

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

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**NOTICE OF MEETING**  
**City Council Meeting**  
**Tuesday, April 4, 2017 7:00 P.M.**  
**City of Lake Elmo | 3800 Laverne Avenue North**

**AGENDA**

**A. Call to Order/Pledge of Allegiance**

**B. Approval of Agenda**

**C. Approval of Minutes**

1. March 7, 2017

**D. Public Comments/Inquires**

**E. Presentations**

**F. Consent Agenda**

2. Approve Payments of Disbursements and Payroll
3. Approve Met Council SAC Deferral Agreements
4. Approve Special Assessment Abatement for 3459 Lake Elmo Ave-*Resolution No 2017-030*
5. MSAS System Revisions – Resolution approving Designation of 5th Street North as MSAS Route –*Resolution 2017-032*
6. Old Village Ph3 Street & Utility Improvements – Approve Plans & Specs; Authorize Ad for Bids –*Resolution 2017-033*
7. 2017 Street Improvements – Approve Plans & Specs; Authorize Ad for Bids – *Resolution 2017-031*
8. Approve Rain Garden Maintenance Agreement
9. Approve Pebble Park Free Library
10. Approve Purchase of Two ¾ Ton Pickup Trucks
11. Approve Comp Plan Amendment to City's Wastewater Facilities and Land Use Plans - *Resolution 2017-027; 2017-028*
12. Approve Selection of Firm for Space Needs Study

**G. Regular Agenda**

13. Prosecuting Attorney
14. Inwood 5<sup>th</sup> Addition Final Plat and PUD Plans – *Resolution 2017-029*
15. Savona Neighborhood Park
16. CSAH 13 (Ideal Avenue/Olson Lake Trail) – Approve Feasibility Report and Call Public Improvement and Final Assessment Hearing – *Resolution 2017-034; 2017-035*
17. Appointments to Comp Plan Advisory Committee

**H. Council Reports**

*18. Council Communication with Developers*

**I. Staff Reports and Announcements**

**J. Closed Session**

Closed Session pursuant to MN Stat. 13D.03, to consider strategies for labor negotiations, including negotiation strategies or development or discussion of labor-negotiation proposals

**K. Adjourn**





**CITY OF LAKE ELMO  
CITY COUNCIL MINUTES  
MARCH 7, 2017**

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

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

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

Staff present: Administrator Handt, City Attorney Sonsalla, City Engineer Griffin, Planning Director Wensman, Finance Director Swanson and City Clerk Johnson.

**APPROVAL OF AGENDA**

Item 9, "Appoint City Attorney for Prosecution Services" and Item 11, "Environmental Committee Appointments" were moved to the regular agenda.

*Councilmember Bloyer, seconded by Councilmember Nelson moved TO APPROVE THE AGENDA AS AMENDED. MOTION PASSED 4 – 0.*

**ACCEPT MINUTES**

Minutes of the February 21, 2017 Regular Meeting were accepted as presented.

**PUBLIC COMMENTS/INQUIRIES**

None

**PRESENTATIONS**

City Administrator Handt introduced Finance Director Brian Swanson of Clifton, Larson, Allen.

**CONSENT AGENDA**

2. Approve Payment of Disbursements
3. Approve Public Safety Committee Appointment
4. Approve Hiring of Accountant
5. 8200 Hill Trail North Covenant Removal
6. Authorize Advertising and Hiring of Summer Seasonal Public Works Employees
7. Hammes Estates 2<sup>nd</sup> Addition Final Plat Extension
8. Approve SHC Comp Plan Update Agreement
10. Approve Joint Powers Agreement for the East Metro Public Safety Training Facility
12. Approve Brookfield Lease Agreement

LAKE ELMO CITY COUNCIL MINUTES  
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*Councilmember Bloyer, seconded by Councilmember Nelson, moved TO APPROVE THE CONSENT AGENDA AS AMENDED. MOTION PASSED 4 - 0.*

**ITEM 13: Shoreland Management Overlay District Ordinance Amendment**

Planning Director Wensman presented the revised proposed ordinance, noting the response from DNR to Council concerns expressed at the February 21, 2017 meeting.

*Councilmember Fliflet, seconded by Councilmember Nelson, moved TO APPROVE ORDINANCE 08-166 AMENDING SECTION 154.007: SHORELAND MANAGEMENT OVERLAY DISTRICT OF THE ZONING CODE. Motion passed 4 - 0.*

Terry Emerson, 2204 Legion Lane Circle N., commented on the Shoreland Ordinance, questioning the DNR's involvement.

*Mayor Pearson, seconded by Councilmember Nelson, moved TO ADOPT RESOLUTION 2017-012 AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 08-166. Motion passed 4 - 0.*

**ITEM 14: Human Resources Committee Appointments**

*Councilmember Bloyer, seconded by Councilmember Nelson, moved TO RESCIND THE DECISION AT THE FEBRUARY 21, 2017 MEETING REGARDING THE APPOINTMENT OF MIKE REEVES TO THE HR COMMITTEE. Motion passed 3 - 1. (Fliflet - nay)*

*Councilmember Bloyer, seconded by Mayor Pearson, moved TO APPOINT MIKE REEVES TO THE HR COMMITTEE. Motion passed 3 - 1. (Fliflet - nay)*

**ITEM 15: Planning Commission Membership**

City Administrator Handt presented option to the Council for filling the vacancy created by Commissioner Haggard's resignation.

*Councilmember Fliflet, seconded by Councilmember Bloyer, moved TO APPOINT TERRY EMERSON TO THE PLANNING COMMISSION AS SECOND ALTERNATE. Motion passed 4 - 0.*

*Councilmember Bloyer, seconded by Mayor Pearson, moved TO REMOVE COMMISSIONER FIELDS DUE TO LACK OF REQUIRED ATTENDANCE AT PLANNING COMMISSION MEETINGS. Motion failed 3 - 1. (Fliflet - nay)*

**ITEM 16: 2017-2018 Work Plan**

City Administrator Handt presented a proposed work plan developed from discussion at the February 14, 2017 workshop.

*Councilmember Nelson, seconded by Councilmember Bloyer, moved TO ADOPT THE GOALS IDENTIFIED IN THE DRAFT 2017-2018 WORK PLAN.*

*Mayor Pearson, seconded by Councilmember Bloyer, moved to amend the primary motion to strike "area schools" from the work plan. Motion passed 3 – 1. (Fliflet – nay)*

Primary motion passed 4 – 0.

**ITEM 9: Appoint City Attorney for Prosecution Services**

City Administrator Handt reviewed the background and staff recommendation.

*Councilmember Fliflet, seconded by Mayor Pearson, moved TO APPOINT ECKBERG LAMMERS CITY ATTORNEY FOR PROSECUTION SERVICES. MOTION FAILED 2 – 2. (Bloyer, Nelson – nay)*

*Councilmember Bloyer, seconded by Councilmember Nelson, moved TO APPOINT JOHNSON TURNER CITY ATTORNEY FOR PROSECUTION SERVICES. Motion failed 2 – 2. (Pearson, Fliflet – nay)*

**ITEM 11: Environmental Committee Appointments**

City Administrator Handt reported that one additional application was received from Jim Kelly.

*Councilmember Bloyer, seconded by Councilmember Nelson, moved TO APPOINT BRENDA JO CARLSON, DOMINIC TRAVIS, SCOTT DROMMERHAUSEN, BEVERLY SCHWALBACH AND TEDI CARLSON TO THE ENVIRONMENTAL COMMITTEE. Motion passed 4 – 0.*

*Councilmember Bloyer, seconded by Councilmember Nelson, moved TO ADJOURN THE MEETING. Motion failed 2 – 2. (Fliflet, Pearson - nay)*

**COUNCIL REPORTS**

**Mayor Pearson:** Met with property owners regarding various issues.

**Councilmember Nelson:** Met with the Building Official.

**Councilmember Bloyer:** No report.

**LAKE ELMO CITY COUNCIL MINUTES**  
**MARCH 7, 2017**

**Councilmember Fliflet:** Commented on a letter she received at her home in the previous week.

**STAFF REPORTS AND ANNOUNCEMENTS**

**Administrator Handt:** Met with architectural firms regarding the space needs study and is preparing for the Council workshop on March 14<sup>th</sup>.

**City Clerk Johnson:** No report.

**City Attorney Sonsalla:** Working on the Brookfield lease, Royal Golf and a hazardous property abatement.

Meeting adjourned at 8:16 pm.

**LAKE ELMO CITY COUNCIL**

ATTEST:

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

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



## MAYOR & COUNCIL COMMUNICATION

**DATE:** March 30, 2017  
**CONSENT**  
**ITEM** #2  
**MOTION**

**AGENDA ITEM:** Approve Disbursements in the amount of \$251,028.35

**SUBMITTED BY:** Brian Swanson, Finance Director

**THROUGH:** Kristina Handt, City Administrator

**REVIEWED BY:** Kristina Handt, City Administrator

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**FISCAL IMPACT:** \$251,028.35

**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$251,028.35. No specific motion is needed as this is recommended to be part of the *Consent Agenda*.

**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	\$ 13,278.36	Payroll Taxes to IRS & MN Dept of Revenue 3/30/17
ACH	\$ 7,212.50	Payroll Retirement to PERA 3/30/17
ACH	\$ 1,000.00	Payroll Retirement to MDCP 03/30/17
DD 7782-DD7829	\$ 31,085.83	Payroll (Direct Deposits) 3/30/17
45781-45817	\$ 198,451.66	Accounts Payable 4/04/17
<b>TOTAL</b>	<b>\$ 251,028.35</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 \$251,028.35.

**ATTACHMENTS:**

1. Accounts Payable – check registers

# Accounts Payable To Be Paid Proof List

User: Amy  
Printed: 03/30/2017 - 2:52 PM  
Batch: 002-04-2017

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
American Eng and Testing, Inc.										
AMERICAN										
95337	03/21/2017	877.62	0.00	04/04/2017	194 Lift Station - Geotech Report		-			0000
602-495-9450-43030	Engineering Services									
	95337 Total:	877.62								
	AMERICAN Total:	877.62								
American Eng and Testing, Inc. Total:										
		877.62								
Batteries Plus Bulbs										
BATBULBS										
032-874286	03/20/2017	27.90	0.00	04/04/2017	Dialer Batteries		-			0000
602-495-9450-42270	Utility System Maint Supplies									
	032-874286 Total:	27.90								
	BATBULBS Total:	27.90								
Batteries Plus Bulbs Total:										
		27.90								
Bolton & Menk, Inc										
BOLTONME										
0199946	03/23/2017	7,716.89	0.00	04/04/2017	194 Lift Station 2016.134 Design Phase		-			0000
602-495-9450-43030	Engineering Services									
	0199946 Total:	7,716.89								
	BOLTONME Total:	7,716.89								
Bolton & Menk, Inc Total:										
		7,716.89								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
Cardmember Service											
CARDMEMB											
03/20/2017	03/21/2017	150.00	0.00	04/04/2017	Paypal - TATEMS PCH		-			No	0000
101-430-3100-44300	Miscellaneous										
03/20/2017	03/21/2017	-42.84	0.00	04/04/2017	CREDIT - Best Buy		-			No	0000
101-420-2220-44300	Miscellaneous										
03/20/2017	03/21/2017	64.26	0.00	04/04/2017	Holiday		-			No	0000
101-420-2220-44300	Miscellaneous										
03/20/2017	03/21/2017	5.35	0.00	04/04/2017	Otterbox		-			No	0000
101-420-2220-44300	Miscellaneous										
03/20/2017	03/21/2017	16.26	0.00	04/04/2017	Walmart-VGA Adapt		-			No	0000
101-420-2220-44010	Repairs/Maint Bldg										
03/20/2017	03/21/2017	0.56	0.00	04/04/2017	MN DVS		-			No	0000
101-420-2220-44300	Miscellaneous										
03/20/2017	03/21/2017	22.75	0.00	04/04/2017	MN DVS		-			No	0000
101-420-2220-44300	Miscellaneous										
03/20/2017	03/21/2017	1.07	0.00	04/04/2017	MN DVS - CC Service Fee		-			No	0000
101-420-2220-44300	Miscellaneous										
03/20/2017	03/21/2017	43.75	0.00	04/04/2017	MN DVS - Title xfr old CV2 from Fury		-			No	0000
101-420-2220-44300	Miscellaneous										
03/20/2017	03/21/2017	25.00	0.00	04/04/2017	MN Fire - FF Recert T. Hilpisch		-			No	0000
101-420-2220-44300	Miscellaneous										
03/20/2017	03/21/2017	42.84	0.00	04/04/2017	Best Buy		-			No	0000
101-420-2220-44300	Miscellaneous										
03/20/2017	03/21/2017	69.95	0.00	04/04/2017	Weathertech - Floor mats for '16 CV2		-			No	0000
410-480-8000-45500	Vehicles										
03/20/2017	03/21/2017	114.00	0.00	04/04/2017	MNSCU - CPR cards		-			No	0000
101-420-2220-44370	Conferences & Training										
03/20/2017	03/21/2017	35.67	0.00	04/04/2017	The Lodge Grill		-			No	0000
206-450-5300-44300	Miscellaneous										
03/20/2017	03/21/2017	60.00	0.00	04/04/2017	Oakdale Cinemas - Volunteer Gift Cards		-			No	0000
206-450-5300-44300	Miscellaneous										
03/20/2017	03/21/2017	89.95	0.00	04/04/2017	Jimmy Johns		-			No	0000
206-450-5300-44300	Miscellaneous										
03/20/2017	03/21/2017	32.53	0.00	04/04/2017	Cub Foods		-			No	0000
206-450-5300-44300	Miscellaneous										
03/20/2017	03/21/2017	40.00	0.00	04/04/2017	ACS Articles - Direct Biological Conv		-			No	0000
206-450-5300-42500	Library Collection Maintenance										
03/20/2017	03/21/2017	40.00	0.00	04/04/2017	ACS Articles - Gas Permeation		-			No	0000
206-450-5300-42500	Library Collection Maintenance										
03/20/2017	03/21/2017	40.00	0.00	04/04/2017	ACS Articles		-			No	0000
206-450-5300-42500	Library Collection Maintenance										
03/20/2017	03/21/2017	61.86	0.00	04/04/2017	MSFT Office License Subscriptions		-			No	0000
206-450-5300-42185	Software										



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
03/20/2017	03/21/2017	26.77	0.00	04/04/2017	Target - Movie		-			No 0000
206-450-5300-42500	Library Collection Maintenance									
03/20/2017	03/21/2017	40.00	0.00	04/04/2017	ACS Articles - Chemical Structures		-			No 0000
206-450-5300-42500	Library Collection Maintenance									
03/20/2017	03/21/2017	12.86	0.00	04/04/2017	USA Minute Key - brass key		-			No 0000
206-450-5300-42230	Building Repair Supplies									
03/20/2017	03/21/2017	96.40	0.00	04/04/2017	McAfee Security Subscription		-			No 0000
206-450-5300-42185	Software									
03/20/2017	03/21/2017	32.55	0.00	04/04/2017	Menards - paper towels & holder		-			No 0000
206-450-5300-44300	Miscellaneous									
03/20/2017	03/21/2017	17.27	0.00	04/04/2017	Cub Foods		-			No 0000
206-450-5300-44300	Miscellaneous									
03/20/2017	03/21/2017	91.24	0.00	04/04/2017	Amazon - Flash drives, SD Card Reader		-			No 0000
101-410-1320-42000	Office Supplies									
03/20/2017	03/21/2017	90.00	0.00	04/04/2017	Jofform - Website Utility Inquiry Port		-			No 0000
101-410-1320-43090	Newsletter/Website									
03/20/2017	03/21/2017	50.00	0.00	04/04/2017	Constant Contact - weekly email letter		-			No 0000
101-410-1450-43180	Information Technology/Web									
03/20/2017	03/21/2017	10.00	0.00	04/04/2017	Rain Bird - lunch fee		-			No 0000
101-410-1910-44300	Miscellaneous									
03/20/2017 Total:		1,380.05								
CARDMEMB Total:		1,380.05								
Cardmember Service Total:		1,380.05								
CenturyLink										
CENTURL										
20170319	03/19/2017	187.97	0.00	04/04/2017	Phone Sys-Library 0319-0418		-			No 0000
206-450-5300-43210	Telephone									
20170319	03/19/2017	50.64	0.00	04/04/2017	Internet Sys-Library 0319-0418		-			No 0000
206-450-5300-43250	Internet									
20170319 Total:		238.61								
CENTURL Total:		238.61								
CenturyLink Total:		238.61								
Cintas Corporation #754										
CINTAS										
754705220	03/15/2017	141.85	0.00	04/04/2017	Uniforms		-			No 0000
101-430-3100-44170	Uniforms									
754705220 Total:		141.85								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
754707896	03/29/2017	129.41	0.00	04/04/2017	Uniforms		-			0000
101-430-3100-44170	Uniforms	129.41								
754707896	03/28/2017	104.90	0.00	04/04/2017	Cleaning & Maintenance Supplies		-			0000
101-410-1940-44010	Repairs/Maint Contractual Bldg	104.90								
754710102	Repairs/Maint Contractual Bldg	376.16								
101-410-1940-44010	Repairs/Maint Contractual Bldg	376.16								
CINTAS Total:										
Cintas Corporation #754		376.16								
Cintas Corporation #754		376.16								
Compass Minerals										
COMPASS										
71618267	03/15/2017	5,100.21	0.00	04/04/2017	Road Salt		-			0000
101-430-3125-42290	Sand/Salt	5,100.21								
71618267	Sand/Salt	5,100.21								
71618968	03/16/2017	8,599.59	0.00	04/04/2017	Road Salt		-			0000
101-430-3125-42290	Sand/Salt	8,599.59								
71618968	Sand/Salt	13,699.80								
COMPASS Total:										
Compass Minerals		13,699.80								
Compass Minerals		13,699.80								
Coordinated Business Systems										
COORDIN										
CNIN238009	03/23/2017	123.75	0.00	04/04/2017	Copier Maint 032217-062117		-			0000
101-410-1940-44010	Repairs/Maint Contractual Bldg	123.75								
CNIN238009	Repairs/Maint Contractual Bldg	123.75								
COORDIN	Repairs/Maint Contractual Bldg	123.75								
COORDIN	Repairs/Maint Contractual Bldg	123.75								
Coordinated Business Systems		123.75								
Coordinated Business Systems		123.75								
Delta Dental Of Minnesota										
DELTA										
6843510	03/15/2017	1,955.45	0.00	04/04/2017	April 2017 Premium		-			0000
101-000-0000-21706	Medical Insurance	1,955.45								
6843510	Medical Insurance	1,955.45								
DELTA	Medical Insurance	1,955.45								
DELTA	Medical Insurance	1,955.45								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Delta Dental Of Minnesota Total:		1,955.45								
Great America Financial										
GREATAM	03/16/2017	436.95	0.00	04/04/2017	Copier Maintenance		-		No	0000
20343983	101-410-1940-44040 Repairs/Maint Contractual Eqpt	436.95								
GREATAM Total:		436.95								
Great America Financial Total:		436.95								
Holiday Credit Office										
HOLIDAYC	03/15/2017	37.58	0.00	04/04/2017	Fuel		-		No	0000
20170315	101-420-2220-42120 Fuel, Oil and Fluids	37.58								
HOLIDAYC Total:		37.58								
Holiday Credit Office Total:		37.58								
IAFC										
IAFCREG	03/17/2017	710.00	0.00	04/04/2017	VCOS Registration x 2		-		No	0000
20170317	101-420-2220-44370 Conferences & Training	710.00								
IAFCREG Total:		710.00								
IAFC Total:		710.00								
Innovative Office Solutions										
INNOVAT	03/14/2017	90.04	0.00	04/04/2017	Office Supplies		-		No	0000
1539709	101-410-1320-42000 Office Supplies	90.04								
INNOVAT Total:		20.51	0.00	04/04/2017	Office Supplies		-		No	0000
1540972	101-410-1520-42000 Office Supplies	20.51								
INNOVAT Total:		110.55								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Innovative Office Solutions Total:		110.55								
Jani-King of Minnesota, Inc										
JANIKING	03/03/2017	218.54	0.00	04/04/2017	Cleaning Svs - Public Works March 2017		-	No		0000
MIN03170396	Repairs/Maint Bldg	218.54								
101-430-3100-44010	MIN03170396 Total:	218.54								
JANIKING Total:										
Jani-King of Minnesota, Inc Total:		218.54								
K. Michael Homes										
KMICHAEL	03/30/2017	5,000.00	0.00	04/04/2017	Refund Escrow 2016-893 3232 Linden Ln		-	No		0000
20170330	Deposits Payable	5,000.00								
803-000-0000-22900	20170330 Total:	5,000.00								
KMICHAEL Total:		5,000.00								
K. Michael Homes Total:		5,000.00								
Kath Fuel Oil Service Co										
kathfuel	03/14/2017	853.68	0.00	04/04/2017	Fuel		-	No		0000
584697	Fuel, Oil and Fluids	853.68								
101-430-3100-42120	584697 Total:	853.68								
kathfuel Total:		853.68								
Kath Fuel Oil Service Co Total:		853.68								
Kennedy & Graven, Chartered										
KENGRAVE	03/23/2017	3,460.26	0.00	04/04/2017	Civil Matters		-	No		0000
136287	Legal Services	183.41								
101-410-1320-43040	03/23/2017	5,610.76	0.00	04/04/2017	Library		-	No		0000
136287	Legal Services	472.75								
206-450-5300-43040	03/23/2017		0.00	04/04/2017	3M Litigation		-	No		0000
136287	Legal Services									
101-410-1320-43040	03/23/2017		0.00	04/04/2017	Personnel Matters		-	No		0000
136287	Legal Services									
101-410-1320-43040	Legal Services									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
136287	03/23/2017	1,087.73	0.00	04/04/2017	The Royal Golf		-			No 0000
803-000-0000-22910	Developer Payments									
136287	03/23/2017	1,197.96	0.00	04/04/2017	Danielson Property Condemnation		-			No 0000
101-410-1320-43040	Legal Services									
136287	03/23/2017	3,070.96	0.00	04/04/2017	Inwood - V		-			No 0000
803-000-0000-22910	Developer Payments									
	136287 Total:	15,083.83								
	KENGRAVE Total:	15,083.83								
Kennedy & Graven, Chartered Total:		15,083.83								
King Cassidy										
KINGK										
2017328-1	03/28/2017	55.00	0.00	04/04/2017	Cable Oper - 032717 Envir Cmmte		-			No 0000
101-410-1450-43620	Cable Operations									
	2017328-1 Total:	55.00								
2017328-2	03/28/2017	55.00	0.00	04/04/2017	Cable Oper - 032717 Planning Comm		-			No 0000
101-410-1450-43620	Cable Operations									
	2017328-2 Total:	55.00								
2017328-3	03/28/2017	25.00	0.00	04/04/2017	Cable Oper - Bonus		-			No 0000
101-410-1450-43620	Cable Operations									
	2017328-3 Total:	25.00								
	KINGK Total:	135.00								
King Cassidy Total:		135.00								
Lake Elmo Associates, LLP										
LEASSOC										
Apr - 17	04/01/2017	2,666.00	0.00	04/04/2017	Monthly Rent - April 2017		-			No 0000
101-410-1940-44120	Rentals - Building									
	Apr - 17 Total:	2,666.00								
	LEASSOC Total:	2,666.00								
Lake Elmo Associates, LLP Total:		2,666.00								
League of MN Cities										
LEAGMN										
253200	03/01/2017	620.00	0.00	04/04/2017	2017 Stormwater Coalition Cont		-			No 0000
603-496-9500-44300	Miscellaneous Expenses									
	253200 Total:	620.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
LEAGMN Total:		620.00								
League of MN Cities Total:		620.00								
Menards - Oakdale										
MENARDSO	03/16/2017	5.85	0.00	04/04/2017	Utility System Maint. Well # 1		-		No	0000
25847	03/16/2017	5.85								
601-494-9400-42270	Utility System Maintenance	25847 Total:	0.00	04/04/2017	Utility System Maint. Well # 1		-		No	0000
25850	03/16/2017	1.07	0.00	04/04/2017	Utility System Maint. Well # 1		-		No	0000
601-494-9400-42270	Utility System Maintenance	25850 Total:	0.00	04/04/2017	Water for Office		-		No	0000
26137	03/21/2017	21.96	0.00	04/04/2017	Water for Office		-		No	0000
101-410-1320-42000	Office Supplies	26137 Total:	0.00	04/04/2017	Utility System Maint. Supplies		-		No	0000
26242	03/22/2017	21.96	0.00	04/04/2017	Utility System Maint. Supplies		-		No	0000
601-494-9400-42270	Utility System Maintenance	26242 Total:	0.00	04/04/2017	Utility System Maint. Supplies		-		No	0000
MENARDSO Total:		241.84								
Menards - Oakdale Total:		241.84								
MN State Fire Marshal										
MNFIREMR	03/24/2017	145.00	0.00	04/04/2017	2017 State Fire Marshall Conf.		-		No	0000
17227	03/24/2017	145.00								
101-420-2400-44370	Conferences & Training	17227 Total:	0.00	04/04/2017	2017 State Fire Marshall Conf.		-		No	0000
MNFIREMR		145.00								
MNFIREMR Total:		145.00								
MN State Fire Marshal Total:		145.00								
MnFIAM										
MNFIAM	03/21/2017	180.00	0.00	04/04/2017	3 - Pumping Apparatus Operator bks		-		No	0000
2401	03/21/2017	180.00								
101-420-2220-44350	Books	2401 Total:	0.00	04/04/2017	3 - Pumping Apparatus Operator bks		-		No	0000
MNFIAM Total:		180.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MnFIAM Total:		180.00								
MSA Professional Services, Inc										
MSAPROF		943.00	0.00	04/04/2017	Inwood Trunk Watermain Imp.		-		No	0000
14	03/06/2017									
601-494-9400-43030 Engineering Services		943.00								
14 Total:		943.00								
MSAPROF Total:		943.00								
MSA Professional Services, Inc Total:		943.00								
Nordstrom Emily										
NORDSTRM		55.00	0.00	04/04/2017	Cable Oper - 032017 Parks Comm		-		No	0000
20170320	03/20/2017									
101-410-1450-43620 Cable Operations		55.00								
20170320 Total:		55.00								
NORDSTRM Total:		55.00								
Nordstrom Emily Total:		55.00								
NUSS TANYA										
NUSST		28.08	0.00	04/04/2017	Mileage - 031517		-		No	0000
20170315	03/15/2017									
101-410-1320-43310 Mileage		28.08								
20170315 Total:		28.08								
NUSST Total:		28.08								
NUSS TANYA Total:		28.08								
Pomp's Tire Service, Inc.										
POMPS		239.92	0.00	04/04/2017	#3926 - U2 - Rear Tires		-		No	0000
210273926	02/08/2017									
101-420-2220-44040 Repairs/Maint Eqpt		1,676.72								
210273926		1,676.72								
101-420-2220-44040 Repairs/Maint Eqpt		1,916.64								
210273926 Total:		1,916.64								
POMPS Total:		1,916.64								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Pomp's Tire Service, Inc. Total:		1,916.64								
RABOUIN, INC										
RABOUIN	04/01/2017	2,500.00	0.00	04/04/2017	April Monthly		-		No	0000
20170401	Assessing Services	2,500.00								
101-410-1320-43100	20170401 Total:	2,500.00								
RABOUIN Total:		2,500.00								
RABOUIN, INC Total:		2,500.00								
Ritchie Tom										
RITCHIET	03/20/2017	55.00	0.00	04/04/2017	Cable Oper - 032117 City Council Mtg		-		No	0000
20170320	Cable Operations	55.00								
101-410-1450-43620	20170320 Total:	55.00								
RITCHIET Total:		55.00								
Ritchie Tom Total:		55.00								
Safe-Fast, Inc.										
SAFEFAST	03/20/2017	139.84	0.00	04/04/2017	First Aid kits-Wells & Booster Station		-		No	0000
181168	Utility System Maintenance	139.84								
601-494-9400-42270	181168 Total:	139.84								
181327	03/23/2017	122.28	0.00	04/04/2017	Safety Glasses		-		No	0000
101-450-5200-44375	Personal Protection Equipment	122.28								
181327 Total:		122.28								
SAFEFAST Total:		262.12								
Safe-Fast, Inc. Total:		262.12								
SelectAccount										
SELECTAC	02/08/2017	12.66	0.00	04/04/2017	Participant Fee 030117-033117		-		No	0000
1180799	Contract Services	12.66								
101-410-1520-43150	1180799 Total:	12.66								
SELECTAC Total:		12.66								



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
Sprint		12.66								
SPRINT										
761950227-168	03/18/2017	68.62	0.00	04/04/2017	Cell Phone Service - Admin		-	No		0000
101-410-1320-43210	Telephone									
761950227-168	03/18/2017	267.37	0.00	04/04/2017	Cell Phone Service - Fire		-	No		0000
101-420-2220-43210	Telephone									
761950227-168	03/18/2017	151.59	0.00	04/04/2017	Cell Phone Service - Bldg Dept		-	No		0000
101-420-2400-43210	Telephone									
761950227-168	03/18/2017	72.21	0.00	04/04/2017	Cell Phone Service - PW Dept		-	No		0000
101-430-3100-43210	Telephone									
761950227-168	03/18/2017	16.73	0.00	04/04/2017	Cell Phone Service - Planning		-	No		0000
101-410-1910-43210	Telephone									
761950227-168	03/18/2017	62.37	0.00	04/04/2017	Cell Phone Service - Parks Dept		-	No		0000
101-450-5200-43210	Telephone									
761950227-168 Total:		638.89								
SPRINT Total:		638.89								
Sprint Total:		638.89								
The Tool Guy, LLC										
TOOLGUY										
28025	03/21/2017	24.10	0.00	04/04/2017	Air Blow Gun		-	No		0000
601-494-9400-42400	Small Tools & Minor Equipment									
28025 Total:		24.10								
TOOLGUY Total:		24.10								
The Tool Guy, LLC Total:		24.10								
TKDA, Inc.										
TKDA										
002017000662	03/10/2017	96.25	0.00	04/04/2017	10th Proj Inv - Period End 022517		-	No		0000
409-480-8000-43030	Engineering Services									
002017000662 Total:		96.25								
TKDA Total:		96.25								
TKDA, Inc. Total:		96.25								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Town & Country Cleaning Co TOWNCTRY W317 829 03/30/2017 206-450-5300-44010 Repairs/Maint Bldg W317 829 Total: TOWNCTRY Total:		350.00 350.00 350.00	0.00	04/04/2017	Cleaning Lib - Windows & Partitions		-		No	0000
Town & Country Cleaning Co Total:		350.00								
Verizon Wireless VERIZON 9781942949 03/10/2017 101-420-2220-43210 Telephone 9781942949 Total: VERIZON Total:		35.01 35.01 35.01	0.00	04/04/2017	Wireless Charges 021117-031017		-		No	0000
Verizon Wireless Total:		35.01								
Washington County WASRADIO 115128 03/20/2017 101-430-3100-43230 Radio 115128 Total: 115129 03/20/2017 101-420-2220-43230 Radio 115129 Total: WASRADIO Total:		300.06 300.06 3,800.76 3,800.76 4,100.82	0.00 0.00	04/04/2017 04/04/2017	1st Q 2017 Radio Usage 1st Q 800 MHz Radio Fee		- -		No No	0000 0000
Washington County Total:		4,100.82								
White Anita Whiteani 20170328-1 03/28/2017 101-410-1450-43620 Cable Operations 20170328-1 Total: 20170328-2 03/28/2017 101-410-1450-43620 Cable Operations 20170328-2 Total:		55.00 55.00 55.00 55.00	0.00 0.00	04/04/2017 04/04/2017	Cable Oper - 032817 Maint Adv Cmmite Cable Oper - 032817 Public Saf Cmmite		- -		No No	0000 0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Whiteani Total:		110.00								
White Anita Total:		110.00								
Xcel Energy										
XCEL										
20170322	03/22/2017	-44.68	0.00	04/04/2017	Pumphouse - 802 Keats Ave		-			No 0000
601-494-9400-43810	Electric Utility									
20170322	03/22/2017	1,185.64	0.00	04/04/2017	Pumphouse - 11210 50th St		-			No 0000
601-494-9400-43810	Electric Utility									
20170322	03/22/2017	14.13	0.00	04/04/2017	Gates at Sunfish Park		-			No 0000
101-450-5200-43810	Electric Utility									
20170322	03/22/2017	46.70	0.00	04/04/2017	Traffic Lights - 11009 Stillwater Blvd		-			No 0000
101-430-3160-43810	Street Lighting									
20170322	03/22/2017	36.55	0.00	04/04/2017	Traffic Lights - 11157 Stillwater Blvd		-			No 0000
101-430-3160-43810	Street Lighting									
20170322	03/22/2017	326.19	0.00	04/04/2017	Lift Station - 3080 Libson Ave		-			No 0000
602-495-9450-43810	Electric Utility									
20170322	03/22/2017	455.74	0.00	04/04/2017	Library		-			No 0000
206-450-5300-43810	Electric Utility									
20170322	03/22/2017	27.89	0.00	04/04/2017	Street Lights - 3014 Jamley		-			No 0000
101-430-3160-43810	Street Lighting									
20170322	03/22/2017	719.29	0.00	04/04/2017	Fire Station No 2		-			No 0000
101-420-2220-43810	Electric Utility									
20170322	03/22/2017	11.75	0.00	04/04/2017	Tennis Court		-			No 0000
101-450-5200-43810	Electric Utility									
20170322	03/22/2017	245.84	0.00	04/04/2017	Parks Bldg		-			No 0000
101-450-5200-43810	Electric Utility									
20170322	03/22/2017	21.78	0.00	04/04/2017	Pebble Park		-			No 0000
101-450-5200-43810	Electric Utility									
20170322	03/22/2017	40.32	0.00	04/04/2017	Traffic Lights - 998 Inwood		-			No 0000
101-430-3160-43810	Street Lighting									
20170322	03/22/2017	135.60	0.00	04/04/2017	Arts Center		-			No 0000
101-450-5200-43810	Electric Utility									
20170322	03/22/2017	20.57	0.00	04/04/2017	Lift Station - 11062 34th St		-			No 0000
602-495-9450-43810	Electric Utility									
20170322	03/22/2017	17.59	0.00	04/04/2017	Lift Station - 2759 Legion Ave		-			No 0000
602-495-9450-43810	Electric Utility									
20170322	03/22/2017	509.96	0.00	04/04/2017	Fire Station No 1		-			No 0000
101-420-2220-43810	Electric Utility									
20170322	03/22/2017	344.63	0.00	04/04/2017	Legion Park		-			No 0000
101-450-5200-43810	Electric Utility									
20170322	03/22/2017	1,868.20	0.00	04/04/2017	Street Lights		-			No 0000
101-430-3160-43810	Street Lighting									

K. Kennedy

# Accounts Payable Computer Check Proof List

User: christine  
Printed: 03/24/2017 - 11:25 AM

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:METCOU Feb-17 Feb-17 Jan-17 Jan-17	Metropolitan Council SAC Charges - Feb 17 SAC Charges - Feb 17 early pay discount SAC Charges - Jan 17 SAC Charges - Jan 17 early pay discount Check Total:	77,035.00 -770.35 49,700.00 -497.00 125,467.65	04/04/2017 04/04/2017 04/04/2017 04/04/2017	Check Sequence: 1 602-000-0000-20802 602-000-0000-37220 602-000-0000-20802 602-000-0000-37220	ACH Enabled: No
Vendor:UNITEDPR City-1216-OEA	NorthMarq Semi Annual Easement OEA cost Check Total:	212.00 212.00	04/04/2017	Check Sequence: 2 101-410-1320-44300	ACH Enabled: No
Vendor:RABOUIN 3/1/17	RABOUIN, INC March Monthly Contract Check Total:	2,500.00 2,500.00	04/04/2017	Check Sequence: 3 101-410-1320-43100	ACH Enabled: No
Vendor:TMOBILE 947226095	T Mobile SCADA Line Check Total:	21.35 21.35	04/04/2017	Check Sequence: 4 601-494-9400-43210	ACH Enabled: No
Total for Check Run:		128,201.00			
Total Number of Checks:		4			



## STAFF REPORT

DATE: April 4, 2017

**CONSENT**

ITEM #: 3

**AGENDA ITEM:** Met Council SAC Deferral Programs

**SUBMITTED BY:** Kristina Handt, City Administrator

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### **BACKGROUND:**

Last September Council discussed and approved some changes relating to finance matters in the downtown projects. One of those items referenced was the Met Council SAC deferral programs.

### **ISSUE BEFORE COUNCIL:**

Should the City Council approve agreements to allow the deferral of Met Council SAC fees for businesses and residents?

### **PROPOSAL:**

Met Council has a SAC deferral program for businesses with 25 or fewer RECs. They allow 80% of the charge to be assessed over a 10-year period.

Last May staff asked Met Council about a similar program for residential properties. They did not have one in place at the time but created one at our urging. The residential deferral program allows residential properties with an assessed value of \$250,000 or less to defer 80% of the charge over 5 years.

The city had begun implementing these options with Phase 1 and 2 of the Old Village Project after Council approved the concept last fall. Property owners wishing to assess the fees (along with city SAC and connection fees) completed a form at the time they pay the 20% of the fee and the plumbing permit fee. Met Council will not allow the city to use the deferral program until these agreements are signed and approved. Staff will be able to accommodate those already signed up for the deferral through an internal tracking program.

### **FISCAL IMPACT:**

None to the City. The 80% will be assessed to the property to mitigate any risk to the city. If a business property were to cease operations or move from the site and does not require the incremental wastewater capacity represented by the SAC deferral, the City may exercise one of two options: continue to pay the SAC and receive a credit or discontinue payments.

### **OPTIONS:**

- 1) Approve the Met Council SAC Deferral Agreements for Businesses and Residential Properties.

- 2) Approve the Met Council SAC Deferral Agreement for either Businesses or Residential Properties
- 3) Do not approve the Met Council SAC Deferral Agreements for Businesses and Residential Properties.

**RECOMMENDATION:**

If removed from the consent agenda:

***“Move to approve the Met Council SAC Deferral Agreements for Businesses and Residential Properties.”***

**ATTACHMENTS:**

- Master SAC Residential Deferral Agreement
- Master SAC Business Deferral Agreement

**AGREEMENT NUMBER: 16M131-2**

**COMMUNITY: CITY OF LAKE ELMO**

**COMMUNITY ADDRESS: 3800 LAVERNE AVE N, LAKE ELMO, MN 55042**

**CONTACT PERSON: CATHY BENDEL, FINANCE DIRECTOR**

**ASSESSED VALUE ELIGIBILITY CAP: \$250,000**

**COMMUNITY-WIDE SAC DEFERRED AMOUNT (MAXIMUM 80%): 80%**

**COMMUNITY-WIDE SAC DEFERMENT PERIOD (MAXIMUM 5 YEARS): 5 YEARS**

**PAYMENT MONTH(S): APRIL**

**BUNDLE MONTH(S): NOVEMBER**

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## **MASTER SAC RESIDENTIAL DEFERRAL AGREEMENT**

**THIS MASTER SAC RESIDENTIAL DEFERRAL AGREEMENT** (“Agreement”) is entered into by and between the Metropolitan Council, a public corporation and political subdivision of the State of Minnesota, with business offices at 390 Robert Street North, Saint Paul, Minnesota 55101 (“Council”), and the local government unit identified above as the “Community.”

### **Recitals**

1. The Council owns and operates the Metropolitan Disposal System. Under Minnesota Statutes section 473.517, subdivision 3, the costs of acquisition, betterment and debt service associated with the “reserve capacity” of the system must be allocated among and paid by the respective local government units in the metropolitan area through a sewer availability charge (“SAC”) for each new connection or increase in capacity demand to the Metropolitan Disposal System within each local government unit.
2. Individual property owners whose properties are either newly connected or increase capacity demand to the Metropolitan Disposal System do not pay SAC directly to the Council. However, local government units that pay SAC to the Council for new connections or increased capacity demands typically pass on those costs to property owners by assessing property owners a “Local SAC” which sometimes includes local add-on charges.
3. Minnesota Statutes section 473.517, subdivision 6, authorizes the Council to provide for the deferment of payment of all or part of the allocated costs that are allocated by the Council to a local government unit in any year pursuant to section 473.517, subdivision 3. The deferments are repayable at such time or times as the Council shall specify, with interest.
4. At its June 22, 2016 meeting, the Council adopted changes to its SAC program including a residential SAC deferral program. The changes became effective immediately upon adoption.
5. The Council wants to work with communities to help homeowners convert from on-site private sewage systems to the Metropolitan Disposal System by deferring community SAC payment obligations pursuant to Minnesota Statutes section 473.517, subdivision 6, so

participating communities may pass through to homeowners the benefits of deferred SAC payments by the communities.

6. To obtain a deferment of a SAC payment obligation and provide assistance to homeowners, communities must execute a standard master SAC deferral agreement with the Council. For the term of the master agreement, communities will have the option to note on their monthly SAC reporting forms as provided by the Council, the eligible SAC liabilities for which the communities are requesting a SAC payment deferment from the Council.

7. In order to define the rights and obligations of the Community and the Council and the relevant SAC deferral arrangements, the Community and the Council agree as follows:

## **Article 1 - Definitions**

### **1.1 Definition of Terms.**

Unless otherwise provided or indicated by the context, the terms defined in this article have the meanings given them in this article. Capitalized terms or phrases used in this Agreement have the meanings given them in the most recent version of the Council's Sewer Availability Charge Procedure Manual (the "SAC Procedure Manual").

**(a) Community.**

"Community" means a "Community" or "Customer Community" as those terms are defined in the *SAC Procedure Manual*.

**(b) Determination.**

"Determination" has the meaning ascribed to that term in the *SAC Procedure Manual*.

**(c) Homeowner.**

"Homeowner" means the owner of an existing Residential Property as defined below that will be connected to the Metropolitan Disposal System but currently uses an on-site private sewage treatment system. The eligibility of the property for residential SAC deferral will be determined by an assessed value maximum as negotiated between the Council and the Community.

**(d) Regional Portion of Local SAC.**

The "Regional Portion of Local SAC" means that portion of the Community's SAC payment obligations to the Council that the Community passes on to properties within the Community's jurisdiction and does not include any local add-on charges.

**(e) Residential Property.**

Of the Residential properties defined in the SAC Procedure Manual, only single family dwellings, attached or detached townhomes, cooperative housing, and manufactured homes qualify for the SAC Residential Deferral Program.

**(f) SAC Deferred Amount.**

"SAC Deferred Amount" means the amount of the Community's SAC obligation under Minnesota Statutes section 473.517, subdivision 3, that has been deferred pursuant to Minnesota Statutes section 473.517, subdivision 6, and the terms and conditions of this Agreement.



## **Article 2 – SAC Deferred Amount; Interest; Payments**

### **2.1 SAC Deferred Amount.**

Subject to the terms and conditions of this Agreement and applicable law, the Council will allow the Community to defer payment on the Community's SAC obligations for eligible Residential Properties within the Community's jurisdiction in an amount not to exceed eighty percent (80%) of the SAC due for the properties using existing on-site private sewage systems that will be newly connected to the Metropolitan Disposal System. The percentage by which the Community elects to defer payment on the Community's SAC obligations must be applied on a community-wide basis to all participating Residential Properties within the Community's jurisdiction. The "Community-Wide SAC Deferred Amount" is stated as a percentage on Page 1 of this Agreement. The deferment is available only to existing properties that are on existing private on-site sewage systems and meet the assessed property value cap as negotiated between the Council and the Community. In each instance in which the Community exercises this deferment option, the SAC amount that is not deferred is due and payable at the time the SAC liability is incurred by the Community. Communities must bundle their eligible residential deferrals and not submit more than two (2) bundles per year. Payments on the non-deferred amounts are due with the regular SAC reporting to the Council, pursuant to the SAC Procedure Manual. The deferred SAC liability begins accruing interest on the first day following the regular SAC reporting.

### **2.2 Interest.**

Annually at each calendar year-end, the Council will determine the average rate on its wastewater bonds, pursuant to Minnesota Statutes section 473.517, subdivision 6. All new SAC deferments during the following calendar year will be subject to that interest rate, but that interest rate will be fixed for the duration of the deferment period for each deferral originated in that calendar year. Interest on unpaid SAC Deferred Amount balances will be computed in whole months, however, payments to the Council can be annual.

### **2.3 Payments.**

When the Council invoices the Community for payments on its SAC Deferred Amount, the Council will provide the Community with a payment schedule that amortizes the SAC Deferred Amount and interest on that deferred amount over the term of the deferment period. The Community's payment schedule will list the Residential Properties for which the Community elected to defer payments on the Community's SAC obligations to the Council. The Community will make payments to the Council at least annually. The Community may elect to make payments semi-annually to correspond with the Community's Local SAC collections, assessments, or other payments from Homeowners. The month(s) the Community elected to make its SAC payments to the Council under the payment schedule are identified on Page 1 of this Agreement as the "Payment Month(s)." The Community may prepay the entire deferred amount due without penalty or additional interest.

### **2.4 Local SAC Payments from Homeowners.**

Subject to the limitation stated in Sections 3.2 and 4.1, the Community may enter into a payment or other agreement with each Homeowner for payment of Local SAC to the Community on terms and conditions agreed to by the Community and the Homeowner. Failure of a Homeowner to make its Local SAC payments to the Community or the Community's failure (or choice) not to assess or collect Local SAC from a Homeowner shall not relieve the Community of its obligation to pay the Council any unpaid SAC Deferred Amount, plus interest, or otherwise meet its SAC payment obligations under Minnesota Statutes section 473.517, subdivision 6, or other law. If

Homeowners prepay the Community, those prepayments will not change the amount due to the Council.

### **Article 3 - Term of Deferments**

#### **3.1 Term of Agreement.**

Unless otherwise terminated pursuant to this Agreement, this Agreement shall remain in full force and effect until the term of the last deferment period expires for Residential Properties listed on the Community's payment schedule. The Council reserves the right to cancel, suspend, or modify its SAC deferral program at any time and for any reason upon thirty (30) calendar days written notice to the Community. If the Council cancels, suspends, or modifies its SAC deferral program it will honor all existing SAC deferrals which the Community elected to make under this Agreement prior to the cancellation, suspension, or modification. The Community is responsible for giving timely notice to the Community's participating Homeowners or prospective participant Homeowners of any cancellation, suspension, or modification of the Council's SAC deferral program that may affect the Community's Local SAC deferral program.

#### **3.2 Term of Deferment.**

The Community elects the term of the SAC deferments between the Council and the Community, but the maximum term of a Community's SAC deferment shall not exceed five (5) years. The Community may have only one SAC residential deferment period and must have the same SAC deferment period for all Residential Properties covered by this Agreement. The Community's "Community-Wide SAC Deferment Period" is identified on Page 1 of this Agreement.

#### **3.3 Deferral Bundles.**

Communities must bundle their deferrals. A Community may not submit more than two bundles per year.

### **Article 4 – Local SAC Deferrals**

#### **4.1 Local Terms and Conditions.**

The Community will be responsible for identifying Residential Properties and homeowners that qualify for the Community's SAC deferral program pursuant to any Community terms or conditions. The Council will disapprove a Community deferment request only if a property does not qualify as an eligible Residential Property or a homeowner does not qualify as a Homeowner as defined in this Agreement. Because the Council's SAC deferral program is intended to benefit existing Homeowners, the Community must administer its Local SAC deferral program in a revenue-neutral manner. The Community agrees its SAC payments to the Council will not be less than the Regional Portion of Local SAC payments the Community receives from participating Homeowners.

##### **(a) Local Deferment Period.**

The Community agrees it will not allow a Homeowner a less generous deferment period (i.e., a shorter deferment period) for payment of the Regional Portion of Local SAC than the term of the Community's Community-Wide Deferment Period. This Agreement is not intended to govern the payment or deferment of any local add-on charges by the Community (if any) for Residential Properties.

**(b) Local Deferred Amount.**

The Regional Portion of Local SAC deferred by the Community for a Homeowner's benefit shall not be less than the Community's SAC Deferred Amount. If a Homeowner elects to prepay the Community some or all of the Regional Portion of Local SAC deferred by the Community, this will not change the amount due to the Council (the original payment schedule cannot be changed).

**4.2 Unpaid Local SAC.**

If a Homeowner ceases to pay or moves from the eligible Residential Property, the Community must continue to make its payments to the Council under the payment schedule.

**4.3 Late Community Payments.**

If the Community makes a late SAC deferral payment to the Council, an additional administrative charge of two percent (2%) of the unpaid balance of the SAC Deferred Amount per month (or such higher interest rate allowable under law) will be applied.

**Article 5 - Notices**

**5.1 Written Notices.**

Any notice, request, demand, and other correspondence required by or made in accordance with this Agreement shall be in writing and delivered:

***To the Council:***

Metropolitan Council, Attn: MCES Finance Director, 390 Robert Street North, Saint Paul, Minnesota 55101-1806

***To the Community:***

The Community's "Contact Person" identified on Page 1, at the "Community Address" identified on Page 1

**5.2 Notice Delivery.**

Any notices or other correspondence shall be deemed to have been received: (a) three (3) calendar days after the date on the notice if the notice is sent by U.S. Mail; or (b) the next business day from the date on the notice if the notice is sent by facsimile or by e-mail.

**Article 6 - Defaulting Liabilities**

**6.1 Liability.**

To the extent permitted or authorized by law, the Community will hold the Council harmless and indemnify the Council against any actions, charges, claims, costs, damages, demands, expenses, liabilities, losses, and proceedings which the Council may suffer or be subject to as a result of any default by a Homeowner or the Community of the Community's SAC payment obligations under this Agreement or under applicable law. A Homeowner's failure to pay Local SAC shall not relieve the Community of its obligation to pay the Community's SAC obligations to the Council. Nothing in this Agreement shall be interpreted as a waiver of any liability limitations or immunities granted to the Council and the Community by Minnesota Statutes chapter 466 or by other applicable state or federal law.

## **6.2 Survival of Terms.**

Notwithstanding any other provision of this Agreement, the validity of this Article and the Community's obligation to pay its SAC obligations shall survive the expiration or termination of this Agreement.

## **Article 7 - Miscellaneous**

### **7.1 Dispute Resolution.**

Any dispute arising under this Agreement shall be settled through consultations between the Council's and the Community's representatives. If an agreement regarding a dispute cannot be reached within thirty (30) days upon notice of a dispute from the Council or the Community, either party is then entitled to bring such dispute before the courts of this state or take such action as otherwise allowed by law.

### **7.2 Exercise of Rights.**

Any rights, powers, and remedies granted to the Council and the Community by this Agreement shall not preclude or limit any other rights, powers, and remedies available to the Council or the Community in accordance with law and other provisions of this Agreement. The exercise of any rights, powers, and remedies by the Council or the Community shall not preclude the Council or the Community from exercising any other rights, powers, and remedies available to the Council or the Community. No failure or delay by the Council or the Community to exercise any of their respective rights, powers, and remedies under this Agreement or in accordance with applicable laws shall be construed as a waiver of such rights, powers, and remedies. The waiver of any right, power, or remedy, in whole or in part, shall not preclude the Council or the Community from exercising any of their other respective rights, powers, or remedies.

### **7.3 Severability of Provisions.**

Each provision in this Agreement shall be severable from and independent of the other provisions. If one or more provisions are held to be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions of this Agreement shall not be affected and shall remain in full force and effect.

### **7.4 Amendments and modifications.**

Any amendments or modifications to this Agreement shall be in writing and shall become effective only upon execution of the amendment by the Council's and the Community's authorized representatives.

### **7.5 Assignment.**

The Community shall not assign any of its rights or obligations under this Agreement to any third party, even if a Residential Property which was the subject of the SAC liability is removed from the jurisdiction of the Community. The Community may not barter, trade, sell, or otherwise treat any SAC payment obligation deferments or SAC Credits as a commodity and the Council will not honor any agreements between the Community and any third parties that purport to barter, trade, sell, or otherwise treat any SAC payment obligation deferments or SAC Credits as a commodity.

### **7.6 Successors.**

This Agreement shall be binding on the legal successors of the Council and the Community, whether by operation of law or otherwise.

**7.7 Warranty of Legal Capacity.**

The individuals signing this Agreement on behalf of the Community and the Council represent and warrant on the Community's and the Council's behalf respectively that the individuals are duly authorized to execute this Agreement on the Community's and the Council's behalf respectively and that this Agreement constitutes the Community's and the Council's valid, binding and enforceable agreement.

**IN WITNESS WHEREOF**, the Community and the Council have caused this Agreement to be executed by their duly authorized representatives. This Agreement is effective on the date of final execution by the Council.

**COMMUNITY**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**METROPOLITAN COUNCIL**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

MASTER SAC RESIDENTIAL DEFERRAL 12/09/2016

<b>COMMUNITY:</b> City of Lake Elmo	<b>No. 17M131-1</b>
<b>COMMUNITY ADDRESS:</b> 3800 Laverne Ave N	
<b>CONTACT PERSON:</b> Kristina Handt, City Administrator	
<b>COMMUNITY-WIDE SAC DEFERRED AMOUNT:</b> 80%	
<b>COMMUNITY-WIDE SAC DEFERMENT PERIOD/TERM:</b> 10 years	
<b>PAYMENT MONTH(S):</b> April	

## **MASTER SAC DEFERRAL AGREEMENT**

**THIS MASTER SAC DEFERRAL AGREEMENT** (“Agreement”) is entered into by and between the Metropolitan Council, a public corporation and political subdivision of the State of Minnesota, with business offices at 390 Robert Street North, Saint Paul, Minnesota 55101 (“Council”), and the local government unit identified above as the “Community.”

### **Recitals**

1. The Council owns and operates the metropolitan disposal system. Under Minnesota Statutes section 473.517, subdivision 3, the costs of acquisition, betterment and debt service associated with the “reserve capacity” of the system must be allocated among and paid by the respective local government units in the metropolitan area through a sewer availability charge (“SAC”) for each new connection or increase in capacity demand to the metropolitan disposal system within each local government unit.
2. Individual property or business owners whose properties are either newly connected or increase capacity demand to the metropolitan disposal system do not pay SAC to the Council. However, local government units that pay SAC to the Council for new connections or increased capacity demands typically pass on those costs to property and business owners by assessing property and business owners a “Local SAC” which sometimes includes local add-on charges.
3. Minnesota Statutes section 473.517, subdivision 6 authorizes the Council to provide for the deferment of payment of all or part of the allocated costs which are allocated by the Council to a local government unit in any year pursuant to section 473.517, subdivision 3. The deferments are repayable at such time or times as the Council shall specify, with interest.
4. At its November 28, 2012 meeting, the Council adopted changes to its SAC program including a small business SAC deferral program. The changes became effective January 1, 2013. At its January 22, 2014 meeting, the Council adopted changes to the SAC deferral program that became effective immediately upon adoption.
5. The Council wants to encourage and help communities promote business development by deferring community SAC payment obligations pursuant to Minnesota Statutes section 473.517, subdivision 6, so participating communities may pass through to businesses the benefits of deferred SAC payments by the communities. The Council’s *Sewer Availability Charge Procedure Manual*



(January 2014) states that communities that want to participate in a SAC deferral program must execute a standard master SAC deferral agreement with the Council.

6. To obtain a deferment of a SAC payment obligation and provide assistance to businesses, communities will submit to the Council a signed master SAC deferral agreement. For the term of the master agreement, communities will have the option to note on their monthly SAC reporting, on forms as provided by the Council, the eligible SAC liabilities for which the communities are requesting a SAC payment deferment from the Council. For each such subject SAC liability the deferment will be effective as of the first day of the subsequent month (*e.g.*, for an April building permit that is reported for SAC in May, the deferment will be effective as of June 1).

7. In order to define the rights and obligations of the Community and the Council and the relevant SAC deferral arrangements, the Community and the Council agree as follows:

### **Article 1 - Definitions**

**1.1 Definition of Terms.** Unless otherwise provided or indicated by the context, the terms defined in this article have the meanings given them in this article. Capitalized terms or phrases used in this Agreement have the meanings given them in the most recent version of the Council's *Sewer Availability Charge Procedure Manual* (the "*SAC Procedure Manual*").

- (a) **Community.** "Community" means a "Community" or "Customer Community" as those terms are defined in the *SAC Procedure Manual*.
- (b) **Determination.** "Determination" has the meaning ascribed to that term in the *SAC Procedure Manual*.
- (c) **Regional Portion of Local SAC.** The "Regional Portion of Local SAC" means that portion of the Community's SAC payment obligations to the Council that the Community passed on to properties within the Community's jurisdiction and does not include any local add-on charges.
- (d) **SAC Deferred Amount.** "SAC Deferred Amount" means the amount of the Community's SAC obligation under Minnesota Statutes section 473.517, subdivision 3 that has been deferred pursuant to Minnesota Statutes section 473.517, subdivision 6 and the terms and conditions of this Agreement.
- (e) **Business.** "Business" means a property or business for which the aggregate SAC Determination results in a liability of twenty-five (25) SAC units or less, before application of any Credits available on the Site. Business does not include *any type* of "Residential Property" or "Publicly Assisted Housing" as those terms are defined in the *SAC Procedure Manual*; nor does it include motels, hotels, camps, nursing homes, senior housing or prisons. Business includes "Commercial Properties," as that term is defined in the *SAC Procedure Manual*, but only when the aggregate SAC Determination for a Commercial Property is twenty-five (25) SAC units or less, before any applicable Credits.

## **Article 2 – SAC Deferred Amount; Interest; Payments**

**2.1 SAC Deferred Amount.** Subject to the terms and conditions of this Agreement and applicable law, the Council will allow the Community to defer payment on the Community's SAC obligations for Business properties within the Community's jurisdiction in an amount not to exceed eighty percent (80%) of the SAC due for the properties that are either newly connected or increase capacity demand to the metropolitan disposal system. The percentage by which the Community elects to defer payment on the Community's SAC obligations must be applied on a community-wide basis to all participating Businesses within the Community's jurisdiction. The "Community-Wide SAC Deferred Amount" is stated as a percentage on Page 1 of this Agreement. The deferment is available only to properties for which the aggregate Determination is twenty-five (25) SAC units or less. In each instance in which the Community exercises this deferment option, the SAC amount that is not deferred is due and payable at the time the SAC liability is incurred by the Community. Payments on the non-deferred amounts are due with the regular SAC reporting to the Council, pursuant to the *SAC Procedure Manual*. The deferred SAC liability begins accruing interest on the first day following the regular SAC reporting.

**2.2 Interest.** Annually at each calendar year-end, the Council will determine the average rate on its wastewater bonds, pursuant to Minnesota Statutes section 473.517, subdivision 6. All new SAC deferments during the following calendar year will be subject to that interest rate, but that interest rate will be fixed for the duration of the deferment period for each deferral originated in that calendar year. Interest on unpaid SAC Deferred Amount balances will be computed in whole months, however, payments to the Council can be annual.

**2.3 Payments.** When the Council invoices the Community for payments on its SAC Deferred Amount, the Council will provide the Community with a payment schedule that amortizes the SAC Deferred Amount and interest on that deferred amount over the term of the deferment period. The Community's payment schedule will list the Business properties for which the Community elected to defer payments on the Community's SAC obligations to the Council. The Community will make payments to the Council at least annually. The Community may elect to make payments semi-annually or more frequently to correspond with the Community's Local SAC collections, assessments or other payments from Businesses, but the same payment schedule must apply to all Community SAC Deferred Amounts. The month(s) the Community elected to make its SAC payments to the Council under the payment schedule are identified on Page 1 of this Agreement as the "Payment Month(s)." The Community may repay or prepay the Council the unpaid balance of a SAC Deferred Amount at any time prior to the end of the deferment period. Any repayment or prepayment made by the Community shall be without penalty to the Community. The Community's payment schedule will be recalculated during the term of the deferment period to reflect: (a) repayments or prepayments by the Community; (b) the Community's election (if any) to discontinue making payments on its SAC Deferral Amount for a Site pursuant to Section 4.2(b); (c) any Community payments to the Council pursuant to Section 4.1(b); or (d) the addition of new Business properties for which the Community elects to defer payment on the Community's SAC obligations to the Council.

**2.4 Local SAC Payments from Businesses.** Subject to the limitation stated in Sections 3.2 and 4.1, the Community may enter into a payment or other agreement with each Business for payment of Local SAC to the Community on terms and conditions agreed to by the Community and the Business. Except as described in Section 4.2, failure of a Business to make its Local SAC payments to the Community or the Community's failure (or choice) not to assess or collect Local SAC from a Business shall not relieve the Community of its obligation to pay the Council any unpaid SAC



Deferred Amount, plus interest, or otherwise meet its SAC payment obligations under Minnesota Statutes section 473.517, subdivision 6 or other law.

### **Article 3 - Term of Deferments**

**3.1 Term of Agreement.** Unless otherwise terminated pursuant to this Agreement, this Agreement shall remain in force and effect until the term of the last deferment period expires for Business properties listed on the Community's payment schedule. The Council reserves the right to cancel, suspend or modify its SAC deferral program at any time and for any reason upon thirty (30) calendar days written notice to the Community. If the Council cancels, suspends or modifies its SAC deferral program it will honor all existing SAC deferrals which the Community elected to make under this Agreement prior to the cancellation, suspension or modification. The Community is responsible for giving timely notice to the Community's participating Businesses or prospective participant Businesses of any cancellation, suspension or modification of the Council's SAC deferral program that may affect the Community's local SAC deferral program.

**3.2 Term of Deferment.** The Community elects the term of the SAC deferments between the Council and the Community, but the maximum term of a Community's SAC deferment shall not exceed ten (10) years. The Community may have only one SAC deferment period and must have the same SAC deferment period for all Business properties covered by this Agreement. The Community's "Community-Wide SAC Deferment Period" is identified on Page 1 of this Agreement.

### **Article 4 – Local SAC Deferrals**

**4.1 Local Terms and Conditions.** The Community will be responsible for identifying property and business owners that qualify for the Community's SAC deferral program pursuant to any Community terms or conditions. The Council will disapprove a Community deferment request only if a property or business owner does not qualify as a Business as defined in this Agreement. Because the Council's SAC deferral program is intended to benefit Businesses, the Community must administer its local SAC deferral program in a revenue-neutral manner. The Community agrees its SAC payments to the Council will not be less than the Regional Portion of Local SAC payments the Community receives from participating Businesses.

- (a) **Local Deferment Period.** The Community agrees it will not allow a Business a less generous deferment period (*i.e.*, a shorter deferment period) for payment of the Regional Portion of Local SAC than the term of the Community's Community-Wide Deferment Period. This Agreement is not intended to govern the payment or deferment of any local add-on charges by the Community (if any) for Business properties.
- (b) **Local Deferred Amount.** The Regional Portion of Local SAC deferred by the Community for a Business's benefit shall not be less than the Community's SAC Deferred Amount. If a Business elects to prepay the Community some or all of the Regional Portion of Local SAC deferred by the Community, the Community must make a like payment to the Council to cover the Community's SAC obligations to the Council for the Business property. If a Business elects to prepay some of the Regional Portion of Local SAC deferred by the Community the Council will recalculate the Community's payment schedule.

**4.2 Unpaid Local SAC.** If a Business ceases operations or moves from the Site and does not require the incremental wastewater capacity represented by the SAC deferral, the Community may exercise one of the following two options:

- (a) ***Continue SAC Payments.*** The Community may continue to make its payments to the Council under the payment schedule. If the Community elects this option it will accrue SAC Credits for the Site in accordance with the SAC Credit provisions of the *SAC Procedure Manual*.
- (b) ***Discontinue SAC Payments.*** The Community may discontinue making its payments to the Council on the Community's SAC Deferral Amount for the Site. The Community must notify the Council if the Community elects this option and it must certify to the Council that the incremental capacity no longer is needed at the Site. The Community is responsible for making all SAC payments on the SAC Deferral Amount that were due prior to the notice. The Site will not be credited with the portion of the wastewater capacity not paid (for future SAC Determinations), but will receive Credit for actual SAC paid (including partial units). No Community SAC deferral payments to the Council will be refunded. Net Credits will be available to the Community for Community-Wide Credits only if a new SAC Determination establishes a permanent reduction of capacity demand.

**4.3 Late Community Payments.** If the Community makes a late SAC deferral payment to the Council, an additional administrative charge of two percent (2%) of the unpaid balance of the SAC Deferred Amount per month (or such higher interest rate allowable under law) will be applied.

## **Article 5 - Notices**

**5.1 Written Notices.** Any notice, request, demand and other correspondence required by or made in accordance with this Agreement shall be in writing and delivered:

To the Council: Metropolitan Council  
Attn: MCES Finance Director  
390 Robert Street North  
Saint Paul, Minnesota 55101-1806

To the Community: The Community's "Contract Person" identified on Page 1  
At the "Community Address" identified on Page 1

**5.2 Notice Delivery.** Any notices or other correspondence shall be deemed to have been received: (a) three (3) calendar days after the date on the notice if the notice is sent by U.S. Mail; or (b) the next business day from the date on the notice if the notice is sent by facsimile or by e-mail.

## **Article 6 - Defaulting Liabilities**

**6.1 Liability.** To the extent permitted or authorized by law, the Community will hold the Council harmless and indemnify the Council against any actions, charges, claims, costs, damages, demands, expenses, liabilities, losses and proceedings which the Council may suffer or be subject to as a result of any default by a Business or the Community of the Community's SAC payment obligations under this Agreement or under applicable law. A Business's failure to pay Local SAC shall not relieve the Community of its obligation to pay the Community's SAC obligations to the Council. Nothing in this Agreement shall be interpreted as a waiver of any liability limitations or immunities granted to

the Council and the Community by Minnesota Statutes chapter 466 or by other applicable state or federal law.

**6.2 Survival of Terms.** Notwithstanding any other provision of this Agreement, the validity of this Article and the Community's obligation to pay its SAC obligations shall survive the expiration or termination of this Agreement.

## **Article 7 - Miscellaneous**

**7.1 Dispute Resolution.** Any dispute arising under this Agreement shall be settled through consultations between the Council's and the Community's representatives. If an agreement regarding a dispute cannot be reached within thirty (30) days upon notice of a dispute from the Council or the Community, either party is then entitled to bring such dispute before the courts of this state or take such action as otherwise allowed by law.

**7.2 Exercise of Rights.** Any rights, powers and remedies granted to the Council and the Community by this Agreement shall not preclude or limit any other rights, powers and remedies available to the Council or the Community in accordance with law and other provisions of this Agreement. The exercise of any rights, powers and remedies by the Council or the Community shall not preclude the Council or the Community from exercising any other rights, powers and remedies available to the Council or the Community. No failure or delay by the Council or the Community to exercise any of their respective rights, powers and remedies under this Agreement or in accordance with applicable laws shall be construed as a waiver of such rights, powers, and remedies. The waiver of any right, power or remedy, in whole or in part, shall not preclude the Council or the Community from exercising any of their other respective rights, powers or remedies.

**7.3 Severability of Provisions.** Each provision in this Agreement shall be severable from and independent of the other provisions. If one or more provisions are held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions of this Agreement shall not be affected and shall remain in force and effect.

**7.4 Amendments and modifications.** Any amendments or modifications to this Agreement shall be in writing and shall become effective only upon execution of the amendment by the Council's and the Community's authorized representatives.

**7.5 Assignment.** The Community shall not assign any of its rights or obligations under this Agreement to any third party, even if the Site which was the subject of the SAC liability is removed from the jurisdiction of the Community. The Community may not barter, trade, sell or otherwise treat any SAC payment obligation deferments or SAC Credits as a commodity and the Council will not honor any agreements between the Community and any third parties that purport to barter, trade, sell or otherwise treat any SAC payment obligation deferments or SAC Credits as a commodity.

**7.6 Successors.** This Agreement shall be binding on the legal successors of the Council and the Community, whether by operation of law or otherwise.

**7.7 Warranty of Legal Capacity.** The individuals signing this Agreement on behalf of the Community and the Council represent and warrant on the Community's and the Council's behalf respectively that the individuals are duly authorized to execute this Agreement on the Community's

and the Council's behalf respectively and that this Agreement constitutes the Community's and the Council's valid, binding and enforceable agreement.

**IN WITNESS WHEREOF**, the Community and the Council have caused this Agreement to be executed by their duly authorized representatives. This Agreement is effective on the date of final execution by the Council.

**COMMUNITY**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**METROPOLITAN COUNCIL**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



## STAFF REPORT

DATE: April 4, 2017

CONSENT

ITEM #: 4

**AGENDA ITEM:** 3459 Lake Elmo Ave Abatement

**SUBMITTED BY:** Kristina Handt, City Administrator

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### **BACKGROUND:**

3459 Lake Elmo Ave had two assessments from the Old Village Phase 1 project-\$22,000 for sewer and \$33,810 for streets.

### **ISSUE BEFORE COUNCIL:**

Should the City Council remove the assessment from the 2017 certification?

### **PROPOSAL:**

Council approved the property at 3549 Lake Elmo Ave for a minor subdivision in February. Since then one property has been sold and the city has received the special assessment amounts related to the Old Village Phase 1 project for 3549 Lake Elmo Ave. However, since assessments were certified to the county in February and the sale occurred in March, the city will need to have the assessments removed from the assessment roll.

### **FISCAL IMPACT:**

Assessment payments were received in full in March.

### **RECOMMENDATION:**

If removed from the consent agenda:

***“Move to approve Resolution No. 2017-030”***

### **ATTACHMENTS:**

- Resolution No 2017-030
- Washington County Abatement Form

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

**RESOLUTION NO. 2017-030**

**A RESOLUTION RELATED TO 2017 ASSESSMENTS  
TO WASHINGTON COUNTY**

WHEREAS, 3549 Lake Elmo Ave, PID 03.029.21.23.0053, was assessed \$22,000 for sewer and \$33,810 for streets as part of the Old Village Phase 1 project; and

WHEREAS, PID 03.029.21.23.0053 was later subdivided and a portion sold; and

WHEREAS, the City of Lake Elmo received the full payments for the Old Village Phase 1 assessments at the time of the sale; and

WHEREAS, said payment of assessments came after the certificate of assessments to Washington County.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Lake Elmo, Minnesota, that the following parcel may be removed from the 2017 assessment roll due per the attached Washington County abatement forms.

03.029.21.23.0053

APPROVED by the Lake Elmo City Council on this 4<sup>th</sup> day of April, 2017.

By: \_\_\_\_\_  
Mike Pearson  
Mayor

ATTEST:

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

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

(M.S.) 375.192

Worksheet #:

Assessment Year: 2017

Payable Year: 2017

**APPLICANT**

Owner's Name (please print or type) <b>Christ Lutheran Church Lake Elmo</b>			Soc. Sec. /Fed ID <b>41-6008739</b>	Phone <b>651-777-2881</b>	Cell
Owner's Name			Soc. Sec. /Fed ID	Phone	Cell
Owner's Name			Soc. Sec. /Fed ID	Phone	Cell
Owner's Mailing Address <b>PO Box 310</b>			Property Address (if different from mailing address) <b>3549 Lake Elmo Ave N</b>		
City <b>Lake Elmo</b>	State <b>MN</b>	Zip <b>55042</b>	City <b>Lake Elmo</b>	State <b>MN</b>	Zip <b>55042</b>

**DESCRIPTION OF PROPERTY**

Property ID Number <b>13.029.21.23.0053</b>	MP Number		
Legal Description of Property <b>LOTS 29 &amp; 30 COUNTY AUDITORS PLAT NUMBER 8 LAKE ELMO CITY SUBDIVISIONNAME COUNTY AUDITOR'S PLAT NO.8 LOT 29 SUBDIVISIONCD 37135</b>	City or Township <b>Lake Elmo</b>	School District # <b>834</b>	TAG

**ASSESSOR'S ESTIMATED MARKET VALUE**

**Original:**

Land EMV	Improvement EMV	Total	Classification
<b>\$179,500.00</b>	<b>\$261,000.00</b>	<b>\$440,500.00</b>	<b>Exempt</b>

**Revised:**

Land EMV	Improvement EMV	Total	Classification

**Applicant's Statement of Facts:**

Property was divided and sold. Special assessments were paid in full to the City of Lake Elmo for the OV Phase 1 project including sewer and street assessments.

**Applicant's Request:**

Applicant requests the assessments be removed from the property tax statement as they have been paid in full.

Applicant's Signature: David P Luthie, President CLC Date: 3/26/17

**Note: Minnesota Statute's 1988, Section 609.41, "Whoever, in making any statement, oral or written, which is required or authorized by law to be made as a basis of imposing, reducing, or abating any tax or assessment, intentionally makes any statement as to any material matter which the maker of the statement knows is false may be sentenced, unless otherwise provided by law, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000.00 or both.**

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







## STAFF REPORT

DATE: April 4, 2017

**CONSENT**

ITEM #: 5

**AGENDA ITEM:** Municipal State Aid System – Resolution Establishing Municipal State Aid Streets

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

**REVIEWED BY:** Kristina Handt, City Administrator  
Rob Weldon, Public Works Director  
Chad Isakson, Assistance City Engineer

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**BACKGROUND:** As a Municipal State Aid city, the City of Lake Elmo is eligible to designate certain higher volume roadways that are functionally classified as collector or arterial streets, as Municipal State Aid routes, and are eligible to receive a proportionate share of state aid funding to assist with the maintenance and construction of the MSA roadway network. Streets designated as Municipal State Aid Streets must meet the selection criteria of Rule 8820.0700, sub. 3. The City is allowed to designate roadway mileage up to a cap of 20% of the total local and county roadway system within the City limits. In addition, the City is allowed to designate any county road or county state aid highway (CSAH) which is turned back to the city with said mileage being over and above the 20% limitation.

Municipal State Aid (MSA) funding is allocated in accordance with state statutes with one-half of the annual funding based on each city's population relative to other state aid cities, and one-half of the annual funding based on each city's estimated "Needs".

**ISSUE BEFORE COUNCIL:** Should the City Council approve the designation of 5<sup>th</sup> Street North, from Inwood Avenue (CSAH 13) to Keats Avenue (CSAH 19) as a municipal state aid route thereby increasing the municipal state aid system by 1.82 miles?

**PROPOSAL DETAILS/ANALYSIS:** As part of the City's Municipal State Aid System the City must certify to the Office of State Aid the total mileage within the corporate limits of Lake Elmo. Due to the development activities over the past several years Lake Elmo has increased the total mileage of streets by 8.85 miles. The certification of these streets to the office of State Aid in 2016 allows the City to designate an additional 1.82 miles of municipal state Aid streets (20%).

Staff has reviewed the City's Municipal State-Aid road network and is recommending that 5<sup>th</sup> Street North, from Inwood Avenue (CSAH 13) to Keats Avenue (CSAH 19) be designated as a Municipal State Aid Street. 5<sup>th</sup> Street North is an east-west collector street identified in the City's Comprehensive Transportation Plan as necessary to accommodate the planned growth and development in the I-94 corridor. Over the past several years, portions of 5<sup>th</sup> Street North, from Inwood Avenue (CSAH 13) to Keats Avenue (CSAH 19), have been constructed as part of the Savona, Boulder Ponds and Inwood subdivisions. By mid-July of 2017 it is projected that this entire stretch of street will be paved.

**FISCAL IMPACT:** With the designation of 5<sup>th</sup> Street North as a municipal state aid route the City will increase the City's state aid system by approximately 1.82 miles of roadway. The additional roadway will

increase the City's determination of Needs on an annual basis resulting in an increased allocation of Municipal State Aid funding.

**RECOMMENDATION:** Staff is recommending that the City Council approve, *as part of the Consent Agenda*, Resolution No. 2017-032 approving revisions to the City's Municipal State Aid System (MSAS) as presented to designate 5<sup>th</sup> Street North, from Inwood Avenue (CSAH 13) to Keats Avenue (CSAH 19) as a municipal state aid route for the determination of Needs. If removed from the consent agenda, the recommended motion for the action is as follows:

***"Move to approve Resolution 2017-032, Establishing Municipal State Aid Streets."***

**ATTACHMENTS:**

1. Resolution 2017-032 Establishing Municipal State Aid Streets.
2. 2016 Certification of Mileage.
3. 5th Street North MSA Designation Map.

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

**RESOLUTION NO. 2017-032  
A RESOLUTION ESTABLISHING MUNICIPAL STATE AID STREETS**

**WHEREAS**, the City of Lake Elmo has reviewed the City's Municipal State Aid Street System and has identified system revisions needed in accordance with the policies and goals of the City's future growth and development and Comprehensive Transportation Plan; and

**WHEREAS**, based on these recommendations, it appears to the Lake Elmo City Council that the streets hereinafter described should be designated Municipal State Aid Streets under the provisions of Minnesota Law.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Lake Elmo that the streets described as follows, to-wit:

<b>STREET NAME</b>	<b>FROM</b>	<b>TO</b>
5 <sup>th</sup> Street North	Inwood Avenue (CSAH 13)	875 feet east of Ivywood Circle North
5 <sup>th</sup> Street North	875 feet east of Ivywood Circle North	180 feet west of Jade Trail North
5 <sup>th</sup> Street North	180 feet west of Jade Trail North	830 feet east of Jade Trail North
5 <sup>th</sup> Street North	830 feet east of Jade Trail North	935 feet west of Junco Road North
5 <sup>th</sup> Street North	935 feet west of Junco Road North	Junco Road North
5 <sup>th</sup> Street North	Junco Road North	Keats Avenue (CSAH 19)

be, and hereby are, established, located, and designated a Municipal State Aid Street of the City of Lake Elmo subject to the approval of the Commissioner of Transportation of the State of Minnesota.

**BE IT FURTHER RESOLVED**, that the City Clerk is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for consideration, and upon approval of the designation of said roads or portion thereof, that same be constructed, improved and maintained as a Municipal State Aid Street of the City of Lake Elmo, to be numbered and known as a Municipal State Aid Street.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE FOURTH DAY OF APRIL 2017.**

**CITY OF LAKE ELMO**

By: \_\_\_\_\_  
Mike Pearson  
Mayor

(Seal)  
ATTEST:

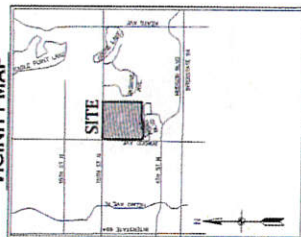
\_\_\_\_\_  
Julie Johnson  
City Clerk

## 2016 STREET MILEAGE CERTIFICATION

SUBDIVISION	TOTAL		RESIDENTIAL		COLLECTOR	
	feet	miles	feet	miles	feet	miles
INWOOD 1ST -3RD ADDITION	11,881	2.25	8,981	1.70	2,900	0.55
BOULDER PONDS 1ST ADDITION	5,087	0.96	4,075	0.77	1,012	0.19
SAVONA 1ST - 3RD ADDITIONS	10,994	2.08	8,047	1.52	2,947	0.56
HAMMES ESTATES 1ST ADDITION	0	0.00	0	0.00	NA	NA
HUNTERS CROSSING 1ST-2ND ADDITION	3,804	0.72	2,453	0.46	1,350	0.26
VILLAGE PRESERVE 1ST-2ND ADDITION	4,375	0.83	4,375	0.83	NA	NA
WILDFLOWER 1ST ADDITION	6,024	1.14	6,024	1.14	NA	NA
EASTON VILLAGE 1ST ADDITION	4,031	0.76	3,684	0.70	347	0.07
KELVIN AVENUE (EXTENSION OF PUBLIC STREET)	538	0.10	538	0.10	NA	NA
TOTALS	46,735	8.85	38,178	7.23	8,209	1.55
					347	0.07



**SANITARY SEWER, WATER MAIN, STORM SEWER  
AND STREET CONSTRUCTION PLANS  
LAKE ELMO, MINNESOTA**

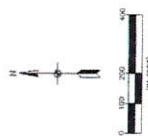


NOT TO SCALE

## SHEET INDEX

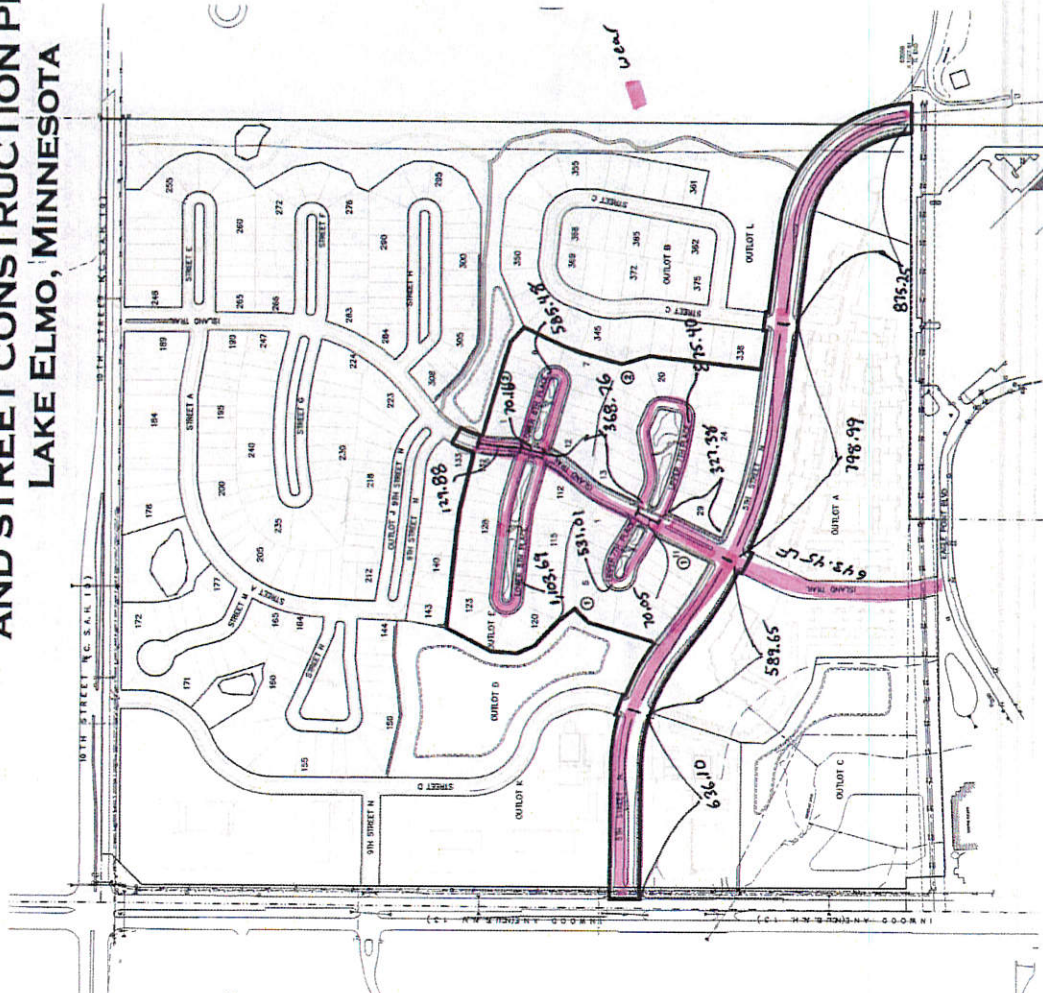
1. COVER
2. SANITARY SEWER & WATERMAIN INDEX
3. STORM SEWER INDEX
4. SANITARY SEWER & WATERMAIN
5. SANITARY SEWER & WATERMAIN
6. SANITARY SEWER & WATERMAIN
7. SANITARY SEWER & WATERMAIN
8. SANITARY SEWER & WATERMAIN
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11. SANITARY SEWER & WATERMAIN
12. STORM SEWER
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14. STORM SEWER
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16. STORM SEWER
17. STORM SEWER
18. STORM SEWER
19. STORM SEWER
20. STREET CONSTRUCTION
  - 5TH STREET N
21. STREET CONSTRUCTION
  - 5TH STREET N
22. STREET CONSTRUCTION
  - 5TH STREET N
23. STREET CONSTRUCTION
  - ISLAND /RAIL
24. STREET CONSTRUCTION
  - UPPER 7TH PLACE
25. STREET CONSTRUCTION
  - LOWER 8TH PLACE
26. STREET CONSTRUCTION
  - LOWER 8TH PLACE
27. STREET CONSTRUCTION
  - BITUMINOUS TRAIL
28. SIGNING, STRIPING & LIGHTING PLAN
29. SIGNING, STRIPING & LIGHTING PLAN
30. SIGNING, STRIPING & LIGHTING PLAN
31. DETAILS
32. DETAILS
33. DETAILS
34. DETAILS

### LEGEND



## BENCHMARKS

1. Top Hat of Hydrant located on the south side of Gayle Point Road approximately 1,200 ft. easterly of the intersection of Gayle Point Road and Inland Avenue North - Elevation=1030.57 (H202 29)
2. Reformed spike in power pole located on the south side of 10th Street North approximately 1,250 ft. east of the West line of the NE 1/4 of S. 33, T. 29, R. 21 - Elevation=1033.78 (H202 29)

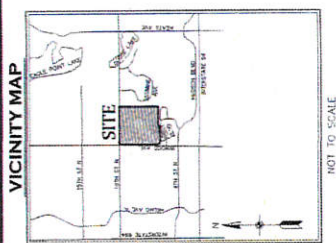




# INWOOD 3RD ADDITION

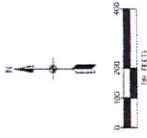
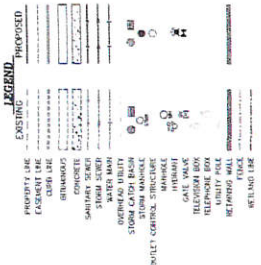
## SANITARY SEWER, WATER MAIN, STORM SEWER AND STREET CONSTRUCTION PLANS

### LAKE ELMO, MINNESOTA



#### SHEET INDEX

1. COVER
2. SANITARY SEWER & WATERMAIN INDEX
3. STORM SEWER INDEX
4. SANITARY SEWER & WATERMAIN
5. SANITARY SEWER & WATERMAIN
6. SANITARY SEWER & WATERMAIN
7. SANITARY SEWER & WATERMAIN
8. STORM SEWER
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12. STORM SEWER
13. STREET CONSTRUCTION
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15. STREET CONSTRUCTION
16. STREET CONSTRUCTION
17. STREET CONSTRUCTION
18. STREET CONSTRUCTION
19. SIGNING, STRIPING & LIGHTING PLAN
20. SIGNING, STRIPING & LIGHTING PLAN
21. DETAILS
22. DETAILS
23. DETAILS
24. DETAILS



**BENCHMARKS**

1. Top of station located on the south side of Upper Point Road approximately 100 feet west of the intersection of Upper Point Road and Bruce Avenue.

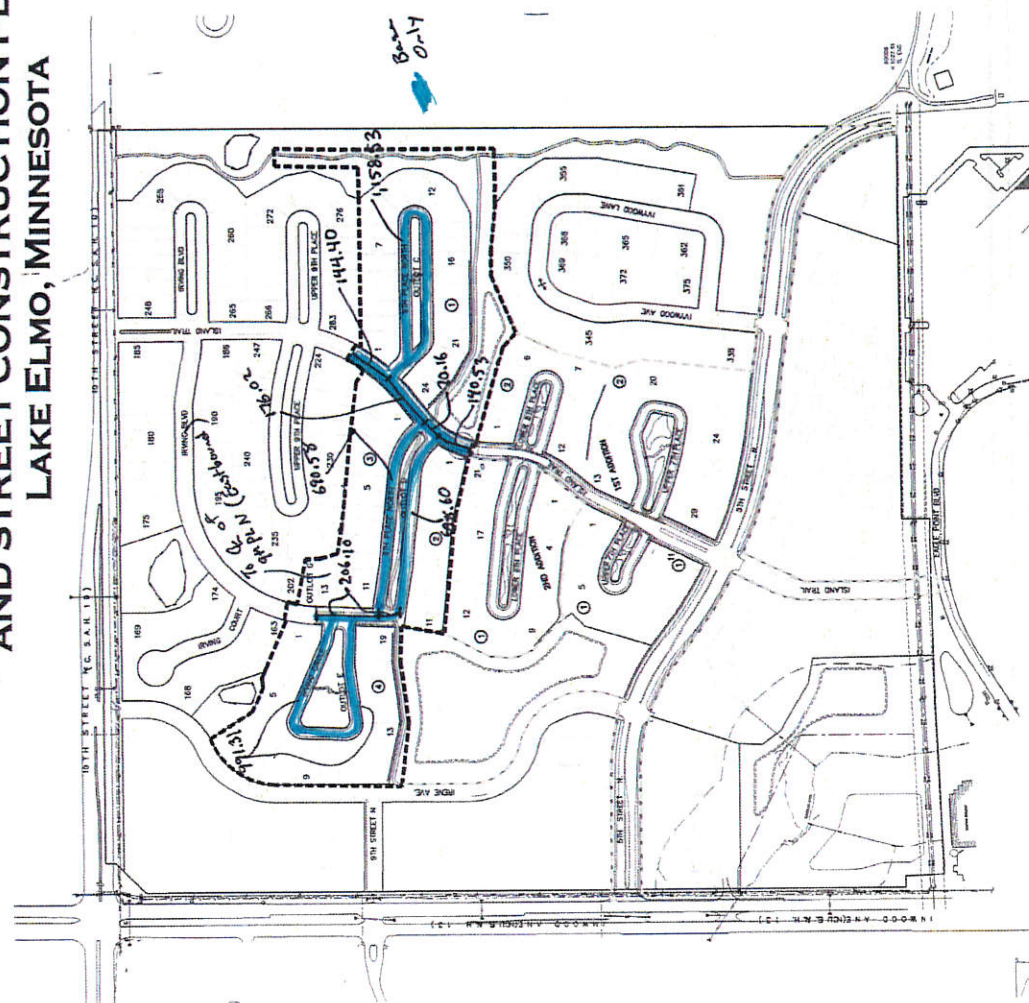
2. Station located on the south side of the road, approximately 100 feet north of the intersection of Upper Point Road and Bruce Avenue.

3. Station located on the south side of the road, approximately 100 feet north of the intersection of Upper Point Road and Bruce Avenue.

4. Station located on the south side of the road, approximately 100 feet north of the intersection of Upper Point Road and Bruce Avenue.

OUTLOT OWNERSHIP SUMMARY

OUTLOT	OWNER
C	CITY
D	CITY
E	CITY



Carlson  
McCann

• engineering  
• consulting  
• surveying

**INWOOD 3RD ADDITION**  
Lake Elmo, Minnesota

**COVER**

1 of 24

**M/I HOMES**  
941 HE HIRSH RD, Suite 300  
Tulsa, OK 74112

**DESIGNED BY:** M/I HOMES  
**CHECKED BY:** M/I HOMES  
**DATE:** 01/11/11

**PROJECT NO.:** 111-111-111  
**PROJECT NAME:** INWOOD 3RD ADDITION  
**PROJECT LOCATION:** LAKE ELMO, MINN.

**SCALE:** 1" = 40' (PLAN)  
1" = 10' (SECTION)

**NOTES:**

1. Verify all dimensions and elevations.
2. Verify all dimensions and elevations.
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23. Verify all dimensions and elevations.
24. Verify all dimensions and elevations.



**Developer**  
OP4 Boulder Ponds, LLC  
Excelsior Group - Deb Ridgeway  
11455 Viking Drive, Suite 350  
Eden Prairie, MN 55344  
(612) 353-3307  
E-mail: Deb.Ridgeway@ExcelsiorLLC.com

# Boulder Ponds - P.U.D. for OP4 Boulder Ponds, LLC

Lake Elmo, MN  
Section 34, Township 29, Range 21

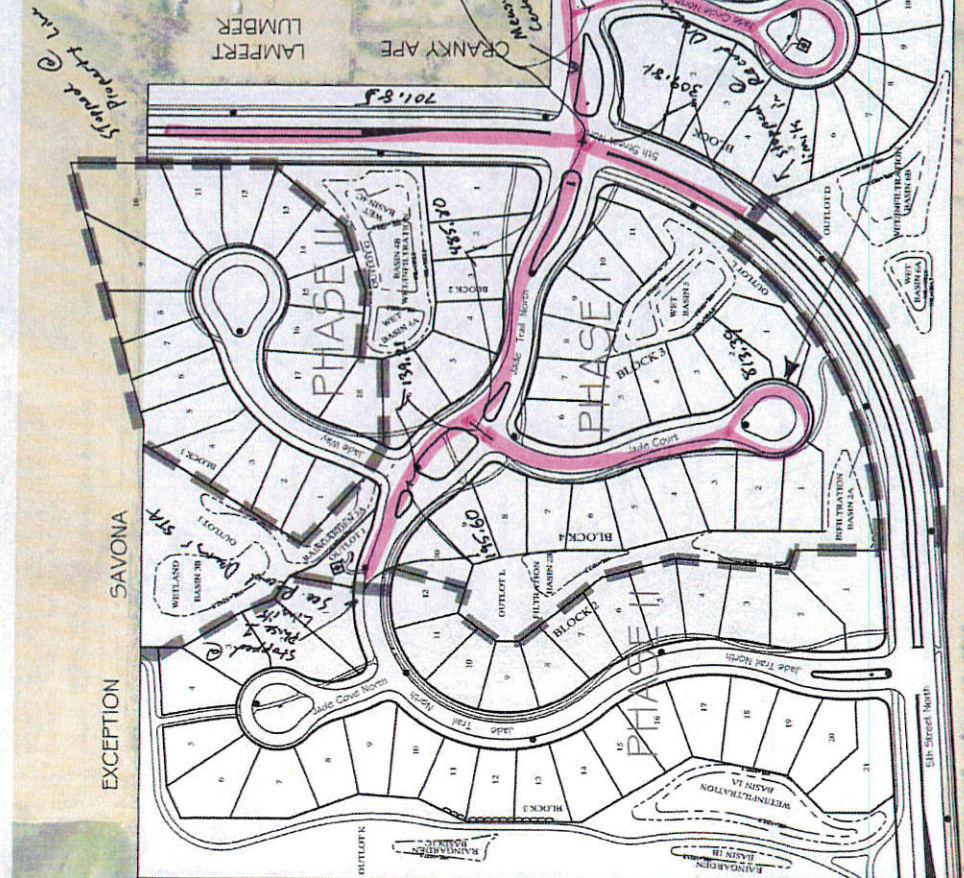
## SHEET INDEX

1. Title Sheet & Phasing
2. Legend
- 3-10. Sanitary & Watermain
- 11-18. Storm Sewer
- 19-28. Streets
- GR1-GR7. Grading
- W1. Wetland Impacts
- EC1-EC4. Erosion Control
- BP-1. BP Petroleum Pipeline
- XS1-XS24. Cross Sections
- SS1. Signs & Striping
- TL1. Hudson Blvd. Turn Lanes
- D1-D10. Details D1-D12
- EX1. Turning Movements

**RECORD DRAWING**  
CONTRACTOR: BREDAK CONSTRUCTION  
CITY PROJECT NUMBER: 2012005  
CONSTRUCTION COMPLETION DATE: 8/23/2015  
RECORD DRAWING NUMBER: 800

**Project Bench Mark**  
MNDOT Station: NYGAARD MNDT  
Elevation = 1010.83 (NGVD 29)

MEASURED BY: E.J. AND JONG DAVIN BY: JIM - SEV  
CERTIFIED ENGINEER: DAVID R. COMAR - SEV - 40753



UNITED PROPERTIES, LLC  
EAGLE POINT BUSINESS PARK  
HIGH POINT MEDICAL  
HIGH POINT DENTAL

CLIENT NAME: OP4 Boulder Ponds, LLC  
SHEET: 1 OF 28  
TITLE SHEET & PHASING

41968  
Project Number

10/20/2015  
Date

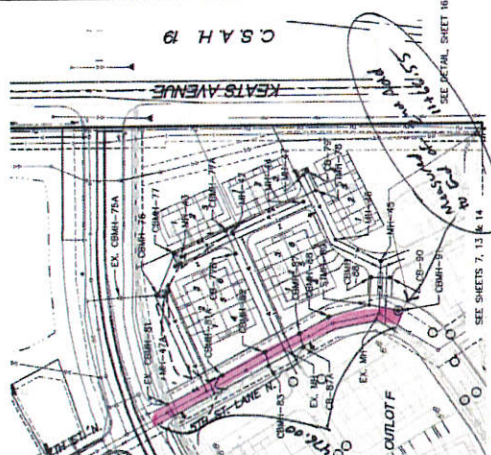
10/20/2015  
Date







STORM SEWER CASTING SCHEDULE			CASTING TYPE	
NUMBER	SIZE TYPE	MAN	MAN	MAN
76	CH40	CH40	R-300-V	
77	CH40	CH40	R-300-V	
77A	CH40	CH40	R-300-V	
78	ST40	ST40	R-1442-B	
79	CH40	CH40	R-300-V	
80	CH40	CH40	R-300-V	
81	CH40	CH40	R-300-V	
82	CH40	CH40	R-300-V	
83	CH40	CH40	R-300-V	
83A	CH40	CH40	R-300-V	
84	CH40	CH40	R-300-V	
85	CH40	CH40	R-300-V	
86	CH40	CH40	R-300-V	
87	CH40	CH40	R-300-V	
88	CH40	CH40	R-300-V	
89	CH40	CH40	R-300-V	
90	CH40	CH40	R-300-V	
91	CH40	CH40	R-300-V	
92	CH40	CH40	R-300-V	
93	CH40	CH40	R-300-V	
94	CH40	CH40	R-300-V	
95	CH40	CH40	R-300-V	
96	CH40	CH40	R-300-V	
97	CH40	CH40	R-300-V	
98	CH40	CH40	R-300-V	
99	CH40	CH40	R-300-V	
100	CH40	CH40	R-300-V	
101	CH40	CH40	R-300-V	
102	CH40	CH40	R-300-V	
103	CH40	CH40	R-300-V	
104	CH40	CH40	R-300-V	
105	CH40	CH40	R-300-V	
106	CH40	CH40	R-300-V	
107	CH40	CH40	R-300-V	
108	CH40	CH40	R-300-V	
109	CH40	CH40	R-300-V	
110	CH40	CH40	R-300-V	
111	CH40	CH40	R-300-V	
112	CH40	CH40	R-300-V	
113	CH40	CH40	R-300-V	
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115	CH40	CH40	R-300-V	
116	CH40	CH40	R-300-V	
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147	CH40	CH40	R-300-V	
148	CH40	CH40	R-300-V	
149	CH40	CH40	R-300-V	
150	CH40	CH40	R-300-V	
151	CH40	CH40	R-300-V	
152	CH40	CH40	R-300-V	
153	CH40	CH40	R-300-V	
154	CH40	CH		

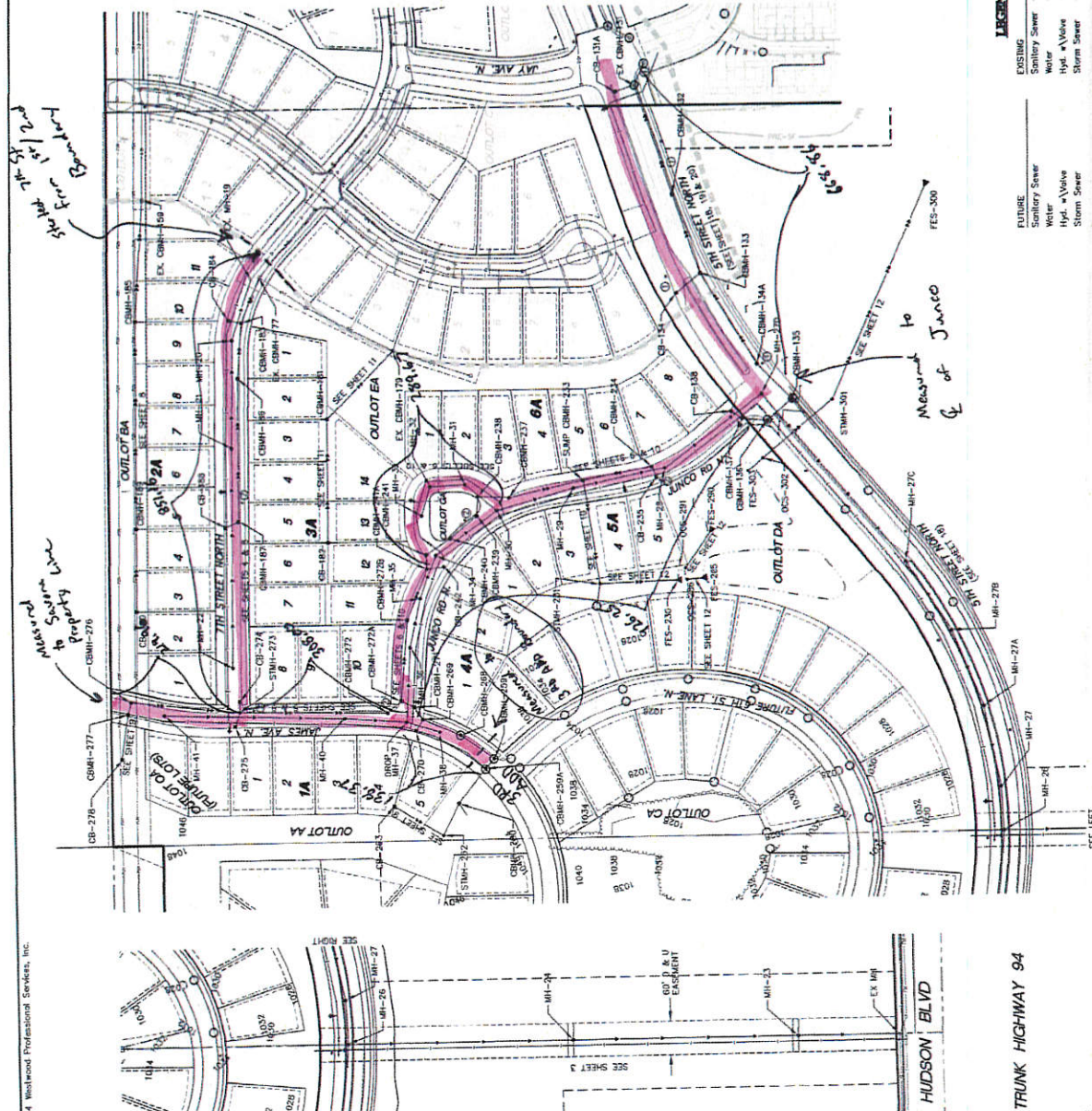


**WARNING: XCEL TRANSMISSION LINES ARE PRESENT WITHIN THE PROJECT AREA.**

EXCAVATION CLOSE TO STRUCTURE LOCATION.

minimum distance of ten (10) feet. If supported earth must be maintained from any part of the tank structure, support of the excavation beyond the (10) feet may be provided by a slope no greater than three feet horizontal to one foot vertical. Support may also be provided by the use of cribbing, sheet piling, retaining wall or shoring. The specific plan for providing the required support and the excavation plan for the proposed project must be submitted to the Department of Public Works for review and approval prior to construction start.

## APPENDIX 1

[illegible]

STREET LIGHTS

- 25' POLE (XCEL-"EVANS" LAMP)  
15' POLE ORNAMENTAL LIGHT  
(XCEL ENERGY-"ACORN" LAMP)

### LEGEND

EXISTING		PROPOSED	
Sanitary Sewer	4	Sanitary Sewer	4
Water	1	Water	1
Hyd. w/ Valve	1	Hyd. w/ Valve	1
Storm Sewer	24	Storm Sewer	24
		Doubleline	24

CONTRACTOR NOLAND CONSTRUCTION CO.  
RECORD DRAWING  
CONFORMING TO CONSTRUCTION RECORDS.

**Latest Revision Date:** 01/22/16

Savona 2nd

### Addition

**Lake Elmo, Minnesota**

Lennar Corporation

303 36th Avenue North Suite 600  
Plymouth, Minnesota 55446

Prepared for:

Designed	CM
Checked	EM
Drawn	MM
Record Drawing by/Date	JAB

I hereby certify that this plan was prepared by me or under my  
 direct supervision and that I am a duly Licensed PROFESSIONAL  
 ENGINEER under the laws of the State of Missouri.  
 Ryan M. Rubin  
 License No. 41257  
 1/22/16



**Wardwood Professional Services, Inc.**  
 7100 Arroyo Drive  
 El San Pedro, BM 50544

PHONE 912-917-4110  
 FAX 912-911-3827  
 TOLL FREE 1-800-337-8180





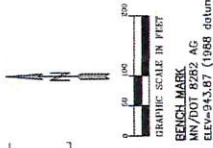
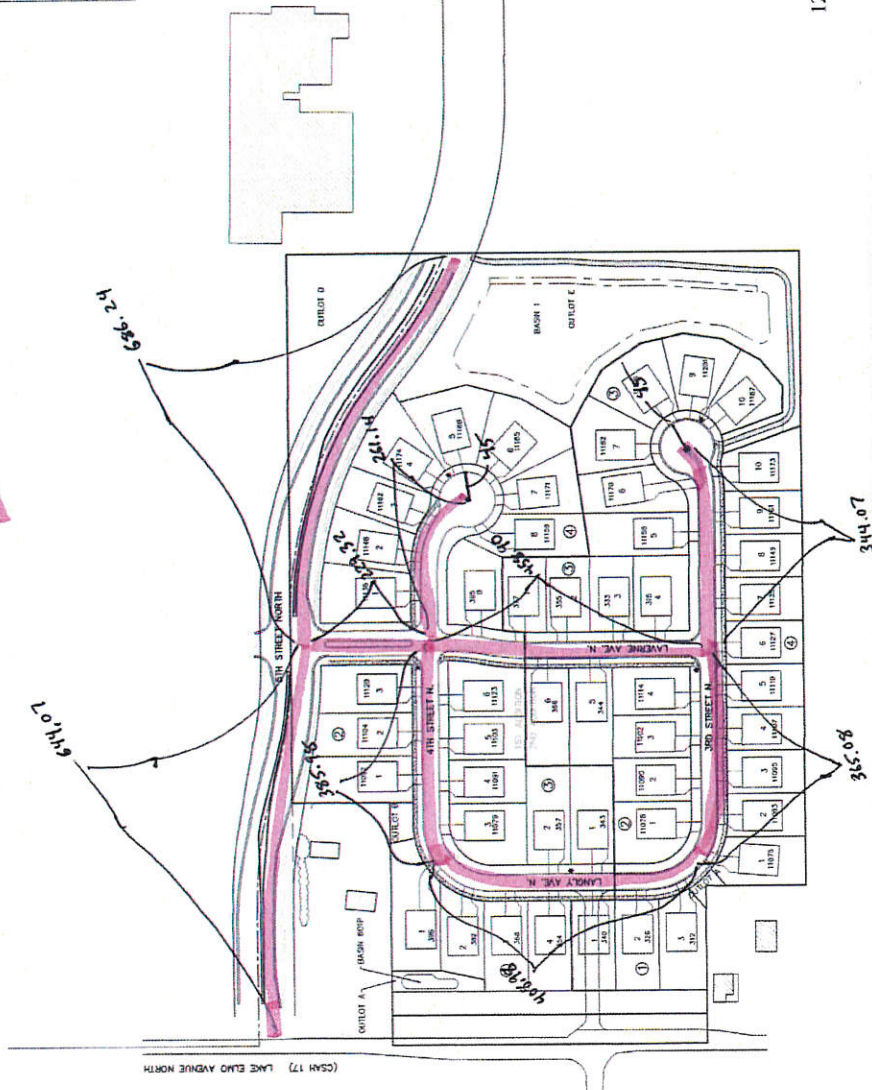
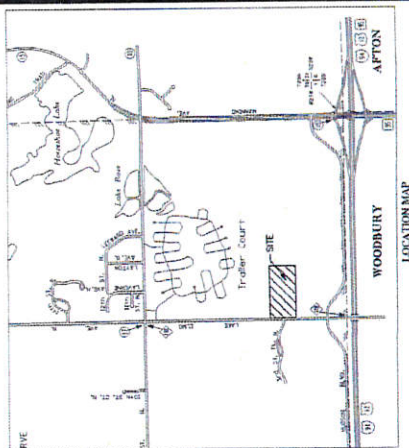








new =



**SHEET INDEX**  
1. COVER SHEET  
2-4. SANITARY SEWER  
5-7. STORM SEWER  
8-9. STREET CONST  
10. BITUMINOUS T  
11. SIGNING, STRI  
12-19. CITY DETAILS

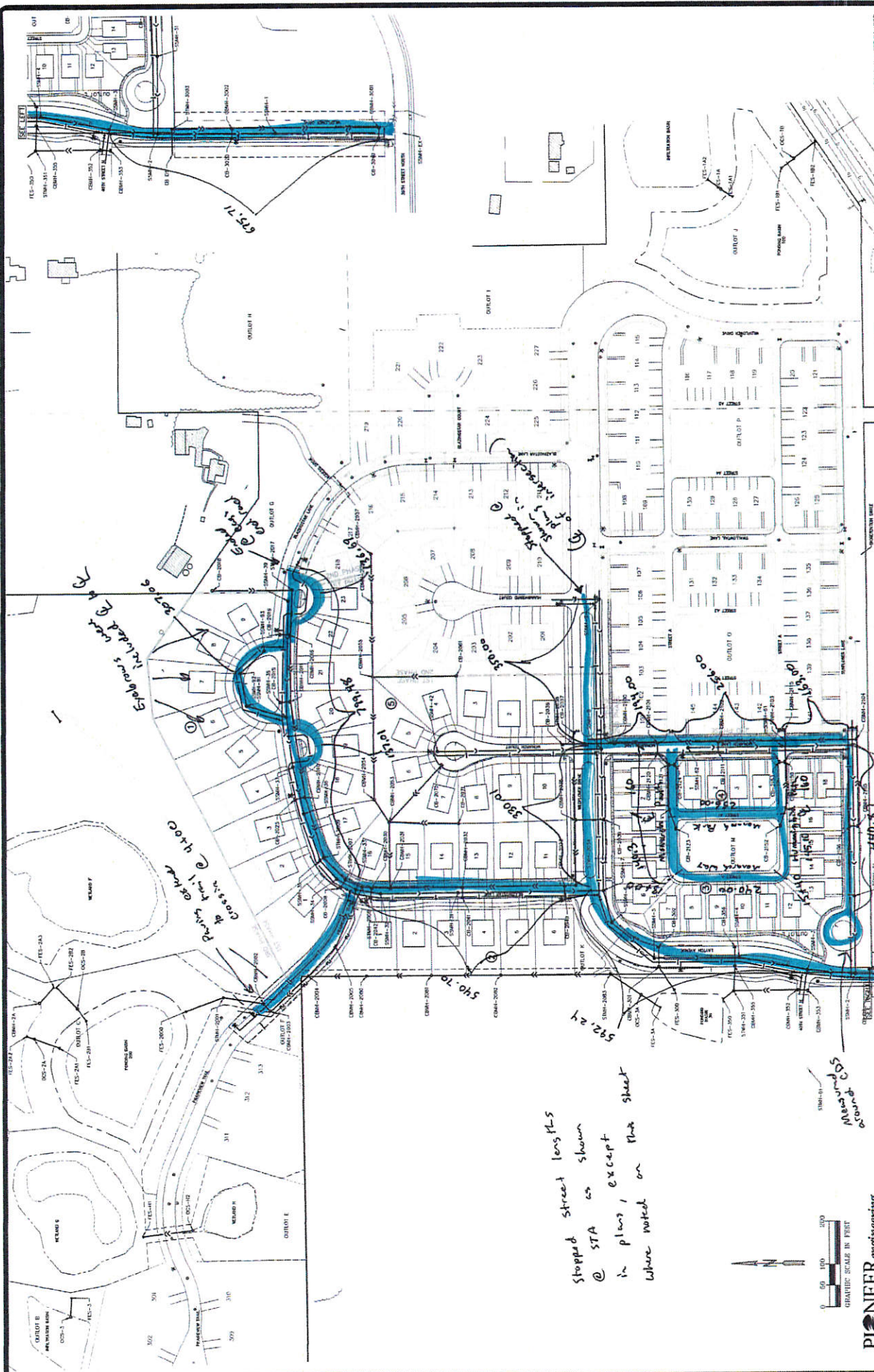
## L1. LANDSCAPE PLAN

[illegible]











# EASTON VILLAGE

LAKE ELMO, MINNESOTA

## PHASE I - STREET & UTILITY PLAN

JUNE 12, 2015

**ERICSSON CIVIL**  
131 Third Ave. Suite 201  
Burnsville, MN 55337  
Phone 952-308-9441  
www.ericssoncivil.com

**DRAWING PHASE:**  
OWNER REVIEW  
AGENCY REVIEW  
RECORDING  
✓ FOR CONSTRUCTION  
ALLEN LOCKMONT

**40415**  
LICENSE NO.  
09122015  
DATE

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

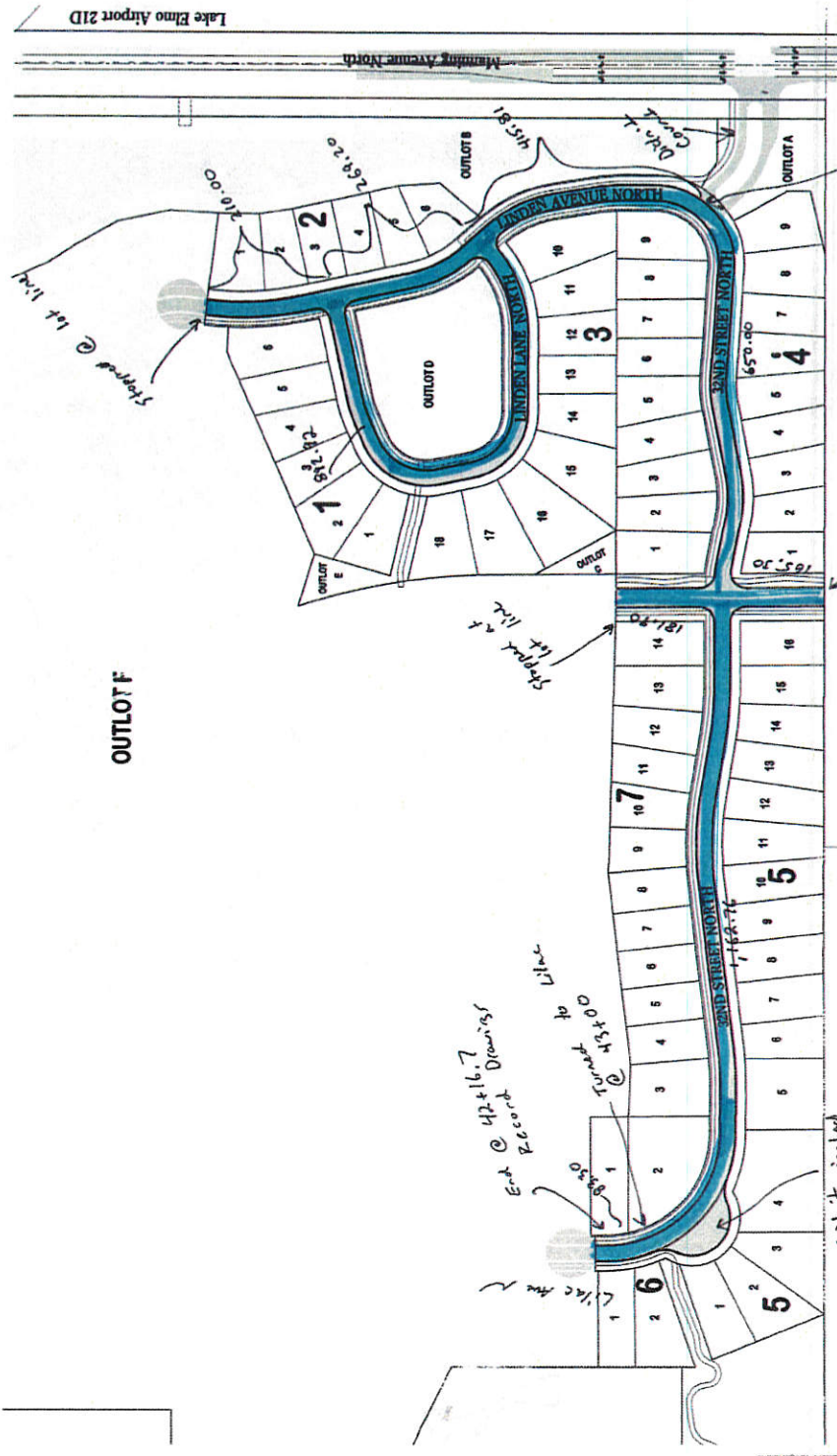
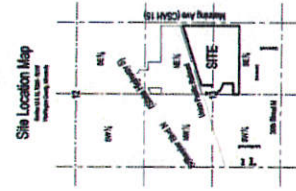
**EASTON VILLAGE**  
PHASE I - STREET &  
UTILITY PLAN  
LAKE ELMO, MINNESOTA

**PROJECT TITLE**  
PROJECT NO.  
DATE

**REVISION DESCRIPTION**  
NO.  
DATE

**PROJECT TITLE**  
PROJECT NO.  
DATE

**14-144**  
SHEET TITLE  
TITLE SHEET  
SHEET NO.  
**C1**  
SHEET 1 OF 25



**PLAN SHEET INDEX:**

SHEET NO.	SHEET ID	DESCRIPTION
1	C1	PHASE I - STREET & UTILITY PLAN
2	C2	PHASE II - STREET & UTILITY PLAN
3	C3	PHASE III - STREET & UTILITY PLAN
4	C4	PHASE IV - STREET & UTILITY PLAN
5	C5	PHASE V - STREET & UTILITY PLAN
6	C6	PHASE VI - STREET & UTILITY PLAN
7	C7	PHASE VII - STREET & UTILITY PLAN
8	C8	PHASE VIII - STREET & UTILITY PLAN
9	C9	PHASE IX - STREET & UTILITY PLAN
10	C10	PHASE X - STREET & UTILITY PLAN
11	C11	PHASE XI - STREET & UTILITY PLAN
12	C12	PHASE XII - STREET & UTILITY PLAN
13	C13	PHASE XIII - STREET & UTILITY PLAN
14	C14	PHASE XIV - STREET & UTILITY PLAN
15	C15	PHASE XV - STREET & UTILITY PLAN
16	C16	PHASE XVI - STREET & UTILITY PLAN
17	C17	PHASE XVII - STREET & UTILITY PLAN
18	C18	PHASE XVIII - STREET & UTILITY PLAN
19	C19	PHASE XIX - STREET & UTILITY PLAN
20	C20	PHASE XX - STREET & UTILITY PLAN
21	C21	PHASE XXI - STREET & UTILITY PLAN
22	C22	PHASE XXII - STREET & UTILITY PLAN
23	C23	PHASE XXIII - STREET & UTILITY PLAN
24	C24	PHASE XXIV - STREET & UTILITY PLAN
25	C25	PHASE XXV - STREET & UTILITY PLAN
26	C26	PHASE XXVI - STREET & UTILITY PLAN
27	C27	PHASE XXVII - STREET & UTILITY PLAN
28	C28	PHASE XXVIII - STREET & UTILITY PLAN
29	C29	PHASE XXIX - STREET & UTILITY PLAN
30	C30	PHASE XXX - STREET & UTILITY PLAN
31	C31	PHASE XXXI - STREET & UTILITY PLAN
32	C32	PHASE XXXII - STREET & UTILITY PLAN
33	C33	PHASE XXXIII - STREET & UTILITY PLAN
34	C34	PHASE XXXIV - STREET & UTILITY PLAN
35	C35	PHASE XXXV - STREET & UTILITY PLAN
36	C36	PHASE XXXVI - STREET & UTILITY PLAN
37	C37	PHASE XXXVII - STREET & UTILITY PLAN
38	C38	PHASE XXXVIII - STREET & UTILITY PLAN
39	C39	PHASE XXXIX - STREET & UTILITY PLAN
40	C40	PHASE XL - STREET & UTILITY PLAN
41	C41	PHASE XLI - STREET & UTILITY PLAN
42	C42	PHASE XLII - STREET & UTILITY PLAN
43	C43	PHASE XLIII - STREET & UTILITY PLAN
44	C44	PHASE XLIV - STREET & UTILITY PLAN
45	C45	PHASE XLV - STREET & UTILITY PLAN
46	C46	PHASE XLVI - STREET & UTILITY PLAN
47	C47	PHASE XLVII - STREET & UTILITY PLAN
48	C48	PHASE XLVIII - STREET & UTILITY PLAN
49	C49	PHASE XLIX - STREET & UTILITY PLAN
50	C50	PHASE L - STREET & UTILITY PLAN
51	C51	PHASE LI - STREET & UTILITY PLAN
52	C52	PHASE LII - STREET & UTILITY PLAN
53	C53	PHASE LIII - STREET & UTILITY PLAN
54	C54	PHASE LIV - STREET & UTILITY PLAN
55	C55	PHASE LV - STREET & UTILITY PLAN
56	C56	PHASE LVI - STREET & UTILITY PLAN
57	C57	PHASE LVII - STREET & UTILITY PLAN
58	C58	PHASE LVIII - STREET & UTILITY PLAN
59	C59	PHASE LVIX - STREET & UTILITY PLAN
60	C60	PHASE LX - STREET & UTILITY PLAN
61	C61	PHASE LXI - STREET & UTILITY PLAN
62	C62	PHASE LXII - STREET & UTILITY PLAN
63	C63	PHASE LXIII - STREET & UTILITY PLAN
64	C64	PHASE LXIV - STREET & UTILITY PLAN
65	C65	PHASE LXV - STREET & UTILITY PLAN
66	C66	PHASE LXVI - STREET & UTILITY PLAN
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68	C68	PHASE LXVIII - STREET & UTILITY PLAN
69	C69	PHASE LXIX - STREET & UTILITY PLAN
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73	C73	PHASE LXXIII - STREET & UTILITY PLAN
74	C74	PHASE LXXIV - STREET & UTILITY PLAN
75	C75	PHASE LXXV - STREET & UTILITY PLAN
76	C76	PHASE LXXVI - STREET & UTILITY PLAN
77	C77	PHASE LXXVII - STREET & UTILITY PLAN
78	C78	PHASE LXXVIII - STREET & UTILITY PLAN
79	C79	PHASE LXXIX - STREET & UTILITY PLAN
80	C80	PHASE LXXX - STREET & UTILITY PLAN
81	C81	PHASE LXXXI - STREET & UTILITY PLAN
82	C82	PHASE LXXXII - STREET & UTILITY PLAN
83	C83	PHASE LXXXIII - STREET & UTILITY PLAN
84	C84	PHASE LXXXIV - STREET & UTILITY PLAN
85	C85	PHASE LXXXV - STREET & UTILITY PLAN
86	C86	PHASE LXXXVI - STREET & UTILITY PLAN
87	C87	PHASE LXXXVII - STREET & UTILITY PLAN
88	C88	PHASE LXXXVIII - STREET & UTILITY PLAN
89	C89	PHASE LXXXIX - STREET & UTILITY PLAN
90	C90	PHASE LXXXX - STREET & UTILITY PLAN
91	C91	PHASE LXXXXI - STREET & UTILITY PLAN
92	C92	PHASE LXXXXII - STREET & UTILITY PLAN
93	C93	PHASE LXXXXIII - STREET & UTILITY PLAN
94	C94	PHASE LXXXXIV - STREET & UTILITY PLAN
95	C95	PHASE LXXXXV - STREET & UTILITY PLAN
96	C96	PHASE LXXXXVI - STREET & UTILITY PLAN
97	C97	PHASE LXXXXVII - STREET & UTILITY PLAN
98	C98	PHASE LXXXXVIII - STREET & UTILITY PLAN
99	C99	PHASE LXXXXIX - STREET & UTILITY PLAN
100	C100	PHASE LXXXXX - STREET & UTILITY PLAN

32nd St / Linden Ave  
used STA 6+50  
transition  
(Record Drawings)

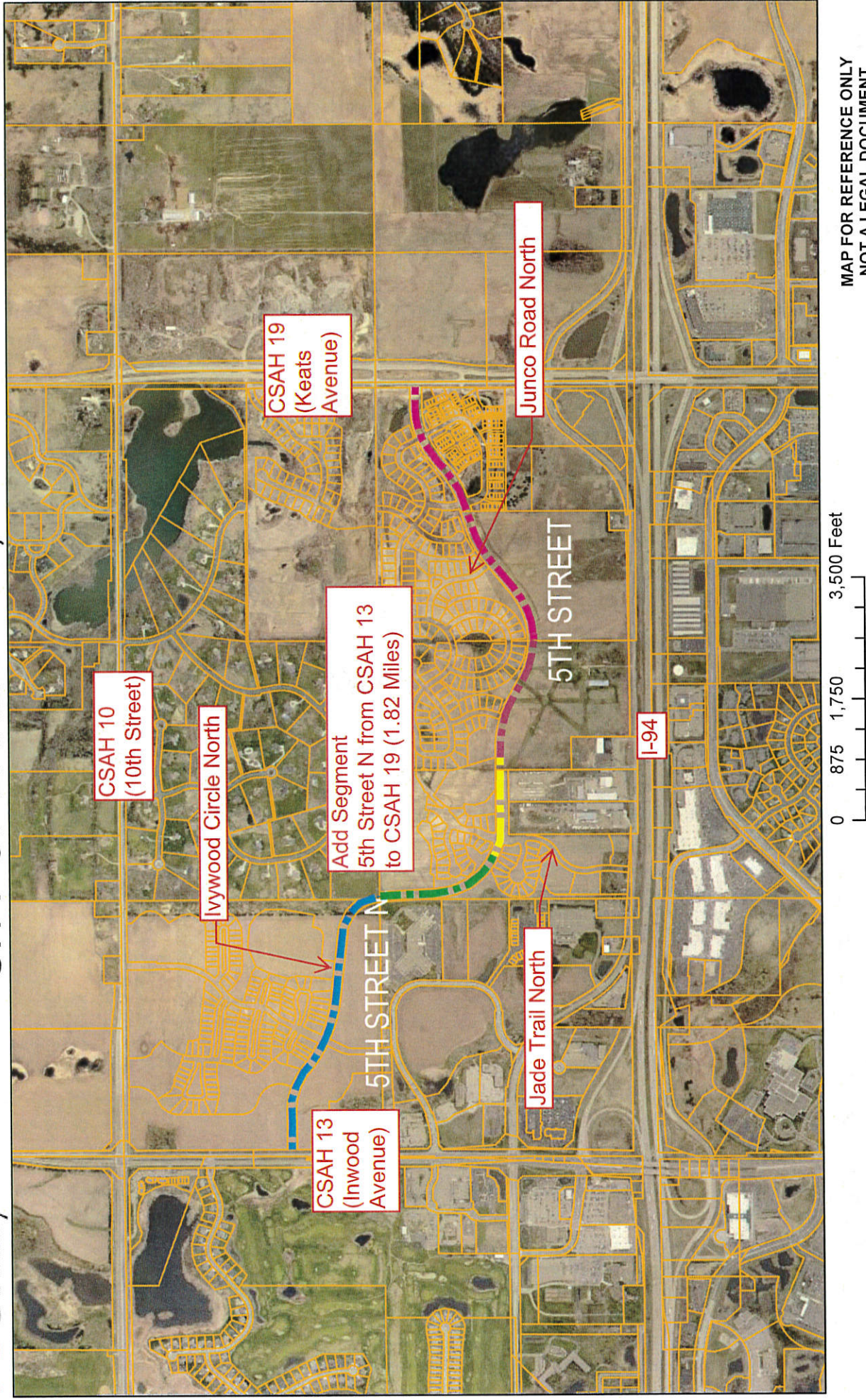
PHASE I - 71 UNIT SINGLE FAMILY RESIDENTIAL SUBDIVISION

Didn't include  
bump out

NOTE: ALL CONSTRUCTION SHALL CONFORM TO THE STANDARDS OF THE CITY OF LAKE ELMO



# CITY OF LAKE ELMO, MN.



This drawing is the result of the compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.





## STAFF REPORT

DATE: April 4, 2017

**CONSENT**

ITEM #: 6

**AGENDA ITEM:** Old Village Phase 3 Street, Drainage, and Utility Improvements – Resolution Approving Plans and Specifications and Ordering Advertisement for Bids

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

**REVIEWED BY:** Kristina Handt, City Administrator  
Rob Weldon, Public Works Director  
Chad Isakson, Project Engineer

---

**ISSUE BEFORE COUNCIL:** Should the City Council approve the plans and specifications and order advertisement for bids for the Old Village Phase 3 Street, Drainage, and Utility Improvements?

**BACKGROUND:** On December 20, 2016, following a Public Improvement Hearing, the City council ordered the improvements and preparation of the plans and specifications for the Old Village Phase 3 Street, Drainage, and Utility Improvements. The improvements include the extension of sanitary sewer to the Lake Elmo Elementary School, City Hall and the Brookman II Building (3825 Lake Elmo Avenue) as well as extending sanitary sewer along Laverne Avenue, from 39<sup>th</sup> Street North to CSAH 14; 31st Street North, from CSAH 17 to the east end; Laverne Court North, from 31st Street North to south cul-de-sac; and Layton Court North, from 31st Street North to south cul-de-sac.

The improvements include the reconstruction of the existing streets with concrete curb and gutter, installation and repair of storm sewer, the replacement of the aged watermain, and a sanitary sewer service stub extended to the property line for each benefitting property. The improvements also include the construction of a sidewalk and trail along Laverne Avenue from 39<sup>th</sup> Street North to CSAH 14 as part of the Downtown Master Plan. The watermain along Laverne Avenue will be upsized to a trunk 16-inch diameter main as the final connection for the intermediate/low pressure zone relocation to the Union Pacific Railroad and watermain is proposed to be extended to the Brookman II building at the property owner's request.

The scope of improvements is consistent with the approved feasibility report which was adopted by the City Council on November 15, 2016. The feasibility report was prepared in response to the receipt of petitions for sanitary sewer service from the Lake Elmo Elementary School (Independent School District #834) at 11030 Stillwater Boulevard, and from the property owners along 31st Street North, from CSAH 17 to the east end, Laverne Court North, from 31st Street North to south cul-de-sac, and Layton Court North, from 31st Street North to south cul-de-sac.

**PROPOSAL DETAILS/ANALYSIS:** The plans and specifications have been completed for the improvements and are ready to be advertised for contractor bids. A bid date has been scheduled for May 4, 2017. Once received, bids will be reviewed by staff and if acceptable will be presented to council on May 16th to award a contract.

**FISCAL IMPACT:** The estimated total cost for the Old Village Phase 3 improvements is \$2,498,000 with the street, sidewalk and storm sewer improvements estimated at \$1,191,300; the sanitary sewer

improvements estimated at \$753,800; and the watermain improvements estimated at \$552,900. The improvements are proposed to be assessed against the benefitting properties consistent with the City's Special Assessment Policy and the Old Village Sewer Assessment Policy.

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

**RECOMMENDATION:** Staff is recommending that the City Council approve, *as part of the consent agenda*, Resolution 2017-033 approving the plans and specifications and ordering the advertisement for bids for the Old Village Phase 3 Street, Drainage, and Utility Improvements. If removed from the consent agenda, the recommended motion for the action is as follows:

***"Move to approve Resolution No. 2017-033, approving the plans and specifications and ordering the advertisement for bids for the Old Village Phase 3 Street, Drainage, and Utility Improvements."***

**ATTACHMENTS:**

1. Resolution No. 2017-033 Approving the plans and specifications and ordering the advertisement for bids for the Old Village Phase 3 Street, Drainage, and Utility Improvements.
2. Location Map.
3. Project Schedule.
4. Project Plans and Specifications available for review at City Hall.

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

**RESOLUTION NO. 2017-033**

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND  
ORDERING ADVERTISEMENT FOR BIDS FOR THE OLD VILLAGE  
PHASE 3 STREET, DRAINAGE, AND UTILITY IMPROVEMENTS**

**WHEREAS**, pursuant to a resolution passed by the City Council on the 20th day of December 2016, the City Engineer, together with SEH, Inc. has prepared plans and specifications for the Old Village Phase 3 Street, Drainage and Utility Improvements and has presented such plans and specifications to the Council for approval.

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

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

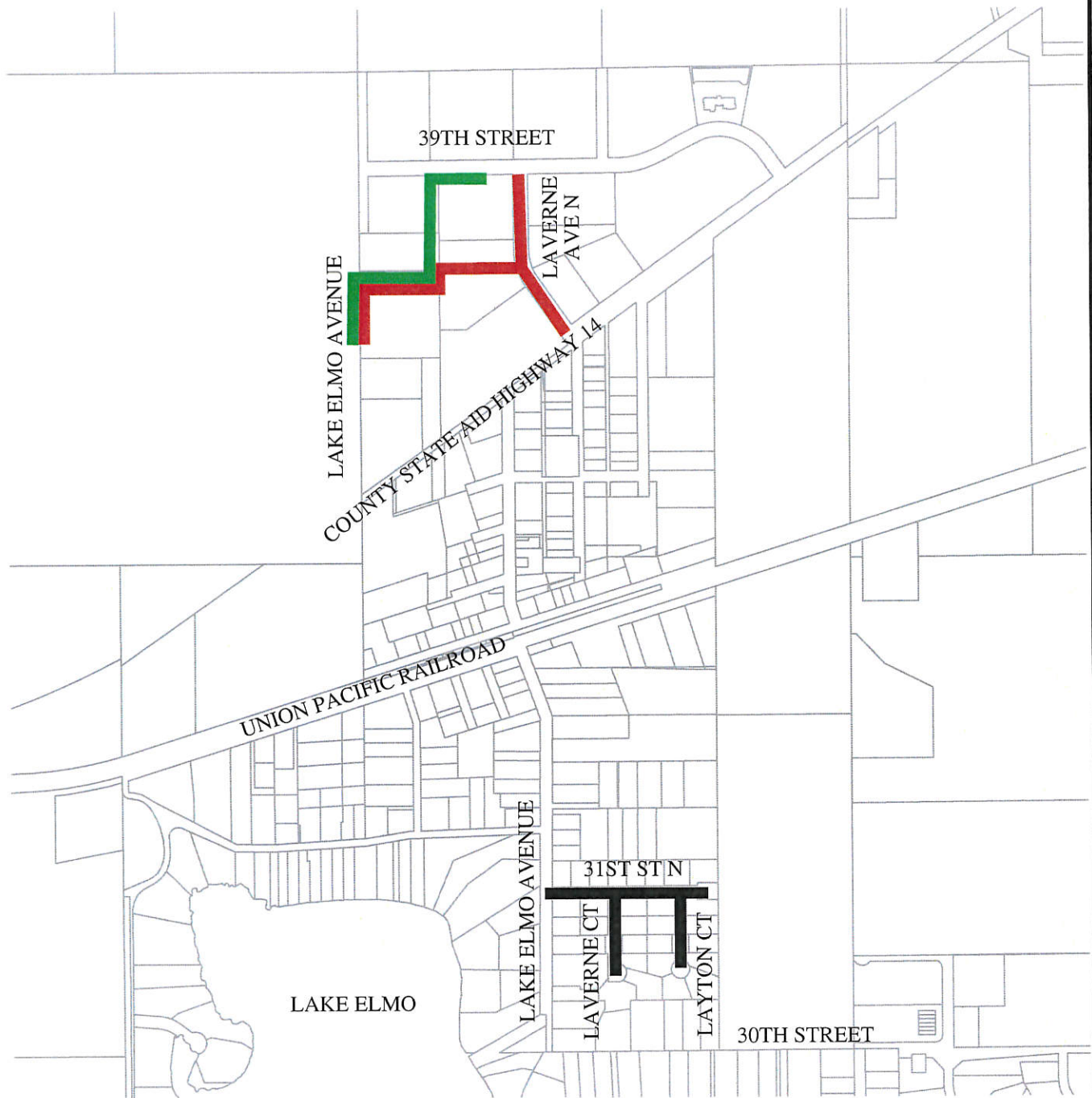
**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE FOURTH DAY OF APRIL, 2017.**

**CITY OF LAKE ELMO**

(Seal)  
ATTEST:

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

By: \_\_\_\_\_  
Mike Pearson  
Mayor



# LEGEND

- 31ST STREET NEIGHBORHOOD STREET, DRAINAGE, AND UTILITY IMPROVEMENTS
- OPTION 1: LAVERNE AVENUE AREA STREET, DRAINAGE, AND UTILITY IMPROVEMENTS
- OPTION 2: LAKE ELMO ELEMENTARY SCHOOL SANITARY SEWER EXTENSION



**FOCUS**  
ENGINEERING

OLD VILLAGE PHASE 3:  
STREET, DRAINAGE, AND  
UTILITY IMPROVEMENTS  
PROJECT NO. 2016.133  
NOVEMBER, 2016

FIGURE NO. 1  
LOCATION MAP  
OLD VILLAGE PHASE 3



PROJECT SCHEDULE  
CITY OF LAKE ELMO

OLD VILLAGE PHASE 3: STREET, DRAINAGE  
AND UTILITY IMPROVEMENTS  
PROJECT NO. 2016-133

**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

MARCH 2017

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SEPTEMBER 20, 2016	Council authorizes the preparation of the Phase 3 Feasibility Report.
NOVEMBER 15, 2016	Presentation of Feasibility Report. Council accepts Report and calls Hearing.
DECEMBER 20, 2016	Public Improvement Hearing. Council <u>Orders the Improvement</u> and orders the preparation of Plans and Specifications (Requires 4/5 <sup>th</sup> vote).
APRIL 4, 2017	Council approves Plans and Specifications and orders Advertisement for Bids.
MAY 4, 2017	Receive Contractor Bids.
MAY 16, 2017	Council accepts Bids and awards Contract.
JUNE 5, 2017	Conduct Pre-Construction Meeting and issue Notice to Proceed. <ul style="list-style-type: none"><li>• OCTOBER 27, 2016 Substantial Completion.</li><li>• June 30, 2018 Final Completion.</li></ul>





## STAFF REPORT

DATE: April 4, 2017

**CONSENT**

ITEM #: 7

**AGENDA ITEM:** 2017 Street Improvements – Resolution Approving Plans and Specifications and Ordering Advertisement for Bids

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

**REVIEWED BY:** Kristina Handt, City Administrator  
Rob Weldon, Public Works Director  
Chad Isakson, Project Engineer

---

**ISSUE BEFORE COUNCIL:** Should the City Council approve the plans and specifications and order advertisement for bids for the 2017 Street Improvements?

**BACKGROUND:** On January 17, following a Public Improvement Hearing, the City council ordered the improvements and preparation of the plans and specifications for the 2017 Street Improvements. The improvements include the rehabilitation of residential streets located in 4 separate subdivisions, including Fox Fire Estates, Springborns Green Acres, Judith Mary Manor and Rolling Hills Estates. The street improvements include approximately 2.3 miles of local streets consisting of 55th Street North, from Demontreville Trail North to 57th Street North; 57th Street North, from Julep Way North to Keats Avenue North; Jamaca Avenue North, from 55th Street North to Jamaca Boulevard North; and Jamaca Boulevard North, from 55th Street North to Jamaca Avenue North.

The improvements include a full depth reclamation of the existing pavement with the installation of new concrete curb and gutter and a new bituminous surface. Drainage improvements have been incorporated into the project to include storm sewer system replacement and drainage upgrades to prevent water from standing on or along the new street pavements. With the addition of one new storm sewer system along 55<sup>th</sup> Street North, the scope of improvements remains consistent with the approved feasibility report which was adopted by the City Council on December 6, 2016.

**PROPOSAL DETAILS/ANALYSIS:** The plans and specifications have been completed for the improvements and are ready to be advertised for contractor bids. A bid date has been scheduled for May 5, 2017. Once received, bids will be reviewed by staff and if acceptable will be presented to council on May 16th to award a contract.

**FISCAL IMPACT:** The estimated total cost for the 2017 Street Improvements is \$1,400,000. The improvements are proposed to be partially assessed against the benefitting properties consistent with the City's Special Assessment Policy. The project is funded through the issuance of general obligation bonds and special assessments.

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

**RECOMMENDATION:** Staff is recommending that the City Council approve, *as part of the consent agenda*, Resolution 2017-031 approving the plans and specifications and ordering the advertisement for bids for the 2017 Street Improvements. If removed from the consent agenda, the recommended motion for the action is as follows:

***“Move to approve Resolution No. 2017–031, approving the plans and specifications and ordering the advertisement for bids for the 2017 Street Improvements.”***

**ATTACHMENTS:**

1. Resolution No. 2017-031 Approving the plans and specifications and ordering the advertisement for bids for the 2017 Street Improvements.
2. Location Map.
3. Project Schedule.
4. Project Plans and Specifications available for review at City Hall.



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

**RESOLUTION NO. 2017-031**

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND  
ORDERING ADVERTISEMENT FOR BIDS FOR THE  
2017 STREET IMPROVEMENTS**

**WHEREAS**, pursuant to a resolution passed by the City Council on the 17th day of January 2017, the City Engineer, together with TKDA, Inc. has prepared plans and specifications for the 2017 Street Improvements and has presented such plans and specifications to the Council for approval.

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

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

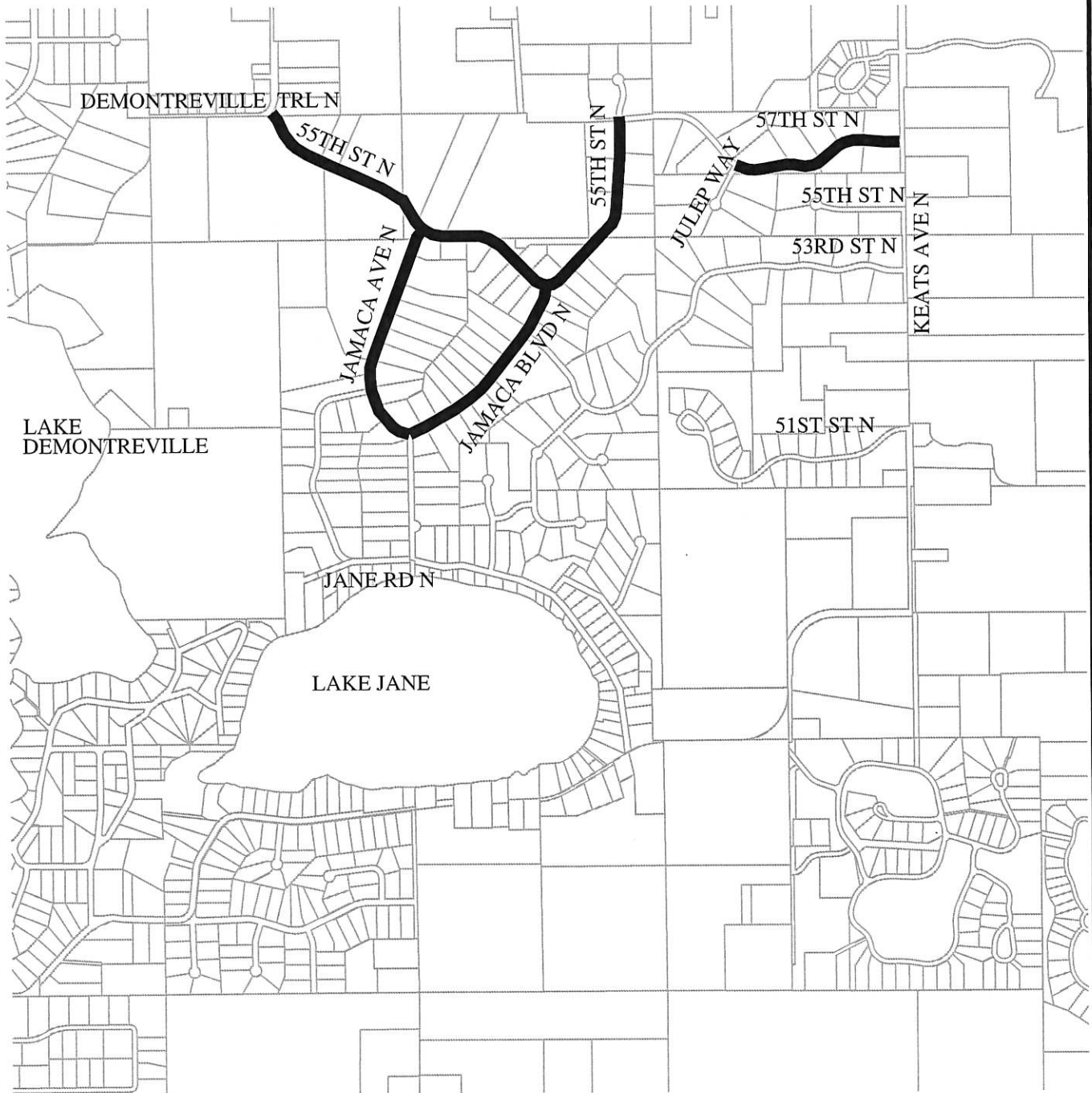
**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE FOURTH DAY OF APRIL, 2017.**

**CITY OF LAKE ELMO**

(Seal)  
ATTEST:

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

By: \_\_\_\_\_  
Mike Pearson  
Mayor



**LEGEND**

**2017 STREET IMPROVEMENTS**

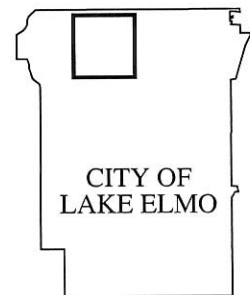
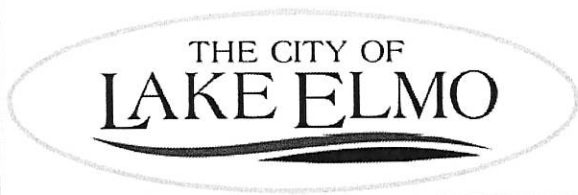


FIGURE NO. 1

LOCATION MAP  
NORTH TRI LAKES AREA

**FOCUS  
ENGINEERING**

2017 STREET IMPROVEMENTS  
PROJECT NO. 2016.135  
DECEMBER, 2016

PROJECT SCHEDULE  
CITY OF LAKE ELMO

# FOCUS ENGINEERING, inc.

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

2017 STREET IMPROVEMENTS  
PROJECT NO. 2016.135

MARCH 2017

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- |                  |   |
|------------------|---|
| OCTOBER 4, 2016  | Council authorizes Feasibility Report.  |
| DECEMBER 6, 2016 | Presentation of Feasibility Report. Council accepts Report and calls Hearing. Authorizes Design Survey.   |
| JANUARY 17, 2017 | Public Improvement Hearing. Council <u>Orders the Improvement</u> and orders the preparation of Plans and Specifications (Requires 4/5 <sup>th</sup> vote).   |
| APRIL 4, 2017    | Council approves Plans and Specifications and orders Advertisement for Bids.  |
| MAY 5, 2017      | Receive Contractor Bids.  |
| MAY 16, 2017     | Council accepts Bids and awards Contract.   |
| JUNE 12, 2017    | Conduct Pre-Construction Meeting and issue Notice to Proceed. <ul style="list-style-type: none"><li>• SEPTEMBER 22, 2017 Substantial Completion.</li><li>• OCTOBER 27, 2017 Final Completion.</li></ul> |





## STAFF REPORT

DATE: 4/4/17

**CONSENT**

ITEM #: 8

**MOTION**

**TO:** City Council

**FROM:** Rob Weldon, Public Works Director

**AGENDA ITEM:** Rain Garden Maintenance Agreement

**REVIEWED BY:** Kristina Handt, City Administrator

---

**ISSUE BEFORE COUNCIL:** Should the City Council approve a maintenance agreement with Washington Conservation District for city owned rainwater gardens?

**PROPOSAL DETAILS/ANALYSIS:** Under this agreement, Washington Conservation District will provide maintenance to the 5 city owned rainwater gardens a minimum of 2 times during the 2017 growing season. This maintenance will include; inlet cleaning, plant identification, weed removal and litter removal. Also, by utilizing this service the city will be meeting maintenance requirements of the Best Management Practices, (BMPs) as outlined in the Municipal Separate Storm Sewer System, (MS4) Permit.

Any additional work needed in the rain gardens such as; additional wood mulch or plantings will still be the responsibility of the city

**FISCAL IMPACT:** Not to exceed \$1,250.00, funded through Surface Water Contract Services.

**OPTIONS:**

- Approve Raingarden Maintenance Agreement
- Deny Raingarden Maintenance Agreement
- Table Raingarden Maintenance Agreement

**RECOMMENDATION:**

**Motion to approve Raingarden Maintenance Agreement with Washington Conservation District for an amount not to exceed \$1,2500.00**

**ATTACHMENTS:** Raingarden Maintenance Agreement



## **Agreement Between the Washington Conservation District and the City of Lake Elmo**

**PARTIES:** This letter of agreement will set forth the work to be provided by the Washington Conservation District (WCD) to the City of Lake Elmo (City) to perform maintenance of Best Management Practices (BMPs).

**TERM OF CONTRACT:** The effective date of the agreement is from April 1, 2017 to December 31, 2017.

**SCOPE OF SERVICES:** Work to be performed by the WCD includes the following tasks:

- a. Perform a minimum of two maintenance visits for five raingardens. Maintenance activities include inlet cleanout, weed removal, and litter removal.
- b. No material costs are anticipated.

**COST AND PAYMENTS:** Costs for services for these activities shall not exceed \$1,250.00. Services will be provided by the WCD Seasonal Maintenance Worker(s) @ \$38/hr. Invoices will be sent on a quarterly basis and will list specifically the work performed. Invoices are payable by the City of Lake Elmo within 60 days. Office supplies, normal office reproduction expenses, and transportation are included in the hourly rate. Other expenses are to be reimbursed at actual cost.

**RELATIONSHIP:** This agreement in no way shall constitute, nor be construed in such a way to create an employment relationship between the City and the WCD. WCD staff shall not be entitled to any rights, privileges, or benefits of employees of the City.

**INDEMNIFICATION & INSURANCE:** The WCD agrees it will defend, indemnify, and hold harmless the City, its council members and employees against any and all liability, loss, costs, damages and expenses, including attorneys' fees, which the City, its council members or employees may hereafter sustain, incur, or be required to pay arising out of the WCD's performance or failure by the WCD to perform its obligations pursuant to this agreement. Likewise, the City agrees that it will defend, indemnify, and hold harmless the WCD, its board members and employees against any and all liability, loss, costs, damages and expenses including attorneys' fees, which the WCD, its board members and employees may hereafter sustain, incur, or be required to pay arising out of the actions of the City pursuant to this agreement. The parties acknowledge and agree that any exposure to the City or the WCD or the acts or omissions of their respective officers, agents, board members and employees will not exceed the limits provided for in Minnesota Statutes Chapter 466.

**EQUAL EMPLOYMENT OPPORTUNITY- CIVIL RIGHTS:** During the performance of this Agreement, the WCD agrees to the following: No person shall, on the grounds of race, color, religion, age, sex, disability, marital status, public assistance, criminal record, creed or national origin, be excluded from full employment rights in, be denied the benefits of, or be otherwise subjected to discrimination under any program, service, or activity under the provisions of and all applicable federal and state laws against discrimination including the Civil Rights Act of 1964.

**RECORDS:** Under Minn Stat. section 16C.05, the WCD's books, records, documents and accounting procedures and practices relevant to this grant are subject to examination by the State and/or the State Auditor or Legislative Auditor, as appropriate for a minimum of six years from the end of this agreement.

**DATA PRIVACY:** All data collected, created, received, maintained, or disseminated, or used for any purpose in the course of the WCD's performance of the Agreement is governed by the Minnesota Government Data Practices Act, Minnesota 1984, Section 13.01, et seq. Or any other applicable state statutes and state rules adopted to implement the Act, as well as state statutes and federal regulations on data privacy. The WCD agrees to abide by these statutes, rules and regulations and as they may be amended.

**TERMINATION:** Either the WCD or City may terminate this Agreement with or without cause by giving the other party thirty (30) days written notice prior to the effective date of such termination.

In Witness Whereof, the WCD and City have duly executed this Agreement as of the date and year referenced herein.

\_\_\_\_\_  
Director of Public Works, Lake Elmo

\_\_\_\_\_  
Jay Riggs  
District Manager, Washington Conservation District

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date





## STAFF REPORT

DATE: April 4, 2017

CONSENT

ITEM #: 9

**TO:** City Council  
**FROM:** Emily Becker, City Planner  
**AGENDA ITEM:** Pebble Park Free Library

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### **BACKGROUND:**

A resident proposed constructing and erecting a free library in Pebble Park.

### **ISSUE BEFORE COMMISSION:**

The Council is being asked to review the proposed location and approve that the resident erect the free library within Pebble Park.

### **PROPOSAL DETAILS/ANALYSIS:**

- Attached to this staff report is a location map showing where the resident is proposing to place the Free Library.
- The resident will construct the free library and put it up. The resident will be asked to sign a form that says the City will not be responsible for maintenance and will not be liable for damage.
- The proposed location map shows Pebble Parks phasing plan that the Parks Commission viewed back in 2014, showing that it does not interfere with any current or proposed amenities.
- The resident attended the March 20, 2017 Parks Commission meeting and explained that she and other neighbors will take care of maintenance and repair of the free library, should it deteriorate or be vandalized. The location has been chosen so as to discourage vandalism as much as possible.
- The Parks Commission saw no issues with the proposal or proposed location. They even recommended that this be an amenity the City look to have in more parks within the City.

### **FISCAL IMPACT:**

The resident has been asked to sign a form that frees the City from liability for damage and maintenance responsibility. The resident has not yet returned this form to the City and will need to do so before erecting the Free Library. This form is attached for reference.

### **RECOMMENDATION:**

Staff and the Parks Commission recommend that Council approve as part of tonight's consent agenda a resident erecting a Free Library within Pebble Park, subject to the resident signing the attached donation form. If removed from the Consent Agenda, the Council may approve with the following motion:

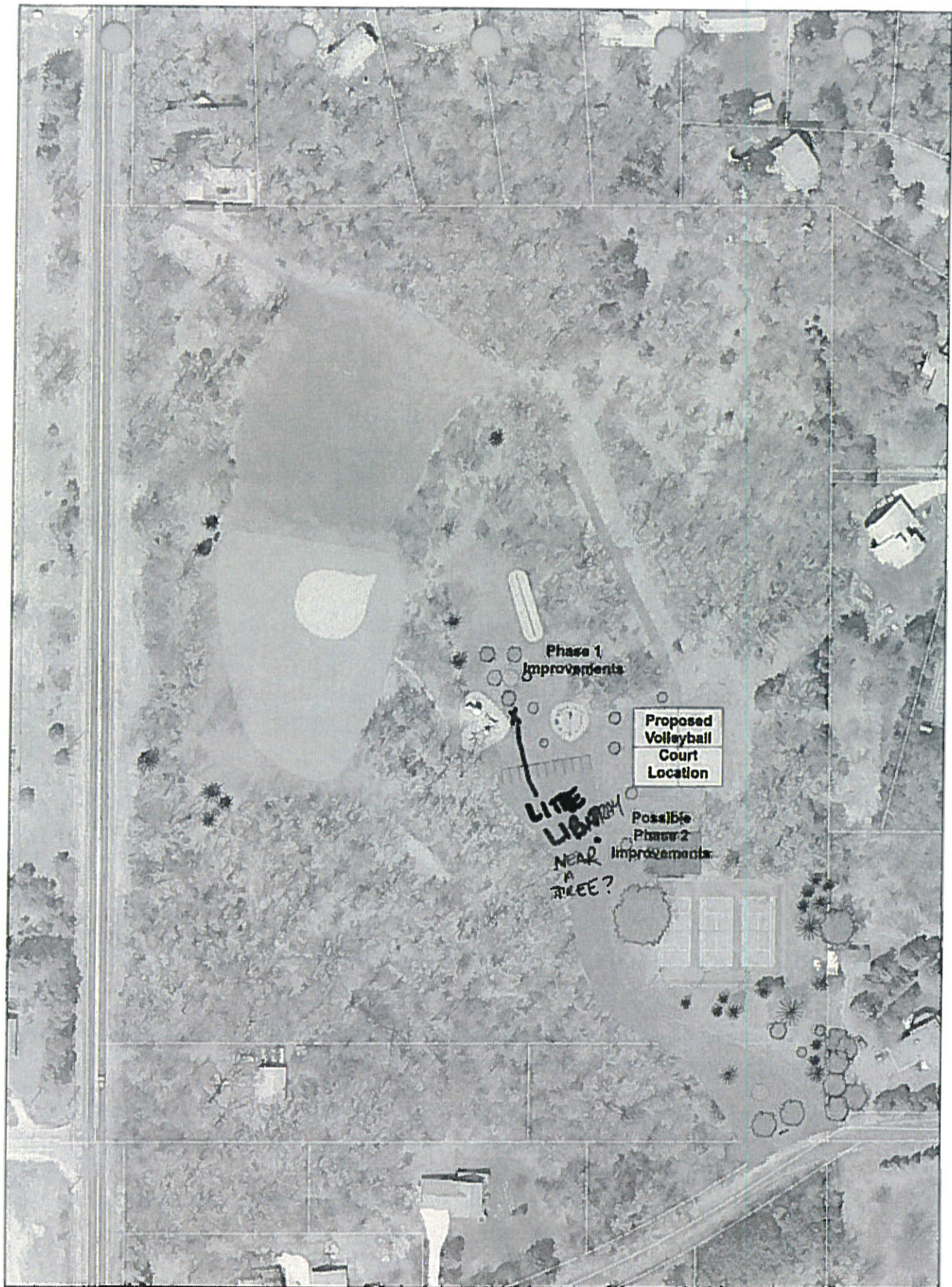
***"Motion to approve a resident erecting a Free Library within Pebble Park subject to the resident submitting to the City a signed donation form freeing the City of liability and maintenance responsibility."***

### **ATTACHMENTS:**

- Proposed location map (Pebble Park).
- Unsigned donation form







Pebble Park  
Draft Plan 7/31/14

Scale:  
0 40 80 160 feet







## CHECKLIST FOR ACCEPTING DONATIONS

Policy: For gifts of any size the appropriate committee is to evaluate whether it is in the City's best interest to accept the bequest.

In order to assist the committee in evaluating the impact of accepting the gift, the following checklist has been prepared.

- (1) Is the gift of lasting value to the community?
- (2) Does it create potential liability issues for the City? That is, will people walk on it, sit on it, or under it? Will construction be inspected, is construction up to current standards (ADA accessible, for example?) Are the materials used acceptable for public construction?
- (3) Will some member of the public find the item offensive; can it be construed as having a religious content, or offending members of a protected class?
- (4) What will the potential annual maintenance cost of the gifted object be? Do the costs outweigh the value of the gift?
- (5) Does the gift carry implied duties that the City must perform? What is the cost of performance of such duties? Does the cost exceed the value of the gift?
- (6) If costs, direct or indirect exceed the value of the gift; acceptance of the gift may still be warranted if a public purpose is being served and all understand the costs as well as the value of the gift.
- (7) Also, does the acceptance of the gift imply that the City will replace the gift when worn out, destroyed by vandals, etc? If the gift is found to be no longer of use in the future, may the City at that time, sell, dismantle or convert to another use?
- (8) All agreements, prohibitions, etc, with respect to the gift should be noted in the minutes or Memorandum of Agreement for future reference.
- (9) All items donated to the Library for book sales, bake sales, rummage sales and memorial bricks will be exempt from this policy and procedure.





DONATION FORM FOR PUBLIC IMPROVEMENT PROJECTS, MEMORIALS,  
TRIBUTES, WORKS OF ART  
(Including funding proposals for the above purposes)

DONOR INFORMATION

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

Hereby makes a proposal to fund and/or construct a Public Improvement Project, memorial,  
tribute, or work of art consisting of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The intended purpose of this donation is \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed location \_\_\_\_\_

Donation subject to the following restriction (if any): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Condition, Conservation and Maintenance Requirements:

What type of materials will be used in the proposed Project? \_\_\_\_\_  
\_\_\_\_\_

What is the intended life span of the Project? \_\_\_\_\_

What short and long-term maintenance may be required and what is the anticipated cost of such  
maintenance? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



The Village of Luck will make reasonable efforts to accommodate the intended purpose of the donation but reserves the right to utilize, relocate and/or dispose of any item through donated funds as the Village of Luck may deem fit.

This agreement shall not take effect until the Village Board for the Village of Luck has specifically accepted this donation.

\_\_\_\_\_  
Donor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Donor

\_\_\_\_\_  
Date

Recommended:

\_\_\_\_\_  
Department Head

\_\_\_\_\_  
Date

Accepted:

\_\_\_\_\_  
Village Administrator

\_\_\_\_\_  
Date





## STAFF REPORT

DATE: 4/4/17

**CONSENT**

ITEM #: 10

**TO:** City Council

**FROM:** Rob Weldon, Public Works Director

**AGENDA ITEM:** Purchase of two (2) ¾-ton Pickup trucks

**REVIEWED BY:** Kristina Handt, City Administrator

---

**BACKGROUND:** The City of Lake Elmo Public Works Department uses a wide array of vehicles to delivery daily and essential services to its residents. To accomplish daily tasks, the department utilizes 7 vehicles for its 8 full-time and 4 part-time public works employees to achieve daily and emergency tasks. With the growth of the community and increase in daily workloads and services the department is experiencing difficulties in fulfilling these requirements with its aging fleet. Of the 7 vehicles that are utilized daily, two of them are over 16 years old with severe signs of wear and extensive mechanical issues while another is rendered inoperable and stored outdoors. These mechanical issues have plagued the department with down time, repair costs and the need to use personal vehicles to carry out city business on a daily basis. These vehicles are also beginning to jeopardize the safety of the operators due to the extreme structural wear.

**ISSUE BEFORE COUNCIL:** Should the City Council approve the purchase of two (2) ¾-ton pickup trucks for the Public Works Dept. as outlined in the 2017 CIP and recommended by the Maint. Advisory Committee during its March, 28 2017 meeting.

**PROPOSAL DETAILS/ANALYSIS:** With the approval of this purchase, Public Works would be able to retire a 1991, 1998, and 2000 model year trucks. Each of these trucks have continuous mechanical issues along with structural issues that pose safety threats, such as large holes in the cab floor. Associated with high repair cost, is the down time and staff time needed to complete vehicle repairs that burdens daily operations and tasks, ultimately lowering the department's level of service to residents.

Once purchased, both new trucks will be outfitted with snowplows and hydraulic tailgates. The addition of these trucks with snowplows will increase and aid the department's abilities to handle snow removal in cul-de-sacs and parking lots more efficiently. Installation and use of lift gates, (hydraulic tailgates) will make loading heavy items such as utility castings and garbage cans much safer for staff and limit the potential for job related injuries.

**FISCAL IMPACT:** Total cost for both vehicles will be an amount not to exceed \$90,000. Funding for the proposed purchase will be applied to the 2017 Bonding venture and Parks Dedication Fund, being split in an amount not to exceed \$45,000 to each.

**OPTIONS:**

- Approve the purchase of two (2) trucks
- Deny the purchase of two (2) trucks
- Table the purchase of two (2) trucks



**RECOMMENDATION:**

**Motion to approve the purchase of two (2) ¾ -ton pickups for and amount not to exceed \$90,000 as recommended by the Maintenance Advisory Committee.**

- ATTACHMENTS:**
- Midway Ford truck quote (State bid)
  - Boss plow quote (State bid)
  - Liftgate quote (State bid)
  - Warning light quote

Midway Ford Commercial  
Fleet and Government Sales  
2777 N. Snelling Ave.  
Roseville MN 55113



Travis Swanson  
651-343-5212  
tswanson@rosevillemidwayford.com

Fax # 651-604-2936

T-69  
2017 F250 4X4- Regular Cab- 8' Box

Automatic Transmission  
Dual Front Air Bags  
AM/FM Radio  
Tow Hitch  
Tilt Wheel

**Standard**  
40/20/40 Vinyl Front Seat  
Standard Base Upholstery  
4-Wheel ABS Brakes  
Air Conditioning  
LT245/75r17 E All Season Tires

Front Tow Hooks  
Rubber Floor Covering  
Black Bumpers w/Rear Step  
Matching Full Size Spare Tire  
6.2L V8 E85

Options	Code	Price	Select			
4x4 Shift on Fly	213	\$171	x			
Brake Controller	52B	\$249	x			
Cloth Seat 40/20/40	1	\$92	x			
Snow Plow Pkg	473	\$79	x			
Cab Steps	18B	\$345	x			
Upfitter Switches	66S	\$152	x			
Roof Clearance Lts	592	\$73	x			
Power Grp	90L	\$841	x			
Spray-In Liner		\$456	x			
E-Locking Rear Diff	X3E	\$359	x			
LT245/75r17E AT	TBM	\$152	x			
Gate Step	85G	\$359	x			
Rearview Camera	76V	\$341	x			
Mud Flaps	871	\$119	x			
Cruise Control	525	\$216	x			
Upgraded rear Springs		\$750	x			
Option Total		\$4,754				
				<b>Exterior Colors</b>	<b>Code</b>	<b>Select</b>
				Blue Jeans Metallic	N1	
				Race Red	PQ	
				Caribou Metallic	LQ	
				Shadow Black	G1	
				Magnetic Metallic	J7	
				Ingot Silver Metallic	UX	
				Oxford White	YZ	x
				<b>Extended Service Contracts</b>	<b>Cost</b>	<b>Select</b>
				7 year/75,000 mile	\$2,570	
				PremiumCare Warranty		
				(Bumper to Bumper)		

Base Price	Totals
6.2 Gas	\$23,764.00
Options Price Totals	\$4,754.00
Extended Warranty	
Transit Impr Excise Tax	\$20.00
Tax Exempt Lic	\$39.75
6.5% Sales Tax	\$1,853.67
Document fee	\$75.00
Sub total per vehicle	\$30,506.42
Number of Vehicles	1
Grand Total for all units	\$30,506.42

You must have a active FIN code to participate in this purchase contract : FIN code # \_\_\_\_\_

**Purchase Order required prior to order placement**

PO # \_\_\_\_\_

Name of Organization \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Acceptance Signature \_\_\_\_\_

Contact Person/ Phone # \_\_\_\_\_

Name and Title \_\_\_\_\_

Date \_\_\_\_\_

Contact's e-mail address and fax # \_\_\_\_\_



\$7643.96

2 years

N/A

N/A

Installation	\$ 428.84	6.5	\$ 422.50
Assembly of Moldboard	\$ 131.95	2	\$ 130.00
Snow Deflector Installed	\$ 265.17	1	\$ 65.00
Snow shoe for plow blade	\$ 134.07	0.5	\$ 32.50
Timberms Load Saver in front installed	\$ 283.69	1.5	\$ 97.50
Deduct for less Power Unit for Central Hydraulic application	\$ (713.59)		\$ -

STATE OF MINNESOTA  
PRICING PAGE

Liftgate		Price	Hrs	Sell Labor
Make and Model	Tommy Gate	\$ 2,805.88		\$ -
	G2Dual Drive Series			
	PN G2-60-1342EA38			
	Pickup Applications			
	Chev/GMC			
	Dodge			
	Ford			
	1300 Capacity			

Warranty	1 year			
Installation of Liftgate	\$ 428.84	6.5	\$	422.50
Price of FMVSS 108 light package	N/A			
Installation of FMVSS 108 light package	N/A			
Price of ICC bumper under ride protection	N/A			

\$ 3,233.84

Options				
Paint to match (no BC / CC)	\$	534.80	4.5	\$ 292.50
For BC / CC	\$	135.04	1	\$ 65.00
Light Kit 2-light add-on G2	\$	410.14	2	\$ 130.00
LED light kit 2-light add-on G2	\$	534.40	2	\$ 130.00
Remote Pendant Control	\$	155.33		
Dual control (remote Pendant	\$	288.07		
Rubber platform bumpers	\$	29.65		
In cab shut off	\$	179.96	2	\$ 130.00

Delivery starting point	Fridley, MN
Price per loaded mile for delivery	\$2.75

Vendor: Crysteel Truck Equipment  
Contract Person: Jim Wyatt  
Address: 1130 - 73rd Ave, NE, Fridley, MN 55432  
Phone: 763-571-1902 1-800-795-1280  
Fax: 763-571-5091  
E-Mail Address: jwyatt@crysteeltruck.com

Vendor: Crysteel Truck Equipment  
Contract Person: Bob Chicos  
Address: 52248 Ember Road, Lake Crystal, MN 56055  
Phone: 507-726-6041 1-800-722-0588  
Fax: 507-726-2984 Cell: 507-381-1693  
E-Mail Address: bchicos@crysteeltruck.com

Delivery Starting Point

Fridley, MN

Delivery price per loaded mile

\$2.75

Vendor: Crysteel Truck Equipment

Contact Person: Jim Wyatt

Address: 1130-73rd Ave. NE Fridley, MN 55433

Phone: 763-571-1902 1-800-795-1280

Fax: 763-571-5091

E-Mail Address: jwyatt@crysteeltruck.com

Company: Crysteel Truck Equipment

Contact Person: Bob Chicos

Address: 52248 Ember Road, Lake Crystal, MN 56055

Phone: 507-729-6041 Toll Free: 1-800-722-0588

Fax: 507-726-2984

Cell Phone: 507-381-1693

E-Mail Address: bchicos@crysteeltruck.com

**EMERGENCY AUTOMOTIVE TECHNOLOGIES, INC.**

2755 GENEVA AVE. N  
OAKDALE, MN 55128  
USA

Voice: 651 765-2657  
Fax: 651 765-2660

**QUOTATION**

Quote Number: DL022817-10  
Quote Date: Feb 28, 2017  
Page: 1

**Quoted To:**

LAKE ELMO PUBLIC WORKS  
3800 LAVERNE AVE  
LAKE ELMO, MN 55042

Customer ID	Good Thru	Payment Terms	Sales Rep
LAKE ELMO, CITY OF	3/30/17	Net 30 Days	DLL

Quantity	Item	Description	Unit Price	Amount
1.00	CONTACT	rweldon@lakeelmo.org		
2.00	R2LPPA	WHELEN RESPONDER 2 LOW PROFILE LED BEACON, 6 LINEAR LED, PERM MOUNT, AMBER	299.00	598.00
2.00	TAD8	DOMINATOR TIR3 8 LAMP TRAFFIC ADVISOR, 15' CABLE	418.20	836.40
2.00	EX-MISC SUPPLY	STANDARD SHOP SUPPLIES FEE FOR GENERAL INSTALLATION AND WIRING MATERIALS	100.00	200.00
2.00	SERVICE LABOR	SHOP LABOR RATE FOR SERVICE/REPAIRS	350.00	700.00
			Subtotal	2,334.40
			Sales Tax	
			<b>TOTAL</b>	<b>2,334.40</b>







## STAFF REPORT

DATE: 4/4/2017

**CONSENT**

ITEM #: 11

**TO:** City Council  
**FROM:** Emily Becker, City Planner  
**AGENDA ITEM:** Comprehensive Plan Amendment to City's Wastewater Facilities and Lane Use Plans – Lake Olson Area Sewer Service Area Extension and Re-guidance to Rural Single Family Sewered  
**REVIEWED BY:** Stephen Wensman, Planning Director  
Planning Commission

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### BACKGROUND:

The City Council is being asked to consider the following amendments to the City's Comprehensive Plan:

- **Amendment to Wastewater Facilities Plan.** The following properties are being requested to be added to the Olson Lake Trail Metropolitan Urban Service Area:
  - PID# 0802921140059 (4497 Olson Lake Trail N)
  - PID# 0902921320001 (4473 Olson Lake Trail N)
- **Amendment to Land Use Plan.** The above-mentioned properties will need to be re-guided to the Rural Single Family Sewered land use designation.

### ISSUE BEFORE COUNCIL:

The Council is being asked to approve, as part of tonight's consent agenda, the above mentioned Comprehensive Plan amendments.

### PROPOSAL DETAILS/ANALYSIS:

The attached Staff Report to the Planning Commission dated 3/27/2017 provides further details and analysis.

### PUBLIC HEARING/PLANNING COMMISSION FEEDBACK:

The Planning Commission held a public hearing and considered this request at its March 27, 2017 meeting. The public hearing was noticed in the City's official newspaper, and notices were sent out to property owners within 350 feet of the subject properties.

The Planning Commission had asked why more properties were not being proposed to be added to this MUSA. Staff had indicated that the properties must petition to the City in order to be included.

The Planning Commission recommended approval of the proposed Comprehensive Plan amendments with an affirmative vote of 6-0.

### FISCAL IMPACT:



Adding these properties to the Olson Lake Trail sewer area would reduce City cost for this sewer project by generating additional Sewer Access Charge (SAC) fees.

**RECOMMENDATION:**

Staff and the Planning Commission recommend that the Council approve as part of tonight's Consent Agenda an amendment to the Wastewater Facilities Plan of the Comprehensive Plan by adding the aforementioned properties to the Olson Lake Trail sewer area. If the item is removed from tonight's Consent Agenda, the following recommended motion may be made:

***“Motion to adopt Resolution 2017-027 approving the addition of PID#’s 0902921320001 & 0802921140059 to the Olson Lake Trail sewer area.”***

Additionally, Staff and the Planning Commission recommend that the Council approve as part of tonight's Consent Agenda an amendment to the Land Use Plan of the Comprehensive Plan, regarding the aforementioned properties to Rural Single Family Sewered. If the item is removed from tonight's Consent Agenda, the following recommended motion may be made:

***“Motion to adopt Resolution 2017-028 approving a Comprehensive Plan Amendment re-guiding on the City's Land Use Plan PID#’s 0902921320001 & 0802921140059 to Rural Single Family Sewered.”***

**ATTACHMENTS:**

- PC Report 3/27/2017
- PC Minutes 3/27/2017
- Res. 2017-027
- Res. 2017-028







## STAFF REPORT

DATE: 3/27/2017

**REGULAR**

ITEM #: 4b

**TO:** Planning Commission  
**FROM:** Emily Becker, City Planner  
**AGENDA ITEM:** Comprehensive Plan Amendment to City's Wastewater Facilities and Lane Use Plans – Lake Olson Area Sewer Service Area Extension and Re-guidance to Rural Single Family Sewered  
**REVIEWED BY:** Stephen Wensman, Planning Director

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### BACKGROUND:

The City approved a Comprehensive Plan Amendment in 2013 to include additional homes in an area along Olson Lake Trail that could be served with public sanitary sewer service. This was in response to a request for service which proposed an extension involving improvements within the Olson Lake Trail right-of-way, which serves as the boundary between Lake Elmo and the City of Oakdale.

The service area shown in the Comprehensive Plan amendment was somewhat larger than would be served by the initial joint public works project in order to allow the City to design the initial project in a manner that would permit additional connections in the future, should the opportunity arise.

Recently, additional property owners not currently included within the Olson Lake Trail sewer area have requested to be included.

### ISSUE BEFORE COMMISSION:

Should these additional properties be included in the Olson Lake Trail sewer area?

### PROPOSAL DETAILS/ANALYSIS:

**Amendment to Wastewater Facilities Plan.** Engineering has reviewed the addition of these properties to the Olson Lake Trail sewer area and recommends that they be included.

The following properties are requesting to be added to this sewer area:

- PID# 0802921140059 (4497 Olson Lake Trail N)
- PID# 0902921320001 (4473 Olson Lake Trail N)

**Amendment to Land Use Plan.** In July of 2016, the City approved amendments to the Comprehensive Plan's land use plan:

- Creating a new Rural Single Family – Sewered land use category allowing municipal sanitary sewer where deemed practical by the City Council in Metropolitan Urban Service Area (MUSA) areas;and
- Guiding the properties currently guided for Rural Single Family within a MUSA area to Rural Single Family – Sewered.



The aforementioned properties will need to be re-guided to the Rural Single Family Sewered land use designation.

**Met Council Review.** The Met Council has confirmed that the usual jurisdictional review period for this Comprehensive Plan Amendment will likely not be required. Alternatively, an amended Joint Powers Agreement would suffice. Additionally, the request may qualify for administrative review by the Met Council, rather than full Council review, meaning that the approval process for this request may take a shorter time period than a typical Comprehensive Plan Amendment.

**FISCAL IMPACT:**

Adding these properties to the Olson Lake Trail sewer area would reduce City cost for this sewer project by generating additional Sewer Access Charge (SAC) fees.

**RECOMMENDATION:**

Staff recommends that the Planning Commission recommend approval of an amendment to the Wastewater Facilities Plan of the Comprehensive Plan by adding the aforementioned properties to the Olson Lake Trail sewer area.

***“Motion to recommend approval of the amendment to the City’s Wastewater Facilities Plan by adding PID#’s 0902921320001 & 0802921140059 to the Olson Lake Trail MUSA.”***

Additionally, Staff recommends that the Planning Commission recommend approval of an amendment to the Land Use Plan of the Comprehensive Plan, reguiding the aforementioned properties to Rural Single Family Sewered.

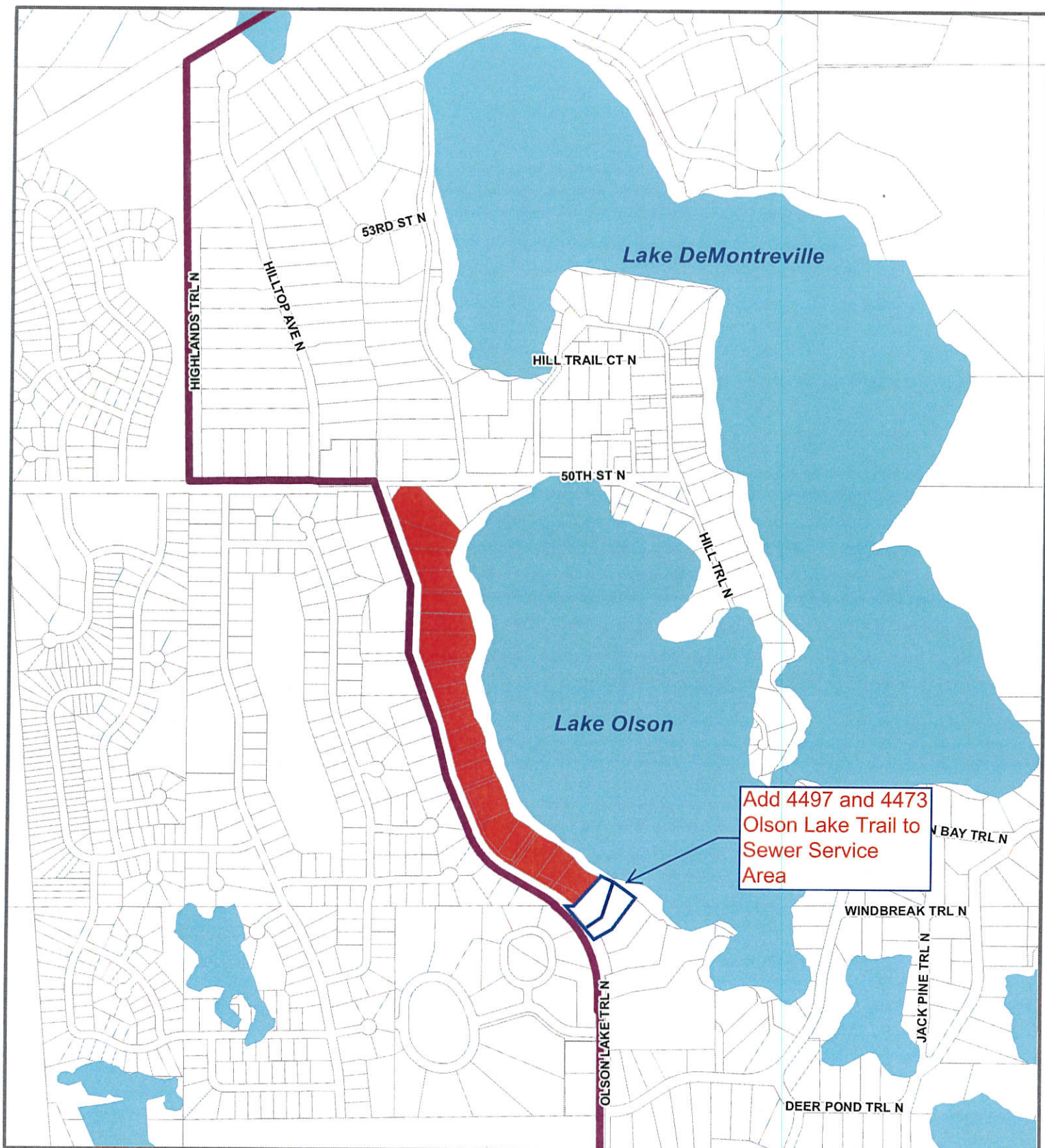
***“Motion to recommend approval of a Comprehensive Plan Amendment re-guiding PID#’s 0902921320001 & 0802921140059 to Rural Single Family Sewered on the City’s Land Use Plan.”***

**ATTACHMENTS:**

- Proposed Amended Sewer Service Area Map
- Proposed Amended Land Use Map







## Sewer Service Area - Tri Lakes

Lake Elmo Comprehensive Plan Update



Map Date:  
April 22, 2013



0 125 250 500 750 1,000  
Feet



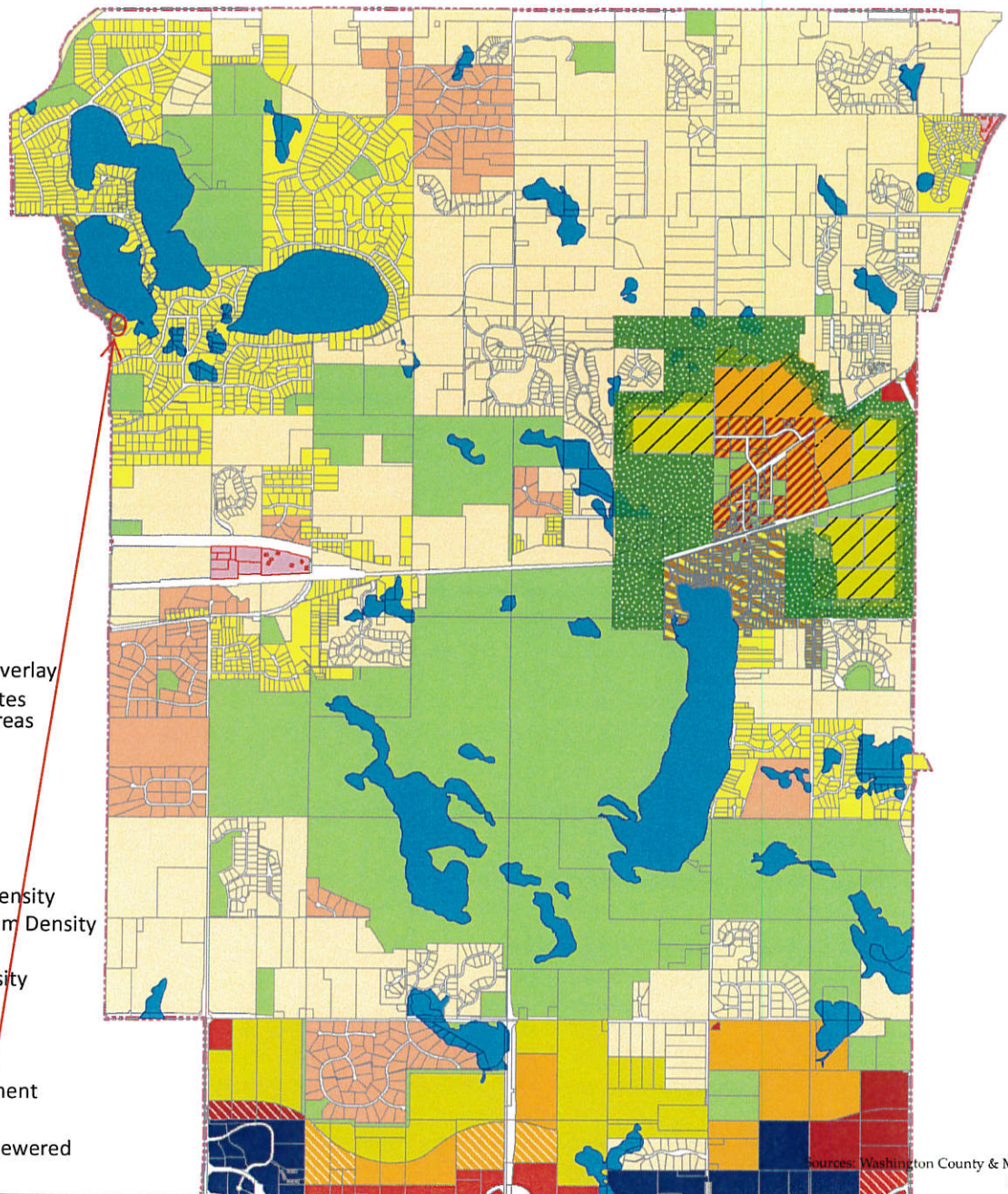
**Future Public  
Sewer Service Area**







- Municipal Boundary
- Village Open Space Overlay
- White hatching denotes possible mixed use areas
- Planned Land Uses**
  - Business Park
  - Commercial
  - Limited Business
  - Village Mixed Use
  - Village Urban Low Density
  - Village Urban Medium Density
  - Urban Low Density
  - Urban Medium Density
  - Urban High Density
  - Public/Park
  - Residential Estate
  - Rural Area Development
  - Rural Single Family
  - Rural Single Family Sewered



Sources: Washington County & Metro GIS  
7-12-2016

## Proposed Planned Land Use

*Lake Elmo Comprehensive Plan 2030*







**City of Lake Elmo  
Planning Commission Meeting  
Minutes of March 27, 2017**

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

**COMMISSIONERS PRESENT:** Larson, Dorschner, Emerson, Williams, Lundquist and Hartley

**COMMISSIONERS ABSENT:** Fields, Kreimer and Dodson

**STAFF PRESENT:** Planning Director Wensman and City Administrator Handt

**Approve Agenda:**

M/S/P: Dodson/Williams, move to approve the agenda as presented, ***Vote: 7-0, motion carried, unanimously.***

**Approve Minutes:** March 13, 2017

M/S/P: Dodson/Larson, move to approve the March 13, 2017 minutes as presented, ***Vote: 7-0, motion carried unanimously.***

**Public Hearing – Zoning Map Amendment – General Business to Village Mixed Use**

Wensman started his presentation

Public Hearing opened at : pm

No one spoke and there were no written comments

Public Hearing closed at : pm

M/S/P: /, move to, ***Vote: 7-0, motion carried unanimously.***

**Public Hearing – Comprehensive Plan Amendment to add 2 properties to RSF Sewered**

Wensman started his presentation regarding adding 2 properties to the Olson Lake Trail sewer area and re-guiding them to Rural Single Family sewer. This would add 4497 &

Lake Elmo Planning Commission Minutes; 3-27-17





4473 Olson Lake Trail to the MUSA. The feedback from the Met Council is that it would just be an administrative review and would be similar to what was done in the Village to add additional properties. This does not require any jurisdictional review as we have a joint powers agreement with Oakdale. We have not received any comments from the public notice sent out and advertised.

Dorschner asked what the Oakdale capacity would be for hooking up the rest of the properties around Olson Lake on that road. Wensman stated that they are not in the MUSA so there has been no talk about Oakdale picking them up. Wensman stated that they do not know. There is no plan for that and they are not requesting it. Handt stated that the Engineers did reach out to neighboring properties to see if they wanted to be included, and these were the only 2 properties interested in being included.

Williams is wondering if there is a Zoning Text that is actually rural single family sewer. Wensman stated that the City does not have that specific zoning, but it is probably something that should be created. Wensman stated that there really is no problem leaving them as Rural Single Family, but it was something the City Council was interested in to distinguish those properties within the MUSA. Met Council was only concerned with it being in the Comprehensive Plan.

Emerson is wondering if they would move the MUSA line without the property owners asking for it. Wensman stated that the City has not required properties to be sewer unless the property owner has petitioned for it.

Public Hearing opened at 7:44 pm

No one spoke and there were no written comments

Public Hearing closed at 7:45 pm

M/S/P: Dorschner/Lundquist, move to recommend approval of the amendment to the City's Wastewater Facilities Plan by adding PID #'s 090292132001 & 080292140059 to the Olson Lake Trail MUSA, **Vote: 6-0, motion carried unanimously.**

Hartley stated that they are adding these properties because they specifically requested it. Looking at the map, there are potentially 4-5 properties that would seem to fit the same characteristics of the other properties and why they requested it. Why is the City not adding those properties? Williams stated it is because they did not request it and according to Handt, they actively declined by not responding. Wensman stated that there was one additional parcel that was thinking about it, but after further discussion with the Engineer, they declined. Dorschner is wondering if we have the means through the MUSA to require connection. Wensman stated that with the joint powers with Oakdale, we have the means to connect these properties. Dorschner is concerned that properties along the lake are still on old septic systems and what that means for the



future. Hartley stated that he is concerned because the City does not have a very good mechanism to catch when drainfield fail and so we end up with even one house affecting the Lake. Handt stated that most septic problems are caught when the properties are sold or a building permit is issued. Williams stated that the same logic for the additional properties could be applied to the whole Tri-Lakes area. If the MUSA was opened up to the whole Tri-Lakes area, there would be numerous people speaking against it. Wensman stated that there are a number of 201 septic systems in this area that have been created to deal with some of the failing septic systems.

M/S/P: Lundquist/Dorschner, move to recommend approval of a Comprehensive Plan Amendment re-guiding PID #'s 090292132001 & 080292140059 to Rural Single Family Sewered on the City's Land Use Plan, ***Vote: 6-0, motion carried unanimously.***

Dorschner wanted to confirm that there was no Rural Single Family Sewered zoning. Handt stated that there was not, but this is just guiding it as such in the Comprehensive Plan. Hartley wanted to reinforce his concern from the standpoint of the Comprehensive Plan, they do not have the potential pollution issues under control for all of these properties that have individual septic systems and the inspection of them comes well after the fact that they have failed. Williams doesn't disagree, but doesn't feel that it will change anytime soon as he has heard the same discussion for 40 years.

#### **Business Item –Preliminary Plat and PUD Plans - Royal Golf**

Wensman started his presentation

M/S/P: /, move to , ***Vote: 7-0, motion carried unanimously.***

#### **Business Item – Zoning Text Amendment – Village Low Density Residential Zoning**

Wensman started his presentation

M/S/P: /, move to , ***Vote: 7-0, motion carried unanimously.***

#### **Business Item – Zoning Text Amendment – Solar Ordinance**

Wensman started his presentation

M/S/P: /, move to , ***Vote: 7-0, motion carried unanimously.***

#### **City Council Updates – March 21, 2017 Meeting**

- i) Wildflower 2<sup>nd</sup> Developer Agreement
- ii) Lakewood Crossing 2<sup>nd</sup> Addition Concept Plan PUD
- iii) Noise Ordinance



**Staff Updates**

1. Upcoming Meetings
  - a. April 10, 2017
  - b. April 24, 2017
2. MAC CEP Report

***Commission Concerns***

Meeting adjourned at : pm

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant





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

**RESOLUTION NO. 2017-027**

*A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF LAKE ELMO  
WASTEWATER FACILITIES PLAN OF THE COMPREHENSIVE PLAN, ADDING AN  
ADDITIONAL TWO PROPERTIES TO THE OLSON LAKE TRAIL METROPOLITAN URBAN  
SERVICE AREA (MUSA)*

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

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

**WHEREAS**, two residents have petitioned the City to be added to the Olson Lake Trail Metropolitan Urban Service Area (MUSA), PID#s 0802921140059 and 0902921320001, a copy of which is on file in the City Planning Department; and

**WHEREAS**, the City has prepared a map of the proposed MUSA expansion indicating the affected properties to be added to the MUSA of the City; and

**WHEREAS**, the notice has been published, mailed, and posted pursuant to the Lake Elmo City Code and MN State Statute 473.858; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on the matter on March 27, 2017; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its recommendation of approval to the City Council; and

**WHEREAS**, the City Council considered the said matter at its April 4, 2017 meeting; and

**NOW, THEREFORE**, based on the testimony elicited and the information received, the City makes the following findings:

1. The expansion of the MUSA and the addition of the three parcels will not add significant additional cost to the City.
2. The property owners have petitioned the City to join the MUSA.
3. The Metropolitan Council has administratively reviewed the amendment and upon cursory review has no objection and has agreed to accept an amended Joint Powers Agreement with the City of Oakdale as sufficient jurisdictional review.
4. The expansion of the MUSA is consistent with improving the health, safety and welfare of the City of Lake Elmo residents.



**NOW, THEREFORE, BE IT RESOLVED** that based on the foregoing, the Lake Elmo City Council does hereby approve the Lake Elmo Comprehensive Plan Amendment, expanding the Olson Lake Trail MUSA, subject and contingent on the following:

1. The Metropolitan Council's approval of the Comprehensive Plan Amendment.

This resolution was adopted by the City Council of the City of Lake Elmo on this 4th day of April, 2017.

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

ATTEST:

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





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

**RESOLUTION NO. 2017-028**

*A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF LAKE ELMO  
COMPREHENSIVE LAND USE PLAN REGARDING TWO PROPERTIES WITH RURAL  
SINGLE FAMILY LAND USE DESIGNATION RECENTLY ADDED TO THE OLSON LAKE  
TRAIL METROPOLITAN SERVICE AREA (MUSA) TO RURAL SINGLE FAMILY – SEWERED  
LAND USE DESIGNATION*

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

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

**WHEREAS**, PID#s 0802921140059 and 0902921320001 are currently guided for Rural Single Family land use designation; and

**WHEREAS**, the Comprehensive Plan's Rural Single Family-Sewered Land Use category defines Rural Single Family-Sewered as a portion of the City that was historically platted for conventional subdivision prior to 2005 that has historically been serviced by private on-site well and septic systems, located within a MUSA area, and may continue to be serviced by private on-site well and septic systems, located within a MUSA area, and may continue to be serviced by private on-site well and septic systems unless the City Council deems connection to the sanitary sewer system practical; and

**WHEREAS**, the City Council has approved an amendment to the City's Wastewater Facilities Plan, adding PID#s 0802921140059 and 0902921320001 to the Olson Lake Trail Metropolitan Urban Service Area (MUSA); and

**WHEREAS**, PID#s 0802921140059 and 0902921320001 now more closely fit the Land Use Designation of Rural Single Family-Sewered; and

**WHEREAS**, the notice to re-guide PID#s 0802921140059 and 0902921320001 has been published, mailed, and posted pursuant to the Lake Elmo City Code and MN State Statute 473.858; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on the matter on March 27, 2017; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its recommendation of approval to the City Council; and



**WHEREAS**, the City Council considered the said matter at its April 4, 2017 meeting; and

**NOW, THEREFORE**, based on the testimony elicited and the information received, the City makes the following findings:

1. The Metropolitan Council has administratively reviewed the amendment and upon cursory review has no objection and has agreed to accept an amended Joint Powers Agreement with the City of Oakdale as sufficient jurisdictional review.
2. The re-guiding of PID#s 0802921140059 and 0902921320001 will remove inconsistency between the amended MUSA designation and Land Use category definition in the City's Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED** that based on the foregoing, the Lake Elmo City Council does hereby approve the Lake Elmo Comprehensive Plan Amendment, amending the City's Land Use Plan by re-guiding PID#s 0802921140059 and 0902921320001 to Rural Single Family-Sewered, subject to and contingent upon the following:

1. The Metropolitan Council's approval of the Comprehensive Plan Amendment.

This resolution was adopted by the City Council of the City of Lake Elmo on this 4th day of April, 2017.

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

ATTEST:

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





## STAFF REPORT

DATE: April 4, 2017

**CONSENT**

ITEM #: 12

**AGENDA ITEM:** Selection of Firm for Space Needs Study

**SUBMITTED BY:** Kristina Handt, City Administrator

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### **BACKGROUND:**

As part of the 2017-2021 Capital Improvement Plan (CIP), the City Council included a space needs study for the city hall, fire stations and public works.

On February 7, 2017, the City Council authorized the issuance a Request for Proposals (RFP) for the space needs study. The RFP was advertised on the city's website and the League of Minnesota Cities' Marketplace. Proposals were due March 14, 2017.

### **ISSUE BEFORE COUNCIL:**

What firm should Council select to complete the space needs study?

### **PROPOSAL:**

The city received 14 responses to our RFP. The top five firms were chosen based upon their understanding of the project, approach, timeline, qualifications, experience and cost.

A review committee comprised of the city administrator, fire chief, public works director, planning director and building official evaluated the five proposals and are recommending BKV Group. BKV has completed over 65 city hall projects, 95 fire stations, and 30 public works facilities. Their master plan process includes discovery, facility assessment, facility space programming, and facility option development. An interim report would be completed in 4-5 months that would be presented to City Council and community. After the City and Council have time to review that information, the final report would be issued. Their fees were the lowest proposed.

### **FISCAL IMPACT:**

Not to exceed cost of \$13,600 is within the anticipated budget

### **OPTIONS:**

- 1) Authorize staff to negotiate a contract with BKV Group for the space needs study
- 2) Authorize staff to negotiate a contract with another firm for the space needs study
- 3) Do not authorize moving forward with the space needs study

### **RECOMMENDATION:**

If removed from the consent agenda:

*"Move to authorize staff to negotiate a contract with BKV Group for a facilities space needs study."*

### **ATTACHMENTS:**

None







## STAFF REPORT

DATE: April 4, 2017

**REGULAR**

ITEM #: 13

**AGENDA ITEM:** Appoint City Attorney for Prosecution Services

**SUBMITTED BY:** Kristina Handt, City Administrator

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### **BACKGROUND:**

At the January 3<sup>rd</sup> Council meeting, Council directed staff to issue a Request for Proposals (RFP) for prosecution services. The RFP was issued January 17<sup>th</sup> and due February 14<sup>th</sup>. Also at the meeting, Eckberg Lammers was appointed the Interim City Attorney for Prosecution.

At the March 7<sup>th</sup> meeting, council was split 2-2 on who to appoint as prosecuting attorney. Council asked for additional information to be provided at the next meeting. Given there wasn't a full council at the March 21<sup>st</sup> meeting, this item was tabled until the April 4<sup>th</sup> meeting.

### **ISSUE BEFORE COUNCIL:**

Who should the Council appoint as City Attorney for prosecution services?

### **PROPOSAL:**

Council asked if the four bulleted items in the Johnson and Turner proposal offered at no extra charge was similar to the Eckberg Lammers proposal. The one item noted to be charged extra per the Eckberg Lammers contract is appellate work. Staff reviewed monthly bills for the last two years and found no appellate work by the city's prosecuting attorney. Mr. Weidner references appellate work in his communications below, but the City did not receive an extra charge. The only charges beyond the monthly retainer for criminal services were out of pocket expenses such as postage, photocopies or summons service fees. Eckberg Lammers has met with staff multiple times to provide training and guidance on code enforcement issues. The building official and planner were part of that training and have worked well with the firm.

Council also asked for more details on an email statement regarding the backlog of cases and vehicle forfeitures. Tom Weidner, Eckberg Lammers, provided these additional details:

*On January 6, 2016 we received 117 criminal prosecution cases electronically. Our office had to open each file and review the content of each all of those cases to determine the work that needed to be completed, if any. Of those 117 criminal cases received, 24 cases required additional work. The necessary work required on those files included work ranging from drafting complaints, requesting reports and evidence for trial, preparing and providing discovery requested by opposing counsel, sending victim notification letters, to some appellate work.*

*In addition to the transferred criminal cases, we worked with the Washington County Sheriff's Department to clear up six outstanding vehicle forfeitures cases; four files from 2014, one 2013 file and one 2012 file.*

*The backlog of cases occurred due to the immediacy of us taking over all of the cases the day following the Council's decision. All the transferred cases needed to be added to our system manually, reviewed for conflicts, calendared, reviewed for content and completeness (some required additional work) at the same time that all new cases needed to be opened and handled. Once the backlog was resolved we could efficiently*

*handle the opening of files electronically through our case management system and more accurately determine the amount of work required for the City of Lake Elmo prosecution files.*

*In addition, in the second half of 2016, Washington County Court Administration started calendaring all the City of Lake Elmo's arraignment hearings and pretrial hearings on Tuesday's (a day we already have a prosecutor in court) instead of Wednesdays, which allowed us to experience additional efficiencies. We do not expect any significant court scheduling changes for 2017.*

Staff's recommendation remains to appoint Eckberg Lammers as City Attorney for prosecution services.

**FISCAL IMPACT:**

The rate reduction from Eckberg Lammers will reduce the City's cost for prosecution services over the next four years by \$13,500.

**OPTIONS:**

- 1) Appoint Eckberg Lammers as City Attorney for Prosecution
- 2) Appoint Johnson and Turner as City Attorney for Prosecution
- 3) Appoint another firm as City Attorney for Prosecution
- 4) Table decision until applicants are interviewed by Council

**RECOMMENDATION:**

*"Move to appoint Eckberg Lammers as City Attorney for prosecution services"*

If Council wants to appoint a new firm, staff would suggest the following language as an example:

*"Motion to appoint Johnson and Turner as City Attorney for prosecution services effective May 1, 2017."*

**ATTACHMENTS:**

None



## STAFF REPORT

DATE: 4/4/2017

**REGULAR**

ITEM #: 14

**MOTION**

**TO:** City Council

**FROM:** Stephen Wensman, Planning Director

**AGENDA ITEM:** Inwood 5<sup>th</sup> Addition Final Plat and Final PUD Plans

**REVIEWED BY:** Stephen Wensman, Planning Director  
Jack Griffin, City Engineer  
Kristina Handt, City Administrator  
Sarah Sonsalla, City Attorney  
Greg Malmquist, Fire Chief  
Mike Bent, Building Official  
Emily Becker, City Planner

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### **BACKGROUND:**

M/I Homes of Minneapolis/St. Paul (f/k/a Hans Hagen Homes) is requesting approval of its final plat and final Planned Unit Development (PUD) plans for the Inwood 5<sup>th</sup> Addition plat to create 101 single family residential lots, the last phase of the residential PUD for Inwood. The Planning Commission reviewed the final plat and final PUD plans on March 13, 2017 and has recommended approval with 11 conditions.

### **ISSUE BEFORE COUNCIL:**

The Council is being requested to review the final plat and final PUD plans and to adopt Resolution 2017-029 (a, b, or amended) approving the final plat and PUD plans with 11 (or amended) conditions.

### **PROPOSAL DETAILS/ANALYSIS:**

Inwood 5th Addition is the final phase of the residential PUD. The City's subdivision ordinance establishes the procedure for obtaining final plat approval. A final plat can only be approved if it is in substantial conformance with the approved preliminary plat and if in conformance, it must be approved. The final plat and final PUD plans that were submitted by M/I are generally consistent with the preliminary plat and preliminary PUD plans with the exception of the following:

- **10th Street Right-of-Way.** Washington County's review of the preliminary plat, dated November 17, 2014, required that an additional 32 feet of right-of-way be dedicated by the developer in the plat for future 10th Street improvements. Emails between John Rask of Has Hagen (M/I) and Ann Terwedo, Washington County Transportation Planner in November of 2014 and up to the Council's approval of the preliminary plat show a dialogue requesting the County review right-of-way dedication on the north



side of 10<sup>th</sup> Street rather than the 32 feet of dedication from the Inwood plat that was being required. There is no documentation that any agreement was reached. Furthermore, the November 24, 2014 staff report reiterates Washington County's need and request for right-of-way dedication for 10th Street in the plat. A condition of approval in the Resolution approving the Inwood Preliminary Plat (City Council Resolution 2014-094), states:

The applicant shall be responsible for updating the final construction plans to include construction of all improvements within the County rights-of-way as required by Washington County and further described in the review letter received from the County dated November 17, 2014.

The signed and recorded Inwood Developer Agreement includes a special provision:

The Developer shall observe all other county requirements as specified in the Washington County review letter dated November 17, 2014 or any subsequent direction from the County.

Staff believes the requirement for the additional 10th Street right-of-way was well documented and repeatedly conditioned by the City. The developer also agreed to it in the Developer Agreement. The Inwood 5th final plat and PUD plans that have been submitted do not include this additional right-of-way. Staff is recommending that a condition of final plat approval be that the final plat and the PUD plans be changed to include the additional right-of-way.

- **10th Street Trail (between Island Trail and Inwood Avenue).** When the City Council approved the Inwood preliminary plat, a condition of approval in the resolution (City Council Resolution 2014-094) was as follows:

The developer shall install a multi-purpose trail along 10th Street between "Street B" (Island Trail) and Inwood Avenue.

The November 24, 2014 Planning Commission Staff Report indicates that Staff at the time was supportive of the applicant's request to remove this requirement, however, the condition remained in the Planning Commission's recommendation and the Council's adopted resolution of approval. The conditions of approval for the Inwood final plat contained in City Council Resolution 2015-40, again, required the trail, although, the Planning Commission Staff Report also indicated that the developer was still requesting that the City and County consider the trail on the north side of 10<sup>th</sup> Street. The County's November 17, 2014 letter (referenced above) also references the trail requirement. As discussed above, this letter was incorporated as a special provision into the Developer Agreement which was signed and recorded.

Staff believes that the requirement for the trail was well documented and repeatedly conditioned by the City. The developer also agreed to it in the Developer Agreement. The Inwood 5<sup>th</sup> final plat and PUD plans that were submitted do not include the trail.



Staff is recommending that a condition of final plat approval be that the final plat and the PUD plans be changed to include the trail.

The developer has maintained that 60 feet of right-of-way for 10<sup>th</sup> Street was dedicated in the 1<sup>st</sup> Addition plat and therefore, the City waived its right to request additional right-of-way. In response, the City acceptance of 60 feet of right-of-way in the plat does not negate the additional need and request for an additional 32 feet that was well documented in the conditions of approval for the preliminary plat and in the Developer Agreement.

The developer has contended that because the additional right-of-way for 10<sup>th</sup> Street requirement was not included as a condition of approval in City Council Resolution 2015-40, which approved the final plat for Inwood and that the 10<sup>th</sup> Street right-of-way and trail requirements were not conditions of approval in resolutions of subsequent plat additions, these conditions were no longer being required and the City waived its rights to assert these conditions. According to the City Attorney, "it is typical for developers to not dedicate right-of-way and trails within outlots that will later be platted for future development." The property that includes the trail and the additional 10<sup>th</sup> Street right-of-way was not located within the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, or 4<sup>th</sup> additions, so that is why these items were not conditions of approval with respect to those plats. The 5<sup>th</sup> Addition is the first time that the area being platted abuts 10<sup>th</sup> Street and includes the area where the trail would be located.

The developer has stated that it believes that the County has changed its plans with respect to the 10<sup>th</sup> Street right-of-way dedication. It is clear from reviewing the correspondence records that the County has been consistent with respect to the additional 32 feet of right-of-way for 10<sup>th</sup> Street requirement, and although it was willing to consider allowing the additional right-of-way to be dedicated on the property to the north, this additional right-of-way has not been provided and therefore, it remains a requirement with respect to the 5<sup>th</sup> Addition final plat.

The developer has also stated that since the property was graded and an as-built survey of the graded property was submitted and accepted by the City that this means that the right-of-way and trail were not being required. Grading of an area prior to final plat is at the developer's risk. The City's approval of the as-built survey is simply a staff review of grading and drainage on the property and their engineering components and does not encompass review of any additional requirements that may be imposed by the City through the approval process. Furthermore, additional grading is usually needed for each addition, so the grading that was initially completed as part of the 1<sup>st</sup> Addition is not necessarily final with respect to the area that encompasses the 5<sup>th</sup> Addition as plans change.

**FISCAL IMPACT:**

The 10<sup>th</sup> Street right-of-way issue is of financial concern to the City. If the right-of-way and trail are not dedicated within the Inwood 5<sup>th</sup> final plat and the County needs additional right-of-way in the future for a future 10<sup>th</sup> Street widening project, the County will have to purchase the right-of-way. The County has indicated that it will pass these costs on to the City. It is possible that the needed right-of-way may be obtained from the property to the north if and when that property develops, however, if M/I does not provide the right-of-way that is being required with respect to

Inwood 5<sup>th</sup> Addition now, the landowner to the north would have to dedicate more than its fair share to meet the amount needed for 10<sup>th</sup> Street.

**OPTIONS:**

The City Council has the following options:

- 1) Adopt Resolution 2017-029 b approving the Inwood 5<sup>th</sup> Final Plat and Final PUD plans with the conditions recommended by Staff.
- 2) Adopt Resolution 2017-029 a approving the Inwood 5<sup>th</sup> Final Plat and Final PUD plans with the conditions recommended by the Planning Commission.
- 3) Change the conditions and/or findings and adopt an amended Resolution 2017-029 c approving the Inwood 5<sup>th</sup> Final Plat and Final PUD plans.

**PLANNING COMMISSION/PUBLIC HEARING:**

The Planning Commission held a public hearing and reviewed the Inwood 5<sup>th</sup> Final Plat and PUD Plans on March 13, 2017 and recommended approval with 11 conditions. There was no public testimony during the public hearing. The Planning Commission decided to remove Staff's recommended condition #11 pertaining to the trail requirement. The Commission also added a new condition that a trail be constructed between Island Trail North and the previously constructed north-south trail adjacent to the Stonegate subdivision. The Planning Commission also recommended the following modifications to the recommended findings for approval:

- #8 That legal issues related to the 32' of right-of-way are beyond the scope of the Planning Commission.
- #9 That if trail between Island Trail and Inwood Avenue is required, the City should credit the developer for the costs of the trail against the park dedication requirements.

The Commission's primary concerns were:

- The loss of the landscape berm that is currently located within the right-of-way that would be dedicated for 10<sup>th</sup> Street if the right-of-way and trail were required.
- If the trail is required, the developer should get credit for the trail construction against park dedication paid/granted.
- Some members felt the trail was not needed.

**RECOMMENDATION:**

Staff recommends the City Council adopt Resolution 2017-029 b approving the Inwood 5<sup>th</sup> Final Plat and Final PUD Plans with the following motion

***“Move to adopt Resolution 2017-029 b approving the Inwood 5th Addition Final Plat and Final PUD Plans as recommended by Staff.”***

If the Council is in support of the Planning Commission recommendation, then the recommended motion is:

***“Move to adopt Resolution 2017-029 a approving the Inwood 5<sup>th</sup> Addition Final Plat and Final PUD Plans as recommended by the Planning Commission.”***

If the Council changes the conditions and/or findings, then Staff recommends the following motion:

***“Move to adopt Resolution 2017-029 c with the following changes (list changes to the conditions or findings).”***

**ATTACHMENTS:**

- Staff Recommended Resolution 2017-029 b
- Planning Commission Recommended Resolution 2017-029 a
- Planning Commission packet
- Draft Planning Commission Minutes dated 3/13/2017

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

**RESOLUTION NO. 2017-029 b**

*A RESOLUTION APPROVING A FINAL PLAT AND FINAL PLANNED UNIT DEVELOPMENT  
(PUD) PLAN FOR INWOOD 5TH ADDITION PLANNED UNIT DEVELOPMENT*

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

**WHEREAS**, M/I Homes of Mpls./St. Paul/Hans Hagen Homes, 941 NE Hillwind Road, Suite 300, Fridley, MN has submitted an application to the City of Lake Elmo ("City") for a Final Plat and Final PUD Plan for Inwood 5th Addition Planned Unit Development, a copy of which is on file in the City of Lake Elmo Planning Department; and

**WHEREAS**, the City approved the Inwood PUD General Concept Plan on September 16, 2014; and

**WHEREAS**, the City approved the Inwood Preliminary Plat and Preliminary PUD Plan on December 2, 2014 with 19 conditions; and

**WHEREAS**, the proposed Inwood 5th Addition Final Plat and Final PUD Plan includes 101 single family residential lots within the single family residential portion of the 157.2-acre Inwood planned unit development located in Stage 1 of the I-94 Corridor Planning Area; and

**WHEREAS**, the Lake Elmo Planning Commission held public hearing on March 13, 2017 to consider the Final Plat and Final 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 11 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 April 4, 2017 Council Meeting; and

**WHEREAS**, the City Council reviewed the Inwood 5<sup>th</sup> Addition Final Plat and Final PUD Plan at its meeting held on April 4, 2017 and made the following findings:

1. That all the requirements of City Code Section 153.08 related to the Final Plat have been met by the Applicant.
2. That the proposed Final Plat for Inwood 5<sup>th</sup> Addition consists of the creation of 101 single-family detached residential structures.

3. That the Inwood 5th Addition Final Plat is generally consistent with the Preliminary Plat and PUD Plans as approved by the City of Lake Elmo on December 2, 2014 with conditions.
4. That the Inwood 5th Addition Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
5. That the Inwood 5th Addition Final Plat generally complies with the City's Urban Low Density Residential zoning district except as previously approved as part of the Inwood PUD.
6. That the Inwood 5<sup>th</sup> Addition 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 previously approved as part of the Inwood PUD with conditions.
7. That the Inwood 5th Addition Final Plat complies with the City's subdivision ordinance.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve the InWood 5th Addition Final Plat and Final PUD Plan subject to the following conditions:

1. All easements as requested by the City Engineer or Public Works Department shall be documented on the Final Plat prior to the recording of the final plat.
2. That Final grading, drainage, and erosion control plans, utility plans, sanitary and storm water management plans, street and utility construction plans and agreements shall be reviewed and approved by the City Engineer complying with all conditions/comments from the City Engineer's review memorandum dated February 15, 2017 prior to the recording of the final plat.
3. That the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements with financial guarantees therefore prior to recording of the final plat.
4. The applicant shall provide evidence that all conditions attached the South Washington Watershed District permit for the final plat have been met prior to the commencement of any grading/construction activity.
5. That the Landscape Plans shall be revised to address the Planning and Engineering review comments prior to recording the final plat.
6. That Outlots A, B, C, and D be dedicated to the City for stormwater purposes with the recording of the final plat.
7. A Common Interest Agreement concerning management of the common areas of Inwood 5th Addition and establishing a homeowner's association shall be submitted in final form to the Planning Director before a building permit may be issued for any structure within this subdivision.



8. The developer shall also enter into a landscape license agreement and maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the final plat.
9. The Developer shall provide 32 feet of right-of-way for 10th Street and observe all County requirements as specified in the Washington County review letter dated November 17, 2014 or any subsequent direction from the County.
10. The Island Trail/10th Street intersection must be reviewed and approved by Washington County. Improvements required by Washington County at the intersection shall be the responsibility of the developer and shall be incorporated into the final PUD plans.
11. The developer shall construct a multi-purpose trail along 10<sup>th</sup> Street between Island Trail to Inwood Avenue prior to issuance of building permits and the final PUD plans shall be updated showing the trail prior to recording the final plat.

Passed and duly adopted this 4th day of April, 2017 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

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

**RESOLUTION NO. 2017-029 a**

*A RESOLUTION APPROVING A FINAL PLAT AND FINAL PLANNED UNIT DEVELOPMENT  
(PUD) PLAN FOR INWOOD 5TH ADDITION PLANNED UNIT DEVELOPMENT*

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

**WHEREAS**, M/I Homes of Mpls./St. Paul/Hans Hagen Homes, 941 NE Hillwind Road, Suite 300, Fridley, MN has submitted an application to the City of Lake Elmo ("City") for a Final Plat and Final PUD Plan for Inwood 5th Addition Planned Unit Development, a copy of which is on file in the City of Lake Elmo Planning Department; and

**WHEREAS**, the City approved the Inwood PUD General Concept Plan on September 16, 2014; and

**WHEREAS**, the City approved the Inwood Preliminary Plat and Preliminary PUD Plan on December 2, 2014 with 19 conditions; and

**WHEREAS**, the proposed Inwood 5th Addition Final Plat and Final PUD Plan includes 101 single family residential lots within the single family residential portion of the 157.2-acre Inwood planned unit development located in Stage 1 of the I-94 Corridor Planning Area; and

**WHEREAS**, the Lake Elmo Planning Commission held public hearing on March 13, 2017 to consider the Final Plat and Final 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 11 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 April 4, 2017 Council Meeting; and

**WHEREAS**, the City Council reviewed the Inwood 5<sup>th</sup> Addition Final Plat and Final PUD Plan at its meeting held on April 4, 2017 and made the following findings:

1. That all the requirements of City Code Section 153.08 related to the Final Plat have been met by the Applicant.
2. That the proposed Final Plat for Inwood 5<sup>th</sup> Addition consists of the creation of 101 single-family detached residential structures.

3. That the Inwood 5th Addition Final Plat is generally consistent with the Preliminary Plat and PUD Plans as approved by the City of Lake Elmo on December 2, 2014 with conditions.
4. That the Inwood 5th Addition Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
5. That the Inwood 5th Addition Final Plat generally complies with the City's Urban Low Density Residential zoning district except as previously approved as part of the Inwood PUD.
6. That the Inwood 5<sup>th</sup> Addition 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 previously approved as part of the Inwood PUD with conditions.
7. That the Inwood 5th Addition Final Plat complies with the City's subdivision ordinance.
8. That legal issues surrounding the 32' of right-of-way and the trail are beyond the scope of the Planning Commission.
9. That the Planning Commission finds significant value to the existing berm that the developer built along 10<sup>th</sup> Street and the County should be requested to retain the berm regardless of the right of way issue.
10. That the City consider any trail required to be implemented by the development from Island Trail to Inwood be credited towards parkland dedication.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve the InWood 5th Addition Final Plat and Final PUD Plan subject to the following conditions:

1. All easements as requested by the City Engineer or Public Works Department shall be documented on the Final Plat prior to the recording of the final plat.
2. That Final grading, drainage, and erosion control plans, utility plans, sanitary and storm water management plans, street and utility construction plans and agreements shall be reviewed and approved by the City Engineer complying with all conditions/comments from the City Engineer's review memorandum dated February 15, 2017 prior to the recording of the final plat.
3. That the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements with financial guarantees therefore prior to recording of the final plat.
4. The applicant shall provide evidence that all conditions attached the South Washington Watershed District permit for the final plat have been met prior to the commencement of any grading/construction activity.
5. That the Landscape Plans shall be revised to address the Planning and Engineering review comments prior to recording the final plat.

6. That Outlots A, B, C, and D be dedicated to the City for stormwater purposes with the recording of the final plat.
7. A Common Interest Agreement concerning management of the common areas of Inwood 5th Addition and establishing a homeowner's association shall be submitted in final form to the Planning Director before a building permit may be issued for any structure within this subdivision.
8. The developer shall also enter into a landscape license agreement and maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the final plat.
9. The Developer shall provide 32 feet of right-of-way for 10th Street and observe all County requirements as specified in the Washington County review letter dated November 17, 2014 or any subsequent direction from the County.
10. The Island Trail/10th Street intersection must be reviewed and approved by Washington County. Improvements required by Washington County at the intersection shall be the responsibility of the developer and shall be incorporated into the final PUD plans.
11. That a trail be constructed between Island Trail N. and the previously constructed north-south trail adjacent to the Stonegate subdivision

Passed and duly adopted this 4th day of April, 2017 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



## STAFF REPORT

DATE: 03/13/2017

AGENDA ITEM: 4B— PUBLIC HEARING ITEM

CASE #2016-57

TO: Planning Commission  
ITEM: Inwood 5th Addition Final Plat and Final Planned Unit Development Plans  
SUBMITTED BY: Stephen Wensman, Planning Director  
REVIEWED BY: Jack Griffin, City Engineer  
Emily Becker, City Planner  
Sarah Sonsalla, City Attorney  
Kristina Handt, City Administrator

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

M/I Homes of Minneapolis/St. Paul (Hans Hagen Homes) is requesting approval of Final Plat and Final Planned Unit Development (PUD) Plans for Inwood 5th Addition to create 101 single family lots. Staff is recommending the Planning Commission recommend approval with the following motion:

***“move to recommend approval of the Inwood 5<sup>th</sup> Addition final plat and PUD plans with 12 conditions based on the findings listed in the Staff report.***

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### **GENERAL INFORMATION**

*Applicant:* M/I Homes/Hans Hagen Homes (John Rask), 941 NE Hillwind Rd. Suite 300, Fridley, MN  
*Property Owners:* M/I Homes (John Rask), 941 NE Hillwind Rd. Suite 300, Fridley, MN  
*Location:* Outlots A, B, F and G, Inwood 3rd Addition.  
*PID#:* 33.029.21.11.0045, 33.029.21.11.0046, 33.029.21.12.0047 and 33.029.21.12.0048  
*Request:* Application for Final Plat and Final PUD approval of a 101 unit residential subdivision to be named Inwood 5th Addition.  
*Existing Land Use and Zoning:* undeveloped outlots in Inwood 3<sup>rd</sup> Final Plat area. Current Zoning: LDR/PUD – Low Density Residential Planned Unit Development.  
*Surrounding Land Use and Zoning:* Surrounded by residential lots to the south, parkland to the east, Commercial/PUD zoning to the west and 10<sup>th</sup> Street N. to the North.  
*Comprehensive Plan:* Urban Low Density Residential (2.5 - 4 units per acre)



**History:** The City Council approved the general concept plan for the Inwood on September 16, 2014, the preliminary plat on December 2, 2014 and the Final Plat on May 19, 2015 for phase 1. Inwood 2<sup>nd</sup> was approved on 9/1/15, Inwood 3<sup>rd</sup> was approved on 4/19/16. Inwood 4<sup>th</sup> was approved on 10/18/16.

**Deadline for Action:** Application Complete – 02/10/2017  
60 Day Deadline – 04/11/2017  
Extension Letter Mailed – No  
120 Day Deadline –

**Applicable Regulations:** Chapter 153 – Subdivision Regulations  
Article 10 – Urban Residential Districts (LDR)  
Article 16 – Planned Unit Development Regulations  
§150.270 Storm Water, Erosion, and Sediment Control

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## REQUEST DETAILS

*This report is based upon a review of the preliminary plat and PUD plans dated 11/28/16 with an additional submittal on 2/10/17. The developer resubmitted plans on 3/6/17 with a plan date of 3/3/17. These plans have not been reviewed by City staff.*

M/I Homes/Hans Hagen Homes is requesting Final Plat and Final Planned Unit Development (PUD) approval of Inwood 5th Addition, replat of Outlots, A, B, F and G, Inwood 3rd Addition. The final plat will result in 101 single family lots on 27.71 acres. Inwood 5th Addition will be the last phase of the single family development within the Inwood development and will connect Island Trail to 10th Street North. The final plat will have a gross density of 3.65 dwelling units per acre compared to the overall Inwood gross density of 2.7 DUA as there are no ponds, wetlands, collector roads or parkland in the 5th addition. Lot widths vary from just under 38 feet to 234.5 feet and lot sizes vary from 4,940 sq. ft. to 22,869 sq. ft. The preliminary plat and preliminary PUD established 38 feet as the most narrow lot width. There are two lots, Lots 2 and 7, Block 1 that are 38 feet in width. The preliminary plat for the area encompassing the 5<sup>th</sup> addition identifies 4 more lots than what is proposed for the 5<sup>th</sup> Addition Final Plat.

### Plat Summary:

Development area	27.70 acres
Total lot area:	20.16 acres
Residential lots:	101
R/W area:	4.68 acres
Average lot size:	.20 acres
Gross density:	3.65 dwelling units per acre
Net density:	3.65 dwelling units per acre

There is no parkland dedication in the 5<sup>th</sup> Addition. All parkland dedicated was addressed with the first phase.

The City's subdivision ordinance establishes the procedure for obtaining final subdivision approval. A final plat can only be approved if it is in substantial conformance with the approved preliminary

plat and if in conformance it must be approved. Staff has reviewed the final plat and found that it is generally consistent with the preliminary plat.

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## REVIEW AND ANALYSIS

The preliminary plat was approved on December 2, 2014 with conditions. Although the final plat is generally consistent with the preliminary plat, there are a number of conditions of preliminary plat that have not yet been complied with. Staff has reviewed the final plat and final PUD development plans and has identified the following issues:

**Fewer Lots.** Blocks 3 and 4 each have one lot less than shown on the preliminary plat. Block 2 has two less lots than the preliminary plat. The reduction in lots results in slightly larger lots in the 5<sup>th</sup> Addition. Although the 5<sup>th</sup> Addition has four fewer lots than on the preliminary plat, Staff believes the change is an improvement and not a significant issue.

**10<sup>th</sup> Street Right-of-Way.** Washington County's preliminary plat review, dated 11/17/14, requests an additional 32 feet of right-of-way from future 10th Street improvements. The 11/24/14 Planning Staff report reiterates Washington County's need and request for right-of-way dedication for 10th Street. A condition of approval for the Inwood Preliminary Plat, Resolution 2014-094, states, "the applicant shall be responsible for updating the final construction plans to include construction of all improvements within the County rights-of-way as required by Washington County and further described in the review letter received from the County dated November 17, 2014." In addition, the signed and recorded Inwood Developer Agreement includes a special provision: "The Developer shall observe all other county requirements as specified in the Washington County review letter dated November 17, 2014 or any subsequent direction from the County." Staff believes the requirement for the additional 10<sup>th</sup> street right-of-way was repeatedly conditioned and well documented and is a deficiency in the Inwood 5<sup>th</sup> Final Plat and PUD Plans and as a result has been made a condition of approval.

**10<sup>th</sup> Street Trail.** A condition of approval for the Inwood Preliminary Plat, Resolution 2014-094 states, "The developer shall install a multi-purpose trail along 10<sup>th</sup> Street between "Street B" (Island Trail) and Inwood Avenue." The 11/24/14 Planning Commission Staff Report indicates that Staff at the time was supportive of the applicant's request to remove this requirement, however, the condition remained in the Commission's recommendation and the Councils resolution of approval. The condition of approval for the Inwood final plat contained in Resolution 2015-40, again, required the trail. The preliminary plat plans were never updated to show this trail, and the developer has not shown them on the Inwood 5<sup>th</sup> Final plat as required. Staff believes this is a significant deficiency in the Inwood 5<sup>th</sup> Final Plat and PUD Plans and as a result the trail has been made a condition of approval.

**Landscape Plans.** The landscape plans for the development are generally consistent with the preliminary landscape plans for the development. There are a few issues that need to be addressed prior to approval:

- The Crabapples in Island Trail median should be removed or replaced with an upright tree that will not encroach into the R/W.
- The irrigation service for the landscaping should be shown on the landscape plans and should be coordinated with the utility plans.
- Landscaping and berming within the 32 feet to be dedicated for the 10<sup>th</sup> Street R/W will need to be moved out of the R/W.

- The landscape plans shall be updated to match changes to the PUD Plans.

**Engineering Review.** The City Engineer has reviewed the final plat submittal and has prepared a memorandum for the Commission and Council's review. The comments in the City Engineer's review memorandum dated February 15, 2017 should be addressed prior to releasing the plat for recording. There are a number of comments that pertain to the final plat which should be amended and resubmitted prior to approval:

- Revise and resubmit the Final Plat to provide the required watermain easements and to address the required construction plan changes per the construction plans comments.
- Revise the final plat to show the dedication of an additional 32 feet along the south right-of-way of 10<sup>th</sup> Street per the conditions of preliminary plat approval (further described above).
- Provide minimum 30 foot wide watermain utility easement over the pipe over Outlot K.
- Add minimum 30 foot wide watermain utility easement centered over the pipe on lots 6 and 7, Block 4 for the 12" watermain pipe.
- Revise R/W width or revise street section of Island Trail between 10<sup>th</sup> Street and Irving Boulevard. The proposed R/W width is insufficient to meet City street and boulevard layout standards.
  - The minimum one-way street width is 18 feet from face of curb to face of curb, not back of curb to back of curb. The lane width must be increased by 1 foot.
  - The Island Trail with median typical section on Sheet No. 25 does not allow for boulevard trees meeting minimum safety setbacks.
  - The end turning radius of 35 feet for each of the one-way loop roads do not meet the City minimum standards of 45 feet. Revise end radius to the minimum 45 ft. or provide additional pavement width to accommodate an equivalent turning radius.
  - Revise the intersection of Irving Boulevard and Island Trail to align the drive lane centerlines. Provide a center median on the west leg of Irving Boulevard.
  - Revise the intersection of Irving Court to intersect Irving Boulevard at 90-degrees for the first 50 feet.

**Preliminary Plat Conditions.** The Inwood 5th Addition final plat is generally in conformance with the preliminary plat except for as identified in this report. The following are the Inwood preliminary plat and PUD plans conditions of approval, as per Resolution 2014-094, with the status of each listed in bold italics:

- 1) The applicant shall work with Community Development Director to name all streets in the subdivision in a manner acceptable to the City prior to the submission of final plat. ***The Planning Department had named all streets within the entire plat and has reviewed them again against the City's new street naming ordinance and has found them to be in conformance with the ordinance.***
- 2) The City and the applicant shall reach an agreement concerning the location and dedication of land associated with the proposed water necessary to provide adequate water service to the InWood project area prior to the acceptance of a final plat for any portion of the PUD area. ***The Developer and the City have an agreement and the water tower is presently under construction.***
- 3) 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 November

18, 2014. *The review comments were addressed. In addition, the 5<sup>th</sup> Addition landscape plans are mostly in conformance with City regulations. Landscaping and berming planted within the R/W to be dedicated for 10<sup>th</sup> Street will need to be moved out of the R/W. Final approval of the landscape plans will be required prior to recording the plat.*

- 4) Prior to the submission of a final plat for any portion of the InWood PUD, the developer shall reach agreement with the City to determine the appropriate park dedication calculations for the entire development area. *Park dedication was provided with the 1<sup>st</sup> Addition.*
- 5) As part of any development agreement that includes improvements to one of the adjacent County State Aid Highways (CSAH 13 and 10<sup>th</sup> Street), the City and the developer shall determine the appropriate responsibility for the cost of these improvements. *The 5<sup>th</sup> Addition connects Island Trail to 10<sup>th</sup> Street N. Cost sharing for improvements to CSAH 13 were determined and agreed upon with the 1<sup>st</sup> Addition.*
- 6) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site. *Grading was completed under a separate grading agreement and was graded according to plans.*
- 7) The applicant shall continue to work with the City on the final design of 5<sup>th</sup> Street, and in particular, the transition from the InWood PUD to properties located further to the east (including the Boulder Ponds development and land owned by Bremer Financial Services). *5<sup>th</sup> Street was constructed with prior phases of the development.*
- 8) The utility construction plans shall be updated to incorporate the recommendations of the City Engineer concerning the appropriate location and size of sewer services through the PUD planning area, including any requested oversizing of these facilities to service adjacent properties. *This item was completed with prior phases of the development.*
- 9) The proposed public street access to 5<sup>th</sup> Street from Streets D2 and the southeast park area (Park 1) shall be eliminated from the preliminary development plans in order to bring the proposed spacing into conformance with the City's access spacing guidelines. The developer shall provide access into the park to the satisfaction of the City Engineer. *This change was made to the preliminary plat.*
- 10) 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 Home Owners Association. The applicant shall enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park, trails, or open space on the final plat. *The HOA documents address this condition. Additionally, a landscape license agreement will be drafted and executed between the City and Developer that will assign responsibilities for installation and maintenance of landscaping.*

- 11) The applicant must either move the planned north/south trail through Park 1 further to the west around an existing wetland area located approximately 400 feet south of 10<sup>th</sup> Street or will need to work with the South Washington Watershed District to design a multi-purpose trail through the buffer area that complies with all applicable watershed district's requirements. *The trail was installed with previous phases of the development.*
- 12) The Final Plat and Plans must address the requested modifications outlined in the City Engineer's review memoranda dated November 16, 2014 and November 24, 2014. *The plans were updated with the 1st Addition.*
- 13) The applicant shall be responsible for updating the final construction plans to include the construction of all improvements within County rights-of-way as required by Washington County and further described in the review letter received from the County dated November 17, 2014. *The plans were updated to include the required right-of-way improvements, but not the required R/W dedication. The trail within the R/W between Island Trail and Inwood is also missing from the plans.*
- 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. *A developer agreement will be prepared for the 5<sup>th</sup> Addition with the final plat as it was done in previous phases.*
- 15) The developer must follow all the rules and regulations of the Wetland Conservation Act, and adhere to the conditions of approval for the South Washington Watershed District Permit. *There are no wetland impacts in the 5<sup>th</sup> Addition and all conditions of approval for the South Washington Watershed District Permit have been complied with.*
- 16) The developer shall provide landscape material along the west side of Pond #200 to the satisfaction of the City's landscape consultant. *This condition has been addressed.*
- 17) The developer shall incorporate elements from the Lake Elmo Theming Study at the intersection of 5th Street and Inwood Avenue. *This condition was addressed with the design of 5<sup>th</sup> Street in prior phases of the development.*
- 18) The developer shall install a multi-purpose trail along 10th Street between "Street B" and Inwood Avenue. *This condition should be addressed with the 5<sup>th</sup> Addition development. Street B is now named Island Trail and the current plan submittal shows no trail between island Trail and Inwood Avenue along 10<sup>th</sup> Street (see issues section above)*
- 19) The multi-purpose trail through the eastern buffer area shall be kept as far west on the applicant's property as possible, and the final alignment of this trail shall be subject to review by the City's landscape consultant. *This condition has been met.*

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#### RECOMMENDED CONDITIONS OF APPROVAL:

Staff is recommending approval of the final plat and PUD plat with the following conditions:

- 1) All easements as requested by the City Engineer or Public Works Department shall be documented on the Final Plat prior to the recording of the final plat.



- 2) That Final grading, drainage, and erosion control plans, utility plans, sanitary and storm water management plans, street and utility construction plans and agreements shall be reviewed and approved by the City Engineer complying with all conditions/comments from the City Engineer's review memorandum dated February 15, 2017 prior to the recording of the final plat.
- 3) That the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements with financial guarantees therefore prior to recording of the final plat.
- 4) The applicant shall provide evidence that all conditions attached the Valley Branch Watershed District permit for the final plat have been met prior to the commencement of any grading/construction activity.
- 5) That the Landscape Plans shall be revised to address the Planning and Engineering review comments prior to recording the final plat.
- 6) That Outlots A, B, C, and D be dedicated to the City for stormwater purposes with the recording of the final plat.
- 7) A Common Interest Agreement concerning management of the common areas of Inwood 5th Addition and establishing a homeowner's association shall be submitted in final form to the Planning Director before a building permit may be issued for any structure within this subdivision.
- 8) The developer shall also enter into a landscape license agreement and maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the final plat.
- 9) The Developer shall provide 32 feet of right-of-way for 10th Street and observe all County requirements as specified in the Washington County review letter dated November 17, 2014 or any subsequent direction from the County.
- 10) The Island Trail/10th Street intersection must be reviewed and approved by Washington County. Improvements required by Washington County at the intersection shall be the responsibility of the developer and shall be incorporated into the final PUD plans.
- 11) The developer shall construct a multi-purpose trail along 10<sup>th</sup> Street between Island Trail to Inwood Avenue prior to issuance of building permits and the final PUD plans shall be updated showing the trail prior to recording the final plat.

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#### **DRAFT FINDINGS**

Staff is recommending that the Planning Commission consider the following findings with regards to the Inwood 5th Addition Final Plat and PUD Plans:

1. That all the requirements of City Code Section 153.08 related to the Final Plat have been met by the Applicant.
2. That the proposed Final Plat for Inwood 5<sup>th</sup> Addition consists of the creation of 101 single-family detached residential structures.
3. That the Inwood 5th Addition Final Plat is generally consistent with the Preliminary Plat and PUD Plans as approved by the City of Lake Elmo on December 2, 2014 with conditions.
4. That the Inwood 5th Addition Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
5. That the Inwood 5th Addition Final Plat generally complies with the City's Urban Low Density Residential zoning district except as previously approved as part of the Inwood PUD.
6. That the Inwood 5<sup>th</sup> Addition 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 previously approved as part of the Inwood PUD with conditions.
7. That the Inwood 5th Addition Final Plat complies with the City's subdivision ordinance.

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**RECOMENDATION:**

Staff recommends that the Planning Commission recommend approval of the Inwood 5th Addition Final Plat and Final PUD with 12 conditions based on the findings listed in the Staff report.

Suggested motion:

***"Move to recommend approval of the Inwood 5th Addition Final Plat and Final PUD plans with 12 conditions based on the findings listed in the Staff Report."***

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**ATTACHMENTS:**

1. Application Narrative
2. Inwood 5<sup>th</sup> Addition Final Plat
3. Inwood 5<sup>th</sup> Addition Final Landscape Plans
4. City Engineer's report, dated February 15, 2017
5. Resolution 2014-094 approving the Inwood Preliminary Plat
6. Resolution 2015-40 approving Inwood 1<sup>st</sup> Addition
7. Planning Commission Report, dated 11/24/14
8. Washington County Review letter November 17, 2014
9. Washington County Review letter January 9, 2017

**Final Plat and PUD Final Plan Narrative  
Hans Hagen Homes  
December 22, 2016**

**2. Written Statements**

*a. List of contact information:*

Applicant

John Rask  
Hans Hagen Homes  
941 NE Hillwind Road, Suite 300  
Fridley, MN 55432  
763-586-7200

Property Owner

Inwood 10 LLC  
95 South Owasso Blvd. E  
St. Paul, MN 55117  
651-484-0070

Surveyor

Dan Obermiller  
EG Rud and Sons, Inc.  
6776 Lake Drive NE, Suite 110  
Lino Lakes, MN 55014  
651-361-8200

Civil Engineer

Brian Krystofiak, PE  
Carlson McCain, Inc.  
248 Apollo Drive, Suite 100  
Lino Lakes, MN 55014  
763-489-7905

Wetland Consultant

Melissa Barrett  
Kjolhaug Environmental  
26105 Wild Rose Lane  
Shorewood, MN 55331  
952-401-8757

*b. A listing of the following site data: Address, current zoning, parcel size in acres and square feet, property identification number(s) (PID), and current legal description(s);*

See attached.

*c. Final Subdivision and Lot Information*

- i. InWood 5th Addition
- ii. Lot Tabulation – see attached plat and table. The 5th addition plat includes a total of 101 lots, which is consistent with the approved preliminary plat for this part of the neighborhood.
- iii. There is no park land dedicated in this phase.
- iv. 4.68 acres of public right-of-way.

*d. An explanation of how issues have been addressed since the Preliminary Plat phase of the development;*

The final plat for the 5th Addition is consistent with the preliminary plat and conditions of approval as discussed below.

**Conditions of Preliminary Plat Approval:**

1. The applicant shall work with Community Development Director to name all streets in the subdivision in a manner acceptable to the City prior to the submission of final plat.

*Response: The Community Development Director has supplied street names for the entire plat.*

2. The City and the applicant shall reach an agreement concerning the location and dedication of land associated with the proposed water necessary to provide adequate water service to the InWood project area prior to the acceptance of a final plat for any portion of the PUD area.

*Response: The applicant and City have agreement on the final water system design. The property owner, Inwood 10 LLC, has provided land for a future City water tower.*

3. 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 November 18, 2014.

*Response: The applicant has submitted revised plans to the City addressing the above. Landscaping for the first phase and 5<sup>th</sup> Street has been installed.*

4. Prior to the submission of a final plat for any portion of the InWood PUD, the developer shall work with the City to determine the appropriate park dedication calculations for the entire development area.

*Response: The Park Dedication requirements were satisfied with the Final Plat for Inwood. Outlot L, Inwood was dedicated to the City for future park.*

5. As part of any development agreement that includes improvements to one of the adjacent County State Aid Highways (CSAH 13 and 10<sup>th</sup> Street), the City and the developer shall determine the appropriate responsibility for the cost of these improvements.

*Response: The 5<sup>th</sup> Addition included a future connection to 10<sup>th</sup> Street. Cost sharing was determined and agreed upon with the Inwood final plat for CSAH 13 and funds were provided by Hans Hagen Homes. No specific cost sharing agreement has been determined for the CSAH 10/10<sup>th</sup> Street intersection.*

6. The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site.

*Response: The applicant entered into a separate grading agreement with the City and has graded the property consistent with the approval.*

7. The applicant shall continue to work with the City on the final design of 5<sup>th</sup> Street, and in particular, the transition from the InWood PUD to properties located further to the east (including the Boulder Ponds development and land owned by Bremer Financial Services).

*Response: The applicant worked with the City on the final design and has constructed 5<sup>th</sup> Street through the project site.*

8. The utility construction plans shall be updated to incorporate the recommendations of the City Engineer concerning the appropriate location and size of sewer services through the PUD planning area, including any requested oversizing of these facilities to service adjacent properties.

*Response: The utility plans were updated and resubmitted to the City Engineer prior to the approval of the Inwood Final Plat.*

9. The proposed public street access to 5<sup>th</sup> Street from Streets D2 and the southwest park area (Park 1) shall be eliminated from the preliminary development plans in order to bring the proposed spacing into conformance with the City's access spacing guidelines. Staff is requesting that the developer continue working with the City to determine the most appropriate access into and out of the southwest park area.

*Response: This change was made to the preliminary plat.*

10. 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 Home Owners Association. The applicant shall enter into a maintenance agreement with the City



that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park, trails, or open space on the final plat.

*Response: The HOA documents for the project were drafted consistent with this condition. The documents are recorded against the property.*

11. The applicant must either move the planned north/south trail through Park 1 further to the west around an existing wetland area located approximately 400 feet south of 10<sup>th</sup> Street or will need to work with the South Washington Watershed District to design a multi-purpose trail through the buffer area that complies with all applicable watershed district's requirements.

*Response: The trail was installed with the previous phase of the development and conforms to this condition.*

12. The Final Plat and Plans must address the requested modifications outlined in the City Engineer's review memorandum dated November 16, 2014.

*Response: The applicant updated the preliminary streets and utility plans to be consistent with the City Engineer's comments. The update plans were submitted to the City prior to the Final Plat and Final PUD plan for the 1<sup>st</sup> phase.*

13. The applicant shall be responsible for updating the final construction plans to include the construction of all improvements within County rights-of-way as required by Washington County and further described in the review letter received from the County dated November 17, 2014.

*Response: The plans are updated to include the necessary right-of-way as required by Washington County.*

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.

*Response: The applicant has entered into a Developers Agreement consistent with this condition.*

15. The developer must follow all the rules and regulations of the Wetland Conservation Act, and adhere to the conditions of approval for the South Washington Watershed District Permit.

*Response: There are no wetlands being impacted as a result of this project and all the conditions of South Washington Watershed District are being met. The applicant has received the necessary development approvals from the Watershed District.*

- e. *A statement showing the proposed density of the project with the method of calculating said density shown (Below numbers are based on all the single family lots, and not just this phase);*
- i. Single Family land use area of the overall plat includes 102.9 acres (The 5th additional includes 28 acres)
  - ii. 275 total single family homes (101 lots in 5th Addition).
  - iii. Single Family Net Density of 3.61 units per acre (there is no park land, ponds or collector roads in this phase of the neighborhood.)
- f. *Discuss proposed infrastructure improvements and phasing thereof (i.e. proposed roadways, sewer systems, water systems, sidewalks/trails, parking, etc) necessary to serve the subdivision;*

The 5th phase will include the construction of the necessary roads, sewer and water for the balance of the neighborhood. The storm water improvements, including ponding and infiltration basins were installed with the first phase of development.

- g. *A narrative addressing concerns/issues raised by neighboring properties (discussing your proposal with the neighboring land owners is recommended to get a sense of what issues may arise as your application is processed);*

Neighborhood input was provided during the PUD Plan review stage. Comments generally related to concerns over the extension of municipal services in this area of the community and the impacts that come along with changes to land use.

The land uses and density of the InWood neighborhood are consistent with the City's Comprehensive Plan, and no changes are necessary as a result of the Preliminary Plat application.

Hans Hagen Homes has also designed the neighborhood to lessen the impacts on adjacent property owners, as well as to enhance the neighborhood for future residents. These design features include:

- i. A linear park along the eastern edge of the property that exceeds the City's initial standard of 100 feet. The InWood linear park varies from 100 feet to over 200 feet.
- ii. The lots and streets were orientated east/west with cul-de-sac lots backing to the linear park. There are only 19 lots that back up to the linear park over a distance of 2,640 feet. Under standard zoning, there could be 40 lots backing up to the buffer.
- iii. Additional land for a neighborhood park adjacent to the existing Stonegate development. This park will serve the needs of residents living in InWood as well as the neighborhoods to the east.

- iv. Landscaped berms along 10<sup>th</sup> Street, 5<sup>th</sup> Street, and along a portion of the western edge of the neighborhood.
- h. *A description of how conflicts with nearby land uses (livability, value, potential future development, etc.) and/or disturbances to wetlands or natural areas are being avoided or mitigated;*

The InWood neighborhood is consistent with the City's Comprehensive Plan which provides for a graduation of land use intensities over the site. North of the 5<sup>th</sup> Street parkway will be single family homes. Transitioning to the west will be commercial. The neighborhood plan for InWood provides a large pond and berms to help transition between the commercial and single family neighborhood.

The InWood neighborhood plan avoids and preserves the three wetland basins found on the site. While these wetlands are currently farmed and significantly degraded, it's our intent to restore them with native vegetation.

- i. *Provide justification that the proposal will not place an excessive burden on roads (traffic), sewage, water supply, parks, schools, fire, police, or other public facilities/services (including traffic flows) in the area.*

The City's Comprehensive Plan provides for the planned and orderly growth of the community by making sure that the necessary infrastructure and services are in place as growth occurs. Because the proposed neighborhood is consistent with the City's Comprehensive Plan, no impacts or excessive burdens are anticipated to the roads, public utilities, or public services.

A detailed traffic study was prepared as part of the EAW, and found no traffic impacts that could not be mitigated.

The majority of the homes in the neighborhood will not contain school age children. As such, no impacts are anticipated to the North St. Paul school district.

- j. *If applicable, provide a description of proposed lakeshore access (i.e. shared dock with multiple slips, individual docks for each lot, etc.);*

Not applicable.

- k. *A description of proposed parks and/or open space. Please include a brief statement on the proposed ownership and maintenance of said areas;*

The neighborhood includes approximately 14.5 acres of public parkland. Overall, the neighborhood includes approximately 49 acres of open spaces, including public park, trail corridors, landscaped berms, ponding, infiltration

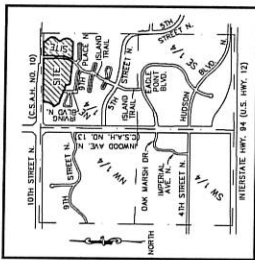
areas, wetland preservation areas, and private open space. The private open space and infiltration areas will be maintained by a homeowners association.

- l. A proposed development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational and common space areas).*

Construction of the 5th Addition improvements will commence in March of 2017 and be completed by August 2017.

# INWOOD FIFTH ADDITION

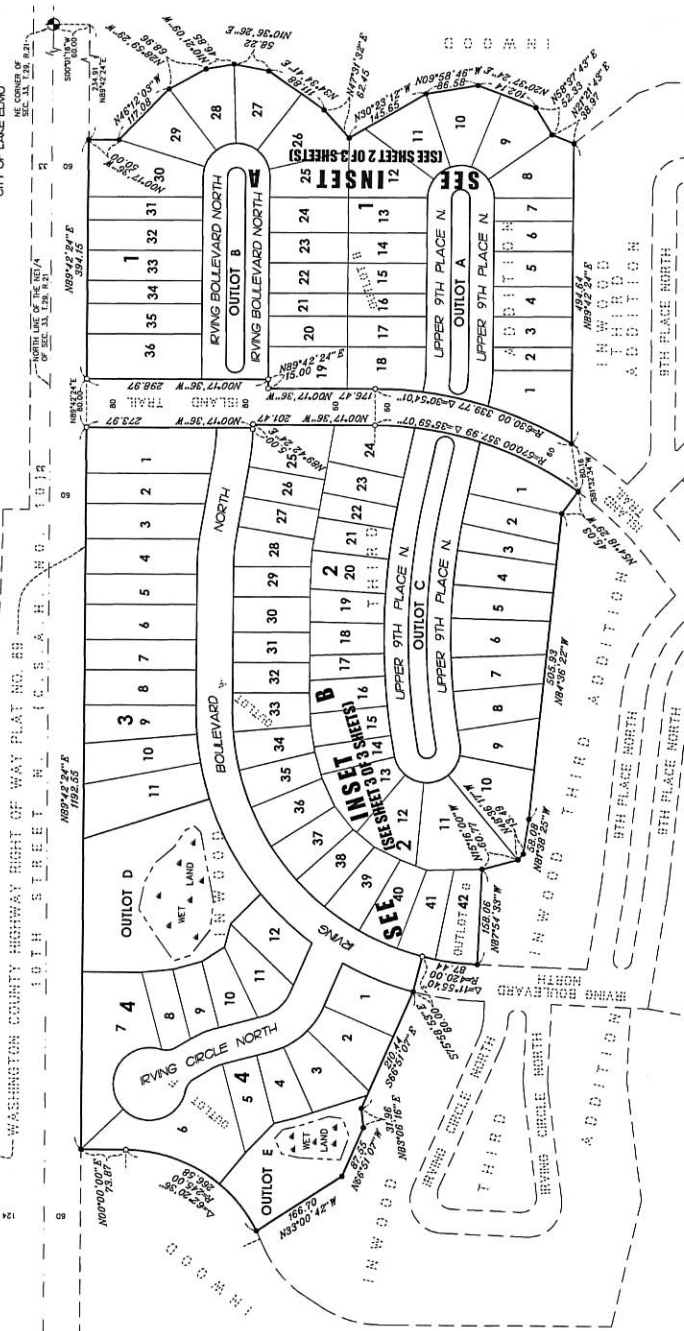
## VICINITY MAP NOT TO SCALE



NORTH

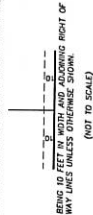


SECTION 33, TOWNSHIP 29 NORTH, RANGE 2 WEST  
CITY OF LAKE ELMO



## EASEMENT DETAIL

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THIS:



REVISIONS OF THE EASEMENT SYSTEM IS BASED ON THE  
WASHINGTON COUNTY COORDINATE SYSTEM, 1983  
UNLESS OTHERWISE SHOWN.  
• INDICATES THE LOCATION OF THE EASEMENT.  
• INDICATES THE LOCATION OF THE EASEMENT.  
• INDICATES THE LOCATION OF THE EASEMENT.  
• INDICATES THE LOCATION OF THE EASEMENT.

KNOW ALL PERSONS BY THESE PRESENTS, That the M/J Homes of Minneapolis/St. Paul, LLC, a Delaware limited liability company, has caused this plat to be prepared and attested to by the County of Washington, State of Minnesota, to wit:

Outlot A, B, F and G, INWOOD FIFTH ADDITION, according to the recorded plat thereof, Washington County, Minnesota.

This plat was prepared and attested to by the County of Washington, State of Minnesota, and does hereby dedicate to the public the Fifth Addition and the utility easements shown on this plat.

In witness whereof said M/J Homes of Minneapolis/St. Paul, LLC, a Delaware limited liability company, has caused these presents to be signed by its proper officer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

M/J HOMES OF MINNEAPOLIS/ST. PAUL, LLC  
Gary M. White, Area President

STATE OF MINNESOTA  
This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, Secretary, Area President of M/J Homes of Minneapolis/St. Paul, LLC, a Delaware limited liability company, on behalf of this company.

Notary Public, \_\_\_\_\_ County, Minnesota  
My Commission Expires \_\_\_\_\_

I, David W. Obermiller, do hereby certify that I have surveyed and plotted the survey and platting of the property described on this plat as INWOOD FIFTH ADDITION, that I am a duly Licensed Land Surveyor in the State of Minnesota, and that the survey and platting of the property described on this plat are in accordance with the laws and regulations of the State of Minnesota, and that the survey and platting of the property described on this plat are in accordance with the laws and regulations of the State of Minnesota.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

David W. Obermiller, Licensed Land Surveyor  
Minnesota License No. 25341

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_  
The foregoing Surveyor's Certificate was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by David W. Obermiller, Licensed Land Surveyor, Minnesota License No. 25341.

Notary Public, \_\_\_\_\_ County, Minnesota  
My Commission Expires \_\_\_\_\_

LAKE ELMO PLANNING COMMISSION  
Approved by the Planning Commission of the City of Lake Elmo, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

PLANNING COMMISSION, CITY OF LAKE ELMO, MINNESOTA  
By \_\_\_\_\_ Secretary

CITY OF LAKE ELMO, MINNESOTA  
By \_\_\_\_\_ Mayor

CITY OF LAKE ELMO, MINNESOTA  
By \_\_\_\_\_ Clerk

COUNTY SURVEYOR  
I, \_\_\_\_\_, County Surveyor of Lake Elmo, Minnesota, do hereby certify that the plat has been reviewed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By \_\_\_\_\_ Washington County Surveyor

COUNTY AUDITOR/TREASURER  
I, \_\_\_\_\_, County Auditor/Treasurer of Lake Elmo, Minnesota, do hereby certify that the plat has been reviewed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By \_\_\_\_\_ Washington County Auditor/Treasurer

COUNTY RECORDER  
I, \_\_\_\_\_, County Recorder of Lake Elmo, Minnesota, do hereby certify that this instrument was recorded in the Office of the County Recorder for record on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and was duly recorded in Washington County Records.

By \_\_\_\_\_ Washington County Recorder

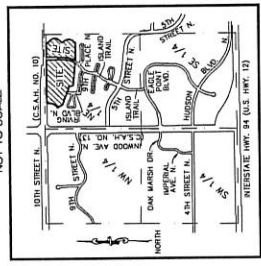
**E.G. RUD & SONS, INC.**  
Professional Land Surveyors



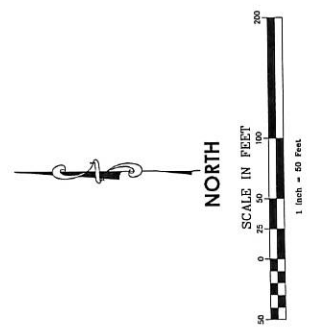
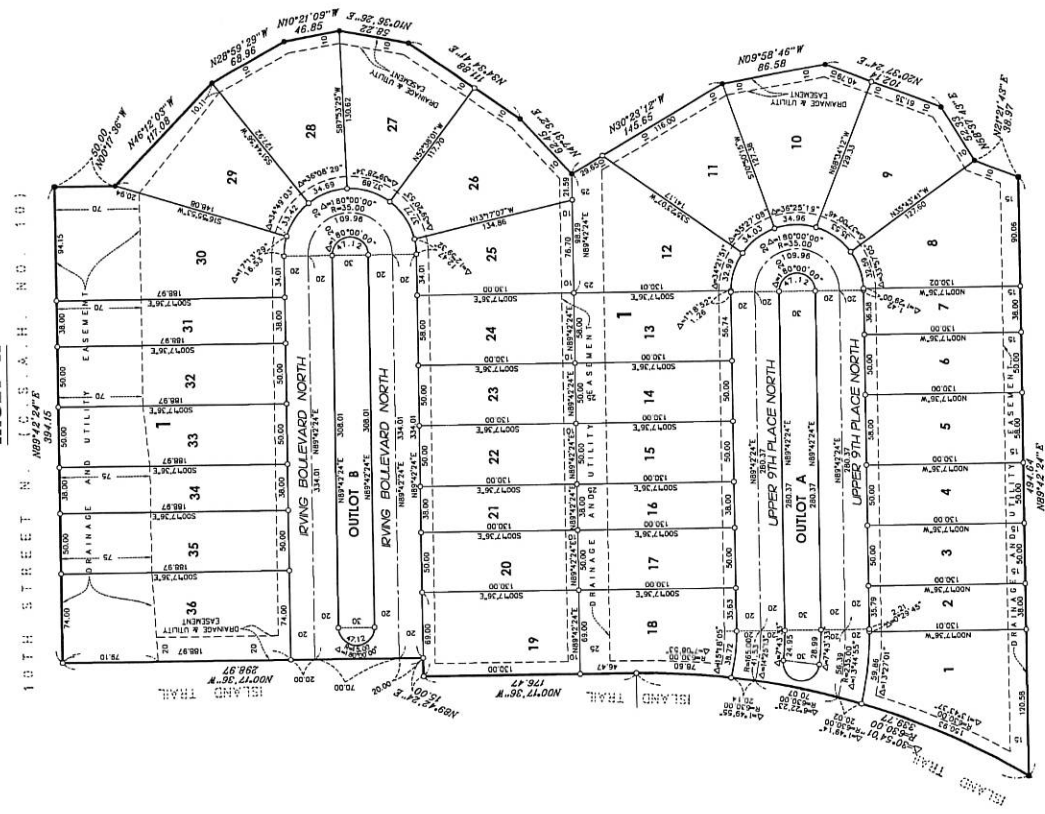
# INWOOD FIFTH ADDITION

## INSET A

VICINITY MAP  
NOT TO SCALE



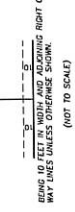
SECTION 33, TOWNSHIP 29 NORTH, RANGE 3 WEST  
CITY OF LAKE ELMO



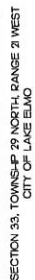
DESCRIPTION OF THE MEASURING SYSTEM IS BASED ON THE  
WASHINGTON COUNTY COORDINATE SYSTEM (NAD 83).  
• ENDORS A 1/2" HIGH BY 1/4" HIGH SIGN PIPE, WITH PLASTIC  
CAP INScribed P.L.S. NO. 2534 AND SIGNED BY THE  
SURVEYOR. THE SIGN SHALL BE SET IN THE CENTER OF THE  
LOT. THE SIGN SHALL BE 1/2" HIGH BY 1/4" HIGH WITH PLASTIC CAP  
INScribed P.L.S. NO. 2534.

### EASEMENT DETAIL

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



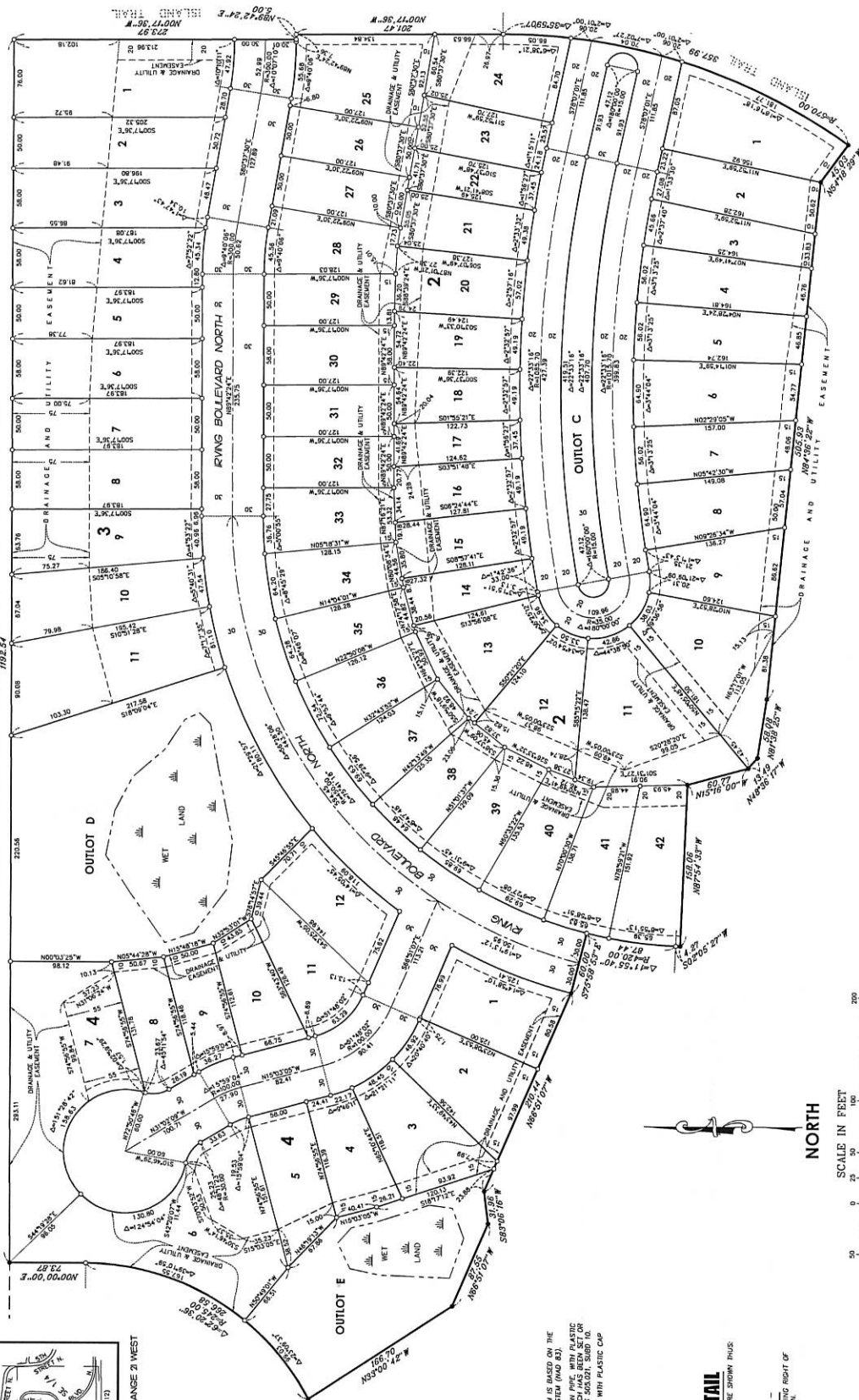
**E.G. RUD & SONS, INC.**  
Professional Land Surveyors



## INWOOD FIFTH ADDITION

## INSET B

100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046 1047 1048 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059 1060 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075 1076 1077 1078 1079 1080 1081 1082 1083 1084 1085 1086 1087 1088 1089 1090 1091 1092 1093 1094 1095 1096 1097 1



NORTH

## EASEMENT DETAIL

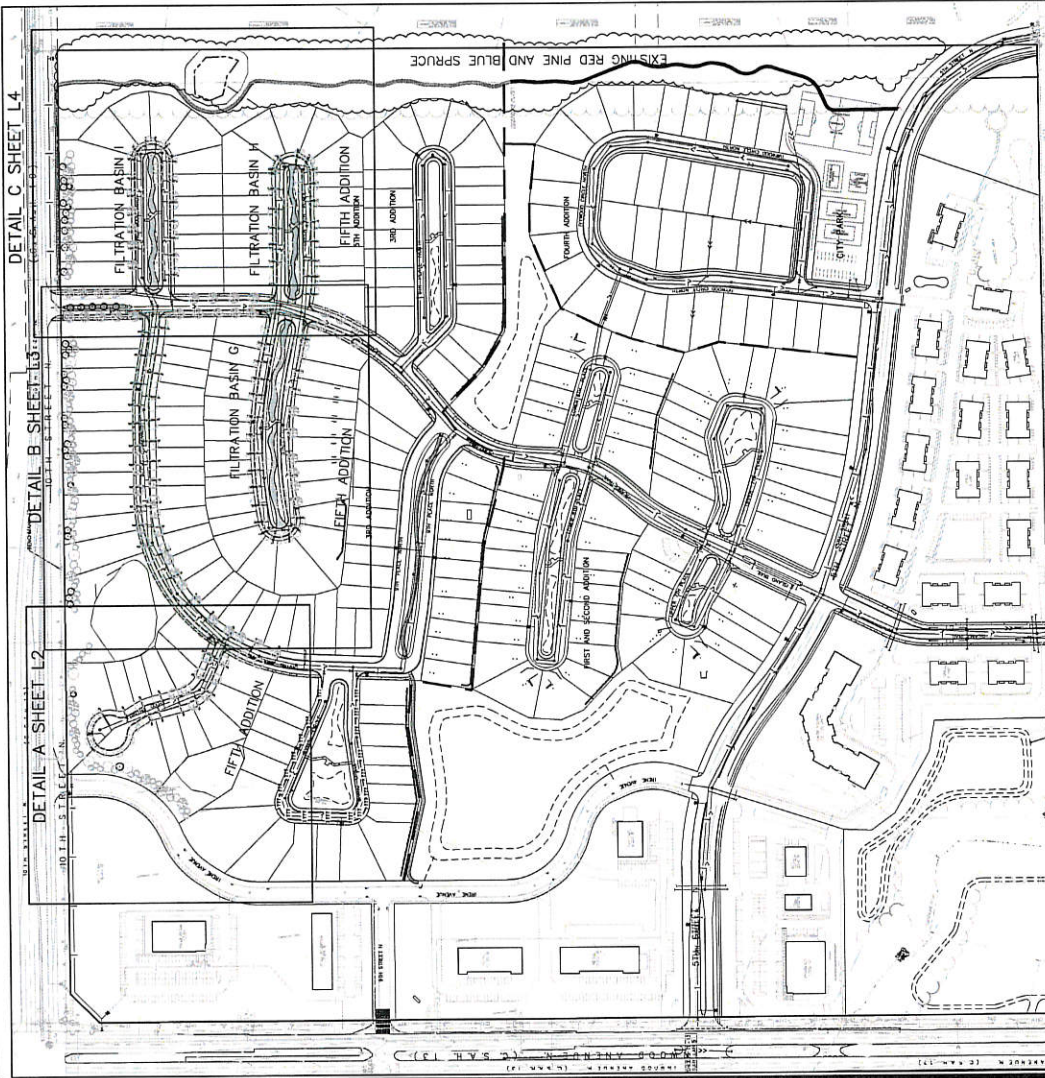
DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

BEING TO FEET IN WIDTH AND ADJOINING RIGHT OF  
WAY LINES UNLESS OTHERWISE SHOWN.

(NOT TO SCALE)



**E.G. RUD & SONS, INC.**  
Professional Land Surveyors



LANDSCAPE REQUIREMENTS (FROM APPROVED PRELIMINARY PLAT):

- ONE TREE/50' OF PROPOSED PUBLIC STREET FRONTAGE  
SINGLE FAMILY PROPOSED STREET FRONTAGE: 19,184' = 384 TREES  
MULTI FAMILY PROPOSED STREET FRONTAGE: 1,413' = 28 TREES  
COMMERCIAL PROPOSED STREET FRONTAGE: 4,576' = 92 TREES
- FIVE TREES PLANTED FOR EVERY ONE ACRE OF LAND THAT IS DEVELOPED OR DISTURBED BY DEVELOPMENT ACTIVITY\*.  
SINGLE FAMILY DEVELOPMENT AREA\*\*: 90 ACRES X 5 = 450 TREES  
MULTI FAMILY DEVELOPMENT AREA: 27 ACRES X 5 = 135 TREES  
COMMERCIAL DEVELOPMENT AREA: 25 ACRES X 5 = 125 TREES
- \* 5TH STREET ROW TAKEN OUT OF DEVELOPED AREA CALCULATIONS  
\*\* 100' BUFFER ALONG EAST SIDE TAKEN OUT OF DEVELOPED AREA CALCULATIONS

TOTAL TREES REQUIRED FOR LANDSCAPE ORDINANCE:

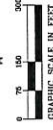
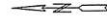
SINGLE FAMILY: 834  
MULTI FAMILY: 163  
COMMERCIAL: 217 (PLUS PARKING LOT LANDSCAPE REQUIREMENTS)  
TOTAL: 1,214 (PLUS PARKING LOT LANDSCAPE REQUIREMENTS IN COMMERCIAL)

TREES PROPOSED BY ADDITION (AT TIME OF SUBMITTALS, ONLY DECIDUOUS TREES 2.5" AND LARGER OR CONIFERS 6" IN HEIGHT OR LARGER ARE COUNTED):

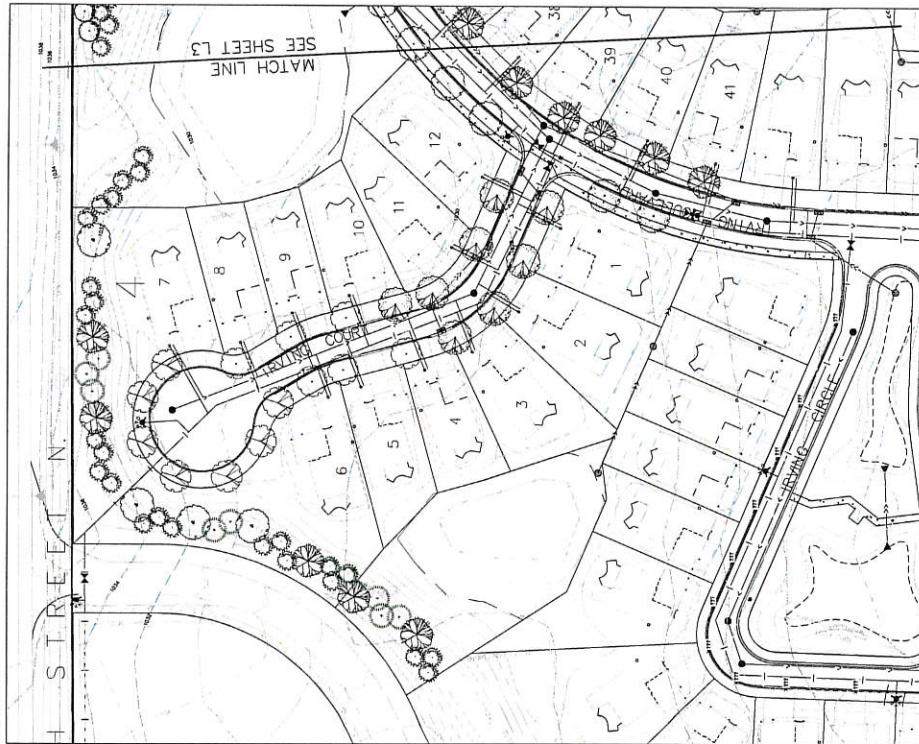
5TH STREET: 125  
FIRST AND SECOND ADDITION TREES (BUFFER AND BOULEVARD): 208  
THIRD ADDITION TREES: 173  
FOURTH ADDITION TREES: 90  
FIFTH ADDITION TREES: 280  
RUNNING TOTAL: 876

SEE APPROVED TREE PRESERVATION PLANS SUBMITTED AT PRELIMINARY PLAT

SHEET SHEET L2-4 FOR TREE LOCATIONS AND SCHEDULE







KEY	COMMON NAME / Scientific Name	5TH ADDITION PLANT SCHEDULE	QUANTITY	INSTRUCTIONS
	ORIENTAL TREES			
	NORRWOOD MAPLE / Acer rubrum 'Norrwood'	2.5" DBH	25	
	SENA GLEN MAPLE / Acer x freemanii 'Sena'	2.5" DBH	31	
	RIVER BIRCH / Betula nigra 'Vitality'	1/2" DBH	7	Multi-Stem
	COMMON HACKBERRY / Celtis occidentalis	2.5" DBH	15	
	HONEYLOCUST / Gleditsia viscoelastic var. nemora	2.5" DBH	20	
	NORTHERN RED OAK / Quercus rubra	2.5" DBH	52	
	SENTRY LINDBERGH / Thuja americana 'Sentry'	2.5" DBH	22	
	AUTUMN BLAZE MAPLE / Acer x freemanii 'Autumn Blaze'	2.5" DBH	2	
	SCOTCH PINE / Pinus sylvestris	6" DBH	21	
	BLACK HILLS SPRUCE / Picea glauca densata	6" DBH	64	
	ORNAMENTAL TREES			
	SPRING SHOW CRAB / Malus 'Spring Snow'	1.5" DBH	30	

LANDSCAPE NOTES:

1. LOTS WILL BE SODDED AFTER CONSTRUCTION.
2. SEE SHEET L1 FOR LANDSCAPE REQUIREMENT DATA
3. ALL PLANTS TO BE PLANTED WITHIN CITY PARKS AND ON CITY PROPERTIES SHALL COMPLY WITH THE CITY'S RESOLUTION ENDORSING BEE-SAFE POLICIES AND PROCEDURES. WRITTEN ACKNOWLEDGEMENT WILL BE PROVIDED.
4. TREES WITHIN BOULEVARDS WITH SIDEWALKS WILL BE PLANTED 5' FROM CURB
5. TREES WITHIN BOULEVARDS WITHOUT SIDEWALKS WILL BE PLANTED 8' FROM CURB

**STANDARD PLANT NOTES**

**LANDSCAPE PLANTS**

FEBRUARY 2015

**CITY OF LAKE ELMO**

LANDSCAPE PLANTS

900

LAKE ELMO

1. PLANT TO TREE STYLING AND PLANTING REQUIREMENTS. CONSTRUCTION MUST COMPLY WITH THE CITY'S RESOLUTION ENDORSING BEE-SAFE POLICIES AND PROCEDURES. WRITTEN ACKNOWLEDGEMENT WILL BE PROVIDED.

2. PLANT MATERIALS SHALL MEET AMERICAN STANDARD FOR PLANTING (ASTA) 2014. PLANT MATERIALS SHALL BE PLANTED WITHIN CITY PARKS AND ON CITY PROPERTIES SHALL COMPLY WITH THE CITY'S RESOLUTION ENDORSING BEE-SAFE POLICIES AND PROCEDURES. WRITTEN ACKNOWLEDGEMENT WILL BE PROVIDED.

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4. ALL TREE SPECIFICATIONS SHALL BE MEET THE CITY'S RESOLUTION ENDORSING BEE-SAFE POLICIES AND PROCEDURES. WRITTEN ACKNOWLEDGEMENT WILL BE PROVIDED.

5. ALL TREE SPECIFICATIONS SHALL BE MEET THE CITY'S RESOLUTION ENDORSING BEE-SAFE POLICIES AND PROCEDURES. WRITTEN ACKNOWLEDGEMENT WILL BE PROVIDED.

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12. ALL PLANTS TO BE PLANTED WITHIN CITY PARKS AND ON CITY PROPERTIES SHALL COMPLY WITH THE CITY'S RESOLUTION ENDORSING BEE-SAFE POLICIES AND PROCEDURES. WRITTEN ACKNOWLEDGEMENT WILL BE PROVIDED.

**SOIL & POORLY DRAINED SOIL**

**DECIDUOUS TREE - MODIFIED/UNMODIFIED**

FEBRUARY 2015

**CITY OF LAKE ELMO**

SOIL & POORLY DRAINED SOIL

900

LAKE ELMO

1. PLANT TO TREE STYLING AND PLANTING REQUIREMENTS. CONSTRUCTION MUST COMPLY WITH THE CITY'S RESOLUTION ENDORSING BEE-SAFE POLICIES AND PROCEDURES. WRITTEN ACKNOWLEDGEMENT WILL BE PROVIDED.

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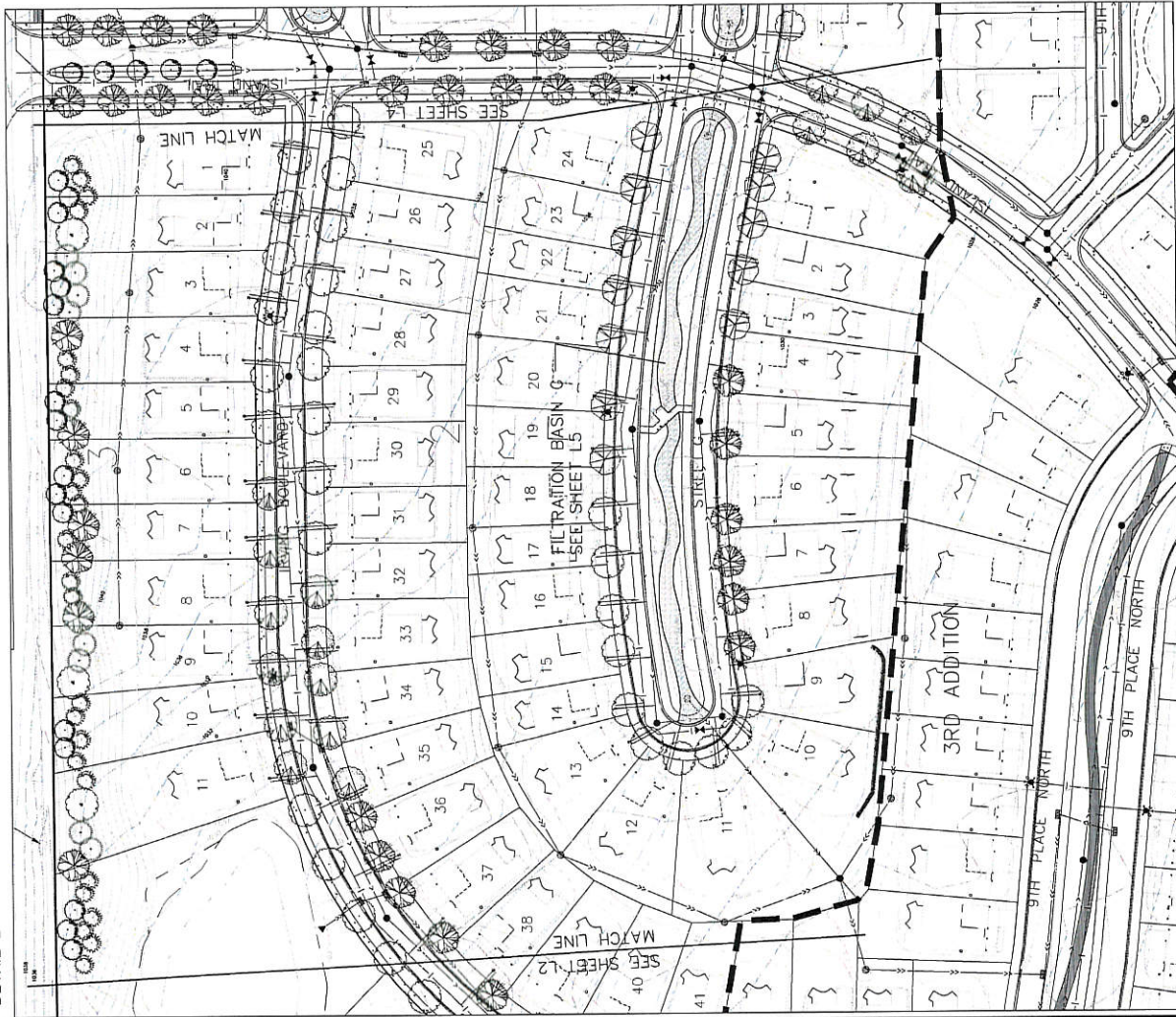
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DETAIL B



5TH ADDITION PLANT SCHEDULE		
KEY	COMMON NAME / Scientific name	QUANTITY / INSTRUCTIONS
1	NORTHERN MAPLE / Acer rubrum 'Nordmoor'	25' BAG 25
2	SEMI-GLEN MAPLE / Acer x freemanii 'Semi'	25' BAG 31
3	RIVER BIRCH / Betula nigra 'Heritage'	12' BAG 7
4	COMMON HOBERRY / Gaultheria procumbens	25' BAG 15
5	HONKLOOST / Desmodium illinoense var. eximium	25' BAG 20
6	NORTHERN RED OAK / Quercus rubra	25' BAG 52
7	SENIOR LARCH / Larix laricina 'Sentry'	25' BAG 22
8	AUTUMN BLAZE MAPLE / Acer x freemanii 'Autumn'	25' BAG 2
9	EVERGREEN REES	8' BAG 31
10	SCOTT PINE / Pinus strobus	8' BAG 64
11	BLACK HILLS SPRUCE / Picea glauca densata	8' BAG 64
12	ORNAMENTAL TREES	1.5' BAG 30

LANDSCAPE NOTES:

1. LOTS WILL BE SODDED AFTER CONSTRUCTION.
2. SEE SHEET L1 FOR LANDSCAPE REQUIREMENT DATA
3. ALL PLANTS TO BE PLANTED WITHIN CITY PARKS AND ON CITY PROPERTIES SHALL COMPLY WITH THE CITY'S RESOLUTION ENDORSING BEE-SAFE POLICIES AND PROCEDURES. WRITTEN ACKNOWLEDGEMENT WILL BE PROVIDED.
4. TREES WITHIN BOULEVARDS WITH SIDEWALKS WILL BE PLANTED 5' FROM CURB
5. TREES WITHIN BOULEVARDS WITHOUT SIDEWALKS WILL BE PLANTED 8' FROM CURB

1. PRIOR TO TREE REMOVAL AND PLANTING, EXISTING CONCRETE, ASPHALT, AND OTHER SURFACES SHALL BE REMOVED TO THE SUBGRADE. THE REMOVAL OF EXISTING SURFACES SHALL BE COMPLETED PRIOR TO THE START OF CONSTRUCTION.

2. LANDSCAPE MATERIALS SHALL BE STORED IN THE CITY PARKS AND ON CITY PROPERTIES. MATERIALS SHALL BE STORED IN THE CITY PARKS AND ON CITY PROPERTIES.

3. NO PLANTING SHALL BE DONE UNTIL THE GROUND IS FIRM AND FREE OF DEBRIS.

4. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY'S RESOLUTION ENDORSING BEE-SAFE POLICIES AND PROCEDURES.

5. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY'S RESOLUTION ENDORSING BEE-SAFE POLICIES AND PROCEDURES.

6. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY'S RESOLUTION ENDORSING BEE-SAFE POLICIES AND PROCEDURES.

7. ALL TREES, SHRUBS, FERNS, AND PLANTS TO BE PLANTED SHALL BE PLANTED IN ACCORDANCE WITH THE CITY'S RESOLUTION ENDORSING BEE-SAFE POLICIES AND PROCEDURES.

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41. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY'S RESOLUTION ENDORSING BEE-SAFE POLICIES AND PROCEDURES.

1. Modelled soil - Depth of soil varies (see specifications for soil modifications)

2. Modelled soil - Depth of soil varies (see specifications for soil modifications)

3. Modelled soil - Depth of soil varies (see specifications for soil modifications)

4. Modelled soil - Depth of soil varies (see specifications for soil modifications)

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41. Modelled soil - Depth of soil varies (see specifications for soil modifications)

PIONEER engineering

10222 Broadway Drive, Suite 100  
Minneapolis, MN 55412  
Phone: 612.338.1111  
Fax: 612.338.1112  
Email: info@pioneereng.com

LANDSCAPE PLAN

HANS HAGEN HOMES  
7400 HANSEN AVENUE  
MINNEAPOLIS, MN 55425

INWOOD FIFTH ADDITION  
LAKE ELMO, MINNESOTA

7







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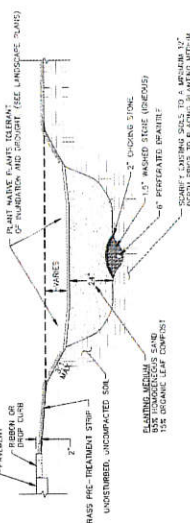
1. ISLANDS TO BE AMENDED AS SPECIFIED IN SUBMITTED GRADING PLANS AND APPROVED BY THE WATERSHED DISTRICT.
2. TRENCH EDGING TO BE USED BETWEEN SOD AND SHREPPED WOOD MULCH AREAS.
3. NO EDGING MATERIAL TO BE USED IN RAIN GARDEN AREAS
4. NO WEED BARRIER USED IN WOOD MULCH AREAS.
5. NO GEOTEXTILE TO BE USED IN BASIN BOTTOMS.
6. SHRUB AND PERENNIAL AREAS TO BE MULCHED WITH SHREPPED HARDWOOD TO A DEPTH OF 3"
7. GREEN OR EQUIVALENT TO BE USED IN PLANTING AREAS AT TIME OF PLANTING AND AS PART OF A REGULAR MAINTENANCE ROUTINE AS PER MANUFACTURERS INSTRUCTIONS
8. DRY CREEK BED TO BE CONSTRUCTED OF A MIX OF RIVER ROCK, GABION/RIP-RAP, AND SMALL-MEDIUM Boulders WITH THE Boulders PLACED IN MASSES ALONG THE EDGES OF THE CREEK BED.
9. BLUE FLAG IRIS TO BE PLANTED IN SMALL MASSES AS SHOWN ON DETAILS WITHIN THE DRY CREEK BED.
10. PATIOS SHOWN IN RAIN GARDENS TO BE CONSTRUCTED WITH POURED CONCRETE (TYPICAL)
11. TOP OF ALL LANDSCAPE MATERIAL TO BE SET 2" BELOW RIBBON CURB.

KEY	COMMON NAME/Scientific name	PLANT SCHEDULE		QUANTITY	NOTES
		DESIGNER TREES	ISLAND TREES		
		ROOT	ISLAND TREES	ISLAND TREES	SPACING
1	RIVER Birch/Brasla nigra Verticill <sup>1</sup>	17' B&D	9	6	as shown
2	ORNAMENTAL TREES	6' B&D	6	4	as shown
3	ORNAMENTAL TREES	6' B&D	6	4	as shown
4	ORNAMENTAL TREES	6' B&D	6	4	as shown
5	ORNAMENTAL TREES	6' B&D	6	4	as shown
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GRAPHIC SCALE IN FEET

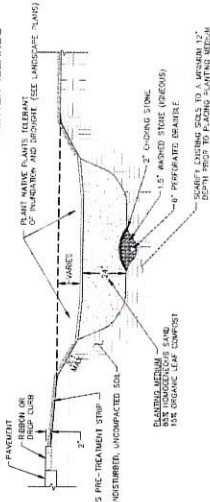
FILTRATION BASINS 1-18



DETAIL TAKEN FROM SUBMITTED GRADING PLANS. SEE GRADING PLANS FOR MORE FILTRATION BASIN AND GRADING DETAILS.



FILTRATION BASINS 1-18  
FILTRATION BASINS 1-18 ARE LOCATED WITHIN ROW CENTER ISLANDS



A graphic scale in feet, ranging from 0 to 40 feet, with major markings every 10 feet. Below the scale is a north arrow pointing towards the top of the page.

1. ISLANDS TO BE AMENDED AS SPECIFIED IN SUBMITTED GRADING PLANS AND APPROVED BY THE WATERSHED DISTRICT.
2. TRENCH EDGING TO BE USED BETWEEN SOD AND SHREDDED WOOD MULCH AREAS.
3. NO EDGING MATERIAL TO BE USED IN RAIN GARDEN AREAS.
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7. PREEN OR EQUIVALENT TO BE USED IN PLANTING AREAS AT TIME OF PLANTING AND AS PART OF A REGULAR MAINTENANCE ROUTINE AS PER MANUFACTURER'S INSTRUCTIONS
8. DRY CREEK BED TO BE CONSTRUCTED OF A MIX OF RIVER ROCK, GABION/RIP-RAP, AND SMALL-MEDIUM BOULDERS WITH THE BOULDERS PLACED IN MASSES ALONG THE EDGES OF THE CREEK BED.
9. BLUE FLAG IRIS TO BE PLANTED IN SMALL MASSES AS SHOWN ON DETAILS WITHIN "THE DRY CREEK BED."
10. PATIOS SHOWN IN RAIN GARDENS TO BE CONSTRUCTED WITH POURED CONCRETE (TYPICAL) TOP OF ALL LANDSCAPE MATERIAL TO BE SET 2" BELOW RILL CURB.
- 11.

**PIONEER** *engineering*

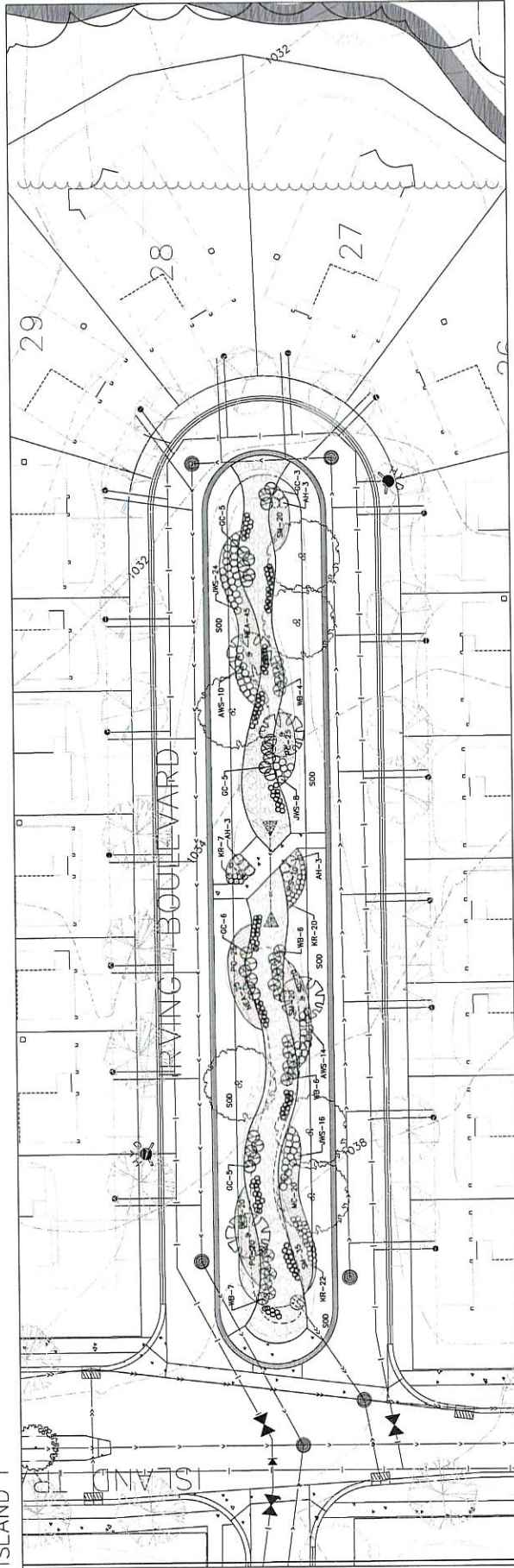
PLANT SCHEDULE			QUANTITY		NOTES
KEY	COMMON NAME / Scientific name	ROOT	ISLAND (HILAND 1)	SPACING	
	CORONA BEES				
	ORNAMENTAL TREES				
	RIVER BIRCH / Betula nigra 'Village'	12' B&B	9	6	6
	ORNAMENTAL TREES				
	Autumn Blaze BURNINGBUSH / Euonymus alatus 'Burnin'	6' B&B	6	4	4
	SHRUBS				
A4	ANNEHEE PRUNER / Prunella carolinensis 'Annehe'	3'5 post	11	5	9
AS	ANNEHE PRUNER / Prunella carolinensis 'Annehe'	3'5 post	35	35	24
CC	GUSTY BLACK CROCKERY / Anemone nemorosa	3'5 post	31	32	24
CS	JAPANESE WHITE SPINER / Spirea alba	3'5 post	28	15	48
HS	WINTERBERRY / Winterberry	3'5 post	27	19	23
HS	WINTERBERRY / Winterberry	3'5 post	64	39	49
	PERENNIALS				
BE5	BLACK EYE SUSAN / Rudbeckia hirta	4' POST	89	38	39
BL	BLUE EYE SUSAN / Rudbeckia hirta	4' POST	300	100	100
BL	BLUE EYE SUSAN / Rudbeckia hirta	4' POST	40	25	24
MC	SHRUB MAHONIA / Mahonia repens	4' POST	45	40	35
MC	SHRUB MAHONIA / Mahonia repens	4' POST	25	15	20
PC	PURPLE CLOUTONIA / Echinacea purpurea	4' POST	65	55	70
PC	PURPLE CLOUTONIA / Echinacea purpurea	4' POST	55	10	10
PS	RUSSIAN SAGE / Perovskia atropurpurea	4' POST	65	10	15
PS	RUSSIAN SAGE / Perovskia atropurpurea	4' POST	55	10	15
NEA	NEW ENGLAND ASTER / Aster novae-angliae 'New Palace'	4' POST	15	---	---
NEA	NEW ENGLAND ASTER / Aster novae-angliae 'New Palace'	4' POST	65	35	70
NEA	NEW ENGLAND ASTER / Aster novae-angliae 'New Palace'	4' POST	50	---	---

2022 Enterprise Drive  
Menasha, WI 54952  
(920) 765-1914  
Fax: 920-765-1914  
www.plumtree.com

**HANS HAGEN HOMES**  
941 HILLWIND ROAD NE SUITE 300  
PRUDLEY, MINNESOTA 55432

## INWOOD FIFTH ADDITION

L6 cp 7



1. ISLANDS TO BE AMENED AS SPECIFIED IN SUBMITTED GRADING PLANS AND APPROVED BY THE WATERSHED DISTRICT.
2. TRENCH EDGING TO BE USED BETWEEN SOD AND SHREDDED WOOD MULCH AREAS.
3. NO EDGING MATERIAL TO BE USED IN RAIN GARDEN AREAS.
4. NO GEOTEXTILE USED IN WOOD MULCH AREAS.
5. NO GEOTEXTILE TO BE USED IN BASIN BOTTOMS.
6. SHRUB AND PERENNIAL AREAS TO BE MULCHED WITH SHREDDED HARDWOOD TO A DEPTH OF 3"
7. PREEN OR EQUIVALENT TO BE USED IN PLANTING AREAS AT TIME OF PLANTING AND AS PART OF A REGULAR MAINTENANCE ROUTINE AS PER MANUFACTURERS INSTRUCTIONS
8. DRY CREEK BED TO BE CONSTRUCTED OF A MIX OF RIVER CORK, GABION/RIP-RAP, AND SMALL-MEDIUM Boulders WITH THE Boulders PLACED IN MASSES ALONG THE EDGES OF THE CREEK BED
9. BLUE FLAG IRIS TO BE PLANTED IN SMALL MASSES AS SHOWN ON DETAILS WITHIN THE DRY CREEK BED
10. PATIOS SHOWN IN RAIN GARDENS TO BE CONSTRUCTED WITH POURED CONCRETE (TYPICAL) TOP OF ALL LANDSCAPE MATERIAL TO BE SET 2" BELOW RIBBON CURB.
- 11.

PLANT SCHEDULE			QUANTITY	NOTES
KEY	CROWN NAME/Scientific name	ROOT	ISLAND CROWN HEIGHT 1	SPACING
	ORCHARD TREES			
1	RIVER Birch/Betula nigra 'Heritage'	12' DBH	9	6
	ORNAMENTAL TREES			
2	Autumn Brilliance Serviceberry/Amelanchier x grandis 'Autumn Brilliance'	8' DBH	6	4
	SHRUBS			
3	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	3/2 pot	11	5
4	Anthony Waterer Spirea/Spirea x burgundi 'Anthony Waterer'	3/2 pot	35	35
5	Glossy Black Chokeberry/Aronia melanocarpa	3/2 pot	31	32
6	Japanese White Spirea/Spirea alba	3/2 pot	28	15
7	Whiteberry/Am. verticillata	3/2 pot	27	19
8	Knoxout Rose/Rosa 'Knox Out'	3/2 pot	64	39
	PERENNIALS			
9	Black Out Sialm/Banana Yell	1/1 POT	95	25
10	Black Out Sialm/Banana Yell	1/1 POT	200	100
11	Black Out Sialm/Banana Yell	1/1 POT	200	100
12	Black Out Sialm/Banana Yell	1/1 POT	65	40
13	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	25	15
14	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	65	55
15	Stella D'oro Dianella/Anemone 'Stella D'oro'	1/1 POT	--	15
16	Russian Sage/Perovskia atropurpurea	1/1 POT	55	15
17	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	15	--
18	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
19	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	80	--
20	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
21	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
22	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
23	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
24	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
25	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
26	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
27	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
28	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
29	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
30	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
31	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
32	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
33	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
34	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
35	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
36	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
37	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
38	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
39	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
40	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
41	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
42	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
43	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
44	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
45	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
46	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
47	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
48	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
49	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
50	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
51	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
52	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
53	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
54	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
55	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
56	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
57	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
58	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
59	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
60	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'	1/1 POT	70	35
61	Manitella Hibiscus/Hibiscus oprekanos 'Manitella'			



## MEMORANDUM

# FOCUS ENGINEERING, inc.

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

Date: February 15, 2017

To: Brian Krystofiak, Carlson McCain  
Cc: Jason Biederwolf, M/I Homes  
Stephen Wensman, City Planner  
Chad Isakson, P.E., Municipal Engineer  
From: Jack Griffin, P.E., City Engineer

Re: Inwood 5th Addition – Final Construction Plans  
Engineering Review Comments

An engineering review has been completed for the Inwood 5<sup>th</sup> Addition. Final Plat/Final Construction Plans were received on December 16, 2016. The submittal consisted of the following documentation prepared by Carlson-McCainst, Inc. or as noted:

- Inwood 5th Addition Final Plat, dated December 6, 2016.
- Inwood 5th Addition Street and Utility Construction Plans dated November 28, 2016.
- Inwood 5th Addition Specifications dated November 28, 2016.
- Inwood 5th Addition Landscape Plans dated November 28, 2016.
- Storm Sewer Design Spreadsheet dated February 16, 2015 and Drainage Area Exhibit dated October 6, 2016.

**STATUS/FINDINGS:** Engineering review comments have been provided to assist with the completion of the final Construction Plans and Final Plat.

### INWOOD 5<sup>TH</sup> ADDITION FINAL PLAT

- Revise and resubmit the Final Plat to provide the required watermain easements and to address the required construction plan changes per the construction plan comments below.
- Revise the Final Plat to show the dedication of an additional 32 feet along the south right-of-way of 10<sup>th</sup> Street per the conditions of preliminary plat approval.

### FINAL CONSTRUCTION PLANS & SPECIFICATIONS

- With Inwood PUD 5<sup>th</sup> Addition being the last addition covering the preliminary plat, the interim sanitary sewer routing at the intersection of 5<sup>th</sup> Street and Ivywood Avenue must be converted to the permanent routing condition as part of this plan set before the improvements can be considered complete. Add sanitary sewer plan sheet to address convert the interim sanitary sewer routing to the permanent sewer routing condition by diverting the flow to the east at this intersection through the Boulder Ponds subdivision.
- Add grading plans and erosion control plans for the Inwood PUD 5<sup>th</sup> Addition. The grading plans should show the existing grading conditions and call out the phasing and removal of the temporary sedimentation basins along with the permanent final grading. The plan should also describe and address the erosion control provisions for the construction of the Inwood PUD 5<sup>th</sup> Addition. Grading, erosion control and site restoration plan notes should be incorporated on the appropriate plan sheet and removed from the detail sheets.
- Sheet No. 1-3 – Remove temporary cul-de-sac on Island Trail between 2<sup>nd</sup> and 3<sup>rd</sup> Addition.
- Sheet No. 4-10 – Show all easements on all utility plans.



- Sheet No. 4-10 – Provide notes in plan view to label and callout 4" insulation.
- Sheet No. 4-10 – The utility plans must be updated to incorporate any proposed Irrigation services after the irrigation service plans have been reviewed and approved by the City Landscape Architect.
- Sheet No. 4-5 – 12" watermain crossing of Island Trail at 10<sup>th</sup> Street should be perpendicular with Island Trail. Extend 12" watermain to the north and replace (2) 45-degree bends with 12x12 tee. Add 12" Gate Valve on south leg of tee.
- Sheet No. 4 – Add Gate Valve on the north leg of the watermain cross at STA 5+50 Island Trail.
- Sheet No. 4 – Show insulation at the storm sewer crossing at STA 6+10 of Island Trail.
- Sheet No. 4 – Revise the existing manhole invert (and field verify note) with the As-built invert elevation.
- Sheet No. 4 – Remove localized high point in the watermain profile from STA 0+00 to STA 1+50 of Island Trail. Carry straight grade from the connection point to the watermain offset.
- Sheet No. 5 – Extend watermain along 10<sup>th</sup> Street to the plat limits.
- Sheet No. 6 – Modify sanitary sewer slopes from MH 1 to MH 7 to be 0.50%.
- Sheet No. 7 – Add 8" Gate Valve on east watermain segment on the north side of 9<sup>th</sup> Street Place N., adjacent to MH-2. Revise service stationing.
- Sheet No. 7 – Remove 4" service from MH-9. Service to be installed using a wye from the sewer mainline.
- Sheet No. 7 – Place hydrant on southern leg of Upper 9<sup>th</sup> Place North between lots 3 and 4.
- Sheet No. 8 – Remove 22-degree bend from northern intersection of Irving Blvd and Island Trail. Have 8" DIP connect perpendicular to 12" watermain. Keep 8" gate valve at connection.
- Sheet No. 8 – Revise sanitary sewer grade from MH-3 to MH-11 to 3.16% and MH 11 to MH 14 to 0.50%
- Sheet No. 9 – Add 12" Gate Valve at STA 6+00 on Irving Boulevard so that less than 20 lots are impacted when the system is isolated.
- Sheet No. 10 – Relocate the 12" Gate Valve on Irene Avenue to keep it out of the street centerline.
- Sheet No. 10 – Label Outlot K on the plans in the northwest corner to identify the parcel with the proposed watermain installation.
- Sheet No. 10 – Revise the watermain connection and Outlot K watermain alignment to connect the proposed watermain to the newly constructed Inwood Trunk Watermain 16"x12" tee at the intersection of Inwood Avenue and 10<sup>th</sup> Street. The existing conditions must reflect the as-built Inwood Trunk Watermain Plans.
- Sheet No. 10 – Provide minimum 30 foot wide watermain utility easement centered over the pipe over Outlot K. A. Revise Plat accordingly.
- Sheet No. 10 – Add minimum 30 foot wide watermain utility easement centered over the pipe on lots 6 and 7, Block 4 for the 12" watermain pipe. Revise Plat accordingly.
- Sheet No. 11-14 – Storm Sewer Structures within 10 ft. of watermain to have water tight connections per MDH requirements. Include note on each storm sewer plan sheet and mark applicable storm structure. Also include water stop grouting ring detail.
- Sheet No. 11-14 – Minimum drain tile run is 100 ft. Clean-outs must be provided every 150 ft.
- Sheet No. 11 – Modify draintile invert elevation in CBMH 316 to be 1025.04.
- Sheet No. 11 – Show HWL and NWL for Pond W1. Show in plan and profile.
- Sheet No. 11 – Add invert and label FES at Pond W1.
- Sheet No. 11 – The maximum run without catch basins is 350 feet. Add catch basins along Irving Boulevard or adjust catch basin locations accordingly (CBMH 305 and 306 exceed 400-feet from the high point of Irving Boulevard).
- Sheet No. 12 – Revise the existing CBMH invert (and field verify note) with the As-built invert elevation
- Sheet No. 13 – Add 100 ft. draintile runs from CBMH 288A and CB 288B.
- Sheet No. 13 – Reconfigure storm sewer to place CBMH at the end rads of Irving Boulevard (west side) to capture storm water flowing down Irving Boulevard before reaching Island Trail. This will allow the valley gutter to be removed.
- Sheet No. 15-20 – K-values must be placed on the plans for all vertical curves and must meet City standards.
- Sheet No. 15 – Revise R/W width or revise street section of Island Trail between 10<sup>th</sup> Street and Irving Boulevard. The proposed R/W width is insufficient to meet City street and boulevard layout standards.

- The minimum one-way street width is 18 feet from face of curb to face of curb; not back of curb to back of curb. The lane width must be increased by 1 ft.
  - The Island Trail w/median typical section on Sheet No. 25 does not allow for boulevard trees meeting minimum safety setbacks.
  - Revise Plat accordingly.
- Sheet No. 16-18 – Street grades along the one-way loop roads are proposed at the City minimum 0.5% for long distances. Due to construction tolerances this grade has not been working on previous Inwood PUD Additions. Street grades should be increased to provide better drainage of the streets. City acceptance will not be granted for standing water at any point in the roadway.
  - Sheet No. 16-18 – The end turning radius of 35 ft. for each of the one-way loop roads do not meet the City minimum standard of 45 ft. Revise end radius to the minimum 45 ft. or provide additional pavement width to accommodate an equivalent turning radius. Revise Plat accordingly.
  - Sheet No. 19 – Revise the intersection of Irving Boulevard and Island Trail to align the drive lane centerlines. Provide a center median on the west leg of Irving Boulevard. Revise Plat accordingly.
  - Sheet No. 20 – Revise the intersection of Irving Court to intersect Irving Boulevard at 90-degrees for the first 50 feet. Revise Plat accordingly.
  - Sheet No. 20 – Revise the Irving Court cul-de-sac to meet the City minimum boulevard width.
  - Sheet No. 21-22 – At locations where a stop sign and street sign are proposed at an intersection they should be combined into one pole.
  - Sheet No. 21-22 – The city standard street light note should include the fixture specification as a 100W HPS California Acorn (black in color) with a 15 ft. aluminum pole (also black in color).
  - Sheet No. 21 – Add light pole at the intersection of Island Trail and 10<sup>th</sup> Street.
  - Sheet No. 21 – Add second set of turn arrows for the turn lanes of Island Trail.
  - Sheet No. 21 – Add fog line and yellow median line striping along Island trail. Show striping ending at the southerly median nose.
  - Sheet No. 21 – Turn lane widths conflict with the widths shown on the typical section on Sheet No. 25.
  - Sheet No. 22 – Add light poles along Irving Boulevard at the lot line of Lots 30-31, Lot 11 and Outlot D, and at the intersection of Irving Boulevard and Irving Court.
  - Sheet No. 22 – Add light poles along Upper 9<sup>th</sup> Street at the lot lines of 19-20 and 5-6.
  - Sheet No. 24 – Replace the Cottage Grove Valley Gutter detail with the Lake Elmo Standard Detail 505.
  - Sheet No. 25 – Remove City Standard Detail 807A.
  - Sheet No. 25 – Add the Lake Elmo Standard Detail 514 (Saw and Seal).
  - Replace Sheet No. T1-T4 with the updated CSAH 10 (10<sup>th</sup> Street) Turn Lane Plans. Note the City standard trail width is 8 feet.
  - Lake Elmo has adapted MRWA tracer wire standards for Sanitary Sewer which includes grounding rod anode and grade level access box on all sanitary sewer services. Add these specifications/details into the plans.
  - Add a Plan Sheet to address the installation of the 8 foot bituminous trail along 10<sup>th</sup> Street from Island Trail to Inwood Avenue (CSAH 13).

#### STORM SEWER CHART

- Revise and resubmit a storm sewer calculation chart based on plan changes and verify that all minimum and maximum pipe velocities meet city standards. Verify pipe cover meeting minimum 3 feet and verify pipe velocities meeting city design standards. Minimum allowable pipe velocity is 3 fps, maximum allowable pipe velocity is 15 fps and maximum allowable pipe discharge is 5 fps.
- The storm sewer chart invert for STMH-303 does not match the plan invert.
- The storm sewer chart invert for CBMH-280 does not match the plan invert.

#### LANDSCAPE PLANS

- Add plan note to the landscape plans to require all trees to be field located and approved by the city prior to planting trees.

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

**RESOLUTION NO. 2014-94**

*A RESOLUTION APPROVING THE INWOOD PRELIMINARY PLAT AND  
PRELIMINARY PUD PLAN*

**WHEREAS**, Hans Hagen Homes, 941 NE Hillwind Road, Suite 300, Fridley, MN and Inwood 10, LCC, 95 South Owasso Boulevard West, St. Paul, MN (“Applicants”) have submitted an application to the City of Lake Elmo (“City”) for a Preliminary Plat and a Planned Unit Development (PUD) Preliminary Plan for a planned development to be called InWood, copies of which are on file in the City Planning Department; and

**WHEREAS**, the proposed Planned Unit Development is for a mixed-use Planned Unit Development on 157 acres of land located at the southeast corner of Inwood Avenue and 10<sup>th</sup> Street in Lake Elmo and will include 275 single-family residential lots, 264 multi-family residential units, and approximately 90,000 square feet of commercial/office uses; and

**WHEREAS**, the Preliminary Plat and Preliminary Plans include the single family portions of the overall PUD development; and

**WHEREAS**, the Lake Elmo City Council approved the InWood PUD Concept Plan on September 16, 2014, and

**WHEREAS**, the Lake Elmo Planning Commission held a Public Hearing on November 24, 2014 to consider the Preliminary Plat and Preliminary Plans for the PUD; and

**WHEREAS**, on November 24, 2014 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council approve the Inwood PUD Preliminary Plat and Preliminary Plans; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Inwood PUD Preliminary Plat and Preliminary Plans to the City Council as part of a memorandum from the Planning Department dated December 2, 2014; and

**WHEREAS**, the City Council reviewed the recommendation of the Planning Commission and the proposed Inwood PUD Preliminary Plat and Preliminary Plans at a meeting on December 2, 2014.

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

### **FINDINGS**

- 1) That the procedure for obtaining approval of said PUD Preliminary Plan is found in the Lake Elmo City Code, Section 154.800.
- 2) That all the requirements of said City Code Section 154.800 related to the PUD Preliminary Plan have been met by the Applicant.
- 3) That the InWood preliminary plat complies with the City's subdivision ordinance and is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 4) That the proposed PUD Preliminary Plan is for a mixed-use Planned Unit Development on 157 acres of land located at the southeast corner of Inwood Avenue and 10<sup>th</sup> Street in Lake Elmo and that the Preliminary Plan includes 275 single-family residential lots.
- 5) That the PUD Preliminary Plan will be located on property legally described on the attached Exhibit "A".
- 6) That the proposed PUD will allow a more flexible, creative, and efficient approach to the use of the land, and will specifically relate to existing zoning district standards in the following manner (with exceptions as noted):

<b><u>Setback</u></b>	<b><u>LDR Zoning District (Min.)</u></b>	<b><u>Inwood PUD (Min.)</u></b>
Front Yard	25 feet	20 feet
Interior Side Yard	10 Feet Principal Structure Side / 5 Feet Garage Side	4 Feet
Rear Yard	20 feet	20 feet
Lot Area	8,000 square feet	4,250 square feet
Lot Depth	N/A	110 feet
Lot Width	60 feet	38 feet

- a) The InWood PUD shall be exempt from Section 154.457 of the Lake Elmo Zoning Ordinance concerning the width of attached garages
  - b) All other requirements for the City's LDR zoning district will apply, including the allowed uses and other site and development standards
- 7) That the InWood PUD General Concept Plan was approved by the City on September 16, 2014, and that the submitted Preliminary Plat and Preliminary PUD Plan is consistent with the approved General Concept Plan.

- 8) That the InWood preliminary plat and preliminary PUD plan are consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area, with the exception of the narrowing and extending of the commercial area further south of 10<sup>th</sup> Street along Inwood Avenue as approved in the General Concept Plan.
- 9) That the InWood preliminary plat and preliminary PUD plan generally complies with the City's LDR - Urban Low Density Residential and HDR – High Medium Density Residential zoning districts with the exceptions to lot size, lot width, setbacks, and garage width requirements as specified above.
- 10) That the InWood preliminary plat and preliminary PUD plan comply with the City's subdivision ordinance.
- 11) That the InWood preliminary plat and preliminary PUD plan comply with the City's Planned Unit Development Regulations.
- 12) That the InWood preliminary plat and preliminary PUD plan comply with City's Engineering Standards, except where noted in the review memorandum from the City Engineer dated 11/16/14 and 11/24/14.
- 13) That the InWood preliminary plat and preliminary PUD plan comply with other City ordinances, such as landscaping, tree preservation, and erosion and sediment control.
- 14) That the InWood preliminary plat and preliminary PUD plan achieve multiple identified objectives for planned developments within Lake Elmo.

### **CONCLUSIONS AND DECISION**

Based on the foregoing, the Applicants' application for a PUD Concept Plan is granted, provided the following conditions are met:

- 1) The applicant shall work with Community Development Director to name all streets in the subdivision in a manner acceptable to the City prior to the submission of final plat.
- 2) The City and the applicant shall reach an agreement concerning the location and dedication of land associated with the proposed water necessary to provide adequate water service to the InWood project area prior to the acceptance of a final plat for any portion of the PUD area.
- 3) 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 November 18, 2014.
- 4) Prior to the submission of a final plat for any portion of the InWood PUD, the developer shall reach agreement with the City to determine the appropriate park dedication calculations for the entire development area.
- 5) As part of any development agreement that includes improvements to one of the adjacent County State Aid Highways (CSAH 13 and 10<sup>th</sup> Street), the City and the developer shall determine the appropriate responsibility for the cost of these improvements.



- 6) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site.
- 7) The applicant shall continue to work with the City on the final design of 5<sup>th</sup> Street, and in particular, the transition from the InWood PUD to properties located further to the east (including the Boulder Ponds development and land owned by Bremer Financial Services).
- 8) The utility construction plans shall be updated to incorporate the recommendations of the City Engineer concerning the appropriate location and size of sewer services through the PUD planning area, including any requested oversizing of these facilities to service adjacent properties.
- 9) The proposed public street access to 5<sup>th</sup> Street from Streets D2 and the southeast park area (Park 1) shall be eliminated from the preliminary development plans in order to bring the proposed spacing into conformance with the City's access spacing guidelines. The developer shall provide access into the park to the satisfaction of the City Engineer.
- 10) 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 Home Owners Association. The applicant shall enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park, trails, or open space on the final plat.
- 11) The applicant must either move the planned north/south trail through Park 1 further to the west around an existing wetland area located approximately 400 feet south of 10<sup>th</sup> Street or will need to work with the South Washington Watershed District to design a multi-purpose trail through the buffer area that complies with all applicable watershed district's requirements.
- 12) The Final Plat and Plans must address the requested modifications outlined in the City Engineer's review memoranda dated November 16, 2014 and November 24, 2014.
- 13) The applicant shall be responsible for updating the final construction plans to include the construction of all improvements within County rights-of-way as required by Washington County and further described in the review letter received from the County dated November 17, 2014.
- 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.
- 15) The developer must follow all the rules and regulations of the Wetland Conservation Act, and adhere to the conditions of approval for the South Washington Watershed District Permit.
- 16) The developer shall provide landscape material along the west side of Pond #200 to the satisfaction of the City's landscape consultant.
- 17) The developer shall incorporate elements from the Lake Elmo Theming Study at the intersection of "Street B" and 10th Street and at the intersection of 5th Street and Inwood Avenue.
- 18) The developer shall install a multi-purpose trail along 10th Street between "Street B" and Inwood Avenue.

- 19) The multi-purpose trail through the eastern buffer area shall be kept as far west on the applicant's property as possible, and the final alignment of this trail shall be subject to review by the City's landscape consultant.

Passed and duly adopted this 2<sup>nd</sup> day of December 2014 by the City Council of the City of Lake Elmo, Minnesota.

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

ATTEST:

\_\_\_\_\_  
Adam Bell, City Clerk

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

**RESOLUTION NO. 2015-40**

*A RESOLUTION APPROVING A FINAL PLAT AND FINAL PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR THE FIRST PHASE OF THE INWOOD PLANNED UNIT DEVELOPMENT*

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

**WHEREAS**, Hans Hagen Homes, 941 NE Hillwind Road, Suite 300, Fridley, MN has submitted an application to the City of Lake Elmo ("City") for a Final Plat and Final PUD Plan for the first phase of the InWood Planned Unit Development, a copy of which is on file in the City of Lake Elmo Community Development Department; and

**WHEREAS**, the City approved the InWood PUD General Concept Plan on September 16, 2014; and

**WHEREAS**, the City approved the InWood Preliminary Plat and Preliminary PUD Plan on December 2, 2014; and

**WHEREAS**, the proposed InWood Final Plat and Final PUD Plan includes 40 single family residential lots within the single family residential portion of the 157.2-acre InWood planned unit development located in Stage 1 of the I-94 Corridor Planning Area; and

**WHEREAS**, the Lake Elmo Planning Commission held public hearing on April 27, 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 13 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 May 19, 2015 Council Meeting; and

**WHEREAS**, the City Council reviewed the InWood Final Plat and Final PUD Plan at its meeting held on May 19, 2015 and made the following findings of fact:

- 1) That the procedure for obtaining approval of said Final Plat and Final PUD plans is found in the Lake Elmo City Code, Sections 153.08 and 154.750.
- 2) That all the requirements of said City Code Sections 153.08 and 154.750 related to the Final Plat and Final PUD plans have been met by the Applicant.

- 3) That the proposed Final Plat for InWood consists of the creation of 40 single-family detached residential structures.
- 4) That the InWood Final Plat and Final PUD Plan is consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on December 2, 2014.
- 5) That the InWood Final Plat and Final PUD Plan is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 6) That the InWood Final Plat generally complies with the City's Urban Low Density Residential zoning district, with the exceptions as noted in the approved Preliminary PUD Plans and as further specified in Resolution No. 2014-094.
- 7) That the InWood 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.
- 8) That the InWood Final Plat complies with the City's subdivision ordinance.
- 9) That the InWood Final Plat and Final PUD Plan complies with the City's Planned Unit Development Ordinance.


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

- 1) Final grading, drainage, and erosion control plans, sanitary and storm water management plans, landscape plans, and street and utility construction plans shall be reviewed and approved by the City Engineer prior to the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in a memorandum dated April 23, 2015 shall be incorporated into these documents before they are approved.
- 2) Prior to the execution of the Final Plat by City officials, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements for the InWood Final Plat and Final Development Plans with financial guarantees therefore.
- 3) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to the execution of the final plat by City Officials.
- 4) A Common Interest Agreement concerning management of the common areas of InWood and establishing a homeowner's association shall be submitted in final form to the Community Development Director before a building permit may be issued for any structure within this subdivision. The applicant shall also enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the final plat.



- 5) The developer is encouraged to incorporate elements from the Lake Elmo Theming Study into the final design of the community mailboxes within InWood.
- 6) The applicant shall deed Outlots C, D, F, G, I and H to the City upon recording of the final plat.
- 7) The applicant shall work with Community Development Director to name all streets in the subdivision in a manner acceptable to the City prior the recording of the final plat.
- 8) The City and the applicant shall enter into a final purchase agreement concerning the location and dedication of land associated with the proposed water tower necessary to provide adequate water service to the InWood project area prior to the execution of a developer's agreement or the recording of the final plat.
- 9) The final landscape plan shall be updated to address the review comments from the City's landscape architecture consultant and shall incorporate all design elements as specified in the City's 5th Street Standard Details and Design Book.
- 10) The developer shall update the final construction plans for 5th Street to include those portions of this road that will cross the southwest corner of Stonegate Park.
- 11) The developer shall update the final development plans to identify an alignment for a multi-purpose trail connection Street B to Inwood Avenue based on further review of this trail with the City of Lake Elmo and Washington County.
- 12) The final plat and final development plans shall include provisions satisfactory to the City that no structure be located within 15 feet of any storm water improvement (include pipes and catch basins).
- 13) Retaining walls within rear yard utility easements shall be clearly documented and shall be owned and maintained by the InWood homeowners' association. All costs associated with protection, replacement, or maintenance of retaining walls due to any work in easements by the City shall be the full responsibility of the HOA.

Passed and duly adopted this 19<sup>th</sup> day of May, 2015 by the City Council of the City of Lake Elmo, Minnesota.

  
Mike Pearson, Mayor

ATTEST:

  
Adam Bell, City Clerk





PLANNING COMMISSION  
DATE: 11/24/14  
AGENDA ITEM: 4A – PUBLIC HEARING  
CASE # 2014-48

ITEM: InWood PUD – Preliminary Plat and Preliminary PUD Plan

SUBMITTED BY: Kyle Klatt, Community Development Director

REVIEWED BY: Nick Johnson, City Planner  
Jack Griffin, City Engineer  
Stephen Mastey, Landscape Architecture, Inc.  
Greg Malmquist, Fire Chief

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

The Planning Commission is being asked to consider a Preliminary Plat and Preliminary PUD Plan application from Hans Hagen Homes and InWood 10, LLC for a mixed use Planned Unit Development (PUD) to be located on 157 acres of land at the southeast corner of Inwood Avenue and 10<sup>th</sup> Street in Lake Elmo. The application for a Preliminary Plat and Preliminary PUD Plan follows the City's approval of a general concept plan for the site, and the plans as submitted are consistent with this earlier approval. While the overall plans include a mix of single-family residential, medium to high density residential, and commercial development, the applicant has provided detailed preliminary plans for only the single-family portion of the site. The proposed plat includes 275 single family detached lots, while the remainder of the site will be platted as outlots for future open space, commercial, and multi-family uses. Preliminary development plans will need to be submitted in the future for these other planned uses. Staff is recommending approval of the request subject to compliance with 15 conditions as noted in the Staff report.

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#### **GENERAL INFORMATION**

*Applicant:* Hans Hagen Homes (John Rask), 941 NE Hillwind Rd. Suite 300, Fridley, MN and Inwood 10, LLC (Tom Scheutte) 95 S Owasso Blvd. W., St. Paul, MN

*Property Owners:* Inwood 10, LLC (Tom Scheutte), 95 S Owasso Blvd. W., St. Paul, MN

*Location:* Part of Section 33 in Lake Elmo, immediately south of 10th Street (CSAH 10), immediately north of Eagle Point Business Park, immediately east of Inwood Avenue (CSAH 13) and immediately west of Stonegate residential subdivision. PIDs: 33.029.21.12.0001, 33.029.21.12.0003, 33.029.21.11.0002 and 33.029.21.11.0001.

*Request:* Application for Preliminary Plat and Preliminary Planned Unit Development (PUD) Plan approval of a mixed-use development to be named InWood. The preliminary plat includes 275 single-family residential lots, while the remainder of the site will be platted as outlots (subject to future review and approval by the City of Lake Elmo).

<i>Existing Land Use and Zoning:</i>	Vacant land used for agricultural purposes. Current Zoning: RT– Rural Transitional Zoning District; Proposed Zoning: LDR – Low Density Residential, HDR – High Density Residential and C – Commercial (all with PUD overlay)
<i>Surrounding Land Use and Zoning:</i>	North: Vacant agricultural land and two residential homes – RR and PF zoning; West: Oak Marsh Golf Course, urban single family subdivision, commercial – City of Oakdale jurisdiction; South: Offices in Eagle Point Business Park (including Bremer Bank facility) – BP zoning; East: Stonegate residential estates subdivision – RE zoning.
<i>Comprehensive Plan:</i>	Urban Low Density Residential (2.5 – 4 units per acre), Urban High Density Residential/Mixed Use (7.5 – 15 units per acre) and Commercial
<i>History:</i>	The site has historically been used for agricultural purposes; there is no specific site information on file with the City (the property was subject to development speculation at various times in the past). The applicants have submitted a mandatory Environmental Assessment Worksheet (EAW) for the development and the comment period for the EAW ended on October 29, 2014. The City Council will consider adoption of a resolution declaring no need for an EIS (Environmental Impact Statement) at its December 2, 2014 meeting. The City Council approved the general concept plan for the development at its September 16, 2014 meeting.
<i>Deadline for Action:</i>	Application Complete – 10/10/14 60 Day Deadline – 12/10/14 Extension Letter Mailed – No 120 Day Deadline – 2/10/15
<i>Applicable Regulations:</i>	Chapter 153 – Subdivision Regulations Article 10 – Urban Residential Districts (LDR and MDR) Article 16 – Planned Unit Development Regulations §150.270 Storm Water, Erosion, and Sediment Shoreland Management Overlay District

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## REQUEST DETAILS

The City of Lake Elmo has received a request from Hans Hagen Homes and InWood 10, LLC for approval of a preliminary plat and preliminary development plans associated with the InWood Planned Unit Development. The PUD will be located on 157 acres of land located southeast of the intersection of Inwood Avenue and 10<sup>th</sup> Street in Lake Elmo, and is consistent with the development uses and areas as depicted in the general concept plan for the property. The submitted plans cover the entire site; however, the developer intends to proceed construction of only the single family areas at this time, and will need to submit more detailed plans for the multi-family and commercial areas in the future.

As noted during the concept plan review, the overall project can be divided up into three distinct areas on the plans, which includes a multi-family area south of 5th Street, a single-family “lifestyle housing” neighborhood north of 5th Street, and commercial areas with frontage along Inwood Avenue. Within the residential areas, the developer plans a mix of different housing options,

including single-family detached housing, townhouses, and multi-family. The planned single-family areas differ from typical residential neighborhoods in that the lots are smaller than otherwise allowed in the LDR zoning district, with reduced setbacks from the LDR standards as well. The homes to be built in these areas are intended to appeal to a different market than a typical neighborhood by incorporating common open areas, association-maintained lawns and driveways, and other services, and with amenities that are more typical in a townhouse type of development.

The concept plan was approved by the City Council with conditions that ultimately resulted in reductions to the overall dwelling unit count for the project. These changes included the elimination of any multi-family residential north of the proposed 5<sup>th</sup> Street alignment, and further reductions in the number of single-family lots to provide additional space for a larger park in the extreme southeastern part of the site. The preliminary plans as submitted include 275 single-family residential detached dwelling units (down from 281 on the original concept plan) all located in a contiguous area on the site north of 5<sup>th</sup> Street and east of the planned commercial areas along Inwood Avenue.

For the purposes of this review, the proposed commercial and multi-family areas of the site will not be discussed in terms of specific uses and building footprints or other site details since these details will need to be provided as part of any future PUD and subdivision review and approvals. This is very similar to the approach used in the Eagle Point Business Park, with individual construction projects being reviewed by the City as buildings are proposed for undeveloped sites within the park. The staff review therefore focuses on the single-family portions of the site in terms of the general planning and zoning issues, and all of the single-family lots that are being platted as part of the proposed preliminary plat. All other areas of the development are shown as outlots, and therefore will be subject to future subdivision approval. With the approval of the preliminary development plans as submitted, the developer may proceed with final plat approval for the single-family portions of the InWood development.

As part of the concept plan review, the City did approve the configuration of uses as shown on the preliminary development plan. This site layout includes the creation of a commercial area that extends approximately 400 feet east of Inwood Avenue and is located between 10<sup>th</sup> Street and 5<sup>th</sup> Street. The preliminary plans also mirror the concept plan with the designation of a multi-family for all portions of the site that are south of 5<sup>th</sup> Street. The other significant development area represents the remainder of the site, which is planned for single-family development. In addition, the plans include a buffer along the eastern boundary of the site that maintains the 100-foot buffer specified for this area in the Comprehensive Plan. The proposed land uses and configuration of these uses were deemed to be in compliance with the City's Comprehensive Plan by the City Council as part of the findings of approval for the concept plan. The applicant has not deviated from the concept plan approval with the preliminary plat and PUD plan submissions.

While specific details concerning development within the commercial and multi-family outlots will be provided with future plan submissions, the applicant has provided the required preliminary plans for all site grading, erosion control, grading, storm water management, utilities, streets, sidewalks, landscaping, and other details for the entire development area. These plans will serve as the basis for all future reviews, whether these reviews are for a final plat related to the single family areas of the site or more detailed preliminary development plans for the commercial and multi-family portion of the InWood PUD.

The City's overall PUD process has three phases: 1) General Concept Plan, 2) Preliminary Development Plan, and 3) Final Plan. It should be noted that the Planning Commission reviewed the InWood General Concept Plan at meetings conducted on August 25<sup>th</sup> and September 8 of this year,

with approval by the City Council at its September 16, 2014 meeting with the adoption of Resolution No. 2014-72. Approval of the General Concept Plan allows the applicant to proceed with preparation of preliminary plans, which the applicant has now submitted. Staff has reviewed the approved General Concept Plan and all the conditions associated with the approval. The applicant has also provided a point-by-point response to the conditions of approval, which is included in the application packet provided to the Planning Commission.

The applicant has previously explained the rationale for requesting a Planned Unit Development (PUD) as part of the concept plan application, and Staff has agreed that using the PUD process for the development of this site is reasonable and beneficial for the City in a number of ways, including:

- The PUD process allows the City to review the site as a whole instead of dealing with individual development projects that may or may not be connected to each other.
- This overall approach allows the City to work with the developer on a series of larger planning and development issues on this site, including determining the appropriate road configurations through this area, the best manner in which to serve not just the applicant's site, but adjacent areas with sewer and water services, and many other connected issues including park dedication, trails, County road improvements, landscaping and buffering and other aspects to site development.
- The developer has requested certain exceptions from standard zoning requirements (as allowed through the PUD process) in order to bring forward a unique development that provides a housing option not presently found in Lake Elmo. The resulting project will function similar to a townhouse project, but with all of the homes on individual lots under separate ownership.
- The integrated approach allows the developer to plan for common maintenance and upkeep of the areas around individual homes, which further allows for some unique street configurations that will bring open space into a median planting/storm water area within certain streets in the development.
- The development proposes a mix of uses and activities across the site that can be integrated as one larger development instead of separate areas. For instance, the planned roads have been designed to provide necessary access to residential and commercial areas while providing for appropriate separation between these uses.
- The applicant has previously provided documentation that the development plans are consistent with the City's requirements for consideration of a PUD.

In terms of new roads to serve the InWood development, the preliminary plans include the extension of the City's planned 5<sup>th</sup> Street minor collector road from the western-most extension of this road through the Boulder Ponds development to the east all the way its eventual termination point at Inwood Avenue. The developer is proposing to build this road as part of the Phase 1 improvements, and it will serve as the main collector road for moving traffic through the middle portion of the development while providing an important link to the east. The other major road feature, labeled as Street B and Street B-2 on the plans, will provide a north and south connection through the entire site and will eventually provide a link between 10<sup>th</sup> Street, 5<sup>th</sup> Street, and Eagle Point Boulevard and the extreme southern portion of the development. Other local streets will be constructed as the residential lots are platted or in conjunction with future plans for multi-family and commercial development.



The other major features of the InWood Preliminary PUD Plans include the creation of a new park area immediately to the west of the existing Stonegate Park in the southwestern portion of the development; an extensive trail system providing access throughout the internal portions of the development, a site-wide storm water infiltration system that is intended to comply with South Washington Watershed District requirements, and the use of center medians within individual neighborhoods to provide common green space within the local street system. The applicant has also submitted a concept plan for the use of Outlot P in the northwestern portion of the site in response to the Planning Commissions request for additional gathering space in this area.

The InWood planned development is located within Stage 1 of the I-94 Corridor Planning Area, and public water and sewer services are presently available to the site via connections to the Eagle Point Business Park. The City's Comprehensive Plan calls for installation of a public water trunk line to bring water down to this area from the north that will also provide connections to City of Lake Elmo water system for the other near-by developments to the east.

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## **PLANNING AND ZONING ISSUES**

Because the Planning Commission has previously received a significant amount of information along with the concept plan for the InWood PUD and spent several hours over the course of two meetings reviewing this information, Staff will therefore focus on those aspects of the plans that have been changed or updated since the City's concept plan approval, along with a general summary of the PUD request as submitted by the applicant of the current report. Other general issues are noted as well.

As required by the City's Zoning and Subdivision Ordinances, the applicant has provided a much greater amount of information as part of the current submission than is required for a Concept. Because of this, Staff will not attempt to spell out every single change or update from the concept plan, but instead will provide a summary of the most significant changes that have been made to address specific comments from the Commission as follows:

- All multi-family development is located south of 5<sup>th</sup> Street, and the area previously planned for multi-family housing in the extreme northwest portion of the site has been changed to commercial development. These units have been eliminated from the plans and resulted in a fairly significant drop to the overall site density.
- The southeastern corner has been reconfigured to provide a larger park area adjacent to the Stonegate Park. The general park concept layout is consistent with a plan that was presented by the applicant during the concept plan review.
- The portion of 5<sup>th</sup> Street extending to the east and south of the applicants' site has been reconfigured to avoid any additional right-of-way acquisition from Bremer Bank.
- Sidewalks have been added to both sides of "Street B" per the recommendation of the Planning Commission.
- Any lots that were encroaching into the required 100-foot buffer area between InWood and Stonegate have been moved to comply with this requirement.



- In response to the Planning Commission request for additional small park in the northwest corner of the development the developer has submitted a concept for Outlot P (Street N) that shows how this area could be used for public gathering space associated amenities. The applicant has accurately pointed out that the City's reviewing bodies did have differences of opinions concerning the size and most appropriate improvement for this area.
- As a response to a specific condition of approval, the developer has proposed specific design considerations for the single family homes. These standards will be incorporated as part of the City approval.

There are other aspects of the development plans that were discussed by the Planning Commission but that have not been changed based on the City Council's direction to have the Commission reconsider these items as part of its preliminary development plan review. Please refer to the attached minutes for the specific Council direction on these review items. These specific development items include the following:

- The plans as submitted do not incorporate sidewalks on the interior loop roads throughout the subdivision. The developer has provided a response to this Condition in the application packet (Page 6 of Exhibit A), and has explained how these particular streets have been designed to accommodate pedestrians safely. In particular, the applicant stated that these streets have been designed to slow traffic, provide space for guest parking in a location that reduces conflict points, promote clear sight lines along the road, reduce or eliminate cut-through traffic, soften the landscape with plantings in the median, and minimize the distance to sidewalk and trails that connect to the broader trail network within and outside the development.
- The lots at the end of the Streets E, F, and H have been left in a configuration that follows the concept plan submission. The applicant again has provided a response to the concept plan condition of approval as noted on Page 7 of Exhibit A in their PUD application materials. The applicant has specifically stated in this response that making this change would require pushing the lots back towards the boundary with Stonegate instead of maintaining a more substantial buffer than otherwise required to preserve the existing landscaping in this area. Staff would also like to point out that the resulting lots at the end of the curve are actually very similar in size to the "designer" lots in the southern portion of the development. As depicted on the InWood preliminary plat, the designer lots range in size from 8,346 to 11,931 square feet while the lots at the end of the loop roads in the eastern portion of the site range in size from 8,800 square feet to 10,754 square feet. Please note that all of the lots at the end of these cul-de-sacs meet the minimize lot size requirements of the City's LDR Zoning Districts. For all practical purposes, there is not a lot of differentiation, if any, between these two types of lots in terms of size, and the applicant has indicated that making these lots larger will have the unintended consequence of impacting the existing landscape buffer.
- The applicant has accurately noted that the County does not have plans for trails along either Inwood Avenue or 10<sup>th</sup> Street as part of its long-range plans, and has therefore not included such trails as part of the preliminary development plans. After discussing this matter with the County, Staff does not object to the applicant's position concerning trails along and within the County right-of-way, but would like to note that the City's trail plan does include a connection from the intersection of 10<sup>th</sup> and Inwood through this development to the east. Staff is recommending that as a condition of approval for the preliminary PUD plans, that the



preliminary development plans be updated to include a trail connection either along Inwood Avenue from 10th Street to either 5th Street or to the planned trail segment along 9th Street or a trail connection along 10th Street that connects Street B and the trail to the east to Inwood Avenue.

The applicant has provided a detailed summary and response to all other conditions of approval that addresses the City's previous review comments, along with a line-by-line response to the application submission requirements for this type of request. Staff has reviewed this information and found that it is an accurate response to the various development requirements and conditions of concept plan approval.

The InWood 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 are spelled out in the attached PUD Narrative provided by the applicant, along a response for each item. For the most part, the single family portion of the development is consistent with the zoning requirements for the City's LDR – Low Density Residential Zoning District, with the exceptions that were discussed during the concept plan review and are summarized as follows:

<b><u>Setback</u></b>	<b><u>LDR Zoning District (Min.)</u></b>	<b><u>Inwood PUD (Min.)</u></b>
Front Yard	25 feet	20 feet
Interior Side Yard	10 Feet Principal Structure Side / 5 Feet Garage Side	4 Feet
Rear Yard	20 feet	20 feet
Lot Area	8,000 square feet	4,250 square feet
Lot Depth	N/A	110 feet
Lot Width	60 feet	38 feet

All other requirements for the City's LDR zoning district will apply, including the allowed uses and other site and development standards.

Please note that the above table includes some minor modifications from the numbers proposed by the developer and are being recommended by Staff in order to ensure that there is sufficient flexibility to construct the subdivision as proposed. 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. Staff is also recommending numbers that will allow for minor revisions to various site planning issues that have been identified by Staff, including wetland buffers, provision of adequate storm water infiltration areas, and road adjustments that are necessary for the development to comply with all applicable City development and engineering standards. For instance, the City is requesting that all wetland buffers be contained within an outlot and not spill over on to private properties. The developer should be able to address this review comment by making small adjustments to the property boundaries in these portions of the site so that the actual on site conditions will not necessarily need to be changed.

The application packet provided by the applicant provides a fairly detailed response to the City's PUD Ordinance requirements for a preliminary development plan, and Staff will not be providing

much more in terms of further analysis for this information, but would like to specifically comment on the following aspects of the plan:

- The City's PUD requirements require that 20% of the project area not within street rights-of-way must be preserved as open space (and the ordinance specifically allows infiltration areas to be counted towards this amount). The applicant has provided a specific plan as part of the application materials that demonstrates that over 30% of the site, including roads, will be open space.
- While the proposed lot dimensional standards listed above are lower than those required in the LDR zoning district, the applicant has proposed a preliminary plan that includes a mixture of lot sizes and widths throughout the development, including "designer lots" in the southwest portion of the site that will predominately comply with the LDR district standards. The overall breakdown of lot widths is listed in the development application as follows:
  - 16% of lots are 38 feet in width
  - 53% are 50 feet in width
  - 16% are 58 feet in width
  - 15% are 65 feet in width

With the provision of open space as note above and even with the smaller lot sizes that have been proposed, this development falls within the lower end of the range allowed for low density residential development in the City Comprehensive Plan.

- The PUD applicant materials include a specific zoning and phasing plan for the project. As noted in the previous Staff report concerning this matter, the base zoning will be established at the time the final plat is recorded for the entire development (the specific land use areas will not be established as separate outlots until this time). The Zoning for the property will be split between LDR, HDR – High Density Residential, and C – Commercial consistent with the corresponding land uses on the applicant's plans. The Phasing Plan divides the single family area into four distinct phases, starting with the neighborhoods immediately adjacent and north of 5<sup>th</sup> Street. As noted earlier, the phase 1 area includes the construction of 5<sup>th</sup> Street across the entire development site. There is no time frame established for the construction of any buildings or public improvements within the commercial or multi-family portions of the site.

The overall site plan for the property follows the adopted concept plan very closely. Staff has conducted a review of the detailed plat and plans and specific comments from Staff concerning these plans are listed in the following section of this report.

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

**Zoning and Site Information:**

- |                            |  |
|----------------------------|--|
| • Existing Zoning:         | RT – Rural Development Transitional District |
| • Proposed Zoning:         | LDR, MDR and C                               |
| • Total Site Area:         | 157.2 acres                                  |
| • Total Residential Units: | 539 (275 single family, 264 multi-family per |

- Proposed Density (Net): development plans)  
Single Family – 3.0 units per acre  
Multi-family – 9.1 units per acre

Proposed Lot Dimensional Standards through Planned Unit Development Process:

- As listed above

Proposed Street Standards:

- ROW Width – Local 60 ft. (per Subdivision Ordinance)
- ROW Width – Minor Collector 100 ft. (Engineering Standard)
- ROW Width – Loop Roads 40 ft. (one way segment with median)
- Street Widths – Local: 28 ft. (per City standard)
- Street Widths – Loop Roads 22 ft. (one way)

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.

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## REVIEW AND ANALYSIS

City Staff has reviewed the InWood preliminary plat and preliminary PUD plan. In general, the proposed plat will meet all applicable City requirements for conditional approval, and any deficiencies or additional modifications that are needed are noted as part of the review record. In addition, the City has received a detailed list of comments from the City Engineer, the Fire Chief and the City's Landscape Consultant, Stephen Mastey, all of which are attached for consideration by the Commission.

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

### Critical Path Issues:

- **Water Tower.** The City's water supply plan, last updated as part of the 2008 Comprehensive Plan Update, indicates that a water tower is necessary to serve this area in order to provide adequate water system operations to serve the additional units (both commercial and residential REC units) within the proposed development area. Although the Comprehensive Plan does identify a water tower southwest of the 10<sup>th</sup> Street and Inwood Avenue intersection of the applicant's property, the land owner has been negotiating with the City to identify a location for this water tower on land they presently own north of 10<sup>th</sup> Street. At this point, there is a general agreement in place for the City to acquire land roughly midway between 15<sup>th</sup> Street and 10<sup>th</sup> Street and adjacent to Inwood Avenue, which would allow the City to construct the tower with the other planned water improvements in the area. As noted during the concept plan review, the location of the tower will need to be finalized prior to the platting of any property within the PUD project area.



- **5<sup>th</sup> Street.** The applicant has submitted plans for 5<sup>th</sup> Street that comply with the location for this road as depicted in the City's transportation plan. As the Planning Commission has seen with other projects in the area, transition from InWood to Boulder Ponds by the Bremer Bank facility and Stonegate Park has previously been identified as a pinch point and an extremely difficult transition area for this segment of the road. In balancing the needs and expectations of all impacted parties, while also adhering to the road alignment as previously approved by the City, the developer has submitted plans that avoid any further impacts to Bremer's property while keeping the curve somewhat tighter to minimize impacts to Stonegate Park and the new park area adjacent to Stonegate. The curve as proposed would reduce the intended design speed for 5<sup>th</sup> Street through this area; however, both the applicant and Bremer Bank have stated that they would prefer this solution to a higher design speed. Should the proposed design be found to be problematic as planning for 5<sup>th</sup> Street continues into the final plat submission, the City will still be able to continue working with the applicant and neighboring property owners on an acceptable solution. As noted below, the applicant has also agreed to modify the preliminary plan to eliminate two of the existing access points on to 5<sup>th</sup> Street, which will also help ensure that the proposed design will serve the intended function of the road. Staff is recommending that the plans as submitted be approved for InWood, with the understanding that additional conversations with the affected property owners and the results of any further analysis will be taken into consideration as the developer's plans are finalized for their entire segment.

#### **Other Issues:**

- **City Engineer Comments.** The City Engineer has submitted a detailed list of comments that will need be addressed prior to the City's approval of final development plans for this property. None of the comments represent a critical concern (other than the ones noted above) that will not be able to be addressed by the applicant as they finalize the development plans for the site, and most of the comments are requesting technical revisions to ensure compliance with the City's engineering and development standards. Of particular note, the City Engineer has requested a realignment of Street N around Outlot P to meet the City's required geometrics and is asking that all wetland buffers and the high water level of storm water infiltration ponds be located on publicly owned outlots.
- **Sewer and Water.** The City will be extending water down Inwood Avenue to serve the urban service areas along the I-94 Corridor as identified in the City's Comprehensive Plan. Prior to the completion of this water project, the InWood development will be served under the City's current agreement with the City of Oakdale. The water main project is expected to be completed in 2015. The developer will also be required to install sewer service throughout the project area, and the City Engineer has asked that the preliminary plans be updated to accommodate the oversizing necessary to provide adequate service levels within and adjacent to this development. The developer has provided a general response to the City Engineer's comments, and will continue working with the City Engineer to ensure that the final design accommodates the City's service needs for the entire area.
- **Environmental Review.** The public comment period for the InWood EAW was completed on October 29, 2014. The City received six letters from commenting agencies, and based on the comments received, Staff agrees with the developer that none of the comments provided represent a significant environmental issue that could not otherwise be addressed through the City's review and approval process. The City Council will be considering the EAW comments at its December 2, 2014 meeting, and will be asked to consider a resolution



finding no need to perform an EIS (Environmental Impact Statement) at this time. The developer is also working on a response to the comments that will be included with the Council resolution.

- **Design Standards.** The Planning Commission requested the inclusion of residential design standards as part of the PUD approval. The developer has proposed specific design standards for the residential homes as listed in the PUD Narrative and response to conditions of approval.
- **Trails.** In order to help better illustrate the location of all trails and sidewalks planned within the development the developer has submitted a specific color plan illustrating the location of these improvements throughout the project area. Staff would like to note that although the developer is not planned to install any trails beyond those shown along Inwood Avenue and 10<sup>th</sup> Street, the City's Trail Plan does depict a City trail extending from this intersection to the City's wide trail network to the south and east of this area. Based on this plan, Staff is recommending that the preliminary development plans be updated to include a trail connection either along Inwood Avenue from 10<sup>th</sup> Street to either 5<sup>th</sup> Street or to the planned trail segment along 9<sup>th</sup> Street or a trail connection along 10<sup>th</sup> Street that connects Street B and the trail to the east to Inwood Avenue.
  - **Trail Adjacent to Wetland.** In response to comments from the City Engineer, the applicant will need to either move the planned north/south trail through Park 1 further to the west around an existing wetland area or will need to work with the South Washington Watershed District to design a multi-purpose trail through the buffer area that complies with the watershed district's requirements.
- **Sidewalks.** The developer has provided a sidewalk along both sides of Street B in response to the concept plan review comments from the City. The developer's response to other sidewalk issues are noted elsewhere in this report.
- **Washington County Review.** The City has received an updated set of comments from the County that mirror its review of the concept plan. The developer will need to prepare plans for the intersection of Inwood Avenue and 5<sup>th</sup> Street and Street B and 10<sup>th</sup> Street that comply with the County's requirements for intersection improvements at these intersections. Staff is recommending that a condition of approval note that the City and developer will need to determine the appropriate cost sharing for these required improvements as part of a development agreement for the Phase 1 and Phase 3 development areas. The County is also asking for additional right-of-way to be platted along 10<sup>th</sup> Street; the final plat will need to incorporate the County's requirements for right-of-way in this portion of the plat.
- **5<sup>th</sup> Street Access.** Staff is recommending that access to 5<sup>th</sup> Street from Streets D2 and the southwest park be eliminated from the development plans in order to bring the proposed spacing into conformance with the City's access spacing guidelines. Staff is requesting that the developer continue working with the City to determine the most appropriate access into and out of the southwest park area. Staff is encouraging the inclusion of a connecting road between the park area and Outlot C in the approximately location of Lot 4, Block 7 on the preliminary plat.
- **Zoning.** Staff will bring forward the appropriate zoning map amendments for consideration once the applicant has submitted a final plat for the first phase of the development.

- **Wetlands.** The wetlands identified on the site are being protected from development. The City Engineer has requested that the applicant keep all buffer areas around these wetlands on publicly owned property.
- **Landscape Plan Review/Tree Preservation.** The City's Landscape Architect has completed an initial review of the proposed landscape plan and tree preservation plan, and his review comments are attached. The developer has been asked to provide additional documentation to verify that the eastern evergreen trees would be exempt from the City's replacement requirements.
- **Park Dedication.** The applicant has indicated that 12.2% of the overall land area planned for single family development will be dedicated as public parkland, which exceeds the City's requirement for land dedication for this type of use. The City will need to work with the developer to account for the multi-family and commercial park land calculations as part of any future development agreements for the project.
- **Phasing.** The developer will be constructing all of 5<sup>th</sup> Street and roughly one-third of the single-family lots as part of Phase 1. The applicant will need to enter into a development contract with the City related to the improvements necessary to service this development.
- **Fire Chief Comments.** Comments from the Fire Chief are attached for consideration by the Planning Commission. These comments will be taken into account as the final construction plans are being reviewed by the City.

#### Other Comments:

- **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. Many of these requirements have been addressed as part of the City Engineer's review memo (which is summarized below). After reviewing the proposed plat and PUD plan, Staff has not found any aspect of the plat that conflict with these requirements.
- **Comprehensive Plan.** With the elimination of the multi-family area in the northwest portion of the site, the overall densities proposed within both the single-family area and multi-family area are very much in line with the City's future land use plan. In this case, the Low Density Residential land use allows for residential densities at 2.5 to 3.99 units per acre and the applicant has proposed a net density of 3.0 units per acre. For the multi-family area, the developer is indicating that these densities will fall in the range of 8.4 to 9.1 units per acre, which is well within the Comprehensive Plan guidance of 7.5 to 15 units per acre.
- **Buffer Area.** The preliminary development plans indicate that no residential parcels will encroach into the required 100-foot buffer area between Stonegate and the InWood PUD. There are several locations in which the developer is providing a larger buffer area than required, with some areas as wide as 230 feet.
- **Street Names.** The final plat will need to incorporate street names per the direction of the Planning Department.
- **Shoreland Ordinance.** The preliminary development plans have been designed to comply with the City's Shoreland Management Overlay District. The specific development plans

that are subject to Shoreland regulations will need to be reviewed with any future development proposals for these site.

- ***Watershed District Review.*** Staff has not received any comments from the South Washington Watershed District concerning the InWood PUD. The development will need to comply with watershed district regulations and permitting requirements as the project moves forward for construction.
- ***Theming.*** Staff has distributed the Branding and Theming Study completed by Damon Farber and Associates to the applicants previously. In finalizing a landscape plan for the site, staff would recommend that the applicants consider the inclusion of various theming elements and amenities identified in the plan for various locations within the development. For example, the 5th Street and Inwood Avenue Intersection presents a gateway opportunity for the City. Utilizing some of the elements described in the theming study would help the development and City achieve unique design that is consistent with the theme that the City is attempting to augment and achieve as private development moves forward.

Based on the above Staff report and analysis, Staff is recommending approval of the preliminary plat and preliminary PUD plan with 15 conditions intended to address the outstanding issues noted above and to further clarify the City's expectations in order for the developer to move forward with a final plat and final PUD plan. The recommended conditions are divided into two categories to better communicate the purpose and intent of the conditions. The recommended conditions are as follows:

***Recommended Conditions of Approval:***

***Pending Review and Approvals***

- 1) The applicant shall work with Community Development Director to name all streets in the subdivision in a manner acceptable to the City prior to the submission of final plat.
- 2) The City and the applicant shall reach an agreement concerning the location and dedication of land associated with the proposed water necessary to provide adequate water service to the InWood project area prior to the acceptance of a final plat for any portion of the PUD area.
- 3) 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 November 18, 2014.
- 4) Prior to the submission of a final plat for any portion of the InWood PUD, the developer shall work with the City to determine the appropriate park dedication calculations for the entire development area.
- 5) As part of any development agreement that includes improvements to one of the adjacent County State Aid Highways (CSAH 13 and 10<sup>th</sup> Street), the City and the developer shall determine the appropriate responsibility for the cost of these improvements.
- 6) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site.
- 7) The applicant shall continue to work with the City on the final design of 5<sup>th</sup> Street, and in particular, the transition from the InWood PUD to properties located further to the east (including the Boulder Ponds development and land owned by Bremer Financial Services).



- 8) The utility construction plans shall be updated to incorporate the recommendations of the City Engineer concerning the appropriate location and size of sewer services through the PUD planning area, including any requested oversizing of these facilities to service adjacent properties.

***Modifications to the Preliminary Plat and Preliminary PUD Plans***

- 9) The proposed public street access to 5<sup>th</sup> Street from Streets D2 and the southwest park area (Park 1) shall be eliminated from the preliminary development plans in order to bring the proposed spacing into conformance with the City's access spacing guidelines. Staff is requesting that the developer continue working with the City to determine the most appropriate access into and out of the southwest park area.
- 10) 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 Home Owners Association. The applicant shall enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park, trails, or open space on the final plat.
- 11) The applicant must either move the planned north/south trail through Park 1 further to the west around an existing wetland area located approximately 400 feet south of 10<sup>th</sup> Street or will need to work with the South Washington Watershed District to design a multi-purpose trail through the buffer area that complies with all applicable watershed district's requirements.
- 12) The Final Plat and Plans must address the requested modifications outlined in the City Engineer's review memorandum dated November 16, 2014.
- 13) The applicant shall be responsible for updating the final construction plans to include the construction of all improvements within County rights-of-way as required by Washington County and further described in the review letter received from the County dated November 17, 2014.

***Plat Restrictions***

- 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.
- 15) The developer must follow all the rules and regulations of the Wetland Conservation Act, and adhere to the conditions of approval for the South Washington Watershed District Permit.

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**DRAFT FINDINGS**

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed InWood preliminary plat and preliminary PUD plan:

- That the InWood PUD General Concept Plan was approved by the City on September 16, 2014, and the submitted Preliminary Plat and Preliminary PUD Plan is consistent with the approved General Concept Plan.

- That the InWood preliminary plat and preliminary PUD plan are consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- That the InWood preliminary plat and preliminary PUD plan generally complies with the City's LDR - Urban Low Density Residential and MDR – Urban Medium Density Residential zoning districts.
- That the InWood preliminary plat and preliminary PUD plan comply with the City's subdivision ordinance.
- That the InWood preliminary plat and preliminary PUD plan comply with the City's Planned Unit Development Regulations.
- That the InWood preliminary plat and preliminary PUD plan comply with City's Engineering Standards, except where noted in the review memorandum from the City Engineer dated 11/16/14.
- That the InWood preliminary plat and preliminary PUD plan comply with other City zoning ordinances, such as landscaping, tree preservation, and erosion and sediment control.
- That the InWood preliminary plat and preliminary PUD plan achieve multiple identified objectives for planned developments within Lake Elmo.

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#### **RECCOMENDATION:**

Staff recommends that the Planning Commission recommend approval of the InWood Preliminary Plat and Preliminary PUD Plan with the 15 conditions of approval as listed in the Staff report.  
Suggested motion:

***“Move to recommend approval of the InWood Preliminary Plat and Preliminary PUD Plan with the 15 conditions of approval as drafted by Staff based on the findings of fact listed in the Staff Report.”***

#### **ATTACHMENTS:**

1. InWood PUD Application Booklet
  - a. PUD Plans
  - b. Application Forms
  - c. PUD Narrative
  - d. Open Space Plan
  - e. Plat Narrative
  - f. Preliminary Plat
  - g. Grading Plan
  - h. Utility Plan
  - i. Landscape Plan
  - j. HOA Documents



2. Park “N” Concept
3. City Engineer Review Memorandum, dated 11/16/14
4. Fire Chief Review Memorandum, dated 11/17/14
5. Landscape Consultant Review Memorandum, dated 11/18/14
6. Washington County Review Memorandum, dated 11/17/14
7. City Council Meeting Minutes – Excerpt from 9/16/14 Meeting
8. *Not Included in Packet – Available Upon Request:*
  - a. *Storm Water Management Plan*

**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



Public Works Department

Donald J. Theison, P.E.  
Director

Wayne H. Sandberg, P.E.  
Deputy Director/County Engineer

November 17, 2014

Kyle Klatt  
Community Development Director  
City of Lake Elmo  
3600 Laverne Avenue North  
Lake Elmo, MN 55042

Washington County comments on the concept plan for Inwood Village Preliminary Plat/Plan City of Lake Elmo

Dear Kyle:

Thank you for providing the Inwood Village Preliminary Plans for the property located southeast of the CSAH 10/CSAH 13 intersection in Section 33, Township 29, Range 21 in the City of Lake Elmo. From the project narrative dated October 10, 2014, the proposed site plans and preliminary plats provided, this is the first phase of a four phase residential development. Future commercial/office uses are shown as conceptual and will be defined as building and tenants are identified. The residential uses proposed are 275 single family homes on 102.9 acres. The remainder of the land area will be platted as Outlots for future subdivision platting.

Based on initial review of the narrative, site plan and the proposed uses, the following access points and general intersection layouts should be provided:

- The proposed CSAH 13/5th Street intersection should be designed as a full access intersection with an exclusive southbound left turn lane, a northbound right turn lane, a westbound left turn lane and a westbound right turn lane. Traffic Signals may be necessary at this location in the future, so the intersection should be designed to accommodate a future signal. As noted in the county's comments on the EAW for this project, *"the County will monitor the intersection, however, in case the traffic balancing does not occur and a traffic signal is needed at the intersection, the intersection will be placed on the County's Intersection Control Ranking System Priority list to be funded through the County Capital Improvement Planning Process. Any traffic signal improvements at this intersection will be completed under the County Cost Participation Policy"*.
- The Eastern Site Access on CSAH 10/10<sup>th</sup> Street should be designed as a full access intersection with a westbound left turn lane, an eastbound right turn lane, a northbound left turn lane and a northbound right turn lane. The intersection should be designed to accommodate a possible future traffic signal.

A Washington County Access permit will be required for all new access points on CSAH 13/Inwood Avenue and CSAH 10/10<sup>th</sup> Street.

Washington County in coordination with the City of Lake Elmo and the City of Oakdale will prepare a Memorandum of Understanding (MOU) for access management along CSAH 13 (Inwood Avenue) and CSAH 10 (10<sup>th</sup> Street) to provide direction on future access to this development project as well as other developments in the area.

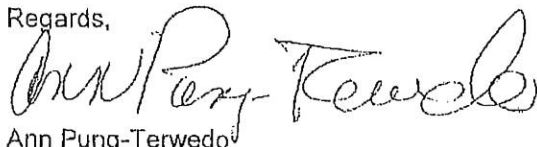
Other comments and recommendations include the following:

- As noted on the comments on the PUD concept plan for this development, the right-of-way requirements for both CSAH 10/10<sup>th</sup> Street and CSAH 13/Inwood Avenue is 184 feet (92 feet from the centerline of the roadway). Based on the Preliminary Plat dated 10/10/2014, there is approximately 180 feet of full right-of-way along CSAH 13/Inwood Avenue. Along CSAH 10/10<sup>th</sup> Street, there appears to be 60 feet. This should be verified with the surveyor and an additional 32 feet will need to be dedicated and shown on the Preliminary and Final plats.
- As noted on the comments on the PUD Concept Plan for this development, the Washington County Comprehensive Plan 2030, Planned Trail System, does not identify a trail corridor along CSAH 13/Inwood Avenue but does identify a Planned County Trail along CSAH 10/10<sup>th</sup> Street. Even though CSAH 13 is not identified as a county or regional trail, there is currently a trail along the west side of CSAH 13 extending from Woodbury to Oakdale. It is important to consider the development of trails on both sides of this CSAH 13/Inwood Avenue since this is an "A" Minor Arterial Roadway in an urban area. We recommend that the city require trails along CSAH 13/Inwood Avenue and CSAH 10/10<sup>th</sup> Street as part of this development. The city is also encouraged to develop their local trails in the area to connect with the county and regional trail system.
- 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 116.07, 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.
- All roadway improvements and 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.

- ♦ The developer, city or watershed district must submit the drainage report and calculations for review of any downstream impacts to the county drainage system. Along with the drainage calculations, written conclusions that the volume and rate of stormwater run-off into any county right-of way will not increase as part of the project.
- ♦ As noted previously, Washington County, as a part of the Gateway Corridor Commission, is preparing a Draft Environmental Statement (DEIS) for a proposed transitway through the I-94 "Gateway Corridor" from St Paul to the Lake Elmo / Woodbury area. One of the potential stops would be in the general vicinity of this project area near CSAH 13/Inwood Avenue. The transit alternative may have impacts to adjacent roadways which will be dependent on a number of factors that have yet to be determined. The distance of this site from the station location chosen, the location of bicycle and pedestrian connections and the presence of transit supportive uses within the area may compliment this development.
- ♦ Finally, the City could consider the following on the site plan:
  - Eliminating Street D2 since it may not be necessary. There could be a private drive with reasonable access off Street D.

Thank you for the opportunity to comment on this PUD 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). For permit applications, please contact Carol Hanson at [carol.hanson@co.washington.mn.us](mailto:carol.hanson@co.washington.mn.us).

Regards,



Ann Pung-Terwedo  
Senior Planner

c: Carol Hanson, Office Specialist



**Public Works Department**

Donald J. Theisen, P.E.  
Director

Wayne H. Sandberg, P.E.  
Deputy Director/County Engineer

January 9, 2017

Stephen Wensman  
Community Development Director  
City of Lake Elmo  
3600 Laverne Avenue North  
Lake Elmo, Mn 55042

**Re: Washington County Comments on Inwood 5<sup>th</sup> Addition in the City of Lake Elmo**

Dear Mr. Wensman,

Thank you for the opportunity for Washington County to submit comments on Inwood 5<sup>th</sup> Addition, Lake Elmo. This is the area along County State Aid Highway (CSAH) 10/10<sup>th</sup> Street where additional right-of-way will need to be dedicated to the county. I have attached the Highway (10<sup>th</sup> Street) Hans Hagen Homes, Acquisition Sketch dated 12/02/2014 which identifies two scenarios for this dedication. Either one would be acceptable to the county.

If you have any questions, please contact me at [ann.pung-terwedo@co.washington.mn.us](mailto:ann.pung-terwedo@co.washington.mn.us)

Regards,

A handwritten signature in black ink that reads "Ann Pung-Terwedo".

Ann Pung-Terwedo  
Senior Planner

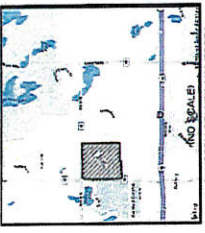
Cc: Carol Hanson, Office Specialist



[illegible][illegible]

WOOD Station; WYCAARD WOOD  
(Elevation = 1010 M) (WGSN 29)

PART OF SEC. 33, TWP. 29, RING. 21



NORTH

**WOOD AVENUE N**

**10TH STREET N**

**PROPOSED IMPROVEMENTS**

**STATIONING:** 1+00 TO 1+75

**ELEVATIONS:** 100.00 TO 105.00

**CROSS-SECTION:** 10' WIDE SIDEWALK, 6' CURB, 8' GUTTER

**TITLE BLOCK:**

PROJECT NO. 1000000000  
CITY OF MINNEAPOLIS  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF STREETS AND SANITATION  
DESIGNED BY: [Name]  
CHECKED BY: [Name]  
DATE: 10/1/2010

[illegible]

Professional Land Surveyors  
Tel: (416) 361-4700 Fax: (416) 361-4701

11/16/77  
17/10/77  
11/16/77

[illegible]

U.S. GOVERNMENT PRINTING OFFICE: 1969

Fridley, MN 55432

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[illegible]

**Case Report**

requires it. He stated that he does not control the Ebertz property, but he is willing to give them an easement for access.

Public Hearing opened at 7:52 pm

No one spoke and there were no written comments

Public Hearing closed at 7:52 pm

Williams feels that this is a good development and good for this spot. He does have concerns about the access spacing, traffic flow for all the drive thru and parking needs to be more detailed. The offsets to open space he is willing to discuss, but needs to be convinced with more details of landscaping and architectural design. Dodson agrees with Williams and would like to see an agreement worked out with the property owner to the West. There was discussion regarding concern with the traffic flow of the drive thru. Kreimer would like to see a couple of islands in the center of parking lot to break it up a little bit. He is also concerned about the turn radius for the multiple drive-thru and is concerned about the access spacing.

Lundquist thinks this will be a great addition to the community and she is not concerned about the drive-thru radius. Hartley is uncomfortable permitting some of these activities without knowing what the actual use or scale will be. He would like to see them as Conditional Use Permits as the use comes in. Kreimer would like to add condition #19 that the applicant shall be limited to 4 drive thru accesses and 2 of these must be low intensity uses. Miller stated that the approval or denial for a drive thru would impact how you lay out the site and construct the building. Dodson is wondering if the design of the buildings limits what types of businesses would go in there. Miller stated that the design would dictate what types of businesses would go in there.

Williams is wondering if with the next phase the developer could give them information regarding the drive thru traffic. Hartley stated that the drive thru traffic could be part of the parking space analysis.

M/S/P: Dodson/Williams, move to add condition of approval #19 that an analysis be done on the drive thru traffic volume, including any impact on the parking areas as well as the secondary access and overall development, ***Vote: 7-0, motion carried unanimously.***

Dorschner feels that this would be self-managing as businesses will pick a location that will accommodate their needs. He doesn't see the concern with the parking as this development doesn't seem any more dense than in other communities. Lundquist agrees. She sees the traffic going around with a flow.

M/S/P: Dorschner/Lundquist, move to recommend approval of the Lakewood Crossing 2<sup>nd</sup> addition PUD Concept Plan with the 19 conditions of approval as drafted by staff and amended by the Planning Commission, based on the findings of fact listed in the staff report, ***Vote: 7-0, motion carried unanimously.***

Williams would like a friendly amendment to #14 that the word “for” be inserted at the beginning of the sentence. This friendly amendment was accepted. Wensman suggested that for condition #17, the first part of sentence should be struck and it should read “a deed restriction that guarantees access to the parking for all uses must be submitted.” This friendly amendment was accepted.

### **Public Hearing – Final Plat and PUD Plans – Inwood 5<sup>th</sup> Addition**

Wensman started his presentation regarding Inwood 5<sup>th</sup> Addition final plat and PUD Plans. This is the last addition of the residential portion of the development. This is a replatting of Outlots A, B, F and G of Inwood 3<sup>rd</sup> Addition. They are proposing 101 Single family lots. In 2014, Washington County conducted a Preliminary Plat review and requested an additional 32 ft of ROW from future 10<sup>th</sup> Street improvements. This condition was a condition of approval documented in several locations. It is in the 2014 Preliminary Plat report, the resolution approving Preliminary Plat and the signed developer’s agreement. At one point the Developer was talking with the County about ROW to the north. That never transpired and plans were never updated. The County has control over the proposed Island Trail and 10<sup>th</sup> street intersection and they want the 32 ft of dedicated ROW with this plat.

Another condition of preliminary plat approval is that the developer install a multi-purpose trail along 10<sup>th</sup> street between Island Trail and Inwood Ave. Staff was supportive of removal of this trail, but the Commission and Council’s resolution of approval required this trail. Preliminary Plat was never updated and it is not included in Inwood 5<sup>th</sup> Plat submittal. There are some Landscaping and engineering revisions that are required, such as removal of certain trees and berms and required water main easements.

Kreimer asked if there is room to build the homes if they do the 32 foot ROW dedication. Wensman stated that those are deep lots, but the back yards will have part of the berms and it will tighten things up. Williams is wondering why the application is not deemed incomplete without that ROW dedication. Wensman stated that it was originally deemed incomplete. The Developer provided more information and upon the City Attorney’s advice, it can be dealt with through conditions. There was discussion about the advantage of the trail ROW to the North vs. the South. The trail would be located within the 32 feet of ROW being required. Wensman stated that from a Planning perspective, the trail is desirable to move people to the future commercial properties to the West. Dodson asked if the segment of trail along 10<sup>th</sup> street would be a City trail. Wensman stated that he thinks it is HOA owned and maintained, but he is not sure.

Williams stated that condition #4 should be South Washington instead of Valley Branch watershed district.

Hartley is wondering if this was reviewed by the Fire Chief, specifically if the Circles that dead end are wide enough. Wensman stated that it was a concern of the City Engineer and he would like the pavement widened there so that they function better.

John Rask, MI Homes, stated that the cul-de-sacs are standard radius for cul-de-sacs so they would accommodate a fire truck. He does not necessary disagree with the conditions of approval of Preliminary Plat, but what is missing is that there were subsequent approvals granted for final plats and grading that didn't have this trail. They had discussions with the County and they agreed to take the ROW and trail to the North. Rask feels that with the staff turnover, some things have fallen through the cracks. Rask stated that these discussions were held after the Preliminary Plat was approved. He feels that the County has changed the requirements. When Inwood was approved, it was known and stated that both Inwood and 10<sup>th</sup> Street would someday be 4 lane roads with trails on one side. Rask stated that if they grant the ROW, they will need to take out the berm and the trail was never once shown on any of their plans. The berm was installed at expense to the developer to make the development look better. They graded the berm with a grading permit and no one ever mentioned that the trail wasn't on the plan. Rask feels they are consistent with the City's trail plan and added trails at the City's request. Rask is making the following request that 1) the Planning Commission find that the trail along 10<sup>th</sup> street is inconsistent with the City's Comprehensive Plan 2) Strike the conditions requiring additional ROW and a trail along 10<sup>th</sup> Street 3) Reconfirm that the trail and additional Row should be on the north side of 10<sup>th</sup> Street 4) allow the existing berm to remain as approved in the Development contract approved by the City Council.

Dodson asked what would happen to the berm if the additional 32 feet of ROW is given. Rask stated that they would need to take out the berm. Williams asked why it couldn't be moved to the south. Rask stated that the whole row of lots would be lost as it couldn't remain in the ROW. Williams asked when the developer was made aware of the staff's analysis of the ROW issue. Rask stated that it was probably in December. What happened is they went to County for an access permit to construct the road and then they were told about the trail and additional ROW. Rask doesn't believe that the County has that authority. Williams doesn't see that the City should be involved in this other than dealing with what is in written record which is the condition of approval. Wensman stated that the trail and the ROW were conditions of approval that are in multiple locations and were carried over from Preliminary Plat. It is typical for the County to require these things with access and typical for the City to require that as part of the plat.

Public Hearing opened at 9:00 pm



No one spoke and there were no written comments

Public Hearing closed at 9:00 pm

Williams thinks that the trail and ROW issue is more complicated than they can deal with tonight. He would suggest that under condition #9 that at the end add "unless the County submits written permission for less ROW". He feels that the written record shows that the ROW should be dedicated, but it is up to the County. Wensman stated that the County has reaffirmed their letter from November 17, 2014, that they would still need that ROW. Handt stated that if the City does not get that ROW at the time of plat, when the County does need to acquire the land, they will come back and charge the City for the acquisition of the ROW. Rask disagrees with that statement.

M/S/P: Williams/Dodson, move to add finding #8 that the legal issues surrounding the additional 32 feet of ROW and the trail from Island to Inwood along 10<sup>th</sup> Street are beyond the scope of the Planning Commission, **Vote: 6-1, motion carried, with Lundquist opposed. Lundquist feels that they have an obligation to remain consistent with what the County is asking for.**

M/S/P: Kreimer/Dodson, move to add finding #9 that the Planning Commission finds significant value to the existing berm that the developer built along 10<sup>th</sup> Street and the County should be requested to retain the berm regardless of the ROW issue, **Vote: 6-1, motion carried, with Lundquist opposed.**

Wensman stated that the County is fine with the berm staying as long as there is a wall once it gets to the ROW. They don't want to have to move or restore the berm if improvements need to be made. Lundquist stated that 10<sup>th</sup> street is a major thorough fare with plans to go to a 4 lane and they need the space.

M/S/P: Dodson/Williams, move to recommend removing condition number 11 requiring a multi-purpose trail along 10<sup>th</sup> Street between Island Trail and Inwood Ave be removed, **Vote: 7-0, motion carried unanimously.**

Kreimer remembers the discussion about the trails and he remembers giving up the requirement for a trail on Inwood, but that they decided that they wanted the trail along 10th Street. Larson stated that there is already a trail through the development to the commercial so it is not like there is no trail at all. Dorschner remembers the developer stating that they could get easements on the North side of 10<sup>th</sup> for the trail. He feels it makes sense to make the connection. Rask stated that to give more ROW and build the trail, he would have to remove the berm. Rask stated that when they sat down with the County, he felt that there was no compromise. He feels that the County wants everything and is willing to give nothing.



M/S/P: Kreimer/Williams, move to add a condition requiring that the section of trail from Island trail to the eastern buffer is built, ***Vote: 7-0, motion carried unanimously.***

M/S/P: Dodson/Williams, move to add a finding #10 that the City consider any trail required to be implemented by the development from Island Trail to Inwood be credited towards parkland dedication, ***Vote: 7-0, motion carried unanimously.***

M/S/P: Williams/Dorschner, move to recommend approval of Inwood 5<sup>th</sup> Addition Final Plat and Final PUD plans with 11 conditions of approval based on the findings as amended in the staff report, ***Vote: 7-0, motion carried unanimously.***

### **Public Hearing – Zoning Map Amendment and Preliminary Plat and PUD Plans - Royal Golf**

Wensman started his presentation regarding the rezoning from PF to GCC – Golf Course Community and the Preliminary Plat and PUD Plans. Wensman went through the issues from the Concept plan that were addressed with the Preliminary plan. With the PUD Overlay, the developer has requested flexibility. They would like single access to the clubhouse, lot sizes smaller than 9000 for villa lots, 40% impervious and 20 ft front yard setbacks on villa lots, 50 ft ROW on Street C, add'l subdivision and neighborhood signs, and garages greater than 1000 sq ft to be permitted rather than a CUP.

With the Shoreland evaluation, there are 100 lots within the shoreland area, the development is preserving 50.5% of the shoreland, where 50% is required, less than allowed base density within each shoreland, shoreland impact zones and steep slopes preserved in Lake Elmo and Downs Lake, 70% of shoreland impact preserved for Rose and Horseshoe, 59.9% of Lake Elmo shoreland preserved, and preserved a wildlife/drainage corridor from NW to SE. The developer needs to maintain a 100 ft Natural Corridor outside of lot areas. They have 89 feet, so staff has made the 100 foot corridor a condition of approval. The GCC minimum lot size is 9000 sq feet. The PUD flexibility sought is 6,600 sq ft on some lots. The average lot size is 13,499 sq feet because of some of the larger lots. There is also a request for PUD flexibility for 20' front setback and 7.5' setbacks. The 7.5' setback averaging is already allowed by policy. Staff is requesting there be an exhibit which clearly shows specific lots and setbacks, no encroachments into D & U easements and lots with 20' setbacks should have garages adorned with windows or other architectural features for sides of garages facing the public ROW. The GCC maximum impervious per lot is 30%, the request for PUD flexibility is for 40%. Staff feels this is ok as it matches LDR zoning and will be limited to the villa lots. The developer is asking to forego the sidewalk requirement on a number of streets. Staff is only supportive of street C having no sidewalk because of site limitations. Dodson would like the exhibit showing the setbacks to also show which lots can have the larger garage.





## **STAFF REPORT**

DATE: April 4, 2017

**REGULAR**

ITEM #: 15

**MOTION**

**TO:** City Council  
**FROM:** Emily Becker, City Planner  
**AGENDA ITEM:** Savona Park  
**REVIEWED BY:** Kristina Handt, City Administrator  
Rob Weldon, Public Works Director

### **BACKGROUND:**

Development of a Savona Park (Phase 1) is an approved item on the 2017-2021 Capital Improvement Program for the year 2017.

The Parks Commission has heard feedback from Savona residents as well as Staff recommendation regarding equipment, materials and pricing for the development of Phase 1 of Savona Park at its August and November 2016 and February and March 2017 meetings. Staff had received three bids for the equipment and amenities which Savona residents had communicated via surveys they would like to see in the Park.

The Parks Commission reviewed the bid options and recommended that the following equipment and amenities, bid on by Webber Recreational Design, be included in Savona Park Phase 1, not to exceed funds of \$150,000:

- Playground equipment (including tables and benches)
- Half basketball court (asphalt with concrete border)
- Basketball hoop
- Surface (wood mulch)
  - The Parks Commission had many in-depth discussions over the course of several months regarding wood mulch vs. rubber mulch, and it was determined that due to complaints and investigations across the country in to adverse health effects that may be associated with rubber mulch, that wood mulch would be a better option for playground surfacing as opposed to rubber mulch going forward.
- Site grading

### **ISSUE BEFORE COMMISSION:**

The Council is being asked to review recommended equipment and amenities for Savona Park Phase 1 and approve funds for the park not to exceed \$150,000.

### **PROPOSAL DETAILS/ANALYSIS:**

**Savona Residents' Preferences.** As previously indicated, Savona residents were surveyed on which items they would most like to see in the park. They also had the opportunity to review the bid designs and prices and concurred that Webber's option shown in attachments to this reports was preferred. Residents also expressed interest in a zipline, bocceball court, and exercise equipment, however, these were not included in Phase 1 due to pricing.



**Design Layout.** Staff recently visited the park and has drafted a design layout, accommodating existing grading and maintaining surrounding residents' privacy as much as possible. The draft design layout is attached. The proposed layout includes removing most trees on the west side of the proposed trail. Staff feels that these are not significant trees and should be removed to provide additional open space.

**FISCAL IMPACT:**

Up to \$150,000 used of park dedication funds. Current park dedication fund balance as of 3/16/17 is \$975,417.0.

**RECOMMENDATION:**

Staff and the Parks Commission recommend that the Council approve funding for Phase 1 of Savona Park not to exceed the amount of \$150,000 for the installation of playground equipment, half basketball court, basketball hoop, wood mulch surfacing, as well as site grading.

*"Motion to approve funding for Phase 1 of Savona Park for the installation of recommended playground equipment, half basketball court, basketball hoop, wood mulch surfacing, as well as site grading, not to exceed \$150,000."*

**ATTACHMENTS:**

- Webber design
- Spreadsheet of estimated costs
- Proposed design layout

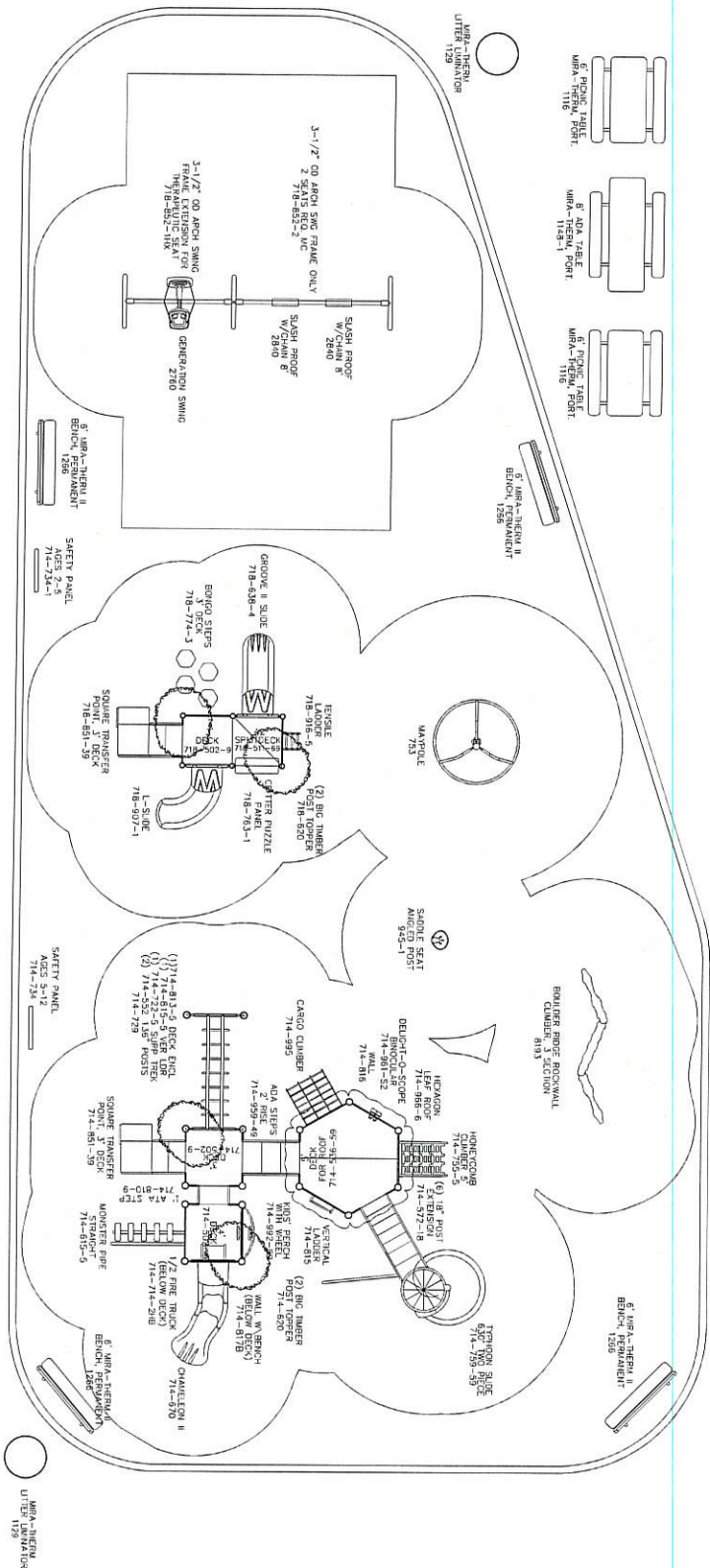




2-5 PLAY AREA	
ELEVATED PLAY ACTIVITIES - TOTAL	5
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY TRANSFER	5
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY RAMP	0
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY RAMP	0
GROUND LEVEL ACTIVITY TYPE	2
GROUND LEVEL ACTIVITY TYPE	3
GROUND LEVEL ACTIVITY TYPE	2
GROUND LEVEL ACTIVITY TYPE	2

5-12 PLAY AREA	
ELEVATED PLAY ACTIVITIES - TOTAL	9
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY TRANSFER	9
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY RAMP	0
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY RAMP	0
GROUND LEVEL ACTIVITY TYPE	5
GROUND LEVEL ACTIVITY TYPE	5
GROUND LEVEL ACTIVITY TYPE	3
GROUND LEVEL ACTIVITY TYPE	3

# SAVONA PARK LAKE ELMO, MN



AREA: 4,137 SQUARE FEET  
PERIMETER: 268'  
The information provided is for  
estimation purposes only.

Play Area Capacity: 105-115

To promote safe and proper equipment use by children, Miracle recommends the installation of either a Miracle safety sign or other appropriate safety signage near each play system's main entry point(s) to inform parents and supervisors of the age appropriateness of the play system and general rules for safe play.



THE PLAY COMPONENTS IDENTIFIED IN THIS PLAN ARE IPEMA CERTIFIED. THE USE AND LAYOUT OF THESE COMPONENTS CONFORM TO THE REQUIREMENTS OF ASTM F1487.  
AN ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER & AROUND ALL PLAY SYSTEMS.

CD220759-760  
GROUND SPACE:  
77' X 35'  
102' X 48'

✓	COMPLIES TO CPSC
✓	COMPLIES TO ASTM
✓	COMPLIES TO ADA

DESIGNED FOR	AGES
2-5 & 5-12	
ADDITIONAL GROUND LEVEL	
ADDITIONAL EQUIPMENT NEEDED	
TYPE	QUANTITY
0	0

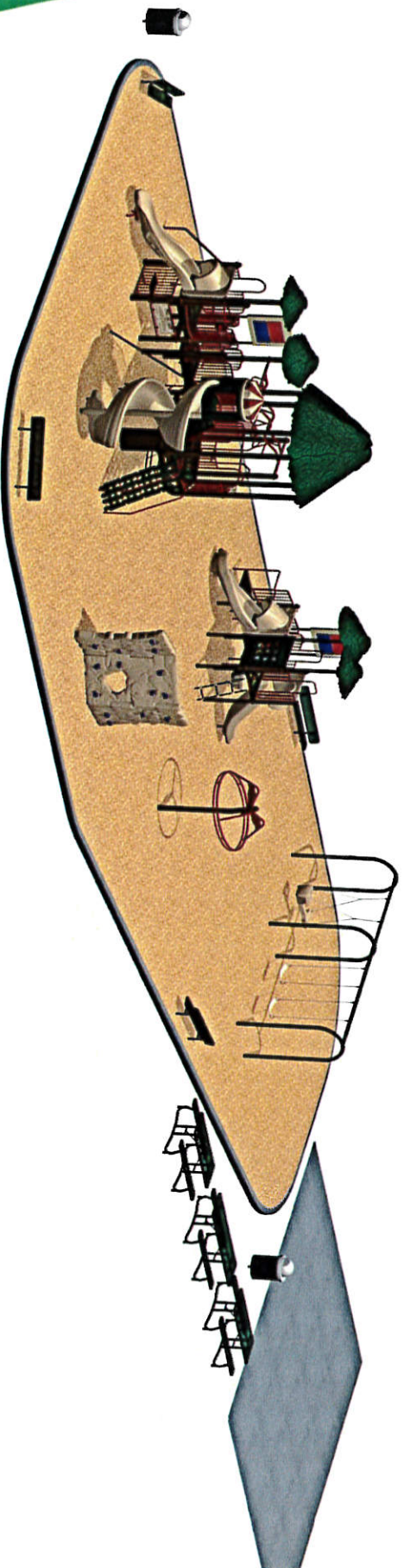
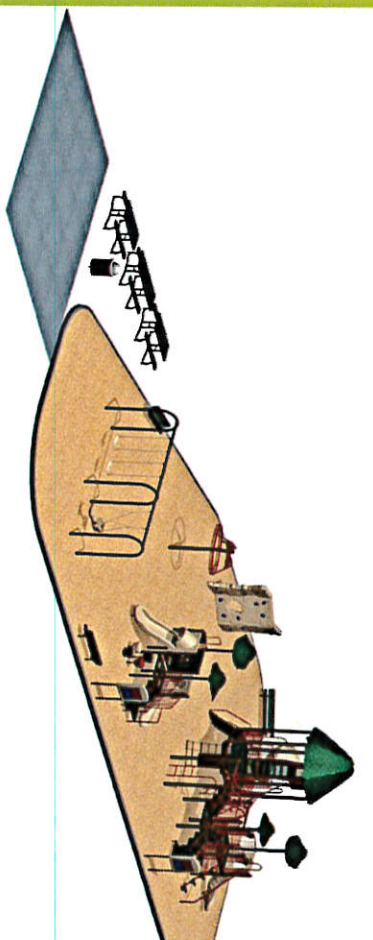
DATE: 2/7/2017  
SCALE: 1/4" = 1'-0"  
AR





# Savona Park

## Lake Elmo, MN







## Savona Playground Proposals

Webber Recreational (option #3a )

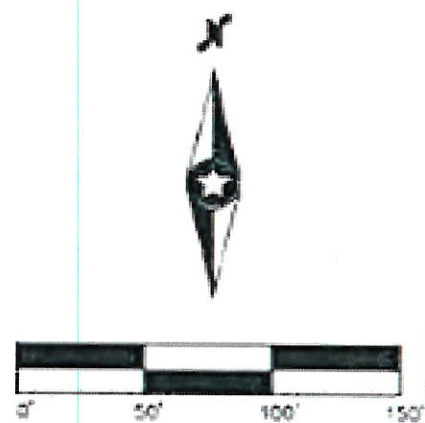
	Purchase Price	Installation Price	Shipping	Total	
Playground Equipment	\$65,068	\$18,220	\$3,582	\$86,870	(includes tables and benches)
Zip Line					
Surface	\$4,730			\$4,730	(includes delivery/ not installation)
Basketball Court					(include \$25,000 for asphalt)
Basketball Hoop	\$1,950		\$210	\$2,160	(installation not included)
Concrete Boarder	\$19,715			\$19,715	
Benches Tables				\$0	(included above)

SubTotal	\$113,474.40	
Discount	\$19,520	
	\$25,000	(B-ball court asphalt)
Site Grading	\$25,175	
Grand Total	\$144,129.00	plus tax

\$14,400  
\$158,529.00







## March 24, 2017







## STAFF REPORT

DATE: April 4, 2017

### **PUBLIC HEARING**

ITEM #: 16

**AGENDA ITEM:** CSAH 13 (Ideal Avenue/Olson Lake Trail) Improvements – Receive Report, Call for Improvement Hearing, Declare Cost to be Assessed, and Call for Hearing on Proposed Assessment

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

**REVIEWED BY:** Kristina Handt, City Administrator  
Brian Swanson, Finance Director  
Sarah Sonsalla, City Attorney  
Rob Weldon, Public Works Director  
Chad Isakson, Project Engineer

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**ISSUE BEFORE COUNCIL:** Should the City Council accept the Feasibility Report for the CSAH 13 (Ideal Avenue/Olson Lake Trail) Improvements and call for a Public Improvement Hearing to be held on May 2, 2017? And should the City Council declare the cost to be assessed and call the Final Assessment Hearing to also be held on May 2, 2017?

**BACKGROUND:** On August 16, 2016, the Lake Elmo City Council authorized the preparation of this feasibility study to implement the Phase 2 sanitary sewer extension project for the Olson Lake Trail municipal urban service area. The Phase 1 sanitary sewer extension project was constructed in 2013 with Phase 2 intended to be constructed in coordination with Washington County's street reconstruction along CSAH 13. Washington County has programmed the CSAH 13 street improvements to be constructed in 2017 and initiated the planning and preliminary design work accordingly.

The Lake Elmo City Council provided municipal consent for the CSAH 13 Phase 1 Improvements as presented by Washington County on July 19, 2016. The proposed improvements are located on Olson Lake Trail (CSAH 13) from 44<sup>th</sup> Street North to 50<sup>th</sup> Street North. The street is owned and operated by Washington County and the City Boundary between Oakdale and Lake Elmo is along the center of the street.

The main objective of this project is to extend municipal sanitary sewer service along Olson Lake Trail to an area served by septic systems adjacent to Olson Lake. The project has been coordinated to be cost effectively implemented with the Washington County street improvements. Washington County is improving the condition of the streets, providing drainage improvements and installing an off-street trail for pedestrians and bicyclists. A public informational meeting was held on December 15, 2016 at Oakdale City Hall to present approximate assessment information and answer questions from the public.

**PROPOSAL DETAILS/ANALYSIS:** The feasibility report has been completed in accordance with Minnesota Statutes Chapter 429 and outlines the improvements being recommended along the corridor including Washington County recommended street, drainage and trail improvements as well as the sanitary sewer extension improvements being jointly proposed by Oakdale and Lake Elmo. The report provides estimated total project costs including the cost breakdown between Washington County, the City of Oakdale and the City of Lake Elmo. The cost estimate and breakdown was provided by Washington County's design



consultant, SRF Consulting, with the sanitary sewer costs being estimated by the City's consultant, SEH, Inc. In addition, the report states that the improvements are necessary, cost effective, and feasible, and provides a preliminary assessment roll for each of the benefitting properties. The following summarizes the report findings and recommendations:

***Sanitary Sewer:***

- The project will be implemented as a joint effort between Washington County, the City of Lake Elmo, and the City of Oakdale, coordinated through Cooperative and Joint Powers Agreements. Washington County is the lead agency.
- The project will provide municipal sanitary sewer service to an additional 13 Lake Elmo properties and 7 Oakdale Properties through the extension of the existing Oakdale sanitary sewer system.
- The estimated one-time unit assessment for sanitary sewer will be levied over 20 years. The base assessment value is \$20,500. This unit assessment has been reduced by \$3,000 for those properties that require an individual pumping station. The pumping station purchase is included in the unit assessment and the \$3,000 assessment deduction provides a set allowance for the pumping station installation.
- Additional costs in the estimated combined amount of \$3,500 would be collected from property owners by the City of Oakdale at the time of connection to sewer. This amount is comprised of various permitting and connection fees previously established by the Oakdale utility and includes the Met Council SAC fee.
- Properties will also be directly responsible to pay a private plumbing contractor to make the service connection for their property, from the right-of-way to their home. This cost is property specific and includes the installation of the pumping station if required.
- Lake Elmo ordinance requires properties to connect to sanitary sewer service within 2 years.
- Once connected, the City of Oakdale will bill on a quarterly basis for ongoing sewer use charges. Under current practice, Oakdale uses the winter quarter water use of the property, as metered from the private well, to determine and bill for annual sewer flows.

***Street, Drainage, and Trail Improvements:***

- CSAH 13 (Ideal Avenue/Olson Lake Trail) is a County State Aid Highway. Improvements made along CSAH 13 must meet minimum County state aid design standards.
- The CSAH 13 improvements have been developed and recommended by Washington County after receiving public input. Preliminary plans were approved by both Oakdale and Lake Elmo.
- Washington County requires City cost participation based on County policy, including permanent and temporary right-of-way acquisition, pedestrian trail improvements, curb and gutter, retaining walls, and storm water pond construction costs.
- Residential properties will be assessed on a per unit basis at 30% of the total city cost share for those improvements. The street, drainage, and trail assessment for each parcel on this project is \$5,900 for 23 residential properties. The assessment will be levied over a 15-years.

**FISCAL IMPACT:** The estimated total project cost is \$5,704,500 with the City cost share estimated to be \$670,700. The City share of the street, drainage, and trail improvements is estimated at \$455,900 and City share of the sanitary sewer improvements estimated at \$214,800. The improvements are proposed to be assessed against the benefitting properties consistent with the City's Special Assessment Policy

including proposed assessments in the amount of \$135,700 for the street, drainage and trail improvements and \$230,500 for the sanitary sewer improvements.

**RECOMMENDATION:** Staff is recommending that the City Council approve Resolution 2017-034 receiving the Feasibility Report and calling for the Public Improvement Hearing to be held on May 2, 2017. Staff is also recommending that the City Council approve Resolution 2017-034 declaring the costs to be assessed and calling Hearing on the Proposed Assessment to also be held on May 2, 2017. The suggested motions to approve these actions are as follows:

***“Move to adopt Resolution No. 2017-034 Receiving the Feasibility Report for the CSAH 13 (Ideal Avenue/Olson Lake Trail) Improvements and Calling Hearing on Improvement to be held on May 2, 2017.”***

***and***

***“Move to adopt Resolution No. 2017-035 Declaring Cost to be Assessed and Calling Hearing on Proposed Assessment for the CSAH 13 (Ideal Avenue/Olson Lake Trail) Improvements to be held on May 2, 2017.”***

**ATTACHMENTS:**

1. Resolution No. 2017-034 Receiving the feasibility report for the CSAH 13 (Ideal Avenue/Olson Lake Trail) Improvements and calling a hearing on improvements to be held on May 2, 2017.
2. Notice of Hearing on Improvement.
3. Resolution No. 2017-035 Declaring costs to be assessed and calling hearing on proposed assessments for the CSAH 13 (Ideal Avenue/Olson Lake Trail) Improvements to be held on May 2, 2017.
4. Notice of Hearing on Proposed Assessment.
5. Project Location Map.
6. Project Schedule.
7. Assessment Roll.
8. Olson Lake Trail Improvements Feasibility Report available for review at City Hall.

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

**RESOLUTION NO. 2017-034  
A RESOLUTION RECEIVING FEASIBILITY REPORT FOR CSAH 13  
(IDEAL AVENUE/OLSON LAKE TRAIL) IMPROVEMENTS AND  
CALLING HEARING ON IMPROVEMENT**

**WHEREAS**, pursuant to City Council authorization, adopted on August 16, 2016, a feasibility report has been prepared by SEH, Inc. for the CSAH 13 (Ideal Avenue/Olson Lake Trail) Improvements, and

**WHEREAS**, the feasibility report recommends that benefitting properties be assessed all or a portion of the cost of the improvements pursuant to the city's Special Assessment Policy and Minnesota Statutes, Chapter 429; and

**WHEREAS**, the feasibility report provides information regarding whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvements as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

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

1. That the City Council will consider the improvements in accordance with the report and the assessments of the abutting properties for all or a portion of the cost of the improvements pursuant to Minnesota Statutes, Chapter 429 at an estimated total project cost of \$5,704,500. The estimated project cost to the City is \$670,700 with the street, drainage, and trail improvements estimate at \$455,900 and the sanitary sewer improvements estimated at \$214,800.
2. A public hearing shall be held on such proposed improvements on the 2nd day of May, 2017, in the council chambers of the City Hall at or approximately after 7:00 P.M. and the clerk shall give mailed and published notice of such hearing and improvement as required by law.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE FOURTH DAY OF APRIL, 2017.**

**CITY OF LAKE ELMO**

(Seal)  
ATTEST:

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

By: \_\_\_\_\_  
Mike Pearson  
Mayor

**CITY OF LAKE ELMO  
NOTICE OF HEARING ON IMPROVEMENT  
CSAH 13 (IDEAL AVENUE/OLSON LAKE TRAIL) IMPROVEMENTS**

Notice is hereby given that the City Council of Lake Elmo will meet in the council chambers of the city hall at or approximately after 7:00 P.M. on Tuesday, May 2, 2017, to consider the making of the following improvements, pursuant to Minnesota Statutes, Sections 429.011 to 429.111;

The improvements consist of the extension of sanitary sewer along CSAH 13 (Ideal Avenue/Olson Lake Trail) between 44<sup>th</sup> Street North and 50<sup>th</sup> Street North including the reconstruction of the existing streets with concrete curb and gutter, installation of storm sewer, and construction of an off-road bituminous trail.

Sanitary sewer assessments are proposed for those properties that abut the improvements and receive a service stub as part of the project including 4473, 4497, 4565, 4719, 4751, 4769, 4823, 4849, 4863, 4891, 4911, and 4941 Olson Lake Trail and 7803 50<sup>th</sup> Street North. The area proposed to be assessed for the street, drainage, and trail improvements include the properties directly abutting and accessing the proposed streets along CSAH 13 between 44<sup>th</sup> Street North and 50<sup>th</sup> Street North.

The estimated total cost for the project is \$5,704,500 with the street, drainage, and trail improvements estimated at \$5,344,300 and the sanitary sewer improvements estimated at \$360,200. A reasonable estimate of the impact of the assessment will be available at the hearing. Such persons as desiring to be heard with reference to the proposed improvements will be heard at this meeting.

**DATED:** April 4, 2017

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

**Mike Pearson, Mayor**

*(Published in the Oakdale-Lake Elmo Review on April 12 and 19, 2017)*

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

**RESOLUTION NO. 2017-035**

**A RESOLUTION DECLARING COST TO BE ASSESSED AND CALLING  
HEARING ON PROPOSED ASSESSMENT FOR CSAH 13 (IDEAL  
AVENUE/OLSON LAKE TRAIL) IMPROVEMENTS**

**WHEREAS**, estimated project costs have been calculated for the CSAH 13 (Ideal Avenue/Olson Lake Trail) Improvements including street, drainage, trail, and sanitary sewer improvements along CSAH 13 from 44<sup>th</sup> Street North to 50<sup>th</sup> Street North; and

**WHEREAS**, the total cost of the improvements will be \$5,704,500.

**WHEREAS**, the City Clerk and City Engineer have prepared the proposed assessment roll and will maintain said assessment roll on file in the City offices for public inspection.

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

1. The portion of the cost of such street, drainage, and trail improvements to be paid by the City is hereby declared to be \$320,200, and the portion of the cost to be assessed against benefited property owners is declared to be \$135,700.
2. The portion of the cost of such sanitary sewer improvements to be paid by the City is hereby declared to be \$0, and the portion of the cost to be assessed against benefited property owners is declared to be \$230,500.
3. The City Clerk, with the assistance of the City Engineer, has calculated the proper amount to be specially assessed for such improvements against every assessable lot, piece or parcel of land to be benefited by the improvements, and the Clerk has filed a copy of such proposed assessment in the City offices for public inspection.
4. Assessments shall be payable in equal annual installments extending over 15 years for street, drainage, and trail improvements and 20 years for sanitary sewer improvements, the first of the installments to be payable on or before the first Monday in January, 2018, and shall bear interest at the rate of 4.00 percent per annum from the date of the adoption of the assessment resolution.
5. A public hearing shall be held on the 2nd day of May, 2017, in the Council Chambers of the City Hall at or approximately after 7:00 P.M. to pass upon such proposed assessment. All persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
6. The City Clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and she shall state in the notice the total cost of the improvement. She shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearings.



7. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the entire assessment on such property, with interest accrued to the date of payment, to the City Clerk. No interest shall be charged if the entire assessment is paid before October 31, 2017. A property owner may at any time thereafter, pay to the City Clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before October 31 or interest will be charged through December 31 of the succeeding year.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE FOURTH DAY OF APRIL, 2017.**

**CITY OF LAKE ELMO**

By: \_\_\_\_\_  
Mike Pearson  
Mayor

(Seal)  
ATTEST:

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

**CITY OF LAKE ELMO**  
**NOTICE OF HEARING ON PROPOSED ASSESSMENT**  
**CSAH 13 (IDEAL AVENUE/OLSON LAKE TRAIL) IMPROVEMENTS**

Notice is hereby given that the City Council of Lake Elmo will meet in the Council Chambers of the City Hall at or approximately after 7:00 P.M. on Tuesday, May 2, 2017, to consider, and possibly adopt, the proposed assessment against abutting property for the CSAH 13 (Ideal Avenue/Olson Lake Trail) Improvements. Adoption by the Council of the proposed assessment may occur at the hearing. The following describes the area proposed to be assessed:

- Street, drainage, and trail improvements along CSAH 13 (Ideal Avenue/Olson Lake Trail) from 44<sup>th</sup> Street North to 50<sup>th</sup> Street North.
- Sanitary sewer improvements along CSAH 13 (Ideal Avenue/Olson Lake Trail) from 44<sup>th</sup> Street North to 50<sup>th</sup> Street North. Properties include 4473, 4497, 4565, 4719, 4751, 4769, 4823, 4849, 4863, 4891, 4911, and 4941 Olson Lake Trail and 7803 50<sup>th</sup> Street North.

You may at any time prior to certification of the assessment to the county auditor on October 31, 2017, pay the entire assessment on such property to the City Clerk with interest accrued to the date of payment. No interest shall be charged if the entire assessment is paid to the City Clerk prior to October 31, 2017. You may at any time thereafter, pay to the City Clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before October 31 (date assessment certified to County Auditor) or interest will be charged through December 31 of the succeeding year. If you decide not to prepay the assessment before the date given above the rate of interest that will apply is 4.00 percent per year.

Once assessments are certified to the County, the assessments are payable in equal annual installments extending over a period of 15 years for street, drainage and trail improvements and 20 years for sanitary sewer improvements, the first of the installments to be payable on or before the first Monday in January 2018, and will bear interest at the rate of 4.00 percent per annum from the date of adoption of the assessment resolution. To the first installment shall be added interest on the entire assessment from the date of the assessment resolution until December 31, 2017. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

The proposed assessment roll is on file for public inspection at the City Clerk's office. The total amount of the proposed street improvement assessment is \$135,700. The total amount of the proposed sanitary sewer improvement assessment is \$230,500. Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of an assessment unless a written objection signed by the affected property owner is filed with the municipal clerk prior to the assessment hearing or presented to the presiding officer at the hearing. The Council may upon such notice consider any

objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

An owner may appeal an assessment to district court pursuant to Minnesota Statutes, Section 429.081 by serving notice of the appeal upon the Mayor or Clerk within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the Mayor or Clerk.

The City Council is authorized in its discretion to defer the payment of an assessment for any homestead property owned by a person for whom it would be a hardship to make payment if the owner is 65 years of age or older and/or the owner is a person retired by virtue of a permanent and total disability or by a person who is a member of the Minnesota National Guard or other military reserves who is ordered into active military service, as defined in section 190.05 subdivision 5b or 5c, as stated in the person's military orders, for whom it would be a hardship to make the payments. The owner must request a deferment of the assessment at or before the public hearing at which the assessment is adopted and make application on forms prescribed by the City Clerk within 30 days after the adoption.

Notwithstanding the standards and guidelines established by the City for determining a hardship, a deferment of an assessment may be obtained pursuant to Minnesota Statutes Section 435.193.

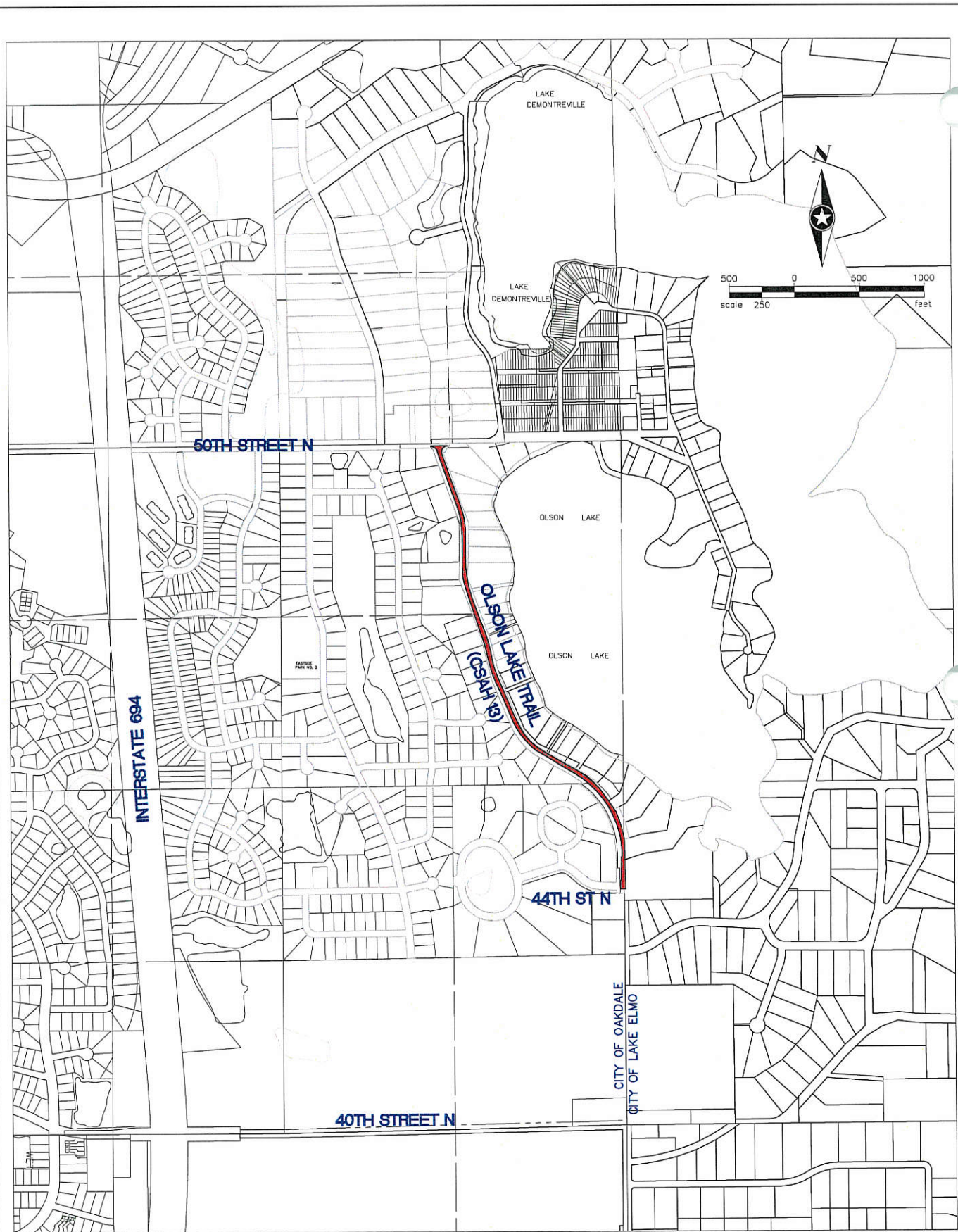
**DATED:** April 4, 2017

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

**Mike Pearson, Mayor**

*(Published in the Oakdale-Lake Elmo Review on April 12, 2017)*

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PHONE: 651.490.2000  
3535 VADNAIS CENTER DR.  
ST. PAUL, MN 55110-5196  
www.sehinc.com

FILE NO.  
139299  
DATE:  
03/14/17

LOCATION MAP  
OLSON LAKE TRAIL IMPROVEMENTS  
OAKDALE, MINNESOTA

EXHIBIT  
NO. 1



PROJECT SCHEDULE  
CITY OF LAKE ELMO

**FOCUS** ENGINEERING, inc.

CSAH 13 (Ideal Avenue/Olson Lake Trail)  
Street, Drainage, Trail and Sanitary Sewer  
PROJECT NO. 2015.125

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

MARCH 2017

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JULY 19, 2016	Council approves CSAH 13 Phase 1 Municipal Consent. County proceeds with Design.
AUGUST 16, 2016	Council authorizes the preparation of the Feasibility Report.
DECEMBER 15, 2016	Public Informational Meeting.
APRIL 4, 2017	Council accepts Report and adopts project assessment policy. Calls Public Improvement and Final Assessment Hearing.
APRIL, 2017	County Accepts Contractor Bids.
MAY 2, 2017	Public Improvement and Final Assessment Hearing. Council <u>Orders the Improvement</u> (Requires 4/5 <sup>th</sup> vote), provides "Concurrence" to award contract.
MAY, 2017	Begin Construction. <ul style="list-style-type: none"><li>• NOVEMBER, 2017 Substantial Completion.</li><li>• JUNE, 2018 Final Completion.</li></ul>



CITY OF LAKE ELMO, MN. CSAH 13: STREET, UTILITY, AND DRAINAGE IMPROVEMENTS  
MARCH 2017 PRELIMINARY ASSESSMENT ROLL  
STREET IMPROVEMENTS

NO.	NAME	ADDRESS	PID	TOTAL ASSESSMENT	STREET ASMT	SAN SEWER ASMT
1	DAVID SOVEREIGN LIVING TRS	4415 OLSON LAKE	0902921320030	\$ 5,900.00	\$ 5,900.00	
2	SOVEREIGN JEFFERY C	4405 OLSON LAKE	0902921320022	\$ 5,900.00	\$ 5,900.00	
3	HILLEREN ANNA-MARIE S & MICHAEL J	4455 OLSON LAKE	0902921320021	\$ 5,900.00	\$ 5,900.00	
4	FLANAGAN PATRICK J & ANNE H	4473 OLSON LAKE	0902921320001	\$ 23,400.00	\$ 5,900.00	\$ 17,500.00
5	HOLM BARBARA E	4497 OLSON LAKE	0802921140059	\$ 23,400.00	\$ 5,900.00	\$ 17,500.00
6	ANDERSON JEANNE M & ANTHONY P NELSON	4535 OLSON LAKE	0802921140006	\$ 5,900.00	\$ 5,900.00	
7	LEAKE JEFFERY R & ELIZABETH A	4545 OLSON LAKE	0802921140061	\$ 5,900.00	\$ 5,900.00	
8	SCHWALBACH JAMES & BEVERLY TRS	4555 OLSON LAKE	0802921140052	\$ 5,900.00	\$ 5,900.00	
9	SCHULTZ CAROLYN A	4565 OLSON LAKE	0802921140066	\$ 23,400.00	\$ 5,900.00	\$ 17,500.00
10	HAIDER ANTHONY J & DIANE M	4575 OLSON LAKE	0802921140067	\$ 5,900.00	\$ 5,900.00	
11	PATRICIA GRAHAM FAMILY TRS	4635 OLSON LAKE	0802921140005	\$ 5,900.00	\$ 5,900.00	
12	HEINS SCOTT & KRISTINE	4655 OLSON LAKE	0802921140072	\$ 5,900.00	\$ 5,900.00	
13	TAYLOR REBECCA M	4671 OLSON LAKE	0802921140071	\$ 5,900.00	\$ 5,900.00	
14	SCHULTZ CHARLES A & MARCIA R ANDERSON	4709 OLSON LAKE	0802921140070	\$ 5,900.00	\$ 5,900.00	\$ 17,500.00
15	BRINK MARY F & THOMAS W	4719 OLSON LAKE	0802921140069	\$ 23,400.00	\$ 5,900.00	\$ 17,500.00
16	FIELDS FAMILY TRS	4751 OLSON LAKE	0802921140065	\$ 23,400.00	\$ 5,900.00	\$ 17,500.00
17	PEPIN ANNALIESE M & BRYAN G MILLER	4769 OLSON LAKE	0802921110011	\$ 23,400.00	\$ 5,900.00	\$ 17,500.00
18	GERGEN JAMES B & ELIZABETH J	4823 OLSON LAKE	0802921110012	\$ 23,400.00	\$ 5,900.00	\$ 17,500.00
19	KOPPY THOMAS A & JUDITH F	4849 OLSON LAKE	0802921110001	\$ 23,400.00	\$ 5,900.00	\$ 17,500.00
20	KETZNER BRUCE M & BETH A	4863 OLSON LAKE	0802921110019	\$ 23,400.00	\$ 5,900.00	\$ 17,500.00
21	KOSTUCH GREGORY D & PATRICIA M	4891 OLSON LAKE	0802921110005	\$ 23,400.00	\$ 5,900.00	\$ 17,500.00
22	JANET L SCHNEIDER TRS	4911 OLSON LAKE	0802921110006	\$ 23,400.00	\$ 5,900.00	\$ 17,500.00
23	FORSHER CLAUDE & BARBARA	4941 OLSON LAKE	0802921110004	\$ 26,400.00	\$ 5,900.00	\$ 20,500.00
24	REVOIR HAROLD J & JANE L	7803 50TH	0802921110008	\$ 17,500.00	\$ -	\$ 17,500.00
TOTAL				\$ 366,200.00	\$ 135,700.00	\$ 230,500.00



## STAFF REPORT

DATE: April 4, 2017

**REGULAR**

ITEM #: 17

**AGENDA ITEM:** Comprehensive Plan Advisory Panel

**SUBMITTED BY:** Kristina Handt, City Administrator

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### **BACKGROUND:**

In March, the City entered into a contract with SHC to perform the 2040 Comprehensive Plan Update. As part of their proposal, they suggested establishing an Advisory Panel. The Advisory Panel will serve as the principal working group through the Comprehensive Planning process. The Advisory Panel will have a variety of responsibilities, and will be expected to participate and provide feedback throughout the process, with meetings and event attendance mostly occurring between April and November of this year.

Representation is proposed as follows:

1-Planning Commission member

1-Parks Commission member

1-EDA member

1-Environmental Committee member

1-Public Safety Committee member

2-4 Public at large, may include high school students and business representatives

Staff worked with the identified committees/commissions to select a representative(s). In order to solicit the at large members, notices were placed in the FRESH for several weeks and word of mouth recruitment.

### **ISSUE BEFORE COUNCIL:**

Who should the Council appoint to the Comp Plan Advisory Committee?

### **PROPOSAL:**

Commission/Committee selections are as follows:

- Planning Commission: Jess Hartely
- Parks Commission: Mary Fricke
- EDA: TBD
- Environmental Committee: Bev Schwalbach/ Dominic Travis (back up)
- Public Safety Committee: Lisa McGinn/Cullen Case (back up)

Applications were received from the following public members (listed in order received):

- Kathy Weeks
- Terry Emerson
- Barbara Birschbach
- Madison Bergmann
- Brooke Knoll
- Susan Dunn
- George Johnson

- Neil Krueger

Staff would recommend that the commission/committee volunteers be approved as suggested. In addition, staff would recommend the appointment Madison Bergmann and Brooke Knoll as they are students and can provide a perspective not often included in the public participation process. Lastly, Terry Emerson has been appointed to the Planning Commission after submitting this application, staff would not support his appointment to the Advisory Panel since there is already a Planning Commission representative.

**FISCAL IMPACT:**

NA

**OPTIONS:**

Any of the individuals listed above may be appointed to the Advisory Panel.

**RECOMMENDATION:**

*"Move to appoint commission/committee representatives listed above and Madison Bergmann, Brooke Knoll, \_\_\_\_\_, and \_\_\_\_\_ to the Comp Plan Advisory Panel."*

**ATTACHMENTS:**

None