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

NOTICE OF MEETING
City Council Meeting
Tuesday, April 3, 2018 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. Accept Minutes
1. March 20, 2018

D. Public Comments/Inquires
E. Presentations
F. Consent Agenda
2. Approve Payment of Disbursements and Payroll
3. Receive Draft EAW for Lake Elmo Airport
4. Approve Corridors of Commerce Resolution of Support – *Resolution 2018-030*
5. MSAS System Revisions – Resolution Approving MSA Designations – *Resolution 2018-031*
6. CSAH 13 (Ideal Ave/Olson Lake Tr) – Approve Pay Request No. 1 to City of Oakdale.
7. 2018 Street Improvements –Approve Plans & Specs; Authorize Ad for Bids –*Resolution 2018-032*
8. Approve Abatement for 2298 Inwood Ave-*Resolution 2018-033*
9. Approve An Ordinance Amending Chapter 51 of the City Code to Include Penalties for Not Connecting to Municipal Sewer- *Ordinance 08-204; Resolution 2018-034*
10. Approve Summary Publication of Assessment of Service Charges and Nuisance Abatement Ordinance- *Resolution 2018-024*
11. Approve Purchase of Asphalt Roller
12. Approve Hiring of Public Works Operator III
13. Approve Appointment to Finance Committee
14. Approve Appointment to Maintenance Advisory Committee
15. Approve Driveway Ordinance and Fee Schedule Amendments – *Ordinance 08-206; Ordinance 08-207; Resolution 2018-039*

G. Regular Agenda
16. Mountain Biking Proposal at Reid Park with SASCA – *Resolution 2018-036*
17. CSAH 17 (Lake Elmo Ave) Phase 3 Improvements (Preliminary Layout) - *Resolution 2018-035*
18. Subdivision Regulations Update – *Ordinance 08-205; Resolution 2018-037*
19. Variance Requests for 8728 DeMontreville Trail – *Resolution 2018-038*
20. Summary of Closed Session Regarding City Administrator Performance Review

H. Council Reports
I. Staff Reports and Announcements
J. Closed Session

The council will enter a closed session pursuant to Minn. Stat. § 13.D.05 Subd. 3, in order to develop or consider offers and/or counteroffers for the purchase of real property located at 3880 Laverne Ave in Lake Elmo, Minnesota.

K. Adjourn

CITY OF LAKE ELMO
CITY COUNCIL MINUTES
MARCH 20, 2018

CALL TO ORDER/PLEDGE OF ALLEGIANCE

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

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

Staff present: Administrator Handt, City Attorney Sonsalla, City Engineer Griffin, Planning Director Becker, Public Works Director Weldon, Fire Chief Malmquist and City Clerk Johnson.

APPROVAL OF AGENDA

Item 3, "Approve Payment of Disbursements and Payroll" and Item 9, "Approve Assessment of Service Charges and Nuisance Abatement Ordinance" were moved to the Regular Agenda.

Mayor Pearson, seconded by Councilmember Fliflet, moved TO APPROVE THE AGENDA AS AMENDED. **Motion passed 3 – 0.**

ACCEPT MINUTES

Minutes of the March 6, 2018 Regular Meeting were accepted as presented.

PUBLIC COMMENTS/INQUIRIES

None

PRESENTATIONS

Jenny Terwedo presented the City with a donation of $1,336 which represents funds raised at a spaghetti dinner fundraiser held at Arbor Glen Senior Living to benefit the Lake Elmo Fire Department.

Councilmember Fliflet, seconded by Councilmember Nelson, moved TO ADOPT RESOLUTION 2018-023 ACCEPTING A DONATION FROM ARBOR GLEN SENIOR LIVING FOR THE LAKE ELMO FIRE DEPARTMENT SAFE HAVEN PROGRAM.
Motion passed 3 – 0.

CONSENT AGENDA

3. ~~Approve Payment of Disbursements and Payroll~~
4. Accept February 2018 Public Works Department Report
5. Accept February 2018 Building Department Report
6. Accept February 2018 Fire Department Report

7. 2017 Street Improvements - Approve Change Order No. 3.
8. 2017 Street Improvements – Approve Pay Request No. 5.
9. ~~Approve Assessment of Service Charges and Nuisance Abatement Ordinance~~ ~~*Ordinance No 08-203, Resolution 2018-024*~~
10. Approve Cooperative Agreement with Washington County for BoldPlanning Software
11. Accept Resignation of Part Time Firefighter
12. Authorize Advertising for and Creating an Eligibility List of Part Time Fire Fighters
13. Accept Resignation of Public Works Operator
14. Approve Step Increase, Assistant Administrator
15. Approve Step Increase, City Planner
16. Approve Letter of Appeal Regarding Water Appropriation Permit Conditions

Councilmember Fliflet, seconded by Mayor Pearson, moved TO APPROVE THE CONSENT AGENDA AS PRESENTED. **Motion passed 3 - 0.**

ITEM 3: Approve Payment of Disbursements and Payroll

Brief discussion held concerning payment of outstanding invoices for the Lake Elmo Library.

Mayor Pearson, seconded by Councilmember Nelson, moved TO APPROVE PAYMENT OF DISBURSEMENTS AND PAYROLL. **Motion passed 3 – 0.**

ITEM 9: Approve Assessment of Service Charges and Nuisance Abatement Ordinance

Brief discussion held concerning amending the nuisance abatement procedure.

Councilmember Fliflet, seconded by Mayor Pearson, moved TO AMEND SECTION 96.11(A) TO STATE THAT THE BUILDING OFFICIAL, OR HIS OR HER DESIGNATED REPRESENTATIVE, AFTER CONSULTATION WITH THE CITY ADMINISTRATOR MAY ABATE THE NUISANCE AFTER PROVIDING WRITTEN NOTICE TO THE AFFECTED RECORD PROPERTY OWNER. **Motion passed 3 – 0.**

Councilmember Fliflet, seconded by Councilmember Nelson, moved TO ADOPT ORDINANCE 08-203 AS AMENDED. **Motion passed 3 – 0.**

ITEM 17: Wildflower at Lake Elmo 3rd Addition Plat and PUD

Planning Director Becker presented the plat drawing, engineering comments and recommended conditions of approval for the Wildflower at Lake Elmo 3rd Addition Plat and PUD.

Councilmember Nelson, seconded by Councilmember Fliflet, moved TO ADOPT RESOLUTION 2018-025 APPROVING THE FINAL PLAT AND PUD DEVELOPMENT PLANS FOR THE WILDFLOWER AT LAKE ELMO 3RD ADDITION WITH NINE

CONDITIONS BASED ON THE FINDINGS LISTED IN THE STAFF REPORT. **Motion passed 3 – 0.**

ITEM 18: Hammes 3rd Addition Development Agreement

Planning Director Becker reviewed the proposed Hammes Estates 3rd Addition Developer Agreement.

Councilmember Nelson, seconded by Mayor Pearson, moved TO ADOPT RESOLUTION 2018-026 APPROVING THE DEVELOPERS AGREEMENT FOR HAMMES ESTATES 3RD ADDITION. **Motion passed 3 – 0.**

ITEM 19: Sign Variance for Park Dental at 8980 Hudson Blvd. N.

City Planner Becker presented the request for a variance to allow an additional sign on the side of the Park Dental Building at 8980 Hudson Boulevard North.

Councilmember Fliflet, seconded by Councilmember Nelson, moved TO ADOPT RESOLUTION 2018-028 APPROVING THE VARIANCE REQUEST AT 8980 HUDSON BLVD N TO ALLOW A THIRD WALL SIGN BASED ON THE FINDINGS AND CONDITIONS IDENTIFIED IN THE STAFF REPORT. **Motion passed 3 – 0.**

ITEM 20: Royal Golf at Lake Elmo 1st Addition Development Agreement and Letter of Credit Reduction

City Planner Becker reviewed the landscape plans for tree planting and reviewed the proposed amendments.

Councilmember Fliflet, seconded by Mayor Pearson, moved TO ADOPT RESOLUTION 2018-028 WITH AMENDMENTS TO THE FIFTH WHEREAS CLAUSE STATING THAT THE TREES PLANTED WITHIN PRIVATE LOTS WILL BE PRIVATELY WARRANTIED. **Motion passed 3 – 0.**

Mayor Pearson, seconded by Councilmember Fliflet, moved TO APPROVE SECURITY REDUCTION FOR LANDSCAPING FOR THE ROYAL GOLF CLUB 1ST ADDITION BY $47,604. **Motion passed 3 – 0.**

ITEM 21: Plow Truck Purchase

Public Works Director Weldon provide a brief overview of the proposed plow truck purchase and added that a conveyor would be added for asphalt.

Councilmember Nelson, seconded by Councilmember Fliflet, moved TO APPROVE THE PURCHASE OF A SINGLE AXLE DUMP TRUCK/SNOW PLOW FOR AN AMOUNT NOT TO EXCEED $243,000, **Motion passed 3 – 0.**

COUNCIL REPORTS

Mayor Pearson: Attended meetings regarding the 3M settlement with the State of Minnesota and meetings regarding the mountain biking proposal.

Councilmember Nelson: No report.

Councilmember Fliflet: No report.

STAFF REPORTS AND ANNOUNCEMENTS

Administrator Handt: Reminded the public that applications are being accepted for vacancies on the Finance Committee. Noted MPCA and DNR will hold an open house on March 29th at Oak Land Middle School. Announced the upcoming LMC conference.

Sergeant Osterman: Invited the public to attend Coffee with a Cop at Lake Elmo Coffee, March 21st, 8:00 – 10:00 a.m.

City Attorney Sonsalla: Working on the delayed sewer connection policy and Hidden Meadows.

Planning Director Becker: Announced upcoming open house for comprehensive plan updates.

City Engineer Griffin: Working on plan review for Legacy, Wildflower, Hammes and Fairfield Inn.

Meeting adjourned at 7:50 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

_____
Mike Pearson, Mayor

_____
Julie Johnson, City Clerk

STAFF REPORT

DATE: April 03, 2018
CONSENT

TO: Mayor and City Council
FROM: Amy La Belle, Accountant
AGENDA ITEM: Payments & Disbursements
REVIEWED BY: Kristina Handt, City Administrator

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.

FISCAL IMPACT:

Claim #	Amount	Description
ACH	$ 62,699.60	Payroll 03/29/18
47187-47236	$ 181,989.36	Accounts Payable 04/03/18
TOTAL	**$ 244,688.96**	

RECOMMENDATION:
If removed from the consent agenda, the recommended motion is as follows:

"Motion to approve the aforementioned disbursements in the amount of $ 244,688.96."

ATTACHMENTS:

1. Accounts Payable – check register

Accounts Payable
To Be Paid Proof List

OK - BAS - 3/28/18

User: Amy
Printed: 03/28/2018 - 9:17 AM
Batch: 001-01-2018

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
Accela, Inc											
ACCELA											
INV-ACC38678	03/20/2018	3,388.00	0.00	04/03/2018	2018 Springbrook Upgrade		-			No	0000
101-410-1520-43190	Software Programs										
INV-ACC38678	03/20/2018	3,388.00	0.00	04/03/2018	2018 Springbrook Upgrade		-			No	0000
601-494-9400-43180	Software Support										
INV-ACC38678	03/20/2018	3,388.00	0.00	04/03/2018	2018 Springbrook Upgrade		-			No	0000
602-495-9450-43180	Software Support										
	INV-ACC38678 Total:	10,164.00									
	ACCELA Total:	10,164.00									
	Accela, Inc Total:	10,164.00									
Advanced Auto Parts											
ADVAUTO											
2055-434986	03/15/2018	23.78	0.00	04/03/2018	Head Light		-			No	0000
101-430-3100-42210	Repair/Maint. Supplies										
	2055-434986 Total:	23.78									
	ADVAUTO Total:	23.78									
	Advanced Auto Parts Total:	23.78									
Bayerl Water Resources											
BAYERLWA											
18-226	03/16/2018	1,882.86	0.00	04/03/2018	Wellhead Protection Plan		-			No	0000
601-494-9400-43150	Contract Services										
	18-226 Total:	1,882.86									
	BAYERLWA Total:	1,882.86									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
	Bayerl Water Resources Total:	1,882.86									
Berschens Janet											
BERSCHEN											
20180326	03/26/2018	240.06	0.00	04/03/2018	Overpymt - 9579 45th Street N		-			No	0000
603-000-0000-37100	Surface Water Utility Sales										
	20180326 Total:	240.06									
	BERSCHEN Total:	240.06									
	Berschens Janet Total:	240.06									
Bolton & Menk, Inc											
BOLTONME											
0214271	02/21/2018	19,116.00	0.00	04/03/2018	2018 Street Project 2017.156		-			No	0000
409-480-8000-43150	Contract Services										
	0214271 Total:	19,116.00									
0214273	02/21/2018	1,542.93	0.00	04/03/2018	I-94 Lift Station Project 2016.134		-			No	0000
602-495-9450-43150	Contract Services										
	0214273 Total:	1,542.93									
0214274	02/21/2018	922.00	0.00	04/03/2018	Royal Golf Project 2016.125		-			No	0000
803-000-0000-22910	Developer Payments										
	0214274 Total:	922.00									
0215265	03/20/2018	923.00	0.00	04/03/2018	2018 Street Project 2017.156		-			No	0000
409-480-8000-43150	Contract Services										
	0215265 Total:	923.00									
0215270	03/20/2018	739.97	0.00	04/03/2018	I-94 Lift Station Project 2016.134		-			No	0000
602-495-9450-43150	Contract Services										
	0215270 Total:	739.97									
0215271	03/20/2018	369.50	0.00	04/03/2018	Royal Golf 1st		-			No	0000
803-000-0000-22910	Developer Payments										
	0215271 Total:	369.50									
	BOLTONME Total:	23,613.40									
	Bolton & Menk, Inc Total:	23,613.40									
Boyer Trucks											
BOYER											
1215570	03/09/2018	126.86	0.00	04/03/2018	Head light repair parts 98-2		-			No	0000
101-430-3100-42210	Repair/Maint. Supplies										
	1215570 Total:	126.86									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
	BOYER Total:	126.86									
	Boyer Trucks Total:	126.86									
Bujold Cliff											
BUJOLD											
20180210-2	02/10/2018	57.46	0.00	04/03/2018	Mailbox repair supplies - reissued		-			No	0000
101-430-3100-42240	Str. Maint/Landscape Materials										
	20180210-2 Total:	57.46									
	BUJOLD Total:	57.46									
	Bujold Cliff Total:	57.46									
Central Pension Fund											
CENTRALP											
20180315	03/15/2018	480.00	0.00	04/03/2018	CPF Contributions - 031518		-			No	0000
101-000-0000-21714	Union Pension										
	20180315 Total:	480.00									
	CENTRALP Total:	480.00									
	Central Pension Fund Total:	480.00									
Century Power Equipment											
CENTPOW											
739169	03/08/2018	65.95	0.00	04/03/2018	Chainsaw parts		-			No	0000
101-430-3100-42210	Repair/Maint. Supplies										
	739169 Total:	65.95									
739434	03/15/2018	54.03	0.00	04/03/2018	Chainsaw parts		-			No	0000
101-430-3100-42210	Repair/Maint. Supplies										
739434	03/15/2018	54.03	0.00	04/03/2018	Chainsaw parts		-			No	0000
101-450-5200-42210	Repair/Maint. Supplies										
	739434 Total:	108.06									
739595	03/19/2018	44.46	0.00	04/03/2018	chainsaw chain		-			No	0000
101-450-5200-44040	Repairs/Maint Eqpt										
	739595 Total:	44.46									
	CENTPOW Total:	218.47									
	Century Power Equipment Total:	218.47									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
Cintas Corporation #754											
CINTAS											
4004432726	03/14/2018	122.91	0.00	04/03/2018	Uniforms		-			No	0000
101-430-3100-44170	Uniforms										
4004432726	03/14/2018	58.31	0.00	04/03/2018	Rugs/soap/rags		-			No	0000
101-430-3100-44170	Uniforms										
	4004432726 Total:	181.22									
4004576482	03/21/2018	123.91	0.00	04/03/2018	Uniforms		-			No	0000
101-430-3100-44170	Uniforms										
4004576482	03/21/2018	33.88	0.00	04/03/2018	Rugs/soap/rags		-			No	0000
101-430-3100-44170	Uniforms										
	4004576482 Total:	157.79									
	CINTAS Total:	339.01									
	Cintas Corporation #754 Total:	339.01									
City of Oakdale											
CTYOAKDA											
10000460-01	02/28/2018	13,474.50	0.00	04/03/2018	Water meter-South Pit 020118-030118		-			No	0000
601-494-9400-43820	Water Utility										
	10000460-01 Total:	13,474.50									
201803126020	03/12/2018	24,970.81	0.00	04/03/2018	CSAH 13 Project 2015.125		-			No	0000
602-495-9450-43150	Contract Services										
201803126020	03/12/2018	41,921.25	0.00	04/03/2018	CSAH 13 Project 2015.125		-			No	0000
409-480-8000-43150	Contract Services										
	201803126020 Total:	66,892.06									
201803226042	03/22/2018	1,164.73	0.00	04/03/2018	E1 steering repair		-			No	0000
101-420-2220-44040	Repairs/Maint Eqpt										
	201803226042 Total:	1,164.73									
	CTYOAKDA Total:	81,531.29									
	City of Oakdale Total:	81,531.29									
City of Roseville											
CTYROSEV											
224336	03/22/2018	5,748.00	0.00	04/03/2018	IT Service - March 2018		-			No	0000
101-410-1450-43180	Information Technology/Web										
	224336 Total:	5,748.00									
224366	03/22/2018	96.72	0.00	04/03/2018	Telephone Svs - March 2018		-			No	0000
101-410-1320-43210	Telephone										
224366	03/22/2018	48.36	0.00	04/03/2018	Telephone Svs - March 2018		-			No	0000
101-410-1520-43210	Telephone										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
224366	03/22/2018	48.36	0.00	04/03/2018	Telephone Svs - March 2018		-			No	0000
101-410-1910-43210	Telephone										
224366	03/22/2018	24.18	0.00	04/03/2018	Telephone Svs - March 2018		-			No	0000
101-410-1940-43210	Telephone										
224366	03/22/2018	48.36	0.00	04/03/2018	Telephone Svs - March 2018		-			No	0000
101-420-2100-43210	Telephone										
224366	03/22/2018	72.53	0.00	04/03/2018	Telephone Svs - March 2018		-			No	0000
101-420-2400-43210	Telephone										
224366	03/22/2018	145.08	0.00	04/03/2018	Telephone Svs - March 2018		-			No	0000
101-430-3100-43210	Telephone										
	224366 Total:	483.59									
	CTYROSEV Total:	6,231.59									
	City of Roseville Total:	6,231.59									
Core & Main LP											
CORE											
I493714	03/06/2018	2,189.64	0.00	04/03/2018	Hydrant markers		-			No	0000
601-494-9400-42210	Repair/Maint. Supplies										
	I493714 Total:	2,189.64									
I554347	03/08/2018	1,331.17	0.00	04/03/2018	Water Meter Couplings		-			No	0000
601-494-9400-42300	Water Meters & Supplies										
	I554347 Total:	1,331.17									
I558092	03/08/2018	290.00	0.00	04/03/2018	Water Meter Programmer		-			No	0000
601-494-9400-42300	Water Meters & Supplies										
	I558092 Total:	290.00									
	CORE Total:	3,810.81									
	Core & Main LP Total:	3,810.81									
Dakota County Tech College											
DCTC											
156214	02/11/2018	900.00	0.00	04/03/2018	Drivers Training x 6		-			No	0000
101-420-2220-44370	Conferences & Training										
156214	02/11/2018	300.00	0.00	04/03/2018	Drivers Training x 2 Part Timers		-			No	0000
101-420-2220-44370	Conferences & Training										
	156214 Total:	1,200.00									
	DCTC Total:	1,200.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
	Dakota County Tech College Total:	1,200.00									
Dell Marketing L.P.											
DELLMARK											
10227373169	03/01/2018	135.59	0.00	04/03/2018	Dell Notebook docking station	-				No	0000
601-494-9400-42400	Small Tools & Minor Equipment										
	10227373169 Total:	135.59									
	DELLMARK Total:	135.59									
	Dell Marketing L.P. Total:	135.59									
Delta Dental Of Minnesota											
DELTA											
7227285	03/15/2018	632.45	0.00	04/03/2018	April 2018 Premium	-				No	0000
101-000-0000-21706	Medical Insurance										
	7227285 Total:	632.45									
	DELTA Total:	632.45									
	Delta Dental Of Minnesota Total:	632.45									
Gonyea Homes											
GONYEA											
20180205	02/05/2018	2,000.00	0.00	04/03/2018	Escrow refund 2017-468 4107 Lavender Ave	-				No	0000
803-000-0000-22900	Deposits Payable										
	20180205 Total:	2,000.00									
	GONYEA Total:	2,000.00									
	Gonyea Homes Total:	2,000.00									
Great America Financial											
GREATAM											
22325733	03/16/2018	430.24	0.00	04/03/2018	Sharp MX-5141N Maint Feb 2018	-				No	0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt										
	22325733 Total:	430.24									
22325734	03/16/2018	402.14	0.00	04/03/2018	Sharp MX-5070 Maint Feb 2018	-				No	0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt										
	22325734 Total:	402.14									
	GREATAM Total:	832.38									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
	Great America Financial Total:	832.38									
HACH Company											
HACH											
10861711	03/02/2018	607.29	0.00	04/03/2018	Fluoride sample supplies		-			No	0000
601-494-9400-42160	Chemicals										
	10861711 Total:	607.29									
	HACH Total:	607.29									
	HACH Company Total:	607.29									
Hawkins, Inc.											
HAWKINS											
4235089	02/23/2018	20.00	0.00	04/03/2018	Chlorine		-			No	0000
601-494-9400-42160	Chemicals										
	4235089 Total:	20.00									
	HAWKINS Total:	20.00									
	Hawkins, Inc. Total:	20.00									
Holiday Credit Office											
HOLIDAYC											
20180215	02/15/2018	73.14	0.00	04/03/2018	Fuel		-			No	0000
101-420-2220-42120	Fuel, Oil and Fluids										
	20180215 Total:	73.14									
	HOLIDAYC Total:	73.14									
	Holiday Credit Office Total:	73.14									
Innovative Office Solutions											
INNOVAT											
IN1978861	03/22/2018	6.54	0.00	04/03/2018	Office Supplies		-			No	0000
101-410-1320-42000	Office Supplies										
IN1978861	03/22/2018	28.65	0.00	04/03/2018	Office Supplies		-			No	0000
101-420-2400-42000	Office Supplies										
IN1978861	03/22/2018	17.95	0.00	04/03/2018	Office Supplies		-			No	0000
101-410-1910-42000	Office Supplies										
IN1978861	03/22/2018	5.97	0.00	04/03/2018	Office Supplies		-			No	0000
101-410-1520-42000	Office Supplies										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
	IN1978861 Total:	59.11									
	INNOVAT Total:	59.11									
	Innovative Office Solutions Total:	59.11									
Johnson & Turner Attorneys											
JOHNSON&											
70146	02/28/2018	3,500.00	0.00	04/03/2018	Prosecution Svs Feb 2018		-			No	0000
101-420-2150-43045	Attorney Criminal										
	70146 Total:	3,500.00									
	JOHNSON& Total:	3,500.00									
	Johnson & Turner Attorneys Total:	3,500.00									
Kath Fuel Oil Service Co											
kathfuel											
618699	03/08/2018	1,990.12	0.00	04/03/2018	Diesel Fuel		-			No	0000
101-430-3100-42120	Fuel, Oil and Fluids										
	618699 Total:	1,990.12									
618700	03/08/2018	1,626.03	0.00	04/03/2018	Diesel Fuel		-			No	0000
101-430-3100-42120	Fuel, Oil and Fluids										
	618700 Total:	1,626.03									
618704	03/08/2018	625.73	0.00	04/03/2018	Unleaded Fuel		-			No	0000
101-430-3100-42120	Fuel, Oil and Fluids										
	618704 Total:	625.73									
	kathfuel Total:	4,241.88									
	Kath Fuel Oil Service Co Total:	4,241.88									
Kennedy & Graven, Chartered											
KENGRAVE											
142007	03/19/2018	3,181.62	0.00	04/03/2018	General Matters		-			No	0000
101-410-1320-43040	Legal Services										
142007	03/19/2018	6,389.84	0.00	04/03/2018	3M Litigation		-			No	0000
601-494-9400-43040	Legal Services										
142007	03/19/2018	342.25	0.00	04/03/2018	Haz Bldg - 9240 31st Street		-			No	0000
101-410-1320-43040	Legal Services										
142007	03/19/2018	155.00	0.00	04/03/2018	Verizon Lease		-			No	0000
101-410-1320-43040	Legal Services										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
142007	03/19/2018	215.00	0.00	04/03/2018	Hammes 1st		-			No	0000
803-000-0000-22910	Developer Payments										
142007	03/19/2018	15.50	0.00	04/03/2018	Personnel Matters		-			No	0000
101-410-1320-43040	Legal Services										
142007	03/19/2018	107.50	0.00	04/03/2018	Northport 1st		-			No	0000
803-000-0000-22910	Developer Payments										
142007	03/19/2018	1,786.67	0.00	04/03/2018	Lake Elmo Inn Assessment Appeal		-			No	0000
101-410-1320-43040	Legal Services										
142007	03/19/2018	483.75	0.00	04/03/2018	Hammes 3rd		-			No	0000
803-000-0000-22910	Developer Payments										
142007	03/19/2018	43.00	0.00	04/03/2018	Wildflower 3rd		-			No	0000
803-000-0000-22910	Developer Payments										
	142007 Total:	12,720.13									
	KENGRAVE Total:	12,720.13									
	Kennedy & Graven, Chartered Total:	12,720.13									
Lake Elmo Repair, Inc											
LEREPAIR											
177637	03/09/2018	46.63	0.00	04/03/2018	Oil change 16-1		-			No	0000
101-430-3100-44040	Repairs/Maint Eqpt										
	177637 Total:	46.63									
	LEREPAIR Total:	46.63									
	Lake Elmo Repair, Inc Total:	46.63									
League of MN Cities											
LEAGMN											
270053	03/20/2018	20.00	0.00	04/03/2018	2018 Safety & Loss Prev Wkshp JF		-			No	0000
101-410-1320-44370	Conferences & Training										
	270053 Total:	20.00									
	LEAGMN Total:	20.00									
	League of MN Cities Total:	20.00									
Leo A Daly											
LEOADALY											
023-10262-0002	03/23/2018	3,325.00	0.00	04/03/2018	City Hall Site Study		-			No	0000
101-000-0000-11805	Loan Receivable										
	023-10262-0002 Total:	3,325.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
	LEOADALY Total:	3,325.00									
	Leo A Daly Total:	3,325.00									
Maroney's Sanitation, Inc											
MARONEYS											
716002	03/06/2018	127.48	0.00	04/03/2018	Trash Service - 020118-022818	-				No	0000
101-410-1940-43840	Refuse										
716002	03/06/2018	53.30	0.00	04/03/2018	Trash Service - 020118-022818	-				No	0000
101-420-2220-43840	Refuse										
716002	03/06/2018	232.22	0.00	04/03/2018	Trash Service - 020118-022818	-				No	0000
101-450-5200-43840	Refuse										
716002	03/06/2018	242.60	0.00	04/03/2018	Trash Service - 020118-022818	-				No	0000
101-430-3100-43840	Refuse										
	716002 Total:	655.60									
	MARONEYS Total:	655.60									
	Maroney's Sanitation, Inc Total:	655.60									
Menards - Oakdale											
MENARDSO											
23189	02/21/2018	41.00	0.00	04/03/2018	Station cleaner, Ice Melt	-				No	0000
101-420-2220-44010	Repairs/Maint Bldg										
	23189 Total:	41.00									
24658	03/16/2018	15.96	0.00	04/03/2018	Detector cleaner	-				No	0000
101-420-2220-42400	Small Tools & Equipment										
24658	03/16/2018	21.27	0.00	04/03/2018	Cleaning supplies	-				No	0000
101-420-2220-44010	Repairs/Maint Bldg										
	24658 Total:	37.23									
50554	03/07/2018	49.99	0.00	04/03/2018	Step ladder for detector calls	-				No	0000
101-420-2220-42400	Small Tools & Equipment										
50554	03/07/2018	41.50	0.00	04/03/2018	Ceiling repair	-				No	0000
101-420-2220-42400	Small Tools & Equipment										
	50554 Total:	91.49									
51288	03/19/2018	33.93	0.00	04/03/2018	Station maint. & ice machine	-				No	0000
101-420-2220-44010	Repairs/Maint Bldg										
	51288 Total:	33.93									
	MENARDSO Total:	203.65									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
	Menards - Oakdale Total:	203.65									
Miller Excavating, Inc.											
MILLEREX											
24694	02/28/2018	4,485.16	0.00	04/03/2018	Watermain break - 10997 32nd St N	-				No	0000
601-494-9400-44030	Repairs\Maint Imp Not Bldgs										
	24694 Total:	4,485.16									
	MILLEREX Total:	4,485.16									
	Miller Excavating, Inc. Total:	4,485.16									
MN State Fire Marshal Division											
MNFIREMR											
18071	03/21/2018	155.00	0.00	04/03/2018	Fire Marshal/Inspector Training GM	-				No	0000
101-420-2220-44370	Conferences & Training										
	18071 Total:	155.00									
	MNFIREMR Total:	155.00									
	MN State Fire Marshal Division Total:	155.00									
NFPA											
NFPA											
2018	03/23/2018	1,495.00	0.00	04/03/2018	NFPA Fire Codes annual renewal	-				No	0000
101-420-2220-44330	Dues & Subscriptions										
	2018 Total:	1,495.00									
	NFPA Total:	1,495.00									
	NFPA Total:	1,495.00									
Overhead Door Company											
OVERHEAD											
104282	03/08/2018	354.20	0.00	04/03/2018	Repair to gate opener at PW	-				No	0000
101-430-3100-44010	Repairs/Maint Bldg										
	104282 Total:	354.20									
104396	03/13/2018	456.25	0.00	04/03/2018	Repair to east garage door at PW	-				No	0000
101-430-3100-44010	Repairs/Maint Bldg										
	104396 Total:	456.25									
	OVERHEAD Total:	810.45									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
	Overhead Door Company Total:	810.45									
Pronto Heating & AC											
PRONTOHE											
2017-1428	03/26/2018	60.00	0.00	04/03/2018	Refund Permit 2017-1428 9799 Whistling V		-			No	0000
101-000-0000-32210	Building Permits										
2017-1428	03/26/2018	1.00	0.00	04/03/2018	Refund Permit 2017-1428 9799 Whistling V		-			No	0000
101-000-0000-32210	Building Permits										
	2017-1428 Total:	61.00									
	PRONTOHE Total:	61.00									
	Pronto Heating & AC Total:	61.00									
Ricci Media Group LLC.											
RITCHIET											
20180312	03/12/2018	55.00	0.00	04/03/2018	Cable Oper - Plan Comm 031218		-			No	0000
101-410-1450-43620	Cable Operations										
20180312	03/12/2018	55.00	0.00	04/03/2018	Cable Oper - CC Workshop 031318		-			No	0000
101-410-1450-43620	Cable Operations										
20180312	03/12/2018	55.00	0.00	04/03/2018	Cable Oper - Parks Comm 031918		-			No	0000
101-410-1450-43620	Cable Operations										
	20180312 Total:	165.00									
	RITCHIET Total:	165.00									
	Ricci Media Group LLC. Total:	165.00									
Safe-Fast, Inc.											
SAFEFAST											
196404	03/07/2018	29.58	0.00	04/03/2018	Gloves		-			No	0000
101-430-3100-42150	Operating Supplies										
	196404 Total:	29.58									
196654	03/14/2018	100.90	0.00	04/03/2018	Hi-vis shirts		-			No	0000
101-450-5200-44375	Personal Protection Equipment										
	196654 Total:	100.90									
	SAFEFAST Total:	130.48									
	Safe-Fast, Inc. Total:	130.48									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
Sprint											
SPRINT											
761950227-180	03/18/2018	12.36	0.00	04/03/2018	Cell Phone Svs 021818-031418		-			No	0000
101-410-1910-43210	Telephone										
761950227-180	03/18/2018	66.41	0.00	04/03/2018	Cell Phone Svs 021818-031418		-			No	0000
101-410-1940-43210	Telephone										
761950227-180	03/18/2018	222.03	0.00	04/03/2018	Cell Phone Svs 021818-031418		-			No	0000
101-420-2220-43210	Telephone										
761950227-180	03/18/2018	227.17	0.00	04/03/2018	Cell Phone Svs 021818-031418		-			No	0000
101-420-2400-43210	Telephone										
761950227-180	03/18/2018	116.32	0.00	04/03/2018	Cell Phone Svs 021818-031418		-			No	0000
101-430-3100-43210	Telephone										
761950227-180	03/18/2018	58.16	0.00	04/03/2018	Cell Phone Svs 021818-031418		-			No	0000
101-450-5200-43210	Telephone										
	761950227-180 Total:	702.45									
	SPRINT Total:	702.45									
	Sprint Total:	702.45									
SRF Consulting Group, Inc											
SRFCONSU											
08132.01-4	02/28/2018	4,549.58	0.00	04/03/2018	State Highway 36 South Frontage Road		-			No	0000
101-410-1930-43030	Engineering Services										
	08132.01-4 Total:	4,549.58									
	SRFCONSU Total:	4,549.58									
	SRF Consulting Group, Inc Total:	4,549.58									
Stillwater Towing Inc											
STILLTOW											
169944	02/25/2018	350.00	0.00	04/03/2018	Dump Truck pull-out		-			No	0000
101-430-3100-44040	Repairs/Maint Eqpt										
	169944 Total:	350.00									
	STILLTOW Total:	350.00									
	Stillwater Towing Inc Total:	350.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
T Mobile											
TMOBILE											
20180311	03/11/2018	18.30	0.00	04/03/2018	SCADA Line 021118-031018		-			No	0000
601-494-9400-43210	Telephone										
20180311	03/11/2018	18.29	0.00	04/03/2018	SCADA Line 021118-031018		-			No	0000
602-495-9450-43210	Telephone										
	20180311 Total:	36.59									
	TMOBILE Total:	36.59									
	T Mobile Total:	36.59									
T.A. Schifsky & Sons Inc											
TASCH											
62593	03/20/2018	1,020.28	0.00	04/03/2018	Cold Mix		-			No	0000
601-494-9400-42210	Repair/Maint. Supplies										
	62593 Total:	1,020.28									
	TASCH Total:	1,020.28									
	T.A. Schifsky & Sons Inc Total:	1,020.28									
TDS Metrocom - LLC											
TDS											
20180313	03/13/2018	109.14	0.00	04/03/2018	Analog Lines 031318-041218		-			No	0000
101-420-2220-43210	Telephone										
20180313	03/13/2018	204.65	0.00	04/03/2018	Analog Lines 031318-041218		-			No	0000
101-430-3100-43210	Telephone										
20180313	03/13/2018	101.76	0.00	04/03/2018	Analog Lines 031318-041218		-			No	0000
602-495-9450-43210	Telephone										
20180313	03/13/2018	50.88	0.00	04/03/2018	Analog Lines 031318-041218		-			No	0000
601-494-9400-43210	Telephone										
	20180313 Total:	466.43									
	TDS Total:	466.43									
	TDS Metrocom - LLC Total:	466.43									
Tri State Bobcat, Inc.											
TRISTATE											
A41366	03/12/2018	39.45	0.00	04/03/2018	Skid Loader parts		-			No	0000
101-430-3100-42210	Repair/Maint. Supplies										
	A41366 Total:	39.45									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
	TRISTATE Total:	39.45									
	Tri State Bobcat, Inc. Total:	39.45									
Verizon Wireless											
VERIZON											
9803344953	03/10/2018	35.01	0.00	04/03/2018	Air Card for tablet 021118-031018		-			No	0000
101-420-2220-43210	Telephone										
	9803344953 Total:	35.01									
	VERIZON Total:	35.01									
	Verizon Wireless Total:	35.01									
Washington County											
WASRADIO											
137323	03/16/2018	3,800.76	0.00	04/03/2018	2018 1st Q 800 MHz radio fee		-			No	0000
101-420-2220-43230	Radio										
	137323 Total:	3,800.76									
	WASRADIO Total:	3,800.76									
	Washington County Total:	3,800.76									
Water Conservation Svs Inc.											
WATERCON											
8396	03/20/2018	429.08	0.00	04/03/2018	Watermain break 022312 - 10997 32nd St		-			No	0000
601-494-9400-43150	Contract Services										
	8396 Total:	429.08									
	WATERCON Total:	429.08									
	Water Conservation Svs Inc. Total:	429.08									
White Anita											
Whiteani											
20180323	03/23/2018	55.00	0.00	04/03/2018	Cable Oper - CC Mtg 032018		-			No	0000
101-410-1450-43620	Cable Operations										
	20180323 Total:	55.00									
	Whiteani Total:	55.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
	White Anita Total:	55.00									
Xcel Energy											
XCEL											
585107703	03/22/2018	293.60	0.00	04/03/2018	Lift Station		-			No	0000
602-495-9450-43810	Electric Utility										
	585107703 Total:	293.60									
585160784	03/22/2018	27.68	0.00	04/03/2018	Street Lights		-			No	0000
101-430-3100-43810	Electric Utility										
	585160784 Total:	27.68									
585164436	03/22/2018	11.31	0.00	04/03/2018	Tennis Courts		-			No	0000
101-450-5200-43810	Electric Utility										
	585164436 Total:	11.31									
585164880	03/22/2018	21.43	0.00	04/03/2018	Pebble Park		-			No	0000
101-450-5200-43810	Electric Utility										
	585164880 Total:	21.43									
585169478	03/22/2018	40.23	0.00	04/03/2018	Traffic Lights		-			No	0000
101-430-3100-43810	Electric Utility										
	585169478 Total:	40.23									
585174504	03/22/2018	230.56	0.00	04/03/2018	Parks Bldg		-			No	0000
101-450-5200-43810	Electric Utility										
	585174504 Total:	230.56									
585175457	03/22/2018	16.49	0.00	04/03/2018	Lift Station		-			No	0000
602-495-9450-43810	Electric Utility										
	585175457 Total:	16.49									
585179623	03/22/2018	17.38	0.00	04/03/2018	Lift Station		-			No	0000
602-495-9450-43810	Electric Utility										
	585179623 Total:	17.38									
585181725	03/22/2018	384.13	0.00	04/03/2018	Legion Park		-			No	0000
101-450-5200-43810	Electric Utility										
	585181725 Total:	384.13									
585182940	03/22/2018	550.93	0.00	04/03/2018	Fire Station 1		-			No	0000
101-420-2220-43810	Electric Utility										
	585182940 Total:	550.93									
585188501	03/22/2018	28.56	0.00	04/03/2018	Traffic Lights		-			No	0000
101-430-3100-43810	Electric Utility										
	585188501 Total:	28.56									
585197405	03/22/2018	161.38	0.00	04/03/2018	Water Tower 2		-			No	0000
601-494-9400-43810	Electric Utility										
	585197405 Total:	161.38									
585201787	03/22/2018	12.55	0.00	04/03/2018	Speed Sign Hwy 5		-			No	0000
101-430-3100-43810	Electric Utility										
	585201787 Total:	12.55									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
585217096	03/22/2018	1,043.25	0.00	04/03/2018	Pumphouse		-			No	0000
601-494-9400-43810	Electric Utility										
	585217096 Total:	1,043.25									
585217546	03/22/2018	-54.08	0.00	04/03/2018	Pumphouse		-			No	0000
601-494-9400-43810	Electric Utility										
	585217546 Total:	-54.08									
585224611	03/22/2018	12.73	0.00	04/03/2018	Sunfish Park		-			No	0000
101-450-5200-43810	Electric Utility										
	585224611 Total:	12.73									
585226743	03/22/2018	38.08	0.00	04/03/2018	Traffic Lights		-			No	0000
101-430-3100-43810	Electric Utility										
	585226743 Total:	38.08									
585232065	03/22/2018	47.88	0.00	04/03/2018	Traffic Lights		-			No	0000
101-430-3100-43810	Electric Utility										
	585232065 Total:	47.88									
585242438	03/22/2018	61.29	0.00	04/03/2018	Traffic Lights		-			No	0000
101-430-3100-43810	Electric Utility										
	585242438 Total:	61.29									
585263501	03/22/2018	522.03	0.00	04/03/2018	Lift Station		-			No	0000
602-495-9450-43810	Electric Utility										
	585263501 Total:	522.03									
585263897	03/22/2018	398.02	0.00	04/03/2018	Water Tower 3		-			No	0000
601-494-9400-43810	Electric Utility										
	585263897 Total:	398.02									
	XCEL Total:	3,865.43									
	Xcel Energy Total:	3,865.43									
Yale Mechanical											
YALEMECH											
187352	01/04/2018	344.77	0.00	04/03/2018	Furnace repair - Parks Building		-			No	0000
101-450-5200-44010	Repairs/Maint Bldg										
	187352 Total:	344.77									
	YALEMECH Total:	344.77									
	Yale Mechanical Total:	344.77									
	Report Total:	181,989.36									

STAFF REPORT

DATE: 4/3/2018
CONSENT
ITEM #: 3

TO:	City Council
FROM:	Emily Becker, Planning Director
AGENDA ITEM:	Draft Federal Environmental Assessment/State of Minnesota Environmental Assessment Worksheet for Runway 14-32 Relocation and Associated Improvements at Lake Elmo Airport in Baytown and West Lakeland Townships, MN
REVIEWED BY:	Kristina Handt, City Administrator Jack Griffin, City Engineer

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BACKGROUND:

MAC recently completed a Long-Term Comprehensive Plan (LTCP) in 2016 for the Lake Elmo Airport, located east of Lake Elmo in Baytown and West Lakeland Townships, owned and operated by Metropolitan Airports Commission (MAC). The LTCP identified need for many improvements. As a result, the MAC is proposing the following improvements to the airport:

- Relocate Runway 14/32 by shifting 615 feet to the northeast and extend to 3,500 feet, including grading, clearing, and runway lighting.
- Extinguish existing prescriptive easement for 30th Street North and seek, as appropriate, a land release from the
- Federal Aviation Administration (FAA) to allow realignment of 30th Street North around the new Runway 32
- Runway Protection Zone (RPZ) to reconnect with the existing Neal Avenue North intersection.
- Relocate the Airport perimeter fence to reflect the new Runway 32 RPZ.
- Remove the existing north side taxiway and compass calibration pad and construct a new cross-field taxiway to serve the new Runway 14 end, including taxiway lighting and/or reflectors.
- Convert existing Runway 14/32 to a partial parallel taxiway and remove the portion of the existing parallel taxiway south of the Runway 04 threshold.
- Reconstruct Runway 4/22 and extend to 2,750 feet, including necessary lighting and taxiway connectors.
- Construct other taxiways and engine run-up pads as needed to support the relocated Runway 14/32 and

- Extended Runway 04/22, including connector taxiways and a full-length parallel taxiway on the north side of the relocated Runway 14/32, and install taxiway lighting and/or reflectors.
- Relocate the compass calibration pad adjacent to the new partial parallel taxiway (converted Runway 14/32).
- Establish non-precision GPS-based instrument approach procedures to all runway ends not already equipped.
- Provide Runway 14/32 lighting systems with the relocated runway.
- Install medium intensity runway edge lights (MIRL) on Runway 04/22, precision approach path indicators (PAPIs) on the Runway 04, 14, and 22 ends, and runway end identifier lights (REIL) on each end of Runway 04/22.
- Remove approximately 20 acres of on-Airport trees and individual off-Airport trees as necessary to clear trees
- That penetrate FAA Threshold Siting Surfaces (TSS)/Part 77 approach and transitional surfaces.
- Install obstruction lighting on fixed base operator (FBO) and hangar buildings in the United States Standard for
- Terminal Instrument Procedures (TERPS) departure surface areas beyond Runway 04, 14, and 22 ends.
- Construct an on-Airport access road connecting the north and west building areas.
- Voluntarily explore creation of Rusty Patched Bumble Bee/pollinator habitat on Airport property southwest of proposed 30th Street North realignment.

Federal financial participation in projects listed in the LTCP requires environmental review under the National Environmental Policy Act (NEPA). An environmental assessment (EA) is a document that determines and evaluates the effects of a proposed action on the surrounding natural, social, and economic environments. Additionally, an Environmental Assessment Worksheet (EAW) is mandatory under the Minnesota Environmental Policy Act (MEPA) because of the construction of a new airport runway.

The EA/EAW is prepared in accordance with the provisions procedural provisions of NEPA and MEPA, and the Federal Aviation Administration (FAA) must evaluate the EA/EAW under NEP and issue a Finding of No Significant Impact (FONSI), and a Negative Declaration on the Need for an Environmental Impact Statement (EIS) must be issued, or otherwise an EIS must be prepared.

A number of federal and state approvals are necessary in order for the project to move forth. A public hearing for the EA/EAW will be held April 4, and written statements regarding the EAW will be accepted by MAC through April 19.

ISSUE BEFORE COUNCIL:

Staff has no comment regarding the Draft Federal Environmental Assessment/State of Minnesota Environmental Assessment Worksheet for Runway 14-32 Relocation and Associated Improvements at Lake Elmo Airport in Baytown and West Lakeland Townships, MN.

PROPOSAL DETAILS/ANALYSIS:

Need. The need for the proposed improvements is based on the following deficiencies at the existing facility:
1) The existing runway and taxiway pavement is deteriorating and needs to be replaced.
2) Runway 14/32 has several incompatible land uses within its runway protection zones (RPZs), including a railroad and two public roads.
3) The existing pavement and airfield geometry, including runway lengths, aprons, taxiways, engine run-up pads, and other associated pavements, do not meet the needs of Airport users and aircraft.
4) The existing instrument approach procedures do not use the latest available navigational technology.

The proposed action should address these deficiencies by achieving the project goals and the following four supporting objectives:
1) Improve the runway and taxiway pavement condition;
2) Minimize incompatible land uses in the RPZs;
3) Meet runway length needs for users; and
4) Upgrade the instrument approach procedures.

Comment. Staff has no comments regarding the proposed improvements. In the long term, the proposed improvements will be of benefit to the city, particularly in regards to minimizing incompatible land uses in the RPZs. Aside from a small reduction of habitat for birds and wildlife, no significant climate impacts, impacts to farmlands, hazardous materials or solid waste impacts, environmental justice or disproportionate health or expected safety risks to children, significant visual effects, impacts to archaeological resources are anticipated. Construction noise would be temporary and minimized and mitigated through implementation of appropriate construction practices, and there will be contract provisions requiring noise mitigation. Mitigation practices will be made to protect relevant federal and state protected species, biological resources, and wetlands. Best management practices will be in place to manage and treat runoff and control erosion and exposed soils.

RECOMMENDATION:

Staff recommends, as part of tonight's consent agenda, that the City make no comment regarding Draft Federal Environmental Assessment (EA)/State of Minnesota Environmental Assessment Worksheet for Runway 14/32 Relocation Extension & Associated Improvements. If removed from the consent agenda, the following recommended motion may be made:

"Move to make no comment regarding the Draft Federal Environmental Assessment (EA)/State of Minnesota Environmental Assessment Worksheet for Runway 14/32 Relocation Extension & Associated Improvements."

ATTACHMENTS:

1. Draft Federal Environmental Assessment (EA)/State of Minnesota Environmental Assessment Worksheet for Runway 14/32 Relocation Extension & Associated Improvements

DRAFT FEDERAL ENVIRONMENTAL ASSESSMENT (EA) /
STATE OF MINNESOTA ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW)
FOR
RUNWAY 14/32 RELOCATION/EXTENSION & ASSOCIATED IMPROVEMENTS
at Lake Elmo Airport in Baytown & West Lakeland Townships, Minnesota
prepared by Mead & Hunt, Inc. under contract with the Metropolitan Airports Commission
February 2018

The proposed action consists of the following components:

- Relocate Runway 14/32 by shifting 615 feet to the northeast and extend to 3,500 feet, including grading, clearing, and runway lighting.
- Extinguish existing prescriptive easement for 30th Street North and seek, as appropriate, a land release from the Federal Aviation Administration (FAA) to allow realignment of 30th Street North around the new Runway 32 Runway Protection Zone (RPZ) to reconnect with the existing Neal Avenue North intersection.
- Relocate the Airport perimeter fence to reflect the new Runway 32 RPZ.
- Remove the existing north side taxiway and compass calibration pad and construct a new cross-field taxiway to serve the new Runway 14 end, including taxiway lighting and/or reflectors.
- Convert existing Runway 14/32 to a partial parallel taxiway and remove the portion of the existing parallel taxiway south of the Runway 04 threshold.
- Reconstruct Runway 4/22 and extend to 2,750 feet, including necessary lighting and taxiway connectors.
- Construct other taxiways and engine run-up pads as needed to support the relocated Runway 14/32 and extended Runway 04/22, including connector taxiways and a full-length parallel taxiway on the north side of the relocated Runway 14/32, and install taxiway lighting and/or reflectors.
- Relocate the compass calibration pad adjacent to the new partial parallel taxiway (converted Runway 14/32).
- Establish non-precision GPS-based instrument approach procedures to all runway ends not already equipped.
- Provide Runway 14/32 lighting systems with the relocated runway.
- Install medium intensity runway edge lights (MIRL) on Runway 04/22, precision approach path indicators (PAPIs) on the Runway 04, 14, and 22 ends, and runway end identifier lights (REIL) on each end of Runway 04/22.
- Remove approximately 20 acres of on-Airport trees and individual off-Airport trees as necessary to clear trees that penetrate FAA Threshold Siting Surfaces (TSS)/Part 77 approach and transitional surfaces.
- Install obstruction lighting on fixed base operator (FBO) and hangar buildings in the *United States Standard for Terminal Instrument Procedures* (TERPS) departure surface areas beyond Runway 04, 14, and 22 ends.
- Construct an on-Airport access road connecting the north and west building areas.
- Voluntarily explore creation of Rusty Patched Bumble Bee/pollinator habitat on Airport property southwest of proposed 30th Street North realignment.

_____ _____

Chad E. Leqve — Date
Director of Environment
Metropolitan Airports Commission

This becomes a Federal document when evaluated, signed, and dated by the Responsible FAA Official.

_____ _____

Joshua Fitzpatrick — Date
Environmental Protection Specialist
Federal Aviation Administration

RGU CERTIFICATION. *(The Environmental Quality Board will only accept **SIGNED** Environmental Assessment Worksheets for public notice in the EQB Monitor.)*

I hereby certify that:

- The information contained in this document is accurate and complete to the best of my knowledge.
- The EAW describes the complete project; there are no other projects, stages or components other than those described in this document, which are related to the project as connected actions or phased actions, as defined at Minnesota Rules, parts 4410.0200, subparts 9c and 60, respectively.
- Copies of this EAW are being sent to the entire EQB distribution list.

Signature _____ Date 2-21-18

Title Director - Environment

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Chapter 1
Introduction

Lake Elmo Airport (Federal Aviation Administration (FAA) identifier 21D) is located in east central Minnesota, within Washington County and approximately 20 miles east of downtown St. Paul. See **Figures 1-1** and **1-2** for graphic depictions of the Airport's location. The Airport is owned and operated by the Metropolitan Airports Commission (MAC). Current 21D facilities include two paved runways. Runway 14/32, the primary runway, is 2,849 feet long by 75 feet wide, has a gross weight bearing capacity for single wheel landing gear aircraft of 12,500 pounds or less maximum gross takeoff weight (MGTOW), and has Medium Intensity Runway Edge Lights (MIRL). Runway 04/22, the crosswind runway, is 2,496 feet long by 75 feet wide, has a gross weight bearing capacity for single wheel landing gear aircraft of 12,500 pounds or less MGTOW, and is not lighted. See **Figure 1-3** for a graphic depiction of the current airfield layout.

In addition to the runways, airside facilities at 21D consist of a taxiway system that provides access between the airfield and two landside aviation use areas on the north and west sides of the Airport. A full parallel taxiway (Taxiway "A") is located on the southwest side of Runway 14/32, and a full parallel taxiway (Taxiway "B") is located on the northwest side of Runway 04/22. Both taxiways are 30 to 40 feet wide, constructed of asphalt, and have entrance/exit taxiways connecting to the runways. There is also a north side taxiway that crosses the Runway 14 threshold to connect the two landside areas. 21D does not have an on-site Air Traffic Control Tower (ATCT) facility, and with no ATCT there are limited records that provide detailed information concerning aviation activity at the Airport. The Airport's most recent FAA Form 5010-1, *Airport Master Record*, reports 192 based aircraft, including 183 single-engine aircraft, 6 multi-engine aircraft, and 3 helicopters.

The MAC recently completed a Long-Term Comprehensive Plan (LTCP) for the Airport, which was approved by the MAC Board in September 2016. The LTCP evaluated all aspects of the Airport, including both airside and landside facilities. The LTCP concluded that Runway 14/32 needs to be relocated and extended to 3,500 feet, and that Runway 04/22 needs to be extended to 2,750 feet. The LTCP also identified the need for GPS-based non-precision instrument approach procedures serving both runways.

Federal financial participation in projects listed in the LTCP, through the Airport and Airway Improvement Act of 1982 (AIP), requires environmental review under the National Environmental Policy Act (NEPA) and FAA approval of the Airport Layout Plan elements associated with the proposed action evaluated under NEPA. An Environmental Assessment (EA) is a document that determines and evaluates the effects of a proposed action on the surrounding natural, social, and economic environments. This EA has been prepared in accordance with the requirements of Title V of Public Law 97-248 of the Airport and Airway Improvement Act of 1982, NEPA, and FAA Order 5050.4B, *National Environmental Policy Act Implementing Instructions for Airport Actions* (April 2006). The document also meets the requirements of FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, dated July 2015.

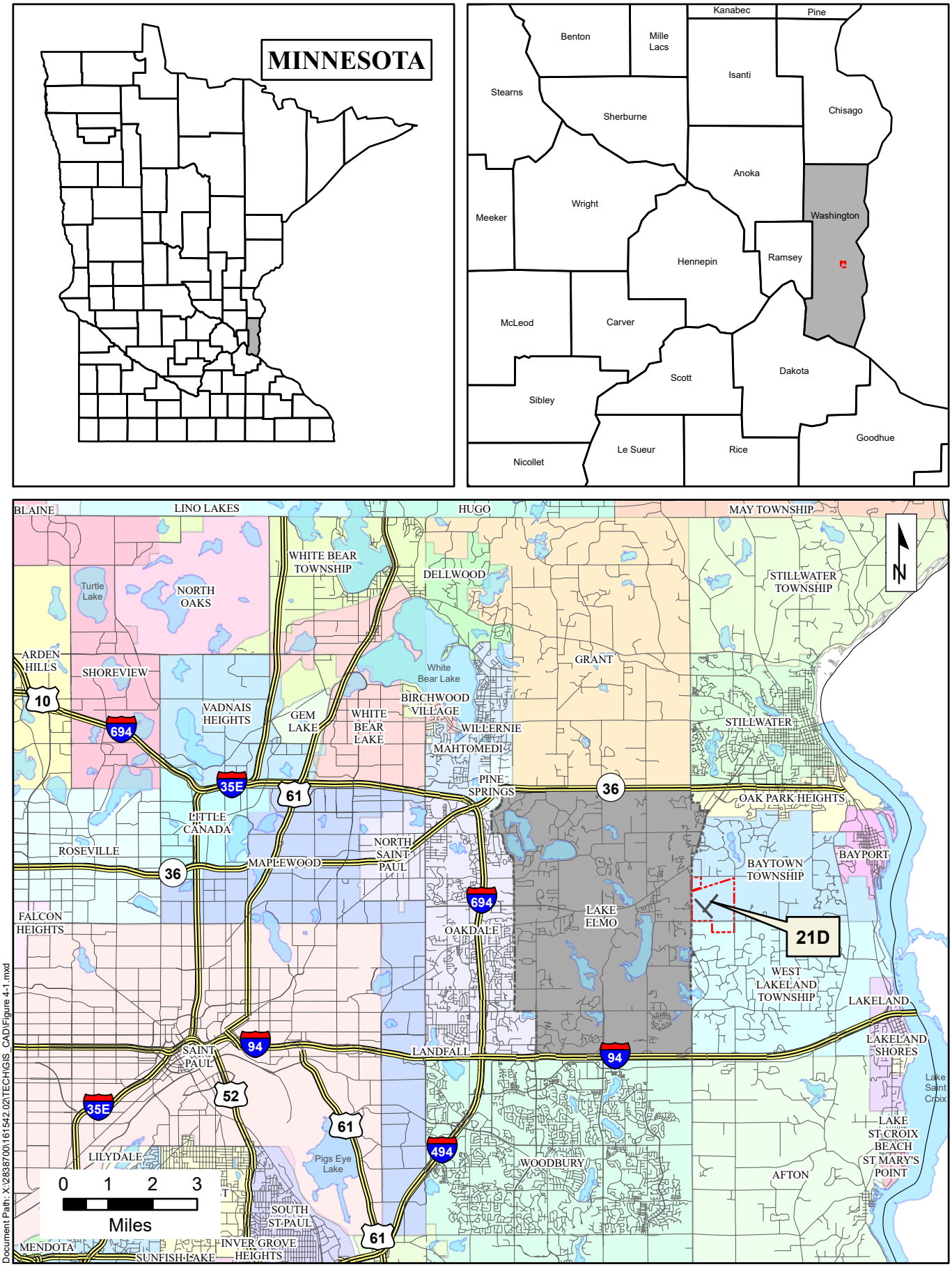


FIGURE 1-1
County Location
Lake Elmo Airport
Environmental Assessment

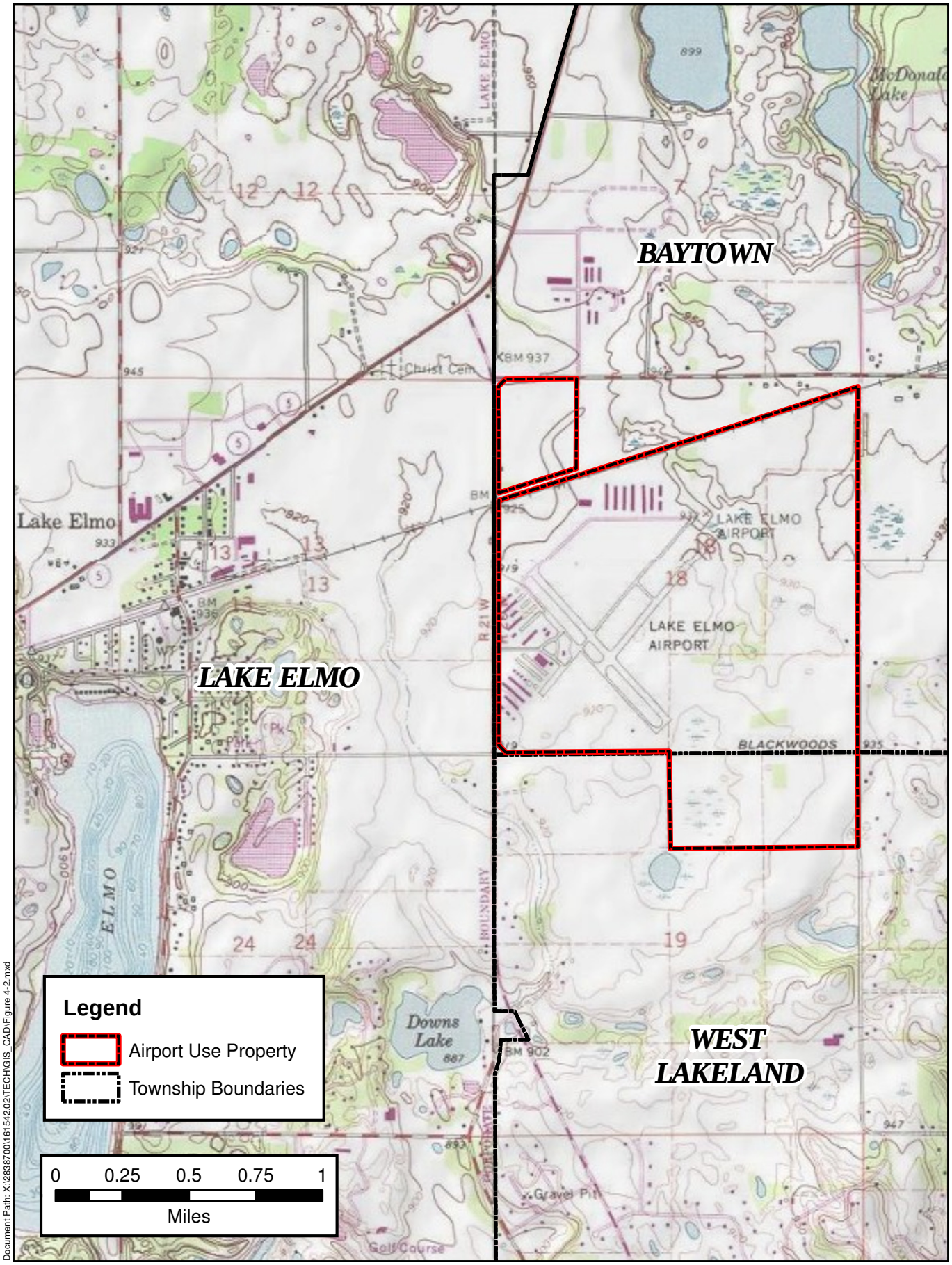
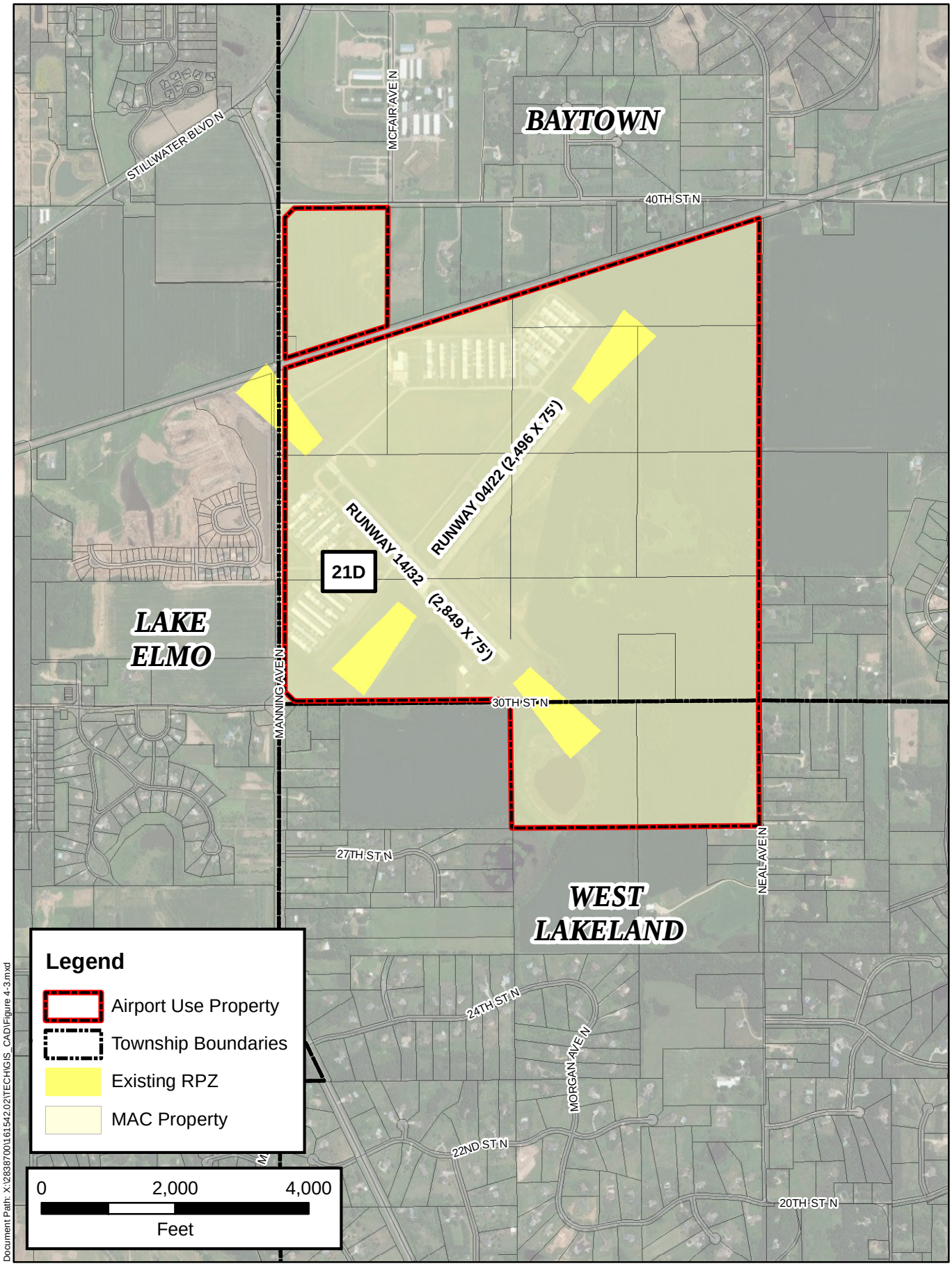


FIGURE 1-2

Topographic Map
Lake Elmo Airport
Environmental Assessment

Service Layer Credits: Copyright:© 2013 National Geographic Society, i-cubed



Washington County, MN - GIS Data Downloads at http://maps.co.washington.mn.us/arcgis/services/Public/Public_Parcels

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

FIGURE 1-3

Current Airfield
Lake Elmo Airport
Environmental Assessment

This document has also been prepared under the Minnesota Environmental Policy Act (MEPA), which requires the Minnesota Department of Transportation (MnDOT) and other state agencies to consider the environmental effects of its actions. Based on criteria contained in Minnesota Rule 4410, Subpart 21, an Environmental Assessment Worksheet (EAW) is mandatory under MEPA "for construction of a paved, new airport runway." According to Minnesota Rule 4410.1300, the MAC may circulate a federal EA in place of the EAW form, provided the EA addresses each of the environmental effects identified in the EAW form. This EA fulfills the informational requirements of the EAW and contains the Minnesota EAW content, as provided in Minnesota Rule 4410.1200. Informational requirements for each section of the EAW form are cross referenced with appropriate sections of this EA/EAW in Chapter 6.

Because this EA addresses both NEPA and MEPA, the document is hereinafter referred to as the "EA/EAW." The intent of the EA/EAW is to provide the environmental documentation necessary to assist local, state and federal officials in evaluating the proposed action at 21D. The proposed action is evaluated along with a full range of alternatives to identify a preferred alternative which meets the project purpose and need. This analysis includes identification of measures to avoid, minimize, and mitigate possible environmental impacts.

The EA/EAW is prepared in accordance with the procedural provisions of NEPA and MEPA. The FAA must evaluate this EA/EAW under NEPA and issue a Finding of No Significant Impact (FONSI), or prepare a federal Environmental Impact Statement (EIS). The MAC must evaluate this EA/EAW under MEPA and issue a Negative Declaration on the Need for an EIS or prepare a Minnesota EIS.

Several federal approvals are required before the proposed improvements at 21D are implemented. The FAA Airports Division is responsible for the approval of airport plans, administration of airport development grants, and environmental approvals under NEPA. These approval decisions include approval of an Airport Layout Plan that reflects the proposed action, as well as environmental concurrence to support issuance of federal grant-in-aid funds to the MAC for eligible airport development projects. Similarly, several state approvals are required before the proposed improvements at 21D are implemented. A list of all federal and state approvals necessary for the proposed project is found in Chapter 5, Table 5-6 of this EA/EAW.

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2.1 Purpose

The purpose of the proposed action at Lake Elmo Airport (Federal Aviation Administration (FAA) identifier 21D, or "the Airport") is to pursue the following three general infrastructure goals:

1) Address failing, end-of-life infrastructure;
2) Enhance safety for Airport users and neighbors; and
3) Improve facilities for the family of aircraft using the Airport.

2.2 Need

The need for the proposed action is based on the following four deficiencies at the existing facility:

1) The existing runway and taxiway pavement is deteriorating and needs to be replaced.
2) Runway 14/32 has several incompatible land uses within its runway protection zones (RPZs), including a railroad and two public roads.
3) The existing pavement and airfield geometry, including runway lengths, aprons, taxiways, engine run-up pads, and other associated pavements, do not meet the needs of Airport users and aircraft.
4) The existing instrument approach procedures do not use the latest available navigational technology.

The proposed action should address these deficiencies by achieving the project goals and the following four supporting objectives, as defined in the following subsections:

1) Improve the runway and taxiway pavement condition;
2) Minimize incompatible land uses in the RPZs;
3) Meet runway length needs for users; and
4) Upgrade the instrument approach procedures.

2.2.1 Improve the Runway and Taxiway Pavement Condition

Lake Elmo Airport's primary runway (Runway 14/32) was originally paved in 1951 and its crosswind runway (Runway 04/22) was originally paved in 1967. Since the original construction, the runway pavement has been maintained, repaired, and rehabilitated as needed but has never been fully reconstructed. A pavement evaluation completed for the Airport in 2016 assigned average pavement condition index (PCI) ratings between 41 and 60 for both runways, and PCI ratings ranging from 21 to 60 for several taxiways. The PCI indicates the condition of an airport pavement on a scale ranging from zero to 100 based on visual inspection, with zero representing pavements that are not usable because of advanced deterioration and 100 representing pavements in excellent condition.

The standard PCI rating scale identified by FAA guidance is summarized in **Table 2.1**. The 2016 Airport PCI map is shown in **Figure 2.1**. The subgrade material for both runways, as well as associated parallel and connector taxiways, has been compromised over time. In addition, the freeze-thaw movements of the pavement in the spring and fall are causing a growing safety risk for Airport users and maintenance personnel, as cracks shift up and down, creating edges that can catch a snowplow blade. Once pavement reaches fair condition, pavement deterioration begins to accelerate and pieces of loose aggregate often become present in the airport operating environment. Loose aggregate can cause aircraft damage and personal injury by cutting aircraft tires, being ingested by aircraft engines, lodging in mechanisms affecting airport operations, or being thrown by aircraft propellers and engines. Once the PCI falls below 40, reconstruction is imminent. As such, in this case the proposed action should include replacing the pavement for both runways, as well as their associated parallel and connector taxiways, to facilitate continued use of the runways throughout a 20-year design life. In pavement design, the term "design life" typically refers to the period that the pavement is able to provide an acceptable level of service. The FAA standard for airfield pavement design life is 20 years.

Table 2.1. Standard Pavement Condition Index (PCI) Rating Scale

PCI Rating	Condition
0-10	Failed
11-25	Serious
26-40	Very Poor
41-55	Poor
56-70	Fair
71-85	Satisfactory
86-100	Good

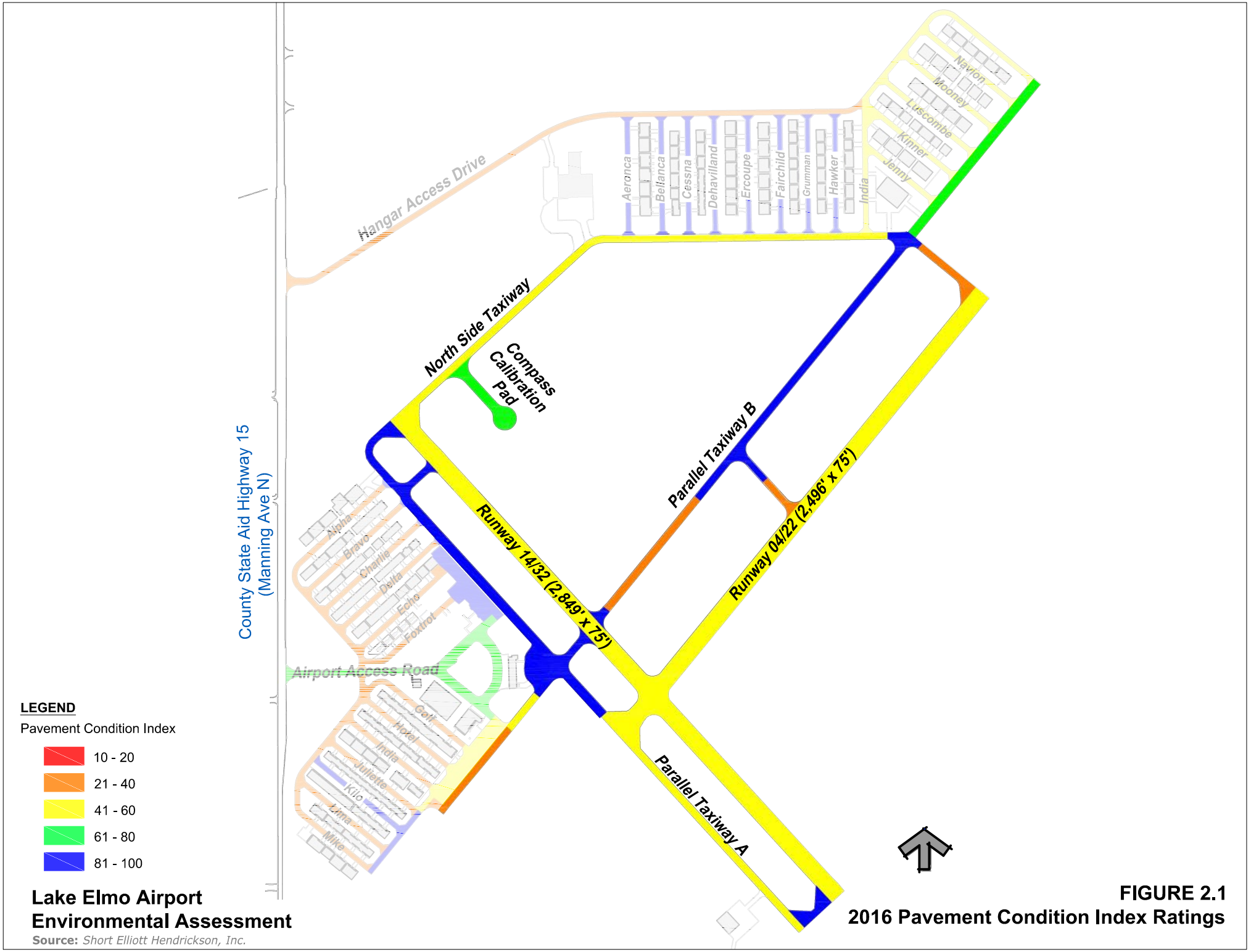
Source: FAA Advisory Circular 150/5380-7B, Airport Pavement Management Program

2.2.2 Minimize Incompatible Land Uses in the RPZs

Runway protection zones (RPZs) are trapezoidal areas prior to the runway threshold or beyond the runway end, the purpose of which is to enhance the safety and protection of people and property on the ground. In September 2012, the FAA issued new guidance regarding land uses within an RPZ. This new guidance states that coordination with the regional and national FAA offices is required when specific incompatible land uses would enter the limits of an RPZ because of:

- An airfield project (e.g. runway extension, runway shift);
- A change in the critical design aircraft that increases the RPZ dimensions;
- A new or revised instrument approach procedure that increases the RPZ dimensions; or
- A local development proposal in the RPZ (either new or reconfigured).

Coordination with FAA is required for new or modified land uses in an RPZ, which must be formally accepted by FAA prior to development. The purpose of this coordination is to minimize risk associated with location of incompatible land uses within the RPZ. Land uses requiring FAA coordination include transportation facilities such as railroads, public roads, and highways, buildings and structures, recreational land uses, fuel storage facilities, hazardous materials storage, wastewater treatment facilities, and aboveground utility infrastructure. As described in FAA's September 2012 policy memorandum, "although the FAA recognizes that in certain situations the airport sponsor may not fully control land within the RPZ, the FAA expects airport sponsors to take all possible measures to protect against and remove or mitigate incompatible land uses."



Lake Elmo Airport
Environmental Assessment

Source: *Short Elliott Hendrickson, Inc.*

FIGURE 2.1
2016 Pavement Condition Index Ratings

Lake Elmo Airport is bordered by the Union Pacific Railroad to the north, County State Aid Highway (CSAH) 15 (Manning Avenue North) to the west, and 30th Street North to the south, all of which enter the Runway 14/32 RPZs as shown on **Figure 2.2**. A recent safety improvement study completed by Washington County has identified the need to expand CSAH 15 from two lanes to four lanes, which would require FAA approval if it were to occur within the RPZ. There is also private property in the Runway 14 RPZ west of CSAH 15. Because the MAC does not control this property by either fee simple ownership or easement, there is potential for RPZ incompatibility should development be proposed on this property. The proposed action should remove or mitigate existing incompatible uses in the RPZs, and prevent future incompatible uses from entering the RPZs.

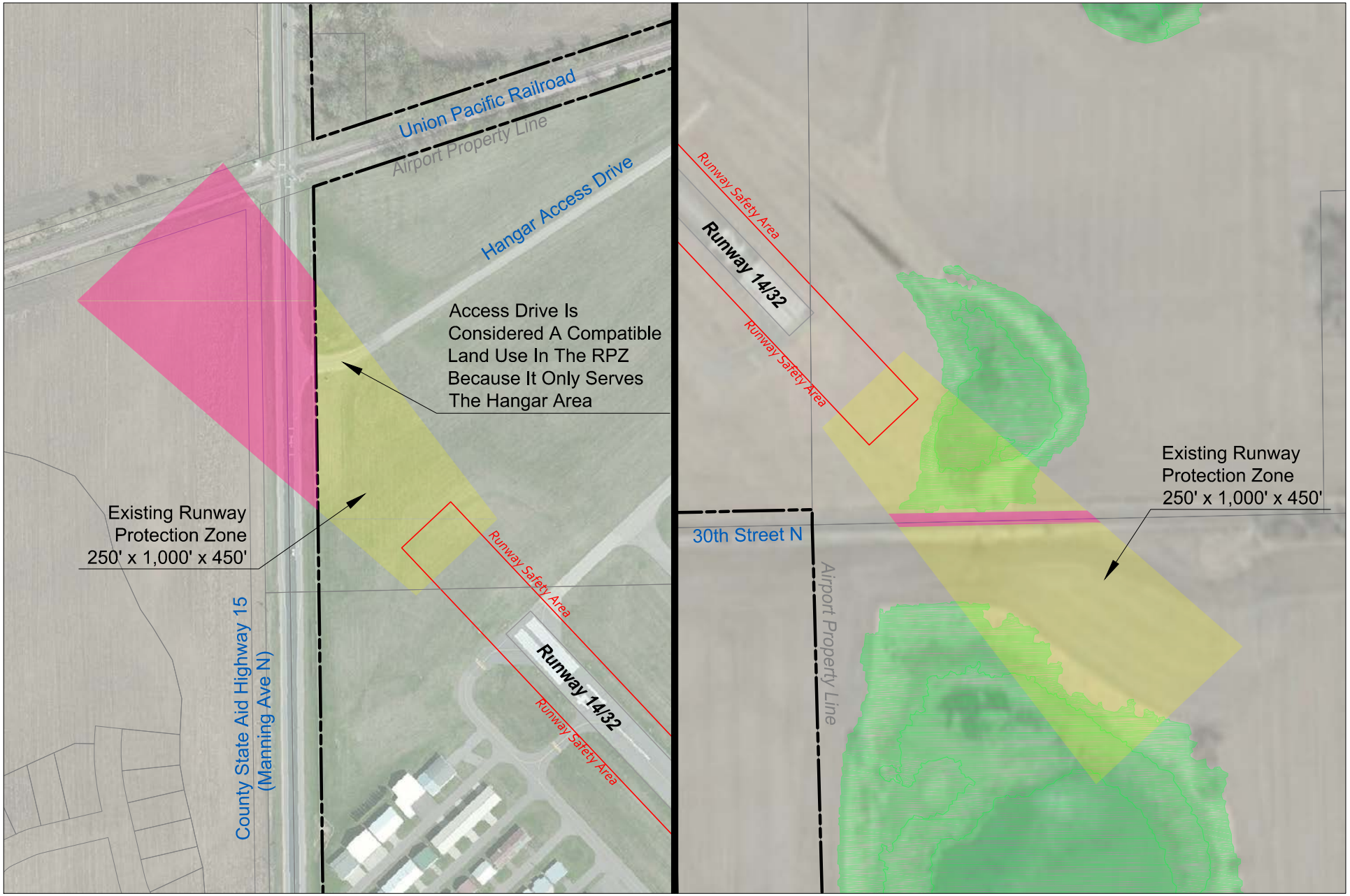
2.2.3 Meet Runway Length Needs for Aircraft Users

Runway 14/32 is currently 2,849 feet long, and Runway 04/22 is currently 2,496 feet long. These lengths do not meet Airport user needs associated with the critical aircraft for each runway. Runway length at a specific airport is defined based on the performance requirements of its critical aircraft types. Aircraft performance requirements vary based on weather conditions, flight origin or destination, and desired fuel, passenger, and cargo loads. The "critical aircraft" with respect to runway length is defined by FAA Advisory Circular (AC) 150/5000-17, *Critical Aircraft and Regular Use Determination*, as "the single aircraft, or grouping of aircraft with similar operational requirements, that have the longest runway length requirement that makes regular use of the runway."

According to FAA AC 150/5325-4B, *Runway Length Recommendations for Airport Design*, Section 103, "the design objective for the main primary runway is to provide a runway length for all airplanes that will regularly use it without causing operational weight restrictions." Section 104 of the AC states that crosswind runway lengths at general aviation airports such as 21D should be determined based on the "lower crosswind capable airplanes using the primary runway."

Primary Runway Length

The operational fleet at Lake Elmo Airport consists of propeller-driven aircraft that weigh less than 12,500 pounds and have fewer than 10 passenger seats. FAA AC 150/5325-4B states that the length of primary runways intended for aircraft weighing less than 12,500 pounds should be designed based on a family grouping of small airplanes. The critical aircraft for determining runway length is "the listing of airplanes (or a single airplane) that results in the longest recommended runway length." The family of aircraft used to determine the appropriate primary runway length at 21D includes the turboprop and multi-engine piston aircraft types listed in **Table 2.2** on Page 2-6, which represent the more demanding aircraft within the operational fleet. A detailed runway length analysis was completed for this family of airplanes and is found in **Appendix A**.



Lake Elmo Airport
Environmental Assessment

FIGURE 2.2
Existing RPZ Incompatible Land Uses

Table 2.2. Primary Runway Critical Aircraft					
Aircraft Model	**Engine Type**	**Maximum Takeoff Weight (pounds)**	**Operating Empty Weight (pounds)**	**Maximum Useful Load (pounds)**	**Passenger Seat Range**
Beechcraft King Air 200	Multi - Turboprop	12,500	8,750	3,750	7 to 9
Pilatus PC-12	Single - Turboprop	9,921	5,468	4,453	7 to 9
Cessna 421C	Multi - Piston	7,450	4,501	2,949	6 to 8
Socata TBM 700	Single - Turboprop	7,394	6,032	1,362	4 to 6
Piper PA 31P-350 Chieftain	Multi - Piston	7,000	4,319	2,681	5 to 7
Cessna 414A	Multi - Piston	6,750	4,365	2,385	6 to 8
Cessna 340	Multi - Piston	6,000	3,921	2,079	4 to 5
Cessna 310R	Multi - Piston	5,500	3,260	2,240	5 to 6
Beechcraft Baron G58	Multi - Piston	5,500	4,030	1,470	4 to 6
Piper PA-30 Twin Comanche	Multi - Piston	3,600	2,160	1,440	4 to 6

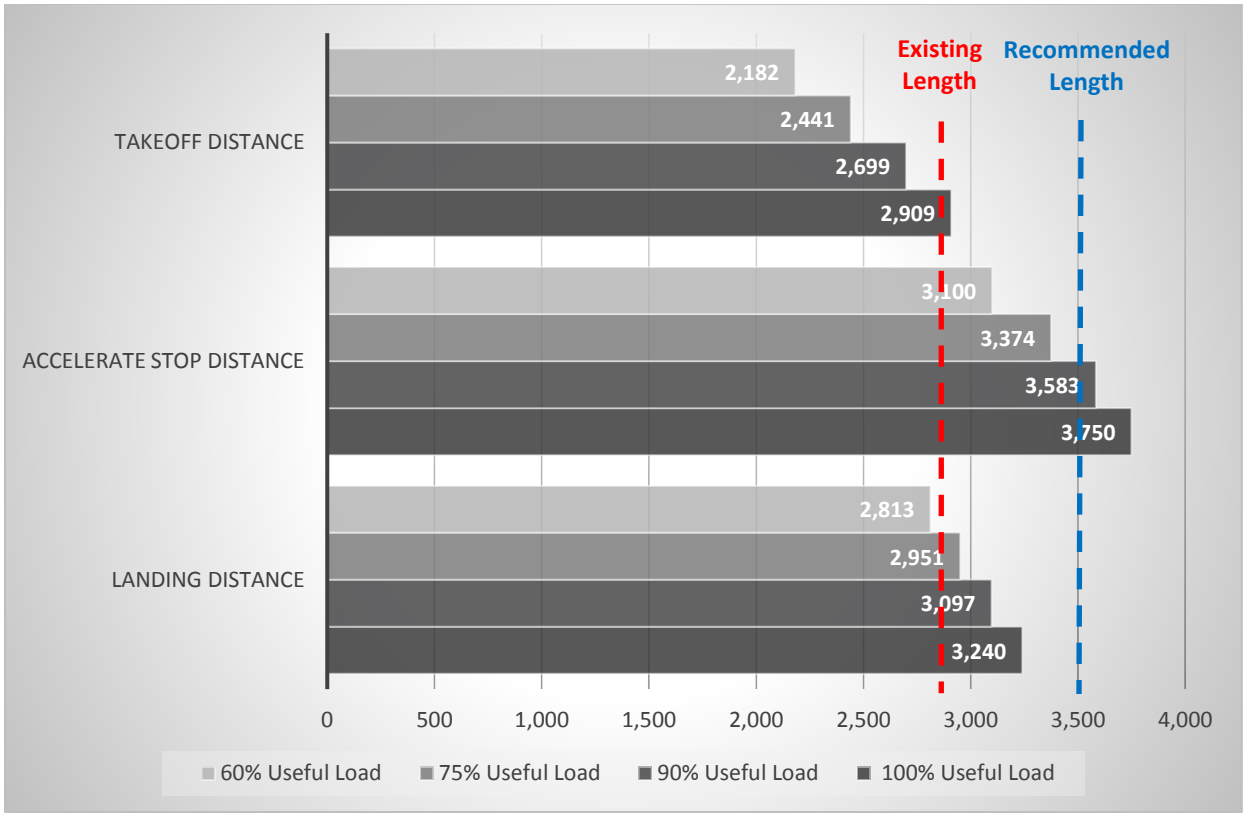
Sources: Aircraft Manufacturers

The primary runway length analysis considered critical aircraft needs for three operational scenarios:

1) *takeoff distance*, which represents the length required for an airplane to accelerate from a stopped position past lift off to start of takeoff climb;
2) *accelerate stop distance*, which represents the length required for an airplane to accelerate to a specified velocity and then decelerate to a stop (also known as aborted takeoff distance); and
3) *landing distance*, which represents the distance from the threshold required for an airplane to complete the approach, touchdown, and decelerate to a stop.

These distances were calculated for all primary runway critical aircraft types listed in **Table 2.2** based on the actual 21D airport elevation, typical summer month average high temperatures, and still air conditions. Landing distance calculations were also adjusted to account for reduced braking action associated with wet and slippery pavement conditions, as well as to allow landing within 70 percent of the available runway length. Each distance was determined for various useful loads (consisting of passengers, cargo, and fuel) ranging from 60 to 100 percent. The average operational distances for the primary runway critical aircraft types are summarized in **Chart 2.1** on Page 2-7. The length of the existing primary runway at Lake Elmo Airport is 2,849 feet. Based on the distances shown in this chart, the proposed action should provide a primary runway length of 3,500 feet to allow a measure of safety for aborted takeoff operations at Lake Elmo Airport, as well as a measure of safety for landing operations when the runway is wet and slippery.

Chart 2.1: Average Required Lengths for Primary Runway Critical Aircraft at 21D (in feet)



Source: Aircraft Manufacturers, Mead & Hunt

Crosswind Runway Length

The family of aircraft used to determine the appropriate crosswind runway length at 21D includes the single-engine piston aircraft types listed in **Table 2.3** on Page 2-8, which represent the lower crosswind capable airplanes using the primary runway. Small aircraft are particularly vulnerable to crosswind hazards, especially when taking off and landing, because of their lighter weight and slower speeds. The crosswind runway length analysis only considered takeoff distance at maximum takeoff weight, given the relatively lightweight nature of the aircraft and longer distances required for takeoff when compared to landing. These distances are listed for each aircraft in **Table 2.3**. The length of the existing crosswind runway at Lake Elmo Airport is 2,469 feet. Based on the recommended takeoff lengths for the smaller and lighter aircraft types identified in **Table 2.3**, an extended runway length of 2,750 feet would more adequately accommodate crosswind operations at Lake Elmo Airport.

Table 2-3. Crosswind Runway Critical Aircraft		
Aircraft Model	**Maximum Takeoff Weight (pounds)**	**Takeoff Distance Requirements[1] (feet)**
Piper PA-34 Seneca	4,570	3,000
Piper PA-46 Malibu	4,340	2,800
Lancair IV	3,850	2,800
Piper PA-30 Twin Comanche	3,600	3,600
Cirrus SR22	3,600	3,300
Beechcraft Bonanza 33	3,400	2,750
Mooney M20TN	3,368	2,450
Piper PA-28 Cherokee	2,550	2,300
Cessna 172	2,300	1,750

[1] Takeoff Length based on: Airport Elevation of 932 MSL, 30° Celsius, 10 knot headwind

Source: Aircraft Manufacturers, Mead & Hunt

2.2.4 Upgrade the Instrument Approach Procedures

Satellite-based global positioning system (GPS) technology has improved to the point where it provides instrument approach performance comparable to ground-based, on-airport electronic navigational aids, without changing geometric airport design or lighting requirements. The south end of the primary runway at Lake Elmo Airport (Runway 32) currently supports a GPS-based instrument approach procedure. However, there are no GPS-based approaches to any of the other three runway ends at the Airport. The proposed action should establish GPS-based instrument approach procedures to the Runway 14, 04, and 22 ends. This would allow safer aviation access to the Airport, especially during inclement weather, and would position the Airport to better serve its users in the future.

To maximize the effectiveness of these procedures, medium intensity runway edge lights (MIRL) should be installed on Runway 04/22; precision approach path indicators (PAPI) should be installed on the Runway 04, 14, and 22 ends; and runway end identifier lights (REIL) should be installed at each end of Runway 04/22. The REIL systems would provide effective identification of the runway end for pilots approaching the Airport; the PAPI systems would provide visual approach slope information to help pilots maintain a stabilized approach along the prescribed glide path; and the MIRL systems would outline the edges of the runways in periods of darkness or under restricted visibility conditions.

The proposed action will also remove any trees that penetrate the FAA Threshold Siting Surfaces (TSS)/Part 77 approach and transitional surfaces for each runway end. Removing these trees is designed to reduce potential visibility and cloud ceiling minimums for the new instrument approach procedures, thereby increasing their availability during inclement weather.

FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions,* provides specific direction on the consideration of alternatives in an EA under NEPA. The alternatives chapter of an EA is based on the purpose and need statement; compares the no action, the proposed action, and reasonable alternatives (if any); and identifies each reasonable alternative's expected environmental effects. This chapter compares a range of alternatives and evaluates them based on operational, environmental, and implementation feasibility factors. The result of the evaluation is the selection of a preferred alternative for further evaluation of environmental impacts. The alternatives are presented and analyzed in the following sections:

- Process for Identifying Alternatives, Section 3.1;
- Range of Alternatives Considered, Section 3.2;
- Evaluation of Primary Runway Alternatives, Section 3.3; and
- Preferred Alternatives / Proposed Action, Section 3.4.

MEPA does not require that an EAW consider alternatives.

3.1 Process for Identifying Alternatives

In 2016, the MAC adopted a Long Term Comprehensive Plan (LTCP) for Lake Elmo Airport. The LTCP identified future facility needs for the 20-year planning period between the years 2015 and 2035, and included an extensive analysis of alternatives for achieving the same objectives described in Chapter 2 of this EA/EAW. A Draft 2035 LTCP was issued for public review and comment on June 22, 2015, which identified a preferred alternative for meeting these objectives. The MAC held two public information meetings in July 2015 to provide information about the draft plan to interested citizens. The initial public comment period closed on September 16, 2015, after being extended to provide additional time for community input.

In response to community input, the MAC developed a refined preferred alternative. An Addendum to the Draft 2035 LTCP was prepared to describe the features of and rationale behind the development of the refined preferred alternative. The MAC issued this Addendum for public review and comment on January 25, 2016. The MAC held a supplemental public information meeting in February 2016 to provide additional information to interested citizens about the refined development concept. The second public comment period closed on March 9, 2016, and the Final LTCP was adopted by the MAC Board in September 2016.

The LTCP process is a planning process. It is not an environmental review process and does not satisfy the requirements of NEPA or MEPA. As a result, when the MAC decided in early 2017 to move forward with upgrades at the Lake Elmo Airport, the MAC commenced an environmental review process under NEPA and MEPA.

At the outset of the NEPA and MEPA process in early 2017, the MAC decided to take a fresh look at the Final LTCP preferred alternative and generate supplemental alternatives, as appropriate, for inclusion in this EA/EAW. The purpose of this supplemental planning effort was to: 1) respond to public comments received during the second LTCP public comment period; 2) confirm the range of alternatives developed for the LTCP is adequate for compliance with NEPA and MEPA; and 3) identify any refinements to the project concept that may reduce environmental impacts when compared to the Final LTCP preferred alternative.

3.2 Range of Alternatives Considered

This section summarizes the range of alternatives considered by this EA/ EAW, which resulted from the recently completed LTCP and supplemental planning processes described in Section 3.1. FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, states that each alternative considered "must meet basic criteria for any alternative: it must be reasonable, feasible, and achieve the project purpose." For this EA/ EAW, the range of alternatives is limited by the following criteria:

1) **Avoid or Minimize Changes to Airport Use and Aircraft Flight Patterns.** Alternatives that would substantially change airport use or aircraft flight patterns are not considered reasonable or feasible by this EA/ EAW.
2) **Maintain Runway 14/32 and 04/22 Orientations.** Re-orienting either of the runways would substantially increase the cost of the project because much of the existing airport infrastructure would need to be reconstructed along the new orientations. Therefore, alternatives that would re-orient either runway are not considered reasonable or feasible by this EA/ EAW.
3) **Avoid or Minimize Land Acquisition.** Because alternatives exist that would meet the purpose and need without requiring land acquisition, alternatives that would require land acquisition are not considered reasonable or feasible by this EA/EAW.

The range of alternatives considered by this EA/EAW include the following:

- No-Action Alternative
- Off-Site Alternatives
- Primary Runway Alternatives
- 30th Street North Alternatives
- Crosswind Runway Alternatives
- Instrument Approach Alternatives

3.2.1 No-Action Alternative

The no-action alternative represents what would occur if the MAC were to maintain the existing airfield configuration and runway lengths at Lake Elmo Airport, including reconstruction of the existing runway and taxiway pavements, to maintain safety and operational capacity. This alternative was eliminated from further consideration because it: 1) does not meet the runway length needs of Airport users: and 2) does not address existing incompatible land uses in both runway protection zones (RPZs) for Runway 14/32. This alternative is not recommended by this EA/EAW because it would not meet the purpose and need. However, as the CEQ regulations require, this alternative will be carried forward for comparison with the other alternatives. The no-action alternative is studied in more detail under Section 3.3.2 of this EA/EAW.

3.2.2 Off-Site Alternatives

Relocate Airport. It is considered impractical to find a suitable site in the northeastern part of the metro area that would accommodate the based and transient general aviation users of Lake Elmo Airport. The site would have to be in a rural area (such as the current site when it was acquired in 1949) with the ability to control existing and future land use around the Airport and maintain compatibility with Airport operations. The Airport currently comprises approximately 640 acres of land. The development of a new site to replace the Airport's size and function would likely require substantial impacts to one or more environmental resources such as wetlands, woodlands, surface waters, natural areas, farmlands, public parks, and existing urban infrastructure. Relocating the Airport may also result in incompatible land uses when considering FAA and MnDOT design standards and zoning criteria. Closing the Airport would mean abandoning substantial public and private investment in the Airport site and burden existing tenants by forcing them to relocate to the new airport. Furthermore, because of land acquisition and other costs associated with construction of a new airport, this alternative is not practicable or feasible. For these reasons, this alternative was not considered further.

Utilize Alternate Existing Airports. Under Minnesota Statutes 473.602, the MAC is invested with a legislative mandate to "promote the public welfare and national security; serve public interest, convenience, and necessity; promote air navigation and transportation, international, national, state, and local, in and through this state; promote the efficient, safe, and economical handling of air commerce; assure the inclusion of this state in national and international programs of air transportation; and to those ends to develop the full potentialities of the metropolitan area in this state as an aviation center, and to correlate that area with all aviation facilities in the entire state so as to provide for the most economical and effective use of aeronautic facilities and service in that area." In addition, under Minnesota Statutes 473.608, subd. 27, the MAC must "develop and implement a plan to divert the maximum feasible number of general aviation operations from Minneapolis-St. Paul International Airport to those airports designated by the federal aviation administration as reliever airports for Minneapolis-St. Paul International Airport."

Lake Elmo Airport is an important part of the MAC's general aviation reliever airports system and serves a vital function in helping MAC fulfill its legislative mandates. It is designated by FAA as a reliever airport for MSP and is one of six MAC system general aviation reliever airports in the Twin Cities metropolitan area. The six relievers include St. Paul Downtown (STP), Anoka County-Blaine (ANE), Flying Cloud (FCM), Crystal (MIC), Airlake (LVN), and Lake Elmo (21D). The purpose of these airports is to relieve congestion at Minneapolis-St. Paul International Airport (MSP) by providing infrastructure to accommodate the region's general aviation needs. To preserve capacity at MSP, it is vital that corporate aviation services be provided at the key relievers (STP, ANE, and FCM). The remaining reliever airports (MIC, LVN, and 21D) complement the key relievers by accommodating personal, recreational, and some business aviation users within a specific service area. Lake Elmo Airport is intended for use primarily by small propeller-driven aircraft. It is the only reliever airport in Washington County, providing the sole direct air connection to the northeast suburbs and outlying areas of the Twin Cities. Use of other reliever airports in lieu of improving Lake Elmo Airport would not address the needs of the metropolitan airport system and would detract from each airport's ability to serve its intended users and area.

The reliever airports were originally located to accommodate based and transient general aviation users in each airport's service area. FAA Order 5090.3C, *Field Formulation of the National Plan of Integrated Airport Systems (NPIAS)*, states that an airport should be included in the NPIAS if it is more than a 20-mile driving distance, or 30-minute drive time, from the nearest existing or proposed NPIAS airport. The approximate drive distances and times from Lake Elmo Airport to the other six MAC system airports, as well as South St. Paul-Fleming Field (SGS), Forest Lake Airport (25D), and New Richmond Regional Airport (RNH), are listed in **Table 3-1** and shown in **Figure 3-1**. The drive times shown are based on typical current conditions and do not consider future increases in traffic or congestion levels. As shown in the table and figure, peak traffic drive times from Lake Elmo Airport to all nine airports are 30 minutes or greater. Based on this metric, Lake Elmo Airport not only serves a specific function as a reliever airport in MAC's system of airports but also serves a specific geographic area that cannot be adequately served by another existing airport.

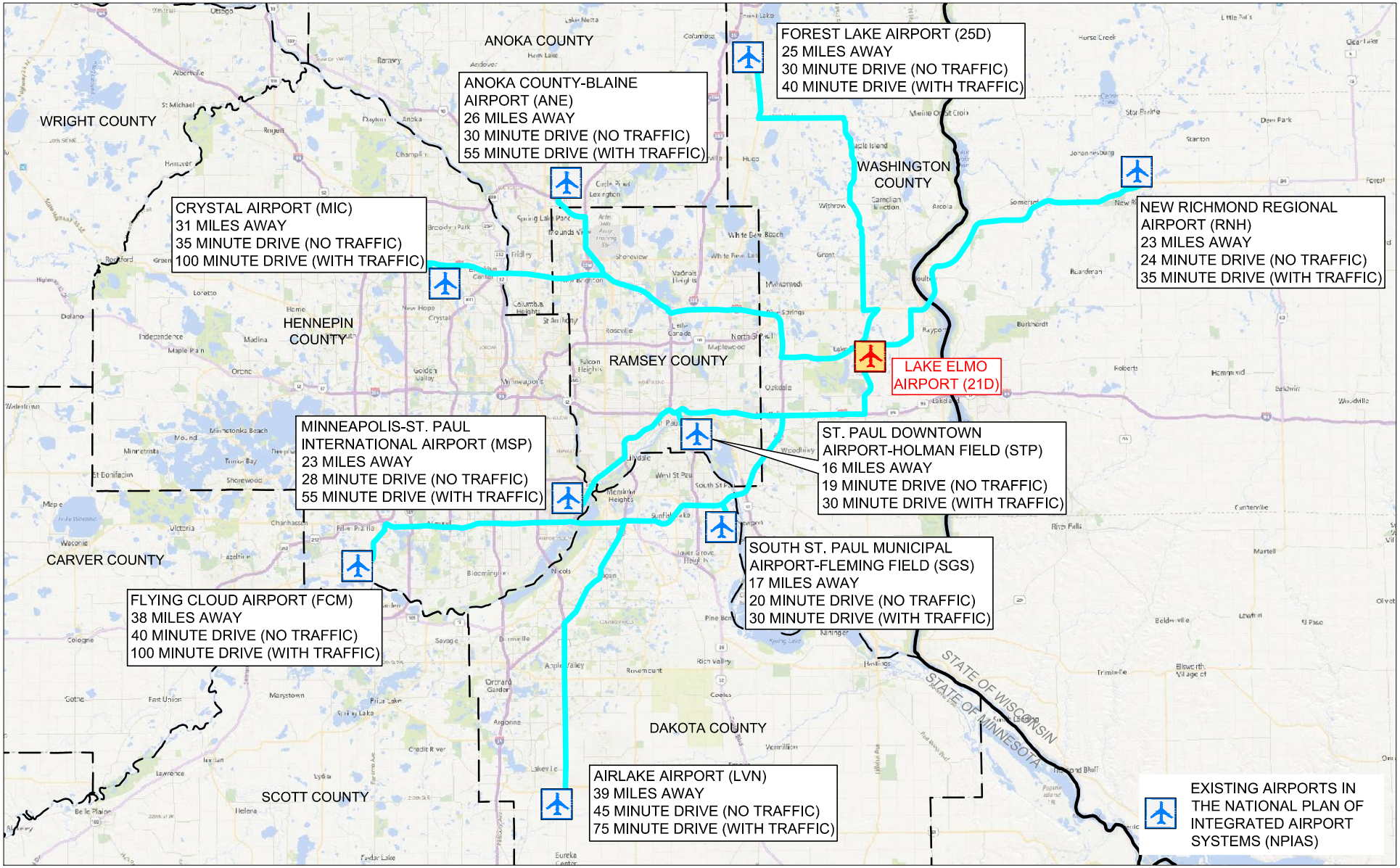
Table 3-1: Drive Distances and Times from Lake Elmo Airport to Other Airports

Airport	Drive Distance	Drive Time	
		No Traffic	With Traffic
St. Paul Downtown (STP)	16 miles	19 minutes	30 minutes
South St. Paul (SGS)	17 miles	20 minutes	30 minutes
New Richmond Regional (RNH)	23 miles	24 minutes	35 minutes
Minneapolis-St. Paul International (MSP)	23 miles	28 minutes	55 minutes
Forest Lake (25D)	25 miles	30 minutes	40 minutes
Anoka County-Blaine (ANE)	26 miles	30 minutes	55 minutes
Crystal (MIC)	31 miles	35 minutes	100 minutes
Flying Cloud (FCM)	38 miles	40 minutes	100 minutes
Airlake (LVN)	39 miles	45 minutes	75 minutes

Source: Google. Note: Drive time scenarios reflect the shortest (no traffic) and longest (with traffic) travel times associated with either morning rush (7am-9am) or evening rush (3pm-6pm) traffic periods for a typical business day, using the departure time and date function.

As noted above, the FAA designates Lake Elmo Airport as a Reliever Airport for MSP, which is defined under 49 U.S. Code §47102 as "an airport the Secretary designates to relieve congestion at a commercial service airport and to provide more general aviation access to the overall community." The FAA further designates Lake Elmo Airport as a Regional General Aviation Airport, which is defined by the 2012 FAA ASSET study as an airport that "supports regional economies by connecting communities to statewide and interstate markets." Therefore, Lake Elmo Airport plays important roles within the FAA airport system that cannot be substituted by another airport in the region.

The distances to other airports, the nature of the separate airport functions, and the service areas for each airport limit the feasibility of using one of the airports to off-set the services provided by another. In addition, use of alternate existing airports in lieu of improving Lake Elmo Airport would not meet the project purpose, because it would not: 1) address failing, end-of-life infrastructure; 2) enhance safety for Airport users and neighbors; or 3) improve facilities for the family of aircraft using the Airport. Use of alternate airports would not meet or reduce the needs of based and transient Lake Elmo Airport users. For these reasons, this alternative was not considered further.



Map Source: © 2017 Microsoft - Bing
Distance and Drive Time Source: © 2017 Google

Lake Elmo Airport
Environmental Assessment

FIGURE 3-1
Alternate Airports

3.2.3 Primary Runway Alternatives

This section provides an overview of the primary runway alternatives screened by the LTCP and supplemental alternatives generated at the outset of the NEPA/MEPA process. Each alternative is then evaluated based on a set of screening criteria to determine which alternatives should be discarded and which should be analyzed further.

Draft LTCP Alternatives

The primary runway alternatives from the Draft LTCP are shown in **Figure 3-2** and summarized below.

Primary Runway Alternative A: Extend Runway 04/22 to 3,200 feet

Alternative A considered re-designating Runway 04/22 as the primary runway and Runway 14/32 as the crosswind runway, given there are fewer obstacles to extending Runway 04/22. This alternative would extend Runway 04/22 by 704 feet to the northeast, increasing the runway length from 2,496 to 3,200 feet. Runway 14/32 would be maintained at its existing length and configuration. This was identified as the preferred alternative by the previous LTCP adopted in 2008. This alternative was eliminated from further consideration because it 1) does not meet the runway length needs of Airport users, 2) does not address existing incompatible land uses in both Runway 14/32 RPZs, and 3) does not provide optimal wind coverage on the longer (primary) runway.

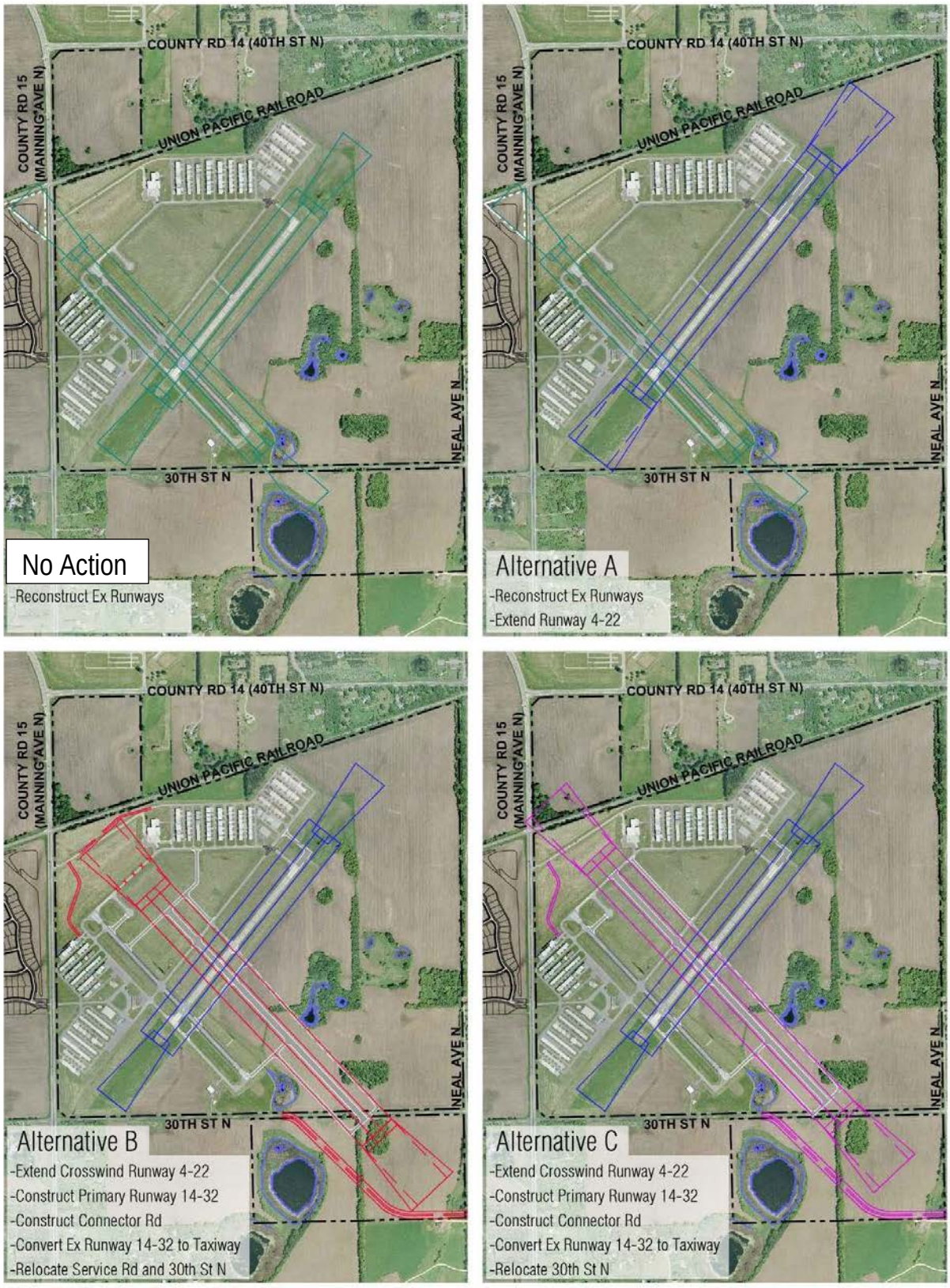
Primary Runway Alternative B: Relocate Runway 14/32 by 700 feet and Extend to 3,600 feet

Alternative B would relocate Runway 14/32 by 700 feet to the northeast and extend the runway by 751 feet to the southeast, increasing the runway length from 2,849 to 3,600 feet. Runway 4/22 would also be extended 254 feet to the northeast for an overall length of 2,750 feet. This was identified as the preferred alternative in the Draft LTCP. Based on public comments received in response to the Draft LTCP, a modified version of this alternative was developed and recommended as described under the Final LTCP Preferred Alternative B1 section below. This alternative is studied in more detail under Section 3.3.3 of this EA/EAW.

Primary Runway Alternative C: Relocate Runway 14/32 by 700 feet and Extend to 3,900 feet

Alternative C would relocate Runway 14/32 by 700 feet to the northeast and extend the runway to 3,900 feet by placing the Runway 14 end at the existing north side taxiway. This represents the “legacy” alternative that has been shown on Lake Elmo Airport Layout Plans for several decades. Like Alternative B, Runway 4/22 would be extended 254 feet to the northeast for an overall length of 2,750 feet. This alternative was eliminated from further consideration because 1) it extends the runway beyond the length recommended in the facility requirements analysis for the fleet at Lake Elmo Airport, and 2) it does not address existing incompatible land uses in the Runway 14 RPZ.

Figure 3-2: Draft LTCP Alternatives



Note: See the alternatives analysis section for more detail.

Final LTCP Preferred Alternative B1: Relocate Runway 14/32 by 615 feet and Extend to 3,500 feet

The Final LTCP preferred alternative (Alternative B1) is shown in **Figure 3-3**. Alternative B1 would relocate Runway 14/32 by 615 feet to the northeast and extend the runway by 651 feet to the southeast, increasing the runway length from 2,849 to 3,500 feet. This alternative also designates Runway 14/32 as a "utility" runway for aircraft less than 12,500 pounds, which reduces the size of the RPZs. This concept was developed as a modified version of Alternative B to 1) move the Runway 32 threshold further from residential neighborhoods to the southeast, and 2) allow for a modified 30th Street North realignment concept that ties in with the existing intersection with Neal Avenue North (see Section 3.2.4). As under Alternative B, under Alternative B1 Runway 4/22 would be extended 254 feet to the northeast for an overall length of 2,750 feet. This alternative is studied in more detail under Section 3.3.4.

Supplemental Alternatives

Many of the comments received from the public during the LTCP process expressed concerns regarding aircraft noise, changes to aircraft flight patterns, and potential reductions in property values associated with the proposed relocation and extension of Runway 14/32. Other comments expressed concerns regarding future safety zoning associated with the runway relocation and extension, which typically restricts land uses and structure heights in the approaches to a runway. Therefore, the supplemental alternatives presented below consider ways to reduce aircraft noise and land use impacts by moving the proposed Runway 32 threshold further away from residential neighborhoods southeast of the Airport.

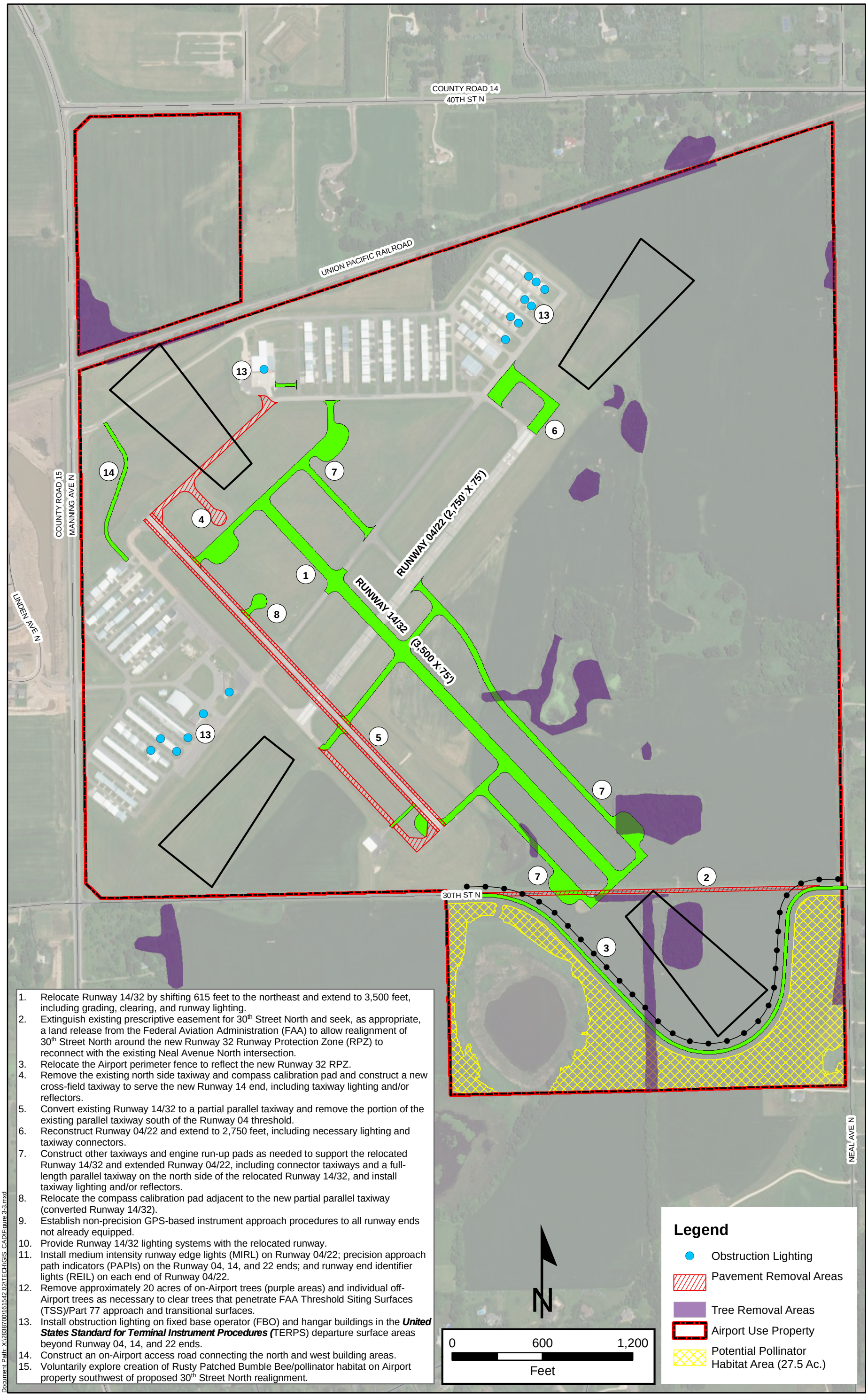


FIGURE 3-3

Final LTCP Preferred Alternative (Alternative B1)
Lake Elmo Airport
Environmental Assessment

Washington County, MN - GIS Data Downloads at
http://maps.co.washington.mn.us/arcgis/services/Public/Public_Parcels

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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The supplemental primary runway alternatives are shown in **Figure 3-4** and summarized below.

Primary Runway Alternative B2: Relocate Runway 14/32 by 615 feet, Extend to 3,500 feet, and Displace Runway 32 Threshold by 300 feet

Alternative B2 would displace the Runway 32 threshold by 300 feet and limit landing distance available (LDA) to 3,200 feet for Runway 32 landings. The intent of this alternative is to explore potential reduction in aircraft noise experienced by those below the flight path. The 3,200-foot LDA would meet the average design aircraft landing length needs presented in Section 2.2.3. This alternative would maintain the proposed 3,500-foot length for all other operations on Runway 14/32, and is identical to Alternative B1 in every other respect.

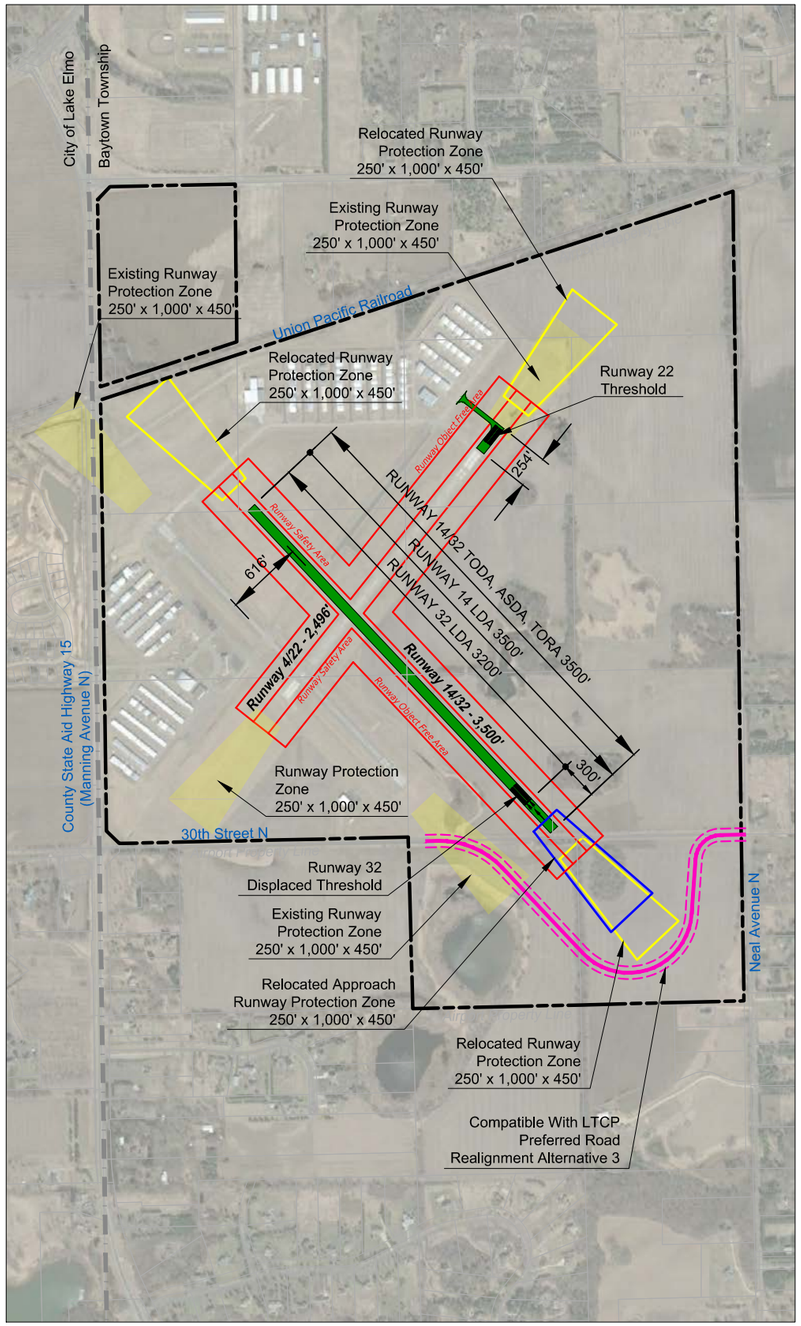
Primary Runway Alternative D: Relocate Runway 14/32 by 308 feet and Extend to 3,500 feet

Alternative D would further reduce the northeasterly shift of Runway 14/32 from the 615 feet proposed by Alternative B1 to 308 feet. This is the minimum runway shift required to move the Runway 14 RPZ onto Airport property. The intent of this alternative is to reduce the change in aircraft flight patterns and associated noise southeast of the Airport when compared with Alternative B1. This alternative was eliminated from further consideration because it would prevent a 30th Street North re-alignment alternative that avoids land acquisition and minimizes impacts to wetlands south of the Airport.

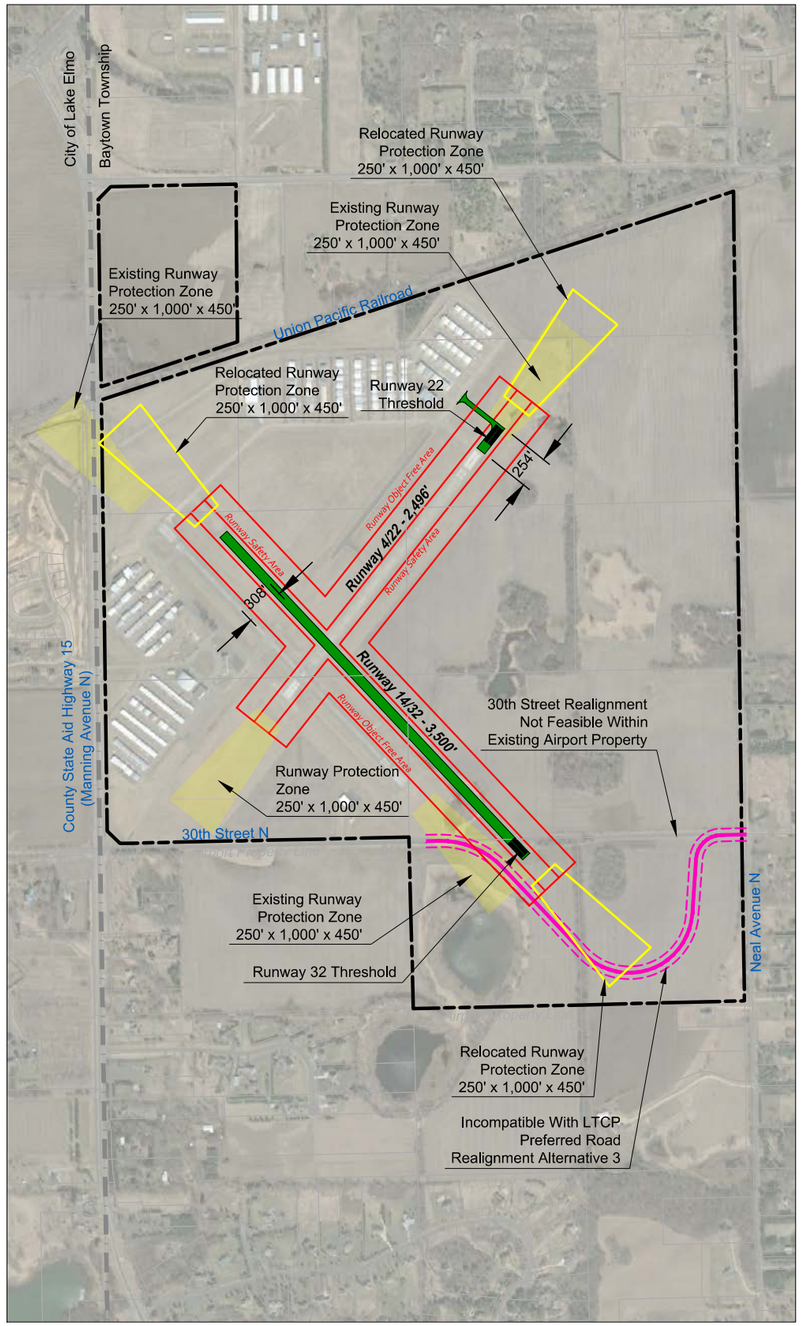
Primary Runway Alternative E: Extend Existing Runway 14/32 to 3,500 feet

Alternative E considers extending existing Runway 14/32 by 651 feet to the southeast. This alternative was eliminated from further consideration because 1) it would not address existing incompatible land uses in both Runway 14/32 RPZs; 2) it would prevent a 30th Street North re-alignment alternative that avoids land acquisition and minimizes impacts to wetlands south of the Airport; and 3) it would increase wildlife hazards for approaching and departing aircraft by moving the Runway 32 threshold into a large wetland area. This alternative also would not meet FAA design standards intended to promote the safety of aircraft operations, as it would not provide a standard runway object free area, standard runway-to-parallel-taxiway separation, and a clear 14 C.F.R. Part 77 transitional surface, all of which are provided by Alternatives B, B1, B2, C, and D.

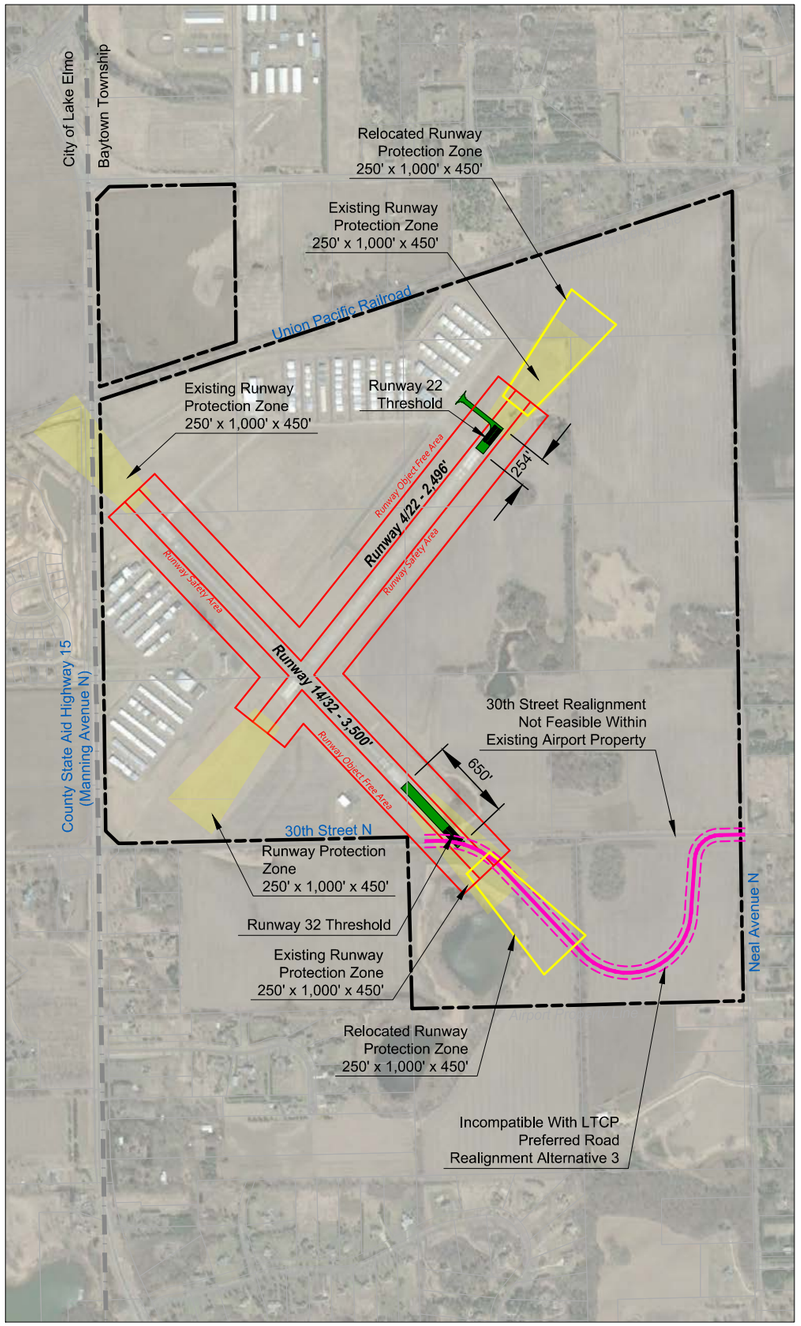
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Primary Runway Alternative B2



Primary Runway Alternative D



Primary Runway Alternative E

0 600' 1200' 2400'
GRAPHIC SCALE IN FEET

Lake Elmo Airport
Environmental Assessment

FIGURE 3-4
Primary Runway Supplemental Alternatives

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Primary Runway Alternatives Screening

The range of primary runway alternatives considered was evaluated against the following three screening criteria to determine whether each alternative should be analyzed further:

1) **Does it meet the Purpose and Need?** Alternatives that do not meet all four objectives identified in Chapter 2, *Purpose and Need*, will be discarded and not considered further. These objectives are to 1) improve the runway and taxiway pavement condition, 2) minimize incompatible land uses in the RPZs, 3) meet runway length needs for aircraft users, and 4) upgrade the instrument approach procedures.
2) **Is it compatible with a viable 30th Street North realignment alternative?** 30th Street North is classified as a major collector roadway and is an important local traffic corridor that must be maintained. Therefore, alternatives that are not compatible with a viable 30th Street North realignment alternative (see Section 3.2.4) will not be considered further.
3) **Does it conform to FAA airport design standards?** The FAA establishes airport design standards for the efficient development of airports that are consistent with local, state, and national goals. If a federally-obligated airport sponsor does not conform to these standards, it would violate the grant assurances it has agreed to when accepting funds from FAA-administered airport financial assistance programs. These assurances require that airport sponsors maintain and operate their facilities in accordance with specified conditions for the duration of the facility's useful life. For this reason, any alternative that would not conform to FAA airport design standards will not be considered further. Relevant airport design standards on which the alternatives differ include declared distance and runway protection zone (RPZ) standards.

The primary runway alternatives presented above are compared to the screening criteria in **Table 3-2**.

Table 3-2: Primary Runway Alternatives Screening

Alternative	Purpose & Need Objective 1 Improve the runway pavement condition	Purpose & Need Objective 2 Minimize incompatible land uses in the RPZs	Purpose & Need Objective 3 Meet runway length needs for users	Purpose & Need Objective 4 Upgrade the instrument approach procedures	Conform to FAA Airport Design Standards	Compatible with a Viable 30th Street North Realignment Alternative
No-Action Alternative	Yes	No	No	No	No	Yes
Alternative A	Yes	No	No	Yes	No	Yes
Alternative B	Yes	Yes	Yes	Yes	Yes	Yes
Alternative B1	Yes	Yes	Yes	Yes	Yes	Yes
Alternative B2	Yes	Yes	Yes	Yes	No	Yes
Alternative C	Yes	No	Yes	Yes	No	Yes
Alternative D	Yes	Yes	Yes	Yes	No	No
Alternative E	Yes	No	Yes	Yes	No	No

Alternatives B and B1 will be analyzed further and compared to the no-action alternative in Section 3.3. Alternatives A, B2, C, D, and E will not be considered further for the reasons described below.

Alternatives A and C will be discarded based on Purpose & Need Objective 2, because they would not eliminate existing incompatible land uses in the RPZ, and/or would not prevent potential future incompatible land uses in the RPZ. Alternative A also does not achieve Purpose & Need Objective 3, because it would not provide the needed primary runway length.

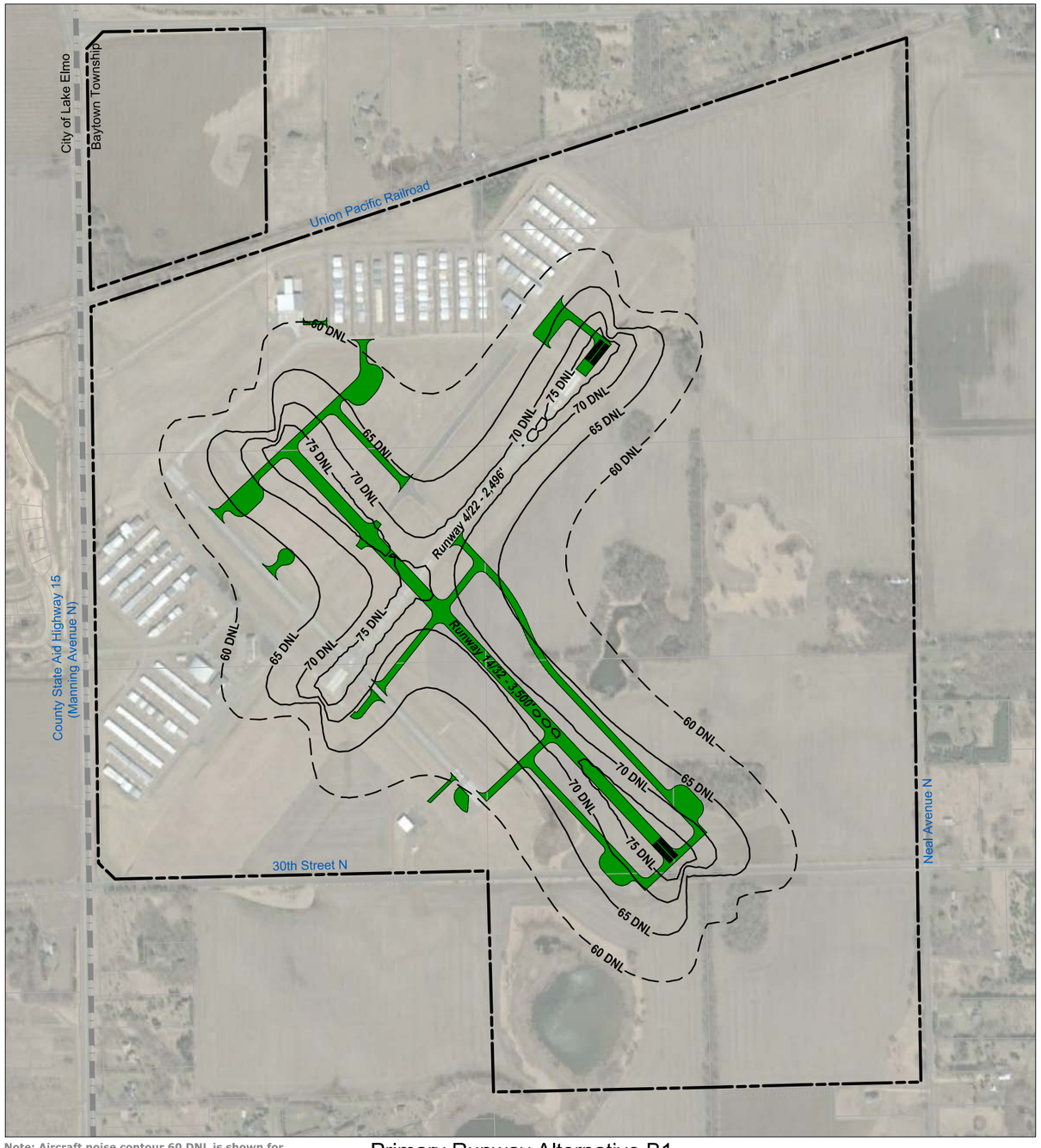
Alternative B2 will be discarded because it does not conform to FAA airport design standards for implementing a displaced threshold. According to FAA Advisory Circular (AC) 150/5300-13A, *Airport Design*, declared distances may only be used where it is impractical to meet airport design standards or mitigate environmental impacts by other means. FAA will consider displacing a threshold for any one of the following reasons, none of which apply for this alternative:

1) To provide proper clearance for landing aircraft over existing obstacles while on approach to landing.
2) To obtain additional runway safety area (RSA) and/or runway object free area (ROFA) prior to the threshold.
3) To locate the RPZ such that incompatible land uses are mitigated.
4) To mitigate environmental impacts.

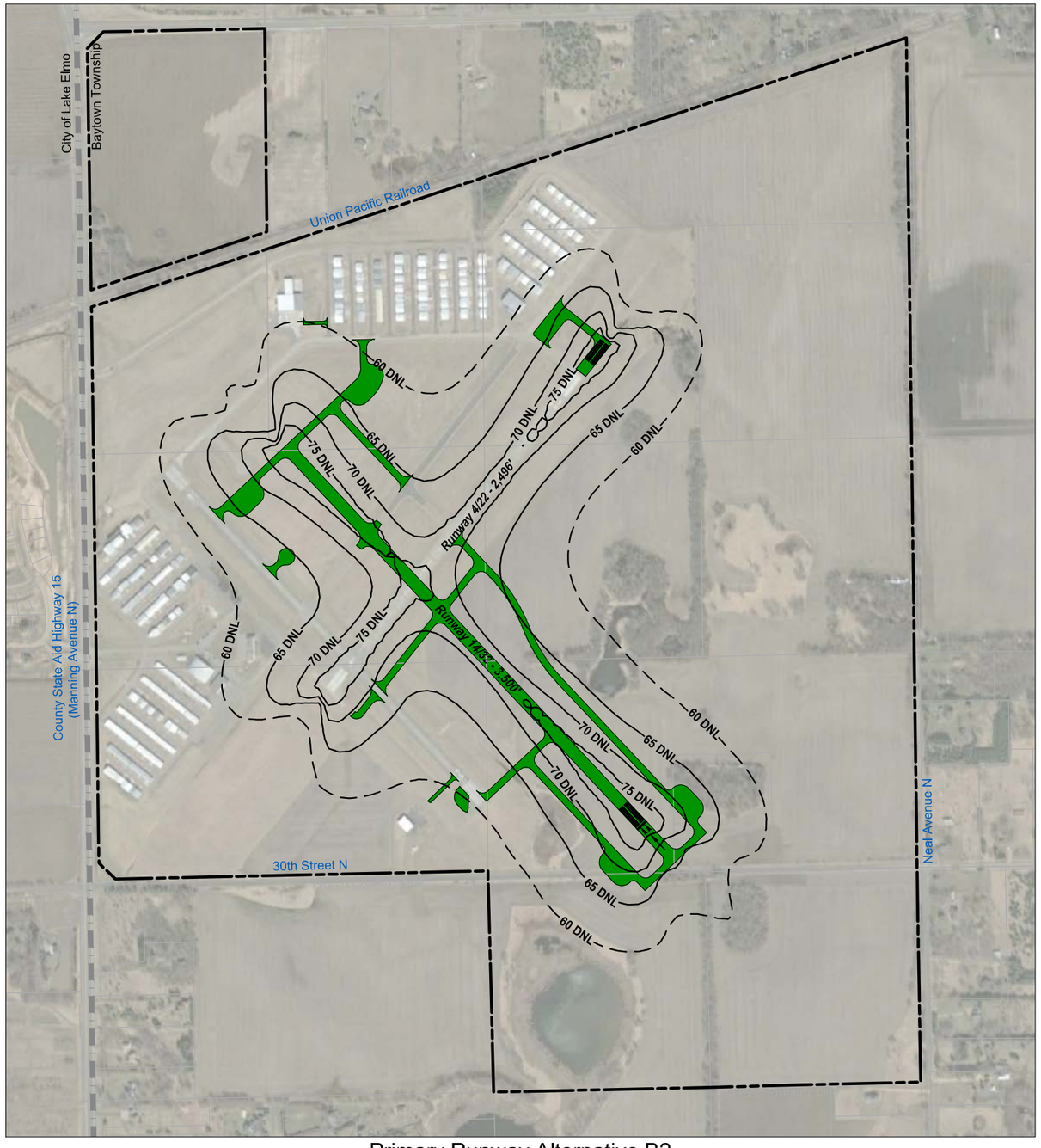
Alternative B2 was considered solely to potentially reduce aircraft noise southeast of the airport when compared to Alternative B1. However, based on noise impact significance thresholds established by FAA there is no significant noise impact under Alternative B1. The 1979 Aviation Safety and Noise Abatement Act established a congressional directive for the FAA to adopt a single system for measuring and determining noise exposure and identifying incompatible land uses within various noise exposures around US airports. The result of this congressional direction was FAA adoption of 14 C.F.R. Part 150, which establishes land use compatibility criteria around airports for considering noise impacts using Day-Night Average Sound Level (DNL). DNL is defined by FAA as the 24-hour average sound level, in decibels, for the period from midnight to midnight, obtained after the addition of ten decibels to sound levels for the periods between midnight and 7 a.m., and between 10 p.m. and midnight, local time. The FAA considers the 65 DNL contour to be the threshold of significance for noise impacts around airports. As such, sensitive land use areas (e.g., residential) around airports that are located within the 65 dB or greater DNL contours are considered by the FAA as incompatible.

Projected 2025 aircraft noise contours for Alternative B2 are compared to those for Alternative B1 in **Figure 3-5**. As shown in the graphic, the 65 DNL contour is contained entirely on Airport property under Alternative B1. Therefore, because there are no significant noise impacts under Alternative B1, Alternative B2 does not conform to FAA airport design standards for implementing a displaced threshold and will not be considered further.

Alternatives D and E will be discarded because there is no viable 30th Street North alternative that, when combined with either of these alternatives, both conforms to FAA airport design standards and avoids acquiring land (see Section 3.2.4).

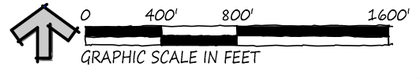


Primary Runway Alternative B1



Primary Runway Alternative B2

Note: Aircraft noise contour 60 DNL is shown for informational purposes only.



Lake Elmo Airport
Environmental Assessment

FIGURE 3-5
Alternative B1 & B2 Aircraft Noise Comparison

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3.2.4 30th Street North Alternatives

Primary runway Alternatives B and B1 are in direct conflict with the existing alignment of 30th Street North, as the street is within the areas that must be protected for runway and taxiway safety purposes. The LTCP evaluated several concepts for realigning 30th Street North outside of these areas. The implications of realigning 30th Street North was one of the major community concerns identified during the LTCP process. As a result, the 30th Street North alternatives evaluation process presented in this chapter utilizes criteria that flow directly from concerns articulated by residents and community engagement panel (CEP) members as part of the stakeholder engagement process. This section provides an overview of the realignment alternatives considered by the LTCP and supplemental alternatives generated at the outset of the NEPA process, and identifies the preferred alternative.

LTCP Alternatives

The 30th Street North alternatives presented in the LTCP are shown in **Figure 3-6** and summarized below.

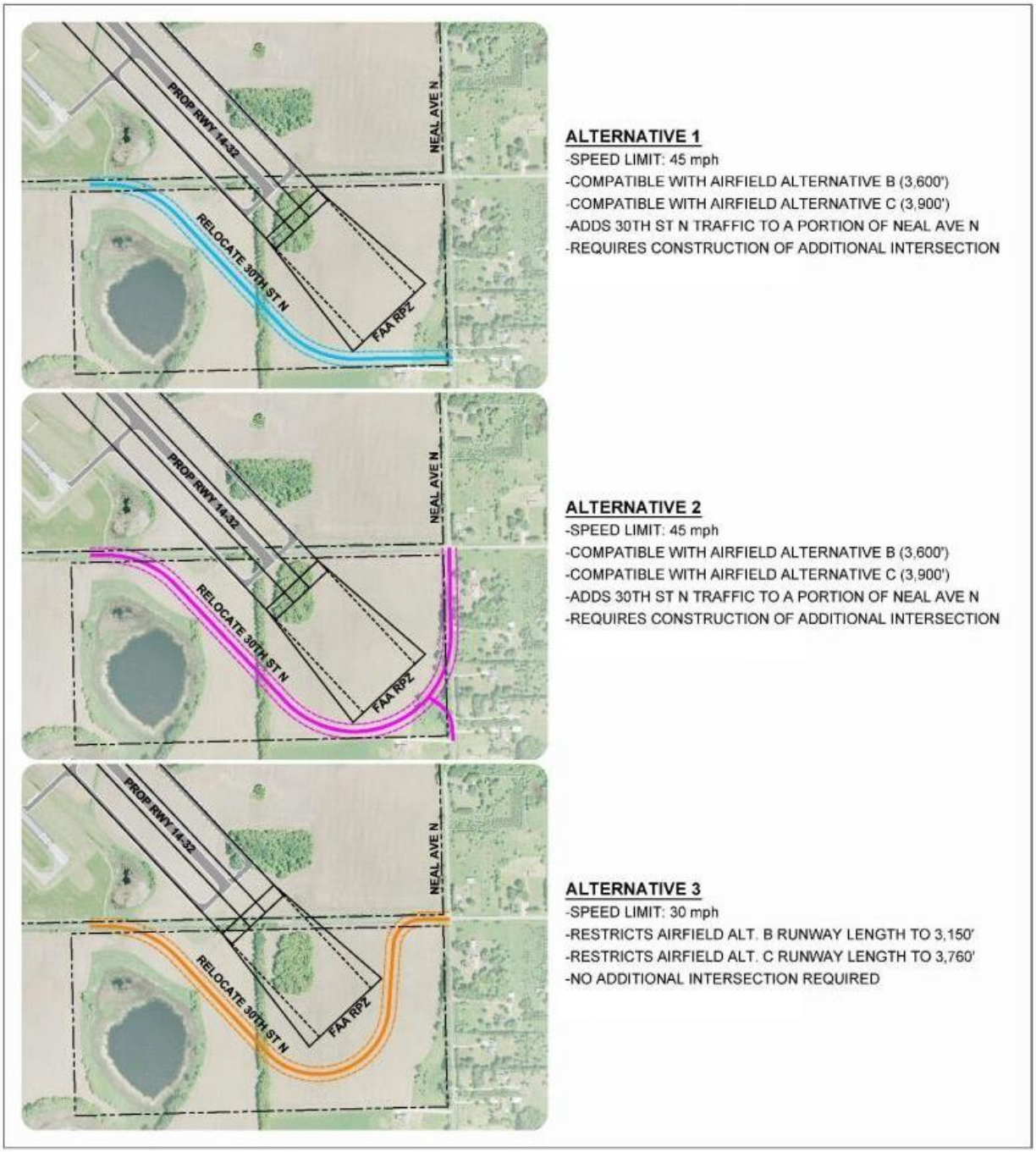
30th Street North Alternative 1: New T-Intersection with Stop Sign on 30th Street

This alternative would realign 30th Street North southeast of the relocated Runway 32 RPZ such that it intersects at a new T-intersection with Neal Avenue North approximately ¼-mile south of the existing intersection. Through traffic on 30th Street North would experience two additional turning movements in each direction and an increase in total travel distance of about 1,800 feet. In addition, 30th Street through traffic would be introduced onto the segment of Neal Avenue between the intersections. Local trips between Manning Avenue and residences south of the new intersection would be removed from this segment of Neal Avenue and benefit from a reduced travel distance. This was identified as the preferred alternative in the Draft LTCP, but was later withdrawn in response to public comments received in response to the Draft LTCP.

30th Street North Alternative 2: New T-Intersection with Stop Sign on Neal Avenue

This alternative is a modified version of Alternative 1 that continues the curve of 30th Street North such that the roadway merges with the existing Neal Avenue North alignment and allows continuous movement between the existing intersections of 30th Street with Manning Avenue and Neal Avenue. Through traffic on 30th Street would experience one additional turning movement in each direction and an increase in total travel distance of about 1,500 feet. Access to existing Neal Avenue southeast of the Airport would be maintained by constructing a new T-intersection approximately ¼-mile south of the existing intersection with 30th Street. The main difference from Alternative 1 is that a new stop sign would be installed on the Neal Avenue approach from the south, rather than on the 30th Street approach from the west. Impacts to local traffic flowing between Manning Avenue and residences southeast of the Airport would be the same as under Alternative 1.

Figure 3-6: LTCP 30th Street North Realignment Alternatives



30th Street North Alternative 3: Final LTCP Preferred Alternative

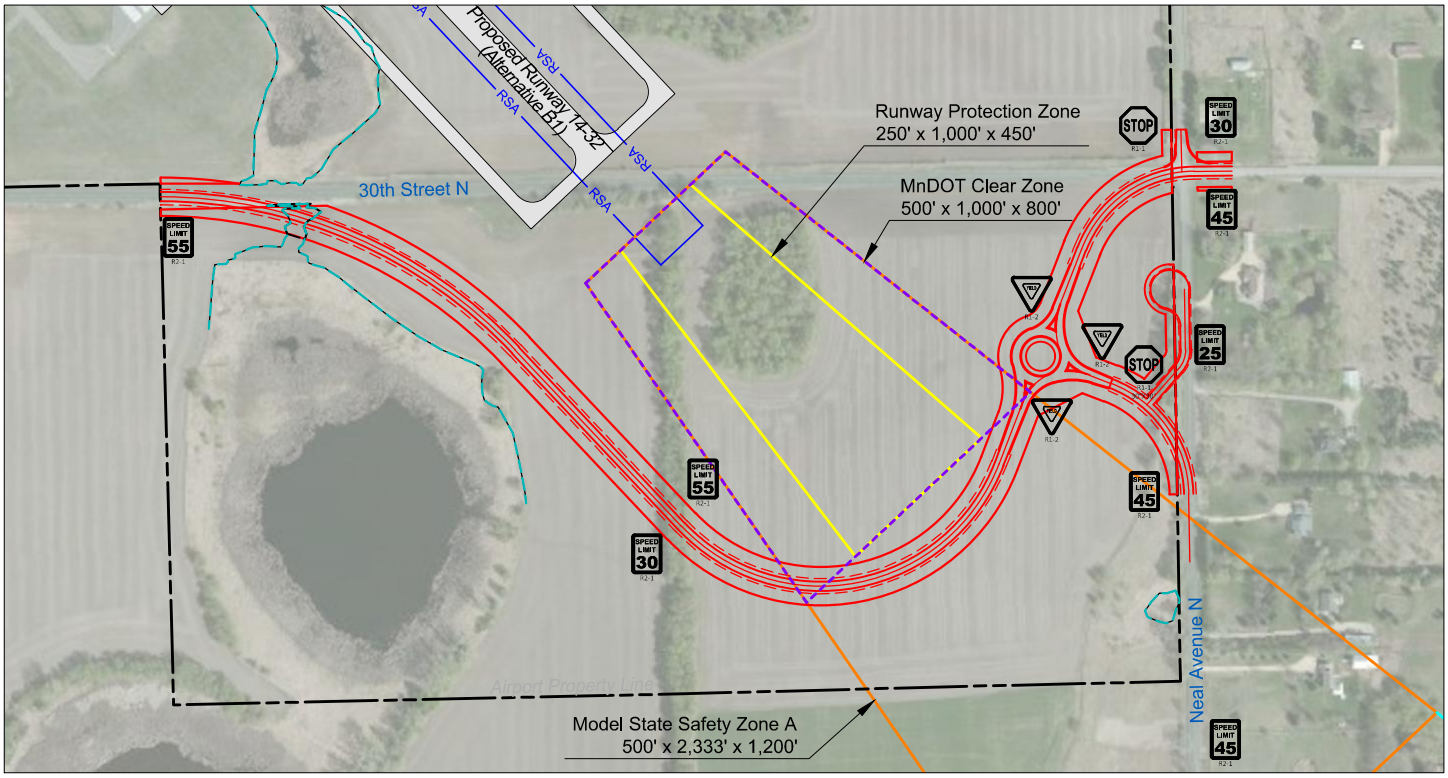
This alternative maintains the existing intersection at 30th Street North and Neal Avenue North by tightening the curves around the relocated Runway 32 RPZ, preserving the continuity necessary for 30th Street North to fulfill its role as a major collector roadway. Because of the tighter curves, the design speed for the relocated roadway would be reduced from 45 to 30 miles per hour. This alternative does not introduce any new intersections or turning movements for through traffic on 30th Street, and no new traffic is introduced onto Neal Avenue. This alignment does not allow for the relocated Runway 14/32 to be extended to its recommended length of 3,600 feet as originally proposed by Alternative B, and was designed specifically for a shortened 3,500-foot runway as proposed by Alternative B1. Based on public comments received in response to the Draft LTCP, Alternative 3 was recommended as the Final LTCP preferred alternative.

Supplemental Alternatives

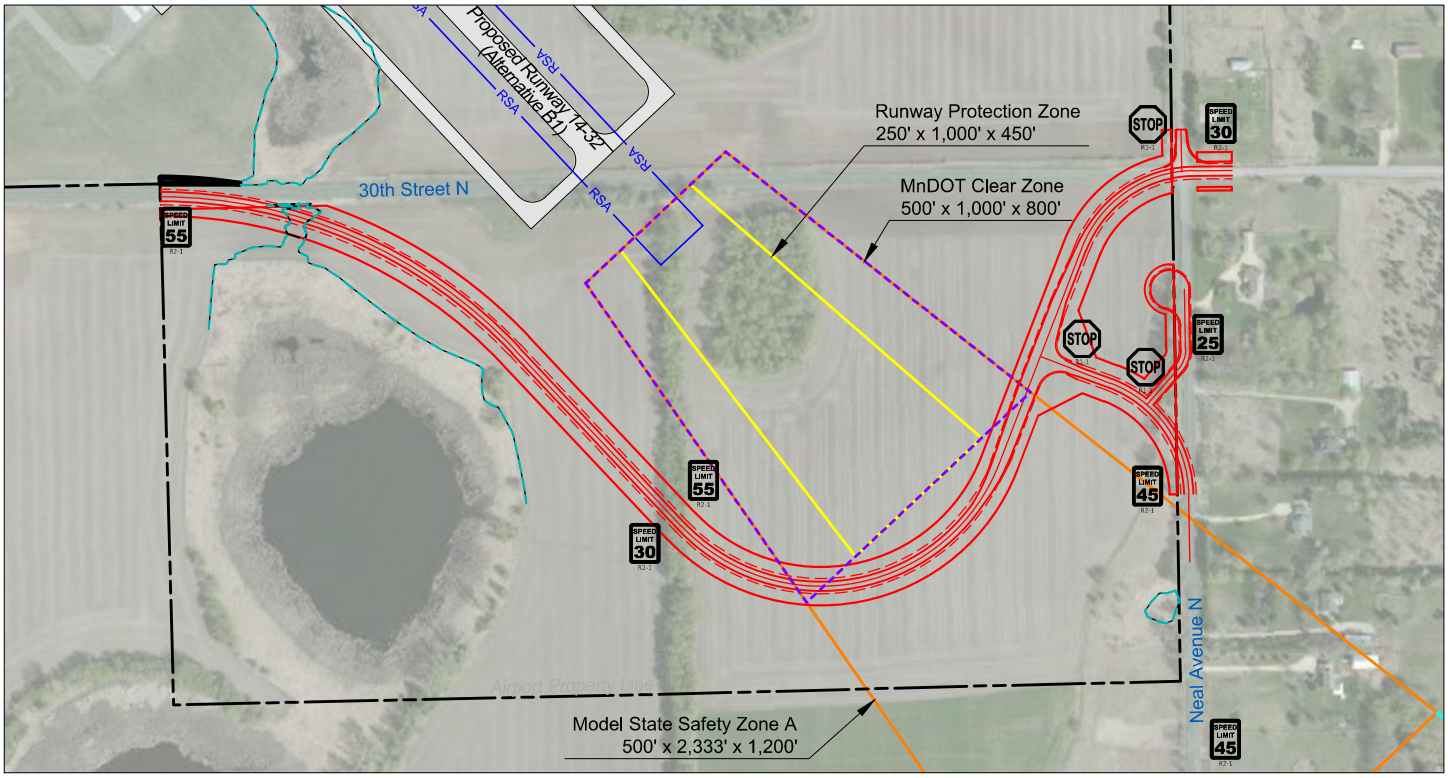
Many of the comments received from the public during the LTCP process expressed concerns regarding traffic flow disruptions, traffic increases, environmental impacts, emergency response times, and local maintenance burdens that may result from the proposed realignment concept. Therefore, the supplemental alternatives presented below consider ways to minimize impacts by refining the Final LTCP preferred alternative street design, based on concerns articulated by residents and CEP members as part of the stakeholder engagement process conducted for this EA/EAW. The supplemental 30th Street North alternatives are shown in **Figure 3-7** and summarized below. These alternatives are compatible with the reduced primary runway length represented by Primary Runway Alternative B1, and are not compatible with the other primary runway alternatives. For more information regarding these alternatives and a more detailed comparison to the Final LTCP preferred alternative, see **Appendix B**.

30th Street North Alternative 4A: Modified Hybrid with New Roundabout

This alternative is a modified hybrid version of Alternatives 2 and 3, which would shift the Final LTCP preferred alternative 30th Street North alignment to the northwest to introduce a longer straight section, and would realign a portion of Neal Avenue North to the northwest. These refinements would allow for construction of a roundabout at the intersection of realigned 30th Street N and Neal Avenue North approximately 600 feet southwest of the existing intersection. A secondary roadway would be constructed to the immediate east of the intersection to provide continued access for the two residential properties located immediately southeast of the existing 30th/Neal intersection. When compared to the Final LTCP preferred alternative, it would increase the radii of the new horizontal curves on 30th; minimize the number of vehicular conflict points at the intersection of 30th and Neal by replacing the four-way stop with a roundabout; require a narrower field of vision for vehicles approaching the intersection; reduce travel time increases in all directions; and allow continuous through traffic on 30th, as well as on Neal south of 30th. All of this would be accomplished while avoiding introduction of new vehicle trips on Neal Avenue, as intended by the Final LTCP preferred alternative.



Alternative 4A



Alternative 4B

Proposed Realignment

Approximate Wetland Areas (U.S. Fish and Wildlife Service National Wetlands Inventory)

Delineated Wetland Boundary

0 250' 500' 1000'

GRAPHIC SCALE IN FEET

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FIGURE 3-7
30th Street North Supplemental Alternatives

30th Street North Alternative 4B: Modified Hybrid with New T-Intersection

This alternative is identical to Alternative 4A, except that the proposed roundabout would be replaced by a T-intersection. The purpose of this minor design change is to decrease traffic delay on 30th Street North by eliminating the need to navigate the roundabout.

30th Street North Alternatives Screening & Preferred Alternative

Alternatives 1, 2, 4A, and 4B will not be considered further for the reasons described below.

During the initial LTCP public comment period, there was significant public opposition to Alternatives 1 and 2 because of increased travel distances, additional turning movements, new vehicle trips on Neal Avenue North, and proximity of the realigned 30th Street North to residences southeast of the Airport. In addition, these alternatives did not consider the adverse effects of grade changes and an isolated wetland in the extreme southwest corner of Airport property, impacts that Alternatives 3, 4A, and 4B avoid. For these reasons, Alternatives 1 and 2 will not be considered further.

At CEP meetings held on May 25 and August 8, 2017, there was not a consensus among the panel members that the adjustments made under Alternatives 4A and 4B would be preferable to the design concept represented by Alternative 3. Because Alternatives 4A and 4B would be more expensive to construct than Alternative 3, it was determined that the additional investment required by these alternatives would not be justified based on CEP input. For these reasons, Alternatives 4A and 4B will not be considered further.

Alternative 3 will be carried throughout the EA/EAW as the preferred alternative, for comparison with the no-action alternative.

3.2.5 Crosswind Runway Alternatives

The LTCP only considered one alternative for extending the crosswind Runway 04/22 to the 2,750-foot length identified in the purpose and need. This alternative would extend the runway by 254 feet to the northeast as shown in the Final LTCP preferred alternative (see **Figure 3-3**) as recommended by the crosswind runway length analysis in Chapter 2, Section 2.2.3 of this EA/EAW. Extending the runway to the northeast was considered preferable to extending to the southwest, as both RPZs would remain on Airport property. The cost of extending the runway by 254 feet is estimated at approximately $600,000.

Crosswind Runway Alternatives Screening & Preferred Alternative

Other than no action, there are no alternatives for meeting crosswind runway length requirements that satisfy the basic threshold criteria identified by FAA Order 1050.1F, as discussed in Section 3.2. Therefore, the alternative to extend Runway 04/22 by 254 feet to the northeast will be carried throughout the EA/EAW for comparison with the no-action alternative.

Based on field-delineated wetland boundary data collected in June 2017, there are three small isolated wetlands that would be within the grading area for the proposed crosswind runway and parallel taxiway extension. The total size of the affected wetlands is 0.38 acres.

There would also be some on-Airport tree clearing required to remove obstructions to the approach, departure, and transitional surfaces for the extended runway. These trees are included in the tree clearing acreage estimates for Alternatives B and B1 (see Sections 3.3.3 and 3.3.4, respectively). Approximately 0.6 acres of on-Airport tree clearing would need to occur in wetlands near the Runway 22 end that have been identified by the U.S. Fish & Wildlife Service (USFWS) National Wetland Inventory database as Type 1 seasonally flooded basins. These wetlands were not delineated by the 2017 wetland boundary survey. More recent field observations indicate that Type 1 is the appropriate classification and that the wetlands will remain Type 1 following removal of any trees. Wetland boundaries and types in these areas will be confirmed by field delineation in the spring of 2018 and any required mitigation will be identified prior to publication of the Final EA/EAW document.

According to obstruction survey data collected in 2013, there were no off-Airport trees penetrating approach or departure threshold siting surfaces for the planned future Runway 04/22 ends. Updated survey data collected and analyzed in late 2017 indicate that approximately 12 off-Airport trees would need to be removed in the approaches to the crosswind runway. These would be carefully targeted individual trees and would not involve clear-cutting stands of trees.

3.2.6 Instrument Approach Alternatives

The LTCP only considered one alternative for upgrading the instrument approach procedures. This alternative would establish a non-precision GPS-based instrument approach procedure with not less than one-mile visibility minimums to the Runway 14 end, and upgrade the existing Runway 04 approach procedure to an RNAV (GPS) type. Although not specifically considered by the LTCP, this EA/EAW also considers establishing a non-precision GPS-based procedure to Runway 22. This alternative proposes installation of runway edge lights, precision approach path indicator (PAPI) lights, and runway end identifier lights (REIL) on Runway 04/22 to allow better identification of the runway environment by pilots during Instrument Flight Rule (IFR) conditions.

Instrument Approach Alternatives Screening & Preferred Alternative

The instrument approach alternative to establish non-precision GPS-based instrument approach procedures to all runway ends not already equipped would improve Airport safety by allowing pilots to fly a stabilized straight-in approach to the most viable runway end during inclement weather. There are no other available alternatives that meet the purpose and need. Therefore, this alternative will be carried throughout the EA/ EAW for comparison with the no-action alternative.

3.3 Evaluation of Primary Runway Alternatives

This section evaluates the remaining primary runway alternatives for practicability and environmental effects. These alternatives include the following:

- No-Action Alternative
- Alternative B: Relocate Runway 14/32 by 700 feet and Extend to 3,600 feet
- Alternative B1: Relocate Runway 14/32 by 615 feet and Extend to 3,500 feet

3.3.1 Primary Runway Alternatives Evaluation Criteria

This section explains the criteria used to further evaluate Alternatives B and B1, and the no-action alternative.

Practicability Factors.

An alternative is practicable if it can be implemented when considering cost, existing technology, logistics, and the overall project purpose. The following practicability factors were considered for each remaining primary runway alternative:

- **Financial Factors.** Construction cost estimates were developed for each alternative. For the no-action alternative, this estimate includes cost associated with pavement reconstruction needed to maintain the existing facilities in a manner that ensures safety and existing levels of service. For Alternatives B and B1, these estimates do not include the cost to extend Runway 4/22 or reconstruct any existing airfield pavements, which may need to occur concurrently, because these alternatives are specific to the primary runway alone.
- **Logistical Factors.** Each alternative was evaluated to determine whether there are unique feasibility issues to consider, given existing technology, site characteristics, and local conditions.

Environmental Factors.

The following environmental factors were considered for each remaining primary runway alternative:

- **Wetlands.** A preliminary estimate of wetland impacts was developed for each alternative based on field delineated wetland boundary data collected in June 2017.
- **Tree Removal.** A preliminary estimate of tree removal acreage was developed for each alternative based on existing survey data and FAA obstruction removal standards. Survey data collected and analyzed for the LTCP indicate that there are on-Airport trees penetrating departure threshold siting surfaces prescribed by FAA AC 150/5300-13A, *Airport Design*, and transitional surfaces prescribed by Federal Aviation Regulations (FAR) Part 77 (14 C.F.R. Part 77). The no-action alternative includes removal of any on-Airport trees that penetrate these surfaces for both runways. Alternatives B and B1 include removal of on-Airport trees that penetrate these surfaces, as well as trees that penetrate approach threshold siting surfaces and Part 77 approach surfaces. According to obstruction survey data collected in 2013, there were no off-Airport trees penetrating approach or departure threshold siting surfaces for the planned future Runway 14/32 ends. Updated survey data collected and analyzed in late 2017 indicate that no off-Airport trees would need to be removed in the approaches to the primary runway under the no-action alternative, Alternative B, or Alternative B1.
- **Land Use.** Effects to existing and planned neighboring land uses were identified using the Model State Safety Zones A and B promulgated under Minnesota Rule 8800.2400 as a guide. These zones are not currently in effect at the Airport. Safety Zone A typically prevents erection of new structures or expansion of existing structures, and Safety Zone B typically prevents small lot residential development using density standards. Before completing the EA/EAW process, the MAC will start convening a Joint Airport Zoning Board (JAZB) under Minnesota Statutes Chapter 360. The process will consider public input as part of developing an airport zoning ordinance. This process may result in a zoning ordinance recommendation to the MnDOT Office of Aeronautics that deviates from the state's model zoning ordinance.

- **Aircraft Noise.** A detailed noise analysis was conducted for each alternative using the Aviation Environmental Design Tool (AEDT), to determine whether the alternative is expected to have significant noise impacts on neighboring land uses.

These factors were chosen based on their relevance to the proposed project and airport environs, and do not represent a comprehensive list of environmental analysis categories required under federal and state regulations. A more comprehensive analysis of environmental effects will be completed for the no-action and preferred alternatives in Chapter 5, *Environmental Consequences*. These factors and the findings for each factor that would be considered desirable were developed in coordination with the CEP.

Alternatives B and B1 also include several additional components not considered in detail by the summary description of alternatives in Section 3.2. These components include:

- **Construct dual parallel taxiways for Runway 14/32.** When accessing the Runway 32 end from the north building area or accessing the north building area from the Runway 32 end, aircraft operators currently must cross both runways. This increases the likelihood of runway incursions and is inconvenient for Airport users. Alternatives B and B1 include a second full parallel taxiway on the north side of Runway 14/32 to reduce the frequency of runway crossings at the Airport.
- **Remove the southern portion of Runway 14/32 parallel taxiway.** This portion of taxiway would be replaced by converting the existing Runway 14/32 to a parallel taxiway.
- **Remove and replace the north side taxiway.** This taxiway would be in the Runway 14 approach/departure area for both alternatives and would be replaced with a new north side taxiway perpendicular to the relocated Runway 14 threshold.
- **Relocate compass calibration pad.** The compass calibration pad would also be in the Runway 14 approach/departure area for both alternatives and would be relocated adjacent to the new Runway 14/32 parallel taxiway.
- **Construct on-Airport connector road.** There is currently no on-Airport roadway connecting the north and west building areas on the Airport, which requires Airport users and staff to use Manning Avenue North to move between these two areas. The proposed action would provide for placement of a landside connector roadway between the north and west building areas, so that these areas are mutually accessible without using Manning Avenue.
- **Relocate perimeter fence.** The portion of the perimeter fence along 30th Street North would have to be relocated along the north side of the realigned road to maintain security and wildlife hazard prevention along the southern boundary of the airfield.
- I**nstall obstruction lighting.** Various existing on-Airport structures would penetrate the departure threshold siting surfaces for all three alternatives. Based on consultation with FAA, installing steady-burning red obstruction lights on top of these structures would mitigate these penetrations and is proposed for all on-Airport structures penetrating the departure threshold siting surfaces.

3.3.2 No-Action Alternative

Expected environmental effects of this alternative are shown in **Figure 3-8**.

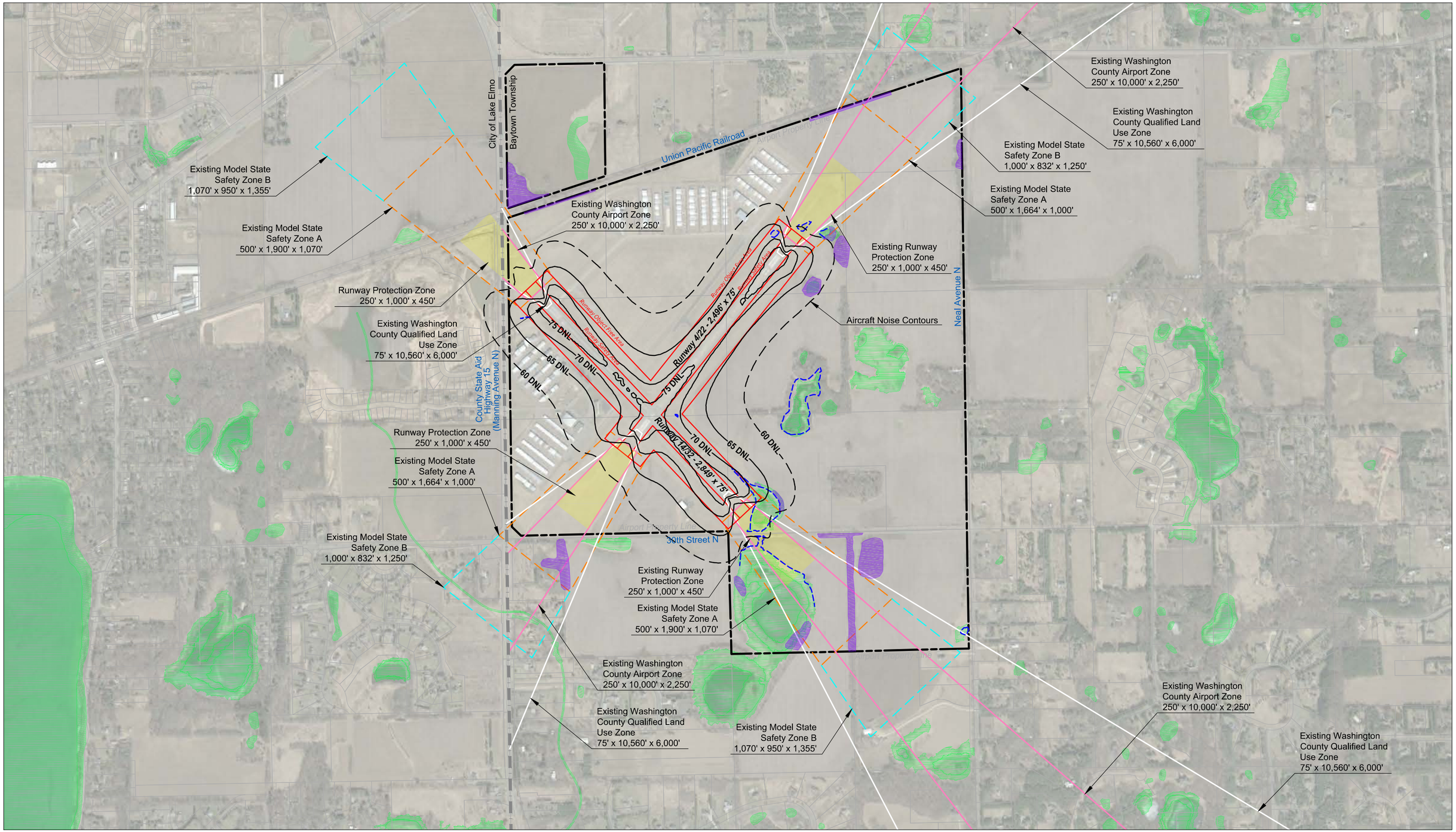
Practicability.

- **Financial Factors.** Total construction cost for this alternative is approximately $5.4 million. This estimate includes all costs associated with reconstruction of the existing airfield in its current configuration.
- **Logistical Factors.** Washington County plans to widen Manning Avenue North from two to four lanes within the next five years. This local project would trigger an FAA RPZ alternatives review because of the additional travel lanes and/or turn lanes are planned within the Runway 14 RPZ.

Environmental Effects.

- **Wetlands.** There are no wetlands affected by this alternative.
- **Tree Removal.** An estimated 13 acres of trees on Airport property would need to be removed to allow for clear departure and transitional surfaces. As noted previously, no off-Airport trees would need to be removed in the approaches to the existing primary runway under this alternative.
- **Land Use.** There are currently no houses in Model Safety Zone A and two houses in Model Safety Zone B for Runway 14/32, when considering both ends of the primary runway. Note: counts of houses are based on structures within the zones.
- **Aircraft Noise.** This alternative would not change future aircraft noise patterns at Lake Elmo Airport.

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Environmental Assessment

FIGURE 3-8
No-Action Alternative

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3.3.3 Alternative B: Relocate Runway 14/32 by 700 feet and Extend to 3,600 feet

Expected environmental effects of this alternative are shown in **Figure 3-9**.

Practicability.

- **Financial Factors.** Total construction cost for this alternative is approximately $9.6 million. This includes the cost to realign 30th Street North as proposed under 30th Street North Alternative 1.
- **Logistical Factors.** Because of the proposed runway length and larger RPZ size, this alternative is not compatible with 30th Street North Alternative 3, the preferred alternative for realigning 30th Street North.

Environmental Effects.

- **Wetlands.** This alternative would require filling of approximately 2.44 acres of wetlands, including 1.49 acres for the west parallel taxiway, 0.71 acres for the east parallel taxiway, and 0.24 acres for realignment of 30th Street North as proposed by 30th Street North Alternative 1.
- **Tree Removal.** An estimated 22 acres of trees on Airport property would need to be removed to allow for construction of the new runway and clear its approach, departure, and transitional surfaces. As noted previously, no off-airport trees would need to be removed in the approaches to the relocated primary runway under this alternative.
- **Land Use.** There are six houses in Model Safety Zone A and nine houses in Model Safety Zone B for this alternative, when considering both ends of the primary runway. Note: counts of houses are based structures within the zones.
- **Aircraft Noise.** The 65 DNL contour for this alternative is contained entirely on Airport property. Therefore, there are no significant noise impacts associated with this alternative.

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Relocated Model State Safety Zone B 1,200' x 1,167' x 1,550'

Existing Model State Safety Zone B 1,070' x 950' x 1,355'

Existing Model State Safety Zone A 500' x 1,900' x 1,070'

Relocated Model State Safety Zone A 500' x 2,333' x 1,200'

Existing Runway Protection Zone 250' x 1,000' x 450'

Relocated Runway Protection Zone 500' x 1,000' x 700'

Future Road Connector

Existing Washington County Qualified Land Use Zone 75' x 10,560' x 6,000'

Runway Protection Zone 250' x 1,000' x 450'

Existing Model State Safety Zone A 500' x 1,664' x 1,000'

Relocated Model State Safety Zone A 500' x 1,833' x 1,050'

Existing Model State Safety Zone B 1,000' x 832' x 1,250'

Relocated Model State Safety Zone B 1,833' x 917' x 1,325'

City of Lake Elmo

Baytown Township

Union Pacific Railroad

Airport Property Line

Relocated Model State Safety Zone B 1,833' x 917' x 1,325'

Relocated Model State Safety Zone A 500' x 1,833' x 1,050'

Existing Washington County Airport Zone 250' x 10,000' x 2,250'

Future Run-Up Pad

Future REIL

Future PAPI

Future Run-Up Pad

Future REIL

Wetland Impact = 0.38 Ac.

Relocated Runway Protection Zone 250' x 1,000' x 450'

Existing Runway Protection Zone 250' x 1,000' x 450'

Runway 22 Threshold

2,254'

Future PAPI

Aircraft Noise Contours

60 DNL

Runway 4/22 - 2,486' x 75'

Runway Object Free Area

Runway Safety Area

Future 35' TW

70 DNL

65 DNL

75 DNL

710'

Future 35' TW

Future Run-Up Pad

Relocated Compass Calibration Pad

Future PAPI

Future REIL

Wetland Impact = 1.49 Ac.

Future Run-Up Pad

Runway 10/28 - 4,000' x 75'

Future 35' TW

Wetland Impact = 0.71 Ac.

Future PAPI

Future Run-Up Pad

Runway 32 Threshold

Neal Avenue N

Existing Washington County Airport Zone 250' x 10,000' x 2,250'

Existing Washington County Qualified Land Use Zone 75' x 10,560' x 6,000'

Existing Model State Safety Zone B 1,000' x 832' x 1,250'

Existing Model State Safety Zone A 500' x 1,664' x 1,000'

Relocated Runway Protection Zone 500' x 1,000' x 700'

Relocated Model State Safety Zone A 500' x 2,333' x 1,200'

Relocated Model State Safety Zone B 1,200' x 1,167' x 1,550'

Airport Property Line

30th Street N

Existing Runway Protection Zone 250' x 1,000' x 450'

30th Street N Relocation

Existing Model State Safety Zone A 500' x 1,900' x 1,070'

Existing Washington County Airport Zone 250' x 10,000' x 2,250'

Existing Washington County Qualified Land Use Zone 75' x 10,560' x 6,000'

Compatible With LTCP Original Preferred Road Realignment Alternative 1

Existing Model State Safety Zone B 1,070' x 950' x 1,355'

Future REIL

Future Run-Up Pad

Relocated Airport Fence

Relocated Model State Safety Zone A 500' x 2,333' x 1,200'

Relocated Model State Safety Zone B 1,200' x 1,167' x 1,550'

Existing Washington County Airport Zone 250' x 10,000' x 2,250'

Existing Washington County Qualified Land Use Zone 75' x 10,560' x 6,000'

County State Aid Highway 15 (Manning Avenue N)

Approximate Tree Removal

Approximate Wetland Areas (U.S. Fish and Wildlife Service National Wetlands Inventory)

Delineated Wetland Boundary

Pavement To Be Removed

New/Reconstructed Pavements

Note: Aircraft noise contour 60 DNL is shown for informational purposes only.

0 500' 1000' 2000'

GRAPHIC SCALE IN FEET

Lake Elmo Airport
Environmental Assessment

FIGURE 3-9
Alternative B

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3.3.4 Alternative B1: Relocate Runway 14/32 by 615 feet and Extend to 3,500 feet

Expected environmental effects of this alternative are shown in **Figure 3-10**.

Practicability.

- **Financial Factors.** Total construction cost for this alternative is approximately $9.3 million. This includes the cost to realign 30th Street North as proposed under 30th Street North Alternative 3, the preferred alternative for the street's realignment.
- **Logistical Factors.** There are no unique logistical factors associated with this alternative.

Environmental Effects.

- **Wetlands.** This alternative would require filling of approximately 1.97 acres of wetlands, including 1.49 acres for the west parallel taxiway, 0.36 acres for the east parallel taxiway, and 0.12 acres for realignment of 30th Street North as proposed by 30th Street North Alternative 3, the preferred alternative for the street's realignment.
- **Tree Removal.** An estimated 20 acres of trees on Airport property would need to be removed to allow for construction of the new runway and clear its approach, departure, and transitional surfaces. As noted previously, no off-Airport trees would need to be removed in the approaches to the relocated primary runway under this alternative.
- **Land Use.** There are three houses in Model Safety Zone A and ten houses in Model Safety Zone B for this alternative, when considering both ends of the primary runway. Note: counts of houses are based on structures within the zones.
- **Aircraft Noise.** The 65 DNL contour for this alternative is contained entirely on Airport property. Therefore, there are no significant noise impacts associated with this alternative.

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Relocated Model State Safety Zone B 1,200' x 1,167' x 1,550'
Existing Model State Safety Zone B 1,070' x 950' x 1,355'
Existing Model State Safety Zone A 500' x 1,900' x 1,070'
Relocated Model State Safety Zone A 500' x 2,333' x 1,200'
Existing Runway Protection Zone 250' x 1,000' x 450'
Relocated Runway Protection Zone 250' x 1,000' x 450'
Future Road Connector
Existing Washington County Qualified Land Use Zone 75' x 10,560' x 6,000'
Runway Protection Zone 250' x 1,000' x 450'
Existing Model State Safety Zone A 500' x 1,664' x 1,000'
Relocated Model State Safety Zone A 500' x 1,833' x 1,050'
Existing Model State Safety Zone B 1,000' x 832' x 1,250'
Relocated Model State Safety Zone B 1,833' x 917' x 1,325'
City of Lake Elmo
Baytown Township
Union Pacific Railroad
Airport Property Line
30th Street N
County State Aid Highway 15 (Manning Avenue N)
Neal Avenue N
Relocated Model State Safety Zone B 1,833' x 917' x 1,325'
Relocated Model State Safety Zone A 500' x 1,833' x 1,050'
Existing Washington County Airport Zone 250' x 10,000' x 2,250'
Future Run-Up Pad
Future REIL
Future PAPI
Future 35' T/W
Future Run-Up Pad
Relocated Compass Calibration Pad
Future PAPI
Future REIL
Future Run-Up Pad
Existing Runway Protection Zone 250' x 1,000' x 450'
Future Run-Up Pad
Existing Model State Safety Zone A 500' x 1,900' x 1,070'
Existing Washington County Airport Zone 250' x 10,000' x 2,250'
Existing Washington County Qualified Land Use Zone 75' x 10,560' x 6,000'
Existing Model State Safety Zone B 1,070' x 950' x 1,355'
Wetland Impact = 1.49 Ac.
Wetland Impact = 0.38 Ac.
Wetland Impact = 0.36 Ac.
Relocated Runway Protection Zone 250' x 1,000' x 450'
Existing Runway Protection Zone 250' x 1,000' x 450'
Runway 22 Threshold
Future PAPI
Aircraft Noise Contours
Runway 4/22 - 2,496'
Runway 14/32 - 3,500' x 75'
Runway Object Free Area
Runway Safety Area
Future 35' T/W
60 DNL
65 DNL
70 DNL
75 DNL
6'/6'
Future PAPI
Future REIL
Future Run-Up Pad
Runway 32 Threshold
Future REIL
Relocated Airport Fence
Compatible With LTCP Preferred Road Realignment Alternative 3
Relocated Runway Protection Zone 250' x 1,000' x 450'
Existing Model State Safety Zone A 500' x 1,664' x 1,000'
Relocated Model State Safety Zone A 500' x 2,333' x 1,200'
Relocated Model State Safety Zone B 1,200' x 1,167' x 1,550'
Existing Washington County Airport Zone 250' x 10,000' x 2,250'
Existing Washington County Qualified Land Use Zone 75' x 10,560' x 6,000'
Existing Washington County Airport Zone 250' x 10,000' x 2,250'
Existing Washington County Qualified Land Use Zone 75' x 10,560' x 6,000'

Approximate Tree Removal
Approximate Wetland Areas (U.S. Fish and Wildlife Service National Wetlands Inventory)
Delineated Wetland Boundary
Pavement To Be Removed
New/Reconstructed Pavements
Proposed Infiltration Basin & Temporary Storage

Note: Aircraft noise contour 60 DNL is shown for informational purposes only.

0 500' 1000' 2000'
GRAPHIC SCALE IN FEET

Lake Elmo Airport
Environmental Assessment

FIGURE 3-10
Alternative B1

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3.3.5 Primary Runway Alternatives Comparison

The no-action alternative and Alternatives B and B1 are compared in **Table 3-3** with respect to each evaluation criterion. Alternative B1 either outperforms or is nearly identical to Alternative B when judged against all practicability and environmental evaluation factors. Therefore, Alternative B1 is selected as the preferred primary runway alternative for this EA/EAW and will be carried forward for full NEPA review in comparison with the no-action alternative.

Table 3-3: Primary Runway Alternatives Comparison Matrix

Criterion		No-Action Alternative	Alternative B Relocate 700' & Extend to 3,600'	Alternative B1 Relocate 616' & Extend to 3,500'
Practicability Factors	Construction Cost	$5.4 million	$9.6 million	$9.3 million
	Logistical Factors	Future Manning Avenue widening will trigger FAA RPZ review	Not compatible with preferred 30th Street North alternative	None
Environmental Factors	Wetland Fill and Conversion Area (approx.)	NA	2.83 acres	2.36 acres
	Tree Clearing Area (approx.)	13 acres	22 acres	20 acres
	Residential Parcels with Structures in Model Safety Zone A	0	6	3
	Residential Parcels with Structures in Model Safety Zone B	2	9	10
	Private Properties within 65 DNL	None	None	None

Note: Wetland fill/conversion areas and tree clearing areas shown in this table include those associated with crosswind Runway 04/22 extension. For a more apples-to-apples comparison of the primary runway component of the project, cost estimates and residential parcel counts shown in this table do not include those associated with crosswind Runway 04/22 extension. For more information on crosswind runway cost estimates, see Section 3.2.5. For more information on residential parcel counts for the entire project, see Section 5.9.1.

3.4 Preferred Alternatives / Proposed Action

Based on the set of preferred alternatives selected in this chapter, the proposed action to be evaluated by this EA/EAW includes the following:

- Relocate Runway 14/32 by shifting 615 feet to the northeast and extend to 3,500 feet, including grading, clearing, and runway lighting.
- Extinguish existing prescriptive easement for 30th Street North and seek, as appropriate, a land release from the Federal Aviation Administration (FAA) to allow realignment of 30th Street North around the new Runway 32 Runway Protection Zone (RPZ) to reconnect with the existing Neal Avenue North intersection.
- Relocate the Airport perimeter fence to reflect the new Runway 32 RPZ.
- Remove the existing north side taxiway and compass calibration pad and construct a new cross-field taxiway to serve the new Runway 14 end, including taxiway lighting and/or reflectors.
- Convert existing Runway 14/32 to a partial parallel taxiway and remove the portion of the existing parallel taxiway south of the Runway 04 threshold.
- Reconstruct Runway 4/22 and extend to 2,750 feet, including necessary lighting and taxiway connectors.
- Construct other taxiways and engine run-up pads as needed to support the relocated Runway 14/32 and extended Runway 04/22, including connector taxiways and a full-length parallel taxiway on the north side of the relocated Runway 14/32, and install taxiway lighting and/or reflectors.
- Relocate the compass calibration pad adjacent to the new partial parallel taxiway (converted Runway 14/32).
- Establish non-precision GPS-based instrument approach procedures to all runway ends not already equipped.
- Provide Runway 14/32 lighting systems with the relocated runway.
- Install medium intensity runway edge lights (MIRL) on Runway 04/22; precision approach path indicators (PAPIs) on the Runway 04, 14, and 22 ends; and runway end identifier lights (REIL) on each end of Runway 04/22.
- Remove approximately 20 acres of on-Airport trees and individual off-Airport trees as necessary to clear trees that penetrate FAA Threshold Siting Surfaces (TSS)/Part 77 approach and transitional surfaces.
- Install obstruction lighting on fixed base operator (FBO) and hangar buildings in the *United States Standard for Terminal Instrument Procedures* (TERPS) departure surface areas beyond Runway 04, 14, and 22 ends.
- Construct an on-Airport access road connecting the north and west building areas.
- Voluntarily explore creation of Rusty Patched Bumble Bee/pollinator habitat on Airport property southwest of proposed 30th Street North realignment.

Project construction is expected to commence in 2019 and would occur in annual phases over the course of approximately five years.

This chapter provides background information regarding the surrounding community and environment for Lake Elmo Airport. The chapter contains the following sections:

- Airport Location and Description
- Local Population
- Geology, Soils, and Topography
- Land Uses and Zoning
- Water Resources
- Biotic Communities
- Historic, Archaeological, and Cultural Resources
- Past, Present, and Reasonably Foreseeable Actions

4.1 Airport Location and Description

Located in Washington County east of St. Paul, Minnesota, Lake Elmo Airport is a 640-acre public airport owned and operated by the Metropolitan Airports Commission (MAC). The MAC is an airport authority created by state law in 1943 to provide coordinated aviation services within the Twin Cities Metropolitan Area. The MAC owns and operates seven airports in the metropolitan area including Lake Elmo, which was established in 1951 and is classified by the MAC as a "complimentary reliever." The primary role of Lake Elmo Airport is to accommodate personal, recreational, and some business aviation users in Washington County and the eastern portion of the metropolitan area. Approximately 560 acres of Airport land are in Baytown Township, Minnesota, with the remaining 80 acres located in West Lakeland Township south of 30th Street North. The City of Lake Elmo is adjacent to the Airport west of Manning Avenue North. Situated one mile east of downtown Lake Elmo, the Airport is accessed via Manning Avenue North and 33rd Street North. Airport location, topographic, and airfield layout maps are shown in **Figures 4-1**, **4-2**, and **4-3**, respectively**.**

The primary runway at Lake Elmo is Runway 14/32. Runway 14/32 is 2,849 feet long and 75 feet wide. The asphalt runway is accompanied by a full-length 30-foot wide parallel taxiway with four connectors leading to and from Runway 14/32, as well as to hangars located on the west side of the Airport. Runway 4/22, Lake Elmo's crosswind runway, is 2,496 feet long and 75 feet wide with an asphalt surface and full-length 30-foot wide parallel taxiway. Runway 4/22's taxiway has three connectors with one connector directly off the Runway 22 end leading to hangars located on the north side of the Airport. The non-towered Airport is served by one fixed-based operator (FBO), Valters Aviation, which offers maintenance and 24-hour 100LL fuel.

Both runways at Lake Elmo have runway protection zones (RPZs) beginning 200 feet beyond the runway end with dimensions of 250' x 1,000' x 450'. An RPZ is a trapezoidal shaped area beyond a runway end with the purpose of protecting pilots as well as individuals and property on the ground. The Runway 14 RPZ extends beyond Manning Avenue North into the City of Lake Elmo. The Union Pacific Railroad is also located within the Runway 14 RPZ. The Runway 32 RPZ extends beyond 30th Street North into West Lakeland Township. Both RPZs for Runway 4/22 are located within Airport property boundaries.

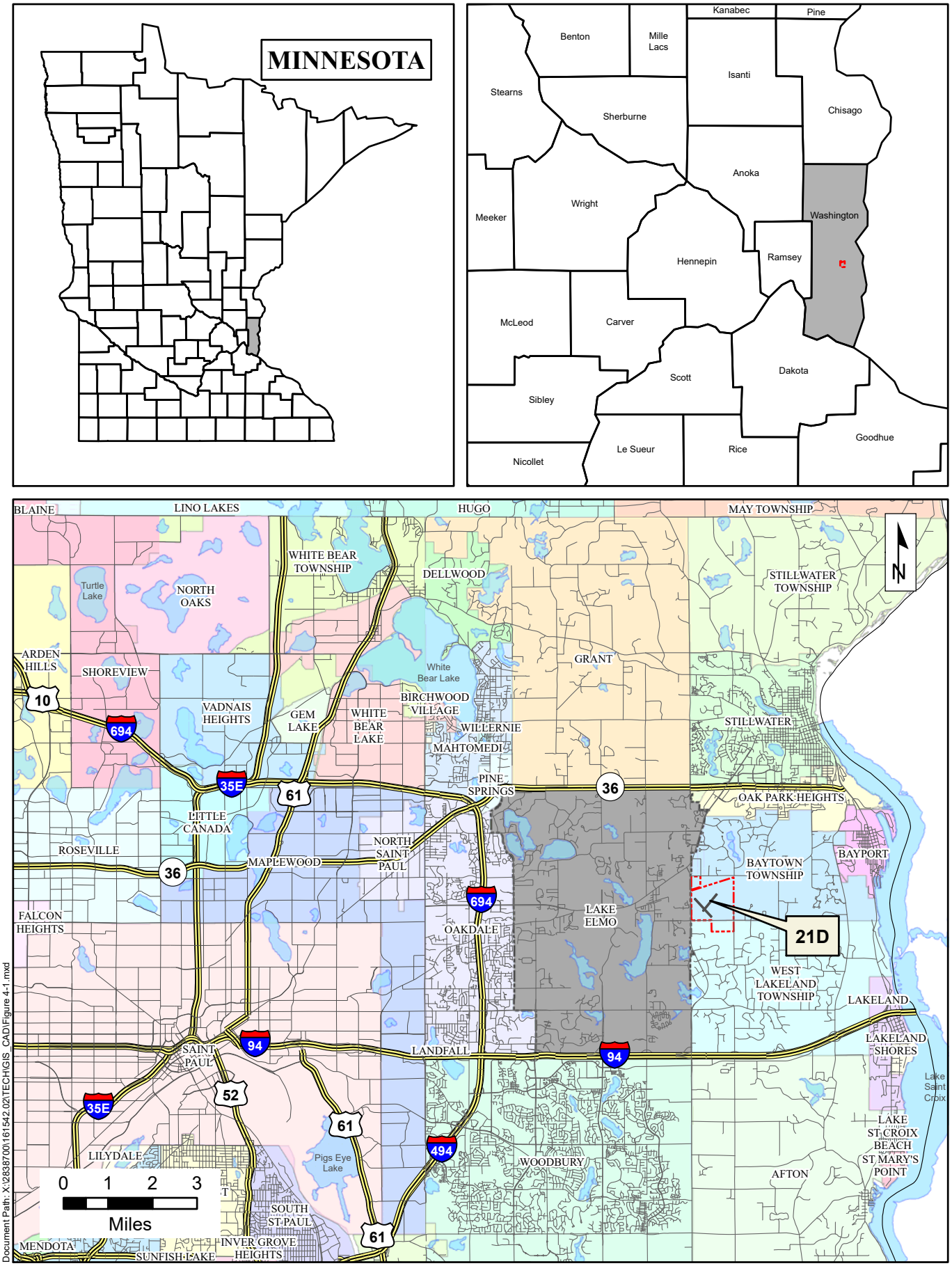


FIGURE 4-1
County Location
Lake Elmo Airport
Environmental Assessment

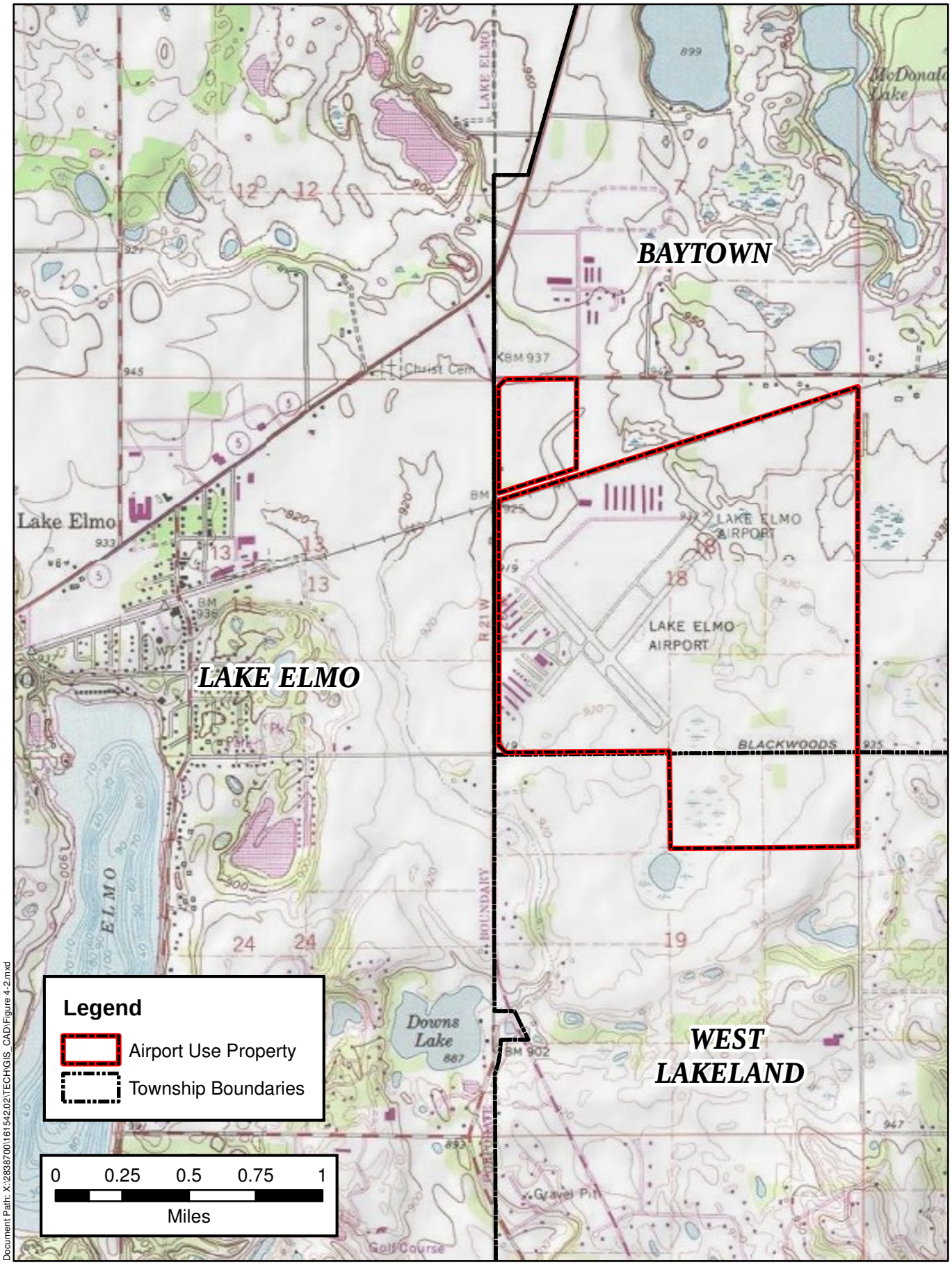


FIGURE 4-2

Topographic Map
Lake Elmo Airport
Environmental Assessment

Service Layer Credits: Copyright:© 2013 National Geographic Society, i-cubed

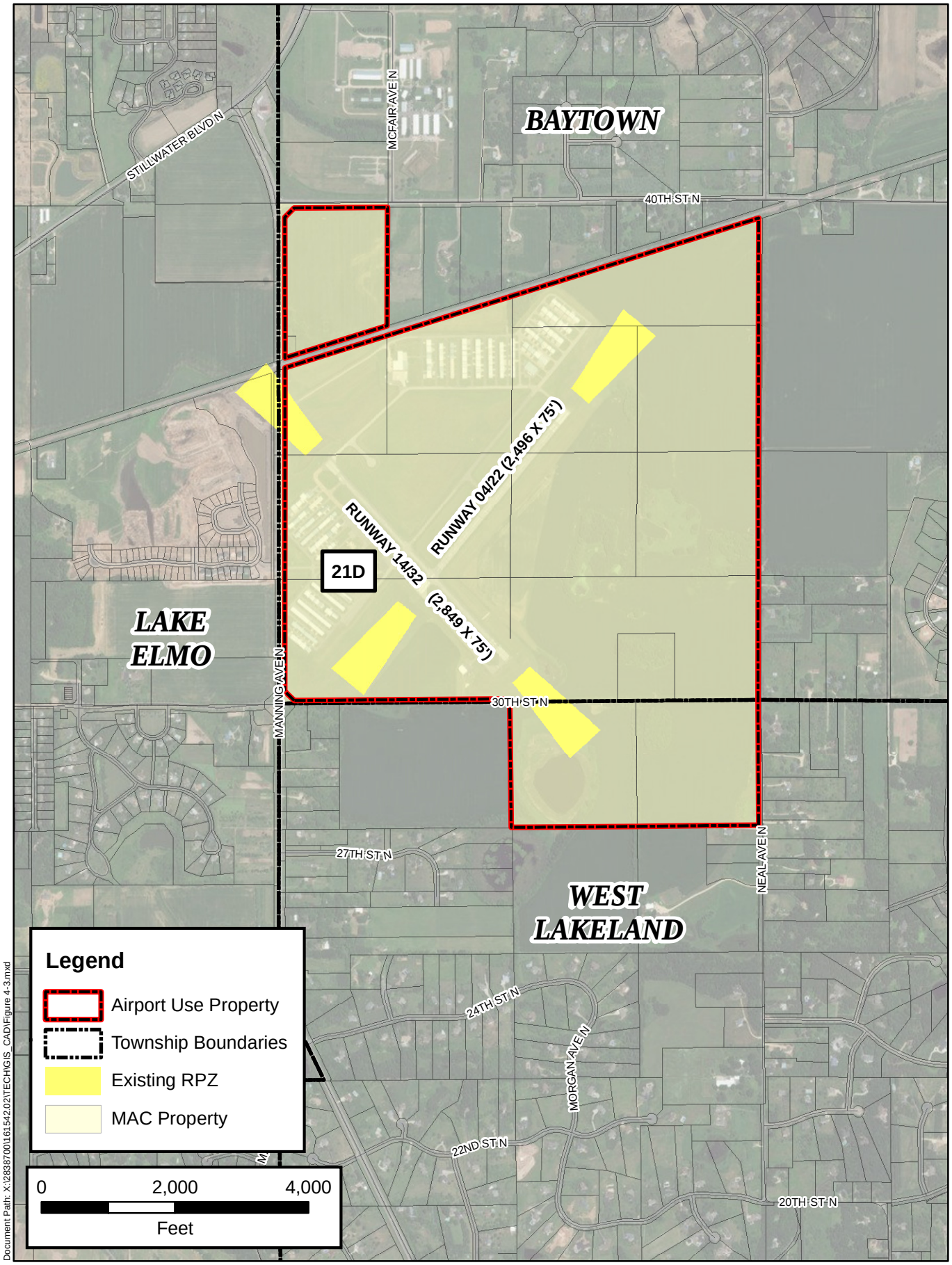


FIGURE 4-3
Current Airfield
Lake Elmo Airport
Environmental Assessment

Washington County, MN - GIS Data Downloads at
http://maps.co.washington.mn.us/arcgis/services/Public/Public_Parcels

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

The Runway Design Code (RDC) signifies the design standards to which a runway is built and is comprised of three elements: Aircraft Approach Category (AAC), Airplane Design Group (ADG), and visibility minimums. The AAC is represented by a letter ranging from A - E, for which every letter represents a range of aircraft approach speeds. Denoted by a roman numeral ranging from I-VI, the ADG classifies aircraft based on wingspan and tail height. Visibility minimums are primarily expressed in numerical values (1200, 1600, 2400, 4000, 5000, VIS) and are used to signify the minimum visibility conditions in which a runway can be used. Runway design standards are based on a single aircraft or family of aircraft that regularly uses the runway and accounts for 500 annual operations not including touch-and-go operations. The RDC for both runways at Lake Elmo Airport is based a family of small propeller-driven aircraft with fewer than 10 passenger seats, resulting in an A/B-II-5000 designation (small aircraft only). Aircraft Approach Categories A and B include aircraft with an approach speed of less than 91 knots (A), as well as an approach speed of 91 knots or more, but less than 121 knots (B.) Airplane Design Group II signifies aircraft with a tail height of 20 feet or more, but less than 30 feet and a wingspan of 49 feet or more, but less than 79 feet. Lake Elmo's 5,000-foot visibility minimum denotes landing is permissible if visibility conditions are not lower than one statute mile. This visibility minimum is only available for straight-in global positioning system (GPS) approaches to Runway 32, straight-in non-directional beacon (NDB) approaches to Runway 04, and circling GPS and NDB approaches to all four runway ends. Runways 14 and 22 currently do not have straight-in instrument approach procedures and therefore straight-in approaches to these runway ends are only permissible above Visual Flight Rules (VFR) minimums (3 statute mile visibility and 1,000-foot cloud ceiling).

Table 4-1 details estimated aircraft operations by user type and based aircraft by aircraft type for the 12-month period ending October 2016, as recorded in the Airport's FAA Airport Master Record.

Table 4-1: Lake Elmo Airport Aircraft Operations and Based Aircraft

Based Aircraft	Single-Engine	183	**Itinerant Aircraft Operations**	Air Carrier	0
	Multi-Engine	6		Air Taxi	1,147
	Jet	0		Military	14,561
	Rotorcraft	3		General Aviation	169
	Other (including sailplanes)	0	**Local Aircraft Operations**	General Aviation	10,621
	Total Based Aircraft	**192**		Military	0
			Total Aircraft Operations		**26,498**

Source: FAA Form 5010-1, operations for the 12 months ending 10/31/2016

4.2 Local Population

Lake Elmo Airport is located mostly in Baytown Township and is bordered by West Lakeland Township to the south and the City of Lake Elmo to the west, all three of which are in Washington County. Population statistics for these four jurisdictions are presented below.

4.2.1 Washington County

The U.S. Census Bureau conducts a census every ten years, with population estimates for the years in between. The last census for Washington County was conducted in 2010 and documented total population of 238,136, or approximately 563 people per square mile. Another provider of demographic

data is the Minnesota State Demographic Center (MSDC). The MSDC, in coordination with the Metropolitan Council, produce population and household estimates for the census between years. **Table 4-2** displays 2000 and 2010 U.S. Census information for Washington County and more recent population estimates from both the Census Bureau and MSDC. County population has steadily increased since the 2010 Census according to United States Census Bureau and the MSDC.

Table 4-2: Washington County Population

Year	Population (U.S. Census)		Average Annual Growth, 2000 to 2010	
2000	201,130		1.70 percent	
2010	238,136			
Year	**Population (U.S. Census Estimate)**	**Average Annual Growth, 2010 to current year**	**Population (MSDC Estimate)**	**Average Annual Growth, 2010 to current year**
2012	244,011	1.23 percent	243,313	1.08 percent
2014	249,026	1.12 percent	249,109	1.13 percent
2016	253,117	1.02 percent	253,128	1.02 percent

4.2.2 Baytown Township

Organized in 1858, Baytown Township is situated north of 30th Street North and is where Lake Elmo Airport's facilities currently reside, including Runways 14/32 and 4/22. In 2010, the total population was 1,723, or approximately 180 people per square mile. Though the MSDC estimated a slight decrease in population from 2010 to 2012, population has steadily increased in subsequent years, as shown in **Table 4-3**.

Table 4-3: Baytown Township Population

Year	Population (U.S. Census)	Average Annual Growth, 2000 to 2010
2000	1,533	0.53 percent
2010	1,617	
Year	**Population (MSDC Estimate)**	**Average Annual Growth, 2010 to current year**
2012	1,615	-0.06 percent
2014	1,730	1.70 percent
2016	1,830	2.08 percent

4.2.3 West Lakeland Township

West Lakeland Township was originally part of Lakeland Township, which was established in 1858, but split off and organized as a separate entity in 1950 when Lakeland incorporated as a village. In 2010, the total population was 4,046, or approximately 321 people per square mile. **Table 4-4** depicts West Lakeland Township population since 2000.

Table 4-4: West Lakeland Township Population

Year	Population (U.S. Census)	Average Annual Growth, 2000 to 2010
2000	3,547	1.32 percent
2010	4,046	
Year	**Population (MSDC Estimate)**	**Average Annual Growth, 2010 to current year**
2012	4,091	0.55 percent
2014	4,256	1.27 percent
2016	4,144	0.40 percent

4.2.4 City of Lake Elmo

The City of Lake Elmo was established in 1852. With a 2010 Census population of 8,069, or approximately 331 people per square mile, the City is more densely populated than the two townships, as shown in **Table 4-5**.

Table 4-5: City of Lake Elmo Population

Year	Population (U.S. Census)	Average Annual Growth, 2000 to 2010
2000	6,863	1.63 percent
2010	8,069	
Year	**Population (MSDC Estimate)**	**Average Annual Growth, 2010 to current year**
2012	7,997	-0.45 percent
2014	8,594	1.59 percent
2016	8,748	1.36 percent

4.3 Geology, Soils, and Topography

The topography of the Airport site is relatively flat, ranging in elevation from approximately 910 to 950 feet above mean sea level. Soils to be disturbed by the project consist primarily of Antigo silt loam and Crystal Lake silt loam, which have low slopes, are moderately to well drained, and are well suited for building upon because of their combination of sand, silt, and clay.

The surface geology on and near the Airport is fine-grained sand, silt, and clay deposited by the most recent glacier to extend into the area approximately 30,000 years ago. This glacier is known as the Superior lobe, which passed over Precambrian crystalline bedrock, Cambrian sandstone, and basalt in northeastern Minnesota, and Paleozoic sedimentary rock in east-central Minnesota. After a warming period that saw the glacier's retreat north to Chisago County, the ice re-advanced approximately 20,000 years ago and formed the St. Croix moraine. During the period following the re-advance, known as the St. Croix phase of the Superior lobe, the moraine stagnated for an unknown duration. Large, well-developed, subglacial fluvial channels, or tunnel valleys, formed at the glacial margin; large lakes were formed when the glacier pressed blocks of ice into the sediment below, commonly in tunnel valleys; and smaller lakes and wetlands were formed by thawed permafrost, creating irregular topography at or below the water table. The Airport is located on a broad plateau that was formed during the St. Croix phase by stagnation of the moraine and a resulting ice-walled lake plain. This relatively flat plain is perched above surrounding depressions and is underlain primarily by laminated, red clay and light brown, fine-grained sandy silt, capped by brown, fine-grained sand.

The average depth to bedrock on and near the Airport is 50 to 100 feet. The bedrock geology is the Shakopee Formation of the Prairie du Chien Group (Lower Ordovician), which is a heterolithic unit composed mainly of light brown, thin-to-medium bedded dolostone, sandstone, and shale. It contains oolites, intraclasts, fossilized microbial mounds, chert nodules, quartz sandstone, and green-gray shale pairings. The Prairie du Chien Group is dominated by thick units of carbonate rock with less sandstone and shale than other Paleozoic rocks. Because carbonate rock is soluble, and because the area has been exposed to varying water table elevations over recent millennia, there is a moderately high likelihood of karst conditions within the bedrock. Formation of sinkholes on the Airport is possible, although sinkholes tend to form in areas with a shallower depth to bedrock than is present at the Airport. Potential sinkhole locations are difficult to determine without extensive geotechnical work.

4.4 Land Uses and Zoning

This section identifies land uses and zoning designations for the Airport and its surrounding environment. General land cover estimates for Airport property are summarized in **Table 4-6**, based on data from the Minnesota Land Cover Classification System (MLCCS).

Figure 4-4 depicts the current land use of the Airport and surrounding community.

Table 4-6: Airport Land Cover

General Land Cover Type	Acres	Percentage
Impervious Surface	58.7	9.2 percent
Agricultural (leased)	300.6	47.0 percent
Grassy Areas	208.8	31.0 percent
Wooded	35.2	5.5 percent
Wetland	36.7	5.7 percent
Total	**640.0**	

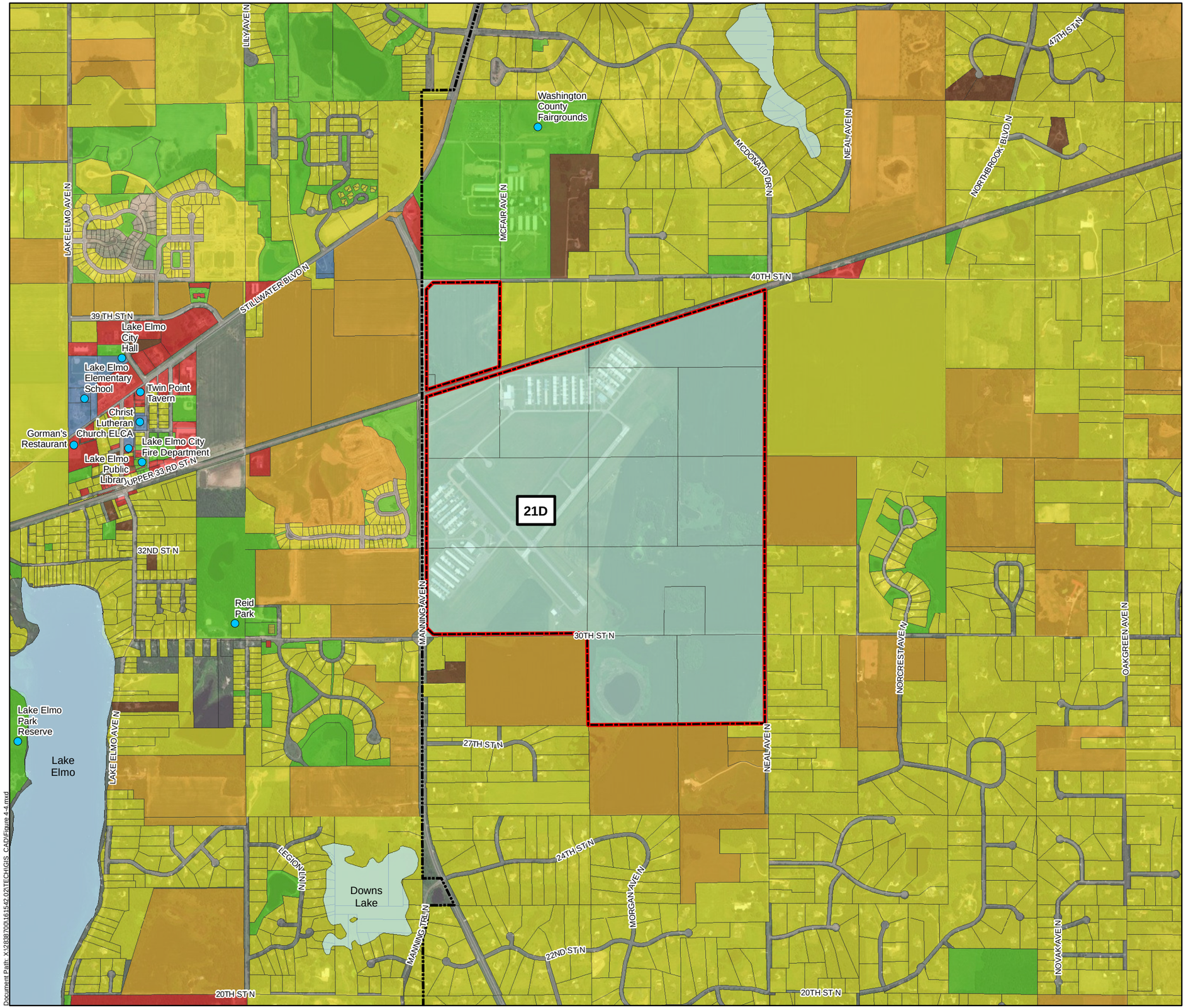
Source: Minnesota Land Cover Classification System, Mead & Hunt

- *Places of Public Assembly* – Most places of public assembly near the Airport are in Lake Elmo. Between 39th Street North and Upper 33rd Street North, about two miles west of the Airport, are restaurants including Gorman's and Twin Point Tavern, Lake Elmo City's Fire Department, Lake Elmo Public Library, Lake Elmo Elementary School, and Lake Elmo City Hall. Oak Land Middle School and all churches in the near vicinity, including Christ Lutheran Church ELCA, Common Ground Church, and St. Lucas Community Church, are in Lake Elmo. The Washington County Fairgrounds are located one mile north of the Airport in Baytown Township. None of these places of public assembly is within the approach and departure areas at the Airport.

- *Public Parks/Recreational Areas* – The nearest parks/recreational areas are Reid Park and Lake Elmo Park Reserve. Reid Park is a 30-acre community park equipped with a playground and several fields for sporting events such as soccer, football, and softball. Lake Elmo Park Reserve is 2,165 acres with 80 percent of the acreage set aside and devoted to preservation and protection. Some activities allowed at the park reserve are bicycling, boat launching, camping, and archery. Neither of these parks is in the approach or departure areas at the Airport.

- *Farmland* – Soils at Lake Elmo Airport are classified in **Figure 4-5** and primarily consist of prime farmland and farmland of statewide importance. Prime farmland is land that does not flood frequently and has the best chemical and physical characteristics for producing food, feed, fiber, oilseed crops, and forage. Prime farmland's soil allows both water and air to pass through and has the characteristics needed to produce and sustain high yields of crops. Farmland of statewide importance is land that does not meet the criteria for prime or unique farmland, but is of statewide importance to produce food, feed, fiber, forage, and oil seed crops. Farmland of statewide importance is also capable of producing high-yield crops when treated and managed.

- *Hospital* – Lakeview Hospital in Stillwater, Minnesota is 5.6 miles northeast of the Airport and is the closest hospital to the Airport. The hospital is not within any runway approach or departure paths at the Airport.



Legend

- Airport Use Property
- Lake Elmo Boundary
- Parcels
- Airport
- Single Family Detached
- Agricultural
- Multi-Family
- Institutional
- Commercial/Industrial
- Public/Park
- Points Of Interest

N

0 1,000 2,000 3,000 4,000

Feet

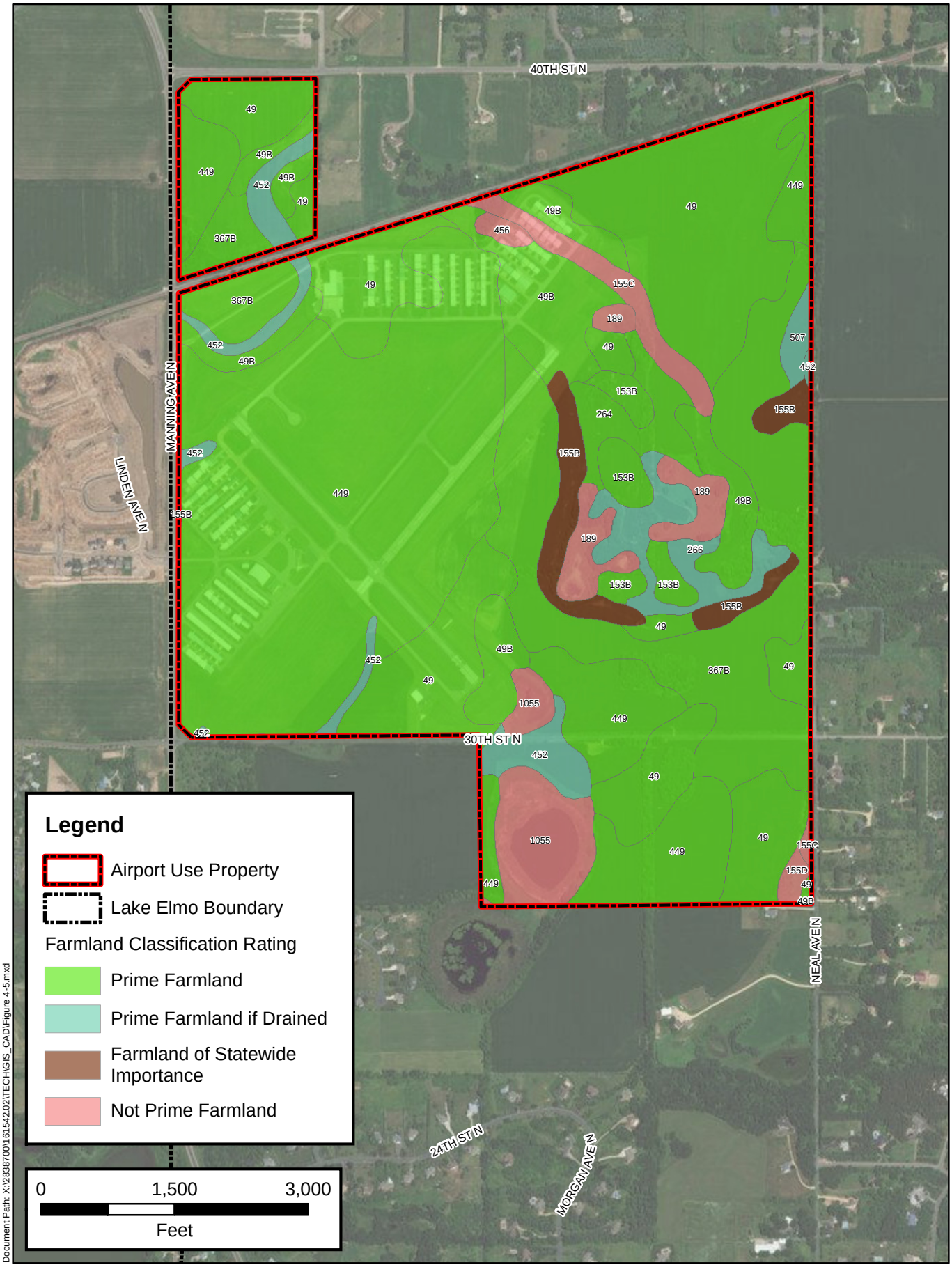
Washington County, MN - GIS Data Downloads at
http://maps.co.washington.mn.us/arcgis/services/Public/Public_Parcels

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Document Path: X:\2838\700\16142.02\TECH\GIS_CAD\Figure 4-4.mxd

FIGURE 4-4
Land Use
Lake Elmo Airport
Environmental Assessment

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United States Department of Agriculture - Web Soil Survey
https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

FIGURE 4-5
Soils Map
Lake Elmo Airport
Environmental Assessment

The following subsections describe land use and zoning designations for Baytown Township, West Lakeland Township, and the City of Lake Elmo, as well as a discussion of airport-related zoning overlays. This is presented for informational purposes, as the MAC, pursuant to its statutory powers, does not concede jurisdiction regarding zoning of MAC-owned property, does not recognize zoning designations of MAC-owned property made by local jurisdictions, and does not seek zoning-related permits from local jurisdictions.

4.4.1 Baytown Township Land Uses & Zoning

As previously noted, most of Lake Elmo Airport is located in Baytown Township and all of the Airport's facilities, including Runway 14/32, Runway 4/22, hangars, and taxiways are situated in Baytown Township. As required by the Minnesota Metropolitan Land Planning Act, Baytown Township is currently in the process of updating its 2040 Comprehensive Plan. The draft 2040 Comprehensive Plan shows Lake Elmo Airport as public land within the agriculture district. Public land is land owned and/or operated by a governmental unit.

The township has a zoning ordinance which was updated in April 2017. The zoning ordinance states the Township is divided into six districts: Agriculture Preserve; Agriculture; Rural Residential; Single Family Estate' Transition Zone; St. Croix River; and Shoreland Overlay Districts. All six districts have primary uses, uses allowed with a certificate of compliance, and uses allowed with a conditional use permit. Under the comprehensive plan and 2013 zoning map, Lake Elmo Airport is located in the agriculture district. The agriculture district permits agricultural and related uses to preserve the rural character of the township. Baytown Township was once primarily agricultural land before residential development grew over the years. Primary uses in the agriculture district are agriculture and single family detached residential. Though agriculture land use is devoted to the production of fruits, vegetables, raising domestic farm animals, etc., these activities do not have to be the principal use. If a certificate of compliance is issued, other permitted uses include, but are not limited to: accessory apartments, home occupation, place of worship, livestock and livestock operations. A conditional use permit allows golf courses, multi-family residential development, open space development, schools, and other development.

The primary land use in Baytown Township is large lot single-family residential which is primarily located within the single-family estate district to the north and east of the Airport. Residences nearest to the Airport in Baytown Township are along 40th Street North, Manning Avenue North, Neal Avenue North, and McDonald Drive North. The Township does not plan to change its zoning districts near the Airport. There is no commercial land use near the Airport, and no commercial zoning district within the township.

4.4.2 West Lakeland Township Land Uses & Zoning

West Lakeland Township also has a goal of maintaining a rural residential character. According to its comprehensive plan and current zoning map, land use within the township is primarily rural residential single-family homes. No Airport facilities are currently located in West Lakeland Township except for the 80 acres of unused land. The 80-acre portion of Airport property and Airport Overlay District are located within the single-family estates district. Primary uses within the single-family estate district are agriculture and single-family estates. Uses such as golf courses, livestock and livestock operations, and essential

services including government uses require a conditional use permit. Commercial activities are limited throughout the Township by the zoning ordinance.

4.4.3 City of Lake Elmo Land Uses & Zoning

The Runway 04 and 14 approaches and a portion of the Runway 14 RPZ are located west of the Airport in the City of Lake Elmo, which has also established a comprehensive plan and zoning code. The current land use within the RPZ and state safety zones under the comprehensive plan is rural area development. The rural area development category represents large areas of rural development and agricultural uses within Lake Elmo.

The City zoning code lists the areas in the approach to Runway 14 as urban low density residential (LDR) and rural development transitional (RT) zoning districts. The LDR district provides single-family dwellings on moderately sized lots and is the most restrictive of the urban residential districts. The district intends to provide areas for lower density residential development in areas served by public sewer and water services. Uses such as parks and open areas, home occupation, group homes, and single-family detached dwellings are permitted within the LDR district. Other uses such as broadcasting or communication facilities, golf courses, and schools are allowed with a conditional use permit. The RT district is an interim holding zone to regulate land uses within the city that will connect to regional sewer service. There are a few agriculture zoned districts scattered throughout Lake Elmo, but none are affected by or adjacent to the Airport.

4.4.4 Washington County Zoning

The Washington County zoning ordinance includes an Airport Overlay District applying to both public and private land. The regulations of the Airport Overlay District are in addition to regulations enforced by other districts covering the same land and are designed to minimize land development adjacent to and near the airfield. The Airport Overlay District consists of two zones: Qualified Land Use Zone and Airport Zone. The Qualified Land Used Zone prohibits structures or uses that will cause assembly of persons, manufacturing or storage of materials which will explode on contact, or the storage of flammable liquid above ground. The zone does permit primary uses, uses permitted with a certificate of compliance, accessory uses, and uses permitted with a conditional use permit from underlying zoning districts. However, the Qualified Land Use Zone prohibits educational, institutional, amusement, and recreational uses as well as any use that would result in electrical interference with radio communications, airport light interference, or impaired visibility. The Airport Zone prohibits growth, construction, maintenance, or alteration of trees and structures above the Part 77 imaginary surfaces (horizontal, conical, primary, approach, and primary).

4.4.5 Minnesota State Standard Airport Zoning

Airport zoning allows the Airport to minimize and possibly eliminate any incompatible land use or development which would cause a negative impact to the surrounding airspace and disturbance to those using the Airport. Though the power to implement zoning laws and regulations rests with the Airport in conjunction with state and local governments, the FAA is a catalyst for minimizing and eliminating incompatible land uses via grant assurances, which must be agreed to by airport sponsors prior to receiving federal funding. FAA Grant Assurance 21, Compatible Land Use, states the airport sponsor

agrees, to the extent reasonable, to restrict the use of land and activities adjacent to the airport or in the immediate vicinity that do not comply with normal airport operations.

Minnesota, under Chapter 360.063 of the Minnesota Statutes, grants authority to all municipalities within an airport hazard area to enforce airport zoning regulations, which may specify or restrict land use, tree removal or growth, and/or height of structures. Within the airport hazard area under approach zones, the municipality may regulate location, size, and use of buildings and population within two miles of airport boundaries. Under Chapter 360.015, subdivision 10, "it shall be the duty of the commissioner, the commissioner's assistant, and all employees of the Department of Transportation and every state, county, and municipal officer charged with the enforcement of state and municipal laws to enforce and assist in the enforcement of sections 360.01 to 360.074…" Sections 360.01 to 360.074 include airport zoning. The state enacted its first model airport zoning ordinance in 1946 and amended it in 1990. The model ordinance is a guide for municipalities to enact and enforce zoning, but has not been adopted at Lake Elmo Airport.

Before completing the EA/EAW process, the MAC will start convening a Joint Airport Zoning Board (JAZB) under Minnesota Statutes Chapter 360. Members of the JAZB are expected to include representatives from the City of Lake Elmo, Baytown Township, West Lakeland Township, Washington County, and any other local government jurisdiction affected by the proposed zoning ordinance. The process will consider public input as part of developing an airport zoning ordinance. This process may result in a zoning ordinance recommendation to the MnDOT Office of Aeronautics that deviates from the state's Model Zoning Ordinance.

4.5 Water Resources

The Valley Branch Watershed District (VBWD) is responsible for protecting water resources on and near the Airport, including lakes, ponds, creeks, streams, wetlands, drainages, and groundwater. The district covers 70 square miles located on the northeastern edge of the Minneapolis-St. Paul metropolitan area. One square mile of the District is in Ramsey County, but the remaining area is in Washington County, including Baytown Township, West Lakeland Township, and the City of Lake Elmo. All lakes, rivers, and streams within the VBWD flow into the St. Croix River. The VBWD was created in 1968 and is governed by a Board of Managers consisting of five personnel: four managers appointed by Washington County and one by Ramsey County. Water resources on and near the Airport are described in the following sections:

- Groundwater
- Lakes
- Rivers and Streams
- Impaired Waters
- Watersheds
- County Ditches
- Wetlands
- Floodplains

4.5.1 Groundwater

Groundwater is found underground within cracks and spaces of soil and rock. Groundwater is a crucial source of water supply in Washington County and is contained mostly in bedrock aquifers. Four aquifers are primarily used in the VBWD: Tunnel City-Wonewoc, Prairie du Chien-Jordan Sandstone, Mt. Simon, and a quaternary. Tunnel City-Wonewoc (formerly known as Franconia-Ironton-Galesville aquifer), Prairie du Chien-Jordan Sandstone, and Mt. Simon are all within bedrock. These bedrock aquifers are under artesian pressure, which causes the water to move from high to lower pressure elevations. Tunnel City-Wonewoc underlies most of the VBWD while Mt. Simon underlies all of the VBWD. Prairie du Chien and Jordan Sandstone are the aquifers predominantly used for drinking water within Washington County. Because of the lack of regional-confining bed to separate the two aquifers, they act as one aquifer that expands to an approximate maximum width of 200 feet in some sections of the county. The fourth aquifer is a quaternary, which is a water table under atmospheric pressure. Ground water within the VBWD generally flows from the northwest to west and then east toward and into the St. Croix River.

Baytown Township, West Lakeland Township, and the City of Lake Elmo are currently under a Minnesota Department of Health (MDH) enforced well advisory because of ground water contamination by volatile organic chemicals (VOC). The VOC contaminant is a solvent called trichloroethylene (TCE), which is a chemical that was commonly used in paints and adhesives, and as a degreasing and cleaning agent. The original source of the TCE contamination was a former metal working shop in Lake Elmo. The plume of TCE contamination spread in the groundwater, moving east through the Airport area to the center of Baytown Township. Sensitivity of groundwater systems to pollution have been established for some of the aquifers as part of the Washington County Geologic Atlas. Within Baytown Township, the quaternary aquifer is primarily rated as “high” with a few areas in the west as “very high.” A high rating means “contaminants will probably reach the water table in weeks to years” while a very high rating signifies “contaminants will almost certainly reach the water table in hours to months.” Half of Baytown Township rests over the quaternary aquifer. The Prairie du Chien-Jordan Sandstone aquifer ranges from high to low-moderate, with low-moderate indicating “contaminants will probably not reach the water table for more than a decade.”

The MDH is responsible for ensuring proper well construction and sealing of groundwater wells. Most residences in Baytown Township rely on private wells leaving private well owners responsible for their drinking water quality. Under the 2040 Baytown Township comprehensive plan, the township has no plans to provide municipal water services. The Airport is outside any wellhead protection areas identified by the MDH. The MDH Minnesota Well Index identifies Lake Elmo Airport as having roughly 26 wells on the airfield drawing from all four area aquifers with only a few wells reported sealed or abandoned. The MAC adopted a sanitary sewer and water policy for the Airport requiring all noncompliant wells be sealed. Because of the Minnesota Pollution Control Agency (MPCA) suspected the Airport of being a source of TCE, in May 1988 the MPCA issued a request for information to the MAC. The MAC investigated the Airport’s groundwater from 1988 – 1991. TCE was found in the drinking water aquifer beneath the Airport. The MAC was declared to be the responsible party in 1991. The MAC and the MPCA conducted further investigations from 1992 to 1998. The MAC completed a 1999 feasibility study which recommended the installation of point-of-use granulated activated carbon filters (GAC). MPCA approved the GAC filters as a remedial action at the Airport. The MAC began installing GAC filter systems on private wells to meet the

TCE drinking water standard at that time. The MPCA took over the program in 2007 after contamination was discovered at the former metal working shop in Lake Elmo. Additional investigation has convinced the MPCA that the Airport is neither the sole, nor most significant source of the Baytown contamination plume. The original Record of Decision was amended in July 2007 to reflect the final cleanup decision and public input. **Figure 4-6** depicts well data for the Lake Elmo Airport.

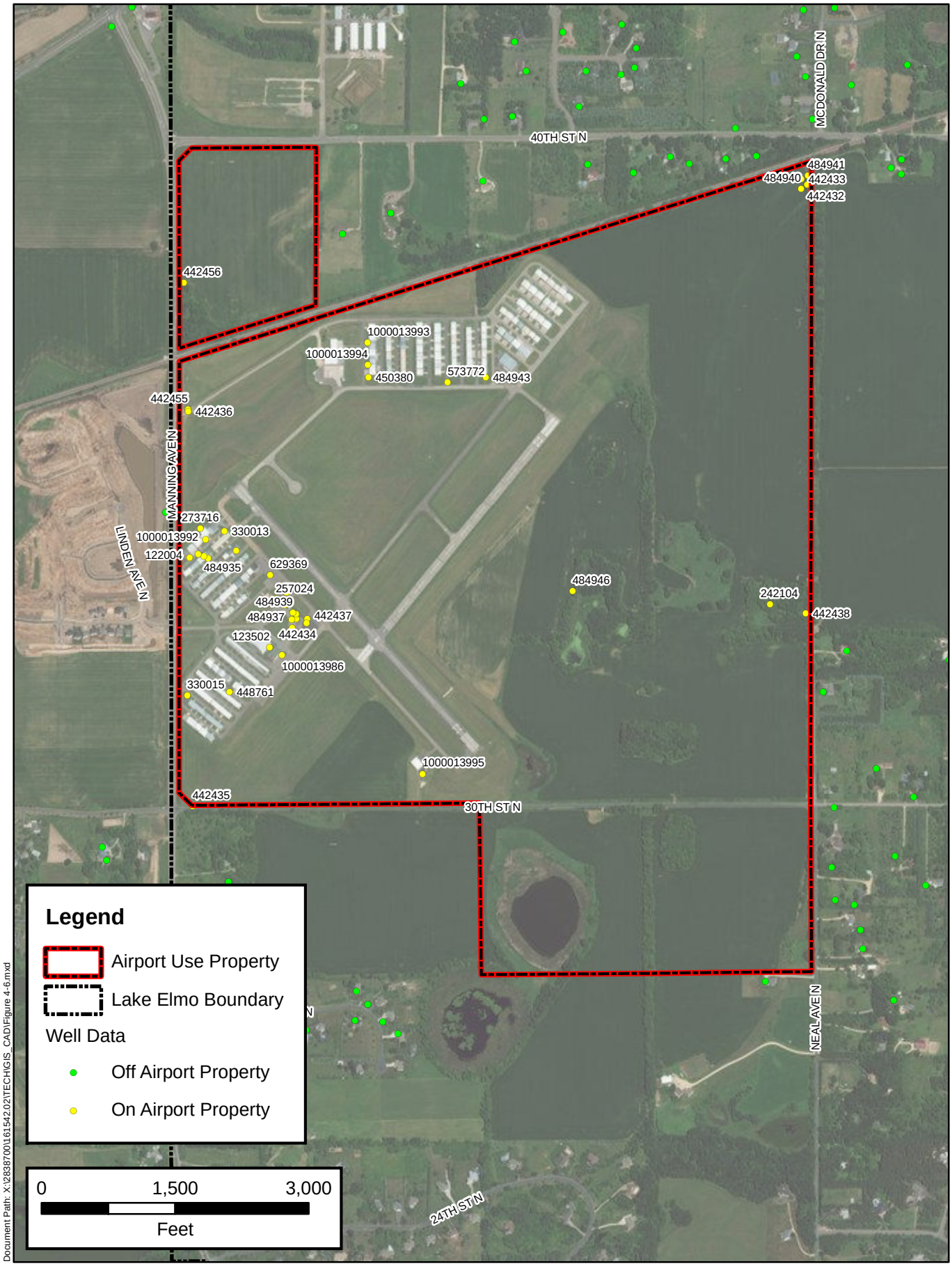
4.5.2 Lakes

There are six lakes within a two-mile radius of the Airport: Cloverdale Lake, Lake Elmo, Downs Lake, Sunfish Lake, McDonald Lake, and Horseshoe Lake. MDNR Public Waters Inventory (PWI) map for Washington County identifies three of the surrounding lakes as protected waters and assigns them Public Water Identifiers. The protected lakes and their identifiers are as follows: Lake Elmo 106P, Sunfish Lake 107P, and Horseshoe Lake 74P. Under the PWI, McDonald and Cloverdale Lakes are considered public water wetlands, with the following identifiers: 10W and 9W. None of the lake shorelines border Airport property.

4.5.3 Rivers and Streams

The upper 200 miles of the St. Croix River are considered a National Scenic Riverway and are managed by the National Park Service. The upper St. Croix River is also considered an Outstanding Resource Value Water Minnesota Rules 7050. The St. Croix River has a drainage area of approximately 7,760 square miles. The Valley Branch Watershed District is a tributary to the St. Croix River, but the Airport does not drain to the upper 200 miles of the river.

An intermittent stream one mile north of Downs Lake at the Union Pacific Railroad flows south and feeds into the Downs Lake subwatershed. There is also an unnamed MDNR public water stream, though often referred to as the Lake Elmo Creek, between Lake Elmo and Horseshoe Lake. Though these streams are near the Airport, the Airport does not drain to either of them.



Minnesota Department of Health - Minnesota Well Index
https://apps.health.state.mn.us/cwi

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

FIGURE 4-6
Well Data
Lake Elmo Airport
Environmental Assessment

4.5.4 Impaired Waters

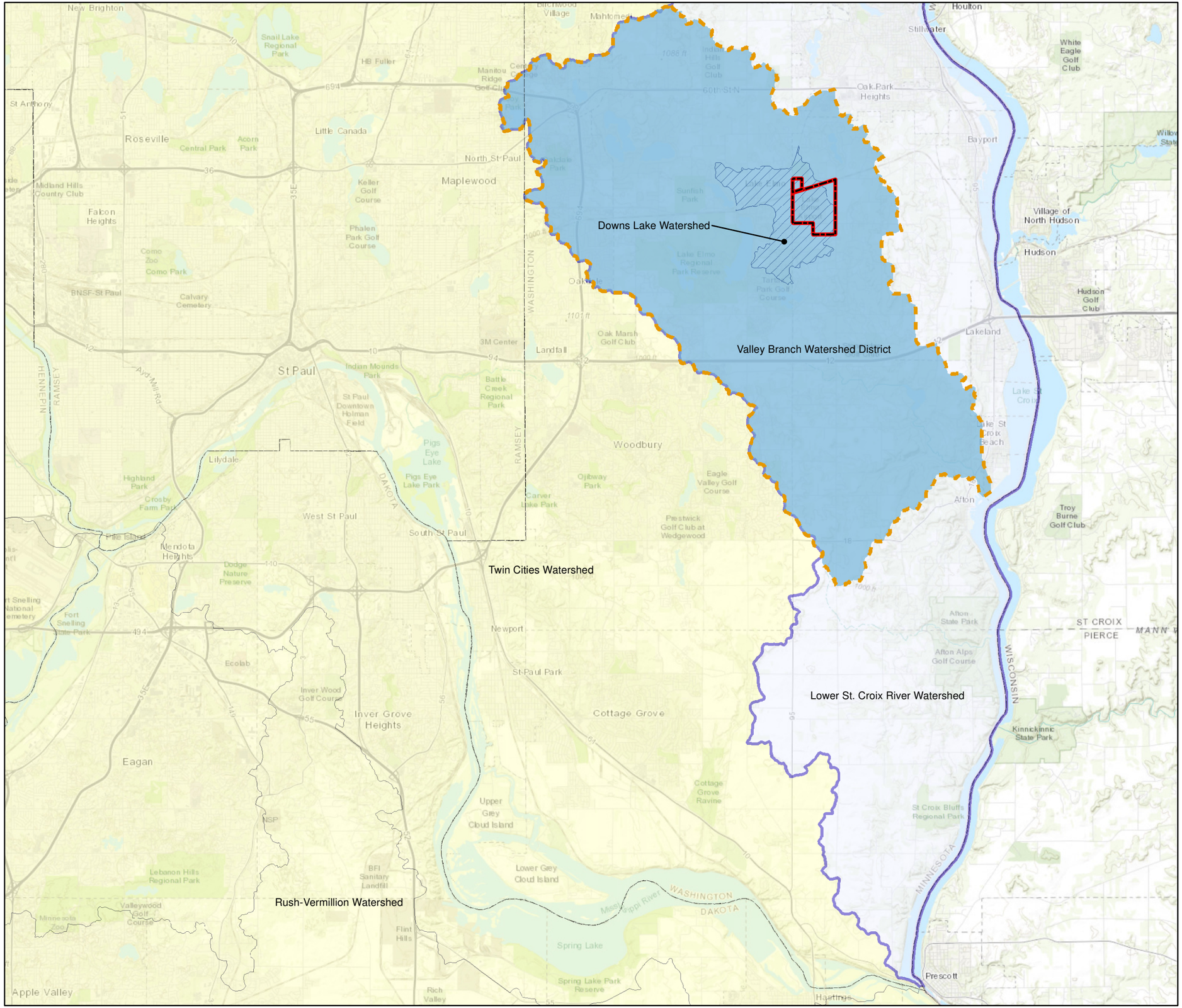
The Clean Water Act was established to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." So-called "impaired waters" are any bodies of water that do not meet water quality standards or fully support the waterbody's beneficial use. Section 303(d) of the Clean Water Act requires states to assess and list impaired waters and establish priority ranking by considering the water's uses and pollutant levels. The Clean Water Act allows states to adopt water quality standards. Minnesota has done so under Chapter 7050 of Minnesota Rules, which is administered by the Minnesota Pollution Control Agency (MPCA). These standards designate beneficial uses, known as designated uses, to every water body. Minnesota waters are to be protected as well as their assigned designated uses, whether for drinking water, recreation, fish consumption, or aquatic life. Not only do water quality standards establish designated uses, they also establish criteria which must be met within the bodies of water so water quality is maintained to support their designated uses.

Every even-numbered year, MPCA must produce an impaired waters list. In 2016, the MPCA declared two of the lakes within a two-mile radius of the Airport as impaired: Lake Elmo and Downs Lake. The Lake Elmo Airport's drainage flows into Downs Lake. The MPCA also declared the St. Croix River as impaired in certain areas. Lake Elmo was assigned the assessment unit identifier 82-0106-00 and added to the impaired waters list in 1998 and 2008. The deep lake is listed as an impaired water because of perfluorooctane sulfonate found in fish tissue in 1998 and for mercury found in fish tissue in 2008. Perfluorochemicals were once used in products to resist heat, oil, stains, grease, and water. Downs Lake is a shallow lake that was given the assessment unit identifier of 82-0110-00 and added to the list of impaired waters in 2012. The MPCA currently lists the lake as impaired because of nutrients, eutrophication, and biological indicators affecting its aquatic recreation. Nutrients are essential within a waterbody, but excessive amounts can cause degradation. According to Minnesota Rules 7050.0150, eutrophication is characterized by increased growth and abundance of algae and other aquatic plants, reduction or loss of dissolved oxygen, reduced transparency in water, and other chemical and biological changes. Four sections of the St. Croix River were added to the impaired waters list in 1998 because of the discovery of mercury in fish tissue. The same four sections were also added to the list in 2006 because of polychlorinated biphenyls found in fish tissue.

4.5.5 Watersheds

Washington County is within three watersheds: Twin Cities, Lower St. Croix, and Rush-Vermillion. Though Washington County rests within these watersheds, Lake Elmo Airport is located entirely within the Lower St. Croix River Watershed. The Lower St. Croix River Watershed covers 585,735 acres and all of its streams and rivers flow into the St. Croix River from Taylor Falls and St. Croix Falls to the confluence of the St. Croix and Mississippi Rivers in Prescott, Wisconsin. The drainage from Lake Elmo Airport flows into Downs Lake, which is a basin within the Downs Lake Subwatershed. As shown in **Figure 4-7**, the Downs Lake Subwatershed is a 2,339-acre tributary watershed located in the Valley Branch Watershed District (VBWD), and is entirely tributary to the St. Croix River. Downs Lake is in eastern Lake Elmo near the city's border along West Lakeland Township.

An intermittent stream located one mile north of Downs Lake at the Union Pacific Railroad accounts for most of the drainage into the lake. Downs Lake does not begin to flow from the Downs Lake Watershed until a discharge elevation of 891.5 feet has been reached. Once this elevation has been reached, Downs Lake begins to discharge into a wetland between Downs Lake and 20th Street, which overflows south into Golf Course Pond.



U.S. Fish & Wildlife Service - National Wetlands Inventory
https://www.fws.gov/wetlands/Data/Mapper.html

Minnesota Department of Natural Resources - MNDNR Watershed Suite
https://gisdata.mn.gov/dataset/geos-dnr-watersheds

Service Layer Credits: Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

FIGURE 4-7
Watershed Districts
Lake Elmo Airport
Environmental Assessment

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4.5.6 Wetlands

Wetlands are a valuable resource to human, animal, and plant communities. They are responsible for providing a home to a variety of insects, mammals, vegetation, fish, birds, and microbes. Wetlands perform physical, chemical, and ecological functions while varying in shapes, sizes, and types. The U.S. Army Corps of Engineers defines wetlands as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." Wetlands are not limited to swamps, marsh, and similar areas, as a temporarily flooded pothole may also be a wetland if certain soils and vegetation are present. Section 404 of the Clean Water Act requires that those who deposit dredged or fill material into the waters of the United States, including wetlands, must receive a permit before depositing dredged or fill material. The U.S. Army Corps of Engineers is responsible for administering Section 404 and the authorization process. Other agencies responsible for regulating wetlands include but are not limited to the MDNR and the U.S. Fish and Wildlife Service.

Wetlands are also regulated by the Wetland Conservation Act (WCA), a wetland protection law passed by the Minnesota state legislature in 1991. The purpose of the WCA is to maintain and protect Minnesota wetlands and the benefits they provide. It does so by requiring those proposing to drain, excavate, dredge, or fill a wetland to 1) first try to avoid disturbing the wetland, then 2) try to minimize the impact on the wetland, and finally 3) replace any lost wetland acres, functions, and values. The Minnesota Board of Water and Soil Resources administers WCA, with the assistance of local governmental units (typically Minnesota watershed districts).

The VBWD adopted rules and regulations on December 31, 1990, which included provisions for wetland protection. These rules and regulations require persons to obtain permits for the act of dredging, filling, excavating, and/or ditching wetlands with WCA's jurisdiction. The rules also require those with a permit to replace the wetland, at a ratio specified by the VBWD or WCA, in the event alterations cannot be avoided. The VBWD is currently the local governmental unit (LGU) administering the WCA within its 70 square mile boundaries. The VBWD adopted the WCA rules (Minnesota Rules Chapter 8420) on November 9, 1994, but also enforces its own wetland protection rules. VBWD's rules require those submitting construction plans to perform an inventory of wetlands within the proposed project site. Responsibilities of the VBWD include making determinations on the accuracy of wetland delineations, evaluating wetland functions and values assessments, and reviewing wetland replacement plans. VBWD also completes wetland inventories and assessments of target areas as necessary.

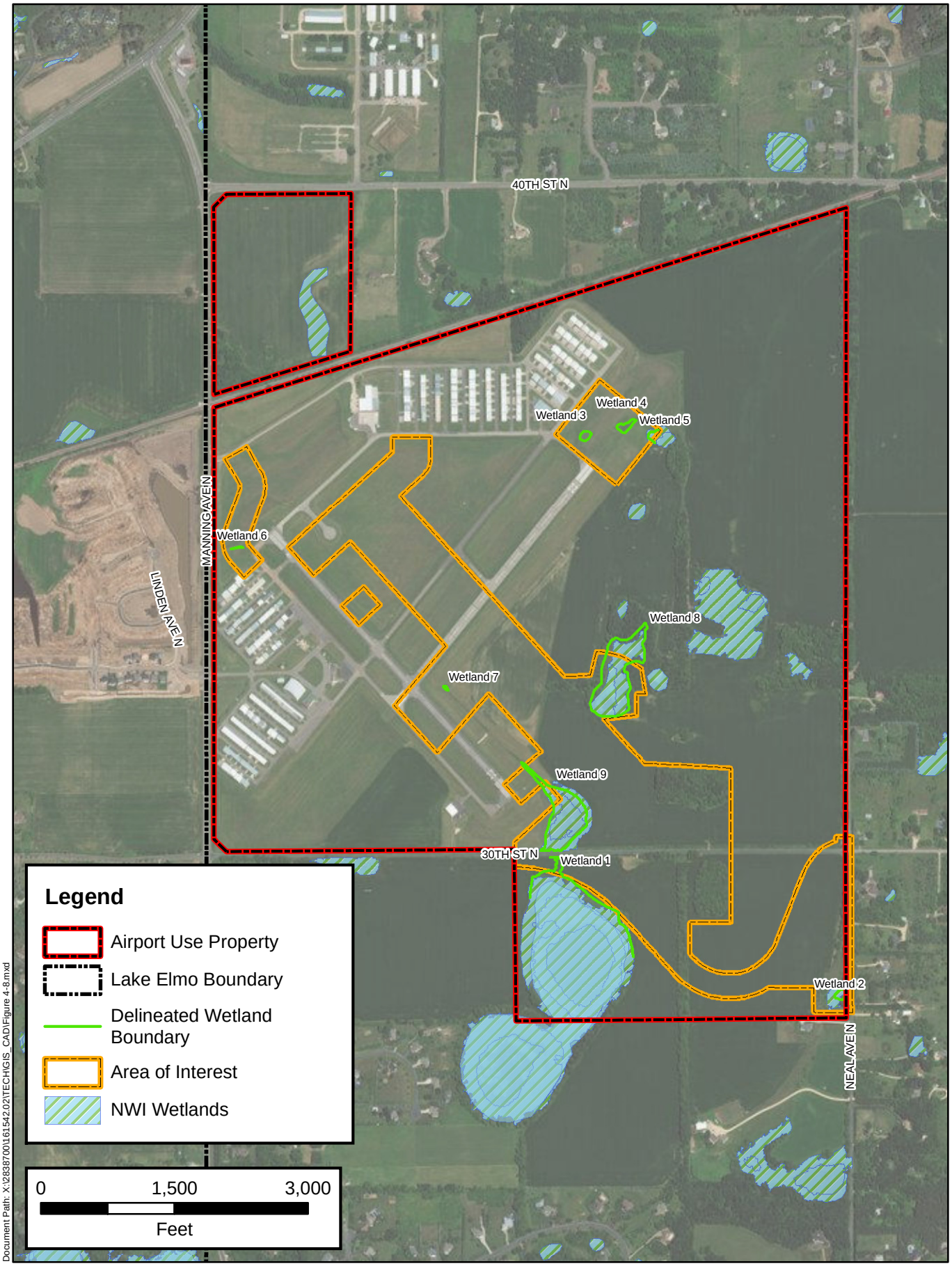
Mead & Hunt completed a Wetland Delineation and Functional Assessment report for Lake Elmo Airport in the summer of 2017. The report identified nine wetlands on the Airport within the area of interest (AOI) for the preferred alternative. **Table 4-7** details the type, dominant vegetation, and wetland area within the AOI. The nine identified wetlands represent four distinct wetland types. All four are of the Circular 39 Classification System developed by the U.S. Fish and Wildlife Service. According to Circular 39, type 1 wetlands are represented by either seasonally flooded basins or floodplains. Type 1 wetland vegetation and flooding vary according to the season, but the benefit of groundwater recharge and discharge, water quality protection, and wildlife habitat remain constant. Type 2 wetlands are wet meadows saturated below the surface with no standing water in the soil. Common vegetation found in type 2 wetlands are

grasses, sedges, and broad-leaved plants. Shallow marshes where soil is saturated in the spring and allows for vegetation such as cattails, arrowheads, and grasses are considered type 3 wetlands. Type 6 wetlands are shrub swamps and are waterlogged much of the growing season. **Figure 4-8** maps the wetlands locations and data sampling points.

Table 4-7: 2017 Wetland Delineation

Wetland	Wetland Type	Dominant Vegetation	Area within AOI (acres)
1	Type 1 Seasonally Flooded Basin	Agricultural Field	0.187
2	Type 2 Fresh (wet) Meadow	Reed Canary Grass	0.117
3	Type 2 Fresh (wet) Meadow	Tall buttercup, horsetail, and broom sedge	0.110
4	Type 2 Fresh (wet) Meadow	Path rush, American manna grass	0.167
5	Type 2/ Type 6 Fresh (wet) Meadow / Shrub-Carr	Reed canary grass	0.094
6	Type 1 Seasonally Flooded Basin (Ditch Wetland)	American manna grass, reed canary grass	0.009
7	Type 1 Seasonally Flooded Basin (Ditch Wetland)	Reed Canary Grass	0.013
8	Type 2/ Type 3 Fresh (wet) Meadow / Shallow Marsh	Reed canary grass, black willow, box elder	2.598
9	Type 2/ Type 3 Fresh (wet) Meadow/ Shallow Marsh	Reed canary grass, sensitive fern	2.614

Source: Mead & Hunt Wetland Delineation and Function Assessment Report



Minnesota Department of Natural Resources - Public Waters Inventory (PWI) Map
http://www.dnr.state.mn.us/waters/watermgmt_section/pwi/maps.html

U.S. Fish & Wildlife Service - National Wetlands Inventory
https://www.fws.gov/wetlands/Data/Mapper.html

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

FIGURE 4-8
Field Delineated Wetlands
Lake Elmo Airport
Environmental Assessment

Wetland 1

Wetland 1 is a shallow basin located south of 30th Street off the Runway 32 end. The U.S. Fish & Wildlife Service National Wetland Inventory (NWI) mapped Wetland 1 as having two central open water cores: seasonally-flooded and temporary flooded emergent. The inner ring is considered seasonally-flooded emergent while the outer ring is mapped as temporary flooded emergent. Wetland 1 receives runoff from surrounding fields in addition to a 24-inch culvert that runs under 30th Street from the north. While surveying the wetland, reed canary grass was found to heavily populate the fringe along with a presence of stinging nettle and water smart weed. Though there was no surface water, saturation, or high water table present during the time of observation, there were oxidized rhizospheres discovered on living roots. Other indicators of wetland hydrology include drift deposits, water-stained leaves, and surface soil cracks. Crystal Lake and Comstock silt loams soil cover the wetland area, while Aquolls and Histosols (ponded) soils were found within the basin.

Wetland 2

Wetland 2 contains Chetek sandy loam and Antigo silt loam soil and is mapped by NWI as emergent temporary flooded. The wetland is located at the base of a steep hillslope west of Neal Avenue North and is a depressional emergent wetland community consisting entirely of reed canary grass on the fringes. Elm was located higher on the slope on the western side while small samples of aspen and buckthorn were observed in the southeast corner. Surface runoff from the surrounding hill slope flows over the area and exits to the south. Indicators of wetland hydrology were saturation and a high water table.

Wetland 3

Wetland 3 is located north of the Runway 22 end at the base of a narrow knoll on the east, a shallow swale on the west, and a fill slope of the connecting taxiway. Surface runoff from slopes of the east and south collects in the wetland and enters directly into the subsoil without further travel. The wetland is predominantly populated with tall buttercup, field horsetail, broom sedge with a few selfheal, path rush, grass-leaf starwort, and Kentucky blue grass, and is mowed frequently.

Wetland 4

Wetland 4 is an emergent wetland community located north of the Runway 22 end. It is also located between two knolls with slopes that rise six to eight feet on three sides and as a result collect surface runoff. In addition to the surface runoff deposits, Wetland 4 receives drainage from the north before exiting on the eastern side where a narrow neck carries flow over to Wetland 5. Both Wetland 3 and 4 are frequently mowed with Antigo silt loam underlying the wetlands accompanied by an observation of sandy soil. Unlike Wetland 3, rutting and soil disturbance were identified. Wetland 4's dominant vegetation includes path rush and American manna grass with siting of wooly-fruit sedge, horsetail, reed canary grass, and broom sedge. The primary cause of hydrology appears to be saturation to a depth of 6 inches.

Wetland 5

Located north of the Runway 22 end at the base of knolls on both the northwest and east sides, Wetland 5 is a type 2 shallow basin with a deep fringe comprised of emergent vegetation and dominated by reed canary grass. Wetland 5 is mapped by the NWI as temporary flooded emergent/shrub with poorly drained Auburndale silt loam. Wetland 5's drainage flows southeast through a shrub-carr outside of the AOI and

its wetland hydrology is solidified by a high water table to three inches in depth and saturation at the surface.

Wetlands 6 & 7

Wetland 6 & 7 were not sampled by the Mead & Hunt team; however, both are considered isolated ditch wetlands located at the base of culverts on the airfield. An 18-inch culvert carries drainage from the infield to Wetland 6 which continues along a shallow swale and drains south just before exiting under Manning Avenue. The approximately 400 square foot wetland located near the Runway 14 end rests at the base of the parallel taxiway fill scope and is covered by Crystal Lake silt loam with present saturation. American manna grass, reed canary grass, and water smartweed are the dominant vegetation.

Wetland 7 is approximately 550 square feet and located east of the runway intersection where it is fed by a 30-inch culvert that drains to a wide shallow swale flowing east. During the observation, the wetland was saturated and standing water was present at the base of the culvert. Wetland 7's primary vegetation is reed canary grass with Crystal Lake silt loam.

Wetland 8

Wetland 8 is located east of Runway 4/22 and its interior is characterized by open water with mature tree cover and emergent vegetation in its fringes. Box elder and back willow are dominant vegetation within the tree layer while reed canary grass is just as dominant in the herbaceous layers. Other trees reported include swamp white oak, quaking aspen, American elm, and buckthorn. Unlike Wetlands 6 & 7, Wetland 8 is mapped by the NWI as temporary flooded emergent and seasonally-flooded emergent. Surface water to a depth of 2 inches, high water table to a depth of 8 inches, and saturation were all present in the shallow basin. There were also oxidized rhizospheres on living roots. Drainage from wooded areas and topographically-higher farm fields collect in Wetland 8 which has no outlet.

Wetland 9

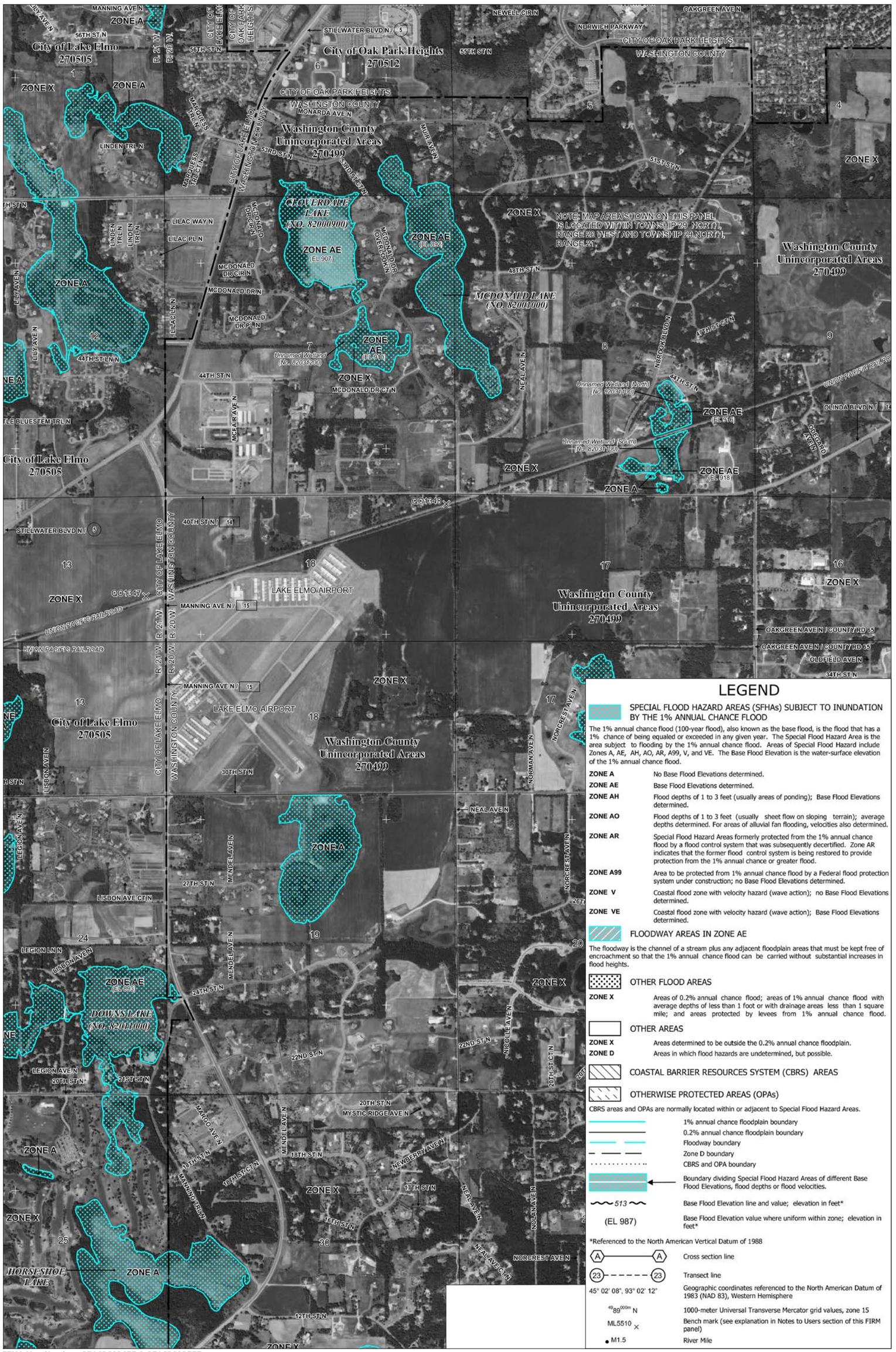
Wetland 9 is a shallow basin directly east of the Runway 32 end with an open water core filled with cattails and reed canary grass and box elders within the fringes. The NWI maps the wetland as temporarily flooded emergent and seasonally flooded emergent. During the sampling of Wetland 9, saturation at soil surface, high water table of 8 inches, and surface water depth of 4 inches were present along with ponded Aquolls and Histosols soil. Drained by a 24-inch culvert under 30th Street, Wetland 9 drainage flows from the west through a swale north of Runway 14/32, from turf grass areas at the end of the runway, and runoff from surrounding fields on the north and east.

4.5.7 Floodplains

A floodplain is any land area, typically a flat area adjacent to a body of water, that is susceptible to inundation by flood waters. As part of the National Flood Insurance Program, the Federal Emergency Management Agency (FEMA) produces Flood Insurance Rate Maps (FIRM) which serve as official flood maps depicting Special Flood Hazard Areas (SFHA). According to FEMA's Flood Map Service Center, Lake Elmo Airport is found on two separate flood maps: Panels 27163C0355E and 27163C0265E. These two flood maps are shown in **Figure 4-9**. The following discussion identifies the flood maps as Flood Map 1 and Flood Map 2, respectively.

There are two SFHA listed near the Airport: Zone X and Zone A. Zone X is a minimal flood hazard area determined to be outside the 0.2 percent annual chance floodplain. Zone A is an area subject to flooding by the 1 percent annual chance flood with no base elevation determined.

Flood Map 1 shows a portion of the east side of the Airport as a Zone X SFHA and as a Zone A SFHA south of the airfield within Runway 32's RPZ. Flood Zone Map 2 depicts Zone AE and Zone X north of the airport, but not on Airport property or within Runway 22's RPZ. **Figure 4-10** depicts the Floodplain Zones as they relate to the Airport boundary and other water resources in the area.

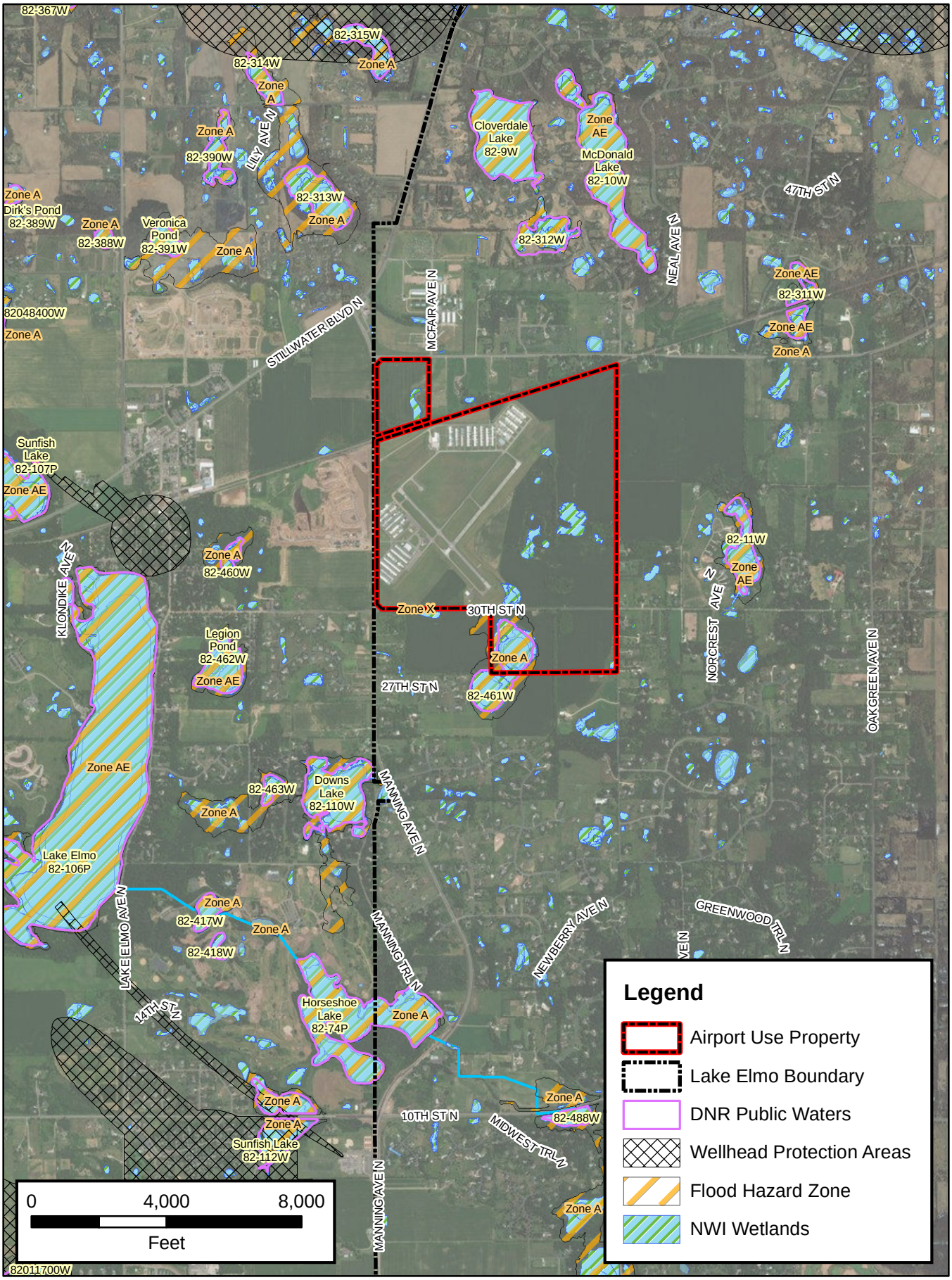


FEMA Map Numbers 27163C0265E & 27163C0355E

Lake Elmo Airport
Environmental Assessment

FIGURE 4-9
FEMA Flood Maps

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Minnesota Department of Natural Resources - Digital Floodrate Insurance Maps (DFIRM)
https://gisdata.mn.gov/dataset/water-dnr-fema-dfirm
Minnesota Department of Natural Resources - Public Waters Inventory (PWI) Map
http://www.dnr.state.mn.us/waters/watermgmt_section/pwi/maps.html
U.S. Fish & Wildlife Service - National Wetlands Inventory
https://www.fws.gov/wetlands/Data/Mapper.html
Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

FIGURE 4-10
Surface Water
Lake Elmo Airport
Environmental Assessment

4.6 Biotic Communities

The MDNR lists Washington County as within the Eastern Broadleaf Forest province. This province covers close to 12 million acres of central and southeastern Minnesota. The northeastern boundary of the province gradually transitions from deciduous forest and mixed conifer-deciduous forests, while the western boundary transitions from forest and woodland to open grassland. The St. Croix River and lower parts of the Mississippi River are glacial lakes resulting from the last glaciation known as the Pleistocene Glaciation, or the Ice Age. During this time, the Laurentide Ice Sheet covered the majority of Northern America, but because of Minnesota being on the edge of the ice sheet the state was not always completely covered with ice.

The Airport is located within Minnesota Archaeological Region 4e, also known as the Central Lake Deciduous Region. This region consists of moraines, till plains, and outwash plains. In the past, vegetation within the southern and western parts of this region would have heavily consisted of Big Woods, prairie, and wood oak species. The Mille Lacs-Highland Moraine Association contains the bedrock geology associated with the project area. As seen in the wetlands on and near the Airport, there are various types of soils within the project area. These soil types include: Antigo Silt Loam, Campia Silt Loam, Chetek Sandy Loam, Comstock Silt Loam, and Crystal Lake Silt Loam, Freer Silt Loam, and Santiago Silk Loam. This region has a varying climate with annual precipitation levels ranging from 22 to 28 inches.

The Airport maintenance staff person indicates that most recent wildlife strikes at the Airport have been sparrows (seed eaters) and barn swallows (insect eaters) that nest in or near the hangars. Strike data recorded by Airport staff indicate that, over a seven-year period, at least two to three strike events have included multiple birds per strike. Other strikes recorded indicate that single birds were struck in other events. According to the strike data, no more than six strikes have occurred in the last seven years. Most deer observations at the Airport occur during the daylight hours and tend to congregate north and northeast of the Aircraft Operations Area (AOA) near trees. Additional wildlife observed at the Airport include fox, coyote, deer, thirteen-lined ground squirrel, gopher, red-tailed hawk, crow, killdeer, rock pigeon, and starlings. Additional attractants near the Airport include the fairground approximately one mile away, which attracts Canada geese, and a pond on the south side of the Airport across 30th Street that harbors waterfowl, shorebirds and some red-winged blackbirds. No significant man-made wildlife attractants (such as golf courses, wastewater treatment facilities, landfills or waste transfer stations) are located within one mile of the Airport.

Mowing of the safety area and hangar lands occurs approximately three days per week and encompasses 180 acres. Some mowing is outsourced to a local entity. The project area contains approximately 56 acres of land currently in agricultural production. Current agricultural production includes corn and soybean on a rotational basis.

Subdivision 1 of Minnesota Statute 84.0894, *Protection of Threatened and Endangered Species*, states, “A person may not take, import, transport, or sell any portion of an endangered species of wild animal or plant, or sell or possess with intent to sell an article made with any part of the skin, hide, or parts of an endangered species of wild animal or plant, except as provided in subdivision 2 and 7.”

The U.S. Fish and Wildlife Service (USFWS) is a federal agency within the U.S. Department of Interior whose mission is to conserve, protect, and enhance fish, wildlife, plants and habitats for the continuing benefit of the American people. According to the USFWS Environmental Conservation Online System, there is one threatened species and five endangered species located in Washington County. These six species include: Northern Long-Eared Bat/Myotis septentrionalis (threatened), Higgins Eye/ Lampsilis Higginsii (endangered), Winged Mapleleaf/ Quadrula fragosa (endangered), Spectaclecase/ Cumberlandia Monodonta (endangered), Snufflebox Mussel/Epioblasma triquetra (endangered), and the Rusty Patched Bumble Bee/Bombus affinis (endangered). The USFWS suggested that the MAC consider managing a portion of Airport property to encourage native flowering species that would provide nectar and pollen sources for RPBB and other pollinator populations that may be in the area. In response to this suggestion, the MAC is exploring the possibility of creating tall grass prairie in a 27.5-acre area south of the planned realignment of 30th Street North (see **Figure 3-3**). The tall grass prairie may have additional environmental benefits by reducing wildlife hazards, increasing on-site stormwater infiltration, and reducing the Airport's carbon footprint. For more information, see Section 5.2.2.

The MDNR Natural Heritage Information System (NHIS) is a collection of databases containing information about rare and natural resources in Minnesota and is maintained by the MDNR Division of Ecological and Water Resources. Mead & Hunt contacted MDNR to query the NHIS to determine whether there are any records of rare species or other significant natural features within an approximate one-mile radius of the Airport. The MDNR responded with correspondence # ERDB 20170278-0002 (see **Appendix F**). The NHIS identified the Rusty Patched Bumble Bee as a federally-listed endangered species that has been documented within 2.5 miles of the Airport. The MDNR NHIS also identified Blanding Turtles (Emydoidea blandingii) as a state-listed threatened species that has been reported near the Airport and may be encountered on site.

4.7 Historic, Archaeological, and Cultural Resources

As required by FAA regulation, Lake Elmo Airport must comply with Section 106 of the National Historic Preservation Act of 1966. Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider effects to historic properties. Historic properties are considered those included on the National Register of Historic Places (NRHP) or those that meet the criteria for inclusion on the NRHP. If it is determined that no type of activity or disturbance will impact the historic property, the federal agency has no further Section 106 obligations.

Qualified historians from Mead & Hunt worked with the FAA to delineate the Area of Potential Effect (APE) for Section 106. The APE included areas which would be affected by ground disturbance activities for the runway, taxiway, tree removal, and road construction. Included in the APE are the Airport's land and properties adjacent to the airfield that are 45 years or older. Prior to conducting fieldwork, the Mead & Hunt team conducted a literature review to identify any previously surveyed architecture/history properties within the APE. The team concluded the Edward Flynn house was previously identified in the approach to Runway 22, approximately 3,000 feet from the proposed runway end.

Mead & Hunt conducted fieldwork on May 30, 2017, and identified thirteen historic-age resources within the APE, including the Edward Flynn house. Of the thirteen historic-age resources, twelve are

recommended not eligible for the NRHP. However, the Union Pacific Railway was recommended for further study because of its association with the railroad transportation in Minnesota and Washington County. The 1872 railroad was historically known as the St. Paul, Stillwater, & Taylor's Falls Railroad used to transport lumber, freight, and passengers from the Twin Cities to places including Chicago and Omaha. According to the Railroads in Minnesota 1862-1956 Multiple Property Documentation Form (MPD), the railroad may have significance under National Register Criterion A as a Railroad Corridor Historic District, because it provided a connection between the manufacturing/commerce nodes at Stillwater and the Twin Cities and it was an important component of Minnesota's railroad network that provided an early link between the Twin Cities, Stillwater and wider markets. There will be tree removal adjacent to the railroad. However, the tree removal will not impact or change the historic character or value of the railroad. There will be no noise impacts or indirect visual effects to the railroad. Because of the limited potential impacts on the railroad, an intensive-level review is not needed.

In summer 2017, the Mississippi Valley Archaeology Center (MVAC) performed a Phase 1 archaeological survey for the proposed expansion of Lake Elmo Airport. MVAC performed a pre-field investigation to identify known archaeological sites, reviewing historical photos and plat maps, and surveying areas that would potentially be affected by the proposed expansion and development of the airfield, as well as by the realignment of 30th Street North. The APE for archaeology includes all areas that will undergo ground disturbance because of the project. The APE consists of wooded areas, agricultural land, and portions of the existing airfield. The plowed and wooded areas south of 30th Street North contained soybeans four to six inches tall with remnants of corn stalk. Underground utilities were discovered within the area 50 feet from the centerline of Neal Avenue North. The Phase I archaeology survey was completed by both pedestrian survey and shovel testing. Shovel tests were excavated into sterile subsoil in several areas of the airfield, wooded areas in plowed fields north and south of 30th Street North, and wooded areas adjacent to the plowed fields north and south of 30th Street North.

MVAC reported two new historic sites: 21WA0119 and 21WA0120. Site 21WA0119 is located immediately north of 30th Street North near the future Runway 32 end. The site contains two foundations, with a depth of three feet, discovered in the groves of trees while completing shovel surveys. Upon further inspection, a concrete addition was found attached to the northwest corner of the limestone foundation. The concrete addition had a metal waterspout, a copper pipe, and electrical plugins. West of the first foundation lay a concrete slab, the purpose of which could not be identified. Southwest of this slab lay the remains of the second foundation discovered in site 21WA0119. Unlike the first foundation, this foundation is comprised of concrete/cinder block. MVAC reviewed historical maps and photos, topographic maps, and plat maps of the Airport. An 1874 plat map does not show the discovered foundations, but a 1901 plat map, 1964 aerial images, and a 1967 topographic map do show buildings corresponding to the foundations identified. A 1938 plat map not only indicates a driveway leading from 30th Street North (then Blackwoods Avenue) to the west of the limestone foundation, but also shows site 21WA0119 and surrounding land was owned by the Jacob Schmidt Brewing Company, which was once ranked the seventh largest brewery in the United States.

Site 21WA0120 is located south of 30th Street North in West Lakeland Township. The site consists of two concrete foundations which were discovered while shovel testing in groves of trees. The first foundation

was approximately twenty feet inside of a tree line in the northeast corner of the grove of trees, while the second foundation is near the southwest corner of the grove of trees. The second foundation was divided by another foundation twelve feet from the southern end of the building causing the surveyors to believe there were once two rooms present. Within a 50-60-foot radius, historic post 1950 debris was found including a wood stove. Historic plat maps from 1874 to 1900 do not illustrate the structures identified by MVAC, but the structures do appear on a 1901 plat map, and 1938 aerial photos indicate a driveway leading from 30th street north to the second foundation. According to the plat map, this area was also once owned by the Jacob Schmidt Brewing Company.

4.8 Past, Present, and Reasonably Foreseeable Future Actions

Past, present, and reasonably foreseeable future actions to be considered in a NEPA evaluation include all public and private development activity, regardless of federal involvement. According to FAA Order 5050.4B, reasonably foreseeable actions include those "on or off-airport that a proponent would likely complete and that has been developed with enough specificity to provide meaningful information to decision makers and the interested public." A MEPA evaluation analyzes past and present actions in a manner similar to NEPA. However, for future actions, MEPA considers only projects that are "actually planned or for which a basis of expectation has been laid, regardless of what person undertakes the other projects or what jurisdictions have authority over the projects." Minnesota Rule 4410.0200, subp. 11a.

Since its initial settlement in the late 19th century, the area has been subjected to numerous disturbances associated with farming, forestry, drainage, road building, and grading and fill for general development. Prior to 1960, the Airport and its environs was almost entirely agricultural. However, significant residential development has occurred since that time. Based on Washington County geographic information systems (GIS) data, approximately 1,720 parcels have been developed since 1964 within two miles of the runway ends proposed by the preferred alternative.

The recent extension of municipal water and sanitary sewer facilities into the southeastern portion of the City of Lake Elmo is likely to support additional urban development in the future. The City Council adopted a Village Master Plan in April 2007 for this area, located immediately west of Manning Avenue North from the Airport. The Village Master Plan considered three different development scenarios for this area (Scenario A – 600 residential units, B – 1,000 residential units, and C – 1,600 residential units) and one scenario based on the City Comprehensive Plan (D – 906 residential units). Each of the scenarios also included 300,000 square feet of commercial space (neighborhood-scale retail), 150,000 square feet of office space, and 200,000 square feet of institutional space (YMCA, library, city hall). The Village Master Plan estimated that 14 percent of the Village area was existing built area in 2007. For the remainder, the Village Master Plan reserves 47 percent of the area for parks and open space, 7 percent for new commercial and institutional use, and 32 percent for new residential use.

In 2014, Washington County completed a Manning Avenue (CSAH 15) Corridor Management and Safety Improvement Project Study. The study recommended the expansion of Manning Avenue from two-lane undivided roadway to four-lane divided roadway between TH 5 and CSAH 10, and the realignment of TH 5 at Manning Avenue and CSAH 14. The recommended road project is intended to improve safety, provide adequate near- and long-term capacity while maintaining the viability of commercial and

residential growth along the Manning Avenue corridor, and develop Manning as a north-south arterial from Interstate 94 to TH 36.

Baytown Township and West Lakeland Township are rural residential communities consisting almost entirely of agricultural, conservation, and large lot, low-density residential land uses, although some cluster development (also called open space subdivisions) are also permitted by zoning ordinance. Both townships desire to preserve this rural residential character. Baytown Township has requested that the Metropolitan Council staff remove the township from the Metropolitan Council's long-term sewer service area map as part of an on-going comprehensive planning process, and West Lakeland Township's comprehensive plan states that the need for public facilities should be kept to a minimum with on-site sewer and water preferred for existing and future development. Without changes to the zoning ordinances or establishment of municipal water and sanitary sewer services, significant future changes in the character of existing development within the townships are unlikely to occur.

No major projects have been completed at Lake Elmo Airport since the north hangar area was expanded in the 1990s. There are no other major future projects depicted on the Airport Layout Plan for the Lake Elmo Airport other than those considered under the proposed action. Additional off-Airport tree removal beyond that in the proposed action may be required in the future to maintain clear approaches to each runway end.

This chapter compares the environmental consequences of the preferred alternative to the no-action alternative. This includes appropriate analysis of all environmental impact categories required by FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures* implementing NEPA, as well as by Minnesota Environmental Quality Board (EQB) rules implementing MEPA. None of the impacts exceed thresholds of significance as defined by FAA Order 1050.1F. This chapter also identifies required permits and mitigation activities for the preferred alternative. The environmental impact categories include the following:

- Air Quality
- Biological Resources (including fish, wildlife, and plants)
- Climate Change
- Coastal Resources
- DOT Section 4(f) Lands
- Farmlands
- Hazardous Materials, Solid Waste, and Pollution Prevention
- Historic, Architectural, Archeological, and Cultural Resources
- Land Use
- Natural Resources and Energy Supply
- Noise and Compatible Land Use
- Socioeconomics, Environmental Justice, and Children's Environmental Health and Safety
- Visual Effects
- Water Resources
- Cumulative Impacts and Cumulative Potential Effects

5.1 Air Quality

According to the FAA Air Quality Handbook, "an EA or EIS typically includes an air quality assessment commensurate with the project air quality impact to help evaluate and disclose the potential effects on air quality associated with the project." An EAW under MEPA also must consider air quality impacts (Minnesota Rule 4410.1200). Runway and taxiway improvements may cause or create reasonably foreseeable increases in emissions by changing aircraft and vehicle traffic patterns.

When determining air quality impacts, it is important to establish the attainment/nonattainment status of the project study area with reference to the National Ambient Air Quality Standards (NAAQS), and, if applicable, to identify those pollutants for which the area is designated nonattainment/attainment. As of June 20, 2017, the EPA Green Book indicates that Washington County is in an attainment area for sulfur dioxide, and a portion of Washington County (all cities and townships except Denmark Township) is in an attainment area for carbon monoxide. If an action may cause or create a reasonably foreseeable emission increase and is in an EPA-designated nonattainment or attainment area, an emissions inventory should be completed and the results disclosed.

An aviation operational emissions inventory was developed using the FAA Aviation Environmental Design Tool (AEDT) model under the same scenarios analyzed for aircraft noise under Section 5.11 below. In addition, a construction emissions inventory was developed using the Airport Construction Emissions Inventory Tool (ACEIT). The ACEIT inventory uses general assumptions for the runway and taxiway construction phases based on the MAC's latest capital improvement plan for the Airport. The results of these inventories are presented below.

5.1.1 Operational Emissions

Emissions were calculated for the 2016 baseline (existing conditions) and 2025 forecast (preferred alternative and no-action alternative) scenarios. Annual operations were entered by aircraft type into the AEDT model and split between arrival, departure, and touch-and-go operations. The results are presented in **Table 5-1**. The AEDT model estimates an overall decrease in pollutant emissions between the 2016 baseline estimate and 2025 forecast aircraft operations. This slight decrease results from the forecasted decline in aircraft operations from 2016 to 2025. A marginal increase in aircraft operations is expected following 2025, but this increase would not substantially change operational emissions.

The projected changes in operational emissions associated with the preferred alternative and no-action alternative would not exceed the *de-minimis* thresholds contained in the FAA's Aviation Emissions and Air Quality Handbook Version 3, Update 1 (January 2015), as expressed in annual tons. Therefore, there are no significant air quality impacts for the preferred alternative or no-action alternative associated with changes in operations at the Airport.

Table 5-1: Operational Emissions Inventory

Emissions Source	Pollutant Emissions (tons)						
	CO	**VOC**	**NO_x**	**CO_2**	**SO_2**	**$PM_{2.5}$**	**PM_{10}**
2016 Baseline Operational Emissions							
Aircraft - Taxi Out	10.978	0.563	0.016	42.456	0.016	0.005	0.005
Aircraft - Takeoff and Climb out	80.428	0.646	0.143	225.466	0.084	0.061	0.061
Aircraft - Approach and Landing	131.655	1.063	0.194	377.123	0.14	0.084	0.084
Aircraft - Taxi In	5.444	0.279	0.008	21.055	0.008	0.002	0.002
TOTAL	**228.506**	**2.551**	**0.361**	**666.100**	**0.247**	**0.153**	**0.153**
2025 Forecast Operational Emissions (Preferred Alternative)							
Aircraft - Taxi Out	10.764	0.703	0.019	46.537	0.017	0.006	0.006
Aircraft - Takeoff and Climb out	75.117	0.606	0.150	216.373	0.08	0.059	0.059
Aircraft - Approach and Landing	123.857	1.037	0.210	365.784	0.136	0.082	0.082
Aircraft - Taxi In	5.322	0.341	0.009	22.961	0.009	0.003	0.003
TOTAL	**215.059**	**2.687**	**0.388**	**651.654**	**0.242**	**0.149**	**0.150**
Difference from 2016 Baseline	***-13.447***	***0.092***	***0.027***	***-14.446***	***-0.005***	***-0.004***	***-0.003***
2025 Forecast Operational Emissions (No-Action Alternative)							
Aircraft - Taxi Out	10.257	0.559	0.014	39.582	0.015	0.005	0.005
Aircraft - Takeoff and Climb out	75.208	0.605	0.135	211.055	0.078	0.057	0.057
Aircraft - Approach and Landing	123.022	1.020	0.181	351.691	0.131	0.079	0.079
Aircraft - Taxi In	5.082	0.275	0.007	19.598	0.007	0.002	0.002
TOTAL	**213.570**	**2.459**	**0.337**	**621.927**	**0.231**	**0.143**	**0.143**
Difference from Preferred Alternative	***-1.489***	***-0.228***	***-0.051***	***-29.728***	***-0.011***	***-0.007***	***-0.007***

Sources: FAA Aviation Environmental Design Tool (AEDT), Mead & Hunt

5.1.2 Construction Emissions

The Airport Construction Emissions Inventory Tool (ACEIT) was used to model construction activities at the Airport associated with the preferred alternative. The results are presented in **Table 5-2**.

Table 5-2: Construction Emissions Inventory

Construction Year	Pollutant Emission (tons)								
	CO	NO_x	SO_2	PM_{10}	$PM_{2.5}$	VOC	CO_2	CH_4	N_2O
2019	4.997	5.061	0.033	0.933	0.25	18.429	3,035.95	0.078	0.015
2020	9.618	8.935	0.065	2.238	0.435	36.639	6,093.56	0.144	0.03
2021	4.717	4.004	0.033	1.091	0.191	18.359	3,186.53	0.067	0.015
2022	0.095	0.067	0	0.045	0.003	0.015	66.562	0.004	0.001
TOTAL	**19.427**	**18.068**	**0.131**	**4.308**	**0.879**	**73.443**	**12,382.61**	**0.292**	**0.06**
Annual *De minimis* threshold for attainment areas (tons/yr)	**100**	**100**	**100**	**100**	**100**	**100**	**NA**	**NA**	**NA**

Sources: FAA Airport Construction Emissions Tool (ACEIT), Mead & Hunt

Total emissions associated with all years of construction are not expected to exceed the *de-minimis* thresholds for those pollutants with *de minimis* thresholds listed in the FAA's Aviation Emissions and Air Quality Handbook Version 3, Update 1 (January 2015), as expressed in annual tons and shown in Table 5-2. Increased emissions associated with project construction will be offset through use of voluntary best management practices (BMPs) such as engine idling restrictions and maintenance requirements, and other control strategies identified in the *U.S. Environmental Protection Agency Diesel Emission Restriction Checklist*. Therefore, there are no significant air quality impacts associated with construction of the preferred alternative.

5.2 Biological Resources (including fish, wildlife, and plants)

During multiple days of field work in June 2017 conducted by two Mead & Hunt biologists to identify and delineate wetlands, a variety of plant and animal species were identified within the study area. These species include insects, arachnids, birds, mammals, amphibians, and wetland and upland vegetation. Birds identified within the study area included, but were not limited to, American crows, red-winged blackbirds, blue jays, chickadees, vireos, swifts/swallows, and multiple sparrow species. One female white-tailed deer was observed and photographed, and frogs were observed in wetland areas. Wetland vegetation is documented in the wetland data sheets and related report completed in September 2017. Upland herbaceous vegetation was dominated by Kentucky bluegrass, red clover, dandelion, oxeye daisy, yarrow, thistle and plantains. Areas with these dominant plants are frequently mowed and maintained.

Biological resources potentially affected by the preferred alternative are related to vegetation management and listed species. Relevant considerations for these resources are discussed below.

5.2.1 Vegetation Management

The proposed action will require the removal of trees on Airport property for construction of the runway and clearance of associated approach and departure surfaces. There are four populations of deciduous trees that will be cleared in association with the proposed action, as shown in Chapter 3, *Alternatives*, Figure 3-10. The groups of multiple species range in age from saplings, with a diameter at breast height of less than three inches to large, mature trees of 40 feet or more in height. Most of the trees to be removed are in upland areas along fence rows and in agricultural fields, with only spot clearing to occur within surrounding fresh meadow wetlands. Standing and downed dead trees are also present within these areas. Trees and woody shrubs located within the purple polygons in **Figure 3-10** include but are not limited to the species listed in **Table 5-3**.

Table 5-3: Trees and Woody Shrubs Observed at Lake Elmo Airport

Common Name	Scientific Name	Height	Habit / Dominant
Boxelder	*Acer negundo*	40-60 feet	Tree / Yes
Silver maple	*Acer saccharinum*		Tree / No
Redosier dogwood	*Cornus sericea*		Shrub / No
White ash	*Fraxinus americana*		Tree / No
Green ash	*Fraxinus pennsylvanica*	40 feet	Tree / No
Eastern cottonwood	*Populus deltoides*		Tree / No
Quaking aspen	*Populus tremuloides*	Up to 80ft	Tree / No
Black cherry	*Prunus serotina*	Up to 15ft	Tree / No
Burr oak	*Quercus macrocarpa*	50 feet	Tree / Yes
Pin oak	*Quercus palustris*	30-50 feet	Tree / No
Common buckthorn	*Rhamnus cathartica*	Up to 20 feet	Shrub / Yes
Missouri gooseberry	*Ribes missouriense*	Up to 6 feet	Shrub / Yes
Black willow	*Salix nigra*		Tree / No
American black elderberry	*Sambucus nigra ssp. canadensis*	Up to 12 feet	Shrub / Yes
American elm	*Ulmus americana*	40-60 feet	Tree / Yes
Slippery elm	*Ulmus rubra*		Tree / No
Common pricklyash	*Zanthoxylum americanum*	8-10 feet	Shrub / No

Source: Mead & Hunt

According to obstruction survey data collected in 2013, there were no off-Airport trees penetrating approach or departure threshold siting surfaces for the planned future runway ends. Updated survey data collected and analyzed in late 2017 indicate that approximately 12 off-Airport trees would need to be removed in the approaches to the crosswind runway, and no off-Airport trees would need to be removed in the approaches to the primary runway. These would be carefully targeted individual trees and would not involve clear-cutting stands of trees. The off-Airport trees to be removed are located on the following County tax parcels:

- 18.029.20.11.0002
- 18.029.20.11.0004
- 18.029.20.12.0002

- 19.029.20.21.0001
- 19.029.20.22.0008
- 19.029.20.22.0010

Current vegetation management practices at the airport include mowing of all infield areas on a regular basis. Other areas on Airport property are in agricultural production with the exception of identified wetland areas and several wood lots. Many of these wetland areas are dominated by two invasive species: reed canary grass (*Phalaris arundinacea*) and cattail (*Typha angustifolia*).

Introduction and spread of invasive species at the Airport would be minimized prior to, during, and after construction of the proposed project through a variety of best management practices. Prior to construction, standard cleaning procedures of equipment used on-site would serve to minimize the introduction of exotic invasive species from outside the airport. Storage and/or cleaning of equipment and materials in established staging areas during construction would also minimize the spread of invasive plant seeds to off-site areas or other areas on-site.

One large shallow marsh wetland dominated by reed canary grass and cattail lies near the proposed relocated Runway 14/32 and associated taxiways. Standard erosion control practices such as silt fencing act to prevent soil erosion and limit water-borne movement of seeds from this area and other areas on-site during construction.

Areas disturbed during construction will be seeded with a variety of turf grasses. Vegetation management post-construction of the proposed project in in-field areas will continue as before with regular mowing. This practice serves to minimize wildlife hazards while also minimizing the introduction and establishment of invasive species.

5.2.2 Listed Species

As of September 18, 2017, there were six federally-listed species with habitat in Washington County. Four of these species are freshwater mussels with habitat in either the Mississippi or the St. Croix Rivers, and would not be affected by the proposed action. The FAA made a no-effect determination for these four freshwater mussels on November 3, 2017, and the U.S. Fish & Wildlife Service (USFWS) concurred with this determination in an email dated December 7, 2017 (see **Appendix E**). The other two species are the Northern long-eared bat (listed as threatened) and the Rusty patched bumble bee (listed as endangered).

There are numerous state-listed species in Washington County as well. A Natural Heritage Information System (NHIS) data request was submitted in summer 2017 to the Minnesota Department of Natural Resources (MDNR), to determine if there are any known occurrences of state-listed species near the proposed action. The response from MDNR indicates that there is one state protected species, Blanding's turtle, documented as occurring within a one-mile radius of the Airport (see **Appendix F**).

Based on the above, all relevant federal and state protected species associated with Lake Elmo Airport are listed in **Table 5-4**. These three species have potential habitat at or near Lake Elmo Airport, and/or

have been documented as occurring within a 2.5-mile radius of the project area. Characteristics, habitat, and mitigation measures associated with each of these species are discussed below.

Table 5-4: Federal and State Protected Species with Potential Habitat at or near Lake Elmo Airport

Common Name	Scientific Name	Federal Status	State Status
Northern long-eared bat	*Myotis septentrionalis*	Threatened	Not Listed
Rusty patched bumble bee	*Bombus affinis*	Endangered	Not Listed
Blanding's turtle	*Emydoidea blandingii*	Not Listed	Threatened

Sources: U.S. Fish & Wildlife Service, Minnesota Department of Natural Resources, Mead & Hunt

Northern long-eared bat

The northern long-eared bat (*Myotis septentrionalis,* NLEB) is listed as threatened throughout its extensive range, including all of Minnesota, 36 other states, and multiple southeastern Canadian provinces. The predominant threat is white-nose syndrome, a fungal disease which has eliminated up to 99 percent of NLEB populations in the northeastern United States. White-nose syndrome has been reported in Washington County.

During summer, the NLEB typically roosts singly or in colonies under the bark, in cavities or in crevices of living and dead trees. Males and non-reproductive females may also roost in caves and mines during the summer. Most hibernate during winter in caves and mines with constant temperatures, high humidity and no air currents. No critical habitat has been designated for this bat. Potential habitat for the NLEB is present within the proposed action area and may be present in areas in which trees will be removed. As noted in Section 5.2.1, the proposed action will require the removal of approximately 20 acres of deciduous trees on Airport property for construction of the runway and clearance of associated approach and departure surfaces.

The "4(d) rule" is one of many tools found within the Endangered Species Act (ESA) for protected species listed as "threatened." The rule derives its name from Section 4(d) of the ESA, which directs the USFWS to issue regulations deemed "necessary and advisable to provide for the conservation of threatened species." The 4(d) rule for the NLEB stipulates that incidental take for projects inside the white-nose syndrome zone is not prohibited. A federal agency may rely upon the finding of the programmatic biological opinion for the final 4(d) rule to fulfill its project-specific responsibilities under Section 7 of the ESA. The following Avoidance and Minimization Measures (AMMs) from the *Range-Wide Biological Assessment for Transportation Projects for Indiana Bat and Northern Long-Eared Bat* (USFWS/USDOT, April 2015) are proposed for the tree removal activities.

Tree Removal AMM 2 - To avoid and minimize impacts to the NLEB, tree clearing will be completed between October 1 and April 30, which is the dormant season for the bat at this latitude.

Tree Removal AMM 3 - Tree removal will be limited to that specified in project plans. Tree removal limits will be clearly indicated in the field by bright orange flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits. Tree clearing limitations will be discussed with

contractors at the pre-construction meeting to ensure that they understand clearing limits and how they are marked in the field.

The FAA determined the preferred alternative "may affect, [but is] not likely to adversely affect" the NLEB on November 3, 2017, and the USFWS concurred with this determination in an email dated December 7, 2017 (see **Appendix E**).

Rusty patched bumble bee

Rusty patched bumble bees (*Bombus affinis,* RPBB) live in colonies that have an annual cycle. The bees gather pollen and nectar from a variety of flowering plants and prefer tallgrass prairie habitat. Historically, the bees' range included 28 states, the District of Columbia, and two provinces in Canada. Since 2000, the RPBB has been reported in only 13 states and one Canadian province. The RPBB is a vital source in our food security and ecosystem. It plays a major role in wildflower reproduction, pollinate blueberries, cranberries, and clover, and are virtually the only insect that pollinates tomatoes. The bees once occupied grasslands and tall grass prairies of the Upper Midwest and Northeast, but most grasslands have been converted to monoculture farms, cities, or roads. Other contributors to RPBB habitat loss include intensive farming causing a heavy increase of pesticide usage, to which RPBB may be vulnerable. A combination of the loss of habitat and related diversity of flowering plants because of intense farming and general development, along with pesticide use, led to the listing of this species as endangered in January 2017.

No critical habitat has been designated for the RPBB, and the Airport is in a low potential habitat zone according to the USFWS website. There are no areas of tallgrass prairie within the study area, and areas dominated by grasses and flowering forbs are mowed on a regular basis. Therefore, there are no potential vegetation types that provide habitat for the RPBB that would be affected by the preferred alternative. The USFWS Information for Planning and Consultation (IPaC) online tool does not identify this species as present within the limits of ground disturbance.

The FAA determined the preferred alternative "may affect, [but is] not likely to adversely affect" the RPBB on November 3, 2017, and the USFWS concurred in this determination by email dated December 7, 2017 (see **Appendix E**). In its December 7 email correspondence, the USFWS suggested that the MAC consider managing a portion of Airport property to encourage native flowering species that would provide nectar and pollen sources for RPBB and other pollinator populations that may be in the area. In response to this suggestion, the MAC is exploring creation of tall grass prairie in a 27.5-acre area south of the planned realignment of 30th Street North (see **Figure 3-3**). The prairie would be designed as foraging habitat for the RPBB and other pollinators. The tall grass prairie may have additional environmental benefits by reducing wildlife hazards, increasing on-site stormwater infiltration, and reducing the Airport's carbon footprint.

Blanding's turtle

Blanding's turtles are about 5 to 10 inches in diameter with black/dark blue dome-shaped shells with yellows spots/bars and yellow chins and necks. It tends to use uplands areas and type 1-3 wetlands including marshes, shrub swamps, and ponds as their homes. It travels long distances from wetland habitats to nest in open grassy or bushy-sandy uplands. It often nests in farmland areas, gardens, road

shoulders, and under powerlines. Nesting in Minnesota typically occurs during June. Blanding Turtles have a low reproduction rate. Females will lay six to fifteen eggs, which take about two months to hatch. Hatchlings leave the nests from Mid-August through early October.

A Blanding's turtle requires both wetland and upland habitats to complete its life cycle. The types of wetlands used include ponds, marshes, shrub swamps, bogs, and ditches and streams with slow-moving water. In Minnesota, Blanding's turtles are primarily marsh and pond inhabitants. Calm, shallow water bodies (Type 1-3 wetlands) with mud bottoms and abundant aquatic vegetation are preferred. Small temporary wetlands are frequently used in spring and summer, which provides an important food source for Blanding's turtles. The turtle is listed as state threatened because of the loss of wetland and upland habitat, human disturbance including collecting for the pet trade and road kill, and an increase in predator populations which prey on nests and young.

The prime reason for decline in Blanding Turtles population results from collisions with vehicles. In Minnesota, pregnant females mostly travel during the late afternoon and dusk looking, for a place to lay eggs. Wetland drainage and degradation, increased in predator populations, and development of upland habitat are also causes of the recent decline in the Blanding's turtle population. The proposed project may potentially disrupt habitat because of dewatering, excavation, filling, or other construction activities. Ways to possibly avoid or minimize disruption include, but are not limited to: avoiding type 1-3 wetland disturbance especially during the winter, turtle monitoring during construction and reporting sightings to MDNR, and using wildlife friendly erosion control methods

The wetlands within the project area may provide habitat for the Blanding's turtle. Avoidance measures for the turtle listed in the MDNR Environmental Review Fact Sheet are included in **Appendix F** and will be posted at construction sites.

5.2.3 Biological Resources Conclusion

Based on the information above and established FAA and MEPA thresholds of significance, there are no significant impacts to biological resources associated with the preferred alternative or no-action alternative.

5.3 Climate Change

Considering greenhouse gas (GHG) emissions for a NEPA and MEPA review should follow the basic procedure of considering the potential incremental change in carbon dioxide equivalent (CO_2e) emissions that would result from the proposed action compared to the no-action alternative for the same timeframe. An EA/EAW should also discuss the context for interpreting and understanding the potential changes.

Carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O) are the primary contributors to CO_2e. Based on the air quality analysis presented in Section 5.1, the proposed action will result in temporary increases in direct on-site CO_2e emissions attributable to construction equipment. Total construction CO_2e emissions are estimated at approximately 12,400 tons over a five-year period. On-site operational CO_2e emissions attributable to aircraft operations in 2025 under the preferred alternative are expected to decrease by approximately 15 tons per year, from approximately 667 tons per year in 2016 to 652 tons

per year in 2025. Aircraft operations are expected to slightly increase emissions in the years after 2025 compared to the no-action alternative. In its January 2017 biennial GHG emissions report to the state legislature, the Minnesota Pollution Control Agency (MPCA) estimated statewide CO_2e emissions in 2014 at 158.3 million tons, while the U.S. Environmental Protection Agency (EPA) estimated nationwide CO_2e emissions in 2014 at 6,870 million tons. Based on these estimates of CO_2e emissions, the potential for the preferred alternative to affect future climate conditions is very limited when considering the amount of CO_2e emissions attributable to other sources in Minnesota and throughout the United States.

There are no analytical or modeling tools available that reliably evaluate the incremental effect of a proposed action's discrete GHG emissions on the global and regional climate. In addition, there are no analytical or modeling tools available that reliably evaluate any cascading effects, or cumulative effects, from a proposed action's GHG emissions on natural ecosystems and human economic systems in each state or region. Potential climate changes for the upper Midwest are mostly associated with more intense precipitation resulting in increased flooding and some changes in temperature. Increased temperatures and precipitation may have effects on wetlands, forests, and other cover types that are likely to affect carbon storage and sequestration in the ecosystem. There could be localized impacts because of meteorological changes.

Based on the above estimates of marginal changes in CO_2e emissions, there are no significant climate impacts with the preferred alternative or no-action alternative.

5.4 Coastal Resources

Coastal regulations as defined by the FAA are not applicable to, and would not be affected by, the preferred alternative or no-action alternative.

5.5 Department of Transportation Act, Section 4(f)

Based on the information presented in Chapter 4, *Affected Environment*, there are no Section 4(f) resources (publicly owned parks, recreation areas, wildlife and water fowl refuges, or public and private historic properties) that would be affected by the preferred alternative or no-action alternative.

5.6 Farmlands

Projects involving impacts to farmland require coordination with the US Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), including submittal of USDA Farmland Conversion Impact Rating Form AD-1006. These actions are necessary to follow the guidelines set forth in the Farmland Protection Policy Act (FPPA) of 1984. FPPA is intended to minimize unnecessary and irreversible conversion of farmland to non-agricultural use by federal actions.

Farmland impacts are considered significant if directly impacted farmlands receive a total combined farmland conversion impact rating of between 200 and 260. Impact severity increases as the total score approaches 260. The NRCS determines the score of a site's relative value of up to 260 points, composed of up to 100 points for relative value and up to 160 points for the site assessment. The USDA recommends:

- Sites with the highest combined scores be regarded as most suitable for protection under these criteria and sites with the lowest scores, as least suitable; and
- Sites receiving a total score of less than 160 need not be given further consideration for protection and no additional sites need to be evaluated.

In October 2017, information regarding farmland to be converted as part of the preferred alternative was provided to the NRCS office in Rochester, Minnesota, on USDA Form AD-1006, *Farmland Conversion Impact Rating*. The NRCS determined that 42.28 acres of farmland would be directly converted by the preferred alternative. This represents approximately one sixth of farmland currently in production on Airport property. Nearly all 42.28 acres are considered prime and unique farmland. Based on NRCS farmland evaluation criteria, the farmland to be converted as a result of the preferred alternative has a total value of 124 points, which does not exceed the 160-point threshold for additional consideration and analysis of farmland protection or alternative sites. A copy of the completed Form AD-1006 and associated background information are included in **Appendix G**. Based on farmland value scores calculated in coordination with the USDA NRCS, there are no significant impacts associated with either the no-action or preferred alternatives, as defined by the Federal Farmland Protection Policy Act, NEPA, and MEPA.

5.7 Hazardous Materials, Solid Waste, and Pollution Prevention

Mead & Hunt conducted a Phase I Environmental Site Assessment in summer 2017 for areas to be disturbed by the proposed action. This included a site visit and associated literature review and research, using state and federal on-line sources, to determine if there are any hazardous materials or potential for pollution within the project area. The overall purpose of the Phase I is to investigate and identify recognized environmental conditions (RECs) within the project area. RECs include, but are not limited to: hazardous/toxic wastes or raw chemicals stored, dumped, or spilled within the project area; aboveground storage tanks (ASTs) and underground storage tanks (USTs) containing hazardous materials; friable asbestos in building materials/structures; and off-site sources of hazardous waste contamination, such as industrial facilities adjacent to the project area. The only relevant environmental concern identified in the area is groundwater contamination with trichloroethylene (TCE), which has been consistently monitored and regulated since the 1980s and would not be affected by the preferred alternative because of its depth below the ground surface. No hazardous materials sites were identified in the project area that could be considered a pollutant source requiring further evaluation or mitigation. The full Phase I report is included in **Appendix H**.

The preferred alternative would produce construction debris such as dirt, concrete, and asphalt, and maintenance activities for the new airside facilities would produce other sources of solid waste. Construction materials and other solid waste will be disposed of at a commercial landfill capable of handling disposal as required by Minnesota Rule 7035.0805, *Renovation and Demolition*. Local disposal facilities are expected to have capacity to accept solid waste volumes that would be produced by construction and operation of the proposed action.

Based on the information above, there are no hazardous materials or solid waste impacts expected for either the preferred alternative or the no-action alternative.

5.8 Historical, Architectural, Archeological, and Cultural Resources

Investigation of potential historical and archaeological resources in the Area of Potential Effect (APE) for the proposed action was completed in compliance with the requirements of Section 106 of the National Historic Preservation Act of 1966 (Public Law 89-655), as amended, and 36 CFR, part 800, *Protection of Historic Properties*, and MEPA. Mead & Hunt determined the APE for historical/architectural and archeological resources in coordination with the FAA Environmental Specialist, including the area of proposed ground disturbance and structures that may be directly or indirectly affected by the preferred alternative. Architectural historians from Mead & Hunt completed a survey of structures within the APE that may be affected. In addition, a Phase I Archeological Survey was prepared by Mississippi Valley Archaeology for areas that may be disturbed by the new runway, taxiways, roads, and associated infrastructure. Reports documenting these findings are included in **Appendix D**.

Historians identified and documented 13 historic-age properties within the APE. Twelve of these properties are unlikely to be eligible for listing in the National Register of Historic Places (NRHP), as they do not appear to possess a significant association with an important historic theme or person, and do not possess architectural significance. The thirteenth property, the St. Paul, Stillwater, & Taylors Falls Railroad, may be eligible for the NRHP. However, as project activities will not impact the railroad, NEPA and MEPA do not require a more thorough review of the railroad corridor's historic significance as part of this EA/EAW.

Archaeologists identified two sites while shovel testing in two groves of trees north and south of 30th Street North. These sites coincide with building foundations noted on aerial photographs from 1938 through 1960, and plat maps from 1901 and later. Given their age, intact foundation material, and some type of relationship to the Jacob Schmidt Brewing Company, the two sites may be potentially eligible for listing on the NRHP under Criterion D, as they may provide important information about the past. However, since ground disturbing activities will avoid the foundations, the sites were not formally evaluated for NRHP eligibility. The groves of trees surrounding the sites will be clear cut and to avoid any inadvertent disturbance to the foundations, trees in and immediately around the foundations be hand cut with no heavy equipment near the foundations. If future ground disturbance is planned in these areas, the Minnesota State Historic Preservation Office (SHPO) should be consulted to determine if further evaluation is necessary.

Based on the findings described above, there are no impacts to historical/architectural or archeological resources associated with the preferred alternative or the no-action alternative. The FAA has determined that a Section 106 finding of No Historic Properties Affected is applicable for the preferred alternative, and submitted this finding to the SHPO, the Lower Sioux Indian Community Tribal Historic Preservation Office (THPO), the Upper Sioux Indian Community THPO, the Prairie Island Indian Community THPO, the Mille Lacs Band of Ojibwe THPO, and the Shakopee Mdewakanton Sioux Community THPO, on October 20, 2017. The SHPO concurred in the FAA finding in a letter dated December 28, 2017. The FAA finding and SHPO concurrence letter are included in **Appendix D**.

If cultural resources or human remains are discovered during construction, the Airport will notify the SHPO, the above-mentioned THPOS, and the FAA Dakota-Minnesota Airports District Office (ADO). The

Airport sponsor will protect the area until concerns have been appropriately addressed and the Airport will comply with the National Historic Preservation Act, the Native American Graves Protection and Repatriation Act, and the Archaeological Resources Protection Act, as appropriate.

Based on the information above, there are no significant impacts to historical/architectural or archeological resources associated with the preferred alternative or no-action alternative.

5.9 Land Use

Primary land use concerns associated with the preferred alternative include residential land uses, ground transportation land uses, and wildlife attractants. Impacts associated with the preferred alternative are summarized in the following subsections.

5.9.1 Residential Land Use

The preferred alternative would move the Runway 14 threshold approximately 750 feet east-northeast and move the Runway 32 threshold approximately 1,200 feet east-southeast. Visual flight rules (VFR) traffic pattern airspace at the Airport would extend 1.5 nautical miles (9,114 feet) laterally and longitudinally from the runway endpoints under both the no-action and preferred alternatives. Because the preferred alternative would not substantially alter the VFR traffic pattern airspace, impacts to surrounding land uses are minimal.

Before completing the EA/EAW process, the MAC will start convening a Joint Airport Zoning Board (JAZB) under Minnesota Statutes Chapter 360. Members of the JAZB are expected to include representatives from the City of Lake Elmo, Baytown Township, West Lakeland Township, Washington County, and any other local government jurisdiction affected by the proposed zoning ordinance. The process will consider public input as part of developing an airport zoning ordinance. This process may result in a zoning ordinance recommendation to the MnDOT Office of Aeronautics that deviates from the state's Model Zoning Ordinance.

Effects to existing and planned neighboring land uses were identified in Chapter 3, *Alternatives*, for the no-action and preferred alternative using the Model State Safety Zones A and B promulgated under Minnesota Administrative Rules 8800.2400 as a guide. These zones are not currently in effect at the Airport. Safety Zone A typically prevents erection of new structures, and Safety Zone B typically prevents small lot residential development using density standards. This analysis determined that, under the no-action alternative, there are no houses in Model Safety Zone A and two houses in Model Safety Zone B for Runway 14/32, and no houses in Model Safety Zone A and eight houses in Model Safety Zone B for Runway 04/22. For the preferred alternative, there would be three houses in Model Safety Zone A and ten houses in Model Safety Zone B for Runway 14/32, and two houses in Model Safety Zone A and ten houses in Model Safety Zone B for Runway 04/22. The Model Safety Zones for both the no-action and preferred alternatives are shown and analyzed further in Chapter 3, *Alternatives*.

5.9.2 Ground Transportation Land Use

Mead & Hunt conducted a study to determine whether the realignment of 30th Street North will have an adverse impact to traffic safety/efficiency and emergency response. This study (see **Appendix B**)

included review of existing traffic data and emergency routes, analysis of traffic counts and forecasts, and computation and documentation of emergency response times. The 30th Street North roadway east of Manning Avenue North is classified as a major collector based on the Functional Classification System prepared by the Metropolitan Council in September 2014. This classification was used to determine appropriate dimensions, curvature, speed limits, and design for the realigned roadway. Based on traffic counts conducted in 2016, the affected segment of 30th Street North accommodates approximately 1,500 total vehicle trips on a typical weekday. The 2014 Manning Avenue corridor study completed by Washington County forecasts that daily volume on 30th Street North will to increase to 2,000 total vehicle trips per day by 2030. The proposed design of the realigned 30th Street North will be adequate to accommodate this traffic forecast.

The proposed realignment of 30th Street North will increase the average travel time along 30th Street North by approximately 46 seconds in either direction. This incremental increase in travel time would not place an undue burden on local roadway users. Based on discussion with the Bayport Fire Department, the primary effect on emergency response associated with the realignment will be increasing the time necessary to access fire hydrants west of Manning Avenue when responding to fires east of Manning Avenue. Because multiple jurisdictions respond to emergencies in the area under a mutual aid agreement and numerous firefighting vehicles would be present in the event of a fire, the increase in travel time is not expected to have an adverse impact on emergency response.

Relocation of 30th Street North will require approval from FAA as a land release of dedicated Airport property. The proposed realignment of 30th Street North will benefit and be compatible with the needs of civil aviation at the Airport by removing incompatible land uses from the runway protection zones on both ends of the runway (Manning Avenue and railroad removed from the Runway 14 RPZ, 30th Street North removed from the Runway 32 RPZ).

5.9.3 Wildlife Attractants

A site visit was conducted by a certified wildlife biologist from Mead & Hunt in October 2017 to observe and characterize wildlife attractants at and surrounding the Airport. A report regarding the findings of this visit is in **Appendix I**. This report indicates that the proposed project would not result in any new hazardous wildlife concerns at the Airport. The MAC provided the report to the local USDA Animal and Plant Health Inspection Services (APHIS) Wildlife Services (WS) division office on November 8, 2017.

Wildlife observed in October 2017 included the American crow (4), eastern wood-pewee (12), Canada goose (400+) continuous morning flights traveling south to north, blue jay (5) and approximately 300 red-winged blackbirds. Additional wildlife observed at the Airport include fox, coyote, deer, 13-lined ground squirrel (numerous), gopher, red-tailed hawk, crow, killdeer, rock pigeon, and starlings.

Attractants on the Airport include agricultural land and wetlands. Approximately 300 acres of the Airport are leased for farming with soybean and/or corn planted on a rotating basis. Grass/alfalfa hay is also harvested onsite in areas not planted with corn or soybeans. During wet periods of the year, the wetlands located onsite support ducks, shorebirds, passerines and other wildlife dependent on wetland habitats. Other attractants near the Airport include the fairgrounds approximately one mile north, which attracts

Canada geese. Most deer are observed during the daylight hours and tend to congregate north and northeast of the Aircraft Operations Area (AOA) near trees. No golf courses, wastewater treatment facilities, landfills or waste transfer stations are within one mile of the Airport.

The Airport maintenance staff person indicates that deer have been observed on the Airport, and that Canada geese are increasing in numbers because of suburban development near the Airport, which includes a new stormwater detention pond and open space. Most recent wildlife strikes during the maintenance staff person's tenure at the Airport have been sparrows (seed eaters) and barn swallows (insect eaters) that nest in or near the hangars. Strike data recorded over the most recent seven-year period indicate at least two or three strike events have included multiple birds per strike, with other strikes recorded indicate that single birds were struck. No more than six strikes have occurred during the tenure of the current Airport maintenance staff person.

The expansion of the airfield and associated hardscapes and safety areas will reduce habitat for birds and wildlife at the Airport. However, the dislocated deer will continue to congregate near the remaining areas with trees. Agricultural crops will be reduced by approximately 50 acres, which will reduce potential bird strikes (sparrows and swallows) near hardscapes and associated safety areas. The proposed project will not reduce Canada goose strike potential other than reducing risk by eliminating existing agricultural crops.

5.9.4 Land Use Conclusion

Land use impacts associated with the preferred alternative will not be significant based on results of the analysis described above. Under the no-action alternative, incompatible land uses will remain in the Runway 14/32 RPZs, as discussed in Chapter 3.

5.10 Natural Resources and Energy Supply

According to FAA Order 1050.1F, "the FAA has not established a significance threshold for natural resources and energy supply; however, the FAA has identified a factor to consider when evaluating the context and intensity of potential environmental impacts for natural resources and energy supply." This factor "includes, but is not limited to, situations in which the proposed action…would have the potential to cause demand to exceed available or future supplies of these resources. For most actions, changes in energy demands or other natural resource consumption for FAA projects will not result in significant impacts."

Airport construction projects often change an airport's demand on local energy and natural resource supplies. The following impact categories should be included in an EA/EAW, as needed:

- impacts of the proposed action on local electric, gas, and water utilities;
- construction material required for the proposed action, and its availability from local suppliers; and
- impact of the proposed action on aircraft and ground vehicle fuel use.

Consumption of energy and natural resources during the construction phase of the proposed action would consist mainly of construction machinery fuel and construction materials. This consumption will not

exceed locally available supplies, and some construction materials may be recyclable. Efforts would be made during design to identify opportunities for recycling pavements and underlying base material. Estimated quantities of required construction materials include 15,400 tons of bituminous pavement, 28,000 tons of crushed aggregate base course, 49,500 cubic yards of aggregate subbase, and 23,250 linear feet of six-inch underdrain pipe. Other required materials include topsoil, seeding mixtures, fertilizer, soil stabilizer, light fixtures, airfield signs, and painted/reflective pavement markings.

Operation and maintenance of the proposed improvements are expected to require minor increases in energy and natural resource demand. No significant increases in aircraft or ground vehicle fuel usage are expected under the preferred alternative. In addition, the minor increases in utility demand for airfield lighting and maintenance equipment under the preferred alternative are not expected to have a negative impact on local energy or natural resource supplies. The existing incandescent airfield lighting systems currently require approximately 35,000 kilowatt hours (kWh) of electricity to operate annually. If replaced with similar incandescent systems, and if the lighting systems to be added by the proposed action are also incandescent systems, the annual electricity requirements are expected to increase by more than two and a half times to approximately 128,000 kWh per year. However, energy-efficient light-emitting diode (LED) fixtures were recently approved by FAA for all planned airfield lighting systems considered by the proposed action. If LED fixtures were to be installed instead of incandescent fixtures for all proposed airfield lighting systems, the annual electricity needs are expected to decrease by five percent to approximately 33,000 kWh per year. This difference in electricity consumption will inform consideration of specific light systems at the time of project design.

In a letter dated February 27, 2017, the EPA encouraged the proposed project to use energy efficient lighting systems, sustainable building materials, and renewable energy sources (see **Appendix K**). The preferred alternative includes relocation and/or installation of runway edge lights, runway end identifier lights (REILS), and precision approach path indicator (PAPI) units for both runways. In recent decades, new airfield lighting options have emerged that use light-emitting diode (LED) light fixtures. The use of LED light fixtures provides for considerable energy and maintenance savings because of the lower wattage and increased lamp life over standard incandescent lamped fixtures. However, LED lamps are only approved for certain airfield lighting systems because of the relative youth of the LED technology. LED lighting systems would be considered during project design.

The February 27, 2017, EPA letter also recommended that pavement and structural materials be reclaimed for future use for this project or elsewhere. The MAC will identify design best management practices such as recycling (crushing) pavement for use as base-course and other practices to reduce natural resource impacts.

The required quantities of natural resources and energy supplies required by the preferred alternative and no-action alternative would not exceed available natural resources or energy supplies.

5.11 Noise and Compatible Land Use

The Federal Aviation Administration Office of Environment and Energy (FAA-AEE) recognizes that the environmental consequences stemming from aircraft operations – primarily noise, emissions, and fuel consumption – are highly interdependent and occur simultaneously throughout all phases of flight. The Aviation Environmental Design Tool (AEDT) is the FAA-approved software system that dynamically models aircraft performance in space and time to produce fuel burn, emissions and noise estimates.

Based on the 2016 baseline and 2025 forecast operations counts identified in **Appendix A** for the no-action and preferred alternatives, noise contours were developed to identify expected future aircraft noise impact areas, both with and without the proposed project. AEDT (Version 2d) was used to model noise exposure contours for this analysis. The following scenarios were evaluated:

1. Baseline 2016 – no project – existing conditions
2. No Action 2025 – no project – future conditions
3. Preferred Alternative 2025 – five years following approximate runway opening

AEDT is designed to estimate the long-term effects of noise using average annual input conditions. The model uses the Federal Aviation Regulations (FAR) Part 150 (14 C.F.R. Part 150) yearly day-night average sound level (DNL) metric, which is measured in decibels (dB). DNL is a cumulative noise metric that represents the average daily noise level, accounting for the added intrusiveness of noise at night compared to during the day. A nighttime penalty (equivalent to increasing decibel levels by ten) for increased annoyance is added to flights occurring between 10:00pm and 7:00am.

AEDT requires a variety of user-supplied data, including physical airfield facilities, aircraft activity, fleet mix, day-night split, runway use, and flight tracks. Based upon the input data, AEDT generates the noise contours by plotting points of the noise level events that represent the average-annual day. The points are then connected to graphically represent the noise contours that the aircraft generate. The FAA, EPA, and the United States Department of Housing and Urban Development (HUD) established the 65 DNL as the threshold indicating significant cumulative noise impacts. A baseline 65 DNL noise contour for calendar year 2016 is shown on **Figure 5-1**. **Figure 5-2** represents the no action alternative 65 DNL noise contour for 2025, and **Figure 5-3** represents the preferred alternative 65 DNL contour for 2025.

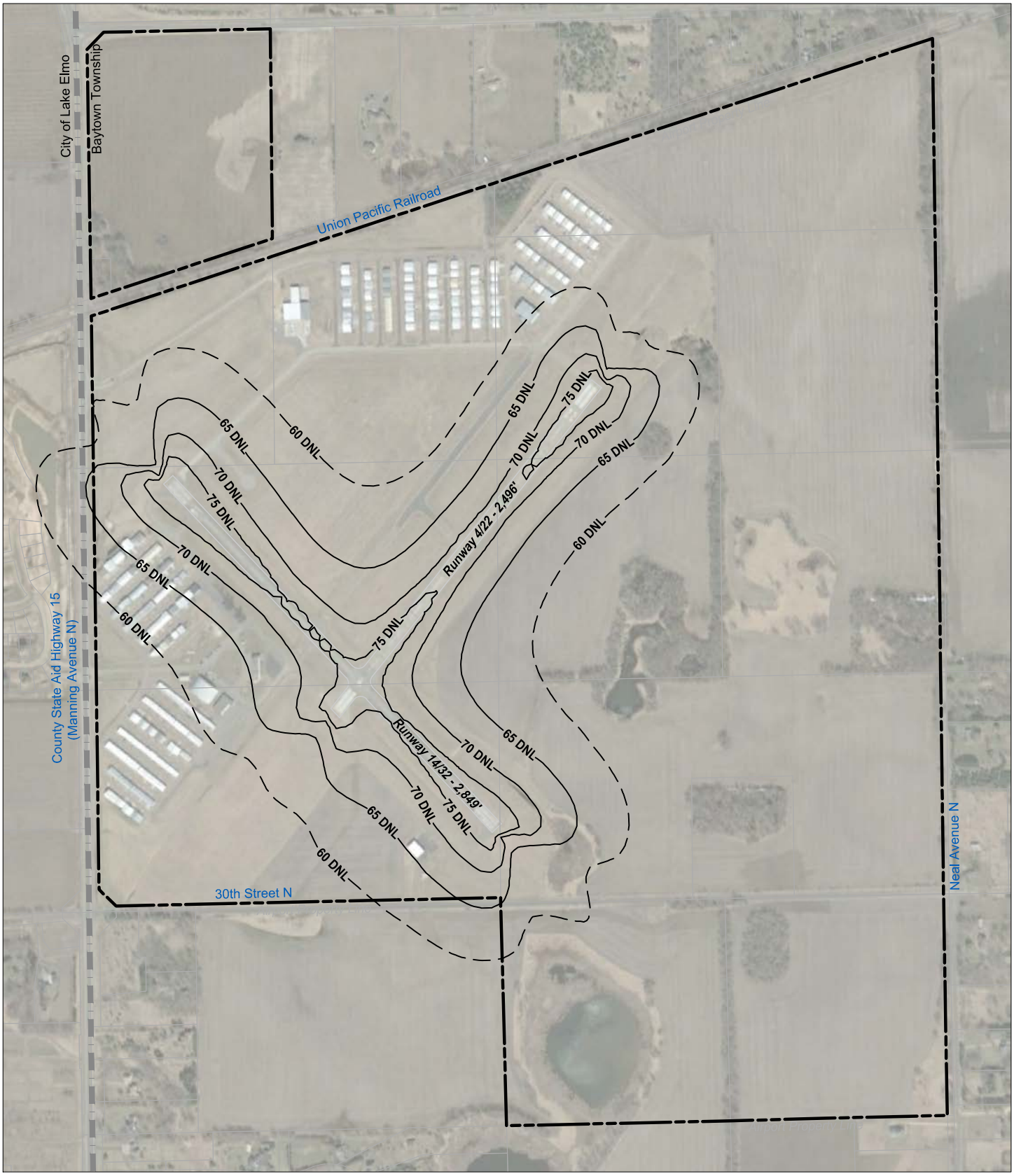
As shown in the figures, the 65 DNL contour is currently (2016) contained entirely on Airport property. Similarly, under both the 2025 no action alternative and 2025 preferred alternatives, the 65 DNL contour will be contained entirely on Airport property. As a result, there will be no significant aircraft noise impacts under the no-action or preferred alternatives. Noise contours were developed for the 60 DNL for informational purposes only, as FAA does not consider the 60 DNL significant. The 60 DNL contour extends west of Airport property in the baseline 2016 (**Figure 5-1**) and no action 2025 (**Figure 5-2**) scenarios, but is contained entirely on Airport property in the preferred alternative 2025 scenario (**Figure 5-3**). **Appendix J** includes a detailed description of the assumptions and inputs used to generate the noise contours shown in **Figures 5-1**, **5-2**, and **5-3**, including aircraft fleet mix, runway usage, day/night split, and flight tracks.

Construction equipment noise would be temporary and would be minimized and mitigated through implementation of appropriate construction practices specified in FAA Advisory Circular (AC) 150/5370-10E, *Standards for Specifying Construction of Airports*. The MAC will also include contract provisions requiring construction noise mitigation. As a result, there will be no significant construction noise impacts for the no-action or preferred alternatives.

5.12 Socioeconomics, Environmental Justice, and Children's Environmental Health and Safety

The project occur entirely on existing Airport property. The scale and nature of the project is not expected to result in any direct socioeconomic impacts, such as shifts in patterns of population movement or growth, public service demands, or changes in business and economic activities. The proposed action includes extinguishing the prescriptive easement for 30th Street North and seeking, as appropriate, a land release from the Federal Aviation Administration (FAA) to allow realignment of 30th Street North near the new Runway 32 Runway Protection Zone (RPZ) to reconnect with the existing Neal Avenue North intersection. Realignment of the township collector road 30th Street North and conveyance of an appropriate property interest to the appropriate local government authority/authorities will be determined following completion of this EA/EAW. Marginal increases in aircraft activity resulting from the preferred alternative would not produce any significant induced or secondary socioeconomic impacts.

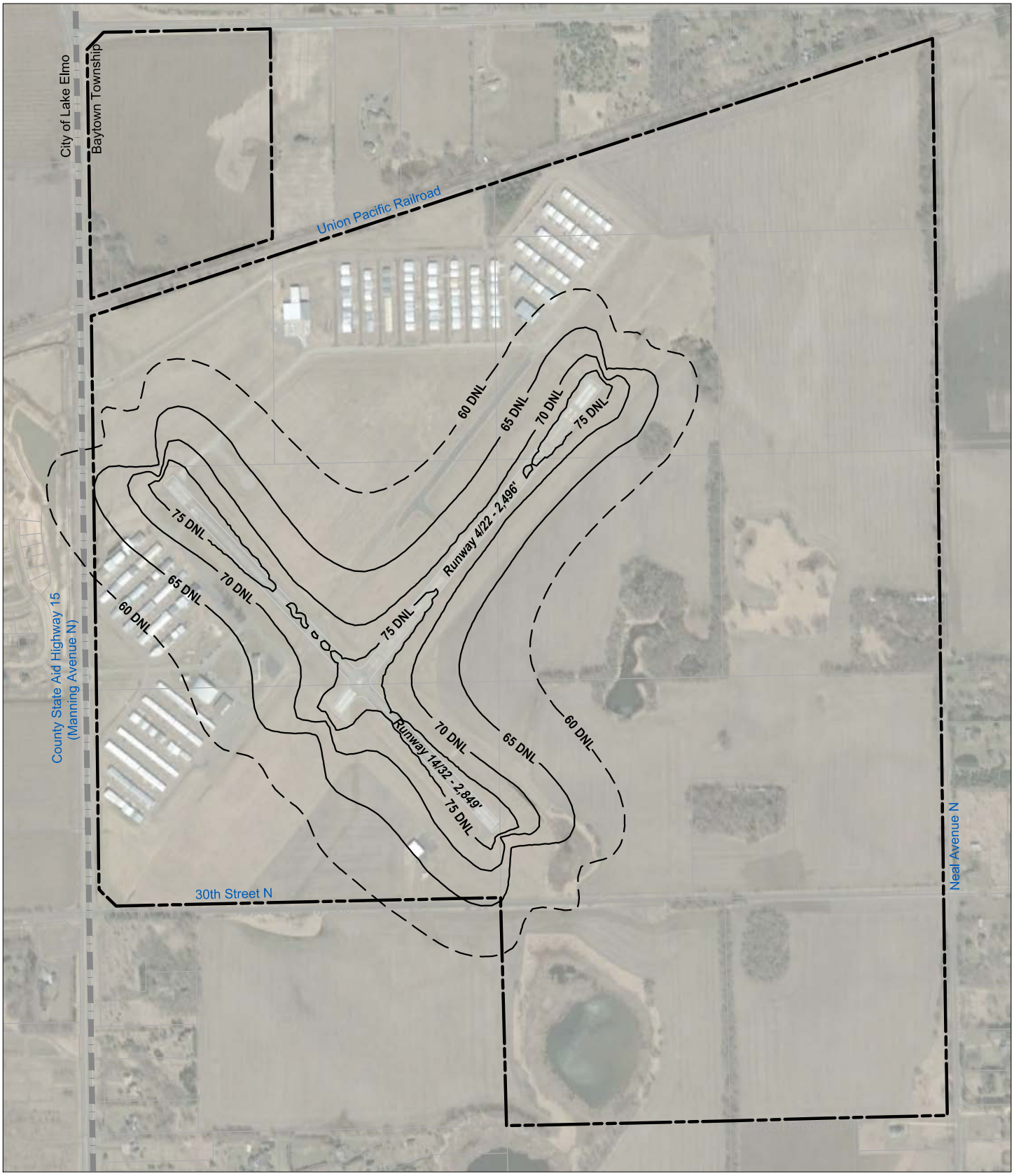
There are no low-income or minority populations near the project, and therefore no environmental justice impacts associated with either the no-action or preferred alternatives. No potential disproportionate health or safety risks to children are expected.



Note: Aircraft noise contour 60 DNL is shown for informational purposes only.

Lake Elmo Airport
Environmental Assessment

FIGURE 5-1
2016 Baseline Aircraft Noise Contours



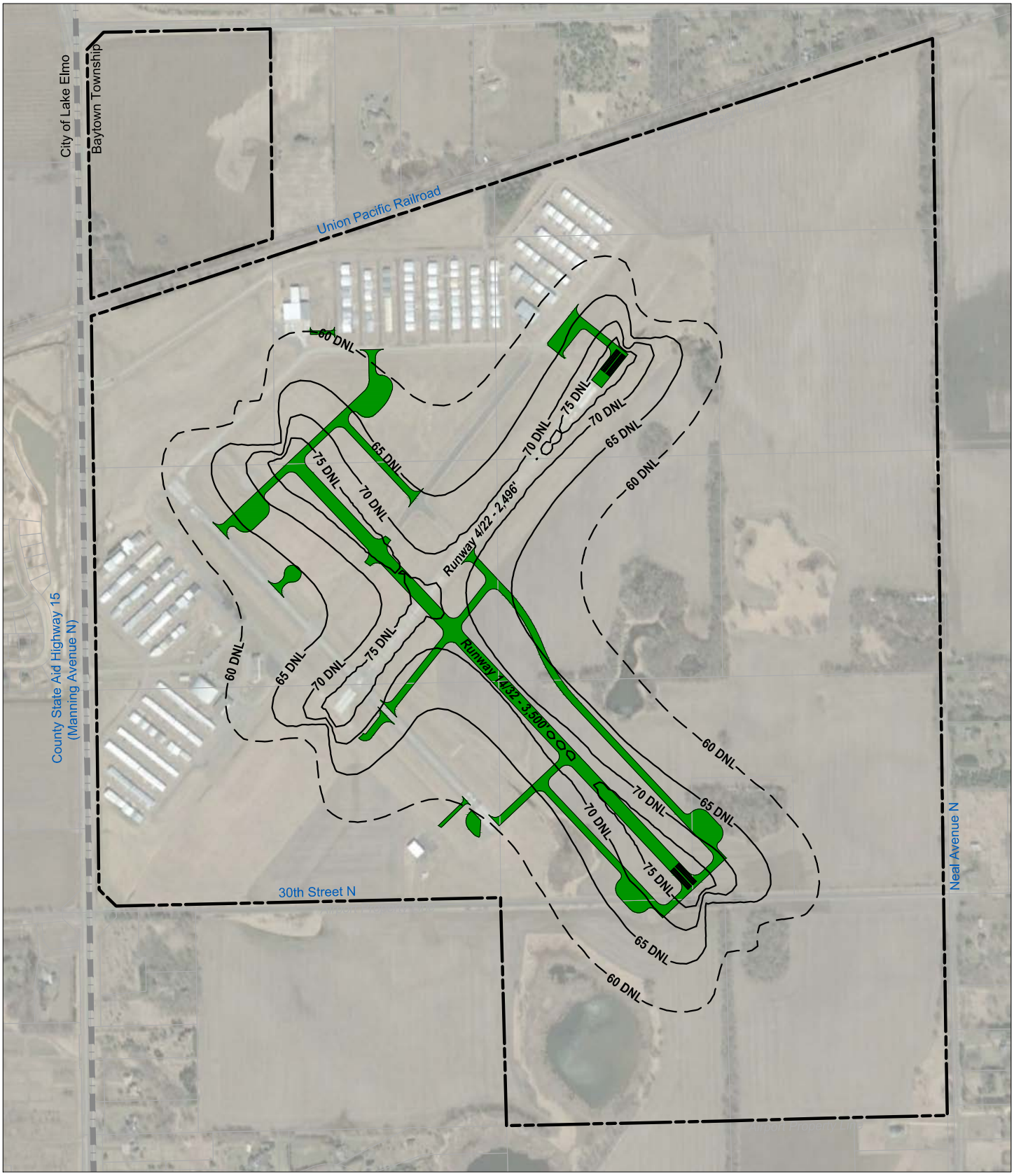
Note: Aircraft noise contour 60 DNL is shown for informational purposes only.

0 400' 800' 1600'

GRAPHIC SCALE IN FEET

Lake Elmo Airport
Environmental Assessment

FIGURE 5-2
2025 No Action Alternative Aircraft Noise Contours



Note: Aircraft noise contour 60 DNL is shown for informational purposes only.

0 400' 800' 1600'

GRAPHIC SCALE IN FEET

Lake Elmo Airport
Environmental Assessment

FIGURE 5-3
2025 Alternative B1 Aircraft Noise Contours

5.13 Visual Effects (including light emissions)

Airport related lighting facilities and activities have the potential to affect light sensitive areas such as residential neighborhoods, parks, and recreational facilities. According to FAA Order 1050.1F, light emissions analysis should consider the degree to which the proposed action would have potential to create annoyance or interfere with normal activities, and to affect the visual character of the area. The MEPA EAW form requires description of any project-related visual effects such as vapor plumes or glare from intense lights; potential visual effects from the project; and any measures to avoid, minimize, or mitigate visual effects. Although there are no federal or state standards that specifically define the significance of light emissions impacts, the location of lighting systems, brief descriptions of the purpose and characteristics of the lighting systems, and proposed measures to lessen annoyance should be included in an EA/EAW.

The preferred alternative will relocate and extend existing medium intensity runway edge lighting (MIRL) systems, precision approach path indicator (PAPI) lights, and runway end identifier lights (REIL) associated with Runway 14/32 and installation of MIRL, PAPI, and REIL systems on Runway 04/22. Runway and taxiway edge lights define the edge of usable pavement; PAPI lights provide vertical glideslope information to pilots on approach to a runway; and REIL provide positive identification of the runway end at night and in inclement weather. Runway and taxiway edge lights and PAPI lights are continuously burning lights, while REIL are synchronized flashing lights. Runway and taxiway edge lights are omnidirectional (emit light in all directions), while PAPI and REIL are aimed into the approach area beyond the end of the runway. PAPI lights are aimed upward and outward along the extended runway centerline, while the REILs are aimed upward and at 15 degree lateral angles from the extended centerline.

The preferred alternative would move the Runway 14/32 MIRL, PAPI, and REIL systems closer to residential areas southeast of the Airport. The new MIRL, PAPI, and REIL systems on either end of Runway 04/22 would be a similar distance from residences northeast and southwest of the Airport. These residential areas are currently shielded from airport light emissions because they are more than a half mile from the existing runway ends, with mature trees in between. The distance from the Runway 32 end to the Airport property line, when measured along the extended runway centerline, would be reduced from approximately 2,400 feet to 1,900 feet under the preferred alternative. The distance from the Runway 22 end to the Airport property line would be reduced from 2,250 feet to 2,000 feet.

Tree removal associated with the project will eliminate an existing visual screen between the runways and residential areas southeast and northeast of the Airport. However, lighting impacts from the MIRL and PAPI will likely be minimal given their location and steady illumination. Impacts from REIL systems, which are directional strobing lights, can sometimes be mitigated by adding baffles to reduce visible glare and installing solid fence in the runway approaches to block additional light not captured by the baffles.

Lighting systems at the Airport can be remotely activated by pilots via radio, so the systems need be only in full effect when in use by approaching and departing aircraft. Under both the no-action and preferred alternatives, the runway and taxiway edge lights would be preset to low intensity and would only increase in intensity when in use, while the REILs and PAPIs would not be illuminated at all when not in use.

Based on frequency of IFR conditions and nighttime operations at the Airport, less than 15 percent of aircraft operations (approximately 4,000 annual operations or less) are expected to occur during nighttime or in inclement weather conditions.. Unnecessary light can be further reduced by illuminating the REIL systems only when the pilots activate the highest intensity setting. As high intensity lighting at night can be disorienting for pilots, the high-intensity setting is typically used by pilots only to aid in initially locating an airport. After the pilot has positively identified the Airport, it is common to reduce the lighting intensity to complete the approach and landing.

The preferred alternative also includes installation of obstruction lighting on top of approximately a dozen on-Airport structures that would penetrate the departure threshold siting surfaces beyond the Runway 04, 14, and 22 ends. These would be steady-burning red lights to increase conspicuity from the air during nighttime. Given their performance characteristics and distance from light-sensitive receptors, these lights are not expected to create annoyance or interfere with normal activities.

Based on the information above, there are no significant visual effects associated with the preferred alternative or no-action alternative.

5.14 Water Resources (including wetlands, floodplains, surface waters, groundwater, and wild and scenic rivers)

This section is divided into five parts: wetlands; stormwater; floodplains; other water resources; and a conclusion. Impacts from the preferred alternative and no-action alternative are discussed.

5.14.1 Wetlands

A wetland delineation and functional assessment was conducted by Mead & Hunt wetland scientists in summer 2017 to document wetland types and boundaries within the project area (see **Appendix C**). Coordination with the Valley Branch Watershed District (VBWD), which is the Local Government Unit (LGU) for Minnesota Wetland Conservation Act (WCA) purposes, as well as the US Army Corps of Engineers and Section 404 Technical Evaluation Panel (TEP), was initiated with an application for a jurisdictional determination and wetland boundary review on September 25, 2017. On November 9, 2017, the VBWD issued a WCA Notice of Decision approving the wetland boundaries and types indicated in the Mead & Hunt wetland delineation report. On January 25, 2018, the VBWD issued a supplemental Notice of Decision approving a no-loss incidental wetland determination for Wetlands 3, 6, and 7, which indicates that any project work within these areas would not be regulated as wetland impacts under WCA. The Notices are included in **Appendix C**. The U.S. Army Corps of Engineers will issue a jurisdictional determination prior to publication of the Final EA/EAW.

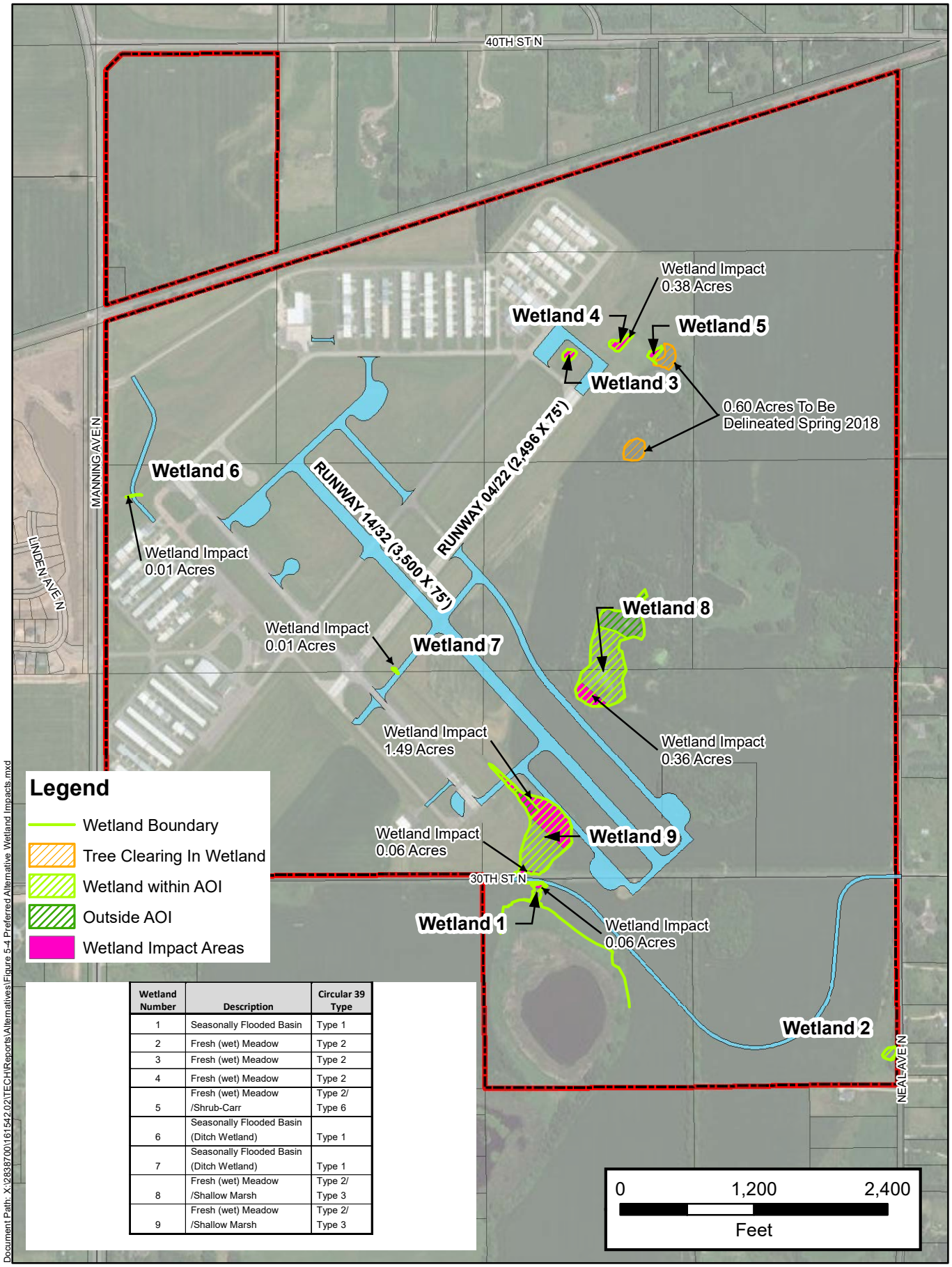
Wetland impact areas for the preferred alternative were estimated using the surface grading criteria for approach category B found in FAA Advisory Circular (AC) 150/5300-13A, paragraphs 313 and 418. Based on the wetland boundary data collected during the delineation, there would be approximately 2.36 acres of direct wetland impact associated with the preferred alternative. Of these 2.36 acres, 1.85 are associated with the primary runway and associated taxiways, 0.12 acres are associated with the realignment of 30th Street North, 0.38 acres are associated with the crosswind runway extension, and 0.01 acres are associated with the planned access road. The total 2.36-acre impact is divided between

about 0.06 seasonally flooded basin (Type 1), 1.66 acre of fresh wet meadow (Type 2), and 0.65 acres of shallow marsh (Type 3) wetland. The direct wetland impacts are illustrated on **Figure 5-4**.

Although there would also be tree clearing in wetlands not directly affected by the project, in nearly all cases they would be individual trees within Type 1 wetlands. The Type 1 wetlands are dominated by low-lying emergent vegetation and the tree clearing would not result in a conversion of wetland type. Furthermore, the trees would be removed during winter and would not result in a discharge of dredged and fill material to wetlands. One possible exception applies to approximately 0.6 acres of on-Airport tree clearing near the Runway 22 end in areas that have been identified by the USFWS National Wetland Inventory (NWI) database as Type 1 seasonally flooded basins. These wetlands were not delineated by the 2017 wetland boundary survey, but Mead & Hunt field observations indicate that Type 1 is the appropriate classification and that the wetlands would remain Type 1 following removal of any trees. Wetland boundaries and types in these areas will be confirmed by field delineation in spring 2018 and any required mitigation will be identified before publication of the Final EA/EAW document.
.
Wetland mitigation will be required as a condition of an Individual Permit under Section 404 of the Clean Water Act. Mitigation will also be a condition of any permit or approval necessary for MDNR wetlands and for any wetlands under the jurisdiction of the Minnesota Wetland Conservation Act (WCA). Under WCA, wetland mitigation ratios for counties with fewer than 50 percent of pre-settlement wetland acreage remaining, such as Washington County, are 2.5:1. Minnesota Rule 8420.0522. If the Airport sponsor replaces wetlands within mitigation Bank Service Area (BSA) 6, this ratio may be reduced to 2:1.

The MAC will consider wetland banking opportunities during the permitting process according to the wetland replacement priorities defined in the WCA statute. As of November 27, 2017, the Minnesota Board of Water and Soil Resources (BWSR) website indicates there are sufficient available wetland bank credits to mitigate for wetland impacts associated with the preferred alternative. The available wetland credit types correspond to the wetlands impacted by the preferred alternative and exceed the required mitigation for each wetland type. Purchase of wetland bank credits would occur after the exact wetland impact area is determined during design engineering, a process which may slightly change the estimated wetland impact and consequent wetland credit need.

The VBWD also requires a minimum 25-foot wide vegetative buffer between wetlands and impervious surfaces, which is considered by the preferred alternative conceptual design. Because the 0.12-acre portion of wetland impacts south of 30th Street North are associated with a water body identified in the MDNR Public Waters Inventory (PWI), a MDNR Public Waters Permit may be required.



Wetland Number	Description	Circular 39 Type
1	Seasonally Flooded Basin	Type 1
2	Fresh (wet) Meadow	Type 2
3	Fresh (wet) Meadow	Type 2
4	Fresh (wet) Meadow	Type 2
5	Fresh (wet) Meadow /Shrub-Carr	Type 2/ Type 6
6	Seasonally Flooded Basin (Ditch Wetland)	Type 1
7	Seasonally Flooded Basin (Ditch Wetland)	Type 1
8	Fresh (wet) Meadow /Shallow Marsh	Type 2/ Type 3
9	Fresh (wet) Meadow /Shallow Marsh	Type 2/ Type 3

Washington County, MN - GIS Data Downloads at http://maps.co.washington.mn.us/arcgis/services/Public/Public_Parcels

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

FIGURE 5-4

Preferred Alternative Wetland Impacts
Lake Elmo Airport
Environmental Assessment

5.14.2 Stormwater

The location of the new impervious surfaces with relation to existing Airport drainage subwatersheds, hydrology, and topography is shown in **Figure 5-5**. The preferred alternative will add approximately 850,000 square feet of impervious surface associated with construction of the runways, taxiways, and roads. However, approximately 300,000 square feet of existing impervious surface will also be removed, for a net increase of 550,000 square feet (12.6 acres) of impervious surface.

The Airport is located within and subject to the stormwater management requirements of the VBWD, Baytown Township, and West Lakeland Township. The Town of Baytown is subject to the VBWD stormwater requirements, while West Lakeland Township is an MS4 permit holder and has more stringent requirements. MS4 permits are designed to reduce the amount of sediment and pollution that enters surface and ground water from storm sewer systems to the maximum extent possible. As an MS4 permit holder, West Lakeland Township is subject to a National Pollutant Discharge Elimination System (NPDES) Phase II permitting requirement, which includes post-construction stormwater management for new development and redevelopment projects where total land disturbance is one acre or more. Therefore, post construction stormwater management measures will be required to meet the Clean Water Act. These stormwater management measures are stringent than Minnesota Pollution Control Agency (MPCA) NPDES stormwater construction permit requirements.

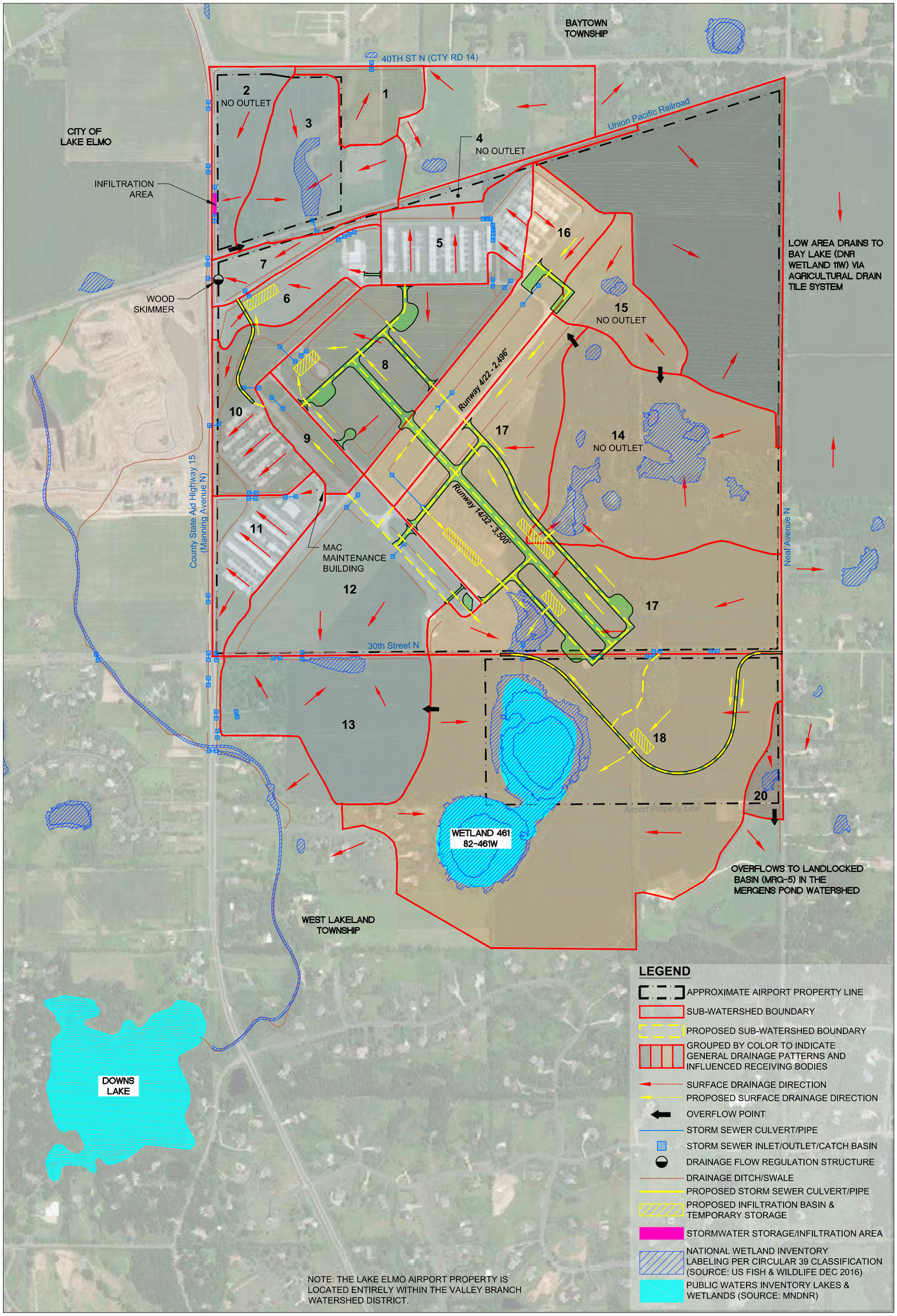
Stormwater quantity and quality impacts will result because of the change in land cover. Estimated acreage of on-Airport land cover by type under the no-action and preferred alternatives are compared in **Table 5-5**.

Table 5-5: Airport Land Cover Comparison

	No-Action Alternative		Preferred Alternative	
General Land Cover Type	**Acres**	**Percentage**	**Acres**	**Percentage**
Impervious Surface	58.7	9.2%	71.3	11.1%
Agricultural (leased)	300.6	47.0%	257.6	40.3%
Grassy Areas	221.8	34.7%	261.7	40.9%
Wooded	22.2	3.5%	15.2	2.4%
Wetland	36.7	5.7%	34.2	5.3%
Total	**640.0**	**100.0%**	**640.0**	**100.0%**

Sources: Minnesota Land Cover Classification System (MLCCS), Mead & Hunt

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Sources: SEH and HNTB

0 400' 800' 1600'
GRAPHIC SCALE IN FEET

Lake Elmo Airport
Environmental Assessment

FIGURE 5-5
Airfield Drainage Map

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For projects involving new and fully reconstructed impervious surfaces of 6,000 square feet or more, the VBWD requires a treatment standard of 1.1 inches of runoff retained on site from the new or reconstructed surfaces. The VBWD also regulates peak rates of stormwater runoff during construction. Stormwater volume and rate control requirements would be identified as part of a watershed district permit to be acquired by the MAC prior to construction.

The Clean Water Act's NPDES program includes a permit addressing stormwater effects of construction disturbances on one acre or more. In Minnesota, this program is administered by the Minnesota Pollution Control Agency (MPCA). NPDES stormwater construction permits must be obtained before commencing construction. To comply with NPDES stormwater permit requirements, the Airport will create a stormwater pollution prevention plan (SWPPP) that describes the best management practices to be used during construction to control stormwater runoff.

Stormwater facilities will be designed to meet the most stringent requirements at the time of construction, which may be the VBWD criteria, the Township of West Lakeland requirements, or the NPDES stormwater construction permit. Today, the most stringent requirements for stormwater management are found in the code of West Lakeland Township. The code requires capturing and retaining the larger of the following:

- 0.55 inches of runoff from the new and fully reconstructed impervious surface on the site; or
- 1.1 inches of runoff from the net increase in impervious area on the site.

The West Lakeland Township's Erosion Water Management and Land Alteration code also dictates that the site design shall provide on-site treatment during construction and post-construction. The required treatment is to ensure no increase in offsite peak discharge for the 1-, 2-, 10- and 100-year 24-hour storm events, based on Atlas 14 precipitation frequency events.

To meet the West Lakeland Township requirements, the site development plan will include both structural and non-structural best management practices (BMPs)/ These BMPs will manage and treat runoff, and control erosion and exposed soils.

Because the West Lakeland Township requirements mandate the control of peak flow rates and total stormwater volume, the project design will include an analysis of site runoff versus runoff expected from impervious surfaces, slopes, and other site drainage features. The design will also address the expected amount, frequency, intensity, and duration of precipitation. The stormwater design would create no additional impacts to wetlands.

Wet detention, an effective BMP, is not recommended within five miles of the Aircraft Operating Area because of wildlife attractant potential. However, stormwater detention for control of flow released may be considered if the ponds can be drawn down within 48 hours. Figure 5-5 depicts conceptual stormwater infiltration basin sizes and locations for the preferred alternative. These basins would be designed to drain within 24 hours of a storm, or sooner depending on the amount of precipitation, to avoid attracting wildlife. The stormwater management system will also be designed in accordance with FAA AC 150/5200-33B,

Hazardous Wildlife Attractants on or Near Airports. Final treatment methods will be determined upon final design.

Temporary impacts to water quality could occur during construction of the proposed project, including surface water runoff, accidental release of fuel/hydraulic fluids, and sedimentation from soil erosion. BMPs for stormwater management and sediment control would be implemented during construction. In addition, the contractor would be required to comply with FAA AC 150/5370-10C, *Standards for Specifying Construction of Airports*, and specifically, Item P-156, *Temporary Air and Water Pollution, Soil Erosion, and Siltation Control*, which sets standards for environmental protection and water pollution control during construction. An Erosion and Sediment Control Plan will specify the temporary and permanent erosion control measures, in compliance with local, state, and federal regulations.

Care will be taken to contain construction disturbance to practical limits. Construction practices would take necessary precautions to prevent pollution of water resources with fuels, oils, bitumen, chemicals, or other harmful materials, and to reduce air pollution from particulate and gaseous matter. Other precautions would include use of silt fences, inlet protection, sediment basins, ditch checks, and erosion mats as appropriate.

In its February 27, 2017 letter, the EPA recommended that FAA and the Airport sponsor account for increased storm frequency and intensity during project design by considering appropriate green infrastructure. This may include natural elements such as green space and trees, as well as elements of the constructed environment such as bioswales. These design elements will be considered during project design and engineering.

The Airport's current SWPPP, a requirement of the MPCA's Industrial Stormwater Program to reduce the amount of pollution that enters surface and ground water from industrial facilities, will be revised to reflect the additional impervious surface on the airfield and any associated new mitigation practices. With the mitigation measures required by the NPDES General Stormwater Construction Permit there are no water quality impacts associated with the preferred alternative. Provisions required to mitigate the environmental consequences of the construction work would be included in the MAC contract specifications.

5.14.3 Floodplains

Executive Order 11988, *Floodplain Management* (May 24, 1977), defines floodplains as "the lowland and relatively flat areas adjoining inland and coastal waters including flood-prone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year." Executive Order 11988 bans federal actions in a floodplain unless no practicable alternative exists, and requires measures to minimize unavoidable short-term and long-term impacts if the proposed action occurs in a floodplain. Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) were reviewed to determine if the proposed action would result in development within a 100-year floodplain. The FIRMs indicate a potential flood hazard zone (Zone A, see Chapter 4) within the preferred alternative area of ground disturbance south of 30th Street North. The total wetland fill footprint in this area is estimated to be 0.06 acre. The estimated net loss of floodplain storage is insignificant when considering

the flood volumes associated with a 100-year event, and there would be no notable adverse impacts on natural and beneficial floodplain values, as defined by DOT Order 5650.2, *Floodplain Management and Protection*, associated with preferred alternative. The watershed district permit will be acquired by the MAC prior to construction and will fulfill permitting requirements related to floodplains.

5.14.4 Other Water Resources

The preferred alternative does not have potential for impacts to water bodies listed as impaired under Section 303(d) of the Clean Water Act and will not contribute to the listing of any waterbodies as impaired. The preferred alternative will not substantially diminish natural and beneficial surface water or groundwater resource values, and no MDNR public waters or wild and scenic rivers would be affected.

5.14.5 Water Resources Conclusion

Based on the information above, the established FAA thresholds of significance under NEPA, and the significance thresholds under MEPA, there are no significant impacts to water resources associated with the preferred alternative or no-action alternative.

5.15 Cumulative Impacts and Cumulative Potential Effects

NEPA requires the analysis of "cumulative impacts." Cumulative impacts are impacts on the environment that result from the incremental impact of the action when added to past, present, and reasonably foreseeable development in the area that is not directly associated with the preferred alternative, regardless of what agency or person undertakes such actions. MEPA requires the analysis of "cumulative potential effects." Cumulative potential effects are effects on the environment that result from the incremental effects of the project under review in addition to other projects in the "environmentally relevant area" that might "reasonably be expected to affect the same environmental resources." In other words, the cumulative potential effects analysis examines whether the incremental effects of a proposed project, combined with other projects in the same geographic area and taking place over the same period of time, will have a significant effect on the same environmental resources. Minnesota Rule 4410.0200, subp. 11a provides that the "other projects" include "future projects actually planned or for which a basis of expectation has been laid, regardless of what person undertakes the other projects or what jurisdictions have authority over the projects." Under the rule, a basis of expectation is laid for a future project if the project is "reasonably likely to occur" and, if so, whether "sufficiently detailed information is available about the project to contribute to the understanding of cumulative potential effects."

Information was gathered on construction and other development projects that have recently been completed in addition to those that under NEPA may reasonably be expected in the future or under MEPA are actually planned. These actions are identified in Chapter 4, *Affected Environment*, and include the following:

- An estimated 1,720 parcels have developed within two miles of proposed runway ends since 1964.
- Extension of municipal water and sanitary sewer systems to the area west of Airport occurred within the last ten years and will contribute to continued urban development of the City of Lake Elmo for the foreseeable future.

- Washington County proposes to expand Manning Avenue North (CSAH 15) from two to four lanes within the next five years, which will contribute to continued urban development in the CSAH 15 corridor.
- Future development in Baytown and West Lakeland Townships will be limited based on current comprehensive plans and zoning regulations, and lack of municipal water and sanitary sewer services.
- The last major project at the Airport was expansion of the north hangar area in the 1990s, and there are no other major future projects depicted on the Airport Layout Plan apart from those considered under the proposed action for this EA/EAW.

The chief environmental effect of the proposed action is the filling of a total of approximately 2.36 acres of wetlands on Airport property. It is nearly impossible to predict the extent and location of projects in the vicinity of the Airport with potential wetland impacts, especially because private developments. However, a reasonable assessment of the potential for cumulative wetland impacts may be extrapolated from available U.S. Fish & Wildlife Service National Wetland Inventory data. These data provide context for the wetland impact associated with the preferred alternative, as they may be used to estimate total existing wetlands in the larger geographic area within which the project will take place. Cumulative impacts to wetlands were examined by analyzing National Wetland Inventory data for the geographic limits of the Valley Branch Watershed District (VBWD) and Washington County.

According to the most recent National Wetland Inventory data, there are approximately 22,271 acres of wetlands in Washington County and approximately 1,985 acres of wetlands within the VBWD, other than those classified as open waters such as lakes, ponds, and rivers. Wetland loss areas for each county in Minnesota are established by state statute based on a 1984 report that compared the percentage of wetlands remaining in each county to the amount of wetlands that county contained prior to European settlement. Although the study is now more than 30 years old, the BWSR's most recent report to the Minnesota legislature indicates the study remains the only statewide estimate of pre-settlement versus existing wetlands. The 1984 report indicated that approximately 42.9 percent of pre-settlement wetlands remain in Washington County because of wetland conversion associated with urban and rural land uses. Assuming this percentage is roughly equivalent to existing conditions when compared to pre-settlement conditions for Washington County and VBWD, Washington County has lost 29,643 acres of wetlands and VBWD has lost 2,642 acres of wetlands since initial settlement. The wetland loss associated with the proposed action is less than 0.1 percent of wetland loss since pre-settlement in the VBWD, and less than 0.01 percent when considering all of Washington County.

Given excess capacity in the wetland banking system and a demonstrated preference for wetland banking by the state and federal permitting agencies in Minnesota, there is no potential for adverse cumulative effects on wetlands within Bank Service Area 6 that cannot be mitigated.

Therefore, no single impact, even when considered with past or future actions, represents a substantial impact that cannot be mitigated. As a result, neither permanent adverse nor significant impacts are expected with the implementation of the preferred alternative. All future actions would be subject to avoidance and minimization studies and would undergo agency permitting as required. Every effort will be

made to avoid or reduce impacts where feasible. No significant cumulative impacts or cumulative potential effects are associated with the no-action alternative or the preferred alternative.

5.16 Summary

A summary of the impacts presented in this section is set forth in **Table 5-6.** The table includes the impacts from the no-action and preferred alternatives, as well as any required mitigation techniques or permits.

Table 5-6: Summary of Environmental Consequences				
Environmental Impact Category		**Impacts: No-Action Alternative**	**Impacts: Preferred Alternative**	**Required Permitting/Mitigation & Associated Actions**
Air Quality		None	Minimal impacts during construction	Implement EPA-recommended best management practices (BMPs) and control strategies during construction.
Biological Resources (including fish, wildlife, and plants)		None	Tree removal	• Tree removal to occur during NLEB dormant season (October 1 – April 30). • Implement April 2015 USFWS/USDOT NLEB avoidance and minimization measures. • Implement MDNR Blanding's turtle avoidance measures.
Climate		None	None	None
Coastal Resources		NA	NA	None
DOT Section 4(f) Lands		NA	NA	None
Farmlands		None	42.28 acres directly converted	None
Hazardous Materials, Solid Waste, and Pollution Prevention		None	None	Dispose of construction materials and solid waste in accordance with state and local laws.
Historic/Architectural & Archeological Resources		None	None	Hand cut trees near archeological building foundations.
Land Use	**Residential**	Potential zoning conflicts	Potential zoning conflicts	Convene Joint Airport Zoning Board (JAZB) to develop an Airport Zoning ordinance.
	Ground Transportation	RPZ conflicts	Increased travel time on 30th Street	None
	Wildlife Attractants	Wetlands near runway approach	Wetlands near runway approach	Use FAA-approved seed mixes in turf grass areas.
Natural Resources and Energy Supply		None	None	None
Noise and Compatible Land Use		None	None	• Establish airport advisory commission. • Update voluntary noise abatement plan and hold educational briefings with pilots.
Socioeconomics, Environmental Justice, and Children's Health & Safety		None	None	None
Visual Effects (including light emissions)		None	New airfield light systems	• Install light baffles for REILs. • Install solid fencing in runway approaches. • Implement low, medium, and high intensity light settings to reduce frequency of light emissions.

Table 5-6: Summary of Environmental Consequences				
Environmental Impact Category		**Impacts: No-Action Alternative**	**Impacts: Preferred Alternative**	**Required Permitting/Mitigation & Associated Actions**
Water Resources	**Wetlands**	None	2.36 acres direct wetland impact	• Compensatory Mitigation Plan (assume impact will be banked). • USACOE 404 Army Corps permit. • Compliance with Minnesota Wetland Conservation Act. • MDNR Public Waters permit.
	Stormwater	None	12.6 acres increased impervious area	• Stormwater Pollution Prevention Plan. • Onsite Best Management Practices. • MPCA CWA Section 401 Water Quality Certification and NPDES permit. • VBWD permit.
	Floodplains	None	0.06-acre wetland fill in floodplain	VBWD permit
Cumulative Impacts		No substantial impacts	No substantial impacts	None

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As explained in Chapter 1, this EA/EAW is being circulated in place of the State EAW form, as it addresses each of the environmental effects identified in the EAW form. Informational requirements for each section of the EAW form are cross referenced with appropriate sections of this EA/EAW below:

1. **Project Title:** Runway 14/32 Relocation/Extension & Associated Improvements.
2. **Project Proposer:** Metropolitan Airports Commission
   - The project proposer contact is Chad Leqve, Director of Environment for the MAC. Mr. Leqve's mailing address is 6040 28th Avenue South, Minneapolis, MN, 55450. Mr. Leqve can be reached via email at chad.leqve@mspmac.org or via phone at 612-725-6326.
3. **Responsible Government Unit (RGU):** Metropolitan Airports Commission
4. **Reason for EAW Preparation:** Mandatory EAW under Minnesota Rule 4410.4300, Subpart 21
5. **Project Location**
   - County: Washington County
   - City/Township: Baytown Township & West Lakeland Township
   - PLS Location: Township 29, Range 20, Sections 18 & 19
   - Watershed (81 major watershed scale): St. Croix River - Stillwater
   - GPS Coordinates: Latitude N 44° 59' 50.973" and Longitude W 92° 51' 20.453"
   - Tax Parcel Number: Washington County PIN 18.029.20.31.0001, 18.029.20.33.0001, 18.029.20.22.0001, 18.029.20.23.0002, 18.029.20.24.0002, 18.029.20.13.0001, 18.029.20.42.0001, 18.029.20.11.0001, 18.029.20.14.0001, 18.029.20.41.0001, 18.029.20.43.0001, 18.029.20.44.0001, 19.029.20.11.0001, 19.029.20.12.0001
   - County map: see Figure 1-1
   - U.S. Geological Survey map: see Figure 4-2
   - Site plans showing all significant project and natural features: see Chapter 3, *Alternatives*, Figure 3-10
6. **Project Description**
   - Brief project summary to be published in the EQB Monitor (approximately 50 words): Relocate and extend Runway 14/32 from 2,849 to 3,500 feet, extend Runway 04/22 from 2,496 to 2,750 feet, realignment of 30th Street around the new Runway 32 runway protection zone (RPZ), and establish GPS-based non-precision instrument approach procedures to all four runway ends.
   - Complete description of the proposed project and related new construction:
     - Relocate Runway 14/32 by shifting 615 feet to the northeast and extend to 3,500 feet, including grading, clearing, and runway lighting.
     - Extinguish existing prescriptive easement for 30th Street North and seek, as appropriate, a land release from the Federal Aviation Administration (FAA) to allow realignment of 30th Street North to reflect the new Runway 32 Runway Protection Zone (RPZ) to reconnect with the existing Neal Avenue North intersection.
     - Relocate the Airport perimeter fence around the new Runway 32 RPZ.
     - Remove the existing north side taxiway and compass calibration pad and construct a new cross-field taxiway to serve the new Runway 14 end, including taxiway lighting and/or reflectors.

- Convert existing Runway 14/32 to a partial parallel taxiway and remove the portion of the existing parallel taxiway south of the Runway 04 threshold.
- Reconstruct Runway 4/22 and extend to 2,750 feet, including necessary lighting and taxiway connectors.
- Construct other taxiways and engine run-up pads as needed to support the relocated Runway 14/32 and extended Runway 04/22, including connector taxiways and a full-length parallel taxiway on the north side of the relocated Runway 14/32, and install taxiway lighting and/or reflectors.
- Relocate the compass calibration pad adjacent to the new partial parallel taxiway (converted Runway 14/32).
- Establish non-precision GPS-based instrument approach procedures to all runway ends not already equipped.
- Provide Runway 14/32 lighting systems with the relocated runway.
- Install medium intensity runway edge lights (MIRL) on Runway 04/22, precision approach path indicators (PAPIs) on the Runway 04, 14, and 22 ends, and runway end identifier lights (REIL) on each end of Runway 04/22.
- Remove approximately 20 acres of on-Airport trees and individual off-Airport trees as necessary to clear trees that penetrate FAA Threshold Siting Surfaces (TSS)/Part 77 approach and transitional surfaces.
- Install obstruction lighting on fixed base operator (FBO) and hangar buildings in the *United States Standard for Terminal Instrument Procedures* (TERPS) departure surface areas beyond Runway 04, 14, and 22 ends.
- Construct an on-Airport access road connecting the north and west building areas.
- Voluntarily pursue creation of Rusty Patched Bumble Bee/pollinator habitat on Airport property southwest of proposed 30th Street North realignment.

o Project construction is expected to commence in 2019 and would occur in annual phases over the course of approximately five years.
o For information on project purpose, see Chapter 2, *Purpose & Need*.
o For information on project magnitude, see Chapter 3, *Alternatives*.
o For information on construction, operation methods, and features that will cause physical manipulation of the environment or will produce wastes, see Chapter 5, *Environmental Consequences*.
o There are no future stages of this development that would include development on other property.
o This project is not a subsequent stage of an earlier project.

7. **Cover Types**
   o For information on existing cover types, see Chapter 4, *Affected Environment*, Section 4.4.
   o For information on cover types under the no-action and preferred alternatives, see Chapter 5, *Environmental Consequences,* Section 5.14.2.
8. **Permits and Approvals Required:** Government approvals and permits needed for the project are summarized in Chapter 5, *Environmental Consequences,* Table 5-6. For information on specific permits and approvals, see the relevant sections of Chapter 5. The project would be self-funded by aviation users by FAA or Minnesota Department of Transportation grant programs, or both, as well as Metropolitan Airports Commission funds. No local sales or property taxes will be used to fund airport improvements.

9. **Land Use**
   - For information on existing land uses, municipal plans, and zoning, see Chapter 4, *Affected Environment*, Section 4.4.
   - For information on the project's compatibility with nearby land uses, plans, and zoning, as well as measures incorporated into the project to mitigate potential incompatibility, see Chapter 5, *Environmental Consequences*, Section 5.9.
10. **Geology, Soils, and Topography/Land Forms**
   - For information on existing geology, soils, and topography/land forms, see Chapter 4, *Affected Environment*, Section 4.3.
   - For information on measures to minimize soil erosion during construction, see Chapter 5, *Environmental Consequences*, Section 5.14.2.
11. **Water Resources**
   - For information on existing water resources, including both surface water and groundwater, see Chapter 4, *Affected Environment*, Section 4.5.
   - For information on effects to water resources and measures to minimize or mitigate effects, see Chapter 5, *Environmental Consequences*, Section 5.14.
12. **Contamination/Hazardous Materials/Waste**
   - For information on pre-project site conditions and project-related generation/storage of solid wastes and hazardous materials, see Chapter 5, *Environmental Consequences*, Section 5.7.
13. **Fish, wildlife, plant communities, and sensitive ecological resources (rare features)**
   - For information on existing biotic communities and rare features on and near the site, see Chapter 4, *Affected Environment*, Section 4.6.
   - For information on effects to biotic communities and rare features, and associated measures that will be taken to avoid, minimize, or mitigate adverse effects, see Chapter 5, *Environmental Consequences*, Section 5.2.
14. **Historic Properties**
   - For information on historic properties on and near the site, see Chapter 4, *Affected Environment*, Section 4.7.
   - For information on effects to historic properties, see Chapter 5, *Environmental Consequences*, Section 5.8.
15. **Visual**
   - For information on project-related visual effects, see Chapter 5, *Environmental Consequences*, Section 5.13.
16. **Air**
   - For information on project-related emissions, see Chapter 5, *Environmental Consequences*, Sections 5.1 and 5.3.
17. **Noise**
   - For information regarding existing and future aircraft noise at the Airport, see Chapter 5, *Environmental Consequences*, Section 5.11.
18. **Transportation**
   - For information on ground transportation improvements associated with the project, see Chapter 3, *Alternatives*.
   - For information on effects to the regional transportation system, see Chapter 5, *Environmental Consequences*, Section 5.9.

19. **Cumulative Potential Effects**
    - For information on past, present, and reasonably foreseeable actions on and near the Airport, see Chapter 4, *Affected Environment*, Section 4.8.
    - For information on cumulative effects, see Chapter 5, *Environmental Consequences*, Section 5.15.
20. **Other Potential Environmental Effects**
    - For information on effects to farmland associated with the project, see Chapter 5, *Environmental Consequences*, Section 5.6.

This chapter provides a summary of the public involvement and agency coordination efforts that have taken place throughout this Environmental Assessment (EA) / Environmental Assessment Worksheet (EAW) process.

Prior to initiating the environmental review process, the Metropolitan Airports Commission (MAC) completed a Long-Term Comprehensive Plan (LTCP) that included robust public outreach. Initial stakeholder outreach efforts for the LTCP involved meetings with partner agencies, municipal representatives, and Airport tenants before the Draft LTCP was completed. These meetings provided provide information regarding the plan's purpose, process, preliminary findings, and timeline. The next phase of stakeholder outreach consisted of the formal public review period after the Draft LTCP was completed and the MAC Board approved it for distribution. A Draft LTCP was issued for public review and comment on June 22, 2015. Two public information meetings were held in July 2015 to provide information regarding the Draft LTCP to interested citizens. This initial public comment period closed on September 16, 2015, after being extended to provide additional time for community input. During the initial public comment period, the MAC received 104 written comments, of which 99 were from members of the public. Twelve of the 99 commenters supported the plan, and 87 opposed.

The remaining five comments were from municipalities and agencies. West Lakeland Township and Baytown Townships passed resolutions opposing the plan, while Washington County, the Metropolitan Council, and the Valley Branch Watershed District submitted neutral comments. The City of Lake Elmo considered a resolution opposing the preferred plan but did not take action and did not submit formal comments.

Common themes from concerned area residents included:

- 30th Street N realignment and the possible associated impacts from noise, traffic, and potential right-of-way taking of their property on Neal Avenue;
- increased aircraft traffic and aircraft noise levels, including concerns the role of the Airport would change and introduce significant numbers of jet aircraft flights, impacting property values;
- concerns regarding possible adverse environmental impacts to wetlands and wildlife habitat; and
- questions regarding the overall justification for the improvements, including skepticism regarding the estimates of Airport activity levels.

In response to community input received during the initial formal LTCP public comment period, MAC staff developed a refined preferred alternative (Alternative B1) which included shortening the proposed length of Runway 14/32 from 3,600 to 3,500 feet and a different realignment concept for 30th Street N, as described in Chapter 3 of this EA/EAW. An Addendum to the Draft LTCP was prepared to describe the features of and rationale behind the development of the refined preferred alternative. Public review and comment on the Addendum opened on January 25, 2016. A supplemental public information meeting was held on February 11, 2016, to provide additional information about the refined development concept to interested citizens. The public comment period on the Addendum closed on March 9, 2016.

During the supplemental LTCP public comment period, the MAC received 104 written comments, of which 102 were from members of the public. Thirty-nine of the comments supported the plan, and 62 were opposed. One public comment was neutral. The remaining two comments were received from municipalities. West Lakeland Township affirmed its opposition to the plan, while Washington County expressed support for the refined alternative. Neither Baytown Township nor the City of Lake Elmo submitted written comments during the supplemental public comment period.

Although most of the common themes expressed by concerned area residents during the supplemental LTCP public comment period were similar to those expressed during the initial public comment period, a few new themes emerged, including the following:

- revised 30th Street N realignment to connect back to the existing intersection with Neal Avenue is still too disruptive to the community and the curves will introduce safety concerns;
- the 100-foot reduction in runway length is not enough of a compromise; the replacement runway should be shorter; and
- if the existing runway cannot be reconstructed in its current location, the Airport should be closed.

The Final Draft LTCP was submitted to the Metropolitan Council on May 9, 2016, as required under Minnesota Statutes 473.165 and 473.611. The Metropolitan Council reviews LTCPs for each airport owned and operated by the MAC for consistency with the metropolitan development guide, including Thrive MSP 2040 and the Transportation Policy Plan. Metropolitan Council staff concluded that since the preferred alternative for Lake Elmo Airport retains its system role as a minor general aviation facility, supports the regional aviation system, and is responsive to the needs and conditions of the Airport, it is consistent with the Thrive MSP 2040 and the Transportation Policy Plan. The full Metropolitan Council provided its determination of consistency on August 11, 2016. The MAC Board voted to formally adopt the LTCP on September 19, 2016.

At the outset of the environmental review process on February 8, 2017, MAC staff solicited initial comments from various federal, state, and local agencies via electronic mail as it relates to each agency's area of expertise. Agencies were asked to submit comments for consideration during the environmental review process, and were invited to an in-person agency scoping meeting held at the Lake Elmo Public Library on February 21, 2017. Agencies receiving this correspondence included the following:

- Minnesota Department of Agriculture
- Minnesota Department of Commerce
- Minnesota Department of Health – Environmental Health Division
- Minnesota Department of Natural Resources – Environmental Review Unit
- Minnesota Pollution Control Agency – Environmental Review Unit
- Minnesota Department of Transportation – Office of Environmental Stewardship
- Minnesota Board of Soil and Water Resources
- U.S. Army Corps of Engineers – Regulatory Branch
- U.S. Environmental Protection Agency – Office of Enforcement and Compliance Assurance
- U.S. Fish & Wildlife Service – Twin Cities Field Office
- Metropolitan Council – Local Planning Assistance

- Valley Branch Watershed District
- Washington Conservation District

Representatives from the Valley Branch Watershed District, Washington Conservation District, and Minnesota Department of Natural Resources attended the February 21, 2017, agency scoping meeting, and written scoping comments from the U.S. Environmental Protection Agency were received on February 27, 2017. Comments received from these agencies were incorporated into the scope of work for the EA/EAW. The agency scoping meeting minutes and associated correspondence are included in **Appendix K**.

Prior to initiating the environmental review process in early 2017, the MAC created a standalone website for sharing information related to the project with the public. This website provides information regarding stakeholder outreach activities, project documentation, relevant internet links, and answers to frequently asked questions. The website has been continually updated throughout the EA/EAW process and may be visited at the following URL: https://www.metroairports.org/General-Aviation/Lake-Elmo-Environmental-Assessment.aspx.

The MAC also developed a formal Stakeholder Engagement Plan in early 2017. The plan included coordinated efforts to inform, educate, and engage the public and Airport users as part of the EA/EAW process. The plan also explained the MAC's approach for documenting the outreach process. MAC published the plan on the project website and used it as a dynamic guide for administering a thorough and effective public involvement program. The stakeholder engagement plan is included in **Appendix L**.

The MAC convened a Community Engagement Panel (CEP) for the project, which met periodically throughout the development of the Draft EA/EAW. The CEP is an advisory board representing major community stakeholder groups that are more closely involved in the EA/EAW project than the public at large. Stakeholder groups represented on the CEP included:

- Airport Tenants/Users (2)
- Metropolitan Airports Commission Staff (2)
- City of Lake Elmo (1 staff & 1 resident)
- Baytown Township (1 board member & 1 resident)
- West Lakeland Township (1 board member & 1 resident)
- MAC District F Commissioner (1)
- Greater Stillwater Chamber of Commerce (1)
- Washington County Public Works (1)

The CEP serves several important functions including: representing a broad range of stakeholder groups in the EA; receiving information about the EA/EAW and sharing it with constituencies; providing input to the EA/EAW as the voice of key stakeholders; and in some cases, providing technical advice to the project team. The CEP offers opinions, advice, and guidance, but the MAC has sole discretion to act on CEP recommendations. Five CEP meetings were held on February 21, May 25, August 8, and October 19, 2017, and January 16, 2018. The CEP met on these dates because they occurred at key

milestones prior to release of the Draft EA/EAW. Agendas, presentation materials, and minutes from these meetings are included in **Appendix L**.

The MAC also held three public meeting events at key milestones prior to release of the Draft EA/EAW on May 11, August 17, and November 6, 2017. These public meetings presented the same information provided at CEP meetings. Agendas, presentation materials, handouts, and minutes from these events are included in **Appendix L**.

On May 2, 2017, under its 36 Code of Federal Regulations (CFR) Part 800 obligations, the FAA solicited comments from various Native American tribes regarding the proposed project by electronic mail. Tribes contacted included the Prairie Island Indian Community, the Shakopee Mdewakanton Sioux Community, and the Mille Lacs Band of Ojibwe. These emails are included in **Appendix D**. No responses were received.

The Draft EA/EAW document was released for public review and comment on February 26, 2018. The mailing list for the draft document included all government agencies that received invitations to the February 21, 2017, scoping meeting. The notice of availability of the draft document and public hearing to be held April 4, 2018, was published in the local newspaper and the Minnesota Environmental Quality Board (EQB) *Monitor* newsletter. Hard copies of the Draft EA/EAW are available for public review at the MAC General Offices, Lake Elmo City Hall, and at Lake Elmo Public Library. Electronic PDF versions of the Draft EA/EAW documents are available for public review on the project website at https://www.metroairports.org/General-Aviation/Lake-Elmo-Environmental-Assessment.aspx.

The MAC will accept written statements regarding the Draft EA/EAW from local, state, and federal government agencies, as well as from the general public, from February 26 through April 19, 2018, a period of 53 days. Comments received will be included and addressed in the final EA/EAW.

The public involvement process was inclusive of all residents and population groups in the study area and did not exclude any persons based on income, race, color, religion, national origin, age, or handicap.

The responsibility for the Environmental Assessment (EA) under the National Environmental Policy Act rests with the FAA Airports District Office in Minneapolis, Minnesota. The responsibility for the Environmental Assessment Worksheet (EAW) under the Minnesota Environmental Policy Act rests with the Metropolitan Airports Commission. This EA/EAW was prepared by Mead & Hunt, Inc. under contract with the Metropolitan Airports Commission.

The following Metropolitan Airports Commission staff members guided preparation of this EA/EAW.

- **Chad Leqve,** Director of Environment
- **Dana Nelson,** Manager – Noise, Environment & Planning
- **Bradley Juffer,** Assistant Manager – Noise, Environment & Planning
- **Neil Ralston, A.A.E.,** Airport Planner – Planning & Development
- **Gary Schmidt,** Director – Reliever Airports
- **Joe Harris,** Manager – Reliever Airports
- **Melissa Scovronski,** Manager – Public Affairs & Marketing
- **Christene Sirois Kron,** Coordinator – Sustainability & Strategy
- **Evan L. Wilson,** Senior Attorney

The following Mead & Hunt staff members were directly responsible for preparing the contents of this document.

Evan Barrett, AICP – Project Manager
Mr. Barrett has more than ten years of experience with NEPA documentation, airfield planning studies, and airport master plans.

Colleen Bosold – Stakeholder Outreach Coordinator
Ms. Bosold has more than ten years of experience in managing development of stakeholder communication materials for airport planning, engineering, and architecture projects.

Laura Morland, PE – National Environmental Practice Leader, Aviation Services
Ms. Morland has more than 30 years of experience and specializes in aviation environmental issues. Her airport experience includes planning and design, resident engineering, NEPA documentation, and environmental compliance. She develops monitoring programs for regulatory compliance and has participated in numerous feasibility and planning studies.

Stephanie A.D. Ward, AICP – Aviation Planning Services Manager
Ms. Ward has more than 25 years of experience in environmental projects. She has extensive experience developing community support and understanding of airports within their host communities.

Corbett Smith, CM – Aviation Planner
Mr. Smith has over seven years of experience as an airport planner. He is responsible for conducting technical research and analyses, designing aviation-related facilities, technical report writing and preparing airport noise contours and emissions inventories for airport planning and airport environmental projects.

Robert Sims – Aviation Planner
Mr. Sims is an airport planner with airport operations experience. He has managed Stormwater Pollution Prevention Plan and Community Emergency Response projects. He is also familiar with regulatory compliance, planning documentation, and required airfield inspections.

Eunique W. Jackson – Aviation Planner
Ms. Jackson recently graduated from Jacksonville University with a Bachelor's Degree in Aviation Management. During her collegiate career, she completed a yearlong internship with both the Cheyenne Regional Airport and Wyoming Department of Transportation's aeronautics division.

Mark Sauer, AICP – Planner
Mr. Sauer has worked on diverse projects in the planning, engineering and architecture fields both domestically and internationally for over six years. He has experience in comprehensive, sub-area and land/ site planning, architectural package submittals, construction documentation, land division and zoning change procedures, public involvement, urban design and hand and computer-generated presentation visualizations. He has a working knowledge of NEPA and has prepared numerous environmental documents including Categorical Exclusions, Environmental Reports, Environmental Assessments, and Indirect and Cumulative Effects Analyses.

Chris Rossmiller, PE – Civil Engineer
Mr. Rossmiller has more than 17 years of experience with transportation engineering in the design of rehabilitation projects, rural and urban reconstruction projects, interchange reconstruction projects, corridor preservation projects, storm water management and storm sewer systems, traffic signal layouts, roundabouts, and the preparation of final plans, specification and estimate (PS&E) for construction.

Troy Pankratz, PE – Roadway Design Discipline Leader
Mr. Pankratz has more than 17 years of experience in managing highway projects with a high level of involvement in roadway design. Troy has managed plans, specifications, and estimates for projects ranging from simple overlays to complex interstate interchange projects. He is well versed with various state DOT standards and processes, and has developed extensive expertise in developing innovative intersection designs to minimize conflict points for all users.

Greg Stern, PE – Civil Engineer
Mr. Stern has 18 years of experience as an engineer and planner on a wide variety of aviation and transportation improvement projects. His work in aviation includes services to both air carrier and general aviation airports. Past projects include the design and construction of airfield pavements, hangar site developments, navigational aids, airport roadways, terminal parking and bulk fuel storage facilities. Greg's experience also extends to environmental planning with work on a wide variety of airport layout plans and environmental assessment documents.

Karen Wiemeri, PE – Civil Engineer
Ms. Wiemeri is a professional civil engineer with 29 years of extensive experience in water resources and municipal projects. She is skilled at providing project design and technical support with an emphasis on civil and heavy-civil of water resources projects for cities, counties and federal agencies.

Scott Sengstock – Airport Surveyor
Mr. Sengstock has more than 20 years of experience as a survey chief for airport design and construction projects. He has worked on projects ranging in size from general aviation to air carrier facilities, as well as complex military projects. Scott's experience includes planning, design, construction and obstruction surveys.

Nathaniel A. Kitzrow – CAD Technician
Mr. Kitzrow has 16 years of experience as a CAD Technician in the civil engineering industry working in the residential, commercial, agricultural and aviation markets. In support of the various projects in these markets, Nat has been involved in the layouts and designs of utilities, roadways, runways, taxiways, aprons and airport infrastructures, site grading, plan set coordination and creation, exhibit drawings for presentations, writing legal descriptions for plats, and survey assistance.

Brauna Hartzell, GISP – GIS Analyst
Ms. Hartzell has more than 28 years of experience applying GIS software and database design techniques to support wetlands and water resources, historic preservation, community planning, transportation, aviation and military planning, and municipal infrastructure and storm water management. She also has more than ten years of experience in wetland delineation, wetland permitting, and restoration projects. She performs wetland and field delineations conforming to current United States Army Corps of Engineers (USACE) and State standards including the Northcentral and Northeast Regional Supplements, designs custom field data collection applications, collects field data using hand-held Global Positioning Systems (GPS) data collectors and tablets, and prepares NEPA documentation. Brauna has successfully guided numerous projects through the Section 404 permitting process.

Kimberly Shannon – Environmental Scientist
Ms. Shannon is an environmental scientist with over a decade of experience. She has professional experience in coordinating and completing a variety of project types including oil and gas, electric transmission, nuclear, transportation, commercial development, and local government. Her technical expertise includes identification, mapping, and delineation of streams and wetlands; 404 permitting and compensatory mitigation; United States Army Corps of Engineers (USACE) coordination; and assisting various clients through the 404 permitting process. She also has professional experience in the preparation and coordination of environmental assessment and categorical exclusion documents in support of the NEPA process, habitat evaluation for threatened and endangered species, and technical writing and editing.

Louis J. Bridges, Ph.D., PWS, CWB – Senior Environmental Professional
Mr. Bridges has over 25 years of experience focusing on large-scale environmental strategic planning and project management for clients with projects involving federal natural resource agencies; environmental policy analysis and compliance system development; management of numerous NEPA

compliance, permitting, and documentation efforts working with federal, state, and tribal resource management and regulatory agencies.

Kathryn Ohland – Cultural Resource Specialist
Ms. Ohland is an architectural historian with experience in conducting historic resource surveys, which includes field surveys, photographic documentation, historical research, and report preparation. Katie is also responsible for completing Section 106 compliance including the identification and evaluation of historic resources while applying the National Register Criteria. Katie exceeds the *Secretary of the Interior's Standards* in history and architectural history.

Katherine Haun – Cultural Resource Specialist
Ms. Haun is a cultural historian with over seven years of experience with Section 106 documentation.

Vicki Twinde-Javner – Senior Research Archaeologist, Mississippi Valley Archaeology Center
Ms. Twinde-Javner is an archaeologist that specializes in cultural resource management, midwestern archaeology, and historic archaeology. She holds a Master's Degree in anthropology from the University of Wisconsin-Milwaukee.

Vicky Valley – Administrative Assistant
Ms. Valley is responsible for report format, review, and compilation.

THE CITY OF LAKE ELMO

STAFF REPORT

DATE: April 3, 2018
CONSENT # 4

AGENDA ITEM: Washington County Application for MnDOT 2018 Corridors of Commerce (CSAH 15 & TH 36) – Approve Resolution of Support

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Kristina Handt, City Administrator
Chad Isakson, Assistance City Engineer

ISSUE BEFORE COUNCIL: Should the City Council approve a Resolution of Support for the Washington County Funding Application for MnDOT 2018 Corridors of Commerce for a grade separation project at County State Aid Highway 15 (CSAH 15) and Trunk Highway 36 (TH36)?

BACKGROUDN AND PROPOSAL DETAILS/ANALYSIS: MnDOT and Washington County are requesting from the City of Lake Elmo a resolution of support to apply for funding from the 2018 Corridors of Commerce solicitation for a grade separation project at CSAH 15 and TH 36.

The Minnesota Legislature created the Corridors of Commerce program to authorize the sale of new trunk highway bonds for the construction, reconstruction and improvement of trunk highways for projects not already in the State Transportation Improvement Program. The program was created to provide additional highway capacity on segments where there are currently bottlenecks in the system and to improve the movement of freight and reduce barriers to commerce. Recently the Minnesota Department of Transportation received recommendations from stakeholders and the public for projects to be considered for its 2018 Corridors of Commerce program. From among those recommended projects, MnDOT will award $400 million to selected projects across the State (see attached Corridors of Commerce Recommendations).

As a part of the scoring criteria for the Corridors of Commerce program, all cities and counties which would be touched by the suggested project need to submit a resolution of support for the project in order for that project to receive 45points in the "Community Consensus" category. Projects which do not receive a resolution of support from all governments are not disqualified from the program, but they will not receive 45points out of total of 700 from this criteria, which will put them at a distinct disadvantage in the scoring.

FISCAL IMPACT: No impact at this time. Obtaining additional outside funding for this potential project may help to reduce the City cost participation for the project.

RECOMMENDATION: Staff is recommending that the City Council approve a Resolution supporting Washington County's application for the 2018 Corridors of Commerce solicitation for a grade separation project at CSAH 15 and TH 36. If removed from the consent agenda, the recommended motion for the action is as follows:

"Move to approve Resolution No. 2018-030 Supporting Washington County's application for the MnDOT 2018 Corridors of Commerce solicitation for a grade separation project at County State Aid Highway 15 (CSAH 15) and Trunk Highway 36 (TH36)."

ATTACHMENTS:

1. Resolution Supporting Washington County's Application for the MnDOT 2018 Corridor of Commerce for CSAH 15 and TH36.
2. Corridors of Commerce Recommendations.

CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

RESOLUTION NO. 2018-030
RESOLUTION SUPPORTING WASHINGTON COUNTY FOR THE SUBMITTAL OF AN APPLICATION TO REQUEST FUNDING FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION THROUGH THE 2018 CORRIDORS OF COMMERCE SOLICITATION

WHEREAS, the Minnesota Department of Transportation (MnDOT) is currently accepting candidate projects for the 2018 Corridors of Commerce Solicitation; and

WHEREAS, Washington County is proposing an application for the construction of a grade separation of County State Aid Highway 15 (CSAH 15) and Trunk Highway 36 (TH 36): and

WHEREAS; the intersection of CSAH 15 and TH 36 is partially located within the City of Lake Elmo and provides access to residential, business, commercial, and recreational areas of Grant, Lake Elmo, Stillwater and Stillwater Township; and

WHEREAS; the current intersection is insufficient to meet capacity demands today and the growth anticipation in the future; and

WHEREAS; the TH 36 corridor is continuing to experience a growth in traffic and congestion; and

WHEREAS; the upgrade of this interchange is essential to the economic health and welfare of the region; and

WHEREAS; this project will protect and enhance mobility and safety, and will be of mutual benefit to MnDOT, Washington County, and the cities of Grant, Lake Elmo and Stillwater.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lake Elmo supports Washington County's application for funding as part of the 2018 Corridors of Commerce Solicitation for the grade separation of County State Aid Highway 15 (CSAH 15) and Trunk Highway 36 (TH 36).

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE THIRD DAY OF APRIL, 2018.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)
ATTEST:

_____
Julie Johnson, City Clerk

Metro District
Corridors of Commerce Recommendations

District	Name (First)	Name (Last)	State Highway	Location Description	Project Type
M	Ben	Nelson	10/169	Ramsey/Anoka city limit, signal to interchange at Thurston Avenue, signal to overpass at Fairoak Avenue, interchange modifications at W. Main Street, to east of W. Main Street interchange plus supporting roadway improvements	Convert a section of roadway into freeway design with interchange accesses (instead of signals or stop signs).
M	Emily	Jorgensen	36	The intersection of Trunk Highway 36 and County Road 17 (Lake Elmo Avenue).	Convert a signalized intersection on the roadway into an interchange.
M	Emily	Jorgensen	36	Intersection of TH 36 and TH 120 (Century Avenue).	Convert a signalized intersection on the roadway into an interchange.
M	Emily	Jorgensen	97	4 lane expansion of TH 97 from I-35 to Hwy 61 in Forest Lake.	Expand the roadway from two lanes to four lanes and intersection control to maintain local access.
M	Stephen	Mann	I-35W	When exiting I-694 east to I-35W northbound, the merge lane is pretty rough and you have to mix with traffic entering the cloverleaf to go west on 694. Also, traffic going from west 694 to north 35W have to merge. Suggestion would be to modify it from under the bridge and add an "exit only" lane from 35W to Hwy 96. Driving this daily, so i know it would alleviate choke points. By the way, I love the X-bridge on 96 over 35W! (I live near St. Cloud and frequently use the same style bridge over Hwy 15 by Sam's Club in north St. Cloud!)	Other: Add an exit only lane to help merging traffic at 35W North of 694
M	Frank	Pafko	I-494	TH100 to I-35W	Other: Add an EB auxiliary lane from TH 100 to I-35W.
M	Frank	Pafko	I-35W	I-35W / I-694 System Interchange	Other: Add flyover ramp from NB I-35W to WB I-694.
M	Frank	Pafko	36	Cleveland Avenue to I-35E	Other: Add an EB Lane from the lane drop at Cleveland to the 135E interchange, on the median side.
M	Joseph	Reichert	36	Manning Ave	Convert a signalized intersection on the roadway into an interchange.
M	Joe	Triplett	8	Approximately TH 61 in Forest Lake up to and including the intersection of Karmel Avenue in Chisago City.	Expand the roadway from two lanes to four lanes.
M	Paul	Oehme	101	reconstruction and expansion of TH 101 from 2 lane rural section to 4 lane divided urban section is approximately 1.1 miles.	Expand the roadway from two lanes to four lanes.
M	Frank	Pafko	I-94	W.B I-94 from the TH610 on ramp to the auxiliary lane leading to N.B TH101. Maple Grove to Rogers.	Other: Add a lane between termini listed above.
M	Tony	Fischer	62	I-35W to TH 77	Other: add an eastbound auxiliary lane
M	Tony	Fischer	I-94	Fish Lake interchange to Maple Grove Parkway	Other: add an auxiliary lane in each direction from the west ramps of the Fish Lake interchange to the east ramps at Maple Grove Parkway
M	Tony	Fischer	I-494	TH 212 in Eden Prairie to TH 5 at MSP Airport	Other: add a MnPASS lane to each direction
M	Tony	Fischer	I-494	West of France Ave to TH 77	Other: add a MnPASS lane to each direction from west of the I-35W interchange to the west ramps at TH 77 and add a MnPASS lane to eastbound only from the France Ave exit to I-35W
M	Tony	Fischer	I-35W	TH 36 to Mississippi River	Other: add a MnPASS lane to southbound only using performance based design (avoid major bridge impacts like the I-35W Urban Partnership Agreement project did)
M	Tony	Fischer	I-94	TH 52 westbound entrance to Jackson St/12th St exit	Other: add a westbound only buffer lane beginning with widening the TH 52 entrance to 2 lanes before entering I-94, carry new lane to drop at the exit to the northbound I-35E exit, extend current auxiliary lane to drop at the Jackson St/12th St exit
M	Tony	Fischer	I-94	from west Jct with I-35E to 5th/6th St entrance	Other: add a westbound only lane from the west junction of I-35E (decision lane with right lane to southbound I-35E) to tie into the 4-lane section at the entrance from 5th/6th St out of downtown St. Paul
M	Tony	Fischer	I-94/280	system interchange of I-94 and TH 280 up to local interchange of TH 280 with Franklin Av	Other: reconstruct system interchange of I-94/TH 280 and local interchange of TH 280/Franklin Av to to provide southbound TH 280 access to the Cretin Av exit, eliminate/replace left side I-94 ramps and revise the Franklin Av interchange for better freight connections
M	Tim	Markfort	252	Extend the 3rd lane between Brookdale and 610 ramp in both directions. It makes no sense why there are only two lines for this approximate mile of road.	Other: Make Hwy 252 three lanes the entire length

Metro District

Corridors of Commerce Recommendations

M	Tim	Markfort	10	Make hwy 10 three lanes from about 85th (where it reduces to two lanes) to hwy 35W both directions. When headed North on Hwy 10 three lanes of inbound traffic get compressed into two lanes for about an mile and then it opens to three lanes. When headed South on Hwy 10 towards 35W it goes from four lanes to three and then around 85th it reduces to two lanes for about a mile until the left exit lane starts for 35W North. Please expand this section to three lanes.	Other: Make Hwy 10 in Blaine at least three lanes in each direction
M	Tim	Markfort	252	Remove the stop light on 252 at 70th. Replace it with a pedestrian overpass for the bus stop. The interchange was closed over the summer and it made Hwy flow much smoother.	Other: Disconnect 70th street from Hwy 252 in Brooklyn Center
M	Michael	Mady	77	Provide a flyover from northbound MN 77 (Cedar Avenue) to westbound MN 62 (Crosstown). This is an outdated clover leaf, a bottleneck, and is dangerous for drivers of all kinds of vehicles.	Other: Fly over
M	Michael	Markell	494	From Highway 100 to highway 77	Other: Expand the freeway by 2 lanes, rebuild the 494
M	Jeanne	Markell	62	From Tracy to 35W	Expand the roadway from two lanes to four lanes.
M	Joseph	Klein	I-94	From I-35W junction in Minneapolis to I-35E junction in St. Paul	Add a MnPASS lane to the roadway.
M	Todd	Wagner	36	North St. Paul to St. Croix River Bridge	Convert a section of roadway into freeway design with interchange accesses (instead of signals or stop signs).
M	Todd	Wagner	110	Mendota to Inver Grove Heights	Convert a section of roadway into freeway design with interchange accesses (instead of signals or stop signs).
M	John	Hokkanen	212	US 212, Chaska, from Carver County 11, Jonathan Carver Parkway, to Norwood Young America, County Road 34	Expand the roadway from two lanes to four lanes.
M	Ron	Hippen	101	Southbound on Highway 101 in Rogers from Diamond Lake road to I-94 east and west bound.	Convert a signalized intersection on the roadway into an interchange.
M	Tracy	French	10	The ramp from 35W southbound to approximately County Road J W	Other: Make the ramp from 35W Southbound onto Highway 10 Westbound extend all the way to where Highway 10 changes from 2 lanes going west to 3 lanes. This would avoid the traffic from southbound having to merge with the traffic from northbound and help eliminate the northbound traffic from backing up onto 35W Northbound causing significant traffic delays and accidents.
I	Matthew	Loyas	61	Highway 61 in Saint Paul from Warner Road to thousand feet south of Warner Road	Other: Lengthen the left turn lanes from Highway 61 onto Warner Road. A lot of commercial trucks turn left there. They go slow and bog down Highway 61 north bound traffic approaching I-94.
M	Lisa	Freese	169	TH 169 MnPASS from CH 21 to I-494 northbound and spot mobility improvements southbound (reduced scope project identified in 169 Mobility Study as Stage A) Stage A improvements include: i. Northbound (NB) TH 169 - initial NB TH 169 MnPASS lane ii. Southbound (SB) TH 169 - restripe TH 101 exits as center decision lane instead of right lane add and 2-2 split iii. SB TH 169 - connect Pioneer on-ramp auxiliary lane to downstream 3-lane section iv. SB TH 169 - merge westbound I-494 into 2 lanes and then add separated CD road from eastbound (EB) I-494 into 3rd lane	Add a MnPASS lane to the roadway.
M	Lisa	Freese	169	TH 169 MnPASS from Marschall Road (CSAH 17) to I-494 Full MnPASS on both the northbound and southbound directions includes Stages A, D & E from the 169 Mobility Study Implementation Plan	Add a MnPASS lane to the roadway.
M	Lisa	Freese	13	The proposed project includes the construction of a grade separation, connecting frontage roads, and access ramps at the intersection of TH 13 and Dakota Ave. in the city of Savage, Scott County. The project limits are from west of Dakota Ave. to east of Yosemite Ave. The project will provide a supporting road network that removes direct access to TH 13 and offers alternate routes and safer access to TH 13 for truck traffic generated from the adjacent Ports of Savage and industrial uses. The supporting road network and the underpass connecting Dakota Ave. will facilitate movement across TH 13 and allow for right-in right-out access through the use of access ramps on to TH 13 at Yosemite Ave.	Add a new interchange to the roadway.
M	Tony	Fischer	I-94/252/I-694	TH 610 on TH 252 through the Dowling Ave interchange on I-94	Expand the roadway from two lanes to four lanes.

Metro District
Corridors of Commerce Recommendations

M	John	Doan submitting on behalf of the TH 252/I94 Corridor Policy Advisory Committee	252	TH 252 from I94/I-694 to TH 610	Other: Convert TH 252 from a signalized expressway to a limited access freeway with interchanges at 66th Ave N, Brookdale Dr. and 85th Ave N. Add MnPASS lane along northbound TH 252 from I-94 to TH 610. Access closures at 70th Ave N, 73rd Ave N and Humboldt/81st Ave N.
M	Lisa	Freese	13	The proposed project includes the construction of a grade separation, connecting frontage roads, street closures, and access ramps near the intersection of TH 13 and Chowen Ave. near the city boundary of Savage and Burnsville in Scott and Dakota Counties. The project limits are from Quentin Ave. to Washburn Ave.	Add a new interchange to the roadway.
M	Tyler	Hamilton	13	From the interchange with Highway 169 east of Shakopee to the interchange with MN-77 Near the Red Line and "Twin Cities Premium Outlets" should all be a grade-seperated/access controlled freeway. Far too much unnecessary congestion and accidents that could be prevented and lots of truck traffic.	Convert a section of roadway into freeway design with interchange accesses (instead of signals or stop signs).
M	Lyndon	Robjent	5	Trunk Highway 5 from Rolling Acres Road in Victoria to TH 41 in Chanhassen	Expand the roadway from two lanes to four lanes.
M	Tom	Nikunen	169	The intersection of Highway 169, Highway 282, and Scott County Road 9.	Convert a signalized intersection on the roadway into an interchange.
M	Mark	Krebsbach	77	Northbound Trunk Highway 77 from 140th Street in Apple Valley to Old Shakopee Road in Bloomington.	Add a MnPASS lane to the roadway.
M	Mark	Krebsbach	55	West Junction of CSAH 42 in Rosemount to Hastings City Line	Expand the roadway from two lanes to four lanes.
M	Bob	Jackson	61	Project 1 of Making 61 a Freeway: Put an interchange in at highway 61 and highway 10	Add a new interchange to the roadway.
M	Bob	J	61	Project 2 of Making 61 a Freeway: Put an interchange in at highway 61 and highway 95	Convert a signalized intersection on the roadway into an interchange.
M	Bob	J	61	Project 3 of Making 61 a Freeway: Put an interchange in at highway 61 and Afton Road	Add a new interchange to the roadway.
M	Bob	J	61	Project 4 of Making 61 a Freeway: Put an interchange in at highway 61 and Warner and Burns roads	Add a new interchange to the roadway.
M	John	Zimmerman	101	S Diamond Lake Rd to I-94 in Rogers	Other: Add flyover bridge for SB Hwy 101 traffic to access I-94 and avoid two stoplights, just like the NB Hwy 101 flyover bridge.
M	Kathryn	Sarnecki	156	TH-156 (new intersection with access to Barge Channel Road) between US 52 and Annapolis Street East	Redesigning the intersection with Barge Channel Road and the at-grade, mainline rail crossing at that location.
M	Jen	Whittington	65	109th Ave in Blaine	Convert a signalized intersection on the roadway into an interchange.
M	Jen	Whittington	65	117th Ave in Blaine	Convert a signalized intersection on the roadway into an interchange.
M	Jen	Whittington	65	just south of 105th Ave to north of 117th Ave in Blaine	Convert a section of roadway into freeway design with interchange accesses (instead of signals or stop signs).
M	Jen	Whittington	65	Highway 10 through 117th Ave in Blaine	Convert a section of roadway into freeway design with interchange accesses (instead of signals or stop signs).
M	Jen	Whittington	65	Both signals at the Highway 10/Highway 65 interchange in Blaine	Other: Remove both signals at the highway 10/highway 65 interchange and make the interchange operate with a free flow design
M	Karl	Keel	I-35W/I-494	I.135W/I494 Interchange Turbine Interchange Improvements - Phase I, $85M	Other: Interchange improvements for safety, capacity and reducing the bottlenecks at the interchange, for the efficient movement of freight. Phase I - North bound to West Bound flyover ramp
M	Karl	Keel	I-35W/I-494	I35W/I494 Interchange Turbine Interchange Improvements - Phase I, $85M plus, Eastbound I494 between France Ave. and I35W (1.4 miles of Auxiliary lane) from the I494/TH62 Congestion Relief Study, $12.9M	Other: Improvements for the safety, capacity and reducing the bottlenecks for the efficient movement of freight.

Metro District

Corridors of Commerce Recommendations

M	Karl	Keel	I-35W/I-494	I35W/I494 Interchange Turbine Interchange Improvements - Phase I, $85M plus, Eastbound I-494 between France Ave. and I-35W (1.4 miles of Auxiliary lane) from the I494/TH62 Congestion Relief Study, $12.9M plus, Eastbound I-494 between East Bush lake Road and TH100 (0.5 miles of Auxiliary lane) from the I494/TH62 Congestions Relief Study, $2.2 M.	Other: Improvements for the safety, capacity and reducing the bottlenecks for the efficient movement of freight.
M	David	Roden	I-694	Southbound I-694 to I-94 Eastbound	Other: Change the current cloverleaf type ramp to a flyover ramp.
M	Kristin	Asher	62	Add lanes on TH 62 in each direction from TH 77 to Portland Avenue to continue Crosstown Commons Improvements.	Other: Add auxiliary lanes on TH 62 in each direction from TH 77 to Portland Avenue to continue Crosstown Commons improvements.
M	Kristin	Asher	62	Add lanes on TH 62 in each direction from Penn Avenue to TH 169 to continue Crosstown Commons improvements.	Other: Add lanes on TH 62 in each direction from Penn Avenue to TH 169 to continue Crosstown Commons improvements.
M	Kristin	Asher	62/77	Close loop ramp from westbound Highway 62 to southbound Highway 77, and reconstruct ramp and traffic signal to accommodate westbound Highway 62 to southbound Highway 77. These ramp modifications will improve the northbound to westbound traffic movement.	Other: Close loop ramp from westbound Highway 62 to southbound Highway 77, and reconstruct westbound ramp and traffic signal on Highway 77 to accommodate westbound Highway 62 to southbound Highway 77. These ramp modifications will improve the northbound to westbound traffic movement.
M	wayne	johnson	I-35E/I-35W	35E - 35W split in the north Metro - Columbus Township to Highway 97 exit to Forest Lake / Columbus twp	Other: Recommend 4 lanes - 2 from 35E and 2 from 35W, then far right lane becomes exit only for Highway 97 exit to Forest Lake
M	Joseph	Lux	36	Construct MnPASS managed lanes between I-35W and I-35E, in both directions, as identified in the MnPASS Phase 3 study.	Add a MnPASS lane to the roadway.
M	John	Hagen	I-94	Intersection of I-94 and TH 610	Other: The proposed project includes an access from westbound TH 610 to eastbound I-94 - including a bridge over the TH 610 connection to I-94 and bridges over I-94, an access from westbound I-94 to the future westbound CSAH 610, and connections between TH 610 and the future CSAH 610. This project will also include an auxiliary lane on I-94 between Maple Grove Parkway and the south ramps of the proposed I-94 and Brockton Lane interchange to improve traffic flow and safety elements.
M	Abigail	Whelan	10	The intersections of Fairok and Hwy 10 in Anoka, and the intersection of Thurston and Hwy 10 in Anoka.	Other: The project will reduce corridor delays by 75 percent by eliminating all at-grade access points and signals. It also will result in a 57 percent reduction in crashes, enhancing the safety, reliability and efficiency of the movement of people, goods and services.
M	Steve	Kummer	36	35W to 35E	Other: Expand Highway 36 from 4 to 6 lanes from 35W/Cleveland to 35E along median. 1) Reconfigure existing "circle" ramp entrance from 35W/Cleveland south to increase speed of entering traffic; 2) Fix drainage/flooding problem at 36/Fairview interchange (Up to 4 feet of water during large events); 3) Provide aux lane for entering traffic from Snelling to 36 interchange; use median to separate merging traffic from Snelling Ave; 4) Expand Snelling/Co Rd B intersection -- increase LT lane lengths on EB Co Rd B leading to Snelling; 4) Provide longer taper for on ramps from hamline in both EB and WB directions instead of relying on aux exit lane for merging traffic; 5) shorten Dale St entrance to WB 36 -- why is the length of the ramp is necessary? Use for stormwater mitigation; 6) rebuild rail bridge over 36 just W of 35E -- increase span length to accomodate a longer ramp taper from 35E SB entering 36 WB
M	Virginie	Nadimi	55	TH 55 (Hiawatha Avenue) at Hennepin County Road 4 (Lake Street) interchange.	Other: Reconfigure the existing interchange at Hiawatha Avenue (Trunk Highway 55) and Lake Street (Hennepin County State Aid Highway 3) from a Single Point Urban Interchange to a Tight Diamond Interchange.

THE CITY OF LAKE ELMO

STAFF REPORT

DATE: April 3, 2018
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

ISSUE BEFORE COUNCIL: Should the City Council approve the designation of Kimbro Avenue North/50th Street North, from 47th Street North to Lake Elmo Avenue (CSAH 17), and the designation of Jade Trail North, from Hudson Boulevard to 5th Street North as municipal state aid routes thereby increasing the municipal state aid system by 1.00 mile?

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"**.

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 in 2017, Lake Elmo increased the total mileage of streets by 5.84 miles. The certification of these streets to the office of State Aid in 2017 allows the City to designate an additional 1.00 mile of municipal state Aid streets (20%). Therefore, staff has reviewed the City's Municipal State-Aid road network and is recommending that Kimbro Avenue North/50th Street North, from 47th Street North to Lake Elmo Avenue (CSAH 17), and of Jade Trail North, from Hudson Boulevard to 5th Street North be designated as Municipal State Aid Streets.

FISCAL IMPACT: With the designation of Kimbro Avenue North/50th Street North and Jade Trail North as a municipal state aid routes the City will increase the City's state aid system by approximately 1.00 mile 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*, a Resolution approving revisions to the City's Municipal State Aid System (MSAS) as presented to designate Kimbro Avenue North/50th Street North, from 47th Street North to Lake Elmo Avenue (CSAH 17), and Jade Trail North, from Hudson Boulevard to 5th Street North as a municipal state aid routes for the determination of Needs. If removed from the consent agenda, the recommended motion for the action is as follows:

"Move to approve Resolution 2018-031, Establishing Kimbro Avenue North/50th Street North and Jade Trail North, as Municipal State Aid Streets."

ATTACHMENTS:

1. Resolution Establishing Municipal State Aid Streets.
2. 2017 Certification of Mileage.
3. Kimbro Avenue North/50th Street North MSA Designation Map.
4. Jade Trail North MSA Designation Map.

CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

RESOLUTION NO. 2018-031
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 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:

STREET NAME	FROM	TO
Kimbro Avenue N./50th Street N.	0.72 miles (3,790 ft.)	47th Street N. to Lake Elmo Avenue N. (CSAH 17)
Jade Trail North	0.28 miles (1,475 ft.)	Hudson Boulevard to 5th Street North

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, and to be numbered and known as a Municipal State Aid Street.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE THIRD DAY OF APRIL 2018.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

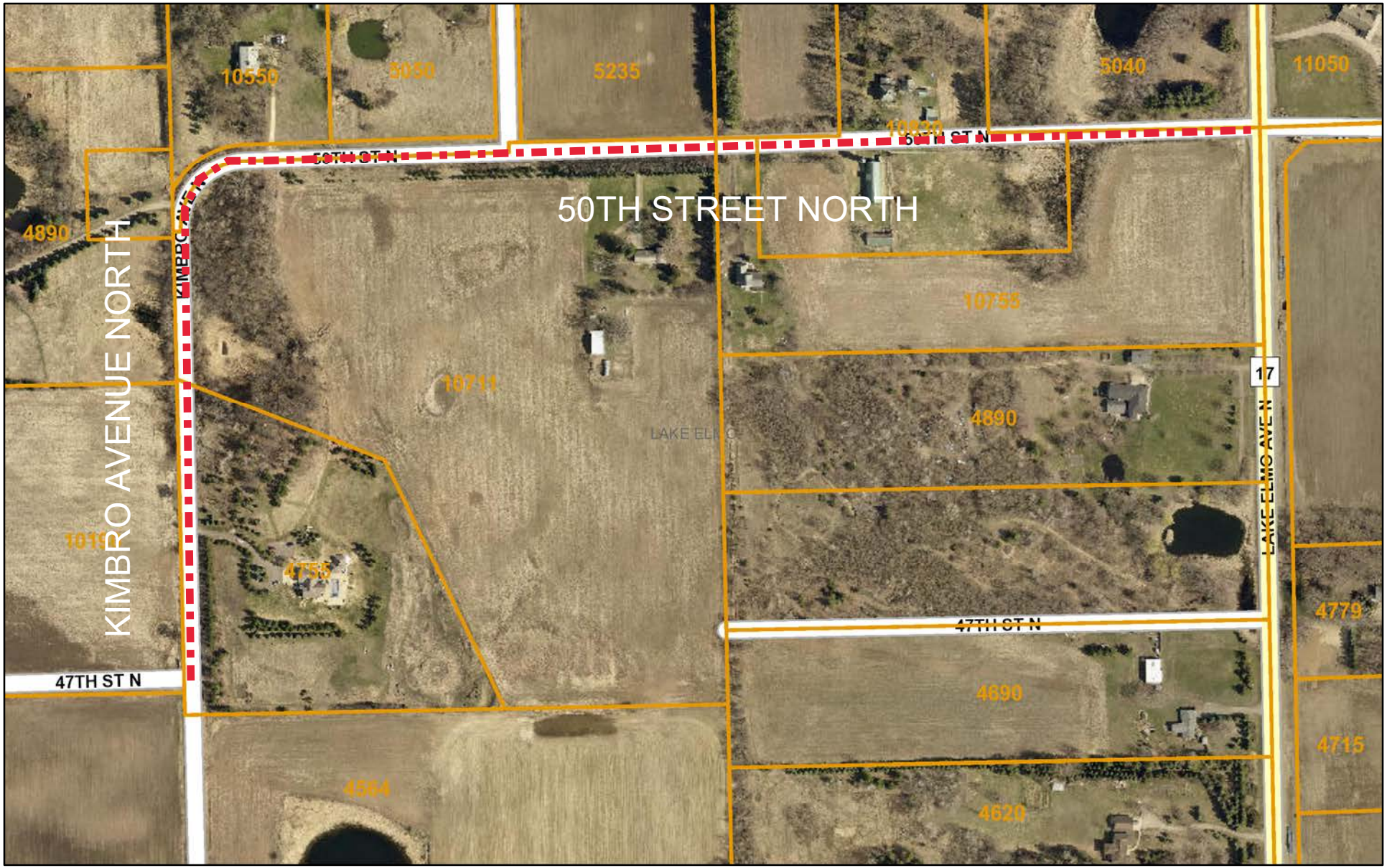
(Seal)
ATTEST:

_____
Julie Johnson
City Clerk

2017 CERTIFIED MILEAGE

SUBDIVISION	TOTAL		RESIDENTIAL		COLLECTOR		COLLECTOR NAME
	feet	miles	feet	miles	feet	miles	
Savona 4th	5,450	1.03	4,100	0.78	1,350	0.26	5TH STREET NORTH
Boulder Ponds 2nd/5th Street	2,082	0.39	887	0.17	1,195	0.23	5TH STREET NORTH
Hammes 1st	4,011	0.76	4,011	0.76	0	0.00	
Hammes 2nd	1,590	0.30	1,590	0.30	0	0.00	
Easton Village 2nd	1,610	0.30	750	0.14	860	0.16	VILLAGE PARKWAY
Easton Village 3rd	1,350	0.26	1,350	0.26	0	0.00	
Wildflower 2nd	2,075	0.39	2,075	0.39	0	0.00	
Inwood 4th	1,900	0.36	1,900	0.36	0	0.00	
Inwood 5th	5,408	1.02	5,408	1.02	0	0.00	
The Royal Golf Club at Lake Elmo	4,086	0.77	4,086	0.77	0	0.00	
Southwind	1,257	0.24	1,257	0.24	0	0.00	
TOTALS	**30,819**	**5.84**	**27,414**	**5.19**	**3,405**	**0.64**	

City of Lake Elmo - Kimbro Ave N/ 50th St N



February 22, 2018

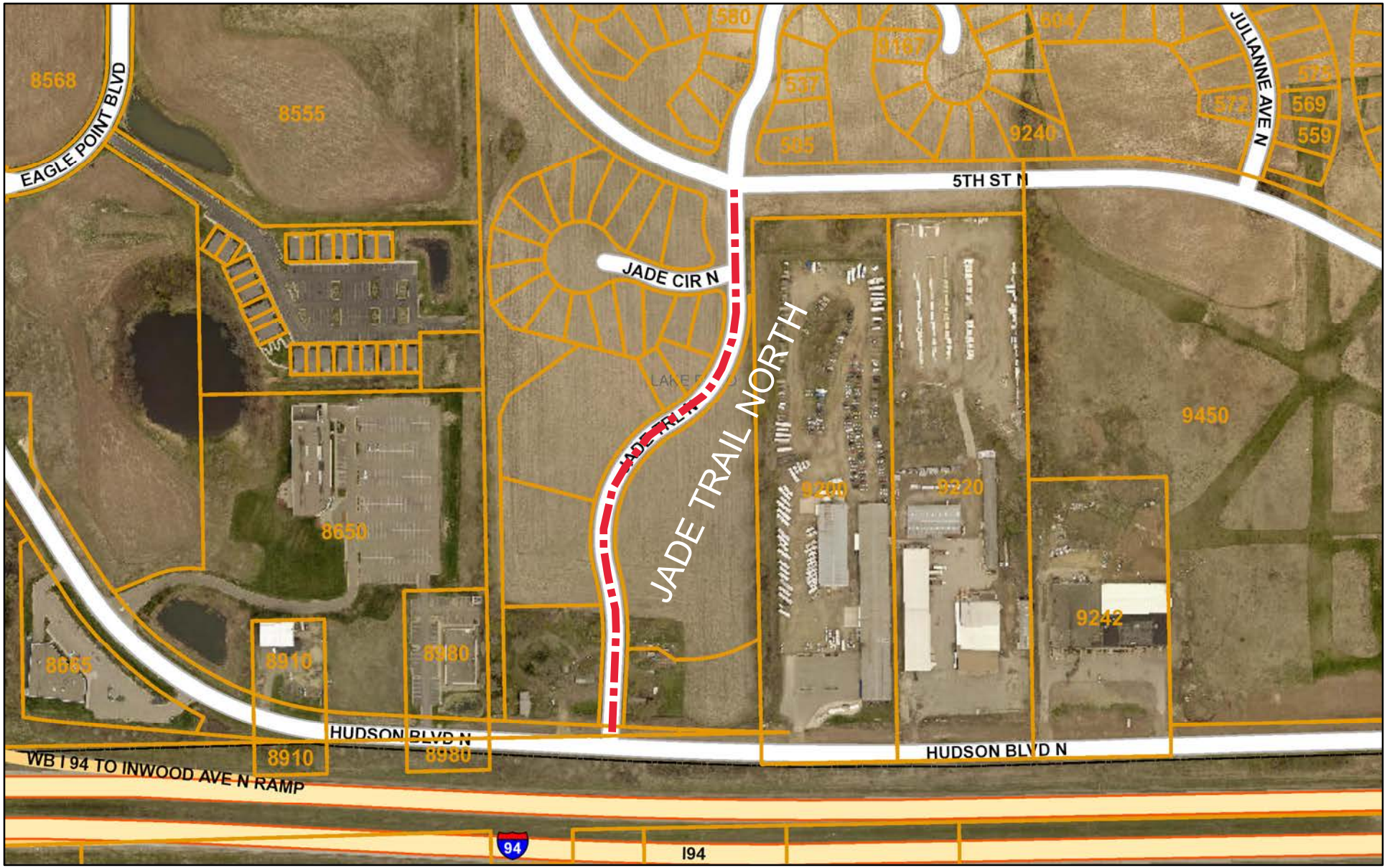
1:4,000

0 187.5 375 750 ft

0 55 110 220 m

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search,appraisal, survey, or for zoning verification.

City of Lake Elmo - Jade Trail N



February 22, 2018

1:4,000

0 187.5 375 750 ft

0 55 110 220 m

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search,appraisal, survey, or for zoning verification.

THE CITY OF LAKE ELMO

STAFF REPORT

DATE: April 3, 2018
CONSENT
ITEM #: 6

AGENDA ITEM: CSAH 13 (Ideal Avenue) Improvements – Approve Payment No. 1 to the City of Oakdale

SUBMITTED BY: Chad Isakson, Project Engineer
REVIEWED BY: Kristina Handt, City Administrator
Jack Griffin, City Engineer

ISSUE BEFORE COUNCIL: Should the City Council approve Payment No. 1 to the City of Oakdale for the CSAH 13 (Ideal Avenue) Improvements?

BACKGROUND, PROPOSAL DETAILS/ANALYSIS: The CSAH 13 (Ideal Avenue) Improvements were constructed in 2017 as a Washington County lead project and included the reconstruction of Olson Lake Trail from 44th Street North to 50th Street North. As part of this improvement project the Cities of Lake Elmo and Oakdale worked together with the County to implement the Phase 2 extension of sanitary sewer for the Olson Lake Trail municipal urban service area. Therefore, in addition to the work completed by Washington County the City of Oakdale directly incurred project costs for sanitary sewer engineering services and for the direct purchase of individual grinder pump stations to be used by Lake Elmo properties along the corridor. The cost share between Oakdale and Lake Elmo was determined on a prorated base using the number of benefitting properties within each City as recommended and detailed in the approved feasibility report for the project.

The City of Oakdale has submitted Invoice #201803126020 in the amount of $66,892.06. The post-design estimated project costs for this work was $84,000. The invoice has been reviewed by staff and payment is recommended in the amount requested.

FISCAL IMPACT: No additional fiscal impact. Payment is within the authorized scope and budget.

RECOMMENDATION: Staff is recommending that the City Council approve, as part of the Consent Agenda, payment to the City of Oakdale in the amount of $66,892.06 for the CSAH 13 (Ideal Avenue) Sanitary Sewer Improvements. If removed from the consent agenda, the recommended motion for the action is as follows:

"Move to approve payment to the City of Oakdale in the amount of $66,892.06 for CSAH 13 (Ideal Avenue) Sanitary Sewer Improvements."

ATTACHMENTS:

1. City of Oakdale Invoice No. 201803126020 and supporting detail.

CITY OF OAKDALE ACCOUNTS RECEIVABLE INVOICE

1584 HADLEY AVE N
OAKDALE, MN 55128-5407
PHONE (651) 730-2712

CHAD ISAKSON
CITY OF LAKE ELMO
3880 LAVERNE AVENUE NORTH
LAKE ELMO MN 55042

CUSTOMER#: 62-LAKELM
INVOICE#: 201803126020
INVOICE DATE: 3/12/2018
DUE DATE : 4/11/2018
P.O. # :

========== CHARGE DETAIL ==========

ITEM DESCRIPTION	UNITS	TYPE	PRICE	AMOUNT
SANITARY SEWER JOINT PROJECT	0.00		0.00	66,892.06

CHAD ISAKSON 62-LAKELM INVOICE#: 201803126020

TOTAL DUE : $ 66,892.06

PLEASE REMIT BOTTOM PORTION WITH YOUR PAYMENT

THANK YOU

DATE	NAME/VENDOR	REF #	CONTRACTOR	ENGINEER/ ARCHITECT	LEGAL FISCAL	OTHER	YTD
1231/2016	Short Elliot	77199		$ 4,560.00	$ -		$ 4,560.00
12/31/2016	Short Elliot	77199		$ 6,080.00			$ 10,640.00
6/19/2017	Minnesota Pump Works	78427				$ 51,111.00	$ 61,751.00
3/1/2017	Short Elliot	77624		$ 3,800.00			$ 65,551.00
5/5/2017	Short Elliot	78152		$ 760.00			$ 66,311.00
6/23/2017	Short Elliot	78635		$ 4,771.31			$ 71,082.31
7/21/2017	Short Elliot	78908		$ 3,195.61			$ 74,277.92
9/8/2017	Short Elliot	79371		$ 8,697.24			$ 82,975.16
9/8/2017	American Engineering	79268		$ 2,983.50			$ 85,958.66
9/22/2017	American Engineering	79425		$ 551.60			$ 86,510.26
10/20/2017	Short Elliot (337744, 339279)	79811		$ 4,172.51			$ 90,682.77
11/10/217	Short Elliot	79971		$ 2,116.22			$ 92,798.99
12/1/2017	Short Elliot			$ 1,000.14			$ 93,799.13
2/21/2018	Short Elliot			$ 1,248.50			$ 95,047.63
			Yearly Totals				
2016				$ 10,640.00			$ 10,640.00
2017			$ -	$ 32,048.13	$ -	$ 51,111.00	$ 83,159.13
2018				$ 1,248.50			$ 1,248.50
			Cost Allocation				
	Project Totals			$ 43,936.63	$ -	$ 51,111.00	$ 95,047.63
	Oakdale Share		"(7/20)"	$ 15,377.82	"(5/20)"	$ 12,777.75	$ 28,155.57
	Lake Elmo Share		"(13/20)"	$ 28,558.81	"(15/20)"	$ 38,333.25	$ 66,892.06
						Total	$ 95,047.63

THE CITY OF LAKE ELMO

STAFF REPORT

DATE: April 3, 2018
CONSENT
ITEM #: 7

AGENDA ITEM: 2018 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 2018 Street Improvements?

BACKGROUND: On December 5, 2017 following a Public Improvement Hearing, the City Council ordered the improvements and preparation of the plans and specifications for the 2018 Street Improvements. The improvements include the rehabilitation of residential streets located in the southern Tri-Lakes area. The street improvements include approximately 2.0 miles of local streets consisting of Jane Road North, from Lake Jane Trail North to Jamaca Avenue North; Jane Court North, from Jane Road North to dead end; Jamaca Avenue North, from Jane Road North to Jamaca Avenue North; Jerome Avenue North, from 49th Street North to 53rd Street North; Jerome Avenue Court North, from Jerome Avenue North to dead end; and 53rd Street North, from Jamaca Boulevard North to 9480 53rd Street North.

The improvements for all streets include a full depth reclamation of the existing pavement and a new bituminous surface. Jane Road North and Jane Court North improvements include a new concrete ribbon curb. New concrete curb and gutter will be installed for Jamaca Avenue North, Jerome Avenue North, Jerome Avenue Court North, and 53rd Street North. 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. The scope of improvements remains consistent with the approved feasibility report which was adopted by the City Council on November 7, 2017.

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 3, 2018. Once received, bids will be reviewed by staff and if acceptable will be presented to council on May 15, 2018 to award a contract.

FISCAL IMPACT: The estimated total cost for the 2018 Street Improvements is $1,229,000. 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 2018-032 approving the plans and specifications and ordering the advertisement for bids for the 2018 Street Improvements. If removed from the consent agenda, the recommended motion for the action is as follows:

"Move to approve Resolution No. 2018–032, approving the plans and specifications and ordering the advertisement for bids for the 2018 Street Improvements."

ATTACHMENTS:

1. Resolution Approving the plans and specifications and ordering the advertisement for bids for the 2018 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. 2018-032

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR THE 2018 STREET IMPROVEMENTS

WHEREAS, pursuant to a resolution passed by the City Council on the 5th day of December 2017, the City Engineer, together with Bolton & Menk, Inc., has prepared plans and specifications for the 2018 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 THIRD DAY OF APRIL, 2018.

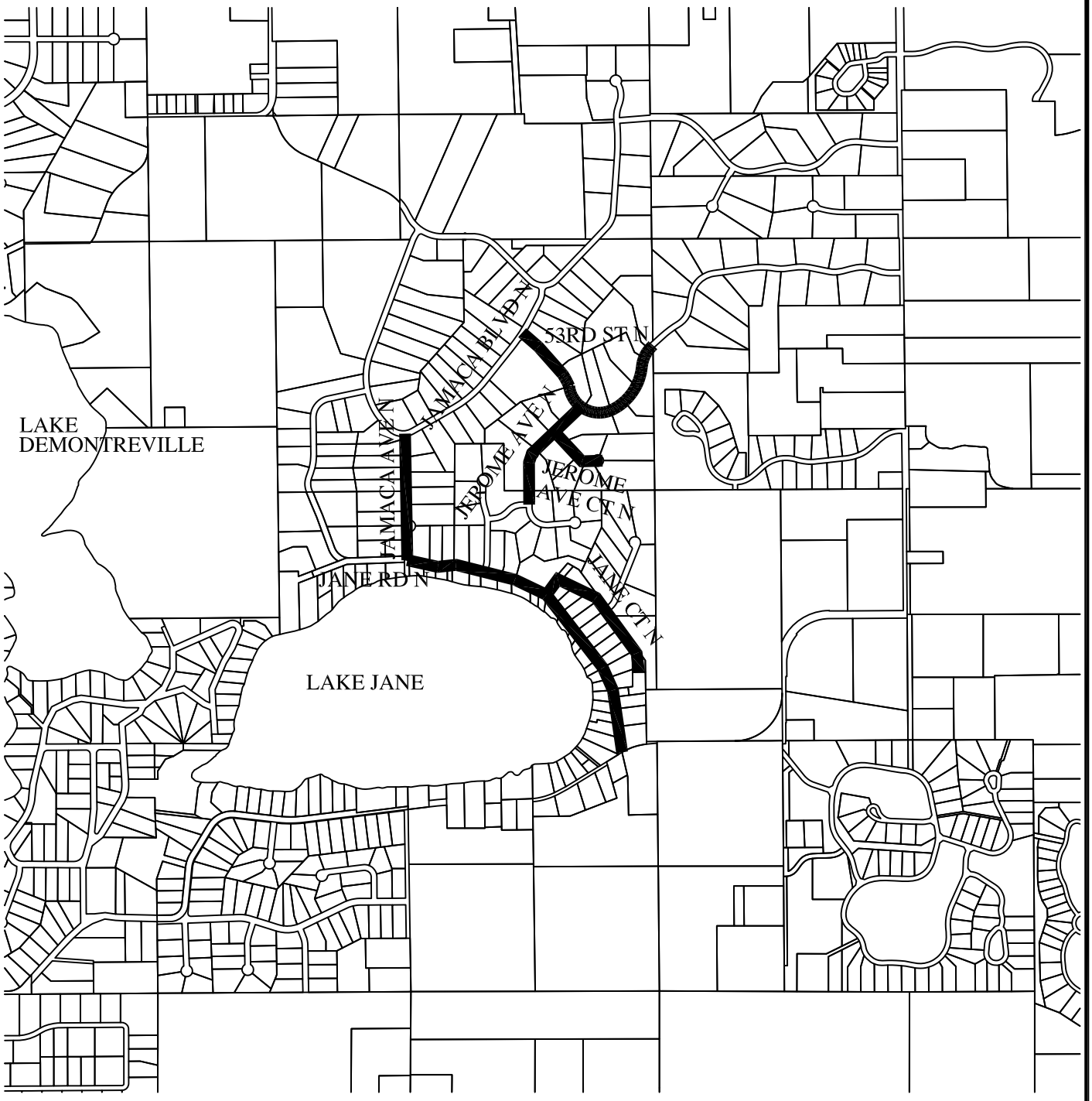
CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)
ATTEST:

__

_____
Julie Johnson
City Clerk



LEGEND

2018 STREET IMPROVEMENTS



THE CITY OF LAKE ELMO

N

FOCUS ENGINEERING	2018 STREET IMPROVEMENTS PROJECT NO. 2017.156 OCTOBER, 2017	FIGURE NO. 1 LOCATION MAP SOUTH TRI LAKES AREA

PROJECT SCHEDULE
CITY OF LAKE ELMO

2018 STREET IMPROVEMENTS
PROJECT NO. 2017.156

MARCH 2018

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**

AUGUST 15, 2017	Council authorizes Feasibility Report.
NOVEMBER 7, 2017	Presentation of Feasibility Report. Council accepts Report and calls Hearing.
DECEMBER 5, 2017	Public Improvement Hearing. Council Orders the Improvement and orders the preparation of Plans and Specifications (Requires 4/5th vote).
APRIL 3, 2018	Council approves Plans and Specifications and orders Advertisement for Bids.
MAY 3, 2018	Receive Contractor Bids.
MAY 15, 2018	Council accepts Bids and awards Contract.
JUNE 5, 2018	Conduct Pre-Construction Meeting and issue Notice to Proceed.

- SEPTEMEBER 21, 2018 Substantial Completion.
- OCTOBER 26, 2018 Final Completion.

THE CITY OF LAKE ELMO

STAFF REPORT

DATE: April 3, 2018
CONSENT
ITEM #: 8

AGENDA ITEM: 2298 Inwood Ave. N. Abatement

SUBMITTED BY: Brian A. Swanson – Finance Director

REVIEWED BY: City Administrator-Kristina Handt

BACKGROUND:
2298 Inwood Ave. N. had a special assessments certified in 2017 for Pay 2018 regarding the Inwood Avenue Trunk Water main improvements for a total of $5,800.00 to be paid over 20 years.

ISSUE BEFORE COUNCIL:
Should the City Council remove the assessment from the 2017 certification for beginning in Pay 2018 over a period of 20 years?

PROPOSAL:
Council approved purchase of vacant land in 2015 per the attached agreement, and as such this special assessment would not be certified to this parcel. Therefore, the assessment for the Inwood Avenue Trunk Water main special assessment will need to be removed from the assessment roll.

FISCAL IMPACT:
$5,800.00 which will be absorbed by the Water Fund.

RECOMMENDATION:
If removed from the consent agenda:
"Move to approve Resolution No. 2018-033"

ATTACHMENTS:
- Attachment #1 - Resolution No. 2018-033 – 2298 Inwood Ave. N.
- Attachment #2 – Application for Abatement – 2298 Inwood Ave. N.
- Attachment #3 – Vacant Land Purchase Agreement

CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

RESOLUTION NO. 2018-033

A RESOLUTION RELATED TO CERTIFIED 2017, PAY 2018 ASSESSMENT TO WASHINGTON COUNTY

WHEREAS, 2298 Inwood Ave. N., PID 21.029.21.32.0001, was assessed $5,800.00 for watermain improvements as part of the Inwood Trunk Watermain improvements; and

WHEREAS, the City of Lake Elmo entered into an agreement to not assess the property; and

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 certified 2017, Pay 2018 assessment roll due per the attached Washington County abatement forms.

21.029.21.32.0001

APPROVED by the Lake Elmo City Council on this 3rd day of April, 2018.

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: 2018

APPLICANT

Owner's Name (please print or type)	Soc. Sec. /Fed ID	Phone	Cell
Caroline M. Eberhard TRS		651-488-6048	
Owner's Name	Soc. Sec. /Fed ID	Phone	Cell
Owner's Name	Soc. Sec. /Fed ID	Phone	Cell

Owner's Mailing Address			Property Address (if different from mailing address)		
1320 Ryan Ave. W.			2298 Inwood Ave. N.		
City	State	Zip	City	State	Zip
Roseville	MN	55113	Lake Elmo	MN	55042

DESCRIPTION OF PROPERTY

Property ID Number	MP Number		
21.029.21.32.0001			
Legal Description of Property	City or Township	School District #	TAG
The north 1/2 of the sw 1/4, section 21, township 29, range 21, Washington County except all that part of the north 75.00 feet of the east 150.00 feet of the north 1/2 of the sw 1/4 of section 21, township 29 north, range 21 west, Washington County, Minnesota, which lies westerly of the west line of parcel 3 of the Washington County highway right of way plat no 98 - CSAH 13 according to the recorded plat thereof.	Lake Elmo	834	

ASSESSOR'S ESTIMATED MARKET VALUE

Original:

Land EMV	Improvement EMV	Total	Classification
		$1,535,700.00	Ag. Non-Hstd.

Revised:

Land EMV	Improvement EMV	Total	Classification

Applicant's Statement of Facts:

Agreement was entered into with the City of Lake Elmo to not special assess for Inwood Trunk Watermain Improvements for $5,800.00

Applicant's Request:

Remove the entire special assessment from the parcel and the tax statement.

Applicant's Signature: Brian A. Swanson - Finance Director **Date:** 3/28/18

Rev 5/10

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
Note: Must include Fire report for Local Option Disaster Credit

VACANT LAND PURCHASE AGREEMENT

THIS AGREEMENT is made as of _____, 2015, between Allan J. Eberhard, Trustee of the Caroline Mary Eberhard Living Trust, dated May 29, 1998 ("Seller"), and The City of Lake Elmo, a Minnesota municipal corporation ("Buyer").

In consideration of this Agreement, Seller and Buyer agree as follows:

1. Sale of Property. Seller agrees to sell to Buyer, and Buyer agrees to buy from Seller, the following property ("Property"):

   1.1 Real Property. The real property known as the Inwood Water Booster Station, located in the City of Lake Elmo, Washington County, Minnesota, (Parcel ID No. 2102921310001), as further shown on the map attached hereto as **Exhibit A** and as further legally described on the attached **Exhibit B**, together with all easements and rights benefiting or appurtenant to said real property. Said property shall be used by the City to construct and operate a water booster station.

2. Purchase Price and Manner of Payment. The total purchase price ("Purchase Price") to be paid for the Property is $27,000.00. The Purchase Price shall be payable as follows:

   2.1 $ 0 as earnest money ("Earnest Money"); and

   2.2 The balance by certified check or wire transfer of funds on the Closing Date.

3. Contingencies. The obligations of Buyer under this Agreement are contingent upon each of the following:

   3.1 Representations and Warranties. The representations and warranties of Seller contained in this Agreement must be true now and on the Closing Date as if made on the Closing Date.

   3.2 Title. Title shall have been found acceptable, or been made acceptable, in accordance with the requirements and terms of the Title Examination Section below.

   3.3 Access and Inspection. Seller shall allow Buyer, and Buyer's agents, access to the Property without charge and at all reasonable times for the purpose of Buyer's investigation and testing the same, including, without limitation, topographic surveys and soil tests to determine the adequacy of the soil

for Buyer's intended use of the Property. Within ten (10) days of the acceptance of this Agreement, Seller shall provide Buyer with copies of all blueprints, plans, specifications, soil tests and surveys of the Property which are presently in Seller's possession. Seller shall make available to Buyer and Buyer's agents, without charge, all plans and specifications, records, inventories, permits and correspondence.

3.4 Improvements. The City agrees to waive the proposed $5,800 water lateral benefit assessment associated with the Inwood Trunk Watermain Improvements, passing the existing property located at 2298 Inwood Avenue North.

The Buyer will review draft site plans with the Seller and consider input from the Seller while developing the booster station site plan. Site plans will be prepared consistent with the concept plans provided by the Seller's representatives and presented to the City Council on July 7, 2015.However, the site plan will not be subject to the Seller's approval.

The first 15 feet from the County Right-of-Way shall be reserved for future County Right-of-Way dedication. The booster station shall be constructed on the remaining 75 x 75 foot parcel.

The Buyer shall provide landscaping on the site after the booster station is operational and upon completion of the project. Said landscaping shall be completed under a separate contract at the Buyer's discretion. If landscaping does not fit on the said parcel, it shall be planted within the first 15 feet to the south and west of the parcel, upon permission for right of entry by Seller.

3.5 Easements. The Seller shall provide, at no cost to Buyer, a temporary grading and construction easement, immediately adjacent to the 75 foot by 75 foot parcel, for a distance up to 15 feet to the west of the parcel and 15 feet to the south of the parcel.

If any contingency has not been satisfied on or before the date set forth above for satisfaction of that contingency, then this Agreement may be terminated by written notice from Buyer to Seller, which notice must be given no later than five (5) days after the applicable satisfaction date. If no such notice is given with respect to any contingency, such contingency shall be deemed waived. All the contingencies are specifically for the benefit of the Buyer and the Seller, and the Buyer and Seller shall have the right to waive any contingency by written notice to Buyer and Seller.

4. Closing. The closing of the purchase and sale contemplated by this Agreement

(the "Closing") shall occur on or before August 31, 2015 ("Closing Date at the office of Johnson/Turner Legal). Seller agrees to deliver possession of the Property to Buyer immediately after Closing.

4.1 Seller's Closing Documents. On the Closing Date, Seller shall execute and deliver to Buyer the following (collectively, "Seller's Closing Documents"), all in form and content reasonably satisfactory to Buyer:

4.1.1 Deed. A Trustees Deed, along with a Certificate of Trust and Trustee's Affidavit conveying the Property to Buyer, free and clear of all encumbrances, except the Permitted Encumbrances hereafter defined.

4.1.2 FIRPTA Affidavit. A non-foreign affidavit, properly executed, containing such information as is required by IRC Section 1445(b)(2) and its regulations.

4.1.3 IRS Forms. A Designation Agreement designating the "reporting person" for purposes of completing Internal Revenue Form 1099 and, if applicable, Internal Revenue Form 8594.

4.1.4 Well Certificate. A completed Minnesota Well Disclosure Certificate or a statement on the Warranty Deed that "The Seller certifies that the Seller does not know of any wells on the described real property."

4.1.5 Storage Tanks. If the Property contains or contained a storage tank, an affidavit with respect thereto, as required by Minn. Stat. § 116.48.

4.1.6 Seller's Affidavit. An affidavit in the form required by Title evidencing the absence of bankruptcies, judgments or tax liens involving Seller or parties with the same or similar names as Seller, and evidencing the absence of mechanic's lien rights affecting the Property, unrecorded interests affecting the Property, persons in possession of the Property, and known encroachments or boundary line questions affecting the Property.

4.1.7 Other Documents. All other documents reasonably determined by Buyer or Title to be necessary to transfer the Property to Buyer free and clear of all encumbrances.

4.2 Buyer's Closing Documents. On the Closing Date, Buyer will execute and deliver to Seller the following (collectively, "Buyer's Closing Documents"):

4.2.1 Purchase Price. Funds representing the Purchase Price and execution and delivery of any required financing documents.

4.2.2 IRS Form. A Designation Agreement designating the "reporting person" for purposes of completing Internal Revenue Form 1099 and, if applicable, Internal Revenue Form 8594.

5. Prorations. Seller and Buyer agree to the following prorations and allocation of costs regarding this Agreement:

5.1 Title Insurance and Closing Fee. Buyer will pay all costs of the Title Evidence, the cost of having a commitment for an ALTA Owner's Policy of Title Insurance for the Property (the "Title Policy") (in the amount of the Purchase Price) and the fees charged by the Title Company for any escrow required regarding Buyer's Objections. Buyer will pay the premium required for the issuance of the Title Policy Buyer will pay all costs for survey, legal description and recording fees charged by Title (as defined below) to conduct the Closing. Seller shall pay for any costs associated with representation to review documents.

5.2 Deed Tax. Seller shall pay all State Deed Tax payable in connection with this transaction.

5.3 Real Estate Taxes and Special Assessments. Real Estate Taxes payable in the year in which Closing occurs shall be pro-rated based upon a calendar year with Seller paying through the Date of Closing. Seller shall pay any installments of special assessments payable with said real estate taxes. Seller shall pay all other levied special assessments in full as of the Date of Closing, and shall pay all special assessments which are pending as of the Date of Closing. Seller's provision for payment of a pending assessment shall be made by payment into escrow with Title of one and one-half times the estimated amount of the assessment, with the right to a refund of any excess of the escrow.

5.4 Other Costs. All other operating costs of the Property shall be allocated between Seller and Buyer as of the Closing Date, so that Seller pays that part of operating costs payable through the Closing Date, and Buyer pays that part of operating costs payable after the Closing Date.

5.5 Attorney's Fees. Each of the parties will pay its own attorney's fees, except that a party defaulting under this Agreement or any Closing Documents will pay the reasonable attorneys' fees and court costs incurred by the non-defaulting party in enforcing its rights hereunder.

6. Title Examination. Title Examination will be conducted as follows:

6.1 Seller's Title Evidence. Seller shall, within twenty (20) days after the date of this Agreement, furnish the following (collectively, "Title Evidence") to Buyer: (a) a commitment ("Title Commitment") for an ALTA Owner's Policy of Title Insurance insuring title to the Property, deleting standard exceptions and including affirmative assurance regarding zoning, contiguity, appurtenant easements and such other matters as may be identified by Buyer, in the amount of the Purchase Price, issued by Johnson/Turner Legal, ("Title"); (b) a survey, paid for by Buyer, certified by a registered land surveyor and certified to Buyer, Title and such other parties as Buyer may designate, and showing the Property and location of all improvements and easements thereon and otherwise complying with the requirements set forth in the "Minimum Standard Requirements for ALTA/ACSM Land Title Surveys" jointly established by ALTA and ACSM in 1992, and containing such other information as Buyer or Buyer's lender shall reasonably request.

6.2 Buyer's Objections. Within twenty (20) days after receiving the last of the Title Evidence, Buyer will make written objections ("Objections") to the form and/or contents of the Title Evidence. Buyer's failure to make Objections within such time period will constitute waiver of Objections. Any matter shown on such Title Evidence and not objected to by Buyer shall be a "Permitted Encumbrance" hereunder. Seller will have thirty (30) days after receipt of the Objections to cure the Objections, during which period the Closing will be postponed, if necessary. Seller shall use its best efforts to cure any Objections. To the extent an Objection can be satisfied by the payment of money, Buyer shall have the right to apply a portion of the cash payable to Seller at the Closing to satisfaction of such Objection, and the amount so applied shall reduce the amount of cash payable to Seller at the Closing. If the Objections are not cured within such 30-day period, Buyer will have the option to do any of the following:

6.2.1 Extend the time period for Seller to cure the Objections by up to sixty (60) days, at the end of which time Buyer may exercise any of the remaining options set forth below.

6.2.2 Terminate this Agreement and receive a refund of the Earnest Money and the interest accrued thereon, if any.

6.2.3 Withhold from the Purchase Price an amount which, in the reasonable judgment of Title, is sufficient to assure cure of the Objections. Any amount so withheld will be placed in escrow with Title, pending such cure. If Seller does not cure such Objections

within sixty (60) days after such escrow is established, Buyer may then cure such Objections and charge the costs of cure against the escrowed amount. The parties agree to execute and deliver such documents as may be reasonably required by Title, and Seller agrees to pay the charges of Title, to create and administer the escrow.

6.2.4 Waive the Objections and proceed to close.

7. Subordination. This Purchase Agreement, and the rights of the Buyer in and to the real property which is the subject hereof, is specifically made subject and subordinate to the lien of any mortgage(s) or other encumbrance(s) ("Liens") made or given by Seller, whether prior to or after the date of this Purchase Agreement, and shall, prior to Closing and payment by Buyer of the Purchase Price, remain subordinate and junior to all such Liens as if the same had been duly executed and acknowledged by the Seller, and recorded, prior to the date of this Purchase Agreement. At Closing, Seller will be responsible, at its sole expense, for obtaining any release necessary to convey fee title to the Property to Buyer free and clear of any such Liens.

8. Operation Prior to Closing. During the period from the date of Seller's acceptance of this Agreement to the Closing Date (the "Executory Period"), Seller shall operate and maintain the Property in the ordinary course of business in accordance with prudent, reasonable business standards, including the maintenance of adequate liability insurance and insurance against loss by fire, windstorm and other hazards, casualties and contingencies, including vandalism and malicious mischief. Seller shall execute no contracts, leases or other agreements regarding the Property during the Executory Period that are not terminable on or before the Closing Date, without the prior written consent of Buyer, which consent may be withheld by Buyer at its sole discretion.

9. Representations and Warranties by Seller. Seller represents and warrants to Buyer as follows:

9.1 Existence; Authority. If Seller is a corporation, limited liability company or partnership, Seller is duly organized, qualified and in good standing, and has the requisite power and authority to enter into and perform this Agreement and the Seller's Closing Documents; such documents have been duly authorized by all necessary action; such documents are valid and binding obligations of Seller, and are enforceable in accordance with their terms.

9.2 Environmental Laws. No toxic or hazardous substances or wastes, pollutants or contaminants (including, without limitation, asbestos, urea

formaldehyde, the group of organic compounds known as polychlorinated biphenyls, petroleum products including gasoline, fuel oil, crude oil and various constituents of such products, and any hazardous substance as defined in any state, local or federal law, regulation, rule, policy or order relating to the protection of the environment) (collectively, "Hazardous Substance") have been generated, treated, stored, transferred from, released or disposed of, or otherwise placed, deposited in or located on the Property, nor has any activity been undertaken on the Property that would cause or contribute to the Property becoming a treatment, storage or disposal facility within the meaning of, or otherwise bring the Property within the ambit of, any state, local or federal law, regulation, rule, policy or order relating to the protection of the environment. There has been no discharge, release or threatened release of Hazardous Substances from the Property. There are no Hazardous Substances or conditions in or on the Property that may support a claim or cause of action under any state, local or federal law, regulation, rule, policy or order relating to the protection of the environment. The Property is not now, and to the best knowledge of Seller never has been, listed on any list of sites contaminated with Hazardous Substances, nor used as landfill, dump, disposal or storage site for Hazardous Substances.

9.3 FIRPTA. Seller is not a "foreign person," "foreign partnership," "foreign trust" or "foreign estate" as those terms are defined in Section 1445 of the Internal Revenue Code.

9.4 Proceedings. There is no action, litigation, investigation, condemnation or proceeding of any kind pending or threatened against Seller or any portion of the Property.

9.5 Wells and Individual Sewage Treatment Systems. Seller does not know of any "Wells" on the Property within the meaning of Minn. Stat. § 103I or "Individual Sewage Treatment Systems" on the Property within the meaning of Minn. Stat. § 115.55. This representation is intended to satisfy the requirements of those statutes.

9.6 Storage Tanks. No above ground or underground tanks are located on or about the Property, or have been located on or about the Property and have subsequently been removed or filled.

9.7 Reports. Seller has no environmental reports or studies relating to the Property, except those which have been or will be delivered to Buyer as required under this Agreement.

Seller will indemnify Buyer, its successors and assigns, against, and will hold

Buyer, its successors and assigns, harmless from, any expenses or damages, including reasonable attorneys' fees, which Buyer incurs because of the breach of any of the above representations or warranties, whether such breach is discovered before or after Closing. Consummation of this Agreement by Buyer with knowledge of any such breach by Seller will not constitute a waiver or release by Buyer of any claims due to such breach.

10. Assignment. Either party may assign its rights under this Agreement with the prior written consent of the other party, before or after the Closing. Any such assignment will not relieve such assigning party of its obligations under this Agreement.

11. Survival. All of the terms of this Agreement and warranties and representations herein contained shall survive and be enforceable after the Closing.

12. Notice. Any notice to be given by a party hereto shall be personally delivered, sent by certified mail, or sent via a nationally recognized courier service that issues a receipt, to the other party at the address set forth for that party below (or to such other address as may be designated by notice to the other party), and shall be deemed given upon the earlier of personal delivery, two days after the date postmarked, two (2) days after depositing with such courier for delivery or upon the refusal to accept such service.

Address for Notice to Seller: _____

_____

With a Copy to: _____

_____

Address for Notice to Buyer: City of Lake Elmo
Attn: Clark Schroeder
City Administrator
3800 Laverne Avenue North
Lake Elmo, MN 55042

With a Copy to: David K. Snyder
Michele R. Loughrey
Johnson/Turner Legal
56 E. Broadway Avenue, Suite 206
Forest Lake, MN 55025

13. Miscellaneous. The paragraph headings or captions appearing in this Agreement

are for convenience only, are not a part of this Agreement. This Agreement constitutes the complete agreement between the parties and supersedes any prior oral or written agreements between the parties regarding the Property. There are no verbal agreements that change this Agreement, and no waiver of any of its terms will be effective unless in a writing executed by the parties. This Agreement binds and benefits the parties and their successors and assigns, and has been made under the laws of the State of Minnesota and such laws will control its interpretation.

14. Remedies. The following shall be the exclusive remedies available to the parties under this agreement:

14.1 If Buyer defaults under this Agreement due to no fault of Seller, then Seller may terminate this Agreement by providing at least thirty days' prior written notice to Buyer. If Buyer fails to cure Buyer's default within such thirty-day period, then at Seller's election (i) this Agreement shall thereupon be terminated, and Seller shall retain the Earnest Money as liquidated damages; or (ii) Seller may seek specific performance of this Agreement by Buyer.

14.2 If Seller defaults under this Agreement due to no fault of Buyer, then Buyer may terminate this Agreement by providing at least thirty (30) days' prior written notice to Seller. If Seller fails to cure Seller's default within such thirty-day period, then at Buyer's election (i) this Agreement shall thereupon be terminated, and Buyer shall be entitled to a refund of all Earnest Money, together with accrued interest thereon, if any; or (ii) Buyer may pursue such other actions or remedies as are available to it, including its right to damages against Seller for its failure to perform, or for misrepresentation or for specific performance of this Agreement by Seller.

14.3 Any suit by a party hereto which is described above and is based upon the other party's default must be commenced no later than one hundred twenty (120) days after the date of the occurrence of the default. The said 120-day limitation shall not apply to claims for indemnification otherwise provided for in this agreement.

15. Severability. In case any one or more of the provisions of this Agreement shall be held to be invalid, illegal or unenforceable, such holding shall not affect the other provisions of this Agreement, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

16. Business Days. In the event any deadline or performance date set forth in this Agreement falls on a Saturday, Sunday or legal holiday in the State of Minnesota,

EXHIBIT B

Legal Description

All that part of the North 75.00 feet of the East 150.00 feet of the North ½ of the SW ¼ of Section 21, Township 29 North, Range 21 West, Washington County, Minnesota, which lies westerly of the west line of Parcel 3 of the WASHINGTON COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 98 – C.S.A.H. 13, according to the recorded plat thereof.

such deadline or performance date shall be deemed to be postponed to the next business day thereafter.

Seller and Buyer have executed this Agreement as of the date first written above.

SELLER:

Allan J. Eberhard, Trustee
Of the Caroline Mary Eberhard
Living Trust, dated May 29, 1998

By: Allan J. Eberhard

Its: Trustee

BUYER:

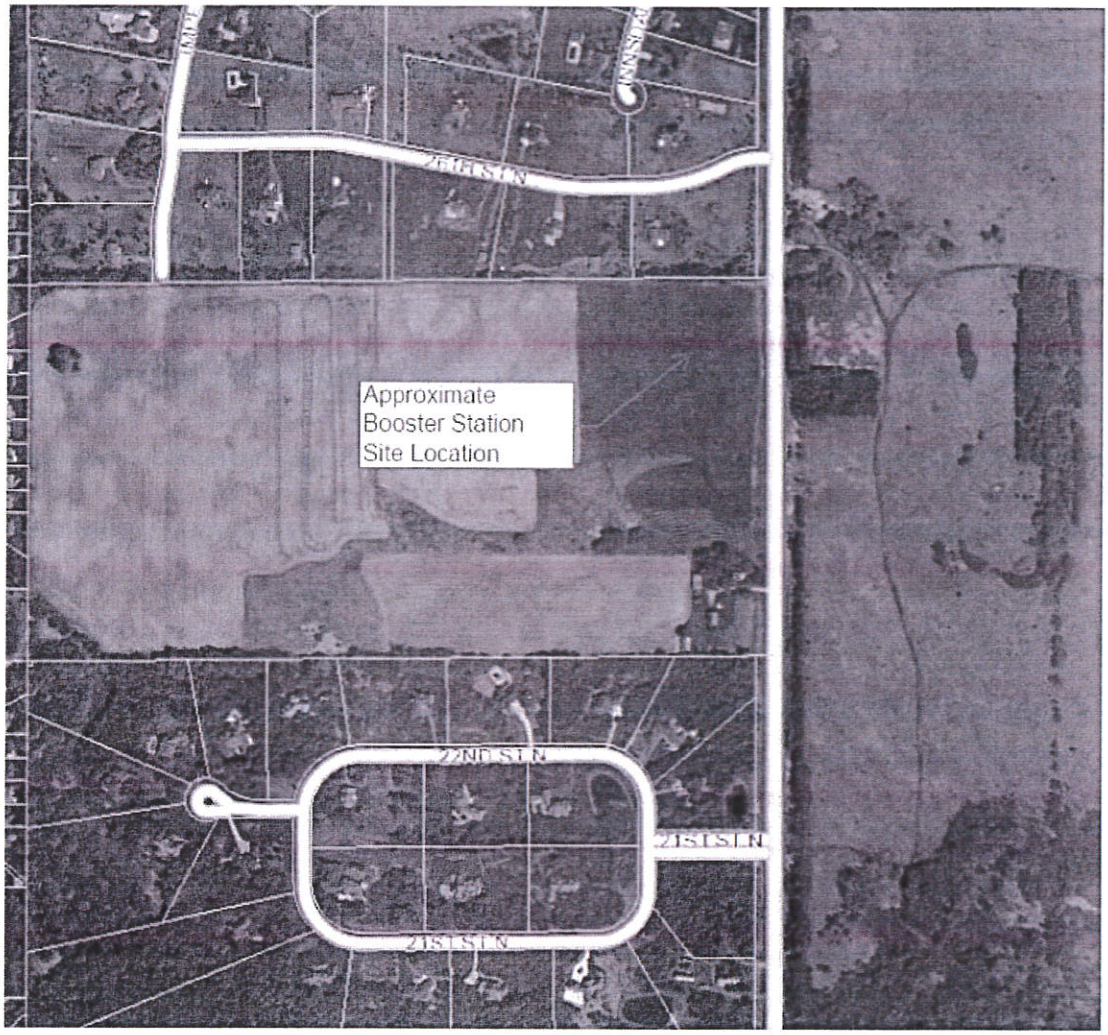
THE CITY OF LAKE ELMO

By:

It: Mayor

EXHIBIT A

Map of Property



(Top 3 inches reserved for recording data)

TRUSTEE'S DEED
by Individual Trustee

Minnesota Uniform Conveyancing Blanks
Form 10.4.1 (2013)

eCRV number: _____

DEED TAX DUE: $ _____

DATE: Septemeber 1, 2015
(month/day/year)

FOR VALUABLE CONSIDERATION, Allan J. Eberhard
(insert name of each Trustee)
_____, as Trustee

of The Caroline Mary Eberhard Living Trust Agreement dated May 29, 1998
(insert name of Trust)

("**Grantor**"), hereby conveys and quitclaims to The City of Lake Elmo, a Minnesota municipality
(insert name of each Grantee)

("**Grantee**"), real property in Washington County, Minnesota, legally described as follows:

See attached legal description

Check here if all or part of the described real property is Registered (Torrens) ☐

together with all hereditaments and appurtenances belonging thereto.

Check applicable box:

- ☐ The Seller certifies that the Seller does not know of any wells on the described real property.
- ☐ A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: _____.)
- ☐ I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor

_____
(signature of Trustee) Allan J. Eberhard

_____
(signature of Trustee)

State of Minnesota, County of Washington

This instrument was acknowledged before me on 9/14/15, by
(month/day/year) *(insert name of each Trustee)*

Allan J. Eberhard

as Trustee of The Caroline Mary Eberhard Living Trust Agreement dated May 29, 1998.
(insert name of Trust)

(Stamp)

MICHELE ROSE LOUGHREY
Notary Public
State of Minnesota
My Commission Expires
January 31, 2020

(signature of notarial officer)

Title (and Rank): _____

My commission expires: _____
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
(insert name and address)

Michele R. Loughrey
JOHNSON/TURNER LEGAL
56 E. Broadway Ave.
Suite 206
Forest Lake, MN 55025

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:
(insert legal name and residential or business address of Grantee)

The City of Lake Elmo

EXHIBIT B

Legal Description

All that part of the North 75.00 feet of the East 150.00 feet of the North ½ of the SW ¼ of Section 21, Township 29 North, Range 21 West, Washington County, Minnesota, which lies westerly of the west line of Parcel 3 of the WASHINGTON COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 98 – C.S.A.H. 13, according to the recorded plat thereof.

OMB Approval No. 2502-0265

A. Settlement Statement (HUD-1)

B. Type of Loan	6. File Number:	7. Loan Number:	8. Mortgage Insurance Case Number:
1. ☐ FHA 2. ☐ RHS 3. ☐ Conv. Unins. 4. ☐ VA 5. ☐ Conv. Ins.	15-1040 CLE BOOSTER		

C. **Note:** *This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.*

D. Name and Address of Borrower:	E. Name and Address of Seller:	F. Name and Address of Lender:
The City of Lake Elmo	Allan J. Eberhard, Trustee of the Caroline Mary Eberhard Living Trust Agreement dated May 29, 1998	Cash Sale

G. Property Location:	H. Settlement Agent:	I. Settlement Date:
Booster Station Parcel 2298 Inwood Ave. Lake Elmo, MN Washington County, Minnesota	Johnson\Turner Legal 56 E Broadway Ave # 206 Forest Lake, MN 55025 Ph. (651)464-7292 **Place of Settlement:** 56 E Broadway Ave # 206 Forest Lake, MN 55025	September 14, 2015

J. Summary of Borrower's transaction		K. Summary of Seller's transaction	
100. Gross Amount Due from Borrower:		400. Gross Amount Due to Seller:	
101. Contract sales price	27,000.00	401. Contract sales price	27,000.00
102. Personal property		402. Personal property	
103. Settlement Charges to Borrower (Line 1400)	1,236.00	403.	
104.		404.	
105.		405.	
Adjustments for items paid by Seller in advance		**Adjustments for items paid by Seller in advance**	
106. City/Town Taxes to		406. City/Town Taxes to	
107. County Taxes 09/15/15 to 01/01/16	42.26	407. County Taxes 09/15/15 to 01/01/16	42.26
108. Assessments to		408. Assessments to	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. Gross Amount Due from Borrower	28,278.26	**420. Gross Amount Due to Seller**	27,042.26
200. Amounts Paid by or in Behalf of Borrower		**500. Reductions in Amount Due Seller:**	
201. Deposit or earnest money		501. Excess deposit (see instructions)	
202. Principal amount of new loan(s)		502. Settlement charges to Seller (Line 1400)	632.10
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204.		504. Payoff First Mortgage	
205.		505. Payoff Second Mortgage	
206.		506.	
207.		507.	
208.		508.	
209.		509.	
Adjustments for items unpaid by Seller		**Adjustments for items unpaid by Seller**	
210. City/Town Taxes to		510. City/Town Taxes to	
211. County Taxes to		511. County Taxes to	
212. Assessments to		512. Assessments to	
213.		513.	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. Total Paid by/for Borrower		**520. Total Reduction Amount Due Seller**	632.10
300. Cash at Settlement from/to Borrower		**600. Cash at settlement to/from Seller**	
301. Gross amount due from Borrower (line 120)	28,278.26	601. Gross amount due to Seller (line 420)	27,042.26
302. Less amount paid by/for Borrower (line 220)	( )	602. Less reductions due Seller (line 520)	(632.10)
303. Cash ☒ From ☐ To Borrower	28,278.26	**603. Cash** ☒ To ☐ From Seller	26,410.16

* Paid outside of closing by borrower(B), seller(S), lender(L), or third-party(T)

L. Settlement Charges

	Paid From Borrower's Funds at Settlement	Paid From Seller's Funds at Settlement
700. Total Real Estate Broker Fees		
Division of commission (line 700) as follows:		
701. $ to		
702. $ to		
703. Commission paid at settlement		
704.		
705.		
800. Items Payable in Connection with Loan		
801. Our origination charge $ (from GFE #1)		
802. Your credit or charge (points) for the specific interest rate chosen $ (from GFE #2)		
803. Your adjusted origination charges to (from GFE #A)	0.00	
804. Appraisal fee to (from GFE #3)		
805. Credit Report to (from GFE #3)		
806. Tax service to (from GFE #3)		
807. Flood certification to (from GFE #3)		
808. (from GFE #3)		
809. (from GFE #3)		
810. (from GFE #3)		
811. (from GFE #3)		
900. Items Required by Lender to Be Paid in Advance		
901. Daily interest charges from to @ $/day (from GFE #10)		
902. MIP Tot Ins. for Life of Loan months to (from GFE #3)		
903. Homeowner's insurance for years to (from GFE #11)		
904. (from GFE #11)		
905. (from GFE #11)		
1000. Reserves Deposited with Lender		
1001. Initial deposit for your escrow account (from GFE #9)		
1002. Homeowner's insurance months @ $ per month $		
1003. Mortgage insurance months @ $ per month $		
1004. Property taxes $		
1005. $		
1006. months @ $ per month $		
1007. months @ $ per month $		
1008. $		
1009. $		
1100. Title Charges		
1101. Title services and lender's title insurance (from GFE #4)	1,190.00	
1102. Settlement or closing fee $		
1103. Owner's title insurance to Old Republic Title Insurance Company (from GFE #5)		
1104. Lender's title insurance to Old Republic Title Insurance Company $ 200.00		
1105. Lender's title policy limit $ 27,000.00		
1106. Owner's title policy limit $		
1107. Agent's portion of the total title insurance premium $		
1108. Underwriter's portion of the total title insurance premium to Old Republic Title Insurance Company $ 200.00		
1109. $		
1110. $		
1111. $		
1112. $		
1113. Document prep/Closing fee to Johnson\Turner Legal $		350.00
1200. Government Recording and Transfer Charges		
1201. Government recording charges to Recorder's Office (from GFE #7)	46.00	
1202. Deed $ 46.00 Mortgage $ Releases $ 138.00 Other $		138.00
1203. Transfer taxes (from GFE #8)		
1204. City/County tax/stamps $ $		
1205. State tax/stamps $ $		
1206. Recording service fee to Recorder's Office		50.00
1207. State Deed Tax to Recorder's Office		94.10
1300. Additional Settlement Charges		
1301. Required services that you can shop for (from GFE #6)		
1302. $		
1303. $		
1304. $		
1305. $		
1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K)	1,236.00	632.10

* Paid outside of closing by borrower(B), seller(S), lender(L), or third-party(T)

Certified to be a true copy.

ACKNOWLEDGMENT OF RECEIPT OF SETTLEMENT STATEMENT

Borrower: The City of Lake Elmo
Seller: Allan J. Eberhard, Trustee
Settlement Agent: Johnson\Turner Legal
(651)464-7292
Place of Settlement: 56 E Broadway Ave # 206
Forest Lake, MN 55025
Settlement Date: September 14, 2015
Property Location: Booster Station Parcel
2298 Inwood Ave.
Lake Elmo, MN
Washington County, Minnesota

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

The City of Lake Elmo

Allan J. Eberhard, Trustee

THE CITY OF LAKE ELMO

STAFF REPORT

DATE: April 3, 2018
CONSENT #09

AGENDA ITEM: Penalty for Delayed Sewer Connection

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

In 2016, the Council updated Chapter 51 of the city code to require any building used for human habitation or in which a toilet or other plumbing facility for the disposal of human waste is installed and located on property adjacent to a sewer main, or in a platted block through which the system extends, shall be connected to the municipal sanitary sewer system **within 2 years** from the date on which a connection is available to the building. Previously ordinance required connection within 1 year. The change was made to allow for the wastewater incentive credit for existing properties on septic.

We are at the two year mark for Old Village Phase 1 properties which received their notice of connection availability on 3/9/16. We have four properties (2 residential and 2 commercial) which have not yet connected. Staff sent them reminder letters in February 2018.

Council discussed this issue at their March 13, 2018 work session and directed staff to draft penalties that included charging the base residential sewer charge each quarter and limiting the ability of the property to be sold without having hooked up to sewer.

ISSUE BEFORE COUNCIL:

How should the city respond to those properties not hooking up to municipal sewer within the 2 year time frame?

PROPOSAL DETAILS/ANALYSIS:

Included in your packet is an ordinance update to charge the sewer base charge (currently $53.03 for residential properties) each quarter. This would be the least burdensome to enforce and the least impact to property owners while still balancing the needs of the system (such as providing the funding necessary to maintain the sewer infrastructure that was put in place to extend municipal sewer) and protecting the financial investment.

For commercial properties (which currently don't have a base sewer charge) they would be charged the residential base charge multiplied by the number of REC (residential equivalent charge) as determined by the Engineering staff in the feasibility studies for the project. So for one commercial property their quarterly fee would be $159.09 (3 RECs) and the other would be $212.12 (4 RECs). The fee would be adjusted annually in the same proportion as the residential sewer base fee until such time as the property connects to municipal sewer.

The second paragraph added would prohibit the sale, transfer or conveyance of the property without it being connected to municipal sewer. This condition would be waived if a demolition permit was issued. This exception is provided in order to accommodate redevelopment of sites which is expected as municipal sewer was brought to the Old Village area.

FISCAL IMPACT:

By charging the base sewer fee, the sewer fund will be less impacted from the loss of revenue as projected in the utility studies. Long range financial plans assume that connections are made within 1-2 years of service being available. Since all of these properties already receive a water bill quarterly, there will not be any additional expense to the city to add this to the billing. Any unpaid charges will then be certified to the property tax levy in the fall in the same manner as any other unpaid utility charges.

OPTIONS:

1) Approve the Ordinance as presented
2) Amend and then Approve the Ordinance
3) Do not pass any ordinance changes

RECOMMENDATION:

If removed from the consent agenda:

"Motion to Approve Ordinance No 08-204"

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-204

AN ORDINANCE AMENDING CHAPTER 51: WASTEWATER TREATMENT SYSTEMS

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title V, Chapter 51, Wastewater Treatment Systems, Section 51.022 of the Lake Elmo Code of Ordinances to read as follows:

§ 51.022 CONNECTIONS WITH SEWER REQUIRED.

(A) Any building used for human habitation or in which a toilet or other plumbing facility for the disposal of human waste is installed and located on property adjacent to a sewer main, or in a platted block through which the system extends, shall be connected to the municipal sanitary sewer system within 2 years from the date on which a connection is available to the building.

(1) Any owner of any residential property that has a building failing to meet the 2 year connection deadline set forth in paragraph (A) of this Section will be charged the City's residential sewer base charge as set forth in the City's fee schedule. The owner of a commercial or industrial property that has a building failing to meet the two year connection deadline set forth in paragraph (A) above will be charged the City's sewer base fee for each residential equivalent unit as determined by the project feasibility report, Metropolitan Council determination, or similar estimate.

(2) Properties with buildings failing to connect within 2 years to the municipal sanitary sewer system may not be sold, conveyed, or transferred until connection occurs. Properties that have buildings that will be demolished after sale, transfer, or conveyance are exempted from this provision provided that a demolition permit for the building has been issued by the city.

(B) All buildings subsequently constructed within the city on property adjacent to a sewer main or in a platted block through which the municipal sanitary sewer system extends, shall be provided with a connection to the sewer system for the disposal of human waste.

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

SECTION 3. Adoption Date. This Ordinance No. 08-204 was adopted on this ___day of April, 2018 by a vote of ____ Ayes and ____Nays.

LAKE ELMO CITY COUNCIL

_____
Mike Pearson, Mayor

ATTEST:

_____
Julie Johnson
City Clerk

This Ordinance No. 08-204 was published on the ___ day of _____, 2018.

THE CITY OF LAKE ELMO

STAFF REPORT

DATE: April 3, 2018
CONSENT #10

AGENDA ITEM: Assessment of Service Charges and Nuisance Abatement Ordinance- Summary Publication
SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:
At the March 20, 2018 meeting, Council approved an ordinance relating to the Assessment of Service Charges and Nuisance Abatement. Only three members were present at the meeting so the summary resolution could not be approved since it requires a 4/5ths vote of the Council.

ISSUE BEFORE COUNCIL:
Should the Council approve the summary publication of the ordinance to allow the assessment of charges for services and nuisance abatements?

PROPOSAL:
No additional changes are being proposed to the ordinance as it was approved by Council on March 20, 2018. The resolution in your packet simply allows for the summary publication of it.

FISCAL IMPACT:
Summary publication can save the city the cost of publishing a long ordinance in the newspaper by referring people to the full text being available at city hall.

RECOMMENDATION:
If removed from the consent agenda:
"Motion to Approve Resolution No 2018-024 Authorizing Summary Publication of Ord No 08-203."

ATTACHMENTS:
- Resolution No 2018-024

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

RESOLUTION NO. 2018-024

RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-203 BY TITLE AND SUMMARY

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-203, an ordinance adding section to the City Code regarding special assessments for services and charges for emergency services and amending Chapter 96 of the Lake Elmo Code regarding nuisance abatement; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-203 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-203, which makes the following changes to City Code:

- Adds section 11.02 to the City Code which allows the city to charges for services and assess them to the property if not paid.
- Adds section 11.03 to the City Code which allows the City to charge for emergency services.
- Amends Chapter 96 of the City Code to allow the Building Official to abate a nuisance after notice to the property owner.

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

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

Dated: March 20, 2018

_____
Mayor Mike Pearson

ATTEST:

_____
Julie Johnson, City Clerk

(SEAL)

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

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.

THE CITY OF LAKE ELMO

STAFF REPORT

DATE: 4/3/2018
CONSENT
ITEM #: 11
MOTION

TO: City Council

FROM: Rob Weldon, Public Works Director

AGENDA ITEM: Asphalt Roller Purchase

REVIEWED BY: Kristina Handt, City Administrator
Brian Swanson, Finance Director

BACKGROUND: In 2007 the City of Lake Elmo purchased a 1 ½ Ton Stone Asphalt Roller to utilize in its pothole/patching program to ensure proper compaction and a smooth finish is delivered during paving operations. This piece of equipment has been in service with the city for just over 10 years. In this time, numerous repairs have been made to the roller in terms of electrical repairs. Most recently, issues with the transmission and safety shut off have rendered the machine unsafe to use. Repair service and parts for this piece of equipment have been increasingly difficult to find since the manufacture no longer supports this product.

ISSUE BEFORE COUNCIL: Should the City Council approve the purchase of a 2 Ton Asphalt Roller and Trailer to replace the existing Asphalt Roller and Trailer as adopted in the 2018 General Budget?

PROPOSAL DETAILS/ANALYSIS: Approval of this purchase will allow Public Works to replace its aged asphalt roller that has presented numerous problems over its service life. Also, as part of this purchase package, replacement of the current tilt deck trailer used to transport the roller will take place. The current trailer used is over 25 years old and has issues with the brakes in which repair parts are difficult to acquire.

Public Works Staff has demoed and researched several different rollers in various sizes from several manufactures over the past year in anticipation of this replacement. Staff feels that upsizing to a CaseDV23 2 Ton Asphalt Roller will speed up productivity by increasing compaction and decreasing the amount of times a smaller roller needs to go over a patch to achieve proper compaction and finish. Additionally, Public Works operates several other pieces of Case equipment and feels they offer good product support and repair.

FISCAL IMPACT: Purchase of the Roller and Trailer shall be an amount not to exceed $32,800 (which includes the trade in of current roller $4,715). In the adopted 2018 General Budget, $30,000 was included in the Capital Outlay as the purchase price for this equipment. Measures will be strictly followed to ensure other equipment purchased from Capital Outlay for the remainder of the year will not exceed the total adopted budgeted amount.

OPTIONS: Approve Purchase of Asphalt Roller and Trailer
Deny Purchase of Asphalt Roller and Trailer
Table Purchase of Asphalt Roller and Trailer

RECOMMENDATION: *If removed from Consent Agenda….*

"Motion to purchase a Case DV23 Asphalt Roller from Titan Machinery and a Felling Trailer from Oakdale Rental for an amount not to exceed $32,800"

ATTACHMENTS:

- Titan Machinery Quote
- Ruffridge Johnson Quote (no 2 Ton option)
- Tri-State Bobcat Quote (no 2 Ton option)
- Felling Trailer Quote
- Towmaster Trailer Quote

TITAN MACHINERY

Titan Machinery-Rogers
14375 James Road
Rogers, Mn 55374
Phone 763-428-5099
Fax 763-428-5051

TO: City of Lake Elmo		**DATE**	March 21, 2018
		Equipment Sales	Terry Vanderwerf
Rob Weldon		**Consultant**	763-276-0049

Here is the quotation on the goods named, subject to the conditions noted below

	DESCRIPTION	PRICE
	Quote based off MN CPV	
1	**Base Case DV23**	$33,015
	2.3 ton roller	
	Rotating beacon	
	Foldable ROPS	
	3 inch wide retractable seat belt	
	Road lights 2 front 1 rear	
	Right side drive lever	
	4 point lifting hook	
	Standard operator seat	
	lockable water tank cap	
	Trade	
	2007 Stone 3100 roller s/n 512007003	($4,715)
1	Towmaster T-5DT	**$4,425**
	6000 lb capacity	
	Tilt deck	
	12 foot deck	
	Total	**$32,725**
	Tax Rate	**0.00%**
	Tax Amount	**$0.00**
	Total	**$32,725.00**

Customer (signed) **Date**

From:	Scot Ender
To:	Rob Weldon
Subject:	RE: Ruffridge-Johnson Equipment Company, Inc "Asphalt Roller Purchase"
Date:	Friday, March 23, 2018 9:14:03 AM
Attachments:	BW90AD-5_BW100ADM-5_2pg.pdf BW900-50_2pg.pdf

Rob, thanks for the enquiry regarding rollers. I have attached literature on a couple rollers that might be what you're looking for. The BW900 has a Honda gas engine and the BW90 has a Kubota diesel.

Both are vibratory. The 900 is in the $17,500 range and the 90 around $32,000.

I believe both are available through NJPA purchasing; and if you can buy off of that program the price will be better.

We currently have one new 900 in stock, and a new 90 will be arriving shortly. Let me know if there is anything else we can get for you.

Sincerely,

Scot Ender

612-378-9558

Ruffridge-Johnson Equip. Co

www.rjequip.com

Message Body:

Hello,

The City of Lake Elmo is actively pursuing the purchase of a new asphalt roller. Size range would be approx. 2 - 2.5 tons.

If you could please provide me with product information and pricing it would be greatly appreciated.

Feel free to contact me with any questions.

Thanks,

Rob Weldon

Public Works Director

City of lake Elmo

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This e-mail was sent from a contact form on Ruffridge-Johnson Equipment Company, Inc (https://urldefense.proofpoint.com/v2/url?u=http-3A__rjequip.com&d=DwIGaQ&c=wZIz6BR1yds6ABxMNYcTPKRj39yq004hegHRzkEIjMM&r=zoJR-4hBkKhAZT-sI_prRqHm_1Gwm_BFAsEEDWugbFA&m=xsH3Un0B5lJ8Z1kh33LZAAJeZgRfIL3SvgiaKjJPTKk&s=-q0H7yl-tkQa1IsYWI_-7GUfAPX3RUi8VvDuKgwTBEo&e=)

From: Patrick Schoen
To: Rob Weldon
Subject: Asphalt Roller
Date: Friday, March 23, 2018 1:54:36 PM
Attachments: wn-rd16.pdf.pdf
wn-rd27.pdf.pdf

Rob,
Thanks for the e-mail. We are a Wacker dealer who makes the following size rollers, 1 ton, 1.5 ton and 2.5 ton roller.
In the 1.5 ton class we offer two different model, one is 35.4" wide and the other is 39.4" wide. The 2.5 ton rollers are either 39.4" or 47.2" wide.
We currently only have the smaller 1-ton rollers on hand. I have asked our Wacker rep for pricing and availability on the 1.5 & 2.5-ton models. I will pass that info on as soon as it comes in. I have attached product sheet for the 1.5 & 2.5-ton models.
Please call or e-mail is if you have any questions.

Thanks,

Patrick Schoen
Tri-State Bobcat, Inc.
St Paul, MN
Direct – 651.407.7265
Office – 651.407.3727
Fax – 651.217.5770
Cell – 612.356.8890

FELLING TRAILERS, INC.

1525 Main Street South, Sauk Centre, MN 56378
Phone: 800-245-2809; FAX: 320-352-5230

SINCE 1974

2200-B

ATTENTION: Mary Schwarz

ORDER **Reference No:** 93284-LAE

Ship To:
St. Paul Trailer Sales
3133 Hadley Ave. N,
Oakdale , MN 55128

Phone: 651-777-4825
FAX:

Bill To:
St. Paul Trailer Sales
3133 Hadley Ave. N,
Oakdale , MN 55128

Customer Unit/Stock:
651-777-4825
FAX:

PO#		Sales Person	Laurie Engle	Addtl Discount	
Quote Date	10/17/2017	Appx Completion	6 Weeks Wk of 12/07/17	Other Charge	
Order Date	10/26/2017	Addtl Disc/Terms	FALL17-150	Territory	FT
Order Status	Order	Product ID	FT-6 T-1	VIN/Serial No.	

Notes:

Drawing No: **OVL Length:** *16.5*

Copy No: **Appx Wgt +/-:** *1,650*

Item Type	Description	Dealer Disc %	Terms %	Add Qty	Unit	Total Qty	Total Amt
Base Model	FT-6 T-1 Drop Deck Pan Tilt [E]			0.00	Each	1.00	3,985.00
Frame Type	Pan Style with 8" Sides			0.00	Std	1.00	0.00
Deck Length	Tilt Deck Length			0.00	Feet	12.00	0.00
Deck Type	Pressure Treated Wood			0.00	Std	1.00	0.00
Appx Deck Height	14" Loaded, 16" Unloaded			0.00	Inches	1.00	0.00
Width	96" OD, 74" ID			0.00	Inches	1.00	0.00
Tie Downs	Corner Ties			0.00	Each	2.00	0.00
Tie Downs	D-Rings, 5/8"			0.00	Std	6.00	0.00
Brakes	Electric, Dexter FSA (Fwd Self Adj) On All Axles			0.00	Std	1.00	0.00
Axles	6K Dexter, Drop			0.00	Std	1.00	0.00
Suspension	Dexter Spring			0.00	Std	1.00	0.00
Tires & Wheels	ST235/80R 16 E, 8 Bolt [16 x 6] White Mod			0.00	Std	2.00	0.00
Hitch Length	Center of Coupler to Headboard, Appx			0.00	Feet	4.50	0.00
Hitch Type	2 5/16" Ball Adjustable, [B] 20,000 lb Channel Mount			0.00	Std	1.00	0.00
Jack	7K Drop Leg ** Top Wind **			0.00	Std	1.00	0.00
Plug	7 Pole RV			0.00	Std	1.00	0.00
Lights	LED Lights (Peterson), Sealed Wiring Harness (Sealco)			0.00	Std	1.00	0.00
Trailer Color	Felling Black # CCA945378 (White Felling Decal)			0.00	Std	1.00	0.00
Stripe Color	White			0.00	Std	1.00	0.00
Standard	3/8" Safety Chains, Grade 70			0.00	Std	1.00	0.00
Standard	18" Approach Plate			0.00	Std	1.00	0.00
GVWR	7,000 lbs			0.00	Std	1.00	0.00

3 YEAR PAINT WARRANTY

MSO's are not released until Payment Received

**** FOB IF NO FREIGHT charged ****

LIMITED LIFETIME WARRANTY

**** FET Tax may apply on 26,000 lb GVWR and above ****

Please sign and date your acceptance of this quote: _____

Standard List Price:	**$3,985.00**
Dealer Discount:	
Addtl Disc (see TERMS)	
Net Cost:	
Freight:	
Other Charge (see above):	
TOTAL U.S.D.	

Appx Completion Date Subject to Engineering Review

TOWMASTER TRAILERS

Reference No.
QT 25608

QUOTATION

Ship To:	Cust: 5	Phone:	Bill To:	Phone:
CITY OF LAKE ELMO			TOWMASTER TRAILERS, INC	
0			61381 US HWY 12	
0				
0	MN 55355	USA	LITCHFIELD	MN 55355 USA

ATTN: ROB WELDON

PO#	Salesman	Terms	Created	Last Revised	Appx Comp
	JEREMY LARSON	NET 30 DAYS	3/26/18	3/26/18	0/00/00

Serial No.

Discounts: 15.00% .00% .00%

Qty	Feature	Description	List
1	Base Model - T-5DT		$4,995.00
12	Deck Length - In Feet		
12	Decking Type - 2'' Nominal Oak Wood		
1	Width - 102" Overall with 77" Deck		
1	Axles - 7k E-Z lube Torflex		
1	Brakes - Electric		
1	Deck Height - 16.5''		
2	Tires - 235/85Rx16(E)		
2	Wheels - White Mod		
1	Jack - 7K Drop Leg		
1	Lights - L.E.D.		
1	Plug - 7 Pole Rv		
1	Hitch/Neck - 2.5'' Pintle Ring		
1	Trailer Color - Equipment Black		
6	Tie Downs - D-Rings		
1	Option - Deck Cushion Cylinder		$605.00

--- Continued ---

NOTE: If changes are made to an order after a P.O. has been issued, a fee may be assessed and a revised or new P.O. MUST BE submitted to reflect changes.

FET required on all trailers with a GVWR OF 26,000 lbs or more.

Price:

Total Discounts:

Net Cost:

Freight

Total:

Accepted by _____ Date _____

TRLQF01

Reference No.
QT 25608

QUOTATION

Ship To:	Cust: 5	Phone:	Bill To:	Phone:
CITY OF LAKE ELMO			TOWMASTER TRAILERS, INC	
0			61381 US HWY 12	
0				
0	MN 55355	USA	LITCHFIELD	MN 55355 USA

ATTN: ROB WELDON

PO#	Salesman	Terms	Created	Last Revised	Appx Comp
	JEREMY LARSON	NET 30 DAYS	3/26/18	3/26/18	0/00/00

Serial No.

Discounts: 15.00% .00% .00%

Qty	Feature	Description	List
1	*CUSTOM* - *		$95.00
	DOT BEFORE SHIPPING		
	Freight		$180.00

NOTE: If changes are made to an order after a P.O. has been issued, a fee may be assessed and a revised or new P.O. MUST BE submitted to reflect changes.

FET required on all trailers with a GVWR OF 26,000 lbs or more.

Price:	$5,695.00
Total Discounts:	$854.25
Net Cost:	$4,840.75
Freight	$180.00
Total:	$5,020.75

Accepted by Date

TRLQF01

THE CITY OF LAKE ELMO

STAFF REPORT

DATE: April 3, 2018
CONSENT
ITEM #: 12

AGENDA ITEM: Hiring Public Works Operator
SUBMITTED BY: Jake Foster, Assistant City Administrator

BACKGROUND:
The City advertised for applications for the Public Works Operator position from October 18th to November 2nd, 2017. On November 14th, staff interviewed seven applicants. The application materials for these applicants will be retained for one year. Eligible applicants were put into a hiring pool for future vacancies. Bob Wier is one such applicant.

ISSUE BEFORE COUNCIL:
Should Bob Wier be hired as the Public Works Operator at the terms described below?

PROPOSAL DETAILS/ANALYSIS:
Staff recommends hiring Bob Wier as the Public Works Operator contingent upon a satisfactory medical/physical evaluation. Staff is further recommending a starting wage of $23.27/hour which is the pay rate offered for a probationary Public Works Operator III per the union contract.

Mr. Wier has experience with operating heavy equipment including snow plows, automobile maintenance and repair, and landscaping and mowing. Additionally he has a class A Commercial Driver's License with air break and tanker endorsements.

FISCAL IMPACT:
The total cost to the City for the hiring the Public Work Operator at this wage would be approximately $75,000 including wages, taxes, and benefits. This cost has been budgeted for in 2018.

RECOMMENDATION:
If removed from the consent agenda:

"Move to hire Bob Wier as the Public Works Operator at a starting wage of $23.27/hour."

ATTACHMENTS: None

THE CITY OF LAKE ELMO

STAFF REPORT

DATE: April 3, 2018
CONSENT 13

AGENDA ITEM: Finance Committee Appointment

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

As has been our practice, staff is presenting applications for committee appointments.

ISSUE BEFORE COUNCIL:

Should the Council appoint George Johnson to the Finance Committee?

PROPOSAL:

Council members were emailed a copy of the application materials from the following:
George Johnson

FISCAL IMPACT:

NA

OPTIONS:
If removed from consent agenda

1) Appoint George Johnson to the Finance Committee
2) Do not make an appointment to the Finance Committee

RECOMMENDATION:

"Motion to appoint George Johnson to the Finance Committee"

ATTACHMENTS:

- None

THE CITY OF LAKE ELMO

STAFF REPORT

DATE: April 3, 2018
CONSENT 14

AGENDA ITEM: Maintenance Advisory Committee Appointment

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

As has been our practice, staff is presenting applications for committee appointments.

ISSUE BEFORE COUNCIL:

Should the Council appoint Dick Wier to the Maintenance Advisory Committee?

PROPOSAL:

Council members were emailed a copy of the application materials from the following:
Dick Wier

FISCAL IMPACT:

NA

OPTIONS:
If removed from consent agenda

1) Appoint Dick Wier to the Maintenance Advisory Committee
2) Do not make an appointment to the Maintenance Advisory Committee

RECOMMENDATION:

"Motion to appoint Dick Wier to the Maintenance Advisory Committee"

ATTACHMENTS:

- None

STAFF REPORT

DATE: April 3, 2018
CONSENT
ITEM #: 15
MOTION

TO: City Council
FROM: Emily Becker, Planning Director
AGENDA ITEM: Driveway Ordinance and Fee Schedule Amendments
REVIEWED BY: Jack Griffin, City Engineer
Rob Weldon, Public Works Director

BACKGROUND:

An amendment to the driveway ordinance was an item on the 2018 Planning Department Work Plan. This was in response to Staff review of driveway permit application requesting a second curb cut. Public Works and Engineering Staff indicated that there is a general lack of support for second curb cuts, as there is more potential for damage to city streets and curbs and more cost involved during street work projects. Additionally, the language within the ordinance does not make it clear which conditions or situations in which the City should allow a second curb cut, and it leaves the decision up to the City Engineer without any specifying criteria.

PROPOSAL DETAILS/ANALYSIS:

Proposed Change. In order to make it clearer which properties may be exempt from the requirement that curb cuts are limited to one per residential properties, Staff is proposing the following changes:

- Clarifies that up to two curb cuts are allowed (as opposed to three or four).
- Clarifies "major street" by specifying that access cannot be on to a collector or arterial street.
- Requires there be a minimum of 40 feet of spacing between driveway curb radii.
- Requires that the total width of both driveways does not exceed 26 feet (i.e. there can be two 13 foot wide driveways).
- Requires Engineer review for collector or arterial streets. There is already the requirement that engineering review new driveways requested on a county or state highway. Engineering standards also require review of new driveways on collector and arterial streets, but this is not codified in the ordinance.

Proposed Additional Fees.

- **Driveway with No Curb Cut.** Currently, the flat cost for a residential driveway permit is $70, and this includes replacing a driveway as-is or expanding a driveway without causing additional alterations to the curb cut, as well as driveways that require curb cuts. Staff recommends that there be a fee for a driveway with no curb cut of $50. This includes plan review and inspections by both Planning and Public Works. Fees for driveways with curb cuts on residential streets are proposed to be amended to $100.

- **Driveways with new curb cuts on collector or arterial street or county or state highway.** Because driveways on such streets are required to be reviewed by the City Engineer, there is additional cost to the City involved. The fee for this is proposed to be $150 (additional $50 for City Engineer review).
- **Additional Curb Cut Fee.** There is additional cost with having to restore a second driveway patch during street projects. The costs varies for each driveway and each project based on unit prices for each project. 2017 street project cost $700 for each concrete driveway and $250 for a bituminous driveway. Therefore, it makes sense to charge an additional fee to help cover those additional costs for street projects incurred by the additional driveway and possibly deter a second curb cut. The proposed additional cost for a second curb cut is $100.
- **Security.** In order to ensure that curb cuts do not cause damage to city infrastructure, a $1,000 security for each curb cut is being proposed. The City's right-of-way ordinance already requires performance security to ensure the availability of sufficient funds to assure that right-of-way excavation and obstruction work is completed. The right-of-way ordinance states that if 36 months after completion of the restoration of the right-of-way the right-of-way has been properly restored, the security shall be released.
- **Additional Amendments to the Fee Schedule.** Staff saw the proposed amendment to the fee schedule to add additional driveway permit fees as an opportunity to add additional fees in order to cover Staff time:
    - **Final Plat Extension Fee.** The current Subdivision Regulations ordinance allows final plats to be extended as approved by Council. There is no fee to cover staff time to prepare reports and make presentations requesting this, and so Staff proposes a fee of $100 to cover Staff time.
    - **Development Agreement Amendment Fee.** Staff has seen a number of requests lately to amend development agreements. These amendments are quite time consuming and require input from a number of City Staff, which may include but is not limited to the City Attorney, City Engineer, Administrator, Finance Director, and Building Official. Staff proposes a fee of $500 for this request.

RECOMMENDATION:

Staff recommends, as part of tonight's Consent Agenda, that Council adopt Ord. 08-206 making amendments to the City's Driveway Ordinance and Ord. 08-207 making amendments to the City's fee schedule. If removed from the Consent Agenda, the following recommended motions may be made:

"Move to adopt Ord. 08-206 amending the City's Driveway Ordinance."

"Move to adopt Ord. 08-207 amending the City's fee schedule to decrease driveway permit fees with no curb cut; increase driveway fees with curb cuts; adding an additional fee for a second curb cut; adding a development agreement amendment fee; and adding a final plat extension fee."

"Move to adopt Resolution 2018-039 authorizing summary publication of Ord. 08-207."

ATTACHMENTS:

1. Ord. 08-206 amending City's driveway ordinance
2. Ord. 08-207 amending the City's fee schedule
3. Amended fee schedule
4. Summary publication of Ord. 08-207 Resolution 2018-039

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-206

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY AMENDING THE CITY'S DRIVEWAY STANDARDS

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title IX: General Regulations; Chapter 93: Streets and Sidewalks; Section 93.26: Driveways, by amending the following:

(C) *Number of curb cuts.* In residential districts, each property shall be limited to 1 curb cut per dwelling unit. ~~Exceptions~~ Up to two curb cuts may be allowed when neither access is onto a ~~major~~ collector or arterial street~~, and~~ when the lot exceeds 150 feet in width ~~or is a corner lot~~, when there is a minimum of 40 feet of spacing between driveway curb radii, and when the total width of both driveways does not exceed 26 feet. ~~All requests for a second curb cut shall be reviewed by the City Engineer.~~

(L) *Collector or arterial streets and ~~S~~state and county highway requirements.* Driveways constructed to access any non-residential (collector or arterial) street or street designated as a state or county highway shall meet all additional specifications of the appropriate jurisdiction. Access drives onto collector or arterial streets or state and county roads shall require a review by the road authority and the City Engineer. The state, county and City Engineer shall determine the appropriate location, size and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.

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

SECTION 3. Adoption Date. This Ordinance 08-206 was adopted on this ___ day of April 2018 by a vote of ___ Ayes and ___ Nays

LAKE ELMO CITY COUNCIL

_____
Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-206 was published on the ____ day of _____, 2018.

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-207

AN ORDINANCE ADOPTING A 2018 FEE SCHEDULE FOR THE CITY OF LAKE ELMO

The City Council of the City of Lake Elmo ordains:

SECTION I. Schedule Adopted. The attached fee schedule is hereby adopted.

SECTION II. Not Codified. This ordinance is transitory in nature and shall not be codified in the City Code. This ordinance and the fee schedule established hereby shall be placed on file and available for public inspection at City Hall.

SECTION III. Effect. The fees set out in the attached fee schedule apply notwithstanding any other fees the City has established which may be inconsistent. Any other fees imposed by the City which do not appear on the attached fee schedule remain in full force and effect.

SECTION IV. Effective Date. This ordinance shall become effective for all billings rendered after adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION V. Adoption Date. This Ordinance No. 08-207 was adopted on this 3rd day of April, 2018, by a vote of ___Ayes and____Nays.

LAKE ELMO CITY COUNCIL

_____
Mike Pearson, Mayor

ATTEST:

_____
Julie Johnson, City Clerk

This Ordinance_____was published on the_____day of_____, 2018.

City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Amateur Radio Antenna	$875.00		Planning
Appeal (to Board of Adjustment and Appeals)	$250.00		Administration
Bed and Breakfast Permit Fee	$100.00		Planning
Bee Keeping Permit	$25.00	Valid for 2 years from issuance	Administration
Building Regulations		* State Sur Charge Collected per MN Statute 326B.148 on all permits	Building
Building Permit Fee Schedule			
Total Valuation			
$1.00 to $500.00	$29.50		Building
$501.00 to $2,000.00	$28.00 for the first $500.00 plus $3.70 for each additional $100.00, or fraction thereof, to and including $2,000.00.		Building
$2,001.00 to $25,000.00	$83.50 for the first $2,000.00 + $16.55 for each additional $1,000.00, or fraction thereof, to and including $25,000.00.		Building
$25,001.00 to $50,000.00	$464.15 for the first $25,000.00 + $12.00 for each additional $1,000.00, or fraction thereof, to and including $50,000.00.		Building
$50,001.00 to $100,000.00	$764.15 for the first $50,000.00 + $8.45 for each additional $1,000.00, or fraction thereof, to and including $100,000.00.		Building
$100,001.00 to $500,000.00	$1,186.65 for the first $100,000.00 + $6.75 for each additional $1,000.00, or fraction thereof, to and including $500,000.00.		Building
$500,001.00 to $1,000,000.00	$3,886.65 for the first $500,000.00 + $5.50 for each additional $1,000.00, or fraction thereof, to and including $1,000,000.00.		Building
$1,000,001.00 and up	$6,636.65 for the first $1,000,000.00 + $4.50 for each additional $1,000.00, or fraction thereof.		Building
Planning and Zoning Compliance Review and Verification	$100.00		Building
Plan Review Fee	65% of building permit fee		Building
Plan review for similar plans	25% of normal building permit fee (MN Rules 1300.0160 subp. 5)		Building
Single Family Decks	Fee based on Valuation		Building
Single Family Residential Basement Finish	Fee Based on Valuation		Building
Swimming Pool In-Ground	$150.00		Building
Swimming Pool Above-Ground	$75.00		Building
Reinspection Fee	$75.00		Building
Inspection outside normal business hours	$120.00 per hour - 2 hour minimum		Building
Investigation fee - work started without required permit	Equal to permit fee amount		Building
Replace Inspection Record Card	$25.00		Building
Additional Plan Review required by changes, addendum or revisions to plans	$75.00 per hour, one hour minimum		Building

City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Building Demolition - Residential	$200.00		Building
Building Demolition - Commercial	$300.00		Building
Fuel Tank Removal (Underground)	$250.00		Building
Fuel Tank Installation	2% Value of the work		Building
Roofing - Residential	Fee Based on Valuation		Building
Roofing - Commercial	Fee Based on Valuation		Building
Siding - Residential	Fee Based on Valuation		Building
Siding - Commercial	Fee Based on Valuation		Building
Retaining Walls over 4'	Fee Based on Valuation		Building
Commercial Plumbing	$60.00 per unit, Up to 3 Units or 1.5% Value of work, whichever is greater		Building
Residential Plumbing	$60.00 per Unit, max fee $180.00		Building
Sewer Service Installation Inspection	$60.00		Building
Water Service Installation Inspection	$60.00		Building
Sewer & Water Service Installation Inspection when completed together	$60.00		Building
Investigation fee - Plumbing work started without required permit	Equal to permit fee amount		Building
Commercial HVAC	$60.00 per unit, Up to 3 Units or 1.5% Value of work, whichever is greater		Building
Residential HVAC	$60.00 per Unit, max fee $180.00		Building
Fireplace Installation	$60 per unit		Building
Investigation fee - HVAC work started without required permit	Equal to permit fee amount		Building
Manufactured Home Move In	$200.00		Building
Manufactured Home Move Out	$200.00		Building
Moving House or Primary Structure into the City	2% Value of the Work plus security amount determined by the Building Official		Building
Moving Accessory Structure into the City	2% Value of the Work plus security amount determined by the Building Official		Building
Automatic Fire Extinguishing Systems	2% Value, $100.00 minimum		Building
Investigation fee - Fire Suppression work started without required permit	Equal to permit fee amount		Building
Fire Alarm Systems	2% Value, $100.00 minimum		Building
Investigation fee - Fire Alarm work started without required permit	Equal to permit fee amount		Building
Annual Retail Consumer Fireworks (retailers only selling fireworks)	$350.00		Building
Annual Retail Consumer Fireworks (all other retailers)	$100.00		Building
Outdoor Public Fireworks Display	$150.00		Building

City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Residential Day Care Inspections	$50.00		Building
Residential Adult Care/Foster Care/Adoption Inspections	$50.00		Building
Escrow Administration Fee	$100.00		Building
New Single Family Dwelling Construction Escrow	$2,000.00		Building
Two or more dwelling units per building Construction Escrow	$1,000.00 per unit		Building
Commercial/Industrial and Other structures	$5,000.00 or amount detrmined by the Building Official		Building
Burning Permit			Fire
Residential	$45.00		Fire
Commercial	$80.00		Fire
Illegal Burn	see notes →	Additional fees may be incurred based on Wash. Cty. Chief's fee schedule and # of responding units	Fire
Chicken Keeping Permit	$25.00	Initial permit expires on 12/31 of 2nd year.	Administration
Comprehensive Plan Amendment	$1,300.00	Land Use Escrow $2500	Planning
Conditional Use Permit (CUP)		Wireless Communication Facilities Fee Escrow $6,000.00. Flood Plain Ordinance Fee Escrow $500.00 Land Use Escrow $2500	Planning
New	$1,050.00		Planning
Amended	$500.00		Planning
Contractor License Fees			Licensing
Driveway	$50.00		Licensing
Solid Waste Hauler	$120.00		Licensing
Copy Services (Paper/Electronic)			Administration
Copies (B&W)	$0.25 per page	100 pages or more are charged at actual cost of production	Administration
Copies (Color)	$0.50 per page	100 pages or more are charged at actual cost of production	Administration
Copies (B&W) 11x17	$1.00 per page	100 pages or more are charged at actual cost of production	Administration
Copies (Color) 11x17	$2.00 per page	100 pages or more are charged at actual cost of production	Administration
Data DVD Fee	$15.00		Administration
GIS Scaled Aerial	$25.00		Administration
Existing Maps	$5.00		Administration
Custom (Per Hour Rate)	$70.00		Administration
Plan Size Maps (Larger than 11x17)	$15.00		Administration
Development Standards Specs/Details	$55.00		Administration
Video reproduction	$10.00		Administration
Culverts in Developments with Rural Section	$160.00		Administration
Dog License- altered	$20.00		Licensing
Dog License- unaltered	$25.00		Licensing
Dog License- late fee	$2.50 per month	Maximum $10	Licensing

City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Service Dog License	No Charge		Licensing
Dog - duplicate license or tag	$1.00		Licensing
Dog and Cat Impound fees			
First Impound- Unlicensed Dog	$60.00	All Impound Fees plus $20/day Boarding Fee	Licensing
First Impound- Licensed Dog	$42.00		Licensing
First Impound- Cat	$42.00		Licensing
Subsequent dog/ cat impound	$85.00		Licensing
Driveway			Planning
Residential - no curb cut on residential street	~~$70~~ $50	$1,000 security	Planning
Residential - curb cut on residential street	$100	$1,000 security	Planning
Residential - curb cut on collector or arterial street	$150	$1,000 security	Planning
Residential - second curb cut	additional $100	$1,000 security (per curb cut)	Planning
Commercial	$160.00		Planning
Easement Encroachment	$100.00	Staff & Recording Fee	Planning
Electronic Fund Withdrawl/Bill Payment	Fee + Trans. Charge		Administration
Environmental Review (EAW/EIS)	$1,500.00	$2,500 Land Use escrow	
Village Area AUAR Fee	$230.00	Per REC Unit. To be charged to development applications that increase the number of REC units above existing conditions within the Village AUAR Area. The fee will be based on the difference between the proposed and existing REC units. Fee to be paid as part of a developer's agreement for larger projects or at the time a building permit is issued for smaller projects. Once paid, the same land will not be charged again.	Planning
Erosion Control			Building
Re-inspection Fee (portal to portal from City Hall: 1 Hr. min)	$50.00 per hour	$5,000.00 Security	Building
Excavating & Grading ≥ 50 cubic yards, up to 400 cubic yds	$125.00	Security $500.00	Building
Excavating & Grading ≥ 400 cubic yards/acre of site area	$500.00	$500.00 fee escrow. Plus Security as Determined by the Planning Department	Engineering
False Alarms (12 Month Period)* *(*1-3 no charge)*			Fire
Residential			Fire
4-6 False Alarms	$110.00		Fire
In Excess of 6 False Alarms	$185.00		Fire
Commercial			Fire
4-6 False Alarms	$315.00		Fire
In Excess of 6 False Alarms	$520.00		Fire
Flood Plain District Delineation	$500.00		Planning

City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Interim Use Permit (IUP)			
Fee	$1,050.00	$2,500.00 Escrow	Planning
Renewal	$300.00		Planning
Liquor License			Licensing
Club On-Sale Intoxicating	$100.00		Licensing
On-Sale Intoxicating	$1,500.00		Licensing
Off-Sale Intoxicating	$200.00		Licensing
Off-Sale Non-Intoxicating	$150.00		Licensing
On-Sale Intoxicating- 2nd Building	$750.00		Licensing
On-Sale Non-Intoxicating	$100.00		Licensing
Investigation	$350.00		Licensing
On-Sale Sunday Intoxicating	$200.00		Licensing
Temporary Intoxicating	$25.00		Licensing
Wine	$300.00		Licensing
Lot Line Adjustment	$325.00	None	Planning
Massage Therapy Premises License			Licensing
Application Fee	$100.00	Fee includes one Therapist	Licensing
Investigation Fee	$100.00		Licensing
Massage Therapy Practitioner License			Licensing
Application Fee	$50.00		Licensing
Investigation Fee	$25.00		Licensing
Massage Therapy Premises License Renewal	$50.00	Fee includes one Therapist	Licensing
Massage Therapy Practitioner License Renewal	$25.00		Licensing
Massage Therapy License Amendment	$25.00		Licensing
Minor Subdivision	$525.00	$1,000.00 escrow	Planning
Park Dedication			Planning
Residential - Up to three lots	$3,600.00 per lot	Four or more lots per §153.14	Planning
Commercial	$4,500.00 per acre		Planning
Parking Lots			Planning
Commercial	$200.00	$500 Fee Escrow. Plus Security as Determined by the Planning Department	Planning
Platting			
Sketch Plan Review (Subdivision)	$500.00	$3,500 Fee Escrow	Planning
Preliminary Plat (Subdivision)	$1,850.00	$10,000 Fee Escrow	Planning
Final Plat (Subdivision)	$1,250.00	$8,000 Fee Escrow	Planning
Final Plat (Extension Fee)	$100.00		Planning

City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Development Agreement Amendment	$500.00		Planning
Planned Unit Development			Planning
General Concept Plan	$1,250.00	$7,500 Fee Escrow (Waive Subdivision Escrow)	Planning
Development Stage Plan	$1,850.00	$10,000 Fee Escrow (Waive Subdivision Escrow)	Planning
Final Plat	$1,250.00	$8,000 Fee Escrow (Waive Subdivision Escrow) and (City will retain escrows to reimburse review costs for each stage of Development)	Planning
Private Roads (Permitted only in AG zone)	$150.00		Planning
Restictive Soils and Wetland Restoration Protection and Preservation Permit	$800.00		Planning
Returned Check (NSF)	$25.00		Administration
Right-of-Way Permit			
Annual Registration	$200.00	$5,000 Security	Engineering
Excavation Permit	$275.00 + $.60/foot		Engineering
Joint Trench Permit (per lot per utility)	$275.00 + $.60/foot		Engineering
Obstruction Permit	$275.00		Engineering
Small Wireless Permit Fee	$275.00		Engineering
Permit Extension	$100.00		Engineering
Delay Penalty (per calendar day)	$25.00		Engineering
SAC Charge (City) (Sewer Availability Charge)	$3,000.00	Per REC Unit: collected at time of plat for new lot. This fee may be deferred through special assessment for parcels with existing structures.	Engineering
SAC Charge (Met Council) (Sewer Availability Charge)	$2,485.00	Per REC Unit: $2,485 to Met Council at time of connection.	Engineering
Sewer Connection Charge	$1,000.00	Per REC Unit collected at time of plat for new lot. This fee may be deferred through special assessment for parcels with existing structures.	Engineering
Sewer Lateral Benefit Charge	$11,300.00	Per REC Unit connecting to a Trunk Sewer Main and that has never been assessed	Engineering
Sewer Base Charge - Residential - Non 201 Off Site	$53.03 per quarter	Allowance of 10,000 gallons (10 Units) per quarter	Administration
Sewer Rate	$4.55/1,000 Gal		Administration
201 Off-Site Maintenance Fee	$75.75/unit/quarter		Administration
Real Estate Searches	$15.00/Search	For special assessment or utility search	Administration
Signs - Permanent	$180.00		Planning
Signs - Temporary	$75.00		Planning
Temporary Renewal	$25.00		Planning
Re-inspection Fee	$25.00		Planning
Special Event Permit	$75.00	City must be listed as additional insured	Planning

City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Surface Water			Administration
Residential	$55.00		Administration
Non-Residential (Commercial etc.)	$55.00	Utility rate factor per code	Administration
Review Fee	$137.50	$82.50 Review/$55 Storm Water Fund	Administration
Vacations (Streets or Easements)			Planning
Easements	$515.00	$500 Fee Escrow	Planning
Streets	$515.00	$500 Fee Escrow	Planning
Variance	$750.00	$500 Fee Escrow	Planning
Shoreland Variance	$1,500.00	$500 Fee Escrow	Planning
Water Availability Charge (WAC)	$3,000.00	Per REC Unit; collected at time of plat for new lot. This fee may be deferred through special assessment for parcels with existing structures.	Engineering
Water Connection Charge	$1,000.00	Per REC Unit, collected at time of plat for new lot. This fee may be deferred through special assessment for parcels with existing structures.	Administration
Water Equipment/Set up			Administration
Meter (3/4" or less)	$360.50	Additional fees apply to larger sized meters	Administration
Driveway Curb Stop Lid	$103.00		Administration
Disconnect Service	$82.40		Administration
Reconnect Service	$82.40		Administration
Water Lateral Benefit Charge	$5,800.00	Per REC Unit connecting to a Trunk Water Main and that has never been assessed	Engineering
Water Usage			Administration
Residential - Quarterly Base Rate	$20.60 Base		Administration
Residential - Plus Rate per 1,000 Gallons			Administration
Plus Rate for 0-15,000 Gallons	$2.06		Administration
Plus Rate for 15,001-30,000 Gallons	$2.47		Administration
Plus Rate for 30,001-50,000 Gallons	$2.97		Administration
Plus Rate for 50,001-80,000 Gallons	$3.56		Administration
Plus Rate for 80,001 + Gallons	$4.27		Administration
Water Usage			Administration
Commercial - Quarterly Rate	$25.75 Base		Administration
Commercial - Plus Rate Per 1,000 Gallons			Administration
Plus Rate for 0 - 15,000 Gallons	$3.20		Administration
Plus Rate for 15,001 - 30,000 Gallons	$3.36		Administration
Plus Rate for 30,001 - 50,000 Gallon	$3.88		Administration
Plus Rate for 50,001 - 80,000 Gallons	$5.15		Administration

City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Plus Rate for 80,001 + Gallons	$6.83		Administration
Water Usage			Administration
Hotel / Motel - Quarterly Rate	$25.75 Base	For metered non-irrigation (domestic) consumption	Administration
Hotel / Motel - Plus Rate Per 1,000 Gallons			Administration
Plus Rate for 0 -30,000 Gallons	$3.20		Administration
Plus Rate for 30,001 - 50,000 Gallons	$3.36		Administration
Plus Rate for 50,001 + Gallons	$4.12		Administration
Water Usage Delinquent Accounts			Administration
Regular	6% per quarter	Plus $25.00 or 8%, whichever is greater, if certified to County for collection with taxes	Administration
Storm Water	10% per year	Plus $25.00 or 8%, whichever is greater, if certified to County for collection with taxes	Administration
Bulk Water Purchase			Administration
Water from Hydrant	$103.00 minimum	Plus $3.36/additional 1,000 gallons	Administration
Wind Generator	$850.00	$2,000 Fee Escrow	Planning
Wireless Communication Permit	$500.00	$6,000 Fee Escrow	Planning
Zoning Amendment (Text or Map)	$1,245.00	$2,500 Escrow	Planning
Zoning Certification Letter	$25.00		Planning
Zoning Permit - Certificate of Zoning Compliance			Planning
Accessory Structures < 200 SF	$75.00		Planning
Fence (less than 6')	$75.00		Planning
Other	$75.00		
Definition of Terms			
* ***Fee Escrow:*** *City will maintain a fee escrow to cover all City review costs. Application fees include all professional fees and expenses incurred by the City.*			
** ***Security:*** *City will retain a security escrow to ensure completion of work as directed by the approved permit/application and compliance with the State Building Code and the City of Lake Elmo Municipal Code.*			
Adopted by City Council - 12-5-17			

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

RESOLUTION NO. 2018-039

RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-207 BY TITLE AND SUMMARY

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-207, an ordinance replacing the administrative provisions of the City's Zoning Code; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-207 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-207, which amends the City's 2018 Fee Schedule to decrease driveway permit fees with no curb cut; increase driveway permit fees with curb cuts; add an additional fee for a second driveway curb cut; add a development agreement amendment fee; and add a final plat extension fee.

The full text of Ordinance No. 08-207 is available for inspection at Lake Elmo city hall during regular business hours.

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

Dated: April 3, 2018

_____
Mayor Mike Pearson

ATTEST:

_____
Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

_____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.

STAFF REPORT

DATE: April 3, 2018
REGULAR
ITEM #: 16
MOTION

TO: City Council

FROM: Ben Prchal, City Planner

AGENDA ITEM: Mountain Biking – Reid Park

REVIEWED BY: Emily Becker, Planning Director

BACKGROUND:

Reid Park has expanded in size over the last few year due to development in the city. Previously Reid Park was 30 acres in size but with the park dedication lands from the Easton Village, Northport and North Star at Legacy developments the park has grown to over 45 acres. In addition, the City also owns land to the north of Reid Park that is partially used for an infiltration basin.

The topic of mountain biking at Reid Park has been brought up several times to the Parks Commission over the last few years.

June 2015

The parks commission started a preliminary discussion around Reid Park. During this discussion they created a wish list of items that they would like to see in the park, one such items was mountain bike trails "…mountain bike trail on the north side where the topography changes…" The commission then met at Reid Park for their July 20th meeting to further the development discussion.

April 2016

The parks commission had set goals for future discussion which included a connection from Easton Village, and the possibility for bike and walking trials.

May 2016

For the May meeting goals for future discussion were set to include:
Prepare for planning, use to-scale map method to look at land dedications, review notes from last public comments, and discuss access to Reid Park from Old Village and a connection from Easton Village, and the possibility for bike and walking trails.

June 2016

The parks commission had a discussion about the desired improvements to Reid Park. The first improvement listed was mountain biking trials.

> "Motion by Weis, seconded by Nelson to recommend approval of PR-006 as amended. The Parks Commission voted and recommended that $50,000 to construct mountain biking trails be procured from grants in 2018 and that $134,250 be dedicated from the Parks Fund for other above-described improvements in 2019. A priority ranking of 3 (Important) was assigned to this project. Motion passed 6-0."

Also during the Parks Commission workshop a tentative cost to develop trials was presented.

June 2016
Finance Committee reviewed the 2017-2021 Capital Improvement Plan (CIP) which included the Parks Commissions June 8th recommendations regarding Reid Park.

August 2016
Finance Committee reviewed the 2017-2021 Capital Improvement Plan (CIP) which included the Parks Commissions June 8th recommendations regarding Reid Park.

November 2016
Planning Commission held public hearing on 2017-2021 CIP. No public comments were made. Some commissioners expressed concern about mountain biking at Reid Park and whether there was a need for it. Recommendation to Council included the Parks Commission recommendation for Reid with no amendments.

December 2016
City Council reviewed the 2017-2021 CIP at both December meetings. Council approved the 2017-2021 CIP as recommended by Finance Committee. This included the mountain biking proposal for Reid Park for 2018.

February 2017
Hank Grey, who at the time was secretary of Stillwater Area Scholastic Cycling Advocates came to speak about the riding team. Hank had requested that the city allow them to use the park for mountain biking, stating that they had used it last year (2016) but wanted permission for further use. The commission had requested staff to report back if mountain biking was allowed within the park.

May 2017
The presentation to the parks commission for the 2018-2022 CIP had indicated that $50,000 could be received for donations to build mountain biking trials. Recommendation include modifications to PR-006, Reid Park Improvements due to concerns about park dedication funding levels. PR-006, Reid Park Improvements for $50,000 in 2018 (this would be a grant or in-kind donation for mountain bike trails) and $25,000 for widening the walking trails. In 2019 (tot lot, outdoor gym stations, bleachers), extending fencing, and elimination of basketball court (Phase II) for $34,250

June, July and September 2017
Finance Committee reviewed the 2018-2022 CIP which included the revised PR-006 project description as recommended by the Parks Commission.

November 2017
The conversation continued about mountain bike trials at the Parks Commission. Staff had been directed to reach out to 3rd parties, requesting that they identify which of the Lake Elmo parks would be best suited for trials. Both of the organizations which were contacted said Reid and Sunfish.

The Planning Commission held the public hearing on the 2018-2022 CIP. No public comments. Planning Commission recommended approval of the 2018-2022 CIP with the Reid Park Improvements as recommended by the Parks Commission.

December 2017
City Council approved 2018-2022 CIP which included the Reid Park Improvements, PR-006.

January 2018
Presented SASCA proposal and MOU.

February 2018
The proposal and MOU was approved as is by the Parks Commission.

PROPOSAL:

Use:
As indicated in the attached proposal SASCA would like to install 2+ miles of mountain bike trails within Reid Park. Though the primary design for the trials would be focused around the use of mountain biking, other groups could use the trials as well. Such as hikers, walkers, trail runners, and winter users such as snow shoeing and fat tire biking.

Some things to keep in mind.

- They will not use machine equipment to build the trails. Only that which can be handheld will be used.
- They will be developing the trail with volunteer labor.
- No trees over 4 inches at the base will be cut.
- They will be using/following the International Mountain Bicycling Association (IMBA) guidelines when it comes to the design and building of the trails.
- The proposed map needs to be looked at with flexibility. The route may change due to trees (the trail will be routed around mature trees), low spots, or other features that may hinder rider and other user experience.
- As with all parks it is the responsibility of the Public Works Department to maintain all amenities within the parks system. However, in this case SASCA has agreed to specifically maintain the mountain bike trails.

Wetlands:
Reid Park has two bodies of water that reside within the park. Neither of the lakes are located in the table within the City's shoreland ordinance nor do they appear on the DNR's lake finder search. Though there is a wetland within the park that does not mean biking would be restricted.

In previous conversations flooding in the park was presented as a potential issue for the trail system. Based off what we know today Reid is a natural low area with no outlet, it is expected to hold water until the pond drains naturally. The runoff from the neighboring developments adjacent to Reid were designed to flow away from the park, not into it. Beyond that, it is unknown at this time how or if flooding will affect the proposed trials.

Impact on surrounding properties:
The park is predominately surrounded by residential properties except for the northern portion of the park. The majority of the trail is kept internal and within the tree line to avoid running along the neighboring property lines. This will also help mitigate any visual impacts. With that said staff does not anticipate bikers would cause more of a nuisance than other users within the park.

There is a pedestrian entrance from Easton Village which those residents more than likely would use as access to the park as opposed to the main entrance. There is an established entrance with a parking lot which we would ask the riding team to use when they are building the trail as well as practicing together. Staff does not anticipate users to fill the lot except on a few occasions when the park is reserved or an event is taking place.

Impact to other users:
With the added amenity it is anticipated that the number of users in the park will increase. With the user type expected to vary the majority of the proposed trail is designed to mitigate the number of times it will cross over

into another use (walking trails). The design of the trail is predominately located in areas which do not have an established use, thus not actively used. It is important that the park be a safe and useful amenity for all residents and visitors, though incidents may occur as with any use, staff feel that the proposed design is appropriate. Staff also spoke with Oak Park Heights who had trails built by SASCA and the City of Woodbury, who used other resources to build their trails. Neither municipality mentioned any notable issue with different users. Though Woodbury did say they had to rework some intersections to promote a better sightline.

Signage:
Where intersections occur trails would be marked displaying the direction of travel and expectations. SASCA has agreed to provide these intersection markers. The signs would be on both the walking trail as well as the bike trail. Furthermore, if the City would like to make an investment for the trail, signage may be placed at the entrance to further inform users of expectations as well as conditions of trails after rain events. Such as: "Riders must wait 2 hours after a rain event before trail use" and "Be good stewards remove all trash". This type of sign is not being proposed by SASCA but instead may be an addition down the road.

Because SACA relies on donation they did not feel comfortable committing to any additional features (Signs or other) within the park.

Lighting:
There is no proposal of lighting and the regular hours of park use would still apply.

Liability:
After communication with the City insurance carrier, there would be no increase of cost by adding this amenity to the parks system. SASCA has provided proof of insurance and will include the City onto their policy.

FISCAL IMPACT:
Currently there would be no cost or increase in costs to the City. Funds would only be expended if the City would choose to make further investments into the park.

PARKS COMMISSION AND STAFF RECOMMENDATION:
Staff Comments: Given the current condition and manner in which the amenity will be added to the park, there appears to be minimal to no risk for the City financially or otherwise. The development would also provide a promising opportunity for community involvement and connection to the Stillwater School District. Also with its proximity to Easton Village and Northport it provides an opportunity for those children to have safe access to an active park. Both staff and public works, who would oversee the general maintenance and installment for the park, agree that over its lifetime this added use will not demand an increase on workload.

Though the motion passed with no amendments, comments made during the meeting led staff to include two additions to the MOU. The additions to the MOU include an annual audit which will be conducted by the City and the City will determine what the standards are for the trials. Also keep in mind the MOU which has been presented to you has been reviewed and improved by the City's attorney.

The Parks Commission as well as Staff recommends approving SASCA's proposal and MOU to develop mountain bike trails within Reid Park. After the presentation of the project at the February 21st meeting the Parks Commission voted to approve the proposal as is with no amendments to the plan or MOU.

Voting Outcome: 4 for yes, 2 for no, and 1 no vote.

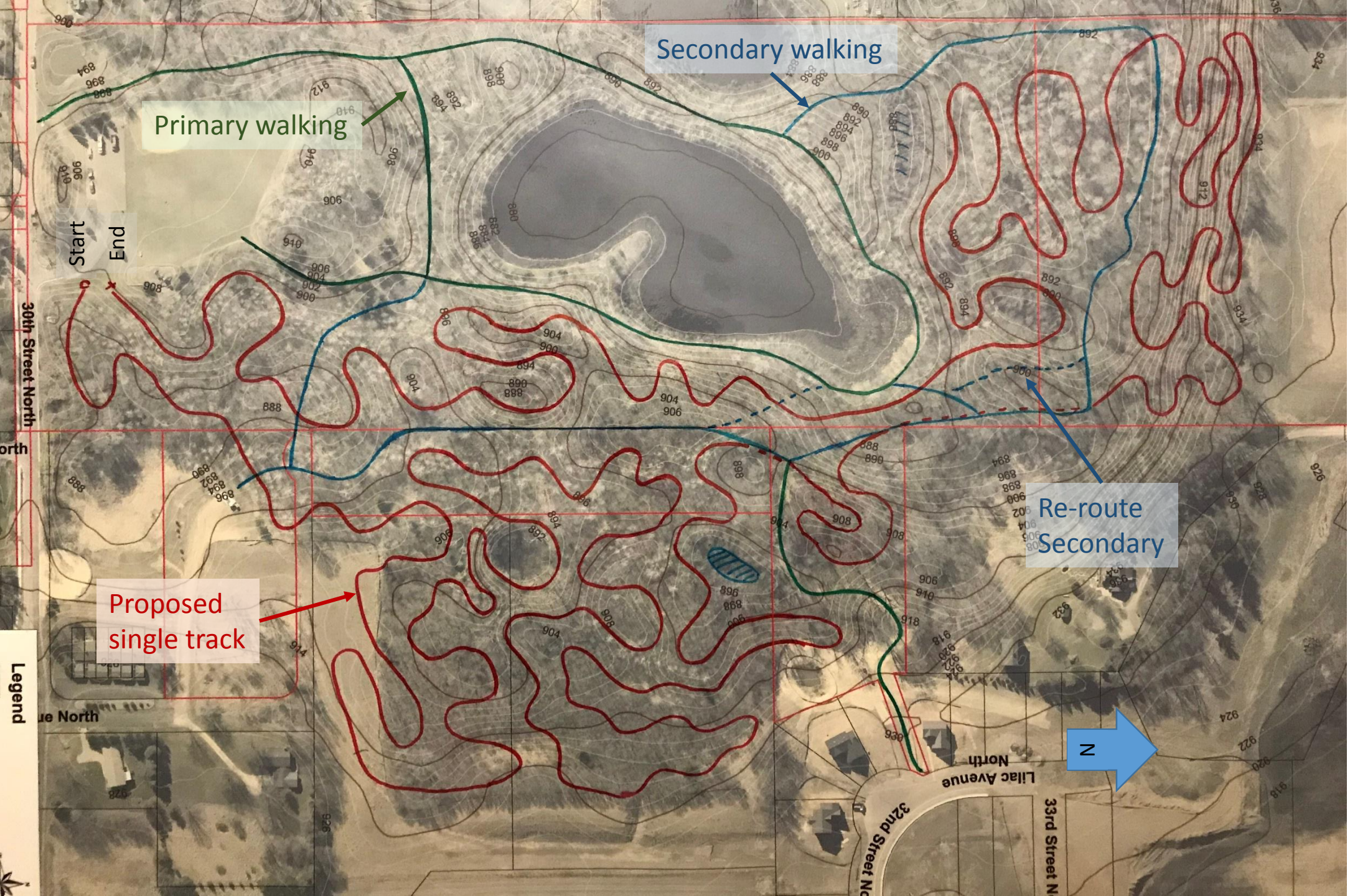
"Motion to adopt Resolution 2018-036 approving the design and construction of mountain bike trails within Reid Park."

OPTIONS:

1) Approval of trail development as proposed by SASCA as well as the MOU
2) Deny trail development as proposed by SASCA.
3) Amend the proposal and recommend approval of SASCA proposal and MOU.

ATTACHMENTS:

- Concept Map
- Memorandum of Understanding (MOU)
- Proof of insurance
- Costs
- Woodbury comments relating to their trail in Carver Park
- Letter(s) from the public
    - Stillwater Activities Director and Assistant Principal


Secondary walking
Primary walking
Start
End
Re-route
Secondary
Proposed
single track
N
Lilac Avenue
North
32nd Street
33rd Street
30th Street North
Legend

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

Stillwater Area Scholastic Cycling Advocates

AND THE

City of Lake Elmo

Reid Park – Lake Elmo, MN

This Memorandum of Understanding ("MOU"), dated as of this ____ day of _____, 2018 is entered into by and between the City of Lake Elmo, a Minnesota municipal corporation and Stillwater Area Scholastic Cycling Advocates, a Minnesota non-profit corporation ("SASCA").

SECTION 1 - INTRODUCTION AND PURPOSE

SASCA and the City are interested in promoting mountain biking as an outdoor recreation and fitness activity and in developing and maintaining quality trails for beginner to intermediate ability levels within Reid Park which is owned and operated by the City.

This MOU identifies specific projects, including the design and construction of mountain bike park trails, features, maintenance, and patrol activities, which SASCA volunteers have agreed to provide as a volunteer service to the City in Reid Park. This MOU also establishes the responsibilities and conditions under which SASCA's volunteer service will be provided and delineates the responsibilities of the City.

SECTION 2 – OWNERSHIP OF IMPROVEMENTS

All improvements constructed in Reid Park by the City or by SASCA shall be, and remain the property of the City. All plans and documents including records, data, and other information acquired, developed or documented under this MOU shall be the property of the originating party, unless otherwise mutually agreed upon by both parties.

SECTION 3 – TERM OF MOU

The term of this MOU shall commence on March 1, 2018, and end on February 28, 2020. The City and SASCA may agree to extend this MOU for additional one year terms upon the written approval of both parties.

SECTION 4 - SASCA VOLUNTEERS

Volunteers assigned to perform the work under this MOU at Reid Park will be considered volunteers of SASCA and will be covered under the policies and procedures of SASCA in relation to volunteer organization and management. SASCA volunteers are not employees or volunteers of the City, however, they will receive training by SASCA enabling them to represent the relationship between SASCA and the City.

SECTION 5 - SASCA RESPONSIBILTIES

SASCA shall be responsible for the following at no cost to the City:

a. Assisting the City with mountain bike trail design, construction, and maintenance in Reid Park. Trail development must conform to International Mountain Bike Association ("IMBA") guidelines and City approved designs. The standards for trail design, construction, and maintenance shall be ultimately determined by the City. SASCA shall be responsible for designing, constructing, and maintaining the approved trails. Trail construction and maintenance may include sculpting or removing dirt as needed throughout the mountain bike park. SASCA must obtain approval from the Public Works Director prior to using any chemical treatments in Reid Park.

b. Providing technical support to the City in determining the location and design of technical features on the mountain bike trails. Technical features must conform to IMBA guidelines and City approved designs and must be approved by the City.

c. Providing and supervising volunteers for mountain bike trail construction, maintenance, inspection, and construction of technical features. SASCA must train and supervise all volunteers in appropriate trail construction, inspection, and maintenance techniques in accordance with IMBA guidelines. SASCA volunteers must use Reid Park's established main entrance and parking lot.

d. Providing its volunteers with tools and equipment. SASCA will coordinate with Public Works to determine when it is acceptable to use power tools that may be heard by neighbors. The City may make hand tools available to SASCA and its volunteers upon request through the Public Works Director.

e. Identifying a crew leader and providing that person's name and contact information to the City Planner.

f. Coordinating volunteer work schedules and on-site public notification, when needed, with the City Planner and Public Works Director. If mountain bike trail construction or maintenance work will be done on the weekends, SASCA must notify the Public Works Department at least 48 hours in advance. In the event that larger equipment is needed for the trail work, notice must be given to the Public Works Department at least three days in advance.

g. Planning and testing of mountain bike trails and technical features. SASCA volunteers may use bikes in the on-site planning and testing of technical features and trails prior to opening features to the public.

h. In the event that SASCA is unable to safely and promptly address an identified issue with a mountain bike trail that may create an unsafe situation, the SASCA volunteer must immediately notify the City Public Works Director.

i. Submitting recommendations to the City for any significant mountain bike trail alignment changes that may be contemplated by SASCA in carrying out its volunteer duties as outlined in this MOU.

j. Recommending to the City for consideration the types of mountain bike trails, the locations of the trails, and types of trail signs to be used (directional, cautionary, and informational signs).

k. Installing trail signs (if requested by City).

l. Making recommendations to the City Planner and Public Works Director as to when to close and re-open mountain bike trails due to poor conditions or other unforeseen circumstances observed during bike patrol or maintenance activities.

m. Providing volunteers identified and trained by SASCA as trail stewards to ride, patrol, and monitor the mountain bike trails.

n. Reporting emergencies and non-emergency situations that occur in the mountain bike park such as suspicious activities, uncooperative behaviors, and unauthorized mountain bike park use. SASCA representatives should call 911 for emergency assistance. SASCA should contact the Washington County Sheriff's Office at 651-439-9381 for non-emergency situations.

SECTION 6 - CITY RESPONSIBILITIES

The City shall be responsible for the following:

a. Reviewing and approving mountain bike trail designs and implementation plans for all agreed to SASCA volunteer activities.

b. Conducting an annual audit of the mountain bike trail facilities for trail quality. The City shall share the results of the audit with SASCA so that any necessary changes can be made to improve the quality of the mountain bike trails.

c. Purchasing materials, if needed, to be used by SASCA for maintenance and upkeep of approved technical features and trail development.

d. Loaning hand tools to SASCA for its mountain bike trail construction and maintenance activities in Reid Park, upon request and approval of the Public Works Director.

e. Providing support for approved work on a schedule agreed to by the City Planner and Public Works Director.

f. Removing and disposing of yard waste (i.e. large quantities of buckthorn) generated during the construction of the mountain bike trail in Reid Park. SASCA must coordinate, in advance, with the Parks Department where and when to leave the waste.

g. Reviewing and approving recommended technical features, trail construction schedules, and trail maintenance schedules.

h. Recognizing SASCA's contributions for mountain bike trail design, construction, and maintenance by placing appropriate signage at a location approved by the City Planner.

i. Notifying SASCA of mountain bike park closures or events in Reid Park which affect the use of the mountain bike park so that SASCA may post this information on its web site.

SECTION 7 – INDEMNIFICATION AND INSURANCE

SASCA and the City each agree that they will be responsible for their own acts and the results thereof and shall not be responsible for the acts of the other party and the results thereof. Each party, therefor, agrees that it will assume all risk and liability to itself, its agents, officials, volunteers, and employees, for the injury to persons or property resulting in any manner from the conduct of its own operations and its accepted responsibilities found in this MOU.

The City does not provide any warranty or certification that Reid Park is best suited for the planned uses by SASCA.

SASCA shall provide the City with a certificate of commercial general liability insurance evidencing coverage of at least $1,000,000 of combined single limits covering claims that might be brought against SASCA or the City that arise out of the uses authorized by this MOU. SASCA must name the City as an additional insured on its policy with respect to the commercial general liability insurance. The certificate of insurance must be provided to the City Administrator prior to any trail construction commencing and subsequently not later than April 1st of each calendar year.

SECTION 8 – COMPLIANCE WITH LAWS

SASCA and its activities under this MOU must not interfere with the public's enjoyment of Reid Park. SASCA agrees that it will abide by all applicable laws and regulations, including, but not limited to, City ordinances.

SECTION 9 – TERMINATION

This MOU may be terminated by either party upon delivery of 30 day written notice to the other party.

SECTION 10 – AMENDMENT OR ASSIGNMENT OF MOU

This MOU shall not be altered, changed, or amended except by written mutual agreement of the parties. This MOU shall not be assigned by either party without the written permission of the other party. All prior agreements, resolutions, understandings, representations, whether consistent or inconsistent, verbal or written, concerning this MOU or the recreational facilities subject to this MOU are merged into and superseded by this MOU.

SECTION 11 - NOTIFICATIONS

Except as otherwise expressly provided in this MOU, a notice or other communication required by this MOU shall be delivered to the contact persons at the email addresses and phone numbers listed below:

SASCA Contacts:

Calvin Jones
SASCA Board of Director
651-472-7187
StillwaterMTB@gmail.com

Matt Lehmann
SASCA Board Member
651-387-8508
mattlehmann218@gmail.com

City of Lake Elmo Contacts:

Ben Prchal
City Planner
651-747-3911
bprchal@lakeelmo.org

Rob Weldon
Public Works Director
651-747-3941
rweldon@lakeelmo.org

SECTION 12 – EMPLOYEES

Nothing herein is intended or should be construed in any manner as creating or establishing the relationship of co-partners or a joint venture between the parties hereto or as constituting one of the parties as an agent, representative or employee of the other party for any purpose or in any manner whatsoever. Personnel assigned to perform work on the recreational facilities subject to this MOU by one of the parties shall not be considered temporary or permanent employees of the other party for any purpose whatsoever or be entitled to any rights or benefits by way of workers' compensation, unemployment insurance, medical and hospital care, sick and vacation leave, severance pay, PERA, or any other right or benefit of the other party.

SECTION 13 – SEVERABILITY

If any portion of this MOU is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of the MOU.

STILLWATER AREA SCHOLASTIC CYCLING ADVOCATES

By: _____

Its: _____

CITY OF LAKE ELMO

By: _____
Mike Pearson
Its: Mayor

By: _____
Julie Johnson
Its: City Clerk

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 01/12/2018

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

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

PRODUCER	CONTACT NAME: Alyssa Granato	
Pachner and Associates, LLC P.O. Box 140 Keene NY 12942	PHONE (A/C, No, Ext): (518) 576-2100	FAX (A/C, No): (866) 406-9548
	E-MAIL ADDRESS: alyssa@pachner.us	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A : United States Fire Insurance Co.	21113
INSURED SASCA DBA Stillwater Area Scholastic Cycling Advocate P.O. Box 815 Stillwater MN 55082	INSURER B :	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES CERTIFICATE NUMBER: CL1811209782 REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [ ] PRO-JECT [ ] LOC [ ] OTHER:	Y		USP251676	09/07/2017	09/07/2018	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 300,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ 2,000,000
							PRODUCTS - COMP/OP AGG	$ 2,000,000
								$
	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [ ] HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	$
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
								$
	[ ] UMBRELLA LIAB [ ] OCCUR [ ] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $						EACH OCCURRENCE	$
							AGGREGATE	$
								$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [ ] (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N / A					[ ] PER STATUTE [ ] OTH-ER	
							E.L. EACH ACCIDENT	$
							E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

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

Certificate holder is added as additional insured, but only with respect to liability arising out of the operations of the named insured. Subject to all policy terms, conditions and exclusions.

CERTIFICATE HOLDER

City of Oak Park Heights
14168 Oak Park Blvd N.
Oak Park Heights MN 55082

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

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ATTACHMENT C – *Optional trail enhancements*

Option	Line item	Cost
Signage	Map at entrance	$460
	Rules sign	$460
	Support materials	$150
Trail side work station	Tool stand	$800
	Pump	$400

All expenses shown are estimates. Options will be pursued with the Cities guidance provided funding is available either from fundraising, third party donations or directly from the City.

Below is a dialog of comments which came from Woodbury's Recreation Manager regarding Carver Lake Park, their only park with multi use trails (purpose built for mountain bikes)

Woodbury's Carver Lake Park has multiple amenities such as volleyball courts, beach, playground, and picnic areas. The park also contains 6 miles of multi-use trails which have been specifically designed for mountain bike use. With the trails being focused towards mountain bikers, all other trail users yield to them. With the trail being a one way single track, there needs to be a level of respect between riders and other trail and park users. The trails receive a wide range of cyclists from families with young kids to more mature riders. It was indicated that the majority of riders are mature professionals between the age of 30 and 40. Although there are more and more families and youth riding every year. It's also a hot spot for the HS league teams to practice and train.

It is to be understood that there could be some conflict between users especially when the trail crosses over a paved walking trail. After the trail construction they have gone back to rework the intersections to improve upon the safety and line of sight. Initially there were complaints and some are still received on occasion but they are shadowed by the amount of compliments which are received by users. Now that it has grown in popularity the park hosts youth and adult camps and clinics and one winter bike race each year.

One note (added by Woodbury staff)– This is simply and briefly explaining Woodbury's experience with our off-road cycling trail and park users. By no means are we recommending that Lake Elmo build a trail. It has to be a good fit for your community and we are not suggesting that you build or not build an off-road cycling trail.

Stillwater
AREA PUBLIC SCHOOLS

STILLWATER AREA HIGH SCHOOL
5701 Stillwater Blvd. N. | Stillwater, Minnesota 55082
Tel: 651.351.8040 | fax: 651.351.8049
www.stillwaterschools.org

3.16.18

Mayor Mike Pearson and City Council
3800 Laverne Ave. N.
Lake Elmo, MN 55042

RE: Stillwater/Lake Elmo Area Multi-Use Trail Development Support

To Whom It May Concern,

On behalf of the students, families, and activities hosted at Stillwater Area High School, we would like to offer our support regarding new trail development in the Stillwater area both by the County and City municipalities. The proposed multi-use trail system being considered for Reid Park located in Lake Elmo Minnesota as well as the Washington County trail connection planning that is currently being considered are all options that are exciting and meet needs specific to our students and families. Additionally with the advent of the highway 36 bridge, additional trail is being actualized, further making the Stillwater area a family destination, with trail access playing a large role. These trail development activities offer safe access to our students and provide greater opportunity for our school activities. Developing future citizens as a community school requires safe access to healthy lifestyle options which is partially answered in providing excellent access to parks and recreation areas.

What we know about healthy communities, is that more trail systems and access to parks is a priority. Specificialy at Stillwater Area High School, these trail planning initiatives play a critical role in the safety and level of opportunities available to our students. Cross Country Running, Track and Field, Cross Country Skiing and the Mountain Bike Team all access and utilize trails to safely practice. All of these activities have a long standing reputation for excellence including multiple state championships over the span of 100 years. These activities serve hundreds of students annually, and increased trail and park access is viewed as a benefit to their continued vitality.

Specific to Lake Elmo, Reid Park potentially offers an additional safe venue for these teams, as well as the future development of the County trail system. Furthermore, the families (many are residents of Lake Elmo) of these students and the entire community profit through these activities as the trail maintenance in Reid Park would be completed by volunteer organizations that promote lifelong sports with little cost to the city.

It is our hope that continued development of trail systems is fully considered and embraced to foster safe, healthy communities and lifelong activities. In this light we support the development of additional trail opportunities in and around Stillwater Area High School as the benefits are cross generational.

Sincerely,

Mr. Ricky Michael
Stillwater Area High School
Activities Director

Dr. Aaron M. Drevlow Ed.D.
Stillwater Area High School
Assistant Principal

CURIOSITY
Thrives Here

STAFF REPORT

DATE: April 3, 2018
REGULAR #17

AGENDA ITEM: Lake Elmo Avenue (CSAH 17) Phase 3 Pavement and Drainage Improvements – Approve Resolution of Support

SUBMITTED BY: Jack Griffin, City Engineer

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

ISSUE BEFORE COUNCIL: Should the City Council approve a Resolution of Support for the Lake Elmo Avenue (CSAH 17) Phase 3 Pavement and Drainage Improvements, from I-94 to 300 feet south of 30th Street North?

BACKGROUDN AND PROPOSAL DETAILS/ANALYSIS: Washington County is requesting from the City of Lake Elmo a resolution of support for the Lake Elmo Avenue (CSAH 17) Phase 3 Pavement and Drainage Improvements, from I-94 to 300 feet south of 30th Street North. The resolution of support expresses the City's support for the project, for the preliminary design layout as presented, and allows the County to proceed with the final project design and property acquisition with the intention to begin construction in 2018. Upon completion of the final design the County will request the City to enter into a Cooperative Cost Agreement for the Project.

The improvements include a full-depth reclaim pavement rehabilitation from I-94 to 20th Street, including the construction of new turn lanes at 5th Street North (Hunters Crossing & Southwind developments), at 24th Street North (new entrance for Royal Golf), and along CSAH 10 at the new Royal Golf entrance. Between 20th Street North and 30th Street North, the improvements will also include a full-depth reclaim pavement rehabilitation, however new concrete curb and gutter will be installed to replacement existing bituminous curb along the east side and to replace a rural section shoulder along the west side. Stormwater runoff will be captured and conveyed by the new concrete cub and gutter to various sump manholes to pretreat the storm water runoff prior to discharging to Lake Elmo.

FISCAL IMPACT: The County is requesting City cost participation in accordance with the County Cost Participation Policy, in the estimated amount of $58,500 and $83,000.

City cost participation includes a 50% cost share for the west side concrete curb and gutter between 20th Street and 30th Street, miscellaneous project overhead costs, and 55% cost share for right-of-way costs. In addition, the County will require cost reimbursement from the City in the estimated amount of $525,000 for the turn lanes at 5th Street North (Hunters Crossing/Southwind), 24th Street North (Royal Golf), and along CSAH 10 (Royal Golf). The City has included language in the respective development agreements to obtain turn lane cost reimbursement.

The County has applied for a VBWD community grant to cover a portion of the costs to enhance water quality through pretreatment prior to discharging to Lake Elmo.

RECOMMENDATION: Staff is recommending that the City Council approve a Resolution supporting Washington County's recommended layout for the Lake Elmo Avenue (CSAH 17) Phase 3 Pavement and Drainage Improvements, from I-94 to 300 feet south of 30th Street North. The recommended motion for the action is as follows:

"Move to approve Resolution No. 2018-035 Supporting Washington County's recommended layout for the Lake Elmo Avenue (CSAH 17) Phase 3 Pavement and Drainage Improvements, from I-94 to 300 feet south of 30th Street North."

ATTACHMENTS:

1. Resolution Supporting Washington County's recommended layout for the Lake Elmo Avenue (CSAH 17) Phase 3 Pavement and Drainage Improvements.

CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

RESOLUTION NO. 2018-035
A RESOLUTION APPROVING MUNICIPAL SUPPORT FOR THE LAKE ELMO AVENUE (CSAH 17) PHASE 3 PAVEMENT AND DRAINAGE IMPROVEMENTS, FROM I-94 TO 300' SOUTH OF 30TH STREET BY WASHINGTON COUNTY

WHEREAS, Washington County's Capital Improvement Program includes a pavement and drainage improvement project for Lake Elmo Avenue (CSAH 17) from I-94 to 300' south of 30th Street ('Project'), planned for construction in 2018; and

WHEREAS, the City of Lake Elmo, in coordination with Washington County and Valley Branch Watershed District, has engaged in a preliminary design effort that started in April of 2017; and

WHEREAS, the preliminary design effort included a community engagement process to gather and consider public feedback for the proposed improvements; and

WHEREAS, the County recommended Lake Elmo Avenue (CSAH 17) Project Layout, dated October 31, 2017, showing proposed roadway and drainage improvements for the Project has been prepared and presented to the City; and

WHEREAS, a preliminary project cost estimate for the Project has been prepared and presented to the City.

NOW, THEREFORE, BE IT RESOLVED,

1. The City of Lake Elmo supports the Washington County recommended layout for the pavement and drainage improvements along Lake Elmo Avenue (CSAH 17), from I-94 to 300' south of 30th Street; and

2. The City of Lake Elmo supports the County continuing with the development of final plans necessary for the construction of the Project.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE THIRD DAY OF APRIL, 2018.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)
ATTEST:

_____
Julie Johnson, City Clerk

STAFF REPORT

DATE: 4/17/2018
REGULAR
ITEM #: 18

TO: City Council

FROM: Emily Becker, Planning Director

AGENDA ITEM: Subdivisions Regulations Update

REVIEWED BY: Ben Prchal, City Planner

BACKGROUND:

An update to the City's Subdivision Regulations Ordinance is an item on the Planning Commission's 2018 Work Plan. Specific areas of focus as per the Work Plan include platting for minor subdivisions, updating subdivision submission requirements, and preparing an update to incorporate engineering standards. The Planning Commission reviewed and made various amendments to the ordinance at its February 26 and March 26, 2018 meetings.

ISSUE BEFORE COUNCIL:

The Council is being asked to review proposed amendments to the City's subdivision regulations and adopt an ordinance making those amendments.

PROPOSAL DETAILS/ANALYSIS:

The following provides explanation of the proposed amendments:

Scope. Minn. State Statute 462.352 Subd. 12 excepts the following separations from subdivision regulations. This has been added to the Section 153.02: Generally, Subd. B in order to align with State Statute.

> *(1) where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses;*
>
> *(2) creating cemetery lots;*
>
> *(3) resulting from court orders.*

Metes and Bounds. The purpose of this Section is to delineate properties that have been subdivided or platted in the past and those that may be subdivided in the future that did not receive or are not required to receive City approval. This means that if a property was subdivided prior to the time frames outlined below, the city could not go back now and say that because under the City's current regulations, the subdivision approval would have been required that it must be approved by the City. This does not mean that if the

property is further subdivided in the future (or now) that subdivision approval is not required, unless it met certain exceptions.

- **Current Subdivision Regulations.** The current subdivision regulations place the following restrictions on filing and recording conveyances of land which is described by metes and bounds:

  "(A) No conveyance of lands to which the regulations contained in this chapter are applicable shall be made and no conveyance of land to which the regulations contained in this chapter are applicable shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after 10-3-1968, or to an unapproved plat made after 10-3-1968.

  (B) The foregoing provision does not apply to a conveyance if the land described:

  (1) Was a separate parcel of record 10-3-1968, or as to lands within the jurisdictional boundaries of the Old Village prior to its consolidation with the Town of East Oakdale if the land was a separate parcel of record 6-4-1974;

  (2) Was the subject of a written agreement to convey, entered into prior to the time;

  (3) Has been divided in accordance with § 153.10(B); is a single parcel of land having not less than 5 acres and having a width of not less than 300 feet and its conveyance does not result in the division of a parcel into 2 or more lots or parcels any 1 of which is less than 5 acres in area or 300 feet in width; and/or

  (4) Has been approved as an exception to platting pursuant to § 153.09."

- **Minnesota Statute Regulations.** State Statute 462.358 Subd. 4b. states the following:

  *Subd. 4b.**Restrictions on filing and recording conveyances.***

  (a) In a municipality in which subdivision regulations are in force and have been filed or recorded as provided in this section, no conveyance of land to which the regulations are applicable shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961 or to an unapproved plat made after such regulations become effective.

  (b) The foregoing provision does not apply to a conveyance if the land described:

  (1) was a separate parcel of record April 1, 1945 or the date of adoption of subdivision regulations under Laws 1945, chapter 287, whichever is the later, or of the adoption of subdivision regulations pursuant to a home rule charter, or

  (2) was the subject of a written agreement to convey entered into prior to such time, or

  (3) was a separate parcel of not less than 2-1/2 acres in area and 150 feet in width on January 1, 1966, or

  (4) was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980, or

  (5) is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width, or

(6) is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.

(c) In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the platting authority may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded.

(d) Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this subdivision shall forfeit and pay to the municipality a penalty of not less than $100 for each lot or parcel so conveyed.

(e) A municipality may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.

- **Staff Analysis.** Staff proposes the following:
  - With respect to the conflict with the dates, the statute says that no conveyance that has not been approved by a city is allowed if the land described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961 or to an unapproved plat *made after such regulations became effective.* It appears from reading the City's ordinance (paragraph (A)), that its subdivision regulations must have been effective on October 3, 1968, and so this is why this date was used instead of April 21, 1961. Since the statute contemplates using the date that the City's regulations became effective if that date is later, the October 3, 1968 date should remain.
  - This is also true with paragraph (B)(1) of the ordinance ("was a separate parcel of record 10-3-1968, or as to lands within the jurisdictional boundaries of the Old Village prior to its consolidation with the Town of East Oakdale if the land was as separate parcel of record 6-4-1974") and this paragraph should remain as is.
  - Paragraph (B)(2) of the ordinance is consistent with the statute, so it should remain.
  - Paragraph (B)(3) should be broken into two paragraphs so that it is consistent with the statute (the statute has different exceptions applicable to commercial/industrial parcels and residential/agricultural parcels). The statute is actually stricter than the City's code.
  - Paragrah (B) (4) should be removed because it technically states that no city approval is needed if the parcel qualifies as exception to platting under Section 153.09. Staff believes it was not the intention of the City to make properties that are not required to be platted not require any City approval, as Section 153.09 still requires minor subdivision or lot line adjustment approval by the City in those cases.

Building Permits. Because the City's development agreement template is amended from time and time, especially as it pertains to requirements required to be completed prior to the issuance of building permits and certificates of occupancy. Because of this, the proposed amendment refers the release of these items as set forth by the development agreement.

Consistency with the Comprehensive Plan and Zoning District. There is currently no language that explicitly requires that subdivisions be executed in accordance with the City's Comprehensive Plan and Zoning District. The proposed amendment specifies this requirement.

Preliminary and Final Plat Submission Requirements. There are a number of items that are required within the checklist of the City's Preliminary and Final Plat applications that Staff require to thoroughly review applications that are proposed to be codified within this ordinance.

Exceptions to Platting. The current ordinance allows the following exceptions to platting:

- **Minor Subdivision.** The current ordinance exempts platting for minor subdivisions, which is the division of land which results in no more than 4 parcels that comply with minimum lot dimension and public frontage requirements.
  - *State Statute Requirements.* State Statute requires platting for subdivision of property in to five or more lots which are 2.5 acres in size or less. The current ordinance is stricter than State Statute in that it requires platting for subdivision of property in to four parcels or less.
  - *Platting vs. Metes and Bounds.* However, the County typically prefers platting, and platting may minimize property line disputes, as monuments/markers which are referred to in metes and bounds descriptions may move or disappear over time, and platting makes for a much clean property description.
  - *Proposed Amendment.* At its last meeting during which this topic was discussed, the Planning Commission recommended that Staff draft an ordinance which required platting for the subdivision of a property in to four parcels or less but that did not require as lengthy or costly of a process as subdivision of a parcel in to many more parcels would require. As presented during this last meeting, it is typical for cities to require platting of properties when a subdivision of a property in to more than two parcels occurs. The proposed amendment requires this, and also breaks sections down in to the following sections – minor subdivisions, major subdivisions – sketch plan review, major subdivisions – preliminary plat, and major subdivisions – final plat.
  - *Previous Requirement for Minor Subdivision.* Minor subdivisions previously only required the following:
    - Name, address, and telephone number of the property owner/applicant and evidence of title;
    - A legal description of the parcel which is being subdivided and legal descriptions for each of the resulting parcels;
    - A written description stating the reason for the request; and
    - A land survey prepared by and signed by a registered land surveyor describing the minor subdivision, and/or lot line adjustment and showing all buildings, driveways, easements, setbacks, and other pertinent information including the legal descriptions herein required.
  - *Proposed Requirements.* With the proposed amendment, an applicant for a minor subdivision would now be required to submit the following:
    - A preliminary plat prepared by a registered land surveyor.
    - Drainage, grading and erosion control plans.
    - Existing and proposed lowest floor elevations for each lot.
    - Wetland delineation report and map.
    - Soil testing for the installation of individual subsurface sewage treatment system.

- If driveways to a state or county highway are required, driveway permits or a letter of intent to approve said driveways from the applicable road authority.
- A public hearing is also required, whereas it previously was not. Because of this, a certified list of property owners within 350 feet is required.
- Previously, there was no set deadline by which to record the minor subdivision. Now, there is a 120 day deadline, which is a requirement of platting in the existing ordinance.
- A minor subdivision still does not require a landscape plan.
- *Time Restriction for Recording of Minor Subdivision.* The proposed amendment sets forth the requirement that the minor subdivision be recorded within 120 days of approval. This is already a requirement for final plats, but there currently is no such requirement for a minor subdivision.

Lot Line Adjustment. The previous ordinance designated lot line adjustments as the division of land which results in no more than 4 parcels which do not comply with the city's minimum lot dimension and/or pubic road frontage requirements for the zoning district in which the land is located.

- *Clarification of Language.* A lot line adjustment should be just that – an adjustment of a lot line, not a division of land. The proposed amendment amends language to specify this. The proposed amendment explicitly explains that lot line adjustments shall not create a new lot or outlot. Additionally, it is also clarified that lot consolidation also requires approval, as lot consolidation could ultimately decrease required density and pose issues with easements (the need to vacate and create new easements, etc.).
- *Re-location of Language.* The proposed amendment places the lot line adjustment/lot consolidation language before the minor subdivision language. Much of the previous language presented at the previous Planning Commission meeting during which the subdivision ordinance was discussed has been kept.

City Council Action for Preliminary Plat. There is added language that allows City Council to review a preliminary plat application 60 days after the first Planning Commission meeting at which the preliminary plat was considered, regardless of whether or not a recommendation by the Commission has been made. The previous language allowed the Council to consider a preliminary plat application 30 days after the close of the public hearing, but this could potentially cause delays if the Planning Commission fails to close the public hearing within a certain amount of time and potentially cause the City to not meet the 120 day deadline required for preliminary plat.

Design Standards, Required Improvements. The addition of language that the design of required improvements must meet plan sheet requirements set forth by the City Engineering Design and Construction Standards Manual will refer the applicant to those standards. Because those standards are constantly evolving, it would not make sense to codify the particular requirements. The only other change proposed for design standards is that lot remnants may be used as outlots for city, landscaping or trail purposes as approved by the City. The Commission may wish to make recommendation to changes to these standards.

Park Land Dedication Requirements. The two tables that outline park dedication requirements for specific zoning districts for residential subdivisions that result in 3 or more parcels and commercial development have been consolidated. Additionally, a policy regarding the dedication of trails for parkland dedication is outlined. The City has generally used this as a policy, but the proposed amendment outlines this policy.

The Commission had wished the Council to review the fees associated with required fees for subdivisions which result in subdivisions of less than three parcels and commercial subdivisions. The City requires such fees in order to create a sufficient supply of public recreational space to accommodate the reasonable needs of the public.

The current fee for residential subdivision resulting in 3 or fewer parcels is $3600 per new lot created, and the current fee for commercial subdivisions is $4500 per acre. The required dedication for residential subdivision of more than three lots is within the ordinance.

If the fees are to be amended, this can be done so through adoption of a separate Ordinance. Staff would recommend that the Parks Commission review these fees before they are amended if directed to do so by Council.

Security Reduction. Security reduction is as outlined per the development agreement. There was previous language that required that the City be issued a warranty bond be issued for a time period of two years after acceptance of improvements for 100% of the cost of the improvements within the subdivision. Currently, the development agreement outlines security reductions, and so the proposed amendment references the development agreement, as the template is usually ever-changing.

Planning Commission Review. As previously mentioned, the Planning Commission reviewed proposed amendments to the City's Subdivision Regulations ordinance at its February 26 and March 26 meetings. The Planning Commission's revisions are incorporated in to the Ordinance.

- *Metes and Bounds*. The only major outstanding concern that the Planning Commission voiced was defining either residential or agricultural land vs. commercial or industrial land that are described as exceptions to the standard that property cannot be conveyed that is described as metes and bounds. Their concern was that the lack of direction on how to define these types of properties (through the Land Use Map of the Comprehensive Plan, zoning districts, etc) and what to do in the case of a Mixed Use land use or zoning district could make it difficult to administratively allow conveyance of properties by metes and bounds if they met the exception. The City Attorney has been consulted regarding this.
- *Bond vs. Letter of Credit.* The City generally prefers letters of credit as opposed to bonds, as letters of credit are easier to draw upon. The Planning Commission was concerned about removing the option of providing a bond, but understood the City's concern, and so recommended that bonds be accepted as approved by Council.

FISCAL IMPACT:

None.

OPTIONS:

The Council may:

- Adopt Ord. 08-205 approving proposed amendments to the City's Subdivision Regulations Ordinance.
- Specify desired amendments, deletions or additions to the proposed amendments to the City's Subdivision Regulations Ordinance and adopt Ord. 08-205 as amended.
- Do not adopt Ord. 08-205

RECOMMENDATION:

Staff and the Planning Commission recommend that Council adopt Ord. 08-205 approving amendments to the City's Subdivision Regulations.

"Move to adopt Ord. 08-205 approving amendments to the City's Subdivision Regulations."

Additionally, Staff recommends that the Council adopt Resolution 2018- authorizing summary publication of Ord. 08-

"Move to adopt Resolution 2018-205 authorizing summary publication of Ord. 08-205."

ATTACHMENTS:

- Draft Ord. 08-205
- Summary Publication Resolution 2018- 037

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-205

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY AMENDING THE SUBDIVISION REGULATIONS ORDINANCE

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 153: Subdivision Regulations by amending the following:

Section

153.01 Regulations established
153.02 Generally
153.03 Definitions
153.04 Registered land survey
153.05 Conveyance by metes and bounds and other unapproved descriptions
153.06 ~~Platting~~ Lot Consolidation/Lot Line Adjustment
153.07 ~~Preliminary plat~~ Minor Subdivisions
153.08 ~~Final plat~~ Major Subdivisions – Sketch Plan Review
153.09 ~~Exceptions to platting~~ Major Subdivisions – Preliminary Subdivision Approval
153.10 Major Subdivisions – Final Subdivision Approval
153.11 Variances; standards; platting
153.12 Variance procedures
153.13 Planned Unit Developments (P.U.D.)
153.14 Design standards; required improvements
153.15 Park land dedication requirements
153.16 Required improvements; financial arrangements
153.17 Fees
153.18 Violations

§ 153.01 REGULATIONS ESTABLISHED.

No land shall be subdivided, nor shall any land be platted, in the City except as provided by this chapter.

(1997 Code, § 400.02) Penalty, see § 10.99

§ 153.02 GENERALLY.

(A) *Purpose.* In order to provide for orderly, economic, and safe development of land, necessary urban services and facilities, and to promote the public health, safety, morals as to the urban services and facilities, the following subdivision regulations are adopted by the Council of the City. It is the intent of the City to protect the right of landowners to put their land to its highest and best use and protect each owner's right to full beneficial use of his or her land insofar as the use and enjoyment may be accomplished without detriment to the public interest and within the minimum standards established by this chapter.

(B) *Scope.* The provisions of this chapter apply to any division of a tract of land into 2 or more parcels for the purpose of transfer of ownership, building development, or tax assessment purposes by platting, re-platting, registered land survey, conveyance, sale, contract for sale or any other means by which a beneficial interest in land is transferred or any means by which a tract of land is divided into 2 or more parcels for tax assessment purposes, except those divisions:

(1) where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses;
(2) creating cemetery lots; or
(3) resulting from court orders.

(C) *Approval necessary for acceptance of subdivision plats.* Before any plat or subdivision shall be recorded or be of any validity, it shall be referred to the Planning Commission and approved by the Council as having fulfilled the requirements of this chapter.

(D) *Building permits.* No building permits shall be issued for the construction of any building, structure, or improvement to any land or lot in a subdivision, as def~~used~~ined in this chapter, until all requirements of this chapter have been satisfied, with the following exceptions.

(1) Building permits may be issued for model homes after approval of the final plat by the council upon receipt of a signed developers agreement ~~which shall include security for improvements, both which shall be in a form approved by the City Attorney~~. The issuance of building permits for model homes shall be in accordance with the signed development agreement.

(2) Developer shall agree in writing to indemnify and hold harmless the City for damages that may occur as a result of the model home construction prior to the required improvements being completed.

(3) No certificate of occupancy shall be issued by the City ~~until the first lift of blacktop is completed.~~ until all applicable requirements set forth by the development agreement have been met.

(4) Traffic and parking arrangements relating to model homes shall be subject to the City's review and approval.

(Am. Ord. 9707, passed 5-20-1997)

(E) *Conflicts.* Whenever there is a difference between minimum standards or dimensions required by this chapter or other ordinances of the City, the most restrictive standards of dimensions shall apply.

(F) *Flood plain management.*

(1) No land shall be subdivided which is held unsuitable by the Council for reason of flooding, inadequate drainage, water supply, or sewage treatment facilities. All lots within the flood plain shall contain a building site at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage disposal facilities that comply with the provisions of this chapter, and have road access both to the subdivision and to the individual building sites no lower than 2 feet below the regulatory flood protection elevation.

(2) In the general flood plain district, applicants shall provide the information required in § 152.1~~1~~0. The Council shall evaluate the subdivision in accordance with procedures established in this chapter and standards contained in § 152.07.

(G) *Consistency with Comprehensive Plan and Zoning District.* Subdivision of property shall be in compliance with the City's Comprehensive Plan and zoning district in which the property is located.

(1997 Code, § 400.03) Penalty, see § 10.99

§ 153.03 DEFINITIONS.

Unless specifically defined in this chapter, common definitions, words, and phrases used in this chapter shall be interpreted so as to give them the same meaning as they have in common usage throughout this code and are found in § 11.01.

(1997 Code, § 400.04)

§ 153.04 REGISTERED LAND SURVEY.

No registered land survey of lands in the City shall be recorded with the Registrar of Titles until the registered land survey ~~shall have~~ has been approved by the City. The approval shall be indicated by resolution endorsed on or attached to the registered land survey signed by the ~~chair of the Planning Commission,~~ Mayor~~,~~ and City Clerk~~ Administrator~~. No registered land survey shall be approved by the City or signed by the officers if the recording of the registered land survey will result in a subdivision in violation of any provision, regulation, or requirement of this chapter.

(1997 Code, § 400.05)

§ 153.05 CONVEYANCE BY METES AND BOUNDS AND OTHER UNAPPROVED

+>DESCRIPTIONS.

(A) No conveyance of lands to which the regulations contained in this chapter are applicable shall be made and no conveyance of land to which the regulations contained in this chapter are applicable shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after 10-3-1968, or to an unapproved plat made after 10-3-1968.

(B) The foregoing provision does not apply to a conveyance if the land described:

(1) Was a separate parcel of record prior to or on 10-3-1968, or as to lands within the jurisdictional boundaries of the Old Village prior to its consolidation with the Town of East Oakdale if the land was a separate parcel of record 6-4-1974;

(2) Was the subject of a written agreement to convey, entered into prior to ~~the time~~ 10-3-1968;

(3) ~~Has been divided in accordance with § 153.10(B);~~ ~~i~~Is a single parcel of residential or agricultural land having not less than ~~5~~ 20 acres and having a width of not less than ~~300~~ 500 feet and its conveyance does not result in the division of a parcel into 2 or more lots or parcels any 1 of which is less than ~~5~~ 20 acres in area or ~~300~~ 500 feet in width; and/or

(4) Is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width;

~~(4) Has been approved as an exception to platting pursuant to § 153.09.~~

§ 153.06 LOT CONSOLIDATION/LOT LINE ADJUSTMENT.

(A) *Purpose and Intent.* The lot consolidation/lot line adjustment process provides a simple administrative procedure for the consolidation of 2 or more lots into 1 parcel, or to adjust a common lot line affecting existing parcels. In areas that are well defined and land descriptions are simple, the City may permit the conveyance of land using metes and bounds descriptions or without the preparation and recording of a plat. In areas which are not well defined, or where lots are irregular in shape and/or are included in more than one plat, the City may require that lot consolidation/lot line adjustment occur through the major or minor subdivision platting requirements of this chapter.

(B) *Criteria for Lot Line Adjustment/Lot Consolidation.* Lot line adjustments exempted from platting by Minnesota Statute 462.352, Subd. 12 and shall not require a plat or replat and may be administratively approved, provided all of the following are met:

(1) Each resultant parcel equals or exceeds the minimum lot dimension requirements and public road frontage requirements for the zoning district in which the property is located or is made more conforming through the lot line adjustment;

(2) The lot line adjustment does not create additional lots.

(3) The lot line adjustment shall not cause any structure on the property to be made non-conforming or in violation of the Zoning Chapter or any other provisions of the City Code.

(4) All resultant parcels shall have frontage and access on an existing improved street or access to an existing improved street protected by a restrictive covenant approved by the City Attorney which includes the City as a beneficiary.

(5) The resulting parcels shall generally conform to the shape, character, and area of existing or anticipated land subdivisions in the surrounding areas.

(6) Any such lot line adjustment shall not require any public improvements.

(7) Any easements that become unnecessary as a result of the combination of parcels must be vacated. A request to vacate easements shall be made concurrently with the application for lot consolidation/lot line adjustment. Review of the easement vacation request, including any public hearings and City Council action, shall be completed before action may be taken on the application for lot consolidation/lot line adjustment.

(8) New easements shall be established as appropriate.

(C) *Subdivision of Property for Public Purpose.* Alternatively, the subdivision of property resulting from acquisition by governmental agencies for public improvements or uses may be processed in the same manner as a lot line adjustment or lot consolidation.

(D) *Submittal Requirements.* Requests for lot line adjustments or lot consolidation shall be filed with the Zoning Administrator on an official application form. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.

(1) A fee as set forth by the City's adopted fee schedule.
(2) Detailed written and graphic materials fully explaining the proposed lot line adjustment.
(3) A legal description of the parcel which is being subdivided and legal descriptions for each of the resulting parcels; and, in regard to lot line adjustments, legal descriptions for the adjusted or consolidated parcels;
(4) A written description stating the reason for the request; and
(5) A land survey prepared by and signed by a registered land surveyor describing the lot line adjustment and showing all buildings, driveways, easements, setbacks, and other pertinent information including the legal descriptions herein required.
(6) A title search showing ownership of the property and any existing deed restrictions.
(7) Other information shall be provided as may be reasonably requested by the City staff.

(E) *Review of lot line adjustment or lot consolidation.* A completed application shall be reviewed administratively by the Zoning Administrator who shall make a written finding in regard to the provisions of division (B) above. The Zoning Administrator's approval shall be conditioned upon recording of documents which effectuate the lot line adjustment or lot consolidation and any other conditions deemed necessary to ensure compliance with the Zoning Code. Unless a request for additional review time is requested by the Zoning Administrator, action on the application shall be taken within 60 days after a complete application is submitted. Prior to the issuance of any development permits, and no later than 60 days after administrative review and approval, the applicant shall provide the Zoning Administrator with recorded documents or recorded document numbers for the deeds of conveyance which effectuate the lot line adjustment or lot consolidation. Failure to provide the required verifications within the required time shall invalidate the Zoning Administrator's approval.

(F) *Certification of Taxes Paid.* Prior to approval of an application for a lot line adjustment or lot consolidation, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the lot line adjustment or lot consolidation application relates.

(1997 Code, § 400.06) Penalty, see § 10.99

§ 153.07 MINOR SUBDIVISIONS.

(A) *Purpose and Intent.* The purpose of a minor subdivision process is to allow the City to waive certain procedures and requirements of a major subdivision. The purpose is to reduce the time and cost to the property owner for dividing land in locations and situations that are well defined and where no new public infrastructure is required. The minor subdivision process allows for concurrent review and approval of a Preliminary and Final Plat.

(B) *Criteria for Minor subdivision.* A minor subdivision is a division of land which results in no more than 4 parcels wherein:

(1) Each resultant parcel meets all applicable requirements of the Zoning Code, including but not limited to density, lot size, lot width, and minimum frontage on a public road, unless a variance has been approved according to the procedures set forth in 153.11.

(2) No new public rights-of-way or streets shall be necessary for or created by the subdivision.

(3) Streets, utility easements, drainage easements or public park land or cash in lieu of land shall be dedicated or fees paid in lieu of dedication as required by the City.

(4) All wetland areas and Minnesota Department of Natural Resources protected waters shall be protected with a conservation easement up to the 100-year flood level

(5) The minor subdivision complies with all applicable requirements of the road authority, including access spacing and location criteria for sight distances if located adjacent to a state or county highway, and/or of the watershed district(s) in which it is located.

(C) *Submittal Requirements.* Requests for minor subdivision shall be filed with the Zoning Administrator on an official application form. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.

(1) A fee as set forth by the City's adopted fee schedule

(2) Detailed written and graphic materials fully explaining the proposed minor subdivision

(3) List of property owners located within 350 feet of the subject property in a format prescribed by the Zoning Administrator

(4) A preliminary plat prepared by a registered land surveyor in the form required by M.S. Ch. 505, as it may be amended from time to time, and the name, address, and registration number of the surveyor, which includes:

a. Graphical scale not more than 1 inch equals 100 feet.
b. North point indication.
c. Original and proposed lot boundaries.
d. Topographic data at 2 foot contours.
e. Existing and resulting parcel legal descriptions.
f. Buildable area on each lot and proposed building pad.
g. The location of existing structures on the site.
h. Existing and proposed driveway locations.
i. Existing easement locations.
j. Existing parks, streets and utility easements.
k. Delineated wetlands and water bodies including ordinary high water elevations and floodplain boundaries as applicable.
l. Sewage treatment systems and/or well locations.
m. Location and size of existing sewers, water mains, wells, culverts, or other underground utilities within the tract and to a distance of-150 feet beyond the tract, the data as grades, invert elevations, and locations of catch basins, and manholes shall also be shown;

(5) Drainage, grading and erosion control plans, if applicable.

(6) Existing and proposed lowest floor elevations for each lot.

(7) Soil testing for the installation of subsurface sewage treatment system, if applicable.

(8) If driveways to a state or county highway are required, driveway permits or a letter of intent to approve said driveways from the applicable road authority.

(9) Any additional information if deemed necessary and required by the Zoning Administrator. The Zoning Administrator may waive for good cause certain information requirements not pertinent to the particular minor subdivision request.

(D) *Review of Minor Subdivision.*

(1) *Review by staff and other commissions or jurisdictions.* The City shall refer copies of the preliminary plat to the City Engineer, Planner, Attorney, the Parks Commission, and the appropriate county, state, or other public agencies for their review and comment. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and to provide general assistance in preparing a recommendation on the action to the Planning Commission and Council.

(2) *Public Hearing Set.* Upon receipt of a complete application, the Zoning Administrator shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing, and report its findings and make recommendation to Council. Notice of said hearing shall consist of a legal property description and a description of the request, which shall be published in the official newspaper at least 10 days prior to the hearing and written notification of said hearing shall be mailed at least 10 days prior to the hearing to all owners of land within 350 feet of the boundary of the property in question. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Chapter.

(3) The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request as it deems necessary to carry out the intent and purpose of this Chapter.

(4) The City Council shall not approve a minor subdivision until it has received a report and recommendation from the Planning Commission and the City staff, or until 60 days after the first regular Planning Commission meeting at which the request was considered.

(5) Approval of a minor subdivision shall require passage of a resolution by a majority vote of a quorum of the City Council.

(6) Prior to certification by the City of the approval of the minor subdivision, the applicant shall submit the final plat for signature, supply the deed(s) granting the City any easements required by the City and pay any required fees.

(7) Whenever an application for a minor subdivision has been considered and denied by the City Council, a similar application for a minor subdivision affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least 6 months from the date of its denial

unless a decision to reconsider such matter is made by a majority vote of the entire City Council.

(E) *Recording of the Minor Subdivision.* If the minor subdivision is approved by the Council, the subdivider shall record it with the County Recorder within 120 days after the approval. If not filed within 120 days, approval of the minor subdivision shall be considered void, unless a request for time extension is submitted in writing and approved by the Council. The subdivider shall, immediately upon recording, furnish the Zoning Administrator with copies of the recorded documents which effectuate the minor subdivision. No building permits shall be issued for construction of any structure on any lot within the approved minor subdivision until the City has received evidence of the plat being recorded by the County.

(F) *Financial Guarantee.* Following the approval of a minor subdivision as required by this Section and prior to the issuing of any building permits or the commencing of any work, the applicant may be required to guarantee to the City the completion of any improvements as shown on the approved plans and as required as a condition of minor subdivision approval.

(G) *Certification of Taxes Paid.* Prior to approval of an application for a minor subdivision, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the minor subdivision application relates.

§ 153.08 MAJOR SUBDIVISIONS-SKETCH PLAN REVIEW ~~PLATTING~~.

~~(A) *Platting required.* Except as provided in § 153.09, platting shall be required for the subdivision of a tract of land which is to be divided into 3 or more lots or parcels for the purpose of transfer of ownership, building development, or for tax assessment purposes.~~

~~(B) *Pre-application.*~~

(A) ~~*(1)Sketch plan*~~ *Purpose and Intent*. In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this chapter and the requirements or limitations imposed by other City ordinances or plans, prior to the development of a preliminary plat, applicants are required to submit a sketch plan to the City for review. ~~the subdivider shall meet with the Planning Commission and prepare a sketch plan which explains or illustrates the proposed subdivision and its purpose. The Planning Commission shall accept the information received, but take no formal or informal action which could be construed as approval or denial of the proposed plat.~~

(B) ~~*(2)* Subm*ission*~~*ittal requirements.* ~~The owner shall prepare and submit a sketch plan, together with any necessary supplemental information. The plan shall contain the information set forth below. (C) General provision (pre-application)~~ Requests for major subdivision shall be filed with the Zoning Administrator on an official application form.

The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.

(1) A fee as set forth by the City's adopted fee schedule

(2) Detailed written and graphic materials fully explaining the proposed major subdivision

(3) List of property owners located within 350 feet of the subject property in a format prescribed by the Zoning Administrator

(4) A scaled drawing which includes:

~~(2) Names and addresses of all persons having property interest, the developer, the designer, and surveyor together with the interested person's registration number;~~

a. Locations of boundary lines in relation to a known section, quarter section, or quarter quarter section line comprising a legal description of the property;

b. Graphical scale not less than 1 inch equals 100 feet.

c. Data and north point.

d. ~~(D)~~ Existing conditions.

i. ~~(1)~~ Boundary line of proposed subdivision, clearly indicated;

ii. ~~(2)~~ Existing zoning classification for land within and abutting the subdivision;

iii. ~~(3)~~ A statement on the acreage and dimensions of the lots;

iv. ~~(4)~~ Location widths and names of existing or previously platted streets or other public ways, showing type, width, and conditions of improvements, if any, railroad and utility rights-of-way, parks and other open spaces, permanent buildings and structures, easements in section and corporate lines within the tract and to a distance of ~~350~~ 150 feet beyond the tract;

v. ~~(5)~~ Location and size of existing sewers, water mains, wells, culverts, or other underground utilities within the tract and to a distance of ~~350~~ 150 feet beyond the tract, the data as grades, invert elevations, and locations of catch basins, and manholes shall also be shown;

vi. (~~6~~) Boundary lines of adjoining unsubdivided or subdivided land, within ~~350~~ 150 feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider;

vii. ~~(7)~~ Topographic data, including contours at vertical intervals of not more than 5 feet; water courses, marshes, rock outcrops, power transmission poles and lines and other significant features shall also be shown; National Geodetic Vertical Datum (N.G.V.D.) shall be used for all topographic mapping; and

viii. ~~(8)~~ The subdivider may be required to file a report prepared by a registered civil engineer or soil scientist on the feasibility of ~~individual~~ on-site sewer and water systems on each lot; the report shall include a soil borings analysis and a percolation test to verify conclusions.

ix. Buildable area on each lot and proposed building pad.

x. Existing and proposed driveway locations.

xi. Existing parks, streets and easement locations.

xii. Delineated wetlands and water bodies including ordinary high water elevations and floodplain boundaries as applicable.

e. ~~(E)~~ *Proposed design features.*

i. ~~(1)~~ Layout of proposed streets showing right-of-way widths, center line grade, typical cross-sections, and proposed names of streets in conformance with all applicable City ordinances and policies; the name of any street used in the City or its environs shall not be used unless the proposed street is the logical extension of an already named street, in which event the same name shall be used. The names and number shall comply with the County Uniform Street Numbering System

ii. ~~(2)~~ Areas other than streets, pedestrian ways, utility easement, intended to be dedicated or reserved for public use, including the size of the areas in acres.

iii. ~~(3) (a)~~ Provision for surface water disposal, drainage, and flood control within the boundaries of the proposed property division consistent with § 150.273 of this code, storm water management and erosion and sediment control

f. ~~(F)~~ *Supplementary information.*

i. ~~(1)~~ The supplementary information as shall reasonably be deemed necessary by the Planning Commission or the Council;

ii. ~~(2)~~ Proposed protective covenants;

iii. ~~(3)~~ Statement of the proposed use of lots stating type of residential buildings with number of proposed dwellings and type of business or industry, so as to review the effect of the development on traffic, fire hazards, and congestion of population;

iv. ~~(4)~~ If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions, shall be shown. The proposed

zoning plans shall be for information only and not vest any rights in the application for use other than residential;

v. A statement showing the proposed density with the method of calculating said density also shown.

vi. ~~(5)~~ Where the subdivider owns property adjacent to that which is being proposed for division, the Planning Commission may require that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationship between the proposed division and a future subdivision. All subdivisions shall be reasonably consistent with the existing or potential adjacent subdivisions; and

vii. ~~(6)~~ Where structures are to be placed on large or excessively deep lots, which are subject to replat, the development subdivision plans shall indicate placement of structures so that lots may be further subdivided, in addition to a sketch plan that illustrates a way in which the lots can possibly be resubdivided.

(C) *Sketch Plan Review.* The sketch plan shall be reviewed by Staff, the Planning Commission, and Council. The Zoning Administrator may refer the sketch plan to the Parks Commission to secure its recommendation as to the location of any property that should be dedicated to the public, such as parks, playgrounds, trails, open space or other public property. The City shall accept the information received, but take no formal or informal action which could be construed as approval or denial of the proposed plat.

(1997 Code, § 400.07) (Am. Ord. 08-024, passed 4-20-2010) Penalty, see § 10.99

§ 153.0~~7~~9 PRELIMINARY ~~PLAT~~ MAJOR SUBDIVISIONS.

~~(A) *Filing.* Twenty copies of the preliminary plat and certified list of property owners located within 350 feet of the subject property obtained from and certified by a licensed abstractor, shall be filed with the Administrator. The required filing fee as established by Council resolution shall be paid and any necessary applications for variances from the provisions of this chapter shall be submitted with the required fee. The proposed plat shall be placed on the agenda of the Planning Commission meeting no later than the second regularly scheduled meeting following the date of filing. No application shall be accepted by the Administrator for filing unless all application information required by this chapter is submitted with the application.~~

(A) *Submi~~ssion~~ttal requirements.* ~~The applicant shall prepare and submit a preliminary plat, together with any necessary supplementary information. The preliminary plat shall contain the following information.~~ Requests for preliminary plat approval may be filed with the Zoning Administrator on an official application form after the applicant has received comments on the proposed sketch plan as outlined in Section 153.08 of this Chapter. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property,

the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.

(1) A fee as set forth by the City's adopted fee schedule

(2) Detailed written and graphic materials fully explaining the proposed major subdivision.

(3) List of property owners located within 350 feet of the subject property in a format prescribed by the Zoning Administrator

(4) ~~(C) *General provision (preliminary plat).* (1)~~ Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions; in any case, the name must be approved by the County Recorder;

(5) ~~(2)~~ Location of boundary lines in relation to a known section, quarter section, or quarter quarter section lines comprising a legal description of the property;

(6) ~~(3)~~ Names and addresses of all persons having any interest in the property, the developer, designer, and surveyor together with the interested person's registration number;

(7) ~~(4)~~ Graphic scale of preliminary plat prepared by a registered land surveyor in the form required by M.S. Ch. 505, as it may be amended from time to time, and the name, address, and registration number of the surveyor not less than 1 inch to 100 feet;

(8) ~~(5)~~ Data and north point; and

(9) ~~(6)~~ Date of preparation.

(10) ~~(D)~~ *Existing conditions.*

a. ~~(1)~~ Boundary line of proposed subdivision, clearly indicated;

b. ~~(2)~~ Existing zoning classifications for land within and abutting the subdivision;

c. ~~(3)~~ A general statement on the approximate acreage and dimensions of the lots;

d. ~~(4)~~ Location, widths, and names of all existing or previously platted streets or other public ways, showing type, width, and condition of improvements if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of ~~350~~ 150 feet beyond the tract;

e. ~~(5)~~ Location and size of existing sewers, water mains, culverts, or other underground facilities within the tract and to a distance of ~~350~~ 150 feet

beyond the tract; the data as grades, invert elevations, and locations of catch basins, manholes, shall also be shown;

f. ~~(6)~~ Boundary lines of adjoining unsubdivided or subdivided land, within ~~350~~ 150 feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider;

g. ~~(7)~~ Topographic data, including contours at vertical intervals of not more than 2 feet; water courses, marshes, rock outcrops, power transmission poles and lines, and other significant feature shall also be shown; National Geodetic Vertical Datum (N.G.V.D.) shall be used for all topographic mapping; and

h. ~~(8)~~ In ~~plats~~ major subdivisions where public water and sewer are not available, the City Engineer may require the subdivider to file a report prepared by a soil scientist or a registered civil engineer on the feasibility of ~~individual~~ on-site sewer and water systems on each lot. The report shall include a soil boring analysis and percolation tests to verify conclusions.

(11) ~~(E)~~ *Proposed design features*

a. Layout of proposed streets showing right-of-way widths, center line grade, typical cross-sections, and proposed names of streets in conformance with all applicable City ordinances and policies. The names and number shall comply with the County Uniform Street Naming and Property Numbering System, with the following exceptions:

i. Unless a newly proposed street directly extends from an existing street, no street name that already exists in the City or its environs shall be used, regardless if it is on the same grid as another street.

a. North-south avenues shall follow the grid system, increasing alphabetically from east to west, but must use different names.

b. East-west streets shall follow the grid numbering system as appropriate, but a different suffix such as Lane, Place, Way, etc. or a different prefix such as Upper or Lower shall be used.

ii. The names of deflecting streets shall not vary; names of continual streets shall not change, even if the street changes direction, unless an intersection exists.

iii. The names of deflecting streets shall be determined according to their relation to an Arterial or Collector Street if appropriate, otherwise such names shall be determined according to their main point of entry in to a development or as deemed appropriate by Council.

iv. If appropriate, names with the same theme (i.e. flowers, nature) are permitted for naming streets in an entire subdivision.

v. All street names shall end with the directional suffix of North.

b. ~~(2)~~ Locations and widths of proposed alleys and pedestrian ways;

c. ~~(3)~~ Locations and size of proposed sewer lines and water mains;
d. ~~(4)~~ Layout, numbers, lot areas, and preliminary dimensions of lots and blocks;
e. ~~(5)~~ Building pads shall be shown to demonstrate ~~M~~ minimum front and side street building setback lines;
f. ~~(6)~~ When lots are located on a curve, the width of the lot at the building setback line shall be shown;
g. ~~(7)~~ Areas, other than streets, alleys, pedestrian ways, and utility easements intended to be dedicated or reserved for public use, including the size of the area or areas in acres. This shall include areas planned for trails and parks within the City;
h. ~~(8)~~ Area calculations of lots, right-of-way, streets, public highways, alleys, parks and public trails, wetland and wetland buffers and other features with accurate dimensions;
i. ~~(9)~~ Water mains shall be provided to serve the subdivision by extension of any existing community system wherever feasible. Service connections shall be stubbed into the property line and all necessary fire hydrants shall also be provided. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the standards of the City. In areas where public water supply is not available, well plans must comply with applicable state regulations and shall be submitted for the approval of the City Building Official;
j. ~~(10)~~ Sanitary sewer mains and service connections shall be installed in accordance with the standards established by the City;
k. ~~(11)~~ All private sewage treatment systems shall be installed in accordance with standards established by the City. Demonstration of two separate and distinct 10,000 square-foot contiguous land areas, suitable for septic drainfields, is required;
l. ~~(12)~~ Surface water disposal, drainage, and flood control shall be provided within the boundaries of the proposed property division consistent with § 150.273 of this code, storm water management and erosion sediment control;
m. ~~(13)~~ Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
n. ~~(14)~~ A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
o. ~~(F)~~ *Supplementary information.* The following supplementary information shall be submitted when deemed necessary by the ~~Planning Commission~~ City:
    i. ~~(1)~~ Written statement explaining changes or modifications to the sketch plan.
    ii. Proposed protective covenants;
    iii. ~~(2)~~ An accurate soil survey of the subdivision prepared by a qualified person. In areas of questionable soil conditions, percolation tests at the

rate of no fewer than two successful test results for each proposed septic disposal area (a total of four tests per proposed lot) may be required on a lot-by-lot basis to determine the suitability of any particular site for building.

iv. ~~(3)~~ A statement prepared by a qualified person identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density, and spacing;

v. ~~(4)~~ Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and/or type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population;

vi. ~~(5)~~ If any zoning changes are contemplated, the proposed zoning plat for the areas, including dimensions, shall be shown;

vii. ~~(6)~~ Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission may require that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. All subdivisions shall be shown to relate well with existing or potential adjacent subdivisions;

viii. ~~(7)~~ Where structures are to be placed on large or excessively deep lots which are subject to potential replat, the subdivider shall provide in the preliminary plat, a sketch plan which indicates minimum building setback lines and future roadway alignments which would not interfere with structural placement at the time of future subdivision; and

ix. ~~(8)~~ A vegetation preservation and protection pla~~t~~n, consistent with Section 154.257 of the Zoning Code, that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted;

x. Developer shall provide a landscape plan, signed by a licensed landscape architect, which shows ~~how a subdivision will assume a rural character through~~ the placement of ponding, berms, trees, and tree seedlings, shrubs, and shrub seedlings and native grasses.

1. Landscape plans shall adhere to all requirements of Section 154.258 of the Zoning Code and shall include the City's Landscape Standard Notes.
2. Irrigation plans shall be submitted and be in compliance with Lake Elmo General Irrigation Standards.

~~(d) Developer shall plant a minimum of 6 trees, 1 inch caliper deciduous, or coniferous trees; 3 feet in height per acre unless a lot within the subdivision is determined by the Zoning Administrator to be naturally~~

~~wooded which would, at a minimum, consist of the caliper and height of trees required by this chapter; and~~

~~(c) Developer shall provide spaced or clustered plantings of 1 and 1/2 inch caliper deciduous trees at a rate of 2 per 100 lineal feet on both sides of the street, between 0 feet and 5 feet to the inside of the right-of-way for rural sections and between 5 feet and 10 feet to the inside of right-of-way for urban sections. Four foot conifers may be substituted.(~~

xi. ~~9)~~ If the development is an Open Space Preservation development, architectural and performance standards shall be submitted. If applicable, developments within the I-94 corridor and Old Village shall submit architectural renderings in order to ensure compliance with City of Lake Elmo Design Guidelines & Standards.

xii. ~~(10)~~ Any environmental review, such as an Environmental Assessment Worksheet, as required by State Statutes. If an environmental review is required, the Preliminary Plat application cannot proceed until the review or study is complete;

p. ~~(G)~~ *Other information.* Other information shall be provided as may be reasonably requested by the City staff, Planning Commission, or Council.

(B) ~~(H)~~ *Preliminary Major Subdivision Review~~. by staff and other commissions or jurisdictions.~~*

(1) *Review by staff and other commissions or jurisdictions.* The City shall refer copies of the preliminary plat to the City Engineer, Planner, and Attorney, the Park Commission, and the appropriate county, state, or other public agencies, including but not limited the Minnesota Department of Transportation and/or Washington County if the application abuts a county road or highway or county state-aid highway, and/or the Department of Natural Resources (DNR) if the application is within a Shoreland Overlay District and/or Floodplain Management District, for their review and comment. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and to provide general assistance in preparing a recommendation on the action to the Planning Commission and Council.

(2) Comment must be received within 30 days or it will be assumed there are no objections.

(C) ~~(I)~~ *Public Hearing Set.* ~~The Planning Commission, upon receipt of the application shall instruct Administrator to set a public hearing on the proposed preliminary plat no later than 45 days from the date of filing of the application.~~ Upon receipt of a complete application, the Zoning Administrator shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing and report its findings and recommendations to the Council. The Administrator shall give notice of the hearing. The notice shall consist of a property description and a description of the request. The notice shall be published in the official newspaper at

least 10 days prior to the date of the hearing and written notification of the hearing shall be mailed at least 10 days prior to all owners of land within 350 feet of the boundary of the property in question. The Planning Commission, at its discretion, may direct that notification be sent to property owners at distances of greater than 350 feet. ~~(2)~~ The failure of any property owner to receive notice shall not invalidate the proceedings set forth in this Chapter.

(5) (D) ~~(J)~~ *Planning Commission action.* ~~The Planning Commission shall make a recommendation to the Council within 30 days following the close of the public hearing. If the recommendations of the Planning Commission are not received within that time, the Council may act on the preliminary plat without the recommendations.~~ The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request as it deems necessary to carry out the intent and purpose of this Chapter. The Planning Commission and shall have the authority to request additional information from the subdivider concerning the proposal, as deemed necessary to formulate a recommendation on the proposal.

(1) The Planning Commission shall recommend approval of the preliminary plat if it in all ways conforms to the City's Comprehensive Plan and Development Code. The Commission shall recommend denial of the preliminary plat if it makes any of the following findings:

a. That the proposed subdivision is in conflict with the City's Comprehensive Plan, Development Code, Capital Improvements Program, or other policy or regulation.

b. That the physical characteristics of the site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, and retention, are such that the site is not suitable for the type or intensity of development or use contemplated.

c. That the design of the subdivision or the proposed improvements are likely to cause substantial and irreversible environmental damage.

d. That the design of the subdivision or the type of improvements will be detrimental to the health, safety, or general welfare of the public.

e. That the design of the subdivision or the type of improvement will conflict with easements on record or with easements established by judgment of a court.

f. That the subdivision is premature as determined by the standards of this Chapter.

(E) ~~(K)~~ *City Council Action.*

(6) (1) The Council shall act upon the preliminary plat ~~and may impose the conditions and restrictions as are deemed necessary by the Council in view of the purpose of this section and the recommendations of the Planning Commission~~

~~within 30 days after receiving the recommendations of the Planning Commission or within 60 days after the close of the public hearing on the preliminary plat should the Planning Commission fail to forward recommendations~~ after it has received a report and recommendation from the Planning Commission and the City staff, or until 60 days after the first regular Planning Commission meeting at which the request was considered. The Council shall have the option of receiving additional testimony if it so chooses. An application for preliminary plat shall be approved or denied within 120 days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the subdivider.

(2) If the preliminary plat is not approved by the Council, the reasons for the action shall be recorded in the proceedings of the council and transmitted to the applicant. If the preliminary plat is approved, the approval shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this chapter to be indicated on the final plat. The Council may require revisions in the preliminary plat and final plat as it deems necessary for the public health, safety, general welfare, and convenience.

(F) *Effect of Approval.* For one year following preliminary plat approval, unless the subdivider and City agree otherwise, no amendment to the Comprehensive Plan or other official controls shall apply to or affect the use, development density, lot size, or lot layout that was approved.

(G) *Effect of Denial.* If a preliminary plat application is denied by the City Council, a similar application for a preliminary plat affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six months from the date of its denial.

(H) ~~(L)~~ *Submission of final plat; request for extension.* If the preliminary plat is approved by the Council, the subdivider must submit the final plat within 180 days after the approval, or approval of the preliminary plat shall be considered void, unless a request for time extension is submitted in writing and approved by the council. Such request for an extension shall include the following: 1) an explanation for why a final plat has not been applied for, 2) what, if any, good faith efforts have been made to complete the platting process, and 3) the anticipated completion date. The Zoning Administrator may approve up to two such extensions of not more than one additional year per extension.

(1997 Code, § 400.08) (Am. Ord. 08-024, passed 4-20-2010) Penalty, see § 10.99

§ 153.~~08~~10 FINAL ~~PLAT~~ MAJOR SUBDIVISONS.

~~(A) After the preliminary plat has been approved, the final plat shall be submitted for approval as follows.~~

(A) ~~(1)~~ *Submi~~ssion~~ttal requirements.* ~~The owner shall submit a final plat signed and acknowledged by each person owning a legal or equitable interest in the lands platted, including contract purchasers or those holding only a security interest such as a mortgagee. The final plat shall contain the following information:~~ Requests for final plat approval may be filed with the Zoning Administrator on an official application form following approval of a preliminary plat. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.

(7) A fee as set forth by the City's adopted fee schedule.

(8) A written summary of how all conditions of preliminary plat approval have been met.

(9) Written statement explaining changes or modifications to the preliminary plat.

(10) Final plat including the following information:

i. Name of the subdivision;

ii. Location by section, township, range, county, and state, and including descriptive boundaries of the subdivision;

iii. The location of monuments shall be shown and described on the final plat;

iv. Location and area calculations of lots, right-of-way, streets, public highways, alleys, parks and trails, wetland and wetland buffers and other features with accurate dimensions;

v. Lots shall be numbered clearly; blocks are to be numbered, with numbers shown clearly in the center of the block;

vi. The exact locations, widths, and names of all streets to be dedicated;

vii. Location width and use of all easements to be dedicated;

viii. Certification by a registered land surveyor in the form required by M.S. Ch. 505, as it may be amended from time to time, and the name, address, and registration number of the surveyor;

ix. Scale of plat (the scale to be shown graphically on a bar scale), date, and north point;

x. Statement dedicating all easements;

xi. Statement dedicating all streets, utility easements, and other public areas not previously dedicated; and

xii. Certificate for approval by the City Planning Commission and the Council. The certificate shall be prepared for the signatures of the Chair

and Secretary of the City Planning Commission, and the Mayor and Administrator.

(11) Final grading and drainage plan, appropriately labeled, using a copy of the current certificate of survey as a base for the site in question and prepare and signed by a Minnesota licensed engineer, depicting the following information:

i. North arrow and date of preparation.
ii. Graphic Scale (engineering scale only, not less than one (1) inch equals fifth (50) feet).
iii. For each lot, provide lot and block numbers, building pad location, building type and proposed building first floor elevation, low floor elevation and elevation at garage slab.
iv. Stormwater Management Plan, with a narrative, including the configuration of drainage areas and calculations that meet the requirements of the City Code and/or applicable Watershed Standards.
v. Location of all natural features on the tract. Natural features are considered to include, but are not limited to the following: tree lines, wetlands, ponds, lakes, streams, drainage channels, bluffs, steep slopes, etc.
vi. All delineated Wetlands and watercourse buffers per the City and Watershed standards; and wetland replacement plan, if needed.
vii. Location of all existing storm sewer facilities, including pipes, manholes, catch basins, ponds, swales, and drainage channels within one hundred fifty (150) feet of the tract. Existing pipe type, grades, rim and invert elevations and normal and high water elevations must be included.
viii. Normal water level (NWL) and 100-year high water level (100-year HWL) for all water bodies, existing and proposed.
ix. Spot elevations at drainage break points and emergency overflows (in BOLD) with directional arrows indicating site, swale and lot drainage.
x. Retaining Walls (wall heights and elevations).
xi. Locations, grades, rim and invert elevations of all storm sewer facilities, including ponds and BMP's proposed to serve the tract.
xii. Locations and elevations of all street high and low points.
xiii. Street grades shown.
xiv. Provide phasing plan for site grading.
xv. All soil erosion and sediment control measures to be incorporated during and after construction must be shown. Locations and standard detail plates for each measure must be included on the plan using Lake Elmo City standard details. Plan must meet the requirements of MPCA General Permit Construction Activity.

xvi. All revegetation measures proposed for the tract, including seed and mulch types and application rates must be included on the plan.

xvii. Existing contours at two (2) foot intervals shown as dashed lines (may be prepared by a Minnesota licensed surveyor). Existing contours shall extend one hundred fifty (150) feet outside of the tract.

xviii. Proposed grade elevations at two (2) foot intervals shown as solid lines.

xix. Other information as required and outlined in the City Plan Sheet Format Requirements.

(12) Final utility plan, appropriately labeled, prepared and signed by a Minnesota licensed engineer, depicting the following:

i. Easements locations, dimensions, and purposes.

ii. Underground and overhead facilities.

iii. Proposed utility plans including sanitary sewer, watermain, and storm sewer, all in accordance with the City Engineer Design Standards Manual.

(13) Final street and storm sewer plan, appropriately labeled, prepared and signed by a Minnesota licensed engineer, depicting the following information:

i. Layout of proposed streets showing the proposed lot lines, right-of-way widths, and proposed street names, in accordance with the City's Street Naming Policy, as outlined in 153.09 (11) (a).

ii. Locations and widths of proposed streets, alleys and pedestrian-ways.

iii. Location, dimensions and purpose of all easements.

iv. Annotation of street geometrics for all horizontal curves, tangent lengths and corner radii.

v. Centerline profile and gradients for all streets, with vertical geometrics annotated on the plan profiles.

vi. Typical cross section of proposed street improvements.

vii. Minimum front and side street building setback lines.

viii. When lots are located on a curve, the width of the lot at the building setback line.

ix. For any non-single family residential development, location and number of off-street parking spaces (guest, handicapped, bicycle, motorcycle, etc.) including typical dimensions of each.

x. Other information as required and outlined in the City Plan Sheet Format Requirements.

(14) Final tree preservation and landscape plans.

(15) *Other written materials.* The application form shall be accompanied by, or address, the following written materials:

i. Lot size for all lots and outlots in tabular form.

ii. Area calculations of lots, right-of-way, streets, public highways, alleys, parks and public trails, wetland and wetland buffers and other features with accurate dimensions;
iii. Cost estimates for grading and all public improvements.
iv. A copy of any proposed homeowners association documents, private covenants or deed restrictions.
v. Commitment for Title Insurance.
vi. If a common interest community (CIC) is created, the developer shall provide proof that a replacement reserve amount was created in accordance with Minnesota Statute 515(b)(3)-1141.

(B) ~~(2)~~ *Review of Final Plat.* ~~*Approval of the City Council.*~~

(1) The application shall be in substantial compliance with the approved preliminary plat, including any modifications required as a condition of preliminary plat approval. Pursuant to Minnesota Statutes, Chapter 462.358, an application for a final plat shall be approved or denied within 60 days of the date from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the subdivider.

(2)) *Review by staff and other commissions or jurisdictions*. The City shall refer copies of the preliminary plat to the City Engineer, Planner, Attorney, the Park Commission, and the appropriate county, state, or other public agencies, including but not limited the Minnesota Department of Transportation and/or Washington County if the application abuts a county road or highway or county state-aid highway, and/or the Department of Natural Resources (DNR) if the application is within a Shoreland Overlay District and/or Floodplain Management District, for their review and comment. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and to provide general assistance in preparing a recommendation on the action to the Planning Commission and Council.

(3) ~~(a) Twenty copies of the final plat shall be submitted to the Administrator at least 10 days prior to the Planning Commission meeting at which consideration is requested.~~ *Planning Commission action*. After review of the final plat by the staff, the Planning Commission shall review the final plat for substantial compliance with the approved preliminary plat and make recommendation to Council.

(4) *City Council Action.* T~~t~~he final plat shall be approved or disapproved within 60 days after the filing of the final plat by resolution and conditioned upon the execution of the development agreement for basic improvements, public dedication, bonding, and other requirements determined necessary or appropriate by the Council. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Council and reported to the applicant.

(5) ~~(b)~~ The resolution approving the plat shall authorize the Mayor and Administrator to execute an endorsement of approval for the City. The Mayor and Administrator shall

not execute the endorsement until any development agreement or bonds required by the resolution of the approval have been approved in writing by the City Attorney.

(Am. Ord. 9705, passed 5-6-1997)

(3) *Special assessments.* When any existing special assessments which have been levied against the property described are to be divided and allocated to the respective lots in the proposed plat, the Engineer shall estimate the cost of preparing a revised assessment roll, filing the assessment roll with the County Auditor, and making the division and allocation. Upon approval by the Council of the cost, the cost shall be paid to the City~~Administrator~~.

(4) *Recording final plat.* If the final plat is approved by the Council, the subdivider shall record it with the County Recorder within 120 days after the approval. If not filed within 120 days, approval of the final plat shall be considered void, unless a request for time extension is submitted in writing and approved by the Council. The subdivider shall, immediately upon recording, furnish Administrator with 2 paper prints and 1 reproducible film positive of the plat showing evidence of the recording. No building permits shall be issued for construction of any structure on any lot in the plat until the City has received evidence of the plat being recorded by the County.

~~(5) *Lot acreage.* The subdivider shall provide the City with a list of all lots, by block, indicating the lot acreage, to the nearing 1/100. The list shall be certified by the surveyor signing the plat.~~

(1997 Code, § 400.09) Penalty, see § 10.99

~~§ 153.09 EXCEPTIONS TO PLATTING.~~

~~(6) *Minor subdivision.* A minor subdivision is a division of land which results in no more than 4 parcels wherein each resultant parcel complies with the City's minimum lot dimension and size requirements and are more than 2.5 acres in size, and public road frontage requirements, and all other applicable requirements for the zoning district in which the land is located, and no new roads or other public infrastructure is needed.~~

~~(7) (B) *Lot line adjustment.* A lot line adjustment is a division of land which results in no more than 4 parcels wherein each resultant parcel does not comply with the City's minimum lot dimension and/or public road frontage requirements for the zoning district in which the land is located. The City Council hereby waives compliance with the City's platting regulations for lot line adjustments which satisfy 1 of the following conditions: Lot line adjustments exempted from platting by Minnesota Statute 462.352, Subd. 12 and shall not require a plat or replat and may be administratively approved, provided all of the following are met:~~

~~(1) Each resultant parcel, when combined with an abutting parcel through a Tax Parcel Consolidation Procedure approved by Washington County, equals or exceeds the minimum lot dimension requirements and public road frontage requirements for the zoning district in which the property is located or is made more conforming through the lot line adjustment;~~

(2In those cases where the City Administrator determines that it is not reasonably possible for each resultant parcel to comply with the provisions of division (B)(1) above, each resultant parcel, when combined with an abutting parcel through a Tax Parcel Consolidation Procedure approved by Washington County, is less non-conforming after the lot consolidation than it was before the lot consolidation; or

(2) The lot line adjustment does not create additional lots.

(3) The lot line adjustment shall not cause any structure on the property to be made non-conforming or in violation of the Zoning Chapter or any other provisions of the City Code.

(4) All resultant parcels shall have frontage and access on an existing improved street (3) In those cases where, in regard to property which is zoned agricultural or rural residential, the City Administrator determines that each resultant parcel will equal or exceed minimum lot dimensions for the zoning district in which the property is located, but that 1 of the resultant parcels cannot satisfy the minimum public road frontage requirements for the zoning district in which the property is located, or access to the noncomplying parcel to an existing improved street is protected by a restrictive covenant approved by the City Attorney which includes the City as a beneficiary.

(5) The resulting parcels shall generally conform to the shape, character, and area of existing or anticipated land subdivisions in the surrounding areas.

(6) Any such lot line adjustment shall not require any public improvements.

(C) *Subdivision of Property for Public Purpose.* The subdivision of property resulting from acquisition by governmental agencies for public improvements or uses.

(D) *Application for minor subdivision or lot line adjustment.* An application for a minor subdivision or a, lot line adjustment shall be submitted on forms provided by the City Zoning Administrator. The applicant will be responsible for all expenses incurred in obtaining the required information, which includes the following:

(1) Name, address, and telephone number of the property owner/applicant and evidence of title;

(2) A legal description of the parcel which is being subdivided and legal descriptions for each of the resulting parcels; and, in regard to lot line adjustments, legal descriptions for the adjusted or consolidated parcels;

(3) A written description stating the reason for the request; and

(4) A land survey prepared by and signed by a registered land surveyor describing the minor subdivision, and/or lot line adjustment and showing all buildings, driveways, easements, setbacks, and other pertinent information including the legal descriptions herein required.

(5) *Other information.* Other information shall be provided as may be reasonably requested by the City staff, Planning Commission, or Council.

(E) *Review of minor subdivision.*

(1) A completed application shall be submitted to the Planning Commission for its review and recommendation to the City Council.

(H) ~~The City Council may attach reasonable conditions to its approval and shall require the conveyance of necessary street, utility, and drainage easements on forms approved by the City Attorney, and shall require the payment of a public use dedication fee.~~

~~(F) *Review of lot line adjustment.* A completed application shall be reviewed administratively by the City Zoning Administrator who shall make a written finding in regard to the provisions of division (B) above. The City Zoning Administrator's approval shall be conditioned upon recording of documents which effectuate the lot line adjustment or tax parcel consolidation. Prior to the issuance of any development permits, and no later than 60 days after administrative review and approval, the applicant shall provide the City Zoning Administrator with recorded documents or recorded document numbers for the deeds of conveyance which effectuate the lot line adjustment; and/or with the verifications listed below. Failure to provide the required verifications shall invalidate the City Zoning Administrator's approval.:~~

~~(1) Recorded documents or recorded document numbers for the deeds of conveyance which effectuate the lot line adjustment; and/or~~

~~(2) Proof that the Washington County Assessor has approved a Tax Parcel Consolidation and has assigned a new tax parcel number for the consolidated parcel or parcels.~~

~~(G) *Review of Subdivision of Property for Public Purpose.* A completed application, accompanied by a fully executed deed that designates a governmental agency as a grantee, shall be reviewed administratively by the City Zoning Administrator who shall make a written finding in regard to the provisions of paragraph (C) above and if the conveyance falls within the definition of paragraph (C), the City Zoning Administrator shall approve the subdivision. The City Zoning Administrator's approval shall be conditioned upon receipt of a copy of the recorded deed. Failure to provide a copy of the recorded deed shall invalidate the City Zoning Administrator's approval.~~

(1997 Code, § 400.10) (Am. Ord. 97-98, passed 12-18-2001)

§ 153.1~~0~~1 VARIANCES; STANDARDS; PLATTING.

(A) *Purpose.* A variance may be granted from the minimum standards required by this chapter as they apply to specific property where unusual hardship on the land exists, but variances may be granted only upon the specific ground set forth in this section. In granting any variance, the Planning Commission may recommend, and the Council shall prescribe, the conditions as it deems necessary and desirable to protect the public interests. In no case shall any of the procedural requirements of this chapter be waived nor shall a variance be deemed to permit any waiver or avoidance of the procedural requirements.

(B) *Planning Commission review.* No variance shall be granted until the matter has been considered by the Planning Commission. In making its recommendations, the Planning Commission shall take into account the nature of the proposed use of land and the existing use of

land in the vicinity, number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.

(C) *Findings.* A variance shall be granted only where the Council finds:

(1) That there are special circumstances or conditions affecting the applicant's land that the strict application of the minimum standards of this chapter would deprive the applicant of the reasonable use of that land;

(2) That the granting of the variance will not be detrimental to the public welfare or injurious to other property; and

(3) That the variance required by reason of unusual hardship relating to the physical characteristics of the land.

(1997 Code, § 400.11)

§ 153.11~~1~~2 VARIANCE PROCEDURES.

(A) *Application.* Requests for a variance or appeal shall be filed with the Zoning Administrator on an official application form. The application shall be accompanied by a fee as established from time to time by resolution of the Council. The application shall also be accompanied by ~~20 copies of~~ detailed written and graphic materials necessary for the explanation of the request. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics.

(B) *Hearing.* The Planning Commission shall hold a public hearing on the variance request in accordance with the standards set forth in the zoning code.

(C) *Appearance of applicant before Planning Commission.* The applicant or a representative of applicant shall appear before the Planning Commission in order to answer questions concerning the proposed variance request.

(D) *Findings.* The Planning Commission shall make its findings and recommend the actions or conditions relating to the request as they deem necessary to carry out the intent.

(E) *Approval/denial.* Upon receiving the report and recommendation of the Planning Commission, the Council shall decide whether to approve or deny the request for a variance. The Council shall not grant a variance until it has received the report and recommendation from the Planning Commission or until 30 days after the application was accepted by the City. The Council shall decide whether to approve or deny the request for a variance or an appeal no later than 60 days after the filing of the application.

(F) *Written findings and order.* The Council shall make written finding of fact and order in granting or denying any application for a variance or appeal. In granting any variance or making any order related to a variance or appeal, the Council shall impose any condition it considers necessary to protect the public health, safety, or welfare.

(G) *Notification of decision.* The Administrator shall notify the applicant of the Council's decision in writing.

(1997 Code, § 400.12)

§ 153.1~~2~~3 PLANNED UNIT DEVELOPMENTS (P.U.D.).

(A) Upon receiving a report from the Planning Commission, the Council may grant exceptions from the provisions of these regulations in the case of a Planned Unit Development, provided that the Council finds that the proposed development is fully consistent with the purpose and intent of these regulations and in compliance with the Planned Unit Development objectives ~~of~~ as identified in Article XVII of the zoning code.

(B) This provision is intended to provide the necessary flexibility for new land planning and land development trends and techniques.

(1997 Code, § 400.13) (Am. Ord. 08-072, passed 3-5-2013)

§ 153.1~~3~~4 ENGINEERING DESIGN STANDARDS; REQUIRED IMPROVEMENTS.

Submittals must meet plan sheet format requirements set forth by the City of Lake Elmo Engineering Design Standards.

(A) *Blocks.*

(1) In general, intersecting streets, determining block lengths, shall be provided at the intervals as to serve cross traffic adequately and to meet existing streets. Where no existing plats control the blocks in residential subdivisions, blocks shall not be less than 600 feet nor more than 1,800 feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than 900 feet, pedestrian ways and/or easements through the block may be required near the center of the block. Blocks for business or industrial use may vary from the elements of design contained in this section if the nature of the use requires other treatment.

(2) The width of the block shall normally be sufficient to allow 2 tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of the width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

(3) Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In those cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with similar access. Extension of roads, railroad access right-of-way, and utilities shall be provided as necessary.

(B) *Lots.*

(1) *Area.* The minimum lot area, width, and depth shall not be less than that established by the zoning code in effect at the time of adoption of the final plat.

(2) *Corner lots.* Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in the zoning code.

(3) *Side lot lines.* Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.

(4) *Frontage.* Every lot must have a minimum frontage on a public street accepted for maintenance purposes by the City (or to be accepted upon completion of construction by the applicant), other than an alley, as required in the zoning code. No subdivision shall be permitted which will result in a lot with less than the minimum frontage on a public street as required by the zoning code except where a variance is granted as provided by this chapter. In no case shall a variance to this frontage requirement be granted which would permit access to a lot by means of an easement or private road except as provided in § 153.1~~0~~1.

(5) *Setback lines.* Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the zoning code.

(6) *Water courses.* Lots abutting a water course, drainage way, channel, or stream shall have additional depth and width, as required under the provisions of the zoning code for the shoreland and wetland system districts.

(7) *Features.* In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic spots, or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

(8) *Lot remnants.* All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots or planned as outlots, rather than allowed to remain as unusable parcels.

(9) *Frontage on 2 streets.* Double frontage, or lots with frontage on 2 parallel streets, shall not be permitted except where lots back on arterial streets or highways, or where topographic or other conditions render subdividing otherwise unreasonable. Double frontage lots shall have an additional depth of at least 20 feet in order to allow space for screen planting along the back lot line.

(10) *Turn-around access.* Where proposed residential lots abut a collector or arterial street, they should be platted in a manner as to encourage turn-around access and egress on each lot.

(11) *Minimum lot line.* No lot shall have a total width at the front or rear lot line of less than 30 feet.

(12) *Large lot planning.* In any area where lots are platted in excess of 24,000 square feet or 160 feet in width at the minimum building setback line, a preliminary resubdivision plan may be required showing a potential and feasible way in which the lot or lots may be resubdivided in future years for more intensive use of the land, the placement of buildings or structures upon the lots shall allow for potential resubdivision.

(13) *Shoreland.*

(a) *Land suitability.* No land shall be subdivided which is held unsuitable by the City for the purposed use because of flooding, inadequate drainage, soil and rock formations with severe

limitation for development, severe erosion potential, inadequate water supply or sewage disposal capabilities.

(b) ~~*Inconsistent plats reviewed*~~ *Review by Commissioner of Natural Resources.* All plats ~~which are inconsistent~~ within a shoreland district ~~the Municipal Shoreland Ordinance~~ shall be reviewed by the Commissioner before approval by the City may be granted. Review shall require that the proposed plats be received by the Commissioner at least 10 days before a hearing is called by the City for consideration of approval of a ~~final~~ preliminary plat.

(c) *Copies of plats supplied to Commissioner.* Copies of all plats within shoreland areas shall be submitted to the Commissioner within 10 days of final approval by the City.

(C) *Easements.*

(1) *Width and location.* An easement for utilities at least 10 feet wide, shall be provided along all lot lines. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots. See § 150.277(A)(2)(e) of this code for other applicable easement regulations.

(2) *Continuous utility easement locations.* Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not subsequently be changed without the approval of the Council after a public hearing.

(3) *Provisions for drainage.* Easements shall be provided along each side of the center line of any water course or drainage channel whether or not shown in the Comprehensive Plan, to a width sufficient in the judgment of the Council to provide proper maintenance and protection and to provide for storm water runoff and installation and maintenance of storm sewers. They shall be dedicated to the City by appropriate language in the owner's certificate. See § 150.277(A)(2)(e) of this code for other applicable easement regulations.

(D) *Erosion and sediment control.* Erosion and sediment control plans shall be provided in accordance with § 150.277(B) of this code.

(E) *Drainage.* A complete and adequate drainage system design, in accordance with the Watershed District, § 150.277(A) of this code, and Local Storm Water Management Plan, approved by the City Engineer, shall be required for the subdivision.

(F) *Monuments for plats.*

(1) Official monuments, as designated or adopted by the County Surveyor's Office or approved by the County District Court for use as judicial monuments, shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the City Engineer. The boundary line of the property to be included with the plat must be fully dimensioned, all angles of the boundary excepting the closing angle to be indicated, all monuments and surveyor's irons to be indicated, each angle point of the boundary perimeter to be so monumented.

(2) Twenty-four inch long pipes or steel rods shall be placed at each lot and at each intersection of street center lines. All United States, state, county, or other official bench marks, monuments, or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat.

(3) A second monumentation shall be required following the final grading and completion of streets, curbs and utility improvements for a plat in order to ensure that all irons and monuments are correctly in place.

(4) (a) Proof of the final monumentation shall be in the form of a surveyor's affidavit that the monumentations complete. The surveyor's affidavit shall be submitted to the county; and

(b) Surveyor's office and to the City within 1 year from the date of recording the plat ~~or prior to the issuance of building permits, whichever event occurs first~~.

(G) *Sanitary sewer and water distribution and public utilities.*

(1) Sanitary sewers and water facilities shall be installed in accordance with the standards and specifications as provided for in the City's Comprehensive Sewer Plan and Water Supply and Distribution Report, and other City plans, and shall be subject to the review and approval of the City Engineer.

(2) Where City water facilities are not available for extension into the proposed subdivision. the Council may, by ordinance, grant a franchise for the water facilities, to serve all properties within a subdivision where a complete and adequate neighborhood water distribution system is designed in conjunction with the subdivision, and complete plans for the system are submitted for the approval of the Council.

(3) Where City sewer and water facilities are not available for extension into proposed subdivision, the Council may permit the use of ~~individual~~ water and sewer systems in accordance with all appropriate state and local regulations.

(4) Telephone, electric, and/or gas service lines are to be placed underground in accordance with the provisions of all applicable City ordinances and standards. Exceptions to this requirement may be granted by action of the Council.

(H) *Streets, alleys, and curbs.* The design of streets, alleys, and curbs shall conform to the City of Lake Elmo Engineering Design Standards.

(1) *Streets, continuous.* Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.

(2) *Local streets and dead-end streets.* Local streets should be so planned as to discourage their use by non-local traffic. Dead-end streets are prohibited, but cul-de-sacs shall be permitted where topography or other physical conditions justify their use. Temporary and permanent c~~C~~ul-de-sacs shall be designed in conformance with the City of Lake Elmo Engineering Design Standards. ~~include a terminal turn-around which shall be provided at the closed end, with a right-of-way radius of not less than 60 feet.~~

~~(a) Temporary cul-de-sacs shall comply with the following standards.~~

~~1. The plat shall be reviewed after 3 years, by the City Planner, in order to determine if the cul-de-sac shall remain temporary. The City Planner shall review the status of the temporary cul-de-sac every 3 years.~~

~~2. The street shall not exceed 1,000 feet in length in subdivisions in which lots are less than 2.5 acres in size.~~

~~3. The street shall not exceed 2,640 feet in length in subdivisions in which lots are 2.5 acres or greater.~~

~~4. The cul-de-sac shall be designated as "temporary" on the final plat, with an easement shown on the final plat identifying where the road will extend.~~

~~5. The cul-de-sac shall not have landscaped or natural islands within it.~~

~~6. The street shall not serve more than 20 home sites.~~

~~(b) Permanent cul-de-sacs shall comply with the following standards.~~

~~1. The street shall not exceed 600 feet in length in subdivisions in which lots are less than 2.5 acres in size.~~

~~2. The street shall not exceed 1,320 feet in length in subdivisions in which lots are 2.5 acres or greater in size.~~

~~3. The cul-de-sac may have landscaped islands or natural open space areas. Maintenance responsibilities of these areas shall be defined and recorded in the covenants, on the deeds, and in developers agreements.~~

~~(c) Temporary, platted cul-de-sacs which abut land proposed for development shall be removed by the developer.~~

(3) *Street plans for future subdivisions.* Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan for a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

(4) *Provisions for resubdivision of large lots and parcels.* When a tract is subdivided into larger than normal building lots or parcels, the lots or parcel shall be arranged to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for the resubdivision.

~~(5) *Street intersections.* Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of intersection of streets shall be 60 degrees, with 90 degree intersections preferred. Street intersection jogs with an offset of less than 125 feet 150 shall be avoided.~~

~~(6)~~ (5) *Subdivisions abutting collector or minor arterial streets.* Wherever a proposed subdivision abuts or contains an existing or planned collector or minor arterial street as designated on the City's thoroughfare plan, the lots shall access onto local streets wherever possible. Local streets may be existing or provided with the subdivision.

~~(7)~~ *(6) Alleys.* Except in the case of a planned unit development, either a public or private alley may be required in a block where commercially zoned property abuts a major thoroughfare

or a major street. Alleys in residential areas other than those zoned for multiple family use shall not be permitted.

~~(8)~~ (7) *Half streets.* Dedication of half streets shall not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided, or where it becomes necessary to acquire the remaining half by condemnation so that it may be improved in the public interest.

~~(9) *Street grades.* Except upon the recommendation of the engineer that the topography warrants a greater maximum, street grades shall not exceed the following.~~

~~Minor Arterials~~	~~5%~~
~~Collector Streets~~	~~6%~~
~~Local, Marginal Access, and Cul-de-Sac Streets~~	~~8%~~
~~Minimum Grade of Not Less Than~~	~~0.5%~~

~~(10) *Curb radius.* The minimum curb radii for arterials, collector streets, local streets, and alleys shall be as follows.~~

~~Arterial Streets~~	~~25 feet~~
~~Collector Streets~~	~~20 feet~~
~~Local Streets~~	~~15 feet~~
~~Alleys~~	~~6 feet~~

~~(11) *Reverse curves.* Tangents of at least 50 feet in length shall be introduced between reverse curves on collector streets.~~

~~(12) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except under conditions accepted by the Council.~~

~~(13) *Minimum right-of-way widths.*~~

~~***Street***~~	~~***Width***~~
~~Principal Arterial~~	~~150 feet to 300 feet~~
~~Intermediate Arterial~~	~~100 feet to 300 feet~~
~~Minor Arterial~~	~~80 feet to 120 feet~~
~~Collector Street~~	~~80 feet~~
~~Commercial or Industrial Service Street~~	~~80 feet~~

~~Local Street~~	~~60 feet~~
~~Marginal Access Street~~	~~50 feet~~
~~Cul-de-Sac~~	~~60 feet; turn-around radius of 60 feet~~

~~(14)~~ *(8) Adding width to existing streets.* Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet ~~the above standards~~ standards set forth in the City of Lake Elmo Engineering Design Standards and/or other applicable standards.

~~(15)~~ (9) *Additional right-of-way and roadway widths.* Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use.

~~(16)~~ (10) *Street improvements for plats.*

(a) The City Engineer shall determine when the full width of the right-of-way shall be graded, including the subgrade in accordance with the provisions for construction as outlined in the City of Lake Elmo Engineering Design Standards ~~design standards~~.

(b) All streets shall be improved in accordance with the standards and specifications for street construction established by the Council.

~~(17)~~ (11) *Curb and gutter.* Curb and gutter shall be provided when required in accordance with the *City of Lake Elmo Engineering Design Standards.*

(12) Proposed streets shall conform to the state, county, or local road plans or preliminary plans as have been prepared, adopted and/or filed.

(I) *General improvements.* The following shall be installed in accordance with the City of Lake Elmo Engineering Design Standards Manual and all other applicable City standards:

(1) Trees and boulevard sodding ~~shall be planted in accordance with City standards~~.

(2) Streets signs shall be installed at each intersection ~~in accordance with City standards~~.

(3) Driveway approaches, sidewalks, or pedestrian pathways ~~shall be installed in accordance with City standards~~.

(4) Street lighting fixtures ~~shall be installed in accordance with City standards~~.

(5) Sidewalks are required on one side of all streets. The Council may require sidewalks along both sides of all streets in areas where the residential density equals or exceeds 3 dwelling units per n~~i~~et acre of land or in any commercial, industrial, or other business areas if the Council determines that sidewalks are required for public safety.

(1997 Code, § 400.14) (Am. Ord. 08-024, passed 4-20-2010) Penalty, see § 10.99

§ 153.145 PARK LAND DEDICATION REQUIREMENTS.

(A) *Dedication of land for park and open space use.* In all new residential subdivisions, a percentage of the gross area of all property subdivided shall be dedicated for parks, playgrounds, trails, public open space, or other public recreational use. For non-residential developments, the City requires a payment in lieu of land dedication as established by resolution of the City

Council. Such percentage or fee shall be in addition to the property dedicated for streets, alleys, waterways, pedestrian ways or other public use pursuant to this chapter. The following schedule describes the required dedication by zoning district. This schedule is based upon density of the development allowed in each district and is intended to equalize the amount and value of land dedicated for parks per dwelling unit in the various districts.

Zoning Districts	***Minimum Required Land Dedication***
~~R1, R2, R3, andR4~~	~~10%~~
RS, V-LDR, GCC, LDR, MDR, HDR	10%
RE and OP Development	7%
RR and AG	4%
C, CC, LC, GP, BP, VMX	Fees as set by Council resolution

~~***Zoning Districts***~~	~~***Minimum Required Land Dedication***~~
~~GB, LB, HB, BP, CB,~~	~~Fee as set by Council resolution~~
~~C, CC, LC, GB, BP, VMX~~	~~Fee as set by Council resolution~~
~~RR and AG with OP Conditional Use Permit~~ OP ~~Development~~	~~7%~~
~~RR and AG with OP A Conditional Use Permit~~	~~10%~~

(B) *Land title.* Public land dedications, which are not dedicated to the City on a plat, shall be conveyed to the City by warranty deed free and clear of all liens or encumbrances. The subdivider shall provide proof of title, in a form acceptable to the City, prior to the conveyance of the property.

(C) *Land acceptability.* The City must approve the location and configuration of any park land which is proposed for dedication and shall take into consideration the suitability of the land and for its intended purpose; the future needs of the City for parks, playgrounds, trails, or open space; and the recommendations of the City's Parks Commission. The following properties shall not be accepted for park land dedications:

(1) Land dedicated or obtained as easements for streets, sewer, electrical, gas, storm water drainage and retention areas, or other similar utilities and improvements;

(2) Land which is unusable or of limited use; and/or

(3) Land within a protected wetland or within a flood plain area unless the Council determines that all of the following criteria are satisfied:

(a) Would be in the best interests of the general public;

(b) Would be valuable resource for environmental preservation, educational, or habitat preservation purposes;

(c) Has an exceptional aesthetic value; and

(d) Would not become financially burdensome to the City as a result of maintenance or preservation requirements.

(D) *Trails*. Trails constructed by a subdivider within dedicated public open space having at least 30 feet of width are eligible for park credit. The maximum amount of trail dedication credit shall not exceed 25% of the total dedication.

(E) *Cash contribution in lieu of land dedication - residential subdivisions larger than three lots.* In lieu of the land dedication for ~~residential subdivisions larger than three lots~~ major subdivisions, the City may elect to require the subdivider to contribute a cash equivalent payment to the City's Park and Open Space Fund, or may require the developer to satisfy the park land dedication requirement by a combination of land and cash contribution. For all ~~residential subdivisions of three or more parcels~~ major subdivisions, the required cash equivalent payment shall be an amount equal to the fair market value of the percentage land dedication for the zoning district in which the subdivided property is located. The City shall determine the fair market value of the land by reference to current market data, if available, or by obtaining an appraisal from a licensed real estate appraiser; the subdivider shall pay for the cost of the appraisal. The fair market value determination of the appraiser shall be conclusive.

(F) *Cash contribution in lieu of land dedication - minor residential subdivisions and commercial development.* Required cash equivalent payments for ~~residential subdivisions resulting in 3 or fewer parcels~~ minor subdivisions or for commercial development projects shall be as determined from time to time by Council resolution.

(G) *Payment of cash contribution.* Cash contribution payments shall be made to the City prior to final plat approval for commercial developments or ~~residential subdivision of more than 3 parcels~~ major subdivisions, or prior to the City's approval of the deeds of conveyance in those cases where a residential subdivision will result in 3 or fewer lots.

(H) Previously subdivided property from which a park dedication or cash in lieu contribution has been received, upon resubdivision with the same number of lots, is exempt from park dedication requirements. If, as a result of the resubdivision of the property, the number of lots is increased, the park dedication or cash in lieu contribution shall be applied only to the net increase in the number of lots.

(F) (1) Any cash contribution so paid to the City shall be placed in a special fund. The money shall be used only for:

(a) The acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands or open space based on the approved park systems plan;

(b) Redevelopment or rehabilitation of existing park facilities or sites; or

(c) Debt service in connection with land previously acquired or improvements thereto previously constructed.

(2) No funds shall be used for ongoing operation or maintenance of existing parks, ~~or~~ recreational facilities or sites or City vehicles.

~~(I) *Lands designated for public use on Comprehensive Plan or official maps.* Where all or a portion of the area included in a proposed subdivision has been designated as a park, playground, recreational area, proposed school site, or other public ground in the City's Comprehensive Plan or in an official map adopted pursuant to the Comprehensive Plan, the subdivider shall notify the appropriate governmental unit of the proposed subdivision of the property. The notice shall be given prior to submittal of the development application to the City. Prior to the City's review of the preliminary plat, the subdivider shall advise the City in writing of the status of the negotiations regarding the designated area.~~

(1997 Code, § 400.15) (Am. Ord. 08-072, passed 3-5-2013) Penalty, see § 10.99

§ 153.1~~5~~6 REQUIRED IMPROVEMENTS; FINANCIAL ARRANGEMENTS.

(A) *Improvements.* All sanitary sewer, water main and storm sewer facilities, streets, concrete curb, gutters, sidewalks, sodding, drainage swales, and other public utilities ("improvements") shall be made and constructed on or within the subdivided lands or where otherwise required and dedicated to the City and shall be designed in compliance with City standards by a registered professional engineer.

(B) *Plans and specifications approval.* Plans and specifications shall be submitted to the City Engineer for approval prior to construction. All of the improvements shall be completed by the developer and acceptable to the City Engineer and shall be free and clear of any lien, claim, charge, or encumbrance, including any for work, labor, or services rendered in connection therewith or material or equipment supplied therefor.

(C) *Improvement warrantees and guarantees.* Developer shall warrant and guarantee the improvements against any defect in materials or workmanship for a period of 2 years following completion and acceptance. In the event of the discovery of any defect in materials or workmanship within the 2-year period, the defect shall be promptly repaired or corrected, and the warranty and guarantee for the entire project shall be extended for 1 additional year beyond the original 2-year period, for a period of 3 years following the completion and acceptance. Defects in material or workmanship shall be determined by the City Engineer.

(D) *Required inspections of improvements.* Improvements that are to be installed shall be inspected during the course of construction by the City Engineer, at the developer's expense. Notice shall be given to the City Engineer a minimum of 24 hours prior to the required inspection. Failure to provide City Engineer with required notice shall result in a stop-order issued to the project. If developer proceeds with work within the development without required inspection, City Engineer shall have the discretion to accept or reject all or part of the improvement, by giving appropriate written notice to the developer.

(E) *Acceptance of improvements.* Acceptance of improvements by the City Engineer may be subject to the reasonable conditions as Engineer may impose at the time of acceptance. Developer, through his or her engineer, shall provide for competent daily inspection during the construction of all improvements. As-built drawing, Whitehall include service and valve ties, on reproducible mylar shall be delivered to the Engineer within 60 days of completion of the improvements together with a written certification from a registered engineer that all improvements have been completed, inspected, and tested in accordance with City-approved plans and specifications.

(F) *Changes to construction plans and specifications.* All changes to the construction plans and specifications must be approved by the City Engineer.

(G) *Clean-up obligations; street signs.*

(1) Developer shall remove all soil and debris from and clean all streets within the lands developed in accordance with § 150.277(B)(2)(d) of this code.

(2) In the event there are or will be constructed on the property, 2 or more streets, and if permanent street signs have not been installed, developer shall install temporary street signs in accordance with recommendations of the Maintenance Department, prior to the issuance of any permit to build upon the property.

(H) *Erosion control.* Erosion control shall be provided with the installation of utilities and street curbs in accordance with the *City of Lake Elmo Engineering Design Standards.*

(I) *Developers agreement/security.* Subsequent to approval by the Council and before execution by the City of the final plat or other appropriate forms of City approval, developer shall:

(1) Enter into a developer's agreement whereby developer shall undertake performance of the obligations imposed by this chapter, or by Council condition, and containing the other terms and provisions and in the form as shall be acceptable to the City Attorney, including, but not limited to, provisions for default including fines and penalties; and

(2) Submit a ~~bond,~~ letter of credit~~,~~ or cash deposit ("security") which guarantees completion of all improvements within the times specified by the City Engineer. A bond to guarantee completion of all improvements may be accepted in lieu of a letter of credit or cash deposit with Council approval. The amount of the security shall be 125% of the estimated construction cost of the improvements, subject to reduction ~~thereof to an amount equal to 25% of the cost of the improvements~~ as outlined by the development agreement after acceptance thereof by the City Engineer, and receipt of as-built drawings. The security shall be in the form and contain the other provisions and terms as may be required by the City Engineer and/or City Attorney. The developer's registered engineer shall make and submit for approval to the City Engineer, a written estimate of the costs of the improvements. Reduction of security shall be as outlined per the development agreement.

(J) *Petitions for improvements by City.* With the approval of the Council, and instead of the obligations imposed by divisions (A) through (I) above, developer may enter into an agreement

signed by 100% of all owners of the land to be developed, requesting the City to install some or all of the improvements, request all of the costs be assessed against the property, and waiving the rights to appeal from the levied special assessments. Upon approval by the Council, the City may cause the improvements to be made and special assessments for all costs of the improvements to be levied on the land, except any land that is or shall be dedicated to the public. The special assessment shall be payable over a term of 5 years unless otherwise authorized by the Council. Prior to the award of any contract by the City for the construction of any improvement, developer shall have entered into a contract for rough grading of streets included in the improvement to a finished subgrade elevation, and including the other terms as required by Council. Developer's obligation with respect to the rough grading work shall be secured by a bond, letter of credit, or the deposit which shall guarantee completion, and payment for all labor and materials expended in connection with the rough grading. The amount of the security shall be 125% of the cost of the rough grading and shall be in the form and contain the further terms as may be required by the City Engineer and/or City Attorney.

(K) *City Attorney approval.* No final plat shall be approved by the Council without first receiving a report signed by the City Attorney certifying that the agreements and documents required under this chapter meet the requirements of the City. The City Treasurer shall also certify that all fees required to be paid to the City in connection with the plat have been paid.

~~(L) *Warranty bond.* The City shall require a developer to submit a warranty bond or equivalent in the amount equal to the original cost of the improvements, which shall be in force a minimum of 2 years following final acceptance of any required improvements and shall guarantee satisfactory performance of the improvements, unless waived by the Council.~~

(1997 Code, § 400.16) (Am. Ord. 08-024, passed 4-20-2010) Penalty, see § 10.99

§ 153.16~~7~~ FEES.

(A) The Council shall by ordinance, adopted from time to time, establish fees to be paid by the applicant to defray the administrative costs and expenses incurred by the City in processing development applications, applications for variance or appeals under the provisions of this chapter.

(B) Fees to be paid by the applicant shall include all administrative, engineering, legal, and consulting fees and materials costs reasonably incurred in the review of the proposed subdivision and the processing of the applications or appeals.

(1997 Code, § 400.17)

§ 153.17~~7~~8 VIOLATIONS.

(A) *Sale of lots from unrecorded plats.* It shall be a violation of this chapter to sell, trade, offer to sell, trade, or otherwise convey a~~n~~ lot or parcel of land as part of, or in conformity with any plan, plat, or replat of any subdivision or area located within the City unless the plan, plat, or

replat shall first have been approved by the City in writing as provided by this chapter and in the case of a plat, replat, or registered land survey unless the survey is recorded in the office of the County Recorder or Registrar of Titles.

(B) *Misrepresentation as to construction, supervision, or inspection of improvements.* It shall be unlawful for any person to represent that any improvement upon any of the streets, alleys, or avenue of the addition or subdivision or any sewer in the addition or subdivision has been constructed according to the plans and specifications approved by the Council, or has been supervised or inspected by the City, when the improvements have not been so constructed, supervised, or inspected.

(1997 Code, § 400.18) Penalty, see § 10.99

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

SECTION 3. Adoption Date. This Ordinance 08-205 was adopted on this _____ day of April 2018, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

_____
Mike Pearson, Mayor

ATTEST:

_____
Julie Johnson, City Clerk

This Ordinance 08-____ was published on the ____ day of _____, 2018.

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

RESOLUTION NO. 2018-037

RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08- BY TITLE AND SUMMARY

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-205, an ordinance amending the City Code of Ordinances by amending the City's provisions related to the City Council; and

WHEREAS, the Ordinances are lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-205 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-205, which amends Chapter 153: Subdivision Regulations of the Lake Elmo City Code of Ordinances by:

- Clarifying language regarding lot line adjustment and lot consolidation.
- Amending language regarding metes and bounds to align with State Statute.
- Clarifying that release of building permits is as set forth by the development agreement.
- Adding additional application submittal requirements for Sketch Plan Review, Preliminary Major Subdivision Review, and Final Major Subdivisions Review.
- Additional requirements for Minor Subdivisions, including preparation of a preliminary plat prepared by a registered land surveyor in accordance with M.S. Ch. 505, drainage, grading and erosion control plans, existing and proposed low floor elevations, wetland delineation report and map, soil testing, public hearing, and a time restriction for recording of a minor subdivision.
- Removing certain design standards and instead referring to those outlined in the City Engineering Design and Construction Standards Manual.

The full text of Ordinance No. 08-205 and Ordinance No. 08-205 is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the Ordinance at City Hall for public inspection and that a copy be placed for public inspection at the Lake Elmo Public Library.

Dated: April 3, 2018.

_____
Mike Pearson, Mayor

ATTEST:

_____
Julie Johnson, City Clerk

(SEAL)

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

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.

STAFF REPORT

DATE: 4/3/18
REGULAR #19
MOTION

TO: City Council
FROM: Ben Prchal, City Planner
AGENDA ITEM: Variance Requests for 8728 DeMontreville Trl (Side Yard Setback)
REVIEWED BY: Emily Becker, Planning Director

SUMMARY AND ACTION REQUIRED:

The City has received a request from owner(s)/applicant Brooks Moening, of 8728 DeMontreville Trl, to allow reconstruction and expansion of an existing detached garage. The home was constructed in 1972 and garage the garage in 1974. The owner is in need of a variance because Article VI Non-Conforming Uses, Buildings and Structures indicates that all additions or expansions to the outside dimensions of an existing nonconforming structure must meet all requirements of the Zoning Code unless a variance is granted. The current structure is 7.3 feet away from the side yard lot line when it should be 10 feet to comply with today's code.

The City Council is being asked to hold a public hearing, review and make recommendation on the above mentioned requests.

GENERAL INFORMATION:

Legal	SUBDIVISIONNAME BERGMANN ADD LOT 5 BLOCK 2 SUBDIVISIONCD 37085 PID# 04.029.21.12.0017
Existing Land Use/Zoning:	Single-family detached residential home/detached garage guided for RR - Rural Residential Family / Rural Area Development.
Surrounding Land Use/ Zoning:	Surrounded by single family homes and guided for Rural Single (RS) to the south and Rural Residential (RR) to the north.
History:	Further information relating to the properties subdivision or zoning could not be found. However, it is known that the building permit for the home was issued in 1972 and the building permit for the garage was issued in 1974. The principal use for the property has been a single family dwelling, and is made up of .44 acres.
Deadline for Action:	Application Complete – 2/23/2018 60 Day Deadline – 4/24/2018 Extension Letter Mailed – N/A 120 Day Deadline – N/A
Applicable Regulations:	• Article VI – Non-conforming uses, buildings and structures • Article XI – Rural districts • Article V - Zoning Administration and Enforcement

REQUEST DETAILS

The applicant is requesting to remove and reconstruct the existing garage on the property. The following information provides a more detailed explanation of the proposal. In summary, the

existing garage does not meet the required setbacks for the RR zoning district of 10'. Buildings or structures lawfully existed prior to current zoning standards are not be altered or improved beyond normal maintenance, except that any lawful dimensional substandard residential building, accessory building, or structure may be altered or improved if the existing substandard dimension relates only to setback requirements and does not exceed the 10% of the minimum setback requirements. The applicant is proposing to re-build the garage entirely and expand the garage length, which goes beyond normal maintenance. Additionally, the garage requires a variance of 2.7 feet (required 10 foot setback – proposed 7.3 foot setback), which exceeds 10% of the minimum setback requirement.

Article XI: Rural Residential

	RR
Maximum Impervious Coverage	-
Minimum Accessory Building Setbacks (feet)	
Front Yard	30
Interior Side Yard	10
Corner Side Yard [g]	25
Rear Yard	40

Reason for Variance Requests. The variance request is due to the lot width of the property; the lot being established prior to current zoning criteria; and construction of the garage prior to current zoning standards. The parcel is 100.13 feet in width, which is much narrower than the required lot width of 300 feet within the Rural Residential zoning district. Had the home and garage been constructed with the current standards in mind, it is likely the garage would not have been built to be non-conforming. The garage is located between the northern property line and the home and is 32 inches from the home's concrete steps, so there isn't space to move the new garage location further from the northern property line. The larger garage is desired for additional storage space and to allow the applicant to resume with woodworking as a hobby. Additionally, the current garage is bowed and sagging, and studs are rotted as a result of being built directly on the concrete slab and not elevated on block. The stucco is crumbling and breaking away from the wall board.

Size and Number. The maximum allowed size and number for accessory structures within rural district is one 1,200 square foot structure for lots under 1 acre in size. The proposed garage is 1200 square feet in size and is the only accessory structure on the property, and so this requirement is met.

Maximum Impervious Surface. The subject property is unique in that it is zoned RR. Normally properties which are zoned RR should have a minimum lot size of 10 acres. There is no record as to why this property was allowed to be divided down past the 10 acre minimum to .44 acres except for that the lot was likely created prior to current standards. Older zoning maps were reviewed and it had shown the parcel being zoned RR as well. There is no impervious surface requirements for lots zoned RR, and so this standard does not apply.



Accessory Structure Standards. Below is an analysis of how the proposed garage meets required accessory structure standards.

C. Structure Height, Rural Districts. No accessory building shall exceed twenty-two (22) feet in height or the height of the principal structure, with the exception of buildings that are intended for a farming or other agricultural use in the judgment of the City. Building projections or features, such as chimneys, cupolas, and similar decorations that do not exceed twenty-five (25) feet in height are permitted in rural districts.

- *Staff Comment:* The applicant has stated that the home is 15 feet 10 inches in height and the garage is to be 15 feet in height. As the code is currently written this is allowed and under normal circumstances would be considered a conforming height. This standard is met.

D. Structure Location, Rural Districts. No detached garages or other accessory buildings shall be located nearer the front lot line than the principal building on that lot.

- *Staff Comment:* The garage will not be built any closer to the front lot line than it is now, the expansion will go off the back of the structure. The garage is 60.3 feet off the front property line and the home is 49.9 feet off the front line. This standard is met.

E. Exterior Design and Color. The exterior building materials, design and color of all accessory building or structures shall be similar to or compatible with the principal building, with the exception of the following accessory building or structures:

- *Staff Comment:* The garage design and color scheme will need to follow what is expressed above. Plans have not been submitted, condition of approval.

F. Openings and Doors. Garage doors and other openings shall not exceed fourteen (14) feet in height for all accessory structures, with the exception of buildings that are intended for a farming or other agricultural use in the judgment of the City.

- *Staff Comment:* The door height/design will need to follow what is expressed above. Plans have not been submitted, condition of approval.

RECOMMENDED FINDINGS

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.017 before an exception or modification to city code requirements can be granted. These criteria are listed below, along with comments from Staff regarding applicability of these criteria to the applicant's request.

1) **Practical Difficulties**. A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

FINDINGS*: The property had been platted and built on prior to the establishment of the current zoning code. Because of this the parcel is significantly smaller than others of its kind. Though the garage is currently non-conforming, this appears to be a reasonable request as everything besides the side yard setback would be conforming to current code. Staff believes this standard is met.*

2) **Unique Circumstances**. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

FINDINGS*: The property was platted prior to current zoning standards and does not meet the current minimum lot width requirements, which makes it difficult to fit a detached garage on the property meeting required side yard setback requirements. The existing garage was built prior to current zoning standards and does not meet minimum setback requirements, and the Applicant would like to re-build and expand the length of the existing garage in the same location. Staff believes this standard is met.*

3) **Character of Locality**. The proposed variance will not alter the essential character of the locality in which the property in question is located.

FINDINGS*: The property is wooded on all sides. Also there are other residencies in the area which have attached or detached garages with some lots also having accessory structures. There is a heavy woodline on the northern property edge and the nearest dwelling unit to the north is over 4oo ft away. From an aerial perspective it would not seem reasonable to think anyone could perceivably notice that the garage had been rebuilt and expanded off the rear. Staff believes this standard is met.*



4) Adjacent Properties and Traffic. The proposed variance will not impair an adequate supply of light and air to properties adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.

***FINDINGS**: A variance from the required side yard setback to expand the structure will not impair an adequate supply of light and air to adjacent properties. Congestion of public streets or diminishment or impairment of property values will also not be affected. Staff believes this standard is met.*

Results of Planning Commission and Public Hearing

The planning commission held a public hearing on the night of March 26th, 2018. There were no written comments submitted to staff and no one spoke on the request beyond the applicant. One commission member stated that they felt the property to the north would not be easy to develop due to the wetlands, this further supported the idea that this request would not impose a burden/nuisance to future neighbor(s). Also future lots would need to conform to the zoning code (size and width) and buildings would need to meet the zoning code setback requirements.

The variance passed with no amendments 6-0. The Planning Commission as well as staff is recommending approval of the proposed variance request based on the findings noted in 1, 2, 3, and 4 with the following conditions.

1. That the Applicant obtain all applicable permits including but not limited to a City building permit including a grading and erosion control, and by the City Engineer.
2. The structure complies with section 154.406 Accessory Structures, Rural Districts Sub. (C,D,E, and F)
3. The exterior building materials, design and color shall be compatible with the principal building.
4. The garage door height not exceed fourteen (14) feet.

FISCAL IMPACT:

The proposed variance is not expected to have fiscal impact to the City.

OPTIONS:

The City Council may:

- Recommend approval of the proposed variance, subject to recommended findings and conditions of approval.
- Amend recommended findings and conditions of approval and recommend approval of the variances, subject to amended findings and conditions of approval.
- Move to recommend denial of all variances, citing findings for denial.

RECOMMENDATION:

Staff recommends and the Planning Commission recommend approval of the request from Brooks Moening for the requested variances:

"Move to adopt resolution 2018-038 approving the request from Brooks Moening for variances from the following standard; minimum side yard setback, subject to recommended findings and conditions of approval identified in the staff report."

ATTACHMENTS:

1) Variance Application and narrative
2) Survey
3) Resolution 2018-038

Date Received:_____
Received By: _____
Permit #:_____

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

LAND USE APPLICATION

☐ Comprehensive Plan ☐ Zoning District Amend ☐ Zoning Text Amend ■ Variance*(see below) ☐ Zoning Appeal

☐ Conditional Use Permit (C.U.P.) ☐ Flood Plain C.U.P. ☐ Interim Use Permit (I.U.P.) ☐ Excavating/Grading

☐ Lot Line Adjustment ☐ Minor Subdivision ☐ Residential Subdivision Sketch/Concept Plan

☐ PUD Concept Plan ☐ PUD Preliminary Plan ☐ PUD Final Plan ☐ Wireless Communications

Applicant: Brooks Moening
Address: 8728 DeMontreville Tr N
Phone # 651-261-2154
Email Address: brooks.moening@gmail.com

Fee Owner: Brooks Moening
Address: 8728 DeMontreville Tr N
Phone # 651-261-2154
Email Address: brooks.moening@gmail.com

Property Location (Address): 8728 DeMontreville Tr N
(Complete (long) Legal Description: Bermann Add Lot 5 Block 2, SubdivisionCd 37085

PID#: 04.029.21.12.0017

Detailed Reason for Request: Reason for request is to request a variance from code 154.402, setback requirements for accessory building. I would like to remove my existing garage, which is in rough shape with sagging roof trusses and rotting studs and wall board due to being built directly on the slab, and rebuild with a larger footprint. However, my current garage and slab are located 7.3 feet from the side property line, as opposed to the required offset of 10 feet, as required by code. My request is to rebuild a larger garage while maintaining the current 7.3 foot property line offset.

*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:
The existing locations of the home and garage do not allow a replacement garage to be moved further away from the property line than where the current garage is located. The size of the home is less than 2000 square feet with a 3/4 crawl-space basement, so existing storage and utility area is very limited. Replacing the existing garage with a larger footprint while maintaining the existing offset will provide the homeowner with needed storage and utility space without affecting the character of the surrounding area.

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

Signature of applicant:_____Date:_____

Signature of fee owner:_____Date:_____

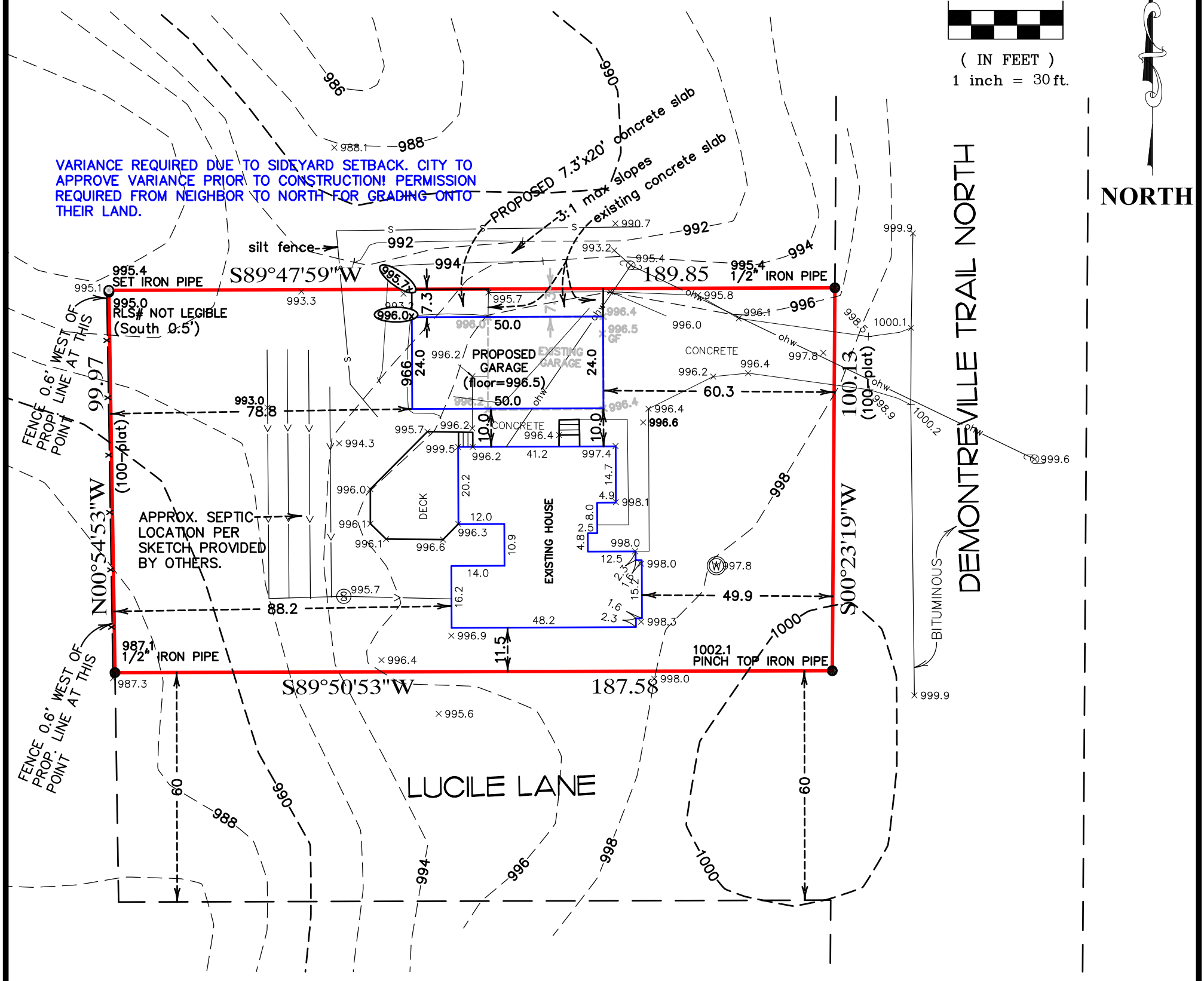
A. Current Property Owner: Brooks Moening
B. Site Data
    a. Legal Description: Bergman Addition Lot 5, Block 2
    b. Parcel Number: 04.029.21.12.0017
    c. Parcel Size: 0.437 acres, 19,036 sq. ft.
    d. Existing Use of Land: Residential
    e. Current Zoning: RR
C. Section 154.402 Lot Dimensions and Building Bulk Requirements – Setback Requirements, Minimum Accessory Building Setbacks, Interior Side Yard
D. This proposal is to seek a variance from the Interior Side Yard setback requirement of 10 feet. The current garage is currently 7.3 feet from the north side property line and is in a state of disrepair. I would like to tear down the existing garage and rebuild on the existing concrete slab, but expand the footprint of the garage further to the west, maintaining the existing set-back of 7.3 feet. The current garage footprint is 24' x 30' (720 square feet), and the proposed garage footprint would be 24' x 50' (1200 square feet).
E. Discussions were held between Ben Prchal and Brooks Moening regarding the proposed project and applicable city requirements. Based on existing situation and property limitations, decision was made to move forward to request a variance.
F. The strict enforcement of this chapter would cause practical difficulties because of the lot size and locations of existing buildings relative to property lines. The current garage is located between the northern property line and the home. It is offset 7.3' from the property line and 32" from the home's side concrete steps, so there isn't space to move the new garage location further from the northern property line. A larger garage is desired for additional storage space and to allow me to resume my woodworking hobby. My home is under 2000 square feet and 75% of my basement is crawl space, which limits functional area and storage inside the home
G. The plight of the landowner is due to how and where the home and garage were built prior to my purchase of the property, as well as the limitations due to the width of the lot. The current condition of the garage is due to how the garage was originally built; roof is bowed and sagging due to the use of non-engineered trusses and the wall board and studs are rotting as a result of being built directly on the concrete slab and not elevated on block. As a result, the stucco is crumbling and breaking away from the wall board and creating both an eyesore and intrusion issues.
H. Granting of this variance would not alter the essential character of the neighborhood for several reasons. One, expanding the garage size would not change the current setback from the existing garage, only extending an existing setback. In addition, the nearest building to the north of the garage is over 450 feet away, separated by heavy woods, so it would have no impact on a neighboring property. Finally, given the heavily wooded nature of surrounding properties in sparsely populated neighborhood, the expansion of the garage would be difficult to notice from the roadside and largely unseen from all adjacent neighbor's homes.

CERTIFICATE OF SURVEY

PROPERTY ADDRESS: #8728 DEMONTREVILLE TRAIL NO., LAKE ELMO, MN
P.I.D.# 04.029.21.12.0017

FOR: BROOKS J. MOENING

~(Showing Proposed Grage)~



LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- Ⓦ DENOTES WELL
- DENOTES EXISTING CONTOUR
- ohw DENOTES OVERHEAD WIRE
- x DENOTES EXISTING FENCE
- ×1011.2 DENOTES EXISTING ELEVATION.
- Ⓢ DENOTES SEPTIC PIPE
- DENOTES UTILITY POLE
- 4444.0 DENOTES PROPOSED ELEVATION.

EXISTING PROPERTY DESCRIPTION

Lot 5, Block 2, BERGMANN ADDITION, Washington County, Minnesota.

ZONING:

- PROPERTY ZONED RURAL RESIDENTIAL (RR)

NOTES

– CITY TO VERIFY ALL BUILDINGS ELEVATIONS AND SETBACKS.

– Bearing's shown are on assumed datum.

– This survey was prepared without the benefit of titlework. Easement, appurtenances and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a title insurance commitment or attorneys title opinion.

– This survey was completed Feb. 1st, 2018, in the middle of the Minnesota snow/ winter season. There may be improvements/ features in addition to those shown hereon that were not located due to snow/ice cover.

AREAS:

- TOTAL LOT AREA = 18,880± sq.ft. (0.43 acres)
- EXISTING HOUSE = 1,899± sq.ft.
- EXISTING GARAGE = 722± sq.ft.
- PROPOSED GARAGE = 1,200± sq.ft.

BENCHMARK

BASIS FOR ELEVATION: NAVD 88 (VIA REAL TIME GPS MEASUREMENTS UTILIZING MINNESOTA DEPARTMENT OF TRANSPORTATION VRS NETWORK)

BASIS FOR BEARINGS: NAD83 (1996) (VIA REAL TIME GPS MEASUREMENTS UTILITIZING MINNESOTA DEPARTMENT OF TRANSPORTATION VRS NETWORK).

Rev. 02/28/18, update conc. slab by gar.
Rev. 02/27/18, add septic, grading
Rev. 02/23/18, add zoning

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

Eric R. Vickaryous

ERIC R. VICKARYOUS

Date: Feb. 12th, 2018 Reg. No. 44125

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CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

RESOLUTION NO 2018-038

A RESOLUTION APPROVING A VARIANCE TO ALLOWING THE EXPANSION OF A NON-CONFORMING STRUCTURE NOT MEETING SIDE YARD SETBACK OF THE CITY'S ACCESSORY STURCTURE REQUIREMENTS AT 8728 DEMONTREVILLE TRL N.

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

WHEREAS, Brooks Moening, 8728 DeMontreville Trl N, Lake Elmo MN 55042 (Applicant/Owner), has submitted an application to the City of Lake Elmo (the "City") for variance to allow the expansion of a non-conforming structure not meeting the minimum side yard setback requirement for accessory structures. The proposed addition does not encroach further into the side yard. The garage will not exceed the maximum allowed size for the property which is 1,200 square feet.

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.109; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on March 26, 2018; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated March 26, 2018; and

WHEREAS, the City Council considered said matter at its April 3, 2018 meeting.

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

FINDINGS

1) That the procedures for obtaining said Variance are found in the Lake Elmo Zoning Ordinance, Section 154.109.

2) That all the submission requirements of said Section 154.109 have been met by the Applicant.

3) That the proposed variance includes the following components:

    a) A variance to allow for the expansion and renovation of a currently existing accessory structure which does not meet the minimum side yard lot line setback.

4) That the Variance will be located on property legally described as follows: SUBDIVISIONNAME BERGMANN ADD LOT 5 BLOCK 2 SUBDIVISIONCD 37085, 8980 Hudson Boulevard North, Washington County, Minnesota with the following PID: 04.029.21.12.0017.

5) That the strict enforcement of Zoning Ordinance would cause practical difficulties and that the property owner proposes to use the property in a reasonable manner not permitted by an official control. ***Specific Finding: The property had been platted and built on prior to the establishment of the current zoning code. Because of this the parcel is significantly smaller than others of its kind. Though the garage is currently non-conforming, this appears to be a reasonable request as everything besides the side yard setback would be conforming to current code.***

6) The plight of the landowner is due to circumstances unique to the property not created by the landowner. ***Specific Findings: The property was platted prior to current zoning standards and does not meet the current minimum lot width requirements, which makes it difficult to fit a detached garage on the property meeting required side yard setback requirements. The existing garage was built prior to current zoning standards and does not meet minimum setback requirements, and the Applicant would like to re-build and expand the length of the existing garage in the same location.***

7) The proposed variance will not alter the essential character of the locality in which the property in question is located. ***Specific Findings: The property is wooded on all sides. Also there are other residencies in the area which have attached or detached garages with some lots also having accessory structures. There is a heavy woodline on the northern property edge and the nearest dwelling unit to the north is over 4oo ft away. From an aerial perspective it would not seem reasonable to think anyone could perceivably notice that the garage had been rebuilt and expanded off the rear.***

8) The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. ***Specific Findings: A variance from the required side yard setback to expand the structure will not impair an adequate supply of light and air to adjacent properties. Congestion of public streets or diminishment or impairment of property values will also not be affected.***

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicant's application for a Variance is granted, subject to the following conditions.

1. That the Applicant obtain all applicable permits including but not limited to a City building permit including a grading and erosion control, and by the City Engineer.
2. The structure complies with section 154.406 Accessory Structures, Rural Districts Sub. (C,D,E, and F)
3. The exterior building materials, design and color shall be compatible with the principal building.
4. The garage door height not exceed fourteen (14) feet.

Passed and duly adopted this 3rd day of April, 2018 by the City Council of the City of Lake Elmo, Minnesota.

_____
Mayor Mike Pearson

ATTEST:

_____
Julie Johnson, City Clerk