

**NOTICE OF MEETING**  
**City Council Workshop/Meeting**  
**Tuesday, July 21, 2015 6:00 P.M.**  
**City of Lake Elmo | 3800 Laverne Avenue North**  
**Agenda**

**6:00 p.m. City Council Workshop**

~~A.~~ Manning Avenue Project Presentation – Washington County

**7:00 p.m. City Council Meeting**

~~B.~~ **Call to Order**

~~C.~~ **Pledge of Allegiance**

~~D.~~ **Roll Call / Order of Business**

~~E.~~ **Approval of Agenda**

~~F.~~ **Accept Minutes**

~~1.~~ Approve May 19, 2015 City Council Meeting Minutes

~~2.~~ Approve June 9, 2015 City Council Meeting Minutes

~~3.~~ Approve June 16, 2015 Special City Council Meeting Minutes

~~4.~~ Approve July 7, 2015 City Council Meeting Minutes

~~G.~~ **Council Reports**

~~H.~~ **Presentations/Public Comments/Inquiries**

**Finance Consent Agenda**

✓ 5. Approval of Interim City Administrator Contract

✓ 6. Approve Payment of Disbursements

✓ 7. Accept Building Report dated June 30, 2015

✓ 8. Accept City Assessor Report dated June 30, 2015

**J. Other Consent Agenda**

✓ 9. Zoning Text Amendment - Subdivision Identification Signs, *Ordinance 08-124*

✓ 10. Zoning Text Amendment – Accessory Building Setbacks in Urban Residential Districts, *Ordinance 08-125, Resolution 2015-58*

✓ 10.5 Approve Cable Commission Updated Policies and Procedures

**K. Regular Agenda**

✓ 11. Presentation of 2015 ABond Issuance Results; *Resolution No. 2015-57*

✓ 12. Stormwater Drainage Improvements – Approve Ditch Cleaning at 8690 and 8702 Ironwood Trail

✓ 13. TH36 and Highlands Trail – Request for Street Light Safety Improvement

✓ 14. Lennar Twin Home Preliminary Plat (Diedrich Property); *Resolution No. 2015-56*

✓ 15. East Village Trunk Sewer Update

✓ 16. Zoning Text Amendment – Commercial Wedding Ceremony Venue Ordinance *Ordinance No. 08-121, Resolution No. 2015-45*

✓ 17. Preliminary and Final Plat – Halcyon Cemetery *Resolution No. 2015-59*

✓ 18. Final Plat, Final PUD Plan and Zoning Map Amendment – Wildflower at Lake Elmo *Ordinance No. 08-126*

✓ 19. Council Driven Workshop Follow Up (*Lundgren request*)

**L. Staff Reports and Announcements**

**M. Adjourn**







**City of Lake Elmo  
Planning Commission Meeting  
Minutes of July 13, 2015**

Chairman Dodson called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

**COMMISSIONERS PRESENT:** Dodson, Dorschner, Williams, Fields, Larson, and Kreimer

**COMMISSIONERS ABSENT:** Griffin and Haggard

**STAFF PRESENT:** City Planner Johnson & Planning Program Assistant Ziertman

**Approve Agenda:**

DRAFT

The agenda was accepted as presented.

**Approve Minutes: June 22, 2015**

M/S/P: Williams/Kriemer, move to approve minutes as presented, ***Vote: 6-0, motion carried unanimously.***

**Public Hearing: Preliminary Plat and Final Plat – Cemetery**

Johnson started his presentation summarizing the final plat request for a cemetery at 11050 50<sup>th</sup> Street. The staff is recommending approval subject to 8 conditions. The site is surrounded by other rural residential properties. This property is currently zoned rural residential and is used as a single family home. According to the Lake Elmo Zoning Code, cemeteries are considered a permitted use in the AG & RR zones. The Valley Branch reviewed this application and approved a permit.

The access for the site would come in off of 50<sup>th</sup> street. This site would be served with City water, and a new septic system would need to be constructed. As far as the platting goes, there will be an additional amount of road right of way of 25 feet needed on Lake Elmo Avenue. Along 50<sup>th</sup> street, an additional 5 feet of right of way will be required by the City.

The engineer comments include the required additional right of way for 50<sup>th</sup> Street. In addition, the private stormwater management system must be privately owned and operated, and a maintenance agreement is required with the City. There were also some construction plan revisions identified by the Engineer.



Washington County comments include the additional right of way on Lake Elmo Ave. and the need for a county right of way permit to remove the existing driveway and conduct grading in the right-of-way.

The review comments of the Fire Chief include the need for a proposed hydrant location, fire suppression equipment, proper turning radii and emergency vehicle movements, and height of proposed entrance canopy on the structure to allow for emergency vehicles.

Concerns that staff heard from surrounding property owners regarding the application are increased traffic, effect on property values and permanent care of the cemetery.

Dorschner asked what this lot could be developed at. Johnson stated that it is a 10 acre minimum, so it is at the maximum residential use.

Williams asked about the crematory. The City's definition includes the ability to have a crematory. Williams asked if that mean that at a future date this use could be added. Johnson stated that yes they could if the current definition of cemeteries did not change.

Kriemer asked about the areas planned for future phases on the plan, specifically asking about setbacks. Johnson stated that beyond the 5 foot setback, there is no other setbacks in place. Kreimer asked if the fence was on the property line. Johnson stated fences can be put on the property line.

Dodson asked who enforces the private drainage. Johnson stated that the City falls under the MS4 program and the property owner is required to submit annual reports.

Fields asked how much this property currently pays in taxes. Johnson stated that once this property becomes a cemetery, it becomes tax exempt.

Lee Rossow, applicant, stated that there would be normal hours of operation, 7 days a week. Rossow stated it is a low impact use and takes a long time to ramp up. There is a permanent trust fund for maintenance that is statutorily required.

Williams asked if Rossow would enter into an agreement not to build a crematorium on this site. Rossow stated that putting one on the site would be almost impossible. He stated he would be willing to sign a document saying he would not do so.

Dodson asked where the future gravesites would stop. Rossow stated that he would be surprised if they reached 1000 gravesites in 30 years, so they left that future site a little vague so it could be re-evaluated in the future. Dodson asked how the transfer of ownership worked from generation to generation. Rossow stated that presently there is



an association planned with 3 committed members. After about 8 years, he plans to go to a non-profit with a board of 8, which should sustain itself.

Kreimer asked about how many burials are shown right now. Rossow stated that there is close to 2000 shown and when it is built out it is around 4500.

Public Hearing opened at 7:45pm

Jean Madrinich, 11420 50<sup>th</sup> Street N, she stated that when the well house went in, they had a lot of problems with the floodplains and she is wondering how this will be addressed. Rossow stated that the VBWD stated that no one can be buried below the 100 year flood plain. Madrinich is also very concerned with the traffic on the road and there is another property that wants to do a commercial endeavor. She was also wondering about signage. Rossow stated that there would be an identifying sign that will probably be made out of granite.

Deb Krieger, 4552 Lake Elmo Ave, she is wondering about the parkland dedication. She believes that if it is RR there should be a 4% park land dedication. Johnson noted that the subdivision ordinance calls for land dedication for residential subdivisions, whereas the proposed project is a public/civic use under the City's Zoning Code. She is also wondering about the board and the trust fund. Rossow stated that they will follow the state statute. Krieger asked if a fence is required around a cemetery. Johnson stated that our code does not require it or exclude it. Krieger stated that she would like to see no fencing. She is worried about the traffic, especially with a funeral procession. She is wondering about setbacks. 50-80% of deaths are cremations and she is wondering where those will happen. She reiterated the need for a permanent care fund and following state statutes as they relate to cemeteries.

Dodson asked Rossow how they handle winter burials. Rossow stated that there is equipment that is used to prepare the ground. He stated that the bodies would be stored in a mausoleum until the ground is thawed. Rossow stated that a fence is a must for security and to deter vandalism.

Janet Thompson, 11491 50<sup>th</sup> Street, stated that she believes this use to be a large commercial venue placed within their residential area. They purchased their property in a rural area, not to be placed next to mausoleums.

Rebecca Tenpas, 11330 50<sup>th</sup> Street, ask the Planning Commission to think about the rural areas and what people think about for that type of environment. She thinks this commercial venue does not fit in with the rural character. She is concerned about the traffic. 50<sup>th</sup> street has become a very busy road. The surrounding uses around this are all single family homes and this should be a single family home as well.



Rich Day, property owner on 50<sup>th</sup> Street, is wondering if there is an environment impact statement with this request. The storm water from the Rossow property runs to his property to the south. He wanted to ensure that this project would not increase the water flow to his property. Johnson noted that the Valley Branch Watershed District did review the proposed storm water facilities and found them to be in compliance with watershed rules. State requirements do not allow post development water volume and velocity to increase from the existing condition. Johnson also stated that the proposed use would likely not meet the threshold for an environmental assessment worksheet, but the City has the discretion to require one.

Jeffrey Saffle, 11180 50<sup>th</sup> Street, noted that they have an easement that runs to the east of this property. He is concerned about the LED lights and would like assurance that this will conform to the dark sky ordinance. Rossow stated that the only LED Lights would be in the parking lot. At night they will go down to almost off when the day is over and they will all have hoods on them.

Saxe Roberts, 11165 50<sup>th</sup> Street, did research about property values and it is the results are mixed or inconclusive as staff suggested. However, some people just don't like cemeteries. They put a significant investment into their property and feel that it will affect the value. He is also concerned about the traffic and especially with funeral processions.

The City received no written or electronic correspondence.

Public Hearing closed at 8:25 pm

Williams heard 4 major concerns. Traffic, property values, commercial in residential and storm water. VBWD is the custodian of storm water. They are the experts, so if they issued the permit, it must be on track.

Dorschner stated that usually the funeral processions are during business hours and not during rush or peak travel hours.

Kreimer would like to add a tree transplant warranty, he would like to see trees planted around the property line, add something regarding the crematorium and would like to stipulate that the trust fund be governed by the Minnesota cemetery association.

Dodson feels that this should be split between preliminary plat and final plat with more detailed plans. Johnson stated that applications that proposed to proceed with preliminary and final plat concurrently are accepted when there is little to no public infrastructure. In addition, the scope or size of the plat also determines if the process can be expedited.





by the Planning Commission and based on the findings of fact listed in the Staff Report and amended by the Planning Commission **Vote: 6-0, motion carried unanimously.**

### **Public Hearing: Final Plat and Final PUD Plan – Wildflower at Lake Elmo**

Johnson started his presentation regarding the Final Plat and PUD submitted by Robert Engstrom Companies. The Final Plat application represents Phase 1 of the Wildflower development, which includes 60 single family residential lots. This project will have access to sanitary sewer and City water. This property will be zoned MDR with a PUD designation. The zoning map amendment is recommended to be initiated by staff once the east village trunk sewer is started.

Staff has reviewed the final plat and found it to be consistent with the approved preliminary plat. This has been reviewed by the City Engineer, Fire Chief and Landscape Architect. The City attorney will be reviewing all of the conservation easements being proposed. The City is requesting the attorney to review the easements to make sure it does not impede the future connection of Fields of St. Croix to sanitary sewer. This development has an extensive trail system. There must be public easements over all city owned trails. Staff is recommending an additional condition to require a trail connection along Lake Elmo Avenue to connect to the Gonyea development.

Due to the joint improvement between the Wildflower and Village Preserve development, either Gonyea must record their plat first or Engstrom must secure easements before development can occur. There are 13 conditions of approval, including the trail connection to Village Preserve. There are 9 draft findings in the staff report.

Williams asked about the names of the streets. The Planning Commission asked that it match the County naming system. Johnson stated that the City Council determined that the street names presented in the preliminary plat were acceptable.

Dodson asked about the eyebrow cul-de-sacs with medians or islands. Johnson stated that the design is easier to address snow than the open cul-de-sacs because there is a more defined area to store the snow.

Bob Engstrom, stated he was under the impression that the County was going to install a trail along Lake Elmo Avenue. Johnson stated that there are plans to add them to Manning, but not Lake Elmo Avenue.

Public Hearing opened at 10:00pm

Richard Smith, 11104 Stillwater Blvd N, stated he is concerned that the critical issues #1A mentioned in the staff report is not included as a condition of approval. It talks



about the developer having a binding agreement to prevent further subdivision of outlots for residential or commercial development. In addition, Mr. Smith noted that there is a gap between Blazing Star Land and his driveway. The street stops short by about 100 feet to connect to his property in phase 1. Engstrom stated that they are committed to giving the Smith's driveway access.

Robert Eischen, 11674 Stillwater Blvd N, stated that on the Western and Southeastern property line there should be foliage between them and the new residents. He would like assurance that the foliage that was agreed to would be done in writing. Engstrom stated that it is no problem and they are committed to what was agreed upon.

The City received no written or electronic correspondence.

Public Hearing closed at 10:15 pm

M/S/P: Dorschner/Williams move to add condition 1A from the preliminary plat back in to the final plat conditions, **Vote: 6-0, motion carried unanimously.**

M/S/P: Dorschner/Fields, move to add a condition to add blacktop for the smiths driveway, **Vote: 6-0, motion carried unanimously.**

M/S/P: Dorschner/Dodson, move that the agreement between the Eischens and Engstrom regarding plantings be memorialized and completed during phase I, **Vote: 6-0, motion carried unanimously.**

M/S/P: Dodson/Dorschner, move that the street names follow the County naming system so that it is not a burden to the safety personnel. **Vote: 4-2, motion carried unanimously**

M/S/P: Williams/Dodson, move to recommend approval of the requested Zoning Map Amendment for the Wildflower planned development based on the findings of fact listed in the Staff Report, **Vote: 6-0, motion carried unanimously**

M/S/P: Williams/Larson, move to recommend approval of the Final Plat and Final Development Plans for Wildflower with the 17 conditions of approval as listed in the Staff report and amended by Planning Commission and the 9 findings of fact, **Vote: 6-0, motion carried unanimously.**

#### **Public Hearing: Zoning Text Amendment – Accessory Building Setbacks**

Johnson started his presentation by stating that in LDR, MDR and HDR, the rear yard setback is not differentiated between accessory buildings and principal buildings and is currently 20 feet from rear yard. Staff is recommending a change from 20 feet to 10



feet for rear yard setback for accessory structures in urban districts. This setback would be consistent with other Cities that were researched. These structures are typically not very large and are sometimes regulated further by covenant.

Public Hearing opened at 10:28 pm

No one spoke.

The City received no written or electronic correspondence.

Public Hearing closed at 10:29 pm

M/S/P: Dorschner/Fields, move to recommend approval of a Zoning Text Amendment to change the rear yard setback for accessory structures in urban residential districts from 20 feet to 10 feet, **Vote: 6-0 motion carried unanimously.**

#### **Public Hearing: Zoning Text Amendment – Subdivision Identification Signs**

Johnson presented the proposed Zoning Text Amendment for subdivision identification signs. He noted that staff is recommending a maximum of two signs located at entrances of developments. In addition, there would be an allowance for 2 sub-monuments, smaller signage that is incorporated into landscape features.

Williams asked about variable message signs and copy signs and would like to see a definition. Johnson stated they are both in our code and either or both could be excluded.

M/S/P: Fields/Williams, Move to add variable message and copy signs as an exclusion, **Vote: 6-0 motion carried unanimously.**

Kreimer asked what the definition of a subdivision is. Would all of Inwood count as a subdivision. Inwood would count as a subdivision as each part is brought forward. Johnson stated that it depends how it is brought forward. If it is brought together as one subdivision, max number would apply.

Public Hearing opened at 10:45pm

No one spoke.

The City received no written or electronic correspondence.

Public Hearing closed at 10:45 pm



M/S/P: Williams/Larson, move to recommend approval of the Zoning Text Amendment to add greater detail to the subdivision identification sign provisions in the City's Sign Ordinance, **Vote: 6-0 motion carried unanimously.**

#### **Council Updates – July 7, 2015 Meeting**

1. Lennar Reider/Deidrich Twin Home Preliminary Plat – Tabled
2. Interim Ordinance - Passed

#### **Staff Updates**

1. Upcoming Meetings
  - a. July 27, 2015
  - b. August 11, 2015

This is Planner Johnsons last meeting and he thanked the Commission for all of their kindness. Chair Dodson thanked Planner Johnson for all his hard work and dedication to the City.

#### **Commission Concerns**

Dorschner would like to have Village Workshop meetings noticed to members of the Planning Commission.

M/S/P: Dorschner/Williams, would like staff to draft a text amendment to remove crematorium from the definition of cemetery. **Vote: 6-0 motion carried unanimously.**

M/S/P: Dorschner/Dodson, would like to make a motion to examine the cemetery issue city wide. **Vote: 6-0 motion carried unanimously.**

Fields would like to look at the capacity that we have and what the demand is for cemeteries. He would also like to know acreage for scale.

Meeting adjourned at 11:05 pm

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant





# CITY OF LAKE ELMO ENGINEER'S REPORT

# 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

RE: July 20, 2015

This Engineering Report is an overview of the primary work items being handled by the City Engineering Staff over the past reporting period. Please contact Jack Griffin at 651.300.4264 with any questions or concerns.

## ENGINEERING SUPPORT FOR PRIVATE DEVELOPMENTS

- **Boulder Ponds:** Grading, street and utility construction is in progress. Plan revisions are pending final 5<sup>th</sup> Street Landscape plans. Engineering is providing ongoing construction administration and observation. Erosion control corrections and site repairs were necessary following the July 6 rainfall to correct erosion control violations.
- **Inwood PUD:** Grading, street and utility construction is in progress. Plan revisions are pending final 5<sup>th</sup> Street Landscape plans. Engineering is providing ongoing construction administration and observation. Erosion control corrections and site repairs were also necessary following the July 6 rainfall to correct erosion control violations. Staff is working with the developer on the proposed HOA operated irrigation system.
- **Hammes Estates:** Mass grading is essentially complete. Final construction plans for street and utilities are not complete. City staff remains on HOLD at developer's request. Engineering provided assistance to the planning staff to address erosion control violations following July 6 rain event.
- **Savona 1st, 2nd and 3rd Additions [Lennar]:** Providing ongoing construction administration and observation for 1<sup>st</sup> Addition and 2<sup>nd</sup> Addition street and utility work. Reviewing trail design revisions. Second Addition trunk utility extensions to Hudson Boulevard are in progress. Conducted grading preconstruction meeting for the 3<sup>rd</sup> Addition on 07.17. Working with Planners in reviewing 3<sup>rd</sup> Addition final plat and construction plans.
- **Eagle Point Medical Center:** No activity this month. Work being handled by Building Department.
- **Lakewood Crossing-Kwik Trip:** Providing construction review of Hudson Blvd pavement and stripping work.
- **Hunters Crossing 1st and 2nd Additions [Ryland Homes]:** Providing ongoing construction administration and observation for 1<sup>st</sup> Addition Street and Utility work. Conducted preconstruction meeting on 07.13 for 2<sup>nd</sup> Addition Street and Utility work. Reviewing Final construction plans for 5<sup>th</sup> Street.
- **Diedrich Property [Lennar]:** Completed review dated 06.17 for Preliminary Plan application for 06.22 planning commission and 07.21 council meeting.
- **Wildflower at Lake Elmo [Engstrom Village]:** Grading operations are in progress. Completed review of revised grading plans. Completed review dated 07.09 for Phase 1 Final Plat application for 07.13 planning commission and 07.21 council meeting.
- **Village Preserve [Gonyea Parcel B]:** Completed construction plan review dated 07.06. Phase 1 Construction Plans ready for construction pending developer request to hold preconstruction meeting.
- **Village Park Preserve [Gonyea Parcel E]:** No activity this month. Pending revised Preliminary Plan submittal.
- **Easton Village:** Phase 1 Construction Plans and Village East Trunk Sewer Construction Plans ready for construction pending developer request to hold preconstruction meeting.
- **Legends (Goetschel OP):** No activity this month. Pending developer plan submittal.
- **Halcyon Cemetery:** Completed preliminary and final plat review, memo dated 07.08 for 07.13 PC and 07.21 CC.
- **ISD 916:** No activity this month. Pending developer preliminary and final plan submittal.
- **Auto Owners:** Received preliminary and final plan submittal on 07.13. Review in progress. Due 08.06.
- **Misc. Planning Assistance:** Assisted planning staff to prepare 5<sup>th</sup> Street Landscape Plan workshop on 07.14. Attended meeting on Lynskey Senior Building. Attended meeting with Durow property owners.
- **Next Steps/Priorities:** Continue to support planning staff in Development review processes.



## **GENERAL ENGINEERING SUPPORT/RESPONSE ITEMS**

- *Maintained and updated City website write-ups for Engineering Projects.*
- *Provided record drawings and as-built information as requested.*
- *Provided support to building official as requested for building permit grading plans and site issues regarding retaining walls, porous pavers and drainage concerns.*
- *Processed R/W permits for Xcel energy, Centurylink and Comcast and reviewed R/W permit requirements for water service connections with no service stub.*

## **ENGINEERING MANAGEMENT OF MUNICIPAL INFRASTRUCTURE SYSTEMS**

### **(STREET SYSTEM; MSA STREET SYSTEM; DRINKING WATER; SANITARY SEWER; SURFACE WATER & MS4 PERMIT)**

- **CAPITAL IMPROVEMENT PLANNING:**
  - *Initiated review of 5-year revolving street CIP to identify 2016 Street Improvement project.*
- **ASSET MANAGEMENT IMPLEMENTATION [BEEHIVE INDUSTRIES]:**
  - *No activity this month.*
- **STREET SYSTEM:**
  - *Assisted Public Works with Spray Patch preparation for seal coat areas and maintenance questions along 30<sup>th</sup> Street.*
  - *Assisted Public Works with sign request and driveway maintenance issue on DeMontreville Trail.*
  - *Conducted 2015 Seal Coat project preconstruction meeting, noticed property owners and provided construction administration and observation for the work. Reviewed project quantities for payment and performed sweeping inspection.*
- **MUNICIPAL STATE AID SYSTEM (MSAS)**
  - *Coordinated MSA 2015 traffic count data, sequencing and mapping for Public Works implementation. Received and reviewed initial data.*
- **MUNICIPAL WATER:**
  - *Continued to assist 4517 Lake Elmo Avenue with water connection permit.*
  - *Followed up on Water Tower #4 site closing documentation and title work for grant application.*
  - *Worked with DNR to obtain the Well #4 water appropriations permit.*
- **MUNICIPAL SEWER / WASTEWATER MANAGEMENT:**
  - *Coordinated training for Public Works regarding the Reid Park lift station odor control unit.*
  - *Responded to property owner calls regarding septic system issues at 8200 Hill Trail.*
  - *Initiated cost estimate review for additional sewer service stubs for potential fee schedule addition.*
  - *Assisted City Clerk with notification letter to property owners able to connect to new sewer.*
- **SURFACE WATER:**
  - *Attended monthly coordination meeting with VBWD.*
  - *Assisted Planning staff with review and preparation of Stormwater Maintenance Agreements.*
  - *Worked with property owners at 8690 and 8702 Ironwood Trail to resolve drainage issue. Obtained contractor's quote, property owner ROE agreements and prepared agenda report for council consideration on 07.21.*
  - *MS4 Program work: Attended TMDL workshop and prepared TMDL annual report and mapping for the City; Processed annual EMWREP contract; initiated 2015 MS4 work plan.*
  - *Responded to drainage complaint at 8709 27<sup>th</sup> Street N.*
- **Next Steps:** *Continue Beehive rollout and implementation; continue Water System master planning and Water Tower #4 preliminary design; preparation of the 2015 MS4 Work Plan; and Street CIP updates, including shouldering program.*

## **DEED INFRASTRUCTURE GRANTS**

- *City engineering staff is administering the City's MN-DEED Infrastructure Grants.*
- *Corresponded with Mn-DEED regarding grant agreement application requirements.*
- **Next Steps:** *Coordinate meeting with MMB and MN-DEED to review specifics of Inwood water system grant eligibility. Finalize grant application and submit to MN-DEED.*



#### **PRODUCTION WELL NO. 4; PUMPHOUSE NO. 4; AND CONNECTING WATERMAIN [CONSTRUCTION PHASE]**

- Production Well No.4 is complete; Pumphouse No. 4 is complete; Connecting Watermain is complete.
  - Well No. 4: *Project close-out subject to claim resolution by City Attorney. Processed Pay Request to 100% work less 5% retainage.*
  - Pumphouse No. 4: *Continued working with Public Works to address issues to close out work on air-release valve and final payment. Reviewed and processed record drawings.*
- **Next Steps:** Finalize Well #4 operations permit to initiate well use. Provide close-out and warranty services for Production Well #4, Pumphouse #4 and Connecting Watermain Improvements.

#### **LAKE ELMO AVENUE TRUNK WATERMAIN IMPROVEMENTS [CONSTRUCTION PHASE]**

- Substantial completion was 10.17.2014. Final completion to take place in spring 2015.
  - *Providing construction administration and observation for Contractor's punchlist work, including pressure test coordination, meter issue, and valve replacement.*
  - *Responded to property owner inquiries regarding service connections.*
- **Next Steps:** Provide ongoing construction administration and observation services. Close out project in 2015.

#### **39TH STREET: STREET AND SANITARY SEWER IMPROVEMENTS [CONSTRUCTION PHASE]**

- Substantial Completion date is 06.30.2015. Final Completion is 08.15.2015.
  - *Provided ongoing construction administration and observation services for remaining street reconstruction work. Processed contractor payments.*
  - *Responded to property owner complaints and inquiries.*
  - *Coordinated and conducted site walk through to generate list of work remaining to be completed.*
- **Next Steps:** Continue to monitor progress of work and maintain punch list until completion. Project close-out.

#### **EAGLE POINT BOULEVARD STREET IMPROVEMENTS [CONSTRUCTION PHASE]**

- The Feasibility Report was authorized on 01.20.2015 and Approved on 03.03. P&S approved on 06.02.
  - *Answered contractor questions regarding project bids. Received contractor bids on 06.30. Evaluated bids and prepared award recommendation and presentation for council consideration on 07.07.*
  - *Processed contracts, obtained project permits, updated website and readied the project for construction start.*
  - *Scheduling preconstruction meeting for a construction start at the end of July.*
- **Next Steps:** Schedule and conduct preconstruction meeting. Once it is received, notice property owners regarding contractor's schedule. Provide ongoing construction administration and observation services.

#### **INWOOD BOOSTER STATION AND TRUNK WATERMAIN IMPROVEMENTS [SITE ACQUISITION AND DESIGN PHASE]**

- Trunk Watermain plans are complete. Booster Station design work pending site acquisition closing.
- *Worked with property owner to review site and landscaping plans. Received and reviewed property owner concepts. Conducted property owner meetings to continue site acquisition negotiations.*
- *Revised terms and conditions for site acquisition including two acquisition options. Prepared council report and presentation for council review on 07.07.*
- *Following council direction, initiated attorney closing proceedings and forwarded purchase agreement to property owner. Held 07.20 meeting to review land purchase agreement with attorney and property owner.*
- **Next Steps:** Assist City attorney's office as requested for site acquisition. Re-initiate Booster Station design work including revised site plan.

#### **TRAFFIC AND TRANSPORTATION [GENERAL ISSUES COORDINATION]**

- *Attended Quarterly Washington County/City Engineer's meeting on 06.17.*
- *Attended monthly transportation meeting on 07.16.*
- *Responded to correspondence and information requests regarding right turn lane at Manning Trail and TH36.*
- *Obtained Xcel Energy Street Light quote for the intersection of TH36 and Highlands Trail in response to property owner request and prepared council report for consideration on 07.21.*
- **Next Steps:** Next monthly MnDOT/Washington County/City Transportation meeting is AUGUST 20.



#### **STATE HIGHWAY 36 SOUTH FRONTAGE ROAD STUDY [INFRASTRUCTURE PLANNING]**

- Collaborating with MnDOT/Washington County to achieve approved layout. Funded 80% Federal Grant.
  - *No activity this month. SRF working on revised concept plans.*
- **Next Steps:** Review updated concept plans as prepared by SRF when submitted. Provide council update at Transportation Workshop. Provide direction to SRF to proceed with a DRAFT preferred alternative layout.

#### **STATE HIGHWAY 5 TRAFFIC MANAGEMENT AND SAFETY IMPROVEMENTS [CONSTRUCTION] – COUNTY LED PROJECT**

- Includes Traffic Signals at CSAH17 and right turn lanes at CSAH 17 and Laverne Avenue North.
- *Responding to County as needed during project construction (property owner notice, utility conflicts, etc.)*
- **Next Steps:** Continue monitoring County project status.

#### **CSAH 13 (IDEAL AVENUE) INFRASTRUCTURE IMPROVEMENT PROJECT [PLANNING] – COUNTY LED PROJECT**

- **County led project:** *No activity this month. First PMT meeting scheduled for 07.30.*
- **Next Steps:** Work with Planning staff and Washington County to define scope of improvements throughout the corridor including the Olson Lake Trail Sanitary Sewer extension. Attend first PMT meeting on 07.30.

#### **CSAH 15 (MANNING AVENUE) CORRIDOR MANAGEMENT IMPROVEMENT PROJECT [PRELIMINARY DESIGN]**

- County led project: *Attended a meeting as requested by Washington County to review the TH5 realignment and CSAH 10 intersection improvements. Encouraged County to present cost data and City ownership obligations with any requests for City preliminary design plan approvals.*
- *Attended monthly PMT meeting for project on 07.01.*
- **Next Steps:** Provide engineering recommendations as requested for TH5 Realignment options.

#### **CSAH 17 (LAKE ELMO AVENUE) IMPROVEMENT PROJECT [PHASE 1 – CONSTRUCTION / PHASE 2 – FINAL DESIGN]**

- County led project with City Downtown supplemental initiatives:
  - *Attended PMT meetings to coordinate progress of work including weekly conference calls.*
  - *Assisted with website communication strategy and setup.*
  - *Attended preconstruction meeting and project walk through with Contractor and utility companies.*
  - *Reviewed and updated Braun precondition survey scope of work.*
  - *Reviewing 30<sup>th</sup> Street R/W needs and coordinated prescriptive easement review by City Attorney.*
  - *Working with Xcel Energy to coordinate street lighting design to incorporate into the project.*
  - *Coordinated meeting with Fire Department to prepare emergency access strategy.*
  - *Assisted with VBWD permit conditions of approval including drainage outlet easements.*
  - *Reviewed temporary water supply plan with Public works.*
  - *Reviewed Arborist report and tree removal plan.*
  - *Worked with Washington County regarding storm water facility maintenance responsibilities.*
- **Next Steps:** Provide Construction Administration support as City representative and assist with issue resolution to keep project on schedule. Continue infrastructure planning in support of Phase 2 project. Assist with easement acquisition and assist planning staff with 08.11 Council workshop on streetscape plan.

#### **PROJECTS IN WARRANTY**

- **WHISTLING VALLEY; 1<sup>ST</sup>-3<sup>RD</sup> ADDITIONS: 2-yr Warranty Period Ends 11.14.2014.** . Warranty review completed. *Letter prepared and sent to Bond Agency (Travelers) itemizing warranty work to be addressed.*
- **LAKE ELMO AVENUE SEWER INFRASTRUCTURE IMPROVEMENTS: 1-yr Warranty Period Ends 07.15.2015.** *Completed 1-year walk through with Public Works on 06.11.*
- **SECTION 34 WATER AND SEWER UTILITY EXTENSION IMPROVEMENTS: 1-yr Warranty Period Ends 07.15.2015.**
- **SECTION 34 PRESSURE REDUCTION VALVE STATION: 1-yr Warranty Period Ends 07.07.2016.**
- **2014 STREET IMPROVEMENTS: 1-yr Warranty Period Ends 10.31.2015.**
- **2013 SEAL COAT PROJECT: 2-yr Warranty Period Ends 08.20.2015.**
- **2013 CRACK SEAL PROJECT: 2-yr Warranty Period Ends 11.06.2015.**
- **2014 SEAL COAT PROJECT: 1-yr Warranty Period Ends 08.05.2015.**

ENGINEER'S REPORT

JULY 20, 2015





## CITY OF LAKE ELMO

# FOCUS

 ENGINEERING, inc.

## Consultant Budget Summary Report

PERIOD END JUNE 27, 2015

CONSULTANT - FORM OF CONTRACT		DATE APPROVED	PROJECT-SERVICE DESCRIPTION	JTD INVOICED	BUDGET AMOUNT	%COMPLETE	%BUDGET
TKDA, Inc.	Agreement	Continuing Basis	2015 General Engineering - Records	\$518.70	Mapping & Records	NA	NA
Hydromethods	General Services Agreement	7/1/2014	2015 Water Resources Support - Development Reviews	\$1,530.00	Development Escrows	NA	NA
Bolton and Menk, Inc.	Task Order No. 1	March 20, 2013	Section 34 (Lennar Area) Water and Sewer Utility Extension Improvements	\$180,868.50	\$188,266.00		96%
SRF Consulting, Inc.	Task Order No. 1	April 3, 2013	State Highway 36 South Frontage Road Study	\$10,436.17	\$64,500.00		16%
Bolton and Menk, Inc.	Task Order No. 2	August 8, 2013	Pumphouse No. 4 Improvements	\$61,357.08	\$62,062.00		99%
Bolton and Menk, Inc.	Task Order No. 2	August 8, 2013	Connecting Watermain Improvements	\$21,075.00	\$22,457.00		94%
TKDA, Inc.	Auth. No. 3	January 24, 2014	Lake Elmo Avenue Trunk Watermain Improvements	\$55,806.25	\$66,500.00		84%
MSA Professional Services, Inc.	Task Order No. 1A	January 21, 2014	Inwood Booster Station Improvements	\$23,672.27	\$112,382.00		21%
MSA Professional Services, Inc.	Task Order No. 1B	January 21, 2014	Inwood Trunk Watermain Improvements	\$37,979.46	\$63,800.00		60%
Bolton and Menk, Inc.	Task Order No. 3	February 10, 2014	2014 Street Improvements	\$84,813.50	\$83,685.00		101%
Bolton and Menk, Inc.	Task Order No. 4	May 7, 2014	39th Street North: Street and Sanitary Sewer Improvements	\$81,698.50	\$73,557.00		111%
Bolton and Menk, Inc.	Task Order No. 6	August 28, 2014	39th Street North: Street and Sanitary Sewer Imp.: Construction Observation	\$68,514.00	\$70,000.00		98%
SEH, Inc.	Task Order No. 1	August 20, 2014	Old Village Phase 1 Street and Utility Improvements: Exhibits and Cost Estimate	\$9,499.75	\$9,500.00	100%	100%
EG Rud		May 1, 2015	Water Tower #4 Site Acquisition - Sketch and Description	\$880.00	\$880.00	100%	100%
TKDA, Inc.	Auth. No. 4	April 7, 2015	Eagle Point Boulevard Street and Utility Improvements	\$29,431.20	\$42,150.00		70%
<b>TOTAL CONTRACTED SERVICES:</b>				<b>\$668,080.38</b>	<b>\$859,739.00</b>		<b>78%</b>
				<b>Fees Remaining:</b>	<b>\$191,659</b>		



# City of Lake Elmo, Minnesota

\$2,815,000

## General Obligation Bonds, Series 2015A

### Bond Sale Summary

July 21, 2015

- 
- 
- PURPOSE:** To finance a portion of the City's 2015 infrastructure improvement projects including street improvements, water and sewer projects, and purchase equipment.
- FINANCE PLAN:** To structure the Water and Sewer portions over a term of fifteen year, Improvement over a term of ten years, and seven years on the Equipment with each portion having level debt service. Special assessments of \$1,418,090 for a term of ten years at a rate of 4.50% (two percent over average coupon) to the repayment of the debt service on the Bonds. Water and Sewer revenues will cover the remaining debt service on those portions and tax levies will cover the debt service for the equipment.
- RESULTS:**
- Moody's confirmed the City's "Aa2"/Stable credit rating
  - Eight bids were received. Lowest bid was Piper Jaffray, Minneapolis, Minnesota
  - True Interest Cost (TIC) of 2.25%
  - Average Coupon of 2.47%
  - All Inclusive Cost of 2.47%
- RECOMMENDATION:** The interest rates are reflective of current market rates for tax exempt, bank qualified securities. Therefore, Northland Securities recommends the City adopt the Bond Resolution and award the Bonds to Piper Jaffray.



# NORTHLAND SECURITIES

## TABULATION OF BIDS CITY OF LAKE ELMO, MINNESOTA \$2,815,000 GENERAL OBLIGATION BONDS, SERIES 2015A

AWARD:

PIPER JAFFRAY

DATE OF SALE:

TUESDAY, JULY 21, 2015

MOODY'S UNDERLYING RATING:

Aa2

BIDDER	PURCHASE PRICE	NET INTEREST COST	TRUE INTEREST COST (TIC)
PIPER JAFFRAY Kansas City, MO	\$2,851,057.65	\$466,260.82	2.2489540%
UNITED BANKERS' BANK Bloomington, MN	\$2,875,484.22	\$469,686.50	2.2613314%
CITY SECURITIES CORP. Indianapolis, IN	\$2,821,197.00	\$485,788.42	2.3597762%
FTN FINANCIAL CAPITAL MARKETS Memphis, TN	\$2,845,707.69	\$490,676.89	2.3652714%
ROBERT W. BAIRD & CO., INC. Milwaukee, WI	\$2,849,060.20	\$491,699.80	2.3677982%
BMO CAPITAL MARKETS Chicago, IL	\$2,866,907.15	\$505,198.96	2.4187073%
BOSC, INC. Dallas, TX	\$2,924,423.23	\$507,773.78	2.4196654%
BERNARDI SECURITIES, INC. Chicago, IL	\$2,825,051.40	\$507,044.54	2.4634406%



## Julie Johnson

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**From:** Kyle Klatt  
**Sent:** Tuesday, July 21, 2015 4:00 PM  
**To:** Julie Johnson  
**Subject:** FW:  
**Attachments:** Halcyon.docx

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**From:** [jmpetunia@gmail.com](mailto:jmpetunia@gmail.com) [<mailto:jmpetunia@gmail.com>]  
**Sent:** Monday, July 20, 2015 11:31 PM  
**To:** [annejsmith@msn.com](mailto:annejsmith@msn.com); Nick Johnson; Kyle Klatt; Julie Fliflet; [jbloer@lakeelmo.org](mailto:jbloer@lakeelmo.org); Mike Pearson; [dsnyder@lakeelmo.org](mailto:dsnyder@lakeelmo.org)  
**Subject:**

Dear City Council Members and Concerned Persons,

Please read the attached regarding Halcyon Cemetery Proposal before the Tues, July 21 City Council meeting.

Thank You,

Jean Madrinich

Sent from Windows Mail





7/20/15

Re: HALCYON CEMETERY PROPOSAL

To: Lake Elmo City Council members and other concerned Lake Elmo staff

Dear Council Members:

My name is Jean Madrinich. I reside at 11240 50<sup>th</sup> St No, Lake Elmo. A portion of my land abuts the proposed Halcyon Cemetery at 11050 50<sup>th</sup> St N.

I have concerns regarding this proposed cemetery. I always try to be fair and mindful. As such, I reviewed this project from the perspective of asking myself, "What is beneficial about this project for our community". And truthfully, I could not come up with anything. Then I asked myself, "Who does this project benefit?" You could argue people looking for a final resting place. But really, there's only one that benefits, the owners. Because regardless of how old, outdated land use allowances phrase this venture, it is strictly a commercial enterprise. An enterprise that does not have to pay real estate taxes. How a person chooses to make money is their business, until it infringes on someone else's rights by allowing a commercial endeavor in a rural residential area.

I also asked myself, "Are there other non-beneficial results by allowing this cemetery project be approved? Here's what I came up with:

- As already stated, Lake Elmo gets no monetary benefit thru real estate taxes. As a by-line, I do remember years back when the applicant's father applied for his home to be considered as church, again, so he didn't have to pay real estate taxes.
- However you want to phrase it, this is strictly a commercial enterprise in a rural residential area.
- Flood plains and drainage. Already I am riddled with guilt as I sold a piece of my property to the City of Lake Elmo for a back-up municipal well, not knowing it created flooding problems for my neighbor to the south. What further problems is the cemetery going to cause regardless of a "pond" to hold extra water? This area has several low areas that water collects – where will this water go?
- Property value with a cemetery nearby seems to be an area there a few answers to. Does it decrease property value? I do know this. It certainly doesn't increase them. My daughter and her family were considering buying my place in future years. They said, "No way!" if there's a cemetery there. I guess if you were to ask a person, would you rather live next to a cemetery or not, which would you choose?
- Aesthetics of the area. The fenced in, granite filled cemetery does not coincide with the area. And with signage and lights to boot.
- Traffic is already an issue on 50<sup>th</sup> Street. What started out as a dirt road, with a handful of vehicles 35 years ago when I first moved here, is now a hustling, busy, busy road. Progress happens, roads are needed, but this road is becoming overburdened and dangerous. To add even more traffic, when it could be avoided by not allowing this venture, and with poor accessibility by allowing entry only from 50<sup>th</sup> adds to the peril of this road.
- Do we have a guarantee there will never be a crematorium?



I understand the Planning Commission felt they had to approve the Halycon Cemetery proposal because, mainly, it's under land use allowance. They stated they can't do much about it. I am not a city planner, or an expert, but it seems to me, if something is outdated there must be a way to change it. I can only surmise that the land use was written way back when, for small family plots. Can we take a step back and take a moment to study this?

My concern is, this is a forever deal. Once a property is deemed a cemetery there is no going back. It stays a cemetery always and forever. If you speak to experts, the general consensus is cemeteries are dying (I couldn't resist the pun). People are choosing cremation over burial. How can we be assured this property will be maintained?

Thank you for your consideration.

Jean Madrinich



## Julie Johnson

---

**From:** Kyle Klatt  
**Sent:** Tuesday, July 21, 2015 4:00 PM  
**To:** Julie Johnson  
**Subject:** FW: City Council Meeting  
**Attachments:** Scan0073.pdf

**From:** Mary Jean Dupuis [<mailto:dupuismj@aol.com>]  
**Sent:** Tuesday, July 21, 2015 3:27 PM  
**To:** Kyle Klatt  
**Cc:** [rsmith53@me.com](mailto:rsmith53@me.com)  
**Subject:** City Council Meeting

I cannot be at the meeting tonight but I would like this request presented.

Thank you Kyle.

Mary Jean Dupuis  
MJ's Contract Appliance. Inc.  
[dupuismj@aol.com](mailto:dupuismj@aol.com)

651-747-1230 Direct Dial  
651-770-9316 Direct Fax  
651-777-8915 Oakdale Main Office  
651-777-6235 Oakdale Main Fax

[www.mjsappliance.com](http://www.mjsappliance.com)

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Mary Jean Dupuis

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To: Lake Elmo City Council & Kyle Klatt  
From: Mary Jean Dupuis  
Subject: **Wildflower Development – grass walking path**  
Date: July 21, 2015

*I reside at 11676 Stillwater Blvd North and have lived at this location for 42 years. This request has been made before but I would like to present it again.*

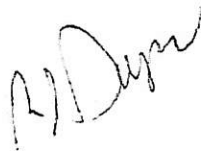
*I am requesting the proposed grass trail behind my house (west) on Outlot H be eliminated. This request stems from the fact that during the FOSC II development we were assured that the approximately 16 acres of property between me and Richard Smith and south to MN 5 would never be developed. Now there will be houses on a portion of this property. The grass walking path that we want eliminated pertains only to the area between our 2 homes of Richard Smith and me on Outlot H.*

*Mr. Engstrom has stated a few times that hardly any one uses grass paths. I think that is further support to eliminate it*

*However, neither Richard or I want people walking between our homes but since Richard is out of town I'll speak for myself here and say – I am not at all in favor of people walking adjacent to the western portion of my property line especially since the information was clear for many years that no one was ever going to occupy or use this section of property. I don't think this is an unreasonable request.*

*Thank you for reviewing this request.*

Mary Jean Dupuis  
651-747-1230







*t*

---

Mary Jean Dupuis

To: Lake Elmo City Council & Kyle Klatt  
From: Mary Jean Dupuis  
Subject: Wildflower Development – grass walking path  
Date: July 21, 2015

*noted  
@ MB.  
7/24/15  
by KK*

*I reside at 11676 Stillwater Blvd North and have lived at this location for 42 years. This request has been made before but I would like to present it again.*

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Mary Jean Dupuis  
651-747-1230

*MJD*



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Thank you Kyle.

Mary Jean Dupuis  
MJ's Contract Appliance. Inc.  
[dupuismj@aol.com](mailto:dupuismj@aol.com)

651-747-1230 Direct Dial  
651-770-9316 Direct Fax  
651-777-8915 Oakdale Main Office  
651-777-6235 Oakdale Main Fax

[www.mjsappliance.com](http://www.mjsappliance.com)



Mary Jean Dupuis

This letter serves as a request from the following 4 property owners regarding the TH 5 Realignment.

Mary Jean Dupuis – 11676 Stillwater Blvd North

Marcy & Robert Eischen – 11674 Stillwater Blvd North

Richard Smith – 11514 Stillwater Blvd North

Leona Jacobson – 11685 Stillwater Blvd North

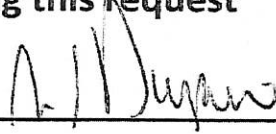
We have all reviewed the three Concept Plans. Since this proposed project is adjacent to our properties access we are requesting Concept B be put in place and we would like to see Concept A & C deleted.

Mary Jean Dupuis & Richard Smith cannot be at the meeting tonight but Leona Jacobson and Marcy Eischen will be there to represent us.

They will have a fully signed copy of this request from everyone except Richard Smith who is out of town.

Thank you for reviewing this request

Mary Jean Dupuis



Marcy & Robert Eischen

Leona Jacobson



7-21-15 Council Workshop

TH 5/Manning Avenue Realignment Alternatives Comparison

Local Access Considerations:	All Concepts Equally:		
	Concept B	Concept C	Concept C2
	Draw peak hour traffic to Manning	✓	✓
	Improve overall network efficiency	✓	✓
	Allow for future development	✓	✓
Local Cost Participation:	Improve safety	✓	✓
	New Local Road Construction	0.2 miles	0 miles
	Right of Way Acquisition	0.8 acres	0 miles
	Maintenance (length of new City Street)	0.7 miles	0.5 miles
	Overall project	Per County Policy	Per County Policy
Local Access Considerations:	Travel from Fields of St Croix to Village <sup>1</sup>	1.4 miles	1.3 miles
	Fire Truck response time <sup>2</sup>	9.2 minutes	8.9 minutes
	Local property owners	For discussion	For discussion

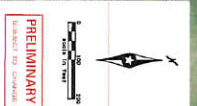
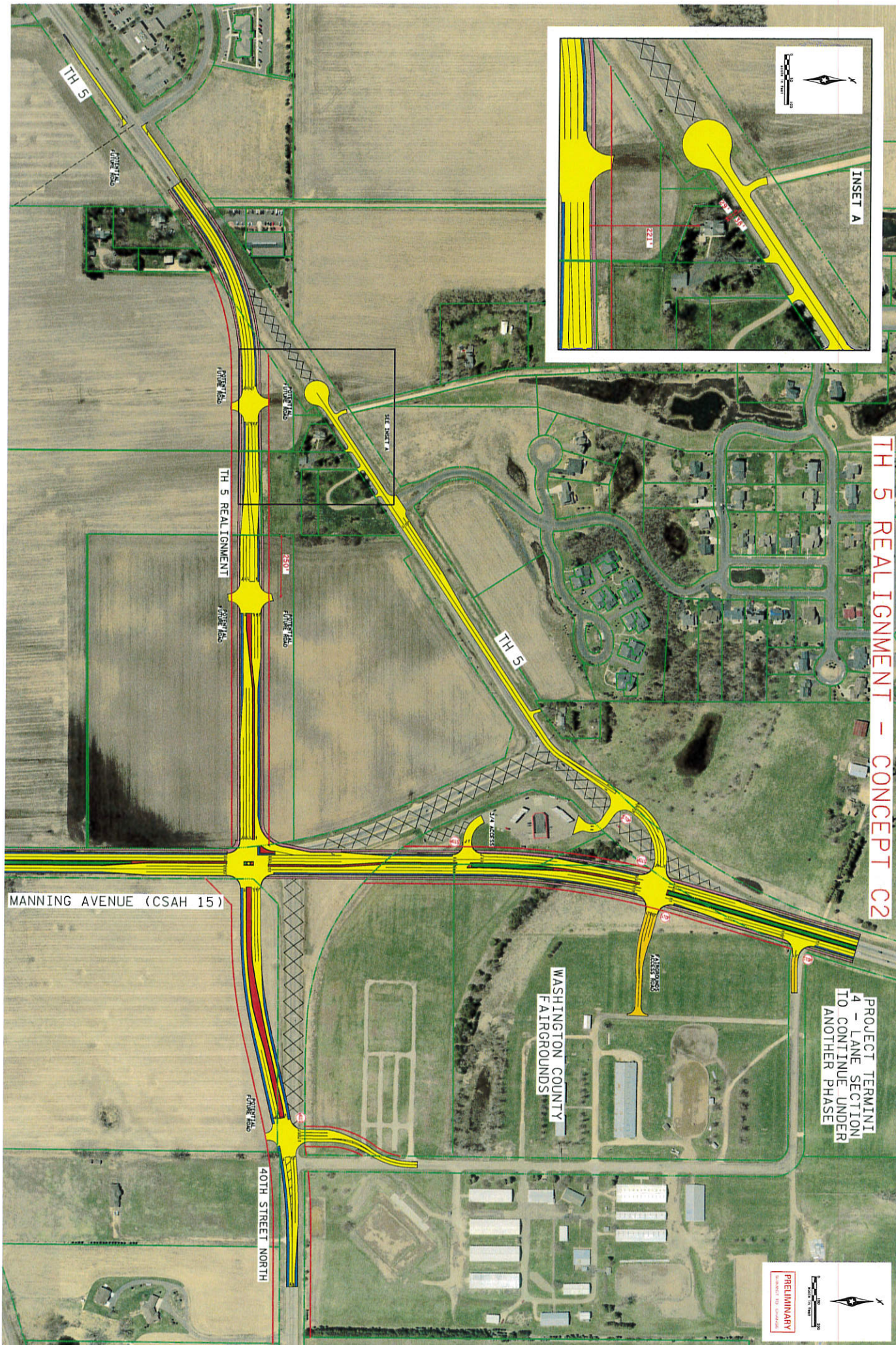
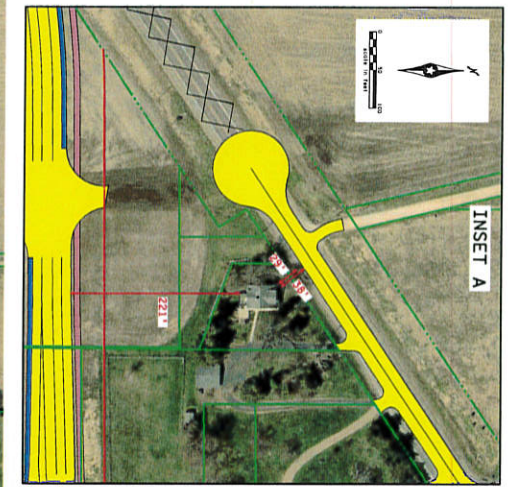
Notes:

- 1 Distance measured along existing/proposed roadways from Lake Elmo Fire Department to approximate center of Fields of St Croix neighborhood.
- 2 Assumes 5 minutes prep for fire truck to begin travel, and then travels an average speed of 20 MPH (must go through several intersections).





TH 5 REALIGNMENT - CONCEPT C2

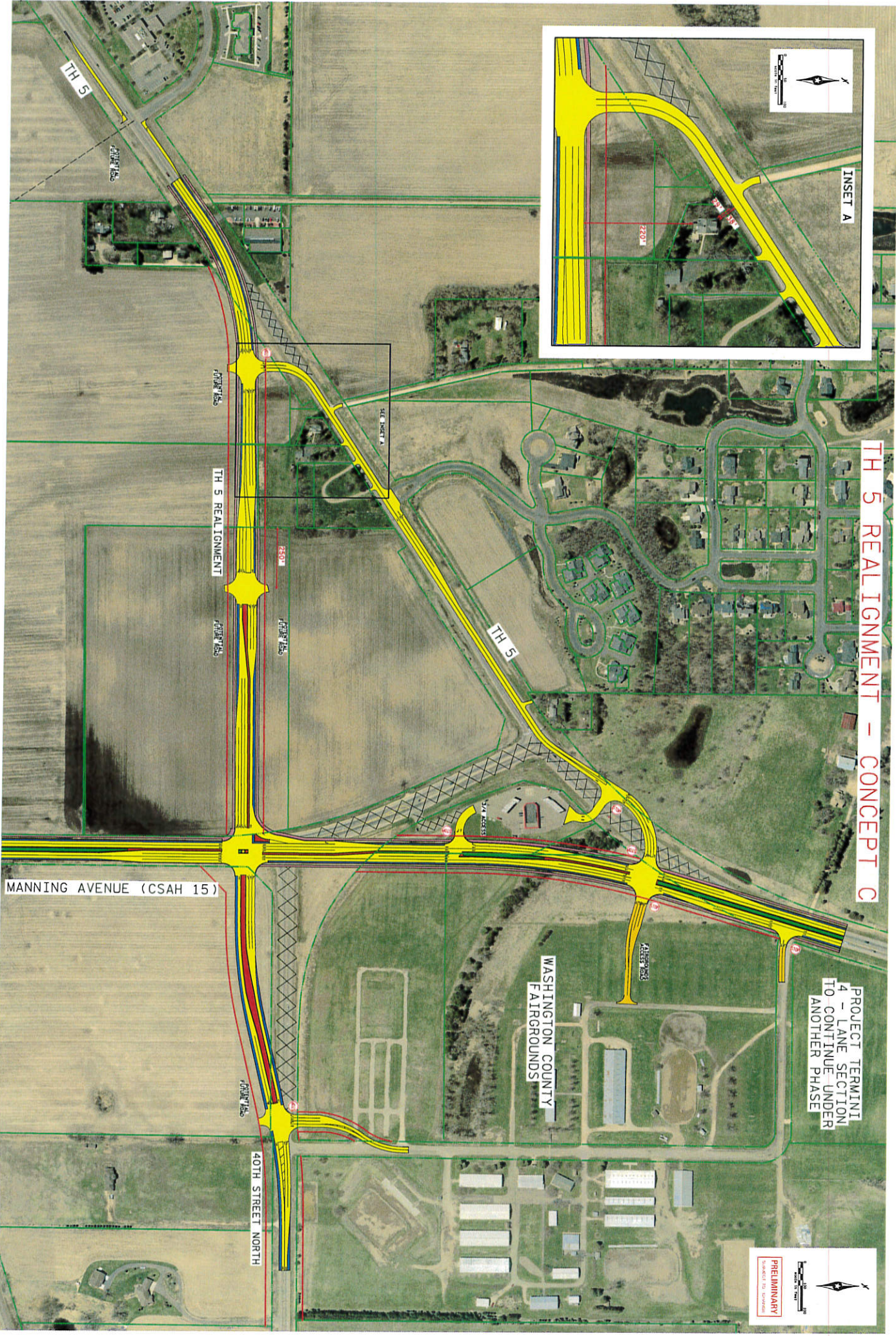
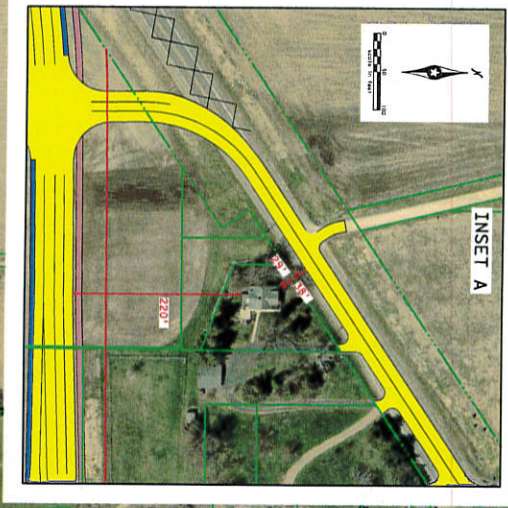








TH 5 REALIGNMENT - CONCEPT C

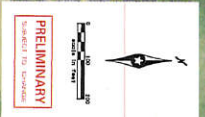


PROJECT TERMINI  
4 - LANE SECTION  
TO CONTINUE UNDER  
ANOTHER PHASE

WASHINGTON COUNTY  
FAIRGROUNDS

40TH STREET NORTH

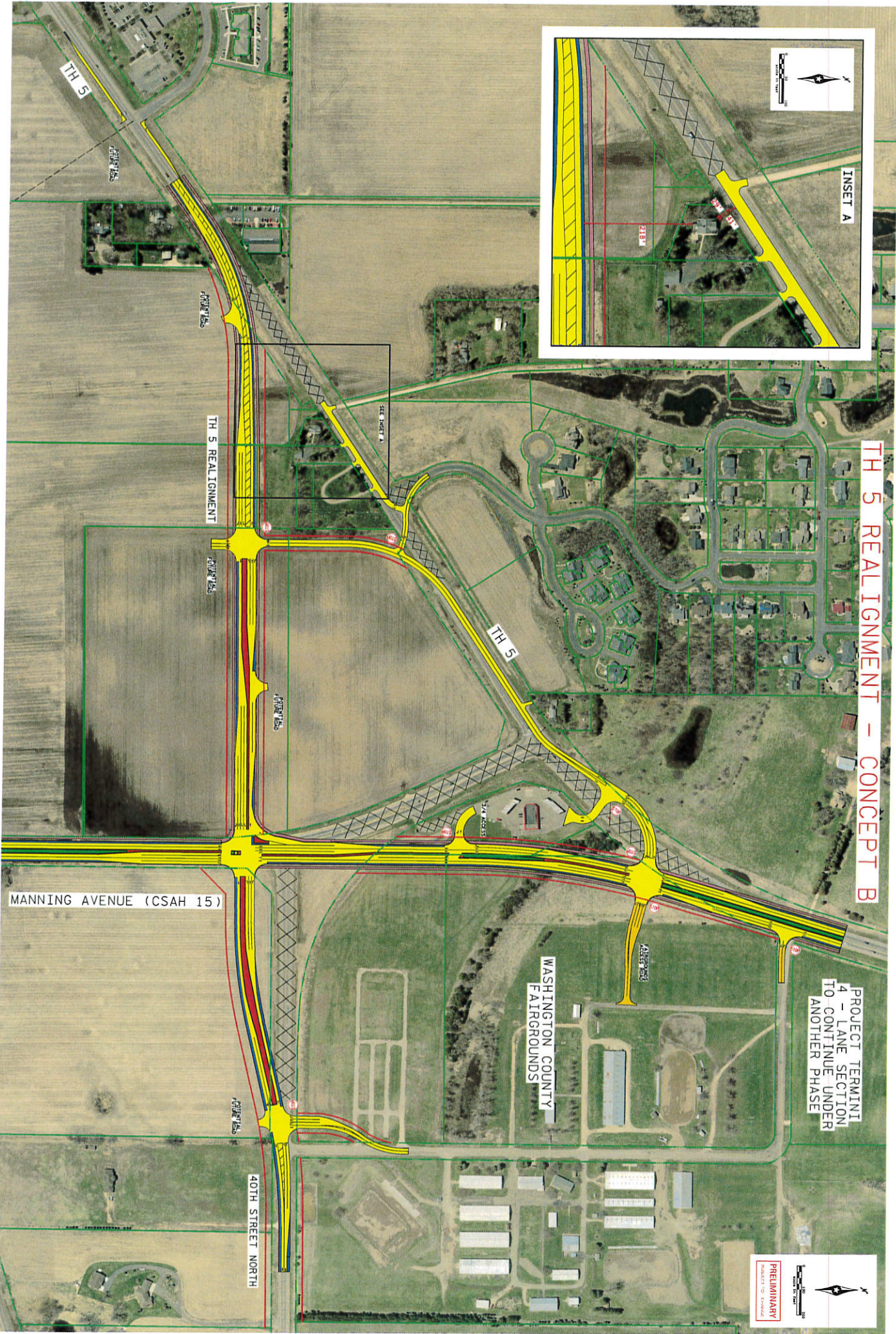
MANNING AVENUE (CSAH 15)











TH 5 REALIGNMENT - CONCEPT B

PROJECT TERMINI  
4 - LANE SECTION  
TO CONTINUE UNDER  
ANOTHER PHASE

**PRELIMINARY**  
SUBJECT TO REVISION

**INSET A**





**CITY OF LAKE ELMO  
CITY COUNCIL MINUTES  
JULY 7, 2015**

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

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

Staff present: City Attorney Snyder, City Engineer Griffin, Finance Director Bendel, Community Development Director Klatt and Planning Program Assistant Ziertman.

**PLEDGE OF ALLIGENCE**

**APPROVAL OF AGENDA**

***APPROVE THE JULY 7, 2015 CITY COUNCIL AGENDA AS AMENDED – NO OBJECTIONS.***

***ACCEPT MINUTESTHE MAY 5, 2015 CITY COUNCIL MEETING MINUTES PASSED WITH NO OBJECTIONS.***

**COUNCIL REPORTS:**

**Mayor Pearson:** Met with Torre Pines HOA, participated on Moody's Bonding Call, Met with Tony Manzara, Good wishes to Dean Zuleger and thanked him for his hard work and efforts, will be at Farmers Market for meet the Mayor on Saturday.

**Council Member Lundgren:** Farmers Market signs are similar to garage sale signs, met with Tony Manzara, attended Gateway Workshop, thanks to Public Works for installing AED's, talked to Citizens about Lake Elmo Ave, thanks to Dean Zuleger for all of his work.

**Council Member Bloyer:** thank you to staff, talked to Danielle Hecker about Wedding Venue, Resident Complaints about farmers market signs.

**Council Member Smith:** met with Tony Manzara, met with Nate Landucci, need to keep businesses on 39<sup>th</sup> street aware of progress on construction

**Council Member Fliflet:** went to 4<sup>th</sup> of July Parade and Farmers Market, thank you to staff, sat in on Moody's bonding call, met Nate Landucci, Praise to Dean Zuleger

**PUBLIC COMMENTS/INQUIRIES**

Terry Emerson, 2204 Legion Circle N, expressing disappointment in the Council's decision regarding the signage for Rihm Kenworth.

Matt Frisbie, Ayers Associates has a project with Mike Lynskey on the 26 acres along 39<sup>th</sup> Street. Part of the project would be a senior living with memory care.

Nate Deprey, Lake Elmo Librarian, June was the busiest month to date. Attendance has been strong with lots of fun kids' activities planned for summer.

**PRESENTATIONS**

Sunfish Lake Park Nature Center – Tony Manzara Gave a presentation regarding the possible Nature Center in Sunfish Lake Park. This proposal has gone to the Park Commission and Planning Commission. Council has interest in this Nature Center. They would like to see this go back to the Park Commission for Vetting and then have it come back. Attorney Snyder suggested a Council representative to work with Park Commission and Council member Smith volunteered.

FINANCE CONSENT AGENDA

2. Approve Payment of Disbursements
3. Accept Finance Report dated May 31, 2015
4. Accept Building Report dated May 31, 2015
5. Section 34 Pressure Reduction Valve Station – Compensating change Order No.
6. Section 34 Pressure Reduction Valve Station – Compensating Change Order No 1
7. Production Well No 4-Pay request No. 9
8. Pumphouse No.4 – Pay Request No. 8 (Final)
9. Deputy Clerk PTO Payout

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

OTHER CONSENT AGENDA

10. Ownership and Maintenance Agreement – 11732 58<sup>TH</sup> ST N
11. Encroachment Agreement -528 Juniper Court N

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

REGULAR AGENDA

ITEM 12: Appointment of City Clerk – Julie Johnson

Council expressed their confidence in the decision to hire Ms. Johnson as City Clerk.

**MOTION:** Council Member Fillet moved TO APPROVE THE APPOINTMENT OF JULIE JOHNSON TO THE POSITION OF CITY CLERK. Council Member Smith seconded the motion. MOTION PASSED 5-0.

ITEM 13: Eagle Point Boulevard Street Improvements Accept Bids and Award Contract;

Engineer Griffin gave a presentation regarding the estimated improvement costs post bid. Griffin felt that the bids were competitive. There could be a value on the drain tile for the project. There could also be cost savings for restoration. There is some potential for reducing overages.

**MOTION:** Mayor Pearson moved TO APPROVE RESOLUTION NO. 2015-55 ACCEPTING BIDS AND AWARDAING A CONTRACT TO MILLER EXCAVATION, INC. IN THE AMOUNT OF \$1,249,494.09 FOR THE EAGLE POINT BOULEVARD STREET AND UTILITY IMPROVEMENTS. RESOLUTION NO. 2015-55 Council Member Smith seconded the motion. MOTION PASSED 5-0.

ITEM 14: Water booster Station – Approve Land Purchase

Engineer Griffin discussed the history of finding property for the booster station. This is being revisited from October because the County has been taken out of the equation. Purchase price is \$27,000 for the smaller section or \$32,000 for the larger site.

Fillet asked about using a rural theme for the building facade. Griffin stated that there is extra cost associated with that.

Al Eberhard talked about the aesthetic tradeoffs and costs associated with them. Council seemed in favor of option 1.



## LAKE ELMO CITY COUNCIL MINUTES

July 7, 2015

Griffin talked about the costs involved with the aesthetics of the building. It could cost as much as \$30,000, but landscaping could also be used. Eberhard stated that there would be less landscaping required if the aesthetics of the building are better.

Mayor Pearson offered that \$30,000 for aesthetic improvements seemed a bit excessive for that size building.

**MOTION:** *Council Member Smith MOVED TO APPROVE THE INWOOD WATER BOOSTER STATION LAND PURCHASE AGREEMENT TO PURCHASE A 90 FOOT BY 75 FOOT PARCEL FROM THE CAROLINE MARY EBERHARD LIVING TRUST, (OPTION 1) Council Member Bloyer seconded the motion. MOTION PASSED 5-0.*

### ITEM 15: 2015 Bond Rating Report – Moody's

Finance Director Bendel gave an update about the Moody's Bond Rating Report. The City maintained the Aa2 bond rating.

### ITEM 16: Request from Verizon Wireless to Formally Address the Council – Ideal Ave. and Langley Ct Sites –Lease

Verizon is looking for approval from the Council to be able to build a new tower on the Langley court site and would like to be able to negotiate with staff for lease agreements. Would possibly like to be able to build a new tower and lease to others or the City owning it and leasing it out.

Council supported looking to site these towers on City land so that they did not end up on private land.

Andrea Albright – Concerned about a 125 foot tower like this going up when telephone poles are being taken down for aesthetic reasons.

Paul Pallmeyer, Lake Jane Trail, a number of years ago T-mobile wanted to put up a tower by lake Jane. What is different about the proposal now? Smith stated that it came to them on the 90<sup>th</sup> day and they had to make a decision that night. She was opposed to putting it on private property vs. public land.

**MOTION:** *Council Member Pearson moved TO authorize staff to negotiate lease agreements with Verizon Wireless Communications for the Ideal Avenue and Langley Court water tower sites with consideration of City owned tower. Council Member Fliflet seconded the motion. MOTION PASSED 5-0*

### ITEM 17: Request to Fund Services for Code Enforcement Case

Staff is asking for approval for a survey to be done to determine if code enforcement is warranted on a property in the Tri-lake area.

**MOTION:** *Council Member Lundgren moved TO. Authorize the requested survey work related to ongoing code enforcement activities in an amount not to exceed \$1500 Pearson seconded the motion. MOTION PASSED 5-0.*

### ITEM 18: CITY CLERK SEVERENCE REQUEST

**MOTION:** *Council Member Bloyer moved TO APPROVE CITY CLERK SEVERENCE REQUEST. Council Member Pearson seconded the motion. MOTION FAILS 2-3. (Fliflet, Lundgren, Smith –Nay)*

### ITEM 19: COUNCIL MEETING DECORUM

This would give the City Council, Commissioners, Staff and Residents guidelines for meeting decorum. There was opposition to some of the wording.

Dale Dorschner, 3150 Lake Elmo Ave, feels this is ironic after the first meeting when Speak your Peace was taken down. He feels that when decisions are made, reasons should be given.

Attorney Snyder stated that the bottom line is if we want to have a policy or not.

Stuart Johnson, thinks that this can be simplified by saying that people need to adhere to behavior determined by the mayor.

**MOTION:** Council Member Pearson **MOVE TO TABLE THIS ITEM FOR FURTHER REFINEMENT.** Council Member Bloyer seconded the motion. **FAILED 3-2 (Fillet, Smith – nay)**

**MOTION:** Council Member Fillet **MOVE TO ADOPT THE LAKE ELMO MINNESOTA GUIDELINES OF PUBLIC MEETING DECORUM PROTOCOL WITH CHANGES TO #3 UNDER CITIZEN BEHAVIOR TO STRIKE "OR RELEVANT" AND THE FIRST SENTENCE OF #5 TO STATE "WHEN A GROUP OF PERSONS WISHES TO ADDRESS THE COUNCIL ON THE SAME SUBJECT MATTER, THEY MAY CHOOSE A SPOKESPERSON".** Council Member Lundgren seconded the motion. **APPROVED 4-1 (Bloyer – Nay)**

#### ITEM 20: Interim Ordinance: Ordinance 08-123

Community Development Director Klat stated that this Ordinance was prepared at the direction of the Council to establish a moratorium on new development in the community. There has been limited development in stage 2 and no development in stage 3. Staff also feels that there should be language that pertains to the gateway corridor.

Lundgren asked about the vague wording about the benefit to the City. Feels that is too vague and might open up too much area. Fillet stated that the wording should be changed to narrow it down to environmental issues.

Fillet feels that we just need time to assess and see where we are. This interim ordinance is just for a year and just because they have paid advance water fees, does not automatically mean they are allowed to move forward. Klat stated that there are areas that the City did a public project in the Village area and they were assessed for it and are not able to develop under this ordinance.

Snyder stated that care should be given for those parcels that assessments are in place for. There is potential for problems with those that have already been assessed.

Fillet would like Section 1 item b removed as it is only for a year. There should also be something regarding the BRT Line. Klat went through his recommendation in regards to the BRT.

Mayor Pearson suggested that this Ordinance addressed the excess residential development to some degree while allowing for commercial tax base to occur.

**MOTION:** Council Member Pearson **move TO ADOPT AN INTERIM ORDINANCE FOR THE 3 HIGHER DENSITY PARCELS.** Council Member Bloyer seconded the motion. **MOTION FAILED 2-3 (Fillet, Lundgren, Smith – Nay)**

Deb Krueger, Lake Elmo Ave, stated that she agrees with the moratorium and feels that we need to slow down and reassess and see where we are at and figure out what we want to do. A year is not that long of a time.

Bob Durov, NE intersection of 94 and Keats, they have a purchase agreement in place and a 1 year moratorium will kill the sale.

Terry Emerson, 2204 Legion Lane Circle, was concerned that the commercial area would be affected.

**MOTION:** Council Member Fillet **moved TO ADOPT ORDINANCE 08-123, DECLARING A MORATORIUM FOR A PERIOD OF 12 MONTHS ON CERTAIN TYPES OF DEVELOPMENT AS DESCRIBED IN THE ORDINANCE WITH THE FOLLOWING CHANGES: REMOVE ITEM B IN SECTION 1 & SECTION 2; REMOVE "BENEFIT COMMUNITY OR" FROM ITEM C IN SECTION 1; AND INCORPORATE THE WHEREAS STATEMENT STAFF PROVIDED REGARDING THE GATEWAY CORRIDOR COMMISSION INVOLVEMENT.** Council Member Lundgren seconded the motion. **MOTION PASSED 3-2. (Pearson, Bloyer – Nay)**

## LAKE ELMO CITY COUNCIL MINUTES

July 7, 2015

### ITEM 21: Discussion Old Village Work Group

Councilmember Fliflet started the discussion about the work group and expressed her intent to have a discussion about what the work group is, how it was formed and what it does. She thanked Community Development Director Klatt for the memo he prepared and stated that it is a very accurate summary. Fliflet stated that the Park Commission has referred to this group as the Village Green group which is not accurate as the Lake Elmo Avenue project has nothing to do with this group. Fliflet stated that if there are any questions regarding the group, please ask.

Mayor Pearson identified the "Village Work Group Consensus Proposal" and expressed his reservations regarding it.

Barry Weeks, 3647 Lake Elmo Ave, had never heard about the Old Village Work Group. He found out about it last fall and felt it was difficult to find on the City's website.

Dale Dorschner, Lake Elmo Ave, would like to know the cost of the Old Village Work Group. There is a rumor out there that there is a million dollar bill. Klatt stated that the cost out there is due to planning efforts. Mr. Dorschner would like to see citizens in the area on the group and would like accountability.

Councilmember Bloyer discussed history of the group, citing past discussion and notes concerning the size and specific location of the area in the Old Village Work Group plan.

Klatt stated that there were two plans brought forward. The Village Work Group never had any decision making authority, but was a recommending body. If the City Council would like to continue, that plan might need to be brought out. If the group continues, the participation should be broadened out.

Klatt would like to come back to Council with some specifics regarding the group and get some specific direction from the Council.

Motion to recess until 10:00 tomorrow.

### STAFF REPORTS & ANNOUNCEMENTS:

City Finance Director Bendel: None

City Attorney Snyder: None

Community Development Director Klatt: None

City Engineer Griffin: None

*Mayor Pearson Recessed the meeting at 11:55 pm.*

July 8, 2015

*Mayor Pearson called the meeting to order at 10:00 a.m.*

**PRESENT:** Mayor Mike Pearson and Councilmembers Julie Fliflet, Justin Bloyer and Jill Lundgren.  
**ABSENT:** Councilmember Anne Smith.

**MOTION:** Mayor Pearson moved **TO RECONVENE THE CITY COUNCIL MEETING.** Councilmember Lundgren seconded the motion. **MOTION PASSED 4-0**

Mayor Pearson stated that one applicant for the Interim City Administrator position was unintentionally omitted from the process and suggested 9:00 p.m. on July 9, 2015 for a thirty minute interview. Councilmember Bloyer suggested scheduling another time after the interview to discuss the candidates due to the late evening timing of the interview.

**MOTION:** Mayor Pearson moved **TO RECONVENE THE MEETING THURSDAY, JULY 9 2015 AT 9:00 PM.** Councilmember Lundgren seconded the motion. **MOTION PASSED 4-0**

LAKE ELMO CITY COUNCIL MINUTES

July 7, 2015  
MOTION: Councilmember Fillet moved TO RECESS THE MEETING UNTIL 9:00 PM, THURSDAY, JULY 9, 2015. Councilmember Lundgren seconded the motion. MOTION PASSED 4-0

Mayor Pearson Recessed the meeting at 10:15 a.m.

July 9, 2015

Mayor Pearson called the meeting to order at 9:00 p.m.

PRESENT: Mayor Mike Pearson and Councilmembers Fillet and Lundgren.

ABSENT: Councilmembers Bloyer and Smith.

MOTION: Councilmember Lundgren moved TO RECONVENE THE CITY COUNCIL MEETING. Mayor Pearson seconded the motion. MOTION PASSED 3-0

Mayor Pearson noted that because the full Council was not able to attend the meeting, the meeting would be recessed and reconvened Friday, July 10<sup>th</sup> at 8:00 a.m.

MOTION: Councilmember Lundgren moved TO RECESS THE MEETING UNTIL 8:00 A.M. FRIDAY, JULY 10, 2015. Councilmember Fillet seconded the motion. MOTION PASSED 3-0

Mayor Pearson Recessed the meeting at 9:02 p.m.

July 10, 2015

Mayor Pearson called the meeting to order at 8:00 a.m.

PRESENT: Mayor Mike Pearson and Councilmembers Julie Fillet, Anne Smith, Justin Bloyer, and Jill Lundgren.

MOTION: Councilmember Lundgren moved TO RECONVENE THE CITY COUNCIL MEETING. Councilmember Smith seconded the motion. MOTION PASSED 5-0

Mayor Pearson stated that the purpose of the meeting was to conduct the final interview for the Interim City Administrator position. One candidate was interviewed and provided with a list of questions the other candidates had answered in writing. Discussion held concerning allowing the final candidate time to provide written answers as the other candidates had. Discussion held concerning potential times to reconvene the meeting for the purpose of discussing the candidates and interviews.

MOTION: Councilmember Fillet moved TO RECONVENE THE MEETING AT 3:00 ON FRIDAY, JULY 10, 2015 AT 3:00 PM. Councilmember Smith seconded the motion. MOTION PASSED 5-0

Mayor Pearson recessed the meeting at 9:06 a.m.

July 10, 2015

Mayor Pearson called the meeting to order at 3:06 p.m.

MOTION: Mayor Pearson moved TO RECONVENE THE CITY COUNCIL MEETING. Councilmember Bloyer seconded the motion. MOTION PASSED 5-0

Discussion was held concerning the five candidates for the Interim City Administrator position. Applicants were randomly assigned a number for reference during discussion. Strengths and weaknesses of each candidate were discussed.

MOTION: Councilmember Fillet moved TO AUTHORIZE THE MAYOR AND FINANCE COMMITTEE CHAIR TO WORK WITH CITY ATTORNEY SNYDER TO NEGOTIATE WITH CANDIDATE C3, OFFERING HIM/HER THE POSITION OF INTERIM CITY

LAKE ELMO CITY COUNCIL MINUTES

July 7, 2015

**ADMINISTRATOR IN A RANGE OF 75-85% OF THE CURRENT CITY ADMINISTRATOR POSITION SALARY.** *Councilmember Smith seconded the motion. MOTION PASSED 4-1 (Bloyer – Nay)*

Councilmember Bloyer stated that although he did not support the motion, he hopes the candidate is successful in the Interim City Administrator position.

**MOTION:** *Mayor Pearson moved TO INITIATE THE SEARCH FOR A PERMANENT CITYADMINISTRATOR BY DECEMBER 1, 2015. Councilmember Smith seconded the motion. MOTION PASSED 5-0*

**MOTION:** *Councilmember Fliflet moved TO ADJOURN THE MEETING. Mayor Pearson seconded the motion. MOTION PASSED 5-0*

*Mayor Pearson adjourned the meeting at 4:08 p.m.*

LAKE ELMO CITY COUNCIL

ATTEST:

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Mike Pearson, Mayor

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Julie Johnson, City Clerk



## **INTERIM CITY ADMISTRATOR EMPLOYMENT AGREEMENT**

THIS AGREEMENT made this 21st day of July, 2015 by and between the CITY OF LAKE ELMO, a Minnesota municipal corporation ("Employer"), and Clark Schroeder ("Employee").

The parties agree as follows:

1. **POSITION.** Employer agrees to employ Employee as its Interim Full Time City Administrator. Employee agrees to serve as Interim City Administrator in accordance with state statutes and City ordinances and to perform such other legally permissible and proper duties and functions as the City Council shall from time to time assign.

2. **TERM.** Employee is retained as the City's Interim City Administrator until such time as a regular City Administrator is appointed, which is anticipated to be no longer than 6 (six) months. The City may terminate the Employee with or without cause at any time with fourteen days prior notice to the Employee and the Employee may terminate his employment at any time with fourteen working days prior notice to the Employer.

3. **PENSION PLAN.** Employer shall contribute to PERA as required by State law.

4. **SALARY.** Employer shall pay Employee a salary of \$1,650.00 per week (\$41.25/hour), subject to withholding required by State and Federal law for taxes, FICA, Medicare, PERA and the like. Both parties recognize this amount is not equivalent to the full-current salary for the City Administrator position, and if the Employee is selected as the permanent City Administrator the wages and benefits negotiated will be equivalent to the full current salary for the City Administrator position, or commensurate with those paid by other local cities of similar size and scope.





5. **BENEFITS.** Employee shall receive benefits of the same type and kind offered routinely to other employees.

6. **HOLIDAYS.** Employer shall provide Employee the same paid holidays observed by other non-union employees.

7. **AUTOMOBILE.** Employee shall be reimbursed on a per mile basis at the IRS allowed deduction rate for the use of his personal automobile for Employer business.

8. **GENERAL EXPENSES.** Employer shall reimburse Employee miscellaneous job related expenses which it is anticipated Employee will incur from time to time when provided appropriate documentation.

9. **HOURS OF WORK.** It is understood that the position of Interim City Administrator requires attendance at evening meetings and occasionally at weekend meetings. It is understood by Employee that additional compensation and compensatory time shall not be allowed for such additional expenditures of time. It is further understood that Employee will absent himself from the office to a reasonable extent in consideration of extraordinary time expenditures for evening and weekend meetings at other than normal working hours.

10. **INDEMNIFICATION.** Employer shall defend and indemnify Employee to the extent required by Minn. Stat. § 466.07 and § 465.76.

11. **PAID TIME OFF.** Employee shall be allowed five (5) days of paid time off taken periodically, not as 5 consecutive days.

This agreement shall supersede any previous agreements and oral understandings between the parties and may not be amended except in writing, signed by both parties. In the event of any conflict between this agreement and the Employee Handbook, this agreement shall take precedence.



**IN WITNESS WHEREOF**, Employer has caused this Agreement to be signed and executed on its behalf by its Mayor and City Clerk, and Employee has signed this Agreement, in duplicate, the day and year first written above.

**EMPLOYER:  
CITY OF LAKE ELMO**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Its Mayor

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Its City Clerk

**EMPLOYEE:**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Interim City Administrator



**DATE:** July 21, 2015  
**CONSENT**  
**ITEM** #6  
**MOTION**

**AGENDA ITEM:** Approve Disbursements in the amount of \$273,965.36

**SUBMITTED BY:** Patty Baker, Accountant

**THROUGH:** Cathy Bendel, Finance Director

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

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**SUGGESTED ORDER OF BUSINESS:**

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

**POLICY RECOMMENDER:** Finance

**FISCAL IMPACT:** \$273,965.36

**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$273,965.36. 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	\$ 12,966.80	Payroll Taxes to IRS & MN Dept of Revenue 7/09/15
ACH	\$ 5,802.63	Payroll Retirement to PERA 7/09/15
DD6429-DD6477	\$ 36,092.79	Payroll Dated (Direct Deposits) 7/09/15
43059-43127	\$ 218,923.14	Accounts Payable 7/21/15
2738-2740	\$ 180.00	Library Card Reimbursement 7/21/15
<b>TOTAL</b>	<b>\$ 273,965.36</b>	

**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 \$273,965.36.

**ATTACHMENTS:**

1. Accounts Payable – check registers

# Accounts Payable To Be Paid Proof List

User: PattyB

Printed: 07/15/2015 - 2:13 PM

Batch: 005-07-2015

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
AMDAHL Chris Amdahl Locksmith, Inc 11642 101-410-1940-44300 Miscellaneous	07/01/2015	293.80	0.00	07/21/2015	Rekey North Building		-		No	0000
11642 Total:		293.80								
AMDAHL Total:		293.80								
BAKERPAT Baker Patricia										
2015-06 07/02/2015		642.19	0.00	07/21/2015	Contract Services - June		-		No	0000
101-410-1520-43150 Contract Services										
2015-06 07/02/2015		1,284.37	0.00	07/21/2015	Contract Services - June		-		No	0000
601-494-9400-43150 Contract Services										
2015-06 07/02/2015		256.87	0.00	07/21/2015	Contract Services - June		-		No	0000
602-495-9450-43150 Contract Services										
2015-06 07/02/2015		385.32	0.00	07/21/2015	Contract Services - June		-		No	0000
603-496-9500-43150 Contract Services										
2015-06 Total:		2,568.75								
BAKERPAT Total:		2,568.75								
BRAUN Braun Intertec Corporation										
B030653 06/23/2015		1,143.12	0.00	07/21/2015	39th Street		-		No	0000
409-480-8000-43030 Engineering Services										
B030653 06/23/2015		1,143.13	0.00	07/21/2015	39th Street		-		No	0000
602-495-9450-43030 Engineering Services										
B030653 Total:		2,286.25								
BRAUN Total:		2,286.25								
CAMPION Campion Barrows & Assoc., Corp										
13765 06/30/2015		1,245.00	0.00	07/21/2015	Psych Evaluations		-		No	0000
101-420-2220-43050 Physicals										
13765 Total:		1,245.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	CAMPION Total:	1,245.00								
COLDWELL Coldwell Banker Commercial 40389	06/22/2015	240.00	0.00	07/21/2015	Water leak and cleaning AC unit		-	No		0000
206-450-5300-44010	Repairs/Maint Bldg									
40389 Total:		240.00								
COLDWELL Total:		240.00								
COMCAST Comcast	06/27/2015	7.90	0.00	07/21/2015	Monthly Service		-	No		0000
101-420-2220-44300	Miscellaneous									
Total:		7.90								
COMCAST Total:		7.90								
CTYBLOOM City of Bloomington	07/01/2015	31.50	0.00	07/21/2015	Lab bacteria testing		-	No		0000
June- 15										
601-494-9400-42270	Utility System Maintenance									
June- 15 Total:		31.50								
CTYBLOOM Total:		31.50								
CTYOAKDA City of Oakdale	07/01/2015	3,000.00	0.00	07/21/2015	New Connections - June WAC fees		-	No		0000
June										
601-000-0000-20803	WAC due Oakdale									
June Total:		3,000.00								
CTYOAKDA Total:		3,000.00								
CTYOAKDP City of Oakdale	07/01/2015	8,954.87	0.00	07/21/2015	Water Services - South Pit		-	No		0000
10000460-01										
601-494-9400-43820	Water Utility									
10000460-01 Total:		8,954.87								
CTYOAKDP Total:		8,954.87								
DPCINDUS DPC Industries, Inc.	07/08/2015	99.00	0.00	07/21/2015	Chlorine		-	No		0000
827001028-15										
601-494-9400-42160	Chemicals									
827001028-15 Total:		99.00								
DPCINDUS Total:		99.00								



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
DREAM Dream Structures Design 2014-224 07/07/2015 803-000-0000-22900 Deposits Payable 2014-224 Total: DREAM Total:		5,000.00 5,000.00 5,000.00	0.00	07/21/2015	Escrow Release 10966 57th St		-	No		0000
ECONO The Economist 07/08/2015 206-450-5300-42500 Library Collection Maintenance Total: ECONO Total:		117.00 117.00 117.00	0.00	07/21/2015	Subscription		-	No		0000
Enright Enright Robert Cable 07/13/2015 101-410-1450-43620 Cable Operations Cable 07/13/2015 101-410-1450-43620 Cable Operations Cable Total: Enright Total:		55.00 25.00 80.00 80.00	0.00 0.00	07/21/2015 07/21/2015	PC 7/13/15 PC 7/13/15 - Bonus		- -	No No		0000 0000
FERGUSON Ferguson Waterworks, Inc #2516 143553 06/25/2015 601-494-9400-42300 Water Meters & Supplies 143553 Total: FERGUSON Total:		5,063.02 5,063.02 5,063.02	0.00	07/21/2015	Water meters		-	No		0000
FIRECRFT Fire Craft Safety Products 15-1531 Revised 07/08/2015 101-420-2220-42400 Small Tools & Equipment 15-1531 Revised Total: FIRECRFT Total:		4,378.95 4,378.95 4,378.95	0.00	07/21/2015	Gas Monitors		-	No		0000
FOCUS Focus Engineering, Inc. 1998-2002 06/27/2015 101-420-2400-43030 Engineering 1998-2002 06/27/2015 101-430-3100-43030 Engineering Services 1998-2002 06/27/2015 101-410-1930-43030 Engineering Services 1998-2002 06/27/2015 101-410-1910-43030 Engineering Services		668.75 294.75 2,259.80 1,361.45	0.00 0.00 0.00 0.00	07/21/2015 07/21/2015 07/21/2015 07/21/2015	Building PW General Planning		- - - -	No No No No		0000 0000 0000 0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
1998-2002	06/27/2015	287.00	0.00	07/21/2015	ROW		-		No		0000
101-430-3100-43030	Engineering Services										
1998-2002 Total:		4,871.75							No		0000
2003	06/27/2015	1,322.00	0.00	07/21/2015	Water		-		No		0000
601-494-9400-43030	Engineering Services								No		0000
2003	06/27/2015	1,108.98	0.00	07/21/2015	Sewer		-		No		0000
602-495-9450-43030	Engineering Services								No		0000
2003	06/27/2015	2,779.95	0.00	07/21/2015	Surface Water		-		No		0000
603-496-9500-43030	Engineering Services								No		0000
2004	06/27/2015	5,210.93	0.00	07/21/2015	2003 Total:		-		No		0000
409-480-8000-43030	Engineering Services	430.00	0.00	07/21/2015	2015.113 Transportation & Traffic		-		No		0000
2004	06/27/2015	353.25	0.00	07/21/2015	2015.114 Municipal Aid		-		No		0000
409-480-8000-43030	Engineering Services								No		0000
2004	06/27/2015	191.25	0.00	07/21/2015	2015.116 Capital Improvement		-		No		0000
409-480-8000-43030	Engineering Services								No		0000
2005	06/27/2015	974.50	0.00	07/21/2015	2004 Total:		-		No		0000
601-494-9400-43030	Engineering Services	181.25	0.00	07/21/2015	2013.125 Production Well 4		-		No		0000
2006	06/27/2015	181.25	0.00	07/21/2015	2013.126 Section 34 Water		-		No		0000
601-494-9400-43030	Engineering Services	818.30	0.00	07/21/2015	2013.126 Section 34 Sewer		-		No		0000
2006	06/27/2015	1,227.45	0.00	07/21/2015	2006 Total:		-		No		0000
602-495-9450-43030	Engineering Services	2,045.75	0.00	07/21/2015	2013.127 CSAH 15		-		No		0000
2007	06/27/2015	413.00	0.00	07/21/2015	2007 Total:		-		No		0000
602-495-9450-43030	Engineering Services	1,229.50	0.00	07/21/2015	2013.132 Pumphouse 4		-		No		0000
2008	06/27/2015	1,229.50	0.00	07/21/2015	2008 Total:		-		No		0000
601-494-9400-43030	Engineering Services	1,229.50	0.00	07/21/2015	2013.133 LE Ave Trunk Watermain		-		No		0000
2009	06/27/2015	2,956.71	0.00	07/21/2015	2009 Total:		-		No		0000
601-494-9400-43030	Engineering Services	2,956.71	0.00	07/21/2015	2013.134 LE Ave Corridor		-		No		0000
2010	06/27/2015	6,638.35	0.00	07/21/2015	2010 Total:		-		No		0000
409-480-8000-43030	Engineering Services	6,638.35	0.00	07/21/2015	2014.121 State Highway 5 Traffic Mgmt		-		No		0000
2011	06/27/2015	88.50	0.00	07/21/2015	2011 Total:		-		No		0000
409-480-8000-43030	Engineering Services	88.50	0.00	07/21/2015	2014.129 Inwood Booster Station		-		No		0000
2012	06/27/2015	1,023.00	0.00	07/21/2015	2012 Total:		-		No		0000
601-494-9400-43030	Engineering Services	1,023.00	0.00	07/21/2015	2014.130 Inwood Trunk Watermain		-		No		0000
2013	06/27/2015	260.00	0.00	07/21/2015	2013 Total:		-		No		0000
601-494-9400-43030	Engineering Services	260.00	0.00	07/21/2015			-		No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
2014	06/27/2015	260.00								
409-480-8000-43030	Engineering Services	1,144.25	0.00	07/21/2015	2014.131 39th Street		-		No	0000
2015	06/27/2015	1,144.25								
409-480-8000-43030	Engineering Services	1,232.00	0.00	07/21/2015	2015.117 2015 Seal coat		-		No	0000
2016	06/27/2015	1,232.00								
409-480-8000-43030	Engineering Services	2,604.25	0.00	07/21/2015	2015.120 Eagle Point Blvd		-		No	0000
2017	06/27/2015	2,604.25								
803-000-0000-22910	Developer Payments	865.00	0.00	07/21/2015	2012.130A Lennar I-94 corridor		-		No	0000
2018	06/27/2015	865.00								
803-000-0000-22910	Developer Payments	8,121.11	0.00	07/21/2015	Boulder Ponds		-		No	0000
2019	06/27/2015	8,121.11								
803-000-0000-22910	Developer Payments	118.00	0.00	07/21/2015	2014.122 Goetschel OP		-		No	0000
2020	06/27/2015	118.00								
803-000-0000-22910	Developer Payments	4,581.93	0.00	07/21/2015	Wildflower		-		No	0000
2021	06/27/2015	4,581.93								
803-000-0000-22910	Developer Payments	1,003.00	0.00	07/21/2015	Village Preserve		-		No	0000
2022	06/27/2015	1,003.00								
803-000-0000-22910	Developer Payments	1,609.50	0.00	07/21/2015	Easton Village		-		No	0000
2023	06/27/2015	1,609.50								
803-000-0000-22910	Developer Payments	1,026.99	0.00	07/21/2015	Kwik Trip		-		No	0000
2024	06/27/2015	1,026.99								
803-000-0000-22910	Developer Payments	11,476.70	0.00	07/21/2015	Savonna 2nd		-		No	0000
2025	06/27/2015	11,476.70								
803-000-0000-22910	Developer Payments	13,162.74	0.00	07/21/2015	Inwood - Hans hagen		-		No	0000
2026	06/27/2015	13,162.74								
803-000-0000-22910	Developer Payments	104.75	0.00	07/21/2015	Halcyon Cemetery		-		No	0000
2027	06/27/2015	104.75								
803-000-0000-22910	Developer Payments	2,339.50	0.00	07/21/2015	Diedrich-Rieder - Lennar		-		No	0000
2028	06/27/2015	2,339.50								
803-000-0000-22910	Developer Payments	2,793.24	0.00	07/21/2015	Hunters Crossing		-		No	0000

Invoice #	Inv Date	Amount	Quantity	Print Date	Description	Reference	Task	Type	PO #	Close	PO Line #
2029	06/27/2015	2028 Total: 2,793.24									
803-000-0000-22910	Developer Payments	429.50	0.00	07/21/2015	Hunter Crossing 2nd		-		No		0000
2030	06/27/2015	2029 Total: 429.50									
803-000-0000-22910	Developer Payments	2,849.00	0.00	07/21/2015	Lennar - 3rd		-		No		0000
2031	06/27/2015	2030 Total: 2,849.00									
803-000-0000-22910	Developer Payments	399.00	0.00	07/21/2015	Auto Owner Building		-		No		0000
	FOCUS Total:	2031 Total: 81,753.70									
<hr/>											
FONTANA Fontana Dan											
206-000-0000-20600	07/08/2015	Contracts Payable	550.00	0.00	07/21/2015	Refund Security Deposit	-		No		0000
	Total:	550.00									
	FONTANA Total:	550.00									
<hr/>											
FRANCOTY Francotyp-Postalia, Inc											
R1102477021	06/29/2015	Office Supplies	119.30	0.00	07/21/2015	Ink for postage meter	-		No		0000
101-410-1320-42000	R1102477021	Total:	119.30								
	FRANCOTY Total:	119.30									
<hr/>											
GKSERVIC G&K Services											
1182166043	06/24/2015	Uniforms	36.84	0.00	07/21/2015	Uniforms	-		No		0000
101-430-3100-44170	1182166043	Total:	36.84								
	1182177421	Uniforms	36.84	0.00	07/21/2015	Uniforms	-		No		0000
101-430-3100-44170	1182177421	Total:	36.84								
	1182189019	Uniforms	36.84	0.00	07/21/2015	Uniforms	-		No		0000
101-430-3100-44170	1182189019	Total:	36.84								
	GKSERVIC Total:	110.52									
<hr/>											
GRAPHICR Graphic Resources Inc											
52621	07/10/2015	Newsletter	1,275.00	0.00	07/21/2015	Newsletter	-		No		0000
101-410-1450-43090	52621	Newsletter	1,275.00								
	Total:	1,275.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
GRAPHICR Total:		1,275.00								
HAIRE Haire Kevin	07/07/2015	5,000.00	0.00	07/21/2015	Escrow Release - 8160 Hill Trail		-	No		0000
2013-650	Deposits Payable	5,000.00								
803-000-0000-22900	2013-650 Total:	5,000.00								
HAIRE Total:		5,000.00								
HUGOPLUM Hugo Plumbing & Pump Ser Inc	07/07/2015	265.00	0.00	07/21/2015	Install drinking fountains		-	No		0000
6146	Miscellaneous	265.00								
101-410-1940-44300	6146 Total:	265.00								
HUGOPLUM Total:		265.00								
INNOVAT Innovative Office Solutions	07/07/2015	124.50	0.00	07/21/2015	Paper		-	No		0000
835936	Office Supplies	124.50								
101-410-1320-42000	835936 Total:	124.50								
INNOVAT Total:		124.50								
INSITE Insite, Inc	07/07/2015	1,200.00	0.00	07/21/2015	Escrow Release 901 LE Ave		-	No		0000
2015-194	Deposits Payable	1,200.00								
803-000-0000-22900	2015-194 Total:	1,200.00								
INSITE Total:		1,200.00								
JANIKING Jani-King of Minnesota, Inc	07/01/2015	326.00	0.00	07/21/2015	Cleaning Services - City Hall		-	No		0000
MIN07150417	Repairs/Maint Contractual Bldg	326.00								
101-410-1940-44010	MIN07150417 Total:	326.00								
JANIKING Total:		326.00								
JARDINE Jardine, Logan & O'Brien PLLP	03/18/2015	987.00	0.00	07/21/2015	Legal Services		-	No		0000
103833	Legal Services	987.00								
101-410-1320-43040	103833 Total:	987.00								
JARDINE Total:		987.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
JFLIFLET Fliiter Julie	06/28/2015	27.60	0.00	07/21/2015	Mileage		-		No		0000
101-410-1110-43310	Mileage								No		0000
06/28/2015		7.50	0.00	07/21/2015	Parking		-		No		0000
101-410-1110-44300	Miscellaneous								No		0000
Total:		35.10							No		0000
JFLIFLET Total:		35.10							No		0000
JOHNSON& Johnson & Turner Attorneys	07/08/2015	4,512.50	0.00	07/21/2015	Prosecution		-		No		0000
43427									No		0000
101-420-2150-43045	Attorney Criminal								No		0000
43427 Total:		4,512.50							No		0000
43566	07/08/2015	600.00	0.00	07/21/2015	Wildflower		-		No		0000
803-000-0000-22910	Developer Payments								No		0000
43566 Total:		600.00							No		0000
43569	07/08/2015	65.00	0.00	07/21/2015	Burgess Matter		-		No		0000
101-410-1320-43040	Legal Services								No		0000
43569 Total:		65.00							No		0000
43750-751	07/08/2015	762.50	0.00	07/21/2015	Library Matters		-		No		0000
206-450-5300-43040	Legal Services								No		0000
43750-751 Total:		762.50							No		0000
43754	07/08/2015	2,915.00	0.00	07/21/2015	Easton Village		-		No		0000
803-000-0000-22910	Developer Payments								No		0000
43754	07/08/2015	2,620.00	0.00	07/21/2015	Hans Hagen		-		No		0000
803-000-0000-22910	Developer Payments								No		0000
43754 Total:		5,535.00							No		0000
43759	07/08/2015	10,342.00	0.00	07/21/2015	Civil Matters		-		No		0000
101-410-1320-43040	Legal Services								No		0000
43759 Total:		10,342.00							No		0000
43760	07/08/2015	220.00	0.00	07/21/2015	Village Preserve		-		No		0000
803-000-0000-22910	Developer Payments								No		0000
43760 Total:		220.00							No		0000
JOHNSON& Total:		22,037.00							No		0000
kathfuel Kath Fuel Oil Service Co	06/23/2015	1,049.03	0.00	07/21/2015	Fuel		-		No		0000
515923									No		0000
101-430-3100-42120	Fuel, Oil and Fluids								No		0000
515923 Total:		1,049.03							No		0000
kathfuel Total:		1,049.03							No		0000
KINGK King Cassidy	07/13/2015	55.00	0.00	07/21/2015	PC 7/13/15		-		No		0000
Cable									No		0000
101-410-1450-43620	Cable Operations								No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Cable 101-410-1450-43620	07/13/2015 Cable Operations	25.00	0.00	07/21/2015	PC 7/13/15 Bonus		-	No		0000
	Cable Total:	80.00								
	KINGK Total:	80.00								
LANG RON Ron's Inspection Services, LLC										
14 101-420-2400-43150	06/30/2015 Inspector Contract Services	2,849.25	0.00	07/21/2015	Building Inspector Services		-	No		0000
14 101-420-2400-43310	06/30/2015 Mileage	450.22	0.00	07/21/2015	Building Inspector Mileage		-	No		0000
	14 Total:	3,299.47								
	LANG RON Total:	3,299.47								
LEOIL Lake Elmo Oil, Inc.										
101-420-2220-42120	06/30/2015 Fuel, Oil and Fluids	575.41	0.00	07/21/2015	Fuel		-	No		0000
101-430-3100-42120	06/30/2015 Fuel, Oil and Fluids	28.02	0.00	07/21/2015	Fuel		-	No		0000
	Total:	603.43								
	LEOIL Total:	603.43								
LibraryI Library Ideas										
46534 206-450-5300-42500	06/30/2015 Library Collection Maintenance	1.00	0.00	07/21/2015	Freeding as you go		-	No		0000
	46534 Total:	1.00								
	LibraryI Total:	1.00								
Lillie Newspapers Inc. Lillie Suburban										
Acct 7148 101-410-1320-43510	06/30/2015 Legal Publishing	161.83	0.00	07/21/2015	Notices		-	No		0000
	Acct 7148 Total:	161.83								
	Lillie Total:	161.83								
LOFF Loffler Companies, Inc.										
2015487 101-410-1940-44040	07/01/2015 Repairs/Maint Contractual Eqpt	382.36	0.00	07/21/2015	Copy machine base and overage		-	No		0000
	2015487 Total:	382.36								
	LOFF Total:	382.36								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
MARONEY'S Maroney's Sanitation, Inc											
580746	06/26/2015	112.94	0.00	07/21/2015	City Hall		-	No		0000	
101-410-1940-43840	Refuse							No		0000	
580746	06/26/2015	49.71	0.00	07/21/2015	Fire		-	No		0000	
101-420-2220-43840	Refuse							No		0000	
580746	06/26/2015	216.67	0.00	07/21/2015	PW		-	No		0000	
101-430-3100-43840	Refuse							No		0000	
580746	06/26/2015	216.67	0.00	07/21/2015	Fire		-	No		0000	
101-420-2220-43840	Refuse							No		0000	
580746	06/26/2015	49.89	0.00	07/21/2015	Library		-	No		0000	
206-450-5300-43840	Refuse							No		0000	
580746 Total:		645.88									
MARONEY'S Total:		645.88									
MCCARTHY McCarthy Well Company											
26144	06/23/2015	675.00	0.00	07/21/2015	Annual Inspections		-	No		0000	
601-494-9400-42270	Utility System Maintenance							No		0000	
26144 Total:		675.00									
MCCARTHY Total:		675.00									
MENARDSDO Menards - Oakdale											
80221	06/23/2015	9.99	0.00	07/21/2015	Equipment for new ladder		-	No		0000	
410-480-8000-45500	Vehicles							No		0000	
80221 Total:		9.99									
80424	06/25/2015	89.87	0.00	07/21/2015	Landscape		-	No		0000	
101-450-5200-42250	Landscaping Materials							No		0000	
80424 Total:		89.87									
80784	06/29/2015	152.93	0.00	07/21/2015	Landscape		-	No		0000	
101-450-5200-42250	Landscaping Materials							No		0000	
80784 Total:		152.93									
81599	07/09/2015	59.45	0.00	07/21/2015	Sanctuary		-	No		0000	
404-480-8000-44030	Repairs/Maint Imp Not Bldgs							No		0000	
81599 Total:		59.45									
MENARDSDO Total:		312.24									
METCOU Metropolitan Council											
1046159	07/02/2015	1,466.00	0.00	07/21/2015	Waste Water Services		-	No		0000	
602-495-9450-43820	Sewer Utility - Met Council							No		0000	
1046159 Total:		1,466.00									
METCOU Total:		1,466.00									



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
METSAC Metropolitan Council										
June 2015	07/01/2015	14,910.00	0.00	07/21/2015	SAC Charges - June 2015		-			
602-000-0000-20802	SAC due Met Council							No		0000
June 2015	07/01/2015	-149.10	0.00	07/21/2015	SAC Charges - Timely Reporting Discount		-			0000
602-000-0000-37220	SAC Early Pay discount/revenue							No		0000
June 2015 Total:		14,760.90								
METSAC Total:		14,760.90								
MILLEREX Miller Excavating, Inc.										
19525	06/29/2015	880.28	0.00	07/21/2015	Street Materials		-			0000
101-430-3120-42240	Street Maintenance Materials							No		0000
19525	06/29/2015	2,082.50	0.00	07/21/2015	Grader Services		-			0000
101-430-3120-43150	Contract Services							No		0000
19525 Total:		2,962.78								
MILLEREX Total:		2,962.78								
MINITEX Minitex										
87890	06/19/2015	738.00	0.00	07/21/2015	Patron Counters		-			0000
206-450-5300-45800	Other Equipment							No		0000
87890 Total:		738.00								
MINITEX Total:		738.00								
MNPIPE Minnesota Pipe & Equipment										
337699	07/06/2015	510.00	0.00	07/21/2015	Covers		-			0000
601-494-9400-42300	Water Meters & Supplies							No		0000
337699 Total:		510.00								
MNPIPE Total:		510.00								
NORDIC Nordic Electric										
2015-579	06/30/2015	57.75	0.00	07/21/2015	Refund Duplicate Fee		-			0000
101-000-0000-20802	Electrical Permit Fees Payable							No		0000
2015-579	06/30/2015	19.25	0.00	07/21/2015	Refund Duplicate Fee		-			0000
101-000-0000-32280	Electrical Permit Revenue							No		0000
2015-579	06/30/2015	5.00	0.00	07/21/2015	Refund Duplicate Fee		-			0000
101-000-0000-20801	Building Permit Surcharge							No		0000
2015-579 Total:		82.00								
NORDIC Total:		82.00								
ONECALL Gopher State One Call										
137999	06/30/2015	363.95	0.00	07/21/2015	Tickets		-			0000
101-430-3100-43150	Contract Services							No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
		137999 Total:									
		ONECALL Total:									
		363.95									
		363.95									
PERA PERA	06/29/2015	363.73	0.00	07/21/2015	PERA Deductions - Riley		-		No		0000
96468											
101-410-1910-41210	PERA Contributions	363.73									
	96468 Total:	363.73									
96580	06/29/2015	234.83	0.00	07/21/2015	PERA Deductions - Scharter		-		No		0000
101-430-3100-41210	PERA Contributions	234.83									
	96580 Total:	234.83									
	PERA Total:	598.56									
PIONEER Pioneer Press	06/30/2015	254.80	0.00	07/21/2015	Notices		-		No		0000
61520397											
101-410-1320-43510	Legal Publishing	254.80									
	61520397 Total:	254.80									
	PIONEER Total:	254.80									
PIOPRESS Pioneer Press	06/12/2015	483.60	0.00	07/21/2015	Subscription		-		No		0000
3791545											
206-450-5300-42500	Library Collection Maintenance	483.60									
	3791545 Total:	483.60									
	PIOPRESS Total:	483.60									
POMPS Pomp's Tire Service, Inc.	07/01/2015	117.75	0.00	07/21/2015	Tire		-		No		0000
210180982											
101-450-5200-44040	Repairs/Maint Egmt	117.75									
	210180982 Total:	117.75									
	POMPS Total:	117.75									
RCM RCM Specialties, Inc	06/30/2015	267.75	0.00	07/21/2015	Emulsion		-		No		0000
4979											
101-430-3120-42240	Street Maintenance Materials	267.75									
	4979 Total:	267.75									
4985	06/30/2015	281.50	0.00	07/21/2015	Emulsion		-		No		0000
101-430-3120-42240	Street Maintenance Materials	281.50									
	4985 Total:	281.50									
4987	07/01/2015	296.75	0.00	07/21/2015	Emulsion		-		No		0000
101-430-3120-42240	Street Maintenance Materials	296.75									
	4987 Total:	296.75									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
RCM Total:		846.00								
RIVRCOOP River Country Cooperative										
101-420-2220-42120	06/30/2015	109.07	0.00	07/21/2015	Fuel		-		No	0000
Total:		109.07								
RIVRCOOP Total:		109.07								
ROSENBAU Rosenbauer - General Division										
66130-1	06/30/2015	1,688.00	0.00	07/21/2015	Final inspection change order		-		No	0000
410-480-8000-45500	Vehicles	1,688.00								
66130-1 Total:		1,688.00								
ROSENBAU Total:		1,688.00								
SAMSCLUB Sam's Club										
101-420-2220-44300	07/09/2015	63.68	0.00	07/21/2015	Rehab supplies		-		No	0000
Miscellaneous										
Total:		63.68								
SAMSCLUB Total:		63.68								
SMITHSCH Smith Schafer & Associates,LTD										
29537	06/30/2015	950.00	0.00	07/21/2015	MN Annual Financial Reporting		-		No	0000
101-410-1520-43010	Audit Services	950.00								
29537 Total:		950.00								
SMITHSCH Total:		950.00								
STLIBRAR Stillwater Public Library										
206-450-5300-44300	07/08/2015	1,200.00	0.00	07/21/2015	Library Card Reimbursement		-		No	0000
Miscellaneous										
Total:		1,200.00								
STLIBRAR Total:		1,200.00								
TASCH T.A. Schifsky & Sons Inc										
58243	06/30/2015	515.20	0.00	07/21/2015	Asphalt		-		No	0000
101-430-3120-42240	Street Maintenance Materials	515.20								
58243 Total:		515.20								
58288	07/07/2015	201.25	0.00	07/21/2015	Asphalt		-		No	0000
101-430-3120-42240	Street Maintenance Materials	201.25								
58288 Total:		201.25								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
TASCH Total: 716.45											
TDS TDS Metrocom - LLC											
	06/29/2015	89.57	0.00	07/21/2015	Analog lines - Fire		-		No		0000
101-420-2220-43210	Telephone								No		0000
	06/29/2015	209.42	0.00	07/21/2015	Analog lines - PW		-		No		0000
101-430-3100-43210	Telephone								No		0000
	06/29/2015	82.62	0.00	07/21/2015	Analog lines - Lift Stations		-		No		0000
602-495-9450-43210	Telephone								No		0000
	06/29/2015	43.31	0.00	07/21/2015	Alarm - Well House 2		-		No		0000
601-494-9400-43210	Telephone								No		0000
	Total:	424.92									
	TDS Total:	424.92									
TEILANDM TEI Landmark Audio											
33319	06/25/2015	182.15	0.00	07/21/2015	New Audio Cds		-		No		0000
206-450-5300-42500	Library Collection Maintenance								No		0000
	33319 Total:	182.15									
	TEILANDM Total:	182.15									
TKDA TKDA, Inc.											
002015001962	07/08/2015	159.60	0.00	07/21/2015	General Engineering Services		-		No		0000
101-410-1930-43030	Engineering Services								No		0000
	002015001962 Total:	159.60									
	TKDA Total:	159.60									
TOWNCTRY Town & Country Cleaning Co											
715659	07/01/2015	215.00	0.00	07/21/2015	June Cleaning Service - Library		-		No		0000
206-450-5300-44010	Repairs/Maint Bldg								No		0000
	715659 Total:	215.00									
	TOWNCTRY Total:	215.00									
VALLEYTR Valley Trophy Inc.											
46725	06/09/2015	30.00	0.00	07/21/2015	Signs		-		No		0000
101-410-1940-44300	Miscellaneous								No		0000
	46725 Total:	30.00									
	VALLEYTR Total:	30.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
VANZANDT Van Zandt Distributing Inc										
7075	06/30/2015	323.49	0.00	07/21/2015	Restock medical supplies		-			0000
101-420-2220-42080	EMS Supplies								No	
7075 Total:		323.49								
VANZANDT Total:		323.49								
WASH-REC Washington County										
	07/01/2015	1,058.00	0.00	07/21/2015	Various		-			0000
101-410-1320-42030	Printed Forms								No	
Total:		1,058.00								
WASH-REC Total:		1,058.00								
WASHLIB Washington County Library										
	07/08/2015	1,635.00	0.00	07/21/2015	Library Card Reimbursement		-			0000
206-450-5300-44300	Miscellaneous								No	
Total:		1,635.00								
WASHLIB Total:		1,635.00								
WASRADIO Washington County										
	06/30/2015	3,914.76	0.00	07/21/2015	1/4 yearly fee		-			0000
81481	Radio								No	
81481 Total:		3,914.76								
	06/30/2015	309.06	0.00	07/21/2015	2nd quarter radio		-			0000
81502	Radio								No	
81502 Total:		309.06								
WASRADIO Total:		4,223.82								
WHEATON Wheaton Joseph										
	07/06/2015	3,208.35	0.00	07/21/2015	Electrical Inspections - June		-			0000
20150705	Electrical Permit Fees Payable								No	
101-000-0000-20802										
20150705 Total:		3,208.35								
WHEATON Total:		3,208.35								
Whiteani White Anita										
	07/07/2015	55.00	0.00	07/21/2015	CC meeting 7/07/15		-			0000
Cable									No	
101-410-1450-43620	Cable Operations									
Total:		55.00								
	07/07/2015	25.00	0.00	07/21/2015	CC meeting 7/07/15 - Bonus		-			0000
Cable									No	
101-410-1450-43620	Cable Operations									
Cable Total:		80.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
Whiteani Total:		80.00									
XCEL Xcel Energy											
06262015	06/26/2015	126.08	0.00	07/21/2015	Utility Charges	-	-	No		0000	
101-450-5200-43810	Electric Utility										
06262015	06/26/2015	95.68	0.00	07/21/2015	Utility Charges	-	-	No		0000	
602-495-9450-43810	Electric Utility										
06262015	06/26/2015	34.11	0.00	07/21/2015	Utility Charges	-	-	No		0000	
101-430-3160-43810	Street Lighting										
06262015	06/26/2015	26.86	0.00	07/21/2015	Utility Charges	-	-	No		0000	
101-430-3160-43810	Street Lighting										
06262015	06/26/2015	415.63	0.00	07/21/2015	Utility Charges	-	-	No		0000	
101-420-2220-43810	Electric Utility										
06262015	06/26/2015	316.98	0.00	07/21/2015	Utility Charges	-	-	No		0000	
101-410-1940-43810	Electric Utility										
06262015	06/26/2015	32.48	0.00	07/21/2015	Utility Charges	-	-	No		0000	
101-430-3160-43810	Street Lighting										
06262015	06/26/2015	11.93	0.00	07/21/2015	Utility Charges	-	-	No		0000	
101-450-5200-43810	Electric Utility										
06262015	06/26/2015	42.43	0.00	07/21/2015	Utility Charges	-	-	No		0000	
101-450-5200-43810	Electric Utility										
06262015	06/26/2015	37.48	0.00	07/21/2015	Utility Charges	-	-	No		0000	
602-495-9450-43810	Electric Utility										
06262015	06/26/2015	2,050.91	0.00	07/21/2015	Utility Charges	-	-	No		0000	
601-494-9400-43810	Electric Utility										
06262015	06/26/2015	271.17	0.00	07/21/2015	Utility Charges	-	-	No		0000	
101-420-2220-43810	Electric Utility										
06262015	06/26/2015	42.62	0.00	07/21/2015	Utility Charges	-	-	No		0000	
101-430-3160-43810	Street Lighting										
06262015	06/26/2015	73.01	0.00	07/21/2015	Utility Charges	-	-	No		0000	
101-450-5200-43810	Electric Utility										
06262015	06/26/2015	39.18	0.00	07/21/2015	Utility Charges	-	-	No		0000	
602-495-9450-43810	Electric Utility										
06262015	06/26/2015	35.51	0.00	07/21/2015	Utility Charges	-	-	No		0000	
602-495-9450-43810	Electric Utility										
06262015	06/26/2015	46.24	0.00	07/21/2015	Utility Charges	-	-	No		0000	
101-450-5200-43810	Electric Utility										
06262015	06/26/2015	1,841.11	0.00	07/21/2015	Utility Charges	-	-	No		0000	
101-430-3160-43810	Street Lighting										
06262015	06/26/2015	29.82	0.00	07/21/2015	Utility Charges	-	-	No		0000	
101-430-3160-43810	Street Lighting										
06262015	06/26/2015	14.26	0.00	07/21/2015	Utility Charges	-	-	No		0000	
101-450-5200-43810	Electric Utility										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
06262015	06/26/2015	372.66	0.00	07/21/2015	Utility Charges		-			
101-450-5200-43810	Electric Utility							No		0000
06262015	06/26/2015	596.60	0.00	07/21/2015	Utility Charges		-			
101-430-3100-43810	Electric Utility							No		0000
06262015	06/26/2015	27.29	0.00	07/21/2015	Utility Charges		-			
601-494-9400-43810	Electric Utility							No		0000
06262015	06/26/2015	12.88	0.00	07/21/2015	Utility Charges		-			
101-430-3160-43810	Street Lighting							No		0000
06262015	06/26/2015	641.25	0.00	07/21/2015	Utility Charges		-			
206-450-5300-43810	Electric Utility							No		0000
06262015	06/26/2015	169.89	0.00	07/21/2015	Utility Charges		-			
602-495-9450-43810	Electric Utility							No		0000
06262015	06/26/2015	113.82	0.00	07/21/2015	Utility Charges		-			
601-494-9400-43810	Electric Utility							No		0000
06262015	06/26/2015	14.03	0.00	07/21/2015	Utility Charges		-			
101-450-5200-43810	Electric Utility							No		0000
06262015	06/26/2015	334.96	0.00	07/21/2015	Utility Charges		-			
601-494-9400-43810	Electric Utility							No		0000
06262015 Total:		7,866.87								
XCEL Total:		7,866.87								
Report Total:		201,678.14								

# Accounts Payable To Be Paid Proof List

User: PattyB  
Printed: 07/15/2015 - 2:24 PM  
Batch: 006-07-2015

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
SW/WC SW/WC Service Cooperatives										
C1210-20 7	06/25/2015	17,245.00	0.00	07/21/2015	August Premium		-		No	0000
101-000-0000-21706 Medical Insurance										
C1210-20 7 Total:										
SW/WC Total:		17,245.00								
Report Total:		17,245.00								





## MAYOR & COUNCIL COMMUNICATION

**DATE:** July 21, 2015  
**CONSENT**  
**ITEM** 7  
**MOTION**

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

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

**THROUGH:** Rick Chase, Building Official

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

### SUGGESTED ORDER OF BUSINESS:

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

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

### LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

	<u>2015</u>	<u>2014</u>	<u>2013</u>
New Homes	46	12	17
Total valuation	\$16,281,000	\$7,380,282	\$7,269,742
Average home value	353,000	615,000	427,631
Total Valuation YTD	20,093,527	9,953,075	9,228,053

❖ One new home rebuilt in 2015 due to fire.

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





## MAYOR & COUNCIL COMMUNICATION

**DATE:** July 21, 2015  
**CONSENT**  
**ITEM** #8

**AGENDA ITEM:** Monthly Assessor Report  
**SUBMITTED BY:** Dan Raboin, City Assessor  
**THROUGH:** Cathy Bendel, Finance Director  
**REVIEWED BY:** Cathy Bendel, Finance Director

### **SUGGESTED ORDER OF BUSINESS:**

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

**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, the City Council is asked to accept the monthly assessor report for through June 2015 outlining work performed on behalf of the City of Lake Elmo. No specific motion is needed as this is recommended as part of the *Consent Agenda*.

### **LEGISLATIVE HISTORY/BACKGROUND INFORMATION:**

Property splits/plats – 1  
Sales collected and viewed – 8  
Taxpayer inquiries – 11  
Miscellaneous inquiries - 3  
Inspections – Residential – 62; Commercial – 3  
Building permit reviews – 29  
Pictures taken – 67

Other work performed included:

- Monthly meeting with County residential and commercial supervisors

- Input of all inspection and permit work
- Perform sales verifications and land value analysis using MLS and other resources
- Field telephone inquiries

**RECOMMENDATION:** Based on the aforementioned, the staff recommends the City Council accept the June 2015 monthly assessor report.



## **MAYOR & COUNCIL COMMUNICATION**

**DATE: July 21, 2015**

**CONSENT**

**ITEM #9**

**ORDINANCE 08-124**

**AGENDA ITEM:** Zoning Text Amendment – Subdivision Identification Signs

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

**THROUGH:** Julie Johnson, City Clerk

**REVIEWED BY:** Planning Commission  
Kyle Klatt, Community Development Director

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

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

**POLICY RECCOMENDER:** Planning Commission

**FISCAL IMPACT:** None

**SUMMARY AND ACTION REQUESTED:** The City has received inquiries from the residential development community about subdivision identification signage. In reviewing the City's regulations with signage, staff determined that adding greater clarity about what type of signage is allowed and where would be beneficial to the City moving forward. To address the situation staff conducted research and ultimately drafted a Zoning Text Amendment to add language to the ordinance. The Planning Commission reviewed the research at their 6/22/15 meeting, held a public hearing on 7/13/15, and is recommending approval of the Zoning Text Amendment. If removed from the Consent Agenda, the motion to take the recommended action is the following:

***“Move to adopt Ordinance 08-124, amending the Sign Ordinance to provide greater clarity in the regulations for subdivision identification signage.”***

## **BACKGROUND INFORMATION/STAFF REPORT:**

Staff has received multiple inquiries from residential developers, as well as HOAs in the past, as to what the regulations are for subdivision identification signage. In reviewing the City's regulations when compared to other cities in the Metro Area, it was found that the ordinance could be improved by adding additional provisions to regulate the location, number and type of signage allowed. Staff presented these findings at the 6/22/15 Planning Commission meeting. Upon review of the information, the Planning Commission directed staff to prepare a Zoning Text Amendment and schedule a public hearing. The ordinance as proposed reflects the Zoning Text Amendment prepared by staff with input from the Planning Commission.

## **PLANNING COMMISSION REPORT:**

The Planning Commission reviewed the subdivision identification signage provisions at their meeting on 6/22/15, where they directed staff to schedule a public hearing and prepare a Zoning Text Amendment. The public hearing was held on July 13, 2015. No one spoke during the public hearing and no written correspondence was received. During the meeting, the Planning Commission requested that provisions be added to not allow changeable copy or electronic variable message signage for subdivision identification signs. The Planning Commission unanimously recommended approval of the zoning text amendment to add additional provisions to provide clarity for subdivision identification signs (Vote: 6-0).

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

**Strengths:** The addition provisions proposed for subdivision identification signs add greater clarity to what is allowed for this type of signage. The provisions include more specificity with regards to the number, location and type of signage that is allowed. These provisions will set clear expectations for the developers and HOAs who are interested in installing such signage.

**Weaknesses:** None

**Opportunities:** Providing greater clarity in the regulations of subdivision signage should remove some of the confusion that developer and HOAs have encountered with the existing provisions.

**Threats:** None.

## **RECOMMENDATION:**

Based on the aforementioned, the Planning Commission and staff are recommending that the City Council approve the proposed amendment to the Sign Ordinance to add provisions related to subdivision identification signage. Should the item be removed from the Consent Agenda, the motion to take the recommended action on the request is as follows:

***“Move to adopt Ordinance 08-124, amending the Sign Ordinance to provide greater clarity in the regulations for subdivision identification signage.”***

**ATTACHMENTS:**

1. Ordinance 08-124
2. Staff Report to the Planning Commission, dated 7-13-15
3. Staff Report to the Planning Commission, dated 6-22-15
4. Existing Subdivision Signage Provisions
5. Comparison Chart of Signage of Metro Cities
6. Signage Examples from Other Metro Cities

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-124

AN ORDINANCE AMENDING THE LAKE ELMO ZONING CODE BY AMENDING THE SIGN  
ORDINANCE BY ADDING ADDITIONAL REGULATION AND CLARIFICATION WITH REGARDS TO  
SUBDIVISION IDENTIFICATION SIGNS

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land  
Usage; Chapter 154: Zoning Code; Section 212; Subsection G.1.c to read the following:

c. Subdivision Identification Signs

- i. *Number.* Each residential subdivision is allowed up to a maximum of two (2) subdivision identification signs. For the purposes of this section, residential subdivisions shall include all phases of approved staged developments.
- ii. *Location.* Subdivision identification signs shall be located near entrances to the subdivision, except that one sign may be located along an abutting arterial or major collector roadway.
- iii. *Size.* The maximum size for a subdivision identification sign is thirty-two (32) square feet.
- iv. *Sub-Monuments.* Each residential subdivision may have two (2) sub-monument identification signs in addition to two (2) subdivision identification signs. Sub-monument identification signs may not exceed four (4) square feet in size.
- v. Changeable copy signs, including electronic variable message signs, are not a permitted sign type for subdivision identification signage.

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

SECTION 3. *Adoption Date.* This Ordinance 08-124 was adopted on this twenty first day of July 2015, by a vote of \_\_\_ Ayes and \_\_\_ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor



ATTEST:

\_\_\_\_\_  
Julie Johnson, City Clerk

This Ordinance 08-124 was published on the \_\_\_\_ day of \_\_\_\_\_, 2015.

**BACKGROUND**

With the recent residential development activity in the community, staff has received some inquiries from developers regarding the allowance of subdivision identification signs. In researching the City's provisions, staff found the regulations to be somewhat limited in comparison with other communities. Staff presented these findings to the Planning Commission on 6/22/15. After review and discussion of various ways to improve the ordinance, the Planning Commission directed staff to prepare Zoning Text Amendment and schedule a public hearing on proposed changes to the Sign Ordinance with regards to subdivision identification signs.

## STAFF REVIEW COMMENTS:

Staff has prepared a Zoning Text Amendment proposing changes to the City's Sign Ordinance related to subdivision identification signs. The proposed changes can be found in the draft ordinance in Attachment #1. The proposed changes included in the draft ordinance are the following:

- The number of total subdivision identification signs allowed was changed to two signs.
- Clarification was added to note that the entirety of the subdivision, regardless of the number of phases, is allowed two signs.
- Clarification with regards to location was added to note that signs are only allowed at neighborhood entrances, with the exception that one sign can be located along an abutting arterial or collector road.
- Provisions were added to allow for two sub-monuments within each residential subdivision. These sub-monuments are not allowed to exceed 4 square feet in size. The addition of sub-monuments to the ordinance are in response to requests from developers to allow for smaller signage incorporated into landscape features such as columns or fencing. Staff recommends that this type of signage be allowed as long as it is limited in size.

In addition to these changes, it should also be noted that staff did reach out to various parties to get questions posed by the Planning Commission answered. Staff conducted the following outreach:

- Staff contacted the Fire Chief to ask if subdivision identification signs are helpful for public safety personnel to locate homes in emergency situations. He noted that the address is always the most important factor. However, in situations where an emergency make be taking place outside of a specific home but within a subdivision, the sign can be helpful for police, fire or medical services to find the correct location. Overall, in the opinion of the Fire Chief, the subdivision signs do provide a public safety improvement, but the benefit is minimal.

- Staff asked a number of residential developers who are working in the community about the value and importance of permanent neighborhood signage. Unfortunately, none of the developers responded with definite feedback regarding the need for permanent signage. In the experience of staff, these signs can be utilized initially as a marketing tool, but also as community or neighborhood identity once the neighborhood is built out.

It should be noted that the proposed Zoning Text Amendment was drafted utilizing best practices from other communities in the judgment of staff. Example of other sign ordinances researched can be found in Attachment #2.

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**RECOMMENDATION:**

Staff is recommending that the Planning Commission recommend approval of the Zoning Text Amendment to the Sign Ordinance to provide clarity with regards to subdivision identification signs. The suggested motion is the following:

*“Move to recommend approval of the Zoning Text Amendment to add greater detail to the subdivision identification sign provisions in the City’s Sign Ordinance.”*

**ATTACHMENTS:**

1. DRAFT 154.212 – Proposed Zoning Text Amendment
2. Sign Ordinances from Other Metro Communities – Subdivision Signs

**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



PLANNING COMMISSION  
DATE: 6/22/15  
AGENDA ITEM: 5B – BUSINESS ITEM  
CASE # 2015-23

ITEM: Zoning Text Amendment – Subdivision Identification Signs

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klat, Community Development Director  
Joan Ziertman, Planning Program Assistant  
Casey Riley, Planning Intern

## SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider advancing an effort to complete a Zoning Text Amendment to provide greater clarity with regards to what type of signage is allowed for residential subdivision identification. The City has been contacted by Lennar Homes to inquire about the possibility of installing additional neighborhood identification signs. City staff has reviewed the City's Sign Ordinance to determine if additional signage is allowed. Upon review of the ordinance, it is Staff's opinion that the section that pertains to subdivision identification signs could benefit from additional regulations to establish clearer expectations about what type and quantity of signage is allowed. Staff is recommend the Planning Commission discuss potential changes to the ordinance and, if in agreement with the proposed changes, direct staff to draft an ordinance amendment.

## GENERAL INFORMATION

Applicant: City of Lake Elmo

Property Owners: N/A

Location: N/A – Proposed zoning text amendment would apply to existing and future

residential subdivisions throughout the community.

Request: The Planning Commission is respectfully asked to discuss potential changes to the

Sign Ordinance with regards to subdivision identification signs.

Existing Land Use: N/A

Existing Zoning: N/A

Surrounding Land Use: N/A

Surrounding Zoning: N/A

Comprehensive Plan: N/A

Proposed Zoning: N/A

History: The City updated the Sign Ordinance in 2013 as part of the Zoning Code Update Project. The provisions that regulate subdivision identification signs were included in the 2013 update.

## BACKGROUND

Lennar Homes is currently in process of constructing the 2<sup>nd</sup> phase of the Savona residential subdivision. They have contacted the City to inquire about the possibility of installing additional identification signage and other landscape features at separate entrances to the development. In responding to the request, City staff referenced the Sign Ordinance to determine how much signage is permitted. With regards to subdivision identification signs, the Sign Ordinance states that in residential districts, the following is allowed:

*A subdivision identification sign not exceeding thirty-two (32) square feet in sign area as approved by the City.*

Under this language, staff would interpret the ordinance to allow a single neighborhood identification sign up to thirty-two square feet in area. While the ordinance is simple and uncomplicated, it also does not take different locational circumstances or sign types into much consideration. Based on the simplicity of this provision in the Sign Ordinance, staff thought it would be beneficial to research other ordinance in the Metro Area to see if Lake Elmo's ordinance could be improved to add greater direction and detail to set clear expectations. The general results of the staff's research can be found in Attachment #1, Subdivision Signs from Metro Cities. Further detail of staff's research will be presented at the Planning Commission meeting.

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## STAFF REVIEW COMMENTS:

Building off the research conducted of other metro cities, staff asks the Planning Commission to consider the following with regards to neighborhood identification signs:

- **Number.** The typical allowance for subdivision identifications signs varies between 1 and 2 signs. However, some communities allow one sign per entrance to the development. In these instances, cities typically qualify that the only neighborhood entrances that are allowed signage are entrances off arterial or collector roads.
- **Content.** Some cities do not allow any text on neighborhood identification signs other than the name of the subdivision. This provision would preclude any builder names or other commercial messages.
- **Sub-Monuments.** Staff would ask the Planning Commission if there should be any allowance for sub-monuments within residential subdivisions. Sub-monuments are sometimes incorporated into landscape features or community gathering spaces. This type of signage would be significantly less in size.
- **Definition of Subdivision.** For the purposes of clarity, staff would ask the Planning Commission to confirm whether or not "subdivision" refers to the totality of the residential development, or if individual phases or different housing types inform the allowed amount of signage.

These items represent some of the areas of further clarification that were included in the signage provisions of other communities. With additional residential subdivisions being planned and constructed in the community, staff anticipates the number of requests for subdivision identification signage to increase. Providing greater clarification in advance of these requests would assist in the interpretation of what is allowed for subdivision identification signs.

**RECOMMENDATION:**

Staff recommends that the Planning Commission discuss areas of potential improvement based on the staff report and presentation. Should the Planning Commission reach consensus on potential changes, they can direct staff to prepare a Zoning Text Amendment.

**ATTACHMENTS:**

- 1. Subdivision Signs from Metro Cities

**ORDER OF BUSINESS:**

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

granted for any premises more than four (4) times in any calendar year; or more than once in any three month period.

10. *Lots having Multiple Street Frontages.* Business occupying corner lots, or multiple frontages adjacent to more than one public right-of-way, may display up to one additional ground or building-mounted sign for each additional frontage provided that such additional sign may not exceed 50% of the area allowed by the primary frontage and is oriented toward the additional frontage. For purposes of this code, the primary frontage shall be presumed to be the frontage upon which the main entrance to the building is located. The applicant, however, may identify a different frontage as the primary frontage to maximize the effectiveness of the signage.
  11. *Resemblance to Traffic Signs.* No sign shall contain or resemble any sign resembling in size, shape, message, or color any traffic control devices compliant with the Minnesota State Manual on Uniform Traffic Control Devices.
- G. *Limitations According to the Type of Land Use.* Unless exempt under §154.212.K or as expressly provided elsewhere, no permanent or temporary signs shall be displayed except in conformity with the following regulations as they correspond to the type of land use and districts in which the sign is to be displayed.
1. *Residential Uses in Residential Districts*
    - a. In connection with legal home occupations, a single sign which is limited in content to the name, address and legal home occupation of the owner or occupant of the premises, and which does not exceed two (2) square feet in area. Signs under this paragraph shall be wall signs only.
    - b. A residential condominium or multi-family apartment complex may display signs identifying the name of the condominium or apartment complex if the total acreage of the lot is one (1) acre or more and the condominium or apartment includes eight (8) or more units. One (1) wall sign and one (1) ground sign per street frontage may be displayed, with a maximum of two (2) wall signs and two (2) ground signs per lot. No identification sign shall exceed thirty-two (32) square feet in area, and the maximum height is one (1) story or twelve (12) feet above curb level, whichever is lower. For purposes of this paragraph, the term "lot," when used in reference to a condominium means all property within a common interest community.
    - c. A subdivision identification sign not exceeding thirty-two (32) square feet in sign area as approved by the City.
  2. *Institutional Uses in Residential Districts.* Non-residential uses located in residential districts, such as churches and schools, located in residential districts may erect signs as follows;
    - a. *Wall and Ground Signs*
      - i. *Area and Number.* One (1) wall sign and one (1) ground sign per street frontage may be displayed, identifying the entity, with a maximum of two (2) wall signs and two (2) ground signs per lot. Additional wall or

# Residential Entry/Identification Sign Requirements from Metro Cities

City	Number	Dimensions	Setback
Bloomington	Two signs permitted	Max area: 40 sq ft Per neighborhood	
Inver Grove Heights	One sign per entrance from a public street, there must be 3 dwelling units.	Max area: 32 sq ft	
Lino Lakes	One	Max area: 50 sq ft Max height: 8 ft	10 ft from any property line
Maple Grove	One sign per entrance street	Max area: 35 sq ft Max height: 8 ft	
Minnetrsta	Two permitted at each entrance to subdivision.	Max area: 24 sq ft Max height: 6 ft	10 ft from any property line
Minnetonka	One per unified development entrance. Maximum two signs total.	50 sq ft max copy and graphic area. 100 sq ft max monument size Max height: 10 ft	
Osseo	One sign per 6 dwelling units	Max area: 6 sq ft, only one surface, not double sided.	
Plymouth	Two per subdivision, at entrances	Max area: 32 sq ft per sign Max height: 10 ft	
Shoreview	One sign per entry, up to two signs total. Must have 20 dwelling units for SF, 6 DU for MF	Max area: 32 ft Max height: 12 ft	



**Table 2 Permanent Sign Requirements.** All permanent signs shall be subject to the following requirements:

**(a) Rural and Residential Zoning Districts**

Sign Type	R Rural R-X Rural Executive R-BR Rural Business Reserve Districts Requirements	R-1, R-1X, R-2, R-3, R-4, R-6 Residential Districts Requirements
Identification or Nameplate Signs	One per residence.	
	Maximum sign area of 2 square feet	
	No sign permit is required	
Area Identification Signs	Can be placed at entrances to neighborhood; the number of the signs per neighborhood shall be determined by the city, with consideration to the number of entrances to the neighborhood.	
	Maximum sign area of 24 square feet.	
	Maximum height of 6 feet.	
Ground Signs	Each property with a residence may have one freestanding sign, temporary or permanent, without a permit: the maximum size is 6 square feet, placed at least 10 feet from the property line. This sign shall not advertise commercial activity that is not allowed or conducted on the same property as the sign. There is no time limit for such a sign.	
	In addition, non-residential uses and licensed residential care facilities that are allowed by the Zoning Ordinance may have:	In addition, non-residential uses and licensed residential care facilities that are allowed by the Zoning Ordinance, and manufactured home parks in R-6 zones, may have:
	One ground sign.	
	Maximum sign area of 50 square feet.	
	Maximum height of 8 feet.	
Building Wall Signs	Non-residential uses and licensed residential care facilities that are allowed by the Zoning Ordinance may have one wall sign on one building, maximum 80 square feet.	Non-residential uses and licensed residential care facilities that are allowed by the Zoning Ordinance, and manufactured home parks in R-6 zones, may have one wall sign on one building, maximum 80 square feet.
Property Setback	No sign shall be closer than 10 feet to any property line.	

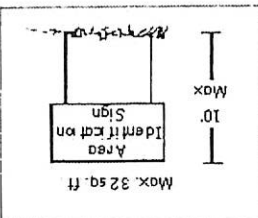
# PLYMOUTH ZONING ORDINANCE

the respective building wall.

(d) Area Identification Signs.

- (1) Area identification signage shall be permitted for each multi-residential project or residential subdivision. For purposes of this Section, residential subdivisions shall include all phases of approved staged developments.

- (2) The area identification signage shall be located near entrances to the project or subdivision, except that one area identification sign does not need to be located near an entrance to the project or subdivision provided it is located along an abutting arterial or major collector roadway. *(Amended by Ord. No. 2002-02, 01/22/02)*



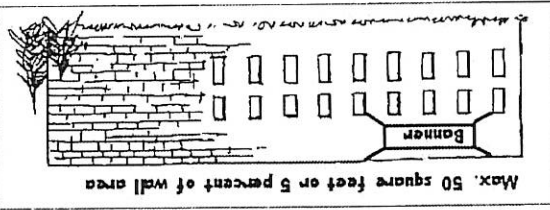
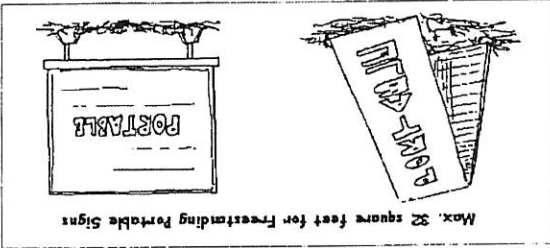
- (3) Two area identification signs, not exceeding 32 square feet in surface area per sign, or 10 feet in height, may be permitted per project or subdivision. An area identification sign shall be located at least 10 feet from lot lines.

- (4) When such signs are proposed and constructed by an individual or firm other than the individual or association who will be responsible for the maintenance, there shall be a covenant prepared by the proponent establishing responsibility for the maintenance of the sign or signs over the entire project or subdivision, to be approved by the City Attorney, and to be recorded on the property title(s) prior to issuance of the sign permit. Further, appropriate easements shall be provided for the approved signs on the lot or lots where the signs are to be located; the easements shall be recorded prior to the issuance of the sign permit. *(Amended by Ord. No. 2009-07, 05/12/09)*

- (5) No area identification sign shall contain a changeable copy sign, an electronic changeable copy sign, or a time and temperature sign.

(e) Temporary Signs.

- (1) Special Event Signs. One temporary sign may be mounted on a portable stand, with a maximum surface area, not exceeding 32 square feet, or may be a wall sign subject to the same size standards as the permanent wall signage allowed for the use. Such signs must be located on the subject property and shall be set back at least 50 feet from any side or rear lot line. *21155-12*



Subdivision 1. The following Signs are permitted upon obtaining a Sign permit:

- (a) Monument Signs: Up to two Monument Signs are permitted at each entrance to a residential subdivision if approved by the city council as part of a comprehensive sign plan for the subdivision. No individual Monument Sign may exceed 24 square feet in Display Surface Area nor be six feet above grade in height. Lighting shall be downcast and shielded. Dynamic Displays are not permitted.
- (b) Home occupation Signs: A Sign permit shall be reviewed by the city council in conjunction with a conditional use permit for a home occupation. Such Sign shall not exceed four square feet in area nor six feet above grade in height.
- (c) Temporary Signs on Residential Project Sites. No more than one Temporary Sign per street frontage may be erected on the site of a residential subdivision or project that has more than 10 dwelling units. These Temporary Signs are subject to the following requirements:
  - (1) The total number must not exceed two per project, even if the project has more than two street frontages;
  - (2) Shall only be located along streets that provide primary access to the project site;
  - (3) Must be set back at least 10 feet from any property line;
  - (4) Must be firmly anchored into the ground;
  - (5) Must not be located closer than 100 feet from an existing residential dwelling unit or other building which is not a part of the project;
  - (6) Must not be located closer than 100 feet from any other Sign located on the same side of the street;
  - (7) The Display Surface Area shall not exceed 32 square feet;
  - (8) The height shall not exceed 10 feet above grade;
  - (9) Must be removed when units in the project are 75 percent sold or leased, or after two years from the date of the sign permit, whichever occurs first; and
  - (10) Must not be illuminated.

Inner Grove Heights

**10-15E-7: SIGNS IN A, E AND R DISTRICTS:**

Within the A, E and R districts, the following signs are permitted:

- A. One nameplate sign for each dwelling which shall not exceed two (2) square feet in area per surface and shall not have more than two (2) surfaces.
- B. One nameplate sign for each dwelling group of six (6) or more units which shall not exceed six (6) square feet in area per surface, and no sign shall have more than two (2) surfaces.
- C. One nameplate sign for each permitted use or use by conditional permit other than residential, and such sign shall not exceed twelve (12) square feet in area per surface.

- D. One business sign up to sixty four (64) square feet in area per surface shall be permitted for a stand for the sale of agricultural products in the A zoning district. In addition, up to two (2) off site directional signs may be allowed for a stand for agricultural products if deemed necessary by the city council for traffic safety reasons. The directional signs shall be located outside of the public right of way and shall maintain a ten foot (10') setback from all property lines. The directional signs shall only be permitted during the season when the stand is open for business and shall be of a size as determined by the city council.

- E. Any sign with over one square foot of surface shall be set back at least ten feet (10') from any property line. No sign shall exceed ten feet (10') in height above the average grade level. Signs may be illuminated, but such lighting shall be diffused or indirect and not illuminate beyond any lot line.

- F. In the R-3A, R-3B and R-3C zoning districts, one development identification sign shall be permitted per entrance from a public street to said development, provided that the development consists of a minimum of one principal structure containing no fewer than three (3) dwelling units. Identification signs permitted herein shall not exceed thirty two (32) square feet in surface area.

- G. Within the A and E districts, commercial greenhouses and nurseries are listed as permitted uses. Signage for these uses shall conform to the provisions for B-3 districts.

- (e) All freestanding signs associated with approved Public/Quasi-Public uses and residential developments shall be ground or monument-style. If a sign for such a facility will face property planned for residential use, the sign area shall not exceed forty (40) square feet and the height of the sign face shall not exceed six feet.
  - (f) Freestanding signs may be single or double-faced. If single-faced, and the backside will be visible, the backside must be constructed of a material and/or painted to be a neutral color that is compatible with the principal structure.
  - (g) If wall signage is not to be installed, the area for any allowable freestanding sign area may be increased by 25 percent and vice versa by approval of a Comprehensive Sign Plan.
  - (h) Advertisement on a freestanding sign for a single or multi-tenant building shall be limited to the following items of information: the building/center name, address of the property, and tenant names. Tenant names may be listed on freestanding business sign for a multi-tenant center/development, provided an individual letter-style sign is used. The building or project name shall be the dominant display on all freestanding signs.
  - (i) A maximum of 25% of the sign area may be used for leasing information, provided the sign copy, graphics, and structure shall be architecturally designed to accommodate a leasing message within its perimeter.
- (13) **Project Identification** - identifies the name of a neighborhood or residential subdivision consisting of at least 20 dwelling units; or a multiple-family dwelling with 5 or more units; or a commercial, office, high tech, industrial, or public/quasi-public development consisting of two (2) or more principal structures. Project Identification signs shall be limited to the following items of information: development name, site address, and major tenant names/graphics. The development name must be dominantly displayed on all project identification signs.
- (a) One project identification sign is permitted per development site, unless the site adjoins two or more arterial roadways. In such instance, a second project identification sign may be permitted by Comprehensive Sign Plan approval.
  - (b) Where permitted, project identification signs shall be limited to the following items of information: development name, site address, and major tenant names/graphics. The development name must be





## MAYOR & COUNCIL COMMUNICATION

**DATE: July 21, 2015**  
**CONSENT**  
**ITEM 10**  
**ORDINANCE 08-125**  
**RESOLUTION 2015-58**

**AGENDA ITEM:** Zoning Text Amendment – Accessory Building Setbacks in Urban Residential Districts

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

**THROUGH:** Julie Johnson, City Clerk

**REVIEWED BY:** Planning Commission  
Kyle Klatt, Community Development Director

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**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:** Planning Commission

**FISCAL IMPACT:** None

**SUMMARY AND ACTION REQUESTED:** The City has received inquiries from residents within the Savona subdivision about the required setbacks for detached accessory buildings. In reviewing the setback requirements for accessory buildings in the Urban Low Density Residential (LDR) zoning district, the existing rear-yard setback requirement is 20 feet. For this type of zoning district, 20 feet is a large setback requirement for accessory buildings. To address the situation staff conducted research and ultimately drafted a Zoning Text Amendment to reduce the rear-yard setback to 10 feet. The Planning Commission reviewed the research at their 6/22/15 meeting, held a public hearing on 7/13/15, and is recommending approval of the Zoning Text Amendment. If removed from the Consent Agenda, the motion to take the recommended action is the following:



***“Move to adopt Ordinance 08-125, reducing the rear yard setback for detached accessory buildings in the urban residential districts from 20 feet to 10 feet.”***

In addition, due to the fact that the ordinance contains charts, staff is recommending that the City Council authorize summary publication to explain the ordinance amendment through publication. The suggested motion is as follows:

***“Move to adopt Resolution 2015-58, authorizing summary publication of Ordinance 08-125.”***

#### **BACKGROUND INFORMATION/STAFF REPORT:**

As families have begun to move into the Savona subdivision, City staff has begun receiving inquiries from residents about standards related to accessory buildings and other zoning provisions. One specific inquiry was made about the rear-yard setback for accessory buildings in the LDR zoning district. In reviewing the City's regulations it was discovered that the existing rear-yard setback requirement for these structures is 20 feet. For lots that are smaller in size in comparison to most signal family neighborhoods in the City, a 20-foot rear yard setback is larger than what is typical in other communities. In fact, the rear-yard setback for accessory building in the Rural Single Family (RS) district is 10 feet. It should be noted that when a City adopts new zoning districts, it is very common that amendments or tweaks to the district standards occur once the districts are adopted and being utilized by property owners. Staff views this process as a natural evolution of the zoning district standards. Following up on the research conducted, staff presented these findings at the 6/22/15 Planning Commission meeting. Upon review of the information, the Planning Commission directed staff to prepare a Zoning Text Amendment and schedule a public hearing. The ordinance as proposed reflects the Zoning Text Amendment prepared by staff with input from the Planning Commission.

#### **PLANNING COMMISSION REPORT:**

The Planning Commission reviewed the setback requirements for detached accessory buildings in the urban residential district at their meeting on 6/22/15, where they directed staff to schedule a public hearing and prepare a Zoning Text Amendment. The public hearing was held on July 13, 2015. No one spoke during the public hearing and no written correspondence was received. There was very little discussion on the proposed ordinance amendment at the 7/13/15 meeting. The Planning Commission unanimously recommended approval of the zoning text amendment to reduce the rear-yard setback for detached accessory buildings in the urban residential districts from 20 feet to 10 feet (Vote: 6-0).

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

**Strengths:** Reducing the rear-yard setback for accessory buildings will bring the standard into conformance with what is more typical or common amongst urban residential standards in the surrounding communities. Placing these small structures closer to the rear property line will give residents more usable back yard area for use of their property.



At the same time, a 10-foot setback will keep these structures outside of the City's standard drainage and utility easements.

**Weaknesses:** None

**Opportunities:** Amending the rear-yard setback for accessory structures at this time prior to many more residents moving into these neighborhood types will help alleviate issues or concerns about the placement of accessory buildings.

**Threats:** None.

**RECOMMENDATION:**

Based on the aforementioned, the Planning Commission and staff are recommending that the City Council approve the proposed amendment to the rear yard setback for accessory structures in the urban residential zoning districts. Should the item be removed from the Consent Agenda, the motion to take the recommended action on the request is as follows:

***“Move to adopt Ordinance 08-125, reducing the rear yard setback for detached accessory buildings in the urban residential districts from 20 feet to 10 feet.”***

In addition, due to the fact that the ordinance contains charts, staff is recommending that the City Council authorize summary publication to explain the ordinance amendment through publication. The suggested motion is as follows:

***“Move to adopt Resolution 2015-58, authorizing summary publication of Ordinance 08-125.”***

**ATTACHMENTS:**

1. Ordinance 08-125
2. Resolution 2015-58
3. Staff Report to the Planning Commission, dated 7-13-15
4. Staff Report to the Planning Commission, dated 6-22-15
5. Accessory Structure Regulations - Comparison

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-125

AN ORDINANCE AMENDING THE LAKE ELMO ZONING CODE BY AMENDING THE REAR YARD  
SETBACK FOR DETACHED ACCESSORY STRUCTURES IN THE URBAN RESIDENTIAL ZONING  
DISTRICTS

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land  
Usage; Chapter 154: Zoning Code; Section 452 to read the following:

§ 154.452 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

Lot area and setback requirements shall be as specified in Table 10-2, Lot Dimension and  
Setback Requirements.

Table 10-2: Lot Dimension and Setback Requirements, Residential Districts

	LDR	MDR	HDR
Minimum Lot Area (sq. ft.)			
Single family detached dwelling	8,000	7,000	5,000
Two-family dwelling (per unit) <sup>a</sup>	5,000	4,000	3,000
Single-family attached (per unit) <sup>b</sup>	-	4,000	2,500
Multi-family dwelling (per unit)	-	4,000	1,800
Secondary dwelling		see 155.102	
Live-work unit	-	-	3,600
Congregate housing	-	see 155.102	see 155.102
Manufactured home park	-	see 155.102	-
Minimum Lot Width (feet)			
Single family detached dwelling	60	50	50
Two-family dwelling (per unit) <sup>a</sup>	35	30	20
Single-family attached (per unit) <sup>b</sup>	-	25	20

	<i>LDR</i>	<i>MDR</i>	<i>HDR</i>
Multi-family dwelling (per building)	-	75	60
Live-work unit	-	-	25
Maximum Height (feet)	35	35	50
Maximum Impervious Coverage	40%	50%	75%
Minimum Building Setbacks (feet)			
Front yard	25 <sup>c</sup>	25 <sup>c</sup>	20 <sup>c</sup>
Minimum Building Setbacks (feet)			
Interior side yard <sup>e</sup>			
Principal Buildings <sup>f,g</sup>	10	10	10 <sup>d</sup>
Attached Garage or Accessory Structures <sup>f,g</sup>	5	5	10 <sup>d</sup>
Corner side yard <sup>g,h</sup>	15	15	15
Rear yard			
Principal Buildings	20	20	20
Detached Accessory Buildings	10	10	10

#### Notes to Urban Residential Districts Table

- a. Common open space areas may be used in the determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.
- b. Two-family units may be side-by-side with a party wall between them (“twin”) or located on separate floors in a building on a single lot (“duplex”). The per-unit measurements in this table apply to “twin” units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a “duplex” containing two vertically-separated units on a single lot.
- c. In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard is also used for multifamily dwellings.

This Ordinance 08-125 was published on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Julie Johnson, City Clerk

ATTEST:

Mike Pearson, Mayor

## LAKE ELMO CITY COUNCIL

**SECTION 3. Adoption Date.** This Ordinance 08-125 was adopted on this twenty first day of July 2015, by a vote of \_\_\_\_\_ Ayes and \_\_\_\_\_ Nays.

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

- d. Single family dwellings (both attached and detached) and two-family dwellings may use the side yard setbacks within MDR zoning districts.
- e. In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.
- f. In situations where a garage or accessory building is set back less than 7 feet from a side property line, the maximum permitted encroachment for anything attached to said building (including eaves, overhangs, steps, chimneys, and other appurtenances as described in Section 154.081) will be two (2) feet.
- g. Side yards setbacks shall apply to the ends of attached or two-family dwellings.
- h. Corner properties: The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.

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

**RESOLUTION NO. 2015-58**

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-125 BY TITLE  
AND SUMMARY**

**WHEREAS**, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-125, an ordinance to the City's regulations pertaining to setbacks for accessory structures in the urban residential zoning districts; 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. 08-125 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. 08-125, which reduces the rear-yard setback for detached accessory buildings in the urban residential districts from 20 feet to 10 feet.

The full text of Ordinance No. 08-125 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: July 21, 2015.

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

\_\_\_\_\_  
Julie Johnson, 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: 7/13/15  
AGENDA ITEM: 4C – PUBLIC HEARING  
CASE # 2015-22

ITEM: Zoning Text Amendment – Accessory Building Setbacks in the Urban Residential Districts

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director  
Casey Riley, Planning Intern

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#### **SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to hold a public hearing to consider a Zoning Text Amendment to reduce the rear yard setback for accessory buildings in the urban residential zoning districts. The Planning Commission reviewed the proposed change to the setback at their meeting on June 22, 2015. After reviewing the proposed change, the Planning Commission directed staff to schedule a public hearing and prepare the Zoning Text Amendment. Staff is recommending that the Planning Commission recommend approval of the Zoning Text Amendment through the following motion:

***“Move to recommend approval of the Zoning Text Amendment to reduce the rear yard setback for accessory buildings in the urban residential zoning districts from 20 feet to 10 feet.”***

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#### **GENERAL INFORMATION**

*Applicant:* City of Lake Elmo

*Property Owners:* N/A

*Location:* N/A – Proposed zoning text amendment would apply to residential properties in the urban residential zoning districts (LDR, MDR and HDR)

*Request:* City staff is recommending that the City consider a minor amendment to the rear-yard setback requirements for accessory buildings in urban residential zoning districts. The Planning Commission is asked to hold a public hearing on the proposed amendment.

*Existing Land Use:* N/A

*Existing Zoning:* N/A

*Surrounding Land Use:* N/A

*Surrounding Zoning:* N/A

*Comprehensive Plan:* N/A

*Proposed Zoning:* N/A

*History:* The urban residential zoning districts were adopted as part of the Zoning Code Update Project in 2012/13. As part of this effort, the City adopted three residential zoning districts intended to be utilized in the City's urban planning areas (I-94 Corridor and Village Area). These zoning districts include lot dimension and building bulk requirements that include the setback requirements for both principal and accessory structures.

*Applicable Regulations:* Article X – Urban Residential Districts (154.452 Lot Dimensions and Building Bulk Requirements)

## BACKGROUND

City staff has recently received an inquiry about the required setbacks for accessory buildings in the Urban Low Density Residential (LDR) zoning districts. Upon review of the setback requirements as found in §154.452 for accessory buildings, it was discovered that the required rear-yard setback for accessory buildings is 20 feet. Staff has researched multiple other cities and found that typical rear yard setbacks for these structures in urban residential districts are between 5 and ten feet. In addition, the City's Rural Single Family (RS) zoning district also has a 10-foot rear yard setback for accessory buildings.

It should be noted that there are several homes that have been issued Certificates of Occupancy in the Savona LDR subdivision. As more of these neighborhoods are constructed and new residents move in, the City is likely to receive more inquiries about tool sheds and other small accessory structures. Staff recommends addressing the rear-yard setback issue prior to more inquiries coming into the City.

## STAFF REVIEW COMMENTS:

Based on the research conducted by Staff, it is recommended that the rear yard setback for accessory buildings in urban residential districts be reduced to 10 feet. A setback of 10 feet allows for a substantial enough setback from adjoining properties while at the same time keeping these structures outside of the City's standard drainage and utility easements. Finally, a separation of 10 feet should be significant enough to mitigate potential drainage or surface water challenges that may arise from locating accessory buildings in these areas.

## RECOMMENDATION:

Staff is recommending that the Planning Commission recommend approval of the proposed Zoning Text Amendment through the following motion:

***"Move to recommend approval of the Zoning Text Amendment to reduce the rear yard setback for accessory buildings in the urban residential zoning districts from 20 feet to 10 feet."***

## ATTACHMENTS:

1. DRAFT 154.452 Lot Dimensions and Building Bulk Requirements



## 2. Accessory Structure Regulations Comparison

### 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

# § 154.452 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

Lot area and setback requirements shall be as specified in Table 10-2, Lot Dimension and Setback Requirements.

**Table 10-2: Lot Dimension and Setback Requirements, Residential Districts**

	<i>LDR</i>	<i>MDR</i>	<i>HDR</i>
<b>Minimum Lot Area (sq. ft.)</b>			
Single family detached dwelling	8,000	7,000	5,000
Two-family dwelling (per unit) <sup>a</sup>	5,000	4,000	3,000
Single-family attached (per unit) <sup>b</sup>	-	4,000	2,500
Multi-family dwelling (per unit)	-	4,000	1,800
Secondary dwelling		see 155.102	
Live-work unit	-	-	3,600
Congregate housing	-	see 155.102	see 155.102
Manufactured home park	-	see 155.102	-
<b>Minimum Lot Width (feet)</b>			
Single family detached dwelling	60	50	50
Two-family dwelling (per unit) <sup>a</sup>	35	30	20
Single-family attached (per unit) <sup>b</sup>	-	25	20
Multi-family dwelling (per building)	-	75	60
Live-work unit	-	-	25
Maximum Height (feet)	35	35	50
Maximum Impervious Coverage	40%	50%	75%
<b>Minimum Building Setbacks (feet)</b>			
Front yard	25 <sup>c</sup>	25 <sup>c</sup>	20 <sup>c</sup>

	<i>LDR</i>	<i>MDR</i>	<i>HDR</i>
<b>Minimum Building Setbacks (feet)</b>			
Interior side yard <sup>e</sup>			
Principal Buildings <sup>f,g</sup>	10	10	10 <sup>d</sup>
Attached Garage or Accessory Structures <sup>f,g</sup>	5	5	10 <sup>d</sup>
Corner side yard <sup>g,h</sup>	15	15	15
Rear yard			
<u>Principal Buildings</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>Detached Accessory Buildings</u>	<u>10</u>	<u>10</u>	<u>10</u>

#### Notes to Urban Residential Districts Table

- a. Common open space areas may be used in the determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.
- b. Two-family units may be side-by-side with a party wall between them ("twin") or located on separate floors in a building on a single lot ("duplex"). The per-unit measurements in this table apply to "twin" units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a "duplex" containing two vertically-separated units on a single lot.
- c. In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard is also used for multifamily dwellings.
- d. Single family dwellings (both attached and detached) and two-family dwellings may use the side yard setbacks within MDR zoning districts.
- e. In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.
- f. In situations where a garage or accessory building is set back less than 7 feet from a side property line, the maximum permitted encroachment for anything attached to said building (including eaves, overhangs, steps, chimneys, and other appurtenances as described in Section 154.081) will be two (2) feet.

- g. Side yards setbacks shall apply to the ends of attached or two-family dwellings.
- h. Corner properties: The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.

(Ord. 2012-062, passed 9-18-2012; Am. Ord. 08-071, passed 3-5-2013)

# Accessory Structure Regulations – Comparison Chart

City	Maximum Size	Max Number	Setbacks	Other
Cottage Grove			5' Side, 10' Rear	30' height maximum. Residents have to provide 400 SF of usable open space on their lot. In no cases can more than 30% of lot be covered with structures.
Hugo	260 SF for lots < 1.5 acre		If accessory building is less than 120 SF, 10' rear, 6' side.	Lots > 1.5 acres but < 2.99 acres, Max size for all accessory buildings is 1,500 SF
Inver Grove Heights	1,000 SF	1	30' Front, 5' Side, 8' Rear	Max Height: 25'
Maplewood	Lot area under 8,000 SF: 768 SF	Combo of Detached and Attached Garage Building: 1188 SF	5' Rear, 5' Side	If the lot area is greater than 8,000 SF and less than 16,000 SF, the accessory structure can be 1,000 SF. The Combination of both can be 1,420 SF.
Oakdale			30' Front, 20' Corner Side, 5' Side, 5' Rear	The minimum distance between buildings at any point shall be equal to the height of the exterior wall or 15 feet, whichever is greater.
Stillwater	500 SF	1	5' Side, 10' Rear	20 ft max building height
White Bear	1,000 SF for garage, 120 SF for 2 <sup>nd</sup> accessory structure	2	5' Rear, 5' Side	Must be in rear or side yard.
Woodbury	400 SF	1	5 ft. rear and side	Cannot be on easement, cannot be in front of principle building, wall cannot exceed 12 ft in height, shall not occupy more than 25% of rear yard





MAYOR AND COUNCIL COMMUNICATION

DATE: 07/21/2015

CONSENT

ITEM #: 10.5

AGENDA ITEM: 10.5

SUBMITTED BY: Julie Johnson, City Clerk

THROUGH: Mayor Pearson

REVIEWED BY: Julie Johnson, City Clerk

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**SUGGESTED ORDER OF BUSINESS:**

Approval on Consent Agenda

**PUBLIC POLICY STATEMENT (IF APPLICABLE)**

**SUMMARY AND ACTION REQUESTED:**

**BACKGROUND AND STAFF REPORT:**

The Ramsey/Washington County Cable Commission has requested City approval of the attached Policy to allow Century Link to apply for a franchise license to compete with Comcast to provide cable service in communities within the Ramsey/Washington County Cable Commission area. Executive Director Tim Finnerty stated that at least eight of the twelve communities in our area have approved the Policy as of the writing of this memo and none have declined.

**RECOMMENDATION:**

Staff recommends that the City Council approve this request.

**ATTACHMENT(S):**

Ramsey/Washington Counties Suburban Cable Commission Policies and Procedures Governing Application, Review and Recommendations Regarding Grant of Competitive Cable Franchises.

May 11, 2000  
Updated May, 2015

## **THE RAMSEY/WASHINGTON COUNTIES SUBURBAN CABLE COMMUNICATIONS COMMISSION II**

### **POLICIES AND PROCEDURES GOVERNING APPLICATION, REVIEW AND RECOMMENDATIONS REGARDING GRANT OF COMPETITIVE CABLE FRANCHISES**

#### **Preamble**

The Ramsey/Washington Counties Suburban Cable Communications Commission II (the "Commission"), on behalf of White Bear Township and the Cities of Birchwood Village, Dellwood, Grant, Lake Elmo, Mahatomedi, Maplewood, North St. Paul, Oakdale, Vadnais Heights, White Bear Lake, and Willernie (collectively, the Member Cities), administers the cable television Franchises between the Member Cities and the current cable franchisee. The Commission, acting pursuant to a joint and Cooperative Agreement and authority delegated by the Member Cities thereunder, is responsible for receiving and reviewing cable Franchise applications and for making recommendations to its Member Cities. Only the Member Cities may grant a Franchise.

Modern telecommunications policy, law and regulations encourage the emergence of competition in all telecommunications markets, including competition in the provision of cable services. The emergence of such competition could increase the quality and availability of enhanced telecommunications and video services via Cable Systems, encourage lower rates, encourage better customer service, and generally benefit consumers. Policies and procedures regarding application for and review of applications for competitive cable Franchises will streamline the processing of requests to construct broadband Cable Systems.

In view of the foregoing, the Commission has formulated policies and procedures that govern the submission and review of cable Franchise applications submitted by Applicants seeking to provide Cable Service in all the Member Cities. Pursuant to these Policies and Procedures the Commission has delineated the information which must be provided in an application for a competitive Franchise, detailed a process for review of such application and negotiation of the terms of a Franchise agreement, and provided for the presentation of a formal recommendation regarding the grant of such Franchises to the Member Cities.

#### **Section 1. Definitions**

"Applicant" shall mean a Cable Company that files an Application with the Commission.

"Application" shall mean the information, documentation, and data, of the form and substance required herein, filed by a Cable Company with the Commission requesting the Commission's consideration regarding any recommendation to grant competitive Franchises in the Member Cities.



"Application Fee" shall mean a fee which is intended to cover all costs incurred by the Commission and the Member Cities related to processing Applications up to and including the grant of a Franchise (if any) including, but not limited to, staff and attorney's time in reviewing and considering an Application and related information, negotiating the terms and conditions of Franchises, and preparing recommendations, Franchises and other documentation related to such Applications.

"Cable Company" shall mean any person or entity owning a significant interest in, controlling, operating, managing or leasing a Cable System or any components thereof in the Public Rights-of-Way within the state or any person seeking a Franchise to do so.

"Cable Service" shall mean (1) the one-way transmission to Subscribers of video programming or other programming services; and (2) Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming services; and shall also include any video programming service for which a franchise from a local government is required under state law.

"Cable System" shall refer to a facility that is a "cable system" under federal law or a cable communications system under state law. The foregoing definition shall not be deemed to circumscribe or limit the valid authority of the Member Cities to regulate or franchise the activities of any other communications system or provider of communications service to the full extent permitted by law.

"Franchise" shall mean any nonexclusive authorization granted by each of the Member Cities in the form of a Franchise, privilege, permit, license or other municipal authorization to construct, own, control, operate, maintain, or manage a Cable System within the Public Rights-of-Way to provide Cable Service within a Member City.

"Institutional Network" shall mean a communications network constructed or operated by the cable operator and which is generally available only to subscribers who are not residential subscribers.

"Policies and Procedures" shall mean these policies and procedures governing the Commission's processing of Applications for Franchises. "Public Rights-of-Way" shall mean the surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, avenue, boulevard, drive, concourse, bridge, tunnel, park, parkway, waterway, dock, bulkhead, wharf, pier, easement or similar property or waters within a Member City in which the Member City now or hereafter holds any property interest, including, but not limited to, any riparian right, which, consistent with the purposes for which it was created, obtained or dedicated, may be used for the purpose of installing, operating and maintaining a Cable System. No reference in these Policies and Procedures to a "Public Right-of-Way" shall be deemed to be a representation or guarantee by a Member City that its interest in or other right to control the use of such property is sufficient to permit use of the property for the purpose of installing, operating and maintaining a Cable System.

"Subscriber" shall mean any person or entity who receives cable service via a Cable System.

## **Section 2. Applicability of Policies and Procedures**

These Policies and Procedures apply to every Cable System and every Cable Company, including a Cable Company which constructs, operates and/or maintains a Cable System or

provides Cable Service in whole or in part through facilities owned, controlled, managed or operated by another provider, that seeks to operate within the territorial limits of one or more Member Cities.

Authority: Minn. Stat. § 238.03

### Section 3. Franchise Requirement

Subd. 1. In accordance with state and federal law, each of the Member Cities requires a Franchise of any Cable Company or Cable System providing Cable Service within its territorial limits.

Subd. 2. Nothing in these Policies and Procedures shall be construed to limit the Member Cities' or the Commission's authority to construct, purchase, and operate a Cable System or otherwise provide any telecommunications or Cable Services either for internal purposes or for sale to the public. Rather, these policies are meant to govern the process for issuing a franchise for Member Cities so long as they are part of the Commission.

Authority: Minn. Stat. § 238.08

### Section 4. Application for Franchise

Subd. 1. On its own initiative, should the Commission determine it is in the interests of Member Cities to seek Franchise Applications, or in the event a Member City or the Commission receives notice that a Cable Company is interested in applying for a Franchise in a Member City, the Commission shall publish a notice of intent to Franchise within a reasonable time and in accordance with Minn. Stat. § 238.081, Subd. 1, which requires publishing notice of intent to Franchise each week for two successive weeks, allowance of 20 days from initial publication for submission of Applications and a public hearing at least seven days before introduction of the Franchise into proceedings of a Member City.

Subd. 2. Review of Applications. Applications for a competitive Franchise shall contain such information as is required below in these Policies and Procedures and shall be submitted to the Commission. Review by the Commission of any Applications pursuant to these Policies and Procedures and final determination by the Member Cities regarding whether to Franchise such Applicant(s) may be based on any relevant factors. Such relevant factors include any factor that the Commission is required to consider under state or federal law, and may include any other factor the Commission is permitted to consider, including the quality and capabilities of the Cable System that will be constructed; whether the application satisfies cable-related needs and interests of the community, as identified by the Member Cities and the Commission, whether the application adequately provides for capacity, facilities, equipment or financial support for public, educational and government (PEG) use of the system (including institutional network use); whether the applicant is financially, technically and legally able to perform; whether the application evinces an intent to improperly discriminate or deny service to any person, group or persons; and whether the grant is otherwise in the interest of the public.

Subd. 3. Public Hearing on Applications. A public hearing before the Commission affording reasonable notice and a reasonable opportunity to be heard with respect to an Application shall be scheduled in accordance with Minn. Stat. § 238.081, Subd. 6. The Commission may schedule additional hearings as may be appropriate prior to action on an application.

Subd. 4. Negotiation of Franchise Terms. During the period prior to the public hearing on the Application(s), the responsible Commission employee(s) and Applicant(s) may negotiate specific Franchise terms and conditions for recommendation and presentation to the Commission and ultimately the Member Cities. In addition, during this period the responsible Commission employee(s) shall review the Application(s) and may request such additional information necessary to make final recommendations to the Commission and ultimately the Member Cities.

Subd. 5. Determinations. Determinations by the responsible Commission employee(s) regarding the qualifications of Applicant(s) and recommendations to the Member Cities regarding grant of a Franchise shall be made based on information provided by the Applicant(s) as required herein and such other information relevant to consideration of the Application. The responsible Commission employee(s) may, in their sole discretion, consider information developed during any negotiations with the Applicant(s) and any information or evidence adduced by the incumbent Cable Company. After the public hearing referenced in Subd. 3, the responsible Commission employee(s) shall issue written recommendations to the Commission for review and possible transmittal to the Member Cities. These recommendations may include Franchise documents to be potentially recommended to the Member Cities for adoption. If Franchise documents have not been negotiated, or the Commission determines that additional or different terms and conditions are appropriate, Commission may direct responsible employees to engage in further negotiations, and to require preparation of revised recommendations and reports. The Commission will adopt final recommendations for transmittal to Member Cities.

Subd. 6. Award of Franchise. A Franchise may be awarded only by an ordinance adopted by each Member City.

Subd. 7. Costs of Reviewing Application and Issuing Franchise. The Applicant shall pay the Application Fee required below. The Application Fee is required for the purpose of reimbursing the Member Cities and the Commission for all costs associated with processing Applications pursuant to these Policies and Procedures through and including any granting of a Franchise. Any portion of the Application Fee which remains after payment of all the Member Cities' and the Commission's costs will be reimbursed to the Applicant. Should the Application Fee not cover the expenses of the Member Cities and the Commission, those unreimbursed expenses shall be reimbursed prior to any consideration of the Franchises by the Member Cities. A successful Applicant shall be fully responsible to reimburse the Member Cities and the Commission for all costs of awarding the competitive Franchises(s).

Subd. 8. Franchising Nonprofit or Municipally-owned System. Nothing contained in this Section prohibits the Member Cities from franchising a nonprofit or municipally-owned system. The municipality or nonprofit entity shall be considered an Applicant subject to these Policies and Procedures.

Subd. 9. Time for Action. The Commission shall conduct proceedings in a manner that comports with state and federal law, as may be applicable.

Authority: Minn. Stat. § 238.081

## **Section 5. Information Required in Application**

An Application for a competitive Franchise must be signed by an authorized officer or principle of the Cable Company and be notarized and must include at least the following. To

the extent that an Application includes a proposed Franchise and other proposed agreements that provide the information requested, the Application may reference the relevant portion of those documents:

- (1) A statement that the Applicant seeks to construct a Cable System and to provide Cable Services within specifically identified Member Cities;
- (2) The name, street address, e-mail address and telephone number of the individuals who are authorized to provide and certify information on behalf of the Applicant;
- (3) a description of the technology that will be utilized by the Cable System to deliver Cable Services; the total bandwidth that initially will be used for delivery of Cable Services from the curb to the home; the total activated channel numbers that will be available to subscribers initially; the number of unique linear programming services that will be available in each format offered (e.g., SD, UHD, HD, 3D) (and whether there are limits as to the number of channels that may be viewed simultaneously); and to the extent relevant, plans for analog and digital channel capacity, including both the total number of analog and digital channels capable of being energized in the system and the number of analog and digital channels to be energized immediately;
- (4) a statement of the television and radio signals for which permission to carry will be requested from the Federal Communications Commission, or any other required regulatory agency;
- (5) to the extent not included in response to Subdivision 5(3), a description of the proposed system design and planned operation, including at least the following items:
  - (i) the general area for location of antennae and the head end, or description of programming delivery plan if otherwise;
  - (ii) the schedule for activating two-way capacity and any other system capacity to be activated in conjunction with the Cable System;
  - (iv) the type of automated services to be provided;
  - (v) the minimum number of video channels, other Cable Services, and other kinds of services to be made available to residents;
  - (v) the number and type of channels and services to be made available for community/access programming including a description of differences in the quality, accessibility, recordability or functionality of PEG channels as compared to linear broadcast channels; whether the channels would be available to every subscriber, or only subscribers to certain packages; whether any special equipment is required to view the PEG channels; and whether there are any charges to PEG programmers or Member Cities proposed with respect to PEG; whether signals would be carried in HD or SD or simulcast; and any video on demand provided; and
  - (vi) a plan for provision of facilities and equipment for PEG (including transport paths from points of signal origination to the subscriber), and funding of PEG and/or a plan for interconnection and provision of such programming in cooperation with the incumbent Cable Company;

- (6) plans for the provision of an Institutional Network and capacity for public, educational and government use of an Institutional Network, or an alternative proposed method for providing for the same;
- (7) any other facilities, services, equipment or financial support that applicant proposes to provide (such as courtesy service drops to schools or public buildings) in addition to the support described above and the franchise fee described below;
- (8) a comparison of the Applicant's proposal for PEG use (including institutional network use) as compared to requirements in existing franchises regarding PEG use; and whether (and why) Applicant contends that its proposal, if accepted would be no more favorable, or less burdensome than the requirements in the existing franchise.
- (9) a schedule of proposed rates in relation to the services to be provided, and a proposed policy regarding unusual or difficult connection of services;
- (10) a time schedule for construction of the system with the time sequence for wiring the various parts of the areas to be served. This information should be shown on a map, and the map should clearly show any area identified in the request for proposals for which the applicant does not seek a franchise. Conditions or limitations on the construction of the system to serve the entire proposed franchise area should be noted;
- (11) information supporting and indicating the Applicant's financial, technical and legal qualifications and experience in the cable communications field, if any;
- (12) an identification of the municipalities in which the Applicant either owns or operates a Cable System, directly or indirectly, or has outstanding Franchises for which no system has been built;
- (13) detailed plans for financing of the proposed system, which must indicate every significant anticipated source of capital and significant limitations or conditions with respect to the availability of the indicated sources of capital;
- (14) a statement of ownership detailing the corporate organization of the Applicant, if any, including the names and addresses of officers and directors and the number of shares held by each officer or director, and intracompany relationship including a parent, subsidiary or affiliated company;
- (15) a statement of a form and substance acceptable to the Member Cities and the Commission indemnifying the Member Cities and the Commission fully against any claims or liabilities alleged as the result of the Member Cities' and the Commission's exercise of these Policies and Procedures, including any such claims or liabilities alleged or asserted by the incumbent Cable Company;
- (16) an agreement to pay the Member Cities and/or the Commission a Franchise fee in the same percentage of gross revenues as the incumbent providers, and on the same base;
- (17) the proposed Franchise term;



- (18) whether Applicant is willing to agree to terms required under state law, and if not, the terms to which it objects, the basis for the objection, and how it proposes to address the state law requirement, if at all;
- (19) a notation and explanation of omissions or other variations with respect to the requirements of the Application; and
- (20) submission of an Application Fee in the amount of \$40,000.
- (21) Such other information as may be required under state law.
- (22) If the Applicant claims that the Application is submitted pursuant to, and is subject to the deadlines for action under FCC regulations governing issuance of competitive franchises, the Application must so state clearly, and shall also include all information required by federal law.
- Authority: Minn. Stat. § 238.081, Subd. 2 and 4.



## MAYOR & COUNCIL COMMUNICATION

**DATE:** 7/21/2015  
**REGULAR** \$\$  
**ITEM #** 11

**AGENDA ITEM:** Authorization for sale of \$2,815,000 General Obligation Improvement Bond Series 2015A

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

**THROUGH:** Tammy Omdal, Senior Vice President, Northland Securities

**REVIEWED BY:** Tammy Omdal, Northland Securities  
Finance Committee

### **SUGGESTED ORDER OF BUSINESS:**

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

**POLICY RECOMMENDER:** Finance Committee

### **FISCAL IMPACT:**

The City will have the responsibility for the debt service on the issuance of \$2,815,000 of new debt as presented in the Financing Plan.

### **SUMMARY AND ACTION REQUESTED:**

On June 9, 2015, the City authorized the issuance and sale of \$2,815,000 in General Obligation Improvement Bonds, Series 2015A. Resolution No. 2015-57 awards the sale, prescribes the forms and details and provides for the payment of \$2,815,000 to the City of Lake Elmo. The recommended motion for this action is as follows:

***"Move to approve Resolution No. 2015-57 awarding the sale, prescribing the form and details and providing for the payment of \$2,815,000 General Obligation Bonds, Series 2015A"***

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

**BACKGROUND INFORMATION (SWOT):**

**Strengths**

Provides funding for infrastructure projects at a low rate. Projects included are the 39<sup>th</sup> Street Project costs (additional funding needs due to approved project scope changes after 2014 bonding cycle), the Inwood Booster Station Project, the Eagle Point Street Reconstruction Project (100% assessment project) and some equipment purchases.

**Weaknesses**

None identified.

**Opportunities**

Ability to complete the Inwood Line of the water "loop" in 2015 and provide water and sewer to new development areas of the City.

**Threats**

If developments are delayed or do not materialize, the enterprise fund may not be able to independently fund the debt service payments on the infrastructure bonding.

**RECOMMENDATION:**

It is recommended that the City Council approve Resolution 2015-57 authorizing the issuance and sale of \$2,815,000 in General Obligation Bonds, Series 2015A.

***"Move to approve Resolution No. 2015-57 awarding the sale, prescribing the form and details and providing for the payment of \$2,815,000 General Obligation Bonds, Series 2015A"***

**ATTACHMENT(S):**

1. Resolution No. 2015-57



CERTIFICATION OF MINUTES RELATING TO  
\$2,815,000 GENERAL OBLIGATION BONDS, SERIES 2015A

Issuer: City of Lake Elmo, Minnesota

Governing Body: City Council

Kind, date, time and place of meeting: A regular meeting held on July 21, 2015, at 7:00 p.m., at the City Hall.

Members present:

Members absent:

Documents Attached:

Minutes of said meeting (including):

RESOLUTION NO. 2015-57

RESOLUTION AUTHORIZING ISSUANCE, AWARDING SALE,  
PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE  
PAYMENT OF \$2,815,000 GENERAL OBLIGATION BONDS, SERIES 2015A

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

WITNESS my hand officially as such recording officer this 21<sup>st</sup> day of July, 2015.

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City Clerk

It was reported that \_\_\_\_\_ ( ) proposals for the purchase of \$2,815,000 General Obligation Bonds, Series 2015A were received prior to 10:30 A.M., Central Time, pursuant to the Official Statement distributed to potential purchasers of the Bonds by Northland Securities, Inc., municipal advisor to the City. The proposals have been publicly opened, read and tabulated and were found to be as follows:

See Attached

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

RESOLUTION AUTHORIZING ISSUANCE, AWARDING SALE,  
PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE  
PAYMENT OF \$2,815,000 GENERAL OBLIGATION BONDS, SERIES 2015A

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

SECTION 1. AUTHORIZATION AND SALE.

1.01. Authorization. This City Council, by resolution duly adopted on June 9, 2015, authorized the issuance and sale of its General Obligation Bonds, Series 2015A (the "Bonds"), pursuant to Minnesota Statutes, Section 412.301 and Chapters 429, 444 and 475, for the purpose of (a) financing various street improvements in the City (the "Street Project"), (b) financing various water and sewer improvement in the City (the "Utility Project"), (c) financing various items of capital equipment (the "Equipment"), and (d) funding costs of issuance of the Bonds (collectively, the "Project"). The principal amount of the portion of the Bonds, \$ \_\_\_\_\_ allocable to the Equipment (the "Equipment Bonds") does not exceed 0.25 percent of the market value of the taxable property in the City.

1.02. Sale. Pursuant to the Notice of Sale and the Preliminary Official Statement prepared on behalf of the City by Northland Securities, Inc., municipal advisors to the City, sealed or electronic proposals for the purchase of the Bonds were received at or before the time specified for receipt of proposals. The proposals have been opened, publicly read and considered and the purchase price, interest rates and net interest cost under the terms of each proposal have been determined. The most favorable proposal received is that of \_\_\_\_\_, in \_\_\_\_\_, \_\_\_\_\_ (the "Purchaser"), to purchase the Bonds in the principal amount of \$2,815,000, at a price of \$ \_\_\_\_\_ plus accrued interest, if any, on all Bonds to the day of delivery and payment, on the further terms and conditions hereinafter set forth. The principal amount of the portion of the Bonds, \$ \_\_\_\_\_ allocable to the Street Project shall be designated as the "Street Bonds," and the principal amount of the portion of the Bonds allocable to the Utility, \$ \_\_\_\_\_, shall be designated as the "Utility Bonds."

1.03. Award. The sale of the Bonds is hereby awarded to the Purchaser, and the Mayor and City Finance Director are hereby authorized and directed on behalf of the City to execute a contract for the sale of the Bonds with the Purchaser in accordance with the Preliminary Official Statement. The good faith deposit of the Purchaser shall be retained and deposited by the City until the Bonds have been delivered, and shall be deducted from the purchase price paid at settlement.

SECTION 2. BOND TERMS; REGISTRATION; EXECUTION AND DELIVERY.

2.01. Issuance of Bonds. All acts, conditions and things which are required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be

performed precedent to and in the valid issuance of the Bonds having been done, now existing, having happened and having been performed, it is now necessary for the Council to establish the form and terms of the Bonds, to provide security therefor and to issue the Bonds forthwith.

2.02. Maturities; Interest Rates; Denominations and Payment. The Bonds shall be originally dated as of the date of issuance thereof, shall be in the denomination of \$5,000 each, or any integral multiple thereof, of single maturities, shall mature on January 15 in the years and amounts stated below, and shall bear interest from date of issue until paid or duly called for redemption, at the annual rates set forth opposite such years and amounts, as follows:

Year	Amount	Rate	Year	Amount	Rate	Year	Amount	Rate
2017	\$	%	2025	\$	%	2017	\$	%
2018			2026			2018		
2019			2027			2019		
2020			2028			2020		
2021			2029			2021		
2022			2030			2022		
2023			2031			2023		
2024						2024		
<u>Maturity</u>			<u>Utility Bonds</u>			<u>Street Bonds</u>		
2017								
2018								
2019								
2020								
2021								
2022								
2023								
2024								
2025								
2026								
2027								
2028								
2029								
2030								
2031								
<u>Equipment Bonds</u>								

[REVISE MATURITY SCHEDULE FOR ANY TERM BONDS]

The Bonds shall be issuable only in fully registered form. The interest thereon and, upon surrender of each Bond, the principal amount thereof shall be payable by check or draft issued by the Registrar described herein, provided that so long as the Bonds are registered in the name of a securities depository, or a nominee thereof, in accordance with Section 2.08 hereof, principal and

interest shall be payable in accordance with the operational arrangements of the securities depository.

2.03. Dates and Interest Payment Dates. Upon initial delivery of the Bonds pursuant to Section 2.07 and upon any subsequent transfer or exchange pursuant to Section 2.06, the date of authentication shall be noted on each Bond so delivered, exchanged or transferred. Interest on the Bonds shall be payable on January 15 and July 15 in each year, commencing July 15, 2016, each such date being referred to herein as an Interest Payment Date, to the persons in whose names the Bonds are registered on the Bond Register, as hereinafter defined, at the Registrar's close of business on the first day of the calendar month in which such Interest Payment Date occurs, whether or not such day is a business day. Interest shall be computed on the basis of a 360-day year composed of twelve 30-day months.

2.04. Redemption. Bonds maturing on January 15, 2024 and later years shall be subject to redemption and prepayment at the option of the City, in whole or in part, in such order of maturity dates as the City may select and, within a maturity, by lot as selected by the Registrar (or, if applicable, by the bond depository in accordance with its customary procedures) in integral multiples of \$5,000, on January 15, 2023, and on any date thereafter, at a price equal to the principal amount thereof and accrued interest to the date of redemption. The City Finance Director shall cause notice of the call for redemption thereof to be published if and as required by law, and at least thirty (30) and not more than sixty (60) days prior to the designated redemption date, shall cause notice of call for redemption to be mailed, by first class mail, to the Registrar and registered holders of any Bonds to be redeemed at their addresses as they appear on the Bond Register described in Section 2.06 hereof, provided that notice shall be given to any securities depository in accordance with its operational arrangements. No defect in or failure to give such notice of redemption shall affect the validity of proceedings for the redemption of any Bond not affected by such defect or failure. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the owner without charge, representing the remaining principal amount outstanding.

[COMPLETE THE FOLLOWING PROVISIONS IF THERE ARE TERM BONDS-  
ADD ADDITIONAL PROVISIONS IF THERE ARE MORE THAN TWO TERM BONDS]

[Bonds maturing on January 15, 20\_\_\_\_ and 20\_\_\_\_ (the "Term Bonds") shall be subject to mandatory redemption prior to maturity pursuant to the sinking fund requirements of this Section 2.04 at a redemption price equal to the stated principal amount thereof plus interest accrued thereon to the redemption date, without premium. The Registrar shall select for redemption, by lot or other manner deemed fair, on January 15 in each of the following years the following stated principal amounts of such Bonds:

<u>Year</u>	<u>Principal Amount</u>
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The remaining \$\_\_\_\_\_ stated principal amount of such Bonds shall be paid at maturity on January 15, 20\_\_\_\_.

Year \_\_\_\_\_  
Principal Amount \_\_\_\_\_

The remaining \$\_\_\_\_\_ stated principal amount of such Bonds shall be paid at maturity on January 15, 20\_\_\_\_.

Notice of redemption shall be given as provided in the preceding paragraph.]

2.05. Appointment of Registrar. The City hereby appoints Northland Trust Services, Inc., in Minneapolis, Minnesota, as the initial Bond registrar, transfer agent and paying agent (the "Registrar"). The Mayor and City Finance Director are authorized to execute and deliver, on behalf of the City, a contract with the Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company organized under the laws of the United States or one of the states of the United States and authorized by law to conduct such business, such corporation shall be authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The City reserves the right to remove the Registrar, effective upon not less than thirty days' written notice and upon the appointment and acceptance of a successor Registrar, in which event the predecessor Registrar shall deliver all cash and Bonds in its possession to the successor Registrar and shall deliver the Bond Registrar to the successor Registrar.

2.06. Registration. The effect of registration and the rights and duties of the City and the Registrar with respect thereto shall be as follows:

(a) Registrar. The Registrar shall keep at its principal corporate trust office a register (the "Bond Register") in which the Registrar shall provide for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged. The term Holder or Bondholder as used herein shall mean the person (whether a natural person, corporation, association, partnership, trust, governmental unit, or other legal entity) in whose name a Bond is registered in the Bond Register.

(b) Transfer of Bonds. Upon surrender for transfer of any Bond duly endorsed by the Holder thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the Holder thereof or by an attorney duly authorized by the Holder in writing, the Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the first day of the month in which the interest payment date occurs and until such interest payment date.

(c) Exchange of Bonds. At the option of the Holder of any Bond in a denomination greater than \$5,000, such Bond may be exchanged for other Bonds of authorized denominations, of the same maturity and a like aggregate principal amount, upon surrender of the Bond to be exchanged at the office of the Registrar. Whenever any Bond is so surrendered for exchange the City shall execute and the Registrar shall authenticate and deliver the Bonds which the Bondholder making the exchange is entitled to receive.

(d) Cancellation. All Bonds surrendered for payment, transfer or exchange shall be promptly canceled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When any Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the same until it is satisfied that the endorsement on such Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar shall incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name any Bond is at any time registered in the Bond Register as the absolute owner of the Bond, whether the Bond shall be overdue or not, for the purpose of receiving payment of or on account of, the principal of and interest on the Bond and for all other purposes; and all payments made to or upon the order of such Holder shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. For every transfer or exchange of Bonds (except for an exchange upon a partial redemption of a Bond), the Registrar may impose a charge upon the owner thereof sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Bonds. In case any Bond shall become mutilated or be destroyed, stolen or lost, the Registrar shall deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of any such mutilated Bond or in lieu of and in substitution for any Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it, in which both the City and the Registrar shall be named as obligees. All Bonds so surrendered to the Registrar shall be canceled by it and evidence of such cancellation shall be given to the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it shall not be necessary to issue a new Bond prior to payment.



(i) Authenticating Agent. The Registrar is hereby designated authenticating agent for the Bonds, within the meaning of Minnesota Statutes, Section 475.55, Subdivision 1, as amended.

(j) Valid Obligations. All Bonds issued upon any transfer or exchange of Bonds shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this Resolution as the Bonds surrendered upon such transfer or exchange.

2.07. Execution, Authentication and Delivery. The Bonds shall be prepared under the

direction of the City Finance Director and shall be executed on behalf of the City by the signatures of the Mayor and the City Finance Director, provided that the signatures may be printed, engraved or lithographed facsimiles of the originals. In case any officer whose signature or a facsimile of whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the date of delivery of such Bond. Notwithstanding such execution, no Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on the Bond, substantially in the form provided in Section 2.09, has been executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on any Bond shall be conclusive evidence that it has been duly authenticated and delivered under this Resolution. When the Bonds have been prepared, executed and authenticated, the City Finance Director shall deliver them to the Purchaser upon payment of the purchase price in accordance with the contract of sale theretofore executed, and the Purchaser shall not be obligated to see to the application of the purchase price.

2.08. Securities Depository. (a) For purposes of this section the following terms shall have the following meanings:

"Beneficial Owner" shall mean, whenever used with respect to a Bond, the person in whose name such Bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant, or such person's subrogee.

"Cede & Co." shall mean Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Bonds.

"DTC" shall mean The Depository Trust Company of New York, New York.

"Participant" shall mean any broker-dealer, bank or other financial institution for which DTC holds bonds as securities depository.

"Representation Letter" shall mean the Representation Letter pursuant to which the City agrees to comply with DTC's Operational Arrangements.

(b) The Bonds shall be initially issued as separately authenticated fully registered bonds, and one Bond shall be issued in the principal amount of each stated maturity of the Bonds. Upon initial issuance, the ownership of such Bonds shall be registered in the Bond Register in the



name of Cede & Co., as nominee of DTC. The Registrar and the City may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, if any, giving any notice permitted or required to be given to registered owners of Bonds under this resolution, registering the transfer of Bonds, and for all other purposes whatsoever; and neither the Registrar nor the City shall be affected by any notice to the contrary. Neither the Registrar nor the City shall have any responsibility or obligation to any Participant, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any Participant, or any other person which is not shown on the Bond Register as being a registered owner of any Bonds, with respect to the accuracy of any records maintained by DTC or any Participant, with respect to the payment by DTC or any Participant of any amount with respect to the principal of or interest on the Bonds, with respect to any notice which is permitted or required to be given to owners of Bonds under this resolution, with respect to the selection by DTC or any Participant of any person to receive payment in the event of a partial redemption of the Bonds, or with respect to any consent given or other action taken by DTC as registered owner of the Bonds. So long as any Bond is registered in the name of Cede & Co., as nominee of DTC, the Registrar shall pay all principal of and interest on such Bond, and shall give all notices with respect to such Bond, only to Cede & Co. in accordance with DTC's Operational Arrangements, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than DTC shall receive an authenticated Bond for each separate stated maturity evidencing the obligation of the City to make payments of principal and interest. Upon delivery by DTC to the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the Bonds will be transferable to such new nominee in accordance with paragraph (e) hereof.

(c) In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain Bonds in the form of physical certificates, the City may notify DTC and the Registrar, whereupon DTC shall notify the Participants of the availability through DTC of Bonds in the form of certificates. In such event, the Bonds will be transferable in accordance with paragraph (e) hereof. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Registrar and discharging its responsibilities with respect thereto under applicable law. In such event the Bonds will be transferable in accordance with paragraph (e) hereof.

(d) The execution and delivery of the Representation Letter to DTC, if not previously filed with DTC, by the Mayor or City Finance Director is hereby authorized and directed.

(e) In the event that any transfer or exchange of Bonds is permitted under paragraph (b) or (c) hereof, such transfer or exchange shall be accomplished upon receipt by the Registrar of the Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of this resolution. In the event Bonds in the form of certificates are issued to owners other than Cede & Co., its successor as nominee for DTC as owner of all the Bonds, or another securities depository as owner of all the Bonds, the provisions of this resolution shall also apply to all matters relating thereto, including, without limitation, the printing of such Bonds in the form of physical certificates and the method of payment of principal of and interest on such Bonds in the form of physical certificates.

Section 3. USE OF PROCEEDS, PROJECT FUND.

3.01. Project Fund

There is hereby created a special bookkeeping fund to be designated as the "General Obligation Bonds, Series 2015A Project Fund" (the "Project Fund"), to be held and administered by the City Finance Director separate and apart from all other funds of the City. Within the Project Fund are established the following accounts:

- (a) Street Project Account. The Street Project Account shall be credited with (i) \$\_\_\_\_\_ from the proceeds from the Bonds and (ii) all special assessments collected with respect to the Street Project until all costs of such improvements have been fully paid. The City Finance Director shall maintain the Street Project Account until payment of all costs and expenses incurred in connection with the construction of the Street Project have been paid.

- (b) Utility Project Account. The Utility Project Account shall be credited with \$\_\_\_\_\_ from the proceeds of the Bonds. The City Finance Director shall maintain the Utility Project Account until all costs and expenses incurred by the City in connection with the construction of the Utility Project have been paid.

- (c) Equipment Account. The Equipment Account shall be credited with \$\_\_\_\_\_ from the proceeds of the Bonds. The City Finance Director shall maintain the Equipment Account until all costs and expenses incurred by the City in connection with the Equipment have been paid.

From the Project Fund there shall be paid all costs and expenses related to the construction and acquisition of the Project. After payment of all such costs and expenses, the Project Fund shall be terminated. All funds on hand in the Project Fund when terminated shall be credited to the Bond Fund described in Section 4 hereof, unless and except as such proceeds may be transferred to some other fund or account as to which the City has received from bond counsel an opinion that such other transfer is permitted by applicable laws and does not impair the exemption of interest on the Bonds from federal income taxes.

SECTION 4. GENERAL OBLIGATION BONDS, SERIES 2015A BOND FUND. The Bonds shall be payable from a separate General Obligation Bonds, Series 2015A Bond Fund (the "Bond Fund") of the City, which shall be created and maintained on the books of the City as a separate debt redemption fund until the Bonds, and all interest thereon, are fully paid. Into the Bond Fund shall be paid (a) any funds received from the Purchaser upon delivery of the Bonds in excess of the amounts specified in Section 3 above; (b) special assessments levied and collected in accordance with this Resolution except as otherwise provided in Section 3.01, clause (a) hereof; (c) net revenues of the municipal water and sewer systems, such revenues to be distributed ratably with respect to the portion of the Bonds payable therefrom and any other obligations of the City payable from the same source; (d) any taxes collected pursuant to Section 7 hereof; and (e) any other funds appropriated by this Council for the payment of the Bonds. The principal of and interest on the Bonds shall be payable from the Bond Fund, and the money on hand in the Bond Fund from time to time shall be used only to pay the principal of and interest on the Bonds.

On or before each principal and interest payment date for the Bonds, the City Finance Director is directed to remit to the Registrar from funds on deposit in the Bond Fund the amount needed to pay principal and interest on the Bonds on the next succeeding principal and interest payment date.

There are hereby established two accounts in the Bond Fund, designated as the "Debt Service Account" and the "Surplus Account." There shall initially be deposited into the Debt Service Account upon the issuance of the Bonds the amount set forth in clause (a) above. Thereafter, during each bond year (each twelve month period commencing on January 16 and ending on the following January 15, a "Bond Year"), as monies are received into the Bond Fund, the City Finance Director shall first deposit such monies into the Debt Service Account until an amount has been appropriated thereto sufficient to pay all principal and interest due on the Bonds through the end of the Bond Year. All subsequent monies received in the Bond Fund during the Bond Year shall be appropriated to the Surplus Account. If at any time the amount on hand in the Debt Service Account is insufficient for the payment of principal and interest then due, the City Finance Director shall transfer to the Debt Service Account amounts on hand in the Surplus Account to the extent necessary to cure such deficiency. Investment earnings (and losses) on amounts from time to time held in the Debt Service Account and Surplus Account shall be credited or charged to said accounts.

If the balance in the Bond Fund is at any time insufficient to pay all interest and principal then due on all Bonds payable therefrom, the payment shall be made from any fund of the City which is available for that purpose, subject to reimbursement from the Surplus Account when the balance therein is sufficient, and the City covenants and agrees that it will each year levy a sufficient amount of ad valorem taxes to take care of any accumulated or anticipated deficiency, which levy is not subject to any constitutional or statutory limitation.

SECTION 5. SPECIAL ASSESSMENTS. The City hereby covenants and agrees that, for the payment of the costs of the Street Project, the City has done or will do and perform all acts and things necessary for the final and valid levy of special assessments in the principal amount of \$1,490,000, which is not less than 20% of the cost of the Street Project. The principal of and interest on such special assessments are estimated to be levied and collected in the years and amounts shown on EXHIBIT B attached hereto. The principal of the assessments shall be made payable in annual installments, with interest as established by this Council in accordance with law on unpaid installments thereof from time to time remaining unpaid. In the event any special assessment shall at any time be held invalid with respect to any lot or tract of land, due to any error, defect or irregularity in any action or proceeding taken or to be taken by the City or by this Council or by any of the officers or employees of the City, either in the making of such special assessment or in the performance of any condition precedent thereto, the City hereby covenants and agrees that it will forthwith do all such further things and take all such further proceedings as shall be required by law to make such special assessment a valid and binding lien upon said property.

SECTION 6. PLEDGE OF NET REVENUES. It is hereby found, determined and declared that the City owns and operates its municipal water and sewer systems as revenue-producing utilities and as a convenience, and that the net operating revenues of the systems, after deducting from the gross receipts derived from charges for the service, use and availability of the systems the

normal, current and reasonable expenses of operation and maintenance thereof, will be sufficient, together with any other pledged funds, for the payment when due of the principal of and interest on the Utility Bonds and on any other bonds to which such revenues are pledged.

Pursuant to Minnesota Statutes, Section 444.075, the City hereby covenants and agrees with the registered owners from time to time of the Bonds that until the Bonds and the interest thereon are discharged as provided in Section 8 or paid in full, the City will impose and collect reasonable charges in accordance with said Section 444.075 for the service, use and availability of its municipal water and sewer systems according to schedules sufficient to produce net revenues sufficient, with other funds pledged to payment of the Utility Bonds, to pay the Utility Bonds and any other bonds to which said net revenues have been pledged; and the net revenues, to the extent necessary, are hereby irrevocably pledged and appropriated to the payment of the Bonds and interest thereon when due. Nothing herein shall preclude the City from hereafter making further pledges and appropriations of the net revenues of its municipal water and sewer systems for payment of additional obligations of the City hereafter authorized if the Council determines before the authorization of such additional obligations that the estimated net revenues of the systems will be sufficient, together with any other sources pledged to the payment of the outstanding and additional obligations, for payment of the outstanding bonds and such additional obligations. Such further pledges and appropriations of net revenues may be made superior or subordinate to or on a parity with, the pledge and appropriation herein made.

**SECTION 7. PLEDGE OF TAXING POWERS.** For the prompt and full payment of the principal of and interest on the Bonds as such payments respectively become due, the full faith, credit and unlimited taxing powers of the City shall be and are hereby irrevocably pledged. In order to produce aggregate amounts which, together with the collections of other amounts as set forth in Section 4, will produce amounts not less than 5% in excess of the amounts needed to meet when due the principal and interest payments on the Bonds, ad valorem taxes are hereby levied on all taxable property in the City, the taxes to be levied and collected in the following years and amounts:

<u>Levy Years</u>	<u>Collection Years</u>	<u>Amount</u>
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See attached schedules

The taxes shall be irrepalable as long as any of the Bonds are outstanding and unpaid, provided that the City reserves the right and power to reduce the tax levies from other legally available funds, in accordance with the provisions of Minnesota Statutes, Section 475.61.

**SECTION 8. DEFEASANCE.** When all of the Bonds have been discharged as provided in this Section, all pledges, covenants and other rights granted by this Resolution to the Holders of the Bonds shall cease. The City may discharge its obligations with respect to any Bonds which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full; or, if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued from the due date to the date of such deposit. The City may also discharge its obligations with respect to any prepayable Bonds called for redemption on any date when they



are prepayable according to their terms by depositing with the Registrar on or before that date an amount equal to the principal, redemption premium, if any, and interest then due, provided that notice of such redemption has been duly given as provided herein. The City may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with the Registrar or with a bank or trust company qualified by law to act as an escrow agent for this purpose, cash or securities which are authorized by law to be so deposited for such purpose, bearing interest payable at such times and at such rates and maturing or callable at the holder's option on such dates as shall be required to pay all principal and interest to become due thereon to maturity or, if notice of redemption as herein required has been irrevocably provided for, to an earlier designated redemption date. If such deposit is made more than ninety days before the maturity date or specified redemption date of the Bonds to be discharged, the City must have received a written opinion of Bond Counsel to the effect that such deposit does not adversely affect the exemption of interest on any Bonds from federal income taxation and a written report of an accountant or investment banking firm verifying that the deposit is sufficient to pay when due all of the principal and interest on the Bonds to be discharged on and before their maturity dates or earlier designated redemption date.

#### SECTION 8. TAX COVENANTS; ARBITRAGE MATTERS AND CONTINUING DISCLOSURE.

8.01. General Tax Covenant. The City agrees with the registered owners from time to time of the Bonds that it will not take, or permit to be taken by any of its officers, employees or agents, any action that would cause interest on the Bonds to become includable in gross income of the recipient under the Internal Revenue Code of 1986, as amended (the "Code") and applicable Treasury Regulations (the "Regulations"), and agrees to take any and all actions within its powers to ensure that the interest on the Bonds will not become includable in gross income of the recipient under the Code and the Regulations. All proceeds of the Bonds deposited in the Project Fund will be expended solely for the payment of the costs of the Project. The Project is and will be owned and maintained by the City and available for use by members of the general public on a substantially equal basis. The City shall not enter into any lease, management contract, use agreement, capacity agreement or other agreement with any non-governmental person relating to the use of the Project, or any portion thereof, or security for the payment of the Bonds which might cause the Bonds to be considered "private activity bonds" or "private loan bonds" pursuant to Section 141 of the Code.

8.02. Arbitrage Certification. The Mayor and City Finance Director being the officers of the City charged with the responsibility for issuing the Bonds pursuant to this Resolution, are authorized and directed to execute and deliver to the Purchaser a certificate in accordance with Section 148 of the Code, and applicable Regulations, stating the facts, estimates and circumstances in existence on the date of issue and delivery of the Bonds which make it reasonable to expect that the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be "arbitrage bonds" within the meaning of the Code and Regulations.

8.03. Arbitrage Rebate. (a) It is hereby found that the City has general taxing powers, that no Bond is a "private activity bond" within the meaning of Section 141 of the Code, that 95% or more of the net proceeds of the Bonds are to be used for local governmental activities of

the City, and that the aggregate face amount of all tax-exempt obligations (other than private activity bonds) issued by the City and all subordinate entities thereof during the year 2015 is not reasonably expected to exceed \$5,000,000. Therefore, pursuant to Section 148(f)(4)(D) of the Code, the City shall not be required to comply with the arbitrage rebate requirements of paragraphs (2) and (3) of Section 148(f) of the Code.

(b) Notwithstanding the provisions of paragraph (a) of this Section 8.03, if the arbitrage rebate provisions of Section 148(f) of the Code apply to the Bonds, the City hereby covenants and agrees to make the determinations, retain records and rebate to the United States the amounts at the times and in the manner required by said Section 148(f) and applicable Regulations.

8.04. Qualified Tax-Exempt Obligations. The City Council hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code relating to the disallowance of interest expense for financial institutions, and hereby finds that the reasonably anticipated amount of tax-exempt obligations (within the meaning of Section 265(b)(3) of the Code) which will be issued by the City and all subordinate entities during calendar year 2015 does not exceed \$10,000,000.

8.05. Reimbursement. The City certifies that the proceeds of the Bonds will not be used by the City to reimburse itself for any expenditure with respect to the Projects which the City paid or will have paid more than 60 days prior to the issuance of the Bonds unless, with respect to such prior expenditures, the City shall have made a declaration of official intent which complies with the provisions of Section 1.150-2 of the Regulations, provided that this certification shall not apply (i) with respect to certain de minimis expenditures, if any, with respect to the Projects meeting the requirements of Section 1.150-2(f)(1) of the Regulations, or (ii) with respect to "preliminary expenditures" for the Projects as defined in Section 1.150-2(f)(2) of the Regulations, including engineering or architectural expenses and similar preparatory expenses, which in the aggregate do not exceed 20% of the "issue price" of the Bonds.

8.06. Continuing Disclosure (a) Purpose and Beneficiaries. To provide for the public availability of certain information relating to the Bonds and the security therefor and to permit the Purchaser and other participating underwriters in the primary offering of the Bonds to comply with amendments to Rule 15c2-12 promulgated by the SEC under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12), relating to continuing disclosure (as in effect and interpreted from time to time, the Rule), which will enhance the marketability of the Bonds, the City hereby makes the following covenants and agreements for the benefit of the Owners (as hereinafter defined) from time to time of the outstanding Bonds. The City is the only obligated person in respect of the Bonds within the meaning of the Rule for purposes of identifying the entities in respect of which continuing disclosure must be made. If the City fails to comply with any provisions of this section, any person aggrieved thereby, including the Owners of any outstanding Bonds, may take whatever action at law or in equity may appear necessary or appropriate to enforce performance and observance of any agreement or covenant contained in this section, including an action for a writ of mandamus or specific performance. Direct, indirect, consequential and punitive damages shall not be recoverable for any default hereunder to the extent permitted by law. Notwithstanding anything to the contrary contained herein, in no event shall a default under this section constitute a default under the Bonds or under any other provision of this resolution. As used in this section, Owner or Bondowner owner means, in

respect of the Bonds, the registered owner or owners thereof appearing in the bond register maintained by the Registrar or any Beneficial Owner (as hereinafter defined) thereof, if such Beneficial Owner provides to the Registrar evidence of such beneficial ownership in form and substance reasonably satisfactory to the Registrar. As used herein, Beneficial Owner means, in respect of the Bonds, any person or entity which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, such Bonds (including persons or entities holding Certificates through nominees, depositories or other intermediaries), or (b) is treated as the owner of the Bonds for federal income tax purposes.

(b) Information To Be Disclosed. The City will provide, in the manner set forth in subsection (c) hereof, either directly or indirectly through an agent designated by the City, the following information at the following times:

- (1) On or before 12 months after the end of each fiscal year of the City, commencing with the fiscal year ending December 31, 2015, the following financial information and operating data in respect of the City (the Disclosure Information):
  - (A) the audited financial statements of the City for such fiscal year, prepared in accordance with generally accepted accounting principles in accordance with the governmental accounting standards promulgated by the Governmental Accounting Standards Board or as otherwise provided under Minnesota law, as in effect from time to time, or, if and to the extent such financial statements have not been prepared in accordance with such generally accepted accounting principles for reasons beyond the reasonable control of the City, noting the discrepancies therefrom and the effect thereof, and certified as to accuracy and completeness in all material respects by the fiscal officer of the City; and
  - (B) to the extent not included in the financial statements referred to in paragraph (A) hereof, the information for such fiscal year or for the period most recently available of the type contained in the Official Statement under the headings: "Economic and Financial Information—Valuations"; "--Tax Capacity Rates" and "--Tax Levies and Collections" and "Summary of Debt and Debt Statistics."

Notwithstanding the foregoing paragraph, if the audited financial statements are not available by the date specified, the City shall provide on or before such date unaudited financial statements in the format required for the audited financial statements as part of the Disclosure Information and, within 10 days after the receipt thereof, the City shall provide the audited financial statements. Any or all of the Disclosure Information may be incorporated by reference, if it is updated as required hereby, from other documents, including official statements, which have been filed with the SEC or have been made available to the public by the Municipal Securities Rulemaking Board (the "MSRB") through its Electronic Municipal Market Access System (EMMA). The City shall clearly identify in the Disclosure Information each document so incorporated by reference. If any part of the Disclosure Information can no longer be generated because the operations of the City have materially changed or been discontinued, such Disclosure

Information need no longer be provided if the City includes in the Disclosure Information a statement to such effect; provided, however, if such operations have been replaced by other City operations in respect of which data is not included in the Disclosure Information and the City determines that certain specified data regarding such replacement operations would be a Material Fact (as defined in paragraph (2) hereof), then, from and after such determination, the Disclosure Information shall include such additional specified data regarding the replacement operations. If the Disclosure Information is changed or this section is amended as permitted by this paragraph (b)(1) or subsection (d), then the City shall include in the next Disclosure Information to be delivered hereunder, to the extent necessary, an explanation of the reasons for the amendment and the effect of any change in the type of financial information or operating data provided.

(2) In a timely manner, not in excess of 10 business days, to the MSRB through EMMA, notice of the occurrence of any of the following events (each a "Material Fact," as hereinafter defined):

- (A) principal and interest payment delinquencies;
- (B) non-payment related defaults;
- (C) unscheduled draws on debt service reserves reflecting financial difficulties;
- (D) unscheduled draws on credit enhancements reflecting financial difficulties;
- (E) substitution of credit or liquidity providers, or their failure to perform; adverse tax opinions or events affecting the tax-exempt status of the security;
- (F) modifications to rights of security holders;
- (G) bond calls;
- (H) defeasances;
- (J) release, substitution, or sale of property securing repayment of the securities;
- (K) rating changes;
- (L) bankruptcy, insolvency, receivership, or similar event of the obligated person;
- (M) the consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of an obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (N) appointment of a successor or additional trustee or the change of name of a trustee, if material.

As used herein, for those events that must be reported if material, a "Material Fact" is a fact as to which a substantial likelihood exists that a reasonably prudent investor would attach importance thereto in deciding to buy, hold or sell the Bonds or, if not disclosed, would significantly alter the total information otherwise available to an investor from the Official Statement, information disclosed hereunder or information generally available to the public. Notwithstanding the



foregoing sentence, a Material Fact is also a fact that would be deemed material for purposes of the purchase, holding or sale of the Bonds within the meaning of applicable federal securities laws, as interpreted at the time of discovery of the occurrence of the event.

For the purposes of the event identified in (L) hereinabove, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

- (3) In a timely manner, to the MSRB through EMMA, notice of the occurrence of any of the following events or conditions:
  - (A) the failure of the City to provide the Disclosure Information required under paragraph (b)(1) at the time specified thereunder;
  - (B) the amendment or supplementing of this section pursuant to subsection (d), together with a copy of such amendment or supplement and any explanation provided by the City under subsection (d)(2);
  - (C) the termination of the obligations of the City under this section pursuant to subsection (d);
  - (D) any change in the accounting principles pursuant to which the financial statements constituting a portion of the Disclosure Information are prepared; and
  - (E) any change in the fiscal year of the City.

(c) Manner of Disclosure.

- (1) The City agrees to make available to the MSRB through EMMA, in an electronic format as prescribed by the MSRB, the information described in subsection (b).
- (2) All documents provided to the MSRB pursuant to this subsection (c) shall be accompanied by identifying information as prescribed by the MSRB from time to time.

(d) Term; Amendments; Interpretation.

- (1) The covenants of the City in this section shall remain in effect so long as any Bonds are outstanding. Notwithstanding the preceding sentence, however, the obligations of the City under this section shall terminate and be without further effect as of any date on which the City delivers to the Registrar an opinion of Bond Counsel to the effect that, because of legislative action or final judicial or administrative actions or proceedings, the failure of the City to comply with the

9.02. Authentication of Transcript. The officers of the City and the County Auditor are hereby authorized and directed to prepare and furnish to the Purchaser and to Dorsey & Whitney LLP, Bond Counsel, certified copies of all proceedings and records relating to the Bonds and such other affidavits, certificates and information as may be required to show the facts relating to the legality and marketability of the Bonds, as the same appear from the books and records in their custody and control or as otherwise known to them, and all such certified copies, affidavits

9.01. Registration of Bonds. The City Finance Director is hereby authorized and directed to file a certified copy of this resolution with the County Auditor of Washington County, together with such additional information as is required, and to obtain a certificate that the Bonds and the taxes levied pursuant hereto have been duly entered upon the County Auditor's Bond register.

## SECTION 9. CERTIFICATION OF PROCEEDINGS.

(3) This section is entered into to comply with the continuing disclosure provisions of the Rule and should be construed so as to satisfy the requirements of paragraph (b)(5) of the Rule.

If the Disclosure Information is so amended, the City agrees to provide, contemporaneously with the effectiveness of such amendment, an explanation of the reasons for the amendment and the effect, if any, of the change in the type of financial information or operating data being provided hereunder.

(2) This section (and the form and requirements of the Disclosure Information) may be amended or supplemented by the City from time to time, without notice to any Bonds, by a resolution of this Council filed in the office of the recording officer of the City accompanied by an opinion of Bond Counsel, who may rely on certificates of the City and others and the opinion may be subject to customary qualifications, to the effect that: (i) such amendment or supplement (a) is made in connection with a change in circumstances that arises from a change in law or regulation or a change in the identity, nature or status of the City or the type of operations conducted by the City, or (b) is required by, or better complies with, the provisions of paragraph (b)(5) of the Rule; (ii) this section as so amended or supplemented would have complied with the requirements of paragraph (b)(5) of the Rule at the time of the primary offering of the Bonds, giving effect to any change in circumstances applicable under clause (i)(a) and assuming that the Rule as in effect and interpreted at the time of the amendment or supplement was in effect at the time of the primary offering; and (iii) such amendment or supplement does not materially impair the interests of the Bondowners under the Rule.

requirements of this section will not cause participating underwriters in the primary offering of the Bonds to be in violation of the Rule or other applicable requirements of the Securities Exchange Act of 1934, as amended, or any statutes or laws successor thereto or amendatory thereof.

and certificates, including any heretofore furnished, shall be deemed representations of the City as to the correctness of all statements contained therein.

9.03. Official Statement. The Preliminary Official Statement relating to the Bonds, dated as of \_\_\_\_\_, 2015 prepared and distributed by Northland Securities, Inc., is hereby approved. Northland Securities, Inc., is hereby authorized on behalf of the City to prepare and distribute to the Purchaser within seven business days from the date hereof, a Final Official Statement listing the offering price, the interest rates, selling compensation, delivery date, the underwriters and such other information relating to the Bonds required to be included in the Official Statement by Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934. The officers of the City are hereby authorized and directed to execute such certificates as may be appropriate concerning the accuracy, completeness and sufficiency of the Official Statement.

9.04. Authorization of Payment of Certain Costs of Issuance of the Bonds. The City authorizes the Purchaser to forward the amount of Bond proceeds allocable to the payment of issuance expenses to the Registrar on the closing date for further distribution as directed by Northland Securities, Inc.

9.05. Effective Date. This resolution shall be in full force and effect from and after its passage.

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

and the following voted against the same:

whereupon the Resolution was declared duly passed and adopted.

EXHIBIT A

UNITED STATES OF AMERICA  
STATE OF MINNESOTA  
COUNTY OF WASHINGTON

CITY OF LAKE ELMO

GENERAL OBLIGATION BONDS,  
SERIES 2015A

R-\_\_\_\_\_ \$ \_\_\_\_\_

Interest Rate	Maturity Date	Date of Original Issue	CUSIP No.
_____%	January 15, 20____	_____, 2015	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: THOUSAND DOLLARS

CITY OF LAKE ELMO, State of Minnesota (the "City") acknowledges itself to be indebted and for value received hereby promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above on the maturity date specified above and promises to pay interest thereon from the date of original issue specified above or from the most recent Interest Payment Date (as hereinafter defined) to which interest has been paid or duly provided for, at the annual interest rate specified above, payable on January 15 and July 15 in each year, commencing July 15, 2016 (each such date, an "Interest Payment Date"), all subject to the provisions referred to herein with respect to the redemption of the principal of this Bond before maturity. The interest so payable on any Interest Payment Date shall be paid to the person in whose name this Bond is registered at the close of business on the first day (whether or not a business day) of the calendar month in which such Interest Payment Date occurs. Interest hereon shall be computed on the basis of a 360-day year composed of twelve 30-day months. The interest hereon and, upon presentation and surrender hereof at the principal office of the agent of the Registrar described below, the principal hereof are payable in lawful money of the United States of America by check or draft drawn on Northland Trust Services, Inc., Minneapolis, Minnesota, as Bond registrar, transfer agent and paying agent, or its successor designated under the Resolution described herein (the "Registrar") or other agreed-upon means of payment by the Registrar or its designated successor. For the prompt and full payment of such principal and interest as the same respectively come due, the full faith and credit and taxing powers of the City have been and are hereby irrevocably pledged.

This Bond is one of an issue (the "Bonds") in the aggregate principal amount of \$2,815,000 issued pursuant to a resolution adopted by the City Council on July 21, 2015 (the "Resolution"), to finance various street improvement projects in the City, improvements to the City's water and sewer systems, and various items of capital equipment and to fund the costs of issuance of the Bonds. This Bond issued by authority of and in strict accordance with the provisions of the Constitution and laws of the State of Minnesota thereunto enabling, including Minnesota Statutes, Section 412.301 and Chapters 429, 444 and 475. For the full and prompt payment of the principal of and interest on the Bonds as the same become due, the full faith, credit and taxing power of the City have been and are hereby irrevocably pledged. The Bonds are issuable only in fully registered form, in the denomination of \$5,000 or any integral multiple thereof, of single maturities.

Bonds maturing on January 15, 2024 and later years shall be subject to redemption and prepayment at the option of the City, in whole or in part, in such order of maturity dates as the City may select and, within a maturity, by lot as selected by the Registrar (or, if applicable, by the Bond depository in accordance with its customary procedures) in multiples of \$5,000, on January 15, 2023, and on any date thereafter, at a price equal to the principal amount thereof and accrued interest to the date of redemption. The City shall cause notice of the call for redemption thereof to be published if and to the extent required by law, and at least thirty (30) and not more than sixty (60) days prior to the designated redemption date, shall cause notice of call for redemption to be mailed, by first class mail (or, if applicable, provided in accordance with the operational arrangements of the securities depository), to the registered holders of any Bonds, at the holders' addresses as they appear on the Bond register maintained by the Bond Registrar, but no defect in or failure to give such mailed notice of redemption shall affect the validity of proceedings for the redemption of any Bond not affected by such defect or failure. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the owner without charge, representing the remaining principal amount outstanding.

[COMPLETE THE FOLLOWING PROVISIONS IF THERE ARE TERM BONDS-  
ADD ADDITIONAL PROVISIONS IF THERE ARE MORE THAN TWO TERM BONDS]

[Bonds maturing in the years 20\_\_\_\_ and 20\_\_\_\_ shall be subject to mandatory redemption, at a redemption price equal to their principal amount plus interest accrued thereon to the redemption date, without premium, on January 15 in each of the years shown below, in an amount equal to the following principal amounts:

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed preliminary to and in the issuance of this Bond in order to make it a valid and binding general obligation of the City in accordance with its terms, have been done, do exist, have happened and have been performed as so required; that, prior to the issuance hereof, the City Council has by the Resolution covenanted and agreed to collect and apply to payment of the bonds ad valorem taxes levied on all taxable property in the City, certain net revenues of its municipal water and sewer systems and special assessments upon property specially benefited by the local improvements financed with the Bonds, which taxes, revenues and assessments are estimated to be collectible in years and amounts sufficient to produce sums

The City and the Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment as herein provided and for all other purposes, and neither the City nor the Registrar shall be affected by any notice to the contrary.

Notwithstanding any other provisions of this Bond, so long as this Bond is registered in the name of Cede & Co., as nominee of The Depository Trust Company, or in the name of any other nominee of The Depository Trust Company or other securities depository, the Registrar shall pay all principal of and interest on this Bond, and shall give all notices with respect to this Bond, only to Cede & Co. or other nominee in accordance with the operational arrangements of The Depository Trust Company or other securities depository as agreed to by the City.

The Bonds have been designated by the City as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the City at the principal office of the Registrar, by the registered owner hereof in person or by the owner's attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered owner or the owner's attorney, and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the City will cause a new Bond or Bonds to be issued in the name of the designated transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date; subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to any such transfer or exchange.

Notice of redemption shall be given as provided in the preceding paragraph.]

Term Bonds Maturing in 20		Term Bonds Maturing in 20	
Sinking Fund	Aggregate	Sinking Fund	Aggregate
Payment Date	Principal Amount	Payment Date	Principal Amount
(final maturity)		(final maturity)	



not less than 5% in excess of the principal of and interest on the Bonds when due, and has appropriated such assessments, revenues and taxes to its General Obligation Bonds, Series 2015 Bond Fund for the payment of such principal and interest; that if necessary for the payment of such principal and interest, additional ad valorem taxes are required to be levied upon all taxable property in the City, without limitation as to rate or amount; that all proceedings relative to the projects financed by this Bond have been or will be taken according to law and that the issuance of this Bond, together with all other indebtedness of the City outstanding on the date hereof and on the date of its actual issuance and delivery, does not cause the indebtedness of the City to exceed any constitutional or statutory limitation of indebtedness.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the City has caused this Bond to be executed on its behalf by the facsimile signatures of its Mayor and City Finance Director and has caused this Bond to be dated as of the date set forth below.

CITY OF LAKE ELMO, MINNESOTA

\_\_\_\_\_  
(facsimile signature – City Finance Director)

\_\_\_\_\_  
(facsimile signature – Mayor)

\_\_\_\_\_  
CERTIFICATE OF AUTHENTICATION

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

Date of Authentication: \_\_\_\_\_

NORTHLAND TRUST SERVICES, INC.,  
as Registrar

By \_\_\_\_\_  
Authorized Representative



The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to the applicable laws or regulations:

TEN COM --as tenants in common  
UTMA ..... as Custodian for .....  
(Cust)  
(Minor)  
TEN ENT --as tenants by the entireties under Uniform Transfers to Minors Act .....  
(State)  
JT TEN --as joint tenants with right of survivorship and not as tenants in common

Additional abbreviations may also be used.

## ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto the within Bond and all rights thereunder, and does hereby irrevocably constitute and appoint attorney to transfer the said Bond on the books kept for registration of the within Bond, with full power of substitution in the premises.

Dated: \_\_\_\_\_  
NOTICE: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

Signature(s) must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Registrar, which requirements include membership or participation in STAMP or such other "signature guaranty program" as may be determined by the Registrar in addition to or in substitution for STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

PLEASE INSERT SOCIAL SECURITY OR  
OTHER IDENTIFYING NUMBER OF  
ASSIGNEE:

## **EXHIBIT B**

### **Special Assessments and Tax Levies**

WASHINGTON COUNTY AUDITOR'S  
CERTIFICATE AS TO REGISTRATION AND TAX LEVY

The undersigned, being the duly qualified and acting County Auditor of Washington County, Minnesota, hereby certifies that there has been filed in my office a certified copy of a resolution duly adopted on July 21, 2015, by the City Council of Lake Elmo, Minnesota, setting forth the form and details of an issue of \$2,815,000 General Obligation Bonds, Series 2015A dated the date of issuance thereof.

I further certify that the issue has been entered on my bond register and the taxes required by law have been levied as required by Minnesota Statutes, Sections 475.61 to 475.63. WITNESS my hand and official seal on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Washington County Auditor

(SEAL)



## MAYOR & COUNCIL COMMUNICATION

DATE: July 21, 2015  
REGULAR  
ITEM # 12

**AGENDA ITEM:** Stormwater Drainage Improvements – Approve Ditch Cleaning at 8690 and 8702 Ironwood Trail N

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

**THROUGH:** Julie Johnson, City Clerk

**REVIEWED BY:** Jack Griffin, City Engineer  
Mike Bouthilet, Public Works  
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 / Public Works.

**FISCAL IMPACT:** \$5,962.50.

The City obtained a quote from Miller Excavating, Inc. in the amount of \$5,962.50 to remove sediment that is blocking drainage of the ditch along the property line of 8690 and 8702 Ironwood Trail N. Ditch cleaning/restoration is funded through Surface Water Management Fund.

### SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving the ditch cleaning at 8690 and 8702 Ironwood Trail N and awarding a construction contract to Miller Excavating, Inc. in the amount of \$5,962.50 to complete the work. The recommended motion for this action is as follows:

*“Move to approve ditch cleaning at 8690 and 8702 Ironwood Trail N and award a construction contract to Miller Excavating, Inc. in the amount of \$5,962.50.”*

**LEGISLATIVE HISTORY/BACKGROUND INFORMATION:**

A culvert under Ironwood Trail N collects drainage from a portion of the Tablyn Park Neighborhood including the public street right-of-way and discharges along the property line of 8690 and 8702 Ironwood Trail N. A 10-foot wide drainage and utility easement exists along this property line to facilitate drainage. Sediment deposit over time has filled in the ditch restricting the intended drainage path and creating standing water within the easement and adjacent properties. The sediment needs to be removed to restore a positive grade. The ditch grading work would consist of approximately 100 feet of sediment removal blending into the existing grades and re-establishing turf in the disturbed area.

Public Works did not have time and equipment available to complete the work and requested Engineering contractors to provide a quote, therefore only one quote has been obtained. Miller Excavating, Inc. was recently awarded a street reconstruction project in Lake Elmo, therefore they will have crews mobilized in the area and were willing to take on the added work.

Attached are right of entry forms signed by each property owner to allow the work to be completed and restored as necessary to facilitate drainage along their shared property line. Both property owners have requested the work to be completed for several years and are concerned about the standing water along the ditch that is currently blocked by excess sediment. We have detailed the scope of work to be completed in the right of entry forms and have communicated with the property owners.

**RECOMMENDATION:**

Staff is recommending that the City Council approve the ditch cleaning at 8690 and 8702 Ironwood Trail N and award a construction contract to Miller Excavating, Inc. in the amount of \$5,962.50 to complete the work. The recommended motion for this action is as follows:

***"Move to approve ditch cleaning at 8690 and 8702 Ironwood Trail N and award a construction contract to Miller Excavating, Inc. in the amount of \$5,962.50."***

**ATTACHMENT(S):**

1. Construction Contract with Miller Excavating, Inc.
2. Waiver of Trespass / Right of Entry Agreement for 8690 Ironwood Trail N.
3. Waiver of Trespass / Right of Entry Agreement for 8702 Ironwood Trail N.

**CONSTRUCTION CONTRACT FOR DITCH  
CLEANING AT 8690 & 8702 IRONWOOD TRAIL N  
LAKE ELMO, MINNESOTA**

This Contract, made this \_\_\_\_\_ day of \_\_\_\_\_ **2015**, by the City of Lake Elmo, Minnesota (hereinafter called the "Owner") and Miller Excavating, Inc. (hereinafter called the "Contractor").

WITNESSETH that the parties hereto agree as follows:

The Contractor shall provide all labor, services, materials, equipment and machinery, transportation, tools, fuel, power, light, heat, telephone, water, sanitary facilities, temporary facilities, and all other facilities and incidentals, including profit and overhead, necessary for the performance, testing, start-up, and completion of the work as described herein:

**DESCRIPTION OF WORK:**

The Contractor shall remove sediment within the existing drainage ditch along 8690 and 8702 Ironwood Trail N to provide a minimum 2% slope from the existing 24-inch culvert end to daylight (approximately 100 feet in length). The Contractor shall match into the existing side slopes to create a 4:1 slope that can be mowed. The existing riprap in the ditch bottom shall be salvaged and placed at the 24-inch outlet for energy dissipation. Geotextile fabric and additional class III riprap is to be furnished and installed as necessary to finish the culvert end. A minimum of 4 inches of topsoil, seed and wood fiber blanket must be provided to establish turf for all disturbed areas.

All work shall be completed within the specified time frame and under the terms and conditions provided within this Construction Contract, and in accordance with the "General Conditions" shown in this contract. The contractor shall complete the proposed work by **AUGUST 21, 2015**.

The Owner will make payment for the whole contract on a lump sum basis upon acceptance by the Owner of all work required hereunder and in compliance with all the terms and conditions of this contract.

**TOTAL AMOUNT: \$5,962.50**

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the date first above written.

\_\_\_\_\_  
(Contractor)

\_\_\_\_\_  
(City of Lake Elmo)

## GENERAL CONDITIONS

- I. CHANGES IN WORK. - The Owner may at any time, make changes in the drawings and specifications, within the general scope thereof. If such changes cause an increase or decrease in the amount due under this contract or in the time required for its performance, an equitable adjustment will be made, and this contract will be modified accordingly by a "Contract Change Order". No charge for any extra work or material will be allowed unless the same has been ordered on such contract change order by the Owner and the price therefore stated in the order.
- II. INSPECTION OF WORK. - All materials and workmanship will be subject to inspection, examination, and test, by the Owner, who will have the right to reject defective material and workmanship or require its correction.
- III. COMPLETION OF WORK. - If the Contractor refuses or fails to complete the work within the time specified in this contract, or any extension thereof, the Owner may terminate the Contractor's rights to proceed. In such event the Owner may take over the work and prosecute the same to completion by contract or otherwise, and the Contractor will be liable for any excess cost occasioned the Owner thereby; and the Owner may take possession of and utilize in completing the work such materials and equipment as may be on the site of the work and necessary therefore. If the Owner does not terminate the right of the Contractor to proceed, the Contractor will continue the work, in which event, actual damages for delay will be impossible to determine, and in lieu thereof, the Contractor may be required to pay to the Owner the sum of **\$100** as liquidated damages for each calendar day of delay, and the Contractor will be liable for the amount thereof. Provided, however, that the right of the Contractor to proceed will not be terminated because of delays in the completion of the completion of the work due to unforeseeable causes beyond the Contractor's control and without Contractor's fault or negligence.
- IV. RELEASES. - Prior to final payment, the Contractor will submit evidence that all payrolls, material bills, and other indebtedness connected with the work have been paid as required by the Owner.
- V. OBLIGATION TO DISCHARGE LIENS. - Acceptance by the Owner of the completed work performed by the Contractor and payment therefore by the Owner will not relieve the Contractor of obligation to the Owner (which obligation is hereby acknowledged) to discharge any and all liens for the benefit of subcontractors, laborers, material-person, or any other persons performing labor upon the work or furnishing material or machinery for the work covered by this contract, which have attached to or may subsequently attach to the property, or interest of the Owner.
- VI. NOTICES AND APPROVAL IN WRITING. - Any notice, consent, or other act to be given or done hereunder will be valid only if in writing.
- VII. CLEANING UP. - The Contractor shall keep the premises free from accumulation of waste material and rubbish and at the completion of the work shall remove from the premises all rubbish, implements and surplus materials.
- VIII. WARRANTY. - Contractor warrants and guarantees that title to all work, materials, and equipment covered by any Application for Payment, whether incorporated in the Project or not, will pass to Owner no later than the time of payment free and clear of all liens. If within one year after completion of the work, any work is found to be defective, Contractor shall promptly, without cost to the Owner, correct such defective work as approved by the Owner.
- IX. INDEMNIFICATION. - Contractor shall defend and indemnify the city against claims brought or actions filed against the city or any of its officers, employees or agents for property damage, bodily injury or death to third persons, arising out of or relating to contractors work under the contract.
- X. WORKERS' COMPENSATION INSURANCE. - Contractor shall provide a certificate of insurance showing evidence of workers' compensation coverage or provide evidence of qualification as a self-insurer of workers' compensation.
- XI. LIABILITY INSURANCE REQUIREMENTS. - A certificate of insurance acceptable to the City shall be filed with the City prior to the commencement of the work. The certificate and the required insurance policies shall contain a provision that the coverage afforded under the contract will not be canceled or allowed to expire until at least 30 days prior written notice has been given to the city. Contractor shall maintain commercial general liability (CGL) insurance with a limit of not less than \$1,000,000 each occurrence and an aggregate limit of not less than \$2,000,000. The CGL insurance shall cover liability arising from premises, operations, independent contractors, subcontractors, products-completed operations, personal injury and advertising injury, and contractually-assumed liability. The city shall be named as an additional insured under the CGL. Contractor shall maintain automobile liability insurance, and if necessary, umbrella liability insurance with a limit of not less than \$1,000,000 each accident and an aggregate limit of not less than \$2,000,000. The insurance shall cover liability arising out of any auto, including owned, hired, and non-owned autos.



**City of Lake Elmo**

3800 Laverne Ave. N.  
Lake Elmo, MN 55042

**Phone:** 651-770-2537

**Fax:** 651-777-6530

**Cell:**

**Email:** dmklocker@gmail.com

**Project:** Drainage Swale  
Ironwood Tr N  
Lake Elmo, MN

**Miller Excavating, Inc**

3636 Stagecoach Trail North  
Stillwater, MN 55802

**Phone:** 651-439-1637

**Fax:** 651-351-7210

**Web:** www.millerexc.com

**Date:** July 12, 2015  
**Estimator:** Steve St. Claire

**A. SWALE GRADING**

ITEM	DESCRIPTION	Est.		Rate	Amount
		Quantity	Unit		
1	Grade Swale from Culvert to Daylight				
2	CL III Rip Rap w/ Geotextile Fabric				
3	Import & Place 4" Topsoil				
4	Seed & Blanket Disturbed Area				
TOTAL A					\$5,962.50

**PROJECT NOTES**

1. Payment due within 30 days of initial invoice. Balances over 30 days will accrue a 1.5% per month charge.
2. Estimate price valid for 30 days.
3. Swale to be graded about 4 feet wide at bottom
4. Seed & blanket disturbed area during work.

**WAIVER OF TRESPASS/RIGHT OF ENTRY**

THE UNDERSIGNED, owner, tenant, or contract for deed vendee of certain land in the City of Lake Elmo, who is a person(s) with right to grant entry to the affected property, do(es) hereby consent and grant unto the City of Lake Elmo, its agents and assigns, the right to enter upon and commence construction and all activities required in connection with the removal of sediment within an existing drainage ditch, including grading the ditch to a minimum 2% slope and matching into the existing side slopes and completion of related work over, under, on, and across the property located at:

(8690 Ironwood Trail N) + 8702 Ironwood Trail N

Upon completion of the grading activity, the City, its agents and assigns, will restore the disturbed area.

It is further understood that this Waiver constitutes as a waiver on behalf of the owner or persons of interest in the property to any claim for damages or compensation for the acquisition of temporary easements over the above described property for the purposes of the public improvements herein described by the City of Lake Elmo, its agents and assigns, and by the general contractor.

Dated this 7<sup>th</sup> day of July, 2015.

Property Owners:

Joseph H. Galt

## WAIVER OF TRESPASS/RIGHT OF ENTRY

THE UNDERSIGNED, owner, tenant, or contract for deed vendee of certain land in the City of Lake Elmo, who is a person(s) with right to grant entry to the affected property, do(es) hereby consent and grant unto the City of Lake Elmo, its agents and assigns, the right to enter upon and commence construction and all activities required in connection with the removal of sediment within an existing drainage ditch, including grading the ditch to a minimum 2% slope and matching into the existing side slopes and completion of related work over, under, on, and across the property located at:

8702 Ironwood Tr N  
(8702 Ironwood Trail N)

Upon completion of the grading activity, the City, its agents and assigns, will restore the disturbed area.

It is further understood that this Waiver constitutes as a waiver on behalf of the owner or persons of interest in the property to any claim for damages or compensation for the acquisition of temporary easements over the above described property for the purposes of the public improvements herein described by the City of Lake Elmo, its agents and assigns, and by the general contractor.

Dated this 7<sup>th</sup> day of July, 2015.

Property Owners:

Linda M. Strickrich

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## MAYOR & COUNCIL COMMUNICATION

**DATE:** July 21, 2015  
**REGULAR**  
**ITEM #** 13

**AGENDA ITEM:** TH36 and Highlands Trail - Request for Street Light safety improvement

**SUBMITTED BY:** Jack Griffin, City Engineer

**THROUGH:** Julie Johnson, City Clerk

**REVIEWED BY:** Mike Bouthilet, Public Works  
Cathy Bendel, Finance Director  
Greg Malmquist, Fire Chief  
Ryan Stempski, Assistant City Engineer

### 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 / Public Works.

**FISCAL IMPACT:** \$2,200.

The installation of a street light at the intersection of TH36 and Highlands Trail would cost approximately \$2,200; \$1,906 to Xcel Energy for the supply and installation of the street light plus public works restoration costs. The street light would be funded through the Infrastructure Reserve Fund.

### SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving the installation of a street light at the intersection of TH36 and Highlands Trail in the amount of \$2,200; \$1,906 to Xcel Energy plus public works restoration costs. The recommended motion for this action is as follows:

***“Move to approve the installation of a street light at the intersection of TH36 and Highlands Trail in the amount of \$2,200.”***

**LEGISLATIVE HISTORY/BACKGROUND INFORMATION:**

In March, 2015 staff received a request to install a street light at the intersection of TH36 and Highlands Trail. The request was made by Barbara Thill residing at 8330 59<sup>th</sup> Street North (see attached correspondence). The request was made to Adam Josephson, MnDOT who forwarded the request to City staff since the installation would be the City's responsibility. The request was made to address a safety concern to assist in identifying the intersection location to allow vehicles sufficient braking distances along TH36.

Both Public Works and the Fire Chief have reviewed the intersection and support the installation request. City staff contacted Xcel Energy and received a proposal to complete the installation should the council choose to order the street light. An installation cost of \$1,906.00 was quoted by Xcel Energy in a proposal dated May 28, 2015. The proposed installation includes a cobra cutoff fixture on a 30 foot direct buried fiberglass pole and includes all underground facilities, wiring and conduit. In addition the City would pay a monthly underground rate of \$18.86 which includes full maintenance for a period of 25 years (see attached proposal).

**RECOMMENDATION:**

Staff is recommending that the City Council approve the installation of a street light at the intersection of TH36 and Highlands Trail in the amount of \$2,200; \$1,906 to Xcel Energy plus public works restoration. The recommended motion for this action is as follows:

***"Move to approve the installation of a street light at the intersection of TH36 and Highlands Trail in the amount of \$2,200."***

**ATTACHMENT(S):**

1. Xcel Energy outdoor lighting proposal dated May 28, 2015.
2. Email correspondence including resident request and MnDOT response.



825 Rice Street  
St. Paul, MN 55117

May 28, 2015

Focus Engineering Inc.  
Attn: Frank Borich  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

Dear Mr. Frank Borich:

Xcel Energy Outdoor Lighting is pleased to have an opportunity to submit a proposal for the City of Lake Elmo street light project. Our goal is to provide you with the necessary information to assist you in your decision making process. We are confident we can provide you with a comprehensive package that will meet all your needs.

Please find below styles of product and the estimated project costs. This proposal includes all underground facilities installed using the plowing or boring method for conduit and wire and the installation of each of the following material. If successful in acquiring the identified project, delivery of the specified product could take 4 to 6 weeks:

**Hwy 36 & Highlands Street Light Project:**

1. The Standard Service upfront installation cost is - \$1,906.00.  
The monthly underground rate (A30) 150W High Pressure Sodium per luminaire is - \$18.86.  
Install 1-150W HPS cobra cutoff fixture on 30' direct buried fiberglass pole. Install by plow and direct bore approx. 170' of #6 AL DX in 1 1/2" conduit.
2. The Pre-Pay Option upfront installation cost is - \$5,197.40.  
The monthly pre-pay option rate (A30) 150W High Pressure Sodium per luminaire is - \$6.94.  
Install 1-150W HPS cobra cutoff fixture on 30' direct buried fiberglass pole. Install by plow and direct bore approx. 170' of #6 AL DX in 1 1/2" conduit.

Restoration is not part of this bid.

Included in the monthly street light rate is full maintenance of the street light system. Maintenance of the street light system covers the pole, fixture, conduit and wiring, as well as facilitation of any locating and damage administration. Operations and Maintenance for the proposed street light system will be for 25 years from the date of installation. If you have any questions regarding the proposal, please feel free to contact me at 651.229.2255.

Sincerely,  
Angela Adesoro  
Project Coordinator, Xcel Energy





Jack Griffin <jack.griffin@focusengineeringinc.com>

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**FW: Hwy 36 at Highlands Trail**

3 messages

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**Josephson, Adam (DOT)** <adam.josephson@state.mn.us>  
Fri, Mar 20, 2015 at 4:00 PM

To: "Jack Griffin (jack.griffin@focusengineeringinc.com)" <jack.griffin@focusengineeringinc.com>

fy!

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**From:** Josephson, Adam (DOT)  
**Sent:** Friday, March 20, 2015 3:59 PM  
**To:** hotdag02@gmail.com  
**Subject:** Hwy 36 at Highlands Trail

A street light at the Highlands Trail / Hwy 36 intersection would have to be installed and maintained by the City of Lake Elmo. I contact the City Engineer (Jack Griffin) about your request. Please contact him directly if you want to pursue further.

Adam Josephson, P.E.

East Area Manager

MnDOT – Metro District

651/234-7719

adam.josephson@state.mn.us

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**From:** Barbra Thill [mailto:hotdag02@gmail.com]  
**Sent:** Monday, March 2, 2015 11:18 AM  
**To:** Henkel, Timothy (DOT)  
**Subject:** Hwy 36 Light

I have submitted a question 2 times on email already to the DOT regarding the construction on Hwy 36 this past year and have not got an answer yet. It says they will respond within 3 weeks. I was requesting a street light/highway light at the corner of 36 and Highlands Trail. It is very hard to see at night when approaching the corner to make the turn. Several people have

also said they were almost hit when a car had to suddenly brake to make the turn. I hope an accident doesn't happen before a light can be installed. You would have thought that a light would have been installed at the time of construction. Please if you are not the person to whom I should address this question, please forward this on to the appropriate person.

Thank you for your time and help with this matter. I would really appreciate an answer to this question and if I need to do anything more to get this light, please let me know.

Barb

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**Barbra Thill** <hotdago2@gmail.com>  
To: jack.griffin@focusengineeringinc.com

Mon, Mar 23, 2015 at 6:05 AM

Hello Mr. Griffin,

----- Forwarded message -----

From: **Josephson, Adam (DOT)** <adam.josephson@state.mn.us>  
Date: Fri, Mar 20, 2015 at 3:58 PM  
Subject: Hwy 36 at Highlands Trail  
[Quoted text hidden]

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**Barbra Thill** <hotdago2@gmail.com>  
To: jack.griffin@focusengineeringinc.com

Mon, Mar 23, 2015 at 6:25 AM

Hello, Oops, sorry for the message that was just sent. I hit the enter key by mistake. I was given your name by Adam Josephson from the DOT. I, along with several others are concerned about not having a street light on Hwy 36 and Highlands Trail. When the project was completed on Hwy 36 last year, we had assumed they would have installed a light there. It is very hard at night to see exactly where to turn onto Highlands Trail coming off the highway. You have to break rather quickly when approaching the turn especially for the people not familiar with the turn. Honestly, I came pretty close a few times when I was on Highlands Trail waiting to enter the highway when almost got hit from someone who did not slow down to make the turn. Granted, there is sign on 36 saying Highlands Trail is coming, but until it is too late you are on the intersection needing to turn. Please, could someone check the area of concern out (hopefully after dark) to see how important this is for a light. If there is anything I could do to help pursue this light, let me know and I will try my best. If there is someone else I need to be talking to, please provide me with a name or forward this message to them. If signatures from concerned people will help, I will gladly get them for you. I sure hope we do not have to have an accident or two to make this happen. Thank you in advance for your time in checking on this for me. I would really appreciate an answer when you find anything out. Barb Thill

[Quoted text hidden]





## MAYOR & COUNCIL COMMUNICATION

**DATE:** July 21, 2015  
**REGULAR**  
**ITEM #** 14  
**RESOLUTION 2015-056**

**AGENDA ITEM:** Diedrich Property Townhouses (Lennar) – Preliminary Plat

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

**THROUGH:** Julie Johnson, City Clerk

**REVIEWED BY:** Planning Commission  
Nick Johnson, City Planner  
Jack Griffin, City Engineer

### **SUGGESTED ORDER OF BUSINESS:**

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

**POLICY RECCOMENDER:** The Planning Commission is recommending approval of a preliminary plat for a new subdivision as requested by Lennar Corporation. The Subdivision Ordinance requires that the City Council review and approval a preliminary plat before an applicant may proceed with the preparation and recording of a final plat. The subdivision request is being made by Lennar for property presently owned by Tammy Diedrich and Gerhard Rieder within the I-94 Corridor planning area.

**FISCAL IMPACT:** TBD – The City will require that the applicant enter into a developer's agreement with the City to specify the financial responsibilities for various aspects of the subdivision and related public improvements. The developer is expected to pay the Water Availability Charge for the entire development at the time a final plat is approved (currently \$3,000 per unit) similar to other developments that are connecting to the Lake Elmo Avenue water main.

**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to consider a request for approval of a Preliminary Plat from Lennar Corporation for a 46-unit singled family

attached (townhouse) development to be located on slightly over 15 acres of land immediately east of Lake Elmo Avenue and north of the Hunters Crossing development. The proposed development site is located within the City's I-94 corridor planning area, and is in an area guided for public sewer and water services. The preliminary plat has been prepared in response to the City's Comprehensive Plan for the corridor, which guides this site for medium density urban residential development. The Staff report to the Planning Commission concerning this request is attached to this memorandum, and includes a detailed summary of the request in addition to the detailed Staff review and recommendation. The City Council was scheduled to review this request at the 7/7/15 meeting, but consideration was postponed at request of the applicant. The applicant has now requested that consideration be placed back on the agenda.

The Planning Commission is recommending approval of the preliminary plat with several conditions of approval. The suggested motion to adopt the Planning Commission recommendation is as follows:

***"Move to adopt Resolution No. 2015-056 approving the Lennar Diedrich Townhouses preliminary plat with 16 conditions of approval."***

**LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT:** The attached staff report to the Planning Commission provides an overview of the request and a list of comments and recommendations from Staff. In order to address the initial set of comments from the City, the developer prepared an updated site plan prior to the Planning Commission meeting that reduced the overall number of units by two and that changed the originally planned private street to a public street meeting City specifications. Although the construction plans have not yet been updated, the Planning Commission's review focused on the updated site plan. The City will still need to review updated construction plans, and all previous review comments from the City Engineer and County Engineer will need to be addressed by the applicant. Since the Planning Commission meeting the developer has updated the landscape plan to provide a better overview of how the site will look when completed.

The Planning Commission considered the preliminary plat at its June 22, 2015 meeting and conducted a public hearing on the applicant's request at this time. No one spoke at the public hearing.

The Planning Commission discussed the request and specifically issues associated with the timing of improvements to 5<sup>th</sup> Street, the updated site plan, and potential issues associated with the new configuration of lots. The Commission also noted that the developer would need to address an ownership issue in the extreme southwestern portion of the plat. Specifically, Ryland Homes owns a small remnant of land that is sandwiched between 5<sup>th</sup> Street and the Lennar property. This property is shown as part of the Lennar plat, but it may be excluded from the subdivision based on the developers' comments at the meeting. If this is the case, four of the lots need be adjusted in order to provide adequate rear yard setbacks. This is not a major plat concern, but will need to be addressed as part of a final plat submission. The Commission adopted a finding of fact to document their concerns over this issue.

The Commission further discussed the status of parks in this area and the developer's request to pay a fee in lieu of land dedication. Commissioners adopted a motion to include a finding that there are no City parks within ½ mile of the subdivision site. The Commission also requested one additional condition of approval to clarify that the developer must secure a written agreement from Xcel Energy to perform the planned grading work within the existing power line easement. The conditions of approval as amended by the Planning Commission are incorporated into the draft resolution.

The Planning Commission adopted a motion to recommend approval of the Preliminary Plat with the findings and conditions as noted in the attached Resolution 2015-056. The motion passed unanimously (7-0).

**BACKGROUND INFORMATION (SWOT):**

- |                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Strengths</b>     | <ul style="list-style-type: none"><li>• The preliminary plat is consistent with the Comprehensive Plan and specifically the Urban Medium Density Residential land use classification.</li><li>• The project will connect to the Cottage Grove sewer interceptor via a connection to the gravity line constructed across the project site late last year.</li><li>• The project will connect to the Lake Elmo Avenue water main recently installed in this area.</li></ul>                                                                                     |
| <b>Weaknesses</b>    | <ul style="list-style-type: none"><li>• The two developers adjacent to 5<sup>th</sup> Street have not yet agreed to build this road as a joint project.</li></ul>                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Opportunities</b> | <ul style="list-style-type: none"><li>• The development will include 46 REC units and will pay connection fees for sewer and water service. The developer has committed to paying the water availability charge for the entire development (\$138,000 based on the current fee schedule) with the first phase of the final plat.</li><li>• The project will include the construction of the initial segment of 5<sup>th</sup> Street to the east of Lake Elmo (which must either be constructed as a public project or privately by the developer).</li></ul> |
| <b>Threats</b>       | <ul style="list-style-type: none"><li>• None identified.</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

**RECOMMENDATION:** Based upon the above background information, Staff report and Planning Commission recommendation, it is recommended that the City Council approve the Lennar Diedrich Townhouses preliminary plat with the 16 conditions of approval as documented in the resolution of approval by taking the following action / with the following motion:

***“Move to adopt Resolution No. 2015-056 approving the Lennar Diedrich Townhouses preliminary plat with 16 conditions of approval.”***

**ATTACHMENTS:**

1. Resolution No. 2015-056
2. Planning Commission Report (6/22/15)
3. Application Forms
4. Application Narrative and Information
5. Location Map
6. Tree Inventory
7. Review Comments:
  - a. City Engineer
  - b. Washington County
8. Preliminary Plat and Plans (20 sheets)
  - a. Revised Site Plan (Dated 6/19/15)
  - b. Revised Landscape Plan (Dated 6/25/15)
  - c. Cover Sheet
  - d. Legend Sheet
  - e. Existing Conditions
  - f. Preliminary Plat
  - g. Preliminary Site Plan
  - h. Preliminary Utility Plan
  - i. Preliminary Grading Plan
  - j. Erosion Control Plan
  - k. Preliminary Seeding Plan
  - l. Preliminary Street Profiles
  - m. Details
  - n. Landscape Plan
  - o. Tree Preservation Plan



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

**RESOLUTION NO. 2015-056**

*A RESOLUTION APPROVING A PRELIMINARY PLAT FOR  
THE LENNAR DIEDRICH TOWNHOUSES*

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

**WHEREAS**, Lennar Corporation, 16305 36<sup>th</sup> Avenue North, Plymouth, MN (Applicant) has submitted an application to the City of Lake Elmo (City) for a Preliminary Plat for the Lennar Diedrich Townhouses subdivision, a copy of which is on file in the City of Lake Elmo Community Development Department; and

**WHEREAS**, the Lake Elmo Planning Commission held public hearing on June 22, 2015 to consider the Preliminary Plat request; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Preliminary Plat as part of a memorandum to the City Council from Community Development Director Kyle Klatt for the July 7, 2015 Council Meeting; and

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

**WHEREAS**, the City Council reviewed the Preliminary Plat at its meeting held on July 7, 2014 and made the following findings of fact:

- 1) That the preliminary plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 2) That the preliminary plat complies with the City's Urban Medium Density Residential zoning district regulations.
- 3) That the preliminary plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances with the plan revisions as requested by City Staff and consultants.
- 4) That the preliminary plat complies with the City's subdivision ordinance.
- 5) That the preliminary plat is consistent with the City's engineering standards provided the plans are updated to address the City Engineer's comments documented in a letter dated June 17, 2014.
- 6) That there are no City parks located within ½ mile of the proposed subdivision.

7) That the updated development plans indicate that proposed structures on Lots 29-32 are located too close to the property line and that the development plans must be updated to move these structures to the required setbacks prior to the submission of a final plat.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve the preliminary plat for the Lennar Dietrich Townhouses subdivision subject to the following conditions:

- 1) The landscape plan and tree preservation plan shall be reviewed and approved by an independent forester or landscape architect in advance of the approval of a final plat and final construction plans.
- 2) The final landscape plan shall incorporate additional plantings where feasible adjacent to the shared property lines with parcel at 11490 Hudson Boulevard.
- 3) The applicant shall be responsible for updating the final construction plans to include the construction of all improvements within the Lake Elmo Avenue (CSAH 17) right-of-way as required by Washington County and further described in the review letter received from the County dated March 3, 2015. The required improvements shall include, but not be limited to the construction of a northbound right turn lane and southbound center turn lane.
- 4) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from the Valley Branch Watershed District prior to the commencement of any grading or development activity on the site.
- 5) The applicant shall enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the final plat.
- 6) The developer shall be required to pay a fee in lieu of park land dedication equivalent to the fair market value for the amount of land that is required to be dedicated for such purposes in the City's Subdivision Ordinance. A cash payment in lieu of land dedication shall be paid by the applicant prior to the release of the final plat for recording.
- 7) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site.
- 8) All required modifications to the plans as requested by the City Engineer in a review letter dated June 17, 2015 shall be incorporated into the plans prior to consideration of a final plat.

- 9) The applicant shall update all of the landscaping and construction plans to reflect the updated site plan that includes a public right-of-way within the project area. These updated plan shall be subject to review and approval by the City Engineer.
- 10) Although the updated site plan does not incorporate a private street, any request for flexibility from City regulations and standards must be considered and addressed as part of the final plat submission.
- 11) The final construction plans for the Diedrich Townhouses subdivision shall include, at a minimum, the northern portion of 5<sup>th</sup> Street if a joint construction project between the applicant and Ryland Homes does not proceed in advance of a final plat submission for the applicant's site.
- 12) The architectural covenants for the homeowner's association shall include provisions that discourage blank garage doors. All garage doors shall incorporate windows or decorative trim to minimize the visual impact of the garage-forward home design.
- 13) Prior to recording the Final Plat for any portion of the area shown in the Preliminary Plat, the Developer shall enter into a Developers Agreement acceptable to the City Attorney that delineates who is responsible for the design, construction, and payment of public improvements.
- 14) The site plan and construction plans shall be revised to include a sidewalk along at least one side of all streets within the subdivision.
- 15) The applicant shall pay a Water Availability Charge consistent with the Lake Elmo Fee Schedule for the entire development prior to the release of the final plat for recording, regardless of project phasing.
- 16) The developer shall secure a written grading agreement from Excel Energy concerning the proposed grading activity underneath an existing power line easement across the property prior to submission of a final plat.

Passed and duly adopted this 21st day of July 2015 by the City Council of the City of Lake Elmo, Minnesota.

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk





PLANNING COMMISSION

DATE: 6/22/15

AGENDA ITEM: 4A – PUBLIC HEARING

CASE # 2015-19

ITEM: Diedrich Property Townhouses (Lennar) – Preliminary Plat and Conditional Use Permit

SUBMITTED BY: Kyle Klatt, Planning Director

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

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**SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to consider a Preliminary Plat request from Lennar Corporation for a 46-unit single-family attached (townhouse) development to be located on slightly over 15 acres of land immediately east of Lake Elmo Avenue and north of the Hunters Crossing development. The site is located within the I-94 Corridor Planning Area and is therefore on property that has been guided for public sewer and water services. The application as originally submitted included a request for a Conditional Use Permit to allow the use of a private street to serve the individual townhouse units. The applicant has since updated the proposed site plan and plat to incorporate a public street within the development, which will eliminate the need for a conditional use permit. Staff is recommending approval of the request with conditions as listed in the below report.

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**GENERAL INFORMATION**

*Applicant:* Lennar Corporation (Paul Tabone); 16305 36<sup>th</sup> Avenue North, Suite 600, Plymouth MN 55446

*Property Owner:* Tammy Diedrich and Gerhard Rieder, 7401 Wyndham Way, Woodbury, MN 55125

*Location:* Part of Section 36 in Lake Elmo, north of I-94, east of Lake Elmo Avenue, and south of the Cimarron Golf Course property. Immediately north of 404 Lake Elmo Avenue North. PID: 36.029.21.32.0002

*Request:* Application for a preliminary plat related to a 46-unit townhouse subdivision. A request for a conditional use permit is no longer needed based on the submission of an updated site plan with a public street.

*Existing Land Use and Zoning:* Vacant with fairly heavy tree cover. Current Zoning: RT – Rural Transitional; Proposed Zoning: MDR – Medium Density Residential

*Surrounding Land Use:* North – Cimarron Manufactured Home Park and golf course; East – Trans-City industrial building; West – Rural Residential property and The Forest residential subdivision; South –

The site under consideration is situated between the Cimarron Golf Course and the Hunters Crossing development north of the planned 5<sup>th</sup> Street corridor and west of Lake Elmo Avenue. The property is currently vacant, and there is no record of any buildings or structures being constructed on the site. When the City was initially planning the trunk sewer line project to serve the Village Area, the original alignment of the trunk sewer through this property followed the northern and eastern property boundaries. After subsequent discussions with the property owners, this alignment was changed to the southern boundary of the site, within what eventually become the planned right-of-way for 5<sup>th</sup> Street. The City has acquired easements for both 5<sup>th</sup> Street and the sewer and water main serving this area that cross the southern property boundary of the applicant's property. These easements may eventually be vacated since the preliminary plat will formally dedicate the required right-of-way for the road, sewer, water, and other utilities as 5<sup>th</sup> Street. A similar dedication of the road and utility right-of-way was provided with Hunters Crossing to the South.

The City previously reviewed a sketch plan for the property earlier in the spring of this year, and the current application has been preceded by a Comprehensive Plan amendment that changed the future land use designation of this parcel from HDR – High Density Residential to MDR – Medium Density Residential.

The City of Lake Elmo has received a request from Lennar Corporation for a preliminary plat for a 46 unit townhouse development tentatively called the Diederich Property Preliminary Plat. Please note that the original application and all of the construction plans as submitted were for a 48-unit project utilizing a private street. Due to several issues concerning the original configuration of lots and in order to address City, County, and watershed district comments and concerns, the applicant has submitted a revised site plan that now includes a public street and a reduced number of lots. The applicant may still be seeking some variation from City standards in order to plat a public street, and Staff is suggesting that any variations from the City's zoning and subdivision regulations be addressed at the final plat stage.

## REQUEST DETAILS

<i>Applicable Regulations:</i>	Chapter 153 – Subdivision Regulations Article 10 – Urban Residential Districts (MDR) §150.270 Storm Water, Erosion, and Sediment Control
<i>Deadline for Action:</i>	Application Complete – 6/3/15 60 Day Deadline – 8/2/15 Extension Letter Mailed – No 120 Day Deadline – 10/1/15
<i>History:</i>	No history on file with the City. Site has been vacant or used for agricultural purposes for a long period of time. The sketch plan was reviewed by the City in February and March of 2015. Staff did not find any information in the City's land use files for the site that would impact the proposed subdivision.
<i>Comprehensive Plan:</i>	Urban Medium Density Residential (4 – 7.5 units per acre)
<i>Surrounding Zoning:</i>	MDR – Medium Density Residential, RT – Rural Development Transitional; LDR – Low Density Residential Urban Medium Density Residential (4 – 7.5 units per acre)

Hunters Crossing single family residential development; also one existing home site adjacent to Lake Elmo Avenue.

The proposed access into the development is now proposed to occur via a new public road immediately across from the entrance to Hunters Crossing (Lavern Avenue North). The City has previously approved the use of private roads to serve the townhouse units with Lennar's Savona subdivision, and the plan as originally drawn out called for a private road to be used to access the proposed townhouses. The road as originally planned would have been located within a 30-foot wide Outlot, however, the City Engineer expressed concern that this outlot was not wide enough to accommodate all necessary infrastructure (both private and public) to serve the development. In order to address these (and other) concerns, the applicant has propose a modified plan that accommodates a public street meeting all City standards. This updated plan has been submitted as a supplement to the original application materials that still include a 30-foot outlot with a private street. Any future plan submissions and reviews will need to address revised review comments from Staff, and specifically, the City Engineer, prior to approval of a final plat.

The overall site plan is generally consistent with sketch plan submitted earlier this year. The two notable exceptions are that the (now revised) preliminary plat reduced the overall number of units from 50 to 46. The developer is proposing to construct a sidewalk along the main entrance into the development in addition to a sidewalk connecting the western cul-de-sac with the planned 5<sup>th</sup> Street trail. There are no interior sidewalks depicted on the preliminary development plans, and the applicant has stated that they believe that interior sidewalks will not be necessary given the low traffic volumes expected on the interior streets. Staff is recommending that if the project does includes a public street and right-of-way meeting City standards that a sidewalk on one side of all street be included in the final development plans.

One of the reasons that the applicant originally requested the use of a private street is that it would allow them to slightly vary the setbacks of the townhouse units in order to help minimize the visual impact of a row of townhouses all at the same setback. The developer is still looking for ways to add some variation to the setbacks, and will be seeking some minor modifications as part of the final plat submission in order to address this issue.

Consistent with the City's specifications for the 5<sup>th</sup> Street roadway segment, the applicant has provided for a 100-foot wide right-of-way, which will provide sufficient room for the construction of a parkway with turning lanes, 10-foot bituminous trail, sidewalk, trees, lighting, and other design elements as planned by the City. In this case, the applicant is retaining the existing easement width of 110 feet at the intersection of 5<sup>th</sup> Street and Lake Elmo Avenue and narrowing the right-of-way down to match the 100 foot right-of-way platting within Hunters Crossing. Both Ryland Homes and Lennar are still working towards a joint project to build 5<sup>th</sup> Street at one time verses splitting the construction up into northern and southern segments.

The preliminary plat has been developed in response to the City's recently adopted Comprehensive Plan, which identifies all of the applicant's property for urban medium density residential development. The plat incorporates 46 single family attached lots, most of which are designed with widths around 40 feet each. Given the limited access to the site and relatively small nature of the property, the applicant has worked to incorporate some variety into the arrangement of lots as is possible given these restrictions.

Public sanitary sewer service is presently available on the site, which was constructed as part of the Village trunk line project completed late last year. Water was extended to the site as part of the 2014 Lake Elmo Avenue water main project. Like other developments along this line, the developer will be expected to pay the full water availability charges for each planned lot (\$3,000) at the time of the final plat, even if the project is broken up into different stages.



## PLANNING AND ZONING ISSUES

The Diedrich Townhouse site is guided for urban medium density development in the City's Comprehensive Plan, and the appropriate zoning for the site will be MDR – Medium Density Residential. The actual rezoning of the property is a necessary step prior to development of this site that will need to be completed prior to approval of the final plat. The overall subdivision plan has therefore been prepared in order to comply with the district standards for the MDR districts in terms of lot size, building setbacks, and other design criteria. Within the MDR district, townhouses are allowed that do not meet minimum frontage requirements or that are located along a private street as a conditional use permit.

The planned road serving the townhouse lots extends due north from 5<sup>th</sup> Street and then splits east and west through the middle of the property to provide access to the townhouses. There are no planned connections to the east, west, or north of the property because these sites have previously been developed or will connect into 5<sup>th</sup> Street once on either side of the site under consideration. Given the site characteristics and the immediately adjacent land uses (which are all different than single family), the applicant has had to design the site as an isolated island that is impractical to connect to adjacent properties. The streets as originally planned and later updated will meet the City's minimum standards for construction.

The sidewalks within the subdivision are limited to those mentioned in the previous section of this report, and there are no sidewalks planned along the east/west private road. Please note that the plat as originally submitted did not dedicate the amount of right-of-way that has been requested by Washington County. The County has previously requested that the developer dedicate an additional 42 feet of right-of-way along Elmo Avenue, and that this right-of-way width be incorporated into the final plat. The additional right-of-way does impact the location of the planned storm water pond over Outlot A, and this pond and associated grading work will need to be adjusted in order to account for the expanded right-of-way. Updated plans must be reviewed and approved by the City, County, and Watershed District prior to the City's approval of a final plat for this subdivision.

As noted in the preceding section, the developer has submitted an updated site plan that retains the same general layout, and configuration of lots, but changes the proposed private street outlet of 30 feet to a public right-of-way 60 feet in width. The additional right-of-way has been requested by the City Engineer to help ensure that there is adequate room for future maintenance and upkeep of public utilities (sewer, water, and other private utilities) within this subdivision. All final construction plans will need to be updated to reflect the public right-of-way and reconfiguration of lots.

The preliminary site plan included as part of the application materials includes a description of the lot size, dimensions, and all required setbacks for the development. All of the lots meet the City's minimum area requirement of 4,000 for single-family attached lots in a MDR district, with the smallest lot proposed at 5,527 square feet. The site plans further illustrate that throughout the subdivision the lots will average 8,782 square feet, which exceeds the minimum requirements by a fairly wide margin.

The following is a general summary of the subdivision design elements that have proposed as part of the Diedrich Townhouses preliminary plat and plans:

### Zoning and Site Information:

- Existing Zoning:

RT – Rural Transitional

- Proposed Zoning: MDR – Medium Density Residential
- Total Site Area: 15.11 acres (includes Outlot D of Hunters Crossing)
- Total Residential Units: 48
- Proposed Density (Net): 4 units per acre
- REC Units from Comp Plan: 57 (based on a gross calculation)

Proposed Lot Dimensional Standards:

- Min. Lot Width: 40 ft.
- Lot Depth: 134 ft. (140 ft. typical)
- Lot Area: 4,000 sq. ft. (8,000 typical)
- Front Yard Setback: 25 ft.
- Side Yard Setback: 10 ft.
- Rear Yard Setback: 20 ft.

Proposed Street Standards:

- ROW Width – Local 60 ft. (potentially could be reduced to 50 ft. for a limited access road)
- ROW Width – Minor Collector 110-100 feet
- Street Widths – Local: 28 ft.(per City standard)
- Street Width – Minor Collector Varies – parkway design proposed

The standards listed above are all in compliance with the applicable requirements from the City's zoning and subdivision regulations, including the revised public street and associated right-of-way. Based on Staff's review of the preliminary plat, the applicant has demonstrated compliance with all applicable code requirements at the level of detail that is required for a preliminary plat. The applicant will need to address the review comments from the City and County, and the final plat and final construction plans will specifically need to be updated to reflect the wider public street right-of-way and expanded Lake Elmo Avenue (CSAH 17) right-of-way. Any variations from setbacks and other standards because of the amended road section will need to be addressed with the final plat.

As with any new subdivision the City Code requires that a portion of the plat be set aside for public park use. In this case, the applicant is not proposing to dedicate any land specifically for a public park, and is instead asking to pay a fee in lieu of land dedication. This is not a site or general location that would suitable for a public park or any specific trail connections; therefore, Staff is supportive of the applicant's request to pay a fee instead of dedicating any public land with the subdivision. The required dedication for the 15.11 acre site would be 1.51 acres, or a cash payment of approximately \$90,000 based on previous appraisals of land in this area.

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## REVIEW AND ANALYSIS

City Staff has reviewed the proposed preliminary plat, and has forwarded the plans to appropriate reviewing agencies in advance of the Planning Commission meeting. In general, the proposed plat will meet all applicable City requirements for approval, and any deficiencies or additional work that is needed is noted as part of the review record and can be imported in the final plat and final construction plans. The City has received a detailed list of comments from the City Engineer concerning the proposed subdivision; these comments are attached to this report for consideration by the Planning Commission.

In addition to the general comments that have been provided in the preceding sections of this report, Staff would like the Planning Commission to consider the issues and comments related to the following discussion areas as well:

- **Comprehensive Plan.** The proposed subdivision is consistent with the Lake Elmo Comprehensive Plan for this area and with the densities that were approved as part of this plan (as recently amended). The net densities for the development fall within the low end of the range allowed for the urban medium density, and depending on the specific amount of land that will be dedicated for 5<sup>th</sup> Street and Lake Elmo Avenue, this density will be somewhere in the 3.8 to 4.0 units per acre range. Given the site constraints and need to accommodate additional right-of-way within the plat, Staff has found that the proposed density is in keeping the spirit and intent of the Comprehensive Plan for this area. Other aspects of the Comprehensive Plan relate to the Hunter's Crossing subdivision as follows:

- **Transportation.** The City's transportation plan calls for the construction of a minor collector road that will connect the eastern and western portions of the I-94 Corridor. Staff views this road as a critical piece of the transportation infrastructure that is needed to serve the densities that have been planned for this area. The City's previous acquisition of easements through this area anticipated the future alignment of 5<sup>th</sup> Street through the southern portion of the applicant's property and the proposed subdivision will officially plat this right-of-way with the final plat. Both Lennar and Ryland are still working towards a joint project to build all of 5<sup>th</sup> Street between their properties later this summer, and regardless of whether or not a joint project occurs, Lennar will need to build at least its half of 5<sup>th</sup> Street in order to provide access to the proposed townhouses. Staff will continue to work with both parties to work towards a joint project that addresses the needs of the private developers and the City for access.

- **Parks.** The City's park plan identifies proposed locations for neighborhood parks based on the anticipated population that should be served by each park. This subdivision is located at the periphery of a park search area for the area east of Lake Elmo Avenue. During its review of the sketch plan for this subdivision, the Park Commission did not recommend the dedication of land within the subdivision for a new park, and instead agreed with the developer's request to submit a cash payment in lieu of land dedication. Staff anticipates that a larger park that could be designed in conjunction with the School District near Oakland Junior High would better serve existing and future residents in this portion of the City.

- **Water.** Public water service has been extended to this area via the public improvement project that installed a new water main along Lake Elmo Avenue last year. The final construction plans will need to abide by any recommendations of the City Engineer concerning the extension of water service through this site to service other adjacent sites (which will likely not be required given the existing development on either side of the applicant's site).

- **Sanitary Sewer.** The developer will be required to connect to the gravity sewer main that has been installed under the 5<sup>th</sup> Street right-of-way. The utility plans provided by the applicant document this connection.

- **Phasing.** The Lennar townhouse subdivision is located within the Stage 2 phasing area for the I-94 Corridor. The City's Comprehensive Plan allows the City to consider accelerating development stages when adequate public services are available. In this case, the sewer and water projects already completed help this project meet this threshold. The developer will also be required to pay all water availability charges for the project at the time of platting regardless of project staging.
- **Zoning.** The proposed zoning for the site is MDR – Low Density Residential and the subdivision has been designed to comply with all applicable requirements of this zoning district.
- **Subdivision Requirements.** The City's Subdivision Ordinance includes a fairly lengthy list of standards that must be met by all new subdivisions, and include requirements for blocks, lots, easements, erosion and sediment control, drainage systems, monuments, sanitary sewer and water facilities, streets, and other aspects of the plans. The majority of these requirements have been addressed as part of the City Engineer's comments (which are detailed in the Engineer's comment letter) or have been reviewed as part of Staff's ongoing communications with the applicant regarding the project. The elimination of the private street will help the project comply with several of the concerns previously expressed by the City Engineer and other Staff.
- **Infrastructure.** The developer will be required to construct all streets, sewer, water, storm water ponds, and other infrastructure necessary to serve the development.
- **Landscaping.** The applicant has provided a landscape plan for the development that is intended to comply with the City's requirements for number, size and spacing of trees along the public streets. This plan should be reviewed by the City's consulting landscape architect prior to the submission of a final plat. The applicant has also submitted a tree inventory that documents the type and size of all trees on the property and all those that will be impacted by construction to determine compliance with the City's tree preservation and protection plan as described below.
- **Tree Preservation and Protection.** The City recently adopted a tree preservation and protection ordinance, and the applicant has prepared a tree inventory and tree preservation plan for the site. Overall, there are 1,387 caliper inches of trees on the subject property, and all of these trees will be removed in order to build the subdivision as planned. This means the developer will need to mitigate for 485 caliper inches (the amount that exceeds the allowed 30% removal) in accordance with the ordinance replacement schedule. The species and mix of replacement plantings should be also be reviewed by the City's consulting landscape architect.
- **Green Belt/Buffer/Screening.** There are no planned green belts or buffers on or around the site under consideration. The proposed landscape plan incorporates plantings along all edges of the property and within the internal outlots.
- **Streets and Transportation.** The proposed street system, as revised, has been designed to comply with all applicable subdivision requirements and City engineering standards. The developer must also commit to the construction of at least the northern portion of 5<sup>th</sup> Street in

- o **County Comments.** Comments received from Washington County during the concept plan review, which focus on needed improvements to Lake Elmo Avenue (CSAH 17) to serve the development, are included in an attached letter from the County's Senior Planner dated March 3, 2015. Staff is recommending that compliance with the County's comments be added as a condition of approval for the plat.

- **Adjacent Parcels.** The proposed landscape plan includes additional plantings between the proposed townhouses and the industrial facility to the east. The landscape plan will need to be updated to reflect the revised site plan, and in particular, the plan should continue to provide for screening between the eastern-most townhouses and the adjacent industrial land.
- **City Engineer Review.** The City Engineer has provided the Planning Department with a detailed comment letter as a summary of his preliminary plat review. Staff has incorporated the more significant issues identified by the Engineer as part of the recommended conditions of approval, and has also included a general condition that all issues identified by the City Engineer must be addressed by the applicant prior to approval of a final plat for any portion of the Diedrich townhouses. With the general site plan revisions that have been proposed by the applicant, the construction plans will need to be updated to reflect this revisions. Any additional comments or concerns from the City Engineer that arise from the plan updates will need to be addressed as part of a final plat submission.

- **Storm Water Management.** In order to accommodate the County's requirement for additional right-of-way along Lake Elmo Avenue, the developer has had to readjust the size and configuration of the planned storm water basin over Outlot A. The County will not allow any portion of the storm water facility to be located within its right-of-way; therefore, the



plans will need to be updated to reconfigure and adjust the location and size of this pond. These updated plans will be subject to review by the City Engineer and Valley Branch Watershed District. The developer is also requesting to use the proposed pond as part of a water re-use system through lawn irrigation. The City Engineer is seeking additional details concerning this system prior to making any recommendations concerning the viability of the system as proposed.

- **Washington County Review.** County Staff has previously provided review comments to the City concerning the sketch plan for the Diedrich townhouses subdivision to the City in a letter dated March 5, 2015. The most significant of the County's concerns is that the applicant will need to make improvements to the County road system in order to provide the necessary access to the subdivision. As a condition of approval, Staff has noted that the applicant will be responsible for including all improvements to TH17 as required by the County as part of the construction plans for the development. In addition, the County has noted that the required right-of-way dedication for Lake Elmo Avenue should be 92 feet as opposed to the 90 feet shown. This request does impact the proposed storm water plan as noted above.

Based on the above Staff report and analysis, Staff is recommending approval of the preliminary plat with several conditions intended to address the outstanding issues noted above and to further clarify the City's expectations in order for the developer to move forward with a final plat. The recommended conditions are as follows:

***Recommended Conditions of Approval:***

- 1) The landscape plan and tree preservation plan shall be reviewed and approved by an independent forester or landscape architect in advance of the approval of a final plat and final construction plans.
- 2) The final landscape plan shall incorporate additional plantings where feasible adjacent to the shared property lines with parcel at 11490 Hudson Boulevard.
- 3) The applicant shall be responsible for updating the final construction plans to include the construction of all improvements within the Lake Elmo Avenue (CSAH 17) right-of-way as required by Washington County and further described in the review letter received from the County dated March 3, 2015. The required improvements shall include, but not be limited to the construction of a northbound right turn lane and southbound center turn lane.
- 4) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from the Valley Branch Watershed District prior to the commencement of any grading or development activity on the site.
- 5) The applicant shall enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the final plat.
- 6) The developer shall be required to pay a fee in lieu of park land dedication equivalent to the fair market value for the amount of land that is required to be dedicated for such purposes in

- That the preliminary plat complies with the City's Urban Medium Density Residential zoning district regulations.
- That the preliminary plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Lennar/Diedrich Townhouses preliminary plat:

## DRAFT FINDINGS

- 14) The site plan and construction plans shall be revised to include a sidewalk along at least one side of all streets within the subdivision.
  - 13) Prior to recording the Final Plat for any portion of the area shown in the Preliminary Plat, the Developer shall enter into a Developers Agreement acceptable to the City Attorney that delineates who is responsible for the design, construction, and payment of public improvements.
  - 12) The architectural covenants for the homeowner's association shall include provisions that discourage blank garage doors. All garage doors shall incorporate windows or decorative trim to minimize the visual impact of the garage-forward home design.
  - 11) The final construction plans for the Diedrich Townhouses subdivision shall include, at a minimum, the northern portion of 5<sup>th</sup> Street if a joint construction project between the applicant and Ryland Homes does not proceed in advance of a final plat submission for the applicant's site.
  - 10) Although the updated site plan does not incorporate a private street, any request for flexibility from City regulations and standards must be considered and addressed as part of the final plat submission.
  - 9) The applicant shall update all of the landscaping and construction plans to reflect the updated site plan that includes a public right-of-way within the project area. These updated plan shall be subject to review and approval by the City Engineer.
  - 8) All required modifications to the plans as requested by the City Engineer in a review letter dated June 17, 2015 shall be incorporated into the plans prior to consideration of a final plat.
  - 7) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site.
- The City's Subdivision Ordinance. A cash payment in lieu of land dedication shall be paid by the applicant prior to the release of the final plat for recording.



- That the preliminary plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances with the plan revisions as requested by City Staff and consultants
- That the preliminary plat complies with the City's subdivision ordinance.
- That the preliminary plat is consistent with the City's engineering standards provided the plans are updated to address the City Engineer's comments documented in a letter dated June 17, 2015

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#### RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the Lennar/Diedrich preliminary plat with the 14 conditions of approval as listed in the Staff report. Suggested motion:

*to adopt Res. 2015-*  
 "Move to recommend approval of the Lennar/Diedrich preliminary plat with the 14 conditions of approval as ~~drafted~~ by Staff"

*amended*

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#### ATTACHMENTS:

1. Application Forms
2. Application Narrative and Information
3. Location Map
4. Tree Inventory
5. Review Comments:
  - a. City Engineer
  - b. Washington County
6. Preliminary Plat and Plans (20 sheets)
  - a. Revised Site Plan (Dated 6/19/15)
  - b. Cover Sheet
  - c. Legend Sheet
  - d. Existing Conditions
  - e. Preliminary Plat
  - f. Preliminary Site Plan
  - g. Preliminary Utility Plan
  - h. Preliminary Grading Plan
  - i. Erosion Control Plan
  - j. Preliminary Seeding Plan
  - k. Preliminary Street Profiles
  - l. Details
  - m. Landscape Plan
  - n. Tree Preservation Plan

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#### ORDER OF BUSINESS:

- Introduction .....Planning Staff

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

Date Received: 4/29/15  
Received By: S. Z...  
LU File #: 2015-19



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

**PRELIMINARY PLAT APPLICATION**

Applicant: PAUL TABONE - LENNAR CORPORATION  
Address: 16305 36th AVE NORTH, PLYMOUTH MN 55446  
Phone #: 752-249-3086  
Email Address: PAUL.TABONE@LENNAR.COM

Fee Owner: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Property Location (Address and Complete (long) Legal Description: LOCATED ALONG  
LAKE ELMO AVENUE - PIN # 36-029-21-32-0002 -  
REFER TO PRELIMINARY PLAT.

General information of proposed subdivision: 48 TOWN HOMES WITH  
ASSOCIATED IMPROVEMENTS - REFER TO PRE-PLAT PLANS  
& COVER LETTER.

Conducted pre-application meeting with Staff? ☒ Yes ☐ No

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: Paul J. Tabone Date: 4/29/2015  
Signature of Fee Owner: Tammy Dieckel Date: 4/29/2015

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



Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_

## LAND USE APPLICATION

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

Applicant: SAUB - PAUL TRIBONE - LEMAR CORPORATION

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

Email Address: \_\_\_\_\_

Fee Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

Email Address: \_\_\_\_\_

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

Detailed Reason for Request PETTER TO ATTACHED COURT MEMO -  
COP FOR RESTATE SUEETS FOR TOWN HOUSE COMMUNITY

\*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: Paul J. Tribone

Date: 4/29/2015

Signature of fee owner: State

Date: 4/29/2015

Tammy Diederich  
4/29/2015



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

### **AFFIRMATION OF SUFFICIENT INTEREST**

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

Name of applicant Gerhard Rieder - Tammy Diedrich  
(Please Print)

Street address/legal description of subject property \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Tammy Diedrich  
Signature

4/29/15  
Date  
4/29/15

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

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

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

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



## ACKNOWLEDGEMENT OF RESPONSIBILITY

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

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

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

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

Signature of applicant Paul J. Thorne Date 4/29/2015  
Name of applicant Paul J. Thorne Phone 952-249-3086  
(Please Print)

Name and address of Contact (if other than applicant)

# LENNAR®

Mr. Kyle Klatt  
Community Development Director  
City of Lake Elmo, MN

Dear Kyle:

Lennar Corporation is pleased to submit the preliminary plat application for a twin home community located on the Diedrich property (PIN 36.029.21.32.0002) along Lake Elmo Avenue. The proposed preliminary plat is in substantial conformance with the sketch plat for the property that was reviewed by the City during February. There are some modifications we wish to acknowledge with this submittal.

In finalizing the design and layout, it was determined that homes were too close when private walks were added; private sidewalks were overlapping each other, especially when homes were located around the curves of both cul-de-sacs that were shown in the sketch plat. The wider public rights of way were overdesigned, and also resulted in tight spacing around each cul-de-sac. Additionally, units 38-23 all had fronts located along the same setback line, resulting in a stretch of homes that had no variation in placement. To remedy these issues and open up the design a bit more, 2 units were eliminated to allow more space between the twin homes, resulting in a total of 48 units. The easterly cul-de-sac has also been modified into a loop road with an outlot in a center island. This allowed us to space out the layout of the homes while providing an open space area for residents. Side setbacks have also been modified to a minimum of 7.5 feet.

Because the entire interior street system is now set up as a private street, and side setbacks have been slightly modified to achieve a better fit between units, we are requesting that a CUP be processed as a master plan of development for this site primarily for the private roads, as was done in the townhome area for Savona. It should be noted that the width of the paved area is still 28' back to back; only the right of way has been reduced. The remainder of the site meets the minimum design requirements for the MDR District, with the exception of the modified setback, which can be governed by a CUP. The transition of the interior streets from public to private roads results in the opportunity for a HOA to maintain the streets, and the MDR District Density of 4 to 7 dwelling units per acre can still be achieved when right of way and pond areas are excluded.

16305 36th Avenue N, Suite 600 • Plymouth, MN 55446

**LENNAR.COM**



Enclosed you will find the following project documents:

- 5 sets of full-size plans, 1 digital set, 10 reductions size 11x17
- Signed and dated application & escrow deposit check
- Current title commitment
- Mailing labels - 750' radius
- Vacation Exhibit for a portion of 5<sup>th</sup> Street

We are confident that this layout enhances the site design from what was initially presented in the sketch plat, and are excited about a new prospective community in the City of Lake Elmo.

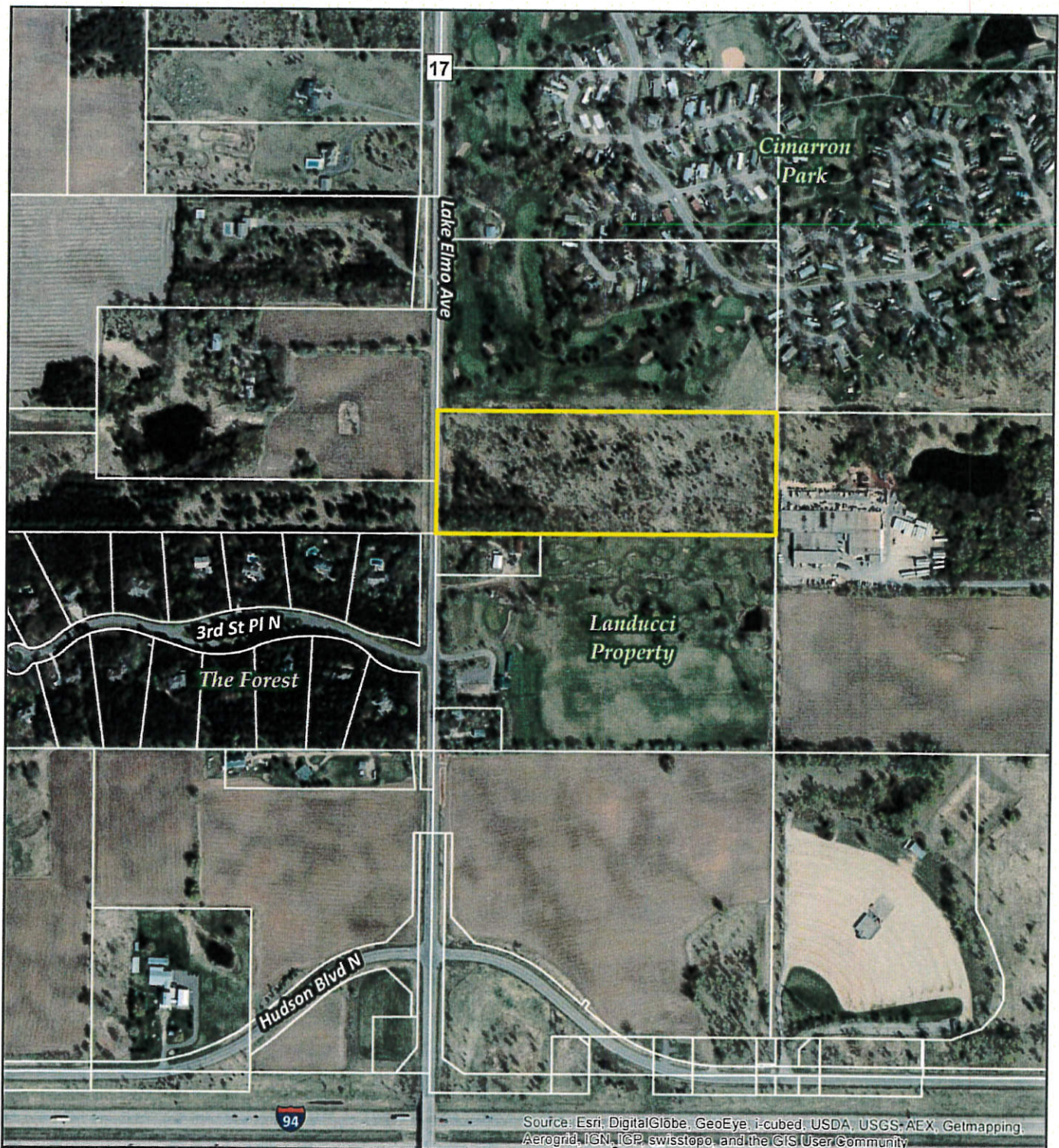
Please contact me with any questions, and I look forward to working with you.

Sincerely,



Paul J. Tabone  
Land Entitlement Mgr  
Lennar Minnesota





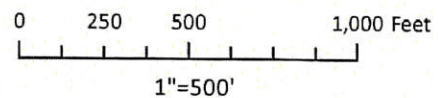
## Location Map: Diedrich Property (PIN: 36.029.21.32.0002)



Data Source: Washington County, MN  
10-22-2013



Diedrich Property







# Diedrich Property Tree Inventory

Lake Elmo, Minnesota

April 29, 2015

## LENNAR®

Tree Inventory by:

**Ken Arndt**  
Forest Ecologist/Wetland Specialist  
Midwest Natural Resources, Inc.  
1032 West Seventh St. #150  
St. Paul, MN 55102  
(651)-788-0641

Tree Preservation Plans provided by:

**PI** **NEER** *engineering*

2422 Enterprise Drive  
Mendota Heights, MN 55120  
651-681-1914

#	Tree Tag #	Size (DBH")	Common Name	Scientific Name	Notes	Total	Conifer	Common
1	1701	12/10	Siberian Elm	Ulmus pumila	offsite			
2	1702	15	Honey Locust	Gleditsia triacanthos	offsite			
3	1703	15	Siberian Elm	Ulmus pumila	offsite			
4	1704	16/10	Siberian Elm	Ulmus pumila	offsite			
5	1705	8	Jack Pine	Pinus banksiana		8		
6	1706	8	Jack Pine	Pinus banksiana		8		
7	1707	9	Red Pine	Pinus resinosa		8	9	
8	1708	8	Jack Pine	Pinus banksiana		8		
9	1709	8	Jack Pine	Pinus banksiana		8		
10	1710	8	Jack Pine	Pinus banksiana		8		
11	1711	8	Jack Pine	Pinus banksiana		8		
12	1712	8	Jack Pine	Pinus banksiana		8		
13	1713	10	Jack Pine	Pinus banksiana		10		
14	1714	8	Jack Pine	Pinus banksiana		8		
15	1715	9	Jack Pine	Pinus banksiana		9		
16	1716	8	Jack Pine	Pinus banksiana		8		
17	1717	8	Jack Pine	Pinus banksiana		8		
18	1718	8	Jack Pine	Pinus banksiana		8		
19	1719	8	Jack Pine	Pinus banksiana		8		
20	1720	8	Jack Pine	Pinus banksiana		8		
21	1721	10	Jack Pine	Pinus banksiana		10		
22	1722	8	Jack Pine	Pinus banksiana		8		
23	1723	8	Jack Pine	Pinus banksiana		8		
24	1724	8	Red Pine	Pinus resinosa		8		
25	1725	8	Red Pine	Pinus resinosa		8		
26	1726	12	Quaking Aspen	Populus tremuloides		12		12
27	1727	8	Jack Pine	Pinus banksiana		8		
28	1728	9	Jack Pine	Pinus banksiana		9		
29	1729	12	Scotch Pine	Pinus sylvestris	heavy sapsucker damage along trunk	8		
30	1730	8	Jack Pine	Pinus banksiana		8		
31	1731	11	Scotch Pine	Pinus sylvestris	heavy sapsucker damage along trunk	10		
32	1732	10	Jack Pine	Pinus banksiana		8		
33	1733	8	Jack Pine	Pinus banksiana		8		
34	1734	8	Jack Pine	Pinus banksiana		9		
35	1735	9	Jack Pine	Pinus banksiana		10		
36	1736	10	Jack Pine	Pinus banksiana		9		
37	1737	9	Red Pine	Pinus resinosa		10		
38	1738	9	Red Pine	Pinus resinosa		9		
39	1739	10	Jack Pine	Pinus banksiana		10		
40	1740	8	Jack Pine	Pinus banksiana		8		
41	1741	8	Jack Pine	Pinus banksiana		8		
42	1742	10	Scotch Pine	Pinus sylvestris		10		
43	1743	9	Jack Pine	Pinus banksiana		9		
44	1744	8	Jack Pine	Pinus banksiana		8		
45	1745	9	Scotch Pine	Pinus sylvestris	heavy sapsucker damage along trunk	8		
46	1746	8	Jack Pine	Pinus banksiana		8		
47	1747	8	Jack Pine	Pinus banksiana		8		
48	1748	8	Jack Pine	Pinus banksiana		8		
49	1749	8	Red Pine	Pinus resinosa		8		
50	1750	9	Jack Pine	Pinus banksiana		9		
51	1751	9	Jack Pine	Pinus banksiana		9		
52	1752	8	Red Pine	Pinus resinosa		8		
53	1753	8	Red Pine	Pinus resinosa		8		
54	1754	10	Red Pine	Pinus resinosa		10		
55	1755	10	Red Pine	Pinus resinosa		10		
56	1756	8	Red Pine	Pinus resinosa		8		

Total inches:	1387
Allowable removal: 30%	416.1
Total Removal:	1387
Removal over threshold:	970.9
Mitigation for confers: 50%	485.45
486" required mitigation	

damage are not included in totals

[illegible]



## MEMORANDUM

## FOCUS ENGINEERING, inc.

Date: June 17, 2015

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

To: Kyle Klatt, Planning Director  
From: Jack Griffin, P.E., City Engineer

Re: Diedrich Property – Preliminary Plan Review

An engineering review has been completed for the Preliminary Plat submittal for the Diedrich Property. The submittal consisted of the following documentation prepared by Pioneer Engineering:

- Diedrich Property Preliminary Plan Set, Sheets 1-14, L1 and T1, dated June 17, 2015.
- Stormwater Management Plan dated June 3, 2015.

### STATUS/FINDINGS: Engineering has prepared the following review comments:

#### PRELIMINARY PLAT

- Outlot A is proposed as City owned to accommodate the storm water pond with an HOA owned and operated water re-use irrigation system. See comments below under Stormwater Management.
- Outlot B is proposed as HOA owned to accommodate a "Private Street". See comments below under residential streets.
- The applicant must submit to the City written correspondence from the County indicating that adequate CSAH 17 R/W is being dedicated as part of this Plat. If additional R/W is required by the County the Plat must be revised and resubmitted.
- The plat must be revised to include the Xcel Energy Transmission Easement along the north property line.
- Permanent grading and drainage easements are required to implement the improvements as proposed. These easements must be obtained prior to grading activities and prior to the City accepting an application for final plat.

All public improvements constructed to support the development must be designed and constructed in accordance with the City Engineering Design Standards Manual available on the City website and dated February 2015.

#### GRADING PLAN, STORMWATER MANAGEMENT AND STORM SEWER SYSTEM

- The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations. Storm water facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual available on the City website. A finalized storm water management plan must be approved by the City and the VBWD permit must be obtained prior to grading activities.
- The Stormwater Management Plan incorporates storm water re-use through lawn irrigation. The re-use system is necessary for the applicant's plan to meet State and Watershed permit requirements for water quality treatment (volume control). Outlot A is proposed as City owned to accommodate the storm water

- pond. The water re-use irrigation system is proposed to be HOA operated and maintained on City property. Details of this plan are limited in the application. The following considerations should be noted.
  - Stormwater re-use, when implemented correctly can be an effective method to reduce reliance of potable water use while reducing stormwater discharges. It would help to reduce peak demands on the potable water system that typically occurs during the summer irrigation and landscape watering season. These benefits make stormwater re-use worth consideration.
  - However, the City has no design standards or guidelines for implementation and currently has no experience with stormwater reuse operations.
  - The two most notable concerns for stormwater reuse includes the pollutants in the stormwater (addressing treatment needs) and designing a system that provides a properly balanced hydraulic system (sizing the storage, and balancing the drawdown to the projected use in a variable climate).
  - Pollutants in the stormwater reuse system may be a concern for three basic reasons: 1) the health risks associated with human contact; 2) the impact on the environment given the various uses (i.e. bacteria or chlorides from salts); 3) issues for the system equipment and operational impacts.
  - Preliminary Plat should be conditioned upon the following:
    - The developer must sign an operation and maintenance agreement for the stormwater reuse system in a form acceptable to the City Attorney. The agreement must indemnify and hold harmless the City from any and all activities related to the developer and HOA's operation of this system.
    - The stormwater pond must be designed with a hydraulic capacity acceptable to the City Engineer that ensures adequate flood protection without accounting for any water reuse from the system.
    - The stormwater pond must be designed and constructed in accordance with the City Engineering Design Standards.
    - A detailed design of the irrigation system together with a detailed operations and maintenance plan must be submitted prior to any grading or construction activity on the site.
  - Per City requirements, all stormwater facilities, including infiltration basins, must be placed in Outlots deduced to the City for maintenance purposes. The Stormwater Facility Outlots must fully incorporate the 100-year HWL, 10 foot maintenance bench and all maintenance access roads.
    - The pond grading must be revised to add a 10-foot maintenance bench around the entire pond, per the standard pond detail.
    - The maintenance access road must be revised to access the pond from 5<sup>th</sup> Street North, not CSAH 17.
  - Overland emergency overflows or outlets will be required as part of the site plan and must be located within drainage easements, must be in Bold Type on the plans, and must provide 1 foot of vertical separation to the low opening of any building structure. Lot information details must include the lowest opening in addition to the lowest floor elevation.
  - The ultimate discharge rate and location is an important consideration to avoid negative impacts to downstream properties. The stormwater management plan indicates the pond outfall pipe to discharge to the northerly property. The plan as proposed cannot be implemented without permanent drainage and utility easements from the adjacent property. Permission should be provided to the City prior to accepting a final plat application or allowing grading activities.
  - Significant grading is proposed along the northerly property to accommodate many of the proposed building pads. Without written permission to permanently alter grades on the adjacent property, the site would require a redesign. Property owner permission or easements should be provided to the City prior to accepting a final plat application or allowing grading activities.
  - The stormwater system shall be designed to maintain the City standard **minimum** pipe cover of 3.0 feet. Per City requirements all storm sewer pipe easements must be a minimum 30-foot in width.
  - The maximum allowable curb run along streets without catch basins is 350 feet. Catch basins should be added along Street B, easterly cul-de-sac to maintain maximum curb run of 350 ft.
  - Sump manholes are required prior to all discharge points, located at the last manhole or catch basin prior to leaving a paved area. All sump manholes must be 4-foot deep.

- It is preferable that Public Streets be constructed to serve this development and designed to Engineering Design Standards including R/W width, street width and cul-de-sac radii.
- If the streets remain HOA Privately owned, the following recommendations apply:
  - The street/boulevard section must be widened to allow for adequate ownership and maintenance by the City for the public utilities (watermain, sanitary sewer and storm sewer).
  - The street Outlot should be a minimum width of 40 feet (14 feet pavement + 6 foot boulevard) with 5-foot minimum utility easement on each side. This will enable any future construction activity to remain 100% within the Street Outlot plus the utility easement. No additional encroachment on the properties/sidewalks should be necessary during future construction.
  - The typical section should be updated to include storm sewer and should show the small utilities, demonstrating the 3-foot separation between gas and joint trench.
- Street A vertical alignment should be revised to provide a  $K = 37$  minimum at STA 0+71.00.

#### MUNICIPAL SANITARY SEWER

- Municipal sanitary sewer service is readily available within the 5<sup>th</sup> Street R/W located adjacent to the plat.
- The applicant is responsible to extend the municipal sanitary sewer to the development to serve the proposed properties.
- No trunk sewer oversizing is anticipated. The area can be served without a lift station.
- Sanitary sewer must be realigned to better maintain street centerline alignment.
- The sanitary sewer is proposed to be placed within Outlot B to be HOA owned and maintained as a private street. The Outlot width must be a minimum of 40 feet with a 5 foot drainage and utility easement along each side of the street for the corridor to be acceptable for the placement of publicly owned and maintained utilities.

#### MUNICIPAL WATER SUPPLY

- Municipal water service is readily available within the 5<sup>th</sup> Street R/W located adjacent to the plat.
- The applicant is responsible to extend municipal water into the development to serve the proposed properties.
- Two connection points to the existing City system should be required.
- No trunk watermain oversizing is anticipated for this development.
- Additional hydrants and system valves will be required as part of the final design.
- Watermain must be realigned to maintain 10-foot separation from the sanitary sewer once the sanitary sewer is realigned as previously noted.
- The watermain is proposed to be placed within Outlot B to be HOA owned and maintained as a private street. The Outlot width must be a minimum of 40 feet with a 5 foot drainage and utility easement along each side of the street for the corridor to be acceptable for the placement of publicly owned and maintained utilities.

#### TRANSPORTATION IMPROVEMENTS

- Access to the development must be from 5<sup>th</sup> Street as shown, directly across from the Hunters Crossing access roadway.
- The applicant will be responsible to construct the north half of 5<sup>th</sup> Street from CSAH 17 to the east plat edge of the Hunters Crossing development. This improvement must be completed at the developer's cost.
- The plat must dedicate the existing 5<sup>th</sup> Street roadway easement as City R/W. The plan indicates the minimum 100 foot R/W as required. A ten (10) foot utility easement must be provided along the north side of the 5<sup>th</sup> Street R/W.
- The proposed 2-lane collector parkway street (5th Street) design and geometrics must meet all Municipal State Aid design standards for urban streets (8820.9936) for ADT > 10,000; 40 mph design speed; and must be consistent with the detailed parkway cross section installed throughout the remaining corridor segments and as outlined in the 5th Street Collector Design Guidelines as prepared by City staff.
- Right and left turn lanes must be incorporated along 5th Street North per the City design standards to maintain mobility along the Parkway since there is only one travel lane in each direction.
- Additional streetscape amenities are required along 5th Street consistent with the remaining corridor segments. 5th Street Amenities include a north side off-road bituminous trail, minimum 10 foot width with 5 foot clear zone; a south side concrete sidewalk, minimum 6 foot width with 2 foot clear zone; landscaping elements including a center landscape median; and street lighting.
- The applicant will also be partially responsible for the improvements required by Washington County at the intersection of 5<sup>th</sup> Street and CSAH 17.

#### RESIDENTIAL STREETS

- Street A must include a 50 foot tangent per City standards at the intersection with 5th Street before initiating the proposed horizontal curve.
- Street B, east cul-de-sac geometrics must be revised to eliminate turns greater than 90-degrees.



**Public Works Department**

Donald J. Theisen, P.E.  
Director

Wayne H. Sandberg, P.E.  
Deputy Director/County Engineer

March 3, 2015

Kyle Klatt  
Community Development Director  
City of Lake Elmo  
3600 Laverne Avenue North  
Lake Elmo, MN 55042

**RE: Washington County comments on the concept plan for the Diedrich property by Lennar Homes, City of Lake Elmo**

Dear Mr. Klatt:

Thank you for providing the county with the concept plan for the Lennar subdivision on the Diedrich property, in Section 36, Township 29N, Range 21W along County Road (CR) 17B/Lake Elmo Avenue in the City of Lake Elmo. The project consists of 50 attached single family residential dwelling units on 12 acres of land. Based on the plan provided, we have the following comments:

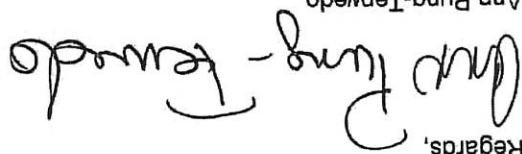
- There is currently 50 feet of right-of-way from the center line of County Road (CR) 17B therefore, an additional 42 feet should be dedicated on the plat which should include the existing home site south of 5<sup>th</sup> Street.
- According to the *Trip Generation Manual, 7<sup>th</sup> Addition ITE, 2003*, this development will generate 478 Average Vehicle Trips (AVT) per day.
- In the future, there will be a traffic signal at the intersection of CR 17B and 5<sup>th</sup> Street and since 5<sup>th</sup> Street will be a collector roadway, a center left turn lane should be provided on 5<sup>th</sup> Street for access to the development.
- Access control must be dedicated to Washington County along the CSAH 17/Lake Elmo Avenue frontage. This should be denoted on the final plat.
- Improvements to County Road (CR) 17B will be completed at the new 5<sup>th</sup> Street section. Washington County is working with the City of Lake Elmo on the planned improvements. The cost of these improvements will be the responsibility of the city.
- The developer or the city must submit the drainage report and calculations to our office for review of any downstream impacts to the county drainage system. Along with the drainage calculations, we will request written conclusions that the volume and rate of stormwater run-off into the county right-of way will not increase as part of the project.

March 3, 2015  
Diedrich Property  
Concept Plan

- All stormwater ponds should be located outside the county right-of-way.
- Washington County's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards. Minnesota Statute 16.07, Subpart 2a exempts County Roads and County State Aid Highways from noise thresholds. County policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The developer should assess the noise situation and take any action outside of County right of way deemed necessary to minimize the impact of any highway noise.
- Any grading within County right of way will require a Washington County Right of Way Permit.
- All utility connections for the development require Washington County Right of Way permits. Typically, these are the responsibility of the utility companies.

Thank you for the opportunity to comment on this concept plan. If you have any questions, please contact me at 651-430-4362 or [ann.pung-terwedo@co.washington.mn.us](mailto:ann.pung-terwedo@co.washington.mn.us)

Regards,



Ann Pung-Terwedo  
Senior Planner

Cc: Carol Hanson, Office Specialist

R/Plat Reviews/City of Lake Elmo/Diedrich property





## **& COUNCIL COMMUNICATION**

**DATE: July 21, 2015**  
**REGULAR**  
**ITEM #16**  
**ORDINANCE 08-121**  
**RESOLUTION 2015-045**

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

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

**THROUGH:** Julie Johnson, City Clerk

**REVIEWED BY:** Kyle Klatt, Community Development Director  
Planning Commission

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### **SUGGESTED ORDER OF BUSINESS:**

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

**POLICY RECCOMENDER:** The Planning Commission 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 Council discussed the matter at their June 2, 2015 meeting, and requested that additional opportunities for public engagement be provided. The Planning Commission and Staff are recommending approval of the requested amendment with further



restrictions on the application of the ordinance as noted on June 2nd. 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 2015-045, 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 City Council reviewed this request at the 6/2/15 meeting. The City Council postponed consideration of the Zoning Text Amendment to seek additional public feedback, as well as a map of potential sites the proposed ordinance would activate.

To follow up on this discussion, staff has attached a map that identifies the Rural Residential parcels that would be able to be utilized as wedding venues. There are 6 such parcels in the community. The map can be found in Attachment #4. In addition, the City has received additional feedback about the proposal to amend the wedding venue ordinance. The feedback is collected and attached to this report in Attachment #5.

### **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 2015-045, authorizing summary publication of Ordinance 08-121.”***

**ATTACHMENTS:**

1. Staff Report dated June 2, 2015
2. Ordinance 08-121
3. Resolution 2015-047
4. Map of Possible Rural Residential Wedding Venue Locations
5. Additional Public Feedback Since 6/2/15 Meeting



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 RECOMMENDER:** 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 50<sup>th</sup> Street from the applicant’s site.
- The safety of pedestrians, bicyclists, and other non-motorized commuters along 50<sup>th</sup> Street due to an increase in traffic and narrow travel lanes on the road.
- The lack of a trail along the western portion of 50<sup>th</sup> 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 50<sup>th</sup> 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

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

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 ~~450~~ 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 21st day of July 2015, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

LAKE ELMO CITY COUNCIL

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

\_\_\_\_\_  
Julie Johnson, 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: July 21, 2015.

\_\_\_\_\_  
Mayor Mike Pearson

ATTEST:

\_\_\_\_\_  
Julie Johnson, City Clerk

(SEAL)

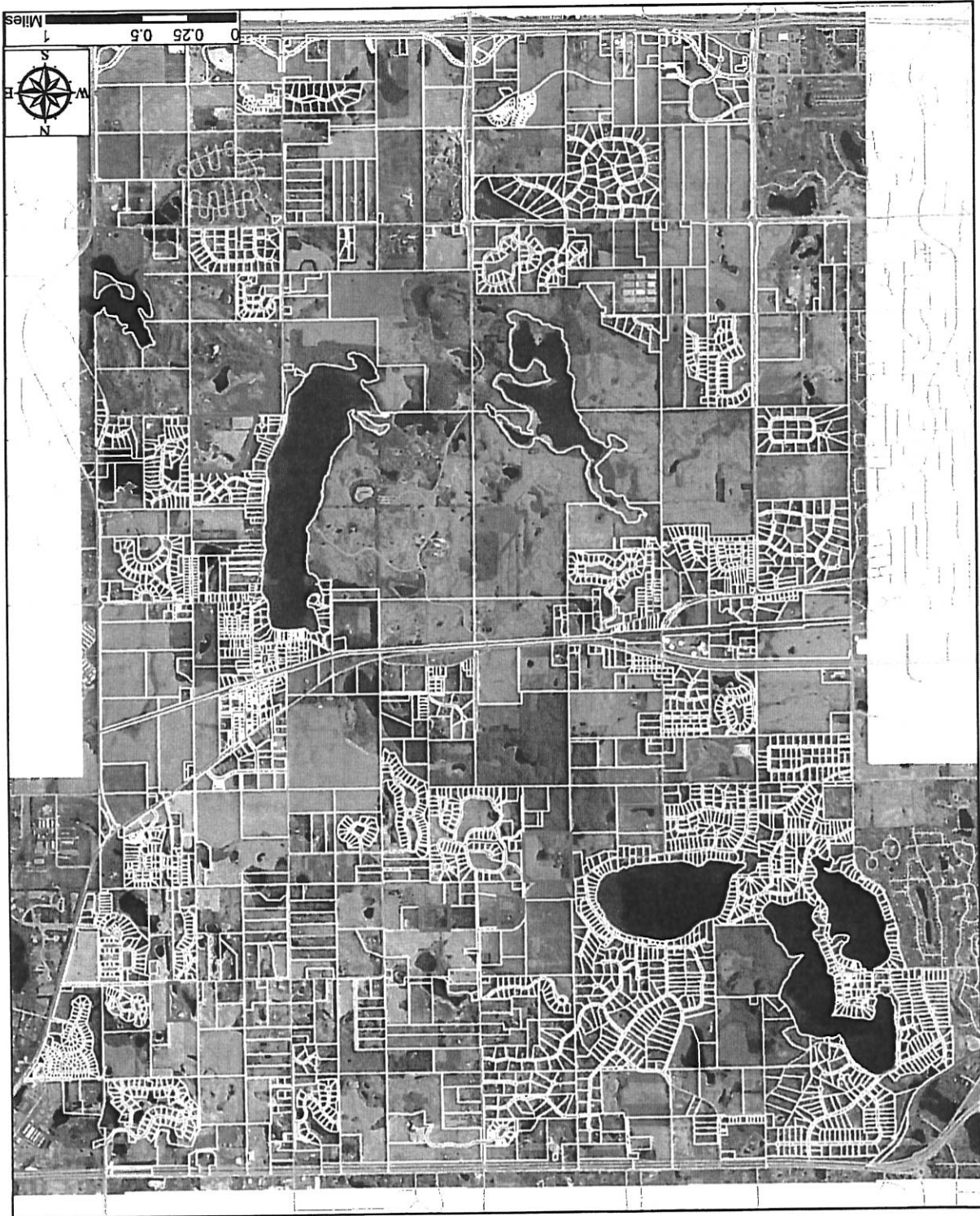
The motion for the adoption of the foregoing resolution was duly seconded by member

\_\_\_\_\_ 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.

# Parcels Meeting Wedding Venue Requirements



Total Parcels: 6  
Area: Greater than 10 acres  
Zoning: Rural Residential  
Setback Requirements:  
Parking: 100 FT from residential property lines; 200 FT from neighboring houses.  
Outdoor Activity Spaces: 300 FT from residential property lines; 400 FT from neighboring houses.  
Indoor Activity Spaces: 300 FT from residential property lines; 400 FT from neighboring houses.



LANDUCCI HOMES

*Designer, Builder and Realtor® of Extraordinary Homes*

June 18, 2015

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

Dear Kyle:

RE: Danielle Hecker's Barn Wedding Ceremony Venue (no receptions)

This letter is to inform Lake Elmo city staff, city council and local residents that I support Danielle Hecker's request to host wedding ceremonies on her property which borders my property in Lake Elmo. Her property consists of 10 acres which includes a historic farmhouse and barn and several smaller outbuildings that make up the original Goetschel farm homestead of past. The Hecker property is one of Lake Elmo's great historical landmarks; the property is very quaint and the homestead is well taken care of. I own the 110 acres which encompasses the north, east and west sides of the Hecker's property.

As the Hecker's most impacted neighbor, I continue to support their venue on their 10 acres. It has been joy to meet and chat with Danielle Hecker. The Hecker's have demonstrated a great sense of pride in their property with the continued improvements they have made to the property. When I first spoke with Danielle, I suggested that both parties (Hecker and myself) plant trees on the borders of the properties which would provide more privacy and buffering. Danielle was very understanding and agreed to plant trees along their north and east property lines in the future. I was very impressed with her immediate cooperation and goodwill; key ingredients in a great neighbor.

The proposed business venture would be a complimentary venue to the neighborhood and the barn restoration would improve the surrounding property values and foster a sense of pride for the community. This venue is consistent with the "rural feel" of the surrounding O.P. developments.

I sincerely hope Danielle Hecker is granted permission to move forward with her wedding ceremony business on her property. The Hecker's property in Lake Elmo is a historical gem and is an asset that should be shared by others on their special occasions.

Best Regards,

Nathan Landucci; Landucci Homes, Inc.

13230 20th St. Ct. N. | Stillwater, MN 55082 | (P) 651.894.2582 | (F) 651.342.1049

nate@landuccihomes.com | www.landuccihomes.com

Kyle Klatt

From: kmlohmer@comcast.net  
Sent: Monday, July 06, 2015 3:29 PM  
To: Kyle Klatt  
Subject: Hecker property citizen input

Dear Kyle,  
I was told that the City of Lake Elmo and council members were looking for feedback regarding the Hecker property and the conditional use permit. I would appreciate if you could share my letter with the mayor and council members. Thanks so much.

Thank you for taking the time to read our letter regarding the proposed renovation and wedding site on the Hecker family's property. The Heckers are friends of my daughter in law and I was told of the upcoming decision regarding the conditional use permit they are seeking. I did stop by and observed a most beautiful location for what they are planning to do.

I wanted to write with some thoughts on the upcoming decision. Our family lived in Lake Elmo for 23 years, and 2-1/2 years ago moved into the Audubon development in Baytown Township. We are at the very back side of the development with woods in the back yard and less than 1/4 mile from 30th street - and very close to the Camrose Hill wedding event site.  
On weekend evenings in the summer it is not uncommon for us to hear music playing from weddings and I have to say that it is a very pleasant sound. It is always quiet by 10 p.m. and it makes me happy thinking that such a "joyfilled event" is taking place there. I have never heard any complaints since we've lived here. Because 30th street is the border between Baytown Township and West Lakeland Township, I made calls to the township chairs, Kent Granular and Dan Kylo. (Mr. Granular's brother actually lives directly across from Camrose Hill.) They both confirmed that there has never been any issues or complaints and that there is a positive impact to the local community by having the wedding site there. They have never had any traffic incidents and the event center is for weddings and receptions as well. I know that the Heckers are only planning on doing the wedding ceremonies on their property.

I wish you well as you make your decision, and would encourage you allow for this zoning text amendment and conditional use permit. I think it would add greatly to the Lake Elmo community and I know that the Hecker family will be very respectful and will take very seriously the terms of the agreement.

Best,  
Greg and Kathy Lohmer  
Baytown Township

## Kyle Klatt

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**From:** Marlene <marlenedyer@gmail.com>  
**Sent:** Monday, June 15, 2015 10:04 PM  
**To:** Kyle Klatt  
**Cc:** Jeremy Dyer  
**Subject:** In Response to Lake Elmo Weddings

Hello Kyle,

I wanted to reach out to you as a Lake Elmo resident to let you know that I am in support of rural setting weddings in Lake Elmo. I read in a recent Lake Elmo publication that this topic would be coming up for consideration soon so I wanted to reach out to you.

As you already know, Lake Elmo is beautiful. The farms and rolling hills are picture perfect as a backdrop for weddings to take place. Recently my youngest sister got married on such a farm, but had to go across the river to Holton, Wisconsin for her nuptials. Outdoor rustic weddings are a growing trend. Wouldn't it be great if Lake Elmo were *the* place to get married?

I am specifically in favor of Danielle Hecker, as she and her husband seek to restore and preserve the historic buildings on their property and use them to better the community. Inviting people onto their property for wedding ceremonies would encourage the support of other Lake Elmo business through reception venues, flowers, catering, etc. What a great way to bring more business into our city.

If our city can set up very specific perimeters regarding parking, traffic flow, times of day, and other requirements that would ensure safely and meet resident's concerns, I am certain that allowing for rural wedding venues could benefit our city in a positive way.

Not to point out the obvious, but there is not a lot of pleasant publicity in news about Lake Elmo right now. This is a great opportunity to show our guests the true beauty and history of Lake Elmo.

Thank you,

Jeremy & Marlene Dyer  
10316 Tapestry Bend



**Kyle Klatt**

**From:** PAUL H+REV PALLMEYER <pallmeyer@msn.com>  
**Sent:** Saturday, June 13, 2015 10:09 AM  
**To:** Kyle Klatt  
**Subject:** Proposed Wedding Ordinance

We feel that residents should be able to have weddings and receptions in any size and area of their choosing. While the proposed change expands wedding venues to "rural residential" zones, the limits on the size of both weddings and receptions should be dropped. Paul and Ruth Pallmeyer, 8989 Lake Jane Trail N.  
Sent from Windows Mail

## Kyle Klatt

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**From:** Barb Miller <bkm.miller@gmail.com>  
**Sent:** Saturday, June 13, 2015 8:24 AM  
**To:** Kyle Klatt  
**Subject:** Lake Elmo Wedding Proposal

I live at 9240 55th St N and just read the article in the "Review", looking for public opinion on the wedding proposal. I support the right of individuals to have a wedding AND reception in the area zoned rural residential. I would increase the maximum guest limit to 300.

Barbara Miller

Kyle Klatt

From:

Sent:

To:

Subject:

Backberg, Benjamin <BBackberg@fredlaw.com>

Monday, June 08, 2015 2:07 PM

Mike Pearson; Justin Bloyer; Julie Fifflet; Jill Lundgren; annejsmith@msn.com; Dean Zuleger; Kyle Klatt

RE: Lake Elmo- Wedding Venue Ordinance Change

I have had a chance to review the playback of the council meeting on 6/2/15 that discussed this topic. I have also been receiving more emails in opposition to this ordinance change. People are also calling foul on the 750 ft notice. Notice seems to be a reoccurring theme for meetings, which should be very simple to fix. Is this topic going to come in front of the council tomorrow night? Please let me know asap. Great if it could be delayed so people can have additional time to digest the proposal.

I was also very surprised to hear that barn owner plans to book the barn out 2-3 years in advance—this will not be 10-20 per year. She is going to try her best to have as many weddings as possible (for her benefit to the detriment of everyone else around her). This will have a big change on the area, especially on the weekend (when families are out the most). 50<sup>th</sup> Street is also set up very poorly for commercial activity of any type. Not to mention, almost all wedding patrons will not know where they are going, which heightens safety concerns greatly (looking at phones for directions, etc.). We get countless people lost in our neighborhood because they think Linden goes through.

Happy to discuss this with any of you, but think my view has changed. I no longer think this will be a harmless business and could be very dangerous, especially for young kids who will venture over there from Sanctuary once the new development is built out to the south.

612-492-7232

Ben

Thanks,

From: Backberg, Benjamin

Sent: Tuesday, June 02, 2015 9:58 AM

To: 'mpearson@lakeelmo.org'; 'jbloyer@lakeelmo.org'; 'jffifflet@lakeelmo.org'; 'jlundgren@lakeelmo.org';

'annejsmith@msn.com'; dzuleger@lakeelmo.org

Subject: Lake Elmo- Wedding Venue Ordinance Change

Importance: High

Council Members,

I have not had a chance to look at the materials in detail on the proposed wedding ordinance change, but was wondering where you all were falling on the proposal? Seems like a slippery slope. Great if you could let me know your thoughts as soon as possible. The Sanctuary HOA Board is looking into this matter now and it also looks like it would directly impact the Gotschal land plat. No on in the Sanctuary neighborhood was aware of this until this morning.

Thanks,

Ben

612-492-7232

## Kyle Klatt

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**From:** Wally Nelson <wally@morrowpartnersinc.com>  
**Sent:** Sunday, June 07, 2015 8:16 AM  
**To:** Kyle Klatt  
**Subject:** Wedding Venues

Mr. Klatt,

I think it is a wonderful idea to allow weddings in these zoning districts.

It is a great way to keep the rural character of Lake Elmo in place and this will allow the old barns with character to be preserved.

Thanks

**Kyle Klatt**

**From:** guswilt24@comcast.net  
**Sent:** Friday, June 05, 2015 6:56 PM  
**To:** Kyle Klatt  
**Subject:** Weddings

I enjoyed the presentation given by Danielle Hecker (sp?) and her idea to craft her barn into a wedding chapel/area. I think it would be a great venue to host such a beautiful event. I also think it would be OK to host weddings at other sites as well.

Thanks for tossing this idea out to the public.

Dana Nelson  
2871 Legion Ave N

## Kyle Klatt

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**From:** Paul Huot <p.huot@huot.com>  
**Sent:** Friday, June 05, 2015 1:13 PM  
**To:** Kyle Klatt  
**Subject:** weddings

I think it's sad that we can't legally hold a small (100 people or less) wedding and reception in our homes. I am good with having a permit for weddings and reception over 100 people up to 200.

Paul Huot  
4955 Jamaca Ave N  
Lake Elmo, MN 55042

[p.huot@huot.com](mailto:p.huot@huot.com)

**Kyle Klatt**

**From:** jenniferpelleter@comcast.net  
**Sent:** Tuesday, June 02, 2015 12:47 PM  
**To:** mike pearson; Anne Smith; Justin Bloyer; jfifflet@freshwater.org; Jill Lundgren  
**Cc:** Dean Zuleger; Kyle Klatt  
**Subject:** Fwd: Tonight's agenda item / wedding facility in RR / resend

Hello,

I sent this to the planning commission last week, but I thought I'd send it to the council prior to tonight's meeting as well. I have been in communication with the applicant and she knows what my thoughts are; she's a good neighbor and it is not my mission to prevent them from starting a business. MOST of this note below has to do with the next phase: the interim use permit discussions. Regarding a zoning change, I am not opposed to adding a wedding facility in the RR district as long as it does not include receptions.

Thank you for taking the time to read my comments before/during tonight's meeting. It is not necessary to read it aloud; like I said the applicant and I have chatted quite a bit about it.

Have a great day,  
Jennifer Pelleter

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**From:** jenniferpelleter@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. 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

Nick Johnson

**From:** Danielle Hecker <dnhecker@gmail.com>  
**Sent:** Monday, July 13, 2015 1:49 PM  
**To:** Kyle Klatt; Nick Johnson  
**Subject:** Fwd: 50th Street Wedding Venue

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thank you Kyle...Nick just CC'ing you on one that I received too (along with the council members).

----- Forwarded message -----

**From:** Jim Hansen <h.wood86@gmail.com>  
**Date:** Mon, Jun 29, 2015 at 10:37 PM  
**Subject:** 50th Street Wedding Venue

**To:** mpearson@lakeelmo.org <mpearson@lakeelmo.org>, jbloyer@lakeelmo.org <jbloyer@lakeelmo.org>  
, jfliffet@lakeelmo.org <jfliffet@lakeelmo.org>, jlundgren@lakeelmo.org <jlundgren@lakeelmo.org>, annejsmith@msn.com <mailto:annejsmith@msn.com>  
**Cc:** dnhecker@gmail.com <mailto:dnhecker@gmail.com>

I am writing to the council in regard to the issue of a Wedding Venue on 50th Street North that was discussed at the 6-2-15 council meeting. I live at 11260 50th Street North, which has a spectacular view of the proposed wedding venue, as evidenced by this photo from my home:

I concur with the Mayor that issues like this tend to bring out the passionate opposition rather than supporters. In fact, the notification that I had received about this proposal really only asked for concerns to be voiced. Having no concerns, I did not respond. However, after hearing claims that "everyone with surrounding property is opposed", I felt compelled to respond.

I believe that the wedding venue can be something that actually helps preserve the rural nature of the street – seeing the old barn(s) preserved and restored – as opposed to the "open space" developments that have popped up since we moved in 25 years ago. I (fondly?) recall spending many mornings and evenings in the old barn helping Martin milk the cows after he became too short to reach the milk lines. I would hate to see this building removed or run down for lack of purpose. In fact, seeing the numerous improvements that have already been made to the property over the past few years has been very encouraging.

During the council discussions I heard numerous concerns about the increased traffic that would be on 50th Street. While this venue may add periodic increases before and after a ceremony, it is negligible compared to the increase that the housing developments (and the inevitable future developments), which feed onto 50th Street, have had (and will have). I would also like to remind (or inform) the council that 50th Street North is a "State Aid" street. This means that it had to be designated and designed according to the "state-aid" criteria in 8820.0700 Subpart 3:

#### 8820.0700 SELECTION CRITERIA

Subpart 1. Basis. - A state aid route must be selected on the basis of all criteria in either subpart 2 or 3.

Subp. 2. County state-aid highway. A county state-aid highway may be selected if it:

A. is projected to carry a relatively heavier traffic volume or is functionally classified as collector or arterial as identified on the county's functional classification plan;

B. connects towns, communities, shipping points, and markets within a county or in adjacent counties; provides access to rural churches, schools, community meeting halls, industrial areas, state institutions, and recreational areas; or, serves as a principal rural mail route and school bus route; and

C. provides an integrated and coordinated highway system affording, within practical limits, a state-aid highway network consistent with projected traffic demands.

Subp. 3. Municipal state-aid street. A municipal state-aid street may be selected if it:

A. is projected to carry a relatively heavier traffic volume or is functionally classified as collector or arterial as identified on the urban municipality's functional classification plan;

B. connects the points of major traffic interest, parks, parkways, or recreational areas within an urban municipality; and

C. provides an integrated street system affording, within practical limits, a state-aid street network consistent with projected traffic demands.

The periodic traffic from weddings will certainly not create serious traffic issues in regard to the street's design capacity.

Issues in regard to the intersection of 50th Street and Highway 5 are primarily due to the volume (and timing) of traffic on Hwy 5, not so much 50th St. This is an important issue to be addressed, but it is a separate issue and a distraction from the Wedding Venue discussion.

Finally, a few commented about noise. I am unaware of wedding ceremonies that produce "noise"; beautiful music, yes!

So, in short, I am very much in favor of this use for the property and urge passing of the tabled motion.

Regards,

Jim Hansen





## MAYOR & COUNCIL COMMUNICATION

**DATE: July 21, 2015**  
**REGULAR**  
**ITEM #17**  
**RESOLUTION 2015-59**

**AGENDA ITEM:** Halcyon Cemetery Preliminary and Final Plat

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

**THROUGH:** Julie Johnson, City Clerk

**REVIEWED BY:** Planning Commission  
Kyle Klatt, Community Development Director  
Jack Griffin, City Engineer  
Greg Malmquist, Fire Chief  
Washington County Public Works

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### **SUGGESTED ORDER OF BUSINESS:**

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

**POLICY RECCOMENDER:** Planning Commission

**FISCAL IMPACT:** None, all of the review activities on the part of the City are reimbursed by application and escrow fees submitted by the developer. All of the improvements to the site are private.

**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to consider a request from Mr. Lee Rossow for approval of a preliminary and final plat for a cemetery to be called Halcyon located at 11050 50<sup>th</sup> Street North. The Planning Commission held a public hearing to consider the matter at its July 13, 2015 meeting and unanimously recommended approval of the Halcyon Cemetery Preliminary and Final Plat subject to 14 conditions of approval. The suggested motions to adopt the Planning Commission recommendation is as follows:

***"Move to adopt Resolution No. 2015-59, approving the Halcyon Cemetery Preliminary and Final Plat."***

**BACKGROUND INFORMATION:**

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

**PLANNING COMMISSION REPORT:**

The Planning Commission held a public hearing to review the preliminary and final plat application at its July 13, 2015 meeting. During the public hearing, the Planning Commission received the following testimony:

- Jean Madrinich, 11420 50<sup>th</sup> Street N., noted that there are multiple flood plains in the area. She asked how the flood plains are being addressed. Lee Rossow noted that they have worked through those issues with the watershed district. Ms. Madrinich also noted concern about additional traffic that would be generated on 50<sup>th</sup> Street.
- Deb Kreuger, 4552 Lake Elmo Ave. N., asked questions about the need for parkland dedication associated with this property. In addition, she referenced several State Statutes that relate to cemeteries. She wanted to ensure that the statutory requirements are being followed with the project, especially the establishment of a permanent care trust fund for the cemetery association. The applicant noted that a trust fund is being established with the project.
- Janet Thompson, 11491 50<sup>th</sup> Street N., noted that she is concerned about a commercial venue being placed in a residential area. She stated that her family moved here to live in a rural area, and this use is not in keeping with that goal.
- Rebecca Tempas, 11330 50<sup>th</sup> Street N., stated that she does not believe the proposed use is consistent with the rural character that the City desires. She also stated that the traffic on 50<sup>th</sup> Street is a concern, and the use will add to the existing problem.
- Rich Day, owner of a property to the south of the proposed cemetery, asked if the project has undergone an environmental review, such as an EIS. Johnson noted that the project did not meet the threshold to trigger an environmental review, but that the City does have the discretion to request environmental review. Mr. Day also voice his concern about the storm water on the site that travels to his property. The applicant noted that they have received permit approval from the Valley Branch Watershed District for the proposed storm water management design.

- Jeffrey Saffle, 11180 50<sup>th</sup> Street N., asked if the lights on the site would be compliant with dark skies standards. He noted that is important to follow the City's dark skies ordinance.
- Saxe Roberts, 11165 50<sup>th</sup> Street N., noted his concern about the effect of cemeteries on property values. Mr. Roberts agreed with staff that research is inconclusive on the matter, but he worried that the presence of the cemetery would eliminate some buyers for his property in the future.

The full account of the testimony can be reviewed in the draft Planning Commission minutes dated 7/13/15.

The Planning Commission discussed a variety of topics in considering the preliminary and final plat application for the cemetery. In discussing the project, the Planning Commission added the following conditions:

- A condition was added that any future expansions for the cemetery use would need City review and approval.
- A condition was added to ensure that dark skies ordinances were followed.
- A condition was added that any expansion of the home meet design criteria contained in the City's design standards.
- A condition was added to add a warranty period for the transplanted trees on the site.
- A condition was added to provide additional screening along the east and north property lines.
- Finally, a condition was added that the cemetery association provide copies of all annual minutes and financial reporting of the permanent care trust fund to the City on an annual basis.

The Planning Commission recommended approval of the Halcyon Cemetery Preliminary and Final Plat with 14 conditions of approval. The vote to recommend approval of the preliminary and final plat was unanimous (Vote: 6-0).

**STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS (SWOT):**

**Strengths:** The proposed preliminary and final plat are compliant with the City's subdivision ordinance, as well as other ordinances found in the zoning code.

**Weaknesses:** Neighboring property owners have expressed concerns about traffic generated by the use.

**Opportunities:** N/A

**Threats:** N/A

**RECOMMENDATION:**



*Based on the aforementioned, the Planning Commission and Staff are recommending that the City Council approve the Halcyon Cemetery Preliminary and Final Plat through the following motion:*

***“Move to adopt Resolution No. 2015-59, approving the Halcyon Cemetery Preliminary and Final Plat.”***

**ATTACHMENTS:**

1. Resolution 2015-59
2. Staff Report to the Planning Commission, 7/13/15
3. Location Map
4. Application Forms and Project Narrative
5. Preliminary and Final Plat and Plans
6. City Engineer Review Memorandum, dated 7/8/15
7. Fire Chief Review Memorandum, dated 7/7/15
8. Washington County Review Memorandum, dated 7/7/15
9. Valley Branch Watershed District Permit
10. Lake Elmo Transportation Plan, Existing and Projected Traffic Volumes
11. Cemetery Proximity and Single Family Home Price Report (1<sup>st</sup> Half)

**INCLUDED IN THE ELECTRONIC PACKET BUT NOT PROVIDED IN HARD COPY:**

1. 2<sup>nd</sup> Half of Cemetery Proximity and Single Family Home Price Report – Supporting Data
2. Information Handout from League of MN Cities on Cemeteries

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

**RESOLUTION NO. 2015-59**

*A RESOLUTION APPROVING A PRELIMINARY AND FINAL PLAT FOR THE HALCYON  
CEMETERY*

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

**WHEREAS**, Mr. Lee Rossow, 11050 50<sup>th</sup> Street North, Lake Elmo MN 55042 has submitted an application to the City of Lake Elmo ("City") for a Preliminary and Final Plat for a cemetery to be called Halcyon, a copy of which is on file in the City of Lake Elmo Community Development Department; and

**WHEREAS**, the proposed Final Plat includes a cemetery on one parcel of land (PID: 01.029.21.33.0003) in the Rural Planning Area; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on July 13, 2015 to consider the Preliminary and Final Plat application; and

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

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Preliminary and Final Plat as part of a memorandum to the City Council for the July 21, 2015 Council Meeting; and

**WHEREAS**, the City Council reviewed the Halcyon Cemetery Preliminary and Final Plat at its meeting held on July 21, 2015 and made the following findings of fact:

- 1) That the Halcyon Cemetery Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 2) That the Halcyon Cemetery complies with the City's RR – Rural Residential zoning district.
- 3) That the Halcyon Cemetery complies with the City's subdivision ordinance.
- 4) That the Halcyon Cemetery Final Plat meets other City zoning ordinances, such as landscaping, tree preservation, erosion and sediment control, off-street parking and other ordinances, except where noted in this report herein.
- 5) That the Halcyon Cemetery Final Plat is consistent with the City's engineering standards, except where noted, provided the plans are updated to address the City Engineer's

comments documented in a letter dated July 8, 2015 and the Fire Chief's comments documented in a letter dated July 7, 2015.

6) The applicant has committed to establishing a permanent care trust fund consistent with the requirements established under State Statute.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve the Halcyon Cemetery Preliminary and Final Plat subject to the following conditions:

1) The applicant shall revise the Final Plat to accommodate all required right-of-way on Lake Elmo Avenue and 50<sup>th</sup> Street North as documented in review memorandums submitted by Washington County and the City Engineer.

2) All required modifications to the plans as requested by the City Engineer in a review letter dated July 8, 2015 shall be incorporated into the plans prior to the City's execution of the Final Plat.

3) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and abide by all conditions of approval established in the approved Valley Branch Watershed District permit.

4) The applicant shall be responsible to address all review comments submitted by Washington County described in the review memorandum received from the County dated July 7, 2015. In addition, the applicant shall obtain all necessary right-of-way permitting from Washington County.

5) The Landscape Plan shall be revised to include 6 additional trees to fulfill the City's Landscaping Requirements. In addition, the plant material that is on top of utilities shall be moved to comply with the direction of the City Engineer per his memorandum dated July 8, 2015. Finally, prior to installation of plant material, the plan shall be reviewed by the City's Landscape Consultant for final approval.

6) The applicant must enter into an agreement with the City to own, operate and maintain the private storm water facilities on the property. The storm water maintenance agreement must be recorded with the Final Plat.

7) Prior to the issuance of grading/building permits, all review comments of the Fire Chief must be addressed by the applicant.

8) The applicant shall obtain the necessary permitting from Washington County to install a new septic system to serve the property prior to the City issuing and building permits for the remodel of the home.

9) Any future expansion of the site, including plans to install a crematorium, shall be reviewed and approved by the City.

10) All lighting installed on the Halcyon Cemetery site must comply with the City's dark skies ordinance.

- 11) Any alterations to the existing single family home shall be reviewed for conformance to the City's design standards.
- 12) All transplanted trees transplanted on the site shall include a 2-year warranty period to ensure survival. Any trees that do not survive the two-year period shall be replaced.
- 13) The Landscape Plan shall be amended to add plantings along the Eastern and Northern property lines consistent with screening requirements specified in 154.258.F of the City Code.
- 14) Annual meeting minutes, including annual financial reporting and status of the permanent care trust fund, shall be submitted to the City on an annual basis.

Passed and duly adopted this 21<sup>st</sup> day of July, 2015 by the City Council of the City of Lake Elmo, Minnesota.

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

\_\_\_\_\_  
Julie Johnson, City Clerk



## MEMORANDUM

# FOCUS ENGINEERING, inc.

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

Date: July 8, 2015

To: Nick Johnson, City Planner  
Cc: Kyle Klatt, Planning Director  
From: Jack Griffin, P.E., City Engineer

Re: Halcyon Cemetery  
Preliminary and Final Plan Review

An engineering review has been completed for the Halcyon Cemetery Preliminary-Final Plat, and Construction Plans. The submittal consisted of the following documentation prepared by Loucks Associates, dated January 5, 2015:

- Site Plan and Preliminary Plat dated June 17, 2015.
- Construction Plans for Parking, Grading, Drainage, Erosion Control and Utilities dated June 17, 2015.
- Tree Preservation Plan and Landscape Plan dated June 17, 2015.
- Stormwater Management Plan dated May 14, 2015.

### STATUS/FINDINGS: Engineering has prepared the following review comments and conditions for Final Plat:

#### PRELIMINARY / FINAL PLAT

- The Final Plat must be revised to include an additional 25 feet R/W along CSAH 17 (Lake Elmo Avenue) as required by Washington County (75 feet from CSAH 17 centerline).
- An 80 foot R/W with 10 foot utility easements immediately outside of the R/W is the recommended minimum corridor plan for 50<sup>th</sup> Street as a Municipal State Aid major collector roadway.
  - The Final Plat must include an additional 5 feet R/W along 50<sup>th</sup> Street so that the 50<sup>th</sup> Street R/W is a total of 80 feet. The proposed plat of 35 feet must be revised to 40 feet.
  - The Final Plat must include a 10 foot utility easement along the full length of the south property line, located just outside of the 50<sup>th</sup> Street R/W.
- The Final Plat must include additional R/W at the intersection of CSAH 17 and 50<sup>th</sup> Street to accommodate a sight line triangle similar to the sight triangle at the southeast corner of this intersection.
- The Final Plat must be contingent upon the applicant providing written documentation demonstrating adequate wastewater management facilities for the proposed land use. Minimum documentation must include:
  - If the existing system is to continue in use, submit to the City a compliance inspection report that has been reviewed and approved by Washington County.
  - Provide water use data used to size the current and secondary ISTS systems for the property.
  - Provide percolation testing indicating that the proposed locations are suitable for the proposed use.
  - Provide to the City a copy of Washington County's ISTS system approvals, including conditions.

- The storm water ponds, infiltration basins and all storm sewer are to be privately owned and maintained by the property owner with this responsibility recorded to run with the property ownership. These facilities have not been designed to meet City design standards for storm sewer or storm water management facilities. The Final Plat must be conditioned upon the applicant executing an agreement to own, operate and maintain the storm sewer and storm water facilities proposed on the site and recording this agreement with the property.

CONSTRUCTION PLANS: The following engineering review comments must be addressed prior to any construction work on the property.

- Provide plan notes on Sheet C3-1, C3-2 and C4-1 calling out measures to protect both the existing and proposed drainfield sites throughout the construction process.
- Sheet C4-1, Utility Plan: Add note that all storm sewer pipe and storm water facilities are to be privately owned and maintained.
- Sheet C4-1, Utility Plan: Update all Plan Notes to be pertinent and consistent with the proposed Utility Plan. Generic notes appear to be inconsistent or irrelevant to this project.
- Replace all City Standard Details and Plan Notes with the updated Details and Plan Notes dated February 2015.
- Sheet C8-1, Civil Details: Remove details 3003 and 3013. The City Standard Detail No. 605 and 604 respectively must be used as shown on Sheet C8-2.
- The Construction Plans must be updated with field verified utility locations with the plans resubmitted for engineering review and approval prior to the start of construction. The applicant must complete a Gopher State One call and utility locate and field survey all utilities to finalize the construction plans. All notes referring to utility information being provided by others must be removed from the plans.
- The Tree Protection detail on Sheet C1-1 and Sheet L1-0 must be replaced with the City standard detail 904.

LANDSCAPE PLANS: This engineering review does not include a review of the proposed Landscape Plans, however the following comments are noted.

- The landscape plan must be revised to provide maintenance access for the storm water pond adjacent to the entrance driveway.
- The landscape plan must be revised to relocate trees planted directly over the proposed utilities.

Revisions must be made to address these conflicts to maintain a minimum 5 foot separation.



**Station #1**

510 Laverne Ave. No.  
Lake Elmo, MN 55042  
651-770-5006



**Station #2**

4259 Jamaca Ave. No.  
Lake Elmo, MN. 55042  
651-779-8882

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**LAKE ELMO FIRE DEPARTMENT**

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July 7, 2015

**Review of the PRELIMINARY AND FINAL PLAT – CEMETARY**

Following a review of the packet provided, I have questions and concerns related to the following:

- Hydrant placement/spacing. This being a commercial property, we must adhere to the 350' spacing. I did not see any indication of hydrants on the drawings I had.
- FD will also need to approve the placement of the FDC (Fire Department Connection) as it relates to the fire sprinkler suppression system.
- Designation of "Fire Lanes" and possibly "No Parking" area to ensure proper access for emergency vehicles to all areas at all times.
- Adequate overhead clearance of driveway canopy for ambulance and fire vehicles.
- Proper turning radius's at all corners to allow emergency vehicles to access all areas of the facility.

Sincerely,

Greg Malmquist, Fire Chief

*"Proudly Serving Neighbors & Friends"*



Public Works Department  
Donald J. Theisen, P.E.  
Director  
Wayne H. Sandberg, P.E.  
Deputy Director/County Engineer

July 7, 2015

Nick Johnson  
City Planner  
City of Lake Elmo  
3600 Laverne Avenue North  
Lake Elmo, MN 55042

RE: Washington County comments on the plans and plat for Halcyon

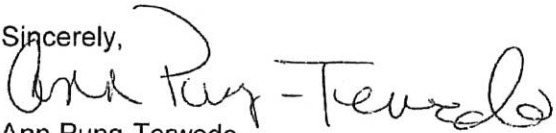
Dear Mr. Johnson,

Thank you for providing Washington County with the plans and plat for Halcyon. Based on review of the plans, we offer the following comments and recommendations to consider as you process this application through the City of Lake Elmo:

- The plans identify a retaining wall at the west edge of the parking lot along the future right-of-way line of CSAH 17/Lake Elmo Avenue. In order to construct the retaining wall, work from the county road right-of-way will be necessary. Also, the retaining wall must be located outside the road right-of-way so it will be necessary to stake the property line to verify the location.
- A detailed construction plan set of the wall should be prepared and submitted with a Washington County Right-of-Way Permit application.
- The existing driveway access on Lake Elmo Avenue should be removed as a condition of approval. The plan to remove the driveway can be included in the permit application noted above.
- The Plat of Halcyon is included in the application package. The final plat should include the additional 25 feet required for CSAH 17/Lake Elmo Avenue. Currently, there is 100 feet of right-of-way (50 feet from the centerline). The Washington County Comprehensive Plan 2030, Right-of-Way requirement is 150 feet (75 feet from the centerline).
- The developer or the city must submit the drainage report and calculations to our office for review of any downstream impacts to the county drainage system. Along with the drainage calculations, we will request written conclusions that the volume and rate of stormwater run-off into the county right of way will not increase as part of the project.
- A copy of the Valley Branch Watershed Permit shall be submitted to our office.

Halcyon  
July 7, 2015  
Page 2

Thank you for the opportunity to comment on this plan. If you have any questions, please contact me at 651-430-4362 or [ann.pung-terwedo@co.washington.mn.us](mailto:ann.pung-terwedo@co.washington.mn.us). For permit applications, please contact Carol Hanson at [Carol.hanson@co.washington.mn.us](mailto:Carol.hanson@co.washington.mn.us).

Sincerely,  
  
Ann Pung-Terwedo  
Senior Planner

C: Carol Hanson, Office Specialist

R/Plat Reviews/City of Lake Elmo/Halcyon 7-7-2015

# VALLEY BRANCH WATERSHED DISTRICT

## PERMIT APPLICATION

TO BE COMPLETED BY VBWD:  
 PERMIT NUMBER 2015-04  
 PERMIT FEE RECEIVED \$1,000 (\$2,347 st111 required)  
 DATE RECEIVED December 30, 2014



Return application to  
 John Hanson  
 Barr Engineering Company  
 Engineers for the Valley Branch Watershed District  
 4700 West 77th Street  
 Edina, MN 55435-4803

A permit fee shall accompany this permit, unless waived by the Board of Managers.  
 (Governmental Bodies are not required to pay a fee.)

Project Information		Applicant Information	
Name of Project:	HACYN	Name:	GCS PROPERTIES
Purpose of Project:		Address:	1870 RICE ST
Project Location (street address, if known; otherwise, major intersection):	11050 50TH ST N	City, State, Zip:	ST PAUL, MN
City or Township:	LAKE ELMO	Phone:	651-308-2999
Legal Description (proof of ownership required):		Fax:	
Section:		Project Timeline:	Start Date: 2-1-15 Completion Date: 9-1-15
Township:		Owner Information	
Range:		Name:	LEE ROSSOW
		Address:	4416 RIVER RD S
		City, State, Zip:	ASTON, MN 55001
		Phone:	same
		Fax:	
		Email:	

Once a Valley Branch Watershed District permit has been approved, the permit conditions will be attached to the back of this form.

By signing this permit application, the permit applicant, his/her agent, and owner (hereinafter "Permittee") shall abide by all the conditions set by the Valley Branch Watershed District (VBWD). All work which violates the terms of the permit by reason of presenting a serious threat of soil erosion, sedimentation, or an adverse effect upon water quality or quantity, or violating any rule of the VBWD may result in the VBWD issuing a Stop Work Order which shall immediately cause the work on the project related to the permit to cease and desist. All work on the project shall cease until the permit conditions are met and approved by the VBWD representatives. In the event Permittee contests the Stop Work Order issued by the VBWD, Permittee shall attend a VBWD Board of Managers meeting and discuss the project. Any attorney fees, costs, or other expenses incurred on behalf of the VBWD in enforcing the terms of the permit shall be the sole expense of the permit applicant. Costs shall be payable from the permit applicant's permit fee. If said fees exceed the permit amount, the Permittee shall have ten (10) days from the date of receipt of the invoice from the VBWD to pay for the cost incurred in enforcing the permit, by which to pay the VBWD for said costs. If costs are not paid within the ten (10) days, the VBWD will draw on the permit applicant's surety. The Permittee agrees to be bound by the terms of the final permit and conditions required by the VBWD for approval of the permit. The permit applicant further acknowledges that he/she has the authority to bind the owner of the property and/or any entity performing the work on the property pursuant to the terms of the VBWD permit, and shall be responsible for complying with the terms of the VBWD permit.


### Signatures (Required):

Applicant/Date: 12-30-2014  
 Owner (if different than Applicant)/Date: [Signature]  
 Owner's Authorized Agent/Date: 12-30-14



1. Plans shall be revised and/or calculations shall be updated to show the site will conform to VBWD stormwater runoff-rate control standards on the west side.
2. Specifications for the needed soil corrections at the proposed infiltration basin shall be provided for VBWD approval prior to construction. The biofiltration detail on Sheet C8-3 should not allow the use of native soil that is clayey in the planting medium.
3. The plans should be updated to include details of OSA, and the elevations should be consistent with the HydroCAD model for Pond 10P.
4. This permit is not valid until a maintenance agreement in the general format of Appendix B of the VBWD Rules is submitted to and approved by the VBWD Attorney.
5. The required surety and fees shall be submitted prior to construction.
6. This permit is not transferable.
7. This permit is subject to obtaining all other permits required by governmental agencies having jurisdiction (including an NPDES permit).
8. The VBWD Engineer and Inspector shall be notified at least 3 days prior to commencement of work.
9. Erosion controls shall be installed prior to the commencement of grading operations and must be maintained throughout the construction period until turf is established. Additional erosion controls may be required, as directed by the VBWD Inspector or VBWD Engineer.
10. The following additional erosion controls shall be implemented on the site:
  - a. All proposed slopes 3 feet horizontal to 1 foot vertical (3H:1V) should be covered with erosion-control blanket.
  - b. Silt fence should follow existing contours as closely as feasible to limit the potential for gully erosion along the edges.
  - c. Any sediment that collects in storm sewers, ponds, or other water management features shall be removed.
  - d. Street sweeping shall be performed if sediment collects on streets.
11. To prevent soil compaction, the proposed infiltration areas shall be staked off and marked during construction to prevent heavy equipment and traffic from traveling over it. If infiltration facilities are in place during construction activities, sediment and runoff shall be kept away from the facility, using practices such as diversion berms and vegetation around the facility's perimeter. Infiltration facilities shall not be excavated to final grade until the contributing drainage area has been constructed and fully stabilized. The final phase of excavation shall remove all accumulated sediment and be done by light, tracked equipment to avoid compaction of the basin floor. To provide a well-aerated, highly porous surface, the soils of the basin floor shall be loosened to a depth of at least 5 feet to a maximum compaction of 85% standard proctor density prior to planting. The upper 10 inches of soil shall be tilled prior to planting.
12. All disturbed areas shall be vegetated within 14 days of final grading.
13. The applicant is responsible for removal of all temporary erosion-control measures, including silt fence, upon establishment of permanent vegetation at the project site as determined by the VBWD Engineer and/or Inspector.
14. Valley Branch Watershed District shall be granted drainage easements which cover land adjacent to stormwater management facilities, wetlands, and lowlands up to their 100-year flood elevations and all ditches, storm sewers, and maintenance access to the stormwater management facilities.
15. The required drainage easements and access easements shall be recorded with the Washington County Recorder's Office.
16. Return or allowed expiration of any remaining surety and permit closeout is dependent on the permit holder providing proof that all required documents have been recorded (including but not limited to easements) and providing as-built drawings that show that the project was constructed as approved by the Managers and in conformance with the VBWD Rules and Regulations.

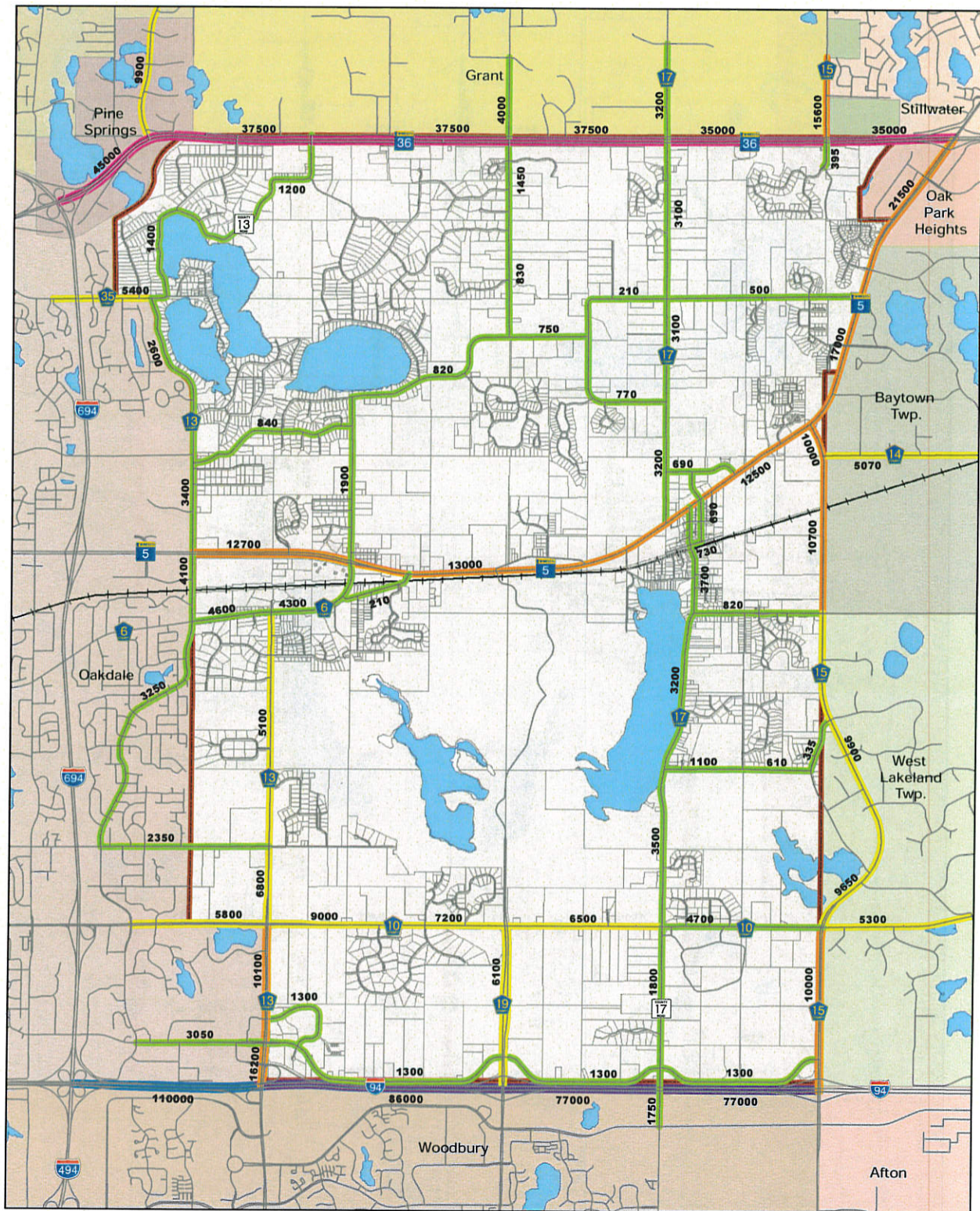
Approved: \_\_\_\_\_ June 25, 2015

 *President*  
Signature Title  
Valley Branch Watershed District

**Note:** The grant of this permit in no way purports to permit acts, which may be prohibited by other governmental agencies.







**FIGURE 3:  
EXISTING AADT**

Transportation Plan  
2030 Comprehensive Plan  
City of Lake Elmo, Minnesota



Map date: April 2009  
Prepared by:

**TKDA**  
ENGINEERS • ARCHITECTS • PLANNERS



**LEGEND**

- City Boundary
- Roadways
- Parcels
- Lakes

**EXISTING AADT**

- < 5,000
- 5,000 - 9,999
- 10,000 - 24,999
- 25,000 - 49,999
- 50,000 - 99,999
- 100,000 OR >

**LIMITATION OF LIABILITY**  
This document is not a legally recorded map or survey and is not intended to be used as one. This map is a compilation of records and information from various state, county, and city offices, and other sources.

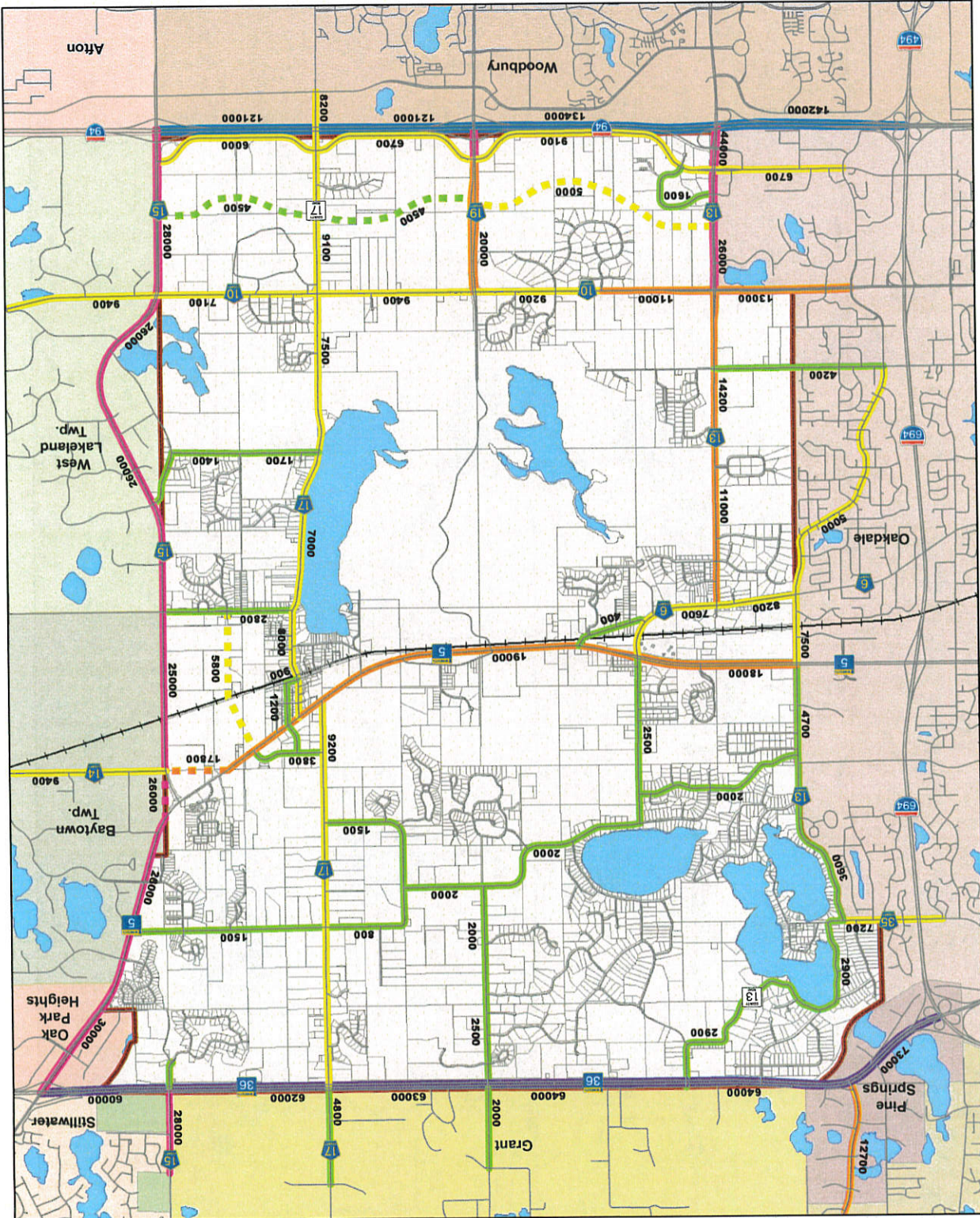
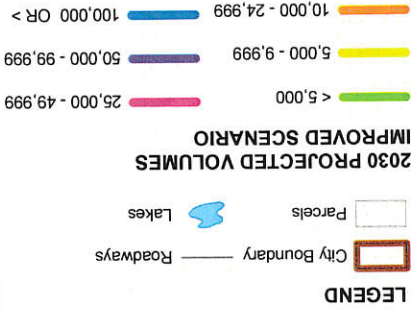




TKDA  
ENGINEERS • ARCHITECTS • PLANNERS

Map date: April 2009  
Prepared by:

**FIGURE 8:**  
**2030 PROJECTED VOLUMES**  
**IMPROVED SCENARIO**  
Transportation Plan  
2030 Comprehensive Plan  
City of Lake Elmo, Minnesota





PLANNING COMMISSION  
DATE: 7/13/2015  
AGENDA ITEM: 4A – PUBLIC HEARING  
CASE # 2015-06

ITEM: Halcyon Cemetery – Preliminary and Final Plat

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director  
Jack Griffin, City Engineer  
Ann Pung-Terwedo, Washington County  
Greg Malmquist, Fire Chief

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#### **SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to hold a public hearing to consider a Preliminary and Final Plat application request from Mr. Lee Rossow for a cemetery to be platted on a 10-acre parcel located at the northeast corner of Lake Elmo Avenue (CSAH 17) and 50<sup>th</sup> Street North. Staff is recommending approval of the request subject to compliance with 8 conditions as noted in this report.

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#### **GENERAL INFORMATION**

*Applicant:* Lee Rossow, 11050 50<sup>th</sup> Street North, Lake Elmo, MN 55042  
*Property Owners:* Lee Rossow, 11050 50<sup>th</sup> Street North, Lake Elmo, MN 55042  
*Location:* Part of Section 01, Township 29 North, Range 21 West in Lake Elmo, immediately north of 50<sup>th</sup> Street and immediately east of Lake Elmo Avenue (CSAH 17). PID Number: 01.029.21.33.0003  
*Request:* Application for preliminary and final plat approval of a cemetery to be called Halcyon.  
*Existing Land Use and Zoning:* Single Family Detached, Rural Residential (RR) zoning  
*Surrounding Land Use and Zoning:* North – single family home (RR); west – single family home (RR); south – Agricultural (RR); east – single family residential (RR) and Municipal Well Site #4.  
*Comprehensive Plan:* Rural Area Development  
*History:* Sketch Plan review by Planning Commission on 11/24/2014.  
*Deadline for Action:* Application Complete – 6/17/2015  
60 Day Deadline – 8/17/2015  
Extension Letter Mailed – No  
120 Day Deadline – 10/16/2015



*Applicable Regulations:* Chapter 153 – Subdivision Regulations  
Article IX – Rural Districts  
Article V – Off Street Parking  
Article VI – Landscaping and Tree Preservation  
§150.270 Storm Water, Erosion, and Sediment

## REQUEST DETAILS

The City of Lake Elmo has received a request from Mr. Lee Rossow to plat a 10-acre cemetery at 11050 50<sup>th</sup> Street North to be called Halcyon. Under State Law, cemeteries must be filed and recorded with the County. In order for the cemetery plat to be filed and recorded at the County, the City must approve a final plat for the cemetery. The Planning Commission is asked to hold a public hearing on the proposed cemetery plat. The proposed cemetery would be located at the northeast corner of Lake Elmo Ave. and 50<sup>th</sup> St. North. The 10-acre parcel has historically been used as a single family residential home.

It should be noted that a Sketch Plan of the Halcyon Cemetery was reviewed by the Planning Commission on November 24<sup>th</sup> of 2014. At the Sketch Plan review level, the City completed a high-level review of the proposal to inform a future preliminary/final plat application. There is no formal approval issued by the City at the time of Sketch Plan review. According to standard subdivision procedures, a typical plat will go through both a preliminary and final plat review process. However, it is possible to proceed with preliminary and final plat review concurrently for plats of more limited scope and size. In the judgment of staff, the review of the Halcyon Cemetery represents such an application of more limited scope/size where the review of preliminary and final plans should be permitted to proceed in a concurrent fashion. Therefore, the applicant has prepared a final plat and construction plans for consideration by the City.

The existing condition of the property is that of a single family residential home with an accessory building on the eastern side of the property. It should be noted that the existing home has access off both 50<sup>th</sup> Street and Lake Elmo Avenue. The proposed cemetery would eliminate the access on Lake Elmo Ave., improving the access spacing related to driveways on the County arterial road. Access to the proposed cemetery would be accommodated off of 50<sup>th</sup> Street North approximately 270 feet east of Lake Elmo Ave. (CSAH 17). As part of the proposed cemetery use, the existing home and accessory building would be repurposed to support the cemetery use. The home would be used as an administrative office, caretaker quarters and gathering space for the bereaved. The existing accessory building would be utilized as a maintenance garage. In addition to these existing improvements, the applicant is planning to construct private storm water management facilities along the eastern portion of the site to address the additional impervious surface. It should be noted that these facilities have been designed to comply with the rules of the City of Lake Elmo and the Valley Branch Watershed District. With regards to the cemetery, the applicant is planning a total of 5 sections or areas to serve as burial sites or columbarium/mausoleums. Sections 1, 2 and 5 are within the planned Phase 1 area of the cemetery, while Sections 3 and 4 are in the planned Phase 2 area of the cemetery. The options for burial or interment include in-ground burials, mausoleums, columbarium, in-ground cremation and estate lots. At full capacity, the 5 sections could host the remains of 1,995 persons according to the site plan. Finally, there is also a 58-stall parking area planned for the cemetery. The parking lot would be utilized to accommodate larger parties for various burial ceremonies or rituals.

As far as utilities are concerned, the existing building will be served by a private septic system. The applicant has completed a compliance inspection and submitted to Washington County. The inspection revealed that the existing system is not compliant per Washington County ordinance.

Therefore, the applicant will need to construct a new septic system in consultation with Washington County Health Department (Condition #8). With regards to water, the site does have access to the City's municipal water system within 50<sup>th</sup> Street. Water service will be extended to the site to provide proper fire suppression for the home once it is converted to serve the cemetery use. It should also be noted that there is an existing well on the site. It is the understanding of the City that the well is to be protected and maintained for irrigation purposes.

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## PLANNING AND ZONING ISSUES

The Halcyon Cemetery parcel is guided Rural Area Development (RAD) according to the City's Comprehensive Plan. The existing zoning of the parcel is Rural Residential (RR). According to Article XI – Rural Districts of the Zoning Code, cemeteries are considered a permitted use within the Agricultural (A) and Rural Residential (RR) zoning districts. Therefore, the proposed use of a cemetery on this property is in compliance with the City's Zoning Code. It should also be noted that the Zoning Code does not contain any specific development standards for the cemetery use.

Based on Staff's review of the preliminary and final plat, the applicant has demonstrated compliance with all applicable code requirements at the level of detail that is required for a plat. As noted previously, the plat approval from the City is not required as a result of splitting the parcel into 4 or more lots, but rather as an approval of the proposed use prior to the filing of the property as a cemetery with Washington County. However, the platting procedures do allow the City and County to obtain the necessary right-of-way to serve both Lake Elmo Avenue and 50<sup>th</sup> Street.

With regards to parkland dedication, the Subdivision Ordinance does require that residential and commercial plats provide parkland dedication based upon a percentage or fee set under the City's Fee Schedule. Residential developments typically require a dedication percentage in between 7-10%, whereas the City's Fee Schedule require \$4,500/acre for commercial development be provided for parkland fees. In researching the cemetery use, staff has determined that the use is technically defined as a public cemetery association, meaning that the cemetery is owned privately but is open to the public. As a result of this definition and the fact that private cemeteries are considered a quasi-public use, staff does not believe that the City can require parkland dedication fees for the proposed use. The cemetery use is neither residential nor commercial, and thus staff is not recommending to impose any parkland dedication fees.

Finally, it should be noted that City staff has received some inquiries of concern from some surrounding property owners about the cemetery use. In speaking with the surrounding property owners, the general concerns staff has received relate to traffic, the effect on property values and the means to maintain the cemetery into perpetuity. Staff has completed some general research to look into these concerns:

- **Traffic.** With regards to increased traffic generated by the cemetery, the property is located at the intersection of a County arterial road and City major collector road. These facilities, as opposed to local residential streets, should be able to accommodate any increased traffic generated from the cemetery use. According to the City's Transportation Plan, the average daily traffic of 50<sup>th</sup> Street in 2009 was 500 trips, whereas the projected volume on 50<sup>th</sup> Street in 2030 is 1500 trips per day. Given this lower average daily traffic as of 2009, it is unlikely that the cemetery use would generate the amount of traffic that would come within any proximity of the available capacity. Lake Elmo average daily traffic as of 2009 was 3100 vehicle trips per day. The projected traffic volume for 2030 is 9200 vehicle trips per day. The applicant has estimated that daily travel to the cemetery will be extremely limited, with peak

City Staff has reviewed the proposed preliminary and final plat for the Halcyon Cemetery. It should be noted that the applicant chose to wait to submit the plat application until the Valley Branch Watershed Permit was approved and issued, which occurred on June 25<sup>th</sup>, 2015. During the course of these review, staff has evaluated the proposed plans according to City ordinances and engineering standards. In completing the review, there are some elements of the plat that remain in conflict with City, County or Valley Branch Watershed District standards, which must still be addressed or corrected by the applicant. In general, the proposed plat will meet all applicable City requirements for conditional approval, and any deficiencies or additional work that is needed is noted as part of the review record.

The City has received a detailed list of comments from the City Engineer, Fire Chief and Washington County concerning the proposed cemetery, all of which are attached for consideration by the Commission.

In addition to the general comments that have been provided in the preceding sections of this report, Staff would like the Planning Commission to consider the issues and comments related to the following discussion areas as well:

- **Comprehensive Plan.** The proposed subdivision is consistent with the Lake Elmo Comprehensive Plan for this area. The subject property is guided Rural Area Development (RAD), which correlates to Agricultural and Rural Residential land uses. Under the Comprehensive Plan, cemetery use is not in conflict with this land use guidance.

## REVIEW AND ANALYSIS

- **Permanent Care of the Cemetery.** One resident that contact staff inquired about how the cemetery would be well maintained into the future. In researching this question, staff found that some cemeteries depending on location and population are required to maintain a Permanent Care and Improvement Fund. Whether or not the Halcyon Cemetery is required to establish this fund is undetermined at this time. However, the applicant has noted in their narrative that they intend to utilize a percentage of funds from every burial and interment to pay a permanent care and maintenance fund, which would be established and run by the cemetery association. The narrative notes that this fund will be in compliance with State Statutes. According to the applicant, this fund would be utilized to care for the grounds and complete capital projects and improvements to the cemetery.
  - **Property Values.** Staff has received two concerns about reduced property values as a result of the proposed cemetery. Staff has conducted some research into this concern. Based on the limited research conducted, staff is not confident that there is a documented or proven correlation between property values and cemeteries. In researching the matter, the connection between cemeteries and property values remains inconclusive. There are academic studies and anecdotal articles that fall on both sides of the argument. For the benefit of the Planning Commission, staff has attached the article (Attachment #9) that presented the most comprehensive look at the effect of cemeteries on property values based on the research conducted.
  - **Property Values.** Staff has received two concerns about reduced property values as a result of the proposed cemetery. Staff has conducted some research into this concern. Based on the limited research conducted, staff is not confident that there is a documented or proven correlation between property values and cemeteries. In researching the matter, the connection between cemeteries and property values remains inconclusive. There are academic studies and anecdotal articles that fall on both sides of the argument. For the benefit of the Planning Commission, staff has attached the article (Attachment #9) that presented the most comprehensive look at the effect of cemeteries on property values based on the research conducted.
- While staff understands the concern over additional traffic generated by the proposed cemetery, the fact that the subject property is located at the intersection of an arterial road and major collector provides assurance to staff that the use would be ideally located. In the judgment of staff, there is adequate capacity on Lake Elmo Ave. and 50<sup>th</sup> Street.

- **Zoning.** The zoning of the subject property is Rural Residential (RR). Under this zoning designation, cemeteries are a permitted use according to the Zoning Code.
- **Subdivision Requirements.** The City's Subdivision Ordinance details the process for platting and other pertinent design standards. The majority of the standards are not applicable as the parcel is not being subdivided in the manner that is typical of other development. Staff, as well as the City Engineer, have not identified any existing conflicts with the City's Subdivision Ordinance. However, staff has found that additional public right-of-way may need to be provided on both 50<sup>th</sup> Street and Lake Elmo Avenue. The requirements to provide public right-of-way is found in the Subdivision Ordinance.
- **Infrastructure.** No public infrastructure is proposed to be constructed as part of the cemetery use. The wastewater facilities will be private. The existing home will be connected to the City water system via a water service. In addition, the Fire Chief will be requesting a hydrant to be located on the property. Nevertheless, the water line and hydrant will be privately owned and maintained. Finally, the storm water management facilities will also be privately owned and maintained. The City will require the landowner or association to enter into a maintenance agreement for the storm water facilities.
- **Wetlands.** The landowner has completed a wetland delineation as part of the permitting process for the Valley Branch Watershed. The applicant will be required to meet all the rules and regulations of the Wetland Conservation Act and Valley Branch Watershed District (Condition #3).
- **Landscaping.** Staff has reviewed the landscape plan submitted by the applicant and found the plan to be in general conformance with the City's ordinance. However, the applicant must provide 6 additional new trees to meet the City's quantity standards. Aside from this issue, the plant material provided meets the City standards for variety and plant size. It should also be noted that the applicant is proposing to transplant many of the existing trees on the site. In combination with the new plant material, there should be a fairly significant amount of landscaping on the 10-acre site. Staff was unable to have the plan reviewed by a registered Landscape Architect prior to consideration by the City. Therefore, Staff would recommend that the plan be reviewed for final approval prior to the installation of the plant material on the site. Finally, it should be noted that the City Engineer has identified some areas where plant material or trees are located on top of proposed utilities. The Landscape Plan should be revised to provide separation between the proposed utilities and plant material. These recommendations are included in a recommended condition of approval (Condition #5).
- **Tree Preservation Plan.** Staff has reviewed the Tree Preservation Plan and found it to be in conformance with the City's regulations pertaining to tree preservation for sites undergoing development activity. The total number of caliper inches on the site according to the survey is 1,550 caliper inches of significant trees. According to the Tree Preservation Ordinance, an applicant is allowed to remove 30% of significant trees on the site before tree replacement schedule is initiated. 30% of 1,550 total caliper inches is 465 caliper inches. The applicant is proposing to remove 340 caliper inches of significant trees, which is below the threshold for tree replacement. It should be noted that the applicant is proposing to transplant a significant amount of existing trees on the site to install mature plantings from an early point. Under the Tree Preservation Ordinance, transplanted trees do not count towards the total tree removals.



Staff finds the submitted tree preservation plan to be in conformance with the City's ordinance.

- **Off-Street Parking.** The proposed site plan for the cemetery shows 58 parking stalls. The City's Off-Street Parking Ordinance (§154.210) includes the required number of off-street parking stalls for various uses. As for cemeteries, the ordinance does not provide concrete direction, but rather states that parking should be provided in an amount determined by the Planning Director. Planning staff has reviewed the overall amount of parking on the plan and found it to be more than adequate. The amount of parking provided in the southern parking lot should prevent cars from parking on 50<sup>th</sup> Street or Lake Elmo Ave., both of which are currently designated no parking. Should an overflow parking be necessary, it is likely it could be accommodated within the various drive lanes that circulate the cemetery. In the judgment of staff, the amount of parking provided is more than adequate. Finally, it should be noted that the parking stall dimensions meet the City's minimum standards per the ordinance.

- **City Engineer Review.** The City Engineer has completed a review of the proposed cemetery and submitted his review comments in a memorandum dated July 8, 2015. With regards to the plat, he notes that 50<sup>th</sup> Street North is a major collector road, requiring 80 total feet of right-of-way. The plat currently shows 35 feet granted on the north side of 50<sup>th</sup> Street. He is requesting an additional 5 feet to establish the correct amount of right-of-way for collector roads. In addition, he is requesting additional right-of-way at the intersection to accommodate the sight line triangle. Finally, he is also requesting that a 10-foot drainage and utility easement be provided on the southern property line. This additional right-of-way and easement should not impact the proposed improvements on the site. Should any improvement be located in the drainage and utility easement, an easement encroachment agreement may be approved to allow fencing and other such improvements to be located there. In addition to the review comments on right-of-way, the engineer is requiring that the storm water management system be owned and maintained privately. The storm water facilities have not been designed to meet City standard. These facilities must be owned, operated and maintained privately. The City will expect a maintenance agreement to ensure proper operation of the facilities. Finally, the City Engineer has also noted several revisions and additions to the Construction Plan sheets. These review comments are mostly detail and plan notes that provide greater accuracy and clarity on the plans. Staff is recommending that the Engineer's review comments be adopted as a condition of approval (Condition #2). These modifications should be completed prior to the City executing the Final Plat.

- **Fire Department Review.** The Fire Chief has reviewed the proposed cemetery and identified some areas of further review. One request included additional information about the location of hydrants on the property. In addition, the Fire Chief is requesting additional information related to the movement of emergency vehicle on the site. Staff is recommending that the concerns identified by the Fire Chief be addressed prior to the issuance of grading or building permits (Condition #7)

- **Washington County Review.** County Staff has reviewed the cemetery plat and responded with a review memorandum dated July 7, 2015. Within the memo, County staff correctly notes that the amount of public right-of-way for Lake Elmo Ave. shown on the final plat is insufficient. In order to address this deficiency, an additional 25 feet must be provided. Staff is confident that the additional amount of right-of-way requested can be accommodated, as the Final Construction Plans include the correct amount of right-of-way, while the plat does



not. In other words, the additional right-of-way should not result in redesign of the site. In addition to the right-of-way issue, County staff notes that a right-of-way permit will be needed for the removal of the driveway and grading work associated with the retaining wall. In addition, the applicant must submit drainage calculations to review downstream impacts in the County ditch. Staff is recommending that all requirements and modifications identified in the County review memorandum be adopted as a condition of approval (Condition #4).

- ***Watershed District Review.*** The project area lies within the Valley Branch Watershed District (VBWD). The Valley Branch Watershed District reviewed the proposed cemetery at their June 25<sup>th</sup> meeting. At the meeting, the Valley Branch Board of Managers approved the permit for the cemetery with several conditions (see Attachment #7). It should be noted that the applicant must meet all the rules of the Wetland Conservation Act and the conditions of the VBWD permit. Staff is recommending a condition of approval (Condition #3) that these requirements be fulfilled.

Based on the above Staff report and analysis, Staff is recommending approval of the preliminary plat with 8 conditions intended to address the outstanding issues noted above and to further clarify the City's expectations in order for the developer to move forward with a final plat. The recommended conditions are as follows:

***Recommended Conditions of Approval:***

- 1) The applicant shall revise the Final Plat to accommodate all required right-of-way on Lake Elmo Avenue and 50<sup>th</sup> Street North as documented in review memorandums submitted by Washington County and the City Engineer.
- 2) All required modifications to the plans as requested by the City Engineer in a review letter dated July 8, 2015 shall be incorporated into the plans prior to the City's execution of the Final Plat.
- 3) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and abide by all conditions of approval established in the approved Valley Branch Watershed District permit.
- 4) The applicant shall be responsible to address all review comments submitted by Washington County described in the review memorandum received from the County dated July 7, 2015. In addition, the applicant shall obtain all necessary right-of-way permitting from Washington County.
- 5) The Landscape Plan shall be revised to include 6 additional trees to fulfill the City's Landscaping Requirements. In addition, the plant material that is on top of utilities shall be moved to comply with the direction of the City Engineer per his memorandum dated July 8, 2015. Finally, prior to installation of plant material, the plan shall be reviewed by the City's Landscape Consultant for final approval.
- 6) The applicant must enter into an agreement with the City to own, operate and maintain the private storm water facilities on the property. The storm water maintenance agreement must be recorded with the Final Plat.

- 7) Prior to the issuance of grading/building permits, all review comments of the Fire Chief must be addressed by the applicant.
- 8) The applicant shall obtain the necessary permitting from Washington County to install a new septic system to serve the property prior to the City issuing and building permits for the remodel of the home.

## DRAFT FINDINGS

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

- That the Halcyon Cemetery Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- That the Halcyon Cemetery complies with the City's RR – Rural Residential zoning district.
- That the Halcyon Cemetery complies with the City's subdivision ordinance.
- That the Halcyon Cemetery Final Plat meets other City zoning ordinances, such as landscaping, tree preservation, erosion and sediment control, off-street parking and other ordinances, except where noted in this report herein.
- That the Halcyon Cemetery Final Plat is consistent with the City's engineering standards, except where noted, provided the plans are updated to address the City Engineer's comments documented in a letter dated July 8, 2015.

## RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the Halcyon Cemetery Final Plat with the 8 conditions of approval as listed in the Staff report. Suggested motion:

***"Move to recommend approval of the Halcyon Cemetery Final Plat with the 8 conditions of approval as drafted by Staff based on the findings of fact listed in the Staff Report."***

## ATTACHMENTS:

1. Location Map
2. Application Forms and Narrative
3. Preliminary and Final Plat and Plans
4. City Engineer Review Memorandum, dated 7/8/15
5. Fire Chief Review Memorandum, dated 7/7/15
6. Washington County Review Memorandum, dated 7/7/15
7. Valley Branch Watershed District Permit
8. Lake Elmo Transportation Plan, Existing and Projected Traffic Volumes
9. Cemetery Proximity and Single Family Home Price Report (1<sup>st</sup> Half)

**INCLUDED IN THE ELECTRONIC PACKET BUT NOT PROVIDED IN HARD COPY:**

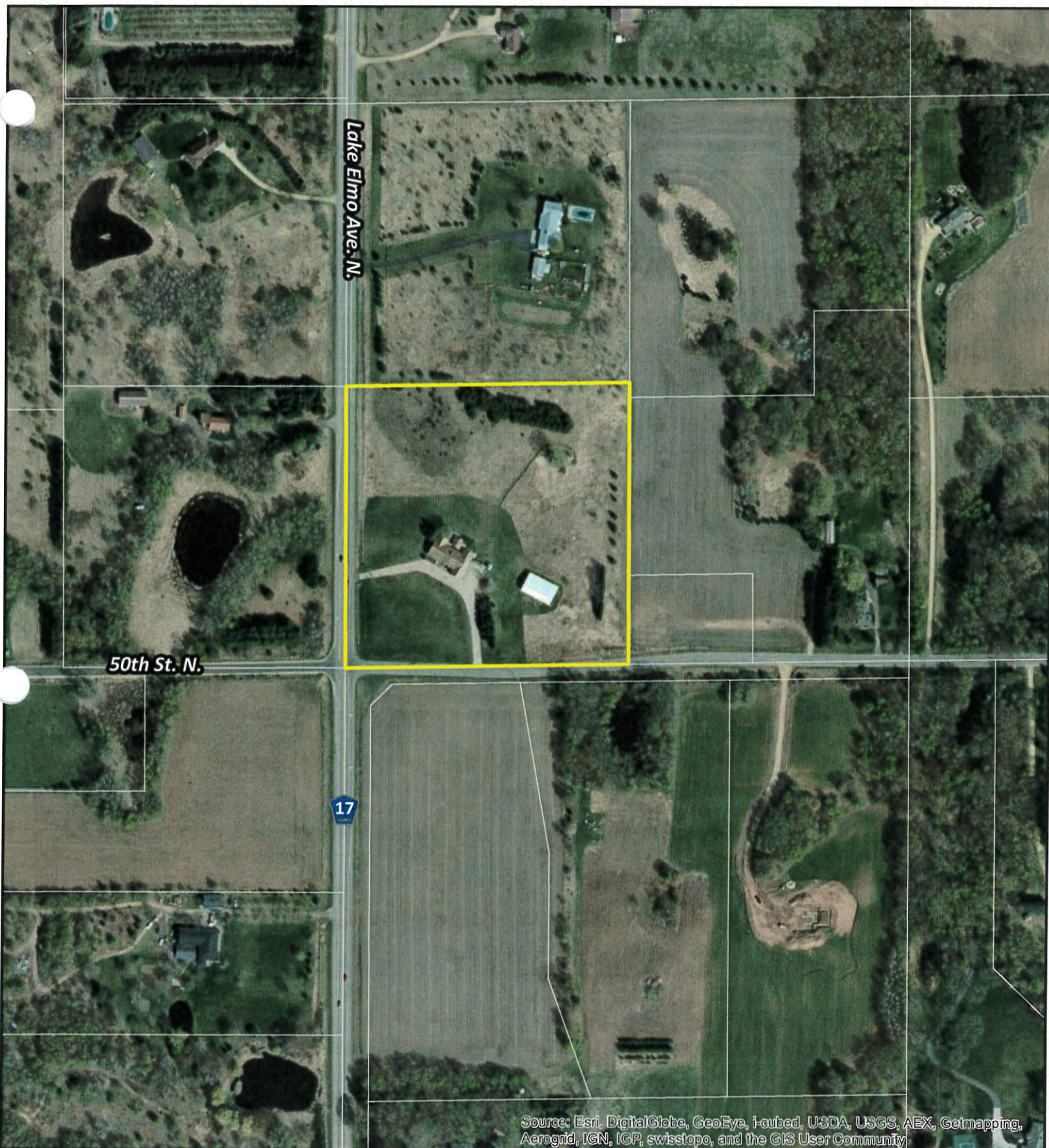
1. 2<sup>nd</sup> Half of Cemetery Proximity and Single Family Home Price Report – Supporting Data
2. Information Handout About Cemeteries from League of Minnesota Cities

**ORDER OF BUSINESS:**

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







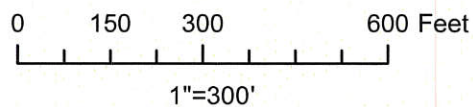
## Location Map: Proposed Halcyon Cemetery



Data Source: Washington County, MN  
11-17-2014



11050 50th Street N.







Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
LU File #: \_\_\_\_\_



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

## PRELIMINARY PLAT APPLICATION

Applicant: LEE ROSSOW  
Address: 1870 RICE STREET  
Phone #: 651-308-3999  
Email Address: 337 @ LACH.NET

Fee Owner: SAME  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Property Location (Address and Complete (long) Legal Description):  
11050 50TH STREET N  
\_\_\_\_\_  
\_\_\_\_\_

General information of proposed subdivision:  
CEMETERY  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Conducted pre-application meeting with Staff? ☒ Yes ☐ No

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: Lee Rossow Date: 2-8-2015

Signature of Fee Owner: SAME Date: \_\_\_\_\_







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

## AFFIRMATION OF SUFFICIENT INTEREST

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

Name of applicant LEE ROSSOW  
(Please Print)

Street address/legal description of subject property \_\_\_\_\_

11050 50<sup>TH</sup> STREET N

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Lee Rossow  
Signature

OCTOBER 30, 2014  
Date

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

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

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



## ACKNOWLEDGEMENT OF RESPONSIBILITY

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

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

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

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

Signature of applicant Lee Rossow Date October 30, 2014  
Name of applicant Lee Rossow Phone 651 308-2999  
(Please Print)

Name and address of Contact (if other than applicant)  
E-mail 337 @ LACH. NET

February 16, 2015

Lee Rossow  
Halcyon, GLCJ Properties, LLC, Rossow, INC  
1870 Rice Street  
St. Paul, MN 55113

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

Dear Nick Johnson,

The following narrative is in response to the Final Plat Application Requirements.

Item 1: Submitted with the proper fees on January 9, 2015.

Item 2: Sub a. Contact. Lee Rossow, 1870 Rice Street. (651) 308 – 2999, email – [337@lach.net](mailto:337@lach.net).  
Architect. William Sanders at LOUCKS

Sub b. Halcyon at 11050 50<sup>th</sup> Street North, 10 acres, Rural Residential, 435,600 sq. feet.

Sub c. i. HALCYON

iv. Wetland cannot be exactly determined until May, 2015. The area where the proposed wetland is located is in the phase II construction area which will not be touched until after the exact delineation is completed.

v. There are no dedicated rights of way within the property boundaries. There is a discussion with the County and right of way along Lake Elmo Ave. 25 feet

vi. The general legal descriptions of the burial locations are listed on the plans.

Sub d. Issues discussed after the sketch plan review: Park dedication and water assessment. Open issues are right of Way on Lake Elmo Ave. and the wetland delineation. Discussed in iv. v.

Sub f. All of the site work during the first building season, except that which is deemed necessary by the V.B.W.D. will be confined to the western 400 feet of the parcel. Including parking, sidewalks, storm sewer, mausoleums, columbariums, structure modifications and landscaping.

Sub g. Issues raised by one of the neighbors were addressed at the sketch plan meetings.

Sub h. At this time I am unaware of any issues with the neighbors.

Sub i. Halcyon will develop into a serene park like setting with minimal impact the community. Traffic will be accommodated entirely on site. Any funeral processions will enter the property and be accommodated on the property.

Sub I. We intend to start as soon as our plans are approved. We will work on phase 1 during this building season and phase II probably in 2016. Target date to be operational is August 2015.

Item 1. Administrative Information.

Sub 14. Labels with addresses of adjacent property owners were secured from Washington County and delivered to you on January 12, 2015.

Item 3. Final grading. Signed copies. Once the Engineers and the Watershed agree on the details, freshly signed plans will be resubmitted to your office.

Item 12. Spot elevations. I talked to Bill Sanders about including this on the plan if not already there.

Item 17. Phasing plan. As discussed the phase 1 and phase 2 areas on the erosion control plan will be clearly identified.

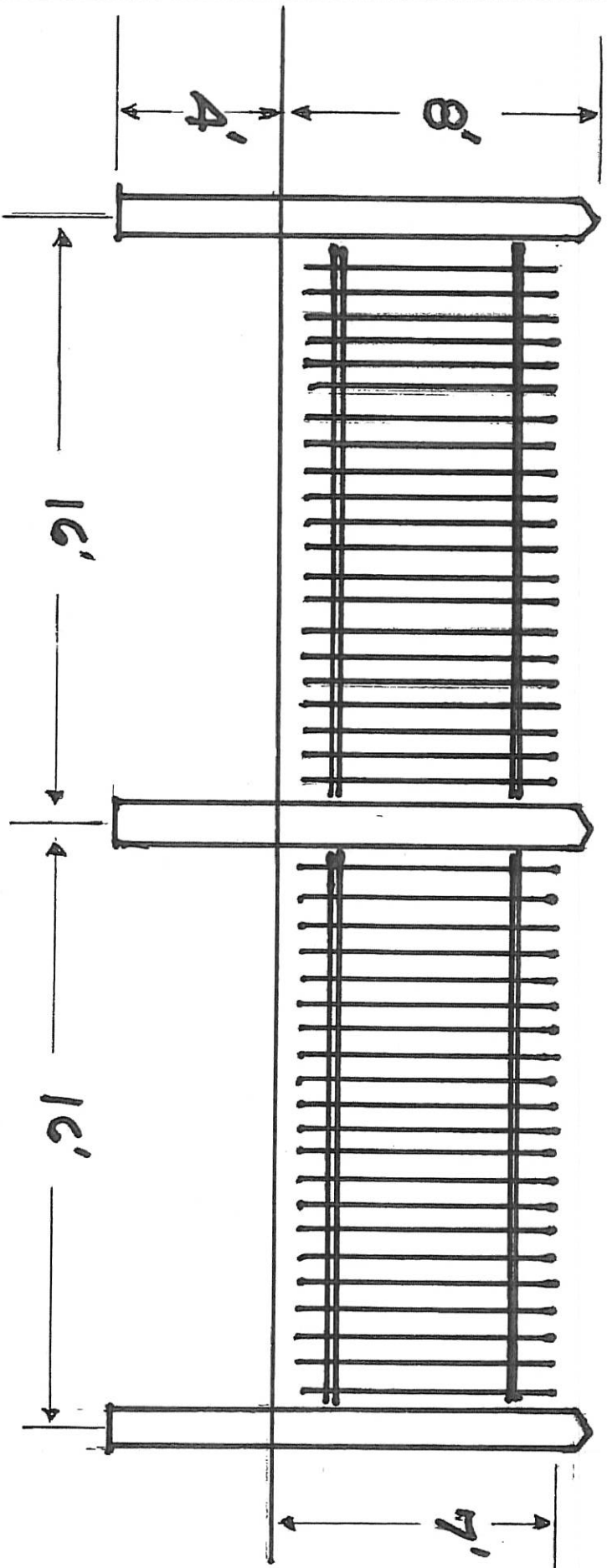
Other topics:

Care and Improvement: In compliance with Minnesota Statute 306.37, 306.41, 306.731, 20% of every burial lot and 10% of every mausoleum or columbarium space shall be paid to a permanent trust fund for the care, maintenance and improvement of the cemetery.

Public Service Agreement. I'm at a loss to make a suggestion because the City doesn't currently have any public service agreements with the other three cemeteries or religious organizations.



Lee Rossow



**HALCYON FENCE DETAIL**

**12' CONCRETE POSTS**

**2-24-2015**

**15' SPAN STEEL SECTIONS**

**By LEE ROSSOW**







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## Cemetery proximity and single-family house price.

### Stadium View /

Luxury Apartments in A Convenient  
□ □[Link/Page Citation](#)

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#### ABSTRACT

In this article, the potential impact of cemeteries on value is addressed empirically using regression analysis on data from 575 transactions of single-family houses in the vicinity of four cemeteries. Consistent with the limited previous research on this topic, when all observations are analyzed simultaneously no price effect is discovered. However, when each cemetery is investigated separately, the results vary. In two cases, cemetery view is not significantly related to price. In a third case, cemetery view is associated with higher prices (equal to 8.8% of mean house price), and in a fourth case, cemetery view is associated with lower prices (equal to 10.1% of mean house price).

\*\*\*\*\*

The real estate literature is replete with papers reporting the influence of externalities on residential property values. Studies appearing in *The Appraisal Journal*, for example, observe positive price effects given a house's proximity to a golf course, (1) or an ocean, (2) and negative effects for proximity to freight rail lines, (3) a cell phone tower, (4) a ruptured oil pipeline, (5) highway noise barriers, (6) and the residence of a registered sex offender. (7)

It is intuitive that price premiums should apply when an externality adds to an owner's enjoyment of his or her property and that discounts should apply when a property is located close to an externality that poses either a nuisance or potential danger. Not all market participants, however, immediately adopt this view, as indicated by Hansen, Benson, and Hagen (8) who report significant price discounts for houses located close to a major fuel pipeline after, but not before, it exploded.

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The impact of open space property uses on nearby residential property values has been subject to some empirical investigation. The results, in general, are not surprising. Golf courses, parks, and green spaces tend to be positive externalities for surrounding properties, and landfills tend to be negative externalities. Of the various types of open space property uses, cemeteries have been the least studied. A search of the literature reveals only two published studies on this topic and both of these examine the same Portland, Oregon, database to report an insignificant price difference between houses located close to a cemetery and those located farther away. (9)

The purpose of the current study, therefore, is to direct some additional attention to this little-examined subject. In this study, regression analysis is applied to transaction data from 575 single-family houses located in relatively close proximity to four cemeteries in Greene County, Ohio. Grouping cemeteries for analysis, as was done in previous analyses, may mask the impact of a cemetery on the transaction price of nearby houses.

Because some of the advantages and disadvantages associated with close cemetery proximity depend upon whether or not the cemetery is within sight of the subject property, the present study also improves upon the previous research by simultaneously investigating the price effect resulting from both the distance from, and view of, a cemetery. This article describes the characteristics of cemeteries that may impact the value of nearby properties, reviews the pertinent literature, and explains the data and methodology used in the research. The results of the analysis are then presented.

#### Cemetery Characteristics That May Influence Value

The effect of proximity to a cemetery on nearby residential property value is uncertain. On the positive side, cemeteries offer a place to walk, jog, exercise, or otherwise enjoy the outdoors safe from speeding traffic. In effect, some people may view a cemetery as a park, and the tombstones as incidental.

A view of a relatively open vista that includes some tombstones may be preferable to one that is limited to the back of the neighbor's garage or house. Further, a person who wishes to regularly visit the final resting place of a loved one may value a house located conveniently close to the loved one's grave. To the extent that any of these advantages apply, purchasers may be willing to pay a premium for a house located in close proximity to a cemetery, and the premium may be enhanced to the degree that market participants believe the future use of the cemetery will not change.

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Historically, there has been considerable reluctance, especially in rural areas, to disturb land used as a cemetery. Therefore, owners of houses in close proximity to such cemeteries can be fairly certain that their properties will not subsequently be squeezed in by additional houses or less desirable property uses. On the other hand, there is no guarantee that the use of cemetery property is fixed. Cemeteries are occasionally relocated and the property put to an alternative use, which residential neighbors may find objectionable. Kay (10) observed that the probability of cemetery relocation may be positively related to the rate at which an area is becoming urbanized.

There are also potential disadvantages associated with close proximity to a cemetery. Cemetery workers, visitors, or trespassers may create noise disturbances. The relatively pleasing vista previously mentioned may be compromised if the cemetery falls into disrepair or if trespassers vandalize it.

Potential physical dangers to people residing in close proximity to a cemetery include poisoning and disease. Sponberg and Becks (11) reported that cemeteries may release hazardous chemicals and metals into surrounding soil and ground water. Possible contaminants include arsenic and mercury, which were used in past embalming practices, or formaldehyde used in current embalming practices, and varnishes, sealers, and preservatives used on wood coffins, or lead, zinc, and copper from metal coffins.

Vezzani (12) asserts that mosquitoes are the most medically important insect vectors of disease. He also concludes that cemeteries are highly suitable habitats for artificial container-breeding mosquitoes due to the great availability of the different resources that they need (i.e., sugar substances, shelter, and water-filled containers).

Finally, there are psychological factors associated with cemeteries that may negatively impact some people. The sight of a grave being dug or an interment service can put a damper on a party being held at a residence with a cemetery view. For some, the sight of a cemetery or of tombstones may be upsetting, and for others, knowing that the cemetery is close may be disconcerting.

Each of these factors may influence potential purchasers who may lower their bids or refuse to make offers on properties with cemetery views. Larsen and Coleman (13) report moderate, but statistically significant selling price effects for residential properties that were classified as psychologically impacted for reasons other than the property's proximity to a cemetery.

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Casual examination of cemeteries in the U.S. Midwest results in several observations that are consistent with the notion that cemeteries may negatively impact the value of nearby single-family houses. First, cemeteries tend to be initially situated remotely from residential properties. Second, in recent years when residential development has occurred in close proximity to a cemetery, developers have shown a propensity, where possible, to leave a wooded buffer zone between the cemetery and the residential development. Finally, houses constructed in close proximity to an existing cemetery are rarely, if ever, high-end properties.

Even if the disadvantages enumerated are significant in the transaction process, their impact may not be observable in transaction prices as long as the search for a buyer routinely continues until a buyer is located who does not care about or is ignorant of the physical risks or is not psychologically impacted by the proximity of a cemetery to the subject property. It may, however, take more time to locate such a purchaser and this would be revealed by a significantly longer time on market for houses located in close proximity to a cemetery.

The fact that the only relevant database previously studied did not contain time on market data may help explain why it yielded no significant market effects attributable to cemetery proximity. Also, there are other factors that may have contributed to the previous findings. Unfortunately, time on market is not available in the present database. The addition of a time on market variable would be a valuable addition to any extensions of this research.

#### Literature Review

Bolitzer and Netusil (14) employ regression analysis to study how single-family house selling price is influenced by the proximity of the house to a variety of open space property uses, including cemeteries. They analyze transactions that occurred in 1990-1992 in Portland, Oregon. Selling prices of 662 houses located within 1,500 feet of one of fifteen cemeteries are compared to prices of 6,005 houses that are not located within 1,500 feet of any type of open space (e.g., cemetery, golf course, public park). No significant differences in prices attributable to cemetery proximity are discovered.

Lutzenhiser and Netusil (15) analyze the same database and employ basically the same methodology as Bolitzer and Netusil. Again, selling price is found not to differ significantly between houses located on either side of the 1,500-foot demarcation. In addition, a variable to account for cemetery size is included in this model, and house prices are found to be insignificantly related to it.

These studies are noteworthy because they were pioneering efforts, but both suffer from problematic methodological issues. For instance, the 1,500-foot demarcation point appears a bit arbitrary; Bolitzer and Netusil state it "was selected after consulting with park specialists at Metro." (16) It is unclear what expertise metropolitan park specialists possessed concerning setting this kind of criteria. No tests were conducted to determine if price effects are present within 1,500 feet of each cemetery or whether 1,500 feet is an appropriate demarcation point. It is possible that in some cases local price effects do not occur, but for other cases the local price effects exist and are exhausted before 1,500 feet, while for still other properties, local price effects extend farther. The exact solution is unique to each situation and dependent upon factors such as topography, foliage, housing density, and cemetery condition.

Another methodological problem is that neither one of the studies compares properties with a cemetery view to those without a view to investigate whether view might represent a better demarcation point. Also, although the model employed in these studies includes binary variables to control for the area of the city in which a particular house is located, a number of factors not included in the model could compromise the validity of the comparison (e.g., the extent to which other externalities affect properties on both sides of the demarcation line). Further, the data for houses surrounding the fifteen cemeteries is incorporated into a single model, which may have exacerbated the issue if the variables that significantly influence nearby residential property values are not identical for all cemeteries. This possibility is demonstrated in the current study by first estimating a single model that includes all four study areas, and then comparing this result to results obtained by estimating separate models for each cemetery and restricting the analysis to houses located in the same neighborhood.

#### Data

This article analyzes transactions of 575 single-family houses in the vicinity of four cemeteries, all located in Greene

County, Ohio. Greene County, located in southwestern Ohio, was established at its present boundaries in 1819. Historically, Greene was an agricultural county, and today it remains predominantly rural. Only 4% of the county's 421 square miles consists of urban areas. Its total population is about 148,000 residents. After World War II, parts of Greene County became a bedroom community for the city of Dayton in adjacent Montgomery County. In more recent years, the county has undergone substantial commercial development.

According to the Greene County Auditor's office, 65 cemeteries are located in the county. Several are small family plots and most of the 65 are located remotely enough that measuring their effect on nearby houses is problematic because there are not many houses close by. This article focuses on four locations where residential development has extended to an active (i.e., burials are still taking place) cemetery border: Bellbrook, Fairborn, Beavercreek, and Xenia. All four study areas were personally inspected to determine whether each property currently has a cemetery view. A definition of variables used in studying the four locations can be found in Table 1.

#### Bellbrook Area

The first study location is situated on 16.9 acres in the northeastern corner of the city of Bellbrook (population 7,009). Residential development reached this cemetery in 1961, when the first of five houses that abut the cemetery was constructed. The last house to abut the cemetery was built in 1965. All houses in the sample were constructed in 1951-2003. There are 157 houses located to the east and southeast and within 1,513 feet of the well-maintained cemetery. The sample is limited to the 122 houses where an arm's-length transaction of an improved lot could be identified. Transactions in this study area occurred in 1958-2008.

There is no buffer zone between the Bellbrook cemetery and the residential development, but trees, houses, and structures in the development block a cemetery view for most houses in the Bellbrook study area. However, 18 of the sample properties do have a full or partial view of this cemetery. It was assumed that the view from each property was the same at the time of each transaction. Data limitations prevent determination of property quality and condition at the time of each transaction, but at the time of the study, it was observed that property quality and condition tended to improve with distance from the cemetery. The Bellbrook area is limited to 1,513 feet by default because the neighborhood ends at that distance.

Property characteristic and transaction information analyzed in this study were obtained from the office of the Greene County Tax Assessor and the office of the Greene County Recorder. Table 2 shows descriptive statistics for houses in the Bellbrook study area. The mean transaction price (PRICE) for these houses is \$97,012. The mean house age at the time of the transaction (AGE) is 27.4 years. The mean living space (SQFT) is 1,408 feet, and the mean parcel size (LOT) is 13,427 square feet.

#### Fairborn Area

The second cemetery in the study is situated on 22.3 acres near the eastern edge of Greene County's second largest city, Fairborn (population 51,390). The residential development is located south of the cemetery. The first house in the development, constructed on the southern boundary of the development, sold in 1996. Development proceeded to the north (toward the cemetery), with all the houses closest to the south side of the cemetery being sold between 2003 and 2006.

Transaction data could not be obtained for 28 houses (these lots were purchased unimproved from the developer), so the sample is restricted to the 244 observations that are arm's-length transactions of improved lots. The Fairborn area is the newest development of the study areas, and the developer dedicated a buffer zone between the development and cemetery that is approximately 200-feet wide (187 feet at the narrowest point) and fairly heavily wooded.

The deciduous trees in the buffer zone eliminate any view of the well-maintained cemetery from all but a few houses for approximately seven months of the year, but when the trees are bare, 46 houses have a full or partial view of the cemetery. There is no discernable difference in the house quality and condition in this study area; all are currently in above-average condition due, in no small part, to their relatively young age.

Table 3 shows that PRICE in this area is the highest of the four study areas. More houses in this area, 85.9%, have a basement (BASE) than the other study areas and all houses in this development have central air conditioning (AIR).

#### Beavercreek Area



The third cemetery investigated is situated on 8.7 acres near the southern edge of Greene County's largest city, Reavercreek (population 40,014). There are 103 houses located to the south and southwest and within 1,215 feet of the cemetery. The study is restricted to the 77 houses for which an arm's-length transaction of an improved lot could be identified.

The oldest house in the sample was built in 1900. All but three houses have been constructed since 1950, with the newest built in 2005. Residential development reached the western and southern border of this cemetery in 1956, when the first two of twelve houses that abut the cemetery were built. Transactions included in the sample occurred in 1962-2008.

There is no buffer zone between the residential development and this well-maintained cemetery, but only 18 of the sample houses have a full or partial view of the cemetery. Similar to the Bellbrook study area, house quality and condition in this area tend to improve with distance from the cemetery. Table 4 shows that the mean lot size in the Beaver Creek area is the largest of the four study areas.

#### Xenia Area

The fourth cemetery is situated on 9.9 acres in the southwestern portion of Xenia, the county seat and the county's third-largest city (population 27,557). Two hundred houses, located north and east of the cemetery, are within 1,594 feet of the cemetery. The study is restricted to the 151 houses where an arm's-length transaction of the improved lot could be identified, 28 of which have a full or partial cemetery view.

Similar to the Fairborn study area, there is little difference in house quality within this study area. Almost all the houses in this sample are single-story, tract houses constructed in 1956-1958; none has a basement. Although house quality and condition at the time sale could not be ascertained, almost all houses in this sample were rated average at the time of the study. The oldest house was built in 1951 and the newest in 2000. Transactions included in the sample occurred in 1967-2008.

The maintenance condition of this cemetery can be generously described as moderate/average. There is no buffer zone between the residential development and this cemetery. The nominal transaction prices shown in Tables 2, 5, 4, and 5 are partially a function of the year in which the transactions occurred. Table 5 shows that the Xenia study area involves the lowest-valued houses of the four study areas.

#### Correlation of Variables

Table 6 contains the simple correlation of model variables for all four cemetery areas and shows that most of the explanatory variables are highly correlated with transaction price. There is high correlation among many of the independent variables (e.g., square footage, bathrooms, bedrooms, and basement).

What is surprising is the significant correlation between distance from a cemetery (DISTANCE) and every other variable. The correlations indicate that house size increases with distance from the cemetery. Houses located farther from the cemetery tend to have more garage space, bathrooms, and bedrooms, but lot size tends to decrease with distance from the cemetery.

The correlations also indicate that the farther a house is located from a cemetery in the sample, the greater the probability that the house has air conditioning and a basement. On the other hand, a significant simple correlation between whether a cemetery view is available from the house and the other explanatory variables does not exist.

The appendix section of this article provides the correlation coefficients for the individual study areas.

#### Methodology

In studies of the impact of externalities on real property values, regression analysis is frequently referred to as hedonic regression. This well-known and often-used technique facilitates the effective unbundling of the implicit value attributable to the physical and location-specific characteristics of a property from the sale price.

The methodology in this study has two basic parts. First, the data for all four study areas is combined and the following model is estimated to investigate whether housing prices are influenced by cemetery proximity: (17)

[MATHEMATICAL EXPRESSION NOT REPRODUCIBLE IN ASCII] (1)

where:

PRICE = the transaction price

[alpha] = the intercept

[beta] = the estimators

SALEYR = a variable equal to the year in which the house sold

e = the error term

All the other independent variables are as defined in Table 1.

Based on the results of previous studies, (18) a positive sign is expected on the estimator for SQFT, LOT, GAR, BATH, BED, AIR, and BASE, and a negative sign is expected for AGE. The expected sign for GAS is positive because it was the most affordable form of heat in the area over the study period and should be capitalized in house prices.

Preliminary analysis reveals that three variables designed to detect seasonality in selling prices are highly insignificant and they were dropped from the model. The REG Procedure (19) was used to estimate Equation 1 with the COLLIN option specified. The results of the COLLIN option indicate a moderate amount of multicollinearity is present. (20)

For the second part of the methodology in this article, Equation 1 is estimated separately for each cemetery. The estimate of the Fairborn data does not include AIR or GAS because each of the sample houses in this area has central air conditioning and gas heat. The estimate of the Xenia data does not include GAS or BASE because all houses in this area have gas heat and none has a basement. (21)

## Results

The results of the present study are similar to the two previous cemetery proximity studies when, as was the case in the previous studies, all cemeteries are analyzed with a single estimate. Table 7 shows summarized estimation results of the full model; the data fits the model well.

The F-value is highly significant and the independent variables explain 92.29% of the variation in the dependent variable. Seven of the ten control variables are significant at the 99% confidence level. Focusing on the two variables of interest, the estimators for both VIEW and DISTANCE are highly insignificant, indicating that neither a cemetery view nor distance from a cemetery has a significant effect on nearby house price.

To investigate the possibility that the results may vary by cemetery, this study estimates Equation 1 separately for each area. The results for the Fairborn cemetery area are consistent with the full model results. Table 8 shows the summarized estimation results for the Fairborn cemetery area; the data fits the model well, the F-value is highly significant. The adjusted [R.sup.2] indicates that the model explains 78.14% of the variation in the dependent variable.

This figure is low compared to the [R.sup.2] reported for the full model, but recall that AIR and GAS have been dropped from this model because they are constants. Five of the eight control variables are significant at the 99% confidence level. Regarding the variables of interest, the estimators for both VIEW and DISTANCE are highly insignificant in this estimation, indicating that no price effect can be attributed to cemetery proximity.

A different result occurs when the analysis is limited to the Xenia cemetery area. Examination of the results, which are summarized in Table 9, shows that the data fits the model fairly well; the F-value is highly significant, and the model explains 70.11% of the variation in the dependent variable.

This is the lowest adjusted [R.sup.2] of any of the estimates, but this estimate does not include BASE or GAS because each is constant. Only one of the control variables is significant at the 99% confidence level; two more are significant at the 90% level, and the sign of the estimator for each of these variables is in the anticipated direction. Recall that almost all the houses in this sample are nearly identical tract houses. It is interesting, therefore, that the estimation indicates only four factors are significantly related to house price: date when the house sold, age of the

house when the sale occurred, garage size, and whether the house has a cemetery view.

The estimator for VIEW is negative and significant at the 90% confidence level and indicates that houses with a cemetery view in this area sold, on average, at a discount of \$6,291.89 compared to those without a cemetery view. For the mean-priced house in this sample, this represents a discount of 10.1% (\$6,291.89/\$62,531.30). The variable DISTANCE is not significant in this estimate.

Table 10, where the estimation results for the Beavercreek cemetery area are presented, shows that the data fits the model well. The F-value is highly significant, and the adjusted [R.sup.2] indicates that the model explains 90.71% of the variation in the dependent variable. Four of the ten control variables are significant at the 99% confidence level, and three are significant at the 95% level. Focusing on the variables of interest, VIEW is insignificant, indicating no price effect can be attributed to this variable, but DISTANCE is significant at the 90% level.

The positive estimator for DISTANCE indicates that transaction price in this area increased by \$29.58, on average, for each additional foot the lot is removed from the cemetery. This result should occur if market participants systematically deem the negative factors associated with close cemetery proximity to dominate the positive factors, but this may not be the case here and there may be an alternative explanation.

Recall that casual observation indicated that property quality and condition in this study area improved with distance from the cemetery, so DISTANCE may actually be serving as a proxy for quality and condition. If this explanation is correct, there is a cemetery proximity effect associated with distance, but it is occurring not because market participants judged the disadvantages of close proximity to the cemetery to outweigh the advantages; it occurred because the original homeowners and/or developers/builders constructed better-quality houses farther from, rather than closer to, the cemetery.

Table 11, where the estimation results of Equation 1 for the Bellbrook cemetery area are summarized, reveals that the data fits the model well. The F-value of 124.4 is highly significant and the adjusted [R.sup.2] indicates that the model explains 92.45% of the variation in the dependent variable.

Four of the ten property characteristic variables are significant at the 99% confidence level and four are significant at the 95% level. The sign of each of the significant explanatory variables is in the expected direction, and each appears reasonable in amount. Both of the variables of interest are significant: VIEW at the 90% confidence level, and DISTANCE at the 95% level.

The results indicate that buyers in this area value the park-like view. A cemetery view added \$8,521.46 on average to the transaction price for houses with a cemetery view. For the mean priced house in this sample, this represents a premium of 8.8% (\$8,521.46/\$97,012.30).

The estimator for DISTANCE indicates that residential property values increased by \$8.10 for each foot the lot was removed from the cemetery. As was the case for the Beavercreek cemetery area, casual observation indicates that property quality and condition in this study area improve with distance from the cemetery; here again it is believed that DISTANCE is acting as a proxy for house quality and condition and the effect is occurring because the original homeowners and/or developers/builders constructed better quality houses farther from rather than closer to the cemetery.

## Conclusion

The characteristics of cemeteries that may influence value are presented in this article and suggest that the influence of a particular cemetery on nearby residential properties is uncertain. To empirically test this issue, data from 575 sale transactions of houses in relatively close proximity to one of four cemeteries is subjected to regression analysis.

In five iterations, transaction price is regressed against a battery of property characteristic variables to control for price differences. Transaction price is also regressed against two variables of interest, DISTANCE, specified as the shortest straight-line distance between the cemetery and the lot on which the subject house is located; and VIEW, specified as the ability to view the cemetery from the subject property.

When all observations are tested in a single model, the results are consistent with the limited previous studies on this topic--no significant price effect attributable to cemetery proximity is discovered. When each cemetery is tested individually, however, the results vary. For two cemeteries, no price effect can be attributed to VIEW. For a third cemetery, the estimator for VIEW is a negative \$6,291.89, but for a fourth cemetery, the estimator for VIEW is a



positive \$8,521.46. For the mean priced house in each sample, the former represents a 10.1% discount and the latter represents an 8.8% premium.

The sign of the estimator in each of these two instances is intuitively appealing because the positive estimator is associated with a well-maintained cemetery, and the negative estimator is associated with a less well-maintained cemetery. The fact that the results vary by cemetery suggest the possibility that previous studies might have arrived at different conclusions if they had not grouped all cemeteries into a single model. The fact that VIEWS is significant in two of the four samples investigated here suggests that previous models may have used the wrong criteria in testing for market effects due to cemetery proximity; VIEWS may be more important than DISTANCE.

DISTANCE is insignificant in two of the four study areas. In both of these cases, almost all sample houses are constructed within a relatively compact Lime frame and house quality and condition do not vary within the study area. In the other two samples, house construction took place over a protracted period of time and it is observed that property quality and condition tend to improve with distance from the cemetery.

In these two cases, the estimator for DISTANCE is a positive \$8.10 per foot in one case and \$29.58 per foot in the other. The interpretations of these findings is that DISTANCE is actually serving as a proxy for house quality and condition in these two cases. This suggests that the effect occurred not because market participants judged the disadvantages of close proximity to outweigh the advantages, but because the original homeowners and/or developers/builders constructed better quality houses farther from rather than closer to the cemetery.

Cemetery proximity should not be ignored by residential appraisers in arriving at a value estimate. It is possible cemetery proximity will have no significant impact on nearby residential property values, but as the present study indicates, it may. It is recommended, therefore, that appraisers test their local area to determine if cemetery proximity market effects are present.

Unfortunately, data restrictions prevented the testing for another important market effect--time on market. Time on market is more likely to be influenced by cemetery proximity than price. Extensions of this research, therefore, could examine not only whether the results reported here apply in other markets, but also whether cemetery proximity impacts time on market.

Appendix 1 Correlation Coefficients, Bellbrook Cemetery Area

	PRICE	SQFT	LOT	AGE	GAR	BATH	BED	AIR
PRICE	.6178	<.0001	.2025	.0435	.2391	.5543	.3430	.2152
SQFT	.2461	.4490	.2019	.6604	.5693	.1973	.0294	.1973
LOT	.1509	.1023	.2059	.0229	.1103	.0593	.0593	.0593
AGE	.0971	.2623	.0617	.3369	.2343	.0593	.0593	.0593
GAR	.4994	.0001	.1426	.0246	.0842	.3566	.0842	.3566
BATH	.3688	<.0001	.1172	.0094	.5167	.0001	.0022	.0022
BED	.2749	.0001	.0240	.0001	.0001	.0001	.0001	.0001
AIR	.0001	.0001	.0001	.0001	.0001	.0001	.0001	.0001
VIEW	.0001	.0001	.0001	.0001	.0001	.0001	.0001	.0001
SQFT	.1194	.4804	.1286	.1397	.0053	.0053	.0053	.0053
PRICE	.9089	<.0001	.7417	.2245	.09185	.3143	.09185	.3143
GAS	.0105	.7417	.2245	.09185	.3143	.09185	.3143	.09185
BASE	.0105	.7417	.2245	.09185	.3143	.09185	.3143	.09185
SALEYR	.0105	.7417	.2245	.09185	.3143	.09185	.3143	.09185
VIEW	.0105	.7417	.2245	.09185	.3143	.09185	.3143	.09185
DISTANCE	.0105	.7417	.2245	.09185	.3143	.09185	.3143	.09185



## MAYOR & COUNCIL COMMUNICATION

**DATE: July 21, 2015**  
**REGULAR**  
**ITEM #18**  
**ORDINANCE 08-126**  
**RESOLUTION 2015-60**

**AGENDA ITEM:** Wildflower at Lake Elmo Zoning Map Amendment, Final Plat and Final PUD Plan

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

**THROUGH:** Julie Johnson, City Clerk

**REVIEWED BY:** Planning Commission  
Kyle Klatt, Community Development Director  
Jack Griffin, City Engineer  
Greg Malmquist, Fire Chief

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### **SUGGESTED ORDER OF BUSINESS:**

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

**POLICY RECCOMENDER:** Planning Commission

**FISCAL IMPACT:** TBD – the City will be asked to review a developer’s agreement concerning the final plat at a future meeting. The agreement will include a detailed accounting of any development costs that will be the responsibility of the City.

**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to consider a request from Robert Engstrom Company for approval of a zoning map amendment, final plat and final PUD plan for the first phase of the Wildflower at Lake Elmo planned residential development. The final plat includes 60 single-family residential lots, and the related construction plans for the improvements necessary to serve these homes. The City approved the Wildflower Preliminary Plat and Preliminary PUD Plan on April 7, 2015, which covered approximately 117 acres of land within the Village Planning Area. There are 145 single family

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

The Planning Commission considered this matter at its July 13, 2015 meeting and unanimously recommended approval of the requested zoning map amendment. The suggested motion to adopt the Planning Commission recommendation is as follows:

***"Move to adopt Ordinance 08-126, approving the Zoning Map Amendment for the Wildflower at Lake Elmo planned residential development."***

In addition, the Planning Commission unanimously recommended approval of the Wildflower at Lake Elmo Final Plat and Final PUD Plan subject to 17 conditions of approval. The suggested motions to adopt the Planning Commission recommendation is as follows:

***"Move to adopt Resolution No. 2015-60, approving the Final Plat and Final PUD Plan for the Wildflower at Lake Elmo planned residential development."***

## **BACKGROUND INFORMATION:**

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

## **PLANNING COMMISSION REPORT:**

The Planning Commission reviewed the final plat application at its July 13, 2015 meeting. At the meeting, a public hearing was held, necessitated by the zoning map amendment and final PUD plan actions. During the public hearing, the Planning Commission received the following testimony:

- Richard Smith, 11104 Stillwater Blvd. N., requested that a condition of approval be added to formalize the expectation that no further residential or commercial development would be allowed on outlots planned for open space or conservation. In addition, Mr. Smith noted that there is presently a gap in the connection of his driveway to Blazingstar Lane. He requests that this connection be completed during the phase 1 improvements. Mr. Engstrom did not have any concerns with either request.

- Robert Eischen, 11674 Stillwater Blvd. N., asked if the activities included in a private landscape agreement between his family and Robert Engstrom would be completed as part of the phase 1 improvements. Engstrom noted that these plantings and removals would be included in phase 1. Mr. Eischen asked that these activities be included as a condition of approval. Mr. Engstrom did not have a problem accommodating the request.

Full detail of the Planning Commission meeting and testimony received can be found in the Draft Planning Commission minutes dated 7/13/15.

In reviewing the proposed zoning map amendment, the Planning Commission unanimously recommended approval.

With regards to the review of the Wildflower at Lake Elmo Final Plat and Final PUD Plan, the Planning Commission discussed four additional conditions to add to the approval of the application:

- 1) The Planning Commission recommended a condition to require the applicant to enter into a legally binding agreement to prevent future residential or commercial development on outlots planned for open space or conservation.
- 2) The Planning Commission recommended a condition to require that the driveway connection for Mr. Smith be completed as part of the phase 1 improvements of Wildflower.
- 3) The Planning Commission recommended a condition that requires the applicant to complete the private planting agreement with the Eischen family as part of the phase 1 improvements.
- 4) Finally, the Planning Commission recommended that the Final Plat be revised to incorporate street names that are consistent with the Washington County Street Naming System. - "L" names & numbered st.

The Planning Commission recommended approval of the Wildflower Final Plat and Final PUD Plan with 17 conditions of approval. The vote to recommend approval of the Wildflower Final Plat was unanimous (Vote: 6-0).

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

**Strengths:** The proposed final plat is consistent with the approved preliminary plat subject to the conditions being recommended by Staff and the Planning Commission.

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

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

**Threats:** None

#### **RECOMMENDATION:**

Based on the aforementioned, the Planning Commission and Staff are recommending that the City Council approve the Wildflower at Lake Elmo Zoning Map Amendment through the following motion:

***“Move to adopt Ordinance 08-126, approving the Zoning Map Amendment for the Wildflower at Lake Elmo planned residential development.”***

In addition, the Planning Commission and Staff are recommending that the City Council approve the Wildflower at Lake Elmo Final Plat and Final PUD Plan subject to 17 conditions of approval through the following motion:

***“Move to adopt Resolution No. 2015-60, approving the Final Plat and Final PUD Plan for the Wildflower at Lake Elmo planned residential development.”***

**ATTACHMENTS:**

1. Ordinance 08-126
2. Resolution 2015-60
3. Staff Report to the Planning Commission, 7/13/15
4. Application Form
5. Project Narrative
6. Contact Information
7. Developer Acknowledgements
8. Neighborhood Park Concept
9. Wildflower Lot Development Summary
10. City Engineer Review Comments – 7/8/15
11. Fire Chief Comments – 7/7/15
12. Final Plat
13. Final Plat Supplemental Plans
14. Final Grading Plans
15. Final Landscape Plans

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

**ORDINANCE NO. 08-126**

**AN ORDINANCE AMENDING CHAPTER 154 OF THE LAKE ELMO CITY CODE OF  
ORDINANCES BY ADOPTING A REVISED OFFICIAL ZONING DISTRICT MAP RELATED  
TO THE WILDFLOWER AT LAKE ELMO PLANNED DEVELOPMENT**

**SECTION 1. Zoning Map Amendment.** The following property is hereby rezoned from RT - Rural Development Transitional to MDR-PUD - Urban Medium Density Residential - Planned Unit Development and Rural Residential:

The North Half of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter of Section 12, Township 29, Range 21, Washington County, Minnesota, save and except the following described part thereof:

All that part of the Northeast Quarter of the Southwest Quarter of Section 12, Township 29, Range 21, Washington County, Minnesota described as follows:

Beginning at the center of said Section 12; thence due South along the East line of said Northeast Quarter of Southwest Quarter a distance of 1240.5 feet; thence at right angles due West a distance of 200 feet; thence North 55 degrees 00 minutes 00 seconds West a distance of 270 feet; thence due North a distance of 617 feet; thence at right angles due East a distance of 147 feet; thence at right angles due North a distance of 466 feet more or less to the North line of said Northeast Quarter of Southwest Quarter; thence Easterly along the North line of said Northeast Quarter of Southwest Quarter a distance of 274.17 feet to the place of beginning.

AND

That part of the Northeast Quarter of the Northwest Quarter of Section 13, Township 29, Range 21, Washington County, Minnesota, described as follows:

Commencing at the Northeast corner of said Northeast Quarter of Northwest Quarter of said Section 13, thence West on the North line thereof 35 feet to a point, thence South and parallel to the East line of said quarter section to the North line of Trunk Highway No. 212; thence Northeast on the North line of said Highway to the East line of said quarter section; thence North on the East line of said quarter section to the place of beginning.

Excepting therefrom all of the following described real property:

The North 330.88 feet of the Northwest Quarter of the Southwest Quarter of Section 12, Township 29, Range 21, Washington County, Minnesota.

Together with

Outlots O and P THE FIELDS OF SAINT CROIX 2<sup>ND</sup> ADDITION according to the plat thereof, Washington County, Minnesota.

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

**SECTION 3.** Adoption Date. This Ordinance 08-126 was adopted on this 21<sup>st</sup> day of July 2015, by a vote of \_\_\_ Ayes and \_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

Mike Pearson, Mayor

**ATTEST:**

Julie Johnson, City Clerk

This Ordinance 08-126 was published on the \_\_\_ day of \_\_\_\_\_, 2015.



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

**RESOLUTION NO. 2015-60**

*A RESOLUTION APPROVING A FINAL PLAT AND FINAL PLANNED UNIT DEVELOPMENT  
(PUD) PLAN FOR THE WILDFLOWER AT LAKE ELMO PLANNED RESIDENTIAL  
DEVELOPMENT*

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

**WHEREAS**, Robert Engstrom Companies, 4801 West 81<sup>st</sup> Street, #101, Bloomington, MN has submitted an application to the City of Lake Elmo ("City") for a Final Plat and Final PUD Plan for the Wildflower at Lake Elmo planned residential development, a copy of which is on file in the City of Lake Elmo Community Development Department; and

**WHEREAS**, the City approved the Wildflower at Lake Elmo General Concept Plan on June 17, 2014; and

**WHEREAS**, the City approved the Wildflower at Lake Elmo Preliminary Plat and Preliminary PUD Plan on April 7, 2015; and

**WHEREAS**, the proposed Wildflower at Lake Elmo Final Plat and Final PUD Plan includes 60 single family residential lots within a planned development on two parcels of land (PIDs: 12.029.21.32.0001 and 12.029.21.43.0013) in the Village Planning Area; and

**WHEREAS**, the Lake Elmo Planning Commission held public hearing on July 13, 2015 to consider the Final Plat and Preliminary PUD Plan request; and

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

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Final Plat and Final PUD Plan as part of a memorandum to the City Council for the July 21, 2015 Council Meeting; and

**WHEREAS**, the City Council reviewed the Wildflower at Lake Elmo Final Plat and Final PUD Plan at its meeting held on July 21, 2015 and made the following findings of fact:

- 1) That all the requirements of City Code Section 153.07 related to the Final Plan and Final Plat have been met by the Applicant, with the exceptions noted in the staff report.
- 2) That the proposed Final Plat for Wildwood consists of the creation of 60 single-family detached residential structures and an open space/nature conservation area.

3) That the Wildflower Final Plat and Final PUD Plan is consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on April 7, 2014.

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

5) That the Wildflower Final Plat generally complies with the City's Urban Medium Density Residential zoning district, with the exceptions as noted in the approved Preliminary PUD Plans.

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

7) That the Wildflower Final Plat complies with the City's subdivision ordinance.

8) That the Wildflower Final Plat and Final PUD Plan complies with the City's Planned Unit Development Ordinance.

9) That the Wildflower Final Plat is consistent with the City's engineering standards with the exceptions noted by the City Engineer in his review comments to the City dated July 8, 2015 and as otherwise identified in future reviews.

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

1) The City Attorney shall review all proposed and existing conservation easements within the development area to ensure these easements will not encumber the City from installing and maintaining and the proposed public infrastructure (including storm water ponds and related improvements) over the City-owned outlots.

2) The developer shall provide easements for public access to all public trails and sidewalks that are not otherwise constructed within a public right-of-way. Any such easements shall be subject to review and approval by the City Attorney.

3) The developer shall dedicate additional right-of-way associated with the future extension of Prairieview Trail to accommodate the planned storm water improvements include with the first addition public improvements. This right-of-way shall extend to the westernmost limits of Outlot F.

4) The developer shall dedicate additional right-of-way associated with the future extension of Blazingstar Lane to accommodate the planned private driveway that will provide access to the exception parcel located north of Outlot G. The developer shall provide any

easements necessary to ensure that this access may be accommodated once the plat has been recorded.

- 5) Final grading, drainage, and erosion control plans, sanitary and storm water management plans, landscape plans, and street and utility construction plans shall be reviewed and approved by the City Engineer prior to the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in a memorandum dated July 8, 2015 and any future reviews shall be incorporated into these documents before they are approved.
- 6) All recommended conditions of approval as requested by the City Engineer in his July 8, 2015 comment letter shall be incorporated by reference into the City's approval of the final plat and PUD plans.
- 7) Prior to the execution of the Final Plat by City officials, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements for the Wildflower Final Plat and Final Development Plans with financial guarantees therefore.
- 8) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to the execution of the final plat by City Officials.
- 9) A Common Interest Agreement concerning management of the common areas of Wildflower and establishing a homeowner's association shall be submitted in final form to the Community Development Director before a building permit may be issued for any structure within this subdivision. The applicant shall also enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the final plat.
- 10) The developer is encouraged to incorporate elements from the Lake Elmo Theming Study into the final design of the community mailboxes within Wildflower.
- 11) The applicant shall deed Outlots B, C, J, and K to the City upon recording of the final plat.
- 12) The final landscape plan shall be updated to address the review comments from the City's landscape architecture consultant.
- 13) The final construction plans shall be updated to include a trail connection along Lake Elmo Avenue between the existing trail outlet to Lake Elmo Avenue and the boundary between the Wildflower development and the property south of Wildflower.
- 14) The developer shall establish a legally binding agreement to prevent further residential or commercial development of all outlots planned for open space or conservation uses.

15) The developer shall provide a completed bituminous driveway connection to the Smith property at 11514 Stillwater Boulevard North as part of the improvements associated with Phase 1 of the development.

16) The developer shall complete the planting and removal work at the Eischen property at 11647 Stillwater Boulevard North as described in a private agreement between the developer and Eischen family as part of Phase 1 of the development.

17) The final plat shall be revised to incorporate street names that are consistent with the Washington County Street Naming System.

Passed and duly adopted this 21<sup>st</sup> day of July, 2015 by the City Council of the City of Lake Elmo, Minnesota.

ATTEST:

Mike Pearson, Mayor

Julie Johnson, City Clerk



PLANNING COMMISSION  
DATE: 7/13/15  
AGENDA ITEM: 4B – PUBLIC HEARING  
CASE # 2015-21

ITEM: Wildflower Final Plat and Final PUD Plans (Phase 1)

SUBMITTED BY: Kyle Klatt, Planning Director

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

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### SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a request to approve a final plat, final PUD development plans, and related zoning map amendments associated with the first phase of the Wildflower PUD development. The final plat includes 60 single family residential lots that will be located within the western portion of the overall development area. Staff is recommending approval of the request subject to compliance with the conditions listed in this report.

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### GENERAL INFORMATION

*Applicant:* Robert Engstrom Companies; 4801 West 81<sup>st</sup> Street, #101, Bloomington, MN

*Property Owners:* Robert Engstrom Companies; 4801 West 81<sup>st</sup> Street, #101, Bloomington, MN

*Location:* Part of Sections 12 and 13, Township 29 North, Range 21 West in Lake Elmo, north of 39th Street, west of Lake Elmo Avenue, and south of the northern Village Planning Area boundary line. PID Numbers 13.029.21.32.00001, 12.029.21.34.0001, 13.029.21.21.0001 and 12.029.21.43.0013.

*Request:* Application for Final Plat and Final Planned Unit Development (PUD) Plan approval for the first phase of a residential development to be named Wildflower. The final plat includes 60 single-family residential lots, while the remainder of the site will be platted as outlots for either public dedication, common open space, or to be reserved for future development.

*Existing Land Use and Zoning:* Agriculture, Woods/Natural Vegetation, Wetlands, Open Space.  
Current Zoning: RT – Rural Transitional.

*Surrounding Land Use and Zoning:* North – vacant/agricultural land, rural residential – RR zoning; west – agricultural land (future Village residential) – A, RT, and RR zoning; south – offices, business park land – C zoning; east open space/Field of St. Croix II subdivision – RR and OP zoning.

*Comprehensive Plan:* Village Medium Density Residential (3-4 units per acre)/Village Open Space Overlay

*History:* The property was included in Village Planning Area boundary and municipal sewer service area as defined in the 2013 Village Land Use Plan. The site has historically been used for farming activities, including the growing of agricultural crops. A large portion of the site is located in a FEMA Flood District. The City approved a Comprehensive Plan Amendment last year that removed portions of the site from the open space land category. The City also approved a PUD Concept Plan for the property on June 17, 2014, and a preliminary plat and preliminary PUD plans on April 7, 2015.

*Deadline for Action:* Application Complete – 7/2/15  
60 Day Deadline – 9/1/15  
Extension Letter Mailed – No  
120 Day Deadline – 10/31/15

*Applicable Regulations:* Chapter 153 – Subdivision Regulations  
Article 10 – Urban Residential Districts (MDR)  
Article 16 – Planned Unit Development Regulations  
§150.270 Storm Water, Erosion, and Sediment Control

**REQUEST DETAILS**

The City of Lake Elmo has received a request from Robert Engstrom Companies for approval of a final plat and final PUD plan associated with the first phase of the Wildflower Planned Unit Development (PUD). The final plat will include the platting of 60 single-family residential lots, of which 22 will be the “garden villa” homes while the remainder will be the general single family homes located north of Wildflower Drive. The final plat includes the platting of a connection to the existing Layton Avenue right-of-way that will be shared between the Wildflower development and the adjacent Village Preserve single family neighborhood. As discussed during the concept and preliminary plat review, the subdivision will include a large amount of open space that will be owned and managed by the homeowner’s association along with a series of City-owned outlots that will serve as storm water infiltration and retention areas.

Please note that the attached application materials provided by the applicant include the final plat, final grading, drainage, and erosion control plans for the entire site, a set of supplemental plans that provide a complete set of plans that have been updated from the preliminary plat, and utility and street construction plans for the first phase public improvements. After an initial City review, the developer submitted updated documents for all of the plans listed above with the exception of the construction plans. The City Engineer will need to review a final set of construction plans as a condition of approval. Due to the larger amount of materials already included in the packet, Staff is not including the submitted construction plans with this report (these are available for viewing at City Hall).

Since the City’s approval of a preliminary plat, the developer has begun grading the site under a separate grading agreement with the City. The overall grading plans provided with the final plat therefore reflect the work that is currently taking place on the property. The initial construction access to the site has been provided via an existing private driveway from Highway 5, and this access will be eliminated once the new road off of 39<sup>th</sup> Street is completed. The final plans do show a driveway connection to the Richard Smith property north of Outlot G from the end of Blazingstar Lane as platted in the first addition. A portion of the driveway will be located over what will be the future extension of this road.



In advance of submitting an application for a final plat, the developer worked with the City and other external agencies to address the conditions attached to the City's approval of the preliminary plat. The end result of this process are the plans that have been labeled "Final Plan Supplemental Plans" that have been deemed compliant with the previous conditions of approval by the City. This includes the revising of several streets to meet the City's minimum requirements for width and other modifications from the preliminary plans. There are a few minor issues that need to be addressed as noted in the City Engineer's review memorandum, but none significant enough that they cannot be resolved through revisions to the final development plans or further review by the City Attorney. Staff has provided an update concerning the preliminary plat conditions in the latter sections of this report.

The applicant has submitted an updated plat and PUD development plan narrative and related submissions to the City, including a concept park layout for the shared park with the Village Preserve along with a lot profile sheet for the various types of lots that are planned. The overall project follows the preliminary plat very closely, and any modifications have been made in order to address the previous conditions of approval. Given the extensive reviews that have been performed on this development to date, Staff is not going to provide a detailed overview of the project as part of this report but would be happy to provide copies of any previous Staff reports on this matter upon request.

The final plat and supplemental plans address other review comments as noted in the following section of this report. As the applicant has worked to address the previous review comments and conditions of approval, there have been some minor modifications to the configuration of some lots within the subdivision to accommodate these revisions. These changes directly address preliminary plat review comments, and more specifically respond to the following:

- All roads have been designed to meet the City's minimum standards for width, both for streets that will have parking and those that will not.
- All outlots that will be owned by the City, the developer for future subdivision, and by the homeowner's association are all clearly labeled on the plans.
- The plans now include a sanitary sewer service stub that extends roughly halfway through Outlot H. This stub will be available for a future connection of sewer service to serve existing development to the north and east.
- The cul-de-sac widths, street design, and any street corners have been designed to comply with minimum City requirements and to accommodate emergency and public works vehicles.

The City's subdivision ordinance establishes the procedure for obtaining final subdivision approval, in which case a final plat may only be reviewed after the City takes action on a preliminary plat. As long as the final plat is consistent with the preliminary approval, it must be approved by the City. Please note that the City's approval of the Wildflower Preliminary Plat and Plans did include a series of conditions that must be met by the applicant, which are addressed in the "Review and Analysis" section below. Because the application is for approval of a final PUD plan, the request does require a public hearing to establish the final PUD zoning for the first phase of the development.

At this time, Staff is not recommended that the City establish a base zoning district for the development area. The three developers that have agreed to build the needed sanitary sewer connection south of the railroad tracks have yet to formally execute the required agreements to build



this line. Once these agreements have been executed, Staff will prepare the necessary map amendments to support the proposed Wildflower development. One of the conditions of approval notes that no permits (beyond model homes) may be issued until the new zoning for the area becomes effective. Staff has previously recommended a base zoning of MDR – Medium Density Residential for the residential portions of the subdivision and RR – rural residential for the open space and natural preservation areas.

Staff has reviewed the final plat and found that it is consistent with the preliminary plat that was approved by the City with the exceptions as noted below and as listed in the City Engineer's report. These exceptions can be addressed with the submission of revised final plans, and primarily relate to details that need to be worked out before final approval of the construction plans. The City's Landscape Architect has previously reviewed the landscape plan, and his comments have been used in the preparation of the final plan. Staff is recommending that the landscape plans be subject to final review by a landscape architect to address any plan modifications that are necessitated by the City Engineering comments. Although final construction plans still need to be reviewed and approved by the City, it is expected that any required modification can be accommodated by the developer without changing the final plat, and that these minor revisions may be made before the City releases the final plat for recording.

## PLANNING AND ZONING ISSUES

The Wildflower development includes a request for a Planned Unit Development and some related flexibility as permitted under this ordinance. In order to grant a PUD, an applicant is required to demonstrate compliance with the City's PUD applicant requirements and PUD Objectives. These requirements and objectives were previously detailed with the applicants' preliminary plan submissions. For the most part, all portions of the development will be consistent with the zoning requirements for the City's MDR – Medium Density Residential Zoning District, with the exceptions that were discussed during the concept and preliminary plan review and are summarized as follows:

<u>Setback</u>	<u>MDR Zoning District (Min.)</u>	<u>Courtyard Homes (Min.)</u>
Front Yard	25 feet	20 feet
Interior Side Yard	10 Feet Principal Structure	Same or 7.5 both sides
Corner Side Yard	15	10
Rear Yard	20 feet	20 feet
Lot Area	7,000 square feet	5,865 square feet
Lot Depth	N/A	100 feet
Lot Width	50 feet	50 feet
<u>Street Widths</u>	<u>City Standard</u>	<u>Wildflower</u>
Alley/Rear Access	Not Allowed	18 feet
<u>Cul-de-sac</u>	<u>City Standard</u>	<u>Prairie View Trail</u>
Maximum Length	1,000 feet	1,300 feet

All other requirements for the City's MDR zoning district will apply, including the allowed uses and other site and development standards.

Please note that the above table does not include any modifications from the numbers originally proposed by the developer. The purpose of this table is to document the minimum expectation for lots and homes in the development, and is otherwise consistent with the development plans. Other than the extended cul-de-sac length for Prairieview Trail, there have been no exceptions requested for the single family homes outside of the courtyard home area.

The overall site plan for the property follows the adopted concept plan very closely, and the final plat and plans are consistent with preliminary plat as well. The following is a general summary of the subdivision design elements that have proposed as part of the Wildflower final plat and plans:

**Zoning and Site Information:**

- Existing Zoning: RT – Rural Development Transitional District
- Proposed Zoning: MDR – Lot Area; RR – Conservation/Buffer Areas
- Total Site Area: 119.28 acres
- Total Residential Units: 145 (78 single family, 67 courtyard homes)  
60 with Final Plat (38 single family; 22 courtyard)
- Proposed Density (Net): 4.0 Units per acre (per developer)

**Proposed Lot Dimensional Standards (Single Family Lots):**

- Min. Lot Width: 80 ft.
- Lot Depth: 130 ft. (135 ft. typical)
- Lot Area: 8,000 sq. ft. (10,298 min.)
- Front Yard Setback: 25 ft.
- Side Yard Setback: 10 ft. living space; 5 ft. garage
- Rear Yard Setback: 20 ft.

**Proposed Lot Dimensional Standards through Planned Unit Development Process (courtyard homes):**

- As listed above

**Proposed Street Standards:**

- Per development plans with modifications as requested by the City Engineer

**Proposed Street Standards:**

- ROW Width – Local 60 ft. (per Subdivision Ordinance)
- Street Widths – Local: 28 ft. (per City standard)
- Street Widths – Other: 24 ft. (two way with parking one side)  
20 ft. (one way with parking)  
18ft. (one way with no parking)
- Alley/Rear Access 18ft. (proposed PUD standard)

The standards listed above are all either in compliance with the applicable requirements from the City's zoning and subdivision regulations, or are consistent with requested modifications through the proposed planned unit development (PUD). Based on Staff's review of the Preliminary Plat and Preliminary PUD Plan, the applicant has generally demonstrated compliance with the majority of the applicable codes, and the requested modifications or flexibilities as allowed under the City's PUD

Ordinance represent a reasonable request given the various design goals the applicant is trying to achieve.

## REVIEW AND ANALYSIS

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

### Critical Issues Summary:

- 1) **Conservation Easements.** The developer is either proposing to implement new conservation easements over the common open space areas within the development, or will be keeping in place the conservation easements that were modified for Outlots J, I, and H. These new easements will need to be drafted and submitted to the City for formal adoption for the new areas, while the older easements must be formally executed and recorded one the final plat is also recorded with the County. There are two issues that Staff is has identified with the proposed or existing easements that must be subject to final review and approval by the City Attorney, including the following:

- a. One of the preliminary plat conditions requires that a "legally binding agreement to prevent further residential or commercial development of all outlots planned for open space or conservation uses" be established by the developer. The City Attorney will need to review any proposed conservation easements for consistency with this condition.

- b. The City Engineer has requested clarification that any existing or proposed conservation easements will not prohibit or impeded the City from installing and maintaining the proposed public infrastructure (including storm water ponds, sanitary sewer pipes, and storm water swales) over portions of these outlots. Staff is again asking that the City Attorney review these easement documents to ensure that the final language will not encumber the City in any manner.

- 2) **Trail Construction and Easements.** The developer has proposed an extensive system of public trails throughout the development. Prior to acceptance of these trails for public use, the developer will need to construct them to meet City specifications and will need to submit easements granting public use of the trails to the City for approval. The developer is asking that the proposed trail dedication and granting of conservation easement suffice for the park land dedication requirements. Staff is asking to see the final calculations for land and trail dedication in order to accurately account for the equivalent dedication that would have otherwise been provided.

- 3) **Platting of Adjacent Property.** The final plat and development plans include improvements that extend into the adjacent Village Preserve development, and specifically, portions of Wildflower Drive, Prairieview Trail, and storm water improvements. Should the Village Preserve Final Plat be recorded prior to Wildflower, this issue will no longer be relevant. Should Engstrom Companies wish to record its plat prior to Village Preserve, the developer will need to, at a minimum, secure the appropriate easements from the current land owner of

the Village Preserve (Gonyea) before the Wildflower final plat may be recorded. The applicant has demonstrated that there is an agreement in place between both parties, and has stated that this is a timing issue that will be satisfactorily resolved between the two developers.

- 4) **General Review Comments.** All other recommended conditions of approval relate to final details that must be addressed by the applicant and can be handled prior to release of the final plat for recording.

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

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

- 1) No lots within a FEMA flood zone shall be approved as part of a final plat until such time that the City's Floodplain Management Map has been amended to remove these lots. As an alternative to amending this map, the developer must provide documentation that all structures will be built above the regulatory flood protection elevation, that any public infrastructure will also meet Floodplain Ordinance requirements, and that the proposed storm water ponds may be constructed within the floodplain area. ***Comments: This condition will apply to the final plat and all subsequent stages. The Valley Branch Watershed District has indicated that it will undertake a study to amend the FEMA flood delineations to lower the flood levels in this area to match those identified in the Goetschel Pond study. There are no buildable lots depicted on the final plat that are located in a flood district.***
- 2) Prior to any grading activity, the developer shall submit to the City temporary grading easements from the owner of the lots adjacent to Layton Avenue within the Brookman Addition in order to construct the improvements within this right-of-way as documented in the preliminary construction plans. ***Comments: These easements have been secured and grading has commenced within this area.***
- 3) The developer has requested the inclusion of public art within common areas and public property throughout Wildflower development. Prior to the placement of any art on publicly owned property or public rights-of-way, the developer and City shall enter into an agreement that clarifies the individuals or entities responsible for maintenance, upkeep and removal of any public art. No public art shall be lit in a manner that conflicts with the City's Lighting Ordinance. ***Comments: This is a condition that will apply to the future placement of public art within the development. To date, the developer has not provided the City with a specific plan or details concerning public art.***
- 4) Prior to the submission of a final plat for any portion of the Wildflower PUD, the developer shall work with the City to determine the appropriate park dedication calculations for the entire development area. ***Comments: The developer is asking that the City accept the park land, trail, and open space conservation (nature preserve) areas as meeting the spirit and intent of the City's park land dedication requirements. If the City were to assign a specific amount of land dedication to the plat, the developer would be required to provide at least five acres of parkland. Staff is asking that the developer provide a total calculation for the trail and other park areas to help assess the specific trade-off between park land and common open space. Staff is recommending that the developer not be required to dedicate any additional land, and that the larger nature preserve account for any land dedication shortfall.***

5) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site. **Comments: The applicant has entered into a grading agreement with the City and grading work is presently occurring on the site.**

6) The utility construction plans shall be updated to incorporate the recommendations of the City Engineer as described in a February 18, 2015 memorandum to the City concerning the appropriate location and size of sewer services through the PUD planning area, including any requested oversizing of these facilities to service adjacent properties, prior to the submission of a final plat. **Comments: The supplemental plans included in the final plat submission address the previous review comments. The City Engineer must still review and approve the final, detailed construction plans for the project.**

7) The developer shall minimize the number of rain gardens within public rights-of-way consistent with the review comments from the City Engineer. Any such storm water infiltration features shall be subject to review and approval by the City Engineer. **Comments: All rain gardens as previously proposed have been eliminated from the plans.**

8) The preliminary development plans must be revised to comply with City Street standards as referenced in the City Engineer's review memorandum dated February 18, 2015. **Comments: The plans have been updated to meet City standards.**

9) The City approves all requests for flexibility from City Zoning and Subdivision requirements with the exception of the street standards noted in the preceding condition. **Comments: The revised plans address this condition.**

10) The applicant is encouraged to incorporate elements from the Lake Elmo Theming Study into the open space areas within the subdivision. **Comments: The final plans do not include any specific references to the City's theming study. This condition was not a mandatory requirement.**

11) The preliminary landscape plan shall be updated to address the review comments from the City's landscape architecture consultant as noted in a review letter dated February 4, 2015. **Comments: The City's consultant has reviewed the preliminary plans and offered comments that have been incorporated into the final plans. Staff is recommending that a landscape architect perform a final review and approval of these plans, and to specifically review any landscape elements that are impacted by the final construction plan review.**

12) All center median planting areas as depicted on the preliminary plat and plans shall be owned by the City of Lake Elmo and maintained by the Homeowners Association. The applicant shall enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park, trails, or open space on the final plat. **Comments: The maintenance agreement will be incorporated into the developer's agreement.**

13) The Final Plat and Plans must address the requested modifications outlined in the City Engineer's review memorandum dated February 18, 2015. **Comments: The final plans have addressed**



*these comments except as noted by the City Engineer. A final review of the construction plans is pending and is recommended as a condition of approval.*

- 14) Prior to recording the Final Plat for any portion of the area shown in the Preliminary Plat, the Developer shall enter into a Developers Agreement acceptable to the City Attorney that delineates who is responsible for the design, construction, and payment of public improvements. *Comments: A developer's agreement will be submitted to the City Council either with or shortly after the final plat is approved.*
- 15) The developer shall provide an easement over or dedicate in a separate outlot all trails to be dedicated for public use. Any such trails shall be considered a park land dedication provide said trails are constructed by the developer with other public improvements within the subdivision. *Comments: Staff is asking that the developer provide an overall calculation for the land to be dedicated as trail easements or public park land. The developer must provide easements for these trails in a manner that will be approved by the City Attorney. These easements must be completed before the City will accept the any of the public improvements within Wildflower.*
- 16) The City will not approve a final plat for any portion of Wildflower until such time that the City has approved construction plans and received financial security related to the construction of the public improvement project to connect the 39th Street Sewer to the 30th Street lift station. *Comments: The City has approved a development contract for the Eastern Village Trunk Sewer project, and all parties are close to executing this agreement. Because Engstrom Companies has been one of the three private parties that will be funding the trunk sewer project, Staff is recommending that this condition be revised to state that no building permits (including model homes) will be issues within Wildflower until such time that an executed and funded development contract has been submitted to the City.*
- 17) The developer must follow all the rules and regulations of the Wetland Conservation Act, and adhere to the conditions of approval for the Valley Branch Watershed District Permit. *Comments: The developers plan have been reviewed and approved by the Watershed District and grading work has commenced on this site in accordance with this permit.*
- 18) The developer shall maintain access to the Smith property (11514 Stillwater Boulevard North) during construction of the first development phase. Said access shall, at a minimum, be capable of supporting emergency management vehicles and be consistent with City access driveway standards. The existing driveway easement shall be vacated prior to the recording of the final plat. *Comments: The developer has been maintaining the existing private drive to the Smith residence during the grading work. This condition will continue to apply to the development until such time that the temporary connection to Blazingstar Lane is made. Upon the City's acceptance of the public improvements within Wildflower, the existing driveway access must be eliminated.*
- 19) The developer shall establish a legally binding agreement to prevent further residential or commercial development of all outlots that are planned for open space or conservation uses within the preliminary plat. *Comments: The developer is proposing to place a conservation easement over all open space outlots within the development. The City Attorney should review any such easements for consistency with this condition.*

Staff is recommending certain conditions that been specifically identified as part of the final plat review, and that have not otherwise been addressed by the applicant, be addressed as part of the Planning Commission's recommendation to the City Council. The City Engineer's review letter does identify several issues that need to be addressed by the developer in order for the City to deem the final plans complete. Of particular concern to the City Engineer is ensuring that the City has adequate easements or right-of-way in place to support the proposed infrastructure. Staff is recommending that two of the planned rights-of-way be extended (but not otherwise improved) in order to address this matter.

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

The recommended conditions are as follows:

***Recommended Conditions of Approval:***

- 1) The City Attorney shall review all proposed and existing conservation easements within the development area to ensure these easements will not encumber the City from installing and maintaining and the proposed public infrastructure (including storm water ponds and related improvements) over the City-owned outlots.
- 2) The developer shall provide easements for public access to all public trails and sidewalks that are not otherwise constructed within a public right-of-way. Any such easements shall be subject to review and approval by the City Attorney.
- 3) The developer shall dedicate additional right-of-way associated with the future extension of Prairieview Trail to accommodate the planned storm water improvements include with the first addition public improvements. This right-of-way shall extend to the westernmost limits of Outlot F.
- 4) The developer shall dedicate additional right-of-way associated with the future extension of Blazingstar Lane to accommodate the planned private driveway that will provide access to the exception parcel located north of Outlot G. The developer shall provide any easements necessary to ensure that this access may be accommodated once the plat has been recorded.
- 5) Final grading, drainage, and erosion control plans, sanitary and storm water management plans, landscape plans, and street and utility construction plans shall be reviewed and approved by the City Engineer prior to the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in a memorandum dated July 8, 2015 and any future reviews shall be incorporated into these documents before they are approved.
- 6) All recommended conditions of approval as requested by the City Engineer in his July 8, 2015 comment letter shall be incorporated by reference into the City's approval of the final plat and PUD plans.
- 7) Prior to the execution of the Final Plat by City officials, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council



that delineates who is responsible for the design, construction, and payment of the required improvements for the Wildflower Final Plat and Final Development Plans with financial guarantees therefore.

- 8) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to the execution of the final plat by City Officials.
- 9) A Common Interest Agreement concerning management of the common areas of Wildflower and establishing a homeowner's association shall be submitted in final form to the Community Development Director before a building permit may be issued for any structure within this subdivision. The applicant shall also enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the final plat.
- 10) The developer is encouraged to incorporate elements from the Lake Elmo Theming Study into the final design of the community mailboxes within Wildflower.
- 11) The applicant shall deed Outlots B, C, J, and K to the City upon recording of the final plat.
- 12) The final landscape plan shall be updated to address the review comments from the City's landscape architecture consultant.

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## DRAFT FINDINGS

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Wildflower Final Plat and Final PUD Plans

- That all the requirements of City Code Section 153.07 related to the Final Plan and Final Plat have been met by the Applicant.
- That the proposed Final Plat for Wildwood consists of the creation of 60 single-family detached residential structures and an open space/nature conservation area.
- That the Wildflower Final Plat and Final PUD Plan is consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on April 7, 2014.
- That the Wildflower Final Plat and Final PUD Plan is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- That the Wildflower Final Plat generally complies with the City's Urban Medium Density Residential zoning district, with the exceptions as noted in the approved Preliminary PUD Plans.
- That the Wildflower Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances, except as noted in this report or attachment thereof.
- That the Wildflower Final Plat complies with the City's subdivision ordinance.

- That the Wildflower Final Plat and Final PUD Plan complies with the City's Planned Unit Development Ordinance.
- That the Wildflower Final Plat is consistent with the City's engineering standards with the exceptions noted by the City Engineer in his review comments to the City dated July 8, 2015 and as otherwise identified in future reviews.

## RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the Final Plat and Final Development Plans for Wildflower with the 12 conditions of approval as listed in the Staff report. Suggested motion:

*"Move to recommend approval of the requested Zoning Map Amendment for the Wildflower planned development based on the findings of fact listed in the Staff Report."*

## ATTACHMENTS:

1. Application Form
2. Project Narrative
3. Contact Information
4. Developer Acknowledgements
5. Neighborhood Park Concept
6. Wildflower Lot Development Summary
7. City Engineer Review Comments – 7/8/15
8. Fire Chief Comments – 7/7/15
9. Final Plat
10. Final Plat Supplemental Plans
11. Final Grading Plans
12. Final Landscape Plans

## SUGGESTED ORDER OF BUSINESS:

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

Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
LU File #: \_\_\_\_\_



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

## FINAL PLAT APPLICATION

Applicant: Robert Engstrom Companies

Address: 4801 West 81st Street, Ste 101, Minneapolis, MN 55437

Phone #: 952-893-1001

Email Address: bob@engstromco.com

Fee Owner: Robert Engstrom Companies

Address: 4801 West 81st Street, Ste 101, Minneapolis, MN 55437

Phone #: 952-893-1001

Email Address: bob@engstromco.com

Property Location (Address and Complete (long) Legal Description: \_\_\_\_\_  
NE Quadrant of the intersection of Stillwater Blvd. & Lake Elmo Ave.  
The North Half of the SW Quarter and the SE Quarter of the SW Quarter  
of Section 12, Township 29, Range 21, Washington County, Minnesota

General information of proposed subdivision: \_\_\_\_\_  
60 lot residential subdivision & Entire Development Grading  
(See Attached Summary)

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

Signature of applicant: Robert Engstrom Date: 5/21/15

Fee Owner Signature: Robert Engstrom Date: 5/21/15

## Wildflower at Lake Elmo Summary

Robert Engstrom Companies (REC) has acquired and has fee title to a 101-acre site, and also owns 16 acres for Outlots O & P, The Fields of St. Croix, Second Addition, and near the Village Center of Lake Elmo.

The overall land plan has 145 lots, planned in a manner that is organized within a context that has a structural relationship to the City of Lake Elmo, Village Center.

Approximately 60 acres will be converted to native habitat of Pollinator Prairie, native trees and shrubs, along with Association-owned parks. A mile and a half of bituminous trails will be installed on an easement to the City of Lake Elmo, thereby permitting the trails to be open to the public. The trails will be owned and maintained by the City. The native habitat open space will be owned by the Wildflower at Lake Elmo Community Association. The trails and open space will be developed and paid by REC. It is deemed that combination of the open space land, habitat installation and the trail expense more than exceeds any reasonable park dedication requirement. In addition, REC has prepared a Concept Park Plan for the adjoining Gonyea development and is donating an extra 8,737 square feet of land to add to the Gonyea park dedication. The schematic plan is attached.

The First Addition includes 60 home-sites, of which 22 are for the Garden Villa Homes. The Garden Villa Homes are primarily single-level homes, with Association maintenance of the grounds and a heavily landscaped, private interior park. The other home-sites are somewhat larger than offered in the marketplace, in order to provide more flexibility for architectural designs.

The homes will be built by individual builders, thereby providing more architectural diversity and personal service. REC will maintain architectural control of all homes and landscaping plans. Front-yard sidewalks will serve most of the homes.

The landscaping plan, which conforms to the City standards, will be enhanced by more interesting designs, and including more pollinator-friendly trees and shrubs. In addition, individual homeowners will be required to plant at least 100 square feet of native plants, as part of their landscaping plan. A Native Plant Trail is planned along a portion of the Promenade to provide educational value for homeowners and others.

Public Art will include some distinctive landscape designs such as benches and freestanding sculptural features. Any sculptures located on City ROWs will be approved in advance by the City.

The PUD flexibility should be an incentive to provide some unique designs for landscape details and also provide for a variety of lot line setbacks. [see attached exhibit]

A separate application for a development sign will be submitted for the access easement adjoining State Highway 5.

The stormwater design provides for a maximum amount of surface water to be retained on site.

Initial concerns/issues of the affected neighbors regarding proximity and view buffers have been addressed and agreed to by neighbors (Smith, Dupuis & Eischen) and the Wildflower developer.

Specific provisions are:

- Provide buffer and view screening plantings of selected deciduous, coniferous and shrub materials to the above mentioned properties.
- Remove/clear existing dead and invasive plant materials, and intersperse new plant materials.
- Remove planned lots and convert area to open space with berms and plantings. Provide new road access. Extend utilities and services to existing homestead. (Smith property).

Current status:

- Large tree plantings installed Fall, 2014 (Dupuis property).
- Shrubs planned for 2015.
- Other properties will be completed as appropriate to construction progress and access.

We do not anticipate any other issues, weather dependent.

A Conservation Easement will be executed in favor of the City of Lake Elmo for the open space areas that are owned by the Wildflower at Lake Elmo Community Association.

## Directory

### Developer:

Robert Engstrom Companies  
4801 W 81<sup>st</sup> Street, Suite 101  
Bloomington, MN 55437  
952-893-1001  
Bob Engstrom  
Paul Engstrom

### Engineering & Surveying:

Pioneer Engineering  
2422 Enterprise Drive  
Mendota Heights, MN 55120  
651-681-1914  
Paul Thomas  
John Molinaro

### Architect:

Design Forum  
4801 W 81<sup>st</sup> Street, Suite 101  
Bloomington, MN 55437  
612-618-7406  
Jerry Mazarra

### Soils:

Haugo GeoTechnical Services  
13570 Grove Drive, #278  
Maple Grove, MN 55311  
612-554-4829  
Paul Haugo

### General Contractor:

S. M. Hentges & Sons, Inc.  
650 Quaker Avenue  
Jordan, MN 55352  
952-492-5700  
Gary Zajac



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

## ACKNOWLEDGEMENT OF RESPONSIBILITY

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

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

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

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

Signature of applicant Robert Engstrom Date 5/21/15

Name of applicant Robert Engstrom Phone 952-893-1001  
(Please Print) COMPANIES

Name and address of Contact (if other than applicant) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_





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

## AFFIRMATION OF SUFFICIENT INTEREST

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

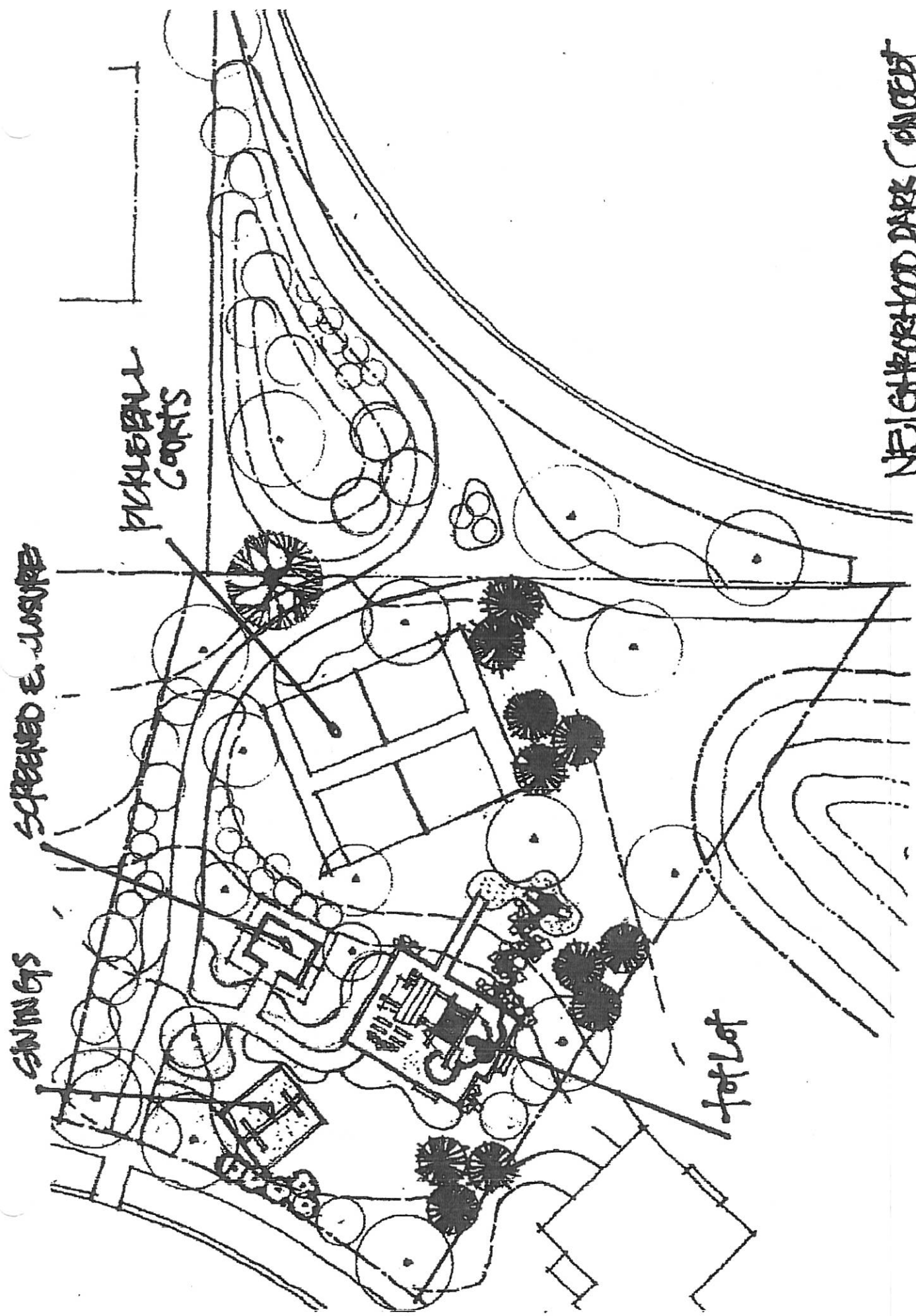
Name of applicant Robert Engstrom Companies  
(Please Print)

Street address/legal description of subject property \_\_\_\_\_

NE Quadrant of the intersection of Stillwater Blvd. & Lake Elmo Ave.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Signature RE Engstrom  
Date 5/21/15

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.  
If a corporation is fee title holder, attach a copy of the resolution of the Board of Directors authorizing this action.  
If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.



NEIGHBORHOOD PARK CONCEPT

**LOT PROFILE (SFD)**

QUANTITY	AVG DIMENSION	AVG SIZE (S.F.)
RIDGE LOTS	5 VARIABLE	18,585
CONSERVANCY LOTS	13 VARIABLE	21,600
PRAIRIE LOTS	54 85x145 +/-	12,325 +/-
COURTYARD LOTS	67 60x115 +/-	7,015 +/-

**SETBACKS**

FRONT YD.	SIDE YD.	HOUSE: GARAGE: STREET:	REAR YD.
25'	15' 10' 25'	15' 10' 25'	VARIABLE To maintain bluff vegetation and slope (25' Minimum)
25'	15' 10' 25'	15' 10' 25'	VARIABLE To maintain bluff vegetation and slope (25' Minimum)
CONSERVANCY LOTS	25'	15' 10' 25'	VARIABLE To maintain bluff vegetation and slope (25' Minimum)
PRAIRIE LOTS	25'	15' 10' 25'	30' 15' 20' +/-
COURTYARD LOTS	20' +/-	10' (OR 7.5) 5' (OR 7.5) 15'	20' +/-

**COURTYARD LOTS:**

SPECIFIC CONDITIONS FOR SETBACK DESIGN FEATURES, FRONT, REAR & SIDE YARDS, TO ALLOW FOR OVERLAPPING ARCHITECTURAL AND LANDSCAPE ELEMENTS IN SETBACK AREAS.

A.	FIREPLACE BUILD OUTS (CHIMNEY & VENT BOXES)	2'-0" MAX.
B.	WINDOW BAYS OR BOX OUT FEATURES (CANTILEVERED)	2'-0" MAX.
C.	CANTILEVERED FLOOR AREAS (1 & 2 STORES)	2'-0" MAX.
D.	FRONT PORCHES	10'-0" MAX. PAST HOUSE FRONT FACE
E.	ROOF OVERHANGS, ALL SIDES	3'-6" MAX.
F.	HIGH FENCES - NOT ATTACHED TO HOUSE (MAX. HT. 6') SIDE YARD SETBACK	3'-0" MAX. DISTANCE FROM SETBACK LINE
G.	LOW FENCES (30"-42" HT.) - FRONT & REAR YD - ALLOWED, CONSISTENT WITH SIZE OF PRIVATE PATIOS, DECKS AND GARDEN AREAS.	FRONT YD - 8'-0" INSIDE FRONT YARD PL. REAR YD: NOT TO EXCEED 12'-0" PAST GARAGE DOOR WALL FACE
H.	DECKS & PATIOS - FRONT YD.	6'-0" INSIDE FRONT PL.
I.	DECKS & PATIOS - SIDE YD.	3'-0" MAX. DISTANCE FROM SETBACK LINE
J.	DECKS & PATIOS - REAR YD.	NOT TO EXCEED 12'-0" PAST GARAGE DOOR WALL FACE
K.	TRELLIS, ARBORS, GATEWAYS & FEATURES	LOCATION & SIZE TO BE CONSISTENT WITH SIZE OF PRIVATE PATIOS, DECKS & GARDEN AREAS. EXACT FEATURE DESIGN AND LOCATION TO BE REVIEWED AND APPROVED BY R.E.C. DESIGN REVIEW PROCEDURE.

## MEMORANDUM

# FOCUS ENGINEERING, inc.

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

Date: July 8, 2015

To: Kyle Klatt, Planning Director  
From: Jack Griffin, P.E., City Engineer

Re: Wildflower at Lake Elmo  
Phase 1 Final Plat Review

An engineering review has been completed for the revised Final Plat Supplemental Plans and Wildflower at Lake Elmo 1st Addition Final Plat. The submittal consisted of the following documentation prepared by Pioneer Engineering, Inc. and received on July 6, 2015:

- Response memorandum dated July 2, 2015.
- Final Plat Supplemental Plans dated July 2, 2015.
- Revised Final Grading, Drainage and Erosion Control Plans dated July 2, 2015.
- Wildflower at Lake Elmo 1<sup>st</sup> Addition Final Plat.

**STATUS/FINDINGS:** An engineering review has been separated for Final Plat conditional approval and Final Construction Plan approval. Please see the following review comments relating to the Final Plat application.

### FINAL PLAT – 1ST ADDITION

- Final Plat approval must be contingent upon the Village Preserve Final Plat being recorded with Washington County to ensure adequate R/W is platted for Prairieview Trail and Wildflower Drive. The entire street R/W for Prairieview Trail and Wildflower Drive must be platted and recorded at the County, or executed roadway and utility easements in the City's standard easement form must be provided to the City, prior to the start of street and utility construction.
- A drainage and utility easement must be provided over Outlot O to accommodate the storm sewer pipe proposed as part of the Phase 1 construction along Lots 3-5 and 21-23, Block 5.
- Final Plat approval must be contingent upon a revised Final Plat that includes additional Prairieview R/W (approx. 140 feet) to include the street R/W necessary to accommodate the Phase 1 storm sewer pipe being constructed from Pond 3N to the Outlot C storm water pond (Pond 200).
- As required, Outlots B, C, J and K are proposed to be dedicated to the City as part of the Plat.
- Final Plat approval must be contingent upon Outlot J being dedicated to the City free from any and all restrictions from third party easements to ensure that the City has no restrictions going forward in regards to operation, maintenance and replacement of the storm water infrastructure.
- Final Plat approval must be contingent upon the Outlot H drainage and utility easement being fully available to the City for the ongoing ownership, maintenance and replacement of the City sanitary sewer pipe, free from any restrictions by third party easements.
- The Outlot A is shown as HOA owned with a drainage and utility easement over the Outlot. This easement must be revised as a trail, drainage and utility easement.

- The Outlot F is shown as HOA owned with a drainage and utility easement over the Outlot. This easement must be revised as a trail, drainage and utility easement.
- The Outlot L is shown as HOA owned with a drainage and utility easement over the Outlot. This easement must be revised as a sidewalk, drainage and utility easement.
- The Final Plat must be contingent upon the completion of the Village East Trunk Sanitary Sewer from the Reid Park Lift Station to the UPRR. The conditional approval should include provisions to not allow building permits, including model homes, until construction of the Village East Trunk Sanitary Sewer from the Reid Park Lift Station to the UPRR has commenced, a letter of credit to secure the construction is in place, and a schedule for completion has been determined.

**FINAL PLAT SUPPLEMENTAL PLANS:** Final Plat approval must be contingent upon the Final Plat Supplemental Plans being revised and resubmitted per the following review comments:

- Revise Outlot H to include a blanket drainage and utility easement.
- Revise Outlot A drainage and utility easement to include trail, drainage and utility easement.
- Revise Outlot F drainage and utility easement to include trail, drainage and utility easement.
- Revise Outlot L drainage and utility easement to include sidewalk, drainage and utility easement.

#### FINAL CONSTRUCTION PLANS

- No construction, except for grading operations may occur on the site until the applicant has received City Engineer approval for the final street and utility construction plans and has obtained all applicable permits for the Subdivision.
- The Final Plat shall not be recorded until final construction plan approval is granted.
- Final construction plan review comments will be provided separately to assist the applicant with the completion of Final Construction Plans.

**Station #1**

3510 Laverne Ave. No.  
Lake Elmo, MN 55042  
651-770-5006

**Station #2**

4259 Jamaca Ave. No.  
Lake Elmo, MN. 55042  
651-779-8882

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**LAKE ELMO FIRE DEPARTMENT**

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July 7, 2015

Review of the FINAL PLAT AND FINAL PUD PLAN – WILDFLOWER AT LAKE ELMO

Following a review of the packet provided, I have concerns related to the following:

- February 13, 2015 – *“Hydrant placement/spacing. Hydrants need to be placed at intersections to be most advantageous for emergency response and spaced per our requirements, with spacing of hydrants not to exceed 500’”*.  
There are still areas that do not meet our minimum requirement of hydrant spacing not to exceed 500’. This spacing is measured via travel distance, (roadway) between hydrants. Please resubmit drawing showing corrections.
- I also have concerns regarding the placement of hydrants along what is currently named WILDFLOWER DRIVE. With hydrants located only on one side of the roadway, it may become necessary for us to shut down this main access road when using these hydrants for fire suppression to the north.
- Street naming to remain consistent with current program as adopted by City Council. This matter was addressed in my review letter dated February 13, 2015 and based on the current drawings, this development is not in compliance.
- I am concerned with the name of the development being “WILDFLOWER” as we already have a WILDFLOWER SHORES development located on Hwy5 on the West end of Lake Elmo. As with our previous discussion with Council regarding street naming and our goal of avoiding “confusion” for emergency responders, the name similarity could create problems as well.
- This item was identified in February and I don’t know if it has been addressed?  
*I have concerns with the turning radius of islands shown, especially the “tear drop” design as this presents problems for us getting several large apparatus into these areas, even more so in the winter.*
- This item was identified in February and I don’t know if it has been addressed?  
*Road widths must comply with current standards. Narrow roads create problems for us. When there is a structure fire we need to get several apparatus to the scene. There may be alternatives offered up such as “one way” or “no parking”, which experience has shown us that these are easily disregarded and when you factor in narrowing due to snowbanks, this creates difficulty in responding.*

Sincerely,

Greg Malmquist, Fire Chief

*“Proudly Serving Neighbors & Friends”*





Williams is wondering if a condition could be added that if any design changes occur to the main structure, that it complies with the Cities design standards.

M/S/P: Fields/Dorschner, Move to add a condition that development of a crematorium is excluded from use on this property. Motion withdrawn

M/S/P: Williams/Fields, move that any future expansion of the site, including plans to install a crematorium, must be reviewed and approved by the City, ***Vote: 6-0, motion carried unanimously.***

M/S/P: Williams/Kreimer, move to add condition that the Cities dark sky ordinance will be followed, ***Vote: 6-0, motion carried unanimously.***

M/S/P: Williams/Dorschner, move that any alterations to existing building conform to the City's design standards. ***Vote: 6-0, motion carried unanimously.***

M/S/P: Williams/Dorschner, move that draft finding number 5 read "That the Halcyon Cemetery Final Plat is consistent with the City's engineering standards, except where noted, provided the plans are updated to address the City Engineer's comments documented in a letter dated July 8, 2015 and the Fire Chiefs letter dated July 7, 2015. ***Vote: 6-0, motion carried unanimously.***

M/S/P: Williams/Dorschner, move to add draft finding number 6 that the applicant has committed to a permanent trust fund according to state statute. ***Vote: 6-0, motion carried unanimously.***

M/S/P: Kreimer/Larson, move that if trees that are transplanted die within two years, they will be replaced, ***Vote: 6-0, motion carried unanimously.***

M/S/P: Kreimer/Williams: Landscape plan shall be amended to add plantings along the Eastern and Northern property lines consistent with screening requirements specified in 154.258.F of the City Code, ***Vote: 6-0, motion carried unanimously.***

M/S/P: Fields/Dodson Move that any annual financial reporting regarding the permanent care trust fund that is sent to state or federal authorities also be submitted to the City. Withdrawn

M/S/P: Dorschner/Williams, move that minutes from annual meetings, including the annual financial reporting, be submitted to the City. ***Vote: 6-0, motion carried unanimously.***

M/S/P: Williams/Dorschner, Move to recommend approval of the Halcyon Cemetery Preliminary & Final Plat with the conditions of approval as drafted by Staff and amended

