THE CITY OF LAKE ELMO

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

NOTICE OF MEETING
City Council Meeting
Tuesday, June 2, 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 / Order of Business
D. Approval of Agenda
E. Council Reports
F. Presentations/Public Comments/Inquiries
G. Finance Consent Agenda
1. Approve Payment of Disbursements and Payroll
2. Approval to Reallocate Assessments between Lennar and OP4 (relates to 0.62 parcel)
3. Authorize Contracting Hazardous Tree Removal in Sunfish Lake Park

H. Other Consent Agenda
4. Sunfish Lake Park Master Plan (Park Commission Recommendation)

I. Regular Agenda
5. Bee Pollinator Project in the Homestead HOA (Park Commission Recommendation)
6. Public Hearing for Vacation of Easements; ***Resolution No. 2015-43, Resolution No. 2015-44***
7. Wedding Venue Ordinance Amendment; ***Ordinance 08-121, Resolution No. 2015-45***
8. Approve MS4 Annual Report and Hold Public Meeting
9. Eagle Point Boulevard Street Improvements – Approve Plans and Specifications; Authorize Ad for Bids; ***Resolution No. 2015-46***
10. Village Preserve Developers Agreement; ***Resolution No. 2015-47***
11. Interim Ordinance – Development Staging; ***Ordinance 08-122***
12. Consolidation of Taxpayer Relations Coordinator / Admin Assistant into One Position – Communications Coordinator

J. Staff Reports and Announcements
K. Executive Session
- Adjourn to Closed Session per MN State Statute 13D.05 Subd. 3(a) for performance review of City Administrator Dean Zuleger

L. Adjourn

THE CITY OF LAKE ELMO

MAYOR & COUNCIL COMMUNICATION

DATE: June 2, 2015
CONSENT ITEM# 1

AGENDA ITEM: Approve Disbursements in the amount of $85,917.59

SUBMITTED BY: Cathy Bendel, Finance Director

THROUGH: Cathy Bendel, Finance Director

REVIEWED BY: Dean Zuleger, City Administrator

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Finance

FISCAL IMPACT: $85,917.59

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of $85,917.59. 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	$ 11,243.91	Payroll Taxes to IRS & MN Dept of Revenue 5/28/2015
ACH	$ 6,180.92	Payroll Retirement to PERA 5/28/2015
DD6242-DD6268	$ 28,281.40	Payroll Dated (Direct Deposits) 5/28/2015
42831-42877	$ 40,211.36	Account Payable 6/02/2015
TOTAL	**$ 85,917.59**	

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 $85,917.59.

ATTACHMENTS:

1. Accounts Payable – check registers

Accounts Payable
To Be Paid Proof List

User: PattyB
Printed: 05/27/2015 - 10:38 AM
Batch: 008-05-2015

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
ABRAKADO Abrakadoodle											
1865	05/14/2015	145.00	0.00	06/02/2015	Library Event		-			No	0000
206-450-5300-42500	Library Collection Maintenance										
	1865 Total:	145.00									
	ABRAKADO Total:	145.00									
AMAZONIN Amazon Inc											
	04/10/2015	277.85	0.00	06/02/2015	Kid Books		-			No	0000
206-450-5300-42500	Library Collection Maintenance										
	04/10/2015	492.96	0.00	06/02/2015	Adult Books		-			No	0000
206-450-5300-42500	Library Collection Maintenance										
	Total:	770.81									
	AMAZONIN Total:	770.81									
ANCOM ANCOM Communications, Inc.											
52735	05/06/2015	625.00	0.00	06/02/2015	6 bank radio charger for new truck		-			No	0000
101-420-2220-43230	Radio										
	52735 Total:	625.00									
	ANCOM Total:	625.00									
ASPENMI Aspen Mills, Inc.											
164576	05/01/2015	86.45	0.00	06/02/2015	Uniform items - McClellan		-			No	0000
101-420-2220-44170	Uniforms										
	164576 Total:	86.45									
	ASPENMI Total:	86.45									
BERKLEY Insurance Trust League of MN Citie											
49292	03/29/2015	5,463.00	0.00	06/02/2015	Policy Renewal		-			No	0000
101-410-1320-41510	Workers Compensation										
	49292 Total:	5,463.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
	BERKLEY Total:	5,463.00									
BRO Brodart Company											
396214	04/30/2015	155.27	0.00	06/02/2015	Book covers		-			No	0000
206-450-5300-42500	Library Collection Maintenance										
	396214 Total:	155.27									
	BRO Total:	155.27									
CARQUEST Car Quest Auto Parts											
2055-348506	05/18/2015	34.57	0.00	06/02/2015	Oil		-			No	0000
101-450-5200-42120	Fuel, Oil and Fluids										
	2055-348506 Total:	34.57									
2055-348557	05/18/2015	3.89	0.00	06/02/2015	parts		-			No	0000
101-450-5200-42210	Equipment Parts										
	2055-348557 Total:	3.89									
2055-348558	05/18/2015	6.99	0.00	06/02/2015	parts		-			No	0000
101-450-5200-42210	Equipment Parts										
	2055-348558 Total:	6.99									
2055-348790	05/21/2015	63.37	0.00	06/02/2015	Oil filters, antifreeze		-			No	0000
101-450-5200-42150	Shop Materials										
	2055-348790 Total:	63.37									
2055-349100	05/26/2015	8.20	0.00	06/02/2015	parts		-			No	0000
101-450-5200-42210	Equipment Parts										
	2055-349100 Total:	8.20									
	CARQUEST Total:	117.02									
CENTFEN Century Fence Company											
9667C00	05/04/2015	2,445.00	0.00	06/02/2015	Replace fence fabric		-			No	0000
404-480-8000-44030	Repairs/Maint Imp Not Bldgs										
	9667C00 Total:	2,445.00									
	CENTFEN Total:	2,445.00									
CENTPOW Century Power Equipment											
657010	05/18/2015	27.92	0.00	06/02/2015	Mower parts		-			No	0000
101-450-5200-42210	Equipment Parts										
	657010 Total:	27.92									
75367	05/06/2015	36.90	0.00	06/02/2015	Parts		-			No	0000
101-450-5200-42210	Equipment Parts										
	75367 Total:	36.90									
	CENTPOW Total:	64.82									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
CTYSTPAU City of St. Paul											
8782	05/04/2015	325.45	0.00	06/02/2015	Asphalt		-			No	0000
101-430-3120-42240	Street Maintenance Materials										
	8782 Total:	325.45									
	CTYSTPAU Total:	325.45									
DEMCO Demco											
5590375	04/30/2015	48.94	0.00	06/02/2015	Book spine labels		-			No	0000
206-450-5300-42500	Library Collection Maintenance										
	5590375 Total:	48.94									
	DEMCO Total:	48.94									
DEPREY Deprey Nate											
	04/20/2015	31.98	0.00	06/02/2015	ACT Books		-			No	0000
206-450-5300-42500	Library Collection Maintenance										
	04/17/2015	21.36	0.00	06/02/2015	Program supplies		-			No	0000
206-450-5300-42500	Library Collection Maintenance										
	Total:	53.34									
	DEPREY Total:	53.34									
EMERGAUT Emergency Automotive Tech, Inc											
23717	05/18/2015	165.00	0.00	06/02/2015	Repair lights on T2		-			No	0000
101-420-2220-44040	Repairs/Maint Eqpt										
	23717 Total:	165.00									
	EMERGAUT Total:	165.00									
EQUINOX Equinox Software											
3664	05/06/2015	1,000.00	0.00	06/02/2015	KOHA Annual Hosting		-			No	0000
206-450-5300-42185	Software										
3664	05/06/2015	2,100.00	0.00	06/02/2015	KOHA Platinum Support		-			No	0000
206-450-5300-42185	Software										
	3664 Total:	3,100.00									
	EQUINOX Total:	3,100.00									
GFOA Gov. Finance Officers Assn											
148809	05/19/2015	170.00	0.00	06/02/2015	Membership Dues - Bendel		-			No	0000
101-410-1520-44330	Dues & Subscriptions										
	148809 Total:	170.00									
	GFOA Total:	170.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
GIBSONJU Gibson Judy											
	04/13/2015	93.62	0.00	06/02/2015	Supplies for volunteer event		-			No	0000
206-450-5300-44300 Miscellaneous											
	Total:	93.62									
	GIBSONJU Total:	93.62									
GKSERVIC G&K Services											
1182109339	05/20/2015	36.84	0.00	06/02/2015	Uniforms		-			No	0000
101-430-3100-44170 Uniforms											
	1182109339 Total:	36.84									
1182897914	05/13/2014	36.84	0.00	06/02/2015	Uniforms		-			No	0000
101-430-3100-44170 Uniforms											
	1182897914 Total:	36.84									
	GKSERVIC Total:	73.68									
GREATAM Great America Financial											
16995331	05/18/2015	480.05	0.00	06/02/2015	Copier maintenance		-			No	0000
101-410-1940-44040 Repairs/Maint Contractual Eqpt											
	16995331 Total:	480.05									
	GREATAM Total:	480.05									
JOHNNICK Johnson Nick											
	05/26/2015	20.93	0.00	06/02/2015	Mileage Reimbursement		-			No	0000
101-410-1910-43310 Mileage											
	Total:	20.93									
	JOHNNICK Total:	20.93									
kathfuel Kath Fuel Oil Service Co											
510007	05/11/2015	923.68	0.00	06/02/2015	Fuel		-			No	0000
101-430-3100-42120 Fuel, Oil and Fluids											
	510007 Total:	923.68									
	kathfuel Total:	923.68									
Landscap Landscape Architecture, Inc											
BP #5	05/26/2015	780.00	0.00	06/02/2015	Payment 2		-			No	0000
803-000-0000-22910 Developer Payments											
	BP #5 Total:	780.00									
Deidrich/Reider	05/26/2015	325.00	0.00	06/02/2015	Payment 1		-			No	0000
803-000-0000-22910 Developer Payments											
	Deidrich/Reider Total:	325.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
EV #4	05/26/2015	520.00	0.00	06/02/2015	Payment 3		-			No	0000
803-000-0000-22910	Developer Payments										
	EV #4 Total:	520.00									
HC #7	05/13/2015	1,300.00	0.00	06/02/2015	Payment 3		-			No	0000
803-000-0000-22910	Developer Payments										
	HC #7 Total:	1,300.00									
Inwood #11	05/22/2015	1,300.00	0.00	06/02/2015	Payment 1		-			No	0000
803-000-0000-22910	Developer Payments										
	Inwood #11 Total:	1,300.00									
Savona	05/26/2015	520.00	0.00	06/02/2015	Payment 4		-			No	0000
803-000-0000-22910	Developer Payments										
	Savona Total:	520.00									
Savona II	05/26/2015	650.00	0.00	06/02/2015	Payment 3		-			No	0000
803-000-0000-22910	Developer Payments										
	Savona II Total:	650.00									
VP 3	05/26/2015	520.00	0.00	06/02/2015	Payment 2		-			No	0000
803-000-0000-22910	Developer Payments										
	VP 3 Total:	520.00									
VPP #9	05/26/2015	260.00	0.00	06/02/2015	Payment 2		-			No	0000
803-000-0000-22910	Developer Payments										
	VPP #9 Total:	260.00									
WF #10	05/26/2015	520.00	0.00	06/02/2015	Payment 2		-			No	0000
803-000-0000-22910	Developer Payments										
	WF #10 Total:	520.00									
	Landscap Total:	6,695.00									
LCORNELL Cornell Larry											
	05/18/2015	253.00	0.00	06/02/2015	Mileage - Arson Class		-			No	0000
101-420-2220-43310	Mileage										
	Total:	253.00									
	LCORNELL Total:	253.00									
Libraryl Library Ideas											
45678	04/30/2015	3.50	0.00	06/02/2015	Freading pay as you go		-			No	0000
206-450-5300-43150	Contract Services										
	45678 Total:	3.50									
	Libraryl Total:	3.50									
MARONEYS Maroney's Sanitation, Inc											
572204	05/07/2015	112.94	0.00	06/02/2015	City Hall		-			No	0000
101-410-1940-43840	Refuse										
572204	05/07/2015	49.71	0.00	06/02/2015	Fire		-			No	0000
101-420-2220-43840	Refuse										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
572204	05/07/2015	216.67	0.00	06/02/2015	PW		-			No	0000
101-430-3100-43840	Refuse										
572204	05/07/2015	216.67	0.00	06/02/2015	Fire		-			No	0000
101-420-2220-43840	Refuse										
572204	05/07/2015	49.89	0.00	06/02/2015	Library		-			No	0000
206-450-5300-43840	Refuse										
	572204 Total:	645.88									
	MARONEYS Total:	645.88									
MENARDSO Menards - Oakdale											
72092	03/28/2015	79.94	0.00	06/02/2015	Inverters		-			No	0000
101-420-2220-44040	Repairs/Maint Eqpt										
	72092 Total:	79.94									
75981	05/10/2015	92.96	0.00	06/02/2015	Replacement hose and nozzle		-			No	0000
101-420-2220-44010	Repairs/Maint Bldg										
	75981 Total:	92.96									
76342	05/14/2015	12.56	0.00	06/02/2015	Shop supplies		-			No	0000
101-450-5200-42150	Shop Materials										
	76342 Total:	12.56									
76985	05/21/2015	1.67	0.00	06/02/2015	Painting supplies		-			No	0000
101-420-2220-44010	Repairs/Maint Bldg										
	76985 Total:	1.67									
	MENARDSO Total:	187.13									
MIKESLP Mike's LP Gas, Inc											
51434	05/14/2015	113.40	0.00	06/02/2015	Parts		-			No	0000
101-430-3120-42210	Equipment Parts										
	51434 Total:	113.40									
	MIKESLP Total:	113.40									
MNDOHEDU Minnesota Dept. of Health											
182009	05/18/2015	1,661.00	0.00	06/02/2015	2nd qtr water supply connection fee		-			No	0000
601-494-9400-43820	Water Utility										
	182009 Total:	1,661.00									
	MNDOHEDU Total:	1,661.00									
NAPA NAPA Auto Parts											
836154	05/11/2015	0.49	0.00	06/02/2015	light		-			No	0000
101-420-2220-44040	Repairs/Maint Eqpt										
	836154 Total:	0.49									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
	NAPA Total:	0.49									
RIVRCOOP River Country Cooperative											
	04/30/2015	140.95	0.00	06/02/2015	Fuel	-				No	0000
101-420-2220-42120 Fuel, Oil and Fluids											
	Total:	140.95									
	RIVRCOOP Total:	140.95									
ROTARYLE Lake Elmo Rotary Club											
	05/26/2015	50.00	0.00	06/02/2015	Dues - Jill Lundgren	-				No	0000
101-410-1110-44330 Dues & Subscriptions											
	Total:	50.00									
	ROTARYLE Total:	50.00									
SAFEFAST Safe-Fast, Inc.											
148952	01/29/2015	238.80	0.00	06/02/2015	Gloves	-				No	0000
101-430-3120-42210 Equipment Parts											
	148952 Total:	238.80									
	SAFEFAST Total:	238.80									
SAMSCLUB Sam's Club											
	05/19/2015	159.82	0.00	06/02/2015	Arbor Day supplies	-				No	0000
204-450-5200-44300 Miscellaneous											
	Total:	159.82									
	SAMSCLUB Total:	159.82									
SELECTAC SelectAccount											
1100239	05/06/2015	6.33	0.00	06/02/2015	Particpant Fee 5/01-5/31/15	-				No	0000
101-410-1520-43150 Contract Services											
	1100239 Total:	6.33									
	SELECTAC Total:	6.33									
SPRINT Sprint											
761950227-144	05/18/2015	78.08	0.00	06/02/2015	Admin	-				No	0000
101-410-1940-43210 Telephone											
761950227-144	05/18/2015	244.29	0.00	06/02/2015	Fire	-				No	0000
101-420-2220-43210 Telephone											
761950227-144	05/18/2015	53.70	0.00	06/02/2015	Building	-				No	0000
101-420-2400-43210 Telephone											

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
761950227-144	05/18/2015	93.72	0.00	06/02/2015	PW		-			No	0000
101-430-3100-43210	Telephone										
761950227-144	05/18/2015	102.26	0.00	06/02/2015	Parks		-			No	0000
101-450-5200-43210	Telephone										
761950227-144	05/18/2015	55.82	0.00	06/02/2015	Taxpayer Services		-			No	0000
101-410-1450-43210	Telephone										
761950227-144	05/18/2015	21.16	0.00	06/02/2015	Planning		-			No	0000
101-410-1910-43210	Telephone										
	761950227-144 Total:	649.03									
	SPRINT Total:	649.03									
STDHEAT Standard Heating & Air											
9119B	05/18/2015	120.00	0.00	06/02/2015	Overpayment Contractor License		-			No	0000
101-000-0000-32183	Heating Contractor License										
	9119B Total:	120.00									
	STDHEAT Total:	120.00									
TDS TDS Metrocom - LLC											
6517798882	05/13/2015	89.61	0.00	06/02/2015	Fire		-			No	0000
101-420-2220-43210	Telephone										
6517798882	05/13/2015	209.02	0.00	06/02/2015	PW		-			No	0000
101-430-3100-43210	Telephone										
6517798882	05/13/2015	82.66	0.00	06/02/2015	Lift Station Alarms		-			No	0000
602-495-9450-43210	Telephone										
6517798882	05/13/2015	43.33	0.00	06/02/2015	Well House 2 Alarms		-			No	0000
601-494-9400-43210	Telephone										
	6517798882 Total:	424.62									
	TDS Total:	424.62									
TEILANDM TEI Landmark Audio											
11834796	04/14/2015	163.72	0.00	06/02/2015	Used Audio CDs		-			No	0000
206-450-5300-42500	Library Collection Maintenance										
	11834796 Total:	163.72									
	TEILANDM Total:	163.72									
TITAN Titan Machinery											
5864580	04/30/2015	10.35	0.00	06/02/2015	Keys		-			No	0000
101-430-3120-42210	Equipment Parts										
	5864580 Total:	10.35									
5938840	04/30/2015	651.25	0.00	06/02/2015	Bar-scraper, parts		-			No	0000
101-430-3120-42210	Equipment Parts										
	5938840 Total:	651.25									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
	TITAN Total:	661.60									
TMOBILE T Mobile											
	05/11/2015	21.34	0.00	06/02/2015	Scada Line		-			No	0000
601-494-9400-43210	Telephone										
	Total:	21.34									
	TMOBILE Total:	21.34									
TOOLGUY The Tool Guy, LLC											
4359	05/12/2015	10.00	0.00	06/02/2015	Tools		-			No	0000
101-430-3100-42400	Small Tools & Minor Equipment										
	4359 Total:	10.00									
	TOOLGUY Total:	10.00									
VERIZON Verizon Wireless											
9745497439	05/10/2015	35.01	0.00	06/02/2015	Fire Dept Tablets		-			No	0000
101-420-2220-43210	Telephone										
	9745497439 Total:	35.01									
	VERIZON Total:	35.01									
WARNER Warner Nature Center											
	05/13/2015	100.00	0.00	06/02/2015	June Library Program		-			No	0000
206-450-5300-43150	Contract Services										
	Total:	100.00									
	WARNER Total:	100.00									
WASHTAX Washington County											
81164	05/15/2015	1,300.00	0.00	06/02/2015	2015 Tax Petition		-			No	0000
101-410-1320-43100	Assessing Services										
81164	05/15/2015	4,690.88	0.00	06/02/2015	2015 Assessing Fee - Mobile Homes		-			No	0000
101-410-1320-43100	Assessing Services										
	81164 Total:	5,990.88									
	WASHTAX Total:	5,990.88									
Whiteani White Anita											
Cable	05/19/2015	55.00	0.00	06/02/2015	5/19/15 CC Meeting		-			No	0000
101-410-1450-43620	Cable Operations										
Cable	05/19/2015	25.00	0.00	06/02/2015	5/19/15 CC Bonus		-			No	0000
101-410-1450-43620	Cable Operations										
	Cable Total:	80.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	Whiteani Total:	80.00								
	Report Total:	33,738.56								

Accounts Payable
To Be Paid Proof List

User: PattyB
Printed: 05/27/2015 - 10:50 AM
Batch: 009-05-2015

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
DELTA Delta Dental Of Minnesota											
6008826	05/15/2015	1,511.80	0.00	06/02/2015	June Premium		-			No	0000
101-000-0000-21706	Medical Insurance										
	6008826 Total:	1,511.80									
	DELTA Total:	1,511.80									
LEASSOC Lake Elmo Associates, LLP											
	06/01/2015	2,461.00	0.00	06/02/2015	June 2015 Rent		-			No	0000
101-410-1940-44120	Rentals - Building										
	Total:	2,461.00									
	LEASSOC Total:	2,461.00									
RABOUIN RABOUIN, INC											
	06/01/2015	2,500.00	0.00	06/02/2015	June Monthly Installment		-			No	0000
101-410-1320-43100	Assessing Services										
	Total:	2,500.00									
	RABOUIN Total:	2,500.00									
	Report Total:	6,472.80									

THE CITY OF LAKE ELMO

MAYOR & COUNCIL COMMUNICATION

DATE: June 2, 2015
CONSENT ITEM #2
MOTION

AGENDA ITEM: Approval to Reallocate Assessments between Lennar and Boulder Ponds (0.62 acre parcel)

SUBMITTED BY: Cathy Bendel, Finance Director

THROUGH: Cathy Bendel, Finance Director

REVIEWED BY: Nick Johnson, City Planner

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Finance

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve the reallocation of special assessments related to a lot line adjustment between Parcel ID 34.029.21.31.0006 and Parcel ID 34.029.21.32.0001. City Council is required to make any special assessment changes. No specific motion is needed as this is recommended to be part of the *Consent Agenda*.

BACKGROUND INFORMATION: As part of the Section 34 water and sewer project, the property owners were assessed the infrastructure costs. Those costs were assessed to all property owners that were part of the project over 15 years beginning in 2014.

At the end of 2014, it was identified that a small pie shape of land (see attached highlight map) would need to be sold from Lennar to Boulder Ponds to allow for the best placement of 5th Street.

At that time, the City Attorney worked with the impacted landowners to review the specifics and determine a reasonable allocation related to the 0.62 acre pie shaped parcel. All agreed that $1,166.54 was a reasonable amount to be allocated to this parcel based on the acreage, and the amount was paid to the City based on the anticipated land sale in 2014. However, the land transaction was delayed until now which is why it is coming to the City Council for approval at this time.

The City Council approval is required by Washington County if any changes/corrections are needed related to parcels with outstanding special assessments. Approval of this item will approve that the attached draft letter be sent to Washington County directing that this reallocation is approved by the City Council of Lake Elmo and that all remaining assessments will remain with Parcel ID 34.029.21.31.0006.

RECOMMENDATION: It is recommended that the City Council approve the proposed reallocation of special assessments.

ATTACHMENTS:

1. Map showing location of the 0.62 acre parcel
2. Draft letter to go to Washington County authorizing the release of the lot line adjustment

BOULDER PONDS

KNOW ALL PERSONS BY THESE PRESENTS: OP4 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. 3172061, a distance of 448.37 feet; thence South 89 degrees 59 minutes 32 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.

Has caused the same to be surveyed and platted as BOULDER PONDS and does hereby dedicate to the public for public use the public ways and drainage and utility easements created by this plat.

In witness whereof said OP4 Boulder Ponds, LLC, a Minnesota limited liability company, has caused these presents to be signed by Timothy J. Brown, Senior Vice President this _____ day of _____, 20____.

OP4 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 OP4 Boulder Ponds, LLC, a Minnesota limited liability company, 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 Section 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 on this _____ day of _____, 20____ by Jason E. Rud, Licensed Land Surveyor, Minnesota License No. 41578.

_____
Notary Public, _____ County, Minnesota
My Commission Expires _____

LAKE ELMO PLANNING COMMISSION
Approved by the Planning Commission of the City of Lake Elmo, Minnesota, this _____ day of _____, 20____

PLANNING COMMISSION, CITY OF LAKE ELMO, MINNESOTA

By _____ By _____
Chairman Secretary

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 hereinafter described have been paid. Also pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer has been entered on this _____ day of _____, 20____

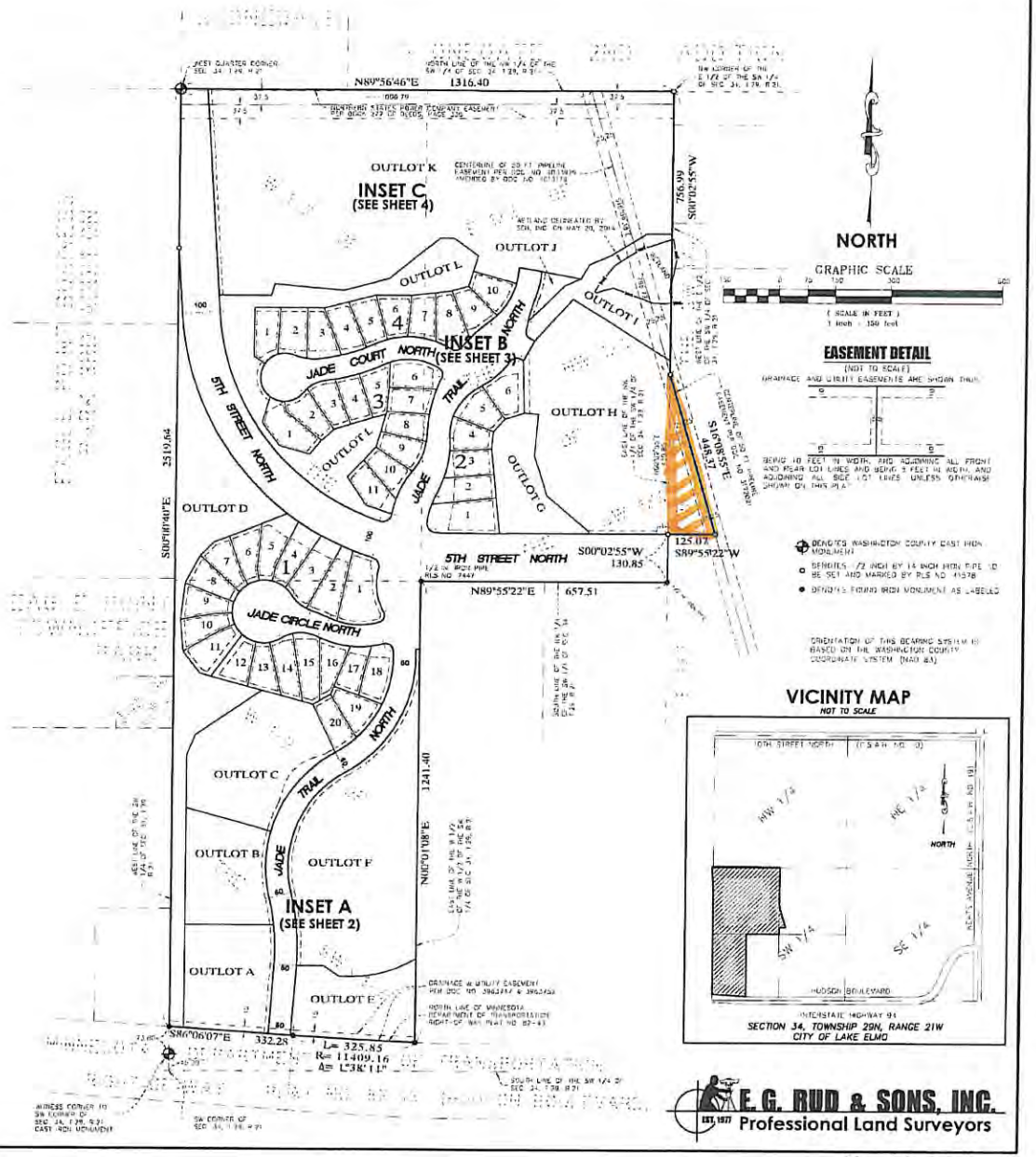
By _____ By _____
Washington County Auditor/Treasurer Deputy

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

COUNTY REGISTRAR OF TITLES
Document Number _____
I hereby certify that this instrument was filed in the Office of the Registrar of Titles for record on this _____ day of _____, 20____, at _____ o'clock ____ M., and was duly recorded in Washington County Records.

By _____ By _____
Washington County Registrar of Titles Deputy



E.G. RUD & SONS, INC.
EST. 1977 Professional Land Surveyors

THE CITY OF
LAKE ELMO

June 2, 2015

Ms. Kristi Haan
Washington County
City of Lake Elmo
3800 Laverne Ave.
Lake Elmo, MN 55042

Re: Outstanding Special Assessments for Property ID 34.029.21.31.0006

Dear Kristi:

There was a recent lot line adjustment necessary to move 0.62 acres from Parcel ID 34.029.21.31.0006 to Parcel ID 34.029.21.32.0001. The owners of the parcels have come to an agreement as to the portion of the special assessments that relate to the 0.62 acres and that any remaining assessments would remain with Parcel ID 34.029.21.31.0006. $1,166.54 has been collected and represents the pro-rated portion for the 0.62 acres.

The City Attorney worked with Counsel for the impacted landowners to review the specifics and all agreed that this was a reasonable allocation and the payment was made to the City with the understanding the land transaction was going to close by the end of 2014. However, the land transaction did not take place at the end of 2014 and is just closing now.

The allocation between the two (2) parcels that was agreed upon is as follows:

Type of Improvement	Balance of 01/01/2015	Allocate to 0.62 acres (land moved to PID 34.029.21.32.0001)	Allocate to PID 34.029.21.31.0006
Section 34 Water Project	$29,670.63	$ 686.16	$28,984.47
Section 34 Sewer Project	$20,772.31	$ 480.38	$20,291.93
Payoff at Closing		**$1,166.54**	

At the City Council meeting on June 2, 2015, the Lake Elmo City Council approved this reallocation of special assessments as presented.

The 2015 property taxes for both parcels have paid in full. Please accept this letter as the authorization by the City of Lake Elmo to proceed with the lot line adjustment. When I send my 2015/2016 correction file, I will include the reduction for the balance due for Parcel ID 34.029.21.31.0006 in future years.

Sincerely,

Cathy Bendel
Finance Director

DRAFT

THE CITY OF LAKE ELMO

MAYOR & COUNCIL COMMUNICATION

DATE: **June 2, 2015**
CONSENT $$
ITEM #: **3**

AGENDA ITEM: Authorize Contracting of Non-Oak Hazardous Tree Removal at Sunfish Lake Park

SUBMITTED BY: Dean A. Zuleger, City Administrator

THROUGH: Lake Elmo Park Commission

REVIEWED BY: Lake Elmo Park Commission

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item ..... City Administrator
- Report/Presentation..... City Administrator
- 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: Lake Elmo Parks Commission (6-1 Vote, Ames Dissent) May 2015 Parks Commission Meeting

FISCAL IMPACT: $8,000 (One Time)

SUMMARY AND ACTION REQUESTED: Removal of hazardous non-oak trees impacting the use of Sunfish Lake Park. The recommended motion for this action is as follows:

"Move to expend up to $8,000 for the removal of non-oak species of trees deemed hazardous to the public at Sunfish Lake Park and to obtain an additional quote to remove the fallen trees from the public areas."

LEGISLATIVE HISTORY: Sunfish Lake Park is the flagship park in the Lake Elmo Park System, with much of the park use regulated by the MN Land Trust. The park serves primarily as a mature oak savannah nature preserve that is highlighted by diverse eco-systems and a variety of mature tree stands which compete with an aggressive spread of buckthorn.

BACKGROUND INFORMATION: In 2013, a season of severe storms greatly impacted the forest canopy of Sunfish Lake Park. Many trees have been left leaning toward recreational trails, tops of trees have been severed and hanging in other branches, and coupled with age / decay have impacted over 700 trees that need attention. In 2014-15, the Lake Elmo Park Commission retained forester Steve Kunde to provide an analysis of the forest's condition and how best it might be managed in the future. During this examination, in concert with DPW Bouthilet and several members of the Park Commission, it was determined that there were many trees that needed attention to protect the welfare of those using the park recreationally. DPW Bouthilet and staff marked obvious trees and created an RFP for the falling of hazardous trees and brought the low quote of $8,000 by CAMCO back to the Park Commission. The Park Commission voted 6-1 to accept the quote with Commissioner Ames voting in the dissent.

During the discussion of the quote it was noted by Kunde that in the removal of hazardous trees that oak trees be left alone as to not propagate oak wilt during this time of year. Kunde will be coming back with a more comprehensive harvest plan in the near future that will include recommendations for removal, canopy management, grant opportunities and invasive species control – for now the matter is public safety.

BACKGROUND INFORMATION (SWOT):

Strengths: Removal of hazardous trees protects the safety of those using the park.

Weakness: Hazardous oak trees will have to be dealt with at a later date.

Opportunities: The removal of trees will allow for additional perspectives / techniques on the management of the forest as a whole.

Threats: Non-removal could result in injury to recreational users of the Sunfish Lake Park trail system

RECOMMENDATION:

"Move to expend up to $8,000 for the removal of non-oak species of trees deemed hazardous to the public at Sunfish Lake Park and to obtain an additional quote to remove the fallen trees from the public areas."

THE CITY OF LAKE ELMO

MAYOR & COUNCIL COMMUNICATION

DATE: **June 2, 2015**
CONSENT **$$ Future**
ITEM # **4**

AGENDA ITEM: Sunfish Lake Park Master Plan

SUBMITTED BY: Park Commission Sunfish Lake Fish Park Master Plan Subcommittee

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Lake Elmo Park Commission

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item ..... City Administrator
- Report/Presentation..... City Administrator
- 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 RECCOMENDER: Lake Elmo Park Commission

FISCAL IMPACT: Future Parkland Dedication Fund use to be determined through the Park Commission's Annual Plan of Work.

SUMMARY AND ACTION REQUESTED: To affirm the Park Commission's Master Plan for the future development of Sunfish Lake Park – specifically Area 3, which is not guided by agreement with the MN Land Trust. The recommended motion for this action is as follows:

"Move to affirm the Park Commission's "Guide to the Development and Usage of Sunfish Lake Park.""

LEGISLATIVE HISTORY: The 284 acre Sunfish Lake Park is considered the crown jewel of the Lake Elmo Park System and is noted for its unique oak savannah eco-system. When acquired by the community in the 1970s the park was placed in a conservancy state with the MN Land Trust that limits use to only passive activities in what is known as Area 1 and Area 2. With the advent of the Washington County landfill remediation project, the City was able to adjoin an area to the original park, known as Area 3 that was not constrained by MN Land Trust

specifications. In 2013, the City Council was requested to look into the expansion of use of Sunfish Lake Park, specifically for the purpose of mountain biking by an athletic team from Stillwater High School. In 1994, a similar request was made that was studied and subsequently denied (in Area 1 and Area 2) due to the constraints of the MN Land Trust conservation easement. The Park Commission was instructed by the City Council to develop a master plan for Sunfish Lake Park targeting expanded and new use opportunities in all areas.

BACKGROUND INFORMATION: The Sunfish Lake Park Master Plan Subcommittee consisted of Park Commissioners Steele, Ames, Hartley and Frick. Over the course of seven month the Subcommittee thoughtfully studied current and potential uses in all three areas of the park with particular attention placed on the MN Land Trust Conservation Easement in Area 1 and Area 2 and new uses that would be possible in Area 3. The Subcommittee used the 2013 Park Survey, the topography of the park, conservation, tree preservation, and park access as guiding principles to develop a framework for advancing the use of the park as a whole.

BACKGROUND INFORMATION (SWOT):

Strengths: Provides a framework for conservation preservation and new uses (specifically in Area 3) for the future;

Weakness: MN Land Trust restrictions limit use in Area 1 and Area 2 that lends itself to more active recreation like mountain biking and other adventure sports;

Opportunities: Area 3 is a blank canvass that has plenty of opportunity for development and meeting the recreational needs (per Park Survey) of Lake Elmo residents

Threats: Weather and pests threaten the health of the oak savannah, which could change the nature of the ecosystem.

RECOMMENDATION:

The Park Commission recommends:

"Move to affirm the Park Commission's "Guide to the Development and Usage of Sunfish Lake Park.""

ATTACHMENTS:

1. Guide to the Development and Usage of Sunfish Lake Park

A Guide to the Development and Usage of Sunfish Lake Park

A Proposal of the Lake Elmo Parks Commission

March 2015

I. Purpose

In December 2013, a subcommittee of the Lake Elmo Parks Commission was charged with developing a long-term vision for the development of Sunfish Lake Park that can serve as a blueprint to city leaders through 2030. It is anticipated that this guide plan will foster improved decision-making, provide an effective timeline for development of the park, increase responsiveness to citizen requests and needs, and enhance the efficiency by which city resources are committed to the park. This plan was first reviewed by the Parks Commission as a whole on November 17, 2014, revised and approved by the Parks Commission on March 16, 2015, and forwarded for review by the City Council.

II. A History of Sunfish Lake Park

Sunfish Lake Park is by far the largest park in the Lake Elmo park system, with a total of 256 acres of forest, wetlands, and Sunfish Lake itself. Consisting mostly of land that has never been farmed owing to its thick woodland, steep slopes, and extensive wetlands, the park was created through $750,000 park bond referendum that was passed by the citizens of Lake Elmo in 1974. The land was purchased at a significantly discounted price from owners who were committed to saving it from development, and the bond was presented to the people of Lake Elmo as a means of preserving the natural beauty of a unique wilderness for hiking trails, observing nature, cross-country skiing and other passive uses. The parkland has been described by the Nature Conservancy as having one of the best upland forest in Washington County.

Following purchase of the land, citizen volunteers planted over 5,000 trees in the park in 1975, and the city authorized expenditures to create a network of natural walking, hiking, and cross-country ski trails throughout the park as well as a split-lane entry and exit road to a dirt parking lot on the south side of the park. In May 1992, in response to citizen signatures, safety concerns, an original referendum, and ecology testimony from the DNR and Nature Conservancy, and following an examination of the park's trails by the Washington County Soil & Water Conservation District (which declared them especially prone to erosion), the Lake Elmo City Council (supported by a unanimous recommendation of the Parks Commission) passed an ordinance banning mountain biking and biking in general within the park.

In 2008, in still another significant effort on the part of the citizens of Lake Elmo to ensure that the original intent of the park – to preserve the land while encouraging passive uses of its trails – was sustained, the Parks Commission collaborated with the City Council and professional staff to create a permanent land trust easement with the Minnesota Land Trust that encompassed the entire park. This critical step, which affirmed and effectively codified the conservationist ethos informing the historical development and contemporary usage of the park, established strict parameters for preserving this unique natural resource in our city. Contained within city files are unanimous motions by the Parks Commission – which were accepted by the city council – to prohibit any form of biking in Sunfish Lake Park.

III. Principles Governing the Development of Sunfish Lake Park

In the course of developing this vision for Sunfish Lake Park, the Parks Commission has been guided by a commitment to:

- maximizing utilization of the park without compromising, diminishing, or damaging the conservation of its natural resources or changing its fundamental character as a nature preserve;

- designing diverse uses that speak to the expressed preferences and anticipated needs of the people of Lake Elmo as iterated in the 2013 park survey while remaining true to the letter and spirit of the Land Grant easement of 2008; and,

- recognizing the unique role that the park plays as the only significant nature preserve in the city and instituting uses that draw on the natural characteristics of the park while, at the same time, complementing the design of the Lake Elmo parks system as a whole.

IV. Proposed Development and Management of the Park

A. Area One

1. Description

"Area One" consists of approximately 216 acres of rolling forest land, woodland, wetland, open water ponds, a small meadow, and a portion of Sunfish Lake itself.

2. Utilization

Consistent with the original intent of the park, and working within the parameters of the land trust easement of 2008, Area One should be used for only low-impact activities that do not detract from conservation of this unique natural resource. Quiet, unobtrusive activities such as nature hikes, guided interpretive walks, bird watching, cross-country skiing, snowshoeing, landscape painting, jogging, orienteering, photography, geocaching and orienteering are some desirable uses. Activities that should be banned include biking, mountain biking (except on the road and parking lot), and the use of any motorized vehicles except those needed by city personnel and their designees for maintenance of trails and flora.

Commensurate with the role of Sunfish Lake Park as the 'crown jewel' of the Lake Elmo parks system, the Parks Commission recommends that the City develop new, long-term approaches to increasing the use of the park in ways that will continue to conserve its natural features. The delicate balance between using the park and conserving it can be achieved most effectively by restricting uses as iterated above while 1) developing new formal programming to draw people to the park, and 2) establishing new and sustainable strategic partnerships with a variety of organizations which may share an interest in the park:

a) New and Enhanced Formal Programming. The City of Lake Elmo must go beyond the current, largely passive standing invitation to the people of Lake Elmo to take a

hike, go for a walk, or go snowshoeing in Sunfish Lake Park and develop formal programming that will actively draw people to the park. Some possible low-impact, City-organized programming could include:

a. Annual festivals with entertainment and refreshments in the parking lot

b. Geocaching

c. Orienteering

d. Citizen science programming

e. Interpretive talks and hikes by experts

f. Ski races

g. Photo contests

h. Summer runs with refreshments

i. Snowshoe races with refreshments

b) Strategic Partnerships. In the long-term, the City should reach out to a wide variety of organizations which may be interested in using Area One for their own needs. Possible partners could include the Audubon Society (organized bird watching events), District 834 Schools (science classes), local colleges and universities (science research), Boy/Girl Scouts of America (various uses), and regional arts and sciences museums. Collaborations with these groups should increase usage of Area One.

3. Management of the Natural Landscape

Long-term, the efficient and cost-effective management of Sunfish Lake Park will require the development of a master "Natural Resources/Woodland Stewardship Development Plan" that will guide the management of the park's flora and fauna, and assure a smooth articulation of these natural resources with human-made trails, signage, and capital improvements. This plan should reflect the guiding principles contained in this document.

In addition to the Plan, the Parks Commission forwards these specific recommendations for managing the park:

a) Storm Damage. The professionals who develop the Natural Resources Development Plan should include a set of response goals and procedures for responding quickly and effectively to storm damage in partnership with professional loggers and contract foresters. Contingencies for addressing significant storm damage should exist prior to incurring actual storm damage;

b) Trails. The park's trails are to be maintained according to a well-established annual schedule, and the City should consult with professional naturalists on the best trail coverage and on ways to mitigate erosion. Winter ski trails are to be maintained regularly and according to a well-established protocol in order to encourage more people to use the trails for cross-country skiing. Winter trails for hikers and snowshoeing enthusiasts are to be established. In addition, in order to enhance accessibility, the City should install an eight-foot wide, multi-use asphalt trail near the parking lot for those with disabilities; ideally, this wide trail will run down to Sunfish Lake itself and, in the winter, serve as a gateway to ice skating on the lake. Boardwalks should be installed in key areas to enhance access throughout the park. Additional benches should be installed along the trail as a way of opening the park and its trails to those who may need extra assistance. Finally, the trails should be assessed regularly for erosion and problem areas should be dealt with immediately.

c) Management of Invasive Species. The park should be monitored and inspected on a regular basis for the incursion of invasive flora and insects, and the City should develop a plan for mitigating invasive species using both professional and volunteer labor.

d) Signage. The park is quite large, and there have been not infrequent cases of visitors getting disoriented on its looping trails. Existing signage is not adequate. The Parks Commission recommends that a better master overview sign and/or informational kiosk be installed at the parking lot along with maps and more signs at critical junctions along the trails. In addition, the City should develop, in collaboration with naturalists and perhaps the Audubon Society, signs at key places in the park that will provide interpretive information on the natural landscape and wildlife.

e) Parking Lot. The parking lot that serves both Area One and Area Two should be paved as a way of encouraging greater use of the park.

4. Capital Improvements Area One

Given the nature of Area One, the Parks Commission envisions minimal capital improvements – mainly in the area of trails and signage.

A. Area Two

1. Description

"Area Two" consists of approximately 40 acres of rolling grasslands located immediately to the south of Area One. For several years, it was cultivated, but in 2011 the City planted prairie grasses and wildflowers in the area south and west of the parking lot.

2. Utilization

In general, the Parks Commission believes that the topography of Area Two allows for more active and diverse uses than are found in Area One. This area is envisioned as both a conserved prairie (in its pre-settlement state) and a gathering place for families. As in the case of Area One, though, utilization of this part of the park should be restricted to activities that will not diminish or damage the natural resources or conflict in any way with the long-term conservation of the area or violate the restrictions in place as part of the land trust easement. Where the focus in Area One is on upland forest and wetlands, the emphasis in Area Two is on restoration and maintenance of a long-grass prairie. Desirable uses of Area Two include:

a. Hiking
b. Running
c. Snowshoeing
d. Cross-country skiing
e. Family picnics
f. Nature observation
g. Photography
h. Landscape painting
i. Playground
j. Educational programming

3. Capital Improvements and Management of Area Two

In order to realize the full potential of Area Two, more significant capital improvements and non-capital improvements will be necessary:

a. Expansion of the Tall-Grass Prairie. The existing prairie should be expanded approximately to the south and to the west as a way of moving towards a viable green corridor between Sunfish Lake Park and the Lake Elmo Park Reserve. The City should schedule regular burns as per the recommendation of the appropriate professionals.

b. Trails. A new, but limited, system of paved trails should be constructed throughout the expanded tall-grass prairie. A system of boardwalks should connect the parking lot to the paved trails. Inasmuch as possible, trails should be designed for accessibility for individuals with mobility challenges. An overlook deck above the prairie with benches may enhance the enjoyment of the park by many individuals. Benches should be installed along the trails in order to help those needing extra assistance. The City should develop a plan for maintaining these trails.

c. Nature Interpretive Center. The need for a "Nature Interpretive Center" should be studied for Area 2 whose intent it will be to provide environmental programming and nature experiences for all ages. This expands the vision which draws the community to the park through formal programming and strategic partnerships. It is proposed that the site will offer synergistic activities for the public and partner with area schools, boy and girl scout troops and local organizations. Active and enriched nature education classes are envisioned for preschool and grade school age children and assistance will be

given to help fulfill badge requirements for scout programs. Community educational programs that complement the "spirit" of the park as well as seasonal and holiday events would be held at the Center. The building design will complement and blend with the surrounding natural habitat, have a low profile, and have windows that will bring nature into the center. It will also have modern facilities (electricity, running water and flush toilets, if feasible) with a rustic exterior and a footprint at least large enough for a 30 seat classroom. The building would serve a dual function by providing shelter and toilets for the general public who visit the park. Any needed outside lighting will be minimal.

d. Signage. Interpretive signage should be posted at key locations along the new prairie trails.

e. Picnic Shelter. A picnic shelter with picnic tables should be constructed on the north edge of Area Two – on the edge of the parking lot.

f. Playground. A playground that accommodates young children and teenagers should be installed near the picnic shelter using natural materials (such as those available through "Natural Playscapes") that will fit well with the natural setting of the park.

g. Overlook Tower or Platform. It would be appropriate for the City to install an overlook tower or platform in Area 2 (with the permission of the Land Trust).

h. Safety. Owing to the isolation of Sunfish Lake Park and the risk of vandalism, security cameras should be installed that can monitor the parking lot, picnic shelter, and playground 24 hours a day.

V. Area Three

Area Three, an estimated xxx acres located directly to the west of Area One along Jamaca Avenue, presents some of the greatest challenges in terms of long-term strategic planning. It consists primarily of a very large and deep depression that was left as a result of the efforts by the Minnesota Pollution Control Agency to mitigate pollution in this area. There is some existing fencing in this area, as well as the only western entrance to Area One of Sunfish Lake Park.

The sense of the Parks Commission is that this area has significant potential as a city dog park, natural amphitheater, soccer and/or football fields, and perhaps baseball fields. The area is quite isolated, and most visitors to this parcel will likely arrive by car; unfortunately, there are few natural areas to place a parking lot with the possible exception of the area that runs along the northern fence line of Area Three and to the east of the existing fire station.

Given the challenges of this location and its unique topography, together with the fact that there has emerged no strong demand for the types of facilities and improvements that could be naturally accommodated in this area, the Parks Commission recommends that this area not be developed at this time – except for the planting of trees in areas along the edges of the large depression. This area should

be kept in reserve so that future community leaders will have a valuable resource to use as new priorities and needs emerge in the years to come. In the near future, it would be desirable to keep the area inside the large depression mowed as city resources are available so that the citizens of Lake Elmo can use it informally for pick-up games, walking their dogs, flying kites, etc. As land reserved for the future, and as an integral part of Sunfish Lake Park, Area Three should never be used for non-park purposes and should not be the site of non-park capital improvements.

Owing to the remedial actions taken by the Minnesota Pollution Control Agency to preserve the safety of Lake Elmo citizens, considerable acreage has been removed as use for parkland. Conversion of loss of this parkland should be pursued by the City in conjunction with appropriate legal and regulatory bodies.

THE CITY OF LAKE ELMO

MAYOR & COUNCIL COMMUNICATION

DATE: **June 2, 2015**
REGULAR $$
ITEM # **5**

AGENDA ITEM: Homestead HOA Bee Pollinator Project

SUBMITTED BY: Homestead Homeowners Association

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Lake Elmo Park Commission

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item ..... City Administrator
- Report/Presentation..... City Administrator
- 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 RECCOMENDER: Lake Elmo Park Commission

FISCAL IMPACT: $25,915 (One Time) from Parkland Dedication Funds with future maintenance to be the responsibility of the Homestead Homeowners Association.

SUMMARY AND ACTION REQUESTED: The City of Lake Elmo, via its Parkland Dedication Funds, is being asked to provide $25,915 to create a Bee Pollinator Preserve on Outlot B of the Homestead Development which has been designated as City of Lake Elmo Parkland. The recommended motion for this action is as follows:

"Move to recommend $25,915 (option B) be expended to the Homestead HOA for the installation of a pollinator area on city property (Outlot B) and that the HOA understands that the property be subject to future public use/benefit."

LEGISLATIVE HISTORY: In the Spring of 2015, the City of Lake Elmo adopted a "Bee Friendly / Pollinator Friendly" Resolution with a purpose of creating a proper environment for the preservation of critical pollinator species by the creation of proper habitat and the reduction in use of certain pest treatments (neonicotinoids) that are harmful to pollinating insects.

BACKGROUND INFORMATION: In 1997, Homestead Subdivision, an early open space concept, was developed with the dedication of 2.72 acres of land to the City of Lake Elmo for parkland dedication / open space and placed in the MN Land Trust. This land dedication accounted for 7% of the open space which fulfilled the development parkland dedication requirements. Since 1997, the land has sat relatively fallow and has been maintained by the Homestead HOA.

In 2011, the Homestead HOA Forestry Committee began a landscaping improvement project that included improvement to the open space areas of the development. With this effort, came a commitment to manage the northern part of Outlot B that has included buckthorn removal, management of invasive species, tree trimming, tree and bush planting, pollinator friendly seeding, and irrigation work totaling approximately $30,000. Plans were presented to the MN Land Trust for the management of (3) Outlots A-C that were approved. The details of this management strategy can be found in the supplemental materials attached to this memo.

In April of 2015, members of the Homestead HOA Forestry Committee came before the Lake Elmo Park Commission and presented a management plan for Outlot B that would create a Pollinator Preserve consistent with the City's newly adopted Pollinator Friendly Resolution. The Homestead HOA made a presentation (see attached power point presentation). The heart of the presentation and surrounding Park Commission discussion centered on the previous / ongoing maintenance provided to Outlot B by the HOA and the ability for the public to gain access to the site per MN Land Trust provisions for limited signage and passive activity (see attached April Park Commission minutes). The Park Commission would like to see this site be available for public use and viewing.

In addition, the Park Commission expressed concerns about setting a precedent for other HOAs that have parkland dedicated but are primarily used for open space at this time. The Park Commission noted that this requests of this type would be handled on a case by case review and this action would not be considered precedential.

The HOA has originally intended to apply for a USDA grant that would supplement the cost of the project, but has since dropped the request due to tax considerations.

BACKGROUND INFORMATION (SWOT):

Strengths: Provides a practical use of dedicated open space that is in concert with the City's new "Bee Friendly" resolution.

Weakness: MN Land Trust restrictions limit public access to public parkland although the site will be available for roadside viewing.

Opportunities: Promote the City's Bee Friendly resolution with a demonstration project.

Threats: Other HOAs with undeveloped parkland could request similar funds that could reduce the Parkland Fund for typical infrastructure improvements.

RECOMMENDATION:

The Park Commission recommends:

"Move to recommend $25,915 (option B) be expended to the Homestead HOA for the installation of a pollinator area on city property (Outlot B) and that the HOA understands that the property be subject to future public use/benefit."

Pollinator Preserve at Homestead

Proposal to City of Lake Elmo Park Commission from Homestead HOA, Lake Elmo

April 15th, 2015

Goal

The goal of our proposal is to harmonize park planning with three parties who have interest in the 2.72 acres of land called Out Lot B in the Homestead neighborhood. These parties are the city of Lake Elmo, MN Land Trust, and Homestead neighborhood homeowners.

Three years ago, Homestead homeowners voted unanimously in favor of native restoration improvements in protected open space, voted for homeowner assessments toward these improvements, and started implementing landscape plans that are aligned with conservation values of MN Land Trust.

Homestead's landscape plans also align with the City of Lake Elmo's recent bee-friendly resolution action items. We are committed to management practices in our open spaces that are helpful and safe for pollinators.

The Homestead Homeowners Association (Homestead HOA) requests partnership from the City of Lake Elmo to install a natural, passive use park on protected city land, allowing Lot B to blend with the naturalistic landscape of protected Lots A and C. Together they will provide a bee-safe area over 16 acres in size.

History

Homestead is an early open space development in the city of Lake Elmo. In 1997, a conservation easement for Lots A, B, and C in Homestead was signed by MN Land Trust, the city of Lake Elmo, and Steeplechase, LLC. At the time of subdivision, Steeplechase / DeWitt Homes fulfilled its park dedication requirement with the city by donating Lot B, which totals approximately 7% of the development's open space.

Homestead's Long Term Planning

Lake Elmo's Homestead neighborhood is blessed with an iconic 1800s barn, original to the farm site that existed here, as well as 20 acres of open space. Included in this area is a large field of open grassland and woodland forests, as well as two storm water ponds. 16.3 acres within the 20-acre open space is protected land.

In 2011, the Forestry Committee of the Homestead HOA recognized the need for open space improvements to the then thirteen year-old development. Kathy Widen was hired to complete an Open Space Management Plan, which spelled out recommendations and

resources. Based on this report, homeowners voted to approve specific plans for native restoration and water quality improvements. All 18 homeowners agreed to yearly assessments for three years to fund this work. In addition to funding the improvement plan, homeowners have given hundreds of hours of volunteer time toward this effort. We are very engaged and committed to complete our master plan.

Cohesive Landscape Will Preserve over 16 Acres of Pollinator-Friendly Open Space

At the November, 2014 Park Commission meeting, landscape architect Stephen Mastey presented the Homestead's concept master plan for out lots. Extensive conversation, research, and planning have gone into creation of these concept plans in order to:

1) Create a cohesive look throughout the neighborhood that showcases the historic barn and exemplifies agrarian and pre-agrarian themes
2) Use native plantings for conservation of habitat and for water quality
3) Remain naturalistic and low-maintenance
4) Exemplify MN Land Trust conservation values
5) Exemplify stewardship of open space that is safe and advantageous for pollinators

For all of these reasons, our preference is that Lot B become a native wildflower prairie interspersed with native trees so that it seamlessly blends with Lot C and coordinates with the prairie meadows recently installed in Lot A and next to the barn.

MN Land Trust-Approved Design

MN Land Trust approved the Homestead's master plan concept as it pertains to Lots A through C as being consistent with conservation values.

Homestead's Caretaking and Recent Investment in Lot B

As part of Homestead's commitment to open space improvements and in anticipation of finishing our cohesive master plan, we jump started Lot B improvements. Ecosystem management in the northern portion of Lot B and within the right of way area includes: buckthorn removal, management of invasive and non-native plants, tree trimming, tree and bush planting, pollinator-friendly native seeding, irrigation changes, as well as professional design services and professional survey work. These recent efforts funded by the Homestead HOA total approximately $30,000.

Public Benefit

We recognize and respect the public benefit that the large field area of the Homestead offers. It is referenced in the conservation easement agreement in place with MN Land Trust:

> "The Protected Land has outstanding scenic qualities that can be enjoyed by the public from Washington County Road 17 in the city of Lake Elmo."

It is our belief that the community of Lake Elmo will benefit from restoration of Lot B in a naturalistic, low-impact, and beautiful way. Homestead believes this important public benefit will be enhanced without signage or promotion of public access. Our point of view is that the Homestead field will offer the public an ecologically correct, scenic landscape to enjoy and appreciate for years to come.

Public Use Near HOA Property

Homestead believes that the fullest public benefit of the field is realized when it is one harmonious open space. Our desire is to avoid landscaping or structures in Lot B that could seem disjointed in the natural landscape of the field covering Lots B and C.

Because Lots B and C are designed to be seamless and cohesive, the public will not recognize where city land ends and protected HOA property begins. On-site signage to promote public use of Lot B is, in effect, the same as promoting public use of HOA-owned Lot C. As a neighborhood, Homestead does not desire the liability, risk, or responsibility associated with promoting access to Lot C.

Funding Request

The Homestead neighborhood respectfully requests that the city of Lake Elmo support the direction we propose for Lot B by allocating park dedication funds toward creation of a passive use park focused on bee-safe habitat and pollinator-friendly management practices. Our neighbors are excited to complete our master plan. Cost sharing gives us assurance that our investment of time and money is well-spent and in harmony with the City of Lake Elmo's objectives.

Low-Maintenance Stewardship

Native, pollinator-friendly enhancements in Lot B are cost-effective to maintain over time. Homestead continues to work with MN Native Landscapes to provide best management practices in the field. Additionally, by not adding structures to Lot B, we are able to avoid the expense that maintenance or replacement of structures might require.

Supporting the Ideals of Lake Elmo

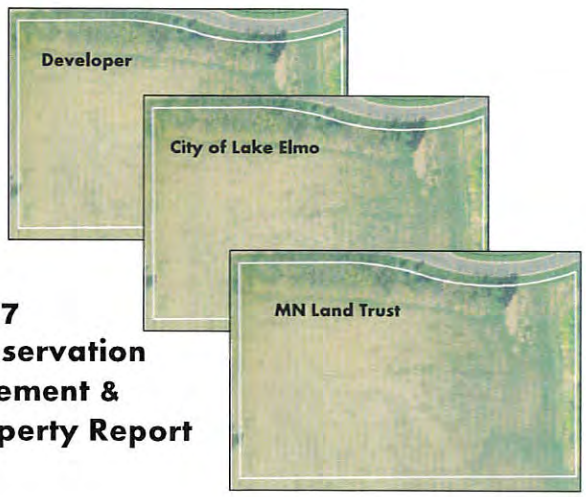
The Homestead neighborhood's original 1800s barn and open field space are nostalgic elements that reflect Lake Elmo's identity and values. We are uniquely situated to share views of the Homestead field with the public from Lake Elmo Avenue. We are excited to enhance this experience with pollinator-safe, low-maintenance, and naturalistic choices designed to preserve the Homestead field as a legacy for years to come.

Sincerely,

Forestry Committee of the Homestead Homeowners Association, Lake Elmo
Ellen Johnson
Jeffrey Kluge
Shelli Wilk

Pollinator Preserve at Homestead

City of Lake Elmo property:
Out Lot B



1997 Conservation Easement & Property Report

Owner of Lot B = City of Lake Elmo
Owner of Lots A & C = Homestead HOA

Conservation Easement 18a:

"Owner shall remain solely responsible for the operations, upkeep, and maintenance of the Protected Land."

Homestead HOA Stewardship

- Field & tree maintenance since 1998
  estimated at $9,200
- Lot B incorporated into unanimously approved HOA Master Plan, 2011-present:
  - 2013 improvements to a portion of Lot B
  - 2015 project is ready to install

2013 Completed Work

REQUEST #1

2015 Proposed Work

- Homestead HOA requests City agreement to install pollinator-friendly native prairie & trees on Lot B that are cohesive with Lots A & C
- Plans for protected Lots A, B & C are approved by MN Land Trust
- 2015 project budget for Lots B & C = $63,000

Benefits for City of Lake Elmo Park Management:

- First Bee-Friendly project following up on City of Lake Elmo resolution
- No resources required of Public Works to survey, design, prep, install, or maintain
  - Shovel ready for spring 2015
  - Low maintenance plantings
  - No structures to maintain or upgrade over time

Public Benefits of Conservation:

(1)

Legacy investment:

Protected land with outstanding scenic and natural qualities can be enjoyed by the public for years to come

Public Benefits of Conservation:

(2)

Passive use park is aligned with the values of MN Land Trust

Public Benefits of Conservation:

(3)

Useful model for pollinator preserves in other Lake Elmo neighborhoods

Public Benefits of Conservation:

(4)

Homestead HOA offers to coordinate with City of Lake Elmo to host an Open House on site one day during Pollinator Week

Public Benefits of Conservation:

(5)

Homestead HOA committee is resource for other grass roots initiatives to improve neighborhood ecology & bee-friendly stewardship

Pollinator Goals

- Make sure something is blooming at all times from March – October
- Choose a variety of colors
- Choose for nectar, pollen, larval development, shelter, foraging
- Bees aren't the only pollinators; also moths, butterflies, hummingbirds

Total pollinator-friendly space at Homestead will increase to over 16 acres

REQUEST #2

EQIP Grant for Pollinators

- Homestead HOA requests permission to apply for USDA's EQIP Grant for pollinators as stewards of Lot B
- As a city, Lake Elmo is not eligible to apply
- Lot B grant value = $2,348
  Total grant value (Lots B & C) = $7,769
- Application due May 22nd

REQUEST #3

Funding Request

Homestead HOA respectfully requests city funds be allocated toward a passive use park focused on bee-safe habitat and pollinator-friendly management practices on the City of Lake Elmo's Homestead Lot B, creating Pollinator Preserve at Homestead

In full partnership, ongoing maintenance will be pledged by Homestead HOA

If city funds are allocated to create Pollinator Preserve at Homestead, then Homestead HOA is committed to provide pollinator-friendly management practices aligned with Lake Elmo's bee-friendly resolution and with MN Land Trust conservation values for perpetuity.

- 1998-2011 maintenance = approximately $9,200
- Future maintenance = estimated at $2,500/year

Investment in Pollinator Preserve

2011 - 2013 Planning & Prep (approximate)	$ 8,580
2013 Improvements	$ 22,180
2015 Pollinator Preserve *prep $2,000* *pollinator seed mix $6,250* *pine trees & irrigation $7,800*	$ 16,050
Supplemental Pollinator Habitat Plantings *7 Hawthorn and/or fruit trees $7,665* *mass of bushes and/or vines $2,200*	$ 9,865
USDA EQIP Grant for Lot B	$ (2,348)
TOTAL COST FOR LOT B	**$ 54,327**

Summary of Homestead Requests

Request #1

Agreement to install

Request #2

Permission letter for USDA grant application

Request #3

Recommendation to apply city funds toward Pollinator Preserve at Homestead

Funding Options

OPTION A = $16,050 + future maintenance

2015 Pollinator Preserve
Ongoing Maintenance $2,500/year

OPTION B = $25,915

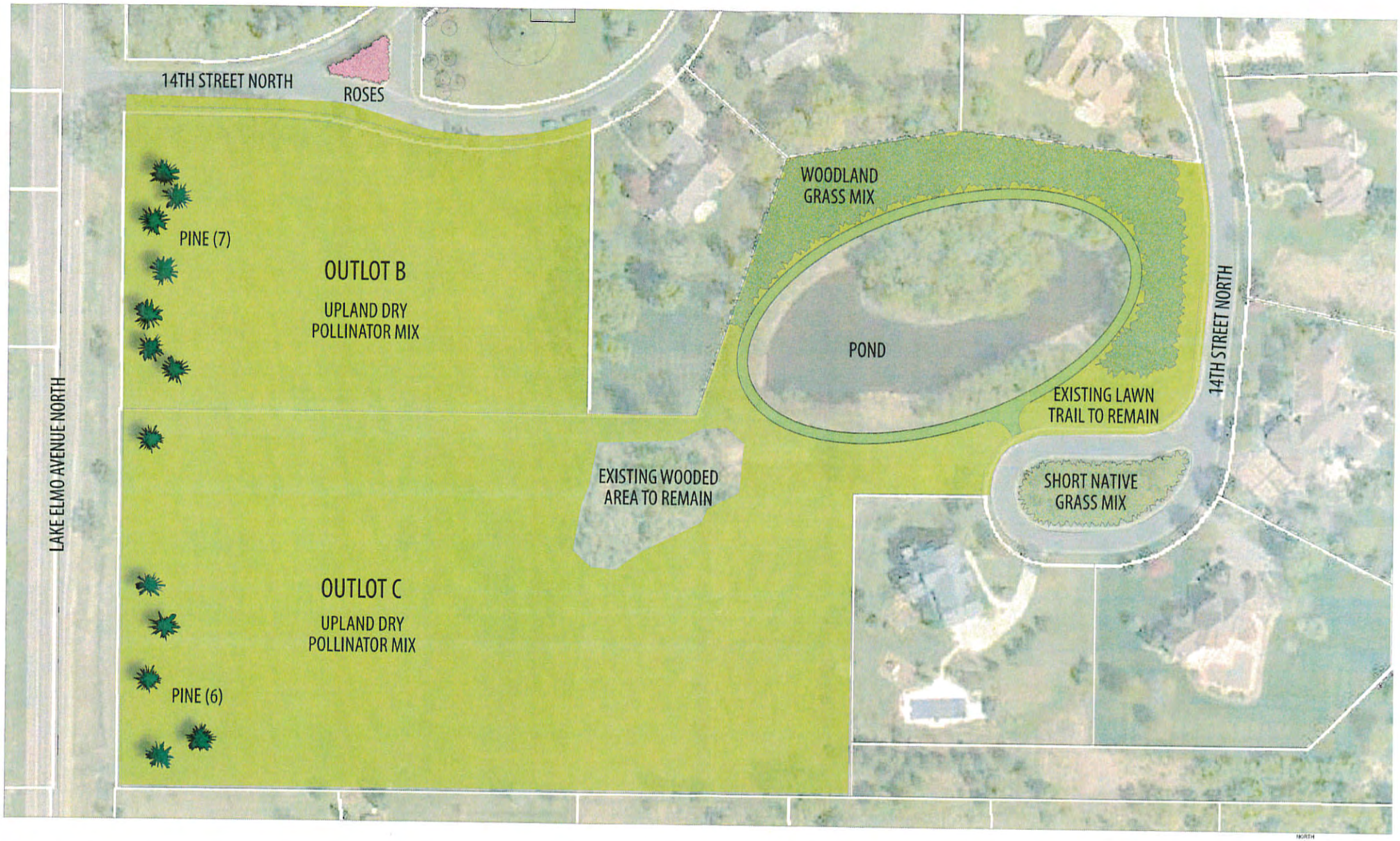
2015 Pollinator Preserve $16,050
Supplemental Pollinator Habitat Plantings $9,865
All future maintenance by Homestead HOA

OPTION C = $54,327

Full funding: prep/2013 initial installation/2015 Pollinator Preserve
All future maintenance by Homestead HOA

Pearl Crescent & Honey Bee on Butterfly Weed

Golden-orange pollen basket on Honey bee



NO.	DATE	ISSUE/REVISION	DRWN	CHKD	NO.	DATE	ISSUE/REVISION	DRWN	CHKD

DATE
03/23/2015
DRAWN
SPM
DESIGNED
SPM
CHECKED
SPM
APPROVED
SPM

I hereby certify that this landscape architectural document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Landscape Architect under the laws of the State of Minnesota.

STEPHEN P. MASTEY — 40529
05/30/2015
ALL

LANDSCAPE ARCHITECTURE INCORPORATED
WWW.LANDSELINC.COM

PROJECT
OUTLOTS B AND C
MASTER PLAN

CLIENT
HOMESTEAD HOMEOWNERS
ASSOCIATION
LAKE ELMO, MINNESOTA

DRAWING TITLE
MASTER PLAN
OPTION A

PROJECT NO. 09-2014
SCALE AS NOTED
DRAWING M

NORTH
0 40'

THE CITY OF LAKE ELMO

MAYOR & COUNCIL COMMUNICATION

DATE: **June 2, 2015**
REGULAR
ITEM # **6**
PUBLIC HEARING

AGENDA ITEM: Vacation of Easements - Hunter's Crossing 2nd Addition

SUBMITTED BY: Kyle Klatt, Community Development Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Nick Johnson, City Planner
Jack Griffin, City Engineer

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item ..... Community Development Director
- Report/Presentation..... Community Development Director
- Questions from Council to Staff ..... Mayor Facilitates
- Public Hearing ..... 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 the vacation of easements associated with Hunters Crossing. With the replatting of Outlot C of Hunters Crossing into Hunters Crossing 2nd Addition, the easements that are the subject of the vacation request are no longer necessary.

FISCAL IMPACT: N/A – this action does not require any additional public expenditures beyond those for the review itself, which is covered through a separate application fee.

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider a request from The Ryland Group to vacate a drainage and utility easement and roadway and utility easement within the Hunters Crossing subdivision. These easements were dedicated to the City in order to allow the installation of utilities within the 5th Street corridor north of Hunters Crossing and to allow drainage and utility improvements over Outlot C of the Hunters Crossing. With the City's recent approval of Hunters Crossing 2nd Addition, these easements are no longer necessary since they area they cover will either be dedicated as right-of-way (5th Street) or

incorporated into private lots within the 2nd Addition. The Council is required to conduct a public hearing prior to vacating public roadway and utility easements, and a public hearing has previously been scheduled for the June 2, 2015 meeting. Staff is recommending that the City Council vacate the easements as requested by the applicant.

The suggested motion to adopt the this recommendation is as follows:

"Move to approve Resolution No. 2015-43 and Resolution No. 2015-44 Vacating a Public Roadway and Utility Easement and Drainage and Utility Easements within Hunters Crossing"

LEGISLATIVE HISTORY/ROAD AND EASEMENT VACATION: Prior to the platting of Hunters Crossing, the property owners provided an easement to the City for roadway and utility purposes in order for the sanitary sewer trunk line to be installed within this easement. Now that the Hunters Crossing development is moving forward, the trunk sewer line will be located within the platted right-of-way for 5th Street, and this older easement is no longer necessary. In addition, the first addition final plat included a blanket drainage and utility easement over all of Outlot C, which is now being replatted into the second addition. This easement will need be removed in order to allow the final plat to be recorded, and the second addition final plat will include separate drainage and utility easements for each lot consistent with the City's Subdivision Ordinance.

Pursuant to Minn. Stat. §§ 412.861 and 462.358, subd. 7, a city may vacate a public utility easement in the same manner as vacating streets. By law, in order to vacate a recorded easement, Council must hold a public hearing on the vacation and then pass a resolution vacating the easement. The City Council adopted a resolution calling for the required public hearing at its May 5, 2015 meeting. Notice of the hearing is required to be published and posted by the City Clerk at least two weeks prior to the hearing and mailed by the City Clerk to affected property owners at least 10 days prior to the hearing.

BACKGROUND INFORMATION (SWOT):

Strengths	• Vacating the subject easements will allow the applicant to move forward with recording the Hunters Crossing 2nd Final Plat.
Weaknesses	• None
Opportunities	• The City will receive either dedicated right-of-way or new easements as required under the Subdivision Ordinance within Hunters Crossing 2nd Addition.
Threats	• None

RECOMMENDATION: Staff is recommending that the City Council approve Resolution No. 2015-43 and Resolution No. 2015-44 in order to vacate an existing public roadway and utility

easement and drainage and utility easements within Hunters Crossing by taking the following action:

"Move to approve Resolution No. 2015-43 and Resolution No. 2015-44 Vacating a Public Roadway and Utility Easement and Drainage and Utility Easements within Hunters Crossing"

ATTACHMENTS:

1. Resolution No. 2015-43
2. Resolution No. 2015-44
3. Application Form – Easement Vacation
4. Roadway Easement Vacation Description
5. Drainage and Utility Easement Vacation Description

CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

RESOLUTION NO. 2015 – 43

A RESOLUTION VACATING A PORTION OF PUBLIC PARK LAND

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

WHEREAS, the City Council previously passed Resolution No. 2015-32, noting its interest in vacating Permanent Public Roadway and Utility Easement pursuant to Minnesota Statute § 412.851 on the subject property legally described as:

> **Lots 1, 2, and 3, Block 2, Lots 1 , 2, 3, and 4, Block 4, and Outlots D and E, HUNTERS CROSSING 1ST ADDITION, according to the recorded plat thereof, Washington County, Minnesota.**

and

WHEREAS, that said drainage and utility easement located in the City of Lake Elmo, County of Washington, State of Minnesota is described as follows, to-wit:

> **That part of a 120.00 foot wide easement for public roadway and utility purposes created by document number 3967889, lying over, under, and across Lots 1, 2, and 3, Block 2, Lots 1, 2, 3, and 4, Block 4, and Outlots D and E, HUNTERS CROSSING 1ST ADDITION, according to the recorded plat thereof, Washington County, Minnesota.**
>
> **The centerline of said easement is described as follows:**
>
> **Commencing at the West Quarter corner of section 36, township 29 North, Range 21 West, Washington County, Minnesota; thence on an assumed bearing of South 00 degrees 02 minutes 54 seconds West along the west line of the Northwest Quarter of the Southwest Quarter of said Section 36, a distance of 41 4.09 feet to the point of beginning of said centerline; thence North 89 degrees 48 minutes 29 seconds East, a distance of 238.45 feet; thence southeasterly a distance of 176 .86 feet along a tangential curve concave to the southwest having a radius of 667.00 feet and a central angle of 15 degrees 11 minutes 34 seconds; thence South 74 degrees 59 minutes 57 seconds East tangent to said curve, a distance of 50.99 feet; thence southeasterly a distance of 176.87 feet along a tangential curve concave to the northeast having a radius of 667.00 feet and a central angle of 15 degrees 11 minutes 37 seconds; thence North 89 degrees 48 minutes 26 seconds East tangent to said curve, a distance of 77.17 feet; thence southeasterly a distance of 440.75 feet along a tangential curve concave to the southwest having a radius of 667.00 feet and a central angle of 37 degrees 51 minutes 38 seconds; thence South 52 degrees 19 minutes 56 seconds East tangent to said curve, a distance of 51.70 feet; thence southeasterly a distance of 173.84 feet along a tangential curve, concave to the northeast, having a radius of 667.00 feet and a central angle of 14 degrees 55 minutes 58 seconds, to the east line of said Northwest Quarter of the Southwest Quarter and there terminating.**

The sidelines of said easement shall be prolonged or shortened to terminate on said east line of the Northwest Quarter of the Southwest Quarter.

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

WHEREAS, a public hearing to consider the vacation of such street was held on the 2nd day of June, 2015, before the City Council in the City Hall located at 3800 Laverne Avenue North at 7:00 p.m. after due published and posted notice had been given, as well as personal mailed notice to all affected property owners by the City Clerk on the 11th day of May, 2015, and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

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

WHEREAS, the Council in its discretion has determined that the vacation will benefit the public interest by allowing the final plat to be recorded, and the second addition final plat will include separate drainage and utility easements for each lot consistent with the City's Subdivision Ordinance.

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

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

That part of a 120.00 foot wide easement for public roadway and utility purposes created by document number 3967889, lying over, under, and across Lots 1, 2, and 3, Block 2, Lots 1, 2, 3, and 4, Block 4, and Outlots D and E, HUNTERS CROSSING 1ST ADDITION, according to the recorded plat thereof, Washington County, Minnesota.

The centerline of said easement is described as follows:

Commencing at the West Quarter corner of section 36, township 29 North, Range 21 West, Washington County, Minnesota; thence on an assumed bearing of South 00 degrees 02 minutes 54 seconds West along the west line of the Northwest Quarter of the Southwest Quarter of said Section 36, a distance of 41 4.09 feet to the point of beginning of said centerline; thence North 89 degrees 48 minutes 29 seconds East, a distance of 238.45 feet; thence southeasterly a distance of 176 .86 feet along a tangential curve concave to the southwest having a radius of 667.00 feet and a central angle of 15 degrees 11 minutes 34 seconds; thence South 74 degrees 59 minutes 57 seconds East tangent to said curve, a distance of 50.99 feet; thence southeasterly a distance of 176.87 feet along a tangential curve concave to the northeast having a radius of 667.00 feet and a central angle of 15 degrees 11 minutes 37 seconds; thence North 89 degrees 48 minutes 26 seconds East tangent to said curve, a distance of 77.17 feet; thence southeasterly a distance of 440.75 feet along a tangential curve concave to the southwest having a radius of 667.00 feet and a central angle of 37 degrees 51 minutes 38 seconds; thence South 52 degrees 19 minutes 56 seconds East tangent to said curve, a distance of 51.70 feet; thence southeasterly a distance of 173.84 feet along

a tangential curve, concave to the northeast, having a radius of 667.00 feet and a central angle of 14 degrees 55 minutes 58 seconds, to the east line of said Northwest Quarter of the Southwest Quarter and there terminating.

The sidelines of said easement shall be prolonged or shortened to terminate on said east line of the Northwest Quarter of the Southwest Quarter.

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

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

ADOPTED THIS SECOND DAY OF JUNE 2015.

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

Approved:

CITY OF LAKE ELMO

(Seal)

By:_____

ATTEST:

Mike Pearson, Mayor

_____

Adam Bell, City Clerk

CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

RESOLUTION NO. 2015 – 44

A RESOLUTION VACATING A PORTION OF PUBLIC PARK LAND

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

WHEREAS, the City Council previously passed Resolution No. 2015-32, noting its interest in vacating Drainage and Utility Easements pursuant to Minnesota Statute § 412.851 on the subject property legally described as:

> **HUNTER'S CROSSING 1ST ADDITION, according to the recorded plat thereof, Washington County, Minnesota; and**

and

WHEREAS, that said drainage and utility easement located in the City of Lake Elmo, County of Washington, State of Minnesota is described as follows, to-wit:

> **Drainage and utility easement over all of Outlot C, HUNTER'S CROSSING 1ST ADDITION, according to the recorded plat thereof, Washington County, Minnesota, as delineated and dedicated on said HUNTER'S CROSSING 1ST ADDITION.**

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

WHEREAS, a public hearing to consider the vacation of such street was held on the 2nd day of June, 2015, before the City Council in the City Hall located at 3800 Laverne Avenue North at 7:00 p.m. after due published and posted notice had been given, as well as personal mailed notice to all affected property owners by the City Clerk on the 11th day of May, 2015, and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

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

WHEREAS, the Council in its discretion has determined that the vacation will benefit the public interest by allowing the final plat to be recorded, and the second addition final plat will include separate drainage and utility easements for each lot consistent with the City's Subdivision Ordinance.

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

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

> **Drainage and utility easement over all of Outlot C, HUNTER'S CROSSING 1ST ADDITION, according to the recorded plat thereof, Washington County,**

Minnesota, as delineated and dedicated on said HUNTER'S CROSSING 1ST ADDITION.

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

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

ADOPTED THIS SECOND DAY OF JUNE 2015.

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

Approved:

CITY OF LAKE ELMO

(Seal)

By: _____

ATTEST:

Mike Pearson, Mayor

_____

Adam Bell, City Clerk

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 ☒ EASEMENT VACATION

Applicant: The Ryland Group ATTN: TRACEY RUST
Address: 7599 Anagram Dr, Eden Praire, MN 55344
Phone # (952) 229-6063
Email Address: trust@ryland.com

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

Property Location (Address and Complete (long) Legal Description: Hunters Crossing

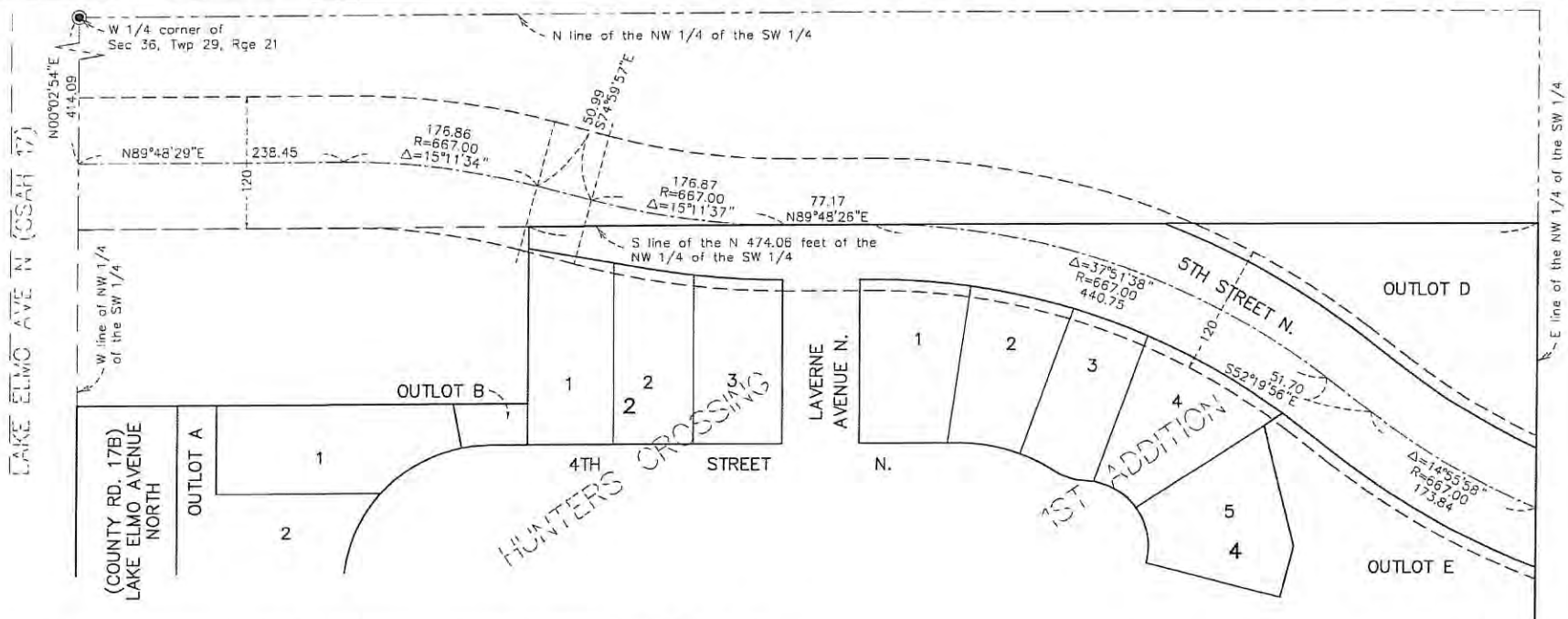
Detailed Reason for Request: - Public Roadway and Utility easement vacation
- DRAINAGE + UTILITY EASEMENT VACATION

*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: Tracey Rust Date: 3/9/15

Signature of fee owner: _____ Date: 3/9/15
Michael W. Dvorak
DIVISION PRESIDENT



PROPOSED LEGAL DESCRIPTION TO VACATE A PUBLIC ROADWAY AND UTILITY EASEMENT CREATED BY DOC. NO. 3967889

That part of a 120.00 foot wide easement for public roadway and utility purposes created by document number 3967889, lying over, under, and across Lots 1, 2, and 3, Block 2, Lots 1, 2, 3, and 4, Block 4, and Outlots D and E, HUNTERS CROSSING 1ST ADDITION, according to the recorded plat thereof, Washington County, Minnesota.

The centerline of said easement is described as follows:

Commencing at the West Quarter corner of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota; thence on an assumed bearing of South 00 degrees 02 minutes 54 seconds West along the west line of the Northwest Quarter of the Southwest Quarter of said Section 36, a distance of 414.09 feet to the point of beginning of said centerline; thence North 89 degrees 48 minutes 29 seconds East, a distance of 238.45 feet; thence southeasterly a distance of 176.86 feet along a tangential curve concave to the southwest having a radius of 667.00 feet and a central angle of 15 degrees 11 minutes 34 seconds; thence South 74 degrees 59 minutes 57 seconds East tangent to said curve, a distance of 50.99 feet; thence southeasterly a distance of 176.87 feet along a tangential curve concave to the northeast having a radius of 667.00 feet and a central angle of 15 degrees 11 minutes 37 seconds; thence North 89 degrees 48 minutes 26 seconds East tangent to said curve, a distance of 77.17 feet; thence southeasterly a distance of 440.75 feet along a tangential curve concave to the southwest having a radius of 667.00 feet and a central angle of 37 degrees 51 minutes 38 seconds; thence South 52 degrees 19 minutes 56 seconds East tangent to said curve, a distance of 51.70 feet; thence southeasterly a distance of 173.84 feet along a tangential curve, concave to the northeast, having a radius of 667.00 feet and a central angle of 14 degrees 55 minutes 58 seconds, to the east line of said Northwest Quarter of the Southwest Quarter and there terminating.

The sidelines of said easement shall be prolonged or shortened to terminate on said east line of the Northwest Quarter of the Southwest Quarter.

(THIS LEGAL DESCRIPTION SHALL BECOME VALID UPON RECORDING THE PLAT OF HUNTERS CROSSING 1ST ADDITION)

• THIS SKETCH DOES NOT PURPORT TO SHOW THE EXISTENCE OR NONEXISTENCE OF ANY ENCROACHMENTS FROM OR ONTO THE HEREON DESCRIBED LAND, EASEMENTS OF RECORD OR UNRECORDED EASEMENTS WHICH AFFECT SAID LAND OR ANY IMPROVEMENTS TO SAID LAND.

Not to Scale

DENOTES PROPOSED EASEMENT TO BE VACATED

Description Sketch for:
The Ryland Group, Inc.

Cad File: 113105-Roadway Vacation-HUNTERS CROSSING
Folder #: 7553
Drawn by: mdp

PIONEER engineering, P.A.
CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS
2422 Enterprise Drive
Mendota Heights, MN 55120
(651) 681-1914
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www.pioneereng.com

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1 of 1

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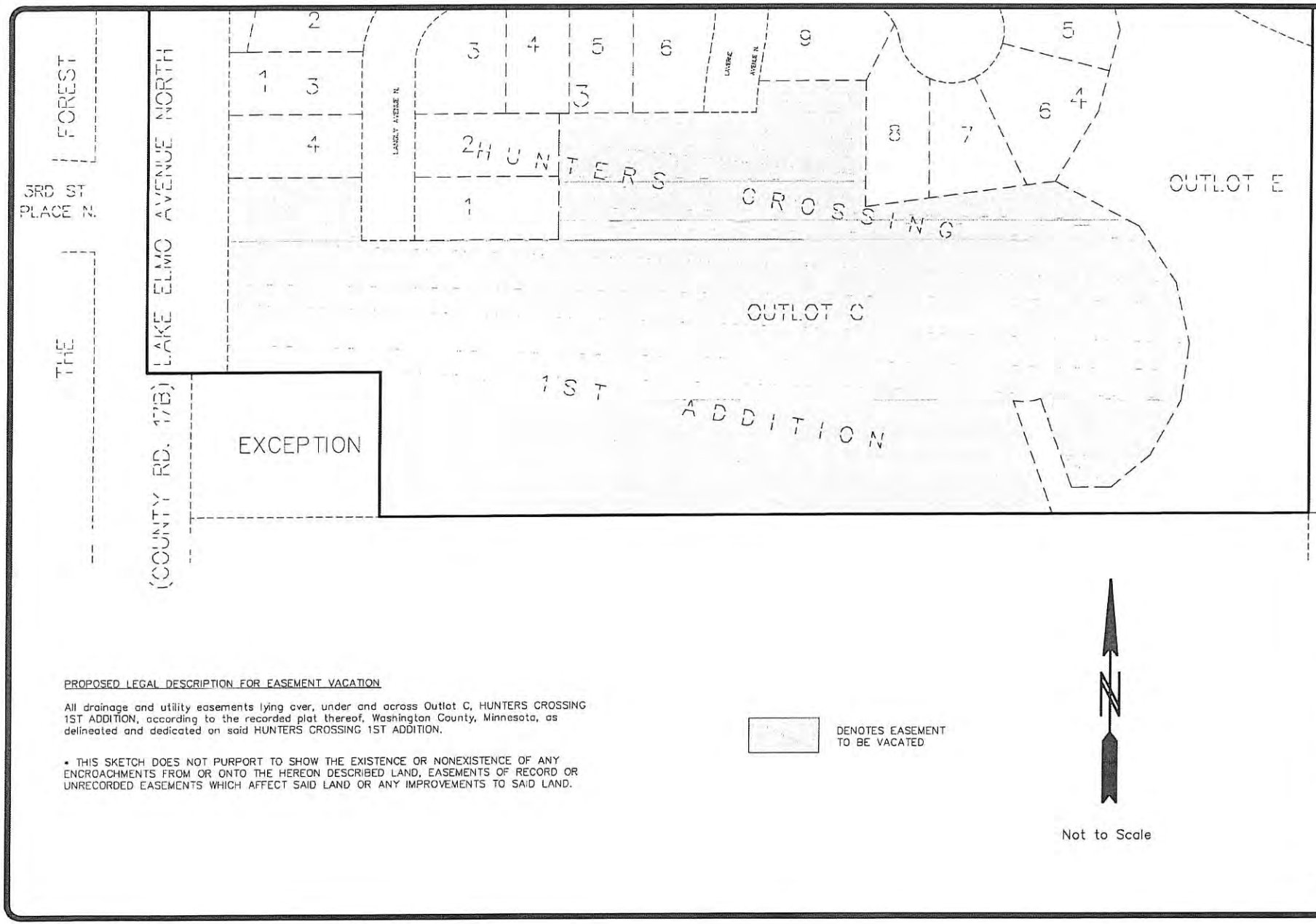

PROPOSED LEGAL DESCRIPTION FOR EASEMENT VACATION

All drainage and utility easements lying over, under and across Outlot C, HUNTERS CROSSING 1ST ADDITION, according to the recorded plat thereof, Washington County, Minnesota, as delineated and dedicated on said HUNTERS CROSSING 1ST ADDITION.

• THIS SKETCH DOES NOT PURPORT TO SHOW THE EXISTENCE OR NONEXISTENCE OF ANY ENCROACHMENTS FROM OR ONTO THE HEREON DESCRIBED LAND, EASEMENTS OF RECORD OR UNRECORDED EASEMENTS WHICH AFFECT SAID LAND OR ANY IMPROVEMENTS TO SAID LAND.

DENOTES EASEMENT TO BE VACATED

Not to Scale

Description Sketch for:
The Ryland Group, Inc.

Cad File: 113105-Easement Vacation-Outlot C
Folder #: 7553
Drawn by: mdp

PIONEER engineering
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THE CITY OF LAKE ELMO

MAYOR & COUNCIL COMMUNICATION

DATE: **June 2, 2015**
REGULAR
ITEM # **7**

AGENDA ITEM: Zoning Text Amendment – Commercial Wedding Ceremony Venue Ordinance

SUBMITTED BY: Kyle Klatt, Community Development Director

THROUGH: Dean Zuleger, City Administrator

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

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

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

POLICY RECCOMENDER: The Planning Commission is recommending approval of a zoning text amendment to expand the opportunities to conduct Commercial Wedding Ceremony Venues within the community.

FISCAL IMPACT: None – The City's review of the requested Zoning Text Amendment is reimbursed through the submitted application fee.

SUMMARY AND ACTION REQUESTED: The City has received a request from Danielle Hecker, 11658 50th Street North, to amend the City's Zoning Ordinance to allow Commercial Wedding Ceremony Venues as in interim use permit within the City's RR – Rural Residential zoning districts. The City Code presently restricts such uses to the A – Agriculture and RT – Rural Transitional Districts. The applicant is also asking to increase the maximum number of guests allowed at each event from 150 to 200. After reviewing the request and conducting a public hearing on this matter, the Planning Commission and Staff are recommending approval of the requested amendment with further restrictions on the application of the ordinance as noted below. The motion to take the recommended action on the request is as follows:

"Move to adopt Ordinance 08-121, amending the Zoning Ordinance to allow Commercial Wedding Ceremony Venues as in interim use permit within the City's RR – Rural Residential zoning districts and to increase the maximum number of guests allowed at each event from 150 to 200"

In addition, Staff is recommending that the City Council authorize summary publication of the approved ordinance through the following motion:

"Move to adopt Resolution No. 2015-45, authorizing summary publication of Ordinance 08-121."

BACKGROUND INFORMATION/STAFF REPORT: The City of Lake Elmo has received a petition from Danielle Hecker, 11658 50th Street North, to amend the City's Zoning Ordinance to allow Commercial Wedding Ceremony Venues as in interim use permit within the City's RR – Rural Residential zoning districts. The City Code presently restricts such uses to the A – Agriculture and RT – Rural Transitional Districts. The applicant is also asking to increase the maximum number of guests allowed at each event from 150 to 200. The Planning Commission conducted a public hearing on the request consistent with the review requirements for ordinance amendments. The applicant currently resides at the above address, and should the zoning amendment be approved by the City, intends to submit an applicant for an interim use permit in accordance with the Commercial Wedding Ceremony Ordinance to operate such a use from this property.

The attached report to the Planning Commission contains additional information concerning the request, in addition to the Staff recommendation to the Commission. Staff recommended approval of the request with additional restrictions concerning sites within RR zoning districts that would be suitable for such uses.

PLANNING COMMISSION REPORT: The Planning Commission reviewed the applicant's request at a public hearing on May 27, 2015. The Commission heard testimony concerning the zoning amendment from two neighboring property owners as documented in the draft minutes from the meeting, and also received written comments from three additional individuals (these comments are attached to this memorandum). The City has also received one more email concerning the request since the Planning Commission meeting, and this email has also been copied for consideration by the Council. In general, the comments that have been received express the following concerns about the request:

- The increased traffic on 50th Street from the applicant's site.
- The safety of pedestrians, bicyclists, and other non-motorized commuters along 50th Street due to an increase in traffic and narrow travel lanes on the road.
- The lack of a trail along the western portion of 50th Street for pedestrians and bicyclists.
- The potential queuing of vehicles at Highway 5 and Highway 17 after events.

- That the proposed commercial use is not consistent with a residential area and is not consistent with the City's Comprehensive Plan.
- The ability of 50th Street to handle additional traffic.
- Potential conflicts due to noise and other nuisances from the wedding venue site that is not compatible with rural uses and activities.
- That the proposed change does not take into account the desires of the entire community.
- The compatibility of larger parking area with surrounding residential uses.
- The potential disruptions to residents that live along a quiet street in the community.
- The risk that the use of alcohol may be served and that reception-type activities would take place on the premises.
- Potential conflicts with the proposed residential development around the site.

The Commission generally debated the merits of the proposed amendment, and spent time discussing whether or not the ordinance change was consistent with the City's Comprehensive Plan. It was noted that preserving an older, historic barn was in line with the City's Plan, and that protecting this type of historic building should be the primary objective of the ordinance and not specifically preserving farm land. The Commission also debated the maximum number of guests that should be allowed under the ordinance, and ultimately voted to increase this number to 200 as per the applicant's request. The applicant pointed out that the average wedding size through the nation is around 150, but that this number has been decreasing according to recent trends. The Commission also noted that the interim use ordinance process offers additional control for the City if any problems arise from the operation of the facility.

The Commission supported the Staff recommendation to further restrict the applicability of the ordinance to sites that have served as the farmstead for the surrounding agricultural land and that involve the re-use of a historic building on the site that is at least 75 years old.

The Planning Commission unanimously recommended approval of the zoning text amendment to allow Commercial Wedding Ceremony Venues as in interim use permit within the City's RR – Rural Residential zoning districts and to increase the maximum number of guests allowed at each event from 150 to 200 with the additional restrictions as recommended by Staff (Vote: 5-0).

STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS:

Strengths: The Planning Commission found that the ordinance amendment would help preserve historic agricultural buildings within the City.

The ordinance expands upon the existing ordinance that allows additional opportunities for use of agricultural properties that may no longer be viable as farmland.

Weaknesses: The ordinance would allow the expansion of a more commercial-type of activity into rural residential areas.

Wedding ceremony venues will generate additional traffic at peak times immediately prior to and after each event. The venues could potentially generate other negative impacts that need to be managed on the site (noise, trash, parking, etc.).

Opportunities: The potential for re-use of historic buildings that would otherwise have limited use.

Threats: Wedding venues by their nature will result in the gathering of larger numbers of people at one location, which can result in some impacts to surrounding properties. The ordinance establishes standards in order to contain or limit any negative impacts.

RECOMMENDATION: Based on the aforementioned, the Planning Commission and staff are recommending that the City Council approve the proposed amendment to the Zoning Ordinance to allow Commercial Wedding Ceremony Venues as in interim use permit within the City's RR – Rural Residential zoning districts and to increase the maximum number of guests allowed at each event from 150 to 200 with the additional restrictions as documented in the attached Ordinance 08-121. The recommended motion to take action on the request is as follows:

"Move to adopt Ordinance 08-121, amending the Zoning Ordinance to allow Commercial Wedding Ceremony Venues as in interim use permit within the City's RR – Rural Residential zoning districts and to increase the maximum number of guests allowed at each event from 150 to 200"

In addition, Staff is recommending that the City Council authorize summary publication of the approved ordinance through the following motion:

"Move to adopt Resolution No. 2015-45, authorizing summary publication of Ordinance 08-121."

ATTACHMENTS:

1. Ordinance 08-121
2. Resolution No. 2015-45
3. Planning Commission Report – 5/27/15
4. Application Form
5. Application Narrative
6. Proposed Ordinance Amendment (as requested by applicant)
7. Location Map (applicant's property in red)
8. Aerial Photograph of Site with Property Measurements
9. Propose Site Layout with Parking
10. Ordinance No. 08-107 (Commercial Wedding Ceremony Venue)
11. Public Comments:
    a. Rebecca Tenpas
    b. Laurel Drevlow
    c. Jennifer Pelletier
    d. Ann Heimerman

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-121

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES CONCERNING COMMERCIAL WEDDING CEREMONY VENUES AND ALLOWING SUCH USES AS AN INTERIM USE IN RR ZONING DISTRICTS

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

§154.400 Permitted and Conditional Uses.

Table 9-1 lists all permitted and conditional uses allowed in the rural districts. "P" indicates a permitted use, "C" a conditional use, and "I" an interim use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under "Standards" indicate the location within this Ordinance of specific development standards that apply to the listed use.

Table 9-1: Permitted and Conditional Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
Accessory Uses						
Commercial Wedding Ceremony Venue	I	I	I	-	-	154.310.D

SECTION 2. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended by adding the following:

§ 154. 310 Standards for Accessory Uses

D. *Commercial Wedding Ceremony Venue*. A commercial wedding venue is allowed as an accessory use with an interim use permit in the A - Agriculture, ~~and~~ RT - Rural Transitional, and RR - Rural Residential zoning districts on parcels greater than 10 acres size. The establishment of a Commercial Wedding Ceremony Venue on RR parcels is limited to those sites meeting the following criteria: 1) the site has historically been used as a farmstead for the surrounding agricultural land; and 2) the use will incorporate a barn or other historical agricultural building over 75 years of age for the wedding ceremonies.

The suitability of a parcel for a wedding venue shall be determined by the characteristics of the site and by the unique capacity of the parcel to accommodate the use while preserving the essential rural character of the neighborhood and the site on which the use is located, by the ability of the parcel to accommodate the use without negative impact on the general health,

safety, and welfare of the community, and by other factors the City may deem appropriate for consideration. The use must adhere to the following standards:

1. *Ownership.* The property will be the primary residence of the venue operator(s). The operator must be on the premises for the duration of each event.
2. *Maximum Number of Guests.* The maximum numbers of guests is limited to ~~150~~ 200 for each event.

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

SECTION 4. Adoption Date. This Ordinance 08-121 was adopted on this 2nd day of June 2015, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

_____
Mike Pearson, Mayor

ATTEST:

_____
Adam Bell, City Clerk

This Ordinance 08-121 was published on the ____ day of _____, 2015.

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

RESOLUTION NO. 2015-45

RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-121 BY TITLE AND SUMMARY

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-121, an ordinance to amend the City's regulations pertaining to Commercial Wedding Ceremony Venues; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-121 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-121, which amends the Zoning Ordinance provisions pertaining to Commercial Wedding Ceremony Venues. The revised ordinance amends the standards for such uses as follows:

- Allowing a Commercial Wedding Ceremony Venue as an interim use within the RR – Rural Residential Zoning Districts.
- Increasing the maximum number of guests allowed for each ceremony from 150 to 200.
- Adding standards that limit Commercial Wedding Ceremony Venues to sites in RR Districts that served as the farmstead for larger agricultural parcels and that would be conducted in historic buildings over 75 years of age.

The full text of Ordinance No. 08-121 is available for inspection at Lake Elmo city hall during regular business hours.

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

Dated: June 2, 2015.

Mayor Mike Pearson

ATTEST:

Adam Bell, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.

PLANNING COMMISSION
DATE: 5/27/15
AGENDA ITEM: 4A – PUBLIC HEARING
CASE # 2015-16

ITEM: Zoning Text Amendment – Commercial Wedding Ceremony Venue Ordinance

SUBMITTED BY: Kyle Klatt, Community Development Director

REVIEWED BY: Nick Johnson, City Planner
Adam Bell, City Clerk

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to conduct a public hearing on a request submitted by Danielle Hecker to amend the Zoning Ordinance to allow Commercial Wedding Ceremony Venues through in interim use permit within the City's RR – Rural Residential zoning districts. The City Code presently restricts such uses to the A – Agriculture and RT – Rural Transitional Districts. The applicant is also asking to increase the maximum number of guests allowed at each event from 150 to 200. Should the applicant's request for a zoning text amendment be approved by the City, she intends to submit a subsequent application for the required interim use permit to conduct a Commercial Wedding Ceremony Venue at 11658 50th Street North.

GENERAL INFORMATION

Applicant: Danielle Hecker, 11658 50th Street North, Lake Elmo, MN 55042

Property Owner: Daniel J. and Danielle N. Hecker, 11658 50th Street North, Lake Elmo, MN

Location: The zoning text amendment as proposed would apply to all properties that are zoned RR – Rural Residential within the City. Should the requested zoning amendment be approved, the applicant intents to apply for an interim use permit to conduct a Commercial Wedding Ceremony Venue at the above address. The site information listed below is specific to the applicant's property.

Request: To amend the Lake Elmo Zoning Code to allow Commercial Wedding Ceremony Venues as an interim use permit within the City's RR – Rural Residential Zoning Districts and to increase the maximum number of guests for each event from 150 to 200.

Existing Land Use: Rural Residential – Large Lot. Former farmstead that was part of a larger agricultural operation.

Existing Zoning: RR – Rural Residential

Surrounding Land Use: Large lot (10+ acre parcels) residential. Within a short distance to four open space developments: Tana Ridge, Sanctuary, Tamarack Farms, and Fields of St. Croix.

Surrounding Zoning: RR – Rural Residential and OP – Open Space Preservation

Comprehensive Plan: RAD – Rural Agricultural Density

Proposed Zoning: RR – Rural Residential (with amendments to allow Commercial Wedding Venues as an interim use in this district).

History: The applicant's 10-acre property was split off from the larger agricultural acreage in 2010. This subdivision facilitated the sale of the historic farmstead as a separate 10-acre parcel. The applicant has since made substantial renovations to the single-family residence on the property, in addition to removing several outbuildings and former agricultural structures.

The City adopted the Commercial Wedding Ceremony Venue Ordinance in May of 2010. This ordinance was superseded by a similar ordinance that was adopted, but repealed, nearly 10 years ago. There are no current sites that are permitted under the ordinance.

Applicable Regulations: §154.400 RR – Rural Zoning Districts
§154.310 Commercial Wedding Ceremony Venue Ordinance

REQUEST DETAILS

The City of Lake Elmo has received a petition from Danielle Hecker, 11658 50th Street North, to amend the City's Zoning Ordinance to allow Commercial Wedding Ceremony Venues as in interim use permit within the City's RR – Rural Residential zoning districts. The City Code presently restricts such uses to the A – Agriculture and RT – Rural Transitional Districts. The applicant is also asking to increase the maximum number of guests allowed at each event from 150 to 200. The Planning Commission is being asked to hold a public hearing on the request, as all changes to the City's Zoning Code require a public hearing. The applicant currently resides at the above address, and should the zoning amendment be approved by the City, intends to submit an applicant for an interim use permit in accordance with the Commercial Wedding Ceremony Ordinance to operate such a use from this property.

BACKGROUND

The City of Lake Elmo has at two times in the fairly recent past adopted an ordinance to allow for "special events" or "wedding ceremonies" to occur on rural properties. The first such ordinance concerning "Outdoor Social Events" was adopted in 2006, but was repealed approximately one year later before any events allowed under the ordinance were approved. In early 2014, at the request of a resident that expressed an interest in conducting wedding ceremonies on her agricultural property, the Planning Commission drafted an ordinance amendment that allows wedding ceremonies (with no receptions) on A – Agriculture and RT – Rural Transitional properties. The ordinance that was ultimately adopted by the City was modeled after a similar ordinance approved by the City of Afton. The approved ordinance is attached for review by the Commission (Ordinance No. 08-107).

The City's Commercial Wedding Ceremony Venue Ordinance allows a use called "commercial wedding ceremony venue" as an accessory use within the City's use classification system. These types of activities are allowed an as interim use in A and RT zoning districts. The ordinance includes a series of requirements for these types of uses, and covers a wide range of issues, including food

handling, hours of operation, off-street parking requirements, setbacks, landscaping, screening, application requirements, lighting requirements, and other relevant information.

The intent of the ordinance is to allow for the continued use of private agricultural property in a manner that allows for a reasonable economic return for property owners that otherwise would be limited the use of their property. Commercial wedding venues are accessory to permitted agricultural uses (which include single family residential uses), and are only allowed upon an application for an Interim Use Permit. The use restrictions specified in the ordinance are intended to minimize any impacts to adjacent properties, taking into account the intensive agricultural activities that are otherwise permitted on these sites.

During the course of three separate meetings in the spring of 2014 the Planning Commission reviewed the ordinance and made modifications to the document in order to address questions and concerns from the Commission and members of the public. The final draft as recommended by the Planning Commission was adopted by the City Council in May of 2014 after further revisions as recommended by the Council were incorporated into the document.

The City was approached by the applicant earlier this year with a request to conduct wedding ceremonies from the historic barn structure that is located at 11658 5th Street North. After reviewing the present ordinance concerning Commercial Wedding Ceremony Venues with the Planning Department, the applicant decided to file a formal petition with the City to amend the code and in order to allow such activities on her parcel. Because the proposed change affects a large number of parcels in the community, and given the relatively recent adoption of the ordinance, Staff has recommended that the Planning Commission and City Council deal with the zoning text amendment first, and if approved, the applicant would be able to continue with an interim use permit request.

The applicant has provided a brief project narrative concerning her proposal for a Commercial Wedding Ceremony Venue at 11658 50th Street North, which includes an overall plan and vision for the property. These materials include a site photograph with notations for the use of the property, including the proposed parking locations.

Please note that a zoning text amendment, such as the applicant's request, requires a public hearing but does not require individual mailed notice to property owners. In this case, Staff has provided mailed notice for the zoning amendment (consistent with the City's general notification requirements) from the applicant's property because she intends to move forward with an interim use permit should the amendment be approved.

STAFF REVIEW COMMENTS:

The ordinance amendment as requested is very straight-forward because it requires minor revisions to the text as previously approved by the City. The applicant has provided a marked-up version of the adopted Ordinance No. 08-107 with the changes that are being requested, which includes:

- Adding Commercial Wedding Ceremony Venue as an interim use permit in RR – Rural Residential Zoning Districts (Table 9-1).
- Revising Section 154.310 (D) to add RR – Rural Residential to the list of allowed sites for Commercial Wedding Ceremony Venues.
- Amending Section 154.310 (D,2) to change the maximum number of guests from 150 to 200.

The applicant has not requested any other changes to the ordinance that was reviewed and adopted by the City in 2014.

The Planning Commission spent a large amount of time reviewing the Commercial Wedding Ceremony Venue ordinance prior to recommending approval of the document, and tried to address the various concerns that were raised about the ordinance by including specific restrictions and requirements on these uses (as listed in the standards section). At the time of this review, the Commission was considering the potential impacts on a site located in close proximity to the Carriage Station neighborhood. The primary restrictions intended to minimize neighborhood impacts include the following:

- Capping the number of guests that could attend such ceremonies.
- Allowing the serving of food and beverages only in conjunction with the ceremony itself; no receptions are permitted.
- Restricting the hours of operation to 10 a.m. to 10 p.m.
- Requiring larger setbacks from adjacent properties.
- Requiring the submission of a traffic management plan for the operation.
- Requiring compliance with the City's nuisance provisions concerning noise, sound amplification, waste removal, and other such issues.

One of the objectives of the current ordinance was to provide a reasonable option to help allow for the continued use of private agricultural property in a manner that allows for a reasonable economic return for property owners that otherwise would be limited in the use of their property. Commercial wedding venues are considered accessory to permitted agricultural activities and any single family uses on such properties. The use restrictions drafted as part of the ordinance were intended to minimize any impacts to adjacent properties, taking into account the intensive agricultural activities that are otherwise permitted on these sites.

Based on the substantial review and analysis done prior to adoption of the existing ordinance, the same reasoning could be applied to properties that are zoned RR – Rural Residential. In this case, the applicant would like to find a suitable (and economically viable) use for the historic barn structure, and is proposing a major renovation and restoration of this building in order to bring the building up to current codes for public gatherings. Although the applicant's property is located close to single-family residential neighborhoods, there are many parcels zoned A or RT that are situated just as close or closer to existing residential developments.

Because such a large portion of the City is zoned RR – Rural Residential, Staff does recommend that if the ordinance amendment as proposed were to move forward, it should include restrictions that limit the number of sites that could be used for Commercial Wedding Ceremony Venues. Staff is recommending that the ordinance amendment as proposed include restrictions that Commercial Wedding Ceremony Venues only be allowed as an interim use permit on Rural Residential properties that:

- Have historically been used as a farmstead for the surrounding agricultural land, and
- That would use a barn or other historic agricultural building (a structure that is older than 75 years) for the wedding ceremonies.

Consistent with the City's review of the 2014 ordinance amendment, Staff has found that the proposed ordinance amendment is consistent with the Lake Elmo Comprehensive Plan, and specifically, the numerous statements in the Plan that support the preservation of the City's rural character. In this case, Staff has found that the benefits of finding a suitable and economically viable use for historic agricultural buildings and surrounding property outweighs any potential impacts from the conduct of limited commercial activity on the premises. In this case, such activity for wedding venues is viable specifically because of the rural character and scenic qualities of the site. The

ordinance as approved places numerous restrictions on the use that are also intended to ensure that any such operations manage and minimize any negative impacts to adjacent properties. In addition, the permitted of wedding ceremonies as an interim use gives the City added security that these types of activities must be renewed a specific time intervals, and that failure to comply with any of the requirements can result in the termination of the permit.

RECCOMENDATION:

Staff is recommending that the Planning Commission recommend approval of the requested zoning text amendment to amend the Zoning Ordinance to allow Commercial Wedding Ceremony Venues as in interim use permit within the City's RR – Rural Residential zoning districts and to increase the maximum number of guests allowed at each event from 150 to 200 with the additional restrictions as noted in the above Staff report.

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

"Move to recommend approval of the request amend the the Zoning Ordinance to allow Commercial Wedding Ceremony Venues as in interim use permit within the City's RR – Rural Residential zoning districts and to increase the maximum number of guests allowed at each event from 150 to 200 with the additional restrictions recommended by Staff."

ATTACHMENTS:

1. Application Form
2. Application Narrative
3. Proposed Ordinance Amendment
4. Location Map (Applicant's Property in Red)
5. Aerial Photograph with Setbacks
6. Proposed Site Layout and Parking
7. Ordinance No. 08-107 (Commercial Wedding Ceremony Venue)

ORDER OF BUSINESS:

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

Date Received: 4/16/15
Received By:
LU ~~Permit #~~ 2015-16

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: Danielle Hecker
Address: 11658 50th St. N, Lake Elmo MN 55042
Phone # 612.327.8561
Email Address: dnhecker@gmail.com

Fee Owner: Daniel J Hecker & Danielle N. Hecker
Address: 11658 50th St. N, Lake Elmo MN 55042
Phone # 612.327.8561
Email Address: dnhecker@gmail.com

Property Location (Address and Complete (long) Legal Description:
Parcel ID: 01029214 Address: 11658 50th St. N, Lake Elmo MN 55042. Legal Description: That part of the west half of the Southeast quarter of section 1, Township 29, Range 21, except the South 1725 feet of the east 505 feet thereof, Washington county, MN described as follows: Beginning at the southwest corner of said South 1725 feet of the East 505 feet of the west half of the Southeast quarter; thence north 00 degrees, 21 minutes, 51 seconds west, washington county coordinate system NAD B.

Detailed Reason for Request:
The use variance would enable revenue to adequately restore a founding Lake Elmo property and allow for honorable business use. With respect to our community and in alignment with our City's principals, my intention is to preserve and enhance our natural, open space environment by modern usage of a barn structure that is nonfunctional for its original purpose. Consequently, the options are very limited under current codes and zoning and repairs would incur a significant expense. Further, I intend to partner with local businesses to enhance commerce and communal reputation.

*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:
Permitted and conditional uses: RR - Rural Residential
Persons Capacity: 200

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

Signature of applicant: [signature] Date: 4/16/15

Signature of fee owner: [signature] Date: 4/16/15

April 16, 2015
Subject: Amendment to City Ordinance <Wedding Ceremony Venue>
Atten: City of Lake Elmo

It is my intention to preserve the 100+ year old barn located at 11658 50th St. N, Lake Elmo MN and allow wedding ceremony use in accordance with the city ordinance set forth. The property is on a 10-acre residential parcel with the south boundary being 50th St. N, approximately 700 feet away. The North and Eastern boundaries are uninhabited fields and the west is insulated by a pond. There are no immediate surrounding neighbors.

The use variance would enable revenue to adequately restore a founding Lake Elmo property and allow for honorable business use. With respect to our community and in alignment with our City's principals, my intention is to preserve and enhance our natural, open space environment by modern usage of a barn structure that is nonfunctional for its original purpose. Consequently, the options are very limited under current codes and zoning and repairs would incur a significant expense. Further, I intend to partner with local businesses to enhance commerce and communal reputation.

The use would encompass ceremony celebrations only, no receptions and therefore, no alcohol. The number of guests would be set at a maximum capacity of 200 persons. The season would entail months May through October and ceremonies would be at a maximum of two days during a calendar week. Operating hours would be allowable from 10AM until 8PM with all guests and staff vacating by 8PM. Lights and ceremonial music should follow the aforementioned operating hours. All parking would be contained on-site and is set back from a public roadway more than 1000+ feet. Adequate on-site portable sanitation would be provided. Sufficient liability coverage would be obtained/ maintained before the start of operation.

My desire is to have permission from the City of Lake Elmo to proceed with this amendment request and begin facility restoration quarters two and three of 2015 with operation set to open May 2016.

Sincerely,
Danielle Hecker

Ordinance NO. 08 - 107

An ordinance amending the Lake Elmo City code of Ordinances by adding provisions concerning Commercial Wedding Ceremony Venues and allowing such uses as an interim use in ~~A and RT Zoning Districts.~~ A, RT, and RR Zoning Districts.

Section 3. The City Council of the City of LAke Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code is hereby amended by adding the following:

154.400 Permitted and Conditional Uses.

Table 9-1 lists all permitted and conditional use allowed in the rural districts. "P" indicates a permitted use, "C" a conditional use, and "I" an interim use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under "standards" indicate the location within this ordinance of specific development standards that apply to the listed use.

Table 9-1: Permitted and Conditional Uses, Rural Districts

XXX	RT	A	RR	RS	RE	Standard
Accessory Uses						
Commercial Wedding Ceremony Venue	I	I	-	-	-	155.111.C

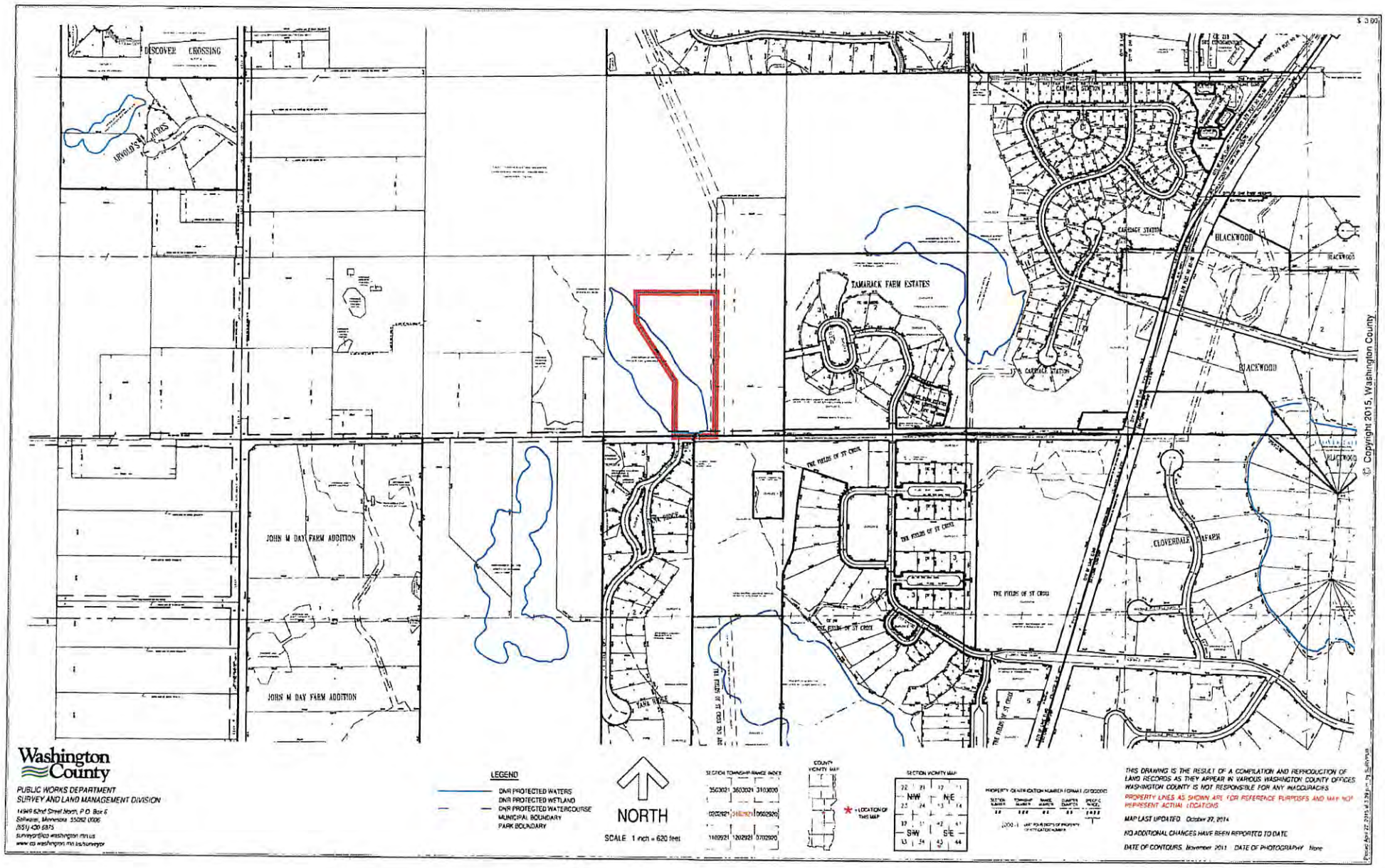
	RT	A	RR	RS	RE	Standard
Accessory Uses						
Commercial Wedding Ceremony Venue	I	I	I	-	-	155.111.C

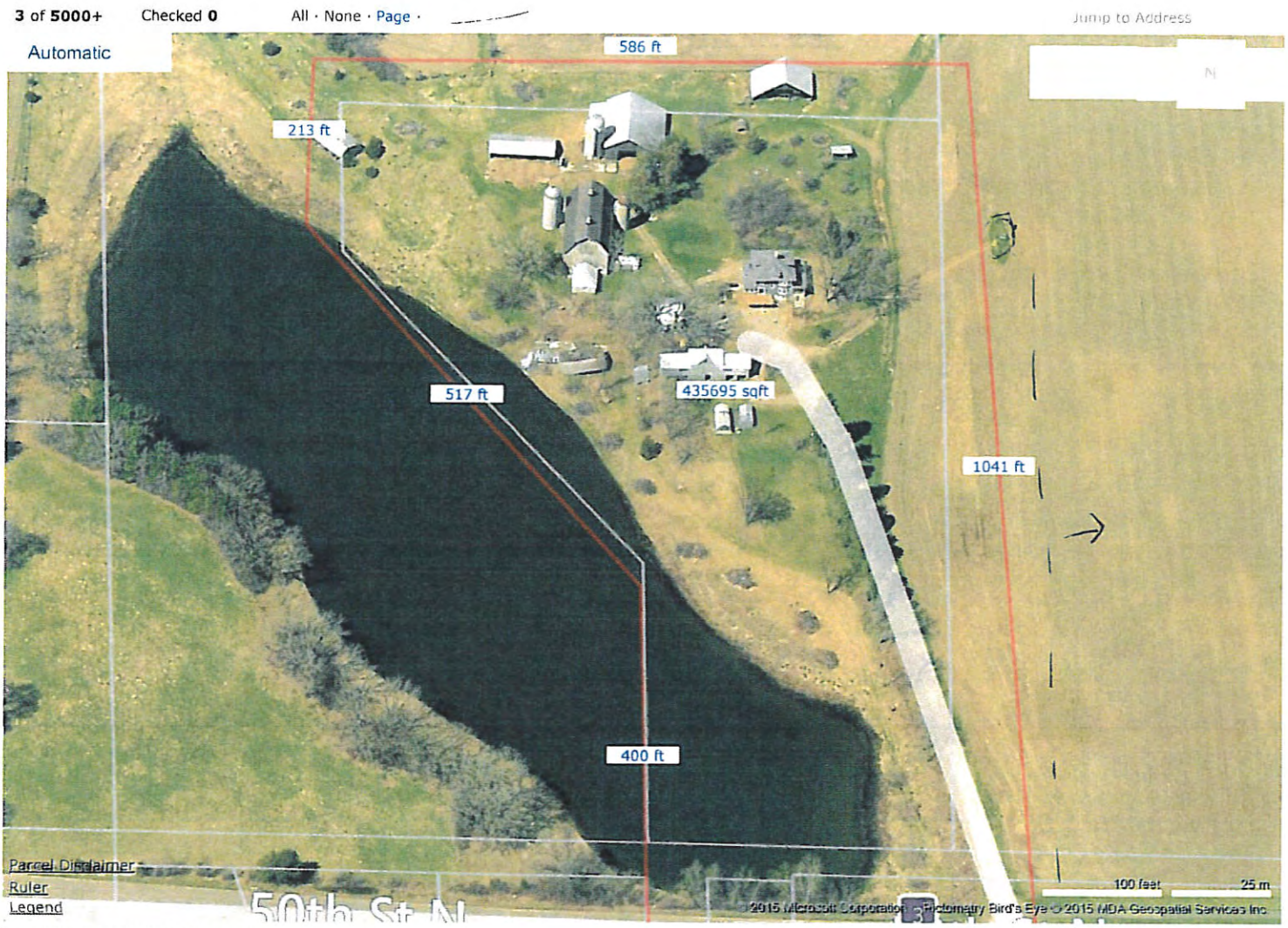
Section 4. The City Council of the City of LAke Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is herby amended by adding the following:

154.310 Standards for Accessory Uses

D. Commercial Wedding Ceremony Venue. A commercial wedding venue is allowed as an accessory use with an interim use permit in the ~~A - Agricultural and RT - Rural Transitional on parcels greater than 10 acres~~. A - Agricultural, RT - Rural Transitional, and RR - Rural Residential on parcels greater than 10 acres.

2. Maximum Number of Guests. The maximum number of guests is limited to ~~150~~ 200 for each event.


DISCOVER CROSSING
ARNOLD'S ACRES
CARRIAGE STATION
BLACKWOOD
TAMARACK FARM ESTATES
JOHN M DAY FARM ADDITION
THE FIELDS OF ST CROIX
CLOVERDALE FARM
Copyright 2015, Washington County
Washington County
PUBLIC WORKS DEPARTMENT
SURVEY AND LAND MANAGEMENT DIVISION
14949 62nd Street North, P.O. Box 6
Stillwater, Minnesota 55082-0006
(651) 430-6875
surveyoffice.washington.mn.us
www.co.washington.mn.us/surveyor
LEGEND
DNR PROTECTED WATERS
DNR PROTECTED WETLAND
DNR PROTECTED WATERCOURSE
MUNICIPAL BOUNDARY
PARK BOUNDARY
NORTH
SCALE 1 inch = 620 feet
SECTION TOWNSHIP RANGE INDEX
COUNTY VICINITY MAP
LOCATION OF THIS MAP
SECTION VICINITY MAP
NW
NE
SW
SE
PROPERTY IDENTIFICATION NUMBER FORMAT (SECOORD)
THIS DRAWING IS THE RESULT OF A COMPILATION AND REPRODUCTION OF LAND RECORDS AS THEY APPEAR IN VARIOUS WASHINGTON COUNTY OFFICES. WASHINGTON COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES.
PROPERTY LINES AS SHOWN ARE FOR REFERENCE PURPOSES AND MAY NOT REPRESENT ACTUAL LOCATIONS.
MAP LAST UPDATED October 27, 2014
NO ADDITIONAL CHANGES HAVE BEEN REPORTED TO DATE.
DATE OF CONTOURS November 2011 DATE OF PHOTOGRAPHY None



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CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-107

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY ADDING PROVISIONS CONCERNING COMMERCIAL WEDDING CEREMONY VENUES AND ALLOWING SUCH USES AS AN INTERIM USE IN A AND RT ZONING DISTRICTS

SECTION 1. The City Council of the City of Lake Elmo hereby ordains that Title I: General Provisions; Chapter 11: General Code Provisions, is hereby amended by adding the following definitions:

Wedding Ceremony: The formal activities and observances during which people are united in marriage. A wedding ceremony typically involves an exchange of vows, presentation of a gift, and a public proclamation of marriage by an authority figure or leader. Music, poetry, or readings from religious texts or literature are also commonly incorporated into the ceremony.

Wedding Reception: A wedding reception is a party held after the completion of a marriage ceremony. It is held usually as hospitality for those who have attended the wedding and typically occurs in a different venue than the wedding itself.

SECTION 2. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended by adding the following:

§154.012 Zoning Use Types and Classifications

B. Use Types and Classifications.

12. Accessory Uses

Commercial Wedding Ceremony Venue. A use involving a location to conduct wedding ceremonies, not including receptions, and usually operated in exchange for remuneration by providing the venue to the public.

SECTION 3. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended by adding the following:

§154.400 Permitted and Conditional Uses.

Table 9-1 lists all permitted and conditional uses allowed in the rural districts. "P" indicates a permitted use, "C" a conditional use, and "I" an interim use. Uses not so indicated shall be considered

prohibited. Cross-references listed in the table under "Standards" indicate the location within this Ordinance of specific development standards that apply to the listed use.

Table 9-1: Permitted and Conditional Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
Accessory Uses						
Commercial Wedding Ceremony Venue	I	I	-	-	-	155.111.C

SECTION 4. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended by adding the following:

§ 154. 310 Standards for Accessory Uses

D. *Commercial Wedding Ceremony Venue.* A commercial wedding venue is allowed as an accessory use with an interim use permit in the A - Agriculture and RT - Rural Transitional on parcels greater than 10 acres size. The suitability of a parcel for a wedding venue shall be determined by the characteristics of the site and by the unique capacity of the parcel to accommodate the use while preserving the essential rural character of the neighborhood and the site on which the use is located, by the ability of the parcel to accommodate the use without negative impact on the general health, safety, and welfare of the community, and by other factors the City may deem appropriate for consideration.

1. *Ownership.* The property will be the primary residence of the venue operator(s). The operator must be on the premises for the duration of each event.
2. *Maximum Number of Guests.* The maximum numbers of guests is limited to 150 for each event.
3. *Food and Beverages.* The serving of food and beverages is permitted only as part of the ceremony.
4. *Seasonal Operation.* Ceremonies are limited to no more than twice per week and are permitted only during the months of May through October.
5. *Hours of Operation.* Events shall only be allowed between the hours of 10:00 a.m. and 10:00 p.m. All guests and staff must vacate the premises by 10:00 p.m. All lights associated with the event must be turned off by 10:00 p.m. Any one ceremony is limited to a maximum duration of three (3) hours.
6. *Overnight Accommodations.* No overnight accommodations are allowed.
7. *Off-Street Parking.* Off-street parking shall be required in the ratio of one (1) parking space for each three attendees based on the maximum number of attendees planned for the site. The off-street parking area and the number of parking spaces shall be documented on the required site plan.
8. *Setbacks.* The minimum setbacks from neighboring houses and property lines for the various activities associated with the wedding venue shall be as follows:
   a. Parking: 100 feet from residential property lines; 200 feet from neighboring houses.
   b. Outdoor Activity Spaces: 300 feet from residential property lines; 400 feet from neighboring houses.

c. Indoor Activity Spaces: 300 feet from residential property lines; 400 feet from neighboring houses.

9. *Landscaping/Screening.* Landscaping may be required to buffer the use from adjacent land uses and to provide screening when such screening does not presently exist on the site. A landscape plan shall be submitted at the time of application for an Interim Use Permit.

10. *Grading.* Any proposed grading shall observe all requirements of Section 151.017 of the City Code. If a grading plan is required, it shall be submitted in conjunction with an application for an Interim Use Permit.

11. *Traffic.* A transportation management plan shall be submitted as part of an application for an Interim Use Permit. The plan shall address traffic control, including traffic movement to the public street system and impact on the surrounding roadways.

12. *Structures.* All existing or proposed structures to be used for the wedding ceremony venue shall be inspected by the City's Building Official and must meet applicable Building Code requirements.

    a. *Temporary Structures.* Temporary structures, including tents and canopies, may be allowed. Tents and canopies may be erected no more than one (1) day prior to an event and must be removed no more than 72 hours following the event.

13. *Application.* An application for a commercial wedding venue shall follow the application and review procedures for an Interim Use Permit as specified in Section 154.107. In addition to the submission requirements of Section 154.107, an application for a commercial wedding venue shall include the following information:

    a. The expected number of attendees per ceremony;

    b. The number of ceremonies per year;

    c. The number of employees;

    d. The hours of operation;

    e. Sanitary facilities;

    f. Lighting;

    g. Sound amplification to be used and a plan to minimize any amplified sounds;

    h. Temporary structures or tents to be used in association with the planned events;

    i. Signage;

    j. Security to be provided;

    k. Location of all trash receptacles;

    l. Traffic management plan;

    m. Other documentation as specified herein;

14. *Sanitary Facilities.* Sanitary facilities adequate for the number of attendees shall be provided. Portable toilets may be approved for temporary use, and must be screened from view from roads and neighboring properties by landscaping or a wooden enclosure. No portable toilets shall be located closer than 400 feet from a neighboring residential structure.

15. *Lighting.* Lighting associated with the wedding venue shall be limited to downcast and shielded fixtures so that the source of the light is not visible from adjacent roads or neighboring properties. Lighting shall comply with Section 150.035 of the City Code.

16. *Noise.* All wedding venues shall comply with City's noise standards found in Section 130.45 through 130.48 of the City Code.
17. *Sound Amplification.* Amplification of music and participants and is allowed only in conjunction with a wedding ceremony. There shall be no other amplification of music or sound outside of the ceremony.
18. *Waste.* All solid waste must be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, or other nuisance conditions and must be removed at least once every seven days by a licensed solid waste hauler.
19. *Liability.* The applicant shall secure adequate liability coverage, which shall be in place at least one week prior to any event.
20. *Other Activities.* Other than the commercial wedding ceremonies authorized under this section, no other commercial ceremonial activities may be conducted on the site.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 6. Adoption Date. This Ordinance 08-107 was adopted on this 6th day of May 2014, by a vote of 3 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

This Ordinance 08-107 was published on the ____ day of _____, 2014.

Kyle Klatt

From: Rebecca Tenpas <bigbangcreations@q.com>
Sent: Wednesday, May 27, 2015 11:58 AM
To: Kyle Klatt
Cc: wendy.griffin@mnwcd.org
Subject: planning meeting for 5/27/15

To Kyle and those concerned regarding the planning committee meeting on 5/27/15,

I am writing in regards to the zoning text amendment for commercial weddings on a property on 50th St. N., Lake Elmo. I am a resident of 50th St. N. and cannot attend the meeting tonight. I am strongly against this amendment for several reasons. The first is the increased traffic through our neighborhood associated with this type of venue. There will also need to be parking for a large amount of vehicles. This kind of change will set a precedence for non-residential use of property in rural residential areas.

We have gone through a lot changes in this area over the last several years and the voices of the few people who have lived and moved here for the rural environment are slowly becoming unheard. This and other developing proposals would never be considered or proposed in a development neighborhood, but because we are not formally considered a "neighborhood", it seems to is an open target.

Please voice my opinions at the meeting tonight in my absence.

Sincerely,
Rebecca Tenpas

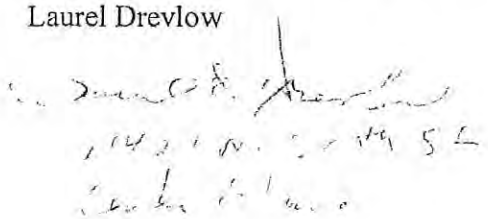
We live in the neighborhood on 50th street north in Lake Elmo. It is not a business district. I cannot speak for all of my neighbors but I would guess it is unlikely that any of them moved to our neighborhood to be closer to businesses. There are reasons that communities define places for businesses to exist and separate places for people to live. It allows businesses to carry on their commerce without concern for the noise, pollution, disruption, distress, or danger that is generated by their industry being imposed on innocent village residents. Zoning is intended to allow sellers to pursue their trade while protecting people who are just trying to live peaceably in a neighborhood.

Some may think that a wedding/event center would cause little disruption to a community. As, I am sure, all of you on the planning commission are well aware, that would be incorrect. And while the long, straight stretch of pavement that has already converted our quiet little street into a thoroughfare for people speeding from parts west toward the high school and businesses in Oak Park Heights, creating the business that is proposed this evening will cause the amount of traffic to increase exponentially. The amount of noise and pollution will seriously detract from our ability to live peacefully in our homes and yards. The danger to people who enjoy evening strolls down the sidewalks of our neighborhood will be multiplied unacceptably.

Recent newspaper reports note that 61% of all wedding party members arrive at the ceremony in an intoxicated state. These same individuals will be driving their cars (because people who are drunk typically do not make good choices about these things) at high speeds (because people who are drunk typically believe they can drive better than they can) past our homes, our yards and our neighbors and our neighbors' children. This is a risk no sensible person would willingly take for their own neighborhood. And we trust that our planning commission is membered by sensible people and you will not place Lake Elmo citizens at unnecessary risks.

We are fortunate to have excellent options for special events in the city of Lake Elmo. We will be well served to patronize those individuals who positioned their businesses in an appropriate business district and keep our neighborhoods neighborly and safe.

Laurel Drevlow



Kyle Klatt

From: jenniferpelletier@comcast.net
Sent: Wednesday, May 27, 2015 12:19 PM
To: Kyle Klatt
Cc: Dean Zuleger
Subject: Re: Tonight's agenda item / wedding facility in RR

Adding an "edit" below in bold type

From: jenniferpelletier@comcast.net
To: "Kyle Klatt" <kyle.klatt@lakeelmo.org>
Cc: "Dean Zuleger" <DZuleger@lakeelmo.org>
Sent: Wednesday, May 27, 2015 12:13:33 PM
Subject: Fwd: Tonight's agenda item / wedding facility in RR

Dear Planner Klatt and members of the Planning Commission,

I'm writing to you regarding tonight's agenda item: the proposed code change in the RR zoning district to add wedding ceremonies. Initially, I had no questions or concerns. However, after thinking through this request (and realizing that we're dealing with a city wide code change), I do wish to express some thoughts for consideration. I am a previous planning commissioner myself, and live across the street.

Comment/Concern:
1) **The ingress and egress ~ 50th street.** This road has no shoulder for pedestrian and/or bike traffic **(it DOES have a trail along half of the road, but not the entire stretch).** There are many children in the area that use the road, and it has become not only busier due to through traffic heading to Hwy. 5 or CSAH 17, those who use the road frequently drive well over the 40MPR limit. In fact, there is a speed indicator sign out on the road as we speak. QUESTION for the commission: what would adding multiple wedding ceremonies add to this growing problem? Again, there is no shoulder on this road.

2) **Regarding the overall change in the zoning code:** I'm not opposed to this type of business. In fact, I think it's a wonderful use of space. However, my concern is that a wedding facility in one area of the zoning district RR could look very different in another area. I'm hoping that the Planning Commission does its due diligence and not only addresses all areas affected, but considers adjacent parcels that may be affected as well.

3) **New development:** the land immediately next to this parcel is slated for a new development. Where will this traffic flow? Consider this in addition to a wedding facility, on a road with no shoulder. This is another important question that I'd like the PZ to address.

4) Possible solutions:
   a) limited the maximum # of visitors (issue: how would the city monitor this?)
   b) discuss/limit the number of ceremonies allowed per day

c) discuss a time of day with which all visitors need to off the premises (i.e.: nothing past 6pm, etc)

To be clear, it is not my intent to come across as though I am against the project. However, as a previous planning commissioner, these are important questions/concerns that I think deserve to be addressed. This could have a significant impact on current adjacent parcels, and the future development that will be coming in right next door.

Sincerely,
Jennifer Pelletier

4884 Lily Ave. North

Kyle Klatt

Subject: FW: Planning Commission Meeting - Wedding Facility in Barn - Feedback

---

From: Ann.Heimerman@thomsonreuters.com <Ann.Heimerman@thomsonreuters.com>
Sent: Wednesday, May 27, 2015 12:18 PM
To: Julie Fliflet; JFliflet@freshwater.org
Subject: Planning Commission Meeting - Wedding Facility in Barn - Feedback

Hi Julie:

I am *unable to attend the meeting this evening*, but I was unsure as to where I could send our concerns. You came to mind, so I apologize if I am sending this to the wrong person. Feel free to forward this to the appropriate individuals.

I think that the idea of turning a barn into a wedding site is not only a nice one, but a very popular one these days. I would love to support my neighbors with this idea, I just feel as if this opens up a huge can of worms in our neighborhood setting. We would love nothing more than to see this barn *maintained, restored* or even placed on a ***historic site*** *list*, if that is an option. However, to allow it to essentially become a business site, is troublesome to us.

Are concerns are as follows:

1. **Traffic:** We are concerned about additional traffic on 50th Street and the increased visibility of the street as some sort of "through street." The "Parkway" addition at the Fields' entrance is nice, but unfortunately many days it seems more like a motor speedway, than a residential parkway. We hear all of it, as the backside of our house faces 50th street.
2. **New Development Adding Cars to our Area as Well:** We are also aware of the proposed new development around the barn site in the acres behind our home. This new development would likely add significant numbers of cars and noise on 50th Street as well. Adding a wedding venue that could accommodate up to 200 people will only add to this volume.
3. **Two Hundred Potential Visitors, Really? :** If the venue can hold up to 200 visitors where would these cars park? This added parking issue plus the car and people noise from up to 200 cars is a huge concern ---- let alone the noise from the weddings themselves. With open windows in the summer months, noise really travels. It will travel right to our backyard and back windows.
4. **Where Two or More Join Together:** Weddings without receptions? Why would people drive to this location and not stay for a beverage or two or more? I just don't think the "we are not hosting receptions" idea will stick. What about the consumption of alcohol at some future point?
5. **What about those runners?:** There is a paved path for walkers, runners and bikes that runs in front of the proposed area. Does this pose any issues for those using the paths? What about during dark nights plus no streetlights?
6. **Cows Moo, but Wedding Guests Rejoice:** We joke about this, but it really is true - - we used to actually hear cows mooing in the pasture from inside our home when that property was a dairy farm. Now all we hear is car noise on the now paved 50th street (it used to be a dirt road when we built our house) and the added noise from wedding goers would likely cause a great deal more noise than the cows. We will hear it – there is no doubt in my mind.

These are just some of our concerns as the planning commission considers these measures.

Thank you for helping send this wherever it is needed. If you would like me to send this to anyone else, please let me know.

Thank you for your help.
Ann

Ann C. Heimerman, J.D.
Innovation Catalyst Manager
Product Development & Editorial
Thomson Reuters
Phone: 651-848-4550
ann.heimerman@thomsonreuters.com

THE CITY OF LAKE ELMO

MAYOR & COUNCIL COMMUNICATION

DATE: **June 2, 2015**
REGULAR
ITEM # **8**

AGENDA ITEM: Municipal Separate Storm Sewer System (MS4) Permit – Annual Public Meeting and Accept the 2014 MS4 Annual Report

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

THROUGH: Dean A. Zuleger, City Administrator

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

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Engineering

FISCAL IMPACT:

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

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to conduct the Annual Public Meeting required by the MS4 Permit and receive public input and comments. After receiving a staff presentation and public comments, it is respectfully requested that the Council accept the 2014 MS4 Annual Report and authorize staff to submit this report to the MPCA by June 30, 2015. The recommended motion for this action is as follows:

"Move to accept the Municipal Separate Storm Sewer System (MS4) Annual Report for 2014, and authorize staff to submit this report to the MPCA by June 30, 2015."

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

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

As a MS4 City, Lake Elmo was required to obtain and comply with a National Pollutant Discharge and Elimination System (NPDES) storm water permit. To meet these requirements the City prepared and implemented a five year Storm Water Pollution Prevention Program (SWPPP) beginning in 2006 and extending through 2010. The MPCA reissued a new five year program effective August 1, 2013 that extends to July 31, 2018.

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

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

As part of the on-going permit requirements as a mandatory MS4 City, Staff has prepared the 2014 MS4 Annual Report and will present a summary report to the City Council and general public. The City must hold an Annual Public Meeting to encourage public discussion and participation regarding its storm water quality and steps it is taking to address the MS4 Permit requirements. Notice of this meeting was posted at City hall and published in the Oakdale-Lake Elmo Review on May 20, 2015 (see attachment). Public input received will be considered for updating the City's Storm Water Pollution Prevention Program (SWPPP) and the meeting minutes will be incorporated into the City's final report. The 2014 MS4 Annual Report must be submitted to the MPCA by June 30, 2015. A copy of the City's Storm Water Pollution Prevention Program (SWPPP) is available on the City website.

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

- A presentation about implementation of the City's Storm Water Pollution Prevention Program in 2014,
- Affording interested persons an opportunity to make oral statements concerning the Storm Water Pollution Prevention Program,
- Consideration of relevant written materials that interested persons submit concerning the Storm Water Pollution Prevention Program; and,
- Consideration of public input in making adjustments to the 2015 implementation plan for the Storm Water Pollution Prevention Program.

2014 MS4 REPORT HIGHLIGHTS

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

MCM 1 and 2: Public Education & Outreach, Public Involvement & Participation: In 2014, the City renewed its contract with the East Metro Water Resource Education Program (EMWREP), which continues to be a high value, low cost solution to address many of the educational and public outreach requirements of the City's permit program. A copy of the 2014 EMWREP Annual Report has been attached. Lake Elmo Staff used EMWREP as a primary resource to create educational materials for the public on storm water best management practices (available at City Hall, in City Newsletters and on the City's website).

MCM 3: Illicit Discharge Detection and Elimination: As part of the MS4 Outfall Inspections, Public Works staff inspected potential contamination sites within the City (mining site, sites with large stockpiles, etc.). No known illicit discharges were recorded in 2014. A list of subsurface sewage treatment systems (SSTS) with known problems was provided in 2014 by Washington County. The City will continue to work with the County to address these issues with property owners.

MCM 4: Construction Site Storm Water Controls: Enforcement tools were improved (checklists, handouts, website improvements) to enhance storm water education and improve erosion control techniques used in the City. In 2014 there were 16 violations cited to builders for non-compliance to the City's Erosion and Sediment Control Ordinance.

MCM 5: Post-Construction Storm Water Management for development and redevelopment: Updates were made to the Engineering Design Standards Manual for Private Development, based on input during 2014 construction. Impervious surface is reviewed for compliance on every building permit. Several new home permits implemented rain gardens or other water quality best management practices to mitigate impervious surface overages per City Ordinance.

MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operations: The Public Works Department reported that inspections to the storm sewer system were completed in the southeast area of the City. Street sweeping was completed on all City streets in April 2014. The City worked with the Washington Conservation District to maintain rain gardens installed on past street improvement projects. Public Works performed storm sewer structure repairs, cleaned out

and restored ditches, assisted with rain garden maintenance, cleaned out sump manholes and responded to resident drainage issues.

MS4 GENERAL PERMIT UPDATE:

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

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

RECOMMENDATION:

Staff is recommending that the City Council accept the MS4 Annual Report for 2014, and authorize staff to submit this report to the MPCA by June 30, 2015. The recommended motion for this action is as follows:

"Move to accept the Municipal Separate Storm Sewer System (MS4) Annual Report for 2014, and authorize staff to submit this report to the MPCA by June 30, 2015."

ATTACHMENT(S):

1. Notice of MS4 Annual Public Meeting
2. 2014 MS4 Annual Report
3. EMWREP Annual Report – Executive Summary (full Report available upon request)

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

Notice is hereby given that the City Council of Lake Elmo will meet at City Hall at 7:00 p.m. on Tuesday, June 2, 2015, to conduct a public meeting to encourage public discussion and participation regarding its storm water quality and Storm Water Pollution Prevention Program (SWPPP).

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

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

The City's Storm Water Pollution Prevention Program specifies best management practices intended to satisfy the permit requirements for each of the minimum measures. As part of this program, the City is required to hold an annual meeting to encourage public discussion and participation regarding its storm water quality and steps it is taking to address the six minimum control measures. A copy of the SWPPP is available on the City website or by contacting the City Engineer. An annual report will be submitted to the MPCA in June 2015. The minutes of the annual public meeting will be incorporated into the City's annual report.

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

1) A Presentation about implementation of the City's Surface Water Pollution Prevention Program in 2014,

2) Affording interested persons the opportunity to make oral statements concerning the Storm Water Pollution Prevention Program,

3) Consideration of relevant written materials that interested persons submit concerning the Storm Water Pollution Prevention Program; and,

4) Consideration of public input in making adjustments to the 2015 implementation plan for the Storm Water Pollution Prevention Program.

DATED: May 11, 2015

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

(Published in the Oakdale-Lake Elmo Review on May 20, 2015)

Minnesota Pollution Control Agency

You are currently logged in as:

Lake Elmo City MS4

If this is correct, click the 'Next' button. If this information is incorrect, contact Cole Landgraf (651-757-2880, cole.landgraf@state.mn.us) or Rachel Stangl (651-757-2879, rachel.stangl@state.mn.us).

Before you begin...

The MS4 Annual Report for 2014 will automatically save your answers when you hit the 'Next' button at the bottom of each page.

If you wish to leave the MS4 Annual Report for 2014 and complete the document at another time, you may do so by hitting 'Next' at the bottom of your current page to save your progress before exiting the document. Return to the survey by following the previously used web link, and again login using your email and assigned password credentials. Once you successfully log in, your previous answers will appear.

You may print a copy of the MS4 Annual Report for 2014 for your records at any time by pressing the 'Print' button at the bottom of the page.

Additionally, it is possible to save a PDF copy of the MS4 Annual Report for 2014 if you are working on a computer with OneNote (a program often included in Microsoft Office packages). Detailed saving instructions are available at stormwater.pca.state.mn.us/index.php/Guidance_for_saving_MS4_annual_reports.

MS4 Annual Report for 2014

Reporting period: January 1, 2014 to December 31, 2014

Due: June 30, 2015

Instructions: Complete this annual report to provide a summary of your activities under the 2013 MS4 Permit (Permit) between January 1, 2014 and December 31, 2014. You may provide additional explanation and/or information in an email with the subject *YourMS4NameHere_2014AR* to ms4permitprogram.pca@state.mn.us. MPCA staff may also contact you for additional information.

Questions: Contact Cole Landgraf at 651-757-2880 or cole.landgraf@state.mn.us or Rachel Stangl at 651-757-2879 or rachel.stangl@state.mn.us.

MS4 General Contact Information

Last name	Stempski
First name	Ryan
Title	Assistant City Engineer
Mailing address	3800 Laverne Avenue N
City	Lake Elmo
State	MN
Zip code	55042
Phone	651.300.4267
Email	ryan.stempski@focusengineeringinc.com

MCM 1: Public Education and Outreach

The following questions refer to Part III.D.1. of the Permit.

Q2 Did you select a stormwater-related issue of high priority to be emphasized during this Permit term? [Part III.D.1.a.(1)]

- (●) Yes
- ( ) No

Q3 What is your stormwater-related issue(s)? Check all that apply.

- [ ] TMDL(s)
- [ ] Local businesses
- [ ] Residential BMPs
- [ ] Pet waste
- [ ] Yard waste
- [ ] Deicing materials
- [ ] Household chemicals
- [ ] Construction activities
- [ ] Post-construction activities
- [x] Other

Describe:

Illicit Discharge

Q4 Did you begin to educate the public on illicit discharge recognition and reporting? [Part III.D.1.a.(2)]

- (●) Yes
- ( ) No

Q5 How did you distribute educational materials or equivalent outreach? Check all that apply and provide circulation/audience associated with each item. [Part III.D.1.a.]

- [x] Brochure
- [x] Newsletter
- [ ] Utility bill insert
- [ ] Newspaper ad
- [ ] Radio ad
- [ ] Television ad
- [ ] Cable access channel
- [ ] Stormwater-related event
- [ ] School presentation or project
- [x] Website
- [x] Other (1)
- [ ] Other (2)
- [ ] Other (3)

Other (1), describe: The Source E-Newsletter

Q6 Intended audience? Check all that apply.

	Residents	Local Businesses	Developers	Students	Employees	Other
Brochure	☑	☑	☑	☑	☑	☐
Newsletter	☑	☑	☐	☐	☐	☐
Website	☑	☑	☑	☑	☑	☐
Other (1)	☑	☑	☐	☐	☐	☐

Q7 Enter the total circulation/audience (if unknown, use best estimate):

Brochure	3500
Newsletter	7000
Website	2000
Other (1)	7000

Provide a brief description of each activity related to public education and outreach (e.g. rain garden workshop, school presentation, public works open house) held and the date each activity was held from January 1, 2014 to December 31, 2014. [Part III.D.1.c.(4)]

Q8 Date of activity	Q9 Description of activity
Date (mm/dd/yyyy) 7/30/2014	EMWREP staffed table and gave presentations at Washington County Fair
Date (mm/dd/yyyy) 3/4/2014	Get Gardening Raingarden workshops
Date (mm/dd/yyyy)	Lake Elmo horse workshop
Date (mm/dd/yyyy) 6/15/2014	Clean water Geocaching Trail on Sunfish Lake
Date (mm/dd/yyyy)	Girl Scout Troup adopt a raingarden program
Date (mm/dd/yyyy) 8/7/2014	Neighborhood gathering for families who adopted raingardens
Date (mm/dd/yyyy)	
Date (mm/dd/yyyy)	

Q10 Between January 1, 2014 and December 31, 2014, did you modify your BMPs, measurable goals, or future plans for your public education and outreach program? [Part IV.B.]

- ○ Yes
- ◉ No

MCM 2: Public Participation/Involvement

The following questions refer to Part III.D.2.a. of the Permit.

Q11 You must provide a minimum of one opportunity each year for the public to provide input on the adequacy of your Stormwater Pollution Prevention Program (SWPPP). Did you provide this opportunity between January 1, 2014 and December 31, 2014? [Part III.D.2.a.(1)]

- ◉ Yes
- ○ No

Q12 What was the opportunity that you provided? Check all that apply.

- ☐ Public meeting
- ☐ Public event
- ☑ Other

Q15 Other

Describe: City Council Meeting

Enter the date of this action (mm/dd/yyyy): 6/3/2014

Enter the number of citizens that attended and were informed about your SWPPP: 0

Q16 Between January 1, 2014 and December 31, 2014, did you receive any input regarding your SWPPP?

- ○ Yes
- ◉ No

Q18 Between January 1, 2014 and December 31, 2014, did you modify your BMPs, measurable goals, or future plans for your public participation/involvement program? [Part IV.B.]

- ○ Yes
- ◉ No

MCM 3: Illicit Discharge Detection and Elimination

The following questions refer to Part III.D.3. of the Permit.

Q19 Between January 1, 2014 and December 31, 2014, did you update your regulatory mechanism(s) which prohibits non-stormwater discharges to your MS4?

- ○ Yes
- ◉ No

Q20 Between January 1, 2014 and December 31, 2014, what was the status of this regulatory mechanism(s)?

Current regulatory mechanism sufficient ▾

Optional, describe status:

Q21 Did you identify any illicit discharges between January 1, 2014 and December 31, 2014? [Part III.D.3.h.(4)]

- ○ Yes
- ◉ No

Q30 Do you have written Enforcement Response Procedures (ERPs) to compel compliance with your illicit discharge regulatory mechanism(s)? [Part III.B.]

- (●) Yes
- ( ) No

Q32 Did you train all field staff in illicit discharge recognition (including conditions which could cause illicit discharges) and reporting illicit discharges for further investigations? [Part III.D.3.e.]

- (●) Yes
- ( ) No

Q33 How did you train your field staff? Check all that apply.

- [ ] Email
- [ ] PowerPoint
- [ ] Presentation
- [ ] Video
- [ ] Field Training
- [x] Other

Other, describe:

Meeting with handouts

The following questions refer to Part III.C.1. of the Permit.

Q34 Did you update your storm sewer system map between January 1, 2014 and December 31, 2014? [Part III.C.1.]

- (●) Yes
- ( ) No

Q35 Does your storm sewer map include all pipes 12 inches or greater in diameter and the direction of stormwater flow in those pipes? [Part III.C.1.a.]

- (●) Yes
- ( ) No

Q36 Does your storm sewer map include outfalls, including a unique identification (ID) number and an associated geographic coordinate? [Part III.C.1.b.]

- (●) Yes
- ( ) No

Q37 Does your storm sewer map include all structural stormwater BMPs that are part of your MS4? [Part III.C.1.c.]

- (●) Yes
- ( ) No

Q38 Does your storm sewer map include all receiving waters? [Part III.C.1.d.]

- (●) Yes
- ( ) No

Q39 In what format is your storm sewer map available?

- ○ Hardcopy only
- ○ GIS
- ◉ CAD
- ○ Other

Q40 Between January 1, 2014 and December 31, 2014, did you modify your BMPs, measurable goals, or future plans for your illicit discharge detection and elimination (IDDE) program? [Part IV.B.]

- ◉ Yes
- ○ No

Describe those modifications:

Implementing new ERP's

MCM 4: Construction Site Stormwater Runoff Control

The following questions refer to Part III.D.4. of the Permit.

Q41 Between January 1, 2014 and December 31, 2014, did you update your regulatory mechanism to be at least as stringent as the Agency's general permit to Discharge Stormwater Associated with Construction Activity (CSW Permit) No. MN R100001 (http://www.pca.state.mn.us/index.php/view-document.html?gid=18984) for erosion and sediment controls and waste controls? [Part III.D.4.a.]

- ◉ Yes
- ○ No

Q43 Have you developed written procedures for site plan reviews as required by the Permit? [Part III.D.4.b.]

- ◉ Yes
- ○ No

Q44 Have you documented each site plan review as required by the Permit? [Part III.D.4.f.]

- ◉ Yes
- ○ No

Q45 Enter the number of site plan reviews conducted for sites an acre or greater between January 1, 2014 and December 31, 2014:

4

Q46 What types of enforcement actions do you have available to compel compliance with your regulatory mechanism? Check all that apply and enter the number of each used from January 1, 2014 to December 31, 2014.

- ☑ Verbal warnings

- [x] Notice of violation
- [ ] Administrative orders
- [x] Stop-work orders
- [x] Fines
- [x] Forfeit of security of bond money
- [x] Withholding of certificate of occupancy
- [x] Criminal actions
- [x] Civil penalties
- [ ] Other

Enter the number of verbal warnings issued:	20
Enter the number of notice of violations issued:	16
Enter the number of stop-work orders issued:	1
Enter the number of fines issued:	14
Enter the number of forfeitures of security bond money issued:	0
Enter the number of withholdings of certificate of occupancy issued:	0
Enter the number criminal actions issued:	0
Enter the number of civil penalties issued:	0

Q47 Do you have written Enforcement Response Procedures (ERPs) to compel compliance with your construction site stormwater runoff control regulatory mechanism(s)? [Part III.B.]

- (•) Yes
- ( ) No

Q49 Enter the number of active construction sites an acre or greater that were in your jurisdiction between January 1, 2014 and December 31, 2014:

4

Q50 Do you have written procedures for identifying priority sites? [Part III.D.4.d.(1)]

- ( ) Yes
- (•) No

Q52 Do you have a checklist or other written means to document site inspections when determining compliance? [Part III.D.4.d.(4)]

- (•) Yes
- ( ) No

Q53 Enter the number of site inspections conducted for sites an acre or greater between January 1, 2014 and December 31, 2014:

16

Q54 Enter the frequency at which site inspections are conducted (e.g. daily, weekly, monthly): [Part III.D.4.d.(2)]

weekly

Q55 Enter the number of trained inspectors that were available for construction site inspections between January 1, 2014 and December 31, 2014:

1

Q56 Provide the contact information for the inspector(s) and/or organization that conducts construction stormwater inspections for your MS4. List your primary construction stormwater contact first if you have multiple inspectors.

(1) Inspector name	Dave Klocker
Organization	Hyperion Consulting Inc.
Phone (Office)	
Phone (Work Cell)	651.300.9302
Email	dmklocker@gmail.com
Preferred contact method	Phone
(2) Inspector name	
Organization	
Phone (Office)	
Phone (Work Cell)	
Email	
Preferred contact method	
(3) Inspector name	
Organization	
Phone (Office)	
Phone (Work Cell)	
Email	
Preferred contact method	

Q57 What training did inspectors receive? Check all that apply.

- [x] University of Minnesota Erosion and Stormwater Management Certification Program
- [ ] Qualified Compliance Inspector of Stormwater (QCIS)
- [ ] Minnesota Laborers Training Center Stormwater Pollution Prevention Plan Installer or Supervisor
- [ ] Minnesota Utility Contractors Association Erosion Control Training
- [ ] Certified Professional in Erosion and Sediment Control (CPESC)
- [ ] Certified Professional in Stormwater Quality (CPSWQ)
- [ ] Certified Erosion, Sediment and Storm Water Inspector (CESSWI)
- [ ] Other

Q58 Between January 1, 2014 and December 31, 2014, did you modify your BMPs, measurable goals, or future plans for your construction site stormwater runoff control program? [Part IV.B.]

- (•) Yes
- ( ) No

Describe those modifications:

With new developments being designed stormwater runoff was updated

MCM 5: Post-Construction Stormwater Management

The following questions refer to Part III.D.5. of the Permit.

Q59 Between January 1, 2014 and December 31, 2014, did you update your regulatory mechanism(s) to incorporate all requirements as specified in Part III.D.5.a. of the Permit?

- (•) Yes
- ( ) No

Q61 What approach are you using, or planning to use, to meet the performance standard for Volume, Total Suspended Solids (TSS), and Total Phosphorus (TP) as required by the Permit? [Part III.D.5.a.(2)]
Check all that apply.

Refer to the link http://www.pca.state.mn.us/index.php/view-document.html?gid=17815 for guidance on stormwater management approaches.

- [ ] Retain a runoff volume equal to one inch times the area of the proposed increase of impervious surfaces on-site
- [ ] Retain the post-construction runoff volume on site for the 95th percentile storm
- [x] Match the pre-development runoff conditions
- [ ] Adopt the Minimal Impact Design Standards (MIDS)
- [ ] An approach has not been selected
- [x] Other method (Must be technically defensible--e.g. based on modeling, research and acceptable engineering practices)

Other, describe:

Submittal of a Stormwater model

Q62 Do you have written Enforcement Response Procedures (ERPs) to compel compliance with your post-construction stormwater management regulatory mechanism(s)? [Part III.B.]

- (●) Yes
- ( ) No

Q64 Between January 1, 2014 and December 31, 2014, did you modify your BMPs, measurable goals, or future plans for your post-construction stormwater management program? [Part IV.B.]

- ( ) Yes
- (●) No

MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operations

The following questions refer to Part III.D.6. of the Permit.

Q65 Enter the total number of structural stormwater BMPs, outfalls (excluding underground outfalls), and ponds within your MS4 (exclude privately owned).

Structural stormwater BMPs	7
Outfalls	118
Ponds	79

Q66 Enter the number of structural stormwater BMPs, outfalls (excluding underground outfalls), and ponds that were inspected from January 1, 2014 to December 31, 2014 within your MS4 (exclude privately owned). [Part III.D.6.e.]

Structural stormwater BMPs	0
Outfalls	36
Ponds	0

Q67 Have you developed an alternative inspection frequency for any structural stormwater BMPs, as allowed in Part III.D.6.e.(1) of the Permit?

- ( ) Yes
- (●) No

Q68 Based on inspection findings, did you conduct any maintenance on any structural stormwater BMPs? [Part III.D.6.e.(1)]

- ( ) Yes
- (●) No

Q70 Do you own or operate any stockpiles, and/or storage and material handling areas? [Part III.D.6.e.(3)]

- (•) Yes
- ( ) No

Q71 Did you inspect all stockpiles and storage and material handling areas quarterly? [Part III.D.6.e.(3)]

- (•) Yes
- ( ) No

Q72 Based on inspection findings, did you conduct maintenance at any of the stockpiles and/or storage and material handling areas?

- (•) Yes
- ( ) No

Q73 Briefly describe the maintenance that was conducted:

Minor structural repairs

Q74 Between January 1, 2014 and December 31, 2014, did you modify your BMPs, measurable goals, or future plans for your pollution prevention/good housekeeping for municipal operations program? [Part IV.B.]

- ( ) Yes
- (•) No

Discharges to Impaired Waters with a USEPA-Approved TMDL that Includes an Applicable WLA

You must complete the **TMDL Annual Report Form**, available at: http://stormwater.pca.state.mn.us/index.php/Upload_page_with_TMDL_forms. Attach your completed TMDL Annual report form to this Annual Report as instructed below. [Part III.E.]

Q76 Click the "up arrow" icon below to upload your TMDL Annual report form. When it has uploaded successfully, a unique ID will appear in the box. Only files 6 MB or less will upload.

Partnerships

Q83 Did you rely on any other regulated MS4s to satisfy one or more Permit requirements?

- (•) Yes

○ No

Additional Information

If you would like to provide any additional files to accompany your annual report, use the space below to upload those files. For each space, you may attach one file.

Q85 Click the "up arrow" icon below to upload a file. When it has uploaded successfully, a unique ID will appear in the box. Only files 6 MB or less will upload.

Q86 Click the "up arrow" icon below to upload a file. When it has uploaded successfully, a unique ID will appear in the box. Only files 6 MB or less will upload.

Q87 Click the "up arrow" icon below to upload a file. When it has uploaded successfully, a unique ID will appear in the box. Only files 6 MB or less will upload.

Q88 Optional, describe the file(s) uploaded:

Owner or Operator Certification

The person with overall administrative responsibility for SWPPP implementation and Permit compliance must certify this MS4 Annual Report. This person must be duly authorized and should be either a principal executive (i.e., Director of Public Works, City Administrator) or ranking elected official (i.e., Mayor, Township Supervisor).

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information

submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete (Minn. R. 7001.0070). I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment (Minn. R. 7001.0540).

☐ Yes

By typing my name in the following box, I certify the above statements to be true and correct, to the best of my knowledge, and that information can be used for the purpose of processing my MS4 Annual Report.

Name:

Title:

Date: (mm/dd/yyyy)

Before you submit...

Print or save a copy of your completed MS4 Annual Report for 2014 for your records. The MPCA will not be able to provide you with a copy.

You may print a copy of the MS4 Annual Report for 2014 for your records by pressing the 'Print' button at the bottom of the page.

Additionally, it is possible to save a PDF copy of the MS4 Annual Report for 2014 if you are working on a computer with OneNote (a program often included in Microsoft Office packages). Detailed saving instructions are available at stormwater.pca.state.mn.us/index.php/Guidance_for_saving_MS4_annual_reports.

If you have any questions, contact MPCA staff Cole Landgraf (cole.landgraf@state.mn.us, 651-757-2880) or Rachel Stangl (rachel.stangl@state.mn.us, 651-757-2879).

East-Metro
Water Resource Education Program

2014 Annual Report

Above: A Lake Elmo area Girl Scout troop pulls weeds during a raingarden maintenance workshop.

Members of the East Metro Water Resource Education Program:

Brown's Creek Watershed • Carnelian-Marine-St. Croix Watershed •
Comfort Lake-Forest Lake Watershed • Cottage Grove •
Dellwood • Forest Lake • Lake Elmo • Middle St. Croix Watershed •
Ramsey-Washington Metro Watershed • Rice Creek Watershed • Stillwater •
South Washington Watershed • Valley Branch Watershed • Willernie •
West Lakeland • Woodbury • Washington Conservation District • Washington County

East Metro Water Resource Education Program
2014 Annual Report

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About the East Metro Water Resource Education Program

Background: The East Metro Water Resource Education Program (EMWREP) is a partnership that was formed in 2006 to develop and implement a comprehensive water resource education and outreach program for the east metro area of St. Paul, MN. Current EMWREP partners include Brown's Creek, Carnelian-Marine-St Croix, Comfort-Lake Forest Lake, Rice Creek, Ramsey-Washington Metro, South Washington, and Valley Branch Watershed Districts, Middle St. Croix Watershed Management Organization, the cities of Cottage Grove, Dellwood, Forest Lake, Lake Elmo, Stillwater, Willernie, and Woodbury, West Lakeland Township, Washington County and the Washington Conservation District.

Purpose: The purpose of the shared education program is to provide education about the impacts of non-point source pollution on local lakes, rivers, streams, wetlands and groundwater resources and to engage people in projects that will help to protect and improve water quality in the region. In addition to educating the public, EMWREP also provides training for city, county and watershed staff and local elected officials.

Partnership Structure: EMWREP is guided by a steering committee comprised of representatives from each of the 18 partner organizations. The committee generally meets twice a year to provide recommendations on the program budget and activities. During 2013, EMWREP staff included Angie Hong, full-time education specialist and coordinator for the program, Jenn Radtke, half-time education assistant, and Wendy Griffin, a Washington Conservation District natural resource specialist who provided 170 hours of support for rural education activities. The EMWREP coordinator sends a quarterly e-newsletter to all partners' staff, council members and board members, and communicates one-on-one with individual partners on projects throughout the year. The EMWREP education plan is revised every two to three years to accommodate changing priorities and new target audiences. In addition, the EMWREP coordinator prepares an annual report on program activities and provides outreach data and statistics for partners' MS4 Permit reports. All EMWREP reports, plans, and education updates are available on-line at www.mnwcd.org/emwrep.

Coordination with Other Regional Education Efforts: One of the major benefits of the EMWREP program is that it has helped to strengthen relationships between Washington Conservation District, Washington County and the eight watershed management organizations and eight cities that constitute the partnership, which has resulted in better coordination and less overlap in the management of local water resources. By promoting partner's BMP programs, EMWREP has helped to increase the total number of water quality improvement projects implemented and to target these projects in priority areas.

EMWREP has also played a central role in the coordination and development of two regional education programs, Blue Thumb and WaterShed Partners. Blue Thumb is a partnership of more than 70 public and private entities in the Upper Midwest, developed to promote the use of native plantings, raingardens and shoreline plantings to conserve water resources and reduce runoff pollution. WaterShed Partners, which manages the Clean Water Minnesota media campaign, is a collaborative of more than 70 non-profit and public entities in the Twin Cities metro area that work together to educate the public about stormwater pollution. Additionally, EMWREP frequently partners with organizations within the St. Croix River Basin for educational events and activities.

Accolades: In 2012, the Minnesota Association of Watershed Districts recognized EMWREP as the Watershed Program of the Year.

2014 Executive Summary

General Education Campaign: During 2014, EMWREP continued to use a variety of strategies to educate the general public about stormwater pollution and other issues affecting the quality of surface and groundwater resources, and to inform them about partner programs and activities. Major strategies include more than 100 articles per year in local newspapers and community newsletters, ample use of social media, direct mailings to specific audiences, and participation in more than 15 community events.

Though the impact of these larger public education and awareness raising efforts is often hard to measure directly, we know they greatly improve the success of our targeted outreach activities and are usually the initial gateway through which people learn about EMWREP partner organizations and engage at a higher level by attending a workshop, participating in a watershed planning process, or installing a clean water project on their property.

In 2014, EMWREP also conducted the following special education projects:

1) Held a series of three focus groups with representatives from homeowners' associations (HOAs), property management companies, and lawn care companies.
2) Developed an e-newsletter for area congregations and new educational resources for this audience; and
3) Created a Clean Water Geocaching Trail to highlight partner projects.

Blue Thumb Program: The Blue Thumb – Planting for Clean Water program (www.BlueThumb.org) was developed by the Rice Creek Watershed District in 2006 and EMWREP has been a key member since then. During 2014, the Blue Thumb partnership included more than 70 public and private entities - nurseries, landscaping companies, watershed agencies, cities, non-profits and citizen groups.

EMWREP uses Blue Thumb tools and resources, such as the website and print materials, to conduct public education and enhance outreach efforts. Last year, EMWREP:

1) Conducted four raingarden design workshops, one shoreline planting workshop, and two raingarden maintenance workshops;
2) Coordinated neighborhood gatherings in Bayport, Lake Elmo, Stillwater, Forest Lake, and Wyoming;
3) Supported targeted outreach efforts in Stillwater and North St. Paul / Maplewood;
4) Helped to promote watershed best management practices (BMP) programs; and
5) Contributed to the new Washington County BMP database.

EMWREP education continues to amplify the impact of partner BMP clean water programs. Out of 961 voluntary urban BMPs built in Washington County between 2007 and 2013, 115 (12%) came from people who attended Blue Thumb workshops hosted by EMWREP. Furthermore, of the 362 people who attended workshops between 2007 and 2013, 106 (29%) went on to install BMP projects on their land. In 2014, BMP program staff reported:

- 233 site visits
- 33 new projects installed; 34 projects from previous years completed
- 68.75 pounds of phosphorus (P) captured by all projects installed in 2014
- 58,122 pounds of total suspended solids (TSS) captured by all projects in 2014

Rural Outreach: During 2014, EMWREP offered several programs specifically designed to engage rural property owners. These included a workshop for horse owners, a cover crop field seminar, and support for nitrates well water testing in southern Washington County. In addition, EMWREP also provided outreach support for targeted implementation efforts, including Washington Conservation District's Turf to Prairie and Top50P! projects.

Blue Biz: The Blue Biz program consists of a website (www.cleanwaterMN.org/businesses) and outreach materials that partners can use to engage commercial property owners in BMP projects.

Stormwater U: In 2014, EMWREP coordinated with Minnesota Extension, the University of Minnesota Erosion and Stormwater Management Certification Programs, and the Minnesota Erosion Control Association (MECA) to provide professional training and workshops for local government staff and consultants, as well as builders, developers and contractors, including:

1) Innovation in Stormwater Best Management Practices;
2) Erosion and Sediment Control Inspections and Enforcement; and
3) P8 Modeling

During 2014, EMWREP also developed a series of ten 10-minute PowerPoint presentations for partners to use during monthly staff meetings. The presentations cover training topics included under Minimum Control Measure 6 of the MS4 permit.

NEMO: The Northland NEMO program (Non-point Education for Municipal Officials) provides local elected officials and decision makers with resources and information to make informed decisions about land use and water quality in their communities. Northland NEMO is hosted by the University of Minnesota Extension and EMWREP is a partner organization.

During 2014, EMWREP collaborated with several other partners to hold the fifth annual *Workshop on the Water* for St. Croix Basin communities in Minnesota and Wisconsin. Nearly 120 people attended. EMWREP also provided support for a grant project to help communities in Washington County adopt Minimal Impact Design Standards, including conducting a special workshop for city attorneys. In addition, EMWREP staff presented to the Oakdale Environmental Commission and helped to coordinate Washington County Water Consortium activities.

MS4 Toolkit: EMWREP developed the MS4 Toolkit (www.cleanwatermn.org/MS4toolkit) several years ago with a grant from the Minnesota Pollution Control Agency. The toolkit includes educational materials that partners can use to meet the six minimum control measures in the MS4 permit, such as brochures, posters, slide shows, training videos and more. In addition to the on-line materials, training videos for parks and public works staff and pop-up banners for community events are available partners to borrow. The Metro WaterShed Partners MS4 work group is currently discussing strategies for updating the MS4 Toolkit and website.

THE CITY OF LAKE ELMO

MAYOR & COUNCIL COMMUNICATION

DATE: **June 2, 2015**
REGULAR
ITEM # **9**

AGENDA ITEM: Eagle Point Boulevard Street and Utility Improvements – Approve Plans and Specifications and Order Advertisement for Bids

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Jack Griffin, City Engineer
Adam Bell, Assistant City Administrator/ City Clerk
Cathy Bendel, Finance Director

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Engineering.

FISCAL IMPACT: None.

The total estimated project cost for the Eagle Point Boulevard Street and Utility Improvements is $1,351,000. The total estimated project cost for the street improvements is $1,243,000 and the sanitary sewer improvements total estimated cost is $108,000. The street improvements will be paid by benefitting property owners, as commercial property is 100% assessable. The sanitary sewer improvements will be paid by the developer, Inwood 10, LLC, per the Petition and Waiver Agreement dated April 21, 2015.

Approval of this resolution does not commit the council to the project costs. Once contractor bids are received, the actual construction costs will be known and the council will be asked to consider entering into a contract to complete the work.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving the plans and specifications and ordering the advertisement for bids for the Eagle Point Boulevard Street and Utility Improvements. The recommended motion for this action is as follows:

"Move to approve Resolution No. 2015-46, approving the plans and specifications and ordering the advertisement for bids for the Eagle Point Boulevard Street and Utility Improvements."

LEGISLATIVE HISTORY:

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 from property owners representing at least 35% of the properties to be benefitted by the improvements. On April 7, 2015, following a public improvement hearing, the council authorized the preparation of plans and specifications for the Eagle Point Boulevard Street and Utility Improvements.

Approximately 700 feet of sanitary sewer will be included as part of the improvements. The sanitary sewer line will serve the Inwood Development, and will be fully funded by the development. The line is being installed with the street project at this time to avoid future damage to the new street.

In accordance with the project schedule, the plans and specifications for the improvements have been completed and are ready to be advertised for contractor bids.

BACKGROUND INFORMATION:

Plans and Specifications have been completed for the Eagle Point Boulevard Street and Utility Improvements. The total estimated project cost is $1,351,000 which includes $1,243,000 for street improvements and $108,000 for sanitary sewer improvements. The improvements include:

- Reconstruction of Eagle Point Boulevard from CSAH 13 to Hudson Boulevard.
- 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 Development.
- Extension of watermain to provide a connection point for the future trunk watermain along Inwood Avenue.

The street improvements would be 100% assessed 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, the area method will be used to assess the property owners.

The sanitary sewer improvements will be 100% assessed to the Inwood Development per the Petition and Waiver Agreement that has been fully executed by the developer and City (see attached no. 5).

Trunk watermain improvements have been added to the project to extend a 16-inch diameter watermain across Eagle Point Boulevard to avoid disturbance of the new pavement should the Eagle Point Boulevard project be constructed prior to the Inwood Trunk Watermain Improvements. This would allow a connection point along Inwood Avenue (north of Eagle Point Boulevard) that would not damage the newly constructed street. The estimated project cost is approximately $40,000 which would be funded through the Water Enterprise Fund.

RECOMMENDATION:

Staff is recommending that the City Council approve the plans and specifications and order the advertisement for bids for the Eagle Point Boulevard Street and Utility Improvements. The recommended motion for this action is as follows:

"Move to approve Resolution No. 2015-46, approving the plans and specifications and ordering the advertisement for bids for the Eagle Point Boulevard Street and Utility Improvements."

ATTACHMENT(S):

1. Resolution No. 2015-46 Approving Plans and Specifications and Ordering Advertisement for Bids.
2. Location Map.
3. Project Schedule.
4. Eagle Point Boulevard Street and Utility Improvements Plans and Specifications *(available for review at City Hall).*
5. Inwood Development Petition and Waiver Agreement for Utility Improvements

CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

RESOLUTION NO. 2015-46

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR THE EAGLE POINT BOULEVARD STREET AND UTILITY IMPROVEMENTS

WHEREAS, pursuant to a resolution passed by the City Council on the 7th day of April, 2015, the City Engineer, together with TKDA, Inc. has prepared plans and specifications for the Eagle Point Boulevard Street and Utility Improvements and has presented such plans and specifications to the Council for approval.

NOW, THEREFORE, IT IS HEREBY RESOLVED,

1. Such plans and specifications, a copy of which is on file at Lake Elmo City Hall and made a part hereof, are hereby approved.

2. The City Clerk shall prepare and cause to be inserted in the official paper and posted online with Quest Construction Data Network (QuestCDN.com) an advertisement for bids upon the making of such improvements under such approved plans and specifications. The advertisement shall be published for at least 21 days, shall specify the work to be done, and shall state that sealed bids provided to the City Clerk prior to the specified bid date and time and accompanied by a bid bond or cashier's check made payable to the City of Lake Elmo in an amount not less than 5% of the amount of such bid will be considered.

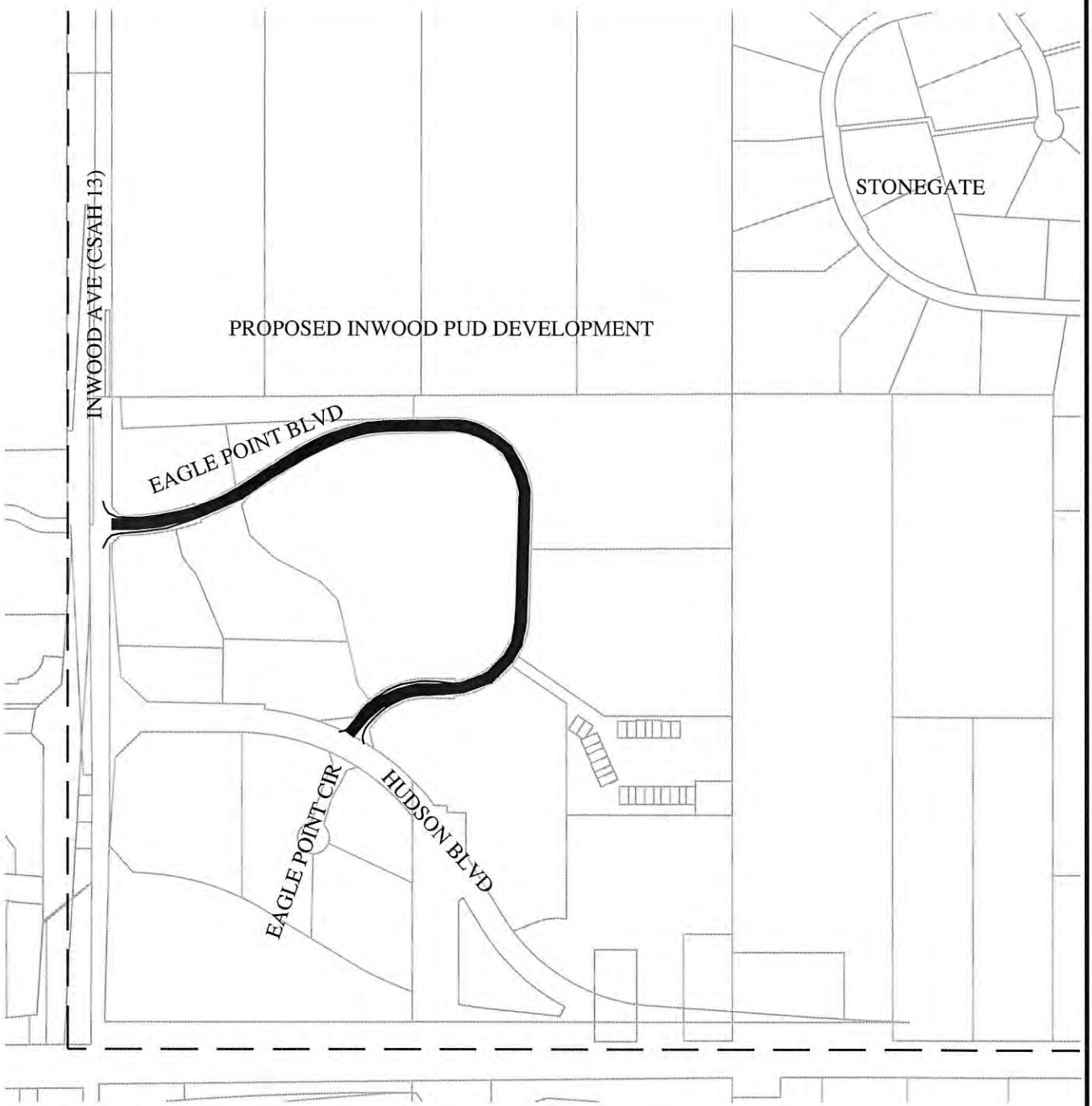
ADOPTED BY THE LAKE ELMO CITY COUNCIL ON SECOND DAY OF JUNE 2015.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)
ATTEST:

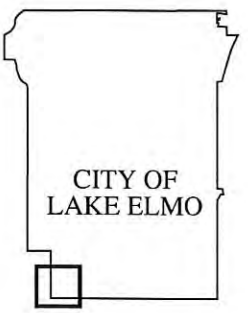
_____
Adam Bell
City Clerk



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
UTILITY IMPROVEMENTS
PROJECT NO. 2015.120

MAY 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.
February 19, 2015	Property owner meeting. Present scope of impovements and discuss alternative assessment methodologies.
March 3, 2015	Presentation of Feasibility Report. Council accepts Report and Calls Hearing.
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 16, 2015	Substantial completion.
June 15, 2016	Final completion.

PETITION AND WAIVER AGREEMENT

This Agreement made this 21st day of April, 2015, by and between the City of Lake Elmo, a Minnesota municipal corporation ("City"), and Inwood 10 LLC, a Minnesota limited liability company ("Owner").

WITNESSETH:

WHEREAS, the Owner is the fee owner of certain real property (the "Subject Properties") located in the City, the legal description of which is shown on **Exhibit A**, attached hereto and hereby made a part hereof, and further identified by the following PID numbers:

330-29-21-11-0001

330-29-21-11-0002

330-29-21-12-0003

330-29-21-12-0001

The legal description encompasses all four of the PIDs.

WHEREAS, the Owner desires to have certain public improvements constructed to serve the Subject Properties generally described as the construction and extension of sanitary sewer and watermain stubs as more specifically described in **Exhibit B**, attached hereto and hereby made a part hereof (hereinafter referred to as the "Improvement Project"); and

WHEREAS, the Owner wishes for the City to construct the Improvement Project without notice of hearing or hearing on the Improvement Project, and without notice of hearing or hearing on the special assessments levied to finance the Improvement Project, and to levy **the total project costs** related to sanitary sewer and watermain stubs construction and extension of the Improvement Project, estimated at $108,200.00, against the Subject Properties as outlined in **Exhibit C**, attached hereto and hereby made a part hereof. The Owner understands and hereby acknowledges that the $108,200.00 cost of the Improvement Project is an estimate, and the total project costs may be higher, but have yet to be determined and will be determined after completion of the Improvement Project, estimated to be November of 2015; and

WHEREAS, the City is willing to construct the Improvement Project in accordance with the request of the Owner and without such notices or hearings, provided the assurances and covenants hereinafter stated are made by the Owner to ensure that the City will have valid and collectable special assessments as they relate to the Subject Properties to finance the costs of the Improvement Project; and

WHEREAS, were it not for the assurances and covenants hereinafter provided, the City would not construct the Improvement Project without such notices and hearings and is doing so solely at the behest, and for the benefit, of the Owner.

NOW, THEREFORE, ON THE BASIS OF THE MUTUAL COVENANTS AND AGREEMENTS HEREINAFTER PROVIDED, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. The Owner hereby petitions the City for construction of the Improvement Project.

2. The Owner represents and warrants that it is the owner of 100 percent of the Subject Properties, that it has full legal power and authority to encumber the Subject Properties as herein provided, and that as of the date hereof, it has fee simple absolute title in the Subject Properties,

which are not subject to any liens, interests or encumbrances.

3. The Owner requests that the total project costs related to sanitary sewer and watermain construction and extension of the Improvement Project be assessed against the Subject Properties. Owner understands that the total project costs are estimated at $108,200.00, but will be determined after completion of the Improvement Project and may be higher than the estimate, and that Owner will be assessed the total project costs, regardless of the estimate.

4. The Owner waives notice of hearing and hearing pursuant to Minn. Stat. Section 429.031, on the Improvement Project and notice of hearing and hearing on the special assessments levied to finance the Improvement Project pursuant to Minn. Stat. Section 429.061, and specifically requests that the Improvement Project be constructed and special assessments levied against the Subject Properties therefor without hearings.

5. The Owner waives the right to appeal the levy of the special assessments in accordance with this Agreement pursuant to Minn. Stat. Section 429.081, or reapportionment thereof upon land division pursuant to Minn. Stat. Section 429.071, subd. 3, or otherwise, and further specifically agrees with respect to such special assessments against the Subject Properties or reapportionment that:

a. Any requirements of Minn. Stat., Chapter 429 or any other Statute or Constitution with which the City does not comply are hereby waived by the Owner;

b. Owner represents and warrants that the increase in fair market value of the Subject Properties resulting from construction of the Improvement Project will be at least equal to the amount specified in paragraph 3, and that such increase in fair market value is a special benefit to the Subject Properties and that it does not contest; and

c. Assessment of the amount specified in paragraph 3 against the Subject Properties is reasonable, fair and equitable.

6. Special assessments for the Improvement Project will be levied to the Subject Properties, with payment in full of such levy required on or before December 31, 2015, bearing interest at a rate of two points over the bond rate if bonds are issued by the City for the Improvement Project, or two points over a current bond rate as determined by the City's financial consultant. Special assessments, along with all accrued interest, must otherwise be paid upon sale, subdivision or development of the Subject Properties.

7. Owner represents and warrants that the Subject Properties are not and will not be so classified for tax purposes as to result in deferral of the obligation to pay special assessments; and Owner agrees that it will take no action to secure such tax status for the Subject Properties during the term of this Agreement.

8. The covenants, waivers and agreements contained in this Agreement shall bind the successors and assigns of the Owner and shall run with the Subject Properties and bind all successors in interest thereof. It is the intent of the parties hereto that this Agreement be in a form that is recordable among the land records of Washington County, Minnesota; and the parties agree to make any changes to this Agreement that may be necessary to effect the recording and filing of this Agreement against the title of the Subject Properties.

9. This Agreement shall terminate upon the final payment of all special assessments levied against the Subject Properties regarding the Improvement Project, and the City shall thereupon execute and deliver such documents, in recordable form, as are necessary to extinguish its rights hereunder.

IN WITNESS WHEREOF, the parties have set their hands the day and year first written above.

[THIS SPACE INTENTIONALLY LEFT BLANK]

CITY OF LAKE ELMO

By: _____
Mike Pearson, Mayor

By: _____
Dean Zuleger, City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

The foregoing instrument was acknowledged before me this 21st day of April, 2015, by Mike Pearson and Dean Zuleger, the Mayor and City Administrator, respectively, of the City of Lake Elmo, Minnesota, a municipal corporation under the laws of the State of Minnesota, on behalf of the City.

_____
Notary Public

DRAFTED BY:
DAVID K. SNYDER
JOHNSON & TURNER, P.A.
56 East Broadway Avenue, Suite 206
Forest Lake, MN 55025
(651) 464-7292

OWNER:

INWOOD 10 LLC

Richard J Schueler Jr.

By: RICHARD J SCHUETER JR

Its: ASSISTANT SECRETARY

STATE OF MINNESOTA)
) ss.
COUNTY OF Ramsey)

On this 9 day of April, 2015, the foregoing instrument was acknowledged before me, a Notary Public, within and for said County and State, personally appeared Inwood 10 LLC, a Minnesota limited liability company, who signed the foregoing instrument and acknowledged said instrument to be his free act and deed.

THOMAS M SCHUETTE
Notary Public
State of Minnesota
My Commission Expires
January 31, 2020

Notary Public

EXHIBIT A
(Legal Description)

The Northeast Quarter (NE ¼) of Section Thirty-three (33), Township Twenty-nine (29), Range Twenty-one (21), less and except: (a) Parcel No. 4 of Washington County Highway Right-of-Way Plat No. 41; and (b) Parcel No. 3 of Washington County Highway Right-of-Way Plat No. 42, Washington County, Minnesota.

EXHIBIT B

Eagle Point Boulevard Street and Sanitary Sewer Improvements: Inwood PUD Development Sanitary Sewer and Watermain Extension Improvements

The following improvements, known as Eagle Point Boulevard Street and Sanitary Sewer Improvements: Inwood PUD Development Sanitary Sewer and Watermain Extension Improvements, shall be designed, inspected, surveyed and administered by the City, and installed in the Subject Properties by a Contractor selected by the City through the public bidding process. The improvements shall be installed as described and recommended in the Eagle Point Boulevard Street and Sanitary Sewer Improvements Feasibility Report, dated March, 2015, said report as accepted by Resolution of the City Council. The improvements generally include the extension of sanitary sewer and watermain improvements. The improvements are intended to provide benefit and service to the properties identified in the Feasibility Reports, and planned as the Inwood PUD Development.

Contracts shall provide for construction in accordance with plans and specifications prepared by the City or its consultants.

The City will obtain any necessary permits before proceeding with construction.

EXHIBIT C

Item	Cost	Calculation
Sanitary Sewer and Watermain Assessment	Estimated at $108,200.00, but total TBD	
Total	TBD	

THE CITY OF LAKE ELMO

MAYOR & COUNCIL COMMUNICATION

DATE: **June 2, 2015**
REGULAR
ITEM # **10**

AGENDA ITEM: Village Preserve 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
Cathy Bendel, Finance Director

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 Village Preserve single family residential subdivision. 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 watermain oversizing in the payment amount of $30,430. This payment would be made out of the water enterprise fund to the developer once the City accepts all of the public improvements. 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 $69.40 for 10 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 Village Preserve Final Plat. The attached

agreement has been reviewed by the City Attorney, City Engineer, Community Development Director and the Finance Director, and all recommend changes specific to the Village Preserve project have been incorporated into the document as drafted. This agreement must be executed before any construction activity may proceed on the site. The recommended motion to take action on the request is as follows:

"Move to adopt Resolution 2015-47, approving the developer's agreement for the Village Preserve residential subdivision."

LEGISLATIVE HISTORY/STAFF REPORT: The Village Preserve Final Plat was approved by the City Council on May 5th, 2015 (Resolution No. 2015-34). One of the conditions of the Village Preserve Final Plat approval specifies that the developer enter into a Developer's Agreement with the City prior to the execution of the plat by City officials. Staff has drafted such an agreement based on 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 Village Preserve 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 internal proposed improvements. The construction estimates provided have been reviewed by the City Engineer and found to be sufficient. The necessary letter of credit to secure the construction activity and expenses internal to the site will be $2,507,460.00 for the 1st phase of the Village Preserve development.

- That the developer provide an additional letter of credit to secure shared improvements with the Wildflower at Lake Elmo planned residential development in the amount of 125% of the total cost of shared improvements. The necessary letter of credit to secure the shared improvements with Wildflower at Lake Elmo will be $319,751.25.

- That the developer provide a cash deposit of $468,607.47 for SAC and WAC charges, engineering administration, Village AUAR Fee, one year of street light operating costs, park land dedication fee, and other City fees. It is important to note that the portion of the cash necessary for parkland dedication is to be held in escrow under this agreement until the developer dedicates parkland east of Reid Park as directed by the Park Commission. Should the developer dedicated the land to the City prior to executing the Developers Agreement, the parkland dedication fee of $130,044.67 would be subtracted from the necessary cash requirements.

- It should be noted that the Village Preserve residential subdivision will be served by the East Village Trunk Sewer. A large portion of this trunk system is complete with the completion of the 39th Street Project. However, the southern segment of the sewer from the Reid Park lift station to the rail road tracks still must be constructed. Three parties are

currently collaborating to complete this trunk sewer segment: Gonyea Companies, Robert Engstrom Companies and Easton Village, LLC. In order to ensure that this trunk sewer improvement is constructed prior to new homes being constructed, the developers agreement contains a provision (Section 28.A) that does not allow building permits to be issued until the East Trunk Sewer Project is under construction and scheduled to be completed.

- As a result of the developer's participation in the construction of the East Trunk Sanitary Sewer System, they are requesting that the Sewer Availability Charge (SAC) and Sewer Connection Charge for Village Preserve and surrounding developments served by the trunk sewer be locked in at the 2015 rates of $3,000 per REC unit and $1,000 per REC unit respectively. It should be noted that the existing properties north of the railroad tracks in the Village Area are being served by the East Village Trunk Sewer. Staff has run high-level estimates and determined that the East Village Trunk Sewer will save the City a sizeable portion of public money over the previous design. Therefore, Staff recommends that this is a reasonable request that can be accommodated. It should be noted that more often it is the case that SAC and Sewer Connection Fees are reduced as the system is built out, not increased.

- The developer has requested a modification to the reduction of security schedule. The modified schedule would allow for security to be released based on categories of public improvements, as opposed to more time-sensitive milestones of construction. For example, once the sewer and water utilities are constructed, tested and approved by the City, the developer would be eligible to receive 75% of the security amount back for those specifics improvements. Ultimately, the proposed reduction schedule operates on similar values or amounts of security that the City retains, but it allows for construction categories to be broken out separately for staged reductions in security. The reduction schedule has been negotiated between the developer and the City. As part of the proposed reduction schedule, there are four groups of improvements: 1) Grading, 2) Sewer and Water Utilities, 3) Streets and Storm Sewer (including sidewalks, trails, ponds and infiltration basins), and 4) Erosion Control, Street Lighting, Landscaping, Monuments and other miscellaneous items. Similar to the template reduction schedule, the final 25% of total security is withheld until final improvements are completed, including final wear-course, iron monuments installed, all record drawings provided to the City, and all punch list items completed. It should be noted that the warranty amount provided in the attached agreement is identical to the City's accepted template; 25% warranty.

Regarding City payments to the developer, there is one proposed action of note in the development agreement:

- The action is a payment to the developer related to the oversizing of watermain in phase 1 of the Village Preserve development. The developer has been directed by the City to oversize segments of watermain from 8-inch pipe to 12-inch pipe in order to accommodate operational improvements to the City's broader water system. The oversizing payment amount had been reviewed by the City Engineer and is $30,430. This

payment would be made to the developer once all of the public improvements for the subdivision have been accepted by the City.

It should also be noted that the developer has submitted a letter requesting that the City consider increasing the number of permitted model homes from the template's maximum of two homes to a proposed maximum of six model homes. To date, the largest number of model homes that the City has accommodated in an approved development agreement is 5 model homes. The logic in previously allowing 5 model homes was to accommodate a development (Hammes Estates) that included a mix of custom builders, so that each builder could be allowed a model home. Based on the submitted letter, Gonyea Companies are planning to use a similar approach of multiple custom builders in the Village Preserve development. Therefore, the same logic that was applied previously could also be used in this case. However, staff will note that an increased number of model homes can present difficulties during the construction of the utilities and streets. If there are too many contractors present, conflicts can arise within these developments. In addition, the more model homes that are permitted, the greater the risk of an emergency or public safety situation occurring without fully completed streets. It is important that proper access be maintained for these sites. The attached agreement includes the standard template number of two model homes. Should the Council be amenable to the developer's request for additional model homes, the attached agreement can be amended to reflect this decision.

Finally, with regards to the amount of security, the developer has contacted City staff to report that Washington County has reduced the size and costs of the previously approved design for turn lanes on Lake Elmo Avenue (CSAH 17). This change in turn-lane design could result in a significant decrease in construction cost. The developer would like the City to be aware of this situation with the consideration that if the construction costs are significantly less, then the necessary security could conceivably be reduced to reflect the true cost of construction. This is not a situation that requires a decision at this time, but the developer would like the City to be aware of this change.

STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS:

Strengths: The developer's agreement has been drafted to guarantee that the improvements associated with Village Preserve plans will be installed in accordance with City standards and specifications. Execution of the developer's agreement and compliance with all conditions in the agreement will allow the developer to record the Village Preserve Final Plat. Approval of the Developers Agreement will also 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. In addition, payment of the City's AUAR Fee assists the City in recovering the cost expended on the Village Alternative Urban Areawide Review (AUAR). Finally, moving the Village Preserve project forward provide greater surety that the East Village Trunk Sewer will be installed, which is a critical infrastructure component for the Village Area moving forward.

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

Opportunities: Approval of the developer's agreement will allow construction to proceed for a new single family residential subdivision in the Village Area, offering homes constructed by a mix of custom builders.

Threats: The greatest threat related to the Village Preserve project is that the private portion of the East Village Trunk Sewer is not yet completed. The proposed development agreement does provide security in the form of withholding building permits, including model homes, for the Village Preserve subdivision until the sewer project is underway and on schedule to be completed. In addition, 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 Village Preserve and that the Council direct the Mayor and Staff to execute this document once the financial security and cash requirements have been received. The suggested motion to adopt the Staff recommendation is as follows:

"Move to adopt Resolution 2015-47, approving the developer's agreement for the Village Preserve residential subdivision."

ATTACHMENTS:

1. Resolution No. 2015-47
2. Village Preserve Development Agreement
3. Request for Additional Model Homes
4. Watermain Oversizing Map

CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

RESOLUTION NO. 2015-47

A RESOLUTION APPROVING THE DEVELOPER'S AGREEMENT FOR THE FIRST PHASE OF THE VILLAGE PRESERVE RESIDENTIAL SUBDIVISION

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

WHEREAS, GWSA Land Development, LLC, 10850 Old County Road 15 , Suite 200, Plymouth, MN 55441 ("Applicant") has previously submitted an application to the City of Lake Elmo ("City") for a Final Plat for Village Preserve; and

WHEREAS, the Lake Elmo City Council considered and approved the Preliminary Plat request for Village Preserve at a meeting held on July 15, 2014; and

WHEREAS, The Lake Elmo City Council adopted Resolution No. 2015-34 on May 5th, 2015 approving the Final Plat for Village Preserve; and

WHEREAS, Condition (3) of said Resolution No. 2015-34 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 June 2, 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 Village Preserve and authorizes the Mayor and City Clerk to execute the document.

Passed and duly adopted this 2nd day of June 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

(Public sewer and water)

Village Preserve 1st Addition

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

1. REQUEST FOR PLAT APPROVAL. The Developer has asked the City to approve the plat for Village Preserve 1st Addition (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 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. 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 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 his engineer shall schedule a pre-construction meeting at a mutually agreeable time at the Lake Elmo Public Works Building 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. ADDITIONAL INFRASTRUCTURE IMPROVEMENTS REQUIRED TO SUPPORT THE DEVELOPMENT. The Village Preserve subdivision is dependent upon the completion of additional sanitary sewer and storm sewer infrastructure improvement projects to be completed by other parties, including the 1) Layton Avenue Sanitary Sewer from 39th Street North to 40th Street North, 2) the Village East Trunk Sanitary Sewer from the Reid Park lift station to the UP Railroad, 3) Storm sewer run from 40th Street North to Pond 3N, 3) Pond 3N and the pond outfall pipe, and 4) The receiving storm sewer pipe and storm water pond from Pond 3N outfall pipe located on the Wildflower at Lake Elmo northerly property.

10. 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 4 0 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. After 30 days 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 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.

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.

11. 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.

12. 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

13. 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 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.

14. 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.

15. 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 Lake Elmo Avenue North. No construction traffic is permitted on other adjacent local streets.

16. 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 17., 18. and 19. 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".

17. 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.

18. 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.

19. 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 13. above.

20. 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.

21. 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:

A. Developer/Developer Engineer's Certificate

B. 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.

22. PARK DEDICATION. The Developer shall provide a cash contribution of $130,044.67 to be held in escrow in satisfaction of the City's parkland dedication requirements. This charge is based on the park dedication requirement for all of the areas to be platted as part of the first phase of the Village Preserve

residential subdivision. The charge was calculated as follows: 1.57 acres (0.99 acres of park land provided subtracted from 2.56 acres of park land required) at $82,831 per acre per the approved appraisal for the property. The parkland dedication fee escrow shall be released to the developer only upon additional parkland East of Reid Park being deeded to the City in an amount that satisfies the necessary parkland dedication of 1.57 acres for the Village Preserve Final Plat

23. 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 $138,000.

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 amount to be paid by the Developer is $138,000.

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 $2,485.00 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. As a result of the Developer's financial participation in the construction of the East Village Trunk Sanitary Sewer System, any future platted lots within the Village Preserve residential subdivision, the Village Park Preserve residential subdivision or other residential subdivisions developed within the City that are directly served by the East Village Trunk Sanitary Sewer System, shall be subject to the Sewer Availability Charge at the 2015 rate of $3,000 per REU and the Sewer Connection Charge at the 2015 rate of $1,000 per REU.

24. VILLAGE AREA AUAR FEE. The Developer shall be responsible for the payment of the

Village Area Alternative Urban Areawide Review (AUAR) fee as adopted by the City Council with respect to the environmental review completed by the City. The Village Area Alternative Urban Areawide Review (AUAR) fee in the amount of $230.00 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 $10,580.

25. 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.

26. 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 $832.80 in payment for the first year operating costs for street lights.

27. 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 if the Developer fails to take corrective measures to be used by the City to perform the work.

28. BUILDING PERMITS/CERTIFICATES OF OCCUPANCY.

A. No building permits, including model homes, will be issued until construction has commenced for each specific infrastructure component identified in Section 9 and a detailed construction schedule acceptable to the City is on file to demonstrate completion of the additional infrastructure improvements identified in Section 9.

B. 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.

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

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

E. 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.

F. If building permits are issued prior to the acceptance of public improvements including the additional infrastructure improvements identified in Section 9, 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. The developer hereby acknowledges and understands that the City has no obligation to exercise its authority to construct the additional infrastructure improvements identified in Section 9 in the event that the third parties fail to perform.

G. 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, including the Layton Avenue Sanitary Sewer from 39th Street North to 40th Street North and the Village East Trunk Sanitary Sewer from the Reid Park lift station to the UP Railroad.

H. 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, including the Layton Avenue Sanitary Sewer from 39th Street North to 40th Street North and the Village East Trunk Sanitary Sewer from the Reid Park lift station to the UP Railroad -are tested and approved by the City Engineer; and the as- constructed grading plan must be on file at the City for the plat.

29. SHARED PUBLIC IMPROVEMENTS WITH WILDFLOWER AT LAKE ELMO. As part of

the approved construction plans for the Village Preserve residential subdivision, the following Wildflower at Lake Elmo subdivision public improvements are necessary to support the Village Preserve subdivision: 1) Layton Avenue Sanitary Sewer from 39th Street North to 40th Street North, 2) Storm sewer run from 40th Street North to Pond 3N, 3) Pond 3N and the pond outfall pipe, and 4) The receiving storm sewer pipe and storm water pond from Pond 3N outfall pipe located on the Wildflower at Lake Elmo northerly property. Therefore, in the event that the developer of Wildflower at Lake Elmo hasn't already done so, the Developer shall submit a security in an amount of 125% of the value of the shared public improvements as part of the security requirements identified in Section 38 of this agreement. The City must have security for all improvements necessary to serve the Village Preserve residential subdivision

30. 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, if any, 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 of Lake Elmo adopted Fee Schedule. Upon request, the City will provide copies of detailed invoices of the work performed.

31. CITY PAYMENTS. In the event City payments are required by Section 31.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 19. 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: $30,430.00

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

A. Implementation of the recommendations listed in the April 13, 2015 and

May 5, 2015 Engineering memorandums.

B. Upon the recording of the final plat, the Developer shall convey Outlot A, B, D, E, F and Outlot I to the City by warranty deed, free and clear of any and all encumbrances within sixty (60) days.

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. All trails shall be located within the easements or dedicated to the City of Lake Elmo. Title commitments shall be provided for all land so dedicated.

F. 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.

G. 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.

H. (Other requirements).

32. 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 C, G and H, shall be maintained in good order and repair by a homeowner's association or Developer, 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 Village Preserve 1st Addition 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.

33. 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.

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.

34. 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 actions:

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..

35. 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.

36. 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 for twenty-five percent (25%) of the amount of the original cost of the improvements, or the equivalent in cash.

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 (Outlots A and B) 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.

37. 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 **$ 2,507,460.00. The amount of the security was calculated at 125% of construction costs for each improvement category as follows:**

CONSTRUCTION CATEGORY:	COST	125%
1. Grading	$ 456,502.00	$570,627.50
2. Sanitary Sewer	$ 227,849.00	$284,811.25
3. Watermain	$ 224,251.00	$280,313.75
4. Streets (includes Sidewalks)	$ 727,995.00	$909,993.75
5. Trails	Included in Streets	Included in Streets
6. Surface Water Facilities (pipe, ponds, rain gardens, etc.)	$ 225,248.00	$281,560.00
7. Erosion Control	$ 27,970.00	$34,962.50

8. Street Lighting	Xcel to Install, to be pre-paid directly by developer	Xcel to Install, to be pre-paid directly by developer
9. Street Signs and Traffic Control Signs	$ 3,600.00	$4,500.00
10. Landscaping	$ 105,453.00	$131,816.25
11. Tree Preservation and Restoration	Included in Erosion Control	Included in Erosion Control
12. Wetland Mitigation and Buffers	Separate letter of credit through Watershed District	Separate letter of credit through Watershed District
13. Monuments	$4,600.00 (100 per single family lot; $50 per townhome lot)	$5,750.00
14. Miscellaneous Facilities	N/A	N/A
15. Developer's Record Drawings	$2,500	$3,125
Construction Subtotal	**$2,005,968.00**	**N/A**
Total Project Securities (at 125% Construction Costs)	**N/A**	**$ 2,507,460.00**

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.

38. SUMMARY OF SECURITY REQUIREMENTS FOR SECTION 29 SHARED PUBLIC IMPROVEMENTS WITH WILDFLOWER AT LAKE ELMO. To guarantee compliance with the terms of this agreement, payment of special assessments, and construction of the Section 29 Shared Public Improvements with the Wildflower at Lake Elmo, the Developer, if the developer for Wildflower at Lake Elmo hasn't already done so, shall furnish the City with an additional 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 **$319,751.25**. The amount of the security was calculated as follows:

CONSTRUCTION COSTS:

Shared Improvements w/Wildflower at Lake Elmo	$ 255,801.00
Construction Sub-Total	**$ 255,801.00**
Total Section 29 Project Securities (at 125% Construction Costs)	**$ 319,751.25**

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.

39. 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. Upon completion of grading operations, including temporary site restoration, Developer shall submit an as-built grading survey to the City. Upon inspection of the site and approval of the as-built survey by the City, 100%, or $570,627.50, of the grading security shall be released.

B. Up to 75% of the security provided in accordance with paragraph 37 may be released at the following stages of construction and project approvals by the City.

a. Construction Categories 2 and 3: The amount of $423,843.75 may be released when all sanitary sewer and watermain utilities have been installed, all testing has been successfully completed, utility record drawings have been verified, and the utilities are considered ready for use by the City Engineer.

b. Construction Categories 4-6: The amount of $893,665.31 may be released when all streets, sidewalks, trails, storm sewer, and storm water facilities have been installed and tested, and have been found to be complete to the satisfaction of the City Engineer including all corrective work for

any identified punch list items, but not including the final wear course.

c. Construction Categories 7-15: The amount of $135,115.31 may be released when all remaining 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.

C. Twenty percent (25%) of the security amounts in paragraph 37 shall be retained as security until: (1) all improvements have been completed, including bituminous wear course, (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.

D. Up to 100%, or $ 319,751.25, of the security provided in accordance with paragraph 38 above may be released if and when this security amount, or portion thereof is obtained by the Developer for the Wildflower at Lake Elmo subdivision or the improvements have been installed and accepted by the City.

40. 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)	$138,000.00
Water Availability Charge (WAC)	$138,000.00
Park Dedication Fee[1]	$130,044.67[1]
Village Area AUAR Fee	$10,580.00
Street Light Operating Fee	$832.80
City Base Map Upgrading	$1,150 ($25.00 per REU)
City Engineering Administration Escrow	$50,000 (Based on two months of administration/observation)
Total Cash Requirements	**$468,607.47**

Note to Table:

1. Should the necessary parkland dedication amount be satisfied though land dedication east of Reid Park up to the required amount, the Developer will not need to submit the Park Dedication Fee amount of $130,044.67

41. 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: 10850 Old County Road 15, Suite #200, Plymouth, MN 55441. 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.

40. 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)

DRAFT

AND _____
, City Clerk

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

DEVELOPER:

BY: _____
Its

STATE OF MINNESOTA)
(ss.
COUNTY OF_____)

The foregoing instrument was acknowledged before me this_____day of _____, 2015, by_____the _____ of_____.

_____
NOTARY PUBLIC

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

DRAFT

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_____, 2015.

_____

_____

STATE OF MINNESOTA)
(ss.
COUNTY OF_____)

The foregoing instrument was acknowledged before me this_____day of_____, 2015, by_____.

_____
NOTARY PUBLIC

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

DRAFT

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

_____

_____

_____

DRAFT

EXHIBIT "A" TO
DEVELOPMENT CONTRACT

Legal Description of Property Being Final Platted as Village Preserve 1st Addition

The Southwest Quarter of the Southwest Quarter of Section 12, Township 29 North, Range 21 West, Washington County, Minnesota.

DRAFT

EXHIBIT "B" TO
DEVELOPMENT CONTRACT

City Payment for Utility Oversizing

PROJECT: Village Preserve PHASE 1 - TRUNK WATERMAIN REIMBURSEMENT
Lake Elmo, Minnesota

Prepared for: GWSA Land Development, LLC.
Prepared by: Sathre-Bergquist, Inc.

Date : May 13, 2015

12"vs8" Watermain			Estimated Quantity 12" WM	Estimated Quantity 8" WM	Estimated Price 12" WM	Estimated Price 8" WM
Description	Unit Price	Unit				
Watermain 8" PVC C900	$26.00	L.F.	-	1,605.00	$0.00	$41,730.00
Watermain 12" PVC C900	$38.00	L.F.	1,605.00	-	$60,990.00	$0.00
8" Valves	$1,480.00	EACH	-	4.00	$0.00	$5,920.00
12" Valves	$2,600.00	EACH	4.00	-	$10,400.00	$0.00
8" x 6" Tee	$360.00	EACH	-	4.00	$0.00	$1,440.00
12" x 6" Tee	$560.00	EACH	4.00	-	$2,240.00	$0.00
8" x 8" Tee	$400.00	EACH	-	1.00	$0.00	$400.00
12" x 12" Tee	$820.00	EACH	1.00	-	$820.00	$0.00
8" x 8" Cross	$750.00	EACH	-	1.00	$0.00	$750.00
12"x12" Cross	$1,170.00	EACH	1.00		$1,170.00	$0.00
8" Bends	$265.00	EACH	-	10.00	$0.00	$2,650.00
12" Bends	$495.00	EACH	10.00	-	$4,950.00	$0.00
8" Wet Tap	$3,500.00	EACH	-	1.00	$0.00	$3,500.00
12" Wet Tap	$5,980.00	EACH	1.00	-	$5,980.00	$0.00
8" WM Connection	$500.00	EACH	-	1.00	$0.00	$500.00
12" WM Connection	$770.00	EACH	1.00	-	$770.00	$0.00
					==========	========== Reimbursement
Totals					$87,320.00	$56,890.00 $30,430.00

REIMBURSEMENT SUMMARY

12" vs. 8" WM	$30,430.00
TOTAL REIMBURSEMENT FOR TRUNK WM	**$30,430.00**

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 _____

DRAFT

GONYEA
COMPANY

Wednesday, May 27, 2015

Craig Allen
10850 Old County Road 15
Plymouth, MN 55441

RE: Village Preserve Model Home Building Permits

Dear Honorable Mayor and Council Members:

This request is in reference to the allowable number of model home building permits referenced in Section 28 of the Lake Elmo Development Contract. We are anticipating as many as five builders to make up our builder group in Village Preserve. In the development, we have both 80' and 65' lots – one or more builders could potentially build on both lot types. Depending on timing, we could see a scenario where each of the builders would like to start a model home, and the builder(s) that are building on both 65' and 80' lots, would like one model on each lot type prior to the necessary infrastructure improvements outlined in the Developer's Contract. Due to the potential number of builders and lot types, we are requesting to have one model home permit per builder, per lot type with a maximum of six model home permits.

We feel this will give us the necessary flexibility to allow all of our builders the same competitive advantage as we open up the development.

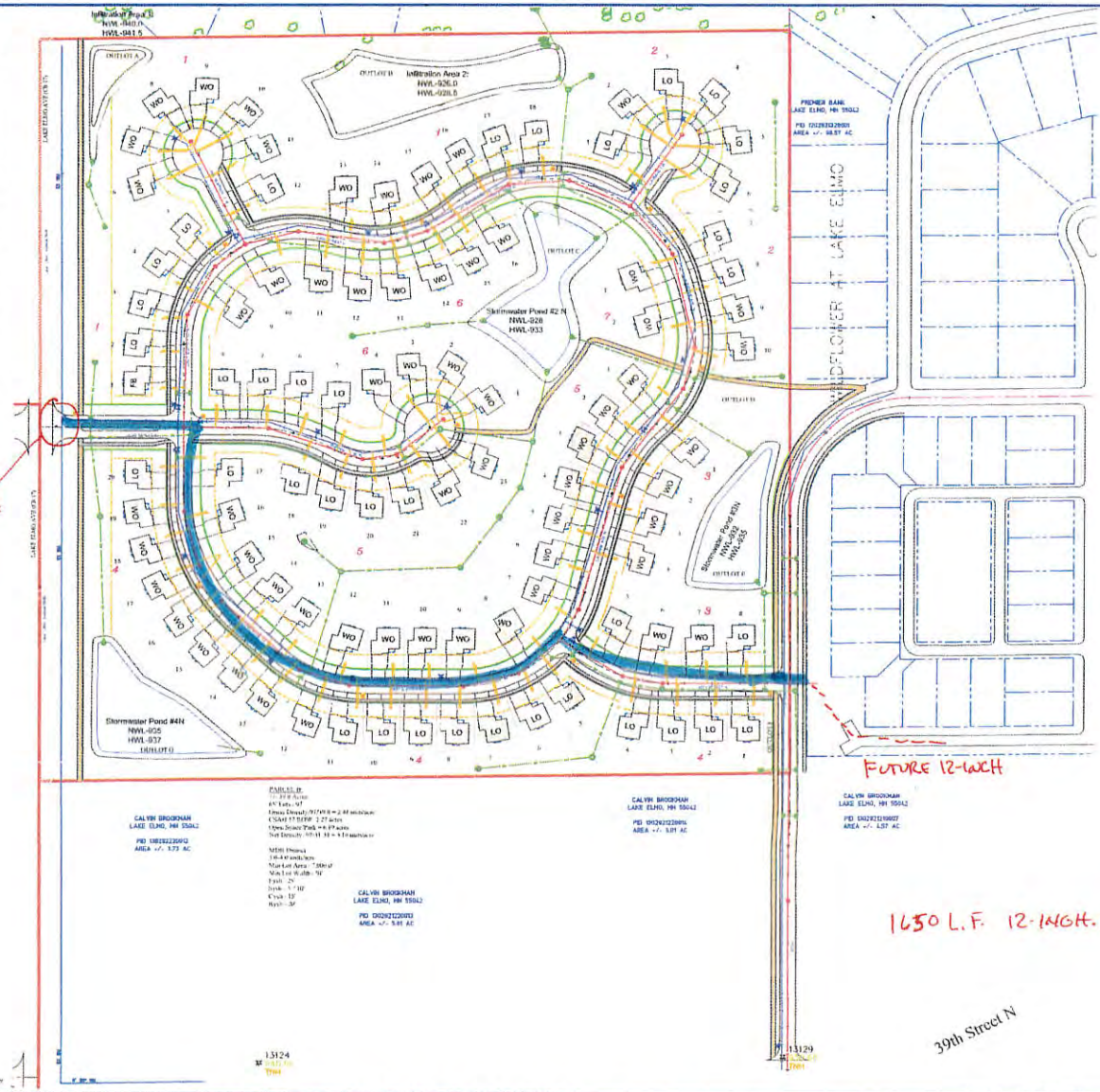
Thank you for considering this request.

Regards,

Craig Allen

SYMBOL LEGEND

DESCRIPTION	PROPOSED	EXISTING
MINOR CONTOUR		
MAJOR CONTOUR		
LOT LINE		
WATERMAIN		
BUILDING OR STRUCTURE BOUNDARY		
PARCEL BOUNDARY LINE		
DRAINAGE AND UTILITY EASEMENTS		
CURB AND GUTTER		
RIGHT-OF-WAY		
CHARITABLE GIFT ANNUITY		
BACK WASH CATCH BASIN		
CATCH BASIN		
STORM SEWER MANHOLE		
FLARED END SECTION W/ RIP-RAP		
STORAGE STRUCTURE LABEL		
SANITARY STRUCTURE LABEL		
SANITARY SEWER MANHOLE		
HYDRANT		
GATE VALVE		
WELL		
DRAIN FLOW/WATER ARROW		
EMERGENCY OVERFLOW SWALE		
SOIL BORING LOCATION		
SILT FENCE		
TREE PRESERVATION FENCE		
BARRICADE		
SPOT ELEVATION		
TOP/BOTTOM ELEVATIONS		
UTILITY PULL		
LIGHT POLE		
HANDICAP PARKING SPACE		



LOCATION MAP

SHEET INDEX TABLE

SHEET	Description
SP	Site Plan
ALTA	ALTA/Existing Conditions
PP	Preliminary Plat
GP	Grading Plan
EC	Erosion Control Plan/Tree Survey
ST	Street Plan
UP	Utility Plan

PREPARED BY	PREPARED FOR
ENGINEER SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MINNESOTA 55391 PHONE: (952) 476-6000 FAX: (952) 476-6104 CONTACT: ROBERT S. MOLSTAD, P.E. EMAIL: MOLSTAD@SATHRE.COM	DEVELOPER GW LAND DEVELOPMENT CRAIG WHITE PHONE: (952) 546-5070 EMAIL: CRAIG@WHITEVAGCOMPANY.COM

EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATIONS OF ANY AND ALL EXISTING UTILITIES BEFORE BEGINNING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

DRAWING NAME	NO.	BY	DATE	REVISIONS
BASE_PARCELS A-B	01	ERJ	06/03/14	REVISIONS PER CITY COMMENT
DRAWN BY	02	ERJ	06/09/14	SITE REVISIONS
ERJ				
CHECKED BY				
RSM				
DATE				
04/23/14				

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Robert S. Molstad

ROBERT S. MOLSTAD, P.E.
Date: 04/23/14 Lic. No. 24078

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN 55391 (952) 476-6000

CITY PROJECT NO.

LAKE ELMO, MINNESOTA

PRELIMINARY SITE PLAN

VILLAGE PRESERVE

GW LAND DEVELOPMENT

FILE NO. 3129-947

SP / SP

THE CITY OF LAKE ELMO

MAYOR & COUNCIL COMMUNICATION

DATE: June 2, 2015
REGULAR
ITEM # 11

AGENDA ITEM: Interim Ordinance – Sewered Development Staging Areas

SUBMITTED BY: Kyle Klatt, Community Development Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Nick Johnson, City Planner

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECCOMENDER: At the request of Council Member Fliflet, Staff has prepared a draft interim ordinance that would establish a moratorium on new development within the City's future sewer service areas for a period of one year.

FISCAL IMPACT: The interim ordinance includes language that would allow the City to consider development that meet certain public interests including those that have paid advanced water commitments and those that would benefit the community by provide necessary water or sewer infrastructure.

SUMMARY AND ACTION REQUESTED: The City Council is being asked to review the proposed ordinance and make any modifications to the document as may be deemed appropriate.

The suggested motion to adopt the interim ordinance is as follows:

"Move to adopt Ordinance 08-122 declaring a moratorium for a period of 12 months on certain types of development as described in the Ordinance"

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT: The proposed ordinance represents a continuation of the Council's previous discussion on growth management strategies in advance of Met Council's adoption of the final 2040 forecast numbers. The ordinance would provide the City with time to implement an interim growth management strategy in order to plan against the future population and household forecast reductions and to work on an interim Comprehensive Plan Amendment that plans against these updated numbers. The purpose and intent of the interim ordinance are spelled out in the actual ordinance and attached for review by the City Council.

RECOMMENDATION: This item is being brought forward without a specific recommendation from Staff. The Council is being asked to reviewed the draft document and make any amendments deemed necessary prior to adoption (if action is taken to adopt the ordinance).

The suggested motion to adopt the interim ordinance is as follows:

"Move to adopt Ordinance 08-122 declaring a moratorium for a period of 12 months on certain types of development as described in the Ordinance"

ATTACHMENTS:

1. Ordinance 08-122
2. Revised Draft 2040 Met Council Forecast for Lake Elmo

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE 08-122

AN INTERIM ORDINANCE DECLARING A MORATORIUM FOR A PERIOD OF 12 MONTHS ON RESIDENTIAL DEVELOPMENT WITHIN THE STAGE ONE DEVELOPMENT AREA AND ALL DEVELOPMENT ACTIVITY WITHIN THE STAGE TWO OR THREE DEVELOPMENT AREAS AS DECRIBED BY THE LAKE ELMO COMPREHENSIVE PLAN

WHEREAS, the City of Lake Elmo has received a draft 2040 regional forecast from the Metropolitan Council that would reduce the number of households and total community population by a substantial margin from the 2030 forecast as part of the City's 2015 System Statement to be released in the fall of 2015; and

WHEREAS, the draft forecast for 2040 would reduce the City's total population by 5,800 and households by 1,627 compared to the 2030 forecast numbers that were adopted as part of the Lake Elmo Comprehensive Plan; and

WHEREAS, the City intends to create an interim growth management strategy that will be used to guide future growth and development within the City in advance of the 2018 decennial Comprehensive Plan Update while also recognizing and planning against the revised 2040 forecast numbers; and

WHEREAS, as part of its interim growth management strategy, the City will be considering amendments to the Comprehensive Plan in order to rebalance the future land use plan in a manner that guides development in a manner consistent with the 2040 forecast; and

WHEREAS, the City of Lake Elmo has adopted a Staging Plan as part of the Comprehensive Plan, but this Staging Plan does not establish specific targets or dates for development within later stages; and

WHEREAS, the 2040 forecast and Systems Statement will not be finalized until late in 2015, and the City cannot adopt any Comprehensive Plan amendments that guide future growth in accordance with the updated Systems Statement until its adoption; and

WHEREAS, the City has granted approval for nearly 2,000 housing units to date at a concept, preliminary, or final plat level, and that it is in the public's interest to ensure that future residential development occurs in a manner consistent with the updated 2040 forecast; and

WHEREAS, while the City is reviewing the land use plan for future sewer service areas in advance of the 2040 forecast and 2015 Systems Statement being finalized by the Metropolitan Council and developing an interim growth management strategy that will be used to guide future growth and development within the City in advance of the 2018 decennial Comprehensive Plan Update, the City Council believes it is reasonable and appropriate and in the best interests of the City of Lake Elmo, for purposes of protecting the planning process and the health, safety and welfare of the citizens of Lake Elmo, to limit the establishment of certain development within the City's future sewer service area as identified in the Comprehensive Plan in accordance with the below provisions; and

WHEREAS, Minnesota Statutes Sec. 462.355, Subd. 4 provides for the adoption of an Interim Zoning Ordinance during a planning process as heretofore and herein described.

NOW, THEREFORE, based on the foregoing, the City Council of the City of Elmo City does ordain:

SECTION 1. STAGE 1, 2 and 3 RESIDENTIAL DEVELOPMENT. That for a period of twelve (12) months from the date hereof, there is hereby declared a moratorium on the consideration and/or approval of any residential or mixed-use subdivision or residential or mixed-use development project within the Stage 1, 2 or 3 Staging Areas as identified in the Lake Elmo Comprehensive Plan except for:

a) projects that have been granted concept, preliminary, or final plan and/or plat approval; or

b) projects that have paid advance water service committee fees.

c) any project that would benefit the community by the installation of essential services like sewer, water, storm sewer, or other public safety mechanisms.

SECTION 2. STAGE 2 and 3 ALL DEVELOPMENT. That for a period of twelve (12) months from the date hereof, there is hereby declared a moratorium on the consideration and/or approval of any subdivision or development project within the Stage 2 or 3 Staging Areas as identified in the Lake Elmo Comprehensive Plan except for:

a) projects that have been granted concept, preliminary, or final plan and/or plat approval; or

b) projects that have paid advance water service committee fees.

c) commercial development in cases where the City Council determines that the project provides sufficient incremental tax value to the community and the developer would bear the whole cost of infrastructure development.

SECTION 3. PUD DEVELOPMENT. This Interim Ordinance shall not apply to Planned Unit Development applications that meet the requirements of reduced density per the Met Council's Thrive 2040 numbers, open space preservation, public infrastructure efficiency, and other considerations deemed to be in the community's best interests.

SECTION 4. This Ordinance shall be effective upon its legal passage and publication.

SECTION 5. Adoption Date. This Ordinance 08-122 was adopted on this 2nd day of June 2015, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

_____
Mike Pearson, Mayor

ATTEST:

_____
Adam Bell, City Clerk

This Ordinance 08-122 was published on the ____ day of _____, 2015.

April 9, 2015

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

Dear Mr.Zuleger:

The Metropolitan Council requests your input on updates to your community's local forecast. The Council is updating ***draft local forecasts*** in preparation for the release of Systems Statements this fall to kick off the local comprehensive planning process.

The table below shows your community's 2020, 2030, and 2040 draft local forecasts (2015 update); the table also includes your community's current adopted Thrive MSP 2040 forecasts for comparison. (In addition, a table with draft local forecasts for all communities is enclosed with this letter.)

Forecasts for City Of Lake Elmo

	Population			Households			Employment		
	2020	2030	2040	2020	2030	2040	2020	2030	2040
Forecasts (2014 as adopted)	10,300	14,500	20,500	3,880	5,700	8,000	2,550	2,740	3,160
Draft forecasts (2015 update)	10,500	14,100	18,200	3,800	5,300	7,100	2,900	3,350	3,800

The Council will accept comments on the draft forecasts (2015 update) through **May 8, 2015.** If you have questions or concerns about your local forecasts, please contact your Sector Representative, Ryan Garcia, at Ryan.Garcia@metc.state.mn.us or 651-602-1832.

We will not publish these draft local forecasts until we have responded to local comments and the Council formally adopts those revised forecasts in July. Some draft forecasts will change based upon the local comments we receive.

A few things to note:

- The updated regional forecast released in March (metrocouncil.org/forecasts) reduces regional growth by 2040 by 5% for population, 6% for households, and 15% for jobs. These reductions alone reduce many community forecasts.
- The draft local forecasts use updated real estate and land use data. These revisions have changed our forecasts of growth across the region.
- Please remember that while the Council has reduced 30-year population forecasts for some jurisdictions, the Council will provide necessary wastewater infrastructure to honor existing 2030 commitments for land to be included in the Metropolitan Urban Service Area by 2040 (*Thrive MSP 2040*, p. 21).

Sincerely,

Beth A. Reetz

Beth Reetz, Interim Director
Community Development Division

cc: Council Member Harry Melander, District 12

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METROPOLITAN COUNCIL

THE CITY OF LAKE ELMO

MAYOR & COUNCIL COMMUNICATION

DATE: **June 2, 2015**
REGULAR $$
ITEM #: **12**

AGENDA ITEM: Consolidation of Taxpayer Relations Coordinator / Receptionist into One Position – Communications Coordinator

SUBMITTED BY: Dean A. Zuleger, City Administrator

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Adam Bell, Clerk/ Asst. Administrator

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item ..... City Administrator
- Report/Presentation..... City Administrator
- 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 RECCOMENDER: City Administrator

FISCAL IMPACT: $38,000 in Salary / $25,081.80 in Benefits. Resulting in a savings of $59,955.27 (per statistics provided by the Finance Director).

SUMMARY AND ACTION REQUESTED: To fill the opening of 2 full time positions (Receptionist / Taxpayer Relations Coordinator) by consolidating/realigning 70% of the duties into one new position – Communications Coordinator. 30% of the duties will be transferred to current employees. *NOTE: The Parks Commission is on record as supporting the filling of the Taxpayer Relations Coordinator.* The motion for this action is as follows:

"Move to consolidate the Receptionist and Taxpayer Relations Coordinator into one new position entitled Communications Coordinator assuming/realigning 70% of the previous responsibilities and transitioning 30% of the remaining across five other positions thus saving $59,955.27. The City Council grants the City Administrator/City Clerk to begin to recruit the position at an annual salary of $38,000 plus benefits."

BACKGROUND INFORMATION: The City of Lake Elmo currently has two openings in critical areas – Receptionist & Taxpayer Relations Coordinator – that have implications for the City's positive interaction with taxpayers. After careful review of duties, it has been determined that these positions can be consolidated into one full-time position with the hiring of the right individual. This position would assume 70% of the duties of both positions mainly in the communications portion of the job with the remaining 30% of the duties distributed between the Administrator (Parks Program – Media Liaison), City Clerk/Assistant Administrator (Cable TV – Next Generation), Deputy Clerk (4th Ring & Phone Backup – Website Support), Planner (Website Support) and Planning Assistant (Building Inspector Scheduling/Form Creation for Building Inspector/3rd Phone Ring). The proposal assumes the elimination of the de facto special events coordinator role that was handled by the Taxpayer Relations Coordinator.

A full job description and personality profile (PRO) will be developed after the Council determines that this is the role it wishes to pursue. Some of the responsibilities of this position will be:

- General Receptionist (1st and 2 Ring Responsibility) / Mail Clerk
- Facebook Page Administrator (3-4 posts per week)
- Assembly of Fresh Weekly Newsletter
- General City Public Relations
- Assembly of Source Quarterly Newsletter
- Website Support for Clerk's Office / Engineer / Building Inspector
- Program Support for Park Commission (inc. Minutes via DVD)
- Council Packet Assembly / Duplication
- Administrative Support for the City Administrator / Director of Public Works.

The position will be allowed 2-3 hours per day of non-front desk time to execute taxpayer communication duties. The position will be located at the front desk of City Hall.

It had been suggested that this position could be staffed by volunteers, after review it has been determined that due to the nature of the position in relation to the MN Data Practices act, the work should be performed by FTE staff for proper review and disciplinary purposes. HR Chair Julie Fliflet does concur with the City Administrator in consolidating these positions into one full-time position and is supportive of this realignment provided the right individual can be recruited.

BACKGROUND INFORMATION (SWOT):

Strengths: Provides a cost savings of $59,955.27 and creates a single interest point of entry for taxpayers. Properly redistributes some of the receptionist service to the Building Inspector back to the Planning Assistant;

Weakness: Assigns 30% workload to an already stretched staff. Removal of direct clerical support from the Administrative Offices;

Opportunities: Cross-training and better overlap coverage with one central point of access for public at City Hall. Better synergy between Planning Assistant and Building Official;

Threats: Disjointed / added responsibilities may cause a drop off in service or delays in taxpayer communication vehicles or program support. Staff burn-out.

RECOMMENDATION:

"Move to consolidate the Receptionist and Taxpayer Relations Coordinator into one new position entitled Communications Coordinator assuming/realigning 70% of the previous responsibilities and transitioning 30% of the remaining across five other positions thus saving $59,955.27. The City Council grants the City Administrator/City Clerk to begin to recruit the position at an annual salary of $38,000 plus benefits."