contract without the written permission of the City Council. The Developer's obligation hereunder shall continue in full force and effect even if the Developer sells one or more lots, the entire plat, or any part of it.

B. Retaining walls that require a building permit shall be constructed in accordance with plans and specifications prepared by a structural or geotechnical engineer licensed by the State of Minnesota. Following construction, a certification signed by the design engineer shall be filed with the City Engineer evidencing that the retaining wall was constructed in accordance with the approved plans and specifications. All retaining walls identified on the development plans or by special conditions referred to in this Contract shall be constructed before any other building permit is issued for a lot on which a retaining wall is required to be built.

C. Appropriate legal documents regarding Homeowner Association documents, covenants and restrictions relating to the plat approval and outlots and conveyances, as approved by the City Attorney, shall be filed with the final plat. No third-party beneficiary status is hereby conferred. All outlots and common areas, including Outlots A, C, and E shall be maintained in good order and repair by a homeowner's association, and, if it does not do so, then the City may perform the work and assess the costs against the individual lots within the plat of Easton Village and without regard to the formalities or requirements of Minn. Stat. § 429.

D. Developer shall take out and maintain or cause to be taken out and maintained until six (6) months after the City has accepted the public improvements, public liability and property damage insurance covering personal injury, including death, and claims for property damage which may arise out of Developer's work or the work of its subcontractors or by one directly or indirectly employed by any of them.

Limits for bodily injury and death shall be not less than $500,000 for one person and $1,000,000 for each occurrence; limits for property damage shall be not less than $200,000 for each occurrence; or a combination single limit policy of $1,000,000 or more. The City shall be named as an additional insured on the policy, and the Developer shall file with the City a certificate evidencing coverage prior to the City signing the plat. The certificate shall provide that the City must be given thirty (30) days advance written notice of the cancellation of the insurance.

E. Third parties shall have no recourse against the City under this Contract.

F. If any portion, section, subsection, sentence, clause, paragraph, or phrase of this Contract is for any reason held invalid, such decision shall not affect the validity of the remaining portion of this Contract.

G. The action or inaction of the City shall not constitute a waiver or amendment to the provisions of this Contract. To be binding, amendments or waivers shall be in writing, signed by the parties and approved by written resolution of the City Council. The City's failure to promptly take legal action to enforce this Contract shall not be a waiver or release.

H. This Contract shall run with the land and may be recorded against the title to the property. The Developer covenants with the City, its successors and assigns, that the Developer has fee title to the property being final platted and/or has obtained consents to this Contract, in the form attached hereto, from all parties who have an interest in the property; that there are no unrecorded interests in the property being final platted; and that the Developer will indemnify and hold the City harmless for any breach of the foregoing covenants.

I. Each right, power or remedy herein conferred upon the City is cumulative and in addition to every other right, power or remedy, express or implied, now or hereafter arising, available to City, at law or in equity, or under any other agreement, and each and every right, power and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient by the City and shall not be a waiver of the right to exercise at any time thereafter any other right, power or remedy.

J. The Developer represents to the City that the plat complies with all city, county,

metropolitan, state, and federal laws and regulations, including but not limited to: subdivision ordinances, zoning ordinances, and environmental regulations. If the City determines that the plat does not comply, the City may, at its option, refuse to allow construction or development work in the plat until the Developer does comply. Upon the City's demand, the Developer shall cease work until there is compliance.

~~31.~~32. **EVENTS OF DEFAULT.** The following shall be "Events of Default" under this Agreement and the term "Event of Default" shall mean, whenever it is used in this Agreement, any one or more of the following events:

A. Subject to unavoidable delays, failure by Developers to commence and complete construction of the Public Improvements pursuant to the terms, conditions and limitations of this Agreement and the continuance of such failure for a period of thirty (30) days after written notice thereof (provided, however, that in the event of a bona fide emergency, the City shall only be required to give such notice as is practicable under the circumstances).

B. Failure by Developers to substantially observe or perform any material covenant, condition, obligation or agreement on their part to be observed or performed under this Agreement and the continuance of such failure for a period of thirty (30) days after written notice thereof (provided, however, that in the event of a bona fide emergency, the City shall only be required to give such notice as is practicable under the circumstances).

~~32.~~33. **REMEDIES ON DEFAULT.** Whenever any Event of Default occurs, the City, subject to any rights of third parties agreed to by the City pursuant to this Agreement, or otherwise by written, executed instrument of the City, may take any one or more of the following:

A. The City may suspend its performance under the Agreement until it receives assurances from Developers, deemed adequate by the City, that Developers will cure their default and continue their performance under the Agreement. Suspension of performance includes the right of the City to withhold permits including, but not limited to, building permits.

B. The City may initiate such action, including legal or administrative action, as is necessary for the City to secure performance of any provision of this agreement or recover any amounts

due under this Agreement from Developers, or immediately draw on the Letter of Credit, as set forth in this Agreement. In the event of any uncorrected failure to maintain any common area or landscape areas, the City may undertake to do the work and assess the costs to the individual lots within the plat without regard to the formalities or requirements of Minn. Stat. § 429..

~~33.~~34. **ENFORCEMENT BY CITY; DAMAGES.** The Developers acknowledge the right of the City to enforce the terms of this Agreement against the Developers, by action for specific performance or damages, or both, or by any other legally authorized means. The Developers also acknowledge that their failure to perform any or all of their obligations under this Agreement may result in substantial damages to the City; that in the event of default by the Developers, the City may commence legal action to recover all damages, losses and expenses sustained by the City; and that such expenses may include, but are not limited to, the reasonable fees of legal counsel employed with respect to the enforcement of this Agreement.

~~34.~~35. **WARRANTY.** The Developer warrants all improvements required to be constructed by it pursuant to this Contract against poor material and faulty workmanship. The Developer shall submit either a cash deposit or letter of credit for twenty-five percent (25%) of the amount of the original cost of the improvements.

A. The required warranty period for materials and workmanship for the utility contractor installing public sewer and water mains shall be two (2) years from the date of final written City acceptance of the work.

B. The required warranty period for all work relating to street construction, including concrete curb and gutter, sidewalks and trails, materials and equipment shall be subject to one (1) year from the date of final written acceptance, unless the wearing course is placed during the same construction season as the bituminous base course. In those instances, the Developer shall guarantee all work, including street construction, concrete curb and gutter, sidewalks and trails, material and equipment for a period of two (2) years from the date of final written City acceptance of the work.

C. The required warranty period for sod, trees, and landscaping is two growing seasons following installation.

D. The required warranty for landscaping within storm water infiltration areas (Portions of Outlot B and Outlot F) shall be three (3) years following installation. The developer shall also enter into a maintenance agreement with the City for a period of three (3) years prior to acceptance of the landscaping for within these storm water infiltration areas. Said maintenance agreement shall include requirements for the proper care of native plantings and the elimination of weeds and invasive species.

~~35.~~36. **SUMMARY OF SECURITY REQUIREMENTS.** To guarantee compliance with the terms of this agreement, payment of special assessments, payment of the costs of all public improvements, and construction of all public improvements, the Developer shall furnish the City with an irrevocable letter of credit, in the form attached hereto, from a bank, cash escrow or a combination cash escrow and Letter of Credit ("security") for $4,318,894. The amount of the security was calculated as follows:

**CONSTRUCTION COSTS:**

| | |
|---|---|
| Streets | ~~$449,489~~526,489 |
| Sanitary Sewer | $293,960 |
| Eastern Village Trunk Sewer and Watermain | $624,924 |
| Watermain | $303,289 |
| Surface Water Facilities (pipe, ponds, rain gardens, etc.) | $585,943 |
| Grading | $728,739 |
| Erosion Control | ~~$52,678~~68,678 |
| Sidewalks/Trails | $98,777 |
| Street Lighting | Xcel to Install, to be pre-paid directly by developer |
| Street Signs and Traffic Control Signs | $5,600 |
| Landscaping | $110,781 |
| Tree Preservation and Restoration | $164,435 |
| Wetland Mitigation and Buffers | Separate letter of credit through Watershed District |
| Monuments | $30,000 |

| | |
|---|---|
| Miscellaneous Facilities | N/A |
| Developer's Record Drawings | $6,500 |
| **Construction Sub-Total** | ~~$3,455,115~~3,548,115 |
| **Total Project Securities (at 125% Construction Costs)** | **~~$4,318,894~~4,435,144** |

This breakdown is for historical reference; it is not a restriction on the use of the security. The bank shall be subject to the approval of the City Administrator. The City may draw down the security, without notice, for any violation of the terms of this Contract or if the security is allowed to lapse prior to the end of the required term. If the required public improvements are not completed at least thirty (30) days prior to the expiration of the security, the City may also draw it down. If the security is drawn down, the proceeds shall be used to cure the default.

**35. REDUCTION OF SECURITY.** Upon written request by the Developer and upon receipt of proof satisfactory to the City Engineer that work has been completed and financial obligations to the City have been satisfied, with City Engineer approval the security may be reduced as follows:

A. Up to 50%, or ~~$2,159,447~~2,217,572 of the security provided in accordance with paragraph 32. above may be released when: (1) Developer's obligations under this Agreement have been completed and the Public Improvements have been found to be complete to the satisfaction of the City including all corrective work for any identified punch list items, but not including the final wear course; and (2) completion of the Improvements is done to the satisfaction of the City and evidence of such is provided by the City in writing and satisfactory evidence of payment, such as lien waivers are provided.

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B. Up to an additional 25%, or $ ~~1,079,724~~1,108,786 of the security provided in accordance with paragraph 32. above may be released when: (1) Developer's obligations under this Agreement have been completed and the Improvements have been found to be complete to the satisfaction of the City including all corrective work for any identified punch list items and including the final wear course; and (2) Improvements are accepted by the City in writing and satisfactory evidence of payment, such as lien waivers, are provided.

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C. Twenty percent (25%) of the amounts certified by the Developer's engineer shall be retained as security until: (1) all improvements have been completed, (2) iron monuments for lot corners have been installed, (3) all financial obligations to the City satisfied, (4) the required "record" plans have been received and approved by the City, (5) a warranty security is provided, and (6) the public improvements are accepted by the City.

**36. SUMMARY OF CASH REQUIREMENTS.** The following is a summary of the cash requirements under this Contract which must be furnished to the City at the time of final plat approval:

| | |
|---|---|
| Sewer Availability Charge (SAC) | $213,000 |
| Water Availability Charge (WAC) | $213,000 |
| Park Dedication | N/A |
| Railroad Crossing Improvement Contribution | ~~$62,693~~63,000 |
| Street Light Operating Fee | $749.52 |
| Village AUAR Fee | $16,630 |
| City Base Map Upgrading | $1,100 |
| City Engineering Administration Escrow | $50,000 (Based on two months of administration/observation) |
| **Total Cash Requirements** | **$~~557,172.52~~ 557,479.52** |

**37. NOTICES.** Required notices to the Developer shall be in writing, and shall be either hand delivered to the Developer, its employees or agents, or mailed to the Developer by certified mail at the following address: 2140 West County Road 42, Burnsville, MN. Notices to the City shall be in writing and shall be either hand delivered to the City Administrator, or mailed to the City by certified mail in care of the City Administrator at the following address: Lake Elmo City Hall, 3800 Laverne Avenue N. Lake Elmo, Minnesota 55042.

**38. EVIDENCE OF TITLE**. Developer shall furnish the City with evidence of its fee ownership of the property being platted by way of an attorney's title opinion or title insurance policy dated not earlier

than thirty (30) days prior to the execution of the plat.

**CITY OF LAKE ELMO**

BY: _____
, Mayor

(SEAL)

AND _____
, City Clerk

**DEVELOPER:**

BY: _____
Its

STATE OF MINNESOTA )
( ss.
COUNTY OF WASHINGTON )

The foregoing instrument was acknowledged before me this_____day of_____, 2_____, by_____and by_____, the Mayor and City Clerk of the City of Lake Elmo, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.

_____
NOTARY PUBLIC

STATE OF MINNESOTA )
( ss.
COUNTY OF_____)

The foregoing instrument was acknowledged before me this_____day of _____, 2_____, by _____the _____ of_____.

_____
NOTARY PUBLIC

DRAFTED BY:
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042
(651) 747-3901

## FEE OWNER CONSENT
## TO
## DEVELOPMENT CONTRACT

_____, fee owners of all or part of the subject property, the development of which is governed by the foregoing Development Contract, affirm and consent to the provisions thereof and agree to be bound by the provisions as the same may apply to that portion of the subject property owned by them.

Dated this_____day of_____, 2_____.

_____

_____

STATE OF MINNESOTA )
( ss.
COUNTY OF_____ )

The foregoing instrument was acknowledged before me this_____day of_____, 2____, by_____.

_____
NOTARY PUBLIC

DRAFTED BY:
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042
(651) 747-3901

## MORTGAGE CONSENT
## TO
## DEVELOPMENT CONTRACT

_____, which holds a mortgage on the subject property, the development of which is governed by the foregoing Development Contract, agrees that the Development Contract shall remain in full force and effect even if it forecloses on its mortgage.

Dated this_____day of_____, 2_____.

_____

_____

STATE OF MINNESOTA )
( ss.
COUNTY OF_____ )

The foregoing instrument was acknowledged before me this _____ day of_____, 2_____, by_____.

_____
NOTARY PUBLIC

DRAFTED BY:
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042
(651) 747-3901

_____
_____

_____

# EXHIBIT "A" TO
# DEVELOPMENT CONTRACT

## Legal Description of Property Being Final Platted as Easton Village

All that part of the Northeast Quarter of the Southeast Quarter and the Northwest Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter and the Southwest Quarter of the Northeast Quarter all being in Section 13, Township 29 North, Range 21 West, Washington County, Minnesota, lying south of the southerly right-of-way line of the Union Pacific Railroad, and further described as follows:

Beginning at the East Quarter Comer of said Section 13; thence South 0 degrees 02 minutes 51 seconds East bearings based on the Washington County Coordinate System (NAO 83), along the east line of said Southeast Quarter of Section 13, a distance of 1321.17 feet to the southeast comer of said Northeast Quarter of the Southeast Quarter; thence South 89 degrees 32 minutes 18 seconds West along the south line of the North Half of said Southeast Quarter, a distance of 2637.64 feet to the southwest comer of said Northwest Quarter of the Southeast Quarter; thence North 0 degrees 00 minutes 58 seconds East along the North and South Quarter Section line of said Section 13, a distance of 1397.70 feet to the southerly right-of-way line of the Union Pacific Railroad; thence North 72 degrees 32 minutes 48 seconds East along said southerly right-of-way line, a distance of 69.19 feet to the point of intersection with a line being 66.00 feet east of, as measured at right angles to, and parallel with said North and South Quarter Section line of said Section 13; thence South 0 degrees 00 minutes 58 seconds West along said parallel line, a distance of 330.00 feet thence (at right angles) South 89 degrees 59 minutes 02 seconds East, a distance of 300.00 feet thence (at right angles) North 0 degrees 00 minutes 58 seconds East, 424.41 feet to said southerly right-of-way line of the Union Pacific Railroad; thence North 72 degrees 32 minutes 48 seconds East, along said southerly right-of-way line of the Union Pacific Railroad, a distance of 2378.80 feet to the east line of said Southeast Quarter of the Northeast Quarter; thence South 0 degrees 02 minutes 53 seconds East along said east line, a distance of 883.82 feet to the point of beginning.

Excepting therefrom that part of the Northwest Quarter of the Southeast Quarter of said Section 13, lying within the following described area: Commencing at the southwest comer of said Northwest Quarter of the Southeast Quarter; thence North along the west line of said Southeast Quarter of Section 13, a distance of 240.00 feet to the point of beginning; thence continuing North along said west line of the Southeast Quarter, a distance of 667.80 feet thence East at right angles a distance of 30.00 feet; thence southeasterly by a deflection angle to the right 46 degrees 28 minutes 00 seconds, a distance of 220.70 feet; thence southeasterly by a deflection angle to the left 20 degrees 35 minutes 00 seconds, a distance of 286.80 feet; thence south by a deflection angle to the right 64 degrees 07 minutes and parallel with said west line of the Southeast Quarter, a distance of 382.70 feet thence West at right angle, a distance of 440.00 feet to the point of beginning.

And Excepting from the first above described area, all that part lying Easterly of a line 60.00 feet West of, measured at right angle to and parallel with the center line of County State Aid Highway 15 described as follows: Commencing at the East Quarter comer of said Section 13; thence South 00 degrees 51 minutes 49 seconds East, bearing oriented to the Washington County Coordinate System, South Zone, along the East line of said Section 13 to the southeast comer of said Section 13 and the beginning of the center line to be described; thence North 00 degrees 45 minutes 51 seconds West a distance of 3571.19 feet thence North 00 degrees 54 minutes 55 seconds West a distance of 1000.00 feet and said center line there terminating, except the Chicago and Northwestern Railroad right-Of-way, Washington County, Minnesota.

# EXHIBIT "B" TO
# DEVELOPMENT CONTRACT

## Disclosure of Information – Easton Village

Developer shall cause the following notice to be given as part of the declarations for the Easton Village Homeowners Association:

***Lake Elmo Airport***. The Property is located near the Lake Elmo Airport, a public use airport owned and operated by the Metropolitan Airports Commission. The Airport is open 24 hours a day, year round. The Airport operates with a primary runway on a northwest/southeast orientation and a perpendicular crosswind runway on a northeast/southwest configuration. The primary role of the Lake Elmo Airport is to accommodate personal, recreational, and some business aviation users within Washington County and the eastern portion of the Twin Cities Metropolitan Area. The Airport accommodates aircraft operations from single and multi-engine propeller-driven aircraft; occasional corporate jet aircraft; helicopters; and pilot training facilities; all of which may affect the Property with overflights and aircraft noise during the day and at night. The Airport operates lighting which may be visible from the Property.

The Long-Term Comprehensive Plan for the Lake Elmo Airport contemplates constructing a longer primary runway parallel to but shifted north and east of the existing northwest/southeast runway alignment and an extension to the crosswind runway. The proposed expansion is intended to improve the Airport's ability to fulfill its existing role and to compete more effectively for additional business-related flights that use propeller-driven aircraft.

Further information regarding the Lake Elmo Airport can be obtained from the Metropolitan Airports Commission's Airport Manager, Telephone No.: 651-224-4306.

***Union Pacific Railroad***. The property is located near an active Union Pacific Rail Line, which at present, carries 4-6 trains per day. The City of Lake Elmo intends to construct a new railroad crossing across the railroad right-of-way that will connect the northernmost extension of Village Parkway as platted within Easton Village to Minnesota State Highway 5.

***Manning Avenue/County Highway 15***. The access to Manning Avenue from 32nd Street North is temporary in nature and will be eliminated at such time that Village Park Way is connected to 30th Street or 5 years has passed from the date of final plat approval, whichever is longer.

# IRREVOCABLE LETTER OF CREDIT

No. _____
Date: _____

TO: City of Lake Elmo

Dear Sir or Madam:

We hereby issue, for the account of (Name of Developer) and in your favor, our Irrevocable Letter of Credit in the amount of $_____, available to you by your draft drawn on sight on the undersigned bank at its offices in Minnesota.

The draft must:

a) Bear the clause, "Drawn under Letter of Credit No._____, dated_____, 2_____, of (Name of Bank)";

b) Be signed by the Mayor or City Administrator of the City of Lake Elmo.

c) Be presented for payment at (Address of Bank), on or before 4:00 p.m. on November 30, 2_____.

This Letter of Credit shall automatically renew for successive one-year terms unless, at least forty-five (45) days prior to the next annual renewal date (which shall be November 30 of each year), the Bank delivers written notice to the Lake Elmo City Administrator that it intends to modify the terms of, or cancel, this Letter of Credit. Written notice is effective if sent by certified mail, postage prepaid, and deposited in the U.S. Mail, at least forty-five (45) days prior to the next annual renewal date addressed as follows: City Administrator, City Hall, 3800 Laverne Ave. N. Lake Elmo Minnesota 55042 and is actually received by the City Administrator at least thirty (30) days prior to the renewal date.

This Letter of Credit sets forth in full our understanding which shall not in any way be modified, amended, amplified, or limited by reference to any document, instrument, or agreement, whether or not referred to herein.

This Letter of Credit is not assignable. This is not a Notation Letter of Credit. More than one draw may be made under this Letter of Credit.

This Letter of Credit shall be governed by the most recent revision of the Uniform Customs and Practice for Documentary Credits, International Chamber of Commerce Publication No. 500.

We hereby agree that a draft drawn under and in compliance with this Letter of Credit shall be duly honored upon presentation.

BY: _____

Its _____

10078850v2

THE CITY OF LAKE ELMO

# MAYOR & COUNCIL COMMUNICATION

**DATE:** **April 7, 2015**
**REGULAR**
**ITEM #** **11**

**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

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**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 Sherriff'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.

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. A court will overturn a legislative decision of a city council when it determines that the city council has acted arbitrarily, capriciously, or unreasonably.

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. The memo is 57 pages, so it is not included.

At the meeting on March 3, 2015, the City Council passed a Zoning Text Amendment, brought by the same license applicants, to allow Liquor Stores as a permitted use within the Convenience Commercial (CC) Zoning District. The non-refundable fee for this action was $1,245. This is one of only a few parcels zoned CC in the city. During the discussion of the zoning text amendment the recent UM downtown business study was referenced in regards to the high number of liquor stores per capita in Lake Elmo. It should be noted that the study was conducted when Lake Elmo Wine Company was still in business in the Village and the emphasis was primarily focused on the Village.

**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 license issued 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. There is always the threat of a potential lawsuit for unreasonable denial.

**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)**:

License application excerpts – *the full application is available at City Hall 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) | Social Security # | Trade Name or DBA | |
|---|---|---|---|
| Elmo Liquor Inc | | Elmo Liquor Inc | |
| License Location (Street Address & Block No.) | License Period | | Applicant's Home Phone # |
| 11029 10th St N | From Jan 1st-15 To Dec 31st-15 | | |
| City | County | State | Zip Code |
| Lake Elmo | Washington | MN | 55042 |
| Name of Store Manager | Business Phone Number | | DOB (Individual Applicant) |
| Keith P. Carlson | 612-819-1837 | | |

**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 |
|---|---|---|---|---|---|
| Keith P. Carlson | [redacted] | [redacted] | Vice president | 500 | 1626 Hunter Hill Rd Hudson WI 54016 |
| Partner Officer (First, middle, last) | DOB | SS# | Title | Shares | Address, City, State, Zip Code |
| Sara B. Hattar | [redacted] | [redacted] | president | 500 | 18787 Jordan circle Lakeville MN 55044 |
| Partner Officer (First, middle, last) | DOB | SS# | Title | Shares | Address, City, State, Zip Code |
| | | | | | |
| Partner Officer (First, middle, last) | DOB | SS# | Title | Shares | Address, City, State, Zip Code |
| | | | | | |

1. 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
2. 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
3. Is establishment located near any state university, state hospital, training school, reformatory or prison? ☐ Yes (No) If yes state approximate distance. _____
4. 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
5. 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? _____
6. 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. ND
7. 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. N O

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 Steen — Chief Deputy — _____

Police/Sheriff's Department — Title — Signature

_____

County Attorney's Signature

PS 9136-(2009)

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**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: X Owner _____ Operator

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

Age of applicant: 21+ Is the applicant a citizen of the United States? Yes

Application is: X New _____ Renewal

Name of former owner (if applicable) N/A

How long has the applicant been in this business at this address? Ø (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 cleery

The **address** of the property **owner** is: 1626 Hunter Hill Rd Hudson WI / 9630 Walleye 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 __X__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
__X__ Off-Sale Liquor $200
_____ Off-Sale 3.2 Malt Liquor $150

New Licensee Investigation:
_____ Investigation Fee $350

- 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 __X__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 __X__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 __X__no If yes, provide name and address of the establishment:

_____

Please attach to this application:

A. 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 Hallan 1-5-15

Signature of Applicant Date

Linda P. Parker 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 C Stacy 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): 3/13/2015

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<br>Arthur J. Gallagher Risk Management Services, Inc.<br>3600 America Blvd. West, Suite 500<br>Bloomington MN 55431 | CONTACT NAME: Cheryl Busker<br>PHONE (A/C, No, Ext): 952-358-7500 FAX (A/C, No): 952-358-7501<br>E-MAIL ADDRESS: Cheryl_Busker@ajg.com |
| INSURED<br>Elmo Liquor Inc<br>11029 10th St N<br>Lake Elmo MN 55042 | ELMOLIQ-01 |

| INSURER(S) AFFORDING COVERAGE | NAIC # |
|---|---|
| INSURER A : West Bend Mutual Insurance Company | 15350 |
| INSURER B : | |
| INSURER C : | |
| INSURER D : | |
| INSURER E : | |
| INSURER F : | |

**COVERAGES** **CERTIFICATE NUMBER:** 381554176 **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 | X COMMERCIAL GENERAL LIABILITY<br>CLAIMS-MADE [X] OCCUR<br>GEN'L AGGREGATE LIMIT APPLIES PER:<br>[X] POLICY [ ] PRO-JECT [ ] LOC<br>OTHER: | | | BON2200212 | 3/15/2015 | 3/15/2016 | EACH OCCURRENCE<br>DAMAGE TO RENTED PREMISES (Ea occurrence)<br>MED EXP (Any one person)<br>PERSONAL & ADV INJURY<br>GENERAL AGGREGATE<br>PRODUCTS - COMP/OP AGG | $500,000<br>$200,000<br>$10,000<br>$500,000<br>$1,000,000<br>$1,500,000 |
| A | AUTOMOBILE LIABILITY<br>ANY AUTO<br>ALL OWNED AUTOS<br>SCHEDULED AUTOS<br>X HIRED AUTOS<br>X NON-OWNED AUTOS | | | CPN2200213 | 3/15/2015 | 3/15/2016 | COMBINED SINGLE LIMIT (Ea accident)<br>BODILY INJURY (Per person)<br>BODILY INJURY (Per accident)<br>PROPERTY DAMAGE (Per accident) | $500,000<br>$<br>$<br>$ |
| | UMBRELLA LIAB [ ] OCCUR<br>EXCESS LIAB [ ] CLAIMS-MADE<br>DED [ ] RETENTION $ | | | | | | EACH OCCURRENCE<br>AGGREGATE | $<br>$ |
| A | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [ ] N/A<br>(Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below | | | WCN2200214 | 3/15/2015 | 3/15/2016 | PER STATUTE [ ] OTH-ER<br>E.L. EACH ACCIDENT<br>E.L. DISEASE - EA EMPLOYEE<br>E.L. DISEASE - POLICY LIMIT | <br>$100,000<br>$100,000<br>$500,000 |
| A | Liquor Liability | | | BON2200212 | 3/15/2015 | 3/15/2016 | Occurrence<br>Aggregate | 500,000<br>1,000,000 |

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

**CERTIFICATE HOLDER**

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

**CANCELLATION**

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

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THE CITY OF LAKE ELMO

# MAYOR & COUNCIL COMMUNICATION

**DATE:** **April 7, 2015**
**REGULAR ITEM** **12**

**AGENDA ITEM:** Eagle Point Boulevard Street and Sanitary Sewer Improvements – Public Improvement Hearing; Resolution Ordering the Improvement and the Preparation of Plans and Specifications; Motion to Approve Engineering Design and Construction Support Services Contract

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

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

**REVIEWED BY:** Adam Bell, City Clerk
Cathy Bendel, Finance Director
Jack Griffin, City Engineer

**SUGGESTED ORDER OF BUSINESS:**

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

**POLICY RECOMMENDER:** Engineering.

**FISCAL IMPACT:** $48,500 for preparation of plans and specifications and bidding services.

The Eagle Point Boulevard Street and Sanitary Sewer Improvements is a $1.3 million street and sanitary sewer improvement project to be 100% assessed against the benefitting properties consistent with the City's Special Assessment Policy (all properties are commercial). The project is funded through the issuance of general obligation bonds with bond payments made from the special assessment revenue as identified in the feasibility report.

Ordering the Improvements and authorizing the preparation of plans and specifications commits the City to incur the engineering costs necessary to complete detailed design and receive

contractor bids to ready the project for construction in 2015. The council will be asked to award a contract for construction in July 2015, at which time the City would commit to the remaining project costs.

## SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to open the Public Improvement Hearing for the Eagle Point Boulevard Street and Sanitary Sewer Improvements; and following the Hearing, consider adopting Resolution No. 2015-22 Ordering the Improvement and the Preparation of Plans and Specifications; and awarding a Professional Engineering Design and Construction Support Services Contract. The recommended motions for these actions are as follows:

***"Move to adopt Resolution No. 2015-22, Ordering the Eagle Point Boulevard Street and Sanitary Sewer Improvements and the Preparation of Plans and Specifications."***
***and***
***"Move to approve a Professional Engineering Design and Construction Support Services Contract to TKDA in the not to exceed amount of $42,150."***

## LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

Pursuant to Minnesota Statutes, Section 429.011 to 429.111, a Public Improvement Hearing was noticed for April 7, 2015, to consider making the following improvements:

- Reconstruction of approximately 3,500 feet of commercial street, 40 feet wide from back of curb to back of curb.
- Placement of granular drainage subbase with draintile to address frost heaving actions from underlying soils.
- Extension of storm sewer and additional catch basins to improve surface drainage.
- Extension of sanitary sewer to provide service to the Inwood PUD development.

The attached notice was published in the official newspaper and individual notifications were sent to each address that will be assessed for the entire project cost.

During the fall of 2014, the City amended the 2015-2019 CIP, which created bonding capacity to enable the City to pursue improvements to Eagle Point Boulevard in 2015. In January 2015, the City received a petition to represent at least 35% of the properties to be benefitted by the improvements. The feasibility report was adopted by the City Council on March 3, 2015. The report identifies the necessary improvements, the estimated project costs, the assessment methodology and preliminary assessment amounts to be levied against properties adjacent to and benefitting from the improvements.

The improvements will be funded 100% through assessments against the benefitting properties consistent with the City's Special Assessment Policy (all properties are commercial). Due to the irregular shaped lots along Eagle Point Boulevard, four separate assessment methodologies were analyzed in the report. On February 19, 2015 a property owner meeting was held to review the

proposed scope of improvements and present property owners the alternative assessment methodologies. The City Administrator led a discussion that resulted in a consensus to assess the abutting properties using the area method. However, the final assessment methodology may be determined during the Improvement Hearing. Assessments for street improvements are levied over 10 years. The sanitary sewer improvements would be 100% assessed to the Inwood PUD development and would be secured to the City through a Waiver Agreement to be paid in full upon completion of the improvements.

To complete the engineering design, the City Engineer prepared and sent out a Request for Proposal (RFP) for the Engineering Support Services that included a full topographic survey, the preparation of plans and specifications; plan printing, distribution and bidding services; construction administration support to the City Engineer, and construction staking. FOCUS Engineering will provide resident and council communication, conduct public meetings, project management, coordinate the project permitting, and will provide construction administration services for the project. FOCUS will also oversee the project design standards and documents to be incorporated with the project plans. Construction observation services will be retained at a later date once the project has been bid and awarded for construction.

The RFP was sent to five firms from the City's Engineering Consultant Pool, including Bolton and Menk, MSA, SEH, Stantec, and TKDA. Four proposals were received on March 26, 2015 and were reviewed and ranked on the following basis:

- Project Team Qualifications with a focus on a Project Manager capable of leading and delivering a street improvement project.
- Demonstrated understanding and experience with the project and understanding of the critical success factors.
- Understanding the scope of work and roles and responsibilities of the Consultant.
- Collaboration of skills and responsiveness demonstrated during the RFP submittal process and:
- Engineering Fees, indicating a detailed breakdown that is consistent with the Consultant's written proposal and the needs for delivery of a successful project.

The attached exhibit provides the Proposal Fee Summary as received by the responding consultants, with fees ranging from $42,150 to $72,857. Engineering Fees are subtotaled for each project phase including project management, plans and specifications, bidding, and construction support services including construction staking.

The City Engineer is recommending a contract be awarded to TKDA. They have assigned a highly qualified project manager and support team with the experience and expertise to efficiently produce the project design documentation. Their proposal and work plan identifies a thorough understanding of the work to be performed and they are aware of key issues related to the project.

**RECOMMENDATION**:

Staff is recommending that the City Council adopt Resolution No. 2015-22 Ordering the Improvements and the Preparation of Plans and Specifications for the Eagle Point Boulevard Street and Sanitary Sewer Improvements. The recommended motion for this action is as follows:

***"Move to adopt Resolution No. 2015-22, Ordering the Eagle Point Boulevard Street and Sanitary Sewer Improvements and the Preparation of Plans and Specifications."***

Staff is also recommending that the City Council award a Professional Engineering Design and Construction Support Services Contract for the Eagle Point Boulevard Street and Sanitary Sewer Improvements. The recommended motion for this action is as follows:

***"Move to approve a Professional Engineering Design and Construction Support Services Contract to TKDA in the not to exceed amount of $42,150."***

**ATTACHMENT(S):**

1. Resolution No. 2015-22, Ordering the Improvements and Preparation of Plans and Specifications.
2. Notice of Hearing on Improvement.
3. Preliminary Assessment Roll.
4. Location Map.
5. Project Schedule.
6. Proposal Fee Summary Worksheet.

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

**RESOLUTION NO. 2015-22**

**A RESOLUTION ORDERING THE IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS FOR THE EAGLE POINT BOULEVARD STREET AND SANITARY SEWER IMPROVEMENTS**

**WHEREAS**, pursuant a resolution of the city council adopted the 3rd day of March, 2015, the council ordered a hearing on Improvement for the Eagle Point Boulevard Street and Sanitary Sewer Improvements; and

**WHEREAS**, ten days' mailed notice and two weeks published notice of the hearing was given, and the hearing was held thereon on the 7th day of April, 2015, at which all persons desiring to be heard were given the opportunity to be heard thereon; and

**WHEREAS**, the feasibility report prepared by FOCUS Engineering, Inc., and dated March 2015 states that the project is necessary, cost-effective, and feasible.

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

1. Such improvement is deemed necessary, cost-effective, and feasible as detailed in the Feasibility Report dated March 2015.

2. Such improvement is hereby ordered as proposed in the council resolution adopted this 7th day of April, 2015.

3. The city council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds.

4. The city engineer is hereby designated as the engineer for making this improvement. The engineer, and his consultants, shall oversee the preparation of the Plans and Specifications for the making of such improvement.

5. The city engineer shall retain the services of a consulting engineering firm to assist, where needed, to prepare Plans and Specifications for the making of such improvement and to assist the city engineer during the construction phase of the improvement as requested.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE SEVENTH DAY OF APRIL, 2015.**

**CITY OF LAKE ELMO**

By: _____
Mike Pearson
Mayor

(Seal)
ATTEST:

_____
Adam Bell
City Clerk

CITY OF LAKE ELMO
NOTICE OF HEARING ON IMPROVEMENT
EAGLE POINT BOULEVARD STREET & SANITARY SEWER IMPROVEMENTS

Notice is hereby given that the City Council of Lake Elmo will meet in the council chambers of the city hall at or approximately after 7:00 P.M. on Tuesday, April 7, 2015, to consider the making of the following improvements, pursuant to Minnesota Statutes, Sections 429.011 to 429.111;

> The street improvements are proposed along Eagle Point Boulevard from Inwood Avenue to Hudson Boulevard and consist of reconstruction of the existing street with a sand subbase, draintile, new concrete curb and gutter and extension of the existing storm sewer system. The sanitary sewer improvements include the extension of existing sanitary sewer along a portion of Eagle Point Boulevard to serve the undeveloped property to the north of Eagle Point Business Park.

The area proposed to be assessed for the street improvements include the properties directly abutting Eagle Point Boulevard. Inwood LLC is proposed to be assessed for the sanitary sewer improvements along Eagle Point Boulevard for service to the property north of the Eagle Point Business Park. The estimated total cost of the street improvements is $1,243,000 and the estimated total cost of the sanitary sewer extension $108,000. A reasonable estimate of the impact of the assessment will be available at the hearing. Such persons as desiring to be heard with reference to the proposed improvements will be heard at this meeting.

**DATED:** March 3, 2015

**BY ORDER OF THE LAKE ELMO CITY COUNCIL**

**Mike Pearson, Mayor**

*(Published in the Oakdale-Lake Elmo Review on March 11, 2015 and March 18, 2015)*

STREET IMPROVEMENTS
EAGLE POINT BOULEVARD
PRELIMINARY ASSESSMENT ROLL - AREA METHOD

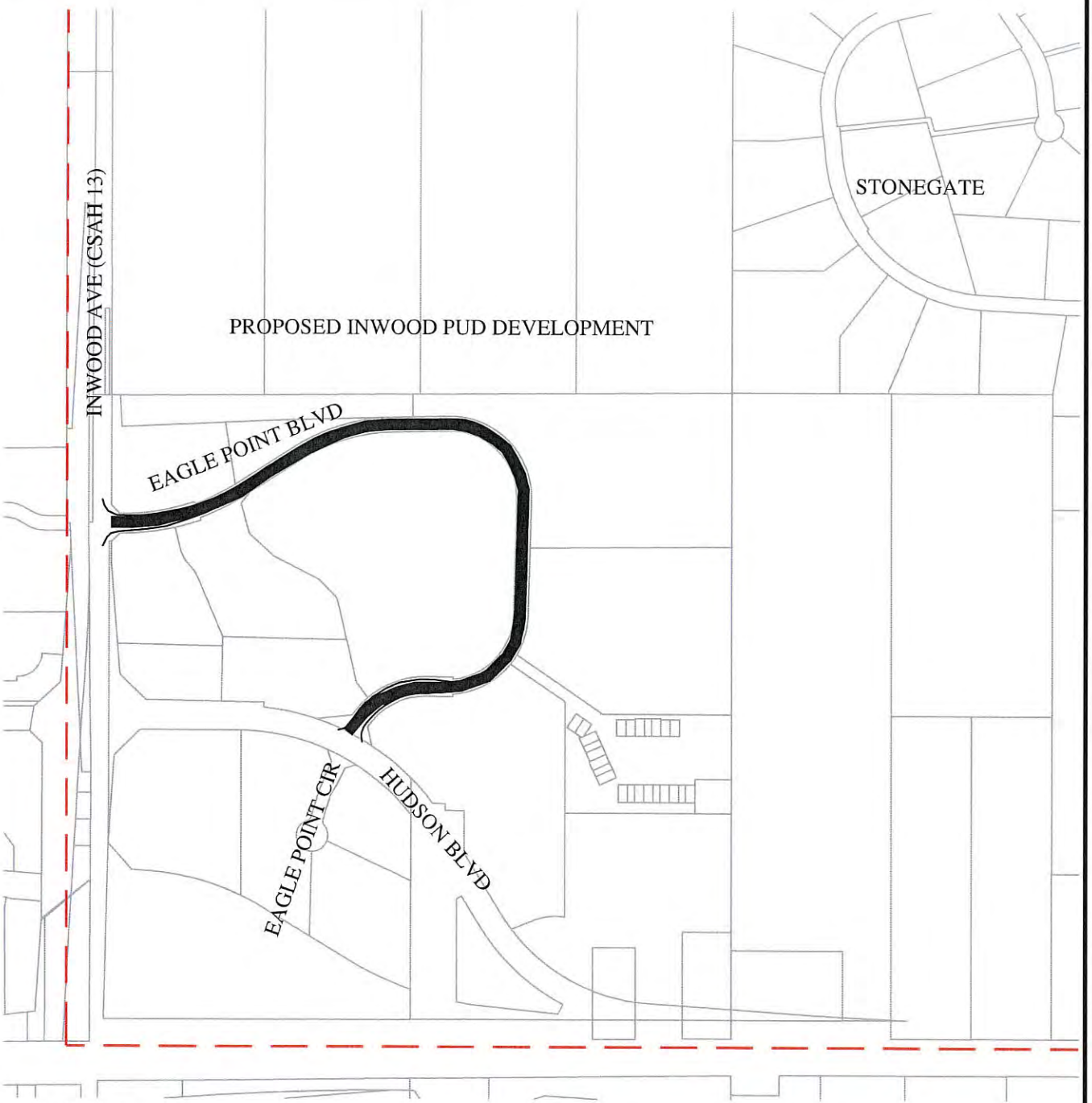


| NO. | NAME | ADDRESS | PID | PARCEL AREA (AC) | AMOUNT |
|---|---|---|---|---|---|
| 1 | UNITED LAND LLC | | 3302921440009 | 11.68 | $ 172,800 |
| 2 | UNITED LAND LLC | | 3302921410048 | 12.37 | $ 183,000 |
| 3 | UNITED PROPERTIES INV LLC | 8530 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921420015 | 5.06 | $ 74,900 |
| 4 | BREMER FINANCIAL SERVICES INC | 8555 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921410049 | 13.45 | $ 198,900 |
| 5 | BREMER FINANCIAL SERVICES INC | | 3302921420007 | 1.47 | $ 21,800 |
| 6 | NORTHEASTERN METROPOLITAN SCHOOL DIST #916 | | 3302921420013 | 19.49 | $ 288,200 |
| 7 | DANATE PROP INV I LLC | 8519 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921420008 | 3.82 | $ 56,500 |
| 8 | INWOOD 10 LLC | | 3302921420002 | 2.95 | $ 43,700 |
| 9 | EAGLE POINT MEDICAL BUILDING LLC | 8515 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921420014 | 3.77 | $ 55,800 |
| 10 | EAGLE POINT II LLC | 8550 HUDSON BLVD N LAKE ELMO 55042 | 3302921420012 | 3.69 | $ 54,600 |
| 11 | HLI PROP LLC | 8687 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440012 | 0.27 | $ 4,000 |
| 12 | S A MILLER LLC | 8685 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440013 | 0.27 | $ 4,000 |
| 13 | LAW SPACE LLC | 8681 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440014 | 0.27 | $ 4,000 |
| 14 | LAW SPACE LLC | 8679 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440015 | 0.23 | $ 3,400 |
| 15 | ZYWIEC JOSEPH J & DEBORAH A | 8677 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440016 | 0.27 | $ 4,000 |
| 16 | ZYWIEC JOSEPH J | 8673 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440017 | 0.32 | $ 4,700 |
| 17 | BACHMANN CLINIC PROPERTY | 8671 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440018 | 0.23 | $ 3,400 |
| 18 | BACHMANN CLINIC PROPERTY | 8669 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440019 | 0.32 | $ 4,700 |
| 19 | HANCOCK DAVE & JEAN M | 8665 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440020 | 0.27 | $ 4,000 |
| 20 | P & R PROP GROUP LLP | 8663 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440021 | 0.23 | $ 3,400 |
| 21 | P & R PROP GROUP LLP | 8661 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440022 | 0.27 | $ 4,000 |
| 22 | MILES LLC | 8657 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440023 | 0.27 | $ 4,000 |
| 23 | EJM PROPERTIES LLC | 8655 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440024 | 0.23 | $ 3,400 |
| 24 | EJM PROPERTIES LLC | 8653 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440025 | 0.27 | $ 4,000 |
| 25 | JTAAA PROPERTIES LLC | 8649 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440026 | 0.27 | $ 4,000 |
| 26 | JTAAA PROPERTIES LLC | 8647 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440027 | 0.23 | $ 3,400 |
| 27 | GIGUERE ROBIN M | 8645 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440028 | 0.27 | $ 4,000 |
| 28 | CJ BLOSSOM LLC | 8633 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440035 | 0.27 | $ 4,000 |
| 29 | CJ BLOSSOM LLC | 8631 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440034 | 0.27 | $ 4,000 |
| 30 | SCHNY ZONE LLC | 8625 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440033 | 0.27 | $ 4,000 |
| 31 | LEGACY ASSET PROPERTIES | 8623 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440032 | 0.23 | $ 3,400 |
| 32 | D GETSCH LLC | 8621 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440031 | 0.27 | $ 4,000 |
| 33 | CASEY LEE E | 8617 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440030 | 0.27 | $ 4,000 |
| 34 | JTZ LLC & TMZ LLC | 8615 EAGLE POINT BLVD N LAKE ELMO 55042 | 3302921440029 | 0.27 | $ 4,000 |
| | | | TOTAL | 84.06 | $ 1,244,000 |

SANITARY SEWER IMPROVEMENTS
EAGLE POINT BOULEVARD
PRELIMINARY ASSESSMENT ROLL - AREA METHOD



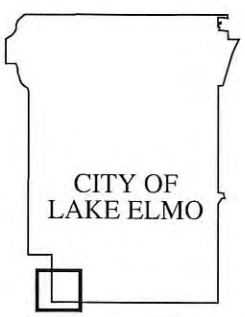
| NO. | NAME | PID | PARCEL AREA (AC) | AMOUNT |
|---|---|---|---|---|
| 1 | INWOOD 10 LLC | 3302921110001 | 38.77 | $ 27,200 |
| 2 | INWOOD 10 LLC | 3302921110002 | 38.78 | $ 27,200 |
| 3 | INWOOD 10 LLC | 3302921120003 | 38.79 | $ 27,200 |
| 4 | INWOOD 10 LLC | 3302921120001 | 37.89 | $ 26,600 |
| | | TOTAL | 154.23 | $ 108,200 |




LEGEND

EAGLE POINT BOULEVARD STREET IMPROVEMENTS

CITY BOUNDARY




THE CITY OF LAKE ELMO

N

FOCUS ENGINEERING

EAGLE POINT BOULEVARD
STREET & SANITARY SEWER
IMPROVEMENTS
PROJECT NO. 2015.120
MARCH, 2015

FIGURE NO. 1

# LOCATION MAP

EAGLE POINT BOULEVARD

PROJECT SCHEDULE
CITY OF LAKE ELMO

EAGLE POINT BLVD STREET AND SANITARY SEWER IMPROVEMENTS
PROJECT NO. 2015.120

*FEBRUARY 2015*

**FOCUS** ENGINEERING, inc.

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


| | |
|---|---|
| January 20, 2015 | Council authorizes Feasibility Report. |
| March 3, 2015 | Presentation of Feasibility Report. Council accepts Report and Calls Hearing. |
| March, 2015 | Property owner meeting. Presentation of Report findings and recommendations. |
| April 7, 2015 | Public Improvement Hearing. Council orders Preparation of plans and specifications. |
| June 2, 2015 | Council approves Plans and Specifications; Orders Advertisement for Bids. |
| June 30, 2015 | Receive Contractor Bids. |
| July 7, 2015 | Council accepts bids and awards Contract. |
| July 28, 2015 | Conduct Pre-construction Meeting and Issue Notice to Proceed. |
| October 23, 2015 | Substantial completion. |
| November 27, 2015 | Final completion. |

**CITY OF LAKE ELMO, MINNESOTA**

**EAGLE POINT BOULEVARD: STREET AND SANITARY SEWER IMPROVEMENTS**

**PROJECT NO. 2015.120**

**DATE RECEIVED: MARCH 26, 2015**

| PROPOSAL FEE SUMMARY | | | | | |
|---|---|---|---|---|---|
| **Consulting Firm** | **Total Engineering** | **Project Management** | **P&S** | **Bidding** | **Construction** |
| **Bolton & Menk, Inc.** | **$54,886** | $3,840 | $33,182 | $1,392 | $16,472 |
| **MSA Professional Services** | **$64,230** | $3,900 | $35,995 | $1,600 | $22,735 |
| **Stantec** | **$72,857** | $3,054 | $41,868 | $1,843 | $26,092 |
| **TKDA, Inc.** | **$42,150** | $3,100 | $26,500 | $1,300 | $11,250 |
| **SEH, Inc.** | **Did not submit** | | | | |

THE CITY OF LAKE ELMO

# MAYOR & COUNCIL COMMUNICATION

**DATE:** **April 7, 2015**
**REGULAR**
**ITEM #** **13**

**AGENDA ITEM:** Boulder Ponds Zoning Map Amendment, Final Plat and Final PUD Plan

**SUBMITTED BY:** Nick M. Johnson, City Planner

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Planning Commission
Kyle Klatt, Community Development Director
Jack Griffin, City Engineer
Greg Malmquist, Fire Chief
Stephen Mastey, City's Landscape Consultant

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**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:** Planning Commission

**FISCAL IMPACT:** TBD – the City will be asked to review a developer's agreement concerning the final plat at its April 7, 2015 meeting. The agreement will include a detailed accounting of any development costs that will be the responsibility of the City. The subdivision is included in the Section 34 utility project area, and therefore the developer is being assessed for the costs of the project to bring sewer and water to the site.

**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to consider a request from OP4 Boulder Ponds, LLC for approval of a zoning map amendment, final plat and final PUD plan for the first phase of the Boulder Ponds planned residential development. The final plat includes 47 single-family residential lots, and the related construction plans for the improvements necessary to serve these homes. The City approved the Boulder Ponds Preliminary Plat and Preliminary PUD Plan on September 16, 2014, which covered approximately 58 acres of land within the I-94 Corridor planning area. There are 98 single

family residential lots planned within the entire subdivision, and the final plat covers only a portion of the overall total of units that will eventually be platted.

The Planning Commission considered this matter at its March 9, 2015 meeting and unanimously recommended approval of the requested zoning map amendment. The suggested motion to adopt the Planning Commission recommendation is as follows:

***"Move to adopt Ordinance 08-118, approving the Zoning Map Amendment for the Boulder Ponds planned residential development."***

In addition, the Planning Commission unanimously recommended approval of the Boulder Ponds Final Plat and Final PUD Plan subject to 14 conditions of approval. The suggested motion to adopt the Planning Commission recommendation is as follows:

***"Move to adopt Resolution No. 2015-23, approving the Final Plat and Final PUD Plan for the Boulder Ponds planned residential development."***

## BACKGROUND INFORMATION:

Attached is the original detailed Staff report that was provided to the Planning Commission regarding the applicant's request for a zoning map amendment, final plat and final PUD plan. The staff report includes general information about the application, a summary of the relevant planning and zoning issues, a thorough review and analysis of the final plat (including a draft list of recommended conditions of approval), draft findings, and the Staff recommendation to the Planning Commission.

## PLANNING COMMISSION REPORT:

The Planning Commission reviewed the final plat application at its March 9, 2015 meeting. At the meeting, a public hearing was held, necessitated by the zoning map amendment and final PUD plan actions. No one spoke during the public hearing, and staff did not receive and written or electronic correspondence regarding the application.

With regards to the review of the Boulder Ponds Final Plat and Final PUD Plan, the Planning Commission discussed three additional conditions to add to the approval of the application. First, the Planning Commission recommended further study of planting material in the medians of Jade Trail in proximity to 5$^{th}$ Street. Staff will further review these plantings to ensure that vision triangles are clear. In addition to the median plantings, the Planning Commission discussed the designs of single family homes and theming elements in the development. As recommended conditions of approval, the Planning Commission is encouraging the applicant to incorporate multi-sided architecture in the single family homes and incorporate theming elements from the DFA Theming Study into the public spaces. It should be noted that the Planning Commission intentionally used the language "encourage" as these requirements were not previously included as conditions for the Preliminary Plat approval. To respond to this

discussion, the applicant has submitted the draft Architectural Guidelines document for the Boulder Ponds development. The draft architectural guidelines generally call for architectural features on all 4 sides of the home. Further detail of the Planning Commission discussion on the Boulder Ponds Final Plat can be found in the 3/9/14 minutes.

In reviewing the proposed zoning map amendment, the Planning Commission unanimously recommended approval based on the following findings:

1) The City of Lake Elmo approved the Boulder Ponds Preliminary Plat and Preliminary PUD Plan on September 16, 2014.
2) The requested zoning map amendment is consistent with the appropriate zoning as guided by the approved Boulder Ponds Preliminary Plat and Preliminary PUD Plan.
3) Municipal sanitary sewer and water utilities are presently available to the site on both the western and southern border.

In addition, the Planning Commission recommended approval of the Boulder Ponds Final Plat and Final PUD Plan with 14 conditions of approval. The vote to recommend approval of the Boulder Ponds Final Plat was unanimous (Vote: 7-0).

**STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS:**

**Strengths:** The proposed final plat is consistent with the approved preliminary plat subject to the conditions being recommended by Staff and the Planning Commission. Construction of the development would include the minor collector road 5th Street, which is necessary to serve the I-94 Corridor according to the City's Transportation Plan.

**Weaknesses:** Several conditions of approval must be met by the applicant, including revisions to the final construction plans to address comments from the City Engineer.

**Opportunities**: Approval of the plat application allows the development plans for the Boulder Ponds planned development to proceed as planned in the Comprehensive Plan. Moving forward with sewered single family growth should allow the City to add additional users to the City's public sanitary sewer system, helping to finance the City's investments in sanitary sewer.

**Threats:** None

**RECOMMENDATION**:

*Based on the aforementioned, the Planning Commission and Staff are recommending that the City Council approve the Boulder Ponds Zoning Map Amendment through the following motion:*

***"Move to adopt Ordinance 08-118, approving the Zoning Map Amendment for the Boulder Ponds planned residential development."***

*In addition, the Planning Commission and Staff are recommending that the City Council approve the Boulder Ponds Final Plat and Final PUD Plan subject to 14 conditions of approval through the following motion:*

***"Move to adopt Resolution No. 2015-23, approving the Final Plat and Final PUD Plan for the Boulder Ponds planned residential development."***

**ATTACHMENTS:**

1. Ordinance 08-118
2. Resolution No. 2015-23
3. Staff Report to the Planning Commission, 3/9/15
4. Location Map
5. Application Forms and Project Narrative
6. Zoning Map Exhibit
7. Final Plat (4 sheets)
8. **ALL MATERIALS FROM PREVIOUS MEETING AVAILABLE BUT NOT ATTACHED**
    a. Final Construction Plans (52 sheets)
    b. Final Landscape Plans (10 sheets)
    c. Turning Radius Exhibit
    d. Development Lot Book Letter and Example
    e. City Engineer Review Memorandum, dated 3/4/15
    f. Fire Chief Review Memorandum, dated 2/23/15
    g. Landscape Consultant Review Memorandum, dated 3/3/15

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-118

AN ORDINANCE AMENDING CHAPTER 154 OF THE LAKE ELMO CITY CODE OF ORDINANCES BY ADOPTIONG A REVISED OFFICIAL ZONING DISTRICT MAP RELATED TO THE BOULDER PONDS PLANNED DEVELOPMENT

**SECTION 1. Zoning Map Amendment.** The following property is hereby rezoned from RT - Rural Development Transitional to LDR-PUD - Urban Low Density Residential - Planned Unit Development, MDR-PUD - Urban Medium Density Residential - Planned Unit Development, and C - Commercial as depicted on the attached "Exhibit "A":

That part of the East Half of the Northwest Quarter of the Southwest Quarter and the West Half of the West Half of the Southwest Quarter in Section 34, Township 29, Range 21, Washington County, Minnesota, lying North of the North line of Minnesota Department of Transportation Right of Way Plat No. 82-43 filed March 22, 1982, as Document No. 429592.

AND

That part of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21,Washington County, Minnesota as described as commencing at the northwest corner of said East Half of the Southwest Quarter; thence South 00 degrees 02 minutes 55 seconds West, assumed bearing, along the west line of said East Half a distance of 7S6.99 feet to the point of beginning of the parcel to be described; thence South 16 degrees 08 minutes SS seconds East, along the centerline of the pipeline Easement described in Document No. 3172091, a distance of 437.96 feet; thence South 89 degrees 55 minutes 22 seconds West a distance of 122.17 feet to said west line of said East Half; thence North 00 degrees 02 minutes SS seconds East along said west line a distance of 420.85 feet to the point of beginning.

AND

That part of Lot l, Block 1, Eagle Point Business Park 3rd Addition, Washington County, Minnesota described as beginning at the northeast corner of said Lot l, Block 1; thence South 89 degrees 38 minutes 02 seconds West, assumed bearing, along the north line of said Lot 1 a distance of 28.08 feet; thence South 03 degrees 47 minutes 08 seconds East a distance of 426.49 feet to the east line of said Lot 1; thence North 00 degrees 00 minutes 40 seconds West along said east line of Lot 1 a distance of 425.74 feet to the point of beginning.

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

**SECTION 3.** Adoption Date. This Ordinance 08-118 was adopted on this 7th day of April 2015, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

_____

Mike Pearson, Mayor

ATTEST:

_____

Adam Bell, City Clerk

This Ordinance 08-118 was published on the ____ day of _____, 2015.

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

**RESOLUTION NO. 2015-23**

*A RESOLUTION APPROVING A FINAL PLAT AND FINAL PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR THE BOULDER PONDS PLANNED RESIDENTIAL DEVELOPMENT*

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

**WHEREAS,** Boulder Ponds OP4, LLC, 11455 Viking Drive, Suite 350, Eden Prairie, MN has submitted an application to the City of Lake Elmo ("City") for a Final Plat and Final PUD Plan for the Boulder Ponds residential development, a copy of which is on file in the City of Lake Elmo Community Development Department; and

**WHEREAS,** the City approved the Boulder Ponds PUD General Concept Plan on December 17, 2013; and

**WHEREAS,** the City approved the Boulder Ponds Preliminary Plat and Preliminary PUD Plan on September 16, 2014; and

**WHEREAS,** the proposed Boulder Ponds Final Plat and Final PUD Plan includes 47 single family residential lots within a planned development on three parcels of land (PIDs: 34.029.21.33.0001, 34.029.21.32.0001 and 34.029.21.33.0002) in Stage 1 of the I-94 Corridor Planning Area; and

**WHEREAS**, the Lake Elmo Planning Commission held public hearing on March 9, 2015 to consider the Final Plat and Preliminary PUD Plan request; and

**WHEREAS**, the Lake Elmo Planning Commission adopted a motion recommending approval of the Final Plat and Final PUD Plan subject to 14 conditions of approval; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Final Plat and Final PUD Plan as part of a memorandum to the City Council from City Planner Nick Johnson for the April 7, 2015 Council Meeting; and

**WHEREAS**, the City Council reviewed the Boulder Ponds Final Plat and Final PUD Plan at its meeting held on April 7, 2015 and made the following findings of fact:

1) That the Boulder Ponds Final Plat and Final PUD Plan is consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on September 16, 2014.

2) That the Boulder Ponds Final Plat and Final PUD Plan is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.

3) That the Boulder Ponds Final Plat generally complies with the City's Urban Low Density Residential zoning district, with the exceptions as noted in the approved Preliminary PUD Plans.

4) That the Boulder Ponds Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances, except as noted in this report or attachment thereof.

5) That the Boulder Ponds Final Plat complies with the City's subdivision ordinance.

6) That the Boulder Ponds Final Plat and Final PUD Plan complies with the City's Planned Unit Development Ordinance.

7) That the Boulder Ponds Final Plat is consistent with the City's engineering standards with the exceptions noted by the City Engineer in his review comments to the City dated March 4, 2015.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve the Boulder Ponds Final Plat and Final PUD Plan subject to the following conditions:

1) Final grading, drainage, and erosion control plans, utility plans, sanitary and storm water management 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 plat and plans requested by the City Engineer in a memo dated 3/4/15 shall be incorporated into these documents before they are approved.

2) Prior to the release of Final Plat for recording, the developer shall provide evidence in a form satisfactory to the City Attorney that warrants it has fee interest in area included in the Boulder Ponds Final Plat.

3) Prior to the release of the Final Plat for recording, 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 with financial guarantees therefore.

4) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to the release of the Final Plat for recording, including 10-foot easements behind all proposed meandering sidewalks within the Boulder Ponds subdivision.

5) A Common Interest Agreement concerning management of the common areas of Boulder Ponds 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. Said agreement shall comply with Minnesota Statues 515B-103, and specifically the provisions concerning the transfer of control to the future property owners. 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.

6) As part of the development agreement for the 1st phase of the Boulder Ponds development, the applicant shall provide fees in lieu of land dedication for 2.57 acres of land to fulfill the City's parkland dedication requirements prior to the release of Final Plat for recording. The fee can be provided in a pro-rated amount for the Phase 1 Area or in an amount addressing the total residential portion of the site.

7) The Final Landscape Plan shall be revised per the requested modifications of the City Landscape Consultant, documented in a memo dated 3/3/15. The Final Landscape Plans shall be approved prior to the release of Final Plat for recording.

8) The applicant shall provide evidence that all conditions attached to the South Washington Watershed District permit for the Final Plat and associated grading work have been met prior to the release of the Final Plat for recording.

9) The applicant must provide written authorization to perform any work in the Electrical Transmission easement areas prior to the release of the Final Plat for recording.

10) The locations of fire hydrant identified in a memo dated 2/23/15 shall be revised per the direction of the Fire Chief.

11) The applicant shall provide a complete development lot book for all lots in Phase 1 of the Boulder Ponds development clarifying proper building placement for use in granting building permits prior to the release of Final Plat for recording.

12) The applicant is encouraged to incorporate multi-sided architecture and view sheds consistent with design concepts and examples shown during the Preliminary Plat presented by Rick Harrison.

13) The applicant is encouraged to incorporate elements of the Lake Elmo theming study into the open space and public areas within the subdivision.

14) The final landscape plan shall be reviewed by the City to ensure that road safety issues are properly address by the development, and specifically the site triangle requirements.

Passed and duly adopted this 7th day of April, 2015 by the City Council of the City of Lake Elmo, Minnesota.

_____
Mike Pearson, Mayor

ATTEST:

_____
Adam Bell, City Clerk

PLANNING COMMISSION
DATE: 3/9/15
AGENDA ITEM: 5A – PUBLIC HEARING
CASE # 2015-05

ITEM: Boulder Ponds – Final Plat, Final PUD Plan and Zoning Map Amendment

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director
Jack Griffin, City Engineer
South Washington Watershed District
Greg Malmquist, Fire Chief
Stephen Mastey, Landscape Architecture, Inc.

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**SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to consider an application for a Final Plat, Final PUD Plan and Zoning Map Amendment submitted by OP4 Boulder Ponds, LLC. The Final Plat application represents the first phase of the Boulder Ponds residential development and includes 47 single family residential lots. The proposed project is located immediately north of Hudson Blvd. N., immediately east of the Eagle Point Business Park and immediately south of the Stonegate residential estates (RE) subdivision. In addition to the plat and PUD request, the applicants are requesting a zoning map amendment to implement the necessary zoning associated with the planned development. Staff is recommending approval of the zoning map amendment and is recommending approval of the Boulder Ponds Final Plat and Final PUD Plan subject to compliance with 11 conditions as noted in this report.

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**GENERAL INFORMATION**

*Applicant*: OP4 Boulder Ponds, LLC (Deb Ridgeway), 11455 Viking Drive, Suite 350, Eden Prairie, MN 55344.

*Property Owners*: OP4 Boulder Ponds, LLC (Deb Ridgeway), 11455 Viking Drive, Suite 350, Eden Prairie, MN 55344 and Bremer Bank (Kathleen Tucci) 8555 Eagle Point Blvd., PO Box 1000, Lake Elmo.

*Location*: Part of Section 34 in Lake Elmo, immediately north of Hudson Boulevard North, immediately east of the Eagle Point Business Park, and immediately south of the Stonegate subdivision. PID Numbers 34.029.21.32.0001, 34.029.21.33.0001, and 34.029.21.33.0002.

*Request*: Application for a Zoning Map Amendment, Final Plat and Final Planned Unit Development (PUD) Plan for the 1st phase of the Boulder Ponds planned development. The Final Plat (1st Phase of Boulder Ponds) includes 47 single family lots and various outlots planned for stormwater management or future commercial and residential uses.

| | |
|---|---|
| *Existing Land Use and Zoning*: | Agricultural land. Current Zoning: RT – Rural Development Transitional Zoning District; Proposed Zoning: LDR (PUD) - Urban Low Density Residential, MDR (PUD) – Medium Density Residential and C – Commercial. |
| *Surrounding Land Use and Zoning*: | North –Stonegate Residential Estates (RE) subdivision; west – Eagle Point Business Park (Bremer Bank, Eagle Point Town Office Condos, High Pointe Medical Campus, vacant land) (BP); east – Lennar Savona Urban Low Density Residential (LDR) subdivision; south – vacant land guided for Commercial and Interstate Highway 94. |
| *Comprehensive Plan*: | Urban Low Density Residential (2.5 – 3.99 units per acre), Urban Medium Density Residential (4.0 – 7.49 units per acre) and Commercial |
| *History*: | Boulder Ponds General Concept Plan approved by the City on 12/17/13 (Resolution #2013-109). Boulder Ponds Preliminary Plat and Preliminary PUD Plan approved by the City on 9/16/14 (Resolution #2014-73). |
| *Deadline for Action*: | Application Complete – 2/20/2015<br>60 Day Deadline – 4/20/2015<br>Extension Letter Mailed – N/A<br>120 Day Deadline – 6/19/2015 |
| *Applicable Regulations*: | Chapter 153 – Subdivision Regulations<br>Article 10 – Urban Residential Districts (LDR and MDR)<br>Article 16 – Planned Unit Development Regulations<br>§150.270 Storm Water, Erosion, and Sediment |

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**REQUEST DETAILS**

The City of Lake Elmo has received a request from OP4 Boulder Ponds, LLC for a Zoning Map Amendment, Final Plat and Final PUD Plan to subdivide approximately 58 acres of land located within Stage 1 of the I-94 Corridor Planning. The Final Plat would represent the first phase of the Boulder Ponds residential subdivision and include 47 single family lots, as well as various outlots planned for stormwater management, trails, and future commercial and residential land uses as guided by the approved Preliminary PUD Plan. The proposed plat is located immediately north of Hudson Boulevard, immediately east of Eagle Point Business Park, and immediately south of the Stonegate subdivision. The subject properties have historically been used for agricultural purposes. It should be noted that the zoning map amendment and Final PUD Plan require a public hearing to be held.

The final plat area represents the initial project phase of the overall Boulder Ponds planned development. The developer intends to build homes in the central portion of the site on both sides of the planned minor collector road 5th Street. The developer will be conducting final mass grading on the entirety of the site as part of the 1st phase of development, whereas the street and utility construction will follow the proposed phasing as demonstrated on the plans. The applicant has submitted detailed construction plans for related to sanitary sewer, water main, storm sewer, grading, drainage, landscaping, and other details that have been reviewed by the City Engineer, Fire Chief and Landscape Consultant.

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 Boulder Ponds 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. Staff has reviewed the final plat and found that it is consistent with the preliminary plat that was approved by the City on September 16, 2014. Please note that the final plat and construction plans now include approved street names for the subdivision.

The City Engineer has reviewed the final plat, and his comments are attached to this report. Although there are some additional revisions and additions necessary for the Final Plat and final construction plans that need to be addressed by the applicant, the revisions can be made before the City releases the final plat for recording. Staff is recommending that all revisions and modifications noted within the City Engineer's review memorandum date 3/4/15 be completed prior to the release of Final Plat for recording as a condition of approval.

Finally, in addition to the Final Plat and Final PUD Plan application, the landowner has also applied for a Zoning Map Amendment. It should be noted that the current zoning for the Boulder Ponds site is Rural Development Transitional District (RT), which is the City's basic holding district for sites guided for future development. For the development to move forward into implementation and construction, it is appropriate for the site to be rezoned as guided by the approved plans for the Boulder Ponds development. Staff is recommending approval of the proposed zoning map amendment.

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**ZONING MAP AMENDMENT**

Prior to a final plat being recorded, it is important to have the correct zoning in place to implement the approved use of the site. In the previous development applications the City has processed, the City was amenable to implementing the correct zoning for the site once the City approved preliminary plans for the property, and sanitary sewer and water utilities were available. In the case of Boulder Ponds, both of these thresholds or requirements have been met. The City approved the Boulder Ponds Preliminary Plat and Preliminary PUD Plan on 9/16/14. In addition, utilities are available to the site on both the southern and western borders. The applicants have submitted an exhibit for the proposed zoning for the site at the direction of City staff. According to the submitted Zoning Exhibit (Attachment #3), there are three proposed zoning designations for the Boulder Ponds site. The areas intended for single family residential use will be zoned Urban Low Density Residential – Planned Unit Development (LDR-PUD), while Outlot C will be zoned Urban Medium Density Residential – Planned Unit Development (MDR-PUD) and Outlots A, B, E and F will be zoned Commercial (C). Staff has reviewed the proposed zoning for the site and found it to be consistent with the approved Boulder Ponds Preliminary Plat and Preliminary PUD Plan. Staff is recommending approval of the requested zoning map amendment based on the following findings:

1) The City of Lake Elmo approved the Boulder Ponds Preliminary Plat and Preliminary PUD Plan on September 16, 2014.
2) The requested zoning map amendment is consistent with the appropriate zoning as guided by the approved Boulder Ponds Preliminary Plat and Preliminary PUD Plan.
3) Municipal sanitary sewer and water utilities are presently available to the site on both the western and southern border.

## FINAL PLAT REVIEW AND ANALYSIS

The preliminary plat for Boulder Ponds was approved with several conditions, which are indicated below along with Staff's comments on the status of each. For those items and issues that are not directly addressed below, Staff has provided additional comments following the preliminary plat conditions list. Staff is recommending approval of the final plat, but with additional conditions intended to address the outstanding issues that will require additional review and/or documentation.

Please also note that the applicant has also provided a response to the preliminary plat conditions as part of the project narrative (Attachment #2).

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

1) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site. ***Comments: The applicant has entered into a separate grading agreement with the City to complete mass grading on the site. No grading activity has yet to commence. Should the applicant enter into a development agreement with the City prior to any grading activity, the executed development agreement will supersede the executed grading agreement.***

2) The developer shall be required to submit an updated parkland dedication calculation in advance of Final Plat. Upon submission of the calculation, the applicant must work with the City to achieve the required parkland dedication amount per the City's Subdivision Ordinance. The developer shall be required to pay a fee in lieu of 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 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 submitted a project narrative and exhibit that demonstrate that the portion of the northern greenbelt park not within the Xcel Energy easement is 1.77 acres in size. It is the portion of the northern greenbelt park not within the easement that would be eligible for parkland dedication credit. Based on a calculation completed by staff and the applicant, the total required amount of parkland dedication for the residential portion of the development is 4.34 acres. By subtracting the dedicated amount of 1.77 acres from the total required amount of 4.34 acres, there remains 2.57 acres of land to be addressed through parkland fees. Staff is recommending as a condition of approval that the applicant be required to pay a fee in lieu of land dedication equivalent to the fair market value of 2.57 acres of land (Condition #6).***

3) The developer shall follow all the rules and regulations of the Wetland Conservation Act and adhere to the conditions of approval for the South Washington Watershed District Permit. ***Comments: The Boulder Ponds development has received their watershed district permit from South Washington Watershed District. The applicant will be responsible to meet all conditions of approval associated with their watershed districts permit and abide by all regulations of the Wetland Conservation Act. Staff is recommending that this condition be applied to the Final Plat approval of the 1st phase of Boulder Ponds (Condition #8).***

4) The applicant will work with the Planning Staff to name all streets in the subdivision in a manner acceptable to the City prior to the submission of Final Plat. ***Comments: The Boulder Ponds Final Plat submission includes updated street names that are consistent with the Washington County street naming system. The Fire Chief has reviewed the proposed street names and found them to be acceptable.***

5) The applicant will work with staff to address the comments in the City Engineer's review memo dated 7/24/14 to the satisfaction of the City Engineer as part of the Final Plat and Final PUD Plan. ***Comments: The applicant has submitted updated plans to address many of the conditions and review comments as specified by the City Engineer. All remaining modifications requested by the City Engineer that relate to the Final Plat are outlined in a review memo dated March 4, 2015. Staff is recommending a condition that all revisions and modifications to the Final Plat and Final Construction Plans requested by the City Engineer be included as a condition of approval (Condition #1)***

6) In addition to standard easements required by the Subdivision Ordinance, additional drainage and utility easements must be provided extending 10 feet from meandering sidewalks, as well as all of the portion of private lots between meandering sidewalks and the public right-of-way. ***Comments: The Final Plat does not currently show these easements at this time. However, the applicant has noted in the project narrative that the additional easements will be provided on the Final Plat once the final sidewalk layout is approved. Based on the final construction plans for the Boulder Ponds development, staff believes that these additional easements can be added once the construction plans are approved without fundamentally altering the Final Plat. In other words, staff finds that the approach recommended by the applicant to add additional easements upon approval of the sidewalk locations will work. As a condition of approval of the final plat, staff is recommending that the additional easements for meandering sidewalks be provided (Condition #4).***

7) The landscape plan shall be updated to locate all boulevard trees in between the public street and sidewalk to not interfere with private utilities. ***Comments: The City's landscape consultant has reviewed the Final Landscape Plan and determine that there are still proposed tree locations that may conflict with the installation of private utilities. Staff is recommending that this issue be resolved as part of the required updates to the Final Landscape Plan per the direction of the City's Landscape Consultant (Condition #7). It should be noted that the location of trees within the development is a construction detail that should not alter the Final Plat.***

8) All islands and medians internal to the Boulder Ponds development shall be platted as part of the right-of-way and shall be maintained by the Home Owners Association. 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. ***Comments: The islands and median are now proposed to be platted as part of the City right-of-way, thereby complying with the condition of approval. As a condition of the development agreement, the applicant or developer will be required to enter into a maintenance agreement with the City to maintain all the landscaping within islands and medians internal to the Boulder Ponds development. This requirement is specified in Condition #5.***

9) The design of the northern buffer trail shall be modified to a width of 8 feet as opposed to the regional trail standard of 10 feet. ***Comments: The width of the northern buffer trail remains 10 feet. As a trail with a regional design is planned for the 5th Street Corridor, staff would suggest that this trail be reduced in width to a typical 8-foot local trail. However, this improvement is scheduled for the 2nd phase of the Boulder Ponds development. Staff would recommend that the applicant address this condition with the 2nd phase of the single family portion of the development.***

10) The eastern segment of the northern buffer trail shall be moved to the south to the greatest extent possible with plantings to screen the trail on the north side. ***Comments: The applicants have successfully moved the northern buffer trail to the south from the previous location as shown on the preliminary plans for Boulder Ponds. However, screening on the northern side of the trail through the use of plantings was not provided. Staff is recommending a condition that the Final Landscape Plan be revised to provide some screening along the north side of the trail in the northeastern portion of the Boulder Ponds development. This update to the landscape plan can be added to the other general updates as specified in the memo submitted by the City's landscape consultant (Condition #7).***

11) Prior to recording the Final Plat for any portion of the area shown in the Preliminary Plat, the Developer shall enter into a Developers Agreement acceptable to the City Attorney that delineates who is responsible for the design, construction, and payment of public improvements. ***Comments: City staff are currently working with the applicant to draft a development agreement based on the City's standard template for these agreements. It is the desire of the applicant to process the development agreement on a parallel track as the approval of the Final Plat. This condition should remain in place to ensure that the development agreement is approved and executed prior to the release of the Final Plat for recording by Washington County (Condition #3).***

12) The Final PUD Plan will include a development lot book to clarify proper building placement for use in granting building permits for the development. ***Comments: The applicant has noted that a complete lot development book will be submitted once all of the staff review comments have been addressed and the construction plans are approved. Given that additional easements or sight modifications to the plat are warranted to address final staff review comments, staff feels it is reasonable to allow the applicant to submit the development lot book once the review of final construction plans is complete. In addition, the applicant is still working with the prospective builder of the development on which home elevations and floor plans will fit on each lot. Both of these factors make it difficult to complete the lot book at this time. An example of an individual lot as it would be shown in the lot book has been provided in Attachment #8 to demonstrate to the City what will be included in the lot book. As shown on the example, the lot will have a building pad location to direct the appropriate home location for the purposes or reviewing the building permit. Staff would recommend that the development lot book for Phase 1 of the development be provided prior to the release of Final Plat for recording (Condition #11).***

Staff is recommending that the conditions noted above that pertain to the Final Plat and that have not yet been addressed by the applicant should be adopted with the Final Plat. The City Engineer's review letter does identify several issues that need to be addressed by the developer in order for the City to approve the final plans. However, the majority of these concerns are related to the construction plans and should have limited bearing on the final 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.

In addition to the items discussed above, it should be noted that the Fire Chief is requesting that the location of several fire hydrants be adjusted to improve operational efficiency. The Fire Chief's memo, detailing all of the requested modification, is found in Attachment #10. Staff is recommending as a condition of approval that the applicant adjust the hydrant locations to the satisfaction of the Fire Chief (Condition #10).

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, utility plans, sanitary and storm water management 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 plat and plans requested by the City Engineer in a memo dated 3/4/15 shall be incorporated into these documents before they are approved.

2) Prior to the release of Final Plat for recording, the developer shall provide evidence in a form satisfactory to the City Attorney that warrants it has fee interest in area included in the Boulder Ponds Final Plat.

3) Prior to the release of the Final Plat for recording, 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 with financial guarantees therefore.

4) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to the release of the Final Plat for recording, including 10-foot easements behind all proposed meandering sidewalks within the Boulder Ponds subdivision.

5) A Common Interest Agreement concerning management of the common areas of Boulder Ponds 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. Said agreement shall comply with Minnesota Statues 515B-103, and specifically the provisions concerning the transfer of control to the future property owners. 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.

6) As part of the development agreement for the 1st phase of the Boulder Ponds development, the applicant shall provide fees in lieu of land dedication for 2.57 acres of land to fulfill the City's parkland dedication requirements prior to the release of Final Plat for recording. The fee can be provided in a pro-rated amount for the Phase 1 Area or in an amount addressing the total residential portion of the site.

7) The Final Landscape Plan shall be revised per the requested modifications of the City Landscape Consultant, documented in a memo dated 3/3/15. The revised Final Landscape Plan shall include screening on the north side of the northern buffer trail in the northeastern portion of the development. The Final Landscape Plans shall be approved prior to the release of Final Plat for recording.

8) The applicant shall provide evidence that all conditions attached to the South Washington Watershed District permit for the Final Plat and associated grading work have been met prior to the release of the Final Plat for recording.

9) The applicant must provide written authorization to perform any work in the Electrical Transmission easement areas prior to the release of the Final Plat for recording.

10) The locations of fire hydrant identified in a memo dated 2/23/15 shall be revised per the direction of the Fire Chief.

11) The applicant shall provide a complete development lot book for all lots in Phase 1 of the Boulder Ponds development clarifying proper building placement for use in granting building permits prior to the release of Final Plat for recording.

---

**DRAFT FINDINGS**

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Boulder Ponds Final Plat and Final PUD Plan:

1) That the Boulder Ponds Final Plat and Final PUD Plan is consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on September 16, 2014.

2) That the Boulder Ponds Final Plat and Final PUD Plan is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.

3) That the Boulder Ponds Final Plat generally complies with the City's Urban Low Density Residential zoning district, with the exceptions as noted in the approved Preliminary PUD Plans.

4) That the Boulder Ponds Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances, except as noted in this report or attachment thereof.

5) That the Boulder Ponds Final Plat complies with the City's subdivision ordinance.

6) That the Boulder Ponds Final Plat and Final PUD Plan complies with the City's Planned Unit Development Ordinance.

7) That the Boulder Ponds Final Plat is consistent with the City's engineering standards with the exceptions noted by the City Engineer in his review comments to the City dated March 4, 2015.

**RECCOMENDATION:**

Staff recommends that the Planning Commission recommend approval of the requested Zoning Map Amendment to implement the correct zoning as guided by the approved Boulder Ponds Preliminary Plat and Preliminary PUD Plan. The suggested motion is the following:

***"Move to recommend approval of the requested Zoning Map Amendment for the Boulder Ponds planned development based on the findings of fact listed in the Staff Report."***

In addition, Staff is recommending approval of the Boulder Ponds Final Plat and Final PUD Plan with the 11 conditions of approval as listed in the Staff report. The suggested motion is the following:

***"Move to recommend approval of the Boulder Ponds Final Plat and Final PUD Plan with the 11 conditions of approval as drafted by Staff based on the findings of fact listed in the Staff Report."***

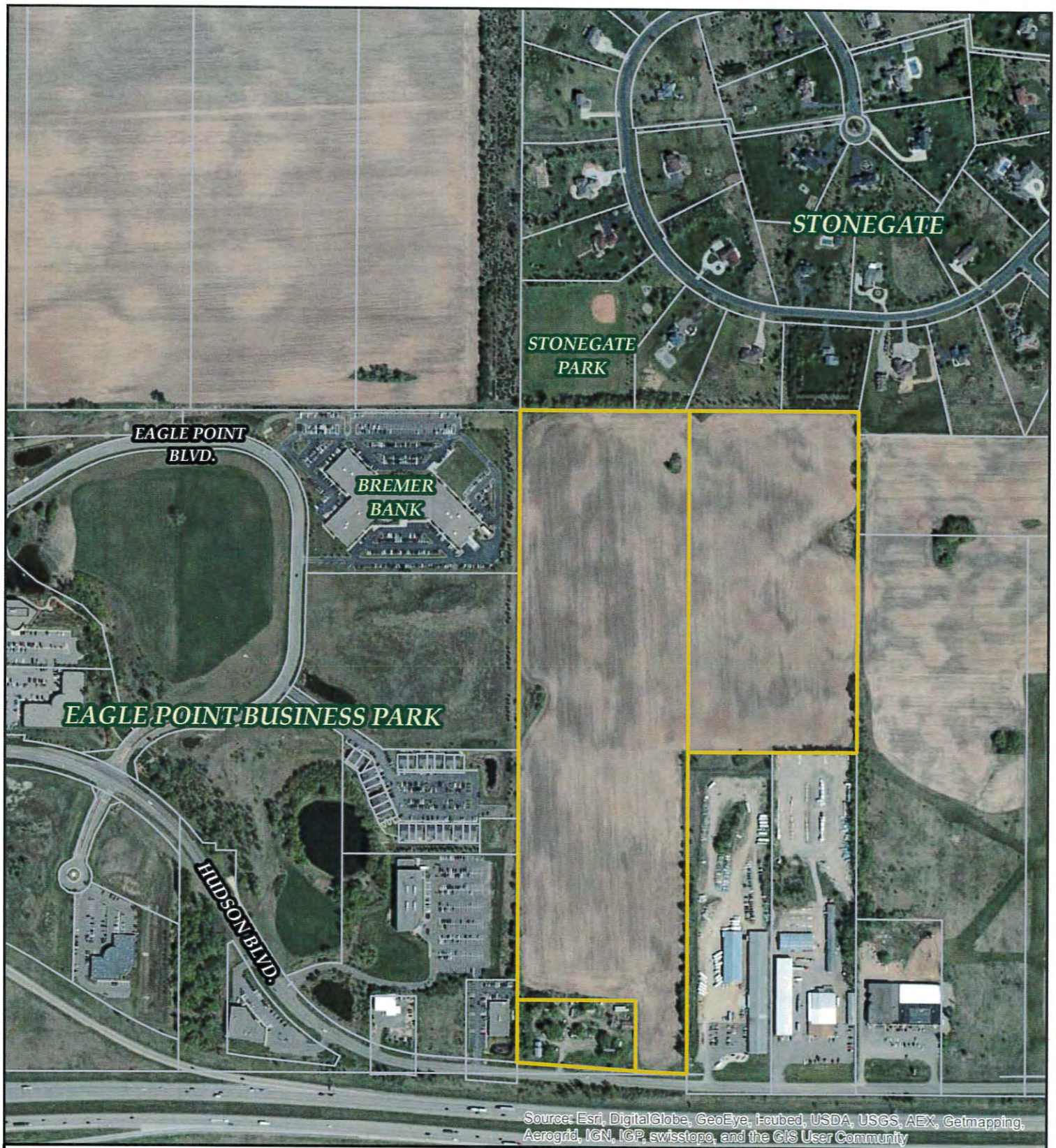
**ATTACHMENTS:**

1. Location Map
2. Application Forms and Project Narrative
3. Zoning Map Exhibit
4. Final Plat (4 sheets)
5. Final Construction Plans (52 sheets)
6. Final Landscape Plan (10 sheets)
7. Turning Radius Exhibit
8. Development Lot Book Letter and Example
9. City Engineer Review Memorandum, dated 3/4/15
10. Fire Chief Review Memorandum, dated 2/23/15
11. Landscape Consultant Review Memorandum, dated 3/3/15

**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




# Location Map: Boulder Ponds PUD

THE CITY OF LAKE ELMO

Data Scource: Washington County, MN
12-4-2013

Boulder Ponds Site

0 250 500 1,000 Feet

1"=500'

K

EXCELSIOR

❖ *The Excelsior Group*

January 30, 2015

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

Re: Boulder Ponds Final Plat, Plan and Zoning Amendment

Dear Mr. Johnson:

OP4 Boulder Ponds, LLC is pleased to submit the enclosed applications for Preliminary Plat and Preliminary PUD. The following items accompany this submittal:

1. Check in the amount of $9,250
2. Applications for Final Plat, Final Plan & Zoning Amendment
3. Narrative/Written Statement
4. 5 Full Size and 10 reduced sets of Final Plat and Landscape Plans
5. 10 reduced plans of Proposed Zoning

Evolution Engineering will submit the plan sets to supplement the applications as well as provide a link to an FTP site for electronic version of the plans.

If you have questions related to this application, please do not hesitate to contact me at 612.353.3307 or Deb.Ridgeway@ExcelsiorLLC.com. Thank you.

Sincerely,

Deb Ridgeway
Asset Manager

Enclosures

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

THE CITY OF
LAKE ELMO

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

# LAND USE APPLICATION

☐ Comprehensive Plan ☒ Zoning District Amend ☐ Zoning Text Amend ☐ Variance*(see below) ☐ Zoning Appeal

☐ Conditional Use Permit (C.U.P.) ☐ Flood Plain C.U.P. ☐ Interim Use Permit (I.U.P.) ☐ Excavating/Grading

☐ Lot Line Adjustment ☐ Minor Subdivision ☐ Residential Subdivision Sketch/Concept Plan

☐ PUD Concept Plan ☐ PUD Preliminary Plan ☒ PUD Final Plan

Applicant: OP4 Boulder Ponds, LLC (Contact: Deb Ridgeway)
Address: 11455 Viking Drive, Suite 350, Eden Prairie, MN 55344
Phone # 612.353.3307
Email Address: Deb.Ridgeway@ExcelsiorLLC.com

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

Property Location (Address and Complete (long) Legal Description: 9120 Hudson Blvd N
Please refer to attached for complete legal description, which includes the following PIDs:
34-029-21-32-0001; 34-029-21-33-0001; 34-029-21-33-0002

Detailed Reason for Request: Final PUD plan approval and rezoning for Boulder Ponds development. Proposal includes 98 single family lots, 3 commercial outlots and 1 multifamily residential lot. Please refer to written statement for more details

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

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

Signature of applicant:_____ Date: 1/30/15

Signature of fee owner:_____ Date: 1/30/15

Date Received: _____
Received By: _____
LU File #: _____

THE CITY OF LAKE ELMO

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

# *FINAL PLAT APPLICATION*

Applicant: OP4 Boulder Ponds, LLC (Contact: Deb Ridgeway)
Address: 11455 Viking Drive, Suite 350, Eden Prairie, MN 55344
Phone #: 612.353.3307
Email Address: Deb.Ridgeway@ExcelsiorLLC.com

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

Property Location (Address and Complete (long) Legal Description: 9120 Hudson Blvd N
Please refer to attached for complete legal description, which includes the following PIDs:
34-029-21-32-0001; 34-029-21-33-0001; 34-029-21-33-0002

General information of proposed subdivision: _____
Boulder Ponds is approximately 60 acres, which is preliminary plat approved for a mix of commercial and residential uses. This final plat request includes the construction of improvements for 47 single family lots, 3 commercial outlots and 1 multifamily residential lot.

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: _____ Date: 1/30/15

Fee Owner Signature _____ Date: 1/30/15

OP4 Boulder Ponds

THE CITY OF
LAKE ELMO

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 OP4 Boulder Ponds, LLC
(Please Print)

Street address/legal description of subject property 9120 Hudson Blvd N

Please refer to attached for complete legal description, which includes the following PIDs:
34-029-21-32-0001; 34-029-21-33-0001; 34-029-21-33-0002

Signature

1/30/15
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.

Bremer

THE CITY OF
LAKE ELMO

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 OP4 Boulder Ponds, LLC for Bremer Financial Services
(Please Print)

Street address/legal description of subject property See attached Legal Description

Property to be acquired by OP4 Boulder Ponds prior to filing Final Plat

Said property will be platted right-of-way for 5th Street.

Kathy Tucci
Signature

January 27, 2015
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.

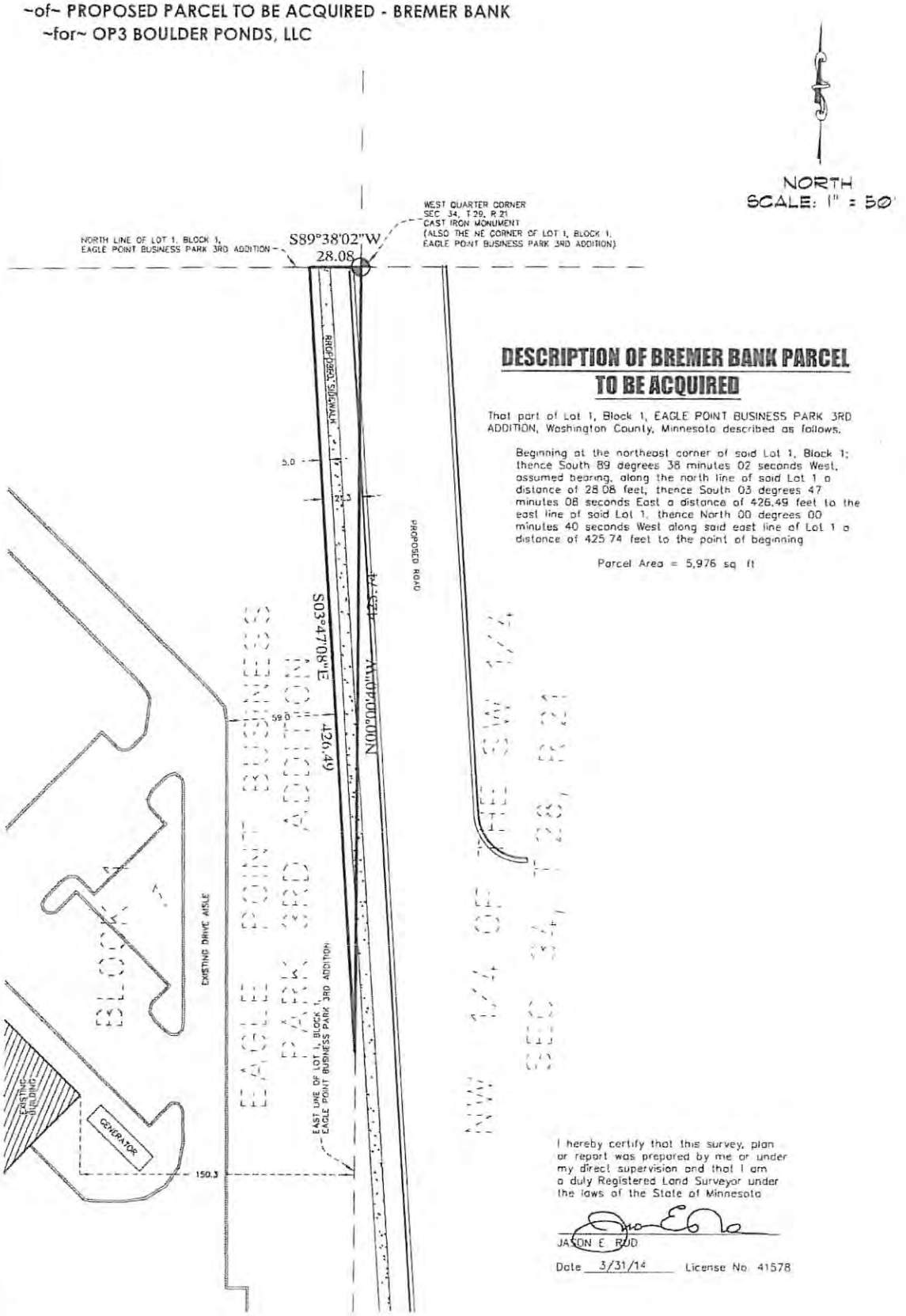
**If a corporation is fee title holder,** attach a copy of the resolution of the Board of Directors authorizing this action.

**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.

# SKETCH AND DESCRIPTION

~of~ PROPOSED PARCEL TO BE ACQUIRED - BREMER BANK

~for~ OP3 BOULDER PONDS, LLC




## DESCRIPTION OF BREMER BANK PARCEL TO BE ACQUIRED

That part of Lot 1, Block 1, EAGLE POINT BUSINESS PARK 3RD ADDITION, Washington County, Minnesota described as follows.

Beginning at the northeast corner of said Lot 1, Block 1; thence South 89 degrees 38 minutes 02 seconds West, assumed bearing, along the north line of said Lot 1 a distance of 28.08 feet; thence South 03 degrees 47 minutes 08 seconds East a distance of 426.49 feet to the east line of said Lot 1; thence North 00 degrees 00 minutes 40 seconds West along said east line of Lot 1 a distance of 425.74 feet to the point of beginning

Parcel Area = 5,976 sq. ft.

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

JASON E. RUD

Date 3/31/14 License No. 41578

E. G. RUD & SONS, INC.
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com

THE CITY OF
LAKE ELMO

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.

OP4 Boulder Ponds, LLC

Signature of applicant By: _____ Date 1/30/15

Timothy J. Brown

Name of applicant Its Senior Vice President Phone 612.353.3305

(Please Print)

Name and address of Contact (if other than applicant)

Deb Ridgeway
OP4 Boulder Ponds, LLC
c/o The Excelsior Group, LLC
11455 Viking Drive, Suite 350
Eden Prairie, MN 55344

(612)353.3307 or Deb.Ridgeway@ExcelsiorLLC.com

**Final Plat & PUD Application**
**Narrative/Written Statements**

Consisting of nearly 60 acres, Boulder Ponds offers a uniquely planned mixed-use neighborhood. The variety of land uses provides a seamless transition to the existing surrounding areas. From the south, the commercial parcels complement the existing commercial uses. Moving north, the medium density residential serves to buffer the commercial from the lower density single family homes. 5th Street further provides the separation between the commercial and residential uses.

The design concept and goals for Boulder Ponds has generally remained consistent throughout the approval process. As opposed to the more standard grid approach, the curvilinear nature of the streets is designed around the existing topography of the site, which offers premium lots with maximum open space. Further, the design works to limit double fronted lots. The oversized cul-de-sacs, meandering sidewalks and varying setbacks not only enhance site lines, but also create a quality neighborhood with aesthetically pleasing characteristics.

The detached single family lots will consist of two types of housing; traditional single family homes and a detached Villa home. The single family homes are geared toward families typically with children with pricing starting around $400,000. The detached Villa product will include association maintained grounds which is largely geared toward empty nesters. Pricing for these will start around $300,000. Please refer to attached Typical Elevation and Floor Plans for further details on product type.

Boulder Ponds will have its own neighborhood theming evident in the signage, landscaping and site furnishings. Neighborhood signage will include monuments clad in natural stone at the main entry points as shown in the landscape plan set. Community gathering spaces will be located in key areas of Boulder Ponds including a larger centrally located gathering space along Jade Trail which will include a shelter, grill and seating. Another area will be in the southerly cul-de-sac to include a smaller scale shelter and seating. Consistent theming in all these elements creates a neighborhood with a stronger sense of identity. The homeowners associations will be responsible for the ownership and maintenance these special features.

INCLUDED ATTACHMENTS:

Attachment A – Lot Tabulation, Zoning & Density
Attachment B – Tree Study Plan
Attachment C – Typical House Plans

## Written Statements

a. ***Landowner's Name(s), Project Representatives and Contact Information.***

| | |
|---|---|
| LANDOWNER/ DEVELOPER | OP4 Boulder Ponds, LLC<br>c/o The Excelsior Group, LLC<br>11455 Viking Drive, Suite 350<br>Eden Prairie, MN 55344<br><br>Tim Brown, Senior Vice President<br>612.353.3305<br>Tim.Brown@ExcelsiorLLC.com<br><br>Deb Ridgeway, Asset Manager<br>612.353.3307<br>Deb.Ridgeway@ExelsiorLLC.com |
| LANDOWNER* | Bremer Bank (contact: Kathleen Tucci)<br>8555 Eagle Point Blvd<br>PO Box 1000<br>Lake Elmo, MN 55042<br>651.434.4744<br>kmtucci@bremer.com |

** OP4 Boulder Ponds is under contract with Bremer to purchase 0.14 acre to be used as 5th Street right-of-way. Closing is slated to occur prior to filing the final plat for Boulder Ponds.*

| | |
|---|---|
| ENGINEER | Evolution Engineering<br>Dean Robbins<br>651.303.7208<br>Evolutionengineeringmn@gmail.com |
| SURVEYOR | EG Rud<br>Jason Rud<br>651.361.8200<br>jrud@egrud.com |
| LANDSCAPE ARCHITECT | Westwood Professional Services<br>Cory Meyer<br>952.906.7437<br>cory.meyer@westwoodps.com |
| CONSULTING ENGINEER | SEH<br>Steve Sletner<br>952.912.2637<br>ssletner@sehinc.com |

## b. *Property Address, Zoning, Parcel Size, PID and Legal Description*

| | MAIN PARCEL | WEST TRIANGLE (Bremer) |
|---|---|---|
| ADDRESS | 9120 Hudson Blvd | n/a |
| CURRENT ZONING | RT | BP |
| PARCEL SIZE Acres | 59.49 | 0.14 |
| Sq. Ft | 2,591,320.2 | 6,098.4 |
| PIDs | 34-029-21-32-0001 | n/a |
| | 34-029-21-33-0001 | |
| | 34-029-21-33-0002 | |
| LEGAL DESCR | That part of the East Half of the Northwest Quarter of the Southwest Quarter and the West Half of the West Half of the Southwest Quarter in Section 34, Township 29, Range 21, Washington County, Minnesota, lying North of the North line of Minnesota Department of Transportation Right of Way Plat No. 82-43 filed March 22, 1982, as Document No. 429592.<br><br>AND<br><br>That part of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota as described as commencing at the northwest corner of said East Half of the Southwest Quarter; thence South 00 degrees 02 minutes 55 seconds West, assumed bearing, along the west line of said East Half a distance of 756.99 feet to the point of beginning of the parcel to be described; thence South 16 degrees 08 minutes 55 seconds East, along the centerline of the pipeline Easement described in Document No. 3172091, a distance of 437.96 feet; thence South 89 degrees 55 minutes 22 seconds West a distance of 122.17 feet to said west line of said East Half; thence North 00 degrees 02 minutes 55 seconds East along said west line a distance of 420.85 feet to the point of beginning. | That part of Lot 1, Block 1, Eagle Point Business Park 3rd Addition, Washington County, Minnesota described as beginning at the northeast corner of said Lot 1, Block 1; thence South 89 degrees 38 minutes 02 seconds West, assumed bearing, along the north line of said Lot 1 a distance of 28.08 feet; thence South 03 degrees 47 minutes 08 seconds East a distance of 426.49 feet to the east line of said Lot 1; thence North 00 degrees 00 minutes 40 seconds West along said east line of Lot 1 a distance of 425.74 feet to the point of beginning. |

## c. *Final Subdivision & Lot Information*

Please refer to ATTACHMENT A Lot tabulation sheet for lot information.

d. ***How issues have been addressed since Preliminary Plat***

Below are the conditions of preliminary approval per Resolution 2014-73 with responses:

| | CONDITION | RESPONSE/STATUS |
|---|---|---|
| 1 | The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site. | COMPLETE |
| 2 | The developer shall be required to submit an updated parkland dedication calculation in advance of Final Plat. Upon submission of the calculation, the applicant must work with the City to achieve the required parkland dedication amount per the City's Subdivision Ordinance. The developer shall be required to pay a fee in lieu of 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 in lieu of land dedication shall be paid by the applicant prior to the release of the Final Plat for recording. | The greenway park lot will be dedicated with the second phase of development along with trail improvements. It is our desire to work with the City on a calculation as soon as possible, so that one fee per unit can be can be realized for the entire site. The park area to be dedicated (net of the powerline easement) is 77,315 square feet or 1.77 acres. |
| 3 | The developer shall follow all the rules and regulations of the Wetland Conservation Act and adhere to the conditions of approval for the South Washington Watershed District Permit. | PERMIT RECEIVED |
| 4 | The applicant will work with the Planning Staff to name all streets in the subdivision in a manner acceptable to the City prior to the submission of Final Plat. Modifications to the Preliminary Plat and Preliminary PUD Plans | COMPLETE |
| 5 | The applicant will work with staff to address the comments in the City Engineer's review memo dated 7/24/14 to the satisfaction of the City Engineer as part of the Final Plat and Final PUD Plan. | ON GOING |
| 6 | In addition to standard easements required by the Subdivision Ordinance, additional drainage and utility easements must be provided extending 10 feet from meandering sidewalks, as well as all of the portion of private lots between meandering sidewalks and the public right-of-way. | Upon final approval of sidewalk layout, 10 foot easements will be created prior to filing the Final Plat with Washington County. |
| 7 | The landscape plan shall be updated to locate all boulevard trees in between the public street and sidewalk to not interfere with private utilities. | COMPLETE |
| 8 | All islands and medians internal to the Boulder Ponds development shall be platted as part of the right-of-way and shall be maintained by the Home Owners Association. The | OK |

| | CONDITION | RESPONSE/STATUS |
|---|---|---|
| | 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. | |
| 9 | The design of the northern buffer trail shall be modified to a width of 8 feet as opposed to the regional trail standard of 10 feet. | COMPLETE |
| 10 | The eastern segment of the northern buffer trail shall be moved to the south to the greatest extent possible with plantings to screen the trail on the north side. | COMPLETE |
| **Plat Restrictions** | | |
| 11 | Prior to recording the Final Plat for any portion of the area shown in the Preliminary Plat, the Developer shall enter into a Developers Agreement acceptable to the City Attorney that delineates who is responsible for the design, construction, and payment of public improvements. | OK |
| 12 | The Final PUD Plan will include a development lot book to clarify proper building placement for use in granting building permits for the development. | OK. This will be complete once all staff comments have been addressed as part of the final approval process. |

e. ***Site Density Calculation***

Please refer to accompanying Lot Tabulation sheet for density information. There are multiple scenarios of density calculations.

In summary:

- The overall gross site density (for both phases of development) is calculated at 2.74 dwelling units per acre (DUA).
- Net of commercial, ponding and right-of way, the total site density is calculated at 5.18 DUA.

f. ***Phasing of Infrastructure and Other Improvements***

Clearing & Grubbing. In late fall 2014, the site was cleared of trees.

Grading. In order to best balance the site, Boulder Ponds will be graded in its entirety including the cutting in of 5th Street and oversized ponding to accommodate 5th Street. It is anticipated that grading will be complete about May 2015.

Streets & Utilities. Utility construction will begin as soon as approvals are in place and in conjunction with grading operations. The 1st Phase includes all

improvements to serve 27 Single Family lots, 20 Villa lots and stubbed services for the commercial and senior lots. 5th Street will be constructed from the eastern property boundary to approximately 300 feet west of the Jade Trail intersection as part of the 1st phase. It is anticipated that first lift of asphalt will be complete about July 2015.

Site Amenities. Landscaping and monuments are anticipated to be installed by September 2015 prior to the Fall Parade of Homes.

Model Homes. All the single family and Villa style lots are under contract with one builder. Model homes will be entered in the Fall Parade of Homes. Therefore, the builder will request that building permits for each product style be obtained prior to installation of streets to ensure house completion.

Future Phases. The future phase of the development including the completion of 5th Street will occur dependent on sales. It is anticipated that this could be as early as 2016.

**g. *How Concerns of Neighboring Properties Have Been Addressed***

The only concern raised was at the public hearing by a Stone Gate Estates neighbor. It was requested that the trail be located as far south as possible. With some grade adjustments, this has been achieved.

**h. *How Conflicts with Nearby Land Uses and/or Disturbances to Wetlands or Natural Areas Have Been Mitigated***

Northerly Buffer. The future trail between Stone Gate Estates to the north softens the impact of the lot sizes between the two neighborhoods.

Transition. The future senior housing (MDR) provides a transition between the commercial and residential (LDR) uses.

5th Street. 5th Street provides a separation of the residential neighborhood from the surrounding commercial uses.

Supplemental Uses. The Boulder Ponds commercial area compliments the other commercial uses along Hudson Blvd.

Preservation. The existing wetland is being preserved.

**i. *Justification that Proposal will Not Place Excessive Burden on Infrastructure in the Area.***

Roads / Traffic. We are participating in the construction of 5th Street, a regional MSA road that runs east/west. The City of Lake Elmo has studied the area and determined the new MSA road will be sufficient to serve the new developments in

the area. In addition to participation with the construction of 5th Street, we are proposing the construction of a north/south road (Jade Trail) connecting Hudson Blvd to 5th Street. Future turn lanes are shown on Hudson Blvd, which are planned for installation when Hudson Blvd is expanded.

Sewer. The site has gravity sewer access along Hudson Blvd that is served by the regional sewer system. This additional capacity has been accounted for in the City of Lake Elmo's Comprehensive Plan.

Water Supply. Water will be served by Oakdale's water supply until such time the City of Lake Elmo can run its own trunk lines to the wider regional development area. Staff has indicated there is sufficient water to serve the development.

Parks. A 3.85 acre linear park in the 2nd phase of development will connect to the regional system. Staff has indicated that the trail construction or other related improvement costs may be used as an offset to park dedication fees. It is understood that the City is not requiring additional parkland.

Fire / Police. The streets were designed to accommodate a ladder fire truck. Boulder Ponds is primarily residential, which tends to have less calls per capita than other property types.

### j. *Proposed Lakeshore Access*

N/A

### k. *Parks and Open Space Description*

The linear park located along the northerly property line will be dedicated and improved with a trail and landscaping with the 2nd phase of development.

### l. *Development Schedule*

- Dec 2014 – Clearing and grubbing completed
- March 2015 – Grading
- April 2015 - 1st phase utility installation
- July 2015 – 1st phase street & sidewalk construction (1st lift)
- August 2015 – 1st Phase landscape and monument installation
- Sept 2016 – 2nd lift asphalt on 1st phase streets
- Summer 2016 – 2nd phase improvements (dependent on sales)

## ATTACHMENT A

## Lot Tabulation

# BOULDER PONDS, Lake Elmo
## Final Plat/PUD Lot Summary

1/30/2015

| LOT | BLK | SQ FT | ACRE | LOT TYPE | PROPOSED ZONING | NOTES |
|---|---|---|---|---|---|---|
| LOTS | | | | | | |
| 1 | 1 | 17,447 | 0.40 | Villa | LDR | |
| 2 | 1 | 11,604 | 0.27 | Villa | LDR | |
| 3 | 1 | 12,822 | 0.29 | Villa | LDR | |
| 4 | 1 | 10,190 | 0.23 | Villa | LDR | |
| 5 | 1 | 11,353 | 0.26 | Villa | LDR | |
| 6 | 1 | 8,584 | 0.20 | Villa | LDR | |
| 7 | 1 | 8,587 | 0.20 | Villa | LDR | |
| 8 | 1 | 8,112 | 0.19 | Villa | LDR | |
| 9 | 1 | 8,410 | 0.19 | Villa | LDR | |
| 10 | 1 | 8,400 | 0.19 | Villa | LDR | |
| 11 | 1 | 10,631 | 0.24 | Villa | LDR | |
| 12 | 1 | 8,909 | 0.20 | Villa | LDR | |
| 13 | 1 | 8,180 | 0.19 | Villa | LDR | |
| 14 | 1 | 9,736 | 0.22 | Villa | LDR | |
| 15 | 1 | 10,913 | 0.25 | Villa | LDR | |
| 16 | 1 | 8,136 | 0.19 | Villa | LDR | |
| 17 | 1 | 7,625 | 0.18 | Villa | LDR | <8,000 min sf |
| 18 | 1 | 10,443 | 0.24 | Villa | LDR | |
| 19 | 1 | 9,087 | 0.21 | Villa | LDR | |
| 20 | 1 | 8,610 | 0.20 | Villa | LDR | |
| 1 | 2 | 15,836 | 0.36 | Single Family | LDR | |
| 2 | 2 | 9,873 | 0.23 | Single Family | LDR | |
| 3 | 2 | 8,620 | 0.20 | Single Family | LDR | |
| 4 | 2 | 8,005 | 0.18 | Single Family | LDR | |
| 5 | 2 | 9,105 | 0.21 | Single Family | LDR | |
| 6 | 2 | 11,684 | 0.27 | Single Family | LDR | |
| 1 | 3 | 11,896 | 0.27 | Single Family | LDR | |
| 2 | 3 | 8,428 | 0.19 | Single Family | LDR | |
| 3 | 3 | 8,338 | 0.19 | Single Family | LDR | |
| 4 | 3 | 8,078 | 0.19 | Single Family | LDR | |
| 5 | 3 | 8,159 | 0.19 | Single Family | LDR | |
| 6 | 3 | 9,788 | 0.22 | Single Family | LDR | |
| 7 | 3 | 8,004 | 0.18 | Single Family | LDR | |
| 8 | 3 | 7,450 | 0.17 | Single Family | LDR | <8,000 min sf |
| 9 | 3 | 8,229 | 0.19 | Single Family | LDR | |
| 10 | 3 | 8,112 | 0.19 | Single Family | LDR | |
| 11 | 3 | 9,100 | 0.21 | Single Family | LDR | |
| 1 | 4 | 9,102 | 0.21 | Single Family | LDR | |
| 2 | 4 | 9,510 | 0.22 | Single Family | LDR | |
| 3 | 4 | 9,309 | 0.21 | Single Family | LDR | |
| 4 | 4 | 9,199 | 0.21 | Single Family | LDR | |
| 5 | 4 | 8,532 | 0.20 | Single Family | LDR | |
| 6 | 4 | 8,480 | 0.19 | Single Family | LDR | |
| 7 | 4 | 8,172 | 0.19 | Single Family | LDR | |
| 8 | 4 | 10,194 | 0.23 | Single Family | LDR | |
| 9 | 4 | 8,225 | 0.19 | Single Family | LDR | |
| 10 | 4 | 8,280 | 0.19 | Single Family | LDR | |
| OUTLOTS | | | | | | |
| Outlot | A | 77,577 | 1.78 | Com'l (future) | Com'l | |
| Outlot | B | 74,940 | 1.72 | Com'l (future) | Com'l | |
| Outlot | C | 105,449 | 2.42 | 64-unit Multifamily (future) | MDR | |
| Outlot | D | 111,267 | 2.55 | Ponding | LDR | to be deeded to City |
| Outlot | E | 60,597 | 1.39 | Ponding | Com'l | to be deeded to City |
| Outlot | F | 186,947 | 4.29 | Com'l (future) | Com'l | |
| Outlot | G | 44,640 | 1.02 | Ponding | LDR | to be deeded to City |
| Outlot | H | 220,795 | 5.07 | Single Family (future) | LDR | |
| Outlot | I | 63,622 | 1.46 | Wetland | LDR | to be deeded to City |
| Outlot | J | 5,985 | 0.14 | Common Area | LDR | to be deeded to HOA |
| Outlot | K | 591,295 | 13.57 | Single Family & Trail (future) | LDR | |
| Outlot | L | 103,588 | 2.38 | Ponding | LDR | to be deeded to City |
| RIGHT OF WAY | | | | | | |
| | | 479,527 | 11.01 | Right of Way | | |
| | | | 59.04 | TOTAL SITE ACREAGE | | |

LDR Zoning

| | 1st Phase | 2nd Phase | Total |
|---|---|---|---|
| SF Lots | 27 | 33 | 60 |
| Villa Lots | 20 | 18 | 38 |
| TOTAL Units | 47 | 51 | 98 |
| Acreage (LDR Area) | 10.2 | 21.1 | 31.3 |
| DUA (LDR area) | 4.60 | 2.42 | 3.13 |

MDR Zoning

| | 1st Phase | 2nd Phase | Total |
|---|---|---|---|
| MF Units | 0 | 64 | 64 |
| Acreage (MDR Area) | 0 | 2.42 | 2.42 |
| DUA (MDR Area) | 0 | 26.44 | 26.44 |

Total Site Density

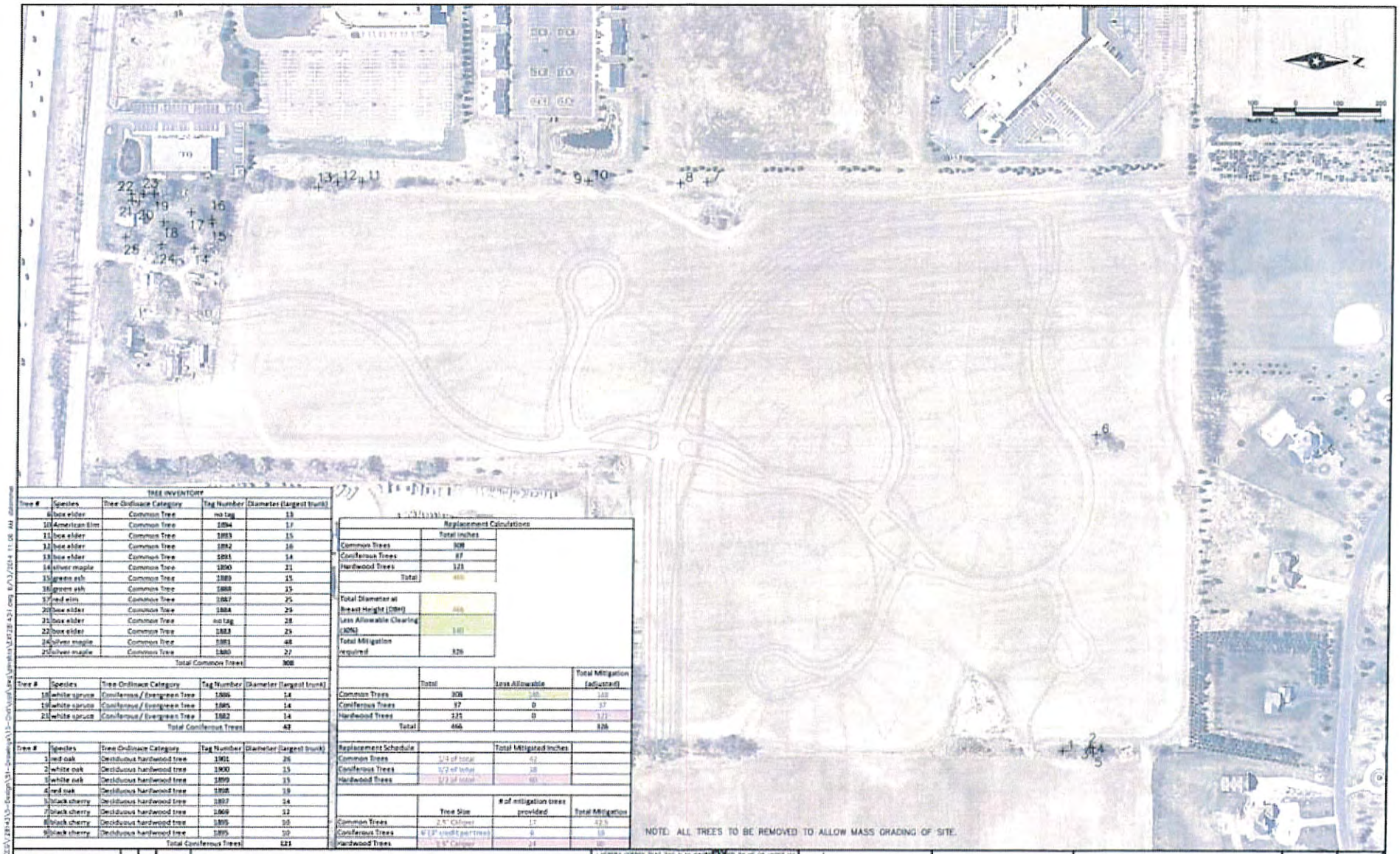
| | Total Site (gross) | Total Site (net*) |
|---|---|---|
| Total Res'l Units | 162 | 162 |
| Area | 59.04 | 31.29 |
| DUAOverall | 2.74 | 5.18 |

* Total site area net of ROW, Com'l and Ponding

## ATTACHMENT B

## Tree Study Plan

It is important to note that all trees have been cleared from the site, most of which were around the former homestead. The attached is a summary of the significant trees surveyed in May 2014 and was used for replacement calculation purposes.




TREE INVENTORY

| Tree # | Species | Tree Ordinance Category | Tag Number | Diameter (largest trunk) |
|---|---|---|---|---|
| 6 | box elder | Common Tree | no tag | 13 |
| 10 | American Elm | Common Tree | 1894 | 17 |
| 11 | box elder | Common Tree | 1893 | 15 |
| 12 | box elder | Common Tree | 1892 | 16 |
| 13 | box elder | Common Tree | 1891 | 14 |
| 14 | silver maple | Common Tree | 1890 | 21 |
| 15 | green ash | Common Tree | 1889 | 15 |
| 16 | green ash | Common Tree | 1888 | 13 |
| 17 | red elm | Common Tree | 1887 | 25 |
| 20 | box elder | Common Tree | 1884 | 29 |
| 21 | box elder | Common Tree | no tag | 28 |
| 22 | box elder | Common Tree | 1883 | 29 |
| 24 | silver maple | Common Tree | 1881 | 48 |
| 25 | silver maple | Common Tree | 1880 | 27 |
| | | Total Common Trees | | 308 |

| Tree # | Species | Tree Ordinance Category | Tag Number | Diameter (largest trunk) |
|---|---|---|---|---|
| 18 | white spruce | Coniferous / Evergreen Tree | 1886 | 14 |
| 19 | white spruce | Coniferous / Evergreen Tree | 1885 | 14 |
| 23 | white spruce | Coniferous / Evergreen Tree | 1882 | 14 |
| | | Total Coniferous Trees | | 42 |

| Tree # | Species | Tree Ordinance Category | Tag Number | Diameter (largest trunk) |
|---|---|---|---|---|
| 1 | red oak | Deciduous hardwood tree | 1901 | 26 |
| 2 | white oak | Deciduous hardwood tree | 1900 | 15 |
| 3 | white oak | Deciduous hardwood tree | 1899 | 15 |
| 4 | red oak | Deciduous hardwood tree | 1898 | 19 |
| 5 | black cherry | Deciduous hardwood tree | 1897 | 14 |
| 7 | black cherry | Deciduous hardwood tree | 1969 | 12 |
| 8 | black cherry | Deciduous hardwood tree | 1895 | 10 |
| 9 | black cherry | Deciduous hardwood tree | 1896 | 10 |
| | | Total Coniferous Trees | | 121 |

Replacement Calculations

| | Total Inches |
|---|---|
| Common Trees | 308 |
| Coniferous Trees | 87 |
| Hardwood Trees | 121 |
| Total | 466 |

| | |
|---|---|
| Total Diameter at Breast Height (DBH) | 466 |
| Less Allowable Clearing (40%) | 140 |
| Total Mitigation required | 326 |

| | Total | Less Allowable | Total Mitigation (adjusted) |
|---|---|---|---|
| Common Trees | 308 | 140 | 168 |
| Coniferous Trees | 87 | 0 | 87 |
| Hardwood Trees | 121 | 0 | 121 |
| Total | 466 | | 326 |

| Replacement Schedule | | Total Mitigated Inches | |
|---|---|---|---|
| Common Trees | 1/4 of total | 42 | |
| Coniferous Trees | 1/2 of total | 18 | |
| Hardwood Trees | 1/3 of total | 40 | |

| | Tree Size | # of mitigation trees provided | Total Mitigation |
|---|---|---|---|
| Common Trees | 2.5" Caliper | 17 | 42.5 |
| Coniferous Trees | 6' (3" caliper equivalent) | 6 | 18 |
| Hardwood Trees | 2.5" Caliper | 24 | 60 |

NOTE: ALL TREES TO BE REMOVED TO ALLOW MASS GRADING OF SITE.

DRAWN BY: JLS
DESIGNER: DWB
CHECKED BY: DWB
DESIGN YEAR

| NO. | BY | DATE | REVISIONS |
|---|---|---|---|

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

PRELIMINARY NOT FOR CONSTRUCTION

DAVID N. SLOWING
Date: 05/30/2014 Lic. No. 48716

SEH
PHONE: 320.229.4300
1200 28TH AVENUE SOUTH
P.O. BOX 1717
ST. CLOUD, MN 56302-1717
www.sehinc.com

LAKE ELMO, MINNESOTA

TREE STUDY PLAN

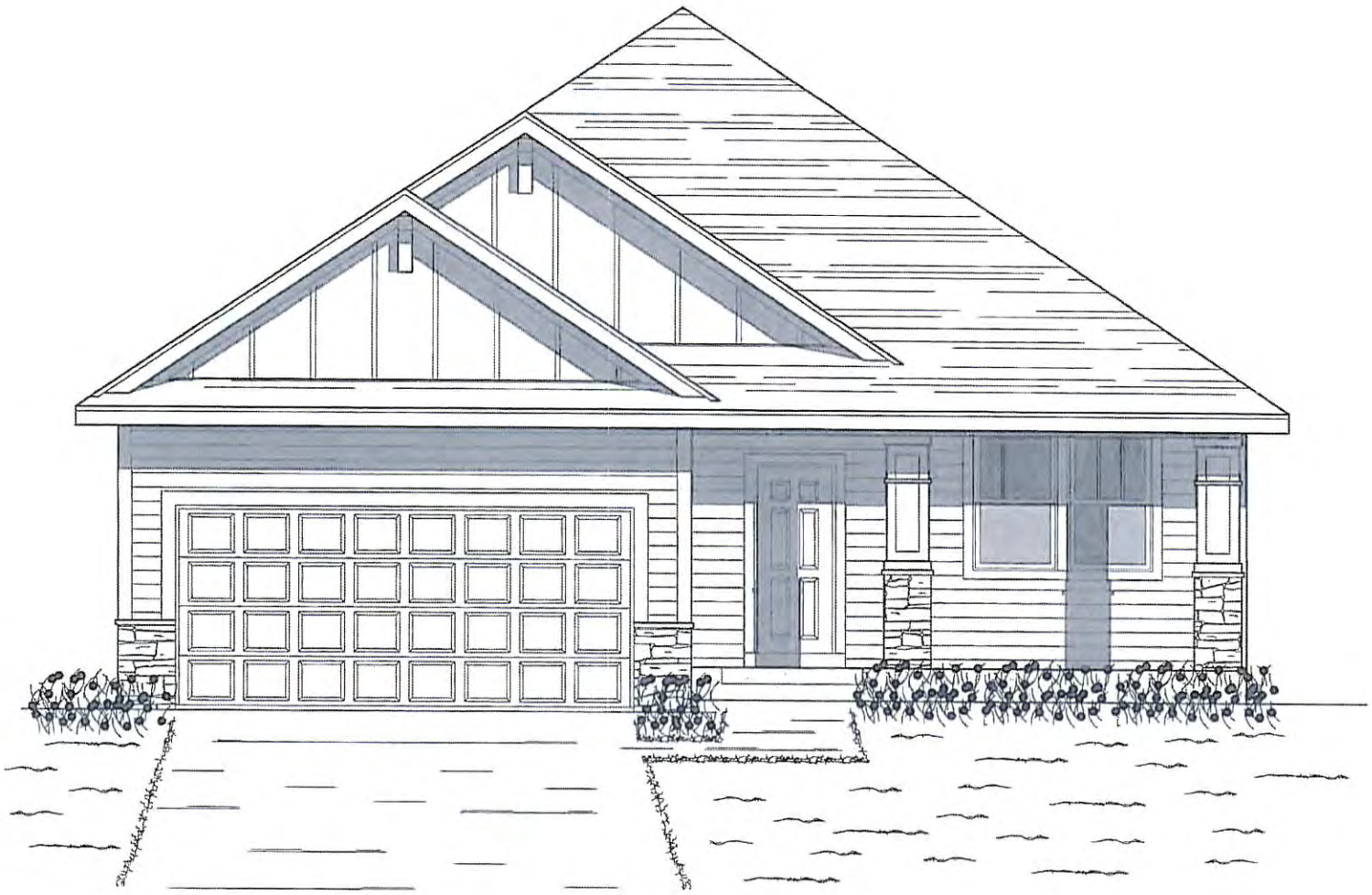
FILE NO. EXCE0128143

TS1 / TS1

## ATTACHMENT C

## Typical Elevations and Floor Plans





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JOB INFORMATION

# AMHURST
## STUDY PLAN

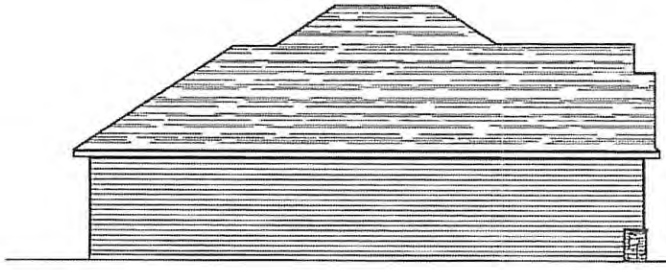
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| PLAN INFORMATION | | SQUARE FOOTAGE CALCS | |
|---|---|---|---|
| ISSUED: | 2/28/2014 | MAIN LEVEL: | 1512 SQ. FT. |
| DRAWN BY: | TJS | – | N/A |
| REVISIONS: | - | TOTAL: | 2141 SQ. FT. |
| | - | GARAGE: | 449 SQ. FT. |
| | - | FOUNDATION: | 1512 SQ.FT. |
| | - | FRONT PORCH: | 157 SQ. FT. |

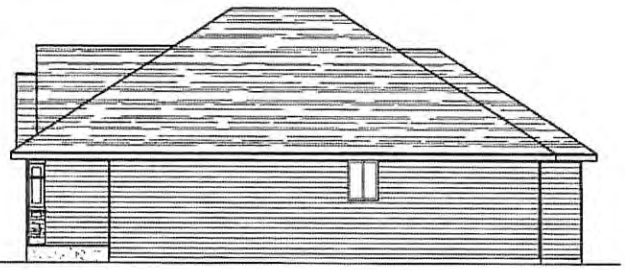
PLAN NUMBER:
AMHURST
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SHEET NUMBER:
1 OF 4



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

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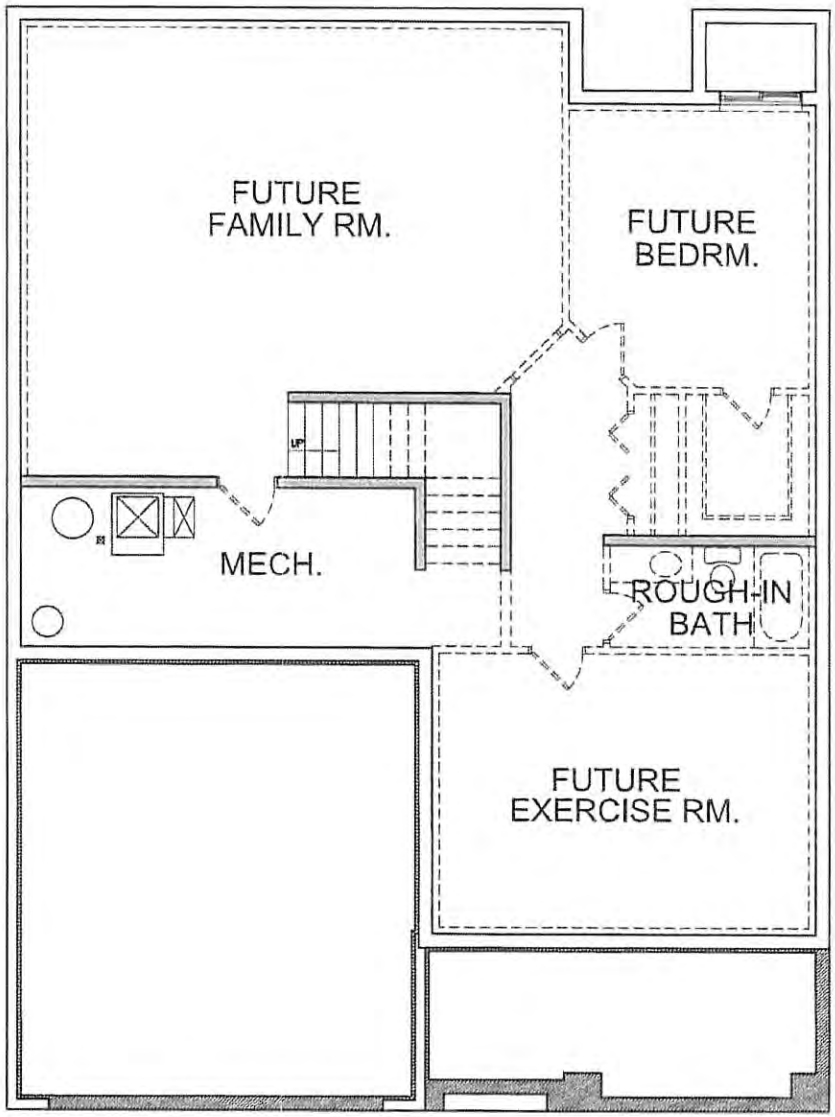
PLAN INFORMATION

| | |
|---|---|
| ISSUED: | 2/26/2014 |
| DRAWN BY: | TJS |
| REVISIONS: | - |
| | - |
| | - |
| | - |

SQUARE FOOTAGE CALCS

| | |
|---|---|
| MAIN LEVEL: | 1512 SQ. FT. |
| - | N/A |
| TOTAL: | 2741 SQ. FT. |
| GARAGE: | 449 SQ. FT. |
| FOUNDATION: | 1512 SQ.FT. |
| FRONT PORCH: | 157 SQ. FT. |

PLAN NUMBER:
AMHURST
PROJECT NUMBER:
STUDY PLAN
SHEET NUMBER:
2 OF 4



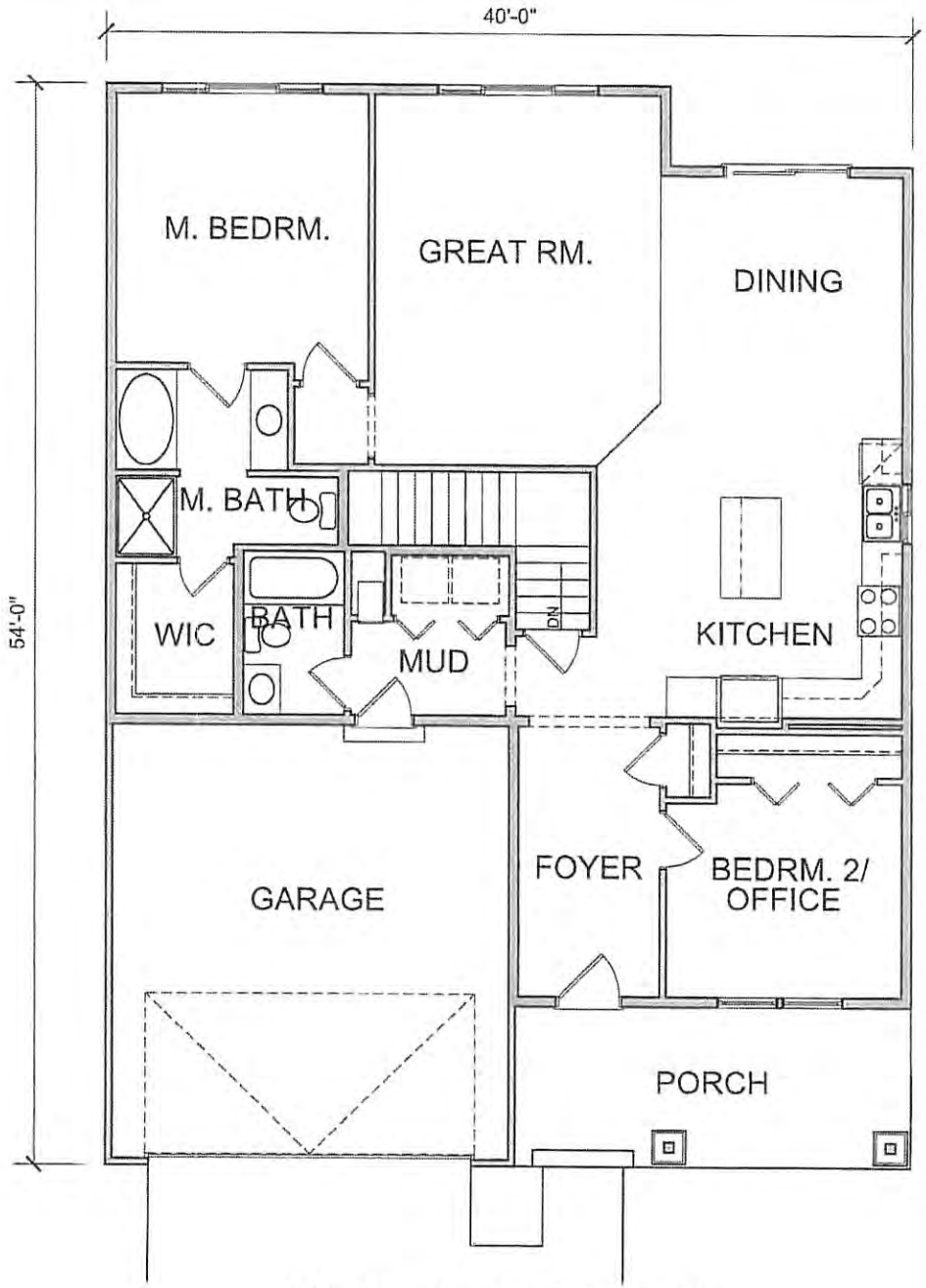

BASEMENT FOUNDATION PLAN

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AMHURST
STUDY PLAN
--
--

| PLAN INFORMATION | | SQUARE FOOTAGE CALCS | |
|---|---|---|---|
| ISSUED: | 2/26/2014 | MAIN LEVEL: | 1512 SQ. FT. |
| DRAWN BY: | TJS | - | N/A |
| REVISIONS: | - | TOTAL: | 2114 SQ. FT. |
| | - | GARAGE: | 449 SQ. FT. |
| | - | FOUNDATION: | 1512 SQ.FT. |
| | - | FRONT PORCH: | 157 SQ. FT. |

PLAN NUMBER:
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SHEET NUMBER:
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MAIN LEVEL FLOOR PLAN

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STUDY PLAN
--
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| PLAN INFORMATION | | SQUARE FOOTAGE CALCS | |
|---|---|---|---|
| ISSUED: | 2/28/2014 | MAIN LEVEL: | 1512 SQ. FT. |
| DRAWN BY: | TJS | - | N/A |
| REVISIONS: | - | TOTAL: | 2741 SQ. FT. |
| | - | GARAGE: | 448 SQ. FT. |
| | - | FOUNDATION: | 1512 SQ.FT. |
| | - | FRONT PORCH: | 157 SQ. FT. |

PLAN NUMBER:
AMHURST
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JOB INFORMATION

# ASHWORTH

## STUDY PLAN

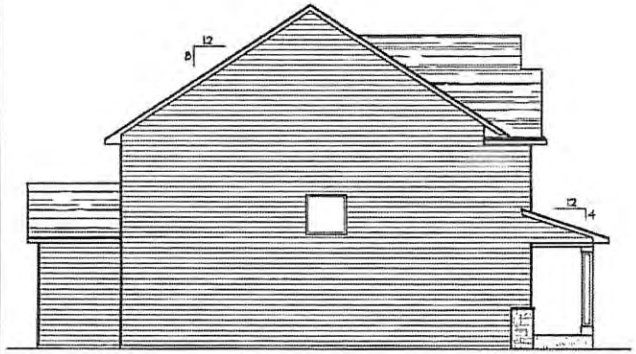
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| PLAN INFORMATION | | SQUARE FOOTAGE CALCS | |
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| DRAWN BY: | T-S | UPPER LEVEL: | 1316 SQ. FT. |
| REVISIONS: | - | TOTAL LIVING: | 2586 SQ. FT. |
| | - | GARAGE: | 664 SQ. FT. |
| | - | BASEMENT: | 1270 SQ.FT. |
| | - | F. PORCH | 193 SQ. FT. |

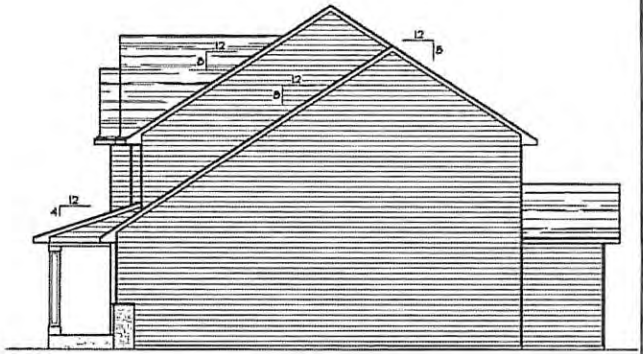
PLAN NAME:
ASHWORTH
PROJECT NUMBER:
STUDY PLAN
SHEET NUMBER:
1 OF 5




REAR ELEVATION




RIGHT ELEVATION




LEFT ELEVATION

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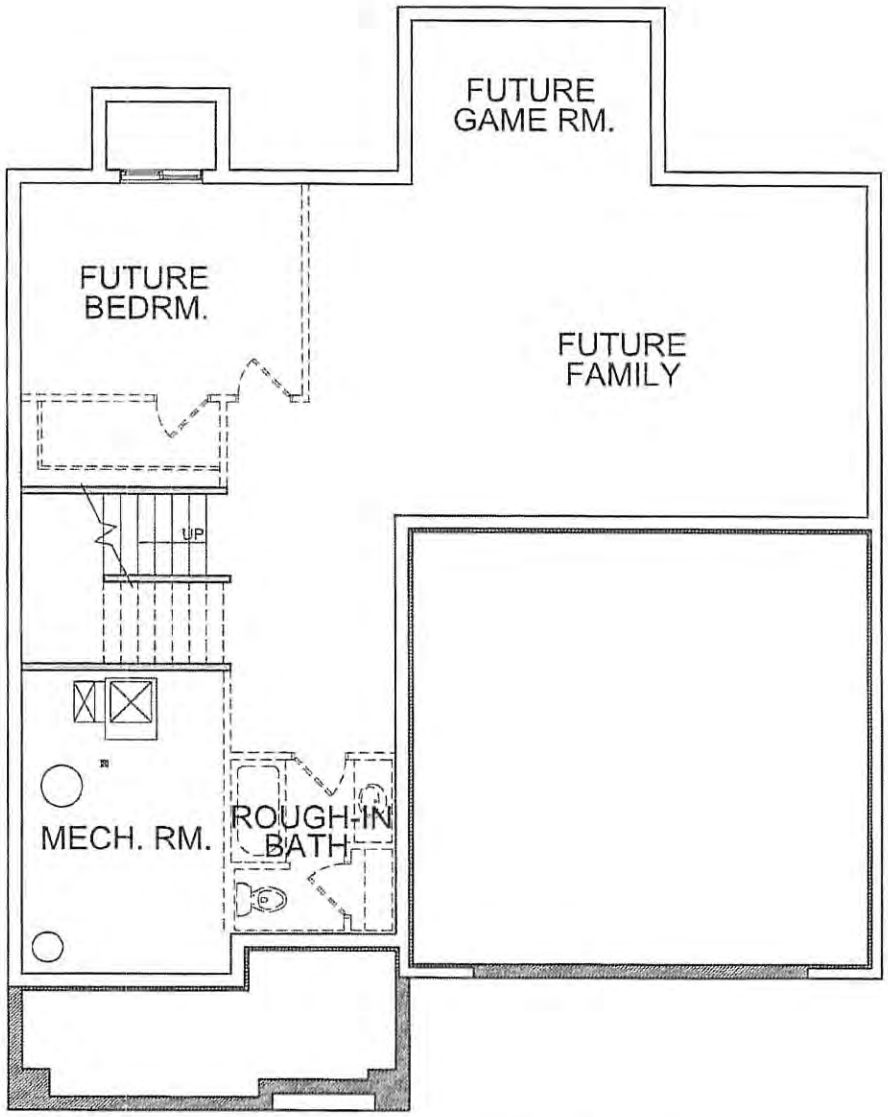
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|---|---|---|---|
| ISSUED: | 8/29/2014 | MAIN LEVEL: | 1270 SQ. FT. |
| DRAWN BY: | TJS | UPPER LEVEL: | 1316 SQ. FT. |
| REVISIONS: | - | TOTAL LIVING: | 2586 SQ. FT. |
| | - | GARAGE: | 664 SQ. FT. |
| | - | BASEMENT: | 1270 SQ.FT. |
| | - | F. PORCH: | 133 SQ. FT. |

PLAN NAME:
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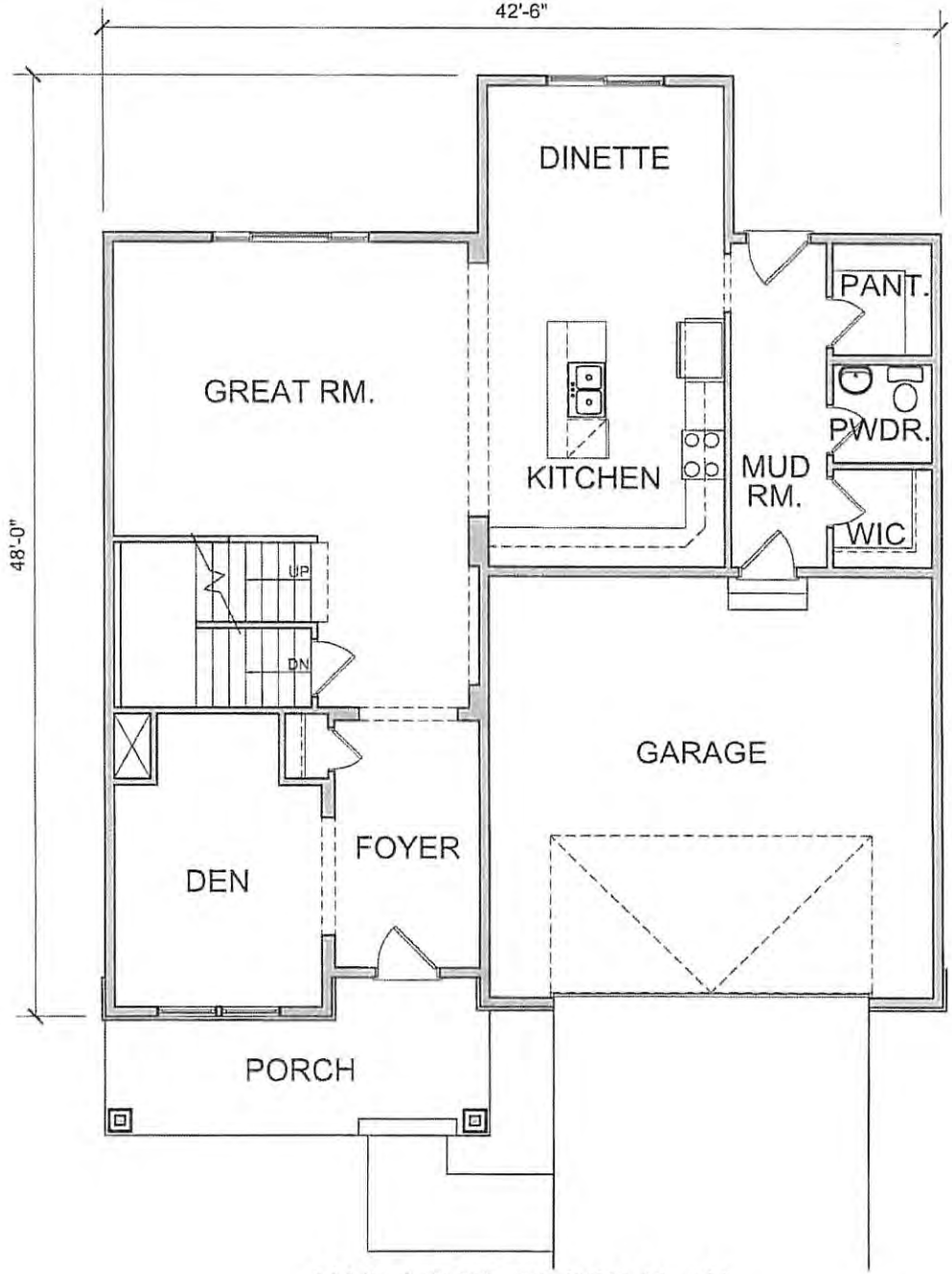
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|---|---|---|---|
| ISSUED: | 9/8/2014 | MAIN LEVEL: | 1270 SQ. FT. |
| DRAWN BY: | TJS | UPPER LEVEL | 1316 SQ. FT. |
| REVISIONS: | - | TOTAL LIVING: | 2586 SQ. FT. |
| | - | GARAGE: | 664 SQ. FT. |
| | - | BASEMENT: | 1270 SQ.FT. |
| | - | F. PORCH | 139 SQ. FT. |

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MAIN LEVEL FLOOR PLAN

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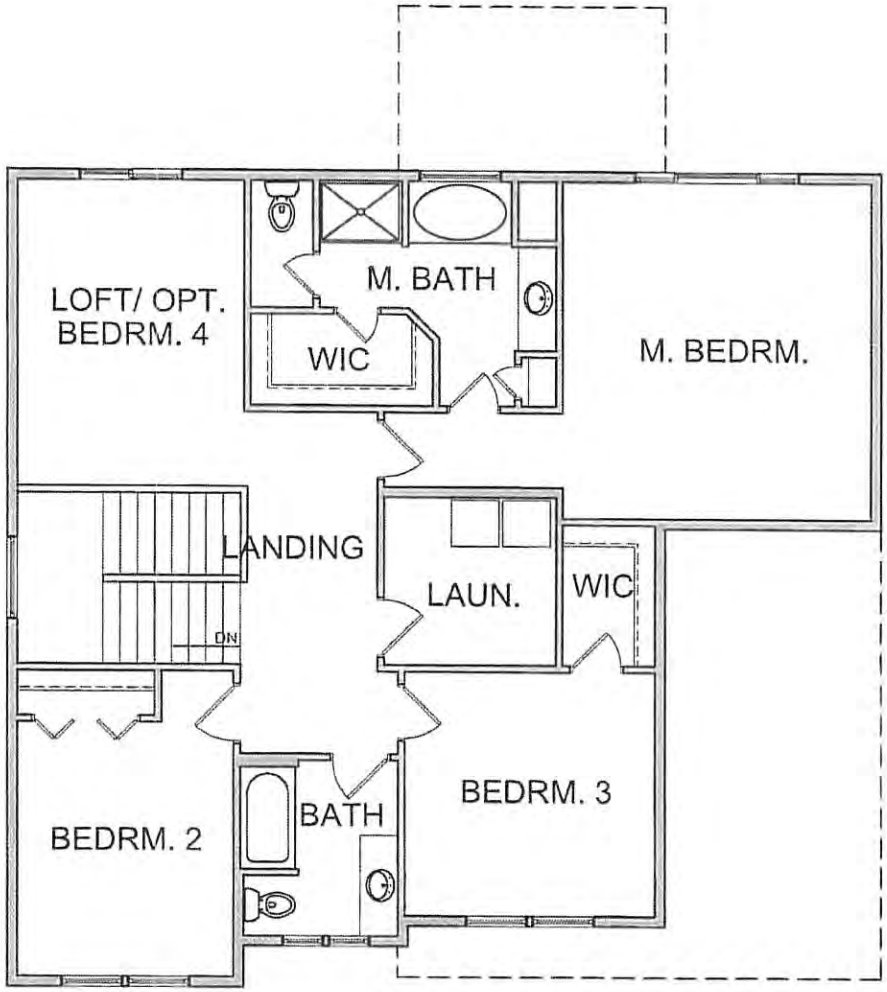
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|---|---|---|---|
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| DRAWN BY: | T.S | UPPER LEVEL: | 1816 SQ. FT. |
| REVISIONS: | - | TOTAL LIVING: | 2586 SQ. FT. |
| | - | GARAGE: | 664 SQ. FT. |
| | - | BASEMENT: | 1270 SQFT. |
| | - | F. PORCH | 199 SQ. FT |

PLAN NAME:
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PROJECT NUMBER:
STUDY PLAN
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UPPER LEVEL FLOOR PLAN

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| PLAN INFORMATION | | SQUARE FOOTAGE CALCS | |
|---|---|---|---|
| ISSUED: | 9/9/2014 | MAIN LEVEL: | 1270 SQ. FT. |
| DRAWN BY: | TJS | UPPER LEVEL: | 1916 SQ. FT. |
| REVISIONS: | - | TOTAL LIVING: | 3186 SQ. FT. |
| | - | GARAGE: | 664 SQ. FT. |
| | - | BASEMENT: | 1270 SQ.FT. |
| | - | F. PORCH | 198 SQ. FT. |

PLAN NAME:
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PROJECT NUMBER:
STUDY PLAN
SHEET NUMBER:
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JOB INFORMATION

# BENTLEY

STUDY PLAN

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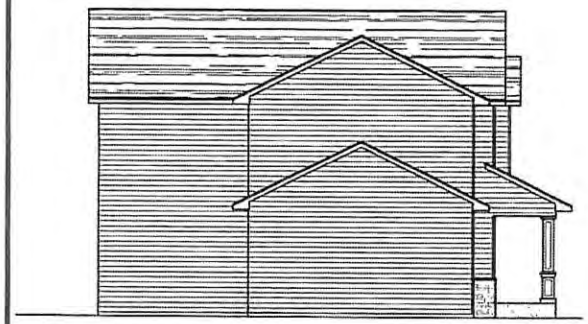
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| PLAN INFORMATION | | SQUARE FOOTAGE CALCS | |
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| ISSUED: | 3/31/2014 | MAIN LEVEL: | 968 SQ. FT. |
| DRAWN BY: | T.S | UPPER LEVEL: | 1114 SQ. FT. |
| REVISIONS: | - | TOTAL LIVING: | 2082 SQ. FT. |
| | - | GARAGE: | 440 SQ. FT. |
| | - | BASEMENT: | 968 SQ.FT. |
| | - | F. PORCH | 46 SQ. FT. |

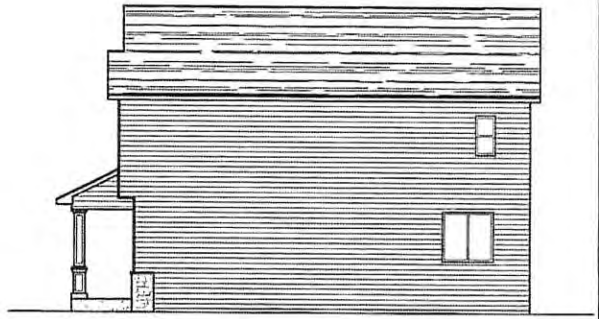
PLAN NAME:
BENTLEY
PROJECT NUMBER:
STUDY PLAN
SHEET NUMBER:
1 OF 5



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

creative
HOMES
707 COMMERCE DR. #410
WOODBURY, MN 55125
PH. 651-269-6800
FX. 651-501-6600
CREATIVEHCI.COM

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JOB INFORMATION

BENTLEY

STUDY PLAN

-

-

PLAN INFORMATION

| | |
|---|---|
| ISSUED: | 3/3/2014 |
| DRAWN BY: | TJS |
| REVISIONS: | - |

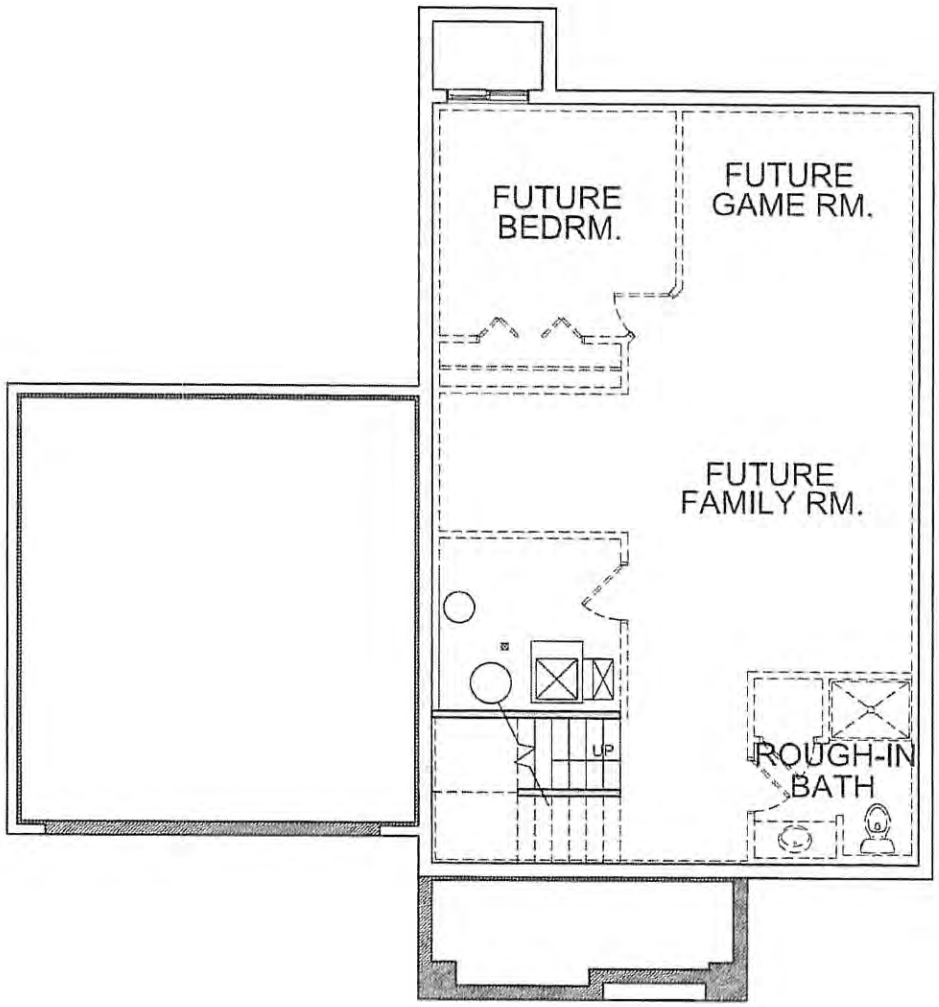
SQUARE FOOTAGE CALCS

| | |
|---|---|
| MAIN LEVEL: | 468 SQ. FT. |
| UPPER LEVEL: | 1114 SQ. FT. |
| TOTAL LIVING: | 2062 SQ. FT. |
| GARAGE: | 440 SQ. FT. |
| BASEMENT: | 468 SQ.FT. |
| F. PORCH | 46 SQ. FT. |

PLAN NAME
BENTLEY

PROJECT NUMBER:
STUDY PLAN

SHEET NUMBER:
2 OF 5




BASEMENT FOUNDATION PLAN

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HOMES
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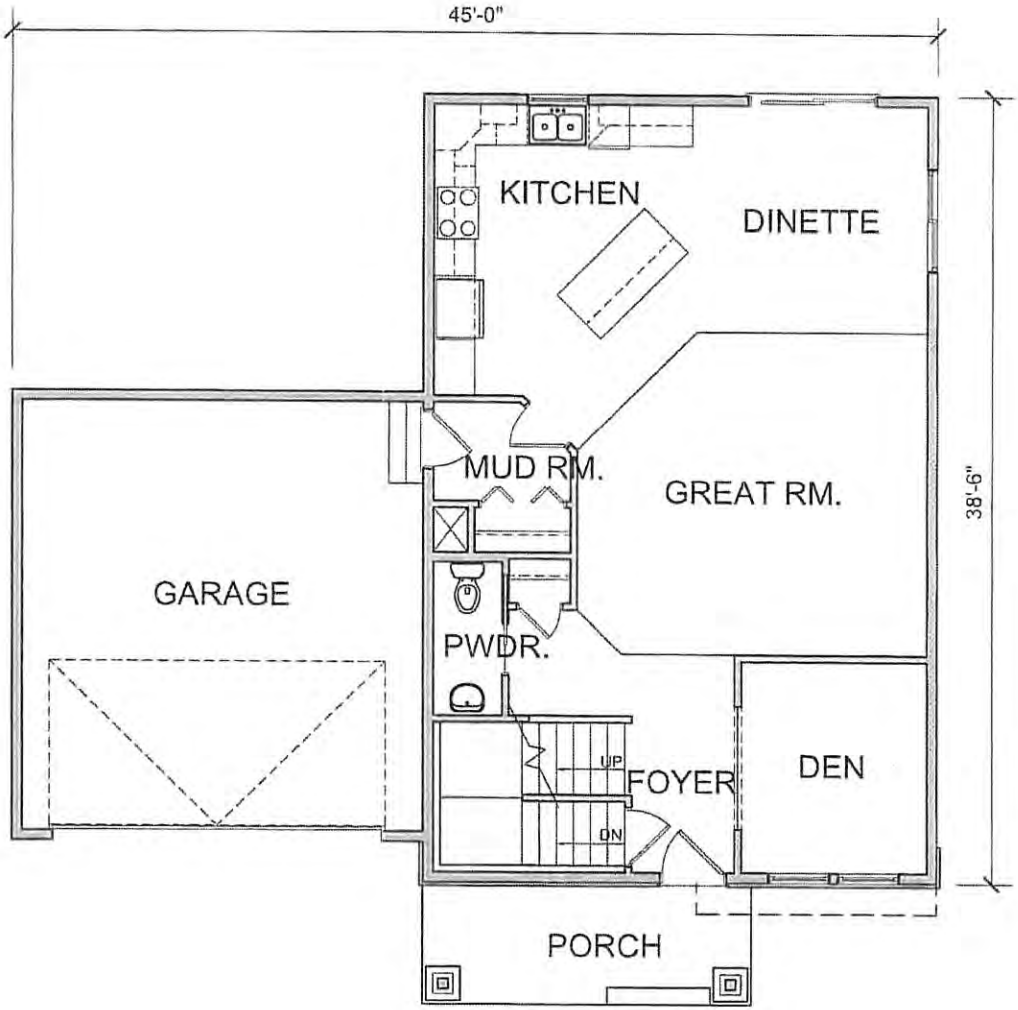
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JOB INFORMATION
BENTLEY
STUDY PLAN
--
--

| PLAN INFORMATION | | SQUARE FOOTAGE CALCS | |
|---|---|---|---|
| ISSUED: | 5/9/2014 | MAIN LEVEL: | 965 SQ. FT. |
| DRAWN BY: | TJS | UPPER LEVEL: | 1119 SQ. FT. |
| REVISIONS: | - | TOTAL LIVING: | 2082 SQ. FT. |
| | - | GARAGE: | 440 SQ. FT. |
| | - | BASEMENT: | 965 SQ.FT. |
| | - | F. PORCH | 46 SQ. FT |

PLAN NAME:
BENTLEY
PROJECT NUMBER:
STUDY PLAN
SHEET NUMBER:
3 OF 5




MAIN LEVEL FLOOR PLAN

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HOMES
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PH: 651-289-6800
FX: 651-501-6800
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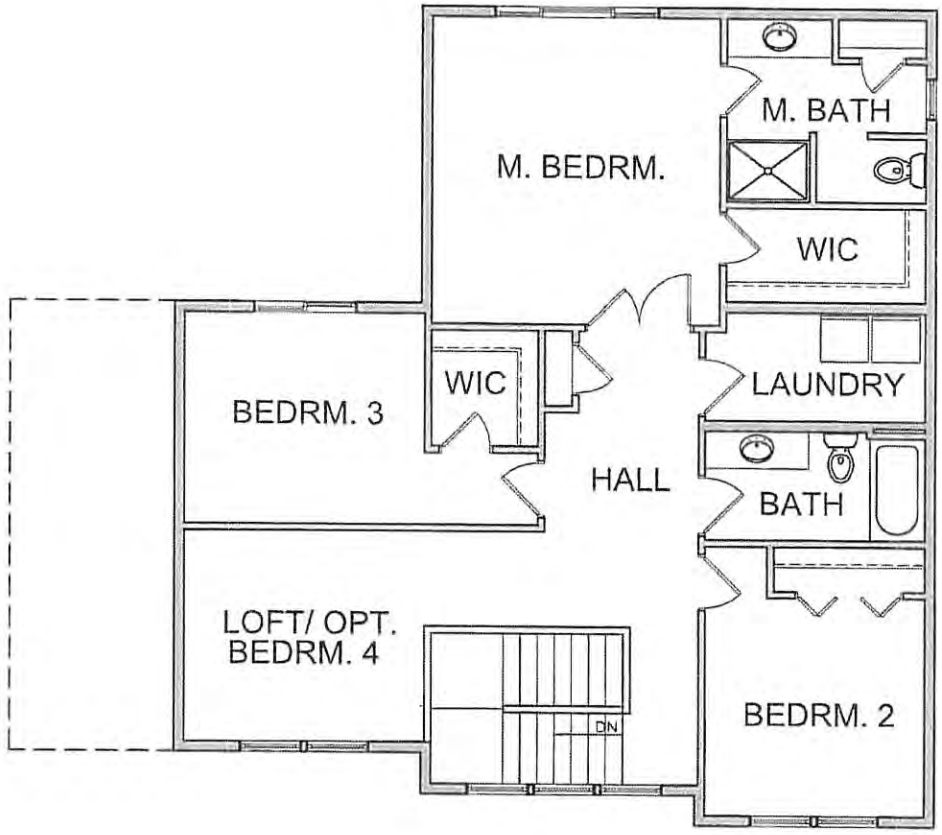
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JOB INFORMATION
BENTLEY
STUDY PLAN
--
--

| PLAN INFORMATION | | SQUARE FOOTAGE CALCS | |
|---|---|---|---|
| ISSUED: | 9/9/2014 | MAIN LEVEL: | 965 SQ. FT. |
| DRAWN BY: | T-S | UPPER LEVEL: | 1119 SQ. FT. |
| REVISIONS: | - | TOTAL LIVING: | 2083 SQ. FT. |
| | - | GARAGE: | 440 SQ. FT. |
| | - | BASEMENT: | 965 SQ.FT. |
| | - | F. PORCH | 96 SQ. FT. |

PLAN NAME:
BENTLEY
PROJECT NUMBER:
STUDY PLAN
SHEET NUMBER:
4 OF 5




UPPER LEVEL FLOOR PLAN

creative
HOMES
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JOB INFORMATION
BENTLEY
STUDY PLAN
--
--

| SQUARE FOOTAGE CALCS | |
|---|---|
| MAIN LEVEL: | 965 SQ. FT. |
| UPPER LEVEL: | 1119 SQ. FT. |
| TOTAL LIVING: | 2082 SQ. FT. |
| GARAGE: | 440 SQ. FT. |
| BASEMENT: | 965 SQ.FT. |
| F. PORCH | 46 SQ. FT. |

| PLAN INFORMATION | |
|---|---|
| ISSUED: | 9/9/2014 |
| DRAWN BY: | TJS |
| REVISIONS: | - |
| | - |
| | - |
| | - |

PLAN NAME:
BENTLEY
PROJECT NUMBER:
STUDY PLAN
SHEET NUMBER:
5 OF 5





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HOMES
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PH. 651-289-6800
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JOB INFORMATION

# LEGACY

STUDY PLAN

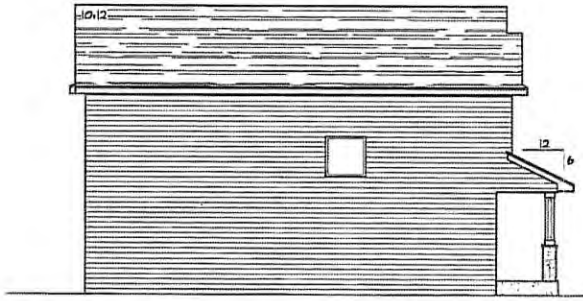
- -

| PLAN INFORMATION | | SQUARE FOOTAGE CALCS | |
|---|---|---|---|
| ISSUED: | 9/3/2014 | MAIN LEVEL: | 1080 SQ. FT. |
| DRAWN BY: | TJS | UPPER LEVEL: | 1254 SQ. FT. |
| REVISIONS: | - | TOTAL LIVING: | 2334 SQ. FT. |
| | - | GARAGE: | 441 SQ. FT. |
| | - | BASEMENT: | 1080 SQ.FT. |
| | - | DECK OPT. | 160 SQ. FT. |

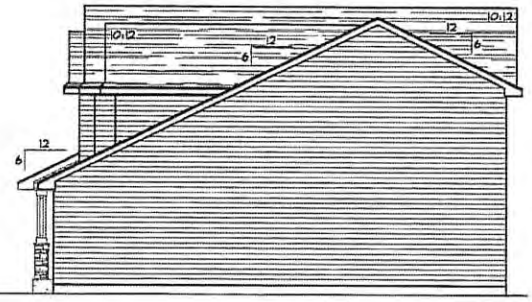
PLAN NUMBER:
LEGACY
PROJECT NUMBER:
STUDY PLAN
SHEET NUMBER:
1 OF 5




REAR ELEVATION




RIGHT ELEVATION



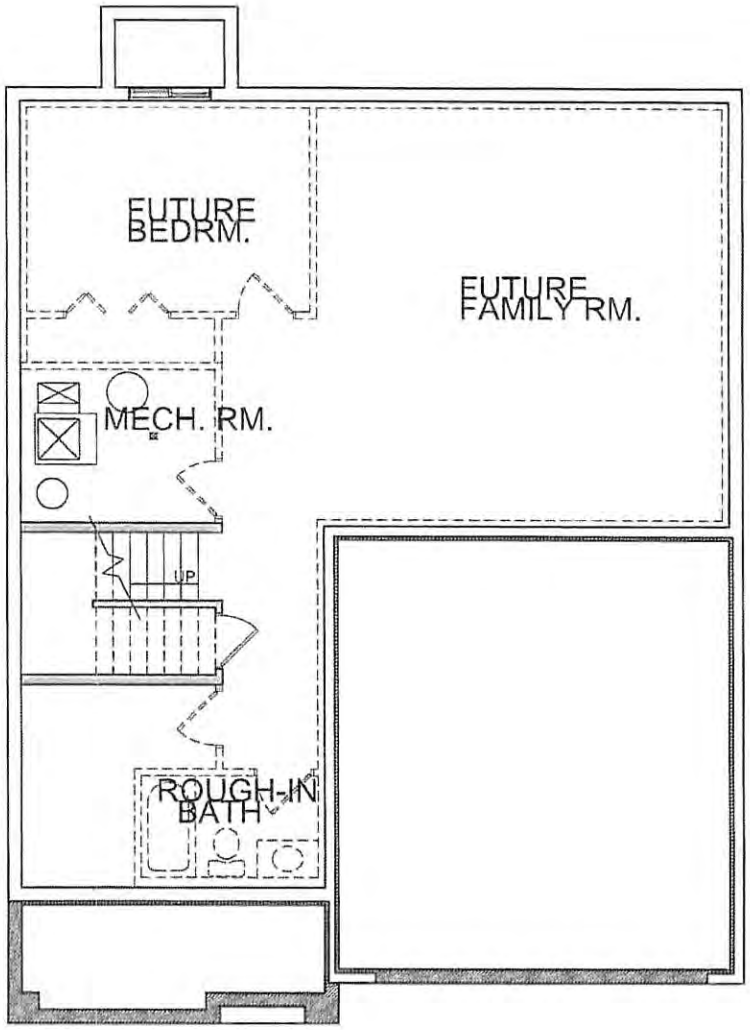

LEFT ELEVATION

creative
HOMES
707 COMMERCE DR. #410
WOODBURY, MN 55125
PH. 651-289-6800
FX. 651-501-6600
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JOB INFORMATION
LEGACY
STUDY PLAN
- -

| PLAN INFORMATION | | SQUARE FOOTAGE CALCS | |
|---|---|---|---|
| ISSUED: | 3/3/2014 | MAIN LEVEL: | 1080 SQ. FT. |
| DRAWN BY: | TJS | UPPER LEVEL: | 1254 SQ. FT. |
| REVISIONS: | - | TOTAL LIVING: | 2334 SQ. FT. |
| | - | GARAGE: | 441 SQ. FT. |
| | - | BASEMENT: | 1080 SQ.FT. |
| | - | DECK OPT: | 160 SQ. FT. |

PLAN NUMBER:
LEGACY
PROJECT NUMBER:
STUDY PLAN
SHEET NUMBER:
2 OF 5



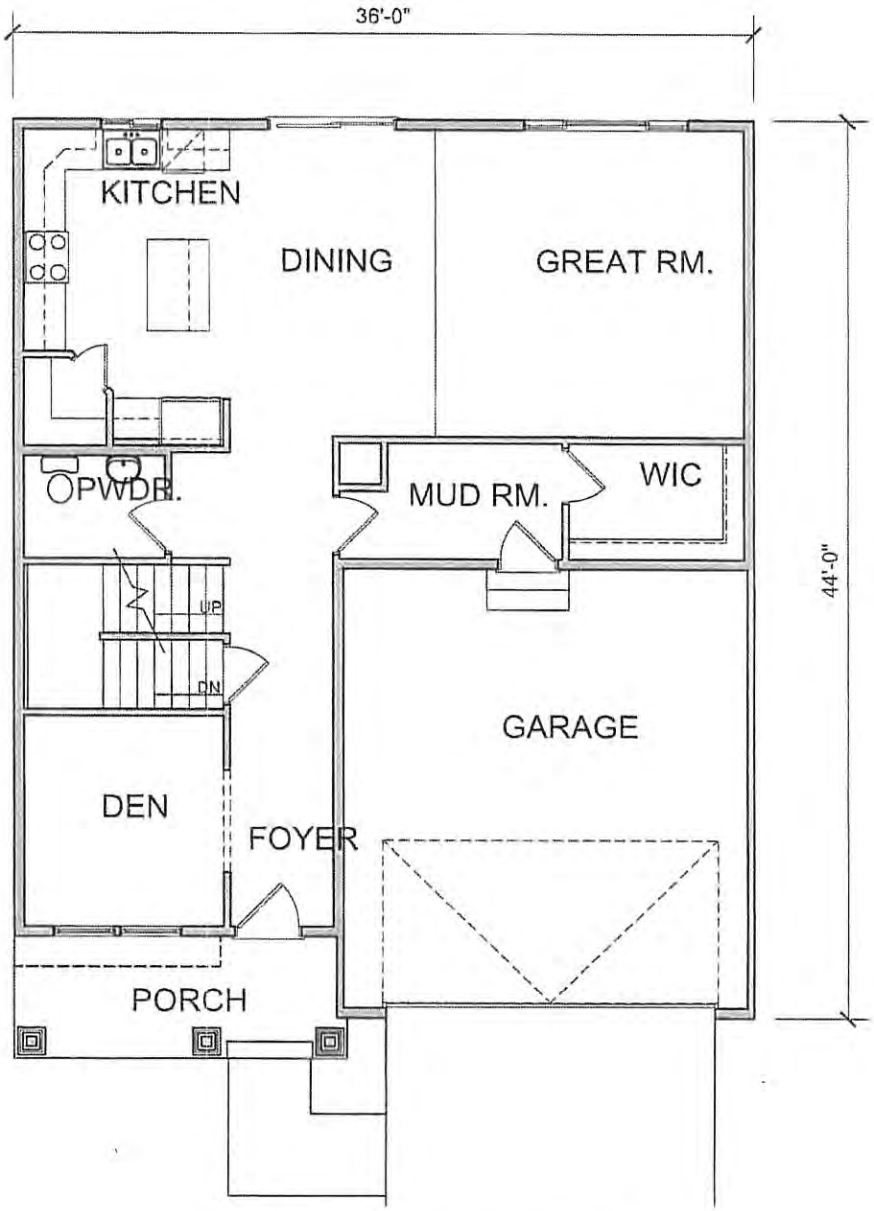

BASEMENT FOUNDATION PLAN

creative
HOMES
707 COMMERCE DR. #410
WOODBURY, MN 55125
PH. 651-269-6800
FX. 651-501-6600
CREATIVEHOMES.COM

JOB INFORMATION
LEGACY
STUDY PLAN
-
-

| PLAN INFORMATION | | SQUARE FOOTAGE CALCS | |
|---|---|---|---|
| ISSUED: | 9/8/2014 | MAIN LEVEL: | 1080 SQ. FT. |
| DRAWN BY: | TJS | UPPER LEVEL: | 1294 SQ. FT. |
| REVISIONS: | - | TOTAL LIVING: | 2394 SQ. FT. |
| | - | GARAGE: | 441 SQ. FT. |
| | - | BASEMENT: | 1080 SQ.FT. |
| | - | DECK OPT. | 160 SQ. FT. |

PLAN NUMBER:
LEGACY
PROJECT NUMBER:
STUDY PLAN
SHEET NUMBER:
3 OF 5



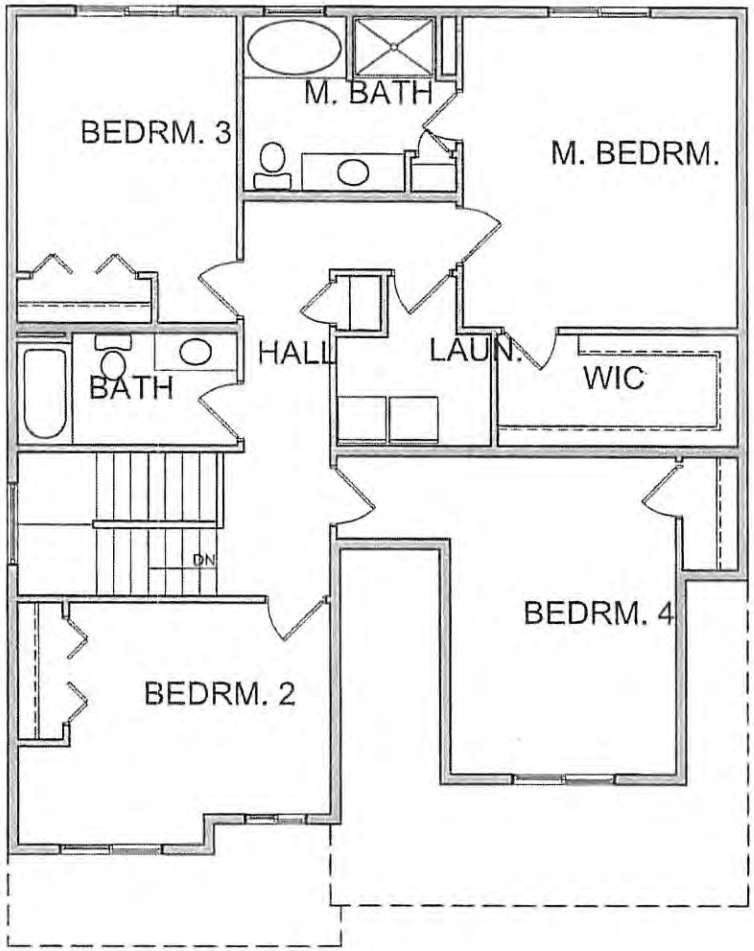

MAIN LEVEL FLOOR PLAN

creative
HOMES
707 COMMERCE DR. #410
WOODBURY, MN 55125
PH. 651-269-6800
FX. 651-501-6800
CREATIVEHCI.COM

JOB INFORMATION
LEGACY
STUDY PLAN
- -

| PLAN INFORMATION | | SQUARE FOOTAGE CALCS | |
|---|---|---|---|
| ISSUED: | 9/8/2014 | MAIN LEVEL: | 1080 SQ. FT. |
| DRAWN BY: | T-S | UPPER LEVEL: | 1254 SQ. FT. |
| REVISIONS: | - | TOTAL LIVING: | 2334 SQ. FT. |
| | - | GARAGE: | 441 SQ. FT. |
| | - | BASEMENT: | 1080 SQ.FT. |
| | - | DECK OPT: | 160 SQ. FT. |

PLAN NUMBER:
LEGACY
PROJECT NUMBER:
STUDY PLAN
SHEET NUMBER:
4 OF 5




UPPER LEVEL FLOOR PLAN

creative
HOMES
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WOODBURY, MN 55125
PH. 651-289-6800
FX. 651-501-6500
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JOB INFORMATION
LEGACY
STUDY PLAN
- -

PLAN INFORMATION

| | |
|---|---|
| ISSUED: | 9/3/2014 |
| DRAWN BY: | TJS |
| REVISIONS: | - |

SQUARE FOOTAGE CALCS

| | |
|---|---|
| MAIN LEVEL: | 1080 SQ. FT. |
| UPPER LEVEL: | 1254 SQ. FT. |
| TOTAL LIVING: | 2334 SQ. FT. |
| GARAGE: | 441 SQ. FT. |
| BASEMENT: | 1080 SQ.FT. |
| DECK OPT. | 160 SQ. FT. |

PLAN NUMBER
LEGACY
PROJECT NUMBER:
STUDY PLAN
SHEET NUMBER
5 OF 5






737 COMMERCE DR. #410
WOODBURY, MN 55125
PH: 651-389-4800
FX: 651-501-4800
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JOB INFORMATION

# NORWOOD

## STUDY PLAN

-- --

| PLAN INFORMATION | | SQUARE FOOTAGE CALCS | |
|---|---|---|---|
| ISSUED: | 1/24/2014 | MAIN LEVEL: | 1961 SQ. FT. |
| DRAWN BY: | TJS | UPPER LEVEL: | 1042 SQ. FT. |
| REVISIONS: | - | TOTAL LIVING: | 3009 SQ. FT. |
| | - | GARAGE: | 715 SQ. FT. |
| | - | BASEMENT: | 1961 SQ.FT. |
| | - | F. PORCH | 177 SQ. FT. |

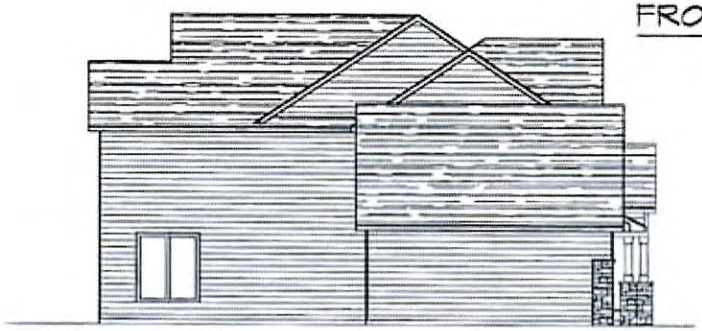
PLAN NAME:
NORWOOD

PROJECT NUMBER:
STUDY PLAN

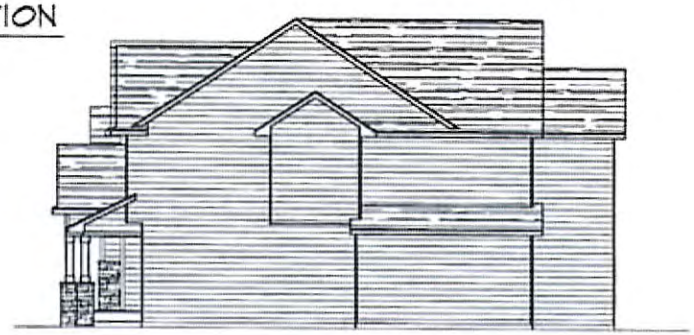
SHEET NUMBER:
1 OF 5



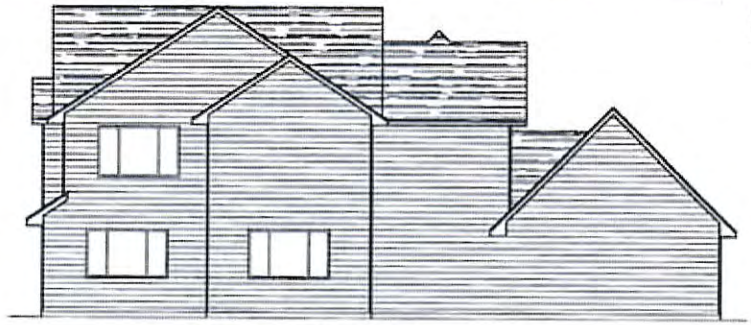
FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION


707 COMMERCE DR. #410
WOODBURY, MN 55125
PH. 651-249-6000
FX. 651-207-6600
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JOB INFORMATION

NORWOOD

STUDY PLAN

PLAN INFORMATION

| | |
|---|---|
| ISSUED: | 1/24/2014 |
| DRAWN BY: | TJS |
| REVISIONS: | - |

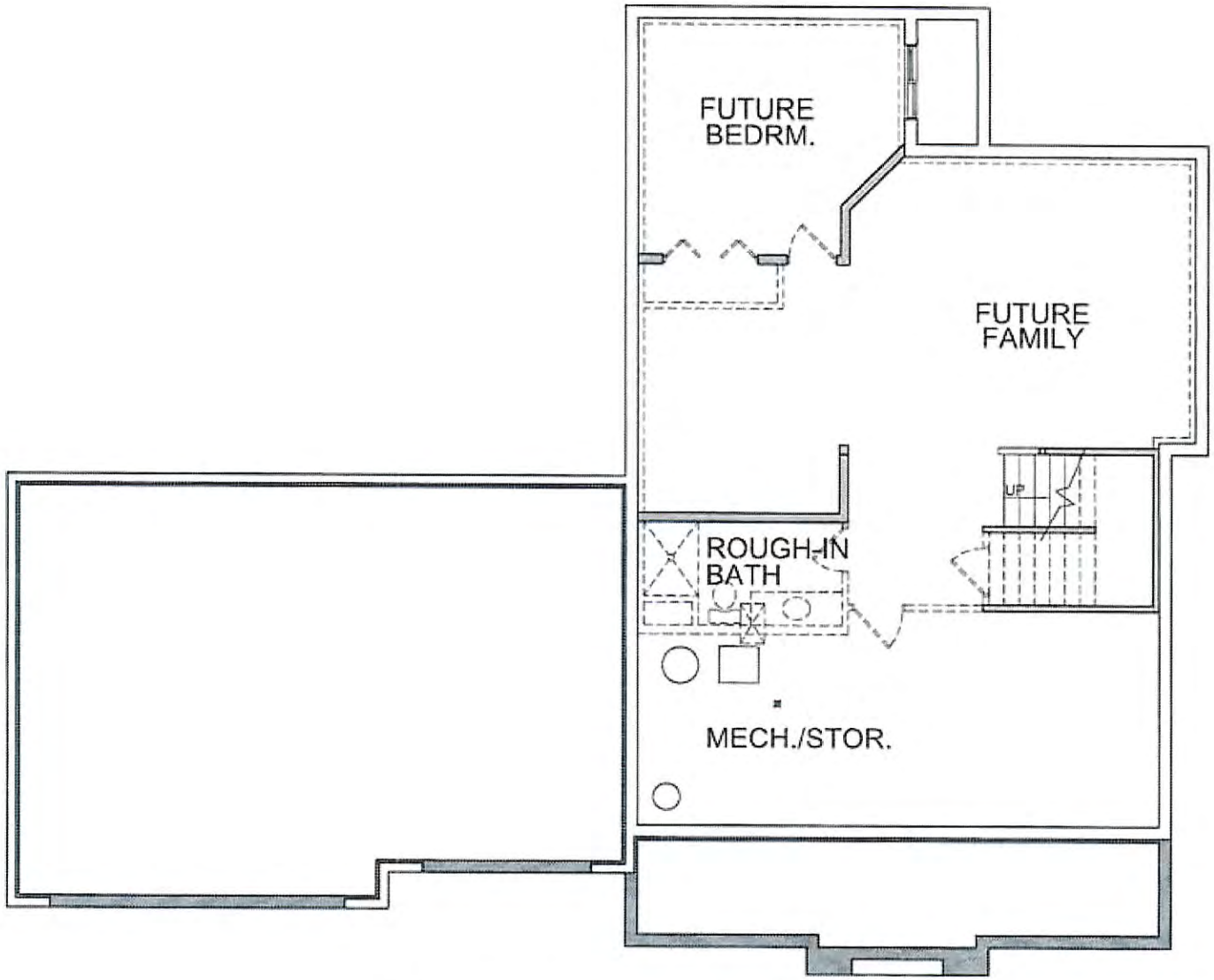
SQUARE FOOTAGE CALCS

| | |
|---|---|
| MAIN LEVEL: | 1961 SQ. FT. |
| UPPER LEVEL: | 1442 SQ. FT. |
| TOTAL LIVING: | 3009 SQ. FT. |
| GARAGE | 715 SQ. FT. |
| BASEMENT: | 1961 SQ. FT. |
| # PORCH | 171 SQ. FT. |

PLAN NAME:
NORWOOD

PROJECT NUMBER:
STUDY PLAN

SHEET NUMBER:
2 OF 5




BASEMENT FOUNDATION PLAN

creative
787 COMMERCE DR. #410
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PH: 651-269-6500
FX: 651-501-6600
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JOB INFORMATION

NORWOOD

STUDY PLAN

-- --

PLAN INFORMATION

| | |
|---|---|
| ISSUED: | 1/24/2014 |
| DRAWN BY: | TJS |
| REVISIONS: | - |
| | - |
| | - |
| | - |

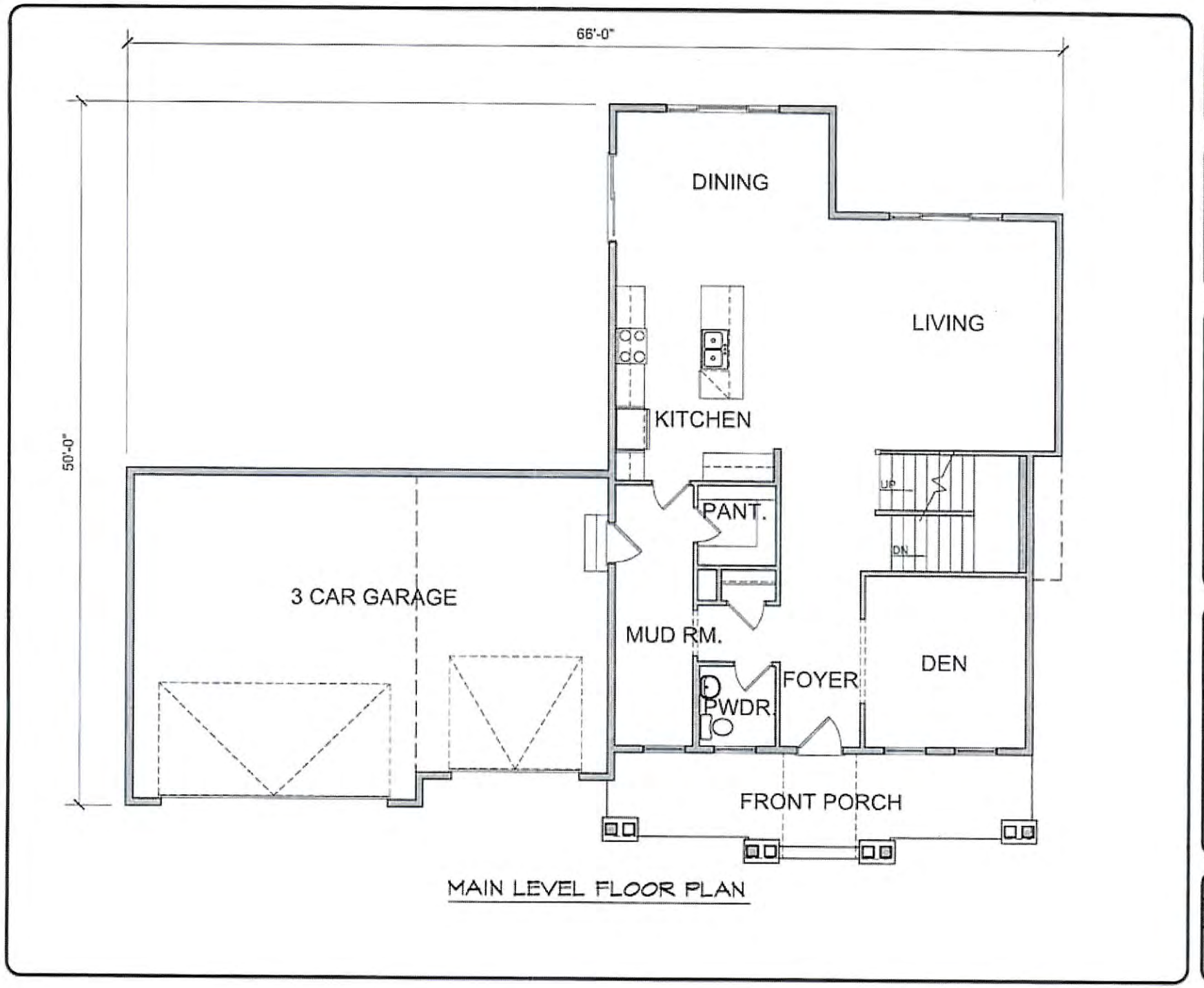
SQUARE FOOTAGE CALCS

| | |
|---|---|
| MAIN LEVEL: | 1561 SQ. FT. |
| UPPER LEVEL: | 1842 SQ. FT. |
| TOTAL LIVING: | 3008 SQ. FT. |
| GARAGE: | 745 SQ. FT. |
| BASEMENT | 1561 SQ.FT. |
| F. PORCH | 171 SQ. FT. |

PLAN NAME:
NORWOOD

PROJECT NUMBER:
STUDY PLAN

SHEET NUMBER:
3 OF 5




MAIN LEVEL FLOOR PLAN


TOT COMMERCE DR. #410
WOODBURY, MN 55125
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JOB INFORMATION

NORWOOD

STUDY PLAN

-- --

PLAN INFORMATION

| | |
|---|---|
| ISSUED: | 1/24/2014 |
| DRAWN BY: | TJS |
| REVISIONS: | - |

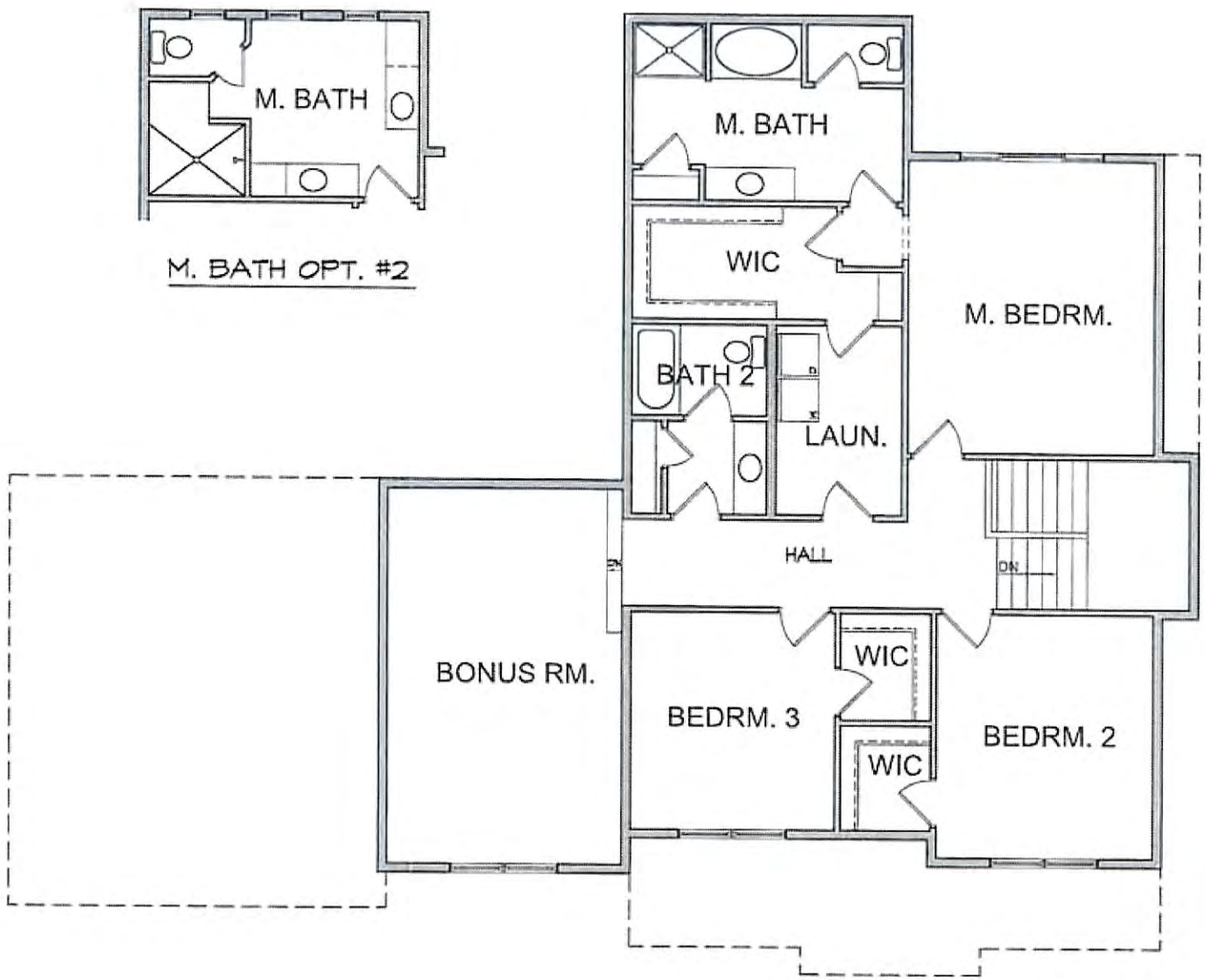
SQUARE FOOTAGE CALCS

| | |
|---|---|
| MAIN LEVEL: | 1361 SQ. FT. |
| UPPER LEVEL: | 1642 SQ. FT. |
| TOTAL LIVING: | 3003 SQ. FT. |
| GARAGE: | 715 SQ. FT. |
| - | - |
| BASEMENT: | 1361 SQ.FT. |
| F. PORCH: | 177 SQ. FT. |

PLAN NAME:
NORWOOD

PROJECT NUMBER:
STUDY PLAN

SHEET NUMBER:
4 OF 5




UPPER LEVEL FLOOR PLAN

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JOB INFORMATION
NORWOOD
STUDY PLAN
--
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| PLAN INFORMATION | | SQUARE FOOTAGE CALCS | |
|---|---|---|---|
| ISSUED: | 1/24/2014 | MAIN LEVEL: | 1961 SQ. FT. |
| DRAWN BY: | TJS | UPPER LEVEL: | 1842 SQ. FT. |
| REVISIONS: | - | TOTAL LIVING: | 3803 SQ. FT. |
| | - | GARAGE: | 745 SQ. FT. |
| | - | BASEMENT: | 1961 SQ.FT. |
| | - | P. PORCH | 171 SQ. FT. |

PLAN NAME:
NORWOOD
PROJECT NUMBER:
STUDY PLAN
SHEET NUMBER:
5 OF 5

PROPOSED ZONING EXHIBIT FOR:

# BOULDER PONDS

**OWNER/DEVELOPER**

OP4 BOULDER PONDS, LLC
11455 VIKING DRIVE
SUITE 350
EDEN PRAIRIE, MN 55344




## PROPOSED ZONING

LDR-PUD (LOW DENSITY RESIDENTIAL-PUD)
MDR-PUD (MEDIUM DENSITY RESIDENTIAL-PUD)
COMMERCIAL

## VICINITY MAP

PART OF SEC. 34, TWP. 29, RNG. 21



WASHINGTON COUNTY, MINNESOTA
(NO SCALE)

NORTH
NOT TO SCALE

E. G. RUD & SONS, INC.
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com

PRELIMINARY COPY
UNRECORDED AS OF 1-27-15

# BOULDER PONDS

KNOW ALL PERSONS BY THESE PRESENTS: DP4 Boulder Ponds, LLC, a Minnesota limited liability company, fee owner of the following described property situated in the County of Washington, State of Minnesota, to wit:

That part of the East Half of the Northwest Quarter of the Southwest Quarter and the West Half of the West Half of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota, lying north of the north line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT 82-43.

AND

That part of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota described as follows:

Commencing at the northwest corner of said East Half of the Southwest Quarter; thence South 00 degrees 02 minutes 55 seconds West, assumed bearing, along the west line of said East Half a distance of 756.99 feet to the point of beginning of the parcel to be described; thence South 16 degrees 08 minutes 55 seconds East, along the centerline of the Pipeline Easement described in Document No. 3172091, a distance of 448.37 feet; thence South 89 degrees 55 minutes 22 seconds West a distance of 125.07 feet to said west line of said East Half; thence North 00 degrees 02 minutes 55 seconds East, along said west line a distance of 430.85 feet to the point of beginning.

AND

That part of Lot 1, Block 1, EAGLE POINT BUSINESS PARK 3RD ADDITION, Washington County, Minnesota described as follows:

Beginning at the northeast corner of said Lot 1, Block 1; thence South 89 degrees 38 minutes 02 seconds West, assumed bearing, along the north line of said Lot 1 a distance of 28.08 feet; thence South 03 degrees 47 minutes 08 seconds East a distance of 426.49 feet to the east line of said Lot 1; thence North 00 degrees 00 minutes 40 seconds West along said east line of Lot 1 a distance of 425.74 feet to the point of beginning.

Has caused the same to be surveyed and platted as BOULDER PONDS and does hereby dedicate to the public the public ways and drainage and utility easements created by this plat.

In witness whereof said DP4 Boulder Ponds, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this_____day of _____, 20____.

DP4 BOULDER PONDS, LLC

_____
Timothy J. Brown, Senior Vice President

STATE OF MINNESOTA
COUNTY OF _____
This instrument was acknowledged before me on this_____day of_____, 20____, by Timothy J. Brown, Senior Vice President of DP4 Boulder Ponds, LLC, on behalf of the company.

_____
_____
Notary Public, _____ County, Minnesota
My Commission Expires_____

I Jason E. Rud do hereby certify that I have surveyed and platted or directly supervised the survey and platting of the property described on this plat as BOULDER PONDS; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on the plat; that all monuments depicted on the plat have been or will be correctly set within one year as indicated on the plat; that all water boundaries and wet lands as defined in MS 505.01, Subd. 3 existing as of the date of this certification are shown and labeled on the plat; and that all public ways are shown and labeled on the plat.

Dated this _____ day of _____, 20____.

_____
Jason E. Rud, Licensed Land Surveyor
Minnesota License No. 41578

STATE OF MINNESOTA
COUNTY OF _____

The foregoing Surveyor's Certificate was acknowledged before me this_____day of_____, 20____, by Jason E. Rud, Licensed Land Surveyor, Minnesota License No. 41578.

_____
_____
Notary Public, _____ County, Minnesota
My Commission Expires_____

CITY OF LAKE ELMO, MINNESOTA
The foregoing plat of BOULDER PONDS was approved by the City Council of Lake Elmo, Minnesota, this_____day of _____, 20____, and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subdivision 2.

CITY OF LAKE ELMO, MINNESOTA

By _____ By_____
Mayor Clerk

COUNTY SURVEYOR
Pursuant to Chapter 820, Laws of Minnesota, 1971, and in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this day of _____, 20____.

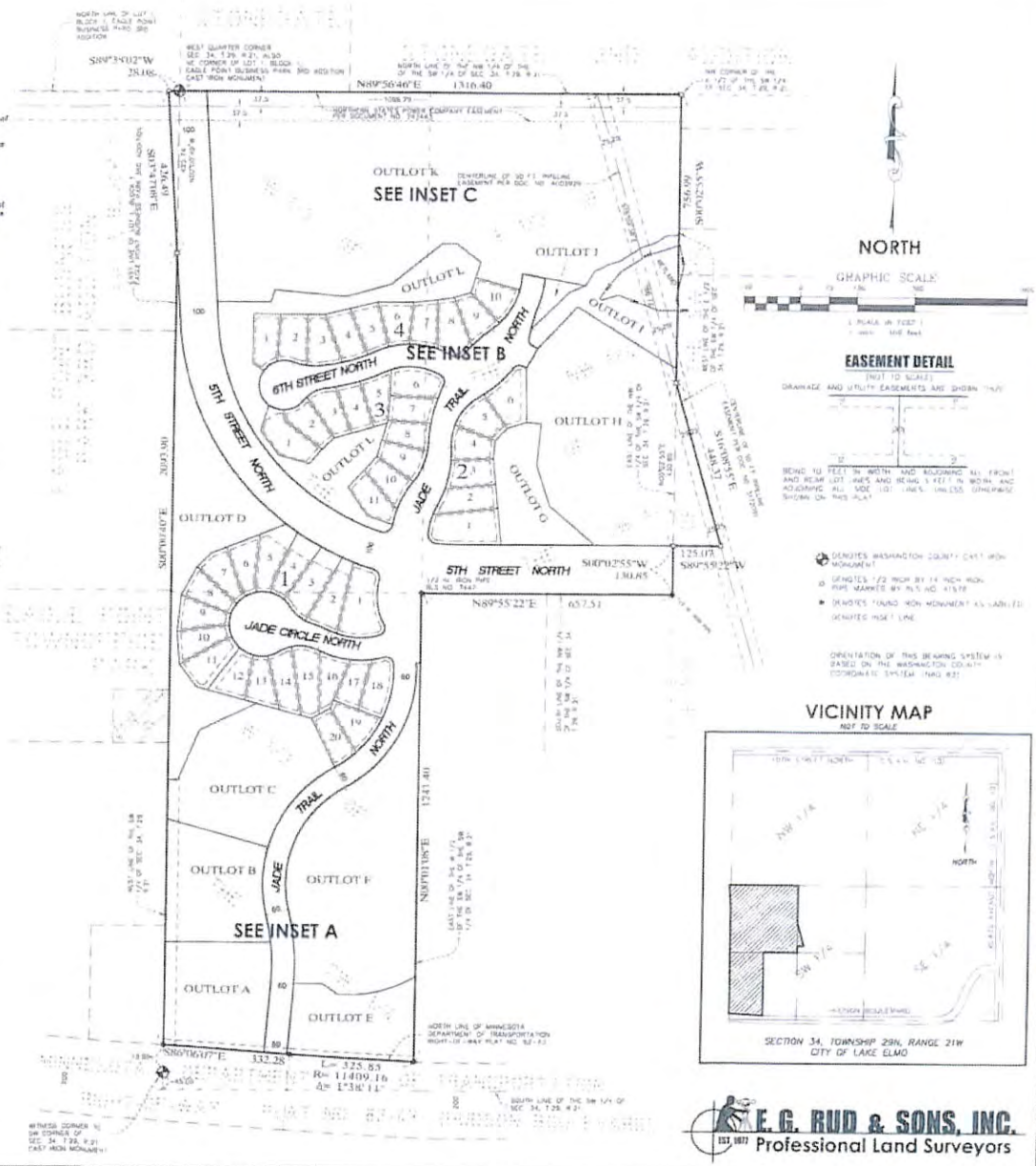
By _____ By_____
Washington County Surveyor

COUNTY AUDITOR/TREASURER
Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20____ on the land hereinbefore described have been paid. Also pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this _____day of _____, 20____.

By _____ By_____
Washington County Auditor/Treasurer Deputy

COUNTY RECORDER
Document Number_____
I hereby certify that this instrument was recorded in the Office of the County Recorder for record on this ____ day of _____, 20____, at _____ o'clock ____ M., and was duly recorded in Washington County Records.

By _____ By_____
Washington County Recorder Deputy




VICINITY MAP
NOT TO SCALE



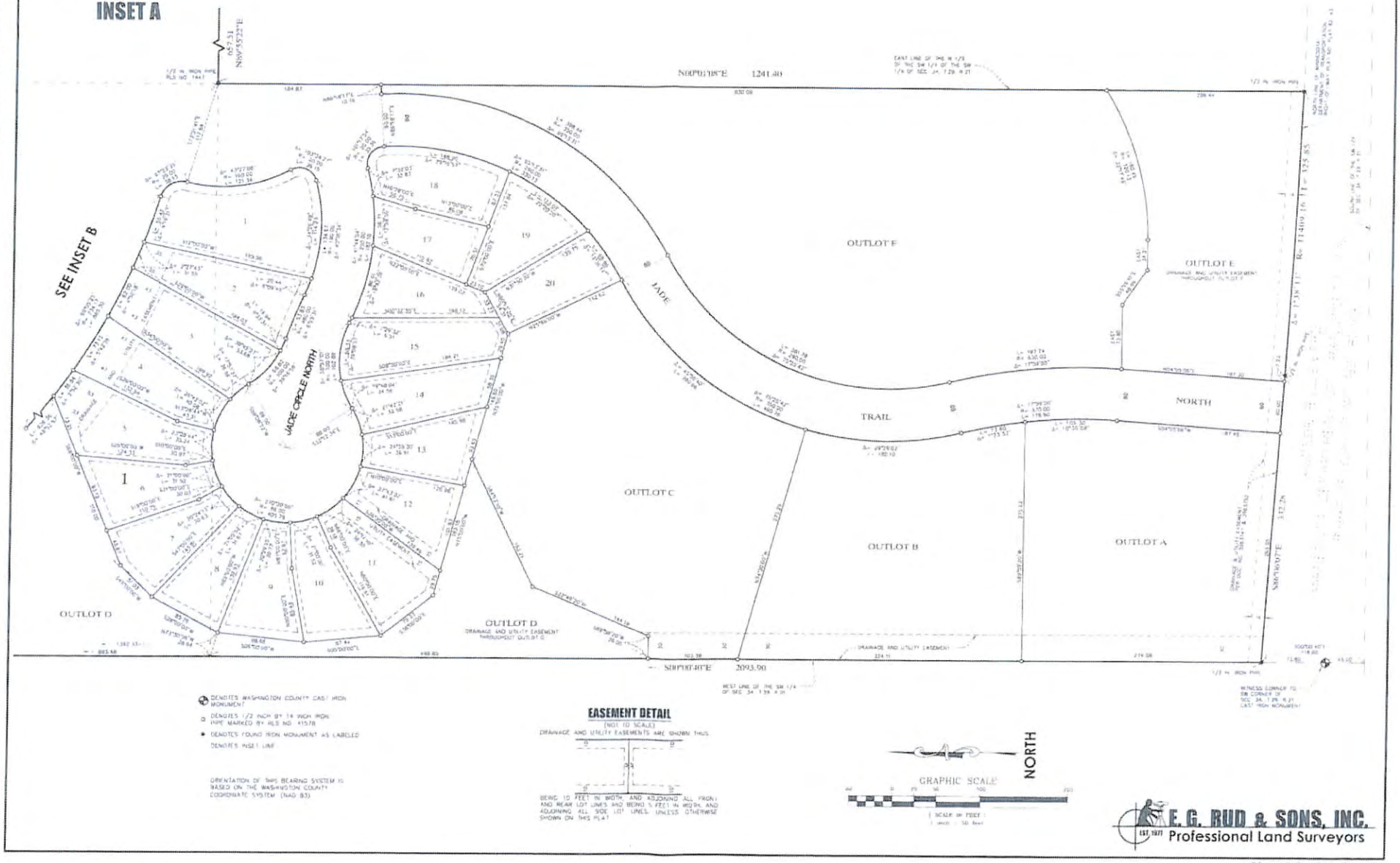
SECTION 34, TOWNSHIP 29N, RANGE 21W
CITY OF LAKE ELMO

E.G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors

PRELIMINARY COPY
UNRECORDED AS OF 1-27-15

# BOULDER PONDS

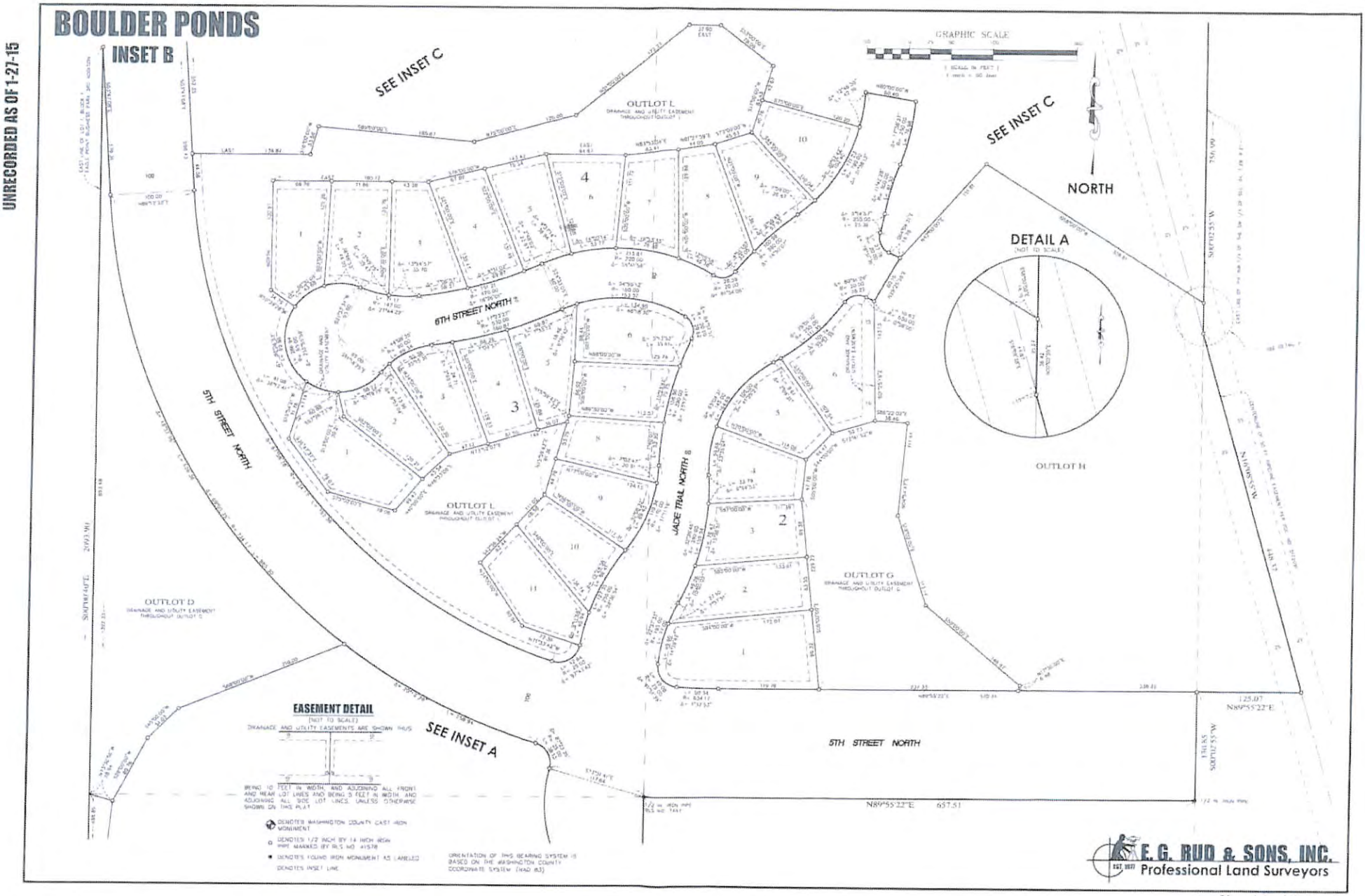
## INSET A




E. G. RUD & SONS, INC.
EST. 1971 Professional Land Surveyors

PRELIMINARY COPY
UNRECORDED AS OF 1-27-15

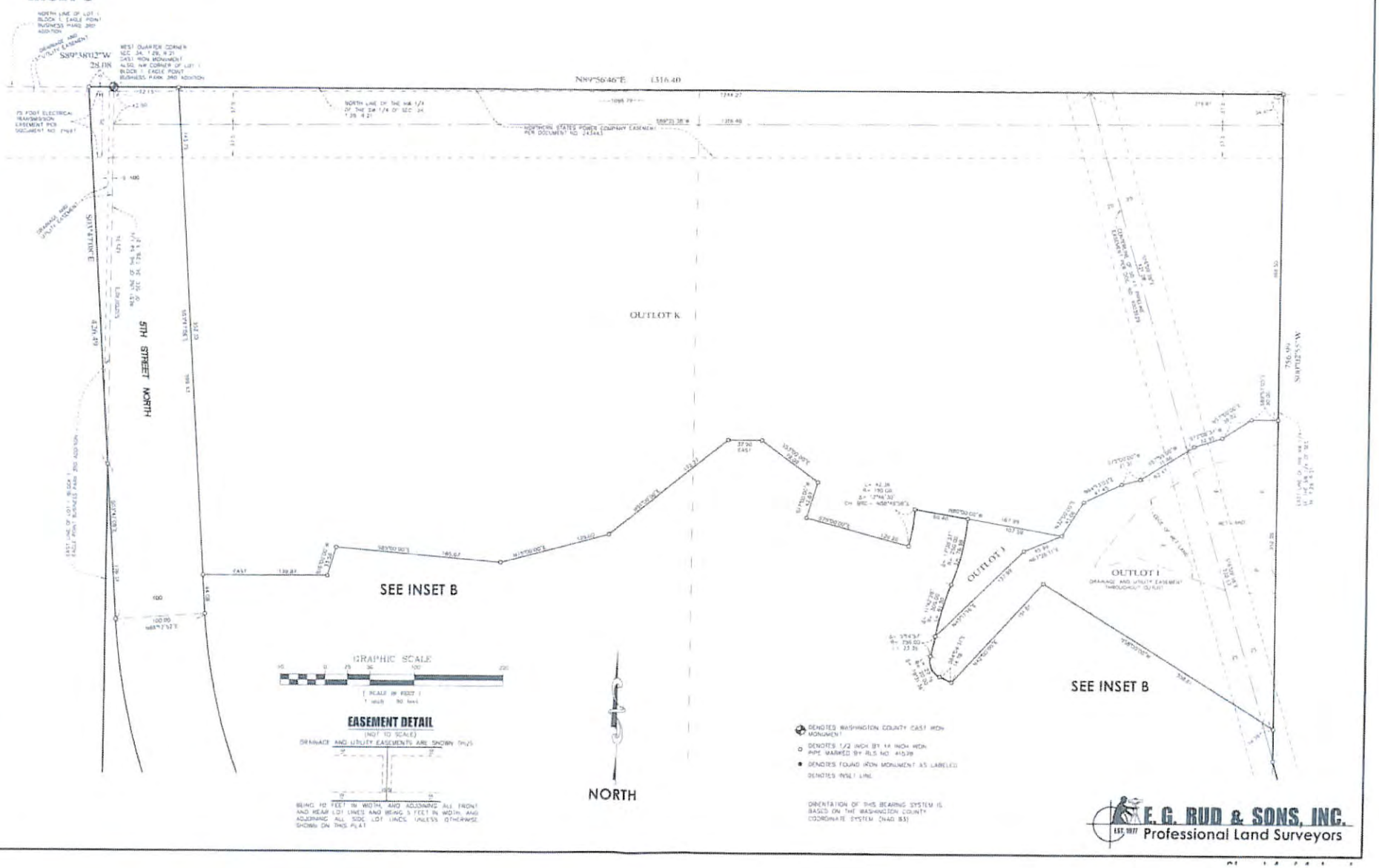
# BOULDER PONDS



PRELIMINARY COPY
UNRECORDED AS OF 1-27-15

# BOULDER PONDS

## INSET C



THE CITY OF LAKE ELMO

# MAYOR & COUNCIL COMMUNICATION

**DATE:** **April 7, 2015**
**REGULAR**
**ITEM #** **14**

**AGENDA ITEM:** Wildflower at Lake Elmo - Preliminary Plat and Preliminary PUD Plan

**SUBMITTED BY:** Kyle Klatt, Community Development Director

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Planning Commission
Nick M. Johnson, City Planner
Jack Griffin, City Engineer
Greg Malmquist, Fire Chief
Stephen Mastey, Landscape Consultant

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**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 and Staff are recommending that the City Council approve a request by Robert Engstrom Companies for a Preliminary Plat and Preliminary Planned Unit Development (PUD) Plans to be located on approximately 117 acres of land within the northern portions of the Village Planning Area. The City's Subdivision and PUD Ordinance requires that the City Council review and approval a preliminary plat and preliminary development plans before an applicant may proceed with the preparation and recording of a final plat.

**FISCAL IMPACT:** TBD – The City will require that the applicant enter into a developer's agreement with the City to specify the financial responsibilities for various aspects of the subdivision and related public improvements. The project may include oversizing payments for regional public infrastructure. The financial responsibility for these improvements will be negotiated as part of a development contract for the project. Please note that the developer is not seeking any City contributions for the nature conservancy area, which will be owned and

maintained by the private homeowner's association. The project does include an extensive network of trails that will be owned and maintained by the City.

**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to review a request for a Preliminary Plat and Preliminary Planned Unit Development (PUD) Plan for a proposed residential subdivision to be called Wildflower at Lake Elmo. This application follows the City's review and approval of a PUD Concept Plan for the site, as well as the City's approval of a Comprehensive Plan Amendment to allow the development to move forward as presented. There have been some minor modifications to the plans since the concept approval, but in general, the preliminary plan submission follows the concept plan very closely.

The proposed subdivision would be located immediately north of the Brookfield Addition along 39th Street and would extend to the northern limits of the Village area boundary. The preliminary plat includes 145 single-family lots (matching the number depicted on the concept plans) on a total site area of approximately 117 acres, roughly half of which would be preserved as open space in the form of a nature conservancy, storm water ponds, and parklands. The developer is requesting that the development be approved as a Planned Unit Development, which will allow the creation of the "courtyard" homes as described in the attached materials in addition to other exceptions from standard subdivision and zoning requirements.

The Planning Commission and Staff and are recommending that the City Council approve the Wildflower at Lake Elmo Preliminary Plat and Preliminary PUD Plan with 20 conditions of approval through the following motion:

***"Move to adopt Resolution No. 2015-24, approving the Wildflower at Lake Elmo Preliminary Plat and Preliminary PUD Plan subject to 20 conditions of approval."***

**LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT:** The Planning Commission reviewed the preliminary plat and preliminary PUD plans at its February 23rd and March 9th meetings, conducting the required public hearing on the earlier date. The Staff reports for both of these meetings are attached for review by the City Council, along with most of the supporting information that was distributed along with reports. In the interest of conserving space, some of the documents not directly associated with the plat have been left out of the City Council packet but are still available for viewing as part of the Commission agendas.

The Planning Commission reports include information about the application, a summary of the relevant planning and zoning issues, a thorough review of the proposed plat and public improvements, draft findings, and the staff recommendation. It should be noted that the City approved the Wildflower General Concept Plan on June 17, 2014 (Resolution 2014-045). Approval of the concept plan allows the applicant to prepare a preliminary PUD plan and preliminary plat.

After conducting a public hearing at its February 23rd meeting, the Commission tabled the application in order to give Staff and the developer time to address several specific question and issues that were raised either by members of the public during the hearing or by individual

Commissioners during the course of the meeting. The issues are summarized in the March 9th Staff memorandum to the Commission, along with a response to each of the general concerns. Since the issue summary incorporates comments received from the public, Staff is not including a separate summary of the public hearing comments as part of the Council report. Minutes from the February 23rd Commission meeting have previously been provided to the Council and have been posted on the City's website.

The Commission further reviewed the request at its March 9th meeting and requested modifications to the draft conditions of approval to remove a condition concerning the Minnesota Land Trust (this matter has been resolved), to revise language concerning temporary easements adjacent to Layton Avenue, to require that the developer work with the City to include restrictions on the future use of certain outlots within the development, and to incorporate other minor corrections. The Commission also considered a request from one of the adjacent property owners to eliminate any looped trails over Outlot H, but voted to leave these particular trails as part of the plans.

In addition to the general information noted above, the Planning Commission report includes a breakdown of the changes made to the concept plan in response to specific City conditions and a summary of the flexibility being requested as part of the PUD plans.

Since the Planning Commission review of the Wildflower at Lake Elmo preliminary plat and plans, the City and developer have met to further discuss some of the issues raised during the meetings and to review the conditions of approval. As a follow-up to this discussion, please note the following:

- The developer has agreed to expand the pavement width of the divided, primary east-west street in the development (Wildflower Drive) to meet City engineering standards. This decision was made after a meeting with City Staff, including the City Engineer, Public Works Director, Fire Chief and Community Development Director, all of whom strongly recommended compliance with City standards for this street. Condition # 8 addresses this matter for future plan reviews.
- The developer has submitted an exhibit that depicts both the City's current FEMA flood elevations on the property in addition to the recently updated flood elevations as approved by the Valley Branch Watershed District. This exhibit is not included with the attachments to this report, but will be used by Staff to verify compliance with applicable flood regulations.

All of the Commission's revisions to the findings of fact and the conditions of approval are incorporated into the attached Resolution No. 2015-24 for review by the City Council.

After discussing the Wildflower at Lake Elmo Preliminary Plat and Preliminary PUD Plan, the Planning Commission recommended approval subject to 20 conditions of approval. The motion to approve the PUD passed unanimously with a vote of 6 to 0.

**STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS:**

**Strengths**

- The Planning Commission and Staff have found the Preliminary PUD plans to be consistent with the General Concept Plan for the development.
- Approval of the Wildflower PUD Concept Plan allows the applicants to move forward with the preparation of a PUD Final Plan and Final Plat application.
- The City Council has previously determined that the proposed Concept Plan is consistent with the City's Comprehensive Plan.
- The proposed planned development offers unique design that incorporates courtyard homes with shared open space and with a plan that includes rear alley access to garages.

**Weaknesses**

- The project includes several conditions of approval that will need to be met by the applicant.

**Opportunities**

- The PUD will add users to the City's public water and sanitary sewer system (with connection fees).
- The project includes the construction of Layton Avenue to 39th Street, which will be accessed by both the Wildflower and Village Preserve developments.
- The project will help preserve large areas of open space that the developer intends to use for native habitat and ecological restoration.

**Threats**

- Several elements of the development plans required the cooperation of the adjacent land owner, Gonyea Homes. The City understands that Gonyea does consent to this work, but no formal agreement has been provided to the City on this matter.

**RECOMMENDATION**: Based upon the above background information, Staff report and Planning Commission recommendation, it is recommended that the City Council approve the Wildflower at Lake Elmo Preliminary Plat and Preliminary PUD Plans with the 20 conditions of approval as documented in the resolution of approval by taking the following action / with the following motion:

***"Move to adopt Resolution No. 2015-24, approving the Wildflower at Lake Elmo Preliminary Plat and Preliminary PUD Plan subject to 20 conditions of approval."***

**ATTACHMENTS:**

1. Resolution No. 2015-24
2. Planning Commission Staff Report – 3/9/15
3. Planning Commission Staff Report – 2/23/15
4. Application Forms
5. Development Contact Information

6. Location Map
7. Legal Description
8. Wildflower at Lake Elmo Overview
9. Wildflower Lot Profile
10. Written Statements for PUD Application
11. City Engineer Review – 2/18/15
12. Fire Department Review – 2/13/15
13. Fire Department Street Naming Comments
14. Landscape Architect Review – 2/4/15
15. MnDOT Review Comments – 3/2/15
16. Valley Branch Watershed District Permit Review – 12/2/14
17. Email Correspondence from Developer Dated 2/26/15
18. Memorandum from Developer's Engineer Dated 2/26/15
19. Letter from Mary Jean Dupuis – 3/4/15
20. Letters from Robert Engstrom Companies:
    a. Richard Smith
    b. Mary Jean Dupuis
21. Preliminary Plat and Preliminary PUD Plans:
    a. Existing Conditions
    b. Preliminary Plat and Site Plans
    *c. Construction Plans (Available Online)*
    *d. Landscape Plans (Available Online)*
    *e. Tree Inventory (Not included with packet)*

# CITY OF LAKE ELMO
# WASHINGTON COUNTY, MINNESOTA

## RESOLUTION NO. 2015-24

*A RESOLUTION APPROVING THE WILDFLOWER AT LAKE ELMO PRELIMINARY PLAT AND PRELIMINARY PUD PLAN*

**WHEREAS,** Robert Engstrom Companies, 4801 West 81st Street, #101, Bloomington, MN ("Applicant") has submitted an application to the City of Lake Elmo ("City") for a Preliminary Plat and a Planned Unit Development (PUD) Preliminary Plan for a planned development to be called Wildflower at Lake Elmo, copies of which are on file in the City Planning Department; and

**WHEREAS**, the proposed Planned Unit Development is for a residential Planned Unit Development on approximately 117 acres of land located north of the Brookfield Addition along 39th Street in Lake Elmo and extending to the northern limits of the Village Planning Area boundary, and will include 145 single-family residential lots, 67 of which are planned as courtyard homes with public alley ways; and

**WHEREAS**, the Lake Elmo City Council approved the Wildflower at Lake Elmo Concept Plan on June 17, 2014, and

**WHEREAS**, the Lake Elmo Planning Commission held a Public Hearing on February 23, 2015 to consider the Preliminary Plat and Preliminary Plans for the PUD, and further reviewed said plat and plans at its March 9, 2015 meeting; and

**WHEREAS,** on March 9, 2015 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council approve the Wildflower at Lake Elmo PUD Preliminary Plat and Preliminary Plans; and

**WHEREAS,** the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Wildflower at Lake Elmo PUD Preliminary Plat and Preliminary Plans to the City Council as part of a memorandum from the Planning Department dated April 7, 2015; and

**WHEREAS,** the City Council reviewed the recommendation of the Planning Commission and the proposed Wildflower at Lake Elmo PUD Preliminary Plat and Preliminary Plans at a meeting on April 7, 2015.

**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 PUD Preliminary Plan is found in the Lake Elmo City Code, Section 154.800.

2) That all the requirements of said City Code Section 154.800 related to the PUD Preliminary Plan have been met by the Applicant.

3) That the Wildflower at Lake Elmo preliminary plat complies with the City's subdivision ordinance and is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.

4) That the proposed PUD Preliminary Plan is for a residential Planned Unit Development on 117 acres of land located north of the Brookfield Addition along 39th Street in Lake Elmo and extending to the northern limits of the Village Planning Area boundary, and will include 145 single-family residential lots, 67 of which are planned as courtyard homes with public alley ways

5) That the PUD Preliminary Plan will be located on property legally described on the attached Exhibit "A".

6) That the proposed PUD will allow a more flexible, creative, and efficient approach to the use of the land, and will specifically relate to existing zoning district standards in the following manner (with exceptions as noted):

| **Setback** | **MDR Zoning District (Min.)** | **Courtyard Homes (Min.)** |
|---|---|---|
| Front Yard | 25 feet | 20 feet |
| Interior Side Yard | 10 Feet Principal Structure Side / 5 Feet Garage Side | Same or 7.5 both sides |
| Rear Yard | 20 feet | 20 feet |
| Lot Area | 7,000 square feet | 5,865 square feet |
| Lot Depth | N/A | 100 feet |
| Lot Width | 50 feet | 50 feet |

| **Street Widths** | **City Standard** | **Wildflower** |
|---|---|---|
| Alley/Rear Access | Not Allowed | 18 feet |

| **Cul-de-sac** | **City Standard** | **Prairie View Trail** |
|---|---|---|
| Maximum Length | 1,000 feet | 1,300 feet |

7) That the Wildflower PUD General Concept Plan was approved by the City on June 17, 2014, and the submitted Preliminary Plat and Preliminary PUD Plans are consistent with the approved General Concept Plan.

8) That the Wildflower preliminary plat and preliminary PUD plans are consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.

9) That the Wildflower preliminary plat and preliminary PUD plans comply with the City's LDR - Urban Low Density Residential and MDR – Urban Medium Density Residential zoning district requirements with the exceptions as noted in the Staff report.

10) That the Wildflower preliminary plat and preliminary PUD plans comply with the City's subdivision ordinance, with the PUD exceptions as requested by the applicant.

11) That the Wildflower preliminary plat and preliminary PUD plans comply with the City's Planned Unit Development Regulations.

12) That the change in Outlots O and P of the Fields of St. Croix is justified because the developer is providing much larger open space areas as part of Wildflower at Lake Elmo.

13) That an exception to the maximum length of a cul-de-sac is justified based on the unique circumstances of the property and the development.

14) That the Wildflower preliminary plat and preliminary PUD plans comply with City's Engineering Standards, except where noted in the review memorandum from the City Engineer dated 2/18/15.

15) That the Wildflower preliminary plat and preliminary PUD plans comply with other City zoning ordinances, such as landscaping, tree preservation, and erosion and sediment control with the plan revisions as requested by City Staff and consultants.

16) That the Wildflower preliminary plat and preliminary PUD plans achieve multiple identified objectives for planned developments within Lake Elmo and are consistent with the City's adopted findings for the Concept Plan.

## CONCLUSIONS AND DECISION

Based on the foregoing, the Applicants' application for a PUD Concept Plan is granted, provided the following conditions are met:

1) No lots within a FEMA flood zone shall be approved as part of a final plat until such time that the City's Floodplain Management Map has been amended to remove these lots. As an alternative to amending this map, the developer must provide documentation that all structures will be built above the regulatory flood protection elevation, that any public infrastructure will also meet Floodplain Ordinance requirements, and that the proposed storm water ponds may be constructed within the floodplain area.
2) Prior to any grading activity, the developer shall submit to the City temporary grading easements from the owner of the lots adjacent to Layton Avenue within the Brookman Addition in order to construct the improvements within this right-of-way as documented in the preliminary construction plans.

3) The developer has requested the inclusion of public art within common areas and public property throughout Wildflower development. Prior to the placement of any art on publicly owned property or public rights-of-way, the developer and City shall enter into an agreement that clarifies the individuals or entities responsible for maintenance, upkeep and removal of any public art. No public art shall be lit in a manner that conflicts with the City's Lighting Ordinance.

4) Prior to the submission of a final plat for any portion of the Wildflower PUD, the developer shall work with the City to determine the appropriate park dedication calculations for the entire development area.

5) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site.

6) The utility construction plans shall be updated to incorporate the recommendations of the City Engineer as described in a February 18, 2015 memorandum to the City concerning the appropriate location and size of sewer services through the PUD planning area, including any requested oversizing of these facilities to service adjacent properties, prior to the submission of a final plat.

7) The developer shall minimize the number of rain gardens within public rights-of-way consistent with the review comments from the City Engineer. Any such storm water infiltration features shall be subject to review and approval by the City Engineer.

8) The preliminary development plans must be revised to comply with City Street standards as referenced in the City Engineer's review memorandum dated February 18, 2015.

9) The City approves all requests for flexibility from City Zoning and Subdivision requirements with the exception of the street standards noted in the preceding condition.

10) The applicant is encouraged to incorporate elements from the Lake Elmo Theming Study into the open space areas within the subdivision.

11) The preliminary landscape plan shall be updated to address the review comments from the City's landscape architecture consultant as noted in a review letter dated February 4, 2015.

12) The proposed street names within the subdivision shall be revised to comply with the County addressing system.

13) All center median planting areas as depicted on the preliminary plat and plans shall be owned by the City of Lake Elmo and maintained by the Homeowners Association. 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, trails, or open space on the final plat.

14) The Final Plat and Plans must address the requested modifications outlined in the City Engineer's review memorandum dated February 18, 2015.

15) Prior to recording the Final Plat for any portion of the area shown in the Preliminary Plat, the Developer shall enter into a Developers Agreement acceptable to the City Attorney that delineates who is responsible for the design, construction, and payment of public improvements.

16) The developer shall provide an easement over or dedicate in a separate outlot all trails to be dedicated for public use. Any such trails shall be considered a park land dedication provide said trails are constructed by the developer with other public improvements within the subdivision.

17) The City will not approve a final plat for any portion of Wildflower until such time that the City has approved construction plans and received financial security related to the construction of the public improvement project to connect the 39th Street Sewer to the 30th Street lift station.

18) The developer must follow all the rules and regulations of the Wetland Conservation Act, and adhere to the conditions of approval for the Valley Branch Watershed District Permit.

19) The developer shall maintain access to the Smith property (11514 Stillwater Boulevard North) during construction of the first development phase. Said access shall, at a minimum, be capable of supporting emergency management vehicles and be consistent with City access driveway standards. The existing driveway easement shall be vacated prior to the recording of the final plat.

20) The developer shall establish a legally binding agreement to prevent further residential or commercial development of all outlots that are planned for open space or conservation uses within the preliminary plat.

Passed and duly adopted this 7th day of April 2015 by the City Council of the City of Lake Elmo, Minnesota.

_____
Mike Pearson, Mayor

ATTEST:

_____
Adam Bell, City Clerk

PLANNING COMMISSION
DATE: 2/23/14
AGENDA ITEM: 4C – PUBLIC HEARING
CASE # 2015-03

ITEM: Wildflower at Lake Elmo Preliminary Plat and Preliminary PUD Plan

SUBMITTED BY: Kyle Klatt, Community Development Director

REVIEWED BY: Nick Johnson, City Planner
Jack Griffin, City Engineer
Stephen Mastey, Landscape Architecture, Inc.

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**SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to review a request for a Preliminary Plat and Preliminary Planned Unit Development (PUD) Plan for a proposed residential subdivision to be called Wildflower at Lake Elmo. This application follows the City's review and approval of a PUD Concept Plan for the site, as well as the City's approval of a Comprehensive Plan Amendment to allow the development to move forward as presented. There have been some minor modifications to the plans since the concept approval, but in general, the preliminary plan submission follows the concept plan very closely.

The proposed subdivision would be located immediately north of the Brookfield Addition along 39th Street and would extend to the northern limits of the Village area boundary. The preliminary plat includes 145 single-family lots (matching the number depicted on the concept plans) on a total site area of approximately 117 acres, roughly half of which would be preserved as open space in the form of a nature conservancy, storm water ponds, and parklands. This request does require a public hearing and Staff is recommending that the Planning Commission recommend approval of preliminary plat and preliminary PUD plans with conditions.

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**GENERAL INFORMATION**

*Applicant*: Robert Engstrom Companies; 4801 West 81st Street, #101, Bloomington, MN

*Property Owners*: Robert Engstrom Companies; 4801 West 81st Street, #101, Bloomington, MN

*Location*: Part of Sections 12 and 13, Township 29 North, Range 21 West in Lake Elmo, north of 39th Street, west of Lake Elmo Avenue, and south of the northern Village Planning Area boundary line. PID Numbers 13.029.21.32.00001, 12.029.21.34.0001, 13.029.21.21.0001 and 12.029.21.43.0013.

*Request*: Preliminary Plat and preliminary PUD Plan

*Existing Land Use*: Agriculture, Woods/Natural Vegetation, Wetlands, Open Space

*Existing Zoning*: RT – Rural Transitional Zoning

| | |
|---|---|
| *Surrounding Land Use*: | North – vacant/agricultural land, rural residential; west – agricultural land (future Village residential); south – offices, business park land; open space/ Field of St. Croix II subdivision |
| *Surrounding Zoning:* | RT – Rural Transitional; RR – Rural Residential, GB – General Business |
| *Comprehensive Plan*: | Village Medium Density Residential (3-4 units per acre)/Village Open Space Overlay |
| *Proposed Zoning*: | MDR – Urban Medium Density Residential |
| *History*: | Property was included in Village Planning Area boundary and municipal sewer service area as defined in the 2013 Village Land Use Plan. Site has historically been used for faming activities, including the growing of agricultural crops. A large portion of the site is located in a FEMA Flood District. The City approved a Comprehensive Plan Amendment last year that removed portions of the site from the open space land category. The City also approved a PUD Concept Plan for the property on June 17, 2014 |
| *Deadline for Action*: | Application Deemed Complete – 2/4/15<br>60 Day Deadline – 4/4/15<br>Extension Letter Mailed – No<br>120 Day Deadline – 6/4/15 |
| *Applicable Regulations*: | Article 10 – Urban Residential Districts (MDR)<br>Article 16 – Planned Unit Development (PUD) Regulations<br>Chapter 153 – Subdivision Regulations |

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**REQUEST DETAILS**

The City of Lake Elmo is in receipt of a request from Robert Engstrom Companies for preliminary plat and preliminary concept plan approval of the Wildflower at Lake Elmo residential development. The subdivision would be located on land formerly known as the Heritage Farm and Premier Bank property, which consists of 101 acres within the Village Planning Area. This application follows the City's review of a PUD concept plan for the property, and further approval of a Comprehensive Plan amendment to allow the platting of lots associated with the development over areas that were previously guided for open space. The developer has been working over the past several months to address the conditions attached to the concept plan approval, and has prepared plans that meet the City's requirements to proceed with a preliminary plat and preliminary PUD plans.

The entire development site is slightly over 117 acres, which includes the 101-acre parcel formerly owned by Premier Bank, 15 acres of open space associated with the Fields of St. Croix Second Addition development, and a smaller strip of land that provides access to the Smith farmstead property to the north of the applicant's site. Of the 117 acres, roughly half would be used for residential development, while the remainder would be preserved as open space or used for storm water infiltration and retention. As noted in the attached project narrative, the applicant is proposing to use the open space for natural habitat restoration and creation, with a focus on providing a landscape that is friendly towards bees, butterflies, and other pollinators. This philosophy would be carried forward into the residential areas, where the developer will work to incorporate pollinator-friendly plants within these areas.

Overall, the project will include 145 single-family residential lots, the majority of which will be located on the higher portion of the property directly north of the Brookman Addition commercial area along 39th Street. A small number of lots are proposed on the lower part of the site along Lake Elmo Avenue, and consistent with the City's requirements for concept plan approval, these lots will be served with public sanitary sewer service via a lift station located in the vicinity of Lot 3, Block 15. The primary access into the subdivision will be provided over an existing right-of-way that was previously platted within the Brookman Addition south of the applicant's site. The access through the Brookman Addition will follow the common boundary between the Engstrom property and land immediately to the west now owned by the Gonyea development company. The developer had originally planned on widening right-of-way through the Brookman Addition, but was not successful at obtaining the necessary right-of-way from the current property owner in order to create a two-land divided entrance at 39th Street. As depicted on the preliminary plans, the entrance into the Wildflower subdivision will be a standard City two-lane road until it crosses into the applicant's site.

Due in part to the location of the previously platted right-of-way providing access to 39th Street, the applicant has been cooperating with Gonyea Home (the owner of the property west of Wildflower) to plat a new right-of-way between their properties that will connect to the existing access point. In addition to the access issue, both developers have also been coordinating the siting of a smaller park area to be shared by both developments. This park area would be located essentially in the middle of the two developments and accessible via roads from either development. With the significant amount of open space being set aside within Wildflower at Lake Elmo, the applicant is not proposing any additional land dedication for parks.

The proposed internal street pattern follows a fairly rigid grid system, with larger lots located further to the north. Within the southern half of the residential area, the applicant is proposing a unique lot layout that incorporates small green courtyards surrounded by homes on smaller lots. This layout will allow the homes to face the front of the streets around the block, while moving all garages and vehicular accesses to a secondary road around the courtyard. These courtyard homes are intended to serve a different market than has typically been served in Lake Elmo, and would provide for a traditional streetscape and environment that is very attractive for pedestrians.

Other major features of the plan being presented include the creation of larger storm water facilities to the east of the residential areas along State Highway 5 and the development of an extensive trail and path system providing access to the conservation areas and to the rest of the Village Planning Area. Since the City approved the concept plan, the Valley Branch Watershed District agreed to conduct study of the Goetschel pond drainage basin to determine whether or not the developer would have the ability to direct some of the storm water runoff associated with the development to the north. This study has been completed and resulted in an overall drop in the flood levels in this area, and will allow for storm water runoff from both the Wildflower development and adjacent Gonyea project to be collected in storm water ponds in the northern part of the applicant's site.

Subsequent to the City's approval of the Wildflower PUD Concept Plan, the City Council took action on two related land use matters. First, the City agreed to amend the existing conservation easements within the Fields of St. Croix development in order to add the Field of St. Croix Homeowner's Association as a party to these agreements and to remove the portion Outlot P of the Fields of St. Croix 2nd Addition from the easement area in order to allow for the platted of homes over this lot as depicted in the concept plan. The City Council also approved an amendment to the Comprehensive Plan to allow residential development to occur on two small areas within the proposed Wildflower at Lake Elmo subdivision that were previously guided for RAD – Rural Area Development and Village Open Space Overlay. These amendments changed the following:

- The area around 13 lots that are proposed on land immediately north of the Schiltgen Farms "Parcel B" development and immediately east of Lake Elmo Avenue. This land was guided both for RAD – Rural Area Development and as part of the Village Open Space Overlay. The amendment removed these designations for the area to be subdivided and established a new land use designation of V-LDR (Village Urban Low Density Residential).

- Outlot P of Fields of St. Croix Second Addition. The amendment changed the future land use designation of the western portion of this outlot from RAD – Rural Area Development to V-MDR (Village Urban Medium Density Residential). This amendment allows for the platting of roughly 17 lots that encroach into this outlot (which are being replatted as part of the Wildflower subdivision). The amended conservation easements will reference the final description for the remnant or Outlot P that will be replatted within Wildflower at Lake Elmo.

One of the reasons the applicant has elected to pursue a Planned Development is that the development proposal includes certain elements that do not conform to City requirements. The specific requests for flexibility from current zoning requirements are included in the following section of this report.

The City's overall PUD process has three phases: 1) General Concept Plan, 2) Preliminary Development Plan, and 3) Final Plan. It should be noted that the Planning Commission reviewed the Wildflower at Lake Elmo General Concept Plan at a meeting conducted on June 9, 2014 and with approval by the City Council at its June 17, 2014 meeting with the adoption of Resolution No. 2014-045. Approval of the General Concept Plan allows the applicant to proceed with preparation of preliminary plans, which the applicant has now submitted. Staff has reviewed the approved General Concept Plan and all the conditions associated with the approval.

The applicant has previously explained the rational for requesting a Planned Unit Development (PUD) as part of the concept plan application, and Staff has agreed that using the PUD process for the development of this site is reasonable and beneficial for the City in a number of ways, including:

- The PUD process allows the City to review the site as a whole instead of dealing with individual development projects that may or may not be connected to each other.
- The developer has requested certain exceptions from standard zoning requirements (as allowed through the PUD process) in order to bring forward a development that provides a housing option that is unique to Lake Elmo and that is consistent with the planning principles for the Village area.
- The "courtyard home" concept integrates public open space into each block in exchange for smaller lots with narrow setbacks.
- The integrated approach allows the developer to plan for maintenance and upkeep of the common areas throughout the project, and provides the framework to preserve a large portion of the subdivision as permanent open space.
- The City has previously found that development plans are consistent with the City's requirements for consideration of a PUD.

By recommending approval of the Preliminary PUD Development Plan, the Planning Commission would also be recommending approval of the exceptions associated with the project. In addition, the developer has prepared a separate lot profile document to be filed with the PUD that documents the proposed dimensional requirements for different types of lots being platted. Staff is suggesting that

all requested exceptions and any additional development requirements be included in a separate PUD planning document at the final platting stage of the project.

With the City's recent completion of the 39th Street road and sewer project, sanitary sewer service is available to the development provided the Eastern Trunk Sewer Line project associated with the Easton Village project moves forward this year.

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**PLANNING AND ZONING ISSUES**

Because the Planning Commission has previously received a significant amount of information along with the concept plan for the Wildflower PUD and spent a significant amount of time reviewing this information, Staff will therefore focus on those aspects of the plans that have been changed or updated since the City's concept plan approval, along with a general summary of the PUD request as submitted by the applicant. Other general issues are noted as well.

As required by the City's Zoning and Subdivision Ordinances, the applicant has provided a much greater amount of information as part of the current submission than is required for a Concept. Because of this, Staff will not attempt to spell out every single change or update from the concept plan, but instead will provide a summary of the most significant changes that have been made to address specific comments from the Commission or to address previous conditions of approval as follows:

- The 13 lots on the lower portion of the site north of the Gonyea Homes development previously accessed directly on to Lake Elmo Avenue. This connection to Lake Elmo Avenue has been eliminated from the preliminary plans, and these lots will now connect directly to the rest of the subdivision via a longer cul-de-sac. This cul-de-sac exceeds the maximum length allowed under the Subdivision Ordinance, and will need to be approved as an exception to the City's standard zoning regulations.
- The lower 13 lots will be connected to sanitary sewer service, but will require the installation of a lift station in order to function properly.
- The developer has met several times with the adjacent property owners to the east and northwest, which resulted in the following changes to the original sketch plan: 1) a larger open area is provided in front of the Smith parcel (Outlot G) that will be owned and maintained by the association as open space; the developer has therefore eliminated any shared boundary of between new lots and this parcel; and 2) the landscape plan depicts a series of plantings between the two rural residential parcels to the east of the development and the lots to be platted within Wildflower. The types and locations of these plantings have been reviewed by the affected parties, who will also have an opportunity to further comment on the landscape plan at the public hearing.
- The City, Developer (Owner), and Fields of St. Croix Homeowner's association have agreed to amend the conservation easements over outlots within the Fields of St. Croix, and to specifically remove the portion of Outlot P that will be re-subdivided into residential homes from the easement area. The new easements now include the Fields Association as a party to the agreement, which will give the homeowners in the Fields of St. Croix control over any future changes to these easements (and especially those outlots not owned by the association).

- The developer has revised the street plans to comply with City standards throughout the project with a few exceptions. These exceptions are discussed in the following review comments.
- The proposed storm water management system directs storm water either into new facilities within the northern open space area or to a larger pond facility in the southeastern portion of the site adjacent to Highway 5. There is no ponding shown on Outlot O (or homes adjacent to the Fields of St. Croix).
- The applicant has formally stated that the conservation areas will be owned and managed by the Wildflower HOA, while any trails through this area will be owned and maintained by the City. Any storm water facilities within this area will also be owned by the City consistent with the City's storm water ponding requirements.
- The developer has made further refinements to the courtyard home area, and is asking for flexibility to allow some of the units to be attached units (duplexes) in certain locations. The interior roads will be dedicated for public use on the plat, and these roads will need to be marked as no parking zones.

Staff has reviewed the conditions of approval attached to the City's concept plan approval, and found that the developer has addressed all of these conditions with the preliminary plan submission. The City Engineer has provided a very detailed report concerning the development, and a large number of the issues identified by the Engineer are specific to the storm water management plans and other public improvements.

The Wildflower at Lake Elmo development includes a request for a Planned Unit Development and some related flexibility as permitted under this ordinance. In order to grant a PUD, an applicant is required to demonstrate compliance with the City's PUD applicant requirements and PUD Objectives. These requirements and objectives were previously reviewed as part of the concept plan, and the developer has not made any substantial changes to the overall project to warrant further review of these objectives. For the most part, the single family portion of the development is consistent with the zoning requirements for the City's LDR – Low Density Residential Zoning District, and the courtyard homes are consistent with the MDR – Medium Density Residential Zoning regulations, with the exceptions that were discussed during the concept plan review and are summarized as follows:

| **Setback** | **MDR Zoning District (Min.)** | **Courtyard Homes (Min.)** |
|---|---|---|
| Front Yard | 25 feet | 20 feet |
| Interior Side Yard | 10 Feet Principal Structure Side / 5 Feet Garage Side | Same or 7.5 both sides |
| Rear Yard | 20 feet | 20 feet |
| Lot Area | 7,000 square feet | 5,865 square feet |
| Lot Depth | N/A | 100 feet |
| Lot Width | 50 feet | 50 feet |

| **Street Widths** | **City Standard** | **Wildflower** |
|---|---|---|
| Alley/Rear Access | Not Allowed | 18 feet |

| | | |
|---|---|---|
| One Way w/Parking | 22 feet | 18 feet |
| One Way w/o Parking | 18 feet | 14 feet |

| **Cul-de-sac** | **City Standard** | **Prairie View Trail** |
|---|---|---|
| Maximum Length | 1,000 feet | 1,300 feet |

All other requirements for the City's MDR zoning district will apply, including the allowed uses and other site and development standards. Because the entire site is guided for Village Urban Medium Density Residential, Staff is recommending that the developed portion of the site be rezoned to MDR (MDR/PUD) as part of the City's final development plan review, with the exception of the lower 13 lots which would be more appropriately be zoned LDR.

Please note that the above table follows closely to the numbers proposed by the developer. The purpose of this table is to document the minimum expectation for lots and homes in the development, and is otherwise consistent with the development plans.

The developer has also requested flexibility concerning the building of homes in order to allow a mixture of some duplex units within the courtyard home area. Staff is recommending that the developer's lot profile chart include any specific request for flexibility concerning duplex units, and that the potential location of these duplex units be clearly indicated as part of the overall PUD plans. Staff is recommending language to specify that no more than 20% of the overall number of courtyard lots may be platted as duplex units (which means no more than 13 lots could be developed in this manner).

The applicant has provided a significant amount of detailed information concerning the development with the attached documentation, and Staff would like to specifically comment on the following aspects of the plan:

- The City's PUD requirements require that 20% of the project area not within street rights-of-way must be preserved as open space (and the ordinance specifically allows infiltration areas to be counted towards this amount). The applicant has provided a specific plan as part of the application materials that demonstrates that over 50% of the site, will be platted as outlots and remain as open space.
- While the proposed lot dimensional standards listed above for the courtyard homes are lower than those required in the MDR zoning district, the applicant has proposed a preliminary plan that includes a mixture of lot sizes and widths throughout the development, including the "ridge, prairie, and conservancy" lots that will function more like the City's single family districts. With the proposed mixture of homes and lot sizes, the overall net density for the project will fall within the range specified in the Comprehensive Plan for the Village Urban Medium Density land use category.
- The applicant has not provided a specific phasing plan for the development; this should be included with the final PUD submission to clarify how the project will be built out over time. The first phase, at a minimum, must include the connection to 39th Street in order to provide access into the subdivision.

The overall site plan for the property follows the adopted concept plan very closely. Staff has conducted a review of the detailed plat and plans and specific comments from Staff concerning these plans are listed in the following section of this report.

The following is a general summary of the subdivision design elements that have proposed as part of the Wildflower preliminary plat and plans:

Zoning and Site Information:

- Existing Zoning: RT – Rural Development Transitional District
- Proposed Zoning: MDR – Lot Area; RR – Conservation/Buffer Areas
- Total Site Area: 119.28 acres
- Total Residential Units: 145 (78 single family, 67 courtyard homes)
- Proposed Density (Net): 4.0 Units per acre (per developer)

Proposed Lot Dimensional Standards (Single Family Lots):

- Min. Lot Width: 80 ft.
- Lot Depth: 130 ft. (135 ft. typical)
- Lot Area: 8,000 sq. ft. (10,298 min.)
- Front Yard Setback: 25 ft.
- Side Yard Setback: 10 ft. living space; 5 ft. garage
- Rear Yard Setback: 20 ft.

Proposed Lot Dimensional Standards through Planned Unit Development Process (courtyard homes):

- As listed above

Proposed Street Standards:

- Per development plans with modifications as requested by the City Engineer

The standards listed above are all either in compliance with the applicable requirements from the City's zoning and subdivision regulations, or are consistent with requested modifications through the proposed planned unit development (PUD). Please note that the City Engineer is recommending modifications to certain streets to either expand the right-of-way (and boulevard area) associated with these streets or to expand the width of the street to conform to City standards. The specific request for changes are noted in the attached report from the City Engineer. Based on Staff's review of the Preliminary Plat and Preliminary PUD Plan, the applicant has generally demonstrated compliance with the majority of the applicable codes, and the requested modifications or flexibilities as allowed under the City's PUD Ordinance represent a reasonable request given the various design goals the applicant it trying to achieve with the exception of the street widths as noted by the Engineer,

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**REVIEW AND ANALYSIS**

City Staff has reviewed the Wildflower preliminary plat and preliminary PUD plan. In general, the proposed plat will meet all applicable City requirements for conditional approval, and any deficiencies or additional modifications that are needed are noted as part of the review record. In addition, the City has received a detailed list of comments from the City Engineer, the Fire Chief and the City's Landscape Consultant, Stephen Mastey, all of which are attached for consideration by the Commission.

In addition to the general comments that have been provided in the preceding sections of this report, Staff would like the Planning Commission to consider the following review comments as well:

**Critical Path Issues:**

- ***Floodplain District***. As noted above, the study undertaken by the Valley Branch Watershed District has resulted in an adjustment to the flood levels for the Goetschel Pond drainage basin. While this should allow the developer to move forward with the grading and storm water management plan as proposed and to create the proposed storm water infiltration and retention facilities in the northern portions of the site, the City's adopted FEMA (Federal Emergency Management Agency) flood maps have not been revised. The City's floodplain management ordinance will therefore apply to the lots north of the Gonyea site, and could result in some issues for the future property owners in this area. Although the Floodplain Management Ordinance will allow the creation of lots within a flood fringe area, without a map amendment, these properties will need to obtain flood insurance or submit appropriate documentation that their houses have been raised above the regulatory flood protection elevation. The creation of storm water ponds within these flood areas could also be problematic and is something that needs to be researched further prior to submission of final development plans for this area. Staff would like to discuss this issue in more detail with the watershed district prior to any lots being platted in this area, and is therefore recommending a condition of approval note that no lots within the City's designated flood district be allowed to be platted until the City and Watershed District have sufficiently addressed all flood zone related matters. This would also give the City and developer time to review options for submitted map amendments to FEMA.
- ***Storm Water Management – Rain Gardens***. The developer has proposed a series of rain gardens within boulevard and median areas throughout the development. Since these areas will create a long-term maintenance issue for the City as described by the City Engineer as part of his review memorandum, Staff is asking that the developer consider eliminating those facilities that are not necessary to meet state and watershed district requirements. The developer will also need to comply with the specific review comments from the Engineer prior to constructing any of these facilities.
- ***Street Width and Right-of-way Dedication***. The developer has revised the street plan for most of the development site in order to comply with City street design standards, and specifically, the width of public streets within the subdivision. A few of the streets, include the Wildflower Drive parkway segment and some of the "eyebrow" and loop roads providing access to individual lots are not consistent with the City's standards for these types of roads. Staff is recommending that he plans be revised per the City Engineer's comments so that all roads comply with City design standards for width, or are marked for no parking (these specific segments are called out in the Engineer's report). In this case, Wildflower Lane should be revised to show an 18-foot one-way travel lane on the northern one-way segment, and a 24-foot payment with parking on the southern segment (or 18 feet with parking bump-outs). The developer would like the Planning Commission to consider PUD design exceptions to allow the roads as planned.
- ***Conservation Easements***. The City of Lake Elmo is holding revised conservation easements in escrow pending final plat approval for the development project. Because some of the conservation easements within the Fields of St. Croix are held by the Minnesota Land Trust, the developer has entered into a separate agreement with the Land Trust to revise these specific easements. The Fields of St. Croix HOA would like to see the agreement with the Land Trust recorded prior to the City's approval of the preliminary plat. The developer has agreed to record this agreement and should be able to complete this task prior to the City

Council's review of the subdivision. The amended easements will allow the development to move forward as proposed.

- ***Plat Dedications and Modifications***. The preliminary plat as submitted anticipates that a small portion of the right-of-way for Wildflower Drive and Prairieview Trail will be dedicated over property currently owned by Gonyea Homes. In addition, one of the ponding basins (Pond 3n) that will be receiving storm water runoff from Wildflower is located on the Gonyea site as well. Although both developers are cooperating on some joint aspects of their respective projects, Engstrom Companies will need to demonstrate that the plat as proposed will be able to proceed should Gonyea not plat its property in the near future. Staff is therefore recommending that the preliminary plat be revised to dedicate the needed right-of-way across the adjacent parcels, or that the developer secure easements from the adjacent land owner prior to submission of a final plat.

**Other Issues:**

Members of the Community Development, Public Works, Engineering, and Fire Departments have previously reviewed the Concept Plan, while the City Engineer, Fire Department, and Landscape Architect Consultant have provided an additional review of the Preliminary Plat and Preliminary Development Plans. The general Staff comments for this project are as follows:

- ***Land Use***: The proposed residential development is consistent with the future land use map as amended, which guides this area for Village Urban Medium Density and open space. The developer has indicated that the net density of site will be 4.0 units per acre, although it appears that this calculation excludes road right-of-way and storm water ponds, which will need to be added back in to comply with the City's definition for net density. In this case, the rough calculation for the site would still be around 3.5 units per acre, which falls within the Village Urban Medium Density range of 2-4 units per acre.

- ***Buffer Areas/Green Belt***. A minimal open space/green belt buffer is preserved as part of the Wildflower development. One of the conditions of concept approval required the developer to provide additional screening and buffering of residential properties located to the east and northeast of Wildflower at Lake Elmo, and the landscape plan has been updated to incorporate these additional plantings. The previously approved Comprehensive Plan amendment adjusted the open space buffer across the development site, and the preliminary plat is consistent with the revised buffer area.

- ***Comprehensive Plan Amendments.*** The following amendments have been approved by the City and reviewed and approved by the Met Council:

    - A Comprehensive Plan amendment to change the western portion of Outlot P of Fields of St. Croix Second Addition from RAD – Rural Area Development to V-MDR (Village Urban Medium Density Residential).

    - A Comprehensive Plan Amendment to change roughly eight acres immediately east of Lake Elmo Avenue and north of the Schiltgen Farms – Parcel "B" area from RAD – Rural Area Development and Village Open Space Overlay to V-LDR (Village Urban Low Density Residential).

- ***Zoning Map Amendments***. The following amendments will be necessary to rezone the Wildflower property in a manner that is consistent with the City's Comprehensive Plan. Please note that such rezoning is typically requested as part of a preliminary plat submission; however, until a sewer project to connect the lift station on 30th Street with the recently installed trunk sewer line within 39th Street is completed by private development interests, the zoning for this area should retain the existing RT – Rural Transitional Zoning:

    - A Zoning Map Amendment to change the zoning of the residential portion of this development from RT – Rural Transitional to MDR – Medium Density Residential and LDR – Low Density Residential (for the smaller 13-lot area). Staff is recommending that the open space areas be zoned as rural residential to match the adjacent rural residential parcels.

- ***Village Guiding Principles***. The Village Land Use Plan incorporated the 13 guiding principles from the Village Master Plan. Of these principles, the proposed Wildflower at Lake Elmo will implement several of them, including:

    - Principle 1 - Evoke a sense of place: Build on existing assets to preserve the small town, rural character of Lake Elmo, maintaining the Old Village as the heart of the city.

    - Principle 2 - Balance natural and built systems: Integrate development within a green framework of parks, trails and the open space greenbelt.

    - Principle 7 - Improve connectivity: Provide a balanced network for movement that links local neighborhoods and Village Area attractions with city-wide and regional systems, paying equal attention to cars, bicycles, pedestrians and transit.

    - Principle 11 - Become a great model: Encourage other communities to 'raise the bar' by demonstrating low impact development, best practices and sustainability.

- ***Lake Elmo Theming Study***. In advance of a final plat submission, Staff is encouraging the applicant to incorporate elements from the Lake Elmo Theming Study into the design of the project. The inclusion of various theming elements would help augment the implementation of several of the guiding principles noted above.

- ***Land Use and Zoning Flexibility***. The applicant's request for flexibility concerning lot sizes, setbacks, cul-de-sac length, and street standards is described in the preceding section. Staff is recommending approval of the dimensional exceptions and increased cul-de-sac length as proposed, but does not recommend approval of the street exceptions.

- ***Conservation Easements***. The developer has obtained approval from the City and the Land Trust to modify the conservation easements within the Fields of St. Croix in order to remove the easement from future development areas and to include the Fields Association as a party to these easements.

- ***Natural Resource Areas***. The Village AUAR included an analysis of ecologically sensitive areas within the planning area, and a portion of the primary ecological areas are found on the

northern portions of the applicant's property. These ecologically sensitive areas are all located with the proposed conservation areas. The applicant's plan for habitat restoration is very much in line with the mitigation plan adopted as part of the AUAR.

- ***Wetlands***. The ecologically sensitive areas discussed above include wetlands, but will be protected from impacts through the platting process as part of the open space preservation areas within the development. All wetlands have been designated on the site and are depicted on the attached plans. There are a few instances where the required wetland buffers encroach on to private lots, and the City Engineer has requested revisions to the plan to ensure that these buffer areas are properly maintained in the future. The developer has previously submitted documentation to the City indicating that there are no wetlands located within the Layton Avenue right-of-way in the Brookman Addition.

- ***Parks and Open Space***. The proposed plans include the creation of a shared park with the neighboring development, which represents 0.2 acres of land to be dedicated for park purpose. The developer is also proposing to construct an extensive trail system throughout the development, and to create a large nature conservancy that will be managed by the Wildflower homeowner's association. With the amount of trails and open space being provided, the developer will exceed the City's minimum requirements for 10% of the land to be dedicated for park purposes, but the exact calculation should be determined prior to submission of a final plat. The proposed trail system will provide public access into the conservation land, but the developer will need to work with the City on the most appropriate manner in which to dedicate these trails for public use.

- ***Sidewalks and Trails***. The preliminary plans include an extensive series of paths and trails. The City engineer has noted that additional sidewalks are needed in a few locations. Staff is recommending that the developer provide easements over all trails that are located outside of City-owned outlots (or deed separate outlots over the trails to the City), and that the construction of all trails comply the City standards.

- ***Public Utilities***. The developer's plans provide connections to the existing utilities located within 39th Street as required with the City's concept plan approval. The recently completed 39th Street public improvement project extended the sewer trunk main to the railroad tracks; however, the City has not yet formally approved final development plans for Easton Village, which will include a private project to extend sewer south of the railroad tracks to the lift station along 30th Street. Approval of the Wildflower preliminary plat will need to be conditional upon the City's approval of the Easton Village Trunk Sewer Plan (or alternative depending on the Council's review of this plan).

- ***Landscaping***. A detailed landscape plan has been submitted with the preliminary plat, and this plan has been reviewed by the City's consulting landscape architect. The attached review from Landscape Architecture includes several recommendations that may be addressed as part of the final plat submission. The developer has incorporated the requested improvements from adjacent property owners as part of the plan. Staff has not yet receive any feedback from these property owners in advance of the public hearing for this development.

- ***39th Street Access.*** The developer will need to construct the new road connecting the development with 39th Street as part of the public improvements associated with the project. This road will cross through the Brookman Addition within the previously dedicated Layton Avenue right-of-way. In order to build the proposed road and match existing grades surrounding the road, the developer will need to obtain a temporary construction easement form the owner of Lot 3, Block 2 and Lot 1 Block 3 of the Brookman Addition.

- ***Environmental Review.*** The proposed Wildflower Subdivision is located within the area covered by the Village AUAR. As such, the City and the developer will need to comply with the AUAR Mitigation plan that was adopted with the Final AUAR. The most critical elements of the Mitigation Plan that must be addressed include the following:

    - *Floodplain Management.* While the northern portion of the applicant's site includes a large floodplain area, development may occur within these areas as long as any proposed structures are elevated above the base flood elevation. The grading plans documents that all proposed lots will comply with this requirement; however, Staff would like to further work with the developer on this issue prior to submission of a final plat.

    - *Storm Water Management.* The storm water management plan for Wildflower at Lake Elmo will need to meet the AUAR requirements in addition to City ordinances and Valley Branch Watershed District standards.

    - *Natural Resource Areas.* Preservation of the primary ecological areas is one of the goals of this development.

    - *Potential Environmental Hazard Sites.* There are no identified hazard sites on this property.

- ***Storm Water Ponds.*** In accordance with the City's Engineering and Design Standards, all storm water facilities must be located on an outlot dedicated to the City. The preliminary plan notes which lots will be owned by the City.

- ***City Engineer Comments.*** The City Engineer has submitted a detailed list of comments that will need be addressed prior to the City's approval of final development plans for this property. None of the comments represent a critical concern (other than the ones noted above) that will not be able to be addressed by the applicant as they finalize the development plans for the site, and most of the comments are requesting technical revisions to ensure compliance with the City's engineering and development standards.

- ***Street Names.*** The developer is requesting to deviate from the City's recent practice of adhering to the County street addressing system for this development. The developer's proposed street names are as depicted on the preliminary plat. In order to comply with the County's street addressing standards, the east-west streets would be assigned a number (i.e. 41st Street instead of Sunflower Lane) and the north-south streets would follow existing street names projected outside the project area (Layton, Leeward, and Legion). The Fire Chief has submitted a comment letter concerning this issue, and is strongly recommending that the City adhere to the County system. The City did adopt a resolution several years ago opting out of

the County naming system, so the City Council will have the authority to approved the Street names as proposed. Based on the strong recommendation from the Fire Chief, Staff is recommending that the Street names be changes to adhere to the County system.

- ***Public Art.*** The developer would like to incorporate displays of public art within some of comment open areas, and possibly with center median areas, throughout the project area. Staff is recommending that the developer continue to work with the City on any necessary agreements in order to allow these displays.

- ***Fire Chief Review.*** The Fire Chief has submitted general review comments, most of which are or will be addressed as part of future reviews.

Based on the above Staff report and analysis, Staff is recommending approval of the preliminary plat and preliminary PUD plan with 19 conditions intended to address the outstanding issues noted above and to further clarify the City's expectations in order for the developer to move forward with a final plat and final PUD plan. The recommended conditions are divided into three categories to better communicate the purpose and intent of the conditions. The recommended conditions are as follows:

***Recommended Conditions of Approval:***

***Pending Review and Approvals***

1) No lots within a FEMA flood zone shall be approved as part of a final plat until such time that the City's Floodplain Management Map has been amended to remove these lots. As an alternative to amending this map, the developer must provide documentation that all structures will be built above the regulatory flood protection elevation, that any pubic infrastructure will also meet Floodplain Ordinance requirements, and that the proposed storm water ponds may be constructed within the floodplain area.
2) The developer shall record an agreement with the Minnesota Land Trust concerning amendments to the conservations easements within the Fields of St. Croix subdivision prior to the submission of a final plat for any portion of Wildflower at Lake Elmo.
3) The developer shall obtain temporary grading easements from the owner of the lots adjacent to Layton Avenue within the Brookman Addition in order to construct the improvements within this right-of-way as documented in the preliminary construction plans.
4) The developer has requested the inclusion of public art within common areas and public property throughout Wildflower development. Prior to the placement of any art on publicly owned property or public rights-of-way, the developer and City shall enter into an agreement that clarifies the individuals or entities responsible for maintenance and upkeep of any public art.
5) Prior to the submission of a final plat for any portion of the Wildflower PUD, the developer shall work with the City to determine the appropriate park dedication calculations for the entire development area.
6) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site.

7) The utility construction plans shall be updated to incorporate the recommendations of the City Engineer concerning the appropriate location and size of sewer services through the PUD planning area, including any requested oversizing of these facilities to service adjacent properties.

***Modifications to the Preliminary Plat and Preliminary PUD Plans***

8) The developer shall minimize the number of rain gardens within public rights-of-way consistent the review comments from the City Engineer. Any such storm water infiltration features shall be subject to review and approval by the City Engineer.

9) The preliminary development plans must be revised to comply with City Street standards as referenced in the City Engineer's review memorandum dated February 18, 2015.

10) The City approves all requests for flexibility from City Zoning and Subdivision requirements with the exception of the street standards noted in the preceding condition.

11) The applicant is encouraged to incorporate elements from the Lake Elmo Theming Study into the open space areas within the subdivision.

12) The preliminary landscape plan shall be updated to address the review comments from the City's landscape architecture consultant as noted in a review letter dated February 4, 2015.

13) The proposed street names within the subdivision shall be revised to comply with the County addressing system.

14) All center median planting areas as depicted on the preliminary plat and plans shall be owned by the City of Lake Elmo and maintained by the Homeowners Association. 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, trails, or open space on the final plat.

15) The Final Plat and Plans must address the requested modifications outlined in the City Engineer's review memorandum dated February 18, 2015.

***Plat Restrictions***

16) Prior to recording the Final Plat for any portion of the area shown in the Preliminary Plat, the Developer shall enter into a Developers Agreement acceptable to the City Attorney that delineates who is responsible for the design, construction, and payment of public improvements.

17) The developer shall provide an easement over or dedicate in a separate outlot all trails to be dedicated for public use. Any such trails shall be considered a park land dedication provide said trails are constructed by the developer with other public improvements within the subdivision.

18) The City will not approve a final plat for any portion of Wildflower until such time that the City has approved a public improvement project to connect the 39th Street Sewer to the 30th Street lift station.

19) The developer must follow all the rules and regulations of the Wetland Conservation Act, and adhere to the conditions of approval for the South Washington Watershed District Permit.

**DRAFT FINDINGS**

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Wildflower preliminary plat and preliminary PUD plan:

- That the Wildflower PUD General Concept Plan was approved by the City on June 17, 2014, and the submitted Preliminary Plat and Preliminary PUD Plans are consistent with the approved General Concept Plan.
- That the Wildflower preliminary plat and preliminary PUD plans are consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- That the Wildflower preliminary plat and preliminary PUD plans comply with the City's LDR - Urban Low Density Residential and MDR – Urban Medium Density Residential zoning district requirements with the exceptions as noted in the Staff report.
- That the Wildflower preliminary plat and preliminary PUD plans comply with the City's subdivision ordinance, with the PUD exceptions as requested by the applicant.
- That the Wildflower preliminary plat and preliminary PUD plans comply with the City's Planned Unit Development Regulations.
- That the Wildflower preliminary plat and preliminary PUD plans comply with City's Engineering Standards, except where noted in the review memorandum from the City Engineer dated 2/18/15.
- That the Wildflower preliminary plat and preliminary PUD plans comply with other City zoning ordinances, such as landscaping, tree preservation, and erosion and sediment control with the plan revisions as requested by City Staff and consultants.
- That the Wildflower preliminary plat and preliminary PUD plans achieve multiple identified objectives for planned developments within Lake Elmo and are consistent with the City's adopted findings for the Concept Plan.

**RECCOMENDATION:**

Staff recommends that the Planning Commission recommend approval of the Wildflower Preliminary Plat and Preliminary PUD Plans with the 19 conditions of approval as listed in the Staff report. Suggested motion:

***"Move to recommend approval of the Wildflower Preliminary Plat and Preliminary PUD Plans with the 19 conditions of approval as drafted by Staff based on the findings of fact listed in the Staff Report."***

**ATTACHMENTS:**

1. Application Forms
2. Development Contact Information

3. Location Map
4. Legal Description
5. Wildflower at Lake Elmo Overview
6. Wildflower Lot Profile
7. Written Statements for PUD Application
8. City Engineer Review – 2/18/15
9. Fire Department Review – 2/13/15
10. Fire Department Street Naming Comments
11. Landscape Architect Review – 2/4/15
12. Valley Branch Watershed District Permit Review – 12/2/14
13. Preliminary Plat and Preliminary PUD Plans:
    a. Existing Conditions
    b. Preliminary Plat
    c. Construction Plans
    d. Landscape Plans
    e. Tree Inventory (Not included with packet)

**ORDER OF BUSINESS:**

- Introduction ..... Community Development Director
- Report by Staff ..... Community Development Director
- 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

PLANNING COMMISSION
DATE: 3/9/15
AGENDA ITEM: 4A – BUSINESS ITEM
CASE # 2015-03

ITEM: Wildflower at Lake Elmo Preliminary Plat and Preliminary PUD Plan

SUBMITTED BY: Kyle Klatt, Community Development Director

REVIEWED BY: Nick Johnson, City Planner
Jack Griffin, City Engineer
Stephen Mastey, Landscape Architecture, Inc.

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**SUMMARY AND ACTION REQUESTED:**

At its previous meeting, the Planning Commission tabled consideration of a Preliminary Plat and Preliminary Planned Unit Development (PUD) Plan for a proposed residential subdivision to be called Wildflower at Lake Elmo. The proposed subdivision would be located immediately north of the Brookfield Addition along 39th Street and would extend to the northern limits of the Village area boundary. The preliminary plat includes 145 single-family lots (matching the number depicted on the concept plans) on a total site area of approximately 117 acres, roughly half of which would be preserved as open space in the form of a nature conservancy, storm water ponds, and parklands. The Planning Commission conducted a public hearing to consider public testimony concerning the preliminary plat at its February 23, 2015.

In advance of the Commission's next meeting, Staff has not duplicated any of the materials previously submitted for review. This information, including the previous staff report, preliminary plat and construction plans, and review comments, are available on the City's web site. Staff will also provide hard copies upon request (new Commissioner Griffin will be provided all materials previously provided since she had not yet been appointed at the last meeting).

In order to address the Commission's previous concerns, the developer has submitted a detailed response and update for consideration by the Commission. Staff has also asked that the City Engineer attend the next meeting in order to directly address any additional questions from the Planning Commission. Staff has also met with two of the adjacent property owners since the meeting, and will note specific discussion points from this meeting in the following section.

Staff is recommending that the Planning Commission recommend approval of preliminary plat and preliminary PUD plans with some minor modifications to the conditions previously presented.

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**GENERAL INFORMATION**

*Applicant*: Robert Engstrom Companies; 4801 West 81st Street, #101, Bloomington, MN

*Property Owners*: Robert Engstrom Companies; 4801 West 81st Street, #101, Bloomington, MN

*Location*: Part of Sections 12 and 13, Township 29 North, Range 21 West in Lake Elmo, north of 39th Street, west of Lake Elmo Avenue, and south of the northern Village

Planning Area boundary line. PID Numbers 13.029.21.32.00001, 12.029.21.34.0001, 13.029.21.21.0001 and 12.029.21.43.0013.

| | |
|---|---|
| *Request*: | Preliminary Plat and preliminary PUD Plan |
| *Existing Land Use*: | Agriculture, Woods/Natural Vegetation, Wetlands, Open Space |
| *Existing Zoning*: | RT – Rural Transitional Zoning |
| *Surrounding Land Use*: | North – vacant/agricultural land, rural residential; west – agricultural land (future Village residential); south – offices, business park land; open space/ Field of St. Croix II subdivision |
| *Surrounding Zoning:* | RT – Rural Transitional; RR – Rural Residential, GB – General Business |
| *Comprehensive Plan*: | Village Medium Density Residential (3-4 units per acre)/Village Open Space Overlay |
| *Proposed Zoning*: | MDR – Urban Medium Density Residential |
| *History*: | Property was included in Village Planning Area boundary and municipal sewer service area as defined in the 2013 Village Land Use Plan. Site has historically been used for faming activities, including the growing of agricultural crops. A large portion of the site is located in a FEMA Flood District. The City approved a Comprehensive Plan Amendment last year that removed portions of the site from the open space land category. The City also approved a PUD Concept Plan for the property on June 17, 2014 |
| *Deadline for Action*: | Application Deemed Complete – 2/4/15<br>60 Day Deadline – 4/4/15<br>Extension Letter Mailed – No<br>120 Day Deadline – 6/4/15 |
| *Applicable Regulations*: | Article 10 – Urban Residential Districts (MDR)<br>Article 16 – Planned Unit Development (PUD) Regulations<br>Chapter 153 – Subdivision Regulations |

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**REVIEW AND ANALYSIS - UPDATE**

The Planning Commission reviewed the application materials concerning Wildflower at Lake Elmo at its February 23, 2015 meeting, received comments from four individuals at the public hearing, accepted three written statements from adjacent property owners, discussed various aspects of the subdivision, and directed staff to update the findings and conditions of approval. During the course of his review, the following issues were raised:

- Potential flooding on the Krueger property to the west of the subdivision, and the potential for additional storm water to be directed under Lake Elmo Avenue.
- The location of the Fields of St. Croix drainfield and whether or not this drainfield could be impacted by additional storm water being directed to Goetschel Pond.
- The proximity of the storm water ponds proposed over Outlot J to a private well on the Eischen property to the north.

- The number of rain gardens within the public rights-of-way within the development, and what number would be acceptable to the City Engineer.
- Whether or not the street widths could be expanded with the removal of rain gardens in center median areas.
- What specific problems might arise because of narrower streets.

The City Engineer has been asked to attend the next meeting in order to address any additional questions from the Commission. Staff has done some additional research in advance of the meeting and would like to offer the following comments in response to these discussion items:

- The proposed storm water management plan will not be increasing the amount of water being directed to the northern portion of the site, and will not have an impact on any property west of Lake Elmo Avenue. Water will move eastward towards Goetschel Pond before the water levels in Veronica's Pond (Wetland B) and Wetland A reach a point where this would occur. The Valley Branch Watershed District Engineer did review this issue with Staff and agreed with the above assessment.
- The drainfield for Fields of St. Croix 2nd Addition is located outside of the 100-year flood level for the Goetschel pond basin (prior to the 2015 study), and the developer has noted that even if water were to reach the 916 flood elevation in this area that there is an overland route to the pond that avoids the drainfield.
- The City Engineer has provided Staff with information from the Minnesota Department of Health concerning well protection and required setbacks from wells. In this case, the proposed pond location is located outside of the required 20-foot setback for a basin or pond grater then four feet in depth (even though this basin is an infiltration area no more than two feet deep).
- The developer is proposing to remove all rain gardens from center medians, he is asking for continued dialogue with the City concerning street widths.
- The City Engineer will be in attendance at the next Planning Commission meeting, and Staff will discuss its concerns about narrower streets with the Commission at this time.

Additional comments/updates from Staff concerning this application are as follows:

- Mary Jean Dupuis, who has previously submitted a letter for consideration and is a neighbor to the proposed development, has asked that the grass trail loop over Outlot H be eliminated from the Plans. Staff has drafted an alternative condition that would require the removal of this trails for consideration by the Planning Commission.
- Richard Smith is seeking clarification concerning the timing of a potential sewer connection to his property and is also requesting that additional protective measures be put in place to ensure no further subdivision or development of Outlout G occurs in the future. Staff is recommending that the utility plans be updated to depict the future sewer connection to the Smith property. Staff will address questions concerning Outlot G with the City Attorney in advance of the Planning Commission meeting.
- The Valley Branch Watershed District Staff has indicated that they will be seeking authorization from the board to being the process to amend the FEMA flood zones for the Goetschel drainage basin consistent with the 2015 technical study.

- The City has received review comments from the Minnesota Department of Transportation (attached) since the last meeting.
- Staff has revised the proposed findings and conditions of approval with the corrections recommended by the Planning Commission at its last meeting and made other minor adjustments based on feedback from the developer.

Based on the previous Staff report and analysis and additional comments above, Staff is recommending approval of the preliminary plat and preliminary PUD plan with 19 conditions (as amended) intended to address any outstanding issues and to further clarify the City's expectations in order for the developer to move forward with a final plat and final PUD plan. The recommended conditions are divided into three categories to better communicate the purpose and intent of the conditions. The recommended conditions are as follows:

***Recommended Conditions of Approval:***

***Pending Review and Approvals***

1) No lots within a FEMA flood zone shall be approved as part of a final plat until such time that the City's Floodplain Management Map has been amended to remove these lots. As an alternative to amending this map, the developer must provide documentation that all structures will be built above the regulatory flood protection elevation, that any public infrastructure will also meet Floodplain Ordinance requirements, and that the proposed storm water ponds may be constructed within the floodplain area.
2) The developer shall record an agreement with the Minnesota Land Trust concerning amendments to the conservations easements within the Fields of St. Croix subdivision prior to the submission of a final plat for any portion of Wildflower at Lake Elmo.
3) The developer shall obtain temporary grading easements from the owner of the lots adjacent to Layton Avenue within the Brookman Addition in order to construct the improvements within this right-of-way as documented in the preliminary construction plans.
4) The developer has requested the inclusion of public art within common areas and public property throughout Wildflower development. Prior to the placement of any art on publicly owned property or public rights-of-way, the developer and City shall enter into an agreement that clarifies the individuals or entities responsible for maintenance, upkeep and removal of any public art. No public art shall be lit in a manner that conflicts with the City's Lighting Ordinance.
5) Prior to the submission of a final plat for any portion of the Wildflower PUD, the developer shall work with the City to determine the appropriate park dedication calculations for the entire development area.
6) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site.
7) The utility construction plans shall be updated to incorporate the recommendations of the City Engineer as described in a February 18, 2015 memorandum to the City concerning the appropriate location and size of sewer services through the PUD planning area, including any requested oversizing of these facilities to service adjacent properties, prior to the submission of a final plat.

***Modifications to the Preliminary Plat and Preliminary PUD Plans***

8) The developer shall minimize the number of rain gardens within public rights-of-way consistent the review comments from the City Engineer. Any such storm water infiltration features shall be subject to review and approval by the City Engineer.

9) The preliminary development plans must be revised to comply with City Street standards as referenced in the City Engineer's review memorandum dated February 18, 2015.

10) The City approves all requests for flexibility from City Zoning and Subdivision requirements with the exception of the street standards noted in the preceding condition.

11) The applicant is encouraged to incorporate elements from the Lake Elmo Theming Study into the open space areas within the subdivision.

12) The preliminary landscape plan shall be updated to address the review comments from the City's landscape architecture consultant as noted in a review letter dated February 4, 2015.

13) The proposed street names within the subdivision shall be revised to comply with the County addressing system.

14) All center median planting areas as depicted on the preliminary plat and plans shall be owned by the City of Lake Elmo and maintained by the Homeowners Association. 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, trails, or open space on the final plat.

15) The Final Plat and Plans must address the requested modifications outlined in the City Engineer's review memorandum dated February 18, 2015.

***Plat Restrictions***

16) Prior to recording the Final Plat for any portion of the area shown in the Preliminary Plat, the Developer shall enter into a Developers Agreement acceptable to the City Attorney that delineates who is responsible for the design, construction, and payment of public improvements.

17) The developer shall provide an easement over or dedicate in a separate outlot all trails to be dedicated for public use. Any such trails shall be considered a park land dedication provide said trails are constructed by the developer with other public improvements within the subdivision.

18) The City will not approve a final plat for any portion of Wildflower until such time that the City has approved construction plans and received financial security related to the construction of the public improvement project to connect the 39th Street Sewer to the 30th Street lift station.

19) The developer must follow all the rules and regulations of the Wetland Conservation Act, and adhere to the conditions of approval for the South Washington Watershed District Permit.

20) The developer shall maintain access to the Smith property (11514 Stillwater Boulevard North) during construction of the first development phase. Said access shall, at a minimum, be capable of supporting emergency management vehicles and be consistent with City access

driveway standards. The existing driveway easement shall be vacated prior to the recording of the final plat.

21) *ALTERNATIVE CONDITON FOR CONISDERATION: The looped trail across Outlot H shall be eliminated as part of the final development plans.*

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**DRAFT FINDINGS**

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Wildflower preliminary plat and preliminary PUD plan:

- That the Wildflower PUD General Concept Plan was approved by the City on June 17, 2014, and the submitted Preliminary Plat and Preliminary PUD Plans are consistent with the approved General Concept Plan.
- That the Wildflower preliminary plat and preliminary PUD plans are consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- That the Wildflower preliminary plat and preliminary PUD plans comply with the City's LDR - Urban Low Density Residential and MDR – Urban Medium Density Residential zoning district requirements with the exceptions as noted in the Staff report.
- That the Wildflower preliminary plat and preliminary PUD plans comply with the City's subdivision ordinance, with the PUD exceptions as requested by the applicant.
- That the Wildflower preliminary plat and preliminary PUD plans comply with the City's Planned Unit Development Regulations.
- That the change in Outlots O and P of the Fields of St. Croix is justified because the developer is providing much larger open space areas as part of Wildflower at Lake Elmo.
- That an exception to the length of a cul-de-sac is justified based on the unique circumstances of the property and the development.
- That the Wildflower preliminary plat and preliminary PUD plans comply with City's Engineering Standards, except where noted in the review memorandum from the City Engineer dated 2/18/15.
- That the Wildflower preliminary plat and preliminary PUD plans comply with other City zoning ordinances, such as landscaping, tree preservation, and erosion and sediment control with the plan revisions as requested by City Staff and consultants.
- That the Wildflower preliminary plat and preliminary PUD plans achieve multiple identified objectives for planned developments within Lake Elmo and are consistent with the City's adopted findings for the Concept Plan.

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**RECCOMENDATION:**

Staff recommends that the Planning Commission recommend approval of the Wildflower Preliminary Plat and Preliminary PUD Plans with the 20 conditions of approval as listed in the Staff report. Suggested motion:

***"Move to recommend approval of the Wildflower Preliminary Plat and Preliminary PUD Plans with the 20 conditions of approval as drafted by Staff based on the findings of fact listed in the Staff Report."***

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**ATTACHMENTS:**

1. Email Correspondence from Developer Dated 2/26/15
2. Memorandum from Developer's Engineer Dated 2/26/15
3. MnDOT Review Comments – 3/2/15
4. Valley Branch Technical Memorandum – Goetschel Pond Study
5. Letter from Mary Jean Dupuis – 3/4/15
6. Letters from Robert Engstrom Companies:
    a. Richard Smith
    b. Mary Jean Dupuis
7. Department of Health Information – Well Setbacks

**ORDER OF BUSINESS:**

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

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

THE CITY OF
LAKE ELMO

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

## LAND USE APPLICATION AND PRELIMINARY PLAT APPLICATION

☐ Comprehensive Plan ☐ Zoning District Amend ☐ Zoning Text Amend ☐ Variance*(see below) ☐ Zoning Appeal

☐ Conditional Use Permit (C.U.P.) ☐ Flood Plain C.U.P. ☐ Interim Use Permit (I.U.P.) ☐ Excavating/Grading

☐ Lot Line Adjustment ☐ Minor Subdivision ☐ Residential Subdivision Sketch/Concept Plan

☐ PUD Concept Plan ☒ PUD Preliminary Plan ☐ PUD Final Plan AND PRELIMINARY PLAT

Applicant: Robert Engstrom Companies
Address: 4901 West 81st St. #101 Bloomington 55437
Phone # 952-893-1001
Email Address: bob@engstromco.com

Fee Owner: Robert Engstrom Companies
Address: (Above)
Phone #_____
Email Address:_____

Property Location (Address and Complete (long) Legal Description:
Wilol-Lower At Lake Elmo At 39th Ave No.
(See Attached Legal)

Detailed Reason for Request: Description Attached

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

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

Signature of applicant: Robert Engstrom Date: 11/16/14

Signature of fee owner:_____ Date:_____

THE CITY OF
LAKE ELMO

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 Robert Engstrom Companies
(Please Print)

Street address/legal description of subject property

Attached

Signature

12/6/14
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.

THE CITY OF
LAKE ELMO

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 Robert E Engstrom Date 11/6/14

Name of applicant Robert E Engstrom Phone 952-893-1001
(Please Print)

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

_____

_____

_____

# Wildflower at Lake Elmo

## Planned Unit Development (PUD) General Concept Plan Application


Landowner: Robert Engstrom Companies
4801 W 81st Street, Suite 101
Bloomington, MN 55436
952-893-1001
(Contract Purchaser)

Applicant: Robert E. Engstrom
(Address & contact information above)
roberteengstrom@gmail.com

Consultants Gerald Mazzara
Design Forum, Architecture & Landscape Architecture
4801 W 81st Street
Bloomington, MN 55437
612-618-7406

Paul Thomas
Pioneer Engineering & Surveying
2422 Enterprise Dr
Mendota Hts, MN 55120
651-251-06605

Kelly Bopray
Bopray Environmental Services
N7831 920th St
River Falls, WI 54022
715-307-4577

Braun Intertec
Soils Engineers
Erik Johnson
11001 Hampshire Ave S
Minneapolis, MN 55438
952-995-2426

Netzell Legal Services, LLC
Tim Netzell
7900 International Dr, Suite 300
Bloomington, MN 55425
952-851-7877

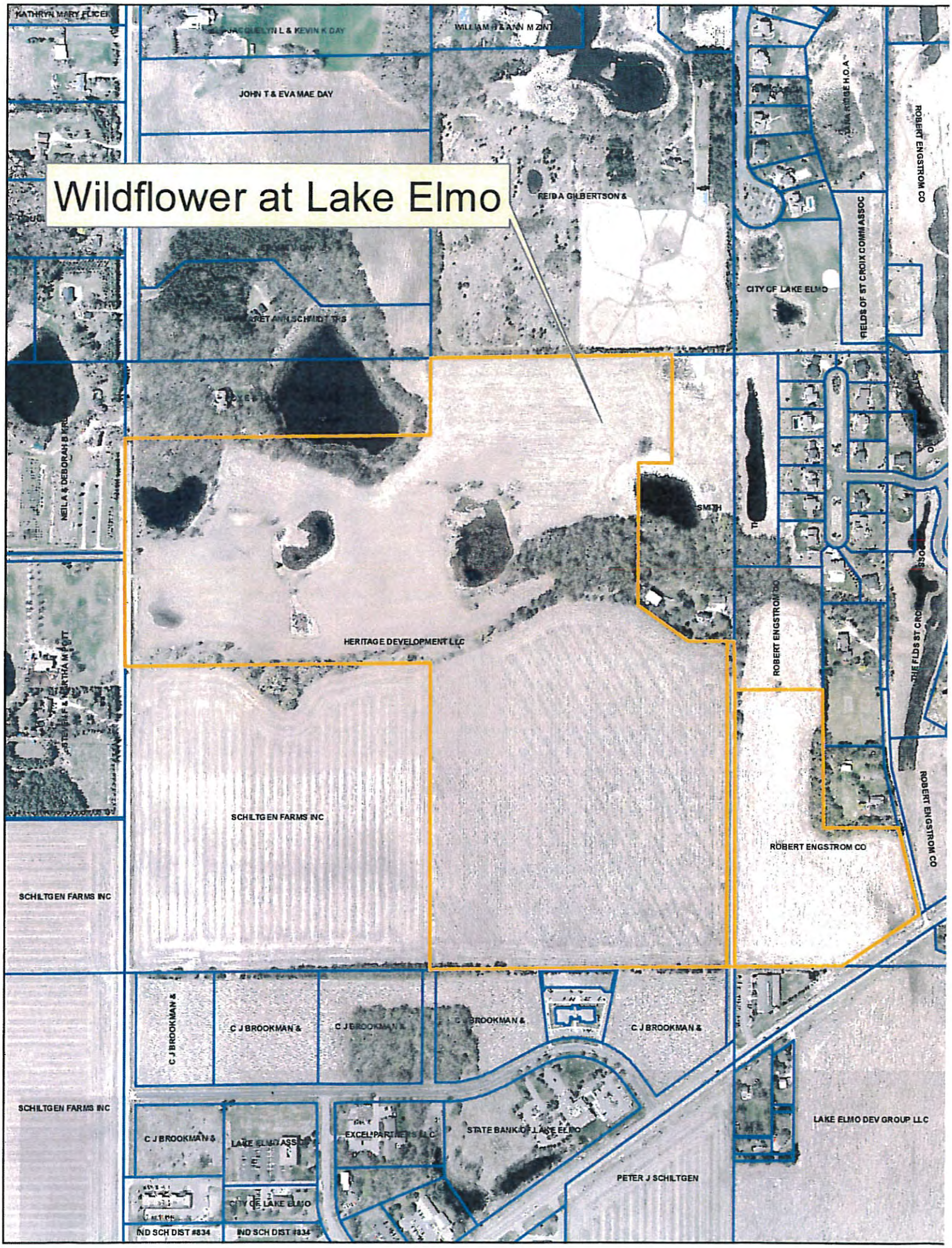

Wildflower at Lake Elmo
KATHRYN MARY FLICEK
JACQUELYN L & KEVIN K DAY
WILLIAM J & ANN M ZINT
JOHN T & EVA MAE DAY
REIDA GILBERTSON &
ROBERT ENGSTROM CO
FIELDS OF ST CROIX COMM ASSOC
CITY OF LAKE ELMO
NEIL A & DEBORAH S KRU
SMITH
HERITAGE DEVELOPMENT LLC
ROBERT ENGSTROM CO
THE FIELDS OF ST CROIX
SCHILTGEN FARMS INC
ROBERT ENGSTROM CO
SCHILTGEN FARMS INC
C J BROOKMAN &
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C J BROOKMAN &
SCHILTGEN FARMS INC
C J BROOKMAN &
LAKE ELMO ASSOC
EXCEL PARTNERS LLC
STATE BANK OF LAKE ELMO
LAKE ELMO DEV GROUP LLC
PETER J SCHILTGEN
CITY OF LAKE ELMO
IND SCH DIST #834
IND SCH DIST #834

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

The North 1/2 of the Southwest 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 12, Township 29, Range 21, Washington County, Minnesota, save and except the following described part thereof: All that part of the Northeast 1/4 of the Southwest 1/4 of Section 12, Township 29, Range 21, Washington County Minnesota, described as follows: Beginning at the center of said Section 12; thence due South along the East line of said Northeast 1/4 of Southwest 1/4 a distance of 1240.5 feet; thence at right angles due West a distance of 200 feet; thence North 55°00" West a distance of 270 feet; thence due North a distance of 617 feet; thence at right angles due East a distance of 147 feet; thence at right angles due North a distance of 466 feet more or less to the North line of said Northeast 1/4 of Southwest 1/4; thence Easterly along the North line of said Northeast 1/4 of Southwest 1/4 a distance of 274.17 feet to the place of beginning.

AND

That part of the Northeast 1/4 of the Northwest 1/4 of Section 13, Township 29, Range 21, Washington County, Minnesota, described as follows: Commencing at the Northeast corner of said Northeast 1/4 of Northwest 1/4 of said Section 13, thence West on the North line thereof 35 feet to a point, thence South and parallel to the East line of said quarter section to the North line of Trunk Highway No. 212; thence Northeast on the North line of said Highway to the East line of said quarter section; thence North on the East line of said quarter section to the place of beginning.

EXCEPTING THEREFROM all of the following described real property: The North 330.88 feet of the Northwest Quarter of the Southwest Quarter of Section 12, Township 29, Range 21, Washington County, Minnesota.

NOTE: The precise legal description of the Property is to be confirmed by an updated Title Commitment (defined herein). It is the intent of the parties that the Property consists of the real property owned by the Seller as identified as PID Nos. 12.029.21.32.0001, 12.029.21.34.0001 and 13.029.21.21.0001, consisting of approximately 101 acres. In the event that the correct description of the Property established in the Title Commitment should differ from the description set forth herein, the description set forth in the Title Commitment shall be deemed to automatically replace the description set forth herein.

AND

OUTLOTS O AND P, THE FIELDS OF ST. CROIX 2ND ADDITION

# Wildflower at Lake Elmo Overview

Robert Engstrom Companies has acquired and has fee title to a 101-acre site from Premier Bank. The site is located immediately west of the second phase of the Fields of St. Croix and in close proximity to the Old Village of Lake Elmo. The developable land conforms to the medium density designation of the city of Lake Elmo Comprehensive plan.

Approximately 60 acres, when combined with an outlot from The Fields of St. Croix, will be dedicated to Natural Habitat restoration and creation, along with surface water management.

**Staging and Preliminary Plat Application**
The first phase will include 22 lots off the courtyard closest to the Wildflower Drive entry, also, the 38 lots on the westerly side of the neighborhood. Construction will start in the spring of 2015.

**Master Plan**
A master plan of 145 home-sites has been prepared, which generally follows the comprehensive plan presentation. The plan indicates four different types of residential housing products. 67 lots are approximately 60 x 115/120 feet in a garden court setting that has interior park-like features in the center of the block, similar to our long lasting Summit Place development in the Cathedral Hill district of St. Paul. This product would have association maintained exterior grounds and be attractive to baby boomers, singles and busy two income families. Target price range is estimated at $400,000-$500,000. The second product is 80 and 90-foot wide lots of 135 feet depth, suitable for custom homes. As opposed to many home-sites that are being platted at a shorter lot-width, these home-sites will accommodate single-story homes.

Another grouping of nine lots overlook the wetland area and Conservancy. These home-sites will lend themselves to upper-bracket, architecturally designed homes. The last product is 13 desirable home-sites at a lower level, near Lake Elmo Avenue and adjoining the natural Conservancy. Wildflower is intended to capitalize on the national Healthy Communities Movement. The sidewalks and pathways will be convenient walking and biking opportunities and most of the pathway design will be bituminous and a lesser amount will be mowed grass paths through the prairie. An additional element of the landscape philosophy is to include some bees, butterfly and pollinator friendly plants as part of each homeowner's landscape. The streets have been designed according to use and safety. Public art might include distinctive benches, street signs, mailboxes and sculpture. Dark skies street and home lighting will be friendly to pollinators and people alike.

Our company has successfully developed two landmark developments within a ½ mile of this site—Cloverdale Farm and the Fields of St. Croix, 1st and 2nd Addition. The Fields of St. Croix, 2nd Addition is contiguous to the subject property. Both of these neighborhoods have significant prairie installations, thereby helping to create a synergistic impact with the new natural habitat, which will feature native plants, trees, and shrubs. The natural setting should lend itself to outdoor classroom activities. In addition, a two-block long pollinator pathway will be installed along the central Promenade. All of these elements will make Wildflower at Lake Elmo a distinctive ecological and educational native plant addition to the Lake Elmo Village Center.

**LEGAL DESCRIPTION ATTACHED**

**The Fields of St. Croix Agreement**
In order to help with the conversion of the farmland into natural habitat and surface water management, an agreement has been reached to facilitate the development depicted on the attached site plan. A green space buffer and driveway access is designed to be complementary to the existing ten-acre Smith residence and grounds. Similarly, the land plan is friendly to the two existing residential parcels.

**The Wildflower Conservancy**
The developer will install the 60 acres of natural habitat. The Wildflower Community Association will own and manage the prairie areas. Inquiry has been made to the FSA office in Farmington for enrolling the converted farmland into the CRP Program, which will help augment the Association budget. In addition, the neighboring developer has agreed to make a small contribution to the Wildflower Association. The major conservancy area will have bituminous trails and passive areas open to the public and maintained by the City of Lake Elmo. It is intended that the Conservancy will be covered by a Conservation Easement to the City of Lake Elmo. The city will abandon its conservation easement on the small area with homes in Outlot O. This area more than covers the park dedication requirement. In addition, a small outlot will be dedicated to the City, and added to the park dedication of the adjoining development.

**Public Art**
The developer will have distinctive landscape designs, such as benches, lighting fixtures, mailboxes, and freestanding sculptural features. The grand two lane, divided streets with a 35-foot median will lend itself to interesting landscape design, as well as some bio retention areas for surface water management. Any cooperative artscape ideas with the City of Lake Elmo would be welcomed.

**PUD Flexibility**
Unique designs for mailboxes, street signs and landscape details will be submitted prior to the final plat. In order to maximize design interest, setbacks from lot lines vary. Likewise, street designs vary according to use, rather than arbitrary standards.

The home-sites will be sold to local builders and be subject to architectural approval by the developer. Standards call for architectural integrity as the primary determinant. Guidelines include 4-sided architecture, style authenticity, appropriate scale, minimizing the impact of garages, encouraging one-level and 1½-story homes, and discouraging an abundance of 2 story, walk-out homes. Front yard courtyard patios are encouraged.

**Stormwater Design**

The overall stormwater management approach for this site is to implement Better Site Design (BSD) techniques and local Best Management Practices (BMP's) with the goal of infiltrating water near its source using a decentralized stormwater management system as much as possible. Specific techniques used include: disconnection of impervious surfaces, infiltration trenches, rain gardens, and reduction in street widths. When the capacity of these smaller practices is exceeded, the excess runoff is routed to larger stormwater facilities and infiltration basins. Valley Branch Watershed District rules require 1.1" of runoff from the new impervious surfaces created by the site to be retained on site by runoff volume reduction practices. For our site this is 2.103 acre-feet of "Volume Control". Our proposed stormwater management system achieves over 3 acre-feet of volume control, significantly exceeding the requirement. Also, to relieve flooding issues at Downs Lake, runoff from 25.6 acres of the site has been routed north toward Goetschel Pond.

The surface water design has been approved by the Valley Branch Watershed District, subject to the usual conditions.

**Street Name Change**

The developer is requesting that the undeveloped but platted city street of Layton Avenue North be changed to Wildflower Drive.

**Landscape Designs**

The landscape design will include a minimum of 100 sq. ft. of native plants for each home-site. The back lot-line should be planted in a layered design of taller deciduous trees, some evergreen trees, and, an understory of deciduous shrubs and perennial plants. The Pollinator Pathway on the north side of the Promenade will utilize ten feet of the adjoining lots to create a variety of native trees, shrubs, and plants that are friendly to bees, butterflies, other pollinators, and birds. In addition to the aesthetic and practical function, the Pollinator Pathway should provide an educational opportunity for those unfamiliar with native plants.

Developer: Robert Engstrom Companies
4801 W 81st Street, Suite 101
Bloomington, MN 55437

952-893-1001

# WILDFLOWER

## LOT PROFILE ( SFD )

| | RIDGE LOTS | CONSERVANCY LOTS | PRAIRIE LOTS | COURTYARD LOTS |
|---|---|---|---|---|
| QUANTITY | 9 | 13 | 54 | 67 |
| AVG DIMENSION | VARIABLE | VARIABLE | 85'x145' +/- | 60'x115' +/- |
| AVG SIZE (S.F.) | 18,585 | 21,600 | 12,325 +/- | 7,015 +/- |

## SETBACKS

| | RIDGE LOTS | CONSERVANCY LOTS | PRAIRIE LOTS | COURTYARD LOTS |
|---|---|---|---|---|
| FRONT YD. | 25' | 25' | 25' | 20'+ |
| SIDE YD.<br>HOUSE:<br>GARAGE:<br>STREET: | <br>15'<br>10'<br>25' | <br>15'<br>10'<br>25' | <br>10'<br>5'<br>15' | <br>10' (OR 7.5')<br>5' (OR 7.5')<br>15' |
| REAR YD. | VARIABLE<br>To maintain bluff vegetation and slope erosion<br>(25' Minimum) | VARIABLE<br>To maintain bluff vegetation and slope erosion<br>(25' Minimum) | 30' | 20'+ |

## COURTYARD LOTS:

SPECIFIC CONDITIONS FOR SETBACK DESIGN FEATURES, FRONT, REAR & SIDE YARDS, TO ALLOW FOR OVERLAPPING ARCHITECTURAL AND LANDSCAPE ELEMENTS IN SETBACK AREAS.

| | | |
|---|---|---|
| A. | FIREPLACE BUILD OUTS (CHIMNEY & VENT BOXES) | 2'-0" MAX. |
| B. | WINDOW BAYS OR BOX OUT FEATURES (CANTILEVERED) | 2'-0" MAX. |
| C. | CANTILEVERED FLOOR AREAS (1 & 2 STORIES) | 2'-0" MAX. |
| D. | FRONT PORCHES | 10'-0" MAX. PAST HOUSE FRONT FACE |
| E. | ROOF OVERHANGS, ALL SIDES | 3'-6" MAX. |
| F. | HIGH FENCES – NOT ATTACHED TO HOUSE (MAX. HT. 6' ) SIDE YARD SETBACK | 3'-0" MAX. DISTANCE FROM SETBACK LINE |
| G. | LOW FENCES (30"- 42" HT.) – FRONT & REAR YD - ALLOWED, CONSISTENT WITH SIZE OF PRIVATE PATIOS, DECKS AND GARDEN AREAS. | FRONT YD - 8'-0" INSIDE FRONT YARD P.L.<br>REAR YD: NOT TO EXCEED 12'-0" PAST GARAGE DOOR WALL FACE |
| H. | DECKS & PATIOS – FRONT YD. | 6'-0" INSIDE FRONT P.L. |
| I. | DECKS & PATIOS – SIDE YD. | 3'-0" MAX. DISTANCE FROM SETBACK LINE |
| J. | DECKS & PATIOS – REAR YD. | NOT TO EXCEED 12'-0" PAST GARAGE DOOR WALL FACE |
| K. | TRELLIS, ARBORS, GATEWAYS & FEATURES | LOCATION & SIZE TO BE CONSISTENT WITH SIZE OF PRIVATE PATIOS, DECKS & GARDEN AREAS. EXACT FEATURE DESIGN AND LOCATION TO BE REVIEWED AND APPROVED BY R.E.C. DESIGN REVIEW PROCEDURE. |

8-21-2014
8-26-2014
11-5-2014 - TOTAL LOTS: 143

**Wildflower Preliminary Plat & PUD Application**

Section 2. Written Statements

a. Attached exhibit A
b. Exhibit B
c. 143 residential lots, 65 acres public open space; Lake Elmo Ave N Right of Way=1.70 acres, Residential Right of Way=18.35 acres; Total Right of Way=20.05 acres.
d. Exhibit B
e. Exhibit A
f. –The total gross area of Wildflower at Lake Elmo is 119.28 acres. The number of lots proposed is 143. Gross overall density (143 lots divided by 119.28).
g. See engineer's plans
h. Three long-time resident owners of adjacent properties expressed some concerns about the changes in their distant views. Landscape plans were prepared that call for landscaping that is sensitive to the owner's situation. In fact, one of the plans that calls for 24 Black Hills Spruce and 8 Sugar Maple trees have already been installed.
i. See above for neighboring properties—the wetlands in the Conservancy area were delineated and respected in the preparation of the development plan. No mitigation of wetlands is required.
j. See other exhibits
k. The only docks involved might be a floating observation dock in one of the existing wetlands or possibly a fishing dock in the newly created surface water treatment area.
l. Most of the 65 acres of open space is dedicated to bees, butterflies, birds and other pollinators. 63 acres will be owned and maintained by the Wildflower Community Association; stormwater treatment areas will be conveyed to the city for surface water treatment.

   The extensive landscaping of Wildflower Drive and street islands will also be maintained by the Association.

   The developer is committed to planting and installing the prairie. Maintenance estimates have been received which indicate manageable association dues. In addition, it is believed that most of the converted farmlands can be placed in the Department of Agriculture CRP program.

   The outlot adjoining the future city park will also be conveyed to the City of Lake Elmo to add to the Park Dedication of the adjoining development.

   Most of the developable land is farmland and consequently does not have any trees. Some significant cherry and oak trees on the ledge of the ridge were tagged and located with GPS. The wooded areas in the Conservancy will be retained with the exception of the removal of Buckthorn, Chinese Elm and other invasive species.

# MEMORANDUM

FOCUS ENGINEERING, inc.

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

Date: February 18, 2015

To: Kyle Klatt, Planning Director
From: Jack Griffin, P.E., City Engineer

Re: Wildflower at Lake Elmo
Preliminary Plan Review

An engineering review has been completed for the revised Preliminary Plan submittal for Wildflower at Lake Elmo PUD. The submittal consisted of the following documentation prepared by Pioneer Engineering, Inc.:

- Response memorandum dated February 5, 2015.
- Wildflower at Lake Elmo PUD Preliminary Plan Set, Sheets 1-37, dated February 4, 2015.
- Stormwater Management Plan, revised February 4, 2015.

**STATUS/FINDINGS:** Engineering has prepared the following review comments.

PRELIMINARY PLAT AND SITE PLAN

- The proposed plat is not contained within the plat boundaries. The plat approval must be contingent upon including the property necessary to complete the following proposed improvements.
  - Prairieview Trail R/W encroaches the Gonyea Parcel B property.
  - Wildflower Drive R/W encroaches the Gonyea Parcel B property.
  - The proposed storm water system is dependent upon the construction and operation of Pond 3N which is located entirely on the Gonyea Parcel B property.
- Minimum 15 foot easements must be added for the storm sewer pipe along Lots 13 and 14, Block 5.
- Outlots B, C, J and K must be dedicated to the City as part of the Plat.
- Outlot J references an existing Open Space easement dedicated to the Fields or St. Croix and a 10 foot drainage and utility easement for the Fields of St. Croix 2nd Addition. As Outlot J is dedicated to the City, these easements must be eliminated to ensure that the City has no restrictions going forward in regards to operation, maintenance and replacement of the storm water infrastructure.
- Outlots A, F, G, H, I include proposed trails. The applicant memo indicates trail easements will be granted to the City. City trails should be placed in Outlots dedicated to the City.
- Outlot I includes a drainage swale with landlocked basin that acts as a retention pond. Therefore Outlot I must be dedicated as City ownership.
- Outlot L includes a connecting sidewalk. The sidewalk must be paced entirely within the City R/W or Outlot L must be dedicated as City Ownership.
- Outlots M, O and P will be HOA owned and maintained. The grading plans must note that the proposed rain gardens will be HOA maintained.
- Outlot N is identified as HOA owned.
- Sheet 8: Outlot H is listed as City owned under the Public Open Space calculations. This should be moved to HOA owned.

- Wetland buffers should be shown on the Plat (Sheets 6 and 7).
- The Site Plan must be revised to eliminate wetland buffer encroachments as follows to eliminate grading and impervious surfaces:
    - The Wetland G buffer encroaches into the proposed storm water Pond 200. No grading is allowed within the wetland buffer. Pond 200 may require modifications and the storm water model revised accordingly.
    - Wetland buffers must remain a minimum of 4 feet from the proposed bituminous trail edge to allow unrestricted trail maintenance.
- The lift station site must be revised to properly site a City owned lift station facility. The proposed site is too small and does not provide sufficient separation from adjacent public uses.
- The existing FEMA floodplain must be revised as part of the Plat. The revised Floodplain cannot encroach proposed public infrastructure, including the storm water ponds and infiltration basins.

STREETS AND TRANSPORTATION

- The Site Plans, Sheets 9 and 10, must be revised using a plan scale of 1 inch = 50 feet to facilitate the review of the street geometrics including horizontal curvature information.
- Wildflower Drive proposes a typical section with two one-way lanes separated by a landscaped medium. The minimum City allowed street width for each lane is 18 feet from face of curb to face of curb (to meet adequate public safety requirements). The current plan shows a 14 foot width on the north through lane and a 20 foot width on the south through lane. Preliminary Plat should be conditioned upon meeting the City minimum standard widths and geometrics. The City specified minimum width of 18 feet assumes no parking on either side of the street.
    - The north lane of Wildflower Drive must be increased to 18 feet (back of curb to back of curb).
    - No parking signs must be placed along both sides of the street for 18 foot through lanes. To have parking along one side for a one-way travel lane requires a minimum street width of 22 feet (back of curb to back of curb)
    - Parking could also be added using a bump out design in addition to the 18 foot through lane.
    - Update Wildflower Drive typical detail per the above comments.
- Prairieview Trail is approx. 1,800 feet in length. This exceeds the maximum City standard cul-de-sac length of 1,000 feet.
- City staff has determined 28 feet to be the minimum street width. This allows parking on both sides. The 28 foot minimum requires pedestrians to be moved off the street via a sidewalk along at least one side.
    - Sidewalks should be added along Goldenrod Court and Coneflower Court and should be extended to the back of the cul-de-sac.
    - The Prairieview Trail sidewalk should be extended to the back of the cul-de-sac.
- Sunflower Lane is proposed at 24 feet in width (back of curb to back of curb). At this width, parking is allowed on one side of the street. As required, no parking signs have been indicated along one side.
- No parking signs must be added to indicate no parking around each cul-de-sac (Sunflower Lane, Goldenrod Court, Coneflower Court and Praireview Trail). The minimum fire lane is 20 feet of street width with a 45 degree cul-de-sac radii.
- The Pairiview Trail cul-de-sac island must be amended to eliminate the "tear drop" geometric.
- No parking signs must be added along the inside lane of Blazingstar Court due to the proposed 24 foot wide street pavement.
- No parking signs must be added along one side of the street for each of the Blazingstar Lane eyebrows due to the proposed 20 and 24 foot wide street pavements.

- The 10 ft boulevard along Blazingstar Court and the Blazingstar Lane eyebrows must be increased to 16 ft.
- The 10 foot wide boulevard along the Praireview Trail cul-de-sac must be increased to 16 feet.
- The 30 foot R/W and 18 foot wide alleys can be allowed under the condition that no public or private utilities are constructed within the limited R/W with the exception of limited storm sewer.
- Street Profiles: All vertical sag curves (including stop conditions) must meet the minimum K-value of 37 and all vertical crest curves meet the minimum K-value of 19. The sag curve minimum may be reduced to a K-value of 17 for the streets located within the 30 foot R/W. At all intersections the profiles must not exceed 2% longitudinal grade for the first 100 feet. Preliminary Plat should be conditioned upon the vertical street alignments meeting minimum City design standards.
    - As the main access route to the development the vertical alignment for Wildflower Drive must be revised to reduce the number of sag and crest curves creating a sinusoidal street.
        - 1) Remove the crest curve at STA 7+40.
        - 2) Remove the sag curves at STA 12+25 and STA 16+50.
    - Revise the alley street vertical crest curves to meet the minimum required K value of 17 (20 mph). Revise crest curves at STA 11+45 and STA 17+20.
    - Sheet 22: Revise the profile heading "Sunflower Lane ~~23+00~~ 27+00 to 37+00.
    - Sheets 23, 24 and 25: Remove the references to "Private Drive" for each profile.
    - Sheet 24: Revise profile heading to Blazingstar Court 0+00 to 4+06.
    - Sheets 24 and 25. Revise profiles to utilize vertical curves for all "Grade Breaks".
    - Sheet 25: The sag curves at STA 8+44.5 and STA 7+75 must be combined into one vertical curve and revised to ensure that the K value minimum is 37.
- Publically owned trails should be clearly identified on the plans for staff review. Publically owned and maintained trails must be located in R/W and Outlots dedicated to the City with 4-foot minimum clearance on both sides to facilitate unrestricted maintenance.

MUNICIPAL WATER SUPPLY

- The applicant is responsible to extend the municipal water to the development site at developers cost. Municipal water supply is available along 39th Street North and along State Highway 5. Connections to both locations are required.
- The preliminary utility plan provides a 12-inch diameter trunk watermain along Sunflower Lane from the TH 5 connection to the Gonyea Parcel B subdivision. Watermain oversizing costs for watermain in excess of the minimum standard 8-inch pipe is paid by the City as a reimbursement addressed within the development agreement.
- Remove the hydrant coverage circles from Sheet 26, Utility Overall Plan. An overall utility plan using a scale of 1 inch = 100 feet will need to be submitted separate from the plan set to allow staff to mark up hydrant and system valve locations. A detailed review for hydrants and system valves will be completed as part of the final construction plans.
- Correct the scale on Sheet 26.

MUNICIPAL SANITARY SEWER

- Municipal sanitary sewer is not currently available to the site. Preliminary Plat must be conditioned upon the completion of the Village East Trunk Sanitary Sewer Improvements including the trunk sewer along 39th Street North, then across TH 5 and the UP Railroad to the Easton Village development, then south through the Village Park Preserve development and connecting to the Reid Park Lift Station. The City cannot guarantee the timing nor is the City responsible for this connection to be operational.
- The applicant is responsible to extend the municipal sanitary sewer to the development site at developers cost from 39th Street North.

- A sanitary lift station is proposed to serve 13 lots including Lots 1-10, Block 16 and Lots 1-3, Block 15. The sewer comprehensive plan did not include sewer service to this area and therefore no lift station has been planned by the City. Preliminary Plat must be contingent upon the following conditions in regards to the lift station:
  - The lift station must be designed by the City and paid 100% by the developer.
  - The lift station must meet all City design and construction specifications.
  - The lift station must be fully automated via the City SCADA system with a permanent generator.
  - The proposed sanitary lift station should be constructed on property dedicated to the City of sufficient size to allow for ongoing operation, maintenance and replacement. The proposed site plan appears insufficient to properly site the proposed lift station.
  - The site plan should include an access driveway separate from the adjacent trail and include berming and landscape screening.
- Additional sanitary sewer main is required to serve Lots 8 and 9, Block 6 along Wildflower Drive. Service stubs cannot be connected to a sewer manhole and service pipe must be perpendicular to the street.
- The 10-inch trunk sanitary sewer stub on Outlot H must be extended to the south edge of the tree line in the northeast corner of Outlot H, roughly an additional 420 LF.

STORMWATER MANAGEMENT, GRADING AND STORM SEWER SYSTEM

- Preliminary Plat must be conditioned on a revised Stormwater Management Plan, grading plan and storm sewer system meeting all requirements listed in the City of Lake Elmo Engineering Design Standards in addition to the requirements of the MPCA and Valley Branch Watershed District.
- The proposed Storm water management Plan must be revised as follows:
  - Storm sewer design criteria must be revised to indicate that all rain garden 10-year HWLs must be at an elevation that remains below the street subbase drainage layer (or two feet below the roadway surface).
  - The proposed hydrology report must be revised to provide a more complete description of the proposed system and discharge points.
  - The report must be updated to address the proposed storm water connection and discharge to the existing 39th Street storm sewer system. The applicant must provide existing and proposed documentation to demonstrate that adequate capacity is available in the 39th Street storm sewer connection and downstream water bodies.
  - The soils report identifies some C and D soil groups. City standards do not allow infiltration practices to be constructed in Group C and D soils. Soil borings and classifications must be completed in the actual location of each proposed infiltration BMP to verify feasibility of the BMP. The plan must be updated if infiltration BMPs are reduced accordingly.
  - The applicant must make all revisions needed to obtain VBWD approval and all revisions must be resubmitted for City review and approval.
- The existing 100-year Floodplain is shown on the site plan and currently encroaches Lots 1, 2 and 10, Block 16; Lot 1, Block 15; the sanitary lift station site; Praireview Trail street/retaining wall; and storm water pond facilities including Pond 200, Basin 200I and 300I. The floodplain is in the process of being lowered. The preliminary plat must be contingent upon the applicant obtaining resolution for the revised FEMA floodplain as it relates to these infrastructure encroachments.
- There are nine (9) rain gardens proposed within the City R/W requiring potential issues for the ongoing maintenance of the street and drainage systems. In addition there is a bioretention ditch along the south edge of the plat and 6 more rain gardens located on HOA property but with hydraulic connections to the public R/W. For these facilities there are 25 rain garden inlet structures that will be installed integral to

the street and curb and gutter. In all, the proposed facilities will require a substantial maintenance commitment from City staff even if the HOA agrees to maintain the rain gardens themselves.

- Site specific soil testing must be completed for each proposed BMP with the BMP eliminated if the soils are not feasible in the opinion of the City (soils must be classified as Group A and B soils and demonstrate a high probability of achieving successful long-term performance).
- Consideration should be given to eliminate rain gardens located within public R/W. The infiltration credits are not needed to meet state and watershed permit requirements. As proposed the rain gardens will inundate the adjacent roadway during 10-year rain events. If not eliminated, each rain garden must be lowered such that the 10 year HWL is at least 2 feet below the lowest point of the adjacent street elevation.
- The preliminary plat should be conditioned upon a signed maintenance agreement to require all rain gardens to be HOA owned and maintained, even if they are within the public R/W. The City should maintain the right to have any of these rain gardens eliminated in the future if they are found to be a detriment to the City street pavement or subbase.
- Rain gardens must be designed to the approval of the City. Storm water details submitted with the preliminary plat (rain guardian, typical rain garden, and bioretention facility) have not been reviewed nor accepted by the City. Detailed review will be completed following preliminary plat.

- The stormwater plan as submitted is dependent upon Pond 3N on the Gonyea Parcel B property being fully constructed and operational. Preliminary Plat approval therefore must be contingent upon this pond being constructed as part of this project.
- The NWL must be added to the plans for all storm water ponds and the Outlot I drainage swale.
- All stormwater ponds, infiltration basins and bioretention facilities required to meet VBWD permit rules have been placed in Outlots dedicated to the City for ongoing operation, maintenance and replacement. The Stormwater Outlots must continue to fully incorporate the 100-year HWL as plans are revised.
- The stormwater pond and infiltration area HWL **contour** must be added to facilitate staff review.
- The HWL elevation must be shown on the plans for all low areas including rear yard drainage swales (place HWL contour on plans). The HWL contour must be fully contained within a drainage easement. Additional revisions are required for the rear yard drainage swale and storm sewer system in Block 5. The plans are not legible as submitted.
- An access maintenance approach road must be provided and shown on the plans for each storm water facility with a minimum width of 20 feet and with a maximum grade of 10%.
  - Maintenance access has been provided to Ponds 100 and 200 using a proposed trail. The trail sections must be increased to accommodate vehicle use.
  - Maintenance access to Pond 100 must be revised to be no greater than 10%.
  - Maintenance access no greater than 10% must be added for to each of the infiltration basins.

LANDSCAPE PLANS

- The landscape plans must be revised to maintain 10 foot offset from all proposed trees to any proposed utilities including sanitary sewer and water service stubs to each property.
- Add note to stake all trees to be approved by City prior to planting.
- Infiltration basin plantings and seeding to be as prescribed by the City's Landscape Architect. Please contact Stephen Mastey to obtain City standards and revise plans accordingly.
- City standard landscape plan notes and details must be incorporated into the Landscape Plans and all other notes and details removed.
- Remove note to place trees halfway between curb and sidewalk /trail. Trees must be a minimum of 5 feet behind curb.

**Station #1**
3510 Laverne Ave. No.
Lake Elmo, MN 55042
651-770-5006

**Station #2**
4259 Jamaca Ave. No.
Lake Elmo, MN. 55042
651-779-8882

**LAKE ELMO FIRE DEPARTMENT**

February 13, 2015

Review of the PRELIMINARY PLAT – WILDFLOWER AT LAKE ELMO

Following a review of the packet provided, I have concerns related to the following:

- Hydrant placement/spacing. Hydrants need to be placed at intersections to be most advantageous for emergency response and spaced per our requirements, with spacing of hydrants not to exceed 500'.
- Street naming to remain consistent with current program. See attachment.
- I have concerns with the turning radius of islands shown, especially the "tear drop" design as this presents problems for us getting several large apparatus into these areas, especially in the winter.
- Road widths must comply with current standards. Narrow roads create problems for us. When there is a structure fire we need to get several apparatus to the scene. There may be alternatives offered up such as "one way" or "no parking", which experience has shown us that these are easily disregarded and when you factor in narrowing due to snowbanks, this creates difficulty in responding.

Sincerely,

Greg Malmquist, Fire Chief

**Station #1**
3510 Laverne Ave. No.
Lake Elmo, MN 55042
651-770-5006

**Station #2**
4259 Jamaca Ave. No.
Lake Elmo, MN. 55042
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**LAKE ELMO FIRE DEPARTMENT**

# STREET NAMING and NUMBERING

It has come to my attention that there is discussion and concerns regarding our current naming and numbering system for streets in Lake Elmo. I would like to address this from the perspective of the fire department only.

While there is no perfect system to my knowledge, our current system provides an organized, sensible system for quick location and identification for emergency responders. There was a period when Lake Elmo went away from the system and areas that were designed during this period are some of our most problematic. There are also areas that were designed previously, when we initially had adopted the system we are currently using that create problems as well. This is due to the fact that those that were responsible for implementation varied from the system. In a perfect world where all roads were straight and ran directly north/south and east/west, things would be simple. Current developments with roads that "wind' of "curve" create problems for us now, but there are tools within our current system that allow us to address these as best possible.

I would now like to explain why this system is a great benefit to us. I will us a scenario of a structure fire response as an example.

- When we receive our initial page from the 911 dispatch center with the address, we have a general idea of where the emergency is before we even arrive at the fire station.
    - It allows us to quickly determine if this is an area with or without hydrants. This is critical as we may need to call for Mutual Aid Tenders from neighboring fire departments for adequate water supply.
    - Upon arrival at the fire station, this guides us to a general area on the map, without having to search the entire map.
- The current system is beneficial to our surrounding fire departments as well in the event we call them Mutual Aid. It allows them to respond quicker as it is less likely they will need to spend significant time searching a map.
- Addresses are important not only to find the location of the emergency, but for a structure fire there are other related operations that are impacted by this.
    - When Mutual Aid is requested, responding agencies are generally directed to a Staging Area located several blocks from the scene. Our current system makes this relatively easy. A random system would create considerable confusion.
    - In the event we are utilizing Tenders for water supply, we establish a fill site away from the scene. Again, random street names create confusion for all parties concerned.

While there is technology out there, it isn't always available to us and isn't 100% reliable. We also have situations where we have one person driving an emergency vehicle and we want them focused on driving, not a screen and entering data.

I hope this helps to clarify our concerns. If anyone would like to discuss further, I am always available.

LANDSCAPE ARCHITECTURE INCORPORATED
WWW.LANDARCINC.COM

# WILDFLOWER AT LAKE ELMO – DESIGN REVIEW REPORT
# LAKE ELMO, MN

**LANDSCAPE ARCHITECTURAL DESIGN REVIEW DATED FEBRUARY 14H, 2015**
REVIEWED PLAN SET DATED FEBRUARY 4TH, 2015

Per our review the Landscape Plan is NOT in compliance with the City's planting requirements.

***Required Action Items by Wildflower at Lake Elmo Project Team***

1. Tree placement needs to be more accurately considered and represented throughout the plan. In some cases trees are represented on sidewalks and streets or too close to hardscape elements.
2. Street trees need to be at least 5 feet from back of curb. In areas where the boulevard does not allow this because of sidewalk or trail placement as noted on Sheet L1 please redesign to accommodate required trees.
3. Please provide an analysis of street tree plantings in relationship to proposed residential utility connections with appropriate setbacks from both utility service connections and driveways. It appears that once this exercise is completed some of the proposed street trees as currently represented will have to be relocated and / or an adjustment of the lot width may need to take place to facilitate the incorporation of the required trees in the streetscape corridor.
4. When determining landscape requirements and trees required per street frontage please recalculate to include street frontage on Hwy 5 and Lake Elmo Avenue North as well in addition to the new proposed streets.
5. Trees are to have a two year warranty.
6. Please add note to plan sheets: All trees to be field staked prior to installation. Contractor to coordinate field review of proposed tree locations with the city and project landscape architect prior to any tree installation.
7. Correct conversion for multi-stem trees to 2.5 inch B& B is 12 foot height.
8. Per plant schedule the specified River Birch/Betula nigra 'Heritage' is incorrectly spelled / noted. Should read: Heritage River Birch / Betula nigra 'Cully'.
9. Minimum size for ornamental trees is 2" Caliper per Table 6-1. Minimum Size Standards for Landscape Materials within the City's landscape requirements.
10. Please provide more diversity of all plantings – overstory trees, evergreen trees and ornamental trees. For example specify more than one type of evergreen on the entire project. Perhaps focusing on pollinator friendly choices would work nicely with the overall theme of the development. 211 Black Hills Spruce is not acceptable as the only evergreen specified,

2350 BAYLESS PLACE• ST. PAUL, MN • 55114
PHONE: 651.646.1020 • EMAIL: STEPHEN@LANDARCINC.COM

52 PrairieFire Crab is too many of one type of Crab, try to limit the use of Honey Locust as it provides filtered light at best as a street tree, etc. as a few examples.

11. Please provide design sections for all berms / landscape screening suggested representing all typical planting arrangements with species specified and represented to scale at time of installation. When planting berms please consider planting side slopes verses simply planting the top as it is currently suggested. Plants are much happier when not placed on the highest, driest and windiest part of the berm.
12. Please provide design drawings for all signage and way finding elements.
13. Please provide us with an understory planting plan for the entire development. This includes all shrub & perennial beds, infiltration basins, raingardens as well as native seeding and turf sodding areas.
14. We request more information as it relates to the tree preservation plan to make a determination if tree replacement is in fact required.
15. We would like your design team to rethink the layout of the plantings within the HOA outlots M, O & P. It appears the layout is not very well developed. The absence of street tree plantings is noted and should be addressed. The observation is that the tree layout suggested simply occupies the green space rather than utilizing trees to reinforce or create space which would be our preference.
16. Correctly label Lake Elmo Avenue North on the western edge of the property. Currently it is labeled Lake Elmo Drive North.
17. We request information on soil preparation and planting specifications for all plantings/seeding.
18. Provide landscape irrigation plans for our review for all commonly held HOA & City Outlots / R.O.W. areas.
19. 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.

**SINCERELY,**

**LANDSCAPE ARCHITECTURE, INC.**

STEPHEN MASTEY, ASLA, CLARB, LEED AP BD+C

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**Minnesota Department of Transportation**
**Metropolitan District**
Waters Edge Building
1500 County Road B2 West
Roseville, MN 55113

March 2, 2015

Kyle Klatt
Planning Director, City of Lake Elmo
3800 Laverne Avenue N.
Lake Elmo, MN 55042
kklatt@lakeelmo.org

SUBJECT: P15-008 Wildflower
North side of Highway 5 in between 39th and Lisbon ave.
Lake Elmo, Washington County
Control Section 8214

Dear Mr. Klatt:

Thank you for the opportunity to review the Wildflower at Lake Elmo Plat. MnDOT has reviewed the plans and has the following comments:

***Water Resources***
A drainage permit is required. The proposed development will need to maintain or reduce existing drainage rates to MnDOT right of way. The project developer will need to submit the most current construction plans and existing/proposed hydraulic computations for the 10 and 100 year rainfall events verifying that all existing drainage patterns and systems affecting MnDOT right of way will be perpetuated. The Drainage permit application can be found at:
http://www.dot.state.mn.us/utility/forms.html-Application for Drainage Permit

A drainage permit checklist should be attached to this review letter. The checklist provides more information about the requirements associated with the submittal of a MnDOT Drainage permit application.

For questions regards these comments, contact Tahsina Alam, Metro Water Resources, at tahsina.alam@state.mn.us or 651-234-7541

***Permits***
Any use of or work within or affecting MnDOT right of way requires a permit. A Short Form permit is required for the water main connection. Permit forms are available from MnDOT's utility website at www.dot.state.mn.us/tecsup/utility . Please include one 11 x 17 plan set and one full size plan set with each permit application. Please direct any questions regarding permit requirements to Buck Craig (651-234-7911) of MnDOT's Metro Permits Section.

***Review Submittal Options:***
MnDOT's goal is to complete the review of plans within 30 days. Submittals sent electronically can usually be turned around faster. There are four submittal options:

1. One (1) electronic pdf version of the plans. MnDOT accept plans at metrodevreviews.dot@state.mn.us provided that each e-mail is less than 20 megabytes.
2. Three (3) sets of full size plans. Although submitting seven sets of full size plans will expedite the review process. Send plans to:

   MnDOT – Metro District Planning Section
   Development Reviews Coordinator
   1500 West County Road B-2
   Roseville, MN 55113

3. One (1) compact disk.
4. Plans can also be submitted to MnDOT's External FTP Site at: ftp://ftp2.dot.state.mn.us/pub/incoming/MetroWatersEdge/Planning. Internet Explorer may not work using FTP so use an FTP Client or your Windows Explorer (My Computer). Notify metrodevreviews.dot@state.mn.us indicating the plans have been submitted on the FTP site.

If you have any questions concerning this review, please contact me at 651-234-7784.

Sincerely,

Karen Scheffing
MnDOT Principal Planner

**Copy sent via E-Mail:**
Buck Craig, Permits
Nancy Jacobson, Design
Bryce Fossand, Water Resources
Tiffany Kautz, Right-of-Way
Ryan Coddington, Area Engineer
Karre Festvog, Traffic
Russ Owens, Metropolitan Council
Michael Welling, Washington County Surveys

resourceful. naturally.
engineering and environmental consultants

BARR

# Valley Branch Watershed District Permit Review Memorandum

| | |
|---|---|
| **Subject:** | Wildflower at Lake Elmo, Permit 2014-28 |
| **Applicant, Owner, Agent:** | Robert Engstrom, Robert Engstrom Companies |
| **Engineer:** | Paul Thomas, Pioneer Engineering |
| **Date:** | December 2, 2014 |
| **Barr Project No.:** | 23/82-0020.00 2200 352 |
| **Location:** | North of Highway 5, east of Lake Elmo Avenue, and west of Fields of St. Croix 2nd Addition, Lake Elmo |
| **Section/Township/Range:** | Parts of the southwest quarter of Section 12 and northwest quarter of Section 13, Township 29 North, Range 21 West |
| **Project Purpose:** | Subdivide 101 acres into 143 single-family residential lots in three general size groups: 67 lots approximately 60 feet by 120 feet (0.165 acres), 54 lots approximately 90 feet by 135 feet (0.28 acres), and 22 lots approximately 100 feet by 200 feet (0.46 acres). Construct roads, sidewalks, trails, sanitary sewer, water, and stormwater management facilities including three wet ponds, three infiltration basins, one bioretention swale/trench, and 17 rain gardens; 23.3 acres of new impervious surfaces are proposed; approximately 60 acres will be left as open space/natural habitat restoration and creation with trails. |

**Conformance Summary:**

| Issue | | Conforms to VBWD & WCA Rules? | Comments |
|---|---|---|---|
| Stormwater Management | Rate | *Probably* | *Still under review.* |
| | Volume | *Probably* | *Still under review. See Suggested Site-Specific Conditions 3-9.* |
| | Quality | | |
| | Maintenance Agreement | *No* | *See Suggested Site-Specific Condition 10.* |
| | Easement | *Yes* | *See Standard Conditions 9 and 11 and Suggested Site-Specific Condition 18.* |
| **Erosion-Control Plan** | | *See comment* | *Still under review. See Standard Conditions 4-8.* |

| Issue | | Conforms to VBWD & WCA Rules? | Comments |
|---|---|---|---|
| Wetland Management & Buffers | Delineation | *See comment* | *We are still reviewing documentation received after the permit application deadline date.* *122 square feet of wetland is proposed to be impacted.* *The hydrology of several wetlands is proposed to be reduced significantly because of stormwater volume BMPs.* *See Suggested Site-Specific Conditions 12-14. The Wetland Conservation Act TEP needs to provide advice regarding Suggested Site-Specific Condition 13.* |
| | MNRAM Evaluation | *See comment* | |
| | Classification | *See comment* | |
| | Filling/Sequencing | *See comment* | |
| | Excavating | *NA* | |
| | Buffers | *Yes* | |
| | Hydrology | *See comment* | |
| | Replacement Plan | *See comment* | |
| | Banking Plan | *NA* | |
| Floodplain Management | 100-Year Flood Level | *See comment* | *Still under review. See Suggested Site-Specific Conditions 15-16.* |
| | Minimum Floor Elevations | | |
| | Filling within Floodplain | *See comment* | *See Suggested Site-Specific Condition 17.* |
| | Easement | *Yes* | *See Suggested Site-Specific Condition 18 and Standard Conditions 9 and 11.* |
| **Permit Fee** | | *Yes* | *$14,886.46 was submitted on November 18, 2014.* |
| **Surety** | | *See comment* | *See Suggested Site-Specific Condition 19. The surety is estimated at more than $150,000.* |

**Comment:**

1. The 100-year flood level of some stormwater management areas are not contained on the site.

**Suggested Site-Specific Conditions:**

These permit conditions are based on the November 5, 2014, Planned Unit Development and Preliminary Plat plan sheets by Pioneer Engineering.

1. All plan sheets shall be signed by a licensed professional.
2. No construction shall start before all permit conditions are met. If the Valley Branch Watershed District Board is not satisfied that the conditions are met, the permit will be revoked.
3. Prior to construction, more detailed calculations (and, if necessary, revised plan sheets) shall be submitted to show the project conforms to the VBWD volume-control standards.
4. This permit is not valid until the grading plans and HydroCAD model are consistent and the plans and model have been submitted.
5. The proposed rainwater gardens shall have planting medium conforming to Mix C or D, specified in the *Minnesota Stormwater Manual.*
6. Prior to construction, details of how the ponds will be lined shall be provided (e.g., cross-section details, specification of clay, specifications for construction, etc.).
7. Prior to construction, documentation that clarifies the drainage along Wildflower Drive/39th Street North shall be submitted.

8. Prior to construction, proof must be submitted that Pond 3NP on the adjacent site will be constructed whether that site is developed or not.
9. A more detailed construction phasing and sequencing plan and/or specifications shall be submitted and approved prior to any construction and followed during construction. The construction phasing and sequencing plan shall ensure that the project conforms to all VBWD rules and regulations throughout construction and all phases of the development, including the existing and proposed grading offsite to the west and at the proposed Wildflower Drive connection to 39th Street North.
10. This permit is not valid until a maintenance agreement in the general format of Appendix B of the VBWD Rules is submitted to and approved by the VBWD Attorney.
11. Prior to construction, the permit holder must obtain permission for any work outside of its property.
12. This permit is valid if the appropriate documents are submitted and no adverse comments are received through the notification process.
13. Wetland monitoring shall be conducted every other year until 5 years after the project is fully complete. If the quality or size of any wetland is negatively affected, wetland banking credits shall be purchased.
14. Wetland buffer signage must be installed as required by the VBWD Rules and Regulations. Specifications for the proposed signs shall be submitted and approved by the VBWD prior to installation.
15. Drain tile shall be provided around the perimeters of proposed structures in Block 5 if their low floors are below Elevation 930.2. For lots 18-25 in Block 5, drain tile shall be provided around the perimeters of structures with low floors below El. 932.8.
16. Prior to construction, documentation shall be provided that shows all existing adjacent structures will be protected from water levels at BMPs, wetlands, low areas, etc.
17. Prior to construction, calculations that show the pre-project and post-project volumes below the overflows of each lowland/wetland shall be submitted and show no net loss in storage volume.
18. Drainage easements shall be provided in Block 5 up to the emergency overflow (EOF) elevation, which is Elevation 930.2 for most lots and Elevation 932.8 for Lots 18-25.
19. Prior to construction, the required surety shall be submitted. This permit is not valid until the permit fee and surety are submitted.
20. This permit is valid if VBWD modeling determines that proposed drainage diversion from the Downs Lake watershed to the Goetschel Pond watershed does not negatively increase the water levels within basins of the Goetschel Pond watershed.

**Applicable Standard Conditions:**

1. This permit is not transferable.
2. This permit is subject to obtaining all other permits required by governmental agencies having jurisdiction (including a NPDES permit).
3. The VBWD Engineer and Inspector shall be notified at least 3 days prior to commencement of work.
4. Erosion controls shall be installed prior to the commencement of grading operations and must be maintained throughout the construction period until turf is established. Additional erosion controls may be required, as directed by the VBWD Inspector or VBWD Engineer.
5. The following additional erosion controls shall be implemented on the site:

a. All proposed slopes 3 feet horizontal to 1 foot vertical (3H:1V) should be covered with erosion-control blanket.
b. Silt fence should follow existing contours as closely as feasible to limit the potential for gully erosion along the edges.
c. Any sediment that collects in storm sewers, ponds, or other water management features shall be removed.
d. Street sweeping shall be performed if sediment collects on streets.
e. If erosion occurs at the outlets of the storm sewer pipes, the applicant will be responsible for correcting the problem to the satisfaction of the VBWD.

6. To prevent soil compaction, the proposed infiltration area shall be staked off and marked during construction to prevent heavy equipment and traffic from traveling over it. If the infiltration facility is in place during construction activities, sediment and runoff shall be kept away from the facility using practices such as diversion berms and vegetation around the facility's perimeter. The infiltration facility shall not be excavated to final grade until the contributing drainage area has been constructed and fully stabilized. The final phase of excavation shall remove all accumulated sediment and be done by light, tracked equipment to avoid compaction of the basin floor. To provide a well-aerated, highly porous surface, the soils of the basin floor shall be loosened to a depth of at least 24 inches to a maximum compaction of 85% standard proctor density prior to planting.
7. All disturbed areas shall be vegetated within 14 days of final grading.
8. The applicant is responsible for removal of all temporary erosion-control measures, including silt fence, upon establishment of permanent vegetation at the project site as determined by the VBWD Engineer and/or Inspector.
9. Valley Branch Watershed District shall be granted drainage easements which cover: (a) land adjacent to stormwater management facilities, wetlands, and lowlands up to their 100-year flood elevations and (b) all ditches, storm sewers, and maintenance access to the stormwater management facilities.
10. The minimum floor elevations for all buildable lots in the development shall be recorded in a Declaration of Covenants and Restrictions or on the final plat.
11. The required drainage easements and access easements shall be recorded with the Washington County Recorder's Office.
12. Return or allowed expiration of any remaining surety and permit closeout is dependent on the permit holder providing proof that all required documents have been recorded (including but not limited to easements) and providing as-built drawings that show that the project was constructed as approved by the Managers and in conformance with the VBWD rules and regulations.

## Kyle Klatt

**From:** Robert Engstrom <roberteengstrom@gmail.com>
**Sent:** Thursday, February 26, 2015 4:57 PM
**To:** Kyle Klatt
**Subject:** Planning Commission Follow-Up
**Attachments:** Paul Thomas Letter, WF.docx; Goetschel Pond Results Memo - text.pdf; SDOC3436.pdf

Kyle,

Attached is a letter from Paul Thomas of Pioneer Engineering, as a follow-up to the Planning Commission Meeting of February 23.

Other topics discussed include:

- No access to Lake Elmo Avenue
  - The county discouraged an access
  - The sight distance is poor
  - With turning lanes, the amount of impervious surface is increased.
  - Creating a four-way intersection with the existing street would create 16 vehicular conflict points vs the present t-intersection with 3 conflict points.
  - The 13 lots in this area served by the proposed cul de sac would feel like they were part of the Wildflower at Lake Elmo neighborhood.
- Nearby homeowners
  - Mary Jean DuPrie--The plantings on the agreed-upon landscape plan have already been installed. Her concern about the grass walking path in the Prairie--it's been previously agreed to move it to the west.
  - Eichen--An agreement was reached some time ago according to the attached drawing. Minnesota Native Landscapes has been hired to remove fallen trees and invasive plants like Buckthorn. New plants will be installed this spring. The homeowners expressed some concern about the stormwater pond being close to their property. Unfortunately, drawings make the water bodies look the same. In this case, the water area closest to their property is an infiltration basin, which is only about 2 feet deep and will often times be dry. But therefore, it was easy to understand why there might have been some confusion.
  - Smith--Details were agreed upon some time ago with a memo from Jerry Mazarra of Design Forum. The items are reiterated in an additional letter sent to Smith as of this date.
- Essential items of the flood-plain discussion:
  - The Barr Engineering report of 12/14/2014 establishes the Veronica Pond 100 year flood elevation at 9.10.
  - The Goetschel Pond elevation of the Wildflower development moves from 916 to 893 elevation.
  - The Wildflower homes are planned around the current flood-plain elevation of 916.
  - The representative from The Fields of St. Croix had expressed concern about flooding their wastewater waste system drain-field. Having been closely involved with the development with The Fields of St. Croix, second addition, I pointed out after the meeting that in the unlikely event that a water level would reach the 916 level, there is an overland route to Goetschel Pond that does not impact their drain-field. During the early construction period of The Fields 2, on one occasion the large pond next to the city open space area water overflowed the pathway and continued its journey to Goetschel Pond.

- A homeowner west of County Road 17 expressed concern about the city maintaining the culvert under County Road 17. This is a Washington County road and, therefore it is not a City of Lake Elmo responsibility. Although it is not required by our development, our engineer estimates the waterflow from Wetland A toward the culvert will be reduced by 25% by our project.
- Our calculations show the water level going down after development. For example, the Goetschel Pond elevation of 892 in 1999 has dropped to 893.5 in 2011.
- An open item of discussion is whether the Valley Branch Watershed District or the city will seek to correct the FEMA flood-plain elevation.

- Street naming:
  - We would like some more discussion on street naming. Theming study emphasizes place-making and other attributes to reinforce the image of The Old Village. We think our new Wildflower development will be a landmark development similar to The Fields of St. Croix and believe that street naming can occur in a manner that is acceptable to all.
- Trails
  - As agreed in previous discussions, where possible the trails will be located within city right-of-way. In other areas like the trails in the major conservancy area the trails are to be maintained by the city with an easement permitting public access.
- 19 conditions of approval - based on the new or clarified information a suggestion for limiting the conditions of approval are as follows:

1. Delete - 13 lots are not part of the 1st Phase. Other items are or will be approved by the Valley Branch Watershed District.
2. Delete - The Minnesota LandTrust is not part of Phase 1, 2 or 3 of this development.
3. Reword - The developer and the city shall strive to obtain grading and slope easements on the property adjoining the city's street, Layton Avenue.
4. Ok
5. Delete - certainly donating 60 acres of land for native habitat and seeding and installing of plants plus the installation of a large trail system more than covers any Park Dedication requirement.
6. Ok
7. OK
8. Delete - we are deleting the rain gardens.
9. Keep - pending further discussion.
10. Ok - with the exception of street standards.
11. Ok
12. Note: the preliminary landscape plan was intended to satisfy the submittal requirements. We are intending to create a much more landscape plan.
13. Additional discussion for street names.
14. OK
15. Need revisions.
16. Ok
17. Reword - separate outlots for trails will be provided where feasible. Elsewhere easements for public access and maintenance will be provided.
18. Ok
19. Modify to read Valley Branch Watershed District.

Kyle - we need to have our preliminary plat on the Planning Commission agenda for March 9th. Any unresolved issues should be forwarded to the City Council. Among everything else we have contracted with

Minnesota Native Landscapes for a heavy equipment to clear and enhance the Eichen property prior to the frost coming out of the ground.

We will be glad to meet with you this coming week.

Kind Regards,

Bob

bob@engstromco.com
952-893-1001-office
612-720-9990-cell
952-893-1841-fax

Robert Engstrom Companies
4801 W 81st Street, Suite 101
Minneapolis, MN 55437
www.engstromco.com

Paul A. Thomas, P.E.
Principal
Direct Dial: (651) 251-0605
Email: pthomas@pioneereng.com

Bob,

Pioneer has completed the final grading plan and has been working to complete the phase one utility and street final plans. The above reference report has a number of issues that need to be addressed and incorporated into the final plans.

The following is a summary of Pioneer's primary issues embedded in the city staff report noted above. There are additional minor issues that will need to be worked out in the final design.

A. Planning Report.
    1. Page 14, recommended condition 1: It is my understanding that the watershed board is discussing amending the FEMA map. The detailed study recently completed by the watershed is necessary to complete this work. Therefore, the mapping revision should be done by the watershed or the city if they feel it is necessary. The developer does have the option to provide alternative documentation when the homes are constructed to remove the need for flood insurance. I would suggest all parties meet to agree on a course of action.
    2. Page 15, recommended condition 8: The stormwater design is the critical design element on this site. The city needs to provide direction for Pioneer so that we can complete the final plans. The raingardens were an important element in your vision to provide a thoughtful, low impact development. The city has 2 major issues with the raingardens. The first is maintenance, which you can address through agreements with the proposed HOA. The second is

highwater separation from the road surface. (see engineer's memo, page 4) By design, raingardens are to be shallow. The separation requirement results in deep raingardens with too much hydraulic head that are aesthetically unsightly. Also, this will raise the elevation of the site because the storm sewer is at the minimum allowable cover. We are already struggling to balance the earthwork on this site. I know the raingardens are important to you. However, it is my opinion that the minimum infiltration requirements can be met without the raingardens and they should be eliminated.

3. Page 15, recommended condition 9: Street standard width must be agreed upon before final plans.
4. Page 15, recommended condition 15: Additional comments regarding the engineer's memo are noted below.

B. Engineer's memo.
   1. Page 1: The comment states "City trails should be placed in Outlots dedicated to the city". In our meeting with staff, it was agreed that trails would be in dedicated easements. This condition needs to be clarified before final plat.
   2. Page 1: The comment states "Outlot I includes a drainage swale with a landlocked basin that acts as a retention pond. Therefore Outlot I must be dedicated to the City". Yes there is a drainage swale and some tail water backs up from the pond but is connected by storm pipe and not landlocked. The plans propose a drainage and utility easement over all of Outlot I. I think this is an acceptable solution. This condition needs to be clarified before final plat.
   3. Page 1: The sidewalk is shown within Outlot L, not in the city right of way for Wildflower Drive. I suggest an easement be provide for the sidewalk as proposed for the trails. Other options would be to move the sidewalk or modify the right of way to include the sidewalk. This condition needs to be clarified before final plat.
   4. Page 2: The city need to provide guidance on how big the

site needs to be for the lift station.

5. Page 2:The city needs to provide guidance on why the stormwater ponds and infiltration basins cannot be in the FEMA floodplain. It is my understanding that this is not an issue with the watershed.
6. Page 2: Street width need to be address before final plat.
7. Page 2: Sidewalks are requested to back of the proposed cul-de-sacs. This condition needs to be clarified before final plat.
8. Page 3: A 16 foot boulevard is requested on all cul-de-sacs and eyebrows. As proposed all these areas have a right of way radius of 60 feet or greater as requested in the previous engineer review memo. As proposed the BOC radius is greater than the required 45 feet resulting in a typical boulevard width of 10 feet. This was done to provide more user friendly turning movements. I would suggest that the plan as proposed is acceptable. If sidewalk is added as noted above, you have the option of reducing the BOC radius to 45 feet resulting in a 15 foot boulevard. If a 16 foot boulevard is necessary you have the option of reducing the BOC radius and increasing the right of way radius. This condition needs to be clarified before final plat.
9. Page 4: It was agreed in the previous staff meeting that the 10 inch sanitary stub would be extended into the SW corner of Outlot H. In the future the city has the option of connecting the force main at this location or extending gravity sewer through the hill in Outlot H and connecting further NE with the force main. This condition needs to be clarified before final plat.
10. Page 4: The city needs to provide its design models of the recently constructed storm sewer in 39th. The proposed developments (Gonyea and Engstrom) reduce the flow substantially to the south. If the newly constructed storm water infrastructure was designed with existing flows, there should not be an issue. Pioneer can provide the difference

from existing to proposed flow or add the proposed design to the model provided by the city.

C. General storm water issues.
    1. Recent detailed studies by BARR Engineering on behalf of the Valley Branch Watershed District (VBWD) have reduce the proposed FEMA Floodplain elevation. The previous study established the flood plain elevation for Veronica's Pond at 916.0. The recent study of the existing condition calculated the flood plain elevation at 910.0. A subsequent study, adding in the proposed diversion and improvements from the proposed developments calculated the flood plain elevation at 909.0. However, due to the interconnected overflows the report suggested maintaining the floodplain elevation at 910.0. The proposed flood plain is 6 feet lower than the old study and also about 6 feet lower than the emergency overflow elevation to Goetschel Pond to the north east. I have attached the January 7, 2015 memo from BARR.
    2. The study is also addresses the flow to Wetland A. Which is just southwest of Veronica's Pond and the location of the culvert crossing discussed at the Planning Commission meeting. A local resident spoke of backflow in the culvert from east to west under County Road #17. The second paragraph on page 4 of the BARR report discussed the reduction of flow under proposed conditions to Wetland A. Pioneer Engineering's Storm Water Management report for Wildflower at Lake Elmo agrees with BARR's statement. The sub-watershed is complex and has many external factors. However, the 100 year volume to Wetland A, from the proposed developments is reduce by approximately 25 percent. Therefore, it is my opinion that the proposed developments will not have a negative impact to the backflow issue in the culvert under County Road #17.
    3. If there is a major event that caused the floodplain elevation to rise 6 feet above the proposed 910.0 elevation, the

emergency overflow is to the north east. The flow will top the trail and go into a low area. Pioneer's field shots of this area are attached. Bob Engstrom recalled that the water will flow into a ditch and then into Goetschel pond. It would not affect the existing drain field.

Regards,

PIONEER *engineering*, P.A.

*2422 Enterprise Drive*
*Mendota Heights, MN 55120*
*Phone: (651) 681-1914*
*Fax: (651) 681-9488*
*Web: www.pioneereng.com*

*Mary Jean Dupuis*

March 4, 2015

To: Lake Elmo Planning Commission
Kyle Klatt
Jerry Mazzara

Subject: Wildflower Development

This is an updated request to delete the grass walking path between my house and the Richard Smith residence known as Outlot O. I have lived on this property at 11676 Stillwater Blvd North for 42 years and I am not at all in favor of people walking thru that area adjacent to my property. Hopefully this will even save the developer some time and money by deleting this kidney shaped path from the plan. This is a very simple request but the deletion of this path would mean a lot to me. I know Jerry Mazzara did an updated drawing for this area so I apologize that I didn't get this request forwarded sooner.

Last fall, Engstrom Companies did install trees per our agreement to assist in some buffering of the west side of my property. There are still some plantings and clean up to be completed yet but they have done a very nice job which I appreciate.

Thank you for your consideration for this request.

C: Richard Smith
Robert Eischen

# ROBERT ENGSTROM COMPANIES

To: Richard R. Smith
11514 Stillwater Blvd. N.
Lake Elmo, MN 55042

Rich,

In response to your letter dated Feb. 23, 2015, addressed to the Lake Elmo Planning Commission;as stated, the items of agreement at our meeting with you on Dec. 11, 2014, stand as approved by the Developer, Robert Engstrom Companies, and agreed to as previously stated.

1. Documentation of road/driveway as blacktop.
2. Driveway is to follow current location to east of Oak Tree.
3. Access is to be provided in Phase 1.
4. Existing 33' easement vacated.
5. New 30' easement and filing with the county.
6. Services: sewer/water/gas to the house at the developer's expense.
7. Landscape planting plan as submitted to you and approved by you.
8. Removal of existing power pole in outlot O and provide new electrical service.

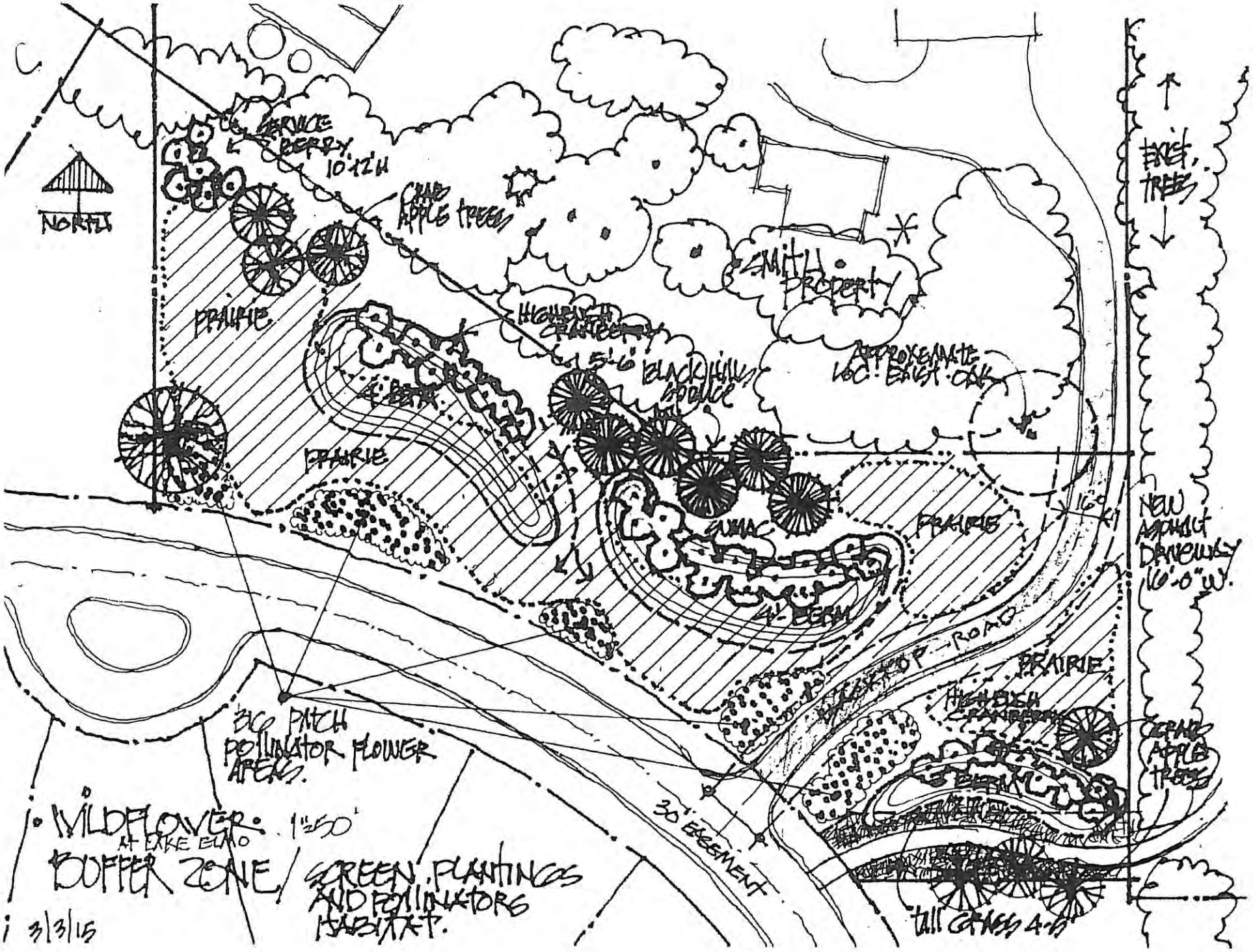
The schedule for installation and completion of said items will be concurrent with phasing completions of infrastructure and services availability. Landscaping will also be completed when site is suitable for planting physically and seasonally.

Respectfully submitted,

Robert E Engstrom

Robert Engstrom Companies

...RESIDENTIAL COMMUNITY DEVELOPERS...
4801 West 81st Street • Suite 101 • Minneapolis, Minnesota 55437
www.engstromco.com • (952) 893-1001 • Fax (952) 893-1841


NORTH
SERVICE BERRY 10'-12'H
CRAB APPLE TREES
PRAIRIE
HIGHBUSH CRANBERRY 5'-6'
BLACK HILLS SPRUCE
4' BERM
SMITH PROPERTY
APPROXIMATE LOC. EXIST. OAK
EXIST. TREES
NEW ASPHALT DRIVEWAY 16'-0" W.
16'-0"
SUMAC
4' BERM
PRAIRIE
WALK-OUT ROAD
PRAIRIE
HIGHBUSH CRANBERRY
CRAB APPLE TREES
BERM
BIG PATCH POLLINATOR FLOWER AREAS.
WILDFLOWER AT LAKE BLVD.
1"=50'
BUFFER ZONE / SCREEN PLANTINGS AND POLLINATORS HABITAT.
30' EASEMENT
TALL GRASS 4-5'
3/3/15

# ROBERT ENGSTROM COMPANIES

Date: March 4,2015

To: Mary Jean Dupuis

Mary Jean,

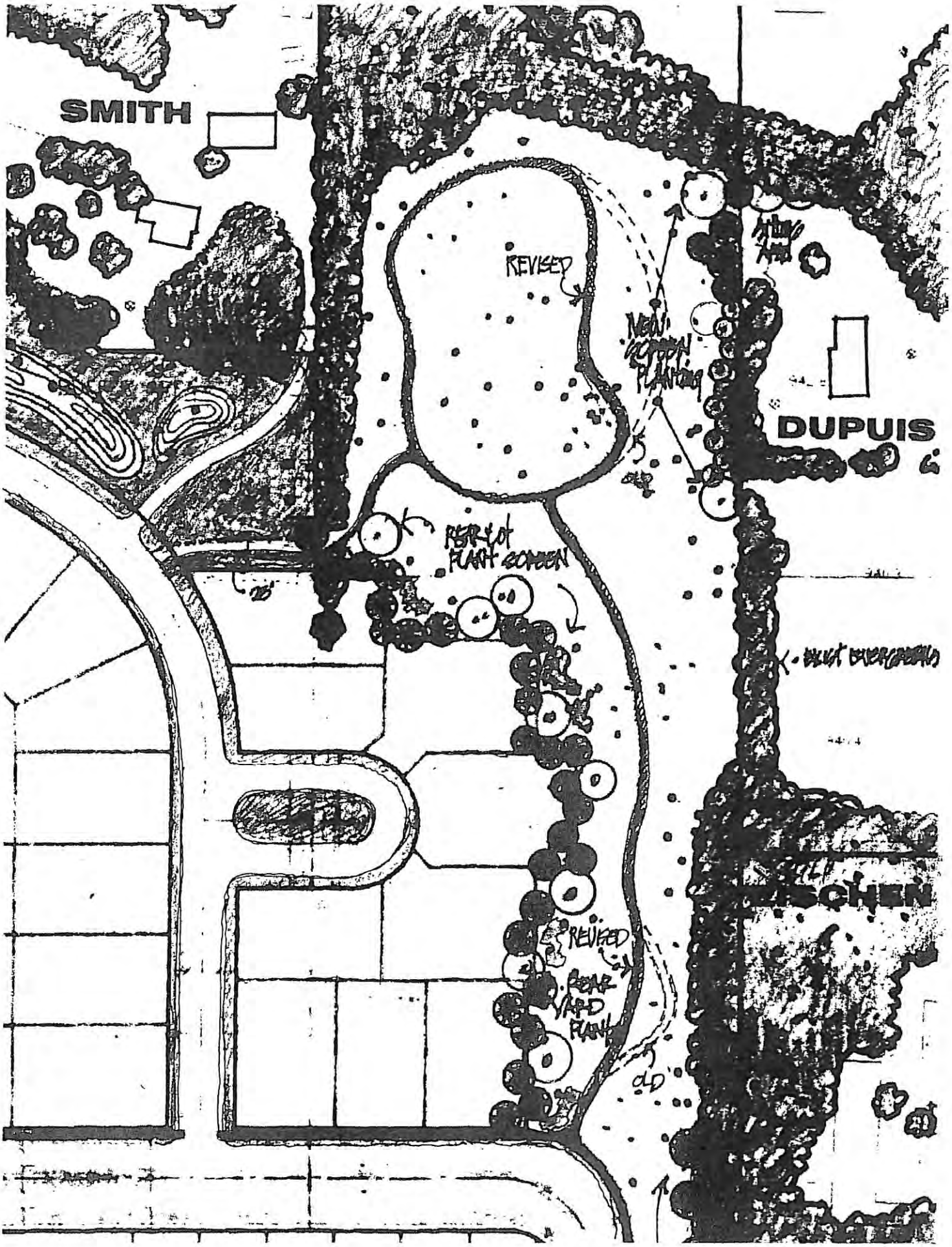
In response to your letter sent to the City of Lake Elmo Planning Commission dated Feb. 22, 2015:

1. Robert Engstrom Companies has always stated that the pathway on former outlots O and P will be a grass cut trail only.
2. The eastern portion of the grass trail (area closest to your property) will follow the plan previously shown to you, that is, the trail was moved west as you requested. Your reference to the location shown on the engineer's plan is not correct and will not be followed. Our enclosed plan is correct as previously stated.
3. As to further development on land between you and the Smith property (outlot O) being developed in the future; this would be improbable since the land in outlots O & P are in a conservation easement. The conservation easement will be owned by the new Wildlflower Association and be subject to the concurrence of the Fields of St. Croix for any further development.

Respectfully submitted

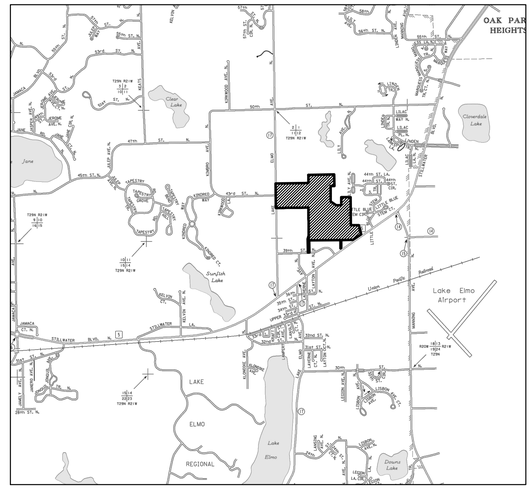
Robert Engstrom Companies

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SMITH
REVISED
DUPUIS
REAR LOT PLANT SCREEN
REVISED
REAR YARD PLANT
OLD

# WILDFLOWER AT LAKE ELMO
# PLANNED UNIT DEVELOPMENT
# AND PRELIMINARY PLAT
# LAKE ELMO, MINNESOTA




LOCATION MAP

N

0 100 200 400

GRAPHIC SCALE IN FEET

SHEET INDEX


1. COVER SHEET
2. LEGENDS
3-4. EXISTING CONDITIONS
5. OWNERSHIP AND LAND USE
6-7. PRELIMINARY PLAT
8-10. PRELIMINARY SITE PLAN
11-19. PRELIMINARY GRADING PLAN
20-21. EROSION CONTROL PLAN
22-25. STREET PROFILES
26-34. PRELIMINARY UTILITY PLAN
35-37. DETAILS

L1-5. LANDSCAPE PLAN
T1. TREE PRESERVATION PLAN


PREPARED BY PIONEER ENGINEERING, P.A.

KEITH A WILLENBRING
REGISTERED PROFESSIONAL CIVIL ENGINEER

25504
REG. NO.

PETER J. HAWKINSON
REGISTERED PROFESSIONAL LAND SURVEYOR

42299
REG. NO.

DEVELOPER

ROBERT ENGSTROM COMPANIES
4801 WEST 81ST STREET, SUITE 101
MINNEAPOLIS, MINNESOTA 55437-1111
CONTACT: ROBERT ENGSTROM
ROBERTEENGRSTROM@GMAIL.COM
(952) 893-1001

LANDOWNER

ROBERT ENGSTROM COMPANIES
4801 WEST 81ST STREET, SUITE 101
MINNEAPOLIS, MINNESOTA 55437-1111
ROBERTEENGRSTROM@GMAIL.COM
(952) 893-1001

PROPOSED DEVELOPMENT PHASING
MASS GRADING TO BE PERFORMED IN ONE PHASE.
UTILITY AND STREET CONSTRUCTION TO BE PERFORMED IN THREE PHASES.

00-ENG-114058-SHEET-CVR


PIONEER engineering
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2422 Enterprise Drive
Mendota Heights, MN 55120
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Fax: 681-9488
www.pioneereng.com


I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota
Name Keith A. Willenbring
Reg. No. 25504 Date 11-05-14

Revisions
1. 02-04-15 City Comments

| | |
|---|---|
| Date | 11-05-14 |
| Designed | KAW/BJM |
| Drawn | KAW/BJM |

COVER SHEET

ROBERT ENGSTROM COMPANIES
4801 WEST 81ST STREET, SUITE 101
MINNEAPOLIS, MINNESOTA 55437-1111

WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

1 OF 37

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# LEGEND

## UTILITY LINES

| EXISTING | PROPOSED | FUTURE | DESCRIPTION |
|---|---|---|---|
| | | | SANITARY MANHOLE |
| FM | FM | FM | SANITARY SEWER (SANITARY & WATERMAIN PLANS) |
| | | | SANITARY SEWER (STORM SEWER PLANS) |
| | | | FORCE MAIN |
| | | | HYDRANT |
| | | | GATE VALVE |
| | | | REDUCER |
| | | | CURB STOP |
| | | | WATERMAIN (SANITARY & WATERMAIN PLANS) |
| | | | WATERMAIN (STORM SEWER PLANS) |
| | | | CATCH BASIN |
| | | | BEEHIVE |
| | | | STORM MANHOLE |
| | | | FLARED END SECTION |
| | | | CONTROL STRUCTURE |
| | | | STORM SEWER (SANITARY & WATERMAIN PLANS) |
| | | | STORM SEWER (STORM SEWER PLANS) |
| | | | CULVERT |
| PERF | PERF | PERF | PERFORATED DRAINTILE |
| DT | DT | DT | SOLID DRAINTILE SERVICE |
| | | | CASING |
| e | e | e | UNDERGROUND ELECTRIC LINE |
| fo | fo | fo | UNDERGROUND FIBER OPTIC LINE |
| g | g | g | UNDERGROUND GAS LINE |
| lpg | lpg | lpg | UNDERGROUND PETROLEUM LINES |
| t | t | t | UNDERGROUND TELEPHONE LINES |
| tv | tv | tv | UNDERGROUND TELEVISION LINE |
| oh | oh | oh | OVERHEAD UTILITY LINES |

## SITE LINES

| EXISTING | PROPOSED | FUTURE | DESCRIPTION |
|---|---|---|---|
| | | | SURMOUNTABLE CURB & GUTTER |
| | | | B-STYLE CURB & GUTTER |
| | | | RIBBON CURB & GUTTER |
| | | | EDGE OF BITUMINOUS |
| | | | YELLOW PAVEMENT STRIPING (SINGLE/DOUBLE) |
| | | | WHITE PAVEMENT STRIPING (SINGLE/DOUBLE) |
| | | | PHASE LINE |
| | | | CENTERLINE |
| 902 | 902 | 902 | 2' CONTOUR LINE |
| 900 | 900 | 900 | 10' CONTOUR LINE |
| | OUTLET=987.0 | OUTLET=987.0 | POND OUTLET LINE |
| | HWL=900.2 | HWL=900.2 | POND HIGH WATER LINE |
| | 84.3 | | PROPOSED SPOT ELEVATION |
| | | | EMERGENCY OVERFLOW |
| | | | DRAINAGE FLOW ARROW |
| | | | DELINEATED / PROPOSED WETLAND LINE |
| | | | TREE LINE |
| FEMA | FEMA | FEMA | FEMA FLOODPLAIN BOUNDARY |
| x | x | x | RETAINING WALL |
| x # | x # | x # | FENCE (BARBED WIRE) |
| [] | [] | [] | FENCE (CHAIN LINK) |
| | | | FENCE (WOOD) |
| | C | | CONSERVATION AREA SIGN |
| | W | | WETLAND BUFFER SIGN |
| | | | TYPE III BARRICADE |
| | | | LIGHT POLE |
| | | | STREET SIGNS |
| | | | PEDESTRIAN RAMP |

## SURVEY LINES

| EXISTING | PROPOSED | FUTURE | DESCRIPTION |
|---|---|---|---|
| | | | BOUNDARY |
| | | | RIGHT OF WAY |
| | | | LOT LINE |
| | | | EASEMENT |
| | | | SET BACK LINE |
| | | | SECTION LINE |
| | | | RESTRICTED ACCESS |

## HATCH PATTERNS

| | | | |
|---|---|---|---|
| | GRAVEL SURFACE | | WETLAND |
| | BITUMINOUS SURFACE | | WETLAND UPLAND BUFFER |
| | CONCRETE SURFACE | | WETLAND MITIGATION |
| | RIP RAP | | PERMANENT TURF RESTORATION |
| | SELECT BACKFILL MATERIAL | | PERMANENT WET BASIN SEEDING |
| | EROSION CONTROL BLANKET MNDOT CATEGORY PER PLAN | | UPLAND/NATURAL AREA SEEDING |

# TOPOGRAPHIC SYMBOLS

- CATCH BASIN
- CATCH BASIN BEEHIVE
- FLARED END SECTION
- GATE VALVE
- HYDRANT
- WATER SERVICE
- WATER WELL
- MONITORING WELL
- CLEANOUT
- HAND HOLE
- MANHOLE OTHER THAN SANITARY OR STORM
- SANITARY OR STORM MANHOLE
- LAWN SPRINKLER VALVE
- LAWN SPRINKLER HEAD
- UTILITY POLE
- TRANSFORMER BOX
- FIBER OPTIC BOX
- ELECTRIC BOX
- NATURAL GAS METER
- LIGHT POLE
- SEMAPHORE
- TELEPHONE BOX
- CABLE BOX
- CAST IRON MONUMENT
- FOUND IRON PIPE
- JUDICIAL LAND MARK
- PK NAIL
- CONTROL POINT
- SPIKE
- FLAG POLE
- TEST HOLE
- MAILBOX
- SIGN
- BOLLARD
- CONSERVATION POST
- DECIDUOUS TREE
- CONIFEROUS TREE
- SHRUB / BUSH

# EROSION & SEDIMENT CONTROL

- STANDARD EROSION CONTROL
- HEAVY-DUTY EROSION CONTROL
- SECONDARY EROSION CONTROL FENCE.
- EROSION CONTROL AT BACK OF CURB.
- TREE FENCE
- CATCH BASIN INLET PROTECTION
- STRAW BIO ROLLS
- ROCK BERM
- SUMPED RIP RAP PERMANENT ENERGY DISSIPATER
- DISCHARGE LOCATION
- GRAVEL CONSTRUCTION ENTRANCE
- TEMPORARY OUTLET FLOATING SKIMMER BASIN ACCESS 8% SLOPE MAX.

# CURB LEGEND

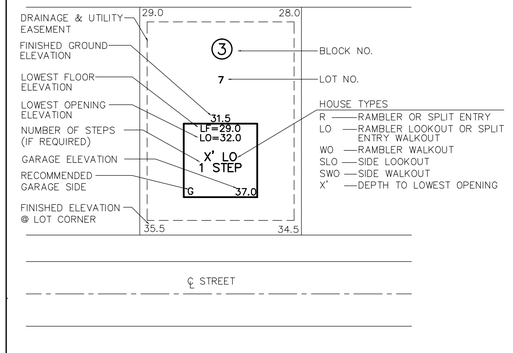
- 08.15 / 4+46.57 = TOP OF CURB ELEVATION FOR SURMOUNTABLE CURB
- 08.32 / 4+46.57 = TOP OF CURB ELEVATION FOR B618 CURB
- 07.82 / 4+46.57 = BITUMINOUS ELEVATION

# ABBREVIATIONS

| | |
|---|---|
| A | ALGEBRAIC DIFFERENCE |
| BV | BUTTERFLY VALVE |
| BMP | BEST MANAGEMENT PRACTICE |
| ℄ | CENTER LINE |
| CB | CATCHBASIN |
| CBMH | CATCHBASIN MANHOLE |
| CMP | CORRUGATED METAL PIPE |
| CO | CLEAN OUT |
| CS | CURB STOP |
| DIP | DUCTILE IRON PIPE |
| DT | DRAINTILE |
| EL/ELEV | ELEVATION |
| EX | EXISTING |
| FES | FLARED END SECTION |
| F-F | FACE TO FACE |
| FM | FORCEMAIN |
| GB | GRADE BREAK |
| GND | GROUND |
| GV | GATE VALVE |
| HP | HIGH POINT |
| HYD | HYDRANT |
| HWL | HIGH WATER LEVEL |
| INV | INVERT |
| K | CURVE COEFFICIENT |
| L | LENGTH |
| LF | LOWEST FLOOR |
| LO | LOOKOUT |
| LO | LOWEST OPENING |
| LP | LIQUID PETROLEUM |
| LP | LOW POINT |
| MH | MANHOLE |
| PC | POINT OF CURVATURE |
| PCC | COMPOUND CURVE |
| PI | POINT OF INTERSECTION |
| PL | PROPERTY LINE |
| PRC | POINT OF REVERSE CURVATURE |
| PVT | POINT OF TANGENCY |
| PVC | POINT OF VERTICAL CURVATURE |
| PVC | POLYVINYL CHLORIDE PIPE |
| PVI | POINT OF VERTICAL INTERSECTION |
| R | RADIUS |
| R | RAMBLER |
| RCP | REINFORCED CONCRETE PIPE |
| R/W | RIGHT OFF WAY |
| SSWR | SANITARY SEWER |
| STA | STATION |
| STRM | STORM SEWER |
| SWPPP | STORM WATER POLLUTION PROTECTION PLAN |
| TNH | TOP NUT HYDRANT |
| TYP | TYPICAL |
| WM | WATER MAIN |
| WO | WALKOUT |

# LOT INFORMATION

(TYPICAL SECTION NOT TO SCALE)





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Mendota Heights, MN 55120
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Name: Keith A. Willenbring
Reg. No. 25504 Date 11-05-14

Revisions
1. 02-04-15 City Comments

| | |
|---|---|
| Date | 11-05-14 |
| Designed | KAW/BJM |
| Drawn | KAW/BJM |

LEGENDS

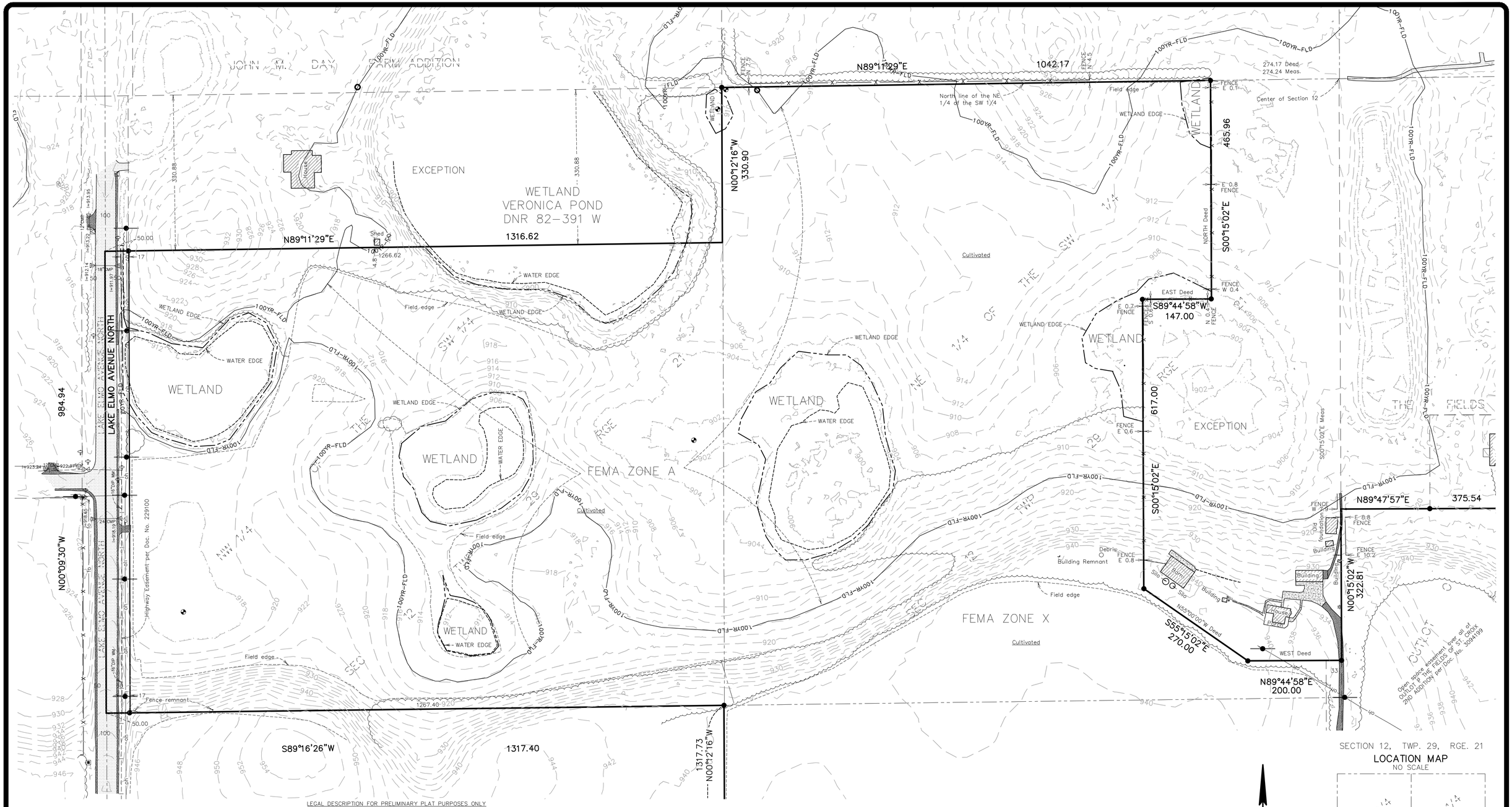
ROBERT ENGSTROM COMPANIES
4801 WEST 81ST STREET, SUITE 101
MINNEAPOLIS, MINNESOTA 55437-1111

WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

00-ENG-114058-SHEET-LEGN

2 OF 37

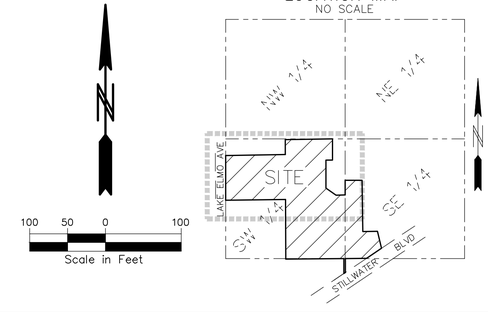
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SECTION 12, TWP. 29, RGE. 21

LOCATION MAP

NO SCALE




LEGAL DESCRIPTION FOR PRELIMINARY PLAT PURPOSES ONLY

The real estate being located in the County of Washington, State of Minnesota, and legally described as follows:
The North Half of Southwest Quarter and the Southeast Quarter of the Southwest Quarter of Section 12, Township 29, Range 21, Washington County, Minnesota, save and except the following described part thereof: All that part of the Northeast Quarter of the Southwest Quarter of Section 12, Township 29, Range 21, Washington County, Minnesota, described as follows: Beginning at the center of said Section 12; thence due South along the East line of said Northeast Quarter of Southwest Quarter a distance of 1240.5 feet; thence at right angles due West a distance of 200 feet; thence North 55 degrees 00 minutes 00 seconds West a distance of 270 feet; thence due North a distance of 617 feet; thence at right angles due East a distance of 147 feet; thence at right angles due North a distance of 466 feet more or less to the North line of said Northeast Quarter of Southwest Quarter; thence Easterly along the North line of said Northeast Quarter of Southwest Quarter a distance of 274.17 feet to the place of beginning.
And
That part of the Northeast Quarter of the Northwest Quarter of Section 13, Township 29, Range 21, Washington County, Minnesota, described as follows; Commencing at the Northeast corner of said Northeast Quarter of Northwest Quarter of said Section 13, thence West on the North line thereof 35 feet to a point, thence South and parallel to the East line of said quarter section to the North line of Trunk Highway No. 212; thence Northeast on the North line of said Highway to the East line of said quarter section; thence North on the East line of said quarter section to the place of beginning.
Excepting therefrom all of the following described real property; The North 330.88 feet of the Northwest Quarter of the Southwest Quarter of Section 12, Township 29, Range 21, Washington County, Minnesota.
Together with
Outlots O and P THE FIELDS OF SAINT CROIX 2ND ADDITION according to the plat thereof, Washington County, Minnesota.

PIONEER engineering
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Mendota Heights, MN 55120
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www.pioneereng.com

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Surveyor under the laws of the State of Minnesota
Name Peter J. Hawkinson
Reg. No. 42299 Date 11/5/14

Revisions
1. 02-04-15 City Comments

Date 11/5/14
Designed
Drawn mdp

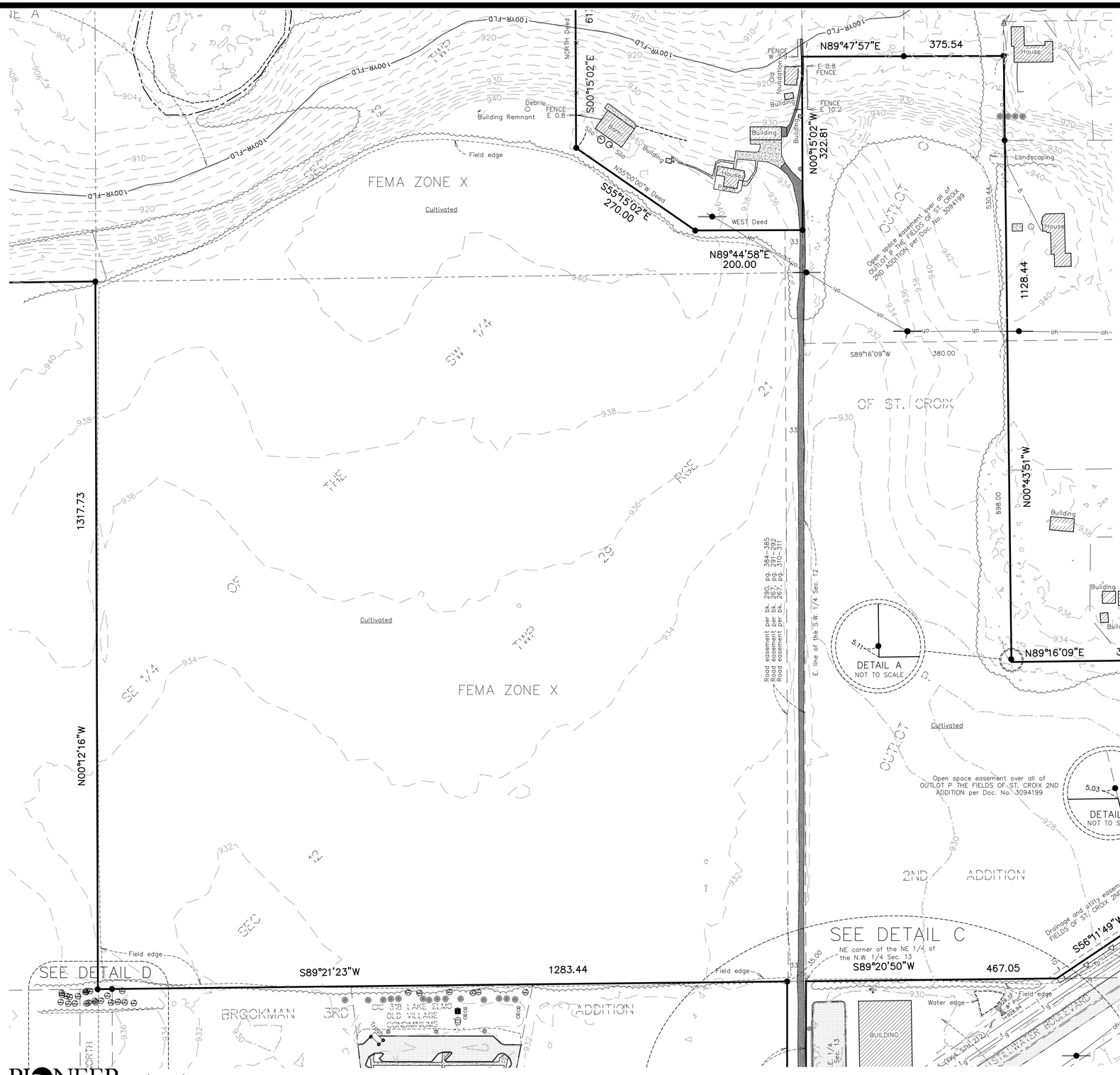
EXISTING CONDITIONS

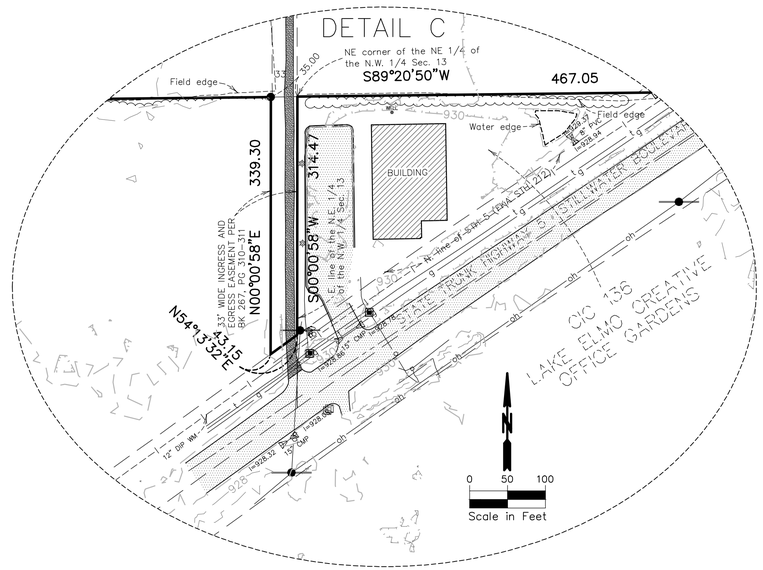
ROBERT ENGSTROM COMPANIES
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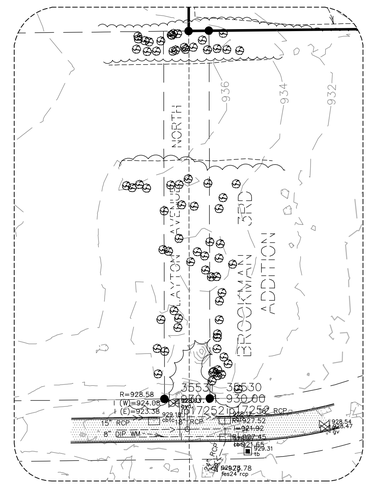
WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

3 OF 37

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DETAIL D
NORTH
AUTUMN AVENUE
BROOKMAN 3RD ADDITION
R=928.58
Δ=2°00'00"
L=930.00
T=465.17
CH=930.00
CB=S88°20'50"E
355.30
355.30
15" RCP
8" CIP WM
12" DIP WM
12" CIP SAN
4" CIP SAN FM
4" CIP SAN SVC
6" CIP SAN SVC
4" CIP SAN FM
4" CIP SAN SVC
6" CIP SAN SVC
6" CIP SAN SVC
6

ZONED: RR
MARGARET ANN SCHMIDT TRS
ZONED: RR
JOHN M. DAY FARM ADDITION
ZONED: RR
MARGARET ANN SCHMIDT TRS
ZONED: RR
REID A GILBERTSON & LAUREL E DREVLOW
ZONED: OP
CITY OF LAKE ELMO
ZONED: RR
RICHARD J & NANCY L HOFFMAN
ZONED: RR
ROY E & LAURA A ABBOTT
SW 1/4 OF THE SW 1/4
ROSE
NEIL A & DEBORAH KRUEGER
ZONED: A
ZONED: RT
ZONED: RT
ZONED: RR
RICHARD R SMITH
THE FIELDS OF ST CROIX COMMUNITY ASSOCIATION
THEODORE J & SALLY DIMARTINI
JEFFREY J & DEBORAH L OBEY
KEVIN J & MARY M SCOTT
FIELDS
DANIEL R & NANCY J MCCARRELL
STEVEN A & BARBARA E INGRAM
TIMOTHY R & WILHELMINA CARLSON
ZONED: RR
ZONED: OP
JORGE R LOPEZ & LETICIA GONZALEZ
ERIK N & LISA L AUNAN
43RD ST N
LAKE ELMO AVENUE NORTH CSAH 17
LAKE ELMO AVENUE NORTH CSAH 17
NW 1/4 OF NW 1/4
NE 1/4 OF NE 1/4
29
OUTLOT C
THE FIELDS OF ST CROIX COMMUNITY ASSOCIATION
STEVEN F & MARTHA M POTT
ZONED: RR
ROBERT ENGSTROM COMPANIES
MARY JEAN DUPUIS
ZONED: RR
TIMED
SW 1/4 OF ST. CROIX
ZONED: RT
ZONED: RT
ROBERT P & MARCELLA E EISCHEN TRS
ROBERT ENGSTROM COMPANIES
RLS NO. 61
ROBERT ENGSTROM COMPANIES
ZONED: OP
ZONED: RT
OUTLOT D
12
SCHILTGEN FARMS INC
SECTION
SE 1/4 OF THE SE 1/4
2ND ADDITION
JAIME P & MAUREEN O PARKER
GARY A TANGNALL
HOBBS FARMS INC
MELISSA G & RICHARD L SEVERANCE
ION INC
JAMES P JUNGMANN
GERMAN EVANG LUTHERAN CHURCH
ZONED: PF
LEONIA J JACOBSON
GERMAN EVANG LUTHERAN CHURCH
EASTON VILLAGE LLC
STATE TRUNK HIGHWAY 5 STILLWATER BOULEVARD
ZONED: RT
LAKE ELMO BUSINESS PARK COMPANY
BROOKMAN ADDITION
ZONED: GB
LAYTON AVENUE NORTH
LAKE ELMO BUSINESS PARK COMPANY
3RD
ZONED: GB
LAKE ELMO OFFICE CONDO LLC & LAKE ELMO PROF CENTER PRTS COMMON ELEMENT CJM OFFICE HOLDINGS LLC
CIC 318 LAKE ELMO OLD VILLAGE CONDOMINIUMS
ZONED: GB
LAKE ELMO BUSINESS PARK COMPANY
ZONED: GB
CIC 136 LAKE ELMO CREATIVE OFFICE GARDENS
ZONED: GB
EASTON VILLAGE LLC
ZONED: RT
39TH ST N
39TH STREET NORTH
SCOTT S MCMURRAY
NICHOLAS GESCHKE
ZONED: RT
PETER J SCHILTGEN
ZONED: RT
WILLIAM G & GERALD BARTHELMY

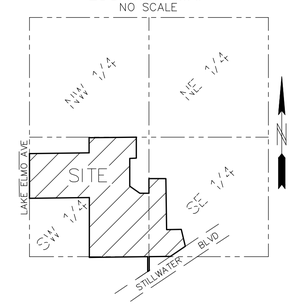
## LEGEND

A – Agriculture
GB – General Business
RR – Rural Residential
RT – Rural Development Transitional
OP – Open Space Preservation District
PF – Public and Quasi–Public Open Space

N

200 100 0 200
Scale in Feet

SECTION 12, TWP. 29, RGE. 21
LOCATION MAP
NO SCALE




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Revisions
1. 02-04-15 City Comments

Date 11/5/14
Designed
Drawn mdp

OWNERSHIP AND LAND USE

ROBERT ENGSTROM COMPANIES
4801 WEST 81ST STREET, SUITE 101
MINNEAPOLIS, MINNESOTA 55437-1111

WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

5 OF 37

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| | | |
|---|---|---|
| TOTAL GROSS AREA | 119.28 | ACRES |
| TOTAL LOT AREA | 36.24 | ACRES |
| NUMBER OF LOTS | 145 | |
| LARGEST LOT | 26,499 | SQ. FT. |
| SMALLEST LOT | 5,695 | SQ. FT. |
| AVERAGE LOT | 10,889 | SQ. FT. |
| NUMBER OF OUTLOTS | 16 | |
| TOTAL OUTLOT AREA | 62.33 | ACRES |
| LAKE ELMO AVE N. RIGHT OF WAY AREA | 1.70 | ACRES |
| RESIDENTIAL RIGHT OF WAY AREA | 19.01 | ACRES |
| TOTAL RIGHT OF WAY AREA | 20.71 | ACRES |
| GROSS DENSITY (EXCLUDES OUTLOTS) | 2.55 | LOTS/ACRE |
| NET DENSITY (EXCLUDES OUTLOTS & R/W) | 4.00 | LOTS/ACRE |
| ZONING | PUD | |

OUTLOT OWNERSHIP

| | |
|---|---|
| OUTLOT A | HOME OWNERS ASSOC. |
| OUTLOT B | LAKE ELMO |
| OUTLOT C | LAKE ELMO |
| OUTLOT D | HOME OWNERS ASSOC. |
| OUTLOT E | HOME OWNERS ASSOC. |
| OUTLOT F | HOME OWNERS ASSOC. |
| OUTLOT G | HOME OWNERS ASSOC. |
| OUTLOT H | HOME OWNERS ASSOC. |
| OUTLOT I | HOME OWNERS ASSOC. |
| OUTLOT J | LAKE ELMO |
| OUTLOT K | LAKE ELMO |
| OUTLOT L | HOME OWNERS ASSOC. |
| OUTLOT M | HOME OWNERS ASSOC. |
| OUTLOT N | HOME OWNERS ASSOC. |
| OUTLOT O | HOME OWNERS ASSOC. |
| OUTLOT P | HOME OWNERS ASSOC. |

LEGAL DESCRIPTION FOR PRELIMINARY PLAT PURPOSES ONLY

The real estate being located in the County of Washington, State of Minnesota, and legally described as follows:
The North Half of Southwest Quarter and the Southeast Quarter of the Southwest Quarter of Section 12, Township 29, Range 21, Washington County, Minnesota, save and except the following described part thereof: All that part of the Northeast Quarter of the Southwest Quarter of Section 12, Township 29, Range 21, Washington County, Minnesota, described as follows: Beginning at the center of said Section 12; thence due South along the East line of said Northeast Quarter of Southwest Quarter a distance of 1240.5 feet; thence at right angles due West a distance of 200 feet; thence North 55 degrees 00 minutes 00 seconds West a distance of 270 feet; thence due North a distance of 617 feet; thence at right angles due East a distance of 147 feet; thence at right angles due North a distance of 466 feet more or less to the North line of said Northeast Quarter of Southwest Quarter; thence Easterly along the North line of said Northeast Quarter of Southwest Quarter a distance of 274.17 feet to the place of beginning.
And
That part of the Northeast Quarter of the Northwest Quarter of Section 13, Township 29, Range 21, Washington County, Minnesota, described as follows; Commencing at the Northeast corner of said Northeast Quarter of Northwest Quarter of said Section 13, thence West on the North line thereof 35 feet to a point, thence South and parallel to the East line of said quarter section to the North line of Trunk Highway No. 212; thence Northeast on the North line of said Highway to the East line of said quarter section; thence North on the East line of said quarter section to the place of beginning.
Excepting therefrom all of the following described real property; The North 330.88 feet of the Northwest Quarter of the Southwest Quarter of Section 12, Township 29, Range 21, Washington County, Minnesota.

Together with

Outlots O and P THE FIELDS OF SAINT CROIX 2ND ADDITION according to the plat thereof, Washington County, Minnesota.

PIONEER engineering
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I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Surveyor under the laws of the State of Minnesota
Name
Reg. No. Date 11/5/14

Revisions
1. 02-04-15 City Comments

| | |
|---|---|
| Date | 11/5/14 |
| Designed | |
| Drawn | mdp |

PRELIMINARY PLAT

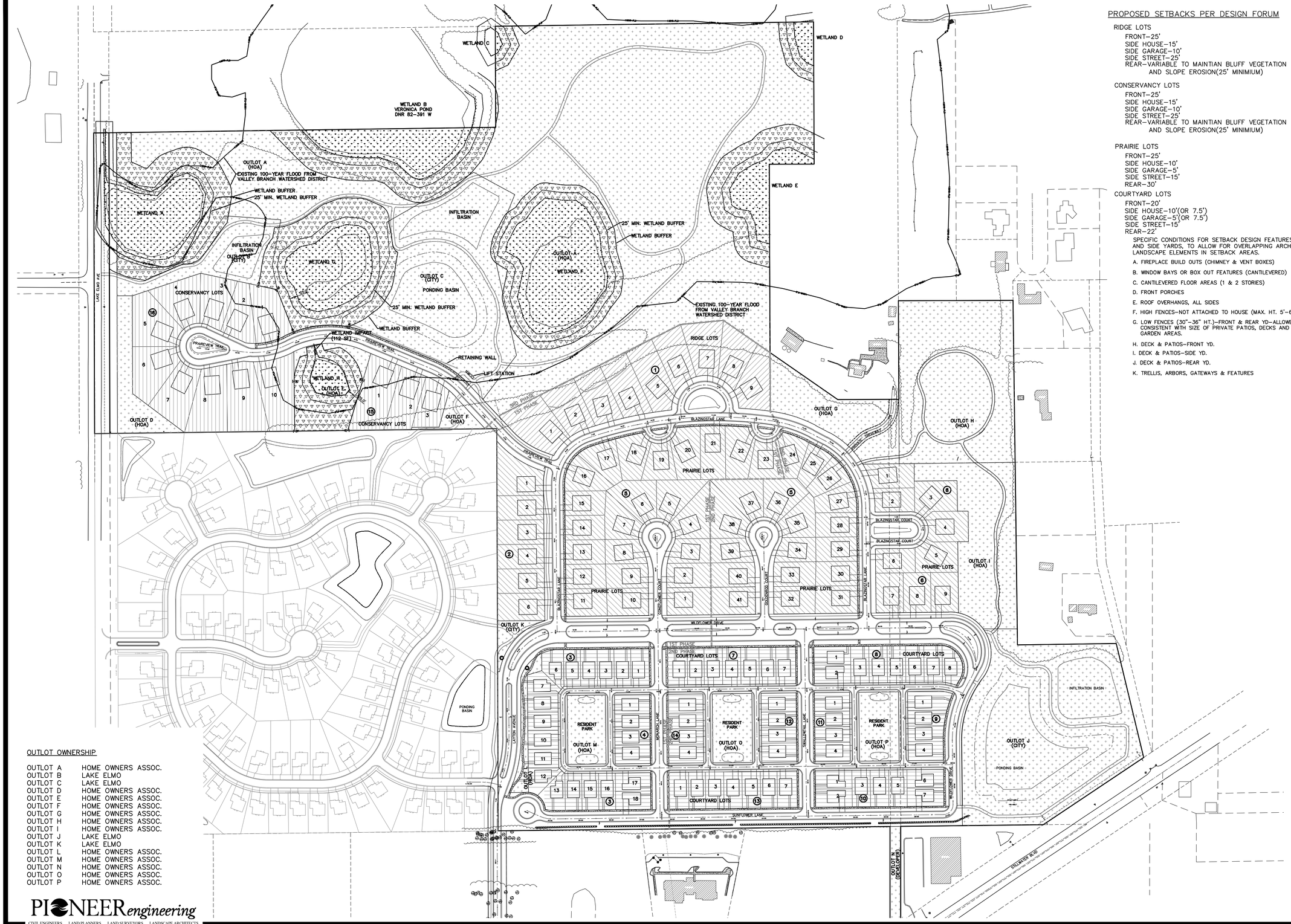
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MINNEAPOLIS, MINNESOTA 55437-1111

WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

6 OF 37

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BLAZINGSTAR LANE
WILDFLOWER DRIVE
SUNFLOWER LANE
BLAZINGSTAR COURT
CONEFLOWER COURT
GOLDENROD COURT
MONARCH LANE
SWALLOWTAIL LANE
WILDFLOWER DRIVE
WILDFLOWER DRIVE
THE FIELDS OF ST. CROIX
2ND ADDITION
BROOKMAN 3RD ADDITION
CIC 318 LAKE ELMO OLD VILLAGE CONDOMINIUMS
CIC 136 LAKE ELMO CREATIVE OFFICE GARDENS
OUTLOT G (HOA) 71443sf 1.6401ac
OUTLOT H (HOA) 201039sf 4.6152ac
OUTLOT I (HOA) 106097sf 2.4356ac
OUTLOT J (CITY) 290487sf 6.6687ac
OUTLOT K 8674sf 0.1991ac
OUTLOT L 13675sf 0.3139ac
OUTLOT M (HOA) 29350sf 0.6738ac
OUTLOT N DEVELOPER 11440sf 0.2626ac
OUTLOT O (HOA) 29380sf 0.6745ac
OUTLOT P (HOA) 29380sf 0.6745ac
DRAINAGE AND UTILITY EASEMENTS OVER ALL OF OUTLOT G
DRAINAGE AND UTILITY EASEMENTS OVER ALL OF OUTLOT I
DRAINAGE AND UTILITY EASEMENTS OVER ALL OF OUTLOT J
DRAINAGE AND UTILITY EASEMENTS OVER ALL OF OUTLOT K
DRAINAGE AND UTILITY EASEMENTS OVER ALL OF OUTLOT L
DRAINAGE AND UTILITY EASEMENTS OVER ALL OF OUTLOT M
DRAINAGE AND UTILITY EASEMENTS OVER ALL OF OUTLOT O
DRAINAGE AND UTILITY EASEMENTS OVER ALL OF OUTLOT P
OPEN SPACE EASEMENT OVER ALL OF OUTLOT P THE FIELDS OF ST. CROIX 2ND ADDITION PER DOC. NO. 3094199
DRAINAGE AND UTILITY EASEMENT PER THE FIELDS OF ST. CROIX 2ND ADDITION
EXISTING R/W PER EXISTING PLAT
STATE TRUNK HIGHWAY 5 STILLWATER BOULEVARD
WATER EDGE
(CITY)
(HOA)
SEC
TWP 29
RGE 21
1/4
1128
1318
1283
1320
1320
1320




## PROPOSED SETBACKS PER DESIGN FORUM

RIDGE LOTS
- FRONT–25'
- SIDE HOUSE–15'
- SIDE GARAGE–10'
- SIDE STREET–25'
- REAR–VARIABLE TO MAINTIAN BLUFF VEGETATION AND SLOPE EROSION(25' MINIMIUM)

CONSERVANCY LOTS
- FRONT–25'
- SIDE HOUSE–15'
- SIDE GARAGE–10'
- SIDE STREET–25'
- REAR–VARIABLE TO MAINTIAN BLUFF VEGETATION AND SLOPE EROSION(25' MINIMIUM)

PRAIRIE LOTS
- FRONT–25'
- SIDE HOUSE–10'
- SIDE GARAGE–5'
- SIDE STREET–15'
- REAR–30'

COURTYARD LOTS
- FRONT–20'
- SIDE HOUSE–10'(OR 7.5')
- SIDE GARAGE–5'(OR 7.5')
- SIDE STREET–15'
- REAR–22'

SPECIFIC CONDITIONS FOR SETBACK DESIGN FEATURES, FRONT, REAR, AND SIDE YARDS, TO ALLOW FOR OVERLAPPING ARCHITECTURAL AND LANDSCAPE ELEMENTS IN SETBACK AREAS.

| | |
|---|---|
| A. FIREPLACE BUILD OUTS (CHIMNEY & VENT BOXES) | 2'–0" MAX. |
| B. WINDOW BAYS OR BOX OUT FEATURES (CANTILEVERED) | 2'–0" MAX. |
| C. CANTILEVERED FLOOR AREAS (1 & 2 STORIES) | 2'–0" MAX. |
| D. FRONT PORCHES | 10'–0" MAX. OR 6'–0" INSIDE FRONT P.L. |
| E. ROOF OVERHANGS, ALL SIDES | 3–6" MAX, |
| F. HIGH FENCES–NOT ATTACHED TO HOUSE (MAX. HT. 5'–6:) | 3'–0" MAX. SIDE YD. |
| G. LOW FENCES (30"–36" HT.)–FRONT & REAR YD–ALLOWED, CONSISTENT WITH SIZE OF PRIVATE PATIOS, DECKS AND GARDEN AREAS. | FRONT YD OR 6'–0" INSIDE FRONT P.L. REAR YD:NOT TO EXCEED 12'–0" PAST GARAGE DOOR WALL FACE. |
| H. DECK & PATIOS–FRONT YD. | 6'–0" INSIDE FRONT P.L. |
| I. DECK & PATIOS–SIDE YD. | 3'–0" INSIDE FRONT P.L. |
| J. DECK & PATIOS–REAR YD. | NOT TO EXCEED 12'–0" PAST GARAGE DOOR WALL FACE. |
| K. TRELLIS, ARBORS, GATEWAYS & FEATURES | LOCATION & SIZE TO BE CONSISTENT WITH SIZE OF PRIVATE PATIOS, DECKS & GARDENS AREAS. |

KEY
- OPEN SPACE
- WETLAND
- WETLAND IMPACT (112 SF)
- WETLAND BUFFER
- RIDGE LOTS (9)
- CONSERVANCY LOTS (13)
- PRAIRIE LOTS (56)
- COURTYARD LOTS (67)
- WETLAND BUFFER SIGN

## COMMON OPEN SPACE AREAS (HOA)

| | |
|---|---|
| OUTLOT A | 35.056 AC |
| OUTLOT D | 0.769 AC |
| OUTLOT E | 1.369 AC |
| OUTLOT F | 0.239 AC |
| OUTLOT G | 1.640 AC |
| OUTLOT I | 2.436 AC |
| OUTLOT K | 0.199 AC |
| OUTLOT L | 0.314 AC |
| OUTLOT M | 0.649 AC |
| OUTLOT O | 0.674 AC |
| OUTLOT P | 0.674 AC |
| TOTAL | 44.083 AC |

## PUBLIC OPEN SPACE/PUBLIC AMENITIES (CITY)

| | |
|---|---|
| OUTLOT B | 1.510 AC |
| OUTLOT C | 5.255 AC |
| OUTLOT H | 0.599 AC |
| OUTLOT J | 6.669 AC |
| OUTLOT K | 0.199 AC |
| TOTAL | 18.248 AC |

OVERALL OPEN SPACE TOTAL 62.331 AC

## OUTLOT OWNERSHIP

| | |
|---|---|
| OUTLOT A | HOME OWNERS ASSOC. |
| OUTLOT B | LAKE ELMO |
| OUTLOT C | LAKE ELMO |
| OUTLOT D | HOME OWNERS ASSOC. |
| OUTLOT E | HOME OWNERS ASSOC. |
| OUTLOT F | HOME OWNERS ASSOC. |
| OUTLOT G | HOME OWNERS ASSOC. |
| OUTLOT H | HOME OWNERS ASSOC. |
| OUTLOT I | HOME OWNERS ASSOC. |
| OUTLOT J | LAKE ELMO |
| OUTLOT K | LAKE ELMO |
| OUTLOT L | HOME OWNERS ASSOC. |
| OUTLOT M | HOME OWNERS ASSOC. |
| OUTLOT N | HOME OWNERS ASSOC. |
| OUTLOT O | HOME OWNERS ASSOC. |
| OUTLOT P | HOME OWNERS ASSOC. |

0 75 150 300
GRAPHIC SCALE IN FEET

00-ENG-114058-SHEET-SITE-OVER.DWG

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Reg. No. 25504 Date 11-05-14

Revisions
1. 02-04-15 City Comments

Date 11-05-14
Designed KAW/BJM
Drawn KAW/BJM

SITE PLAN

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MINNEAPOLIS, MINNESOTA 55437-1111

WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

8 OF 37

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ING BASIN
) 200
.ET=905.80
=908.37

WETLAND F
HWL=905.24

EXISTING 100-YEAR FLOOD FROM VALLEY BRANCH WATERSHED DISTRICT

RIDGE LOTS

RAINGARDEN 2015
OUTLET=937.90
HWL=938.29

LIFT STATION

8½' BITUMINOUS "CONSERVANCY" TRAIL

3RD PHASE

1ST PHASE

8½' BITUMINOUS TRAIL

OUTLOT F (HOA)

OUTLOT G (HOA)

OUTLOT H (HOA)

BLAZINGSTAR LANE

PRIVATE DRIVE

5' SOFT GRASS PRAIRIE TRAIL

PRAIRIE LOTS

RAINGARDEN 1330
OUTLET=936.00
HWL=936.60

BLAZINGSTAR COURT

5' SOFT GRASS PRAIRIE TRAIL

OUTLOT I (HOA)

RAINGARDEN 2070
OUTLET=931.50
HWL=932.14

RAINGARDEN 2088
OUTLET=932.70
HWL=933.32

6' CONCRETE SIDEWALK

RAINGARDEN 1302
OUTLET=932.60
HWL=933.07

SWALE 1400
BOTTOM=927.00
HWL=929.51

RAINGARDEN 2037
OUTLET=933.00
HWL=933.71

RAINGARDEN 1306
OUTLET=935.50
HWL=935.80

RAINGARDEN 1305
OUTLET=934.60
HWL=935.36

RAINGARDEN 1303
OUTLET=933.80
HWL=934.63

VOID **RAINGARDEN 2033**
OUTLET=N/A
HWL=N/A

WILDFLOWER DRIVE

OUTLOT K (CITY)

OUTLOT D

MONUMENTS

COURTYARD LOTS

OUTLOT J (CITY)

INFILTRATION BASIN
INF BASIN 1001
BOTTOM=926.0
HWL=927.54

POND 3N
OUTLET=926.00
HWL=930.00

RAINGARDEN 2120
OUTLET=935.80
HWL=936.16

RESIDENT PARK
OUTLOT M (HOA)

RAINGARDEN 2150
OUTLET=935.60
HWL=936.11

RAINGARDEN 1210
OUTLET=935.70
HWL=936.42

RESIDENT PARK
OUTLOT O (HOA)

RAINGARDEN 1110
OUTLET=935.20
HWL=935.93

RAINGARDEN 1230
OUTLET=936.10
HWL=936.82

RESIDENT PARK
OUTLOT P (HOA)

RAINGARDEN 1130
OUTLET=935.40
HWL=936.10

8½' BITUMINOUS TRAIL
OUTLOT B

8½' BITUMINOUS TRAIL

5' CONCRETE SIDEWALK

OUTLOT J (CITY)

PONDING BASIN
POND 100
OUTLET=926.40
HWL=928.84

8½' BITUMINOUS "COURT YARD" TRAIL

OUTLOT L (HOA)

40TH STREET N.

LAYTON AVENUE

MONARCH LANE

SUNFLOWER LANE

STREET A

VOID **BIORETENTION SWALE 550**
OUTLET=NA
HWL=NA

BIORETENTION SWALE

BIORETENTION SWALE 1000
OUTLET=928.0
HWL=931.36

HWY 5 DITCH
BOTTOM=926.31
HWL=928.62 PROPOSED

OUTLOT N (DEVELOPER)

STATE TRUNK HIGHWAY NO 5

STILLWATER BLVD

8½' BITUMINOUS TRAIL
OUTLOT B

OUTLOT L (HOA)

39TH STREET N.

LAYTON AVENUE

8½' BITUMINOUS TRAIL

GRAPHIC SCALE IN FEET
0 50 100 200

STREET SIGNAGE KEY

Ⓢ STOP SIGN (R1-1)

Ⓟ NO PARKING ANY TIME (R7-1)

## PROPOSED SETBACKS PER DESIGN FORUM

RIDGE LOTS
- FRONT–25'
- SIDE HOUSE–15'
- SIDE GARAGE–10'
- SIDE STREET–25'
- REAR–VARIABLE TO MAINTIAN BLUFF VEGETATION AND SLOPE EROSION(25' MINIMUM)

CONSERVANCY LOTS
- FRONT–25'
- SIDE HOUSE–15'
- SIDE GARAGE–10'
- SIDE STREET–25'
- REAR–VARIABLE TO MAINTIAN BLUFF VEGETATION AND SLOPE EROSION(25' MINIMUM)

PRAIRIE LOTS
- FRONT–25'
- SIDE HOUSE–10'
- SIDE GARAGE–5'
- SIDE STREET–15'
- REAR–30'

COURTYARD LOTS
- FRONT–20'
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- REAR–22'

SPECIFIC CONDITIONS FOR SETBACK DESIGN FEATURES, FRONT, REAR, AND SIDE YARDS, TO ALLOW FOR OVERLAPPING ARCHITECTURAL AND LANDSCAPE ELEMENTS IN SETBACK AREAS.

| | |
|---|---|
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| B. WINDOW BAYS OR BOX OUT FEATURES (CANTILEVERED) | 2'–0" MAX. |
| C. CANTILEVERED FLOOR AREAS (1 & 2 STORIES) | 2'–0" MAX. |
| D. FRONT PORCHES | 10'–0" MAX. OR 6'–0" INSIDE FRONT P.L. |
| E. ROOF OVERHANGS, ALL SIDES | 3'–6" MAX, |
| F. HIGH FENCES–NOT ATTACHED TO HOUSE (MAX. HT. 5'–6:) | 3'–0" MAX. SIDE YD. |
| G. LOW FENCES (30"–36" HT.)–FRONT & REAR YD–ALLOWED, CONSISTENT WITH SIZE OF PRIVATE PATIOS, DECKS AND GARDEN AREAS. | FRONT YD OR 6'–0" INSIDE FRONT P.L. REAR YD:NOT TO EXCEED 12'–0" PAST GARAGE DOOR WALL FACE. |
| H. DECK & PATIOS–FRONT YD. | 6'–0" INSIDE FRONT P.L. |
| I. DECK & PATIOS–SIDE YD. | 3'–0" INSIDE FRONT P.L. |
| J. DECK & PATIOS–REAR YD. | NOT TO EXCEED 12'–0" PAST GARAGE DOOR WALL FACE. |
| K. TRELLIS, ARBORS, GATEWAYS & FEATURES | LOCATION & SIZE TO BE CONSISTENT WITH SIZE OF PRIVATE PATIOS, DECKS & GARDENS AREAS. |

00-ENG-114058-SHEET-SITE.DWG


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I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Name Keith A. Willenbring
Reg. No. 25504 Date 11-05-14

Revisions
1. 02-04-15 City Comments

| | |
|---|---|
| Date | 11-05-14 |
| Designed | KAW/BJM |
| Drawn | KAW/BJM |

SITE PLAN

ROBERT ENGSTROM COMPANIES
4801 WEST 81ST STREET, SUITE 101
MINNEAPOLIS, MINNESOTA 55437-1111

WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

9 OF 37

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STREET SIGNAGE KEY

(S) STOP SIGN (R1-1)

(P) NO PARKING ANY TIME (R7-1)

WETLAND C

WETLAND D

WETLAND BUFFER

8½' BITUMINOUS "CONSERVANCY" TRAIL

OUTLOT A (HOA)

WETLAND B
VERONICA POND
DNR 82-391 W

EXISTING 100-YEAR FLOOD FROM VALLEY BRANCH WATERSHED DISTRICT

WETLAND E
HWL=903.58

EDGE OF WETLAND

WETLAND A
HWL=913.92

OUTLOT C (CITY)

INFILTRATION BASIN

INF BASIN 200I
BOTTOM=905.00
HWL=906.39

OUTLOT B (CITY)

INFILTRATION BASIN

INF BASIN 300I
BOTTOM=912.00
HWL=912.87

WETLAND G
HWL=910.27

WETLAND BUFFER SIGN (TYP.)

OUTLOT C (CITY)

PONDING BASIN

POND 200
OUTLET=905.80
HWL=908.37

WETLAND F
HWL=905.24

LAKE ELMO AVENUE NORTH CSAH 17

CONSERVANCY LOTS

PRAIRIEVIEW TRAIL N

6' CONCRETE SIDEWALK

RAINGARDEN 220S
OUTLET=924.00
HWL=924.33

WETLAND IMPACT
(112 SF)

WETLAND H
HWL=913.97

LIFT STATION

OUTLOT E (HOA)

8½' BITUMINOUS "CONSERVANCY" TRAIL

OUTLOT D (HOA)

OUTLOT F (HOA)

CONSERVANCY LOTS

RIDGE LOTS

RAINGARDEN 201S
OUTLET=937.90
HWL=938.29

3RD PHASE

1ST PHASE

8½' BITUMINOUS TRAIL

BLAZINGSTAR LANE

OUTLOT G (HOA)

OUTLOT H (HOA)

PRIVATE DRIVE

5' SOFT GRASS PRAIRIE TRAIL

PRAIRIE LOTS

2ND PHASE

RAINGARDEN 207S
OUTLET=931.50
HWL=932.14

RAINGARDEN 208S
OUTLET=932.70
HWL=933.36

RAINGARDEN 133S
OUTLET=936.00
HWL=936.60

BLAZINGSTAR COURT

GOLDENROD COURT

CONEFLOWER COURT

LANE

0 50 100 200

GRAPHIC SCALE IN FEET

00-ENG-114058-SHEET-SITE.DWG


PIONEER engineering

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Revisions
1. 02-04-15 City Comments

| | |
|---|---|
| Date | 11-05-14 |
| Designed | KAW/BJM |
| Drawn | KAW/BJM |

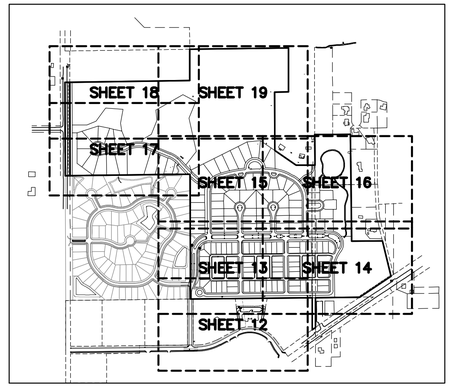
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WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

10 OF 37


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KEY

SITE REQUIREMENTS:
ELEVATIONS:
–LOWEST FLOOR ELEVATION:
LF=HWL+2.0'
–LOWEST OPENING ELEVATION
LO=HWL+2.0'
LO=EOF+2.0'

N

0 100 200 400

GRAPHIC SCALE IN FEET

00-ENG-114058-SHEET-GRAD-OVER.DWG

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Date 11-05-14
Designed KAW/BJM
Drawn KAW/BJM

GRADING OVERALL

ROBERT ENGSTROM COMPANIES
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MINNEAPOLIS, MINNESOTA 55437-1111

WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

11 OF 37

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CBMH-352
RIM: 935.37
INV: 930.01

40TH STREET N.

40TH STREET N 18"RCP@0.50%

CBMH-353
RIM: 935.37
INV: 930.14

CB-354
RIM: 935.42
INV: 930.60

OUTLOT A

LAYTON AVENUE N

18"RCP@0.26%

18"RCP@2.00%

15"RCP@0.40%

STMH-3003
RIM: 936.37
INV: 923.52

CBMH-556
RIM: 933.30
INV: 923.81

OCS-555
RIM: 931.50
INV: 926.00

CBMH-557
RIM: 932.26
INV: 924.88

15"RCP@0.50%

CBMH-558
RIM: 933.67
INV: 925.91

CB-559
RIM: 932.23
INV: 927.10

BIORETENTION SWALE

CBMH-1052
RIM: 932.32
INV: 927.43

MAINTAIN ACCESS TO EXISTING

SUNFLOWER LANE

CBMH-2103
RIM: 935.11
INV: 928.25

CB-2107
RIM: 934.35
INV: 929.35

CBMH-2106
RIM: 934.35
INV: 929.02

CB-21
RIM: 934.35
INV: 929.95

CBMH-1104
RIM: 934.51
INV: 928.51

CB-1105
RIM: 934.36
INV: 928.86

CB-3020
RIM: 935.17
INV: 930.17

15"RCP@1.00%

CBMH-3002
RIM: 935.17
INV: 923.10

WILDFLOWER DRIVE

CB-3010
RIM: 928.14
INV: 923.14

EX. 18"RCP@1.56%

CBMH-3001
RIM: 928.14
INV: 922.22

EX-CBMH-SS-2
RIM: 927.52
INV: 921.92

EX-CBMH-SS-3
RIM: 928.08
INV: 923.38

EX. 24"RCP@0.87%

EX-CBMH-SS-1
RIM: 927.45
INV: 921.65

EX. 24"RCP@-5.10%

EX-FES-1
INV: 923.78

PC: 18+98.30

PT: 19+28.53

PC: 19+88.95

PT: 22+67.85

0 25 50 100
GRAPHIC SCALE IN FEET

KEY

00-ENG-114058-SHEET-GRAD.DWG


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CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS
2422 Enterprise Drive
Mendota Heights, MN 55120
(651) 681-1914
Fax: 681-9488
www.pioneereng.com


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Name Keith A. Willenbring
Reg. No. 25504 Date 11-05-14

Revisions
1. 02-04-15 City Comments

| | |
|---|---|
| Date | 11-05-14 |
| Designed | KAW/BJM |
| Drawn | KAW/BJM |

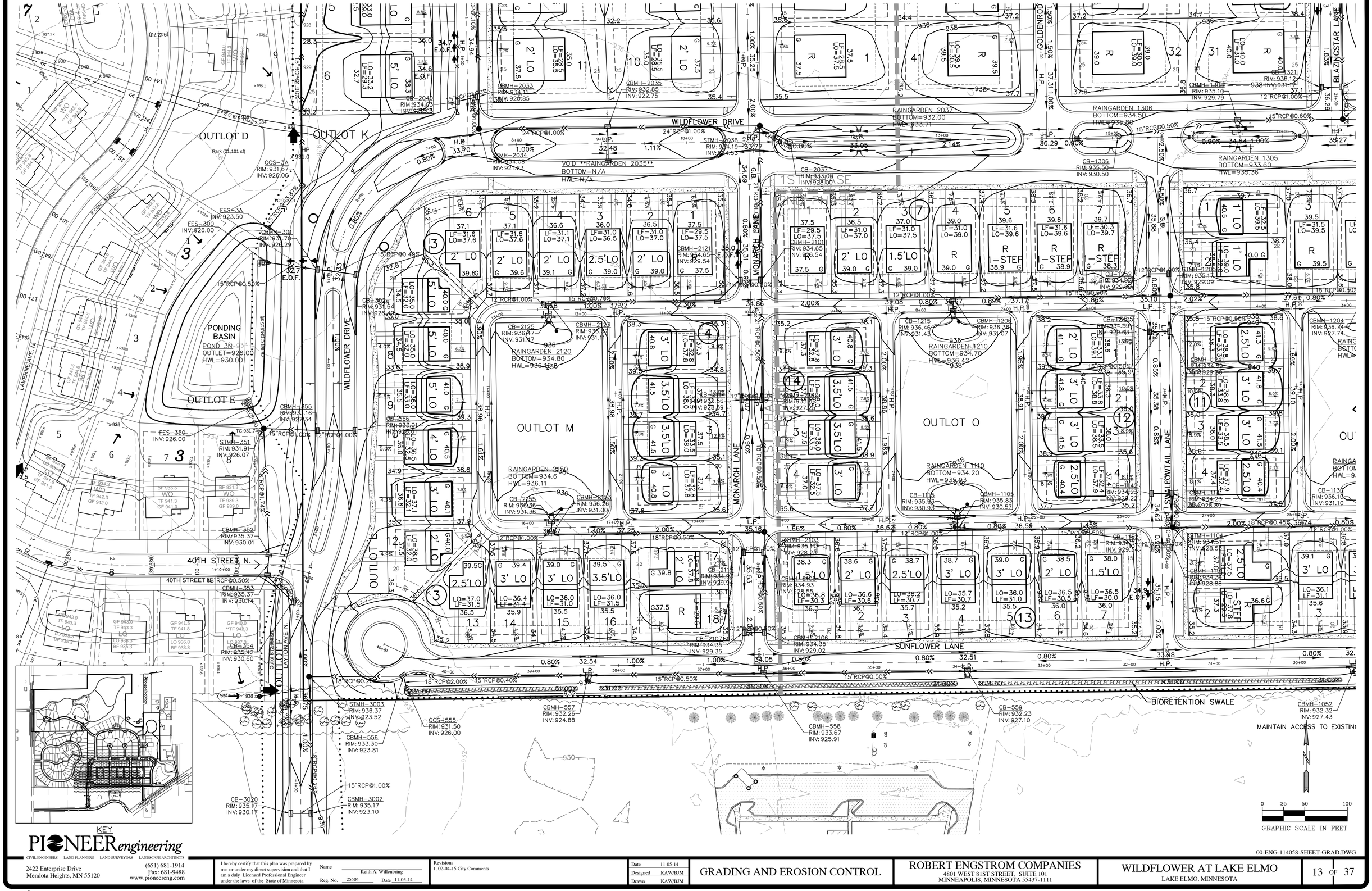
# GRADING AND EROSION CONTROL

ROBERT ENGSTROM COMPANIES
4801 WEST 81ST STREET, SUITE 101
MINNEAPOLIS, MINNESOTA 55437-1111

WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

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WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

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INFILTRATION NOTE:
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INF BASIN 1001
BOTTOM=926.0
HWL=927.54

INFILTRATION BASIN
SEE NOTE

POND 100
OUTLET=926.40
HWL=928.84

PONDING BASIN

OUTLOT J

OUTLOT P

OUTLOT N

ACCESS PATH
OUTLET=926.0
HWL=928.84

BIORETENTION SWALE

BOIRETENTION SWALE 1000
BOTTOM=928.00
HWL=931.36

RAINGARDEN 1306
BOTTOM=934.50
HWL=935.86

RAINGARDEN 1305
BOTTOM=933.60
HWL=935.36

RAINGARDEN 1303
BOTTOM=932.80
HWL=934.63

RAINGARDEN 1302
BOTTOM=931.60
HWL=933.07

RAINGARDEN 1230
BOTTOM=935.10
HWL=936.92

RAINGARDEN 1130
BOTTOM=934.40
HWL=936.10

HWY 5 DITCH
BOTTOM=926.31
HWL=929.76 EXISTING
HWL=928.82 PROPOSED

PROPOSED 100-YEAR HWL

EXISTING 100-YEAR HWL

MAINTAIN ACCESS TO EXISTING HOME

BLAZINGSTAR LANE

SWALLOWTAIL LANE

WILDFLOWER DRIVE

GOLDENROD

STILLWATER BLVD

CBMH-1306 RIM: 935.10 INV: 929.79
CBMH-1303 RIM: 936.12 INV: 929.13
STMH-1304 RIM: 935.70 INV: 928.45
CBMH-1302 RIM: 932.66 INV: 926.40
CB-1306 RIM: 935.50 INV: 930.50
CB-1305 RIM: 934.59 INV: 929.63
CB-1304 RIM: 934.69 INV: 929.89
STMH-1305 RIM: 935.11 INV: 929.09
CBMH-1206 RIM: 936.36 INV: 931.07
CB-1265 RIM: 934.59 INV: 929.63
CBMH-1204 RIM: 936.74 INV: 927.74
CB-1230 RIM: 936.84 INV: 931.84
CB-1225 RIM: 933.78 INV: 928.56
CBMH-1105 RIM: 935.83 INV: 930.57
CB-1141 RIM: 934.22 INV: 929.22
CB-1140 RIM: 934.23 INV: 928.89
CB-1130 RIM: 936.10 INV: 931.10
CBMH-1103 RIM: 936.90 INV: 927.32
CBMH-1104 RIM: 934.51 INV: 928.51
CB-1161 RIM: 934.31 INV: 928.88
CB-1160 RIM: 934.36 INV: 929.36
CB-559 RIM: 932.23 INV: 927.10
CBMH-1052 RIM: 932.32 INV: 927.43
STMH-1051 RIM: 934.38 INV: 926.45
FES-1010 INV: 928.00
CBMH-1202 RIM: 933.21 INV: 926.29
CBMH-1201 RIM: 933.21 INV: 926.16
CBMH-1102 RIM: 933.37 INV: 926.12
FES-1100 INV: 926.00
CBMH-1161 RIM: 933.31 INV: 927.85
FES-1401 INV: 927.00
MH-1401 RIM: 934.16 INV: 926.19
1400 INV: 926.00
FES-1300 INV: 926.00
FES-1200 INV: 926.00
FES-1A2 INV: 926.00
OCS-1A RIM: 929.13 INV: 926.00
FES-1A1 INV: 923.50
FES-1B1 INV: 922.25
OCS-1B RIM: 930.00 INV: 926.40
FES-1050 RIM: 927.52
FES-1000 INV: 926.00
FES-1B2 INV: 926.31
EX-FES-B INV: 926.31
EX. 24"RCP@1.39%
EX-FES-A INV: 925.26

0 25 50 100
GRAPHIC SCALE IN FEET

KEY

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Drawn KAW/BJM

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WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

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EXISTING 100-YEAR FLOOD FROM VALLEY BRANCH WATERSHED DISTRICT
ACCESS PATH
PRAIRIEVIEW TRAIL
3RD PHASE
1ST PHASE
2ND PHASE
OUTLOT F
OUTLOT G
BLAZINGSTAR LANE
PRIVATE DRIVE
CONEFLOWER COURT
GOLDENROD COURT
SAVERNE CIR. NO.
RAINGARDEN 2070
RAINGARDEN 2060
CB-2523
CB-2018
CB-2015
CB-2025
CB-2065
CB-2075
CB-1216
CB-1341
FES-2000
STMH-2000
CBMH-2002
CBMH-2001
CBMH-2004
CBMH-2005
CBMH-2080
CBMH-2081
CBMH-2082
CBMH-2012
CBMH-2011
CBMH-2016
CBMH-2017
CBMH-2055
CBMH-2056
CBMH-2059
CBMH-1216
CBMH-1315
STMH-2006
STMH-2009
CBMH-2052
CBMH-2053
CBMH-2054
CBMH-2031
CBMH-2071
CBMH-2072
CBMH-2058
CBMH-2060
CBMH-2061
CBMH-2062
CBMH-2063
CBMH-2064
CBMH-2065
CBMH-2066
CBMH-2067
CBMH-2068
CBMH-2069
CBMH-2070
CBMH-2071
CBMH-2072
CBMH-2073
CBMH-2074
CBMH-2075
CBMH-2076
CBMH-2077
CBMH-2078
CBMH-2079
CBMH-2080
CBMH-2081
CBMH-2082
CBMH-2083
CBMH-2084
CBMH-2085
CBMH-2086
CBMH-2087
CBMH-2088
CBMH-2089
CBMH-2090
CBMH-2091
CBMH-2092
CBMH-2093
CBMH-2094
CBMH-2095
CBMH-2096
CBMH-2097
CBMH-2098
CBMH-2099




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| Drawn | KAW/BJM |

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WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

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KEY

LAKE ELMO AVE

EDGE OF WETLAND

WETLAND A
WETLAND A
HWL=913.92

STMH-802
RIM: 919.43
INV: 912.15

INFILTRATION BASIN
OUTLOT B
SEE INFILTRATION BASIN NOTE

FES-801
RIM: 913.52

OCS-3
RIM: 912.80
INV: 908.00

INF BASIN 3001
BOTTOM=912.00
HWL=912.87

WETLAND G
OUTLOT A

WETLAND G
HWL=910.27

FES-3
INV: 907.82

WETLAND BUFFER SIGN (TYP.)

FES-H1
INV: 908.00

STMH-2501
RIM: 914.26
INV: 905.34

FES-2500
INV: 905.00

CBMH-2502
RIM: 917.19
INV: 911.26

INFILTRATION BASIN
SEE INFILTRATION BASIN NOTE

INF BASIN 2001
BOTTOM=905.00
HWL=906.39

OUTLOT C
PONDING BASIN

POND 200
OUTLET=905.80
HWL=908.37

ACCESS PATH

CB-2523
RIM: 920.72
INV: 915.97

FES-2000
INV: 905.00

CBMH-803
RIM: 919.85
INV: 914.35

RAINGARDEN 2285
BOTTOM=923.00
HWL=924.33

CBMH-804
RIM: 919.91
INV: 913.90

CB-2506
INV: 919.00

STMH-2503
RIM: 924.59
INV: 918.26

PRAIRIEVIEW TRAIL

CBMH-2504
RIM: 918.16
INV: 913.16

WETLAND IMPACT
(112 SF)

CBMH-2501
RIM: 917.50
INV: 912.49

CBMH-2503
RIM: 917.19
INV: 912.17

CBMH-2522
RIM: 925.22
INV: 915.64

OCS-H2
INV: 908.53

WETLAND H
WETLAND H
OUTLET=Undefined
HWL=913.97

WETLAND BUFFER

EXISTING 100-YEAR FLOOD FROM VALLEY BRANCH WATERSHED DISTRICT

OUTLOT D

OUTLOT E

OUTLOT B

OUTLOT F

STMH-2004
RIM: 914.66
INV: 905.68

CBMH-2002
RIM: 924.19
INV: 908.90

CBMH-2001
RIM: 924.68
INV: 909.18

CBMH-2004
RIM: 924.51
INV: 910.23

CBMH-2080 TC=20.08
RIM: 920.01
INV: 915.00

Outlot F (15,032 sf)

WETLAND BUFFER SIGN (TYP.)

Outlot E (79,655 sf)

GRAPHIC SCALE IN FEET
0 25 50 100

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GRADING AND EROSION CONTROL

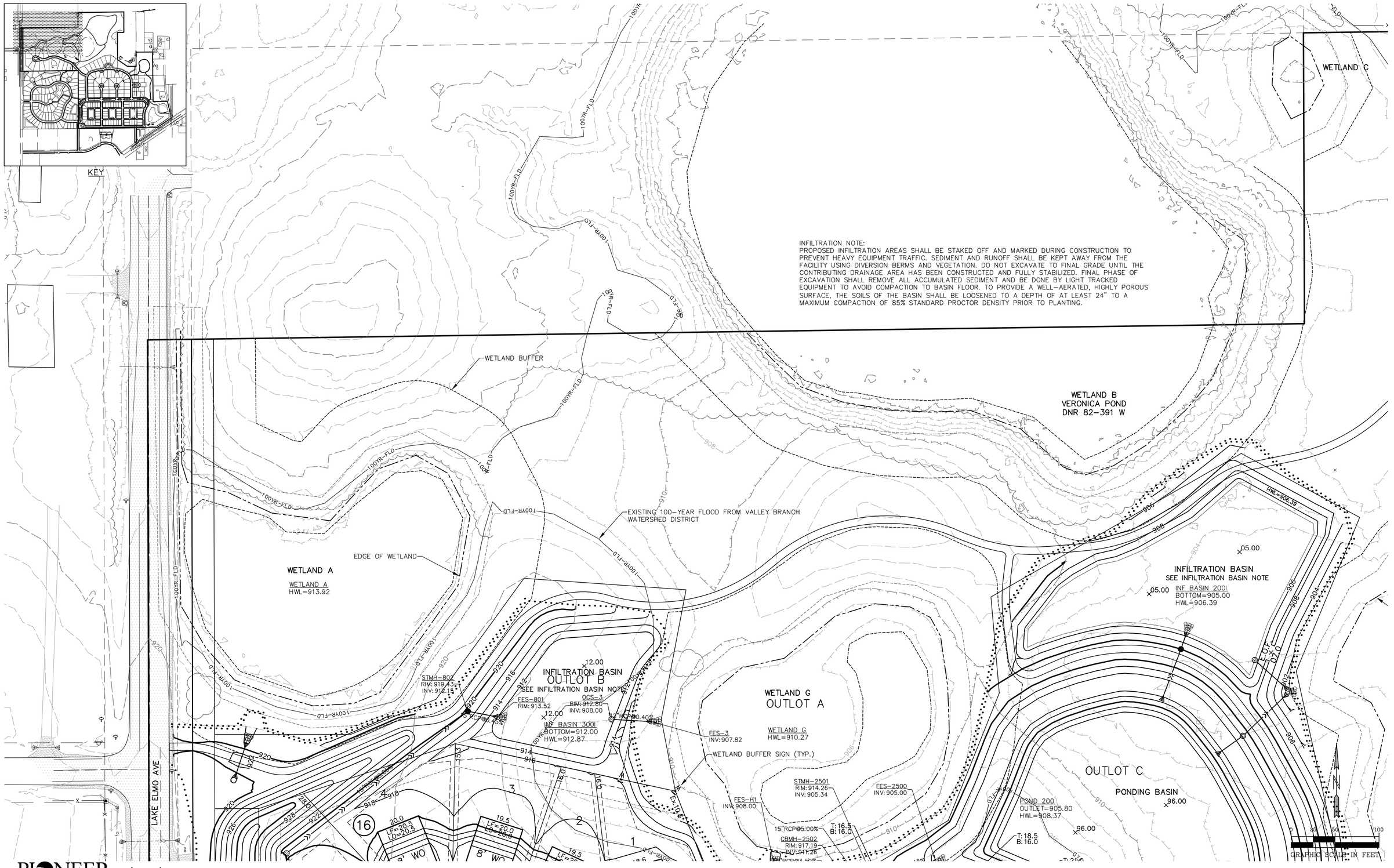
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WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

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WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

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WETLAND C

WETLAND D

100YR-FLD

WETLAND B
VERONICA POND
DNR 82-391 W

HWL=908.39

INFILTRATION BASIN
SEE INFILTRATION BASIN NOTE

INF BASIN 200I
BOTTOM=905.00
HWL=906.39

E.O.F. 910

EDGE OF WETLAND

WETLAND BUFFER

OUTLOT A

WETLAND F

WETLAND F
HWL=905.24

OUTLOT C

PONDING BASIN

POND 200
OUTLET=905.80
HWL=908.37

-T: 18.5
B: 16.0

WETLAND E

10.7
E.O.F.

EXISTING 100-YEAR FLOOD FROM VALLEY BRANCH WATERSHED DISTRICT

0 25 50 100
GRAPHIC SCALE IN FEET

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WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA



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ING BASIN

ACCESS PATH

LIFT STATION

OUTLOT F

OUTLOT G

OUTLOT H

OUTLOT I

OUTLOT J

OUTLOT K

OUTLOT L

OUTLOT M

OUTLOT N

OUTLOT O

OUTLOT P

1ST PHASE

2ND PHASE

3RD PHASE

PRAIRIE VIEW TRAIL

BLAZINGSTAR LANE

BLAZINGSTAR COURT

PRIVATE DRIVE

CONFLOWER COURT

GOLDENROD COURT

WILDFLOWER DRIVE

MONARCH LANE

SUNFLOWER LANE

PONDING BASIN

INFILTRATION BASIN

ACCESS PATH

40TH STREET N.

STILLWATER BLVD

BIORETENTION SWALE

BIORETENTION SWALE

LEGEND

- CATCH BASIN INLET PROTECTION TO BE INSTALLED AFTER 1ST LIFT OF BITUMINOUS.
- CATCH BASIN INLET PROTECTION TO BE INSTALLED WITH CATCH BASIN GRATE.
- PERIMETER EROSION CONTROL FENCE. INSTALL BEFORE START OF GRADING
- HEAVY DUTY EROSION CONTROL FENCE. INSTALL BEFORE START OF GRADING
- SECONDARY EROSION CONTROL FENCE. TO BE INSTALLED 48 HOURS AFTER COMPLETION OF GRADING.
- MNDOT CAT 3 EROSION CONTROL BLANKET. INSTALL WITHIN 7 DAYS OF GRADING COMPLETION OR BEFORE 1ST RAINFALL EVENT WHICHEVER IS FIRST.
  - MN MIXTURE 35-221 AT 36.5 POUNDS PER ACRE.
  - TYPE 4 FERTILIZER, 18-1-8 @ 180 LBS PER ACRE
- ROCK CONSTRUCTION ENTRANCE INSTALL BEFORE START OF GRADING
- STRAW BIO ROLLS INSTALL WITHIN 7 DAYS OF GRADING COMPLETION OR BEFORE 1ST RAINFALL EVENT WHICHEVER IS FIRST
- ROCK BERM INSTALL WITHIN 7 DAYS OF GRADING COMPLETION OR BEFORE 1ST RAINFALL EVENT WHICHEVER IS FIRST
- BASIN ACCESS 10% SLOPE MAX.

N

0 50 100 200

GRAPHIC SCALE IN FEET

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# EROSION CONTROL PLAN


ROBERT ENGSTROM COMPANIES
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WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA




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WETLAND C

WETLAND D

WETLAND B

WETLAND A

WETLAND E

INFILTRATION BASIN

OUTLOT B
INFILTRATION BASIN

OUTLOT A
WETLAND G

OUTLOT C
PONDING BASIN

OUTLOT A
WETLAND F

ACCESS PATH

LAKE ELMO AVE

PRAIRIEVIEW TRAIL

OUTLOT D

OUTLOT E

OUTLOT F

OUTLOT G

OUTLOT H

3RD PHASE

1ST PHASE

2ND PHASE

BLAZINGSTAR LANE

PRIVATE DRIVE

BLAZINGSTAR COURT

CONEFLOWER COURT

DENROD COURT

GRAPHIC SCALE IN FEET
0 50 100 200

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# EROSION CONTROL PLAN

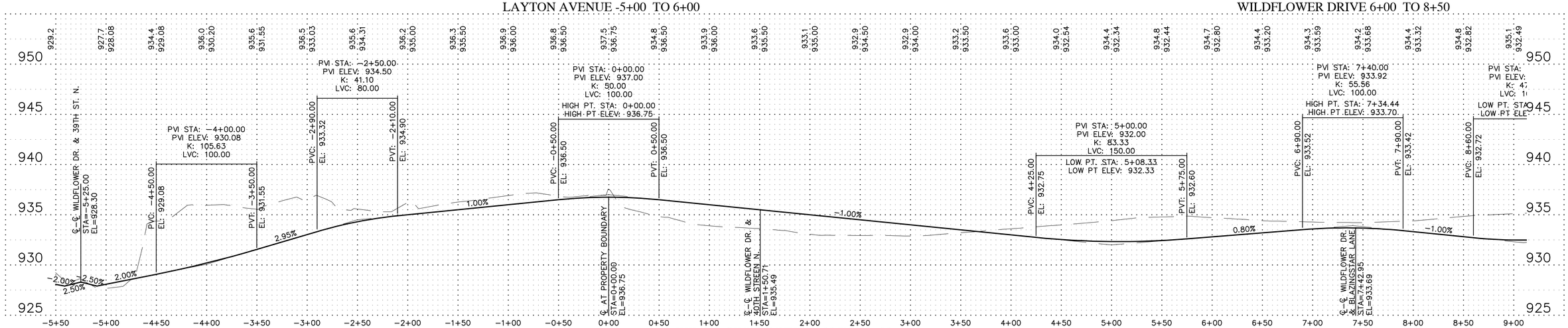
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LAKE ELMO, MINNESOTA

21 OF 37

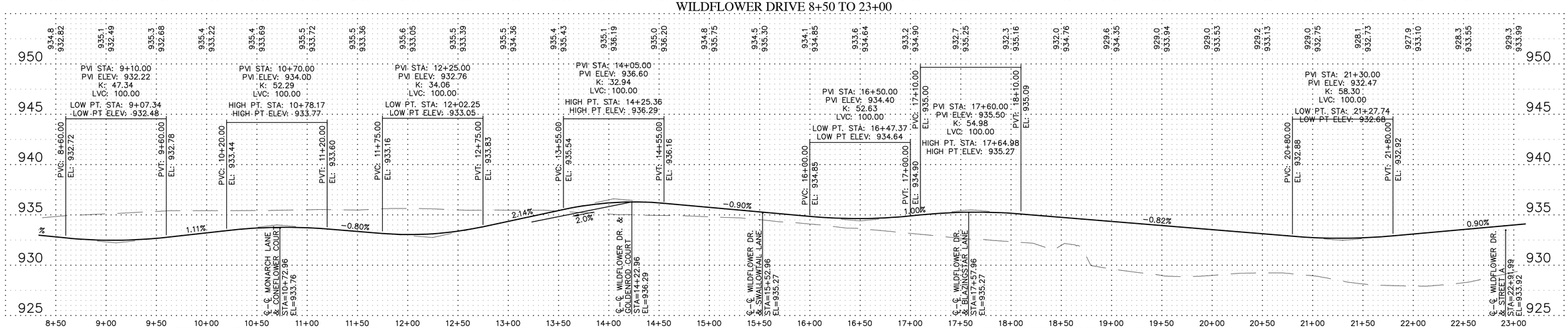
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## LAYTON AVENUE -5+00 TO 6+00



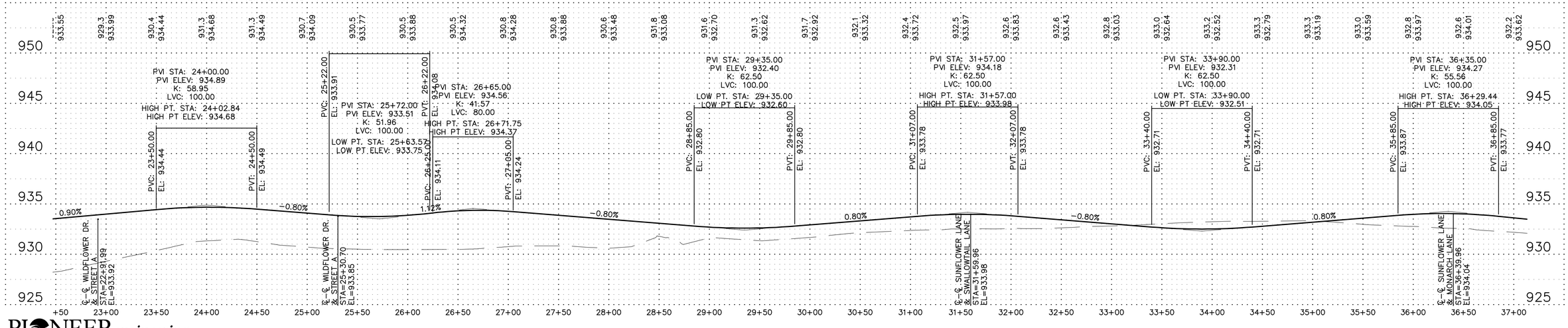

## WILDFLOWER DRIVE 6+00 TO 8+50

## WILDFLOWER DRIVE 8+50 TO 23+00




## WILDFLOWER DRIVE 23+00 TO 27+00

## SUNFLOWER LANE 23+00 TO 37+00




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Name: Keith A. Willenbring
Reg. No. 25504 Date 11-05-14

Revisions
1. 02-04-15 City Comments

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| Date | 11-05-14 |
| Designed | KAW/BJM |
| Drawn | KAW/BJM |

STREET PROFILES

ROBERT ENGSTROM COMPANIES
4801 WEST 81ST STREET, SUITE 101
MINNEAPOLIS, MINNESOTA 55437-1111

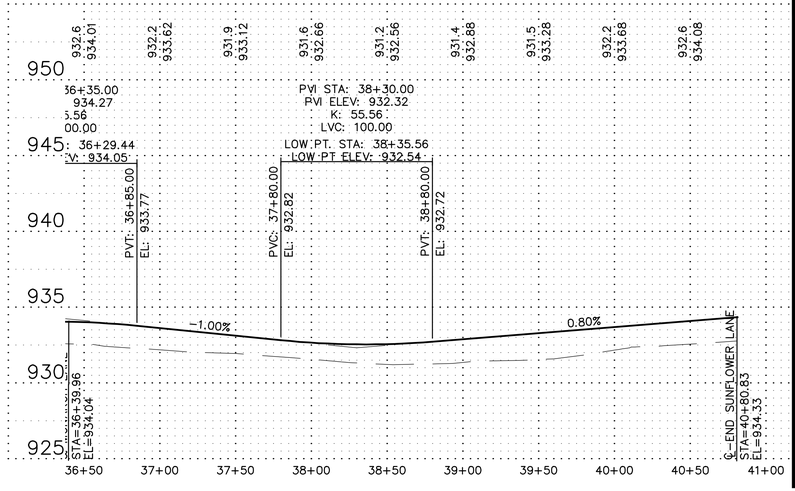
WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

00-ENG-114058-SHEET-STR-PROF.DWG

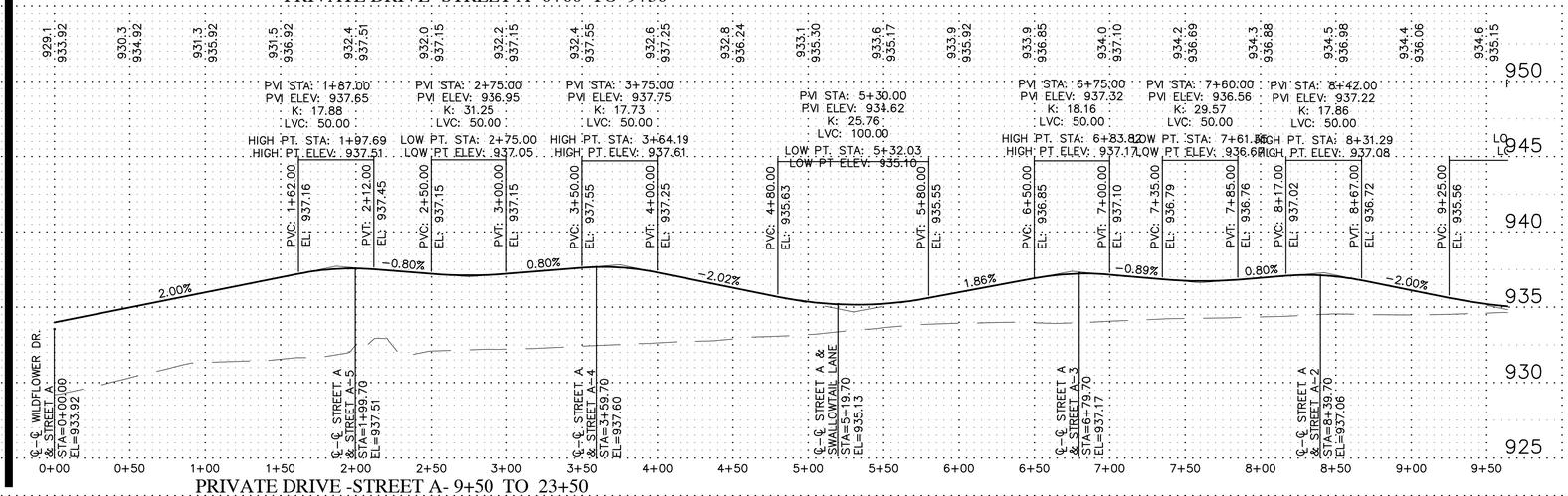
22 OF 37

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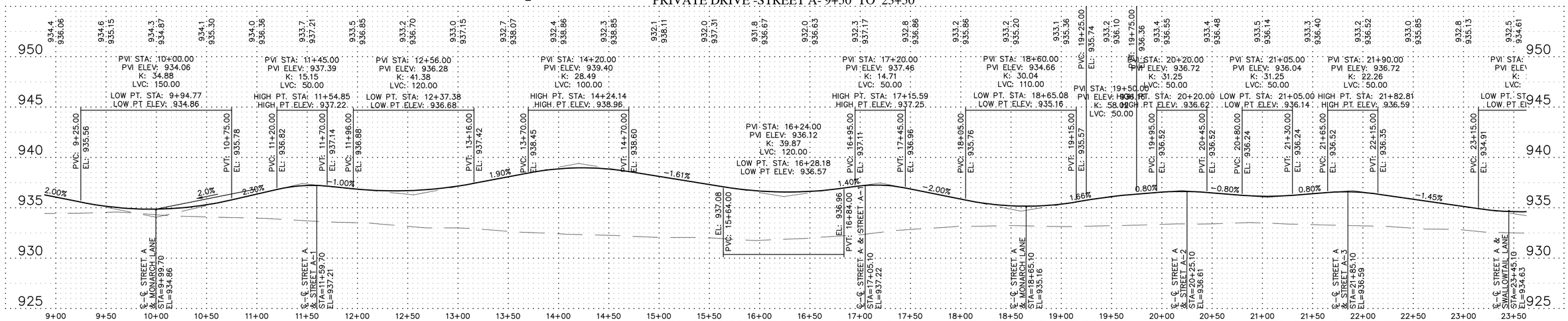
## SUNFLOWER LANE 37+00 TO 40+80



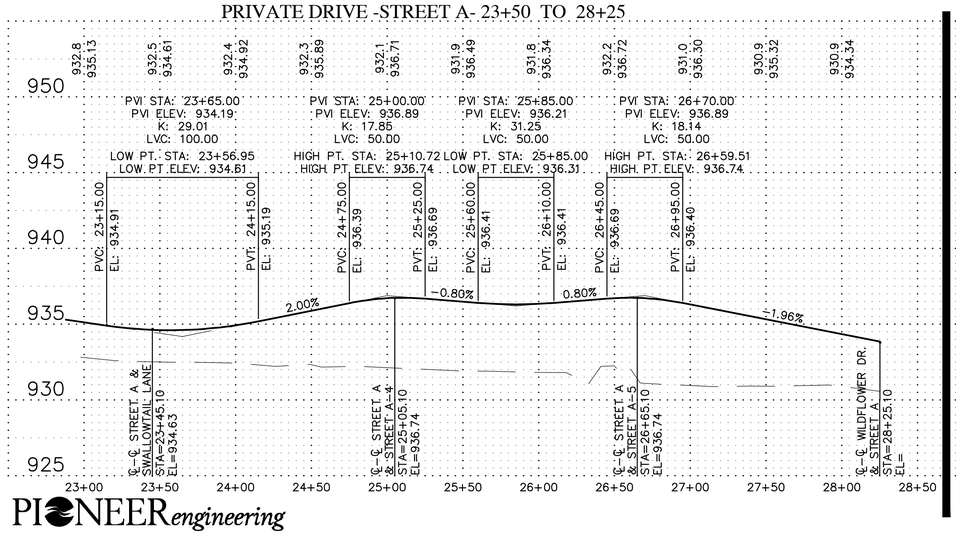

## PRIVATE DRIVE -STREET A- 0+00 TO 9+50



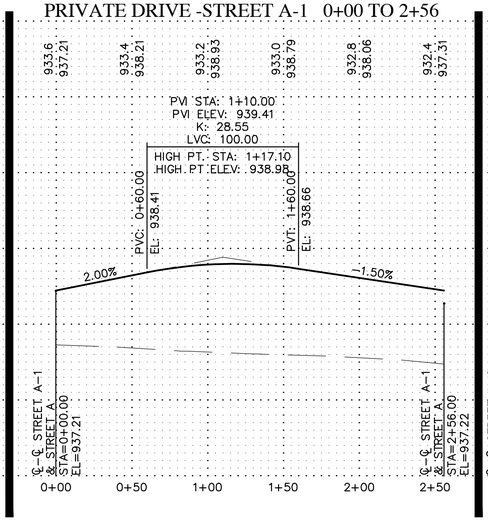

## PRIVATE DRIVE -STREET A- 9+50 TO 23+50



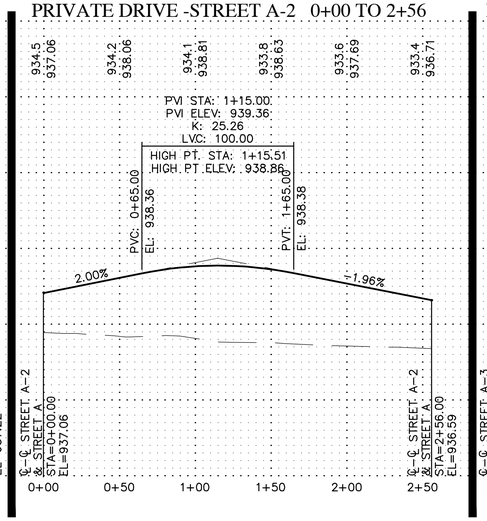

## PRIVATE DRIVE -STREET A- 23+50 TO 28+25



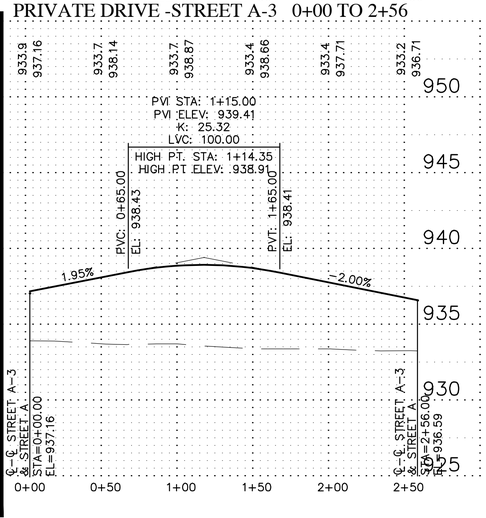

## PRIVATE DRIVE -STREET A-1 0+00 TO 2+56




## PRIVATE DRIVE -STREET A-2 0+00 TO 2+56




## PRIVATE DRIVE -STREET A-3 0+00 TO 2+56





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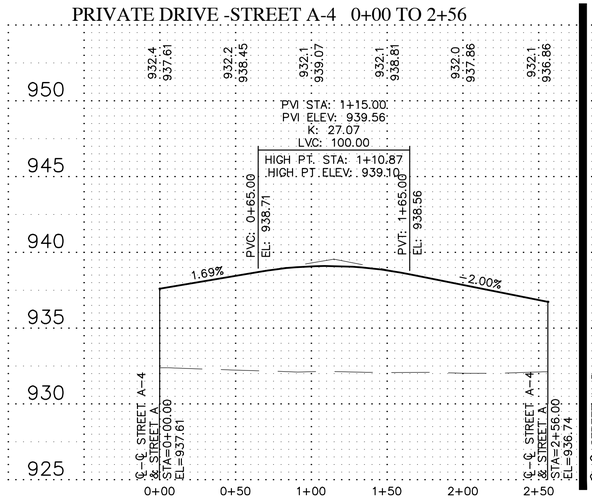
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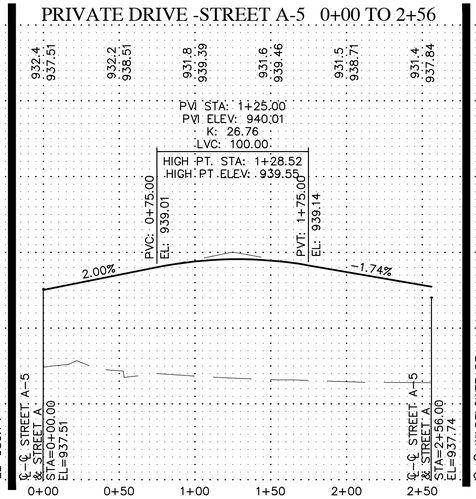


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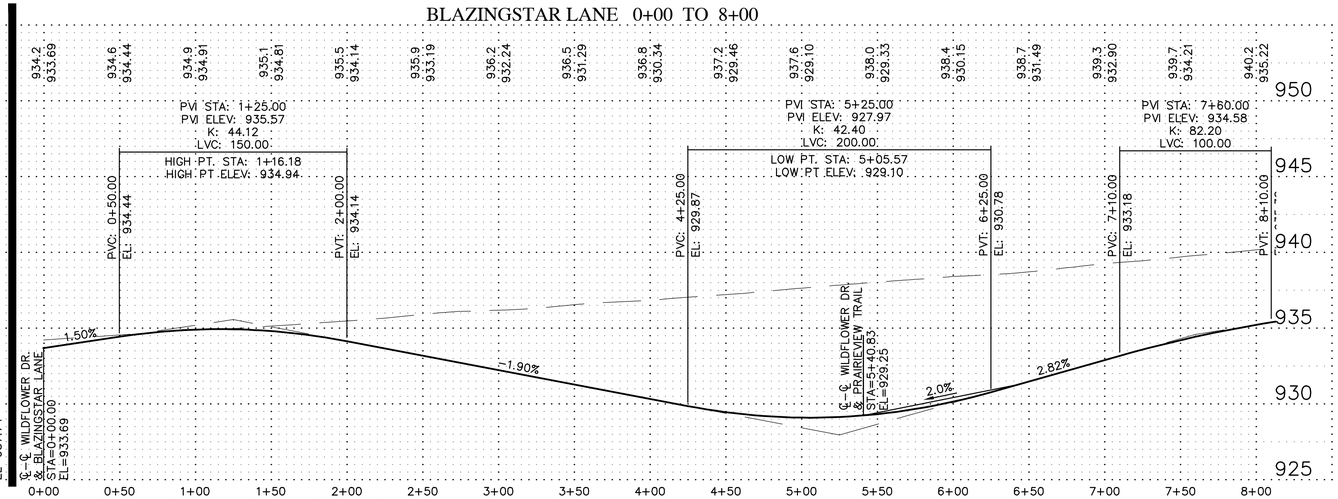
## PRIVATE DRIVE -STREET A-4 0+00 TO 2+56



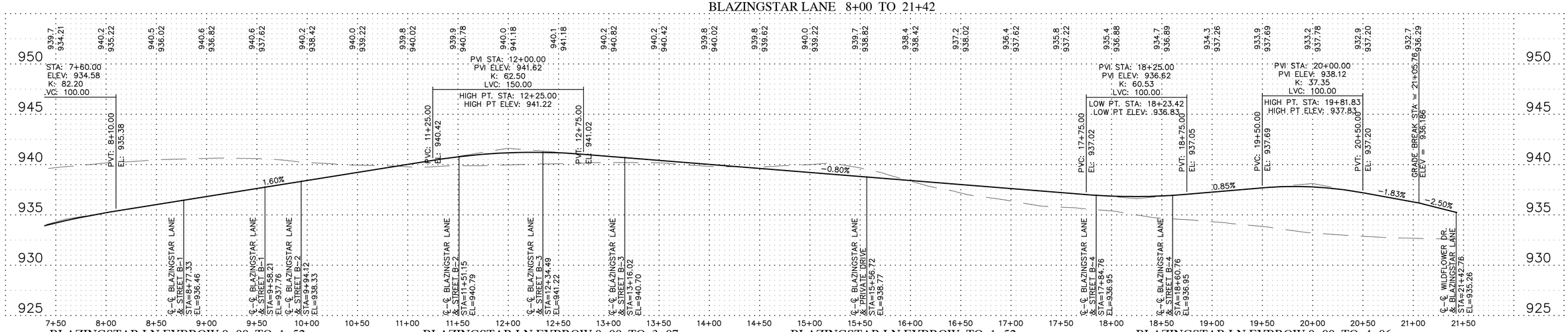

## PRIVATE DRIVE -STREET A-5 0+00 TO 2+56



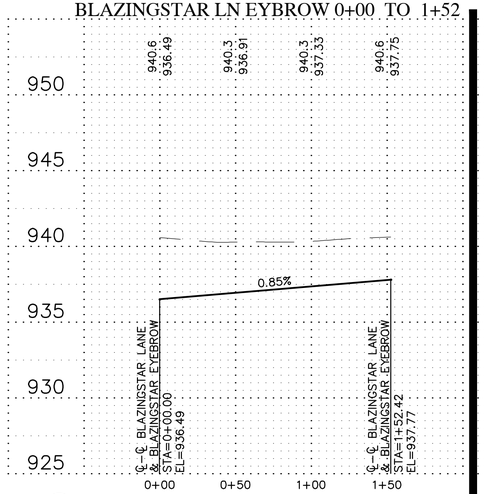

## BLAZINGSTAR LANE 0+00 TO 8+00



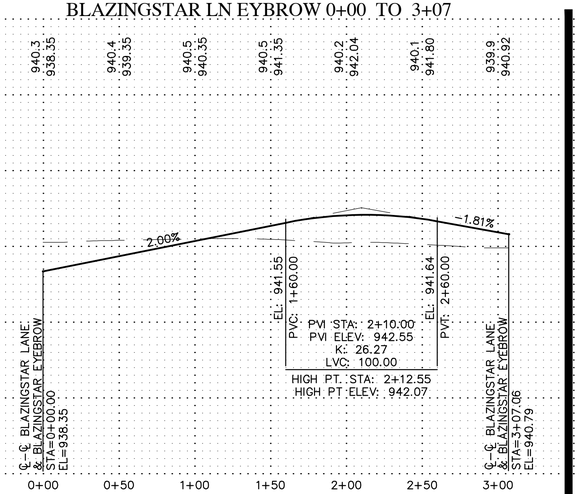

## BLAZINGSTAR LANE 8+00 TO 21+42



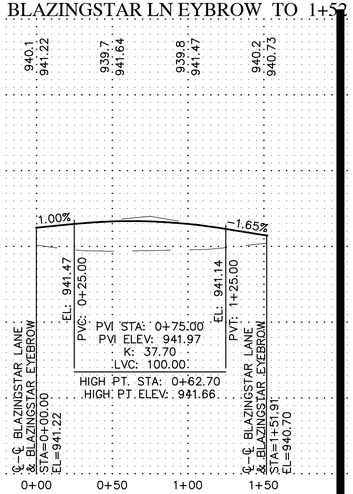

## BLAZINGSTAR LN EYBROW 0+00 TO 1+52



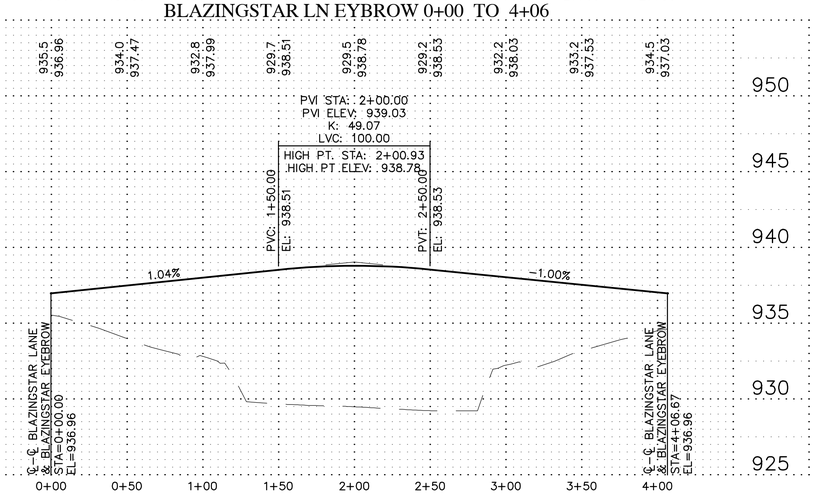

## BLAZINGSTAR LN EYBROW 0+00 TO 3+07




## BLAZINGSTAR LN EYBROW TO 1+52




## BLAZINGSTAR LN EYBROW 0+00 TO 4+06




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STREET PROFILES

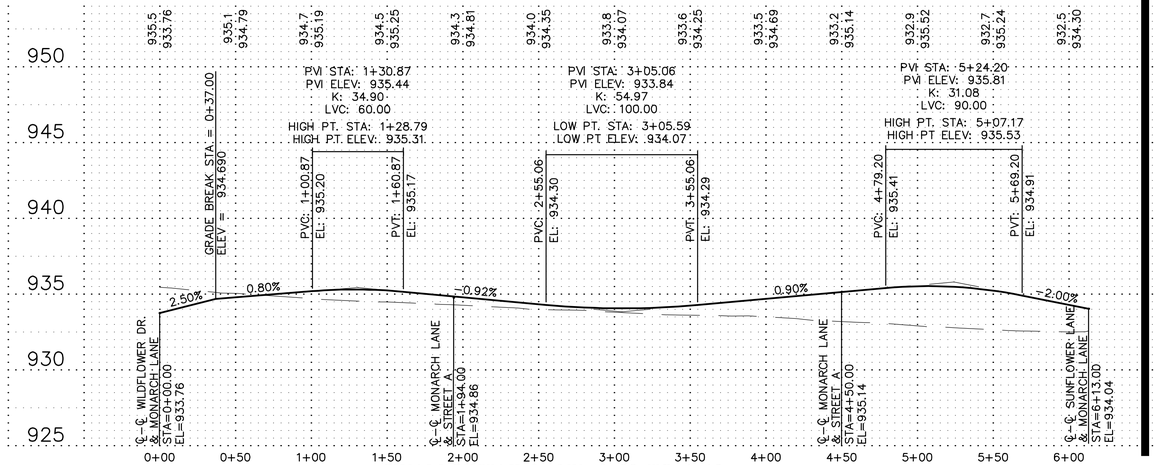
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MINNEAPOLIS, MINNESOTA 55437-1111

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LAKE ELMO, MINNESOTA

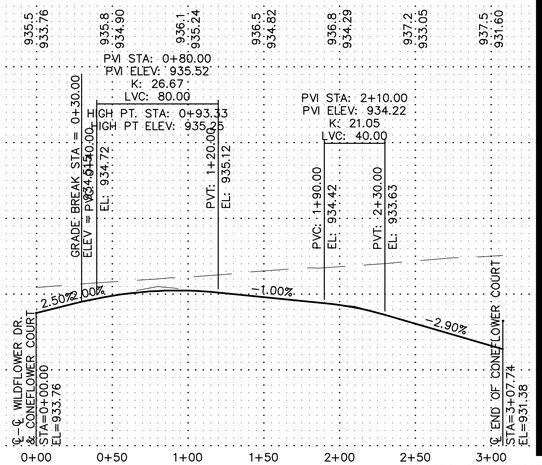


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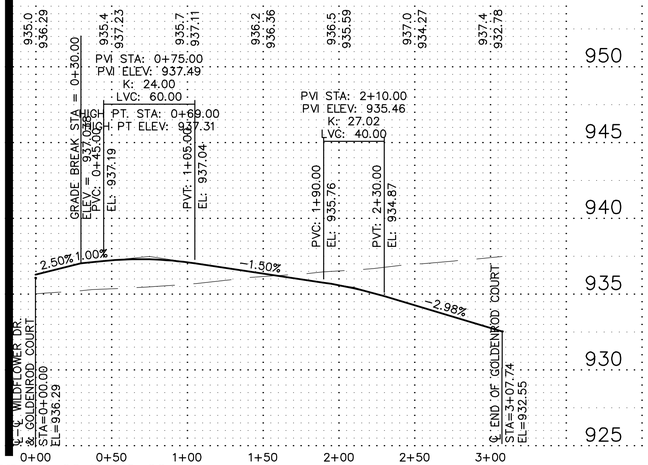
## MONARCH LANE 0+00 TO 6+13



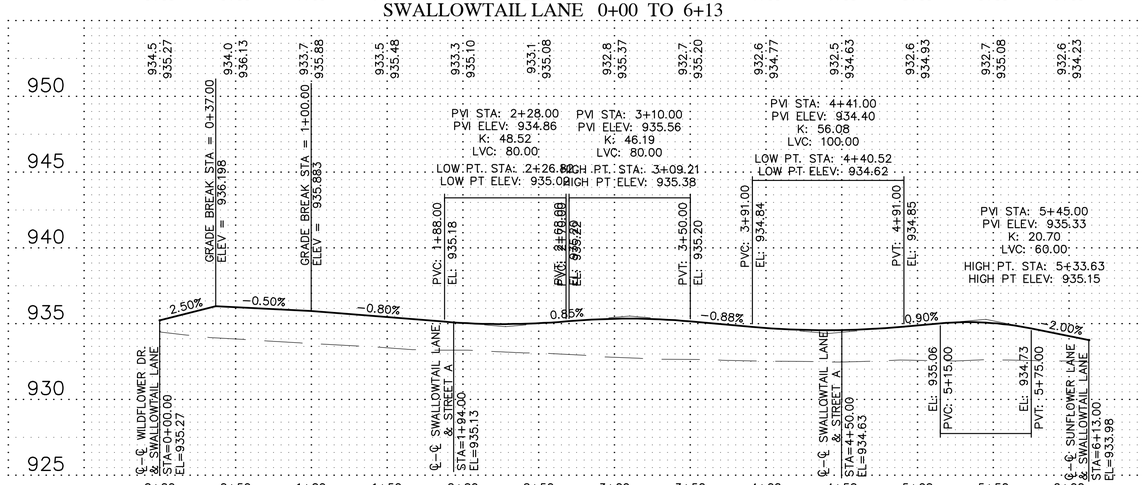

## CONEFLOWER COURT 0+00 TO 3+07



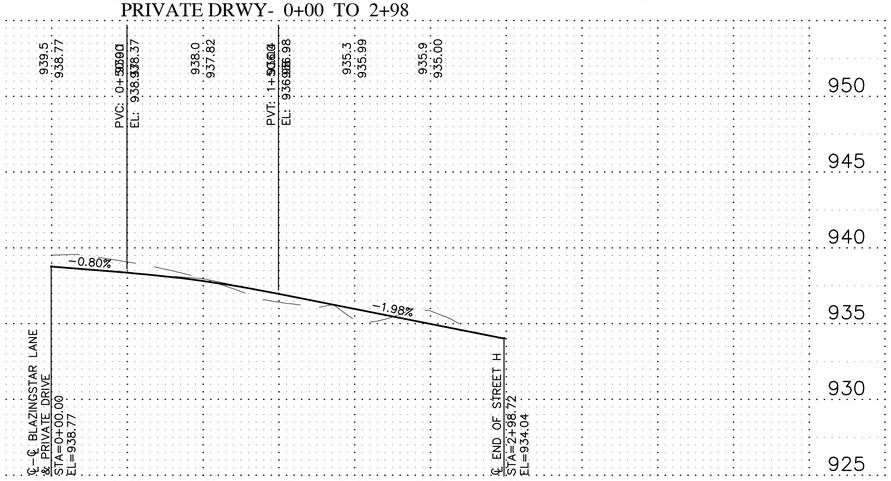

## GOLDENROD COURT 0+00 TO 3+07



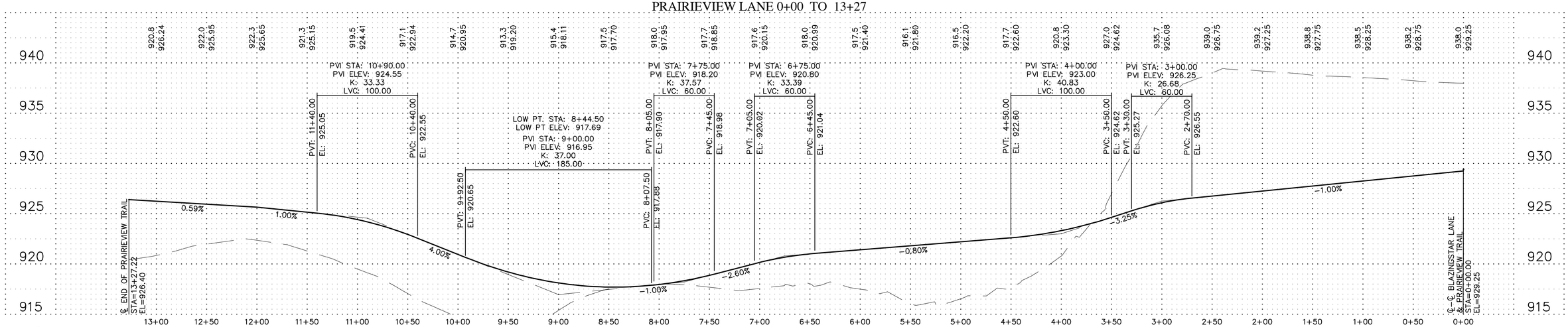

## SWALLOWTAIL LANE 0+00 TO 6+13




## PRIVATE DRWY- 0+00 TO 2+98




## PRAIRIEVIEW LANE 0+00 TO 13+27





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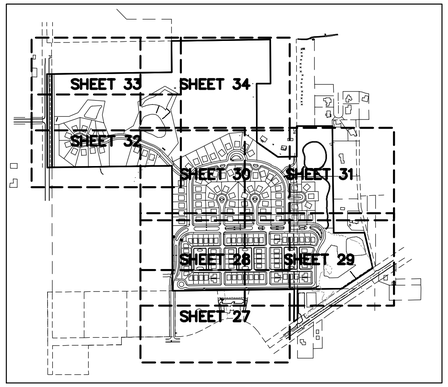
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WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA



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KEY

500' HYDRANT COVERAGE CIRCLE (TYP.)

GRAPHIC SCALE IN FEET
0 100 200 400

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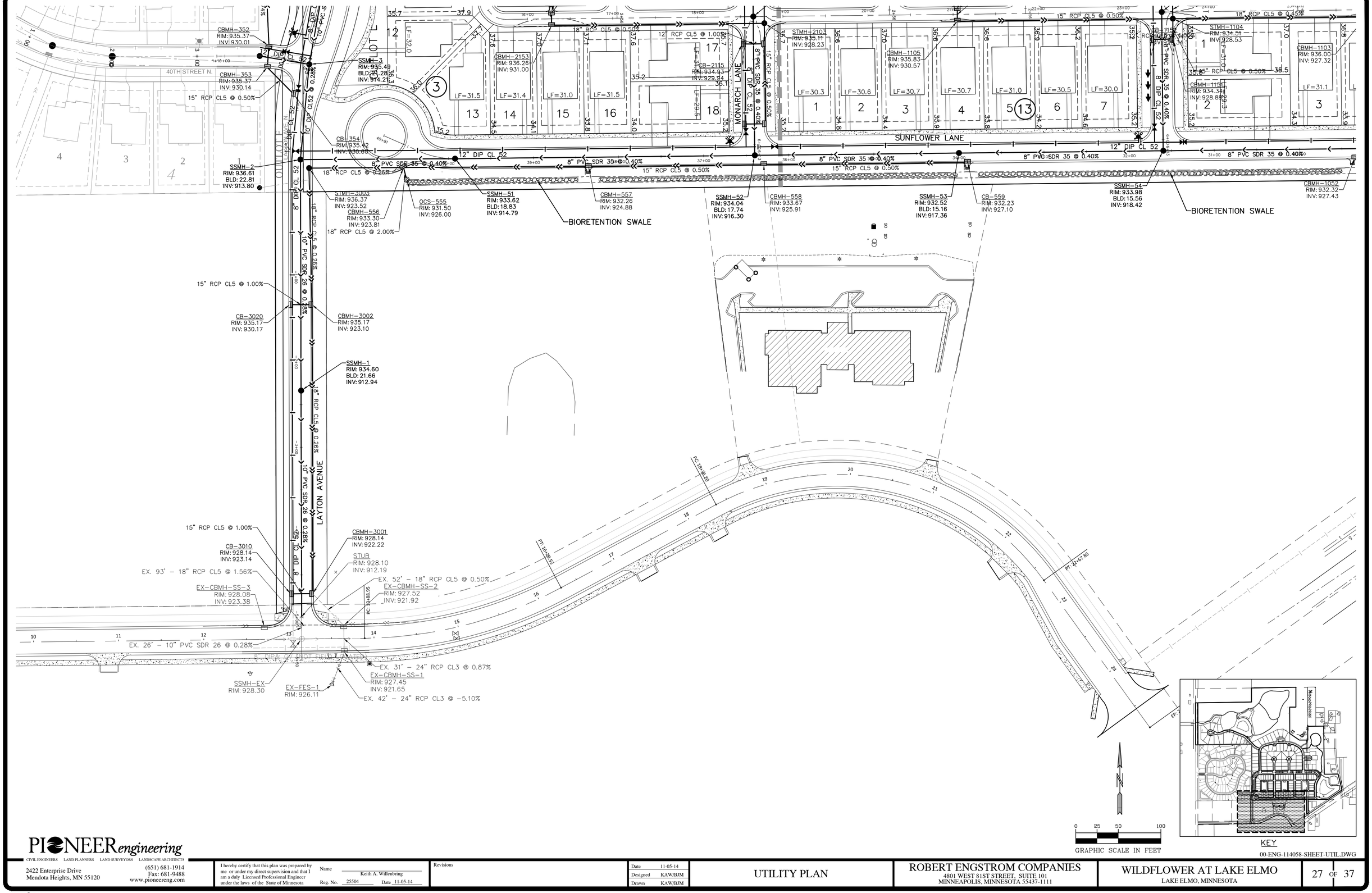
# UTILITY OVERALL PLAN

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WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

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LAKE ELMO, MINNESOTA

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OUTLOT D
OUTLOT K
OUTLOT E
OUTLOT M
OUTLOT O
WILDFLOWER DRIVE
CONEFLOWER COURT
GOLDENROD COURT
BLAZINGSTAR
MONARCH LANE
LAYTON AVENUE
SWALLOWTAIL LANE
SUNFLOWER LANE
40TH STREET N.
LAVERNE AVE N
8.5' BIT. TRAIL
8' CONC. SIDEWALK
1ST PHASE
2ND PHASE
3RD PHASE
4TH PHASE
5TH PHASE
R.G. OUTLET (TYP)
BIORETENTION SWALE
OUTLET DRIVE N.
OUTLET DRIVE S.
KEY

OCS-3A RIM: 931.67 INV: 926.00
SEE DETAIL SHEET 33
15" RCP CL5 @ -3.87%
FES-3A INV: 923.50
SSMH-6 RIM: 933.80 BLD: 17.94 INV: 915.86
SSMH-7 RIM: 934.51 BLD: 18.34 INV: 916.18
SSMH-8 RIM: 934.59 BLD: 17.39 INV: 917.20
CBMH-2033 RIM: 934.11 INV: 920.85
CB-2040 RIM: 934.03 INV: 929.03
STMH-2034 RIM: 934.08 INV: 921.23
CBMH-2035 RIM: 932.85 INV: 922.75
STMH-2036 RIM: 934.19 INV: 924.53
CB-2037 RIM: 933.00 INV: 928.00
CB-1306 RIM: 935.50 INV: 930.50
CBMH-1305 RIM: 935.10 INV: 929.79
CB-1321 RIM: 936.12 INV: 931.12
CB-302 RIM: 931.54 INV: 926.40
CBMH-2123 RIM: 936.37 INV: 931.11
CBMH-2121 RIM: 934.65 INV: 929.54
CBMH-2122 RIM: 934.83 INV: 929.72
CBMH-2101 RIM: 934.65 INV: 926.54
CBMH-1206 RIM: 936.36 INV: 931.07
SSMH-9 RIM: 937.11 BLD: 18.83 INV: 918.28
SSMH-72 RIM: 935.97 BLD: 11.12 INV: 924.85
CBMH-1251 RIM: 934.97 INV: 929.51
CB-1252 RIM: 934.97 INV: 929.97
STMH-1205 RIM: 935.17 INV: 929.09
SSMH-10 RIM: 936.10 BLD: 16.74 INV: 919.35
CBMH-1204 RIM: 936.74 INV: 927.74
FES-300 INV: 926.00
CBMH-301 RIM: 931.70 INV: 926.29
SSMH-5 RIM: 932.34 BLD: 16.96 INV: 915.38
CB-2125 RIM: 936.47 INV: 931.47
CB-1215 RIM: 936.46 INV: 931.43
FES-350 INV: 926.00
CBMH-355 RIM: 933.16 INV: 927.34
STMH-351 RIM: 931.91 INV: 926.07
CB-356 RIM: 933.01 INV: 928.01
SSMH-4 RIM: 934.29 BLD: 19.54 INV: 914.76
SSMH-62 RIM: 934.46 BLD: 11.50 INV: 922.96
CBMH-2102 RIM: 933.56 INV: 927.06
CB-2111 RIM: 933.56 INV: 928.59
CB-2155 RIM: 936.36 INV: 931.36
SSMH-61 RIM: 935.16 BLD: 13.16 INV: 922.00
CB-1115 RIM: 935.93 INV: 930.93
CB-1242 RIM: 934.59 INV: 929.63
CBMH-1241 RIM: 934.59 INV: 929.50
CB-1230 RIM: 936.84 INV: 931.84
CB-1142 RIM: 934.23 INV: 929.22
CBMH-1141 RIM: 934.23 INV: 928.89
SSMH-71 RIM: 934.63 BLD: 11.34 INV: 923.28
CBMH-352 RIM: 935.37 INV: 930.01
CBMH-353 RIM: 935.37 INV: 930.14
SSMH-3 RIM: 935.49 BLD: 20.28 INV: 914.21
CB-2153 RIM: 936.26 INV: 931.00
CB-2115 RIM: 934.93 INV: 929.94
STMH-2103 RIM: 935.11 INV: 928.23
CBMH-1105 RIM: 935.83 INV: 930.57
STMH-1104 RIM: 934.51 INV: 928.53
CBMH-1103 RIM: 936.00 INV: 927.32
CBMH-1152 RIM: 934.34 INV: 928.88
CB-354 RIM: 935.42 INV: 930.60
SSMH-2 RIM: 936.61 BLD: 22.81 INV: 913.80
STMH-3003 RIM: 936.37 INV: 923.52
CBMH-556 RIM: 933.30 INV: 923.81
OCS-555 RIM: 931.50 INV: 926.00
SSMH-51 RIM: 933.62 BLD: 18.83 INV: 914.79
CBMH-557 RIM: 932.26 INV: 924.88
SSMH-52 RIM: 934.04 BLD: 17.74 INV: 916.30
CBMH-558 RIM: 933.67 INV: 925.91
SSMH-53 RIM: 932.52 BLD: 15.16 INV: 917.36
CB-559 RIM: 932.23 INV: 927.10
SSMH-54 RIM: 933.98 BLD: 15.56 INV: 918.42
CBMH-1052 RIM: 932.32 INV: 927.43
CB-3020 RIM: 935.17
CBMH-3002 RIM: 935.17

0 25 50 100
GRAPHIC SCALE IN FEET

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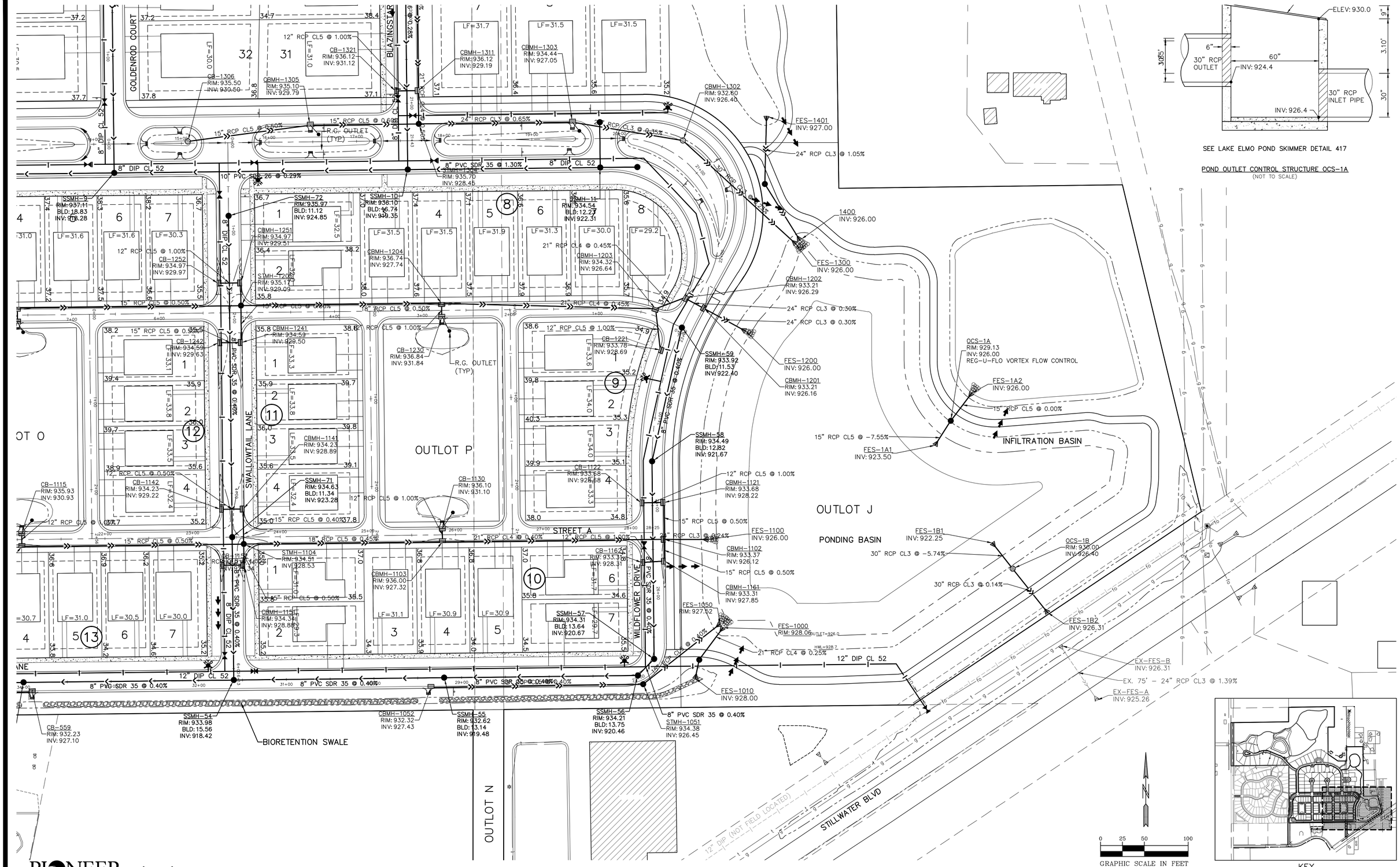
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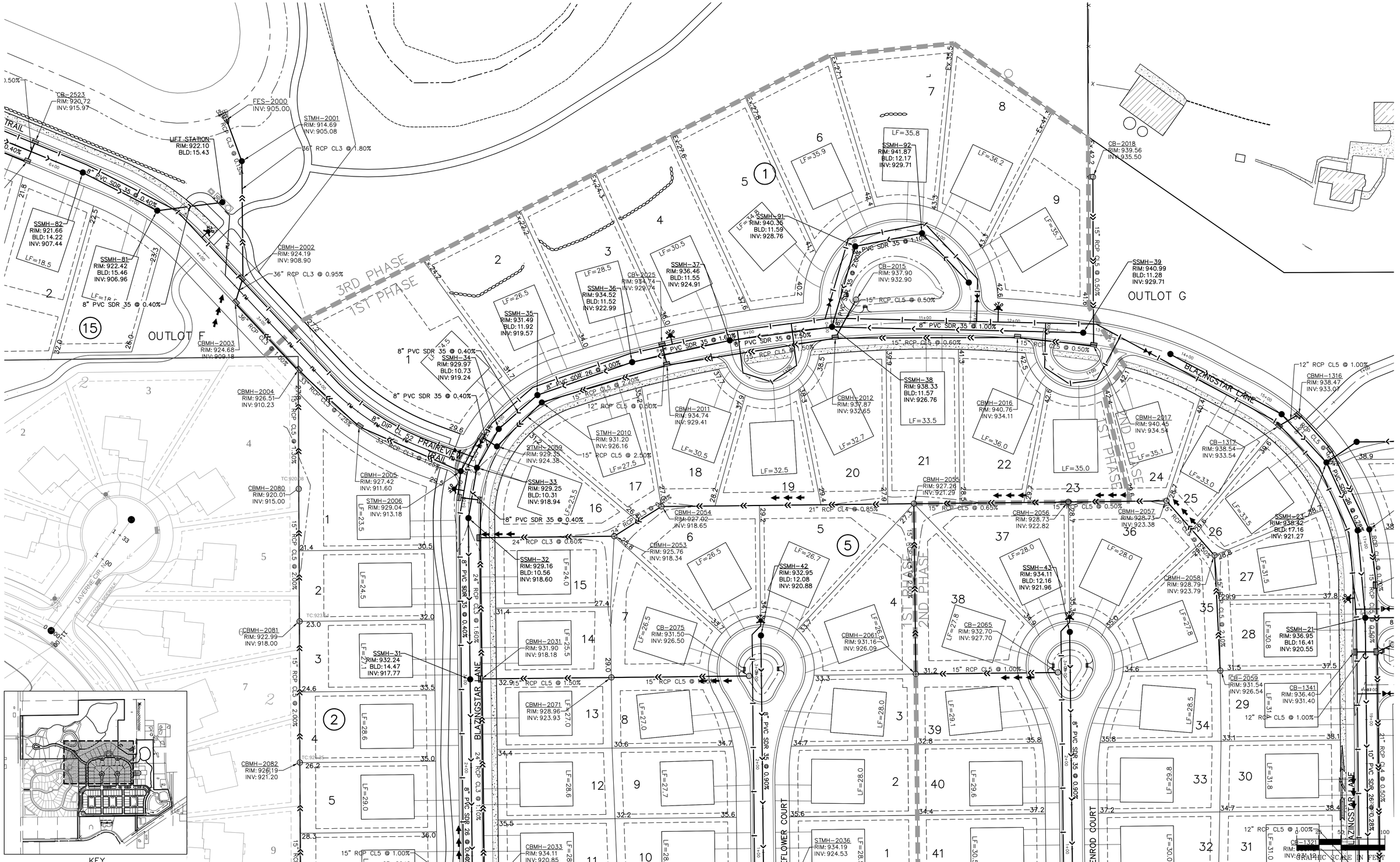
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| Designed | KAW/BJM |
| Drawn | KAW/BJM |

# UTILITY PLAN

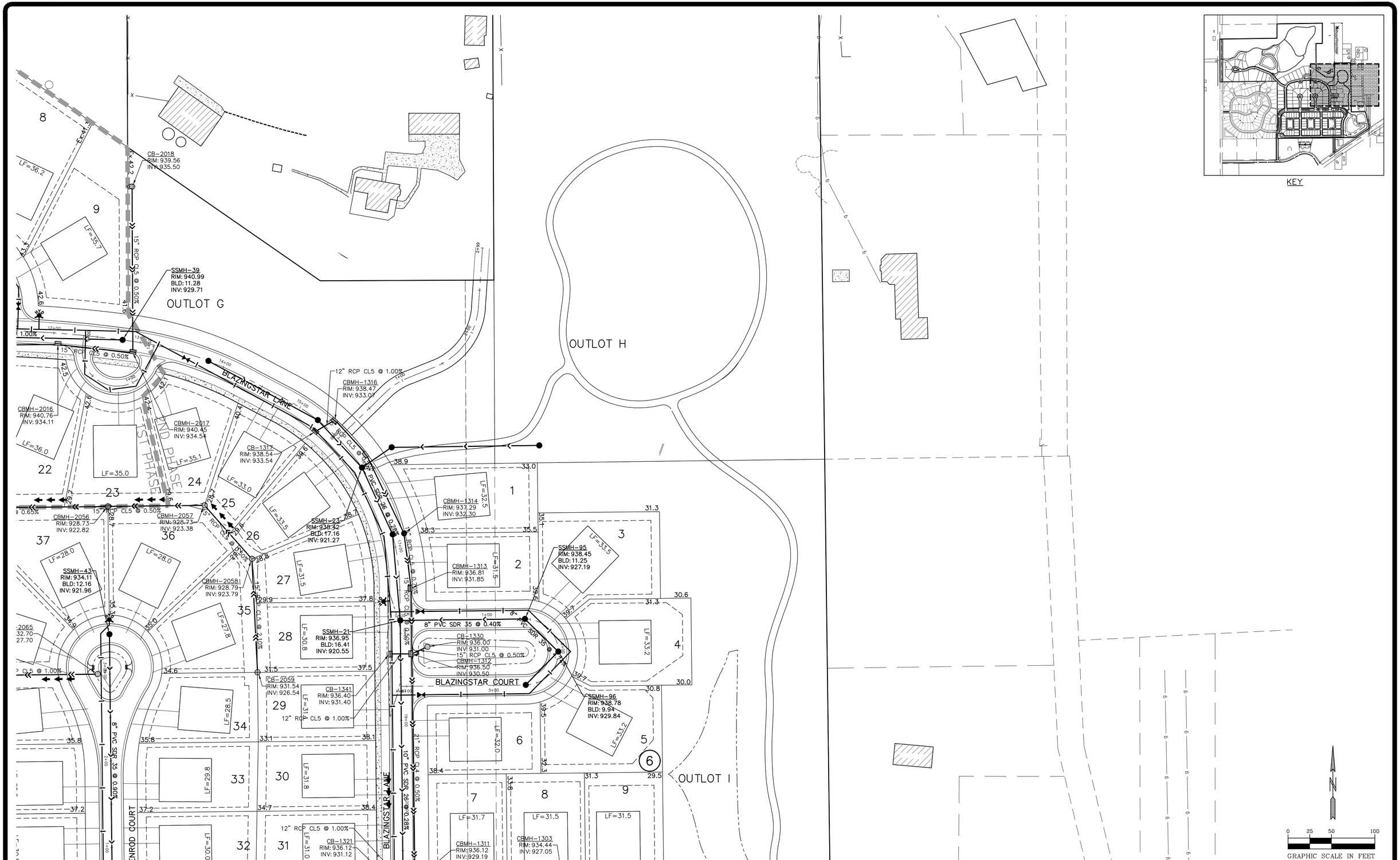
ROBERT ENGSTROM COMPANIES
4801 WEST 81ST STREET, SUITE 101
MINNEAPOLIS, MINNESOTA 55437-1111

WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

30 OF 37

00-ENG-114058-SHEET-UTIL.DWG

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2422 Enterprise Drive
Mendota Heights, MN 55120

(651) 681-1914
Fax: 681-9488
www.pioneereng.com

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Name: Keith A. Willenbring
Reg. No. 25504 Date 11-05-14

Revisions

| | |
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| Drawn | KAW/BJM |

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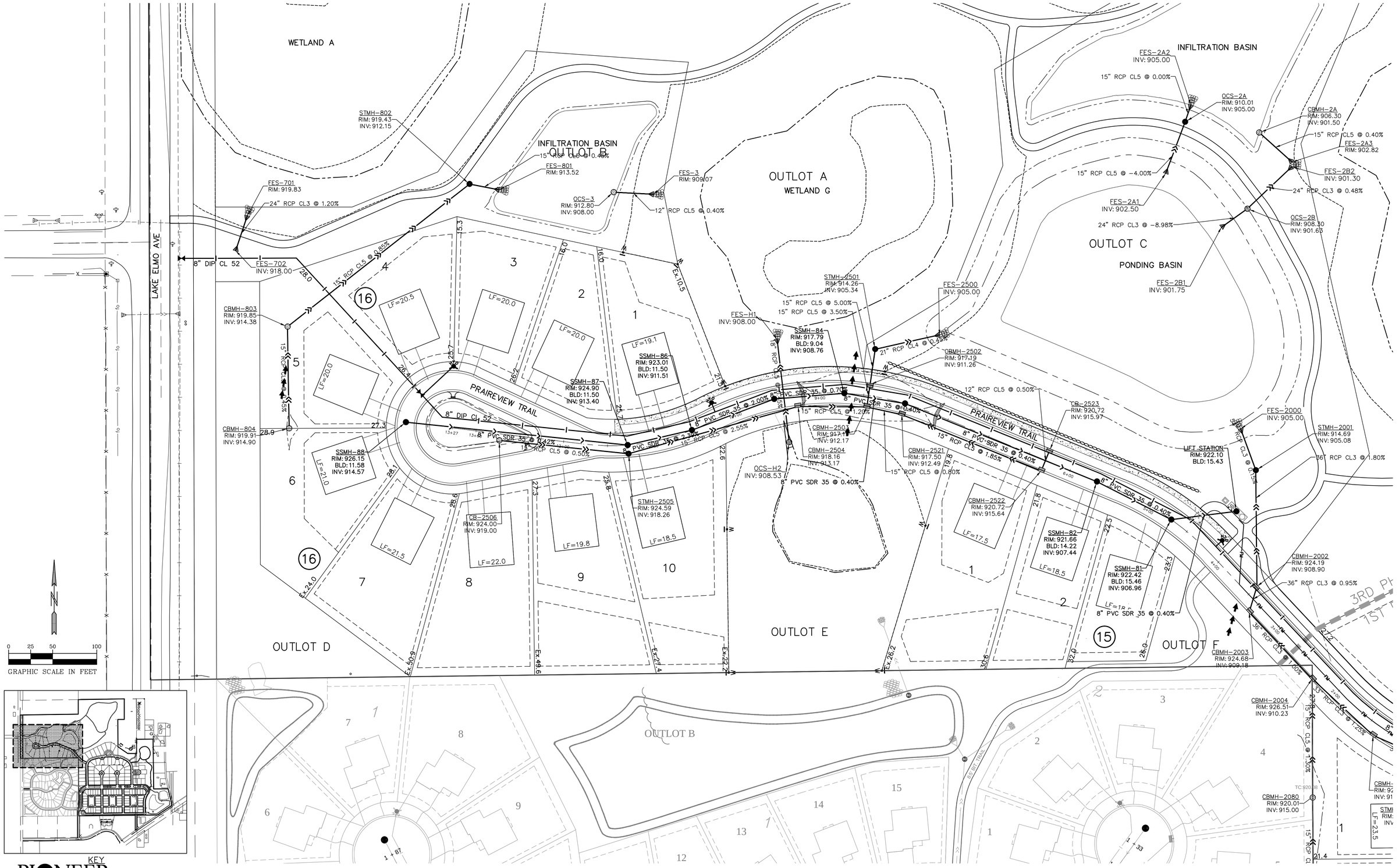
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WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

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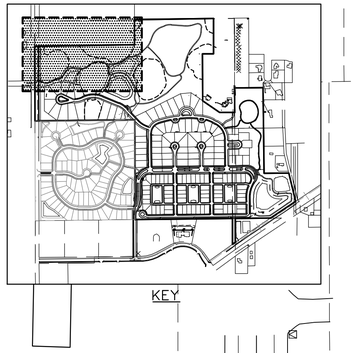
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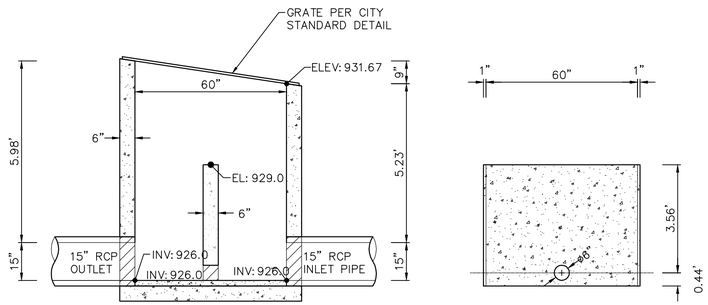
WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

32 OF 37

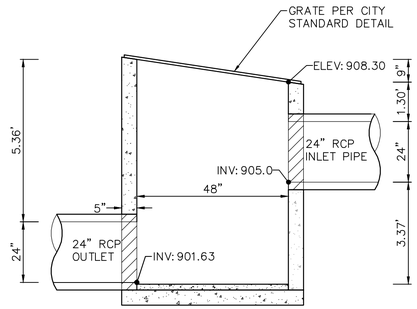
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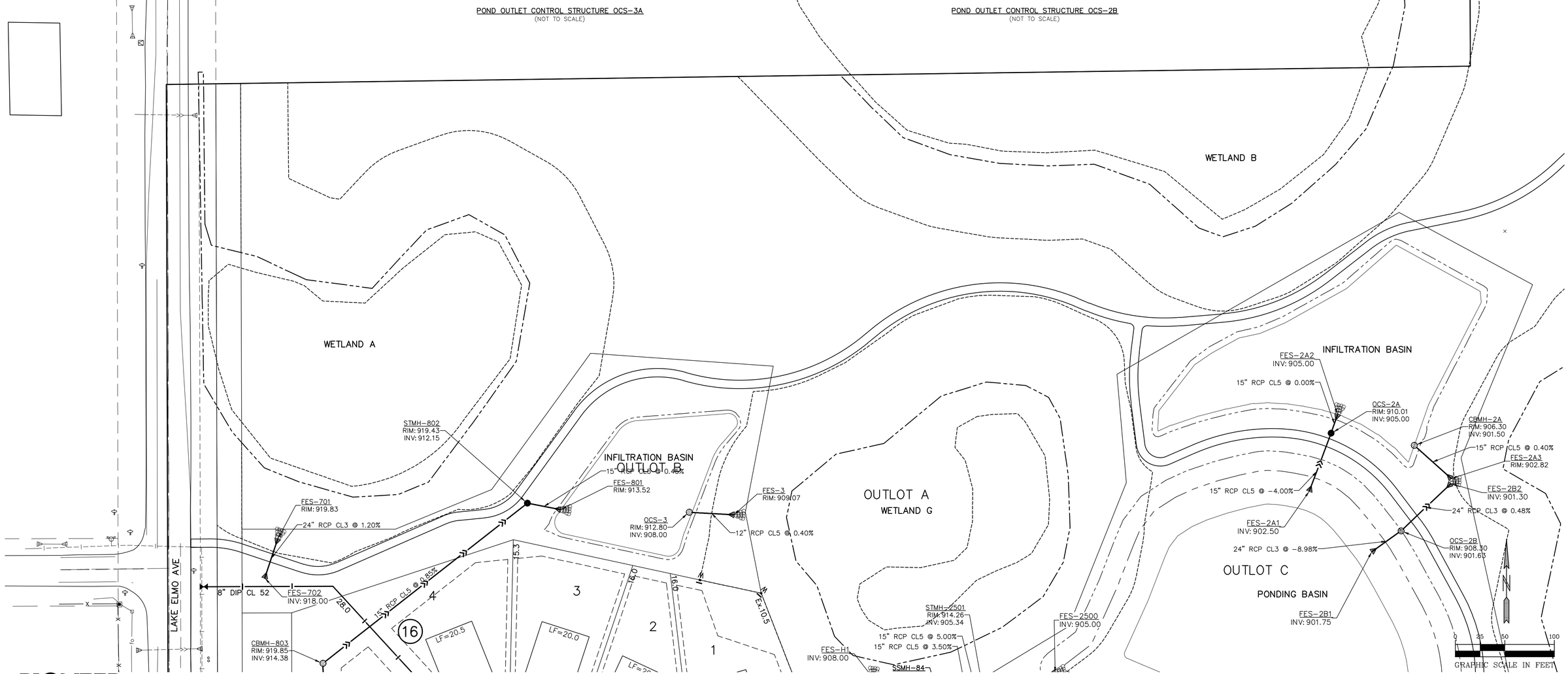



POND OUTLET CONTROL STRUCTURE OCS-3A
(NOT TO SCALE)




POND OUTLET CONTROL STRUCTURE OCS-2B
(NOT TO SCALE)




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LAKE ELMO, MINNESOTA

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WETLAND C

WETLAND D

WETLAND B

WETLAND E

INFILTRATION BASIN

FES-2A2
INV: 905.00

15" RCP CL5 @ 0.00%

OCS-2A
RIM: 910.01
INV: 905.00

CBMH-2A
RIM: 906.30
INV: 901.50

15" RCP CL5 @ 0.40%

FES-2A3
RIM: 902.82

FES-2B2
INV: 901.30

15" RCP CL5 @ -4.00%

24" RCP CL3 @ 0.48%

FES-2A1
INV: 902.50

OCS-2B
RIM: 908.30
INV: 901.63

24" RCP CL3 @ -8.98%

OUTLOT A

WETLAND F

OUTLOT C

PONDING BASIN

FES-2B1
INV: 901.75

0 25 50 100

GRAPHIC SCALE IN FEET

KEY

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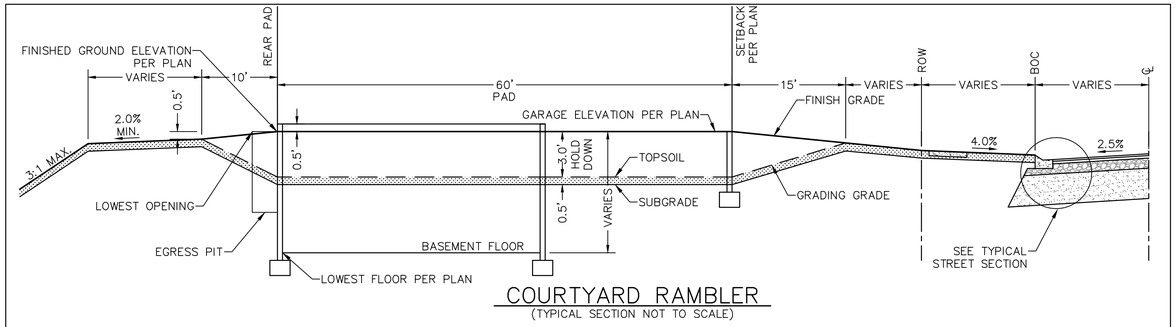
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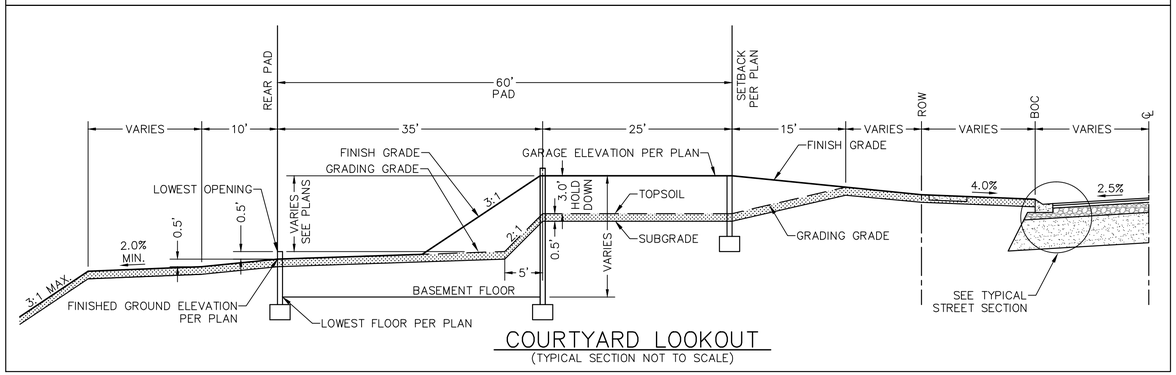
WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

34 OF 37

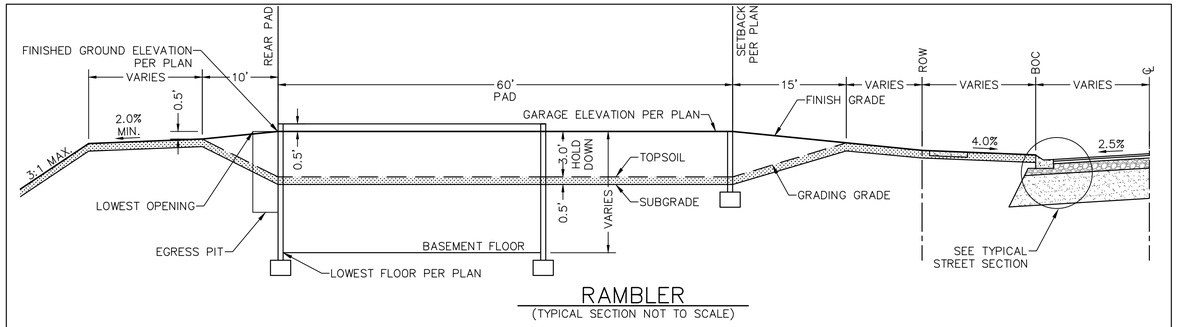
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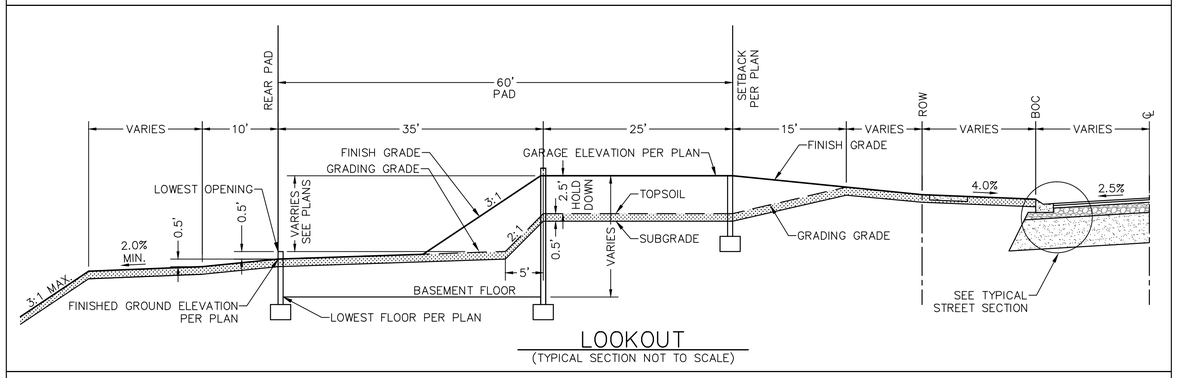

## COURTYARD RAMBLER
(TYPICAL SECTION NOT TO SCALE)



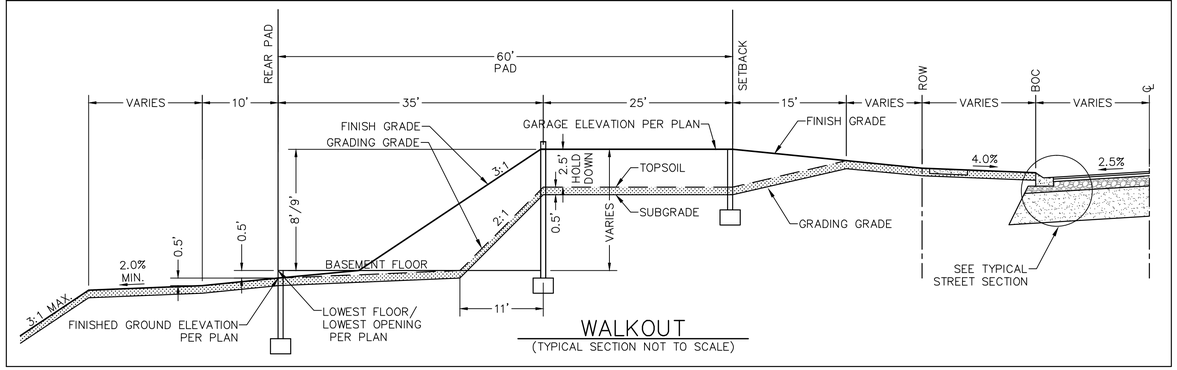

## COURTYARD LOOKOUT
(TYPICAL SECTION NOT TO SCALE)



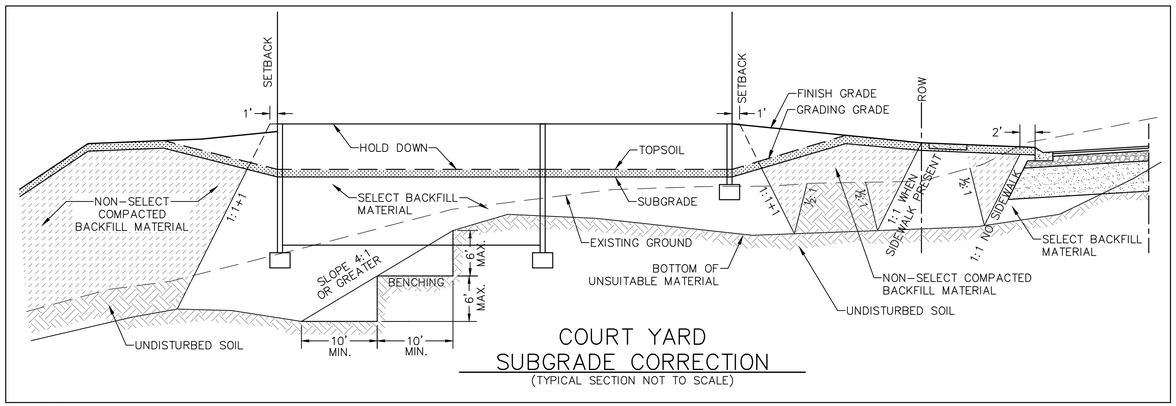

## RAMBLER
(TYPICAL SECTION NOT TO SCALE)



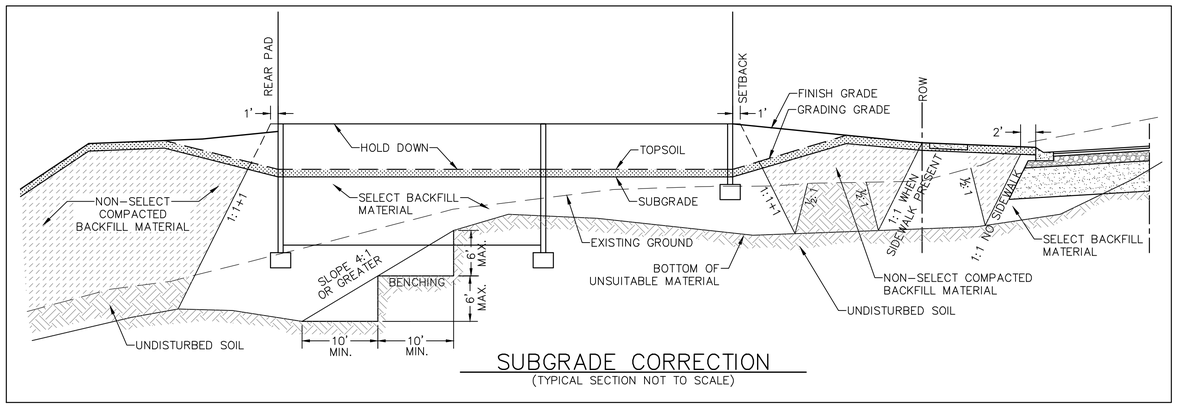

## LOOKOUT
(TYPICAL SECTION NOT TO SCALE)




## WALKOUT
(TYPICAL SECTION NOT TO SCALE)




## COURT YARD SUBGRADE CORRECTION
(TYPICAL SECTION NOT TO SCALE)




## SUBGRADE CORRECTION
(TYPICAL SECTION NOT TO SCALE)

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1. 02-04-15 City Comments

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DETAILS

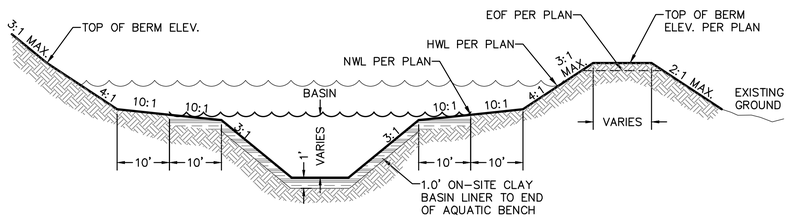
ROBERT ENGSTROM COMPANIES
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WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

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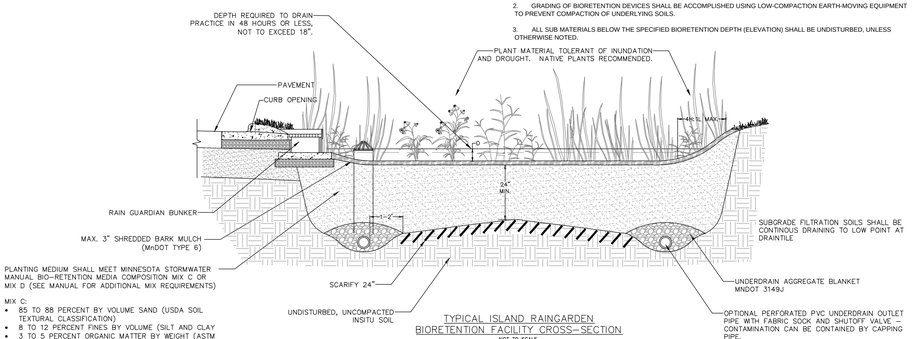

## STORM WATER BASIN BERM SECTION
(TYPICAL SECTION NOT TO SCALE)

**CONSTRUCTION SEQUENCING**

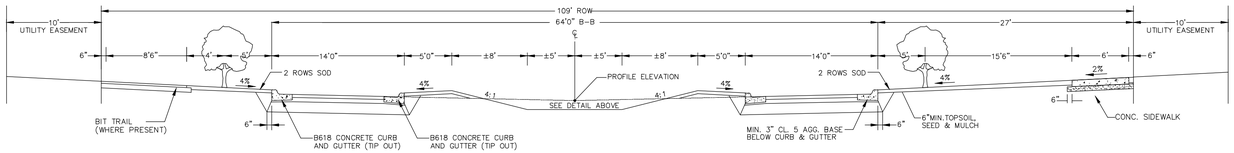
1. INSTALL SILT FENCE AND/OR OR OTHER APPROPRIATE TEMPORARY EROSION CONTROL DEVICES TO PREVENT SEDIMENT FROM LEAVING OR ENTERING THE PRACTICE DURING CONSTRUCTION.
2. ALL DOWN-GRADIENT PERIMETER SEDIMENT CONTROL BMP'S MUST BE IN PLACE BEFORE ANY UP GRADIENT LAND DISTURBING ACTIVITY BEGINS.
3. PERFORM CONTINUOUS INSPECTIONS OF EROSION CONTROL PRACTICES.
4. INSTALL UTILITIES (WATER, SANITARY SEWER, ELECTRIC, PHONE, FIBER OPTIC, ETC) PRIOR TO SETTING FINAL GRADE OF BIORETENTION DEVICE.
5. ROUGH GRADE THE SITE. IF BIORETENTION AREAS ARE BEING USED AS TEMPORARY SEDIMENT BASINS LEAVE A MINIMUM OF 3 FEET OF COVER OVER THE PRACTICE TO PROTECT THE UNDERLYING SOILS FROM CLOGGING.
6. PERFORM ALL OTHER SITE IMPROVEMENTS.
7. SEED AND MULCH ALL AREAS AFTER DISTURBANCE.
8. CONSTRUCT BIORETENTION DEVICE UPON STABILIZATION OF CONTRIBUTING DRAINAGE AREA.
9. IMPLEMENT TEMPORARY AND PERMENATE EROSION CONTROL PRACTICES.
10. PLANT AND MULCH BIORETENTION DEVICE.
11. REMOVE TEMPORARY EROSION CONTROL DEVICES AFTER THE CONTRIBUTING DRAINAGE AREA IS ADEQUATELY VEGETATED.

**GENERAL NOTES**

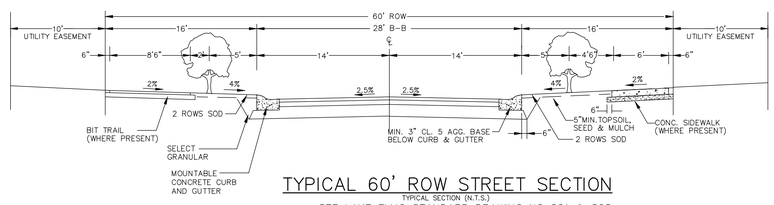
1. IN THE EVENT THAT SEDIMENT IS INTRODUCED INTO THE BMP DURING OR IMMEDIATELY FOLLOWING EXCAVATION, THIS MATERIAL SHALL BE REMOVED FROM THE PRACTICE PRIOR TO CONTINUING CONSTRUCTION.
2. GRADING OF BIORETENTION DEVICES SHALL BE ACCOMPLISHED USING LOW-COMPACTION EARTH-MOVING EQUIPMENT TO PREVENT COMPACTION OF UNDERLYING SOILS.
3. ALL SUB MATERIALS BELOW THE SPECIFIED BIORETENTION DEPTH (ELEVATION) SHALL BE UNDISTURBED, UNLESS OTHERWISE NOTED.



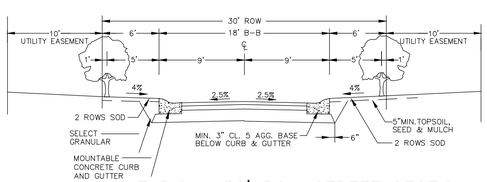

## TYPICAL ISLAND RAINGARDEN BIORETENTION FACILITY CROSS-SECTION
NOT TO SCALE



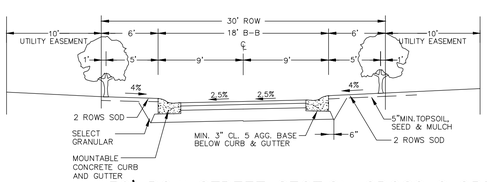

## WILDFLOWER DRIVE – 109' ROW STREET SECTION
TYPICAL SECTION (N.T.S.)
SEE LAKE ELMO STANDARD DRAWING NO 801 & 805




## TYPICAL 60' ROW STREET SECTION
TYPICAL SECTION (N.T.S.)
SEE LAKE ELMO STANDARD DRAWING NO 801 & 805




## TYPICAL 30' ROW STREET SECTION
TYPICAL SECTION (N.T.S.)
SEE LAKE ELMO STANDARD DRAWING NO 801 & 805



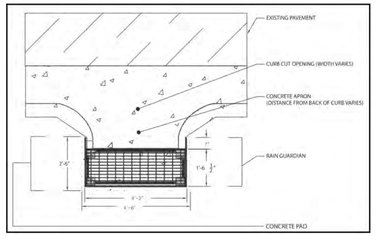

## 30' ROW STREET SECTION CROSS SLOPE
TYPICAL SECTION (N.T.S.)
SEE LAKE ELMO STANDARD DRAWING NO 801 & 805

**RAIN GUARDIAN**

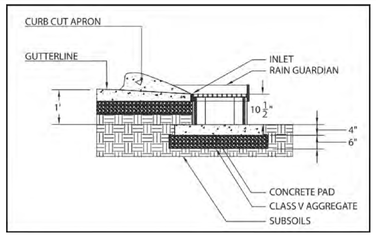
# BUNKER TYPICAL DETAIL

1318 MCKAY DR. NE, SUITE 300
HAM LAKE, MN 55304
(763) 434-2030 (M-F 8:00-4:30)
WWW.ANOKASWCD.ORG
ANOKA CONSERVATION DISTRICT

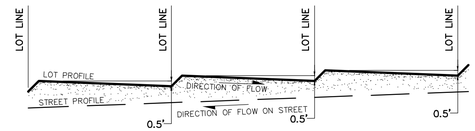
PLAN VIEW — PATENT PENDING



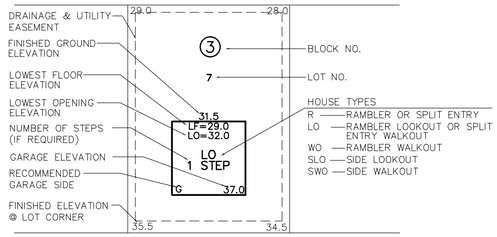

CROSS-SECTION VIEW — PATENT PENDING

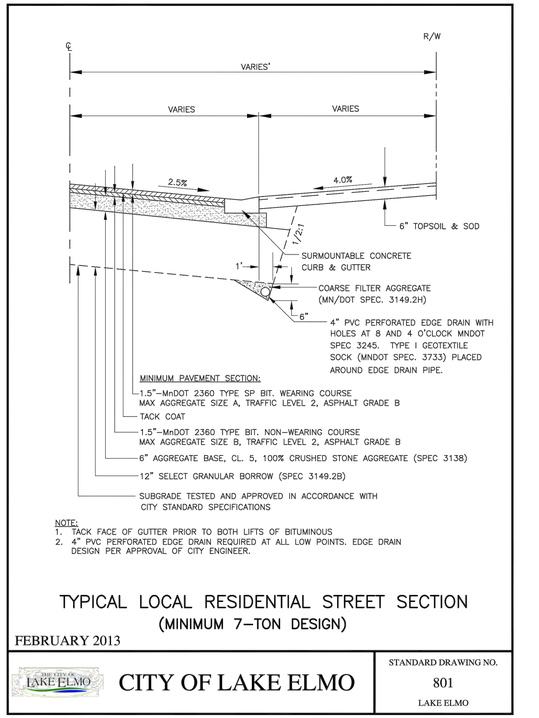



SLAB DIMENSIONS, DISTANCE FROM CURB, AND CHAMBER ELEVATION MAY VARY WITH SITE CONDITIONS. THE TOP OF THE METAL GRATE, HOWEVER, SHOULD BE 1.5" - 2" BELOW THE OVERFLOW ELEVATION AND THE CONCRETE SLAB SHOULD EXTEND WELL BEYOND THE FILTER WALL TO SERVE AS A SPLASH DISSIPATER.




## LOT BENCHING DETAIL
NO SCALE



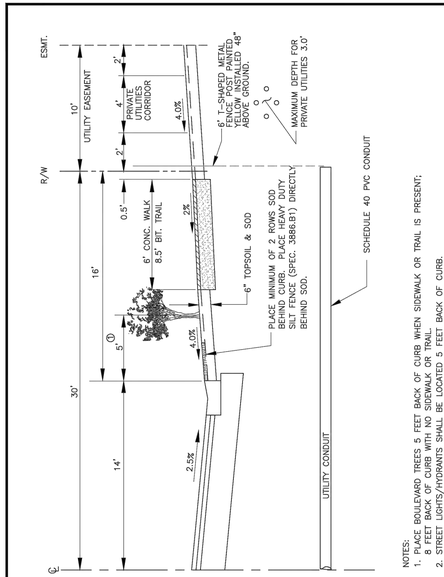




NOTE:
1. TACK FACE OF GUTTER PRIOR TO BOTH LIFTS OF BITUMINOUS
2. 4" PVC PERFORATED EDGE DRAIN REQUIRED AT ALL LOW POINTS. EDGE DRAIN DESIGN PER APPROVAL OF CITY ENGINEER.

## TYPICAL LOCAL RESIDENTIAL STREET SECTION
(MINIMUM 7-TON DESIGN)

FEBRUARY 2013

CITY OF LAKE ELMO — STANDARD DRAWING NO. 801 — LAKE ELMO




## TYPICAL RIGHT OF WAY LAYOUT

FEBRUARY 2013

CITY OF LAKE ELMO — STANDARD DRAWING NO. 805 — LAKE ELMO

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LAKE ELMO, MINNESOTA

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1. THE CONTRACTOR SHALL CONDUCT OPERATIONS AND IMPLEMENT MINNESOTA POLLUTION CONTROL AGENCY (MPCA) BEST MANAGEMENT PRACTICES (BMP) TO CONTROL SITE SILTATION AND EROSION INTO DRAINAGE WAYS. THE CONTRACTOR SHALL COMPLY WITH ALL CONDITIONS AND COMPLETION DATES RELATIVE TO ALL PERMITS ISSUED FOR THE WORK TO BE COMPLETED. THE ENGINEER MAY ISSUE A STOP WORK ORDER FOR ALL DEVELOPMENT WORK AND BUILDING CONSTRUCTION FOR NONCOMPLIANCE WITH THESE MEASURES.

2. SEQUENCING. ALL SILT FENCE AND OTHER EROSION CONTROL MEASURES SHALL BE IN PLACE AND APPROVED BY ENGINEER PRIOR TO ANY REMOVALS, EXCAVATION OR CONSTRUCTION AND SHALL BE MAINTAINED UNTIL VIABLE TURF OR GROUND COVER HAS BEEN ESTABLISHED AND APPROVED BY THE ENGINEER.

3. SILT FENCE. THE CONTRACTOR SHALL INSTALL SILT FENCE AT THE LOCATIONS SHOWN ON THE PLANS AND IN ACCORDANCE WITH THE CITY STANDARD DETAILS. SILT FENCE DAMS AND INTERIM SUMPS SHALL BE PLACED TO INTERCEPT SILT FROM CONCENTRATED RUNOFF FROM OPEN GRADED AREAS. ADDITIONAL SILT FENCE SHALL BE REQUIRED AS DIRECTED BY THE ENGINEER.

4. STOCKPILES. ALL STOCKPILE AREAS SHALL HAVE SILT FENCE OR SEDIMENT TRAPPING SYSTEMS PLACED AROUND THE ENTIRE PERIMETER.

5. INLET PROTECTION. THE CONTRACTOR SHALL INSTALL INLET PROTECTION ON ALL EXISTING STORM SEWER INLETS IN ACCORDANCE WITH THE CITY STANDARD DETAILS. INLET PROTECTION SHALL ALSO BE PROVIDED ON ALL PROPOSED STORM SEWER INLETS IMMEDIATELY FOLLOWING CONSTRUCTION OF THE INLET. INLET PROTECTION MUST BE INSTALLED IN A MANNER THAT WILL NOT IMPOUND WATER FOR EXTENDED PERIODS OF TIME OR IN A MANNER THAT PRESENTS A HAZARD TO VEHICULAR OR PEDESTRIAN TRAFFIC.

6. TEMPORARY SEDIMENT BASINS. THE CONTRACTOR SHALL INCORPORATE TEMPORARY SEDIMENT BASINS THROUGHOUT THE CONSTRUCTION SITE TO CAPTURE RUNOFF AND SLOW THE FLOW OF WATER AND ALLOW SEDIMENT TO SETTLE OUT. TEMPORARY SEDIMENT BASINS SHALL BE INSTALLED AS DIRECTED BY THE CITY ENGINEER.

7. ROCK CONSTRUCTION ENTRANCE. A ROCK ENTRANCE SHALL BE CONSTRUCTED AND MAINTAINED AS SHOWN ON THE PLAN TO REDUCE TRACKING OF SILT AND DIRT ONTO THE PUBLIC STREETS. A GEOTEXTILE FABRIC SHALL BE PLACED UNDERNEATH THE ROCK. THE ROCK SHALL BE PERIODICALLY REPLENISHED TO MAINTAIN THE INTENDED PERFORMANCE. MUD AND DEBRIS SHALL BE REMOVED OR SCRAPED FROM TIRES AND VEHICLE UNDERCARRIAGE PRIOR TO LEAVING THE SITE.

8. STREET SWEEPING. ALL STREETS USED FOR ACCESS TO THE SITE AND HAUL ROUTES USED FOR CONSTRUCTION EQUIPMENT AND MATERIAL SUPPLIES SHALL BE CLEANED AT THE END OF EACH WORKING DAY. THE CITY OR ENGINEER MAY ORDER ADDITIONAL SWEEPING OF THE STREETS AS DEEMED REQUIRED AT DEVELOPER/CONTRACTOR EXPENSE.

9. POSITIVE DRAINAGE AND PROTECTION. THE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE THROUGHOUT THE SITE AT ALL TIMES. LOW POINTS WITHIN AND ALONG ROADWAYS ARE EXPRESSLY PROHIBITED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR TEMPORARY DITCHES, PIPING OR OTHER MEANS TO FACILITATE PROPER DRAINAGE DURING CONSTRUCTION. TO PROTECT PREVIOUSLY GRADED AREAS FROM EROSION, WOOD FIBER BLANKET SHALL BE PLACED IMMEDIATELY ON STEEP SLOPES (1:3 OR GREATER) AND EMBANKMENTS, PERMANENT AND TEMPORARY PONDS, AND OUTLETS AND OVERFLOWS TO PROTECT THE COMPLETED GRADE AND MINIMIZE SILT IN THE RUNOFF.

## STANDARD PLAN NOTES

GRADING AND EROSION CONTROL PLANS

FEBRUARY 2013

CITY OF LAKE ELMO | STANDARD DRAWING NO. 600A | LAKE ELMO

10. DRAINAGE DITCHES. THE NORMAL WETTED PERIMETER OF ANY TEMPORARY OR PERMANENT DRAINAGE DITCH OR SWALE THAT DRAINS WATER FROM ANY PORTION OF THE CONSTRUCTION SITE, OR DIVERTS WATER AROUND THE SITE, MUST BE STABILIZED WITHIN 200 LINEAL FEET FROM THE PROPERTY EDGE, OR FROM THE POINT OF DISCHARGE INTO ANY SURFACE WATER. STABILIZATION OF THE LAST 200 LINEAL FEET MUST BE COMPLETED WITHIN 24 HOURS AFTER CONNECTING TO A SURFACE WATER. STABILIZATION OF THE REMAINING PORTIONS OF ANY TEMPORARY OR PERMANENT DITCHES OR SWALES MUST BE COMPLETE WITHIN 14 DAYS AFTER CONNECTING TO A SURFACE WATER AND CONSTRUCTION IN THAT PORTION OF THE DITCH HAS TEMPORARILY OR PERMANENTLY CEASED. TEMPORARY OR PERMANENT DITCHES OR SWALES THAT ARE BEING USED AS A SEDIMENT CONTAINMENT SYSTEM (WITH PROPERLY DESIGNED ROCK DITCH CHECKS, BIO ROLLS, SILT DIKES, ETC.) DO NOT NEED TO BE STABILIZED. THESE AREAS MUST BE STABILIZED WITHIN 24 HOURS AFTER NO LONGER BEING USED AS A SEDIMENT CONTAINMENT SYSTEM.

11. TURF ESTABLISHMENT. ALL EXPOSED SOIL AREAS MUST BE STABILIZED AS SOON AS POSSIBLE TO LIMIT SOIL EROSION BUT IN NO CASE LATER THAN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED.

12. MAINTENANCE AND INSPECTION. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION AND UNTIL SATISFACTORY ESTABLISHMENT OF PERMANENT GROUND COVER IS OBTAINED. ALL EROSION AND SEDIMENTATION CONTROL MEASURES, AND STORMWATER OUTFALLS MUST BE BE INSPECTED WEEKLY, AND WITHIN 24 HOURS OF THE SITE RECEIVING 0.5 INCHES OF RAIN. REPAIRS MUST BE MADE ON THE SAME DAY OR FOLLOWING DAY OF THE INSPECTION. UNSATISFACTORY CONDITIONS NOT REPAIRED OR CLEANED UP WITHIN 48–HOURS OF NOTIFICATION SHALL RESULT IN A STOP WORK ORDER, AND/OR SAID WORK SHALL BE COMPLETED AT CONTRACTOR'S EXPENSE.

13. REMOVAL. THE CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL TEMPORARY EROSION CONTROL MEASURES, STRUCTURES AND DEVICES ONLY AFTER RECEIVING ENGINEER APPROVAL. ALL DEBRIS, STAKES, AND SILTS ALONG SILT FENCES SHALL BE REMOVED AND DISPOSED OFF SITE. THE CONTRACTOR SHALL HAND RAKE SILTED AREAS ALONG THE FENCE LOCATIONS TO PROVIDE A SMOOTH FINAL GRADE AND SHALL RESTORE THE GROUND SURFACE WITH SEED OR SOD, AS REQUIRED, TO MATCH THE FINISHED GRADE TO THE ADJACENT AREA.

14. FINAL STORM SEWER SYSTEM. AT THE COMPLETION OF THE WORK AND BEFORE THE FINAL WALK THROUGH, THE CONTRACTOR SHALL REMOVE STORM SEWER INLET PROTECTION MEASURES AND THOROUGHLY FLUSH THE STORM SEWER SYSTEM. SEDIMENT AND DEBRIS SHALL BE COMPLETELY REMOVED AND CLEANED AT THE INLETS, OUTLETS, AND DOWNSTREAM OF EACH OUTLET. RIPRAP AND GEOTEXTILE FABRIC MAY REQUIRE REPLACEMENT AS DIRECTED BY THE ENGINEER TO OBTAIN A LIKE NEW INSTALLATION ACCEPTABLE TO THE CITY.

15. DITCH CHECK (BIOROLL BLANKET SYSTEM). BIOROLL AND BLANKET SYSTEMS SHALL BE BE INSTALLED AS DITCH CHECKS ONLY IN SPECIFIED LOCATIONS AS APPROVED BY THE CITY ENGINEER. BIOROLLS ARE NOT TO BE UTILIZED IN AREAS WHERE VEHICLE AND CONSTRUCTION TRAFFIC OCCUR.

## STANDARD PLAN NOTES

GRADING AND EROSION CONTOL PLANS

FEBRUARY 2013

CITY OF LAKE ELMO | STANDARD DRAWING NO. 600B | LAKE ELMO

16. FLOTATION SILT CURTAIN. FLOTATION SILT CURTAIN SHALL BE UTILIZED WHEN CONSTRUCTION ACTIVITIES OCCUR DIRECTLY ADJACENT TO LAKES, STREAMS OR WETLANDS IN ORDER TO CONTAIN SEDIMENTS NEAR THE BANKS OF WORKING AREAS. THE INSTALLATION OF FLOTATION SILT CURTAINS WILL BE REQUIRED AS DIRECTED BY THE CITY ENGINEER.

17. CONCRETE WASHOUT ONSITE. ALL LIQUID AND SOLID WASTES GENERATED BY CONCRETE WASHOUT OPERATIONS MUST BE CONTAINED IN A LEAK–PROOF CONTAINMENT FACILITY OR IMPERMEABLE LINER. A COMPACTED CLAY LINER THAT DOES NOT ALLOW WASHOUT LIQUIDS TO ENTER GROUND WATER IS CONSIDERED AN IMPERMEABLE LINER. THE LIQUID AND SOLID WASTES MUST NOT CONTACT THE GROUND, AND THERE MUST NOT BE RUNOFF FROM THE CONCRETE WASHOUT OPERATIONS OR AREAS. LIQUID AND SOLID WASTES MUST BE DISPOSED OF PROPERLY AND IN COMPLIANCE WITH MPCA REGULATIONS. A SIGN MUST BE INSTALLED ADJACENT TO EACH WASHOUT FACILITY TO INFORM CONCRETE EQUIPMENT OPERATORS TO UTILIZE THE PROPER FACILITIES.

## STANDARD PLAN NOTES

GRADING AND EROSION CONTOL PLANS

FEBRUARY 2013

CITY OF LAKE ELMO | STANDARD DRAWING NO. 600C | LAKE ELMO

1. RESTORE ALL DISTURBED AREAS WITH 6 INCHES OF TOPSOIL CONFORMING TO MNDOT 3877.

2. PROTECT ALL STORM SEWER INLETS AS SPECIFIED HEREIN AND MAINTAIN UNTIL STREET CONSTRUCTION IS COMPLETED.

3. MAINTAIN ALL SILT FENCE AND REPAIR OR REPLACE AS NEEDED OR REQUIRED UNTIL TURF HAS BEEN ESTABLISHED.

4. RESTORATION WORK SHALL BEGIN WITHIN 7 DAYS OF FINAL GRADING.

5. A MINIMUM OF 2 ROWS OF SOD SHALL BE PLACED ADJACENT TO THE BACK OF CURBS ALONG ALL BOULEVARDS. SILT FENCE SHALL BE PLACED DIRECTLY BEHIND THE SOD IN ACCORDANCE WITH THE CITY STANDARD DETAILS.

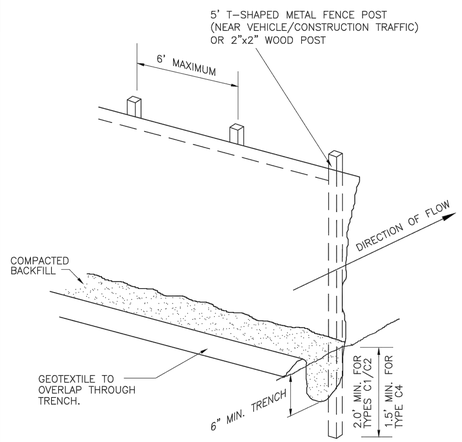
6. BOULEVARD AND DITCH RESTORATION INCLUDES FINE GRADING, WHICH INCLUDES THE REMOVAL OF ROCKS, DEBRIS AND SOIL CHUNKS, WHILE MAINTAINING POSITIVE DRAINAGE.

## STANDARD PLAN NOTES

SITE RESTORATION PLANS

FEBRUARY 2013

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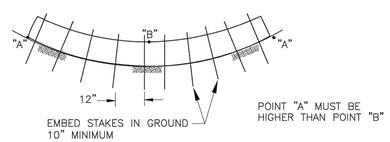



NOTE : –SILT FENCE INSTALLATION SHALL CONFORM TO MNDOT2573.3, TYPE C1/C2 NEAR VEHICLE/CONSTRUCTION TRAFFIC, TYPE C4 AT ALL OTHER LOCATIONS.
–MATERIALS SHALL CONFORM TO MNDOT 3886.

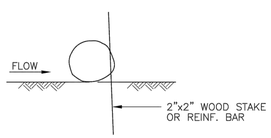
## SILT FENCE

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DITCH SECTION



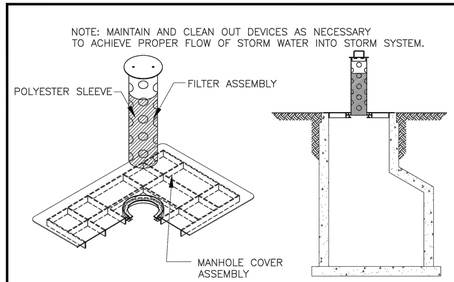

FIBER ROLL SECTION

NOTE:
STAKE TO BE INSTALLED AT AN ANGLE OF APPROXIMATELY 45° ON THE DOWNSTREAM SIDE OF THE FIBER ROLL. ENSURE THAT STAKE DOES NOT PUSH DOWN THE FIBER ROLL FROM ITS FULL HEIGHT.

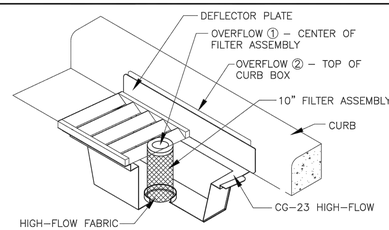
## DITCH CHECK (FIBER ROLL)

FEBRUARY 2013

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WIMCO RD–23 OR APPROVED EQUAL

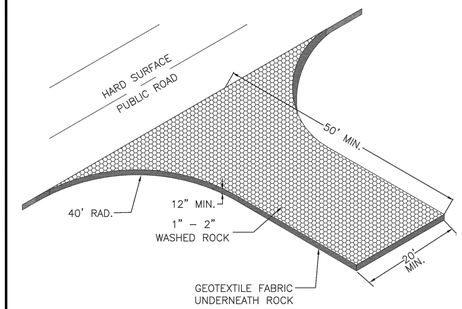



WIMCO CG–23 HIGH–FLOW OR APPROVED EQUAL

## SEDIMENT CONTROL AROUND STORM SEWER INLET

FEBRUARY 2013

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NOTES:

① MAXIMUM WIDTH OF CONSTRUCTION ENTRANCE IS 24 FEET.

② A MNDOT 3733 TYPE V GEOTEXTILE FABRIC SHALL BE USED UNDER THE ROCK TO PREVENT MIGRATION OF THE UNDERLYING SOIL INTO THE STONE.

③ CONSTRUCTION ENTRANCE IS REQUIRED FOR ALL NEW HOME CONSTRUCTION AND NEW STREET CONSTRUCTION.

④ CONSTRUCTION ENTRANCE SHALL BE MAINTAINED TO PREVENT TRACKING OF MUD ONTO ROADWAYS THAT ADJOIN THE PROJECT. THIS WILL REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL ROCK OR REMOVAL AND REINSTALLATION OF THE ROCK ENTRANCE.

⑤ REMOVE MUD AND DEBRIS FROM TIRES AND VEHICLE UNDERCARRIAGE PRIOR TO LEAVING THE SITE.

## ROCK CONSTRUCTION ENTRANCE

FEBRUARY 2013

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I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Name: Keith A. Willenbring
Reg. No. 25504 Date 11-05-14

Revisions
1. 02-04-15 City Comments

| | |
|---|---|
| Date | 11-05-14 |
| Designed | KAW/BJM |
| Drawn | KAW/BJM |

CITY DETAILS

ROBERT ENGSTROM COMPANIES
4801 WEST 81ST STREET, SUITE 101
MINNEAPOLIS, MINNESOTA 55437-1111

WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

00-ENG-114058-SHEET-GRAD-DTLS



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## LANDSCAPE NOTES

– THE LANDSCAPE CONTRACTOR SHALL VISIT THE PROJECT SITE TO BECOME FAMILIAR WITH THE EXISTING CONDITIONS PRIOR TO SUBMITTING A BID.

– THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT OF PROPOSED PHYSICAL START DATE AT LEAST 7 DAYS IN ADVANCE.

– THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FIELD VERIFICATION OF ALL EXISTING UTILITY LOCATIONS ON THE PROJECT SITE WITH GOPHER STATE ONE CALL 1–800–252–1166 PRIOR TO COMMENCING WORK. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF EXISTING UTILITIES DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER. NOTIFY THE LANDSCAPE ARCHITECT OF ANY CONFLICTS TO FACILITATE PLANT RELOCATION.

– GRADING TO BE PERFORMED BY OTHERS.

– NO PLANT MATERIAL SHALL BE INSTALLED UNTIL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.

– ALL PLANT MATERIAL SHALL MEET THE STANDARDS FOUND IN THE AMERICAN ASSOCIATION OF NURSERYMEN–AMERICAN STANDARD FOR NURSERY STOCK.

– ALL CONTAINER MATERIAL TO BE GROWN IN THE CONTAINER A MINIMUM OF SIX (6) MONTHS PRIOR TO PLANTING ON SITE.

– DECIDUOUS AND CONIFEROUS TREES SHALL NOT BE STAKED, BUT THE LANDSCAPE CONTRACTOR MUST GUARANTEE STANDABILITY TO A WIND SPEED OF 60 M.P.H.

– THE LANDSCAPE CONTRACTOR SHALL PROVIDE A MINIMUM GUARANTEE OF ONE YEAR ONE TIME REPLACEMENT ON NEW PLANT MATERIALS. GUARANTEE SHALL BE AGREED UPON BY DEVELOPER/BUILDER AND LANDSCAPE CONTRACTOR.

– THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REJECT ANY PLANTS WHICH ARE DEEMED UNSATISFACTORY BEFORE, DURING OR AFTER INSTALLATION.

– IF THERE IS A DESCREPANCY BETWEEN THE NUMBER OF PLANTS SHOWN ON THE PLAN AND THE NUMBER SHOWN ON THE PLANT LIST, THE NUMBER SHOWN ON THE PLAN WILL TAKE PRECEDENCE.

–THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL MULCHES AND PLANTING SOIL QUANTITIES TO COMPLETE WORK SHOWN ON THE PLAN. THE LANDSCAPE CONTRACTOR SHALL VERIFY ALL QUANTITIES SHOWN ON THE PLANT SCHEDULE.

– COMMERCIAL GRADE POLY LAWN EDGING SHALL BE INSTALLED WHERE NOTED.

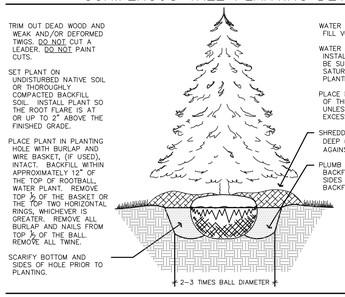
– THE LANDSCAPE CONTRACTOR SHALL REPAIR ALL DAMAGE TO THE SITE CAUSED BY THE PLANTING OPERATION AT NO COST TO THE OWNER.

– THE LANDSCAPE CONTRACTOR SHALL KEEP PAVEMENTS CLEAN UNSTAINED. ALL PEDESTRIAN AND VEHICLE ACCESS TO BE MAINTAINED THROUGHOUT CONSTRUCTION PERIOD. ALL WASTES SHALL BE PROMPTLY REMOVED FROM THE SITE. ANY DAMAGE TO EXISTING FACILITIES SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.

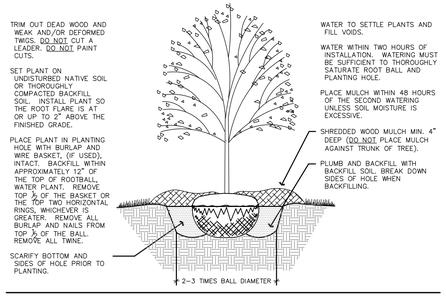
– THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE CODES, REGULATIONS AND PERMITS GOVERNING THE WORK.

– STORAGE OF MATERIALS OR SUPPLIES ON–SITE WILL NOT BE ALLOWED.

## CONIFEROUS TREE PLANTING DETAIL




## DECIDUOUS TREE PLANTING DETAIL




LANDSCAPE REQUIREMENTS:

1. ONE TREE TO BE PLANTED FOR EVERY FIFTY FEET OF STREET FRONTAGE.
   TOTAL PROPOSED STREET FRONTAGE: 23,400 LINEAR FT
   REQUIRED TREES: 23400/50=468 TREES

2. FIVE TREES TO BE PLANTED FOR EVERY ONE ACRE OF LAND DEVELOPED OR DISTURBED BY DEVELOPMENT ACTIVITY.
   TOTAL AREA: 77 ACRES (AREA WITHIN GRADING LIMITS ONLY)
   REQUIRED TREES: 77X5=385 TREES

TOTAL TREES REQUIRED: 853

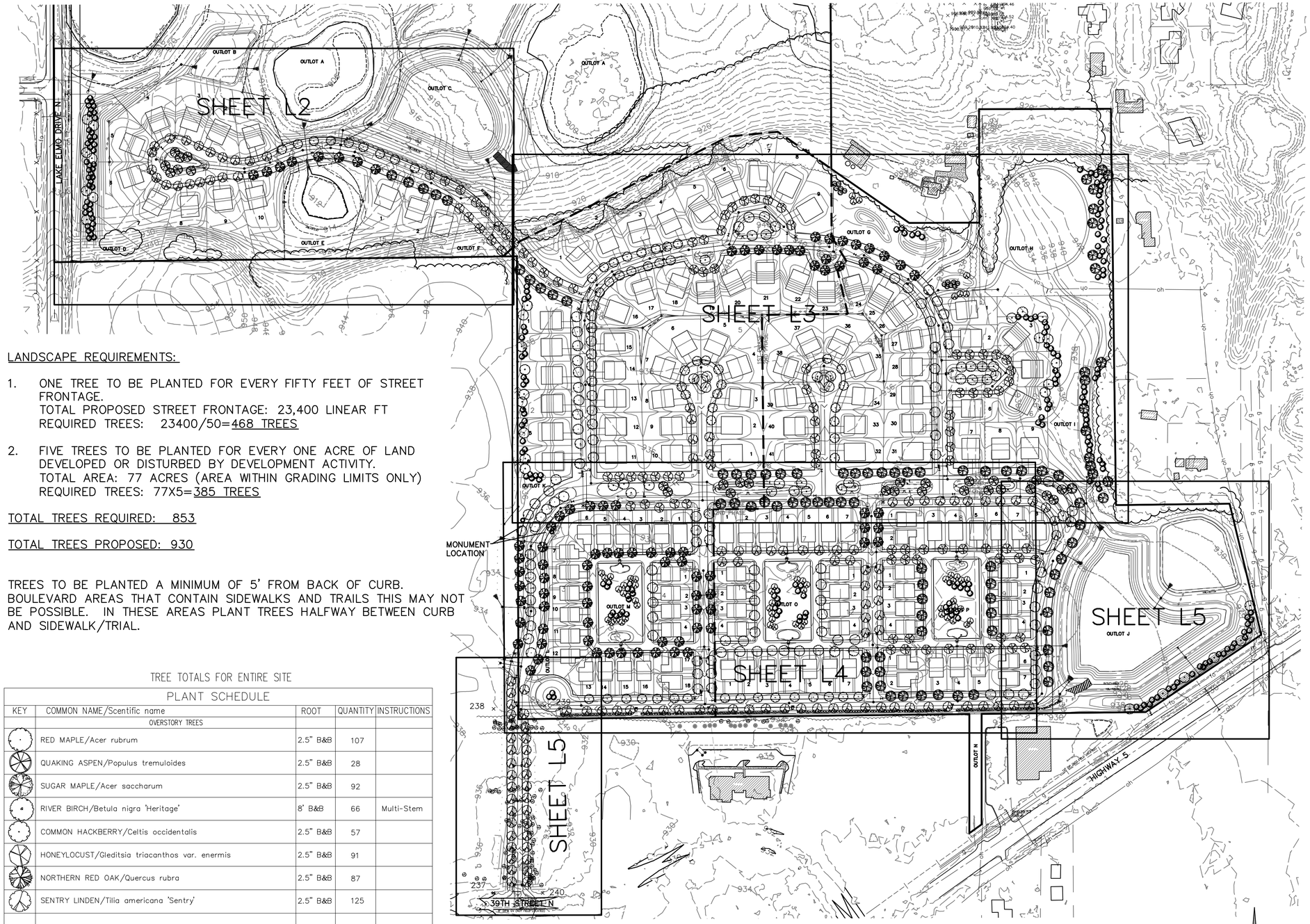
TOTAL TREES PROPOSED: 930

TREES TO BE PLANTED A MINIMUM OF 5' FROM BACK OF CURB. BOULEVARD AREAS THAT CONTAIN SIDEWALKS AND TRAILS THIS MAY NOT BE POSSIBLE. IN THESE AREAS PLANT TREES HALFWAY BETWEEN CURB AND SIDEWALK/TRIAL.

TREE TOTALS FOR ENTIRE SITE

PLANT SCHEDULE

| KEY | COMMON NAME/Scentific name | ROOT | QUANTITY | INSTRUCTIONS |
|---|---|---|---|---|
| | OVERSTORY TREES | | | |
| | RED MAPLE/Acer rubrum | 2.5" B&B | 107 | |
| | QUAKING ASPEN/Populus tremuloides | 2.5" B&B | 28 | |
| | SUGAR MAPLE/Acer saccharum | 2.5" B&B | 92 | |
| | RIVER BIRCH/Betula nigra 'Heritage' | 8' B&B | 66 | Multi-Stem |
| | COMMON HACKBERRY/Celtis occidentalis | 2.5" B&B | 57 | |
| | HONEYLOCUST/Gleditsia triacanthos var. enermis | 2.5" B&B | 91 | |
| | NORTHERN RED OAK/Quercus rubra | 2.5" B&B | 87 | |
| | SENTRY LINDEN/Tilia americana 'Sentry' | 2.5" B&B | 125 | |
| | | | | |
| | EVERGREEN TREES | | | |
| | BLACK HILLS SPRUCE/Picea glauca densata | 6' B&B | 211 | |
| | ORNAMENTAL TREES | | | |
| | PRAIRIEFIRE CRAB/Malus 'prairiefire' | 1.5" B&B | 53 | |
| | ALLEGHENY SERVICEBERRY/Amelanchier laevis | 1.5" B&B | 13 | |
| | | | | |




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Name Jennifer L. Thompson
Reg. No. 44763 Date

Revisions
1. 02-04-15 City Comments

Date 11-05-14
Designed jlt
Drawn jlt/tml

LANDSCAPE PLAN

ROBERT ENGSTROM COMPANIES
4801 WEST 81ST STREET, SUITE 101
MINNEAPOLIS, MINNESOTA 55437-1111

WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

L1 OF 5

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SEE SHEET L1 FOR TREE SCHEDULE

N

0 25 50 100

GRAPHIC SCALE IN FEET

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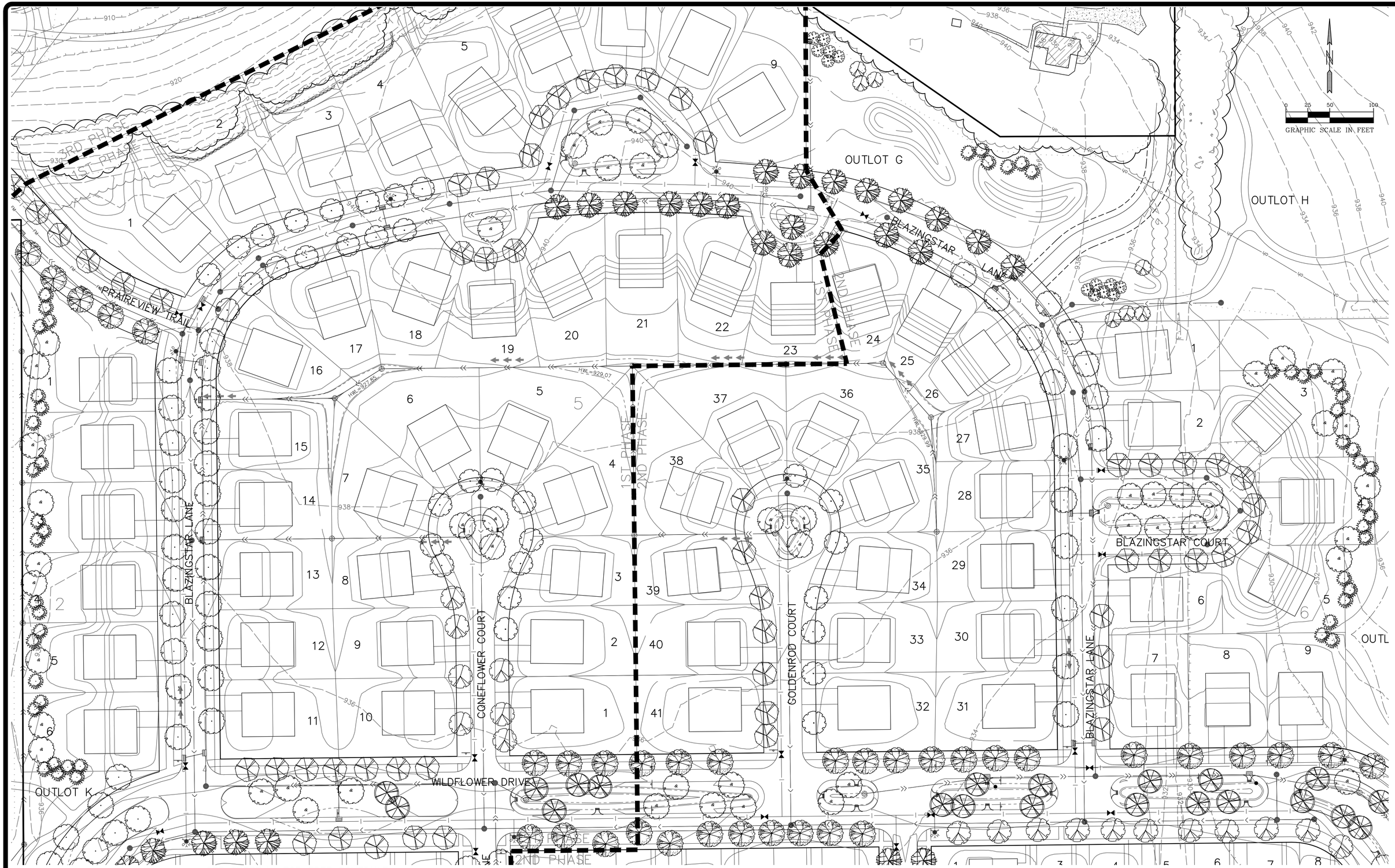
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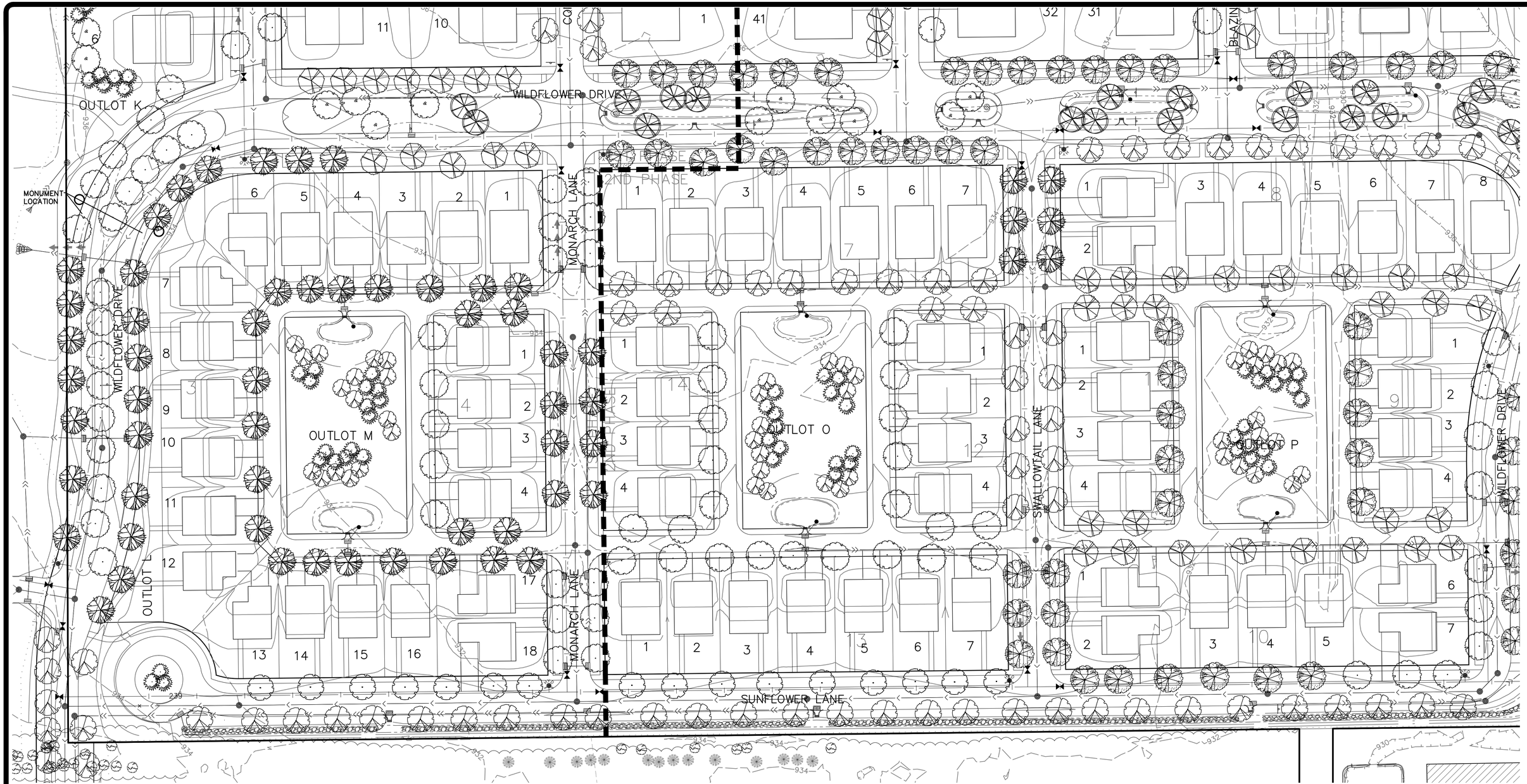
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LANDSCAPE PLAN

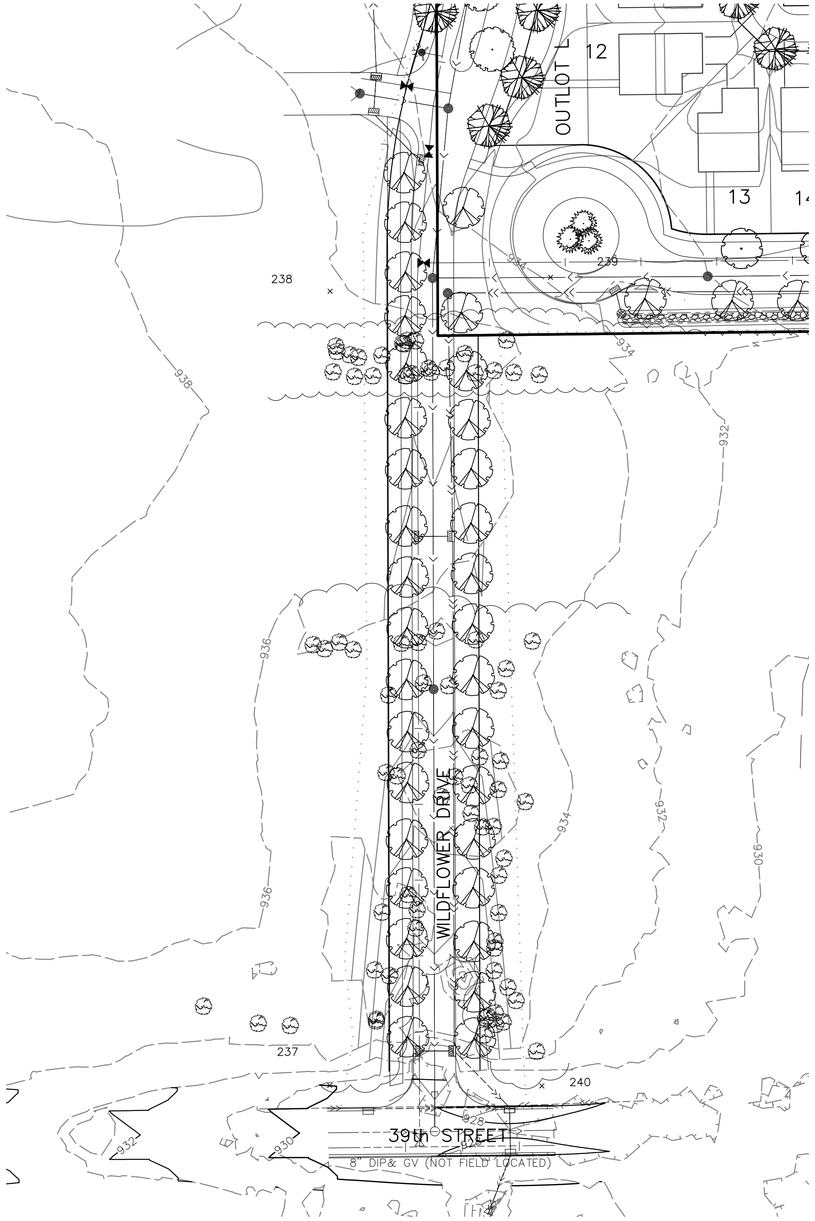
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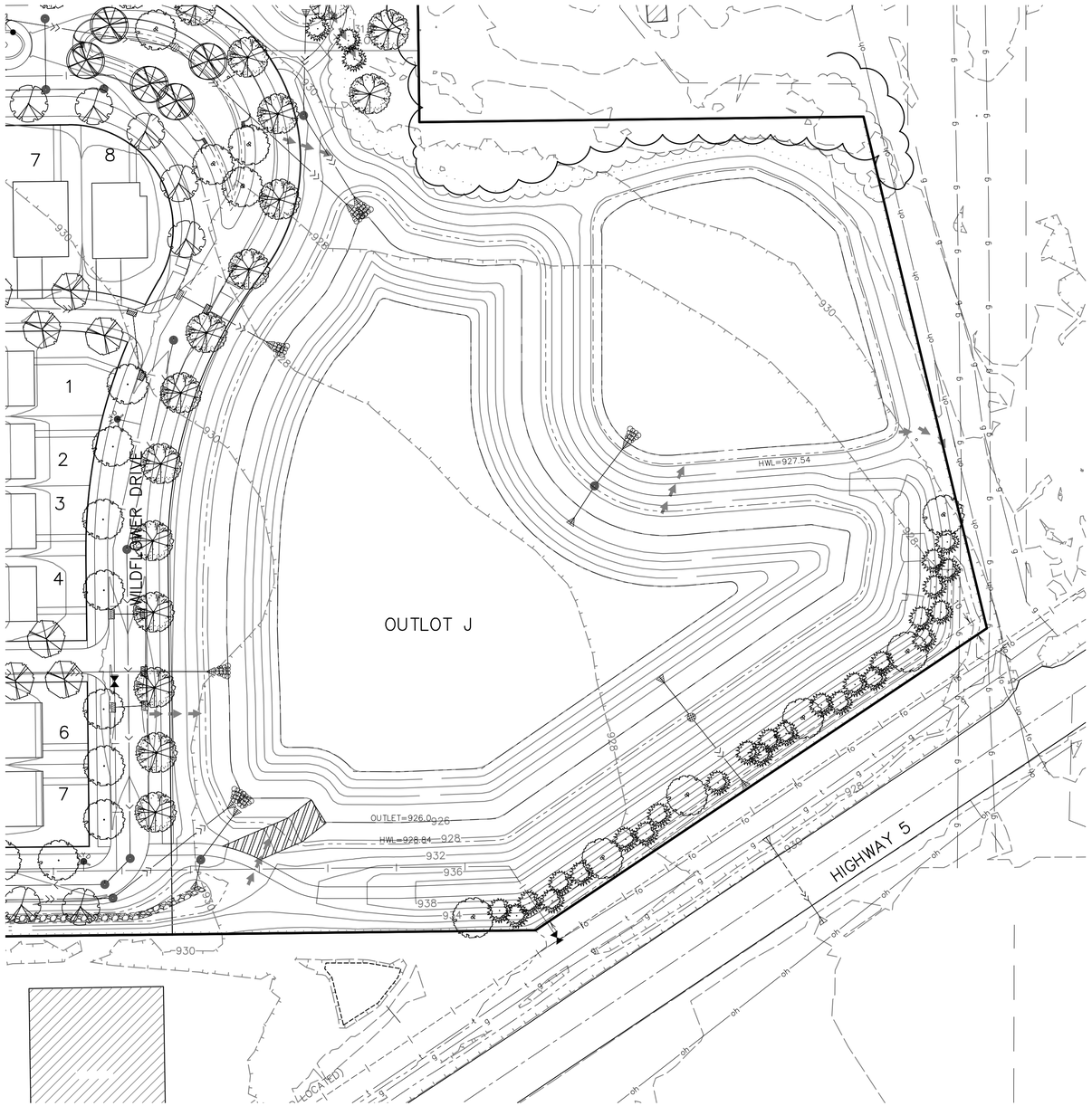
WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

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ENTRANCE DETAIL




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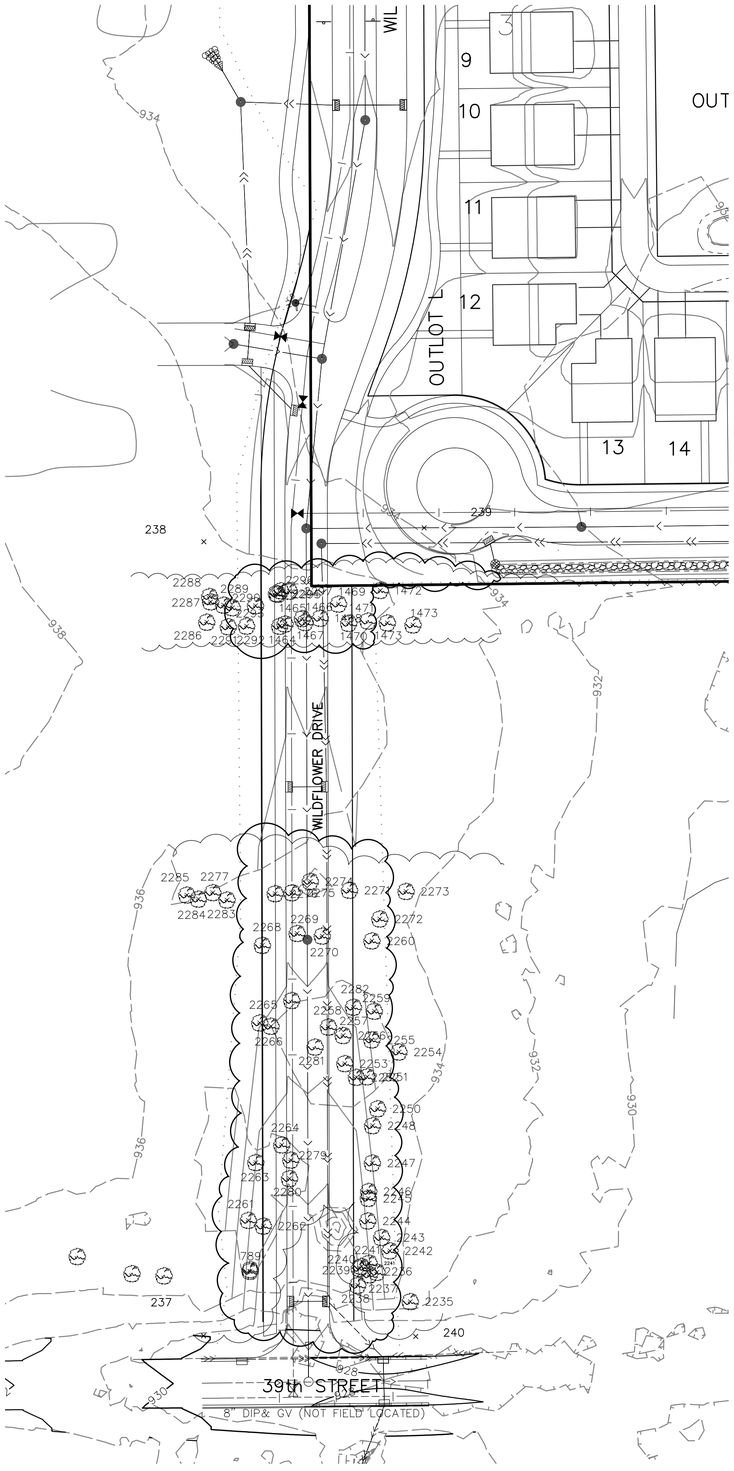
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WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

L5 OF 5

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# SOUTH ENTRANCE TREE INVENTORY

| # | Tree Tag # | Size (DBH ") | Common Name | Scientific Name | Significant Tree | Notes | Status |
|---|---|---|---|---|---|---|---|
| 1 | 789 | 24 | Honeylocust | *Gleditsia triacanthos* | Y | | Remove |
| 2 | 1464 | 6 | Box Elder | *Acer negundo* | N | | Remove |
| 3 | 1465 | 5 | Colorado spruce | *Picea pungens* | N | | Remove |
| 4 | 1466 | 9 | Box Elder | *Acer negundo* | N | | Remove |
| 5 | 1467 | 6 | Colorado spruce | *Picea pungens* | N | | Remove |
| 6 | 1468 | 7 | Box Elder | *Acer negundo* | N | | Remove |
| 7 | 1469 | 13 | Box Elder | *Acer negundo* | Y | | Remove |
| 8 | 1470 | 6 | Colorado spruce | *Picea pungens* | N | 60% shade suppresed | Remove |
| 9 | 1471 | 8 | Colorado spruce | *Picea pungens* | N | 70% shade suppresed | Remove |
| 10 | 1472 | 14/12 | Box Elder | *Acer negundo* | Y | Offsite | Offsite save |
| 11 | 1473 | 7 | Box Elder | *Acer negundo* | N | Offsite | Offsite save |
| 12 | 1474 | 7 | Colorado spruce | *Picea pungens* | N | Offsite | Offsite save |
| 13 | 2235 | 7/7/6 | Box Elder | *Acer negundo* | N | Offsite | Offsite save |
| 14 | 2236 | 11 | Box Elder | *Acer negundo* | N | | Remove |
| 15 | 2237 | 11 | Box Elder | *Acer negundo* | N | | Remove |
| 16 | 2238 | 8 | Box Elder | *Acer negundo* | N | 60% top missing | Remove |
| 17 | 2239 | 14/11/7 | Box Elder | *Acer negundo* | Y | | Remove |
| 18 | 2240 | 15 | Hackberry | *Celtis occidentalis* | Y | | Remove |
| 19 | 2241 | 15 | Box Elder | *Acer negundo* | Y | | Remove |
| 20 | 2242 | 11 | Box Elder | *Acer negundo* | N | | Remove |
| 21 | 2243 | 11 | Box Elder | *Acer negundo* | N | | Remove |
| 22 | 2244 | 20 | Box Elder | *Acer negundo* | Y | | Remove |
| 23 | 2245 | 8 | Box Elder | *Acer negundo* | N | | Remove |
| 24 | 2246 | 16 | Box Elder | *Acer negundo* | Y | | Remove |
| 25 | 2247 | 9 | Box Elder | *Acer negundo* | N | | Remove |
| 26 | 2248 | 18 | Box Elder | *Acer negundo* | N | 30% top missing, decay at base of tree | Remove |
| 27 | 2250 | 10 | Box Elder | *Acer negundo* | N | | Remove |
| 28 | 2251 | 9 | Box Elder | *Acer negundo* | N | | Remove |
| 29 | 2252 | 10 | Box Elder | *Acer negundo* | N | | Remove |
| 30 | 2253 | 12/12 | Box Elder | *Acer negundo* | Y | | Remove |
| 31 | 2254 | 13 | Box Elder | *Acer negundo* | N | 30% top missing | offsite save |
| 32 | 2255 | 13 | Box Elder | *Acer negundo* | Y | | Remove |
| 33 | 2256 | 13 | Box Elder | *Acer negundo* | Y | | Remove |
| 34 | 2257 | 10 | Box Elder | *Acer negundo* | N | | Remove |
| 35 | 2258 | 9 | Box Elder | *Acer negundo* | N | | Remove |
| 36 | 2259 | 13 | Box Elder | *Acer negundo* | Y | | Remove |
| 37 | 2260 | 17 | Box Elder | *Acer negundo* | Y | | Remove |
| 38 | 2261 | 6 | Box Elder | *Acer negundo* | N | | Remove |
| 39 | 2262 | 6 | Box Elder | *Acer negundo* | N | | Remove |
| 40 | 2263 | 6 | Honeylocust | *Gleditsia triacanthos* | N | | Remove |
| 41 | 2264 | 6 | Box Elder | *Acer negundo* | N | | Remove |
| 42 | 2265 | 16 | Box Elder | *Acer negundo* | Y | | Remove |
| 43 | 2266 | 7 | Box Elder | *Acer negundo* | N | | Remove |
| 44 | 2267 | 19 | Box Elder | *Acer negundo* | N | 40% top missing, split at base | Remove |
| 45 | 2268 | 16 | Box Elder | *Acer negundo* | Y | | Remove |
| 46 | 2269 | 15 | Box Elder | *Acer negundo* | Y | | Remove |
| 47 | 2270 | 15/14/12/6 | Box Elder | *Acer negundo* | Y | | Remove |
| 48 | 2271 | 13 | Box Elder | *Acer negundo* | Y | | Remove |
| 49 | 2272 | 22/21 | Box Elder | *Acer negundo* | N | 22" 100% top missing, 21" decay along main trunk | Remove |
| 50 | 2273 | 21 | Box Elder | *Acer negundo* | Y | Offsite | Offsite save |
| 51 | 2274 | 19 | Box Elder | *Acer negundo* | Y | | Remove |
| 52 | 2275 | 16 | Box Elder | *Acer negundo* | N | 50% top missing | Remove |
| 53 | 2276 | 16 | Box Elder | *Acer negundo* | Y | | Remove |
| 54 | 2277 | 18 | Box Elder | *Acer negundo* | N | 40% top missing | Offsite save |
| 55 | 2279 | 7 | Siberian elm | *Ulmus pumila* | N | | Remove |
| 56 | 2280 | 6 | Honeylocust | *Gleditsia triacanthos* | N | | Remove |
| 57 | 2281 | 10 | Box Elder | *Acer negundo* | N | heavy lean to tree | Remove |
| 58 | 2282 | 12 | Box Elder | *Acer negundo* | Y | | Remove |
| 59 | 2283 | 17 | Box Elder | *Acer negundo* | N | major damage from tree #2285 which has toppled onto #2283 | Offsite save |
| 60 | 2284 | 17 | Box Elder | *Acer negundo* | Y | Offsite | Offsite save |
| 61 | 2285 | 18 | Box Elder | *Acer negundo* | N | toppled | Offsite save |
| 62 | 2286 | 6 | Box Elder | *Acer negundo* | N | Offsite | Offsite save |
| 63 | 2287 | 7 | Box Elder | *Acer negundo* | N | Offsite | Offsite save |
| 64 | 2288 | 10 | Box Elder | *Acer negundo* | N | Offsite | Offsite save |
| 65 | 2289 | 11 | Box Elder | *Acer negundo* | N | Offsite | Offsite save |
| 66 | 2290 | 10 | Box Elder | *Acer negundo* | N | | Remove |
| 67 | 2291 | 8 | Box Elder | *Acer negundo* | N | Offsite | Offsite save |
| 68 | 2292 | 9/8 | Box Elder | *Acer negundo* | N | | Remove |
| 69 | 2293 | 6 | Box Elder | *Acer negundo* | N | | Remove |
| 70 | 2294 | 11 | Box Elder | *Acer negundo* | N | top split at 8' up from base of tree | Remove |
| 71 | 2295 | 6 | Box Elder | *Acer negundo* | N | | Remove |
| 72 | 2296 | 10 | Box Elder | *Acer negundo* | N | | Remove |
| 73 | 2297 | 11 | Box Elder | *Acer negundo* | N | | Remove |

NOTES:
1. NON-SIGNIFICANT TREES ARE DUE TO SIZE NOT MEETING ORDINANCE REQUIREMENTS OR;
2. TREES THAT ARE DAMAGED, SPLIT, LEANING, OR HAVE SIGNIFICANT MISSING CANOPIES.

N

0 25 50 100
GRAPHIC SCALE IN FEET

PIONEER engineering
CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS
2422 Enterprise Drive
Mendota Heights, MN 55120
(651) 681-1914
Fax: 681-9488
www.pioneereng.com

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the State of Minnesota
Name Jennifer L. Thompson
Reg. No. 44763 Date

Revisions
1. 02-04-15 City Comments

Date 2-2-15
Designed jlt
Drawn jlt/tml

SOUTH ENTRANCE TREE INVENTORY

ROBERT ENGSTROM COMPANIES
4801 WEST 81ST STREET, SUITE 101
MINNEAPOLIS, MINNESOTA 55437-1111

WILDFLOWER AT LAKE ELMO
LAKE ELMO, MINNESOTA

T1 OF 1

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THE CITY OF LAKE ELMO

# MAYOR & COUNCIL COMMUNICATION

**DATE:** **April 7, 2015**
**REGULAR**
**ITEM #** **15**

**AGENDA ITEM:** 39th Street North: Street and Sanitary Sewer Improvements - Change Order No. 4

**SUBMITTED BY:** Chad Isakson, Project Engineer

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

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

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**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:** $154,440.00.

This change order increases the contract amount for the project by $154,440.00 bringing the revised construction contract to $2,075,522.80. With this change order the project is over the project budget and contingencies by $111,000.

The cost increase is necessary to complete the project but incurs an unfunded amount. The additional amount of $111,000 could be added to the 2015 bond with the bond payments made from the sanitary sewer enterprise fund. This pipe is critical to serve all existing properties and future development planned to occur in the Municipal Sewer Area north of the Union Pacific Railroad Tracks.

**SUMMARY AND ACTION REQUESTED:**

The City Council is respectfully requested to consider approving Change Order No. 4 for the 39th Street North: Street and Sanitary Sewer Improvements, thereby increasing the contract amount by $154,440.00. The recommended motion for the action is as follows:

***"Move to approve Change Order No. 4 for the 39th Street North: Street and Sanitary Sewer Improvements thereby increasing the contract amount by $154,440.00."***

**LEGISLATIVE HISTORY/BACKGROUND INFORMATION:**

This change order is being processed due to unforeseen subsurface conditions found by the Contractor in the trenchless installation of a 30-inch casing pipe within the Union Pacific Railroad Right-of-Way. An obstruction was encountered during the installation and the casing pipe could not be further advanced, in the opinion of the Contractor, utilizing the construction methods employed by the Contractor.

The Contractor has therefore made a claim that differing or unusual subsurface conditions have been encountered that does not allow the casing installation to be successfully installed using the casing pipe and methods specified. The Contractor mobilized equipment and employed a ramming method to hammer the pipe in an attempt to advance it past the obstruction located at approximately Station 0+40. This attempt was completed at the direction of the City and Engineer and was covered by Change Order No. 3. However, the attempt to hammer the 30-inch casing did not work. Boulder and cobble obstructions in the soil caused the casing pipe to remain stuck in place. Hand excavation was halted as the sand collapsed into the casing pipe putting the integrity of the above gas pipe and railroad tracks at risk.

After extensive technical review meetings and negotiations between the City, Bolton and Menk and the Contractor, Change Order No. 4 was prepared to request the Contractor to install a larger diameter casing pipe (48-inch) with a thicker casing wall that is suitable for pipe ramming. The cost for this work was extensively negotiated relative to several other options. In addition, this change order was prepared to address all claims made to date on the project by the Contractor as well as provide assurances to the City that the project will be successfully completed.

This crossing is critical to service 39th Street property owners, future development north of the railroad tracks, and the Old Village Area.

**RECOMMENDATION:**

Staff is recommending that the City Council consider approving Change Order No. 4 for the 39th Street North: Street and Sanitary Sewer Improvements, thereby increasing the contract amount by $154,440.00. The recommended motion for the action is as follows:

***"Move to approve Change Order No. 4 for the 39th Street North: Street and Sanitary Sewer Improvements thereby increasing the contract amount by $154,440.00."***

**ATTACHMENT(S):**

1. Change Order No. 4

## 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.** 4 **DATE:** March 26, 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:**

During the trenchless installation of a 30-inch casing pipe crossing the Union Pacific Railroad, the contractor claims an obstruction was encountered and the casing pipe cannot be further advanced, in the opinion of the Contractor, utilizing the construction methods employed by the Contractor. The Contractor has therefore made a claim that the City has rejected. In the interest of resolving this dispute, this Change Order provides compensation to complete the installation of a casing pipe under the Union Pacific Railroad tracks by the installation of a 48-inch steel casing by the pipe ramming method, in conjunction with auguring. The casing may also be installed by open cutting once the casing has reached a sufficient distance beyond the railroad tracks. Regardless of method, the Contractor shall employ techniques to control the tunnel face. The Contractor shall provide daily documentation of progress, and frequently check and record the alignment and grade of the boring. The Contractor shall notify the Owner a minimum of 48-hours in advance of any work occurring on the Project and shall immediately notify the Owner of any deviations from the design. The Contractor shall use a minimum casing wall thickness in accordance with Union Pacific Railroad standards for E80 loading.

Obstructions were encountered throughout the installation of the pilot rods for the 30-inch casing, and in particular at approximately 45 feet and at 120 feet from the beginning of the casing (station 0+40 and 1+15). Based on this and the soil types encountered in the boring installation to date, there is a very high likelihood additional obstructions will be encountered during the casing installation. The 48-inch casing pipe shall be measured by the Linear Foot, complete in place, and paid at the per lineal foot price agreed upon in this Change Order. This unit price payment shall include excavation and backfill, temporary sheeting and shoring, casing pipe, ramming, augering, jacking, obstruction removal, grouting of voids, sand fill, joint restraints, spacers, end seal and all associated work required to install the casing pipe as shown on the plans. The Contractor understands varying methods may be needed (such as hand shoveling) for removing obstructions hindering installation of the casing. As part of the work, the Contractor shall also fill the existing void created at the termination of the existing 30-inch casing, as well as any additional voids created during completion of the work.

By executing this change order the contractor is stating that all claims made to date relating to the 39th Street: Street and Sanitary Sewer Improvements project are resolved in full, and contractor warrants that no claims will be made now or in the future regarding any work completed for any costs incurred on this project to the date of this change order.

**Attachments (list documents supporting change):** Sheet C401 - Revised March 16, 2015

| ITEM | DESCRIPTION OF PAY ITEM | UNIT | QTY | UNIT PRICE | INCREASE/(DECREASE) |
|---|---|---|---|---|---|
| CO4-1 | 48-INCH CASING PIPE | LF | 164 | $1,300.00 | $213,200.00 |
| CO4-2 | DEDUCT 28-INCH CASING PIPE (NOT INSTALLED) | LF | -104 | $565.00 | ($58,760.00) |
| | | | | | |
| | | | | **NET CONTRACT CHANGE** | **$154,440.00** |

| | |
|---|---|
| Amount of Original Contract | $ 1,760,458.80 |
| Sum of Additions/Deductions approved to date (CO Nos. 1, 2, 3) | $ 160,624.00 |
| Contract Amount to date | $ 1,921,082.80 |
| Amount of this Change Order (ADD) (~~DEDUCT~~) (~~NO CHANGE~~) | $ 154,440.00 |
| Revised Contract Amount | $ 2,075,522.80 |

The Contract Period for Final Completion will be (UNCHANGED) (~~INCREASED~~) (~~DECREASED~~) 0 days

APPROVED BY ENGINEER: FOCUS Engineering, inc.

ENGINEER

~~3/26/2015~~ 4/2/2015
DATE

APPROVED BY CONTRACTOR

BY

4/2/2015
DATE

APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA

BY

DATE

BY

DATE

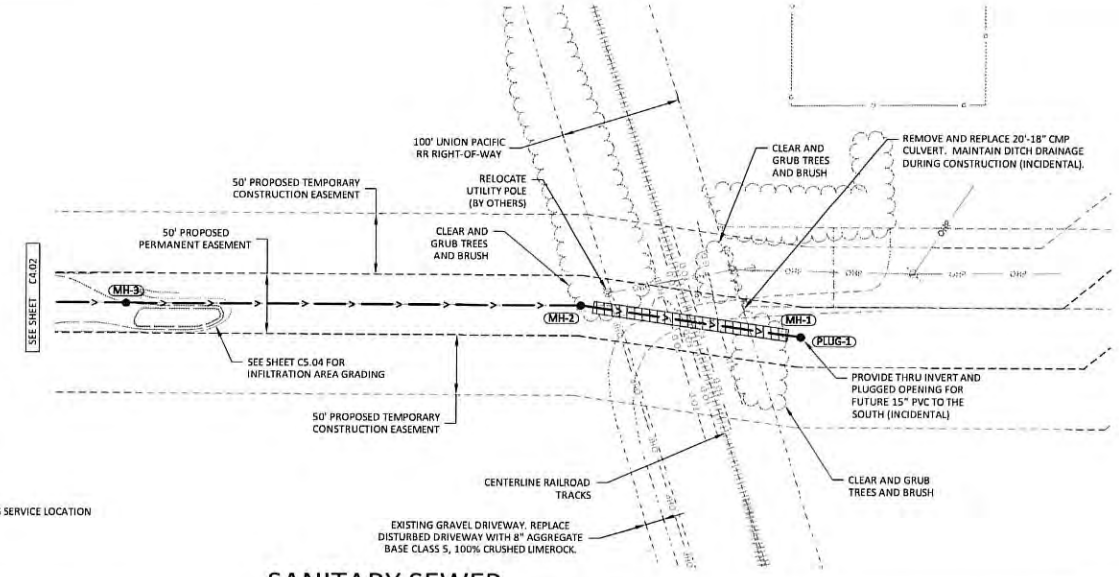
SANITARY SEWER NOTES:
1. STATIONING IN PROFILE REFLECTS PIPE STATIONING.
2. SHADED STATIONING IN PLAN REFLECTS STREET STATIONING.
3. ALL SANITARY SEWER SHALL BE PVC, SDR 26 UNLESS OTHERWISE NOTED.
4. SEE SHEET C0.02 FOR REMOVALS.

WATER MAIN NOTES:
1. ALL WATER MAIN PIPE SHALL BE DIP CLASS 52 WRAPPED IN POLYETHYLENE UNLESS OTHERWISE NOTED.
2. WATER MAIN SHALL HAVE 7.5 FOOT MINIMUM COVER UNLESS OTHERWISE NOTED.
3. HYDRANT ELEVATIONS ARE GIVEN TO TOP NUT.
4. SEE SHEET C0.02 FOR REMOVALS.

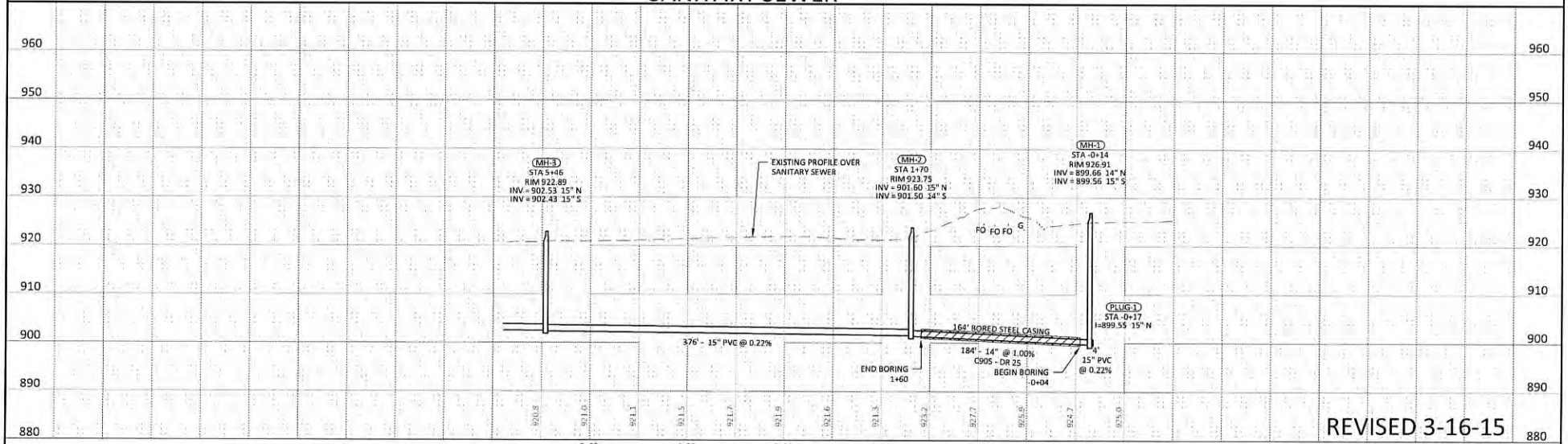
SERVICE NOTES:
1. ALL SANITARY SEWER SERVICE PIPE SHALL BE 6" PVC, SCH 40 UNLESS OTHERWISE NOTED.

TYPICAL SERVICE INFORMATION:

| | |
|---|---|
| 1+50 | INDICATES WYE STATION ALONG SEWER ALIGNMENT |
| 1+50* | INDICATES WYE LOCATION IS APPROXIMATE AND SHOULD BE FIELD VERIFIED TO MATCH EXISTING SERVICE LOCATION |
| 897.0 | INDICATES TOP OF SEWER RISER ELEVATION AT PROPERTY LINE (WHEN APPLICABLE) |
| 892.0 | INDICATES INVERT ELEVATION OF SEWER SERVICE AT PROPERTY LINE |
| (891.1) | INDICATES TOP OF SEWER RISER ELEVATION AT MAIN (WHEN APPLICABLE) |




# SANITARY SEWER




REVISED 3-16-15

HORZ. SCALE 0 50 100 FEET
VERT. SCALE 0 10 20 FEET

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

MICHAEL R. WARNER
LIC. NO. 44693 DATE 3/26/2015

DESIGNED MRW
DRAWN MRW
CHECKED JRR

BOLTON & MENK, INC.
Consulting Engineers & Surveyors
MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN BURNSVILLE, MN
WILLMAR, MN CHASKA, MN RAMSEY, MN MAPLEWOOD, MN
BAXTER, MN ROCHESTER, MN AMES, IA SPENCER, IA

| REV. | BY | DATE |
|---|---|---|
| 1 | MRW | 7/2/14 |
| 2 | MRW | 11/19/14 |
| 3 | MRW | 3/10/15 |

LAKE ELMO, MINNESOTA
39TH STREET NORTH:
STREET AND SANITARY SEWER IMPROVEMENTS
SANITARY SEWER

SHEET C4.01

THE CITY OF LAKE ELMO

# MAYOR & COUNCIL COMMUNICATION

**DATE:** April 7, 2015
**REGULAR**
**ITEM #** 16

**AGENDA ITEM:** Discussion of City Hall Water Dispensing Solution
**SUBMITTED BY:** Adam Bell, City Clerk/Assistant City Administrator
**THROUGH:** Dean Zuleger, City Administrator
**REVIEWED BY:** Jill Lundgren, Council Member
Beckie Gumatz, Deputy Clerk

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**SUGGESTED ORDER OF BUSINESS:**

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

**POLICY RECOMMENDER:** Council Member Lundgren

**FISCAL IMPACT:** Based on current water consumption rates, the multiple options have the following costs:

**Option 1 – Carbon Filter System:** Installation cost of $150+; Filter lease costs: $38.48 per month/$461.70 per year.

**Option 2 – Water Cooler:** One-time equipment purchase of $100-$150; Water costs: $5.49 per month/$65.88 per year.

**Option 3 – Individual Bottles:** Water costs: $12.76 per month/$153.12 per year.

**SUMMARY AND ACTION REQUESTED:** It is respectfully requested that the City Council approve one of the following options by making the following motions or a combination thereof:

***OPTION 1: "Move to approve the practice of providing drinking water for City Hall by means of purchasing and installing a water filtration system."***

***OPTION 2: "Move to approve the practice of providing drinking water for City Hall Water by means of purchasing and installing a water cooler system."***

***OPTION 3: "Move to approve the practice of providing drinking water for City Hall meetings by means of individual water bottles."***

**BACKGROUND INFORMATION (SWOT):**
Due to complaints about the quality and taste of water obtained from the current City Hall water, the City currently provides drinking water for all public meetings as well as for visitors and staff. The current method of providing drinking water is using disposable individual plastic water bottles. Providing clean and safe drinking water is a minimal expense with tremendous health benefits. The water currently provided is the least expensive purified water easily available.

Council Member Lundgren asked staff to look into alternative options for providing drinking water that would have a lesser impact on the environment and reduce the amount of waste produced by the

use of disposable water bottles. Staff currently recycles all plastic, paper, and metal goods, including the plastic water bottles, on a bi-monthly basis as part of its solid waste disposal.

The current method of providing drinking water via disposable bottles goes back to at least 2012. For some time, staff has been researching alternative methods to the bottles and has implemented providing drinking water by means of a water cooler with replaceable 3-5 gallon bottles in the North Building location. Because the City leases space in the facility, installing a water filtration system is not a feasible option at this time.

**Option 1 – Carbon Filter System:**

**Strengths** Nearly endless supply of drinking water. Most environmentally friendly solution – nothing to recycle or waste. Can replace current drinking fountain that is rarely used. Option would be the strongest move towards being a more ecological government – one that is concerned about the environment.

**Weaknesses** Highest cost for providing water based on current consumption, but lowest cost per gallon with higher consumption. Requires equipment lease. Option 1 expenses were not budgeted for in 2015. Space and water source requirements limit placement of dispenser. Need to provide some form of beverage container to drink from. Containers for guests pose a potential source of waste, but paper cups, if used, can be recycled. Requires cleaning.

**Option 2 – Water Cooler:**

**Strengths** Most economic option for providing water. Lowest cost per gallon based on current water consumption. City Hall guests would have easier access to water. No individual bottles to recycle. No installation required. Can be placed almost anywhere and moved if needed. Option would be a move towards being a more ecological government in reducing the need of plastic recycling.

**Weaknesses** Requires initial investment of cooler equipment or lease. Bottles must be replaced periodically. Replacement bottles must be procured or refilled. User needs some form of beverage container to drink from. Containers for guests pose a potential source of waste, but paper cups, if used, can be recycled. Requires cleaning.

**Option 3 – Individual Bottles:**

**Strengths** Most convenient, portable, and sanitary option. Relatively low cost. Current costs budgeted for in 2015. No installation required.

**Weaknesses** Not as convenient to provide self-service water for City Hall guests as dispensing system. Least environmentally friendly solution. Often partially drank bottles are left in room after meetings. Bottles are often thrown in the trash instead of being recycled. Staff is required to frequently purchase the bottles. Harmful Bisphenol (BPA, BPS) chemicals can be released into water from polycarbonate (PCB) bottles.

**Opportunities** Additional recycling receptacles would increase recycling rate.

**RECOMMENDATION**: Staff respectfully recommends that the City Council approve one of the following options by making the following motions:

***OPTION 1: "Move to approve the practice of providing drinking water for City Hall by means of purchasing and installing a water filtration system."***

***OPTION 2: "Move to approve the practice of providing drinking water for City Hall Water by means of purchasing and installing a water cooler system."***

***OPTION 3: "Move to approve the practice of providing drinking water for City Hall meetings by means of individual water bottles."***

THE CITY OF LAKE ELMO

# MAYOR & COUNCIL COMMUNICATION

**DATE: April 7, 2015**
**REGULAR**
**ITEM #18**
**RESOLUTION 2015-25**

**AGENDA ITEM:** Boulder Ponds Planned Residential Subdivision – Developer's Agreement

**SUBMITTED BY:** Nick M. Johnson, City Planner

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Jack Griffin, City Engineer
Dave Snyder, City Attorney
Kyle Klatt, Community Development Director
Stephen Mastey, Landscape Consultant

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**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 is recommending that the City Council approve a developer's agreement associated with the 1st phase of the Boulder Ponds planned residential development. The agreement has been drafted based on a model agreement previously reviewed by the Council and the agreement that was executed for other residential subdivisions.

**FISCAL IMPACT:** Direct Payments to Developer: The agreement includes sanitary sewer oversizing in the payment amount of $20,633.55. This payment would be made out of the sanitary sewer fund to the developer once the City accepts all of the public improvements. In addition, the agreement includes a credit to the developer for the acquisition of necessary right-of-way from Bremer Bank for the 5th Street minor collector road. The credit amount is $41,846, and is reflected as a reduction to the cash requirements paid to the City. Future financial impacts of the development include maintenance of streets, trails, sanitary sewer mains, watermains and other public infrastructure, maintenance of storm water ponding areas (after three years), maintenance of the landscaping in public areas, monthly lease payments for street lights

(estimated at $76.34 for 11 lights), and other public financial responsibilities typically associated with a new development.

**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to authorize execution of a developer's agreement related to the Boulder Ponds Final Plat. The attached agreement has been reviewed by the City Attorney, City Engineer, Community Development Director and the City's Landscape Consultant, and all recommend changes specific to the Boulder Ponds project have been incorporated into the document as drafted. This agreement must be executed before any construction activity, outside of the previously authorized grading work, may proceed on the site. The recommended motion to take action on the request is as follows:

***"Move to adopt Resolution 2015-25, approving the developer's agreement for the Boulder Ponds planned residential development."***

**LEGISLATIVE HISTORY/STAFF REPORT:** One of the conditions included as part of the Planning Commission recommendation to the Council concerning the Boulder Ponds Final Plat specifies that the developer enter into a Developer's Agreement prior to the execution of the plat by City officials. Staff has drafted such an agreement consistent with the City's developer's agreement template, and this document is attached for consideration by the City Council. Please note that the document as drafted contains some modifications to the original template based on some of the unique aspects of the Boulder Ponds development. The key aspects of the agreement include the following components:

- That all improvements to be completed by October 31, 2016.
- That the developer provide a letter of credit in the amount of 125% of the total cost of the proposed improvements. The construction estimates provided have been reviewed by the City Engineer and found to be accurate. The necessary letter of credit to secure the construction activity and expenses will be $3,610,725.87 for the 1st phase of the Boulder Ponds development.
- That the developer provide a cash deposit of $435,893.46 for SAC and WAC charges, engineering administration, one year of street light operating costs, park land dedication fee, and other City fees.

Regarding City payments to the developer, there are two proposed actions of note in the development agreement:

- The first action is a payment related to the oversizing of sanitary sewer in phase 1 of the Boulder Ponds development. The developer has been directed by the City to oversize segments of sanitary sewer from 8-in pipe to 12-inch pipe in order to accommodate the City's broader sanitary sewer system. The oversizing payment amount had been reviewed by the City Engineer and is $20,633.55. This payment would be made to the

developer once all of the public improvements for the subdivision have been accepted by the City.

- The second action is a credit to the developer for the acquisition costs of public right-of-way related to the 5th Street minor collector road at the Bremer Bank and Stonegate Park pinch-point. In the northwest corner of the Boulder Ponds development, a pinch-point exists between the Bremer Bank financial services facility and Stonegate Park. This pinch-point has always presented a difficulty, as the City's planned minor collector road, 5th Street, must travel through the pinch-point in order to connect to the Inwood development and ultimately Inwood Avenue (CSAH 13). Due to this situation, public-right-of-way must be acquired from the Bremer Bank facility in order to accommodate the minor collector road. When discussing this situation with the developer, City staff presented multiple options to resolve the issue: 1) the City could acquire the necessary right-of-way for the collector road, or 2) the developer could acquire the necessary right-of-way and receive a credit from the City for doing so. Ultimately, the developer decided to acquire the right-of-way, as it was a time-sensitive solution needed to advance the development plans. In selecting this approach, there was an added benefit to the City that it reduced the City's administrative and legal costs needed to acquire the property from Bremer. Staff is recommending that the City provide the developer a credit as a reduction to the Cash requirements in the amount of the purchase price of the property ($41,846). Given the properties' relationship to Stonegate Park, it makes sense from staff's perspective that the offset come out of the parkland dedication funds. To summarize, the developer acquired the necessary right-of-way for the 5th Street minor collector road outside of the developer's property, thereby facilitating the platting and construction of the collector road, resulting in a definite benefit to the City.

## STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS:

**Strengths:** The developer's agreement has been drafted to guarantee that the improvements associated with Boulder Ponds plans will installed in accordance with City specifications. Execution of the developer's agreement and compliance with all conditions in the agreement will allow the developer to record the Boulder Ponds Final Plat. In addition, approval of the Developers Agreement will allow the City to collect the necessary SAC and WAC fees to help finance the City's investments in the municipal sanitary sewer and watermain systems.

**Weaknesses:** The City will assume responsibility for future maintenance of the public improvements.

**Opportunities**: The proposed improvements include the extension of the 5th Street minor collector road, the transportation improvement needed to provide adequate public facilities for Stage 1 of the I-94 Corridor Planning Area.

**Threats:** The City will need to provide construction observation throughout the course of the project (these costs will be covered under an Engineering Administration Escrow).

**RECOMMENDATION**:

Based on the above Staff Report, Staff is recommending that the City Council approve the Developer's Agreement for Boulder Ponds and that the Council direct the Mayor and Staff to execute this document once the financial security and cash requirements have been recieved. The suggested motion to adopt the Staff recommendation is as follows:

***"Move to adopt Resolution 2015-25, approving the developer's agreement for the Boulder Ponds planned residential development."***

**ATTACHMENTS:**

1. Resolution 2015-25
2. Boulder Ponds Development Agreement

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

**RESOLUTION NO. 2015-25**

*A RESOLUTION APPROVING THE DEVELOPER'S AGREEMENT FOR THE FIRST PHASE OF THE BOULDER PONDS PLANNED RESIDENTIAL DEVELOPMENT*

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

**WHEREAS,** OP4 Boulder Ponds, LLC, 11455 Viking Drive, Suite 350, Eden Prairie, MN ("Applicant") has previously submitted an application to the City of Lake Elmo ("City") for a Final Plat for Boulder Ponds; and

**WHEREAS,** the Lake Elmo City Council considered and approved the Preliminary Plat request for Boulder Ponds at a meeting held on September 16, 2014; and

**WHEREAS,** The Lake Elmo City Council adopted Resolution No. 2015-23 on April 7, 2015 approving the Final Plat for Boulder Ponds; and

**WHEREAS,** Condition (3) of said Resolution No. 2015-23 establishes that, prior to the execution of the Final Plat by City officials, the Applicant is to enter into a Developer's Agreement with the City; and

**WHEREAS,** the Applicant and City have agreed to enter into such a contract, and a copy of the Developer's Agreement was submitted to the City Council for consideration at its April 7, 2015 meeting.

**NOW, THEREFORE,** based on the information received, the City Council of the City of Lake Elmo does hereby approve the Developer's Agreement for Boulder Ponds and authorizes the Mayor and City Clerk to execute the document.

Passed and duly adopted this 7th day of April 2015 by the City Council of the City of Lake Elmo, Minnesota.

_____
Mike Pearson, Mayor

ATTEST:

_____
Adam Bell, City Clerk

*(reserved for recording information)*

# DEVELOPMENT CONTRACT

*(Site grading, public sewer and water)*

## *Boulder Ponds*

**THIS DEVELOPMENT CONTRACT** (the "Contract") dated _____ _____, 2015, is entered into by and between the **CITY OF LAKE ELMO,** a Minnesota municipal corporation ("City"), and OP4 Boulder Ponds, LLC (the "Developer").

**1. REQUEST FOR PLAT APPROVAL.** The Developer has asked the City to approve the plat for Boulder Ponds (referred to in this Contract as the "plat"). The land is situated in the County of Washington, State of Minnesota, and legally described in Exhibit "A".

**2. CONDITIONS OF PLAT APPROVAL.** The City hereby approves the plat on condition that the Developer enter into this Contract, furnish the security required as and when required by it, and record the plat with the County Recorder or Registrar of Titles within (180) days after the City Council approves the final plat.

**3. RIGHT TO PROCEED.** Unless separate written approval has been given by the City, within the plat or land to be platted, the Developer may not grade or otherwise disturb the earth, remove trees, construct sewer lines, water lines, streets, utilities, public or private improvements, or any buildings until all the following conditions have been satisfied: 1) this Contract has been fully executed by both parties and filed with the City Clerk, 2) the necessary security has been received by the City, 3) the plat and

required homeowner's association documents have been recorded with the Washington County Recorder's Office, and 4) the City's Community Development Director has issued a letter that all conditions have been satisfied, a preconstruction conference has been held, and that the Developer may proceed.

**4. PHASED DEVELOPMENT.** This plat is a phase of a multi-phased preliminary plat, the City may refuse to approve final plats of subsequent phases if the Developer has breached this Contract and the breach has not been remedied. Development of subsequent phases may not proceed until Development Contracts for such phases are approved by the City. Park charges and area charges for sewer and water referred to in this Contract are not being imposed on outlots, if any, in the plat that are designated in an approved preliminary plat for future subdivision into lots and blocks. Such charges will be calculated and imposed when the outlots are final platted into lots and blocks unless previously paid as part of an earlier development phase.

**5. PRELIMINARY PLAT STATUS.** The plat is a phase of a multi-phased preliminary plat, the preliminary plat approval for all phases not final platted shall lapse and be void unless final platted into lots and blocks, not outlots, within five (5) years after preliminary plat approval.

**6. CHANGES IN OFFICIAL CONTROLS.** For two (2) years from the date of this Contract, no amendments to the City's Comprehensive Plan or official controls shall apply to or affect the residential use, development density, lot size, lot layout or dedications of the approved final plat unless required by state or federal law or agreed to in writing by the City and the Developer. Thereafter, notwithstanding anything in this Contract to the contrary, to the full extent permitted by state law, the City may require compliance with any amendments to the City's Comprehensive Plan, official controls, platting or dedication requirements enacted after the date of this Contract.

**7. DEVELOPMENT PLANS.** The plat shall be developed in accordance with the following plans and at the Developer's sole expense. The plans shall not be attached to this Contract. If the plans vary from the written terms of this Contract, the written terms of this Contract shall control. The plans are:

Plan A – Final Plat
Plan B – Final Grading, Drainage, and Erosion Control Plans
Plan C – Final Sanitary Sewer, Water Main, Storm Sewer, and Street Plans

Plan D – Final Landscape Plan

**8. IMPROVEMENTS.** The Developer shall install and pay for the following:

A. Streets
B. Sanitary Sewer
C. Watermain
D. Surface Water Facilities (pipe, ponds, rain gardens, etc.)
E. Grading and Erosion Control
F. Sidewalks/Trails
G. Street Lighting
H. Underground Utilities
I. Street Signs and Traffic Control Signs
J. Landscaping and Street Trees
K. Tree Preservation and Reforestation
L. Wetland Mitigation and Buffers
M. Monuments Required by Minnesota Statutes

The improvements shall be installed in accordance with the City subdivision ordinance and the City's Engineering Design and Construction Standards Manual and pursuant to the direction of the City Engineer. The Developer shall submit plans and specifications which have been prepared by a competent registered professional engineer to the City for approval by the City Engineer. The Developer shall instruct its engineer to provide adequate field inspection personnel to assure an acceptable level of quality control to the extent that the Developer's engineer will be able to certify that the construction work meets the approved City standards as a condition of City acceptance. In addition, the City may, at the City's discretion and at the Developer's expense, have one or more City inspectors and a soil engineer inspect the work on a full or part-time basis. The Developer's engineer shall provide for on-site project management. The Developer's engineer is responsible for design changes and contract administration between the Developer

and the Developer's contractor. The Developer or its engineer shall schedule a pre-construction meeting at a mutually agreeable time at the City Hall with all parties concerned, including the City staff, to review the program for the construction work.

All labor and work shall be done and performed in the best and most workmanlike manner and in strict conformance with the approved plans and specifications. No deviations from the approved plans and specifications will be permitted unless approved in writing by the City Engineer. The Developer agrees to furnish to the City a list of contractors being considered for retention by the Developer for the performance of the work required by the Contract. The Developer shall not do any work or furnish any materials not covered by the plans and specifications and special conditions of this Contract, for which reimbursement is expected from the City, unless such work is first ordered in writing by the City Engineer as provided in the specifications.

**9. CITY ENGINEERING ADMINISTRATION AND CONSTRUCTION OBSERVATION.** Prior to the commencement of any construction activity authorized under this agreement, the Developer shall submit an escrow for City Engineering Administration and Construction Observation in an amount provided under paragraph 36. Summary of Cash Requirements. Thereafter, the Developer shall reimburse the City each month, within 30 days of receiving an invoice, for all engineering administration and construction observation performed during the construction of the plat. If the amounts remain unpaid after 30 days of the date of the invoice, the City may draw upon the escrow and stop the work on site until said escrow has been replenished in its full amount. City engineering administration will include monitoring of construction progress and construction observation, consultation with Developer and its engineer on status or problems regarding the project, coordination for testing, final inspection and acceptance, project monitoring during the warranty period, and processing of requests for reduction in security. Construction observation may be performed by the City's in-house staff or consulting engineer. Construction observation shall include, at the discretion of the City, part or full time inspection of proposed public utilities and street construction. Services will be billed on an hourly basis.

The direction and review provided through the inspection of the improvements should not be considered a substitute for the Developer required management of the development. Developer will cause the contractor(s) to furnish the City with a schedule of proposed operations at least five (5) days prior to the commencement of construction of each type of Improvement. City shall inspect all Developer installed improvements during and after construction for compliance with approved plans and specifications. Developer will notify the City Engineer at such times during construction as the City Engineer requires for inspection purposes. Such inspection is pursuant to the City's governmental authority, and no agency or joint venture relationship between the City and Developer is thereby created.

**10. CONTRACTORS/SUBCONTRACTORS.** City Council members, City employees, and City Planning Commission members, and corporations, partnerships, and other entities in which such individuals have greater than a 25% ownership interest or in which they are an officer or director may not act as contractors or subcontractors for the public improvements identified in Paragraph 8 above.

**11. PERMITS.** The Developer shall obtain or require its contractors and subcontractors to obtain all necessary permits, including but not limited to:

A. Right-of-Way Excavations and Obstructions:
- City of Lake Elmo, Right-of-Way Utility Installation(s)
- City of Lake Elmo, Right-of-Way Obstruction(s)
- Washington County, Utility Installations(s)
- Washington County, Street or Driveway Access(s)
- Minnesota Department of Transportation, Utility Installation
- Minnesota Department of Transportation, Right-of-Way Permit

B. Watermain Extensions:
- Minnesota Department of Health

C. Sanitary Sewer Extensions:
- Minnesota Pollution Control Agency
- Metropolitan Council Environmental Services

D. Stormwater Management:
- Valley Branch, Brown's Creek or South Washington Watershed District Permit

E. Erosion, Sedimentation Control:
- Minnesota Pollution Control Agency, General NPDES Stormwater Permit
- SWPPP (Stormwater Pollution Prevention Plan)

F. Wetland Mitigation:
- Board of Water and Soil Resources, WCA

G. Construction Dewatering:
- Minnesota Department of Natural Resources

**12. TIME OF PERFORMANCE.** The Developer shall install all required public improvements by October 31, 2016, with the exception of the final wear course of asphalt on streets. The Developer shall have the option of installing the wearing course of streets within one (1) year following initial commencement of work on the required basic improvements or installing it after the first course has weathered a winter season, consistent with warranty requirements, however final acceptance of the improvements will not be granted until all work is completed including the final wear course. The Developer may, however, request an extension of time from the City. If an extension is granted, it shall be conditioned upon updating the security posted by the Developer to reflect cost increases and amending this Contract to reflect the extended completion date. Final wear course placement outside of this time frame must have the written approval of the City Engineer.

**13. LICENSE.** The Developer hereby grants the City, its agents, employees, officers and contractors a license to enter the plat to perform all work and inspections deemed appropriate by the City in conjunction with plat development.

**14. CONSTRUCTION ACCESS.** Construction traffic access and egress for grading, public utility construction, and street construction is restricted to access the subdivision via the planned construction access off of Hudson Boulevard North. No construction traffic is permitted on other adjacent local streets.

**15. CONSTRUCTION SEQUENCE AND COMPLIANCE.** The City will require the Developer to construct the improvements in a sequence which will allow progress and compliance points to be measured and evaluated. The Developer and/or its representatives are required to supervise and coordinate all construction activities for all improvements and must notify the City in writing stating when the work is ready for the inspection at each of the measurable points defined in the following paragraphs 16., 17. and 18. For the purpose of this paragraph, Electronic message (email) shall be

deemed an acceptable method of notification provided it is captioned "Notice pursuant to Development Agreement".

**16. EROSION CONTROL.** Prior to initiating site grading, the erosion control plan, Plan B, shall be implemented by the Developer and inspected and approved by the City. Erosion control practices must comply with the approved plans and specifications for the plat, with all watershed district permits and with Minnesota Pollution Control Agency's Best Management Practices. The City may impose additional erosion control requirements as deemed necessary. The parties recognize that time is of the essence in controlling erosion. If the Developer does not comply with the erosion control plan and schedule or supplementary instructions received from the City, the City may take such action as it deems appropriate to control erosion. The City will endeavor to notify the Developer in advance of any proposed action, but failure of the City to do so will not affect the Developer's and City's rights or obligations hereunder. If the Developer does not reimburse the City for any cost the City incurred for such work within ten (10) days after submitting an invoice for such costs, the City may draw down the security to pay any costs incurred by the City. No development, utility or street construction will be allowed and no building permits will be issued unless the plat is in full compliance with the approved erosion control plan.

If building permits are issued prior to the acceptance of public improvements, the Developer assumes all responsibility for erosion control compliance throughout the plat until such time as the public improvements are accepted and the City may take such action as allowed by this Contract against the Developer for any noncompliant issue as stated above. Erosion control plans for individual lots will be required in accordance with the City's building permit requirements, or as required by the City or City Engineer.

**17. GRADING PLAN.** The plat shall be graded in accordance with the approved grading drainage and erosion control plan, Plan "B". The plan shall conform to Engineering Design and Construction Standards Manual. All grading shall be completed within the subdivision prior to the preparation and submittal of the as-constructed grading plan.

Within thirty (30) days after completion of the grading, the Developer shall provide the City with a

"record" grading plan certified by a registered land surveyor or engineer that all trails, ponds, swales, and ditches have been constructed on public easements or land owned by the City. The "record" plan shall contain site grades and field verified elevations of the following: a) cross sections of ponds; b) location and elevations along all swales, emergency overflows, wetlands, wetland mitigation areas if any, ditches, locations and dimensions of borrow areas/stockpiles; c) lot corner elevations and house pads; and d) top and bottom of retaining walls. The City will not issue any building permits until the approved certified record grading plan is on file with the City.

**18. STREET AND UTILITY IMPROVEMENTS.** All storm sewers, sanitary sewers, watermain, and streets shall be installed in accordance with the approved Plans and Specifications for Public Improvements, Plan "C". The plan shall conform to the City's Engineering Design and Construction Standards Manual. Curb and gutter and the first lift of the bituminous streets, sidewalks, the boulevards graded, street signs installed, and all restoration work on the site shall be completed in accordance with the approved plans. Once the work is completed, the Developer or its representative shall submit a written request to the City asking for an inspection of the initial improvements. The City will then schedule a walk-through to create a punch list of outstanding items to be completed. Upon receipt of the written punch list provided by the City, the punch list items must be completed by the Developer and the City notified to re-inspect the improvements. The final bituminous wear course may be installed in accordance with paragraph 12. above.

**19. STREET MAINTENANCE DURING CONSTRUCTION.** The Developer shall be responsible for all street maintenance until the streets are accepted by the City in writing. Warning signs shall be placed when hazards develop in streets to prevent the public from traveling on same and to direct attention to detours. If and when streets become impassable, such streets shall be barricaded and closed. In the event residences are occupied prior to completing streets, the Developer shall maintain a smooth surface and provide proper surface drainage to insure that the streets are passable to traffic and emergency vehicles. The Developer shall be responsible for keeping streets within and without the subdivision clean of dirt and debris that may spill, track, or wash onto the street from Developer's operation. The Developer may request, in writing, that the City keep the streets open during the winter

months by plowing snow from the streets prior to final acceptance of said streets. The City shall not be responsible for repairing the streets because of snow plowing operations. Providing snow plowing service does not constitute final acceptance of the streets by the City. The Developer shall contract for street cleaning within and immediately adjacent to the development. At a minimum, scraping and sweeping shall take place on a weekly basis. A copy of this contract shall be approved by the City before grading is started. The contract shall provide that the City may direct the contractor to clean the streets and the contractor will bill the Developer.

**20. OWNERSHIP OF IMPROVEMENTS.** Upon completion of the work and construction required by this Contract, the improvements lying within public easements shall become City property. Prior to acceptance of the improvements by the City, the Developer must furnish the City with a complete set of reproducible "record" plans, an electronic file of the "record" plans in accordance with the City's Engineering Design and Construction Standards Manual together with the following affidavits:

- Developer/Developer Engineer's Certificate
- Land Surveyor's Certificate

certifying that all construction has been completed in accordance with the terms of this Contract. All necessary forms will be furnished by the City. Upon receipt of "record plans" and affidavits, and upon review and verification by the City Engineer, the City Engineer will accept the completed public improvements.

**21. PARK DEDICATION.** The Developer shall pay a cash contribution of $143,648.38 in satisfaction of the City's park dedication requirements. This charge is based on the park dedication requirement for all the residential areas to be platted within Boulder Ponds Preliminary Plat. No additional fees in lieu of land dedication will be charged for future residential developments within the preliminary plat area. The charge was calculated as follows: 2.57 acres (1.77 acres of park land provided subtracted from 4.34 acres of park land required) at $55,894.31 per acre per the agreed upon appraisal for the property.

**22. SANITARY SEWER AND WATER UTILITY AVAILABILITY CHARGES (SAC AND WAC).** The Developer shall be responsible for the payment of all sewer availability charges (SAC)

and all water availability charges (WAC) with respect to the Improvements required by the City and any stat or metropolitan government agency. The sewer availability charge (SAC) in the amount of $3,000.00 per REU shall be paid by the Developer prior to the City recording the final plat. The total SAC amount to be paid by the Developer is $141,000. The water availability charge (WAC) in the amount of $3,000.00 per REU shall be paid by the Developer prior to the City recording the final plat. The total WAC amount to be paid by the Developer is $141,000. In addition, a sewer connection charge in the current amount of $1,000.00 per REU, a Met Council sewer availability charge in the current amount of $2,435.00 per REU, and a water connection charge in the current amount of $1,000.00 per REU will be collected by the City at the time the building permit is issued for each lot. These amounts are charged at the time of building permit in accordance with the latest City fee schedule.

**23. TRAFFIC CONTROL SIGNS.** Traffic control signs shall be included as part of the public street improvements, and the installation costs shall be included in the street construction calculations.

**24. STREET LIGHTS.** The Developer is responsible for the installation of street lights consistent with a street lighting plan approved by the City. The Developer shall coordinate the installation of street lights with Xcel Energy in conjunction with the other improvements, and agrees to pay Xcel Energy for all upfront costs associated with the street lighting system, including underground cables, posts, lamps, ballasts, starters, photocells, and glassware. All street lights will be leased by the City upon final acceptance of the system. The Developer shall also pay $916.08 in payment for the first year operating costs for street lights.

**25. WETLAND MITIGATION.** The Developer shall complete wetland mitigation/restoration in accordance with the approved Plans and Specifications and in accordance with any applicable Watershed or agency Permits. If the mitigation work is found to be incomplete or restoration is unsuccessful the City may draw down the security at any time during the warranty period to be used by the City to perform the work if the Developer fails to perform the work.

## 26. BUILDING PERMITS/CERTIFICATES OF OCCUPANCY.

A. Public sewer and water, curbing, and one lift of asphalt shall be installed on all public and private streets prior to issuance of any building permits, except two model homes on lots acceptable to the Community Development Director.

B. Prior to issuance of building permits, wetland buffer monuments shall be placed in accordance with the City's zoning ordinance. The monument design shall be approved by the Community Development Department.

C. Written certification of the as-constructed grading must be on file at the City for the block where the building is to be located.

D. Breach of the terms of this Contract by the Developer, including nonpayment of billings from the City, shall be grounds for denial of building permits and/or withholding of other permits, inspection or actions, including lots sold to third parties, and the halting of all work in the plat.

E. If building permits are issued prior to the acceptance of public improvements, the Developer assumes all liability and costs resulting in delays in completion of public improvements and damage to public improvements caused by the City, Developer, their contractors, subcontractors, materialmen, employees, agents, or third parties.

F. No sewer and water connection permits may be issued until the streets needed for access have been paved with a bituminous surface and the utilities are tested and approved by the City Engineer.

G. The City will not issue a certificate of occupancy for any building constructed on any lot or parcel in the plat, including any model homes authorized under this agreement, until Public sewer and water, curbing, and one lift of asphalt is installed on all public and private streets; all utilities are tested and approved by the City Engineer; the as-constructed grading must be on file at the City for the block where the building is to be located; and the required homeowner's association documents have been recorded with the Washington County Recorder's Office.

## 27. RESPONSIBILITY FOR COSTS.

A. In the event that the City receives claims from labor, materialmen, or others that work required by this Contract has been performed, the sums due them have not been paid, and the laborers, materialmen, or others are seeking payment from the City, the Developer hereby authorizes the City to commence an Interpleader action pursuant to Rule 22, Minnesota Rules of Civil Procedure for the District Courts, to draw upon the letters of credit in an amount up to 125 percent of the claim(s) and deposit the funds in compliance with the Rule, and upon such deposit, the Developer shall release, discharge, and dismiss the City from any further proceedings as it pertains to the letters of credit deposited with the District Court, except that the Court shall retain jurisdiction to determine payment of attorneys' fees pursuant to this Contract.

B. Except as otherwise specified herein, the Developer shall pay all costs incurred by it or the City in conjunction with the development of the plat, including but not limited to legal, planning, engineering and inspection expenses incurred in connection with approval and acceptance of the plat, the preparation of this Contract, review of construction plans and documents, and all costs and expenses incurred by the City in monitoring and inspecting development of the plat. All amounts incurred and due at the time, must be fully paid prior to execution and release of the final plat for recording.

C. The Developer shall hold the City and its officers, employees, and agents harmless from claims made by itself and third parties for damages sustained or costs incurred resulting from plat approval and development. The Developer shall indemnify the City and its officers, employees, and agents for all costs, damages, or expenses which the City may pay or incur in consequence of such claims, including attorneys' fees.

D. The Developer shall reimburse the City for costs incurred in the enforcement of this Contract, including reasonable engineering and attorneys' fees.

E. The Developer shall pay, or cause to be paid when due, and in any event before any penalty is attached, all special assessments referred to in this Contract. This is a personal obligation of the Developer and shall continue in full force and effect even if the Developer sells one or more lots, the entire plat, or any part of it.

F. The Developer shall pay in full all bills submitted to it by the City for obligations

incurred under this Contract within thirty (30) days after receipt. Bills not paid within thirty (30) days shall be assessed a late fee per the City's adopted Fee Schedule. Upon request, the City will provide copies of detailed invoices of the work performed.

**28. CITY PAYMENTS.** In the event City payments are required by Section 29.A below, within thirty (30) days of the City's final acceptance of the Improvements, pursuant to Section 20 of the Contract, but only if the Developer is not in default to this Contract, the City shall pay to the Developer the sums set forth in the attachment to this Contract as Exhibit B. The actual amount of the reimbursement shall be based on actual construction costs which will be verified by the Developer to the City in the Plans submitted to the City as required in Section 20. This payment by the City shall be the City's only responsibility with regard to construction of the Improvements and in no case shall act as a waiver of any other right of the City under this Contract or under applicable laws, ordinances or rules.

A. City payments pursuant to this Contract shall be: $20, 633.55.

**29. SPECIAL PROVISIONS.** The following special provisions shall apply to plat development:

A. Implementation of the recommendations listed in the March 4, 2015 and March 13, 2015 Engineering memorandums.

B. Before the City signs the final plat, the Developer shall convey Outlots D, E, G, I and L to the City by warranty deed, free and clear of any and all encumbrances.

C. The Developer shall install a temporary turnaround on any streets that will be extended into adjacent developments in the future as directed by the City Engineer.

D. The Developer must obtain a sign permit from the City Building Official prior to installation of any permanent subdivision identification signs.

E. The Developer shall provide for a minimum green belt/buffer of 100 feet around all of the adjacent Stonegate subdivision. This buffer shall be secured by a covenant running in favor of the City.

F. All trails shall be located within the easements or dedicated to the City. Title

commitments shall be provided for all land so dedicated.

G. The Developer 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.

H. Any unencumbered land under which public trails are located will be accepted as park land provided the Developer constructs said trails within the dedicated areas as part of the public improvements for the subdivision and easements are provided where required by the City.

I. (Other requirements).

## 30. MISCELLANEOUS.

A. The Developer may not assign this Contract without the written permission of the City. The Developer's obligation hereunder shall continue in full force and effect even if the Developer sells one or more lots, the entire plat, or any part of it.

B. Retaining walls that require a building permit shall be constructed in accordance with plans and specifications prepared by a structural or geotechnical engineer licensed by the State of Minnesota. Following construction, a certification signed by the design engineer shall be filed with the City Engineer evidencing that the retaining wall was constructed in accordance with the approved plans and specifications. All retaining walls identified on the development plans or by special conditions referred to in this Contract shall be constructed before any other building permit is issued for a lot on which a retaining wall is required to be built.

C. Appropriate legal documents regarding Homeowner Association documents, covenants and restrictions relating to the plat approval and outlots and conveyances, as approved by the City Attorney, shall be filed with the final plat. . No third- party beneficiary status is hereby conferred. All outlots (except Outlots D, E, G, I and L) and common areas, including Outlots C, H, J and K, shall be maintained in good order and repair by the Developer or a homeowner's association depending on which party owns the applicable Outlot, and, they it do not do so when requested by the City, then the City may perform the work and assess the costs against the Developer or the individual

lots within the plat of Boulder Ponds, as applicable, and without regard to the formalities or requirements of Minn. Stat. § 429.

D. Developer shall take out and maintain or cause to be taken out and maintained until six (6) months after the City has accepted the public improvements, public liability and property damage insurance covering personal injury, including death, and claims for property damage which may arise out of Developer's work or the work of its subcontractors or by one directly or indirectly employed by any of them. Limits for bodily injury and death shall be not less than $500,000 for one person and $1,000,000 for each occurrence; limits for property damage shall be not less than $200,000 for each occurrence; or a combination single limit policy of $1,000,000 or more. The City shall be named as an additional insured on the policy, and the Developer shall file with the City a certificate evidencing coverage prior to the City signing the plat. The certificate shall provide that the City must be given thirty (30) days advance written notice of the cancellation of the insurance.

E. Third parties shall have no recourse against the City under this Contract.

F. If any portion, section, subsection, sentence, clause, paragraph, or phrase of this Contract is for any reason held invalid, such decision shall not affect the validity of the remaining portion of this Contract.

G. The action or inaction of the City shall not constitute a waiver or amendment to the provisions of this Contract. To be binding, amendments or waivers shall be in writing, signed by the parties and approved by written resolution of the City Council. The City's failure to promptly take legal action to enforce this Contract shall not be a waiver or release.

H. This Contract shall run with the land and may be recorded against the title to the property. The Developer covenants with the City, its successors and assigns, that the Developer has fee title to the property being final platted and/or has obtained consents to this Contract, in the form attached hereto, from all parties who have an interest in the property; that there are no unrecorded interests in the property being final platted ; and that the Developer will indemnify and hold the City harmless for any breach of the foregoing covenants.

I. Each right, power or remedy herein conferred upon the City is cumulative and in addition to every other right, power or remedy, express or implied, now or hereafter arising, available to City, at law or in equity, or under any other agreement, and each and every right, power and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient by the City and shall not be a waiver of the right to exercise at any time thereafter any other right, power or remedy.

J. The Developer represents to the City that the plat complies with all city, county, metropolitan, state, and federal laws and regulations, including but not limited to: subdivision ordinances, zoning ordinances, and environmental regulations. If the City determines that the plat does not comply, the City may, at its option, refuse to allow construction or development work in the plat until the Developer does comply. Upon the City's demand, the Developer shall cease work until there is compliance.

**31. EVENTS OF DEFAULT.** The following shall be "Events of Default" under this Agreement and the term "Event of Default" shall mean, whenever it is used in this Agreement, any one or more of the following events:

A. Subject to Unavoidable Delays, failure by Developers to commence and complete construction of the public improvements pursuant to the terms, conditions and limitations of this Contract.

B. Failure by Developers to substantially observe or perform any material covenant, condition, obligation or agreement on their part to be observed or performed under this Contract.

**32. REMEDIES ON DEFAULT.** Whenever any Event of Default occurs, the City, subject to any rights of third parties agreed to by the City pursuant to this Contract, or otherwise by written, executed instrument of the City, may take any one or more of the following:

A. The City may suspend its performance under this Contract until it receives assurances from Developer, deemed adequate by the City, that Developer will cure its default and continue its performance under this Contract. Suspension of performance includes the right of the City to withhold permits including, but not limited to, building permits.

B. The City may initiate such action, including legal or administrative action, as is necessary for the City to secure performance of any provision of this Contract or recover any amounts due under this Contract from Developer, or immediately draw on the Letter of Credit, as set forth in this Contract. In the event of any uncorrected failure to maintain any common area or landscape areas, the City may undertake to do the work and assess the costs to the individual lots within the plat without regard to the formalities or requirements of Minn. Stat. § 429.

**33. ENFORCEMENT BY CITY; DAMAGES.** The Developer acknowledges the right of the City to enforce the terms of this Contract against the Developer, by action for specific performance or damages, or both, or by any other legally authorized means. The Developer also acknowledges that its failure to perform any or all of their obligations under this Contract may result in substantial damages to the City; that in the event of default by the Developer, the City may commence legal action to recover all damages, losses and expenses sustained by the City; and that such expenses may include, but are not limited to, the reasonable fees of legal counsel employed with respect to the enforcement of this Contract.

**34. WARRANTY.** The Developer warrants all improvements required to be constructed by it pursuant to this Contract against poor material and faulty workmanship. The Developer shall submit either a letter of credit or cash escrow or a combination cash escrow and letter of credit in the amount of twenty-five percent (25%) of the amount of the original cost of the improvements.

A. The required warranty period for materials and workmanship for the utility contractor installing public sewer and water mains shall be two (2) years from the date of final written City acceptance of the work.

B. The required warranty period for all work relating to street construction, including concrete curb and gutter, sidewalks and trails, materials and equipment shall be one (1) year from the date of final written acceptance, unless the wearing course is placed during the same construction season as the bituminous base course. In those instances, the Developer shall guarantee all work, including street construction, concrete curb and gutter, sidewalks and trails, material and equipment for a period of two (2) years from the date of final written City acceptance of the work.

C. The required warranty period for sod, trees, and landscaping is two growing seasons following installation.

D. The required warranty for landscaping within storm water infiltration areas (Outlot D and Outlot J) shall be three (3) years following installation. The Developer shall also enter into a maintenance agreement with the City for a period of three (3) years prior to acceptance of the landscaping within these storm water infiltration areas. Said maintenance agreement shall include requirements for the proper care of native plantings and the elimination of weeds and invasive species.

**35. SUMMARY OF SECURITY REQUIREMENTS.** To guarantee compliance with the terms of this Contract, payment of special assessments, payment of the costs of all public improvements, and construction of all public improvements, the Developer shall furnish the City with an irrevocable letter of credit, in the form attached hereto, from a bank, cash escrow or a combination cash escrow and Letter of Credit ("security") for **$3,610,725.87**. The amount of the security was calculated as follows:

**CONSTRUCTION COSTS:**

| | |
|---|---|
| Streets (includes Sidewalks/Trails & Street Signs/ Traffic Control Signs) | $ 1,084,326.92 |
| Sanitary Sewer | $ 405,450.61 |
| Watermain | $349,673.91 |
| Surface Water Facilities (pipe, ponds, rain gardens, etc.) | $ 721,027.26 |
| Grading | $68,194.00 |
| Erosion Control | $48,406.00 |
| Street Lighting | Xcel to Install, to be pre-paid directly by Developer |
| Landscaping | $ 204,302.00 |
| Tree Preservation and Restoration | $0 (included with Erosion Control) |
| Wetland Mitigation and Buffers | Separate letter of credit through Watershed District |
| Monuments | $4,700.00 (100 per single family lot; $50 per townhome lot) |

| | |
|---|---|
| Miscellaneous Facilities | N/A |
| Developer's Record Drawings | $2,500 |
| **Construction Sub-Total** | **$ 2,888,580.70** |
| **Total Project Securities (at 125% Construction Costs)** | **$ 3,610,725.87** |

This breakdown is for historical reference; it is not a restriction on the use of the security. The bank shall be subject to the approval of the City Administrator. The City may draw down the security, without notice, for any violation of the terms of this Contract or if the security is allowed to lapse prior to the end of the required term. If the required public improvements are not completed at least thirty (30) days prior to the expiration of the security, the City may also draw it down. If the security is drawn down, the proceeds shall be used to cure the default.

**35. REDUCTION OF SECURITY.** Upon written request by the Developer and upon receipt of proof satisfactory to the City Engineer that work has been completed and financial obligations to the City have been satisfied, with City Engineer approval the security may be reduced as follows:

A. Up to 50%, or $1,805,362.94 of the security provided in accordance with paragraph 34. above may be released when: (1) Developer's obligations under this Contract have been completed and the public improvements have been found to be complete to the satisfaction of the City including all corrective work for any identified punch list items, but not including the final wear course; and (2) completion of the improvements is done to the satisfaction of the City and evidence of such is provided by the City in writing and satisfactory evidence of payment, such as lien waivers are provided.

B. Up to an additional 25%, or $902,681.48 of the security provided in accordance with paragraph 34. above may be released when: (1) Developer's obligations under this Contract have been completed and the improvements have been found to be complete to the satisfaction of the City including all corrective work for any identified punch list items and including the final wear course; and (2) the improvements are accepted by the City in writing and satisfactory evidence of payment, such as lien waivers, are provided.

C. Twenty percent (25%) of the amounts certified by the Developer's engineer shall be retained as security until: (1) all improvements have been completed, (2) iron monuments for lot corners have been installed, (3) all financial obligations to the City satisfied, (4) the required "record" plans have been received and approved by the City, (5) a warranty security is provided, and (6) the public improvements are accepted by the City.

**36. SUMMARY OF CASH REQUIREMENTS.** The following is a summary of the cash requirements under this Contract which must be furnished to the City at the time of final plat approval:

| | |
|---|---|
| Sewer Availability Charge (SAC) | $141,000.00 |
| Water Availability Charge (WAC) | $141,000.00 |
| Park Dedication | $143,648.38 |
| Street Light Operating Fee | $916.08 |
| City Base Map Upgrading | $1,175.00 |
| City Engineering Administration Escrow | $50,000 (Based on two months of administration/observation) |
| **Total Cash Requirements** | **$477,739.46** |
| **Less Credit for 5th Street ROW Acquisition Costs** | **$41,846.00** |
| **Adjusted Total Cash Requirements** | **$435,893.46** |

**37. NOTICES.** Required notices to the Developer shall be in writing, and shall be either hand delivered to the Developer, its employees or agents, or mailed to the Developer by certified mail at the following address: 11455 Viking Drive, Suite 350, Eden Prairie, MN 55344. Notices to the City shall be in writing and shall be either hand delivered to the City Administrator, or mailed to the City by certified mail in care of the City Administrator at the following address: Lake Elmo City Hall, 3800 Laverne Avenue N. Lake Elmo, Minnesota 55042.

**38. EVIDENCE OF TITLE.** Developer shall furnish the City with evidence of its fee ownership of the property being platted by way of an attorney's title opinion or title insurance policy dated not earlier

than thirty (30) days prior to the execution of the plat.

**CITY OF LAKE ELMO**

BY: _____
, Mayor

(SEAL)

AND _____
, City Clerk

STATE OF MINNESOTA )
( ss.
COUNTY OF WASHINGTON )

The foregoing instrument was acknowledged before me this_____day of_____, 2015, by_____and by_____, the Mayor and City Clerk of the City of Lake Elmo, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.

_____
NOTARY PUBLIC

**DEVELOPER:**

BY: _____
Its

STATE OF MINNESOTA )
( ss.
COUNTY OF_____)

The foregoing instrument was acknowledged before me this_____day of _____, 2_____, by _____the _____ of OP4 Boulder Ponds, LLC, a Minnesota limited liability company.

_____
NOTARY PUBLIC

DRAFTED BY:
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042
(651) 747-3901

# FEE OWNER CONSENT
# TO
# DEVELOPMENT CONTRACT

_____, fee owners of all or part of the subject property, the development of which is governed by the foregoing Development Contract, affirm and consent to the provisions thereof and agree to be bound by the provisions as the same may apply to that portion of the subject property owned by them.

Dated this_____day of_____, 2_____.

_____

_____

STATE OF MINNESOTA )
( ss.
COUNTY OF_____ )

The foregoing instrument was acknowledged before me this_____day of_____, 2____, by_____.

_____
NOTARY PUBLIC

DRAFTED BY:
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042
(651) 747-3901

# MORTGAGE CONSENT
# TO
# DEVELOPMENT CONTRACT

_____, which holds a mortgage on the subject property, the development of which is governed by the foregoing Development Contract, agrees that the Development Contract shall remain in full force and effect even if it forecloses on its mortgage.

Dated this_____day of_____, 2_____.

_____

_____

STATE OF MINNESOTA )
( ss.
COUNTY OF_____ )

The foregoing instrument was acknowledged before me this _____ day of_____, 2_____, by_____.

_____
NOTARY PUBLIC

DRAFTED BY:
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042
(651) 747-3901

_____
_____

_____

# EXHIBIT "A" TO
# DEVELOPMENT CONTRACT

**Legal Description of Property Being Final Platted as Boulder Ponds**

That part of the East Half of the Northwest Quarter of the Southwest Quarter and the West Half of the West Half of the Southwest Quarter in Section 34, Township 29, Range 21, Washington County, Minnesota, lying North of the North line of Minnesota Department of Transportation Right of Way Plat No. 82-43 filed March 22, 1982, as Document No. 429592.

AND

That part of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21,Washington County, Minnesota as described as commencing at the northwest corner of said East Half of the Southwest Quarter; thence South 00 degrees 02 minutes 55 seconds West, assumed bearing, along the west line of said East Half a distance of 7S6.99 feet to the point of beginning of the parcel to be described; thence South 16 degrees 08 minutes SS seconds East, along the centerline of the pipeline Easement described in Document No. 3172091, a distance of 437.96 feet; thence South 89 degrees 55 minutes 22 seconds West a distance of 122.17 feet to said west line of said East Half; thence North 00 degrees 02 minutes SS seconds East along said west line a distance of 420.85 feet to the point of beginning.

AND

That part of Lot I, Block 1, Eagle Point Business Park 3rd Addition, Washington County, Minnesota described as beginning at the northeast corner of said Lot I, Block 1; thence South 89 degrees 38 minutes 02 seconds West, assumed bearing, along the north line of said Lot 1 a distance of 28.08 feet; thence South 03 degrees 47 minutes 08 seconds East a distance of 426.49 feet to the east line of said Lot 1; thence North 00 degrees 00 minutes 40 seconds West along said east line of Lot 1 a distance of 425.74 feet to the point of beginning.

# EXHIBIT "B" TO
# DEVELOPMENT CONTRACT

## City Oversizing Payment Calculation

## Boulder Ponds Phase I - Oversizing Sanitary Sewer

| Description | Unit | Costs based on Enebak's Unit Pricing 3/5/15 | | | | | |
|---|---|---|---|---|---|---|---|
| | | Preliminary Quan | Final Quan | Unit Price | Preliminary Total | Final Total | |
| **SANITARY SEWER** | | | | | | | |
| 8" PVC SDR35 (10' - 12') | LF | 372 | 0 | $ 27.13 | $ 10,092.36 | $ - | |
| 8" PVC SDR35 (12' - 14') | LF | 225 | 0 | $ 27.63 | $ 6,216.75 | $ - | |
| 8" PVC SDR35 (14' - 16') | LF | 52 | 0 | $ 28.13 | $ 1,462.76 | $ - | |
| 8" PVC SDR35 (16' - 18') | LF | 130 | 0 | $ 78.53 | $ 10,208.90 | $ - | |
| 8" PVC SDR35 (18' - 20') | LF | 235 | 0 | $ 78.53 | $ 18,454.55 | $ - | |
| 8" PVC SDR26 (20' - 22') | LF | 200 | 0 | $ 78.53 | $ 15,706.00 | $ - | |
| 8" PVC SDR26 (22' - 24') | LF | 186 | 0 | $ 78.53 | $ 14,606.58 | $ - | |
| 8" PVC SDR26 (24' - 26') | LF | 180 | 0 | $ 78.53 | $ 14,135.40 | $ - | |
| 8" PVCSDR26 (26' - 28') | LF | 295 | 0 | $ 78.53 | $ 23,166.35 | $ - | |
| 8" PVCSDR26 (28' - 30') | LF | 308 | 0 | $ 78.53 | $ 24,187.24 | $ - | |
| | | | | | | | |
| 12" PVC SDR35 (10' - 12') | LF | 0 | 372 | $ 33.90 | $ - | $ 12,610.80 | |
| 12" PVC SDR35 (12' - 14') | LF | 0 | 225 | $ 34.40 | $ - | $ 7,740.00 | |
| 12" PVC SDR35 (14' - 16') | LF | 0 | 52 | $ 34.90 | $ - | $ 1,814.80 | |
| 12" PVC SDR35 (16' - 18') | LF | 0 | 130 | $ 85.30 | $ - | $ 11,089.00 | |
| 12" PVC SDR35 (18' - 20') | LF | 0 | 235 | $ 85.30 | $ - | $ 20,045.50 | |
| 12" PVC SDR26 (20' - 22') | LF | 0 | 200 | $ 87.86 | $ - | $ 17,572.00 | |
| 12" PVCSDR26 (22' - 24') | LF | 0 | 186 | $ 89.86 | $ - | $ 16,713.96 | |
| 12" PVCSDR26 (24' - 26') | LF | 0 | 180 | $ 89.86 | $ - | $ 16,174.80 | |
| 12" PVCSDR26 (26' - 28') | LF | 0 | 295 | $ 89.86 | $ - | $ 26,508.70 | |
| 12" PVCSDR26 (28' - 30') | LF | 0 | 308 | $ 92.86 | $ - | $ 28,600.88 | |
| | | | | | | | **Oversizing Difference** |
| | | | | | $ 138,236.89 | $ 158,870.44 | **$ 20,633.55** |

# IRREVOCABLE LETTER OF CREDIT

No. _____
Date: _____

TO: City of Lake Elmo

Dear Sir or Madam:

We hereby issue, for the account of (Name of Developer) and in your favor, our Irrevocable Letter of Credit in the amount of $_____, available to you by your draft drawn on sight on the undersigned bank at its offices in Minnesota.

The draft must:

a) Bear the clause, "Drawn under Letter of Credit No._____, dated_____, 2_____, of (Name of Bank) ";

b) Be signed by the Mayor or City Administrator of the City of Lake Elmo.

c) Be presented for payment at (Address of Bank), on or before 4:00 p.m. on November 30, 2_____.

This Letter of Credit shall automatically renew for successive one-year terms unless, at least forty-five (45) days prior to the next annual renewal date (which shall be November 30 of each year), the Bank delivers written notice to the Lake Elmo City Administrator that it intends to modify the terms of, or cancel, this Letter of Credit. Written notice is effective if sent by certified mail, postage prepaid, and deposited in the U.S. Mail, at least forty-five (45) days prior to the next annual renewal date addressed as follows: City Administrator, City Hall, 3800 Laverne Ave. N. Lake Elmo Minnesota 55042 and is actually received by the City Administrator at least thirty (30) days prior to the renewal date.

This Letter of Credit sets forth in full our understanding which shall not in any way be modified, amended, amplified, or limited by reference to any document, instrument, or agreement, whether or not referred to herein.

This Letter of Credit is not assignable. This is not a Notation Letter of Credit. More than one draw may be made under this Letter of Credit.

This Letter of Credit shall be governed by the most recent revision of the Uniform Customs and Practice for Documentary Credits, International Chamber of Commerce Publication No. 500.

We hereby agree that a draft drawn under and in compliance with this Letter of Credit shall be duly honored upon presentation.

BY: _____

Its _____