

Mayor:
Dean Johnston
Council members:
Rita Conlin
Steve DeLapp
Liz Johnson
Anne Smith

Lake Elmo City Council

Tuesday

August 16, 2005

3800 Laverne Avenue No.
Lake Elmo, MN 55042
777-5510 777-9615 (fax)

Please read:

Since the City Council does not have time to discuss every point presented, it may appear that decisions are preconceived. However, staff provides background information to the City Council on each agenda item in advance; and decisions are based on this information and experience. In addition, some items may have been discussed at previous council meetings.

If you are aware of information that has not been discussed, please fill out a "Request to Appear Before the City Council" form; or, if you came late, raise your hand to be recognized. Comments that are pertinent are appreciated. Items may be continued to a future meeting if additional time is needed before a decision can be made.

Agenda

City Council Meeting Convenes 7:00 PM

Pledge of Allegiance

1. Agenda

2. Minutes:

August 2, 2005

3. PUBLIC INQUIRIES/INFORMATIONAL:

A. PUBLIC INFORMATIONAL:

Public Inquiries/Informational is an opportunity for citizens to bring the Council's attention any items not currently on the agenda. In addressing the Council, please state your name and address for the record, and a brief summary of the specific item being addressed to the Council. To allow adequate time for each person wishing to address the Council, we ask that individuals limit their comments to three (3) minutes. Written documents may be distributed to the Council prior to the meeting or as bench copies, to allow a more timely presentation.

4. CONSENT AGENDA

A. Resolution No. 2005-083: Approving Claims

B. Escrow Reduction: Tapestry

Those items listed under the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion under a Consent Calendar format. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the general order of business and considered separately in its normal sequence on the agenda.

5. FINANCE

A. Monthly Operating Report

Tom Bouthilet

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6. NEW BUSINESS

A.

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Update on Building Activities: Jim McNamara

<p>8. <u>CITY ENGINEER'S REPORT:</u></p> <p>A. Stonegate Street Vacation</p> <p>B. Ordinance No. 97-161:Klondike Stop Sign <i>3-2 APPROVE</i></p> <p>C. Resolution No. 2005-084:Approves Plans for Hilltop Avenue</p> <p>D. Resolution No. 2005-085:Approve Plans Watermain Interconnect Phase III</p>	<p>Tom Prew</p>	
<p>9. <u>PLANNING, LAND USE & ZONING:</u></p> <p>A. Resolution No. 2005-086:Amended OP Concept Plan – Deer Glen</p> <p>B. Resolution No. 2005-087:OP Development Stage Plan, CUP and Preliminary Plat – Discover Crossing</p> <p>C. Section 520 Site Plan Amendment:Village North Office Park</p> <p>D. Resolution No. 2005-088:Variance to Lot Size - Hardy</p> <p>E. Resolution No. 2005-089:Comprehensive Plan</p>	<p>C. Dillerud</p>	
<p>10. <u>CITY ATTORNEY'S REPORT:</u></p> <p>A.</p>		
<p>11. <u>CITY ADMINISTRATOR'S REPORT:</u></p> <p>A. <i>OLD VILLAGE COMBINATION</i> <i>3</i></p>		
<p>12. <u>CITY COUNCIL REPORTS:</u></p> <p>A. Mayor Johnston:</p> <p>B. Council Member Conlin</p> <p>C. Council Member DeLapp</p> <p>D. Council Member Johnson</p> <p>E. Council Member Smith</p>		
<p><u>August 24, 6 p.m.:</u>Brimeyer/Rafferty Performance Evaluation</p> <p>7:30 p.m. Budget Workshop</p>		

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LAKE ELMO CITY COUNCIL MINUTES
JULY 19, 2005

1. AGENDA
2. MINUTES: July 5, 2005 (Postponed)
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - A. PUBLIC INFORMATIONAL:
 - (1) Huff'N Puff Proclamation, Liquor License
 - (2) Regional Park Strategic Planning Team
 - (a.) Invite appointed reps to report to Council on Park Reserve Comprehensive Plan
 - (b.) Letter of Support Requested for Trail Tunnels under Highway 5
 - (c.) Reserve vs. Active Park
 - (3) Report on Senior Housing: Community Improvement Members
 - (4) Update on Time Extension with the Metropolitan Council
4. CONSENT AGENDA
 - A. Resolution No. 2005-072: Approving Claims
 - B. Resolution No. 2005-073; Partial Payment to Chris Riley
 - C. Request extension of Plat: Meehan
5. FINANCE:
 - A. Monthly Operating Report
 - B. Resolution No. 2005-074: Authorizing Issuance and Sale of G.O. Water Revenue Bonds
6. NEW BUSINESS:
 - A. Council Compensation
7. MAINTENANCE/PARK/FIRE/BUILDING:
 - A. Update on Fire Dept. Activities: Chief Malmquist – National Night Out
 - B. Update on Building Activities: Jim McNamara
8. CITY ENGINEER'S REPORT:
 - A. Speed on Klondike Avenue and Stop Sign on Klondike at 32nd Street
 - B. Escrow Reduction: Cardinal View
9. PLANNING, LAND USE & ZONING:
 - A. PUBLIC HEARING: Vacation of Stonegate Streets; Resolution No. 2005-075 (Not Adopted)
 - B. Resolution No. 2005-076: Approving building an accessory structure forward of a primary structure: Yang, 9425 45th Street
 - C. PUD Concept Plan – Serenity in Lake Elmo; Resolution No. 2005-077
 - D. Site Plan Review, Link Recreational, 9200 Hudson Blvd.
 - E. OP Concept Plan– Lake Elmo Development Co.; Resolution No. 2005-078
 - F. Old Village Coordinator
10. CITY ATTORNEY'S REPORT:
 - A. Penalty for Violation of "No Parking"
11. CITY ADMINISTRATOR'S REPORT:
 - A. New City Logo (Postponed)
12. CITY COUNCIL REPORTS:

Mayor Johnston called the Council meeting to order at 7:00 p.m. in the Council chambers. PRESENT: Johnston, Conlin, Smith, Johnston, DeLapp, City Engineer Prew, City Attorney Filla, Building Official Jim McNamara, Fire Chief Malmquist, Planner Dillerud, Finance Director Tom Bouthilet.

1. AGENDA

Move Public Hearing: Vacation of Stonegate Streets to 3b,
ADD 9F Discussion on Old Village Coordinator, 11b Update on Time Extension by Met Council, and 3c. Schedule Special City Council meeting to discuss issues raised by the Met Council.

M/S/P DeLapp/Smith - to approve the July 19, 2005 City Council agenda, as amended. (Motion passed 5-0).

2. MINUTES: July 5, 2005 (Postponed)

3. PUBLIC INQUIRIES/INFORMATIONAL:

A. PUBLIC INFORMATIONAL:

(1) Huff'N Puff Proclamation, Liquor License

MAYOR JOHNSTON PROCLAIMED THE SECOND WEEK OF AUGUST, 2005 AS HUFF'N PUFF DAYS IN LAKE ELMO AND URGE ALL CITIZENS OF OUR COMMUNITY TO GIVE FULL REGARD TO THE PAST AND CONTINUING SERVICES OF THE LAKE ELMO JAYCEES

M/S/P Johnson/Conlin – to proclaim August 11-14, 2005 as Huff'N Puff Days, to approve an on-sale non-intoxicating malt liquor license for this annual festival based on approval of the Washington County Sheriff and to waive the fees for the liquor license and for the ballfield lights. (Motion passed 5-0.)

(2) Regional Park Strategic Planning Team

(a.) Invite appointed reps to report to Council on Park Reserve Comprehensive Plan

Margaret Carlson, Technical Advisory Committee representative, summarized items being discussed at the Regional Park Planning strategic meetings, such as, park access points proposed park development plan concepts, passive activities, restoration of Big Woods Remnant North of Farmstead. Washington County will hold a Public Hearing on August 13 at 9 a.m.

John Elholm, Washington County Park Staff, said they want to see the public process happen and receive input on items proposed. The purpose of the park is to restore the natural resources experience. There will be a draft Comprehensive Park Plan document in late September and to the Washington County Board in December.

(b.) Letter of Support Requested for Trail Tunnels under Highway 5

The City Planner explained this application will be screened by the Met Council and the intent is to provide a safe trail across Highway 5 and the railroad tracks connected to the Lake Elmo Park Reserve. Such a project would be federally funded by the Transportation Equity Act. Council members Conlin, DeLapp and Smith thought it was premature and the request for Trail tunnels under Highway 5 should be sent to the Parks Commission for its review. Mayor Johnston said he routinely sees people safely use the tunnel under Highway 36 to the Gateway Trail. Council Member Johnson said she didn't have enough background information and wanted this to go to the Parks Commission.

M/S/ Smith/DeLapp - to send to the Parks Commission for review. The Parks Chair pointed out that it would be too late to meet the deadline of August 19th for the grant application.

The Council asked the staff to write a more generic letter with less detail on the construction of the two tunnels.

Council member Smith and DeLapp withdrew their motion.

M/S/P Conlin/DeLapp -- to table letter of support and direct staff to write a more generic letter intoned to connect Regional Park to the Gateway Trail for the Council to consider at the August 2 Council meeting. (Motion passed 5-0.)

(c.) Reserve vs. Active Park

Council will discuss this later.

(3) Report on Senior Housing: Community Improvement Members

Brenda Anderson said the Community Improvement Commission will be handing out Senior Housing survey at the Washington County Fair and the survey is on the City website. Anderson said the survey provides a nice base for feedback which will lead to reasonable senior housing goals for the City.

4. Update on Time Extension with the Metropolitan Council

The City Planner reported that the Metropolitan Council staff has prepared a draft resolution approving the extension of time for Lake Elmo to submit its amended Comprehensive Plan, including a number of conditions requiring certain City actions. City staff first saw the draft on the morning of the day at which the Met Council Community Development Committee was scheduled to provide a recommendation regarding the draft. He and Mayor Johnston met with Met Council staff and the Regional Administrator early the afternoon of the meeting and convinced them to not place the conditions of the extension on the Community Development agenda. The Committee met at 4:00 p.m. that day, and the Met Council staff did as agreed. Mayor Johnston, Council Member Smith and Council member DeLapp attended the Committee meeting. The Committee agreed with staff and sent the extension to the July 27 Met Council Board meeting with a recommendation to approve. The Planner reported that he and Met Council staff will continue to work on the issues of the conditions.

An emergency meeting was suggested by Mayor Johnston because this goes to the Board one week from this Wednesday.

4. CONSENT AGENDA:

A. Resolution No. 2005-072: Approving Claims

M/S/P DeLapp/Johnson - to adopt Resolution No. 2005-072, Approving claim numbers 268, 269, DD463 through DD474, 27578 through 27605, which were used for staff payroll dated July 7, 2005, claims 27606 through 27659, in the total amount of \$439,796.04. (Motion passed 5-0).

B. Resolution No. 2005-073: Partial Payment to Chris Riley

In his memo dated July 14, 2005, the City Engineer reported the entire pipe is now in on the Water System Interconnect – Phase I project. Final connections and clean-up are underway. The Engineer recommended approval of Partial Payment No. 2.

M/S/P DeLapp/Johnson – to adopt Resolution No. 2005-073, Approving Partial Payment No. 2 to Chris Riley Utilities, Inc. in the amount of \$56,169.34 for work improvements to the Water System Interconnect Project – Phase I, verified by the City Engineer in his memo dated July 14, 2005. (Motion passed 5-0).

C. Request Extension of Plat: Meehan

Torre Pines was given preliminary plat approval July 1998, and final plat approval for all but three lots in September 1998. The City was informed at that time that the final plat for these lots would not be done at this time. The Meehans are requesting another one-year extension. Our code allows for this extension, but requires Council approval on a yearly basis.

M/S/P DeLapp/Johnson – to grant the Meehan's a one-year extension of the Final Plat of Torre Pines, specifically the parcel now shown as Lot 15. (Motion passed 5-0).

5. FINANCE

A. Monthly Operating Report

The Finance Director provided the Council with the Monthly Operating Report-Revenue.

B. Resolution No. 2005-074: Authorizing Issuance and Sale of G.O. Water Revenue Bonds

The Finance Director provided Resolution No. 2005-074 authorizing issuance, awarding sale, prescribing the firm and details and providing for the payment of \$4,600,000 General Obligation Water Revenue Bonds Series 2005A. Pursuant to Minnesota Statute, Section 444.075 and Chapter 475 the City is authorized to issue and sell the bonds to pay the costs of public infrastructure improvements and to pledge the payments of the bonds net revenues from charges for service, use and availability of the utility. Per Moody's Investors Service, the City's Credit Rating is maintained as a double A3.

M/S/P DeLapp/Johnson – to adopt Resolution No. 2005-074 Authorizing the issuance and awarding the sale of General Obligation Water Revenue Bonds in the amount of \$4,600,000. (Motion passed 5-0.)

6. NEW BUSINESS:

A. Council Compensation

The Finance Director provided a Council Compensation Comparison outlining Mayor and Council compensation for cities of similar population. The report indicated that the average pay for the Mayor's position is \$3,982 and for Council positions at \$3,184. The Council has not received a compensation increase in over 5 years, and the Finance Director suggested that the Council consider an adjustment to their compensation plan. Attorney Filla clarified that the increase goes into effect January 1 following the next City election.

Council member DeLapp and Conlin suggested exploring reimbursement for the Planning Commission and Parks Commission.

M/S/P Johnson/Johnston – to direct the Staff to draft an ordinance for the next council meeting as recommended by the City Attorney for council review effective January 1, 2007, bringing the Mayor's compensation up to \$3,783 yearly and council member's compensation up to \$3,025. (Motion passed 5-0.)

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Update on Fire Dept. Activities: Chief Malmquist – National Night Out

Captain Brad Winkels reported the Fire Department will participate in National Night Out by visiting neighborhood block parties and giving out fire prevention handouts. The two sites already scheduled are Green Acres and Tablyn Park. If you are interested in having the LEFD attend a block party, residents should contact Captain Mike Tremain. The LEFD will attend Firefighter Day at the Washington County Fair and will host a pancake breakfast during Huff 'N Puff Days.

M/S/ Conlin/DeLapp - to change the start time to 6 p.m. for the August 2nd Council meeting and that the agenda structure will hold only necessary items.

M/S/F Smith/Johnson - to amend the motion to hold a regular Council meeting at 7 p.m., Monday (August 1st) and hold a Council meeting on Tuesday, 7 p.m., for the scheduled public hearing. (Motion Failed 2-3:Johnston, Johnson, Conlin)

M/S/P Conlin/DeLapp - to change the start time to 6 p.m. for the August 2nd Council meeting and that the agenda structure will hold only necessary items. (Motion passed 4-1: Smith didn't think the Council could get a council meeting done within two hours when the National Night Out activities occurs between 5-6:30 p.m.)

B. Update on Building Activities: Jim McNamara

The Building Official reported that the house located at 8961 37th Street has been completely removed by Washington County.

8. CITY ENGINEER'S REPORT:

A. Speed on Klondike Avenue and Stop Sign on Klondike at 32nd Street

Residents that live on Klondike Avenue appeared before the Public Health and Safety Committee requesting the speed limit be reduced to 20 MPH on their road for safety reasons. The Committee also recommended that the Administrator contact the law enforcement for some planned directed patrol activities. The residents also requested consideration of a stop sign on Klondike at 32nd Street.

The City Engineer and the Public Works Superintendent reported the speed limit could be reduced to 25 MPH posted. The Engineer recommended placing an advisory speed of 20 mph at the first curve south of the intersection. The engineer did not recommend any change to the traffic control at the intersection of Klondike Avenue and 32nd Street. There are two stop signs on 32nd street and a Yield on Klondike Avenue.

A resident stated that Klondike Avenue has an entrance to the Lake Elmo Park Reserve for walkers and bikers, and many cars take the road thinking it will lead them to the park. There is a sign that says "No Lake Access" but it contains no reference to the park.

M/S/ DeLapp/Johnson - to accept City Engineer's report recommending decreasing the speed limit to 25 mph on Klondike Avenue and placing an advisory speed of 20 miles per hour at the first curve south of the intersection.

Council member DeLapp suggested an additional stop sign in response to residents concerns over the enforceability of the new speed limit.

M/S/P DeLapp/Johnston - to amend the motion to include an additional stop sign to the intersection Klondike and 32nd Street. (Motion passed 4-1: Johnson)

M/S/P DeLapp/Johnson - to accept the City Engineer's report recommending decreasing the speed limit to 25 mph on Klondike Avenue and placing advisory speed of 20 miles per hour on the first curve south of the intersection and place an additional stop sign to the intersection Klondike and 32nd Street. (Motion passed 5-0).

The City Engineer will bring back a resolution for Council approval and look into the possibility of designating other streets in this neighborhood 25 mph if they meet the criteria.

The Public Works Supervisor cautioned the Council that adding a third stop sign creates false sense of security. He noted that there will be residents into the Council complaining about the installation of the third stop sign.

Council member Smith suggested installing a "no access to Park Reserve sign" and look into the, "Slow, Neighborhood" signs that are installed in yards of other cities.

B. Escrow Reduction: Cardinal View

The developers of Cardinal View have completed substantial portions of the required plat improvements. The City Engineer has certified by his July 14 memo that the required development security can be reduced from \$106,965 to \$57,968.75.

M/S/P DeLapp/Conlin - to approve the reduction of the Development Security requirement for Cardinal View from \$106,965 to \$57,968.75 based on the recommendation of the City Engineer in his memo dated July 14, 2005. (Motion passed 5-0.)

9. PLANNING, LAND USE & ZONING:

A. PUBLIC HEARING: Vacation of Stonegate Streets; Resolution No. 2005-075

The City Planner reported that during the public hearings on the Land Use Plan before the Planning Commission residents of the Stonegate neighborhood submitted a petition requesting City vacation of certain street stubs that were platted with the Stonegate subdivision. The Stonegate residents' petition includes signatures from 60 discrete addresses, including 100% of the property owners actually abutting 8th Street, Jewel and Julep stub streets.

The Planner explained, while not required by Statute, it has been the past practice of the Council to request the recommendation of the Planning Commission regarding street vacation petitions with potential Comprehensive Plan implications.

In his memo dated July 14, 2005, the City Engineer reviewed the petition to vacate the three stub streets in the Stonegate subdivision and did not feel this was in the best long term interest of the City for reasons stated.

Mayor Johnston opened up the public hearing at 8:13 p.m.

Tom Kreimer, 772 Jewel Avenue, asked staff to prepare an ordinance to vacate streets. Streets going into high density developments. He didn't agree with the City Engineer that it was premature to vacate these streets. He said that the residents of Stonegate have been using 10th Street for the last 10 years, and it has worked for them. He said that the existing cul-de-sacs can stay the way they are. He observed that it will be easier for crime to enter the neighborhood when connected to an Interstate through the street stubs.

Wayne Prowse, 697 Julep Avenue N., stated he never anticipated this high density development around Stonegate and is looking for some relief from surrounding housing developments. He was told there would be senior housing and a buffer to protect the Stonegate development. Stonegate residents are trying to maintain the rural character.

Rick Schallhorn, 418 Julep Avenue N., stated there is a 100 percent consensus among the Stonegate residents to vacate. He suggested that whatever new development comes in can get access through its own streets. He said he cannot understand any reason to not vacate.

William Roettger, 568 Julep Avenue N., stated his concern with commercial and high density development adjacent to Stonegate which will not be safe. He said that kids cannot ride their bikes because people will be using the streets as a short cut and that speed will be a safety issue if the stubs are connected.

Joel Ofsthan, 650 Julep Avenue N., stated that they have kids that ride bikes in the street. They have a safe neighborhood now, and that they won't know who is driving through their neighborhood because their streets would be used as a shortcut to get to Regional Park.

Todd Ptacek, 812 Julep Avenue N., stated the engineers report was against what the Planning Commission recommended. There will be another 800-1000 residents passing through the Stonegate neighborhood to 10th street. The residents ask to terminate the cul-de-sacs, not vacate. He asked why the Council can't honor their request to vacate as it did for the residents on 55th Street.

Curt Monteith, 331 Julep Avenue N., asked the City to please vacate streets. He said if the stub streets were opened it would allow more traffic in the Stonegate development with increased speed and may create a possible need for stoplights. The neighborhood won't recognize the cars traveling through the development and mailboxes would be vandalized.

Fred Pomerji, 687 Jewel Avenue N., stated that if Stonegate is opened to CSAH19 we are going to have a mess. He said he likes to walk his dogs in peace and quiet; children will be hurt; and, there will be more debris to be picked up. He said they know their family is safe now, but they would have high stress with more traffic.

Craig Rossow, 483 Julep Avenue N., thanked Council and the Planning Commission for their work. He asked if there is a difference between termination and vacation. He said he is in the school bus business and there would be no challenge turning school buses around in the cul-de-sacs.

Mayor Johnston closed the public hearing at 8:35 p.m.

Attorney Filla indicated there is no difference between terminations versus vacation of a street. A City can retain utility easements even with vacation. Filla recommended drafting a resolution for Council approval describing the legal details.

Mayor Johnston and Council member Smith said the decision has to be made on safety and the vacation request should go through the logical process and sent to the Planning Commission for their review and to hear the opinion of the Fire Department. Council

member Smith said that she stood behind the residents' request, but that there is a process that needs to be followed. Smith said you can't compare this vacation request with the 55th Street vacation because the landowner/City Council promised 55th Street would be closed north of Carriage Station.

Council member Conlin questioned prolonging the decision because they said all necessary information had been presented.

Council member DeLapp said he firmly supported closing the temporary cul-de-sacs in Stonegate when one-half of 250 residents in area have requested a vacation. He said he could not imagine how anyone could consider subjecting these people to a large expansion of traffic from future adjacent urban development.

M/S/ DeLapp/Conlin - to direct the staff to prepare a resolution for the August 16th Council meeting to vacate stub streets in Stonegate as presented by the City Planner in order to prevent any greater level of urbanization.

M/S/P Johnston/Smith - to amend the motion to request the Planning Commission review the vacation petitions of Stonegate stub streets and bring back recommendation to the August 16th Council Meeting. (Motion passed 5-0.)

Council member Johnson indicated she doesn't see any concerns in supporting this vacation and would like to see the resolution.

M/S/P DeLapp/Conlin - to direct the staff to prepare a resolution to vacate stub streets in Stonegate as presented by the City Planner in order to prevent any greater level of urbanization within Stonegate. The Resolution should be available at the August 16th Council meeting after the Planning Commission has reviewed the vacation request. (Motion passed 5-0).

B. Resolution No. 2005-076: Approving building an accessory structure forward of a primary structure: Yang, 9425 45th Street

Daya and Rody Yang, 9425 45th Street, has requested approval to place a 22 foot by 24 foot detached garage in front of the primary structure in accordance with plans staff dated July 15, 2005 and based on the physical condition of the lot. The garage structure would be located 81 feet from Lake Jane Trail and screened from view to Lake Jane Trail and any neighbors by dense woods in all directions.

M/S/P DeLapp/Smith - to adopt Resolution No. 2005-076 approving placement of a garage structure nearer a public street than the principal structure at 9425 45th Street N. per plans staff dated July 15, 2005; provided the structure remains permanently screened by the existing trees from 45th Street. (Motion passed 5-0.)

C. PUD Concept Plan – Serenity in Lake Elmo; Resolution No. 2005-077

Todd Foster, Heritage Development, summarized his application for a Planned Unit Development consisting of 44 residential lots on a parcel of land located on the east side of Lake Elmo Avenue and west of Fields of St. Croix 2nd Addition.

The City Planner reported the Planning Commission recommended denial of this application because the parcel lies within the Village Area Development Moratorium and the Concept Plan PUD does not comply with the City's Village Area Plan.

Mr. Foster said he has no way to achieve the higher density and would be open to solutions in order for them to move ahead.

M/S/P DeLapp/Johnston – to table this application of Heritage Development for Serenity in Lake Elmo with the expressed approval of Todd Foster, the developer, until the Old Village coordinator completes the tasks assigned. (Motion passed 5-0.)

D. Site Plan Review, Link Recreational, 9200 Hudson Blvd.

The City Planner reported the new owner of the former Dolan marine site has made application to construct exterior site improvements. He reported that the use of the site (boat sales/service) will not change and is a permitted use in the GB district, and that no structure additions are proposed.

Attorney Filla indicated the moratorium ordinance does not provide for the removal of any site from the Moratorium. He noted there is a difference between the current zoning (GB) of the current comp plan to future zoning of (LB). If this application is an expansion of the physical business, then it would be a potentially legal non conforming use, and the City should not take it off the development moratorium.

The City Planner reported that it is his finding that the applicant is not proposing expansion of the use or buildings.

M/S/P DeLapp/Smith – to adopt Resolution No. 2005-077, A Resolution Approving the 520 Site Plan for Link Recreational. (Motion passed 5-0.)

E. OP Concept Plan – Lake Elmo Development Co.; Resolution No.2005-078

The City Planner reported the Lake Elmo Development Company is proposing to develop a 155 acre site in the southwest quadrant of Highway 36 and Manning Avenue with up to 62 single family dwelling lots. He reported that on July 18th, the parks commission recommended a 4 acre neighborhood park and trails system be dedicated; with the trail to be constructed by the developer to City specifications and credit for the construction against the developer's park dedication fees.

Mayor Johnston and Council member DeLapp voiced concern on the end use of the 23 acre exclusion owned by the applicant, but excluded from the OP Plan.

Council member DeLapp asked the applicant to solicit comments from the Minnesota Land Trust regarding the location, design and quality of the proposed Preserved Open Space. He said that the first process of any concept plan is to locate the 50% of property with the highest environmental and scenic value to be preserved.

M/S/P Conlin/Johnson - to adopt Resolution No. 2005-078, A Resolution Approving the OP Concept Plan for Lake Elmo Development per plans staff dated June 8, 2005, based on the Findings and subject to the conditions recommended by the Planning Commission, and to include condition: The applicant shall provide written documentation from the Minnesota Land Trust regarding the location, design, and quality of the proposed Preserved Open Space concurrent with the Development Stage Plan, and Condition: The applicant shall be required to submit a sketch plan depicting future uses and layout of the 23 acres owned by the applicant, but excluded from the OP Plan and approval shall be based on City Council satisfaction with the design of the sketch plan. (Motion passed 5-0.)

F. Old Village Coordinator

As directed by the Council, the City Planner reported that he prepared a list of tasks for a Village Area Coordinator to complete expanded and more detailed Village Planning and Plan implementation strategy responsive to the Village Area plan that was earlier completed by the Village Commission and recommended as a Comprehensive Plan amendment by the Planning Commission. This RFQ Task List was sent to Dewey Thorbeck, author of the Village Area Plan and Robert Engstrom Companies. The Council will hold a workshop to review responses to the Task List for a Village Area Coordinator.

10. CITY ATTORNEY'S REPORT:

A. Penalty for Violation of "No Parking"

Attorney Filla reported he needs to talk to the District Court about increasing the fines because all tickets end up in district court. Filla will talk to the Sheriff's Department regarding changing the regulations to start towing vehicles. This issue will be brought back to the Council at a future date.

M/S/P Conlin/Smith - to schedule an emergency meeting on Friday, July 22, 4 p.m. to address most recent Met Council's requests. (Motion passed 5-0.)

11. CITY ADMINISTRATOR'S REPORT:

A. New City Logo - Postponed due to the late hour.

12. CITY COUNCIL REPORTS: - Postponed due to the late hour.

Council adjourn the meeting at 12:10

Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2005-072 Approve Claims
Resolution No. 2005-073 Partial Payment to Chris Riley
Resolution No. 2005-074 Authorizing Issuance and sale of G.O. Water Revenue Bonds
Resolution No. 2005-075 Vacation of Stone Streets (Not Adopted)
Resolution No. 2005-076 Approve accessory structure, Yang, 9425 45th Street
Resolution No. 2005-077 Serenity in Lake Elmo PUD Concept Plan
Resolution No. 2005-078 OP Concept Plan Lake Elmo Development Co.

LAKE ELMO CITY COUNCIL MINUTES

AUGUST 2, 2005

(Meeting time was changed due to National Night Out)

1. AGENDA
2. MINUTES: July 19, 2005
3. PUBLIC INQUIRIES/INFORMATIONAL:
4. CONSENT AGENDA:
 - A. Resolution No. 2005-080: Approving Claims
 - B. Ordinance No. 97-160; Council Compensation
 - C. Purchase of 955 John Deere Tractor Replacement – Parks Dept.
 - D. Purchase of Kabota Mower Replacement – Parks Dept.
 - E. Agreement with Ramsey Center of Arts – Verbal
 - F. Letter Supporting Washington County TEA-21 Funding Application for building a safe trail crossing of Hwy 5 and the Railroad Tracks
 - G. Resolution No. 2005-081: Final Payment to T.A. Schifsky & Sons, Hill Trail Project
5. FINANCE:
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
8. CITY ENGINEER'S REPORT:
 - A. PUBLIC HEARING: 2005 Street Repair – Hilltop Avenue; Resolution No. 2005-082 Order Plans and Specs
 - B. Verbal Update City Water Project
9. PLANNING, LAND USE & ZONING:
10. CITY ADMINISTRATOR'S REPORT:
 - A. Logo-New City Identity - DELETED
 - B. Village Area Development Coordinator
11. CITY COUNCIL REPORTS:

1. AGENDA

ADD: 4E: Comments on Ramsey Arts Lease, 10B. Special Council meeting on Wednesday, DELETE: 10A. Logo-New City Identity
M/S/P DeLapp/Johnson – to approve the August 2nd City Council minutes, as amended.
(Motion passed 5-0.)

2. MINUTES: July 19, 2005

M/S/P Johnson/Conlin – to approve the July 19th City Council Minutes, as amended.
(Motion passed 5-0).

3. PUBLIC INQUIRIES/INFORMATIONAL:

Joan Ziertman explained that at the July 5th Council meeting the City staff was directed to provide more information, such as, 1. Square foot Area of addition, 2. Topography map, 3. Drainfield size (altered) and by whom, 4. Has a court date been set, and 5. Certificate

of Occupancy for garage addition. Mrs. Ziertman said they have not received any of the requested information.

Attorney Filla said a court date has not been set. Administrator Rafferty said he will have this information for the Ziertmans this week.

4. **CONSENT AGENDA:**

A. Resolution No. 2005-080: Approving Claims

M/S/P Conlin/Johnson – to adopt Resolution No. 2005-080, approving claim numbers 270, 271, 272, DD475 through DD484, 27660 through 27672, that were used for Staff Payroll dated July 19, 2005; claims 27673 through 27721, in the total amount of \$115,331.69. (Motion passed 5-0).

B. Ordinance No. 97-160; Council Compensation

M/S/P Conlin/Johnson - to adopt Ordinance No. 97-160, An Ordinance Relating to Mayor and Council Salaries. (Motion passed 4-1 DeLapp stated the Council Compensation for 2008 is premature.)

C. Purchase of 955 John Deere Tractor Replacement – Parks Dept.

MAC reviewed and recommended purchase of a 5600 Turbo Work Machine with a flail mower and broom attachments. Further recommendation was to sell the 955 Tractor in a sealed bid auction for a minimum price of \$10,000. This is a Cooperative Purchasing Venture/State Contract Bid. The 2005 CIP is budgeted \$40,000 for this purchase.

M/S/P Conlin/Johnson – to approve the purchase of a 5600 Turbo Work Machine with a flail mower and broom attachment at a cost of approximately \$47,607.69 and to sell the 955 Tractor in a sealed bid auction for a minimum price of \$10,000, as recommended by the Maintenance Advisory Committee. (Motion passed 5-0).

D. Purchase of Kabota Mower Replacement – Parks Dept.

The Public Works Department met with the Maintenance Advisory Commission in regards to the CIP replacement of the 1998 Kobota Mower. MAC recommended the Public Works Department replace the Kabota Mower with a Toro Z590-D Mower. This is a Cooperative Purchasing Venture/State Contract bid. The 2005 CIP is budgeted \$15,000 for this purchase.

M/S/P Conlin/Johnson – to approve the purchase of a Toro Z590-D Mower at an approximate cost of \$10,622.25 and to trade in the 1998 Kabota Mower, per the recommendation of the Maintenance Advisory Committee. (Motion passed 5-0).

- E. Agreement with Ramsey Center of Arts -- Verbal (Taken off for discussion)

The City Administrator explained that the City Attorney drafted a Premises Lease Agreement with the Ramsey Center of the Arts. The Administrator said he just received changes to the lease on Tuesday from RCFA.

M/S/P Johnson/Conlin – to authorize the City Administrator to finalize the Premises Lease Agreement with the Ramsey Center for the Arts with input from the City Attorney and to authorize the Mayor to sign the lease agreement. (Motion passed 5-0).

- F. Letter Supporting Washington County TEA-21 Funding Application for Building a Safe Trail Crossing of Hwy 5 and the Railroad Tracks

M/S/P Conlin/Johnson – to approve the draft letter from the City to John Elholm, Washington County Senior Planner regarding support of the TEA-21 Application for a safe crossing of Highway 5 and the Railroad Tracks in Lake Elmo. (Motion passed 5-0).

- G. Resolution No. 2005-081: Final Payment to T.A. Schifsky & Sons, Hill Trail Project (taken off for discussion)

Bud Talcott, Hill Trail resident, pointed out there is a street cracked on Olson Lake and a curb by him (8051 Hill Trail) that can be replaced.

M/S/P Conlin/Johnson – to adopt Resolution No. 2005-081, A Resolution Approving Change Order No. 2 and Final Payment to T.A. Schifsky and Sons for the Hill Trail North and 50th Street North Reconstruction Project, verified by the City Engineer in his memo dated July 29, 2009. (Motion passed 5-0).

5. **FINANCE:**
6. **NEW BUSINESS:**
7. **MAINTENANCE/PARK/FIRE/BUILDING:**
8. **CITY ENGINEER'S REPORT:**

- A. PUBLIC HEARING: 2005 Street Repair – Hilltop Avenue; Resolution No. 2005-082 Order Plans and Specs

The City Engineer made a presentation of the proposed Hilltop Avenue street repairs.

The Public Hearing Notice was published in the Lake Elmo Leader on July 22nd and July 29th, 2005. All affected property owners were notified of the public hearing.

Mayor Johnston opened up the public hearing at 7:09 p.m.

Dennis Schultz, 5471 Hilltop Avenue, stated he was against narrowing the street because people park on the street when they have company. He said he was in favor of the center island and would be willing to maintain the landscaping. He pointed out there is a dumpster on the road in front of the Rivard house preventing two way traffic.

Clifton Livingston, 5131 Hilltop Avenue, said he is opposed to a narrow street and it would not slow people down. He said by taking right-of-way to make a narrower street would also mean water sprinklers would have to be moved.

Sue Kleiter-Semlak and Steven Semlak, 5230 Hilltop Avenue, stated they were opposed to narrowing the street. They said they liked the wide street because it offered off street parking and permitted people to walk on the road. He said the speeders are the school bus and UPS drivers and the residents. They suggested installing a speed bump for slowing down speed. Mr. Semlak said he doesn't like the idea of the bump outs. The City Engineer responded that speed bumps make winter plowing difficult.

Rob McDonough, 5231 Hilltop Avenue, stated he was against narrowing the streets. He said he wanted wide streets to make sure a fire tanker would get to his house. He asked if the property owners could get a credit for the street because in his opinion the street overlay did not last as long as intended. The City Engineer responded that there is a one year warranty period.

David Lang, 5451 Hilltop Avenue, stated he was opposed to narrowing the street. He said the underground sprinklers in the right-of-way are a different issue. He asked how the assessments would be spread out. The Finance Director responded the terms have not been finalized, but the City is considering 5-6% interest over 5 years.

Maureen McDonough/Roger Kapsner, 5170 Hilltop Avenue, stated he was opposed to narrowing the street and asked if narrowing an existing wide street would start a precedent in the City. He questioned the large number of speeding complaints the City received. The City Engineer responded that based on the speeding complaints the speed trailer was set up last winter.

Dave Bendel, 5480 Hilltop Avenue N., said he was opposed to an island in the cul-de-sac and that he liked the wide street. He spoke for Randy Post who agreed to no island in the cul-de-sac. He said he was in favor of posting a lower speed limit.

David Seifert, 5171 Hilltop Avenue, said he was opposed to narrowing the street because it would not solve speeding. He pointed out this street was not posted and asked for a speed limit sign.

Chuck Stickler, 5261 Hilltop Avenue, said he would be in favor of narrowing the street if the speed limit was lowered and the project would include a sidewalk. He said he called about the speeders and the Washington County Deputies did speed checks and found it was the local residents. He suggested installing temporary speed bumps.

Brenda Forcica, 5200 Hilltop Avenue, said she walks her children to the bus stop because the cars are flying down the street. She said if the street was narrowed she would want a path or sidewalk for safety reasons.

Mayor Johnston closed the public hearing at 7:47 p.m.

Council member DeLapp stated even though he supports a center island in the cul-de-sac and a narrower street, he would support what the residents want.

M/S/P Johnson/Johnston – to adopt Resolution No. 2005-082, A Resolution Ordering Improvement and Preparation of Plans for the 2005 Street Repairs – Hilltop Avenue with no changes, such as narrowing the street and adding an island at the end of the cul-de-sac. (Motion passed 5-0).

B. Verbal Update City Water Project

The City Engineer reported the pipes are in for Phase I, Phase 2 is under construction and surveys, up to Farms of Lake Elmo, are being completed for Phase 3.

9. PLANNING, LAND USE & ZONING:

10. CITY ADMINISTRATOR'S REPORT:

A. Logo-New City Identity - DELETED

B. Village Area Development Coordinator

The City Administrator was instructed to finalize proposals and potential consulting firms that would provide planning/coordinating services to develop a plan, strategy, and standards to directing future old village development. The Administrator and Planner met with Dewey Thorbeck and Bob Engstrom, individually, reviewing the proposed task, timeline, and expected products upon completion. Both parties responded with their proposal by July 26, 2005.

Staff suggested holding a special meeting on August 3rd to interview the firms proposing services

M/S/P DeLapp/Johnson - to set a meeting date of August 3rd to interview firms for Master Planner/Coordinator for the Old Village Plan. (Motion passed 5-0).

11. CITY COUNCIL REPORTS:

Mayor Johnston reported he attended the Washington County Board meeting where the Board approved the lease and improvement agreement of the Lake Elmo branch of the Washington County library, reopening sometime in November.

Council member Johnson reported there are three locations in the City, Green Acres, Hamlet on Sunfish, and Tablyn Park, scheduled for National Night Out. She announced that Huff'N Puff Days, the official City celebration, will be held August 11-14th.

Council member Smith stated the Xcel Fly Ash meetings on a new disposal site have come to an end and Lake Elmo is not a high property site. There were Council members representing Lake Elmo at these meetings. The City Planner's recommendation was to find ways to recycle and reuse the material.

Council member Smith thanked the Lake Elmo Fire Fighters, Washington County Deputy Kyle Olson, and Public Works Supervisor Mike Bouthilet for their involvement at the Marquess Lane neighborhood party.

The Council adjourned the meeting at 8 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2005-080 Approve Claims

Resolution No. 2005-081 Final Payment to T.A. Schifsky & Sons, Hill Trail Project

Resolution No. 2005-082 Order Plans and Specs Hilltop Avenue

Ordinance No. 97-160 Council Compensation

DRAFT

4A.

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

**RESOLUTION NO. 2005-083
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 273, 274, DD485 through DD496, 27722 through 27756, were used for Staff Payroll dated August 4th, 2005; claims 27757 through 27810, in the total amount of \$139,696.47 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 16th day of August, 2005.

Dean A. Johnston
Mayor

ATTEST:

Martin J. Rafferty
City Administrator

Accounts Payable Computer Check Proof List

User: administrator

Printed: 08/12/2005 - 7:34 AM

SPRINGBROOK SOFTWARE

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:ABDO 219629	Abdo Eick & Meyers Audit Services Check Total:	710.21 710.21	08/16/2005	Check Sequence: 1 101-410-1530-43010	ACH Enabled: No
Vendor:ALEXAIR 9427 9438	Alex Air Apparatus, Inc Hose - Fire Dept. Adapter - Fire Dept Check Total:	290.00 29.63 319.63	08/16/2005	Check Sequence: 2 101-420-2220-42400 101-420-2220-42400	ACH Enabled: No
Vendor:AmeriMar 12587	AmeriMark Direct Recycling Materials Check Total:	566.41 566.41	08/16/2005	Check Sequence: 3 101-430-3200-42100	ACH Enabled: No
Vendor:ARAM 629-6772491	Aramark Linen - City Hall Check Total:	54.93 54.93	08/16/2005	Check Sequence: 4 101-410-1940-44010	ACH Enabled: No
Vendor:ASPENMI 62257	Aspen Mills, Inc. Uniforms - New Staff Check Total:	322.11 322.11	08/16/2005	Check Sequence: 5 101-420-2220-44170	ACH Enabled: No
Vendor:AWWA 2000434403	American Water Works Assn. Annual Membership Check Total:	72.00 72.00	08/16/2005	Check Sequence: 6 601-494-9400-44300	ACH Enabled: No
Vendor:BIFFS W263888 W263889 W263890	Biff's Inc. Rental - Portable - Sunfish Lake Park Rental - Portables - Lions Park Rental - Portable - VFW Park	74.26 148.52 74.26	08/16/2005 08/16/2005 08/16/2005	Check Sequence: 7 101-450-5200-44120 101-450-5200-44120 101-450-5200-44120	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
W263891	Rental - Portable - DeMontreville Park	74.26	08/16/2005	101-450-5200-44120	
W263892	Rental - Portable - Reid Park	74.26	08/16/2005	101-450-5200-44120	
W263893	Rental - Portable - Tablyn Park	74.26	08/16/2005	101-450-5200-44120	
W263894	Rental - Portable - Pebble Park	94.26	08/16/2005	101-450-5200-44120	
W263895	Rental - Portable - Stonegate Park	74.26	08/16/2005	101-450-5200-44120	
	Check Total:	688.34			
Vendor: BUBERL 6842	Buberl Black Dirt, Inc. Black Dirt Pick up Check Total:	127.80 127.80	08/16/2005	Check Sequence: 8 101-420-2220-44010	ACH Enabled: No
Vendor: CARQUEST 6832	Car Quest Plug, Mirror - Public Works Check Total:	7.67 7.67	08/16/2005	Check Sequence: 9 101-430-3100-42210	ACH Enabled: No
Vendor: COPYMAG 62985	Copy Images, Inc. Monthly Copier Maint. Check Total:	255.60 255.60	08/16/2005	Check Sequence: 10 101-410-1940-44040	ACH Enabled: No
Vendor: CPTLECO 651-207-1000	CP Telecom Telephone Service - City Hall Check Total:	622.02 622.02	08/16/2005	Check Sequence: 11 101-410-1940-43210	ACH Enabled: No
Vendor: DEEPRCK 3988100-6	Deep Rock Water Company Drinking Water - Public Works Check Total:	70.50 70.50	08/16/2005	Check Sequence: 12 101-430-3100-44300	ACH Enabled: No
Vendor: DILLERUD Retim. Claim	Charles Dillerud Airfare - APA Seminar Check Total:	439.40 439.40	08/16/2005	Check Sequence: 13 101-410-1910-43310	ACH Enabled: No
Vendor: DTI 105930 July 105930 July 105930 July 105930 July	DTI Telephone Service - Fire Dept Telephone Service - Public Works Telephone Line - Well 1 Telephone Lines - Lift Stations Check Total:	123.26 71.47 35.55 106.66 336.94	08/16/2005 08/16/2005 08/16/2005 08/16/2005	Check Sequence: 14 101-420-2220-43210 101-430-3100-43210 601-494-9400-43210 602-495-9450-43210	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:ELMOLUM 031639-01	Elmo's Lumber & Plywood Paint, Masking Tape - Fire Dept Check Total:	53.60 53.60	08/16/2005	Check Sequence: 15 101-420-2220-42230	ACH Enabled: No
Vendor:EMERGAPP 22436 22565	Emergency Apparatus Maint. Oil leak, Head gasket, Engine leak-3183 Inop. turn signals - 3176 Check Total:	3,133.66 108.43 3,242.09	08/16/2005 08/16/2005	Check Sequence: 16 101-420-2220-44040 101-420-2220-44040	ACH Enabled: No
Vendor:FIREEQUI 4142	Fire Equipment Specialties Kevlar Gloves - Fire Dept Check Total:	50.85 50.85	08/16/2005	Check Sequence: 17 101-420-2220-42400	ACH Enabled: No
Vendor:GALIOV 36444586	Hristo Galiov CD-RW, Key Pad Check Total:	53.23 53.23	08/16/2005	Check Sequence: 18 101-410-1520-42000	ACH Enabled: No
Vendor:GENESIS IVC00678 IVC00688	Next Genesis Productions Web Site Development Monthly Maint. Contract Check Total:	1,462.50 900.00 2,362.50	08/16/2005 08/16/2005	Check Sequence: 19 101-410-1320-43090 101-410-1520-43180	ACH Enabled: No
Vendor:GRUBER 4073	Gruber's Power Equipment Lawnmower - Parks Check Total:	6,522.33 6,522.33	08/16/2005	Check Sequence: 20 410-480-8000-45400	ACH Enabled: No
Vendor:HAGBERGS Account 10	Hagbergs Country Market Supplies - City Hall Check Total:	13.61 13.61	08/16/2005	Check Sequence: 21 101-410-1320-44300	ACH Enabled: No
Vendor:HAWKINS 733756	Hawkins, Inc. Hydrofluosilicic Acid - Water Check Total:	91.42 91.42	08/16/2005	Check Sequence: 22 601-494-9400-42160	ACH Enabled: No
Vendor:LEOIL B01203 S01203 S01208	Lake Elmo Oil, Inc. Fuel - Public Works Fuel - Fire Dept Fuel - Parks	2,678.17 377.53 67.44	08/16/2005 08/16/2005 08/16/2005	Check Sequence: 23 101-430-3100-42120 101-420-2220-42120 101-450-5200-42120	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	3,123.14			
Vendor:LINNER 17490 17531	Linner Electric Company, Inc. Repair Tennis Courts Lights Repair Lions Park Field Lights Check Total:	898.00 1,526.95 2,424.95	08/16/2005 08/16/2005	Check Sequence: 24 101-450-5200-44030 101-450-5200-44030	ACH Enabled: No
Vendor:MALMQ Emp.Claim 07/29	GregMalmquist Beverages - Fire Dept. Check Total:	71.06 71.06	08/16/2005	Check Sequence: 25 101-420-2220-44300	ACH Enabled: No
Vendor:MARONEYS 106248 106248 106248	Maroney's Sanitation, Inc Refuse - City Hall Refuse - Public Works Refuse - Parks Check Total:	95.89 95.89 183.96 375.74	08/16/2005 08/16/2005 08/16/2005	Check Sequence: 26 101-410-1940-43840 101-430-3100-43840 101-450-5200-43840	ACH Enabled: No
Vendor:MATCO 168352	Matco Tools Tools, Gloves - Public Works Check Total:	304.32 304.32	08/16/2005	Check Sequence: 27 101-430-3100-42400	ACH Enabled: No
Vendor:MCLEOD 1352950	McLeod USA Telephone Line 11194 Upper 33rd Well Check Total:	129.55 129.55	08/16/2005	Check Sequence: 28 601-494-9400-43210	ACH Enabled: No
Vendor:MILLEREX 10776	Miller Excavating, Inc. Grading Check Total:	626.25 626.25	08/16/2005	Check Sequence: 29 101-430-3100-43150	ACH Enabled: No
Vendor:MNLAND MNLand	Minnesota Land Trust Registration Fee Check Total:	50.00 50.00	08/16/2005	Check Sequence: 30 101-410-1910-44370	ACH Enabled: No
Vendor:MTI 488595-00	MTI Distributing V-Belt for Toro- Parks Check Total:	13.28 13.28	08/16/2005	Check Sequence: 31 101-450-5200-42210	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:OAKDALE 1000039700 1000046000	City of Oakdale North Pit South Pit Check Total:	3,100.08 9,206.96 12,307.04	08/16/2005 08/16/2005	Check Sequence: 32 601-494-9400-43820 601-494-9400-43820	ACH Enabled: No
Vendor:ONECALL 5070508	Gopher State One-CallOne Call Concepts, Inc Line Locates - July 2005 Check Total:	203.80 203.80	08/16/2005	Check Sequence: 33 101-430-3100-44300	ACH Enabled: No
Vendor:PELNAR July 2005	KathiPelnar Impounding Check Total:	564.72 564.72	08/16/2005	Check Sequence: 34 101-420-2700-43150	ACH Enabled: No
Vendor:PLANTH 77405 779-05	PLANT HEALTH ASSOCIATES, INC Forestry Program May-June 2005 Forestry Program July 2005 Check Total:	1,070.00 720.00 1,790.00	08/16/2005 08/16/2005	Check Sequence: 35 101-450-5200-44030 101-450-5200-44030	ACH Enabled: No
Vendor:PRESS 08/02 08/08 08/09	StevenPress Cablecast - Council Meeting Cablecast - Comp Plan Meeting Cablecast - Planning Meeting Check Total:	54.00 54.00 54.00 162.00	08/16/2005 08/16/2005 08/16/2005	Check Sequence: 36 101-410-1320-43620 101-410-1910-43620 101-410-1910-43620	ACH Enabled: No
Vendor:QUANTUM 36611 36649	Quantum Digital Imaging Color Maps for Comp Plan Mtg Color MAPs for Comp Plan Mtg Check Total:	345.82 122.31 468.13	08/16/2005 08/16/2005	Check Sequence: 37 101-410-1910-43020 101-410-1910-43020	ACH Enabled: No
Vendor:Rivertwn 50035963	RiverTown Newspaper Group Legal Publications Check Total:	520.95 520.95	08/16/2005	Check Sequence: 38 101-410-1320-43510	ACH Enabled: No
Vendor:ROGERS 12810	Rogers Printing Services Newsletter August 2005 Check Total:	983.00 983.00	08/16/2005	Check Sequence: 39 101-410-1320-43090	ACH Enabled: No
Vendor:RUD 08/01-08/10	DianePrince-Rud Cleaning City Hall	240.00	08/16/2005	Check Sequence: 40 101-410-1940-44010	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
08/01-08/10	Cleaning Fire Hall Check Total:	240.00 480.00	08/16/2005	101-420-2220-44010	
Vendor: S&T 01KD3061 01KD3777 01KD6719	S&T Office Products, Inc. Color Printer Cartridges Color Printer Cartridge Printer Cartridges, Paper Check Total:	387.70 103.76 132.57 624.03	08/16/2005 08/16/2005 08/16/2005 08/16/2005	Check Sequence: 41 101-410-1910-42000 101-410-1910-42000 101-420-2400-42000	ACH Enabled: No
Vendor: SCHAFKIM Emp. Claim 8/02	Schaffel, Kimberly Printer Cartridges Check Total:	20.22 20.22	08/16/2005	Check Sequence: 42 101-410-1320-42000	ACH Enabled: No
Vendor: STJOSEPH SM08731 SR13886	St Joseph Equipment, Inc. New Trailer for Bobcat Rental - Backhoe Check Total:	6,808.00 213.00 7,021.00	08/16/2005 08/16/2005	Check Sequence: 43 410-480-8000-45800 101-430-3100-43150	ACH Enabled: No
Vendor: TASCH 12170-02 36671 36710	T.A. Schifsky & Sons Final Pmt per Contract-Hill Trl/50th St Asphalt Mix Asphalt Mix Check Total:	45,523.79 79.07 39.14 45,642.00	08/16/2005 08/16/2005 08/16/2005	Check Sequence: 44 409-480-8000-45300 101-430-3100-42240 101-430-3100-42240	ACH Enabled: No
Vendor: TESSMAN S059521-IN	Tessman Company Line Markers - Parks Check Total:	106.87 106.87	08/16/2005	Check Sequence: 45 101-450-5200-42250	ACH Enabled: No
Vendor: TRISTATE E06368	Tri State Bobcat, Inc. Rental for Bobcat Excavator Check Total:	873.75 873.75	08/16/2005	Check Sequence: 46 603-496-9500-44010	ACH Enabled: No
Vendor: TWINCIT 1663	Twin City Water Clinic, Inc. Bacteria Analysis July 2005 Check Total:	20.00 20.00	08/16/2005	Check Sequence: 47 601-494-9400-43030	ACH Enabled: No
Vendor: UWISC 798577	University of Wisconsin Course Fee - Mike Bouthilet	595.00	08/16/2005	Check Sequence: 48 101-430-3100-44370	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Check Total:					
		595.00			
Vendor: Walter Permit 3440.					
Vendor: Walter Permit 3746	Walter Homes Inc.				ACH Enabled: No
	Ret. Dep. 4265 Kirwood, Permit 3440	1,000.00	08/16/2005	Check Sequence: 49	
	Ret. Dep. 4167 Kirwood, Permit 3746	1,000.00	08/16/2005	803-000-0000-22900	
	Check Total:	2,000.00		803-000-0000-22900	
Vendor: XCEL					
35734847	Xcel Energy			Check Sequence: 50	ACH Enabled: No
35850422	2759 Legion - Public Works	11.56	08/16/2005	101-430-3100-43810	
35854008	Tennis Courts	7.79	08/16/2005	101-450-5200-43810	
35871248	11194 Upper 33rd St	31.29	08/16/2005	101-450-5200-43810	
35875514	Traffic - 998 Inwood	32.45	08/16/2005	101-430-3160-43810	
35879711	3585 Laverne	53.10	08/16/2005	101-410-1940-43810	
35894179	11062 34th St Lift Station	12.86	08/16/2005	602-495-9450-43810	
35900903	3510 Laverne - Fire Hall	172.78	08/16/2005	101-420-2220-43810	
35908383	3511 Laverne - Fire Hall	26.07	08/16/2005	101-420-2220-43810	
35912810	Traffic - Manning/Stillwater Blvd	25.35	08/16/2005	101-430-3160-43810	
36002602	3675 Layton Ave	7.79	08/16/2005	101-450-5200-43810	
36009676	4259 Jamaca - Public Works	143.06	08/16/2005	101-430-3100-43810	
36172620	City Hall	437.81	08/16/2005	101-410-1940-43810	
36476230	Pebble Park	44.05	08/16/2005	101-450-5200-43810	
36476230	8860 Hudson Lift Station	56.25	08/16/2005	602-495-9450-43810	
36476230	Traffic Lights I-94/Inwood	26.44	08/16/2005	101-430-3160-43810	
36532472	3509 Laverne - Softball Field	137.59	08/16/2005	101-450-5200-43810	
36639066	Street Lights	1,614.74	08/16/2005	101-430-3160-43810	
	Wells at 3303 Langley/11975 55th	1,790.50	08/16/2005	601-494-9400-43810	
	Check Total:	4,631.48			
Vendor: ZACK					
20779	Zack's, Inc.			Check Sequence: 51	ACH Enabled: No
	Shortpaid	20.00	08/16/2005	101-430-3100-42150	
	Check Total:	20.00			
Total for Check Run:					
	Total Number of Checks:	103,135.47			
		51			

Accounts Payable Computer Check Proof List

User: administrator

Printed: 08/05/2005 - 9:14 AM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: ISD834 Permit 1166506	Indep School District 834 Hall Rental Check Total:	80.00 80.00	08/05/2005	Check Sequence: 1 101-410-1910-43020	ACH Enabled: No
Vendor: PIZZAMAN 1004	Pizza Man Pizza - Fire Dept Check Total:	43.41 43.41	08/05/2005	Check Sequence: 2 101-420-2220-44300	ACH Enabled: No
Vendor: WOODFIRE Softball - Fire	Woodbury Fire Department Reg. Fee - FD Softball Tournament Check Total:	100.00 100.00	08/05/2005	Check Sequence: 3 101-420-2220-44300	ACH Enabled: No
Total for Check Run:		223.41			
Total Number of Checks:		3			

<p>Lake Elmo City Council August 16, 2005</p>	<p>Agenda Section: CONSENT AGENDA</p>	<p><u>No 4B.</u></p>
<p><u>Agenda Item:</u> Escrow Reduction - Tapestry</p>		
<p><u>Background Information for August 16, 2005:</u></p> <p>The developers of Tapestry at Charlotte's Grove have completed portions of the required plat improvements. The City Engineer has certified by his August 9, 2005 Memo that the required development security can be reduced from \$2,530,287.50 to \$1,396,500.00</p>		
<p><u>Action Items:</u> Motion to approverduction of the Dvleopment Seuirty rewuirede m for Tapestry at Charlotte's Grove from \$2,530,287.50 to \$1,396,500.00 based on the recommendation of the City Engnieer.</p>	<p><u>Person responsible:</u></p>	
<p><u>Attachments:</u> 1. City Engineer's Memo of August 9, 2005</p>		

RECEIVED
AUG 11 2005

1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, MN 55101-2140

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

MEMORANDUM

To:	Chuck Dillerud	Reference:	Escrow Reduction #2
Copies To:	St. Croix Farms LLC		Tapestry
			City of Lake Elmo, Minnesota
From:	Thomas D. Prew, P.E. <i>TDP</i>	Project No.	13267.000
Date:	August 9, 2005	Routing:	

The developer is continuing work. The first section of street to the model homes should be paved by next week.

I would recommend that escrow be reduced to the amounts listed below:

Item	Original Amount	Work Remaining
Site Grading/ Turf Establishment	\$10,000.00	\$10,000.00
Storm Sewer	\$10,000.00	\$10,000.00
Sanitary Sewer and Drainfield	\$767,900.00	\$550,000.00
Watermain	\$489,300.00	\$175,000.00
Streets	\$645,530.00	\$550,000.00
Street Signs	\$1,000.00	\$1,000.00
Landscaping	\$100,500.00	\$100,500.00
Subtotal	\$2,024,230.00	\$1,396,500.00
125% Security	\$2,530,287.50	\$1,745,625.00

Monthly Operating Report - Revenue

As of August 2005

Description	Budget	Amount	Variance
Current Ad Valorem Taxes	1,923,989	960,284	963,705
Fiscal Disparities	12,838	55,523	-42,685
Liquor License	9,000	0	9,000
Waste hauler License	420	100	320
General Contractor License	175	6,622	-6,447
Heating Contractor License	1,000	660	340
Building Permits	176,000	76,904	99,096
Surcharge	10,154	0	10,154
Heating Permits	9,000	0	9,000
Plumbing Permits	7,000	7,688	-688
Sewer Permits	4,000	0	4,000
Animal License	1,500	1,403	97
Utility Permits	1,500	1,685	-185
Burning Permit	1,200	980	220
Local Government Aid	1,375	4,794	-3,419
MSA - Maintenance	0	9,068	-9,068
State Fire Aid	25,000	0	25,000
PERA Aid	1,500	1,375	126
Gravel Tax	4,000	3,063	937
Recycling Grant	15,000	32,994	-17,994
Cable Franchise Revenue	0	17,164	-17,164
Zoning & Subdivision Fees	25,000	23,097	1,903
Plan Check Fees	62,000	23,607	38,393
Sale of Copies, Books, Maps	1,200	1,006	194
Assessment Searches	500	225	275
Clean Up Days	5,000	5,591	-591
Cable Operation Reimbursement	1,920	1,095	825
Fines	65,000	34,360	30,640
Miscellaneous Revenue	22,000	3,294	18,706
Interest Earnings	60,000	32,582	27,418
Interfund Operating Transfers	64,752	0	64,752
General Fund Total	2,512,023	1,305,162	1,206,861

Water Sales	202,500	131,860	70,640
Tower Rent	26,500	24,665	1,835
Total Water Enterprise	229,000	156,525	72,475
Total Sewer Enterprise Fund	7,020	1,300	5,720
Total Surface Enterprise Fund	75,000	105	74,895
Total Report	2,823,043	1,463,092	1,359,951

Electric & Gas Utilities
Fuel Costs

Business Behind

Tans - JUNE Revenue to me

SA,

Monthly Operating Report				
As of 8/16/2005 (Period 8)	Budget	Amount	Variance	Comments
Mayor & Council				
Part-time Salaries	12,100	6,050	6,050	
FICA Contributions	875	375	500	
Medicare Contributions	204	88	116	
Travel Expense	4,000	0	4,000	
Miscellaneous	8,500	4,844	3,656	
Dues & Subscriptions	8,000	2,689	5,311	
Conferences & Training	5,000	434	4,566	
Sub-Total	38,679	14,480	24,199	
Administration				
Full-time Salaries	128,235	73,243	54,992	
PERA Contributions	7,091	3,411	3,680	
FICA Contributions	7,951	4,574	3,377	
Medicare Contributions	1,859	1,070	789	
Health/Dental Insurance	19,132	10,285	8,847	
Workers Compensation	1,740	1,722	18	Annual Premium Paid
Office Supplies	7,000	3,876	3,124	
Printed Forms	800	417	383	
Newsletter/Website	15,000	14,670	330	
Postage	9,500	4,585	4,915	
Travel Expense	4,200	622	3,578	
Legal Publishing	6,000	3,413	2,587	
Insurance	35,000	30,963	4,037	Annual Premium Paid
Cable Operation Expense	1,200	1,650	-450	Special Council Meetings
Miscellaneous	7,200	23,580	-16,380	Code Codification \$12,487 (not Budgeted), Use Tax, Christmas Lights.
Dues & Subscriptions	2,250	2,208	42	
Books	500	0	500	
Conferences & Training	2,500	84	2,416	
Professional Development	2,000	160	1,840	
Transfer Out	195,032	0	195,032	
Sub-Total	454,190	180,533	273,657	
Elections				
Part-time Salaries	1,100	0	1,100	
FICA Contributions	68	0	68	
Medicare Contributions	16	0	16	
Office Supplies	50	0	50	
Printed Forms	100	0	100	
Travel Expense	100	0	100	
Miscellaneous	250	55	195	
Conferences & Training	500	0	500	
Other Equipment	350	340	10	Accuvote Equipment Annual Maint. Paid
Sub-Total	2,534	395	2,139	

	Budget	Amount	Variance	Comments
Finance				
Full-time Salaries	61,798	30,452	31,346	
PERA Contributions	3,417	1,660	1,757	
FICA Contributions	3,831	1,891	1,940	
Medicare Contributions	896	442	454	
Health/Dental Insurance	7,969	4,173	3,796	
Workers Compensation	839	830	9	Annual Premium Paid
Office Supplies	700	557	143	
Printed Forms	809	657	152	
Software Support	8,995	13,004	-4,009	Annual Accounting Software Maintenance Paid
Hardware Support	3,701	581	3,120	
Software Programs	1,560	0	1,560	
Travel Expense	2,000	42	1,958	
Miscellaneous	700	524	176	Spec. Assessment Billing By Wash Cty \$450.00
Dues & Subscriptions	100	140	-40	
Books	200	0	200	
Conferences & Training	1,000	40	960	
Sub-Total	98,515	54,995	43,520	
Accounting Services	22,000	26,082	-4,082	New Annual State Reporting requirements
Assessing Services	38,000	27,666	10,335	
City Attorney - Civil	26,000	25,180	820	Revenue Offset Account
City Attorney - Criminal	45,000	25,526	19,474	
Planning & Zoning				
Full-time Salaries	64,631	40,146	24,485	
PERA Contributions	3,574	3,711	-137	
FICA Contributions	4,007	2,507	1,500	
Medicare Contributions	937	586	351	
Health/Dental Insurance	7,962	8,336	-374	
Workers Compensation	877	868	9	Annual Premium Paid
Office Supplies	500	1,552	-1,052	Comp Plan Materials
Printed Forms	500	437	63	
Zoning Ordinance Dev - CDBG	5,000	0	5,000	
Cimarron Study - CDBG	24,000	0	24,000	
Comprehensive Planning	10,000	25,542	-15,542	Comp Plan Amendment
Engineering Services	0	0	0	
Travel Expense	2,700	733	1,967	
Cable Operation Expense	1,200	871	329	
Miscellaneous	200	360	-160	
Dues & Subscriptions	500	800	-300	
Books	200	467	-267	
Conferences & Training	2,000	175	1,825	
Sub-Total	128,788	87,091	41,697	
Engineering Services	27,861	20,352	7,509	

	Budget	Amount	Variance	Comments
Attorney Fees	25,000	1,466	23,534	
Gov't Building				
Cleaning Supplies	300	\$275.50	25	
Building Repair Supplies	500	\$248.73	251	
Telephone	5,100	\$3,705.26	1,395	
Insurance	0	\$276.75	-277	
Electric Utility	6,500	\$5,070.51	1,429	Anticipated Electric Rates exceeded Budgeted Estimate
Refuse	2,000	\$829.72	1,170	
Repairs/Maint Contractual Bldg	10,000	\$6,859.12	3,141	
Repairs/Maint Contractual Eqpt	7,000	\$2,952.96	4,047	
Miscellaneous	500	\$531.16	-31	
Sub-Total	31,900	20,750	11,150	
Law Enforcement Services	327,633	176,911	150,722	
Fire				
Full-time Salaries	12,999	9,001	3,998	
Part-time Salaries	117,200	77,309	39,891	
PERA Contributions	719	1,848	-1,129	
FICA Contributions	8,034	5,354	2,680	
Medicare Contributions	1,879	1,252	627	
Health/Dental Insurance	1,677	1,350	327	
Workers Compensation	3,580	3,543	37	Annual Premium Paid
Office Supplies	1,000	428	572	
Printed Forms	500	34	466	
EMS Supplies	1,500	465	1,035	
Fire Prevention	4,000	0	4,000	
Fuel	4,500	2,134	2,366	
Equipment Parts	500	575	-75	
Building Repair Supplies	200	286	-86	
Small Tools & Equipment	1,200	857	343	
Physicals	4,000	3,215	785	
Telephone	3,500	3,344	156	
Radio	7,500	3,232	4,268	
Internet	700	0	700	
Travel Expense	3,000	1,603	1,397	
Vehicle Insurance	14,850	13,197	1,653	Annual Premium Paid
Electric Utility	5,700	3,588	2,112	Anticipated Electric Rates exceeded Budgeted Estimate
Repairs/Maint Contractual Bldg	7,000	6,885	115	
Repairs/Maint Contractual Eqpt	25,000	15,473	9,527	
Rentals - Building	1,080	810	270	
Uniforms	9,500	2,857	6,643	
Miscellaneous	1,300	38,403	-37,103	17,521 For Fire Survey & Settlement - Adjustment - Dues & Subscriptions
Dues & Subscriptions	2,500	2,377	124	
Books	200	0	200	

	Budget	Amount	Variance	Comments
Conferences & Training	15,000	5,794	9,206	
Pension Contribution	2,690	0	2,690	
Fire State Aid	25,000	13,738	11,262	
Equipment	10,000	4,169	5,831	
Transfer Out	40,000	0	40,000	
Sub-Total	338,008	223,121	114,887	All fire accounts need close monitoring for remainder of year.
Building Inspection				
Full-time Salaries	125,415	\$71,985.12	53,430	
PERA Contributions	6,935	\$3,507.57	3,427	
FICA Contributions	7,776	\$4,474.05	3,302	
Medicare Contributions	1,819	\$1,046.25	773	
Health/Dental Insurance	18,845	\$10,940.13	7,905	
Workers Compensation	1,702	\$1,684.32	18	Annual Premium Paid
Office Supplies	1,100	\$349.47	751	
Printed Forms	1,000	\$171.46	829	
Fuel	3,000	\$242.80	2,757	
Engineer Serv Utility Permits	2,000	\$0.00	2,000	
Plan Review Charges	5,000	\$0.00	5,000	
Surcharge Payments	13,500	\$5,408.20	8,092	
Telephone	400	\$295.09	105	
Travel Expense	1,000	\$740.96	259	
Insurance	1,200	\$963.56	236	
Repairs/Maint Contractual Eqpt	500	\$593.64	-94	
Rentals - Building	4,500	\$2,556.00	1,944	
Uniforms	600	\$186.65	413	
Miscellaneous	400	\$217.72	182	
Dues & Subscriptions	800	\$515.00	285	
Books	300	\$2.00	298	
Conferences & Training	2,500	\$1,210.00	1,290	
Equipment	0	\$156.95	-157	Noise Meter
Transfer Out	5,000	0	5,000	
Sub-Total	205,292	107,247	98,045	
Civil Defense	9,000	0	9,000	
Animal Control				
Printed Forms	250	0	250	
Contract Services	8,800	3,853	4,947	
Impounding	7,000	6,391	609	
Miscellaneous	200	76	124	
Sub-Total	16,250	10,320	5,930	

	Budget	Amount	Variance	Comments
Public Works				
Full-time Salaries	115,938	55,400	60,538	
Part-time Salaries	5,160	0	5,160	
PERA Contributions	6,697	3,064	3,633	
FICA Contributions	7,508	3,437	4,071	
Medicare Contributions	1,756	804	952	
Health/Dental Insurance	21,187	11,990	9,197	
Workers Compensation	6,740	6,670	70	Annual Premium Paid
Office Supplies	300	28	272	
Fuel, Oil and Fluids	12,000	12,305	-305	Increased Fuel Prices
Shop Materials	2,500	1,418	1,082	
Equipment Parts	5,000	1,648	3,352	
Building Repair Supplies	1,000	68	932	
Street Maintenance Materials	12,000	2,238	9,762	
Landscaping Materials	2,500	0	2,500	
Sign Repair Materials	4,000	767	3,233	
Sand/Salt	25,000	9,592	15,408	
Small Tools & Minor Equipment	1,500	1,399	101	
Engineering Services	4,000	0	4,000	
Sealcoating & Crack Sealing	35,000	0	35,000	
Contract Services	45,000	23,510	21,490	
Telephone	2,750	1,247	1,503	
Travel Expense	750	35	715	
Insurance	16,000	9,018	6,982	Annual Premium Paid
Electric Utility	9,300	4,637	4,663	Anticipated Electric Rates exceeded Budgeted Estimate
Refuse	1,300	830	470	
Repairs/Maint Contractual Bldg	2,000	1,133	867	
Repairs/Maint Imp Not Bldgs	2,500	29	2,471	
Repairs/Maint Contractual Eqpt	8,000	2,595	5,405	
Uniforms	1,200	1,084	116	
Miscellaneous	2,500	1,526	974	
Dues & Subscriptions	500	125	375	
Conferences & Training	500	595	-95	
Clean-up Days	12,000	9,368	2,633	
Other Equipment	7,380	209	7,171	
Transfer Out	199,488		199,488	
Sub-Total	580,954	166,767	414,187	
Street Lighting	18,000	14,032	3,968	Anticipated Electric Rates exceeded Budgeted Estimate
Sanitation				
Recycling Supplies	6,000	573	5,427	
Newsletter	5,000	0	5,000	
Miscellaneous	7,100	1,045	6,055	
Sub-Total	18,100	1,618	16,482	

	Budget	Amount	Variance	Comments
Parks				
Full-time Salaries	52,660	26,442	26,218	
Part-time Salaries	25,658	9,059	16,599	
PERA Contributions	4,331	1,754	2,577	
FICA Contributions	4,856	2,205	2,651	
Medicare Contributions	1,136	516	620	
Health/Dental Insurance	7,241	4,276	2,965	
Workers Compensation	2,585	2,558	27 Annual Premium Paid	
Office Supplies	250	0	250	
Fuel, Oil and Fluids	2,200	418	1,782	
Shop Materials	500	49	451	
Chemicals	1,000	950	50	
Equipment Parts	4,000	858	3,142	
Building Repair Supplies	500	85	415	
Landscaping Materials	5,000	828	4,172	
Small Tools & Minor Equipment	1,000	117	883	
Telephone	1,000	617	383	
Travel Expense	0	70	-70	
Insurance	3,500	2,078	1,422 Annual Premium Paid	
Electric Utility	7,600	3,587	4,013	
Refuse	2,400	1,472	928	
Repairs/Maint Contractual Bldg	2,000	0	2,000	
Repairs/Maint Imp Not Bldgs	30,000	7,942	22,058	
Repairs/Maint Contractual Eqpt	1,000	1,564	-564 New tires for trailer, repairs to Tractor	
Rentals - Buildings	3,000	3,587	-587	
Uniforms	200	0	200	
Miscellaneous	200	1,107	-907 \$760.00 Property Taxes for 3585 Laverne	
Dues & Subscriptions	100	125	-25	
Transfer Out	18,000	0	18,000	
Sub-Total	181,917	72,266	109,651	
Total General Fund	2,633,621	1,236,580	1,376,822	

	Budget	Amount	Variance	Comments
Water Enterprise Operating				
Full-time Salaries	70,119	54,936	15,183	
PERA Contributions	3,878	2,849	1,029	
FICA Contributions	4,347	3,416	931	
Medicare Contributions	1,017	799	218	
Health/Dental Insurance	8,618	6,757	1,861	
Workers Compensation	2,137	2,115	22	Annual Premium Paid
Office Supplies	200	314	-114	Invoices printed
Printed Forms	1,500	77	1,423	
Chemicals	3,000	1,098	1,902	
Utility System Maintenance	3,000	871	2,129	
Water Meters & Supplies	17,500	1,618	15,882	
Small Tools & Minor Equipment	500	150	350	
Engineering Services	8,000	110,035	-102,035	Water System Study/Mapping - \$66,919.00 (To be reclassified into Capital)
Software Support	6,500	1,000	5,500	
Telephone	2,000	794	1,206	
Postage	1,120	0	1,120	
Travel Expense	1,400	826	574	
Insurance	3,433	6,449	-3,016	Annual Premium Paid
Electric Utility	15,806	7,876	7,930	
Water Utility	85,000	44,909	40,091	
Repairs/Maint Imp Not Bldgs	8,000	11,795	-3,795	Water Main Breaks
Miscellaneous	10,000	2,223	7,777	
Conferences & Training	1,020	760	260	
Other Equipment	2,000	1,468	532	
Sub-Total	260,095	263,134	-3,039	
Sewer Operating Enterprise				
Full-time Salaries	11,993	12,928	-935	Payroll Coding issue- See Surface Water Utility
PERA Contributions	663	667	-4	
FICA Contributions	744	805	-61	
Medicare Contributions	174	188	-14	
Health/Dental Insurance	1,401	1,653	-252	
Workers Compensation	463	458	5	Annual Premium Paid
Utility System Maint Supplies	500	51	449	
Small Tools & Minor Equipment	500	0	500	
Engineering Services	6,000	1,987	4,013	
Telephone	2,000	1,012	988	
Travel Expense	0	49	-49	
Electric Utility	2,123	511	1,612	
Sewer Utility - Met Council	0	825	-825	
Repairs/Maint Imp Not Bldgs	4,000	1,531	2,469	
Miscellaneous Expenses	600	0	600	
Conferences & Training	500	0	500	
Sub-Total	31,661	22,666	8,995	

	Budget	Amount	Variance	Comments
Surface Water Utility				
Full-time Salaries	29,523	0	29,523	Payroll Coding issue- See Sewer Operating Enterprise
PERA Contributions	1,633	0	1,633	
FICA Contributions	1,830	0	1,830	
Medicare Contributions	428	0	428	
Health/Dental Insurance	4,346	0	4,346	
Workers' Compensation	900	891	9	Annual Premium Paid
Office Supplies	500	0	500	
Utility System Maint Supplies	2,500	0	2,500	
Small Tools & Minor Equipment	1,000	71	929	
Engineering Services	10,000	8,305	1,695	
Erosion Control	5,000	0	5,000	
Software Support	4,000	0	4,000	
Postage	1,110	0	1,110	
Contract Services	2,500	874	1,626	
Repairs/Maint Not Bldg	2,500	0	2,500	
Miscellaneous Expenses	750	0	750	
Transfer Out	30,315	0	30,315	
Sub-Total	98,835	10,140	88,695	

Lake Elmo City Council Aug. 16, 2005	Agenda Section: Building/Fire/Maintenance	<u>No.</u> 7A.
<u>Agenda Item:</u> Building Department Monthly Update		
<p>Background Information:</p> <p>(A) Update July Construction Activities.</p> <p>(B) Miscellaneous</p>		
<u>Action Items:</u> Informational. No action needed.	<u>Person responsible:</u> J. McNamara	
<u>Attachments:</u> Summary Building Report for July		

Summary Building Report

July-2005			Year to Date		
	Permits Issued	Valuation		Permits Issued	Valuation
New Residential	0	\$0.00	New Residential	7	3,131,458.00
New Commercial	0	\$0.00	New Commercial	7	2,600,000.00
Other Residential	25	\$297,203.00	Other Residential	190	2,983,810.00
Other Commercial	3	\$3,500.00	Other Commercial	21	514,578.00
Total	28	\$300,703.00	Total	225	\$9,229,846.00
Total Building Fees Collected		\$12,425.82	Total Building Fees Collected		\$141,513.79
Summary Plumbing Report			Summary Plumbing Report		
Plumbing	3	\$47,800.00	Plumbing	35	\$563,078.00
Total Plumbing Fees Collected		\$351.00	Total Plumbing Fees Collected		\$2,911.50
Summary HVAC Report			Summary HVAC Report		
HVAC	4	\$22,652.00	HVAC	48	\$477,812.00
Total HVAC Fees Collected		\$302.00	Total HVAC Fees Collected		\$4,622.90
Summary Grand Total Fees		\$13,078.82	Summary Grand Total Fees		\$149,048.19
Surcharge Fee Paid to State		\$139.27	Surcharge Fee Paid to State		\$4,547.28
SAC Fees Paid to Met Council		\$0.00	SAC Fees Paid to Met Council		\$1,450.00
WAC Fees Paid to Oakdale		\$0.00	WAC Fees Paid to Oakdale		\$500.00
Misc. Expenses		\$0.00	Misc. Expenses		\$0.00
Total Fees Retained		\$12,939.55	Total Fees Retained		\$142,550.91
Credit Fees to Bldg			Credit Fees to Bldg		\$116,511.36
Credit Fees to Water		\$0.00	Credit Fees to Water		\$12,300.00
Credit Fees to Sewer			Credit Fees to Sewer		\$800.00

Building Permit Detail Summary

July 01, 2005 Through July 31, 2005

Occupancy

Class Of Work: Add

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4663	deck/ porch	7/1/2005	Single Family Dwelling	10,000
Totals for Class Of Work: Add		Number of Permits = 1		Sum of Valuation = 10,000

Class Of Work: Remodel

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4665	Remodel	7/6/2005	Accessory Building	30,000
Totals for Class Of Work: Remodel		Number of Permits = 1		Sum of Valuation = 30,000

Class Of Work: Alter

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4691	Excavation & Grading	7/28/2005	Commercial	0
Totals for Class Of Work: Alter		Number of Permits = 1		Sum of Valuation = 0

Totals for Occupancy: Number of Permits = 3

Sum of Valuation = 40,000

Occupancy B

Class Of Work: Add

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4681	Sign	7/19/2005	Office Building	1,000
Totals for Class Of Work: Add		Number of Permits = 1		Sum of Valuation = 1,000

Class Of Work: Alter

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4689	Sign	7/26/2005	Commercial	2,500
Totals for Class Of Work: Alter		Number of Permits = 1		Sum of Valuation = 2,500

Totals for Occupancy: B

Number of Permits = 2		Sum of Valuation = 3,500	
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Occupancy U-1**Class Of Work: Add**

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4669	Garage	7/11/2005	Accessory Building	7,000
4670	Garage	7/11/2005	Accessory Building	8,000
4675	Deck	7/12/2005	Single Family Dwelling	3,300
Totals for Class Of Work: Add		Number of Permits = 3		Sum of Valuation = 18,300

Totals for Occupancy: U-1

Number of Permits = 3		Sum of Valuation = 18,300	
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Occupancy R-3

Class Of Work: Add

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4664	fence	7/6/2005	Single Family Dwelling	100
4676	fence	7/12/2005	Single Family Dwelling	525
4680	driveway	7/19/2005	Single Family Dwelling	2,700
4694	deck/ porch	7/29/2005	Single Family Dwelling	5,500
4683	swimming pool	7/19/2005	Single Family Dwelling	20,000
4684	Porch	7/19/2005	Single Family Dwelling	110,000
4685	lawn Sprinkler	7/25/2005	Single Family Dwelling	2,500
4679	Deck	7/18/2005	Single Family Dwelling	16,000
4687	Porch	7/25/2005	Single Family Dwelling	15,000
4682	Deck	7/19/2005	Single Family Dwelling	4,500
Totals for Class Of Work: Add				Sum of Valuation = 176,825

Class Of Work: Remodel

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4674	Roof Replacement and Windows	7/11/2005	Single Family Dwelling	4,000
4667	window replacement	7/8/2005	Single Family Dwelling	8,785
4673	Deck	7/11/2005	Single Family Dwelling	2,000
4677	Remodel	7/14/2005	Single Family Dwelling	4,000
4671	window replacement	7/11/2005	Single Family Dwelling	5,945
Totals for Class Of Work: Remodel				Sum of Valuation = 24,730

Class Of Work: New

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4686	accessory structure	7/25/2005	Accessory Building	12,000
4692	septic	7/29/2005	Single Family Dwelling	13,800
Totals for Class Of Work: New		Number of Permits = 2		Sum of Valuation = 25,800

Class Of Work: Repair

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4688	reroof	7/25/2005	Single Family Dwelling	5,900
4693	driveway	7/29/2005	Single Family Dwelling	5,648
Totals for Class Of Work: Repair		Number of Permits = 2		Sum of Valuation = 11,548

Class Of Work: Alter

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4690	grading/excavation	7/28/2005	Single Family Dwelling	0
Totals for Class Of Work: Alter		Number of Permits = 1		Sum of Valuation = 0

Totals for Occupancy: R-3		Number of Permits = 20		Sum of Valuation = 238,903
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Grand Total for All Permits Issued: Number of Permits 28 Total Valuation = 300,703

City of Lake Elmo
Building Department

Plumbing Permit Detail Summary

July 01, 2005 Through July 31, 2005

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Valuation</i>
4666	commercial plumbing alter	7/7/2005	20,000
4668	New Commercial	7/8/2005	14,000
4692	install	7/29/2005	13,800

Number of Permits 3

Total Valuation = 47,800

*City of Lake Elmo
Building Department*

HVAC Permit Detail Summary

July 01, 2005 Through July 31, 2005

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Valuation</i>
4662	air conditioning	7/1/2005	2,852
4668	New Commercial	7/8/2005	10,000
4672	air conditioning	7/11/2005	2,400
4678	alter resd hvac	7/18/2005	7,400

Number of Permits 4

Total Valuation = 22,652

City of Lake Elmo
Building Department
Building Permit Fees

July 01, 2005 Through July 31, 2005

Date	Permit #	Permit Fee	Surcharge	Plan Review	Other	Investigation	AC Fee	Sewer Fee	WAC Fee	Meter	Sales Tax
7/1/2005	4662	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/1/2005	4663	\$181.25	\$5.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/6/2005	4664	\$23.50	\$0.05	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/6/2005	4665	\$442.25	\$15.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/7/2005	4666	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/8/2005	4667	\$167.25	\$4.39	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/8/2005	4668	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/11/2005	4669	\$139.25	\$3.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/11/2005	4670	\$153.25	\$4.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/11/2005	4671	\$125.25	\$2.97	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/11/2005	4672	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/11/2005	4673	\$69.25	\$1.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/11/2005	4674	\$97.25	\$2.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/12/2005	4675	\$97.25	\$1.65	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/12/2005	4676	\$26.55	\$0.26	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/14/2005	4677	\$97.25	\$2.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/18/2005	4678	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/18/2005	4679	\$265.25	\$8.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/19/2005	4680	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/19/2005	4681	\$0.00	\$0.00	\$0.00	\$200.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/19/2005	4682	\$111.25	\$2.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/19/2005	4683	\$321.25	\$10.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Thursday, August 11, 2005

City of Lake Elmo
Building Department
Building Permit Fees

July 01, 2005 Through July 31, 2005

Date	Permit #	Permit Fee	Surcharge	Plan Review	Other	Investigation	AC Fee	Sewer Fee	WAC Fee	Meter	Sales Tax
7/19/2005	4684	\$1,049.75	\$55.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/25/2005	4685	\$0.00	\$0.00	\$0.00	\$110.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/25/2005	4686	\$209.25	\$6.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/25/2005	4687	\$251.25	\$7.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/25/2005	4688	\$125.25	\$2.95	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/26/2005	4689	\$0.00	\$0.00	\$0.00	\$100.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/28/2005	4690	\$0.00	\$0.00	\$0.00	\$100.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/28/2005	4691	\$100.00	\$0.00	\$0.00	\$7,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/29/2005	4692	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/29/2005	4693	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/29/2005	4694	\$125.25	\$2.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals:		\$4,178.05	\$136.27	\$0.00	\$8,111.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Grand Total of Building Related Fees Collected: \$12,425.82

*City of Lake Elmo
Building Department*

Plumbing Permit Fees

July 01, 2005 Through July 31, 2005

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>
7/7/2005	4666	\$200.00	\$0.50
7/8/2005	4668	\$150.00	\$0.50
7/29/2005	4692	\$0.00	\$0.00
Totals:		\$350.00	\$1.00

Grand Total of Plumbing Fees Collected: \$351.00

*City of Lake Elmo
Building Department*

HVAC Permit Fees

July 01, 2005 Through July 31, 2005

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>
7/1/2005	4662	\$50.00	\$0.50
7/8/2005	4668	\$150.00	\$0.50
7/11/2005	4672	\$50.00	\$0.50
7/18/2005	4678	\$50.00	\$0.50
Totals:		\$300.00	\$2.00

Grand Total of HVAC Fees Collected: \$302.00

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Saint Paul, MN 55101-2140

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August 12, 2005

Honorable Mayor and City Council
City of Lake Elmo, Minnesota

Re: Stonegate Street Vacations
City of Lake Elmo, Minnesota
TKDA Project No. 13267.000

Dear Mayor and City Council;

We have surveyed the cul-de-sacs at Jewel Avenue and Julep Court to determine how to structure the vacations. If these drawings are acceptable to the City Council, the staff will prepare the legal work to accomplish it.

Jewel Avenue

The residential lots on Jewel Avenue end 20 feet short of the south plat boundary. Between the lots and the boundary is 20 feet of platted City Park property.

We can vacate the south 5 feet of the road, however; the property would revert to the City. I'm not sure this accomplishes what the residents and the City Council had in mind.

We cannot vacate the property in front of the residential lots unless we would remove a portion of the paved part of the cul-de-sac. The paved portion of the cul-de-sac is used by the public and should not be removed. This is not recommended.

This vacation should be discussed further.

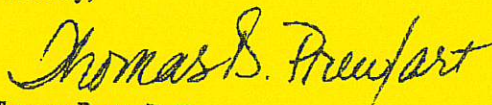
Julep Court

As shown on the map, we can vacate 5 feet of street right-of-way without impacting the paved portion of the cul-de-sac. The staff recommends a 5-foot vacation in this location.

8th Street

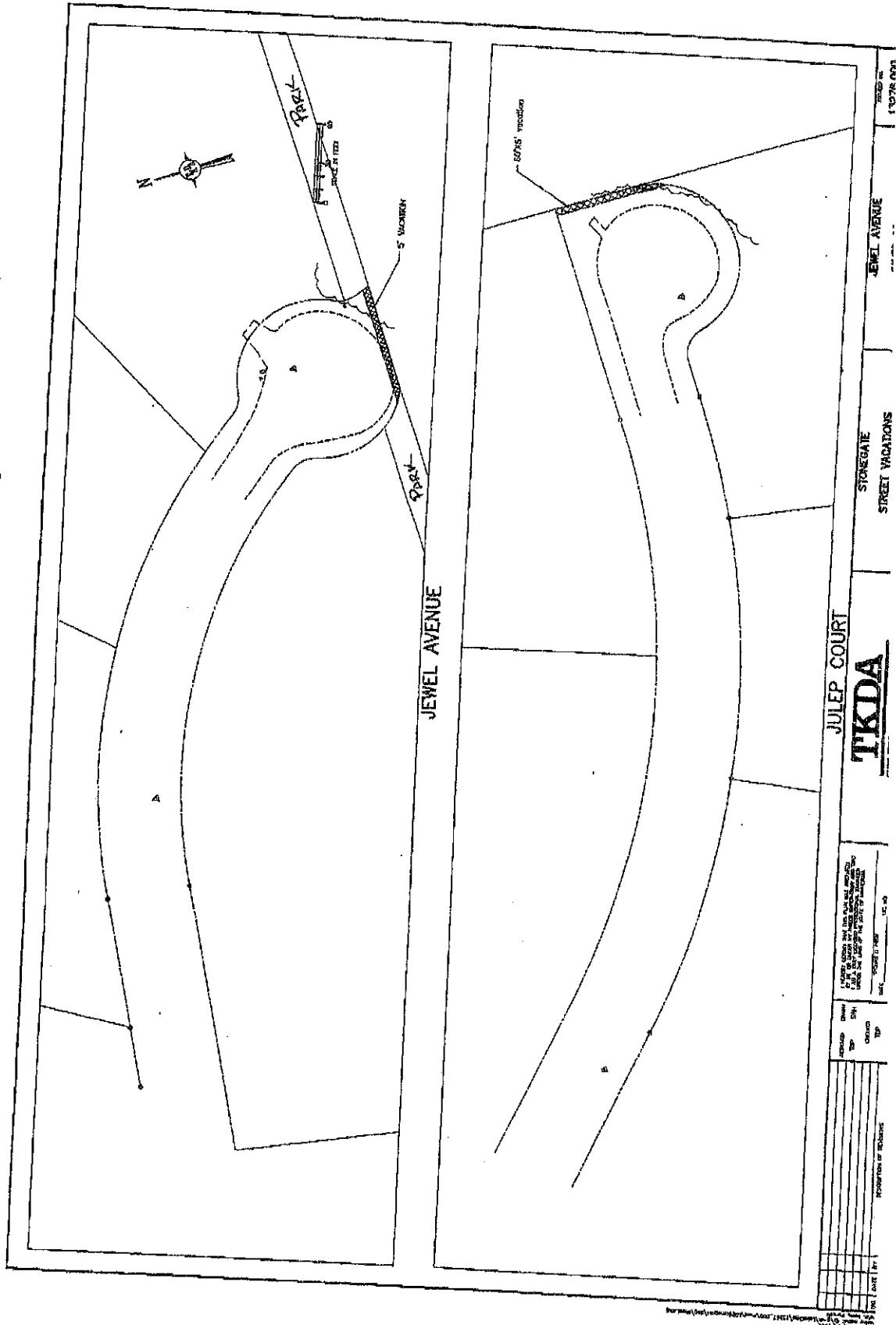
There are no issues with this vacation. It would run from the west right-of-way line of Julep Avenue to the west plat boundary.

Sincerely,



Thomas Prew, P. E.
City Engineer

TDP:art
Enclosures



CITY OF LAKE ELMO

WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. 97-161

AN ORDINANCE AUTHORIZING THE INSTALLATION OF A STOP SIGN
AT THE INTERSECTION OF KLONDIKE AVENUE NORTH AND 32ND STREET
(North Bound)

WHEREAS, the City has received a request for a traffic control sign at the intersection of Klondike Avenue North and 32nd Street.

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council authorizes a traffic control sign on at the intersection of Klondike Avenue and 32nd Street.

ADOPTED, by the Lake Elmo City Council on the 16th day of August, 2005.

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator

B. Update on Building Activities: Jim McNamara

The Building Official reported that the house located at 8961 37th Street has been completely removed by Washington County.

8. CITY ENGINEER'S REPORT:

A. Speed on Klondike Avenue and Stop Sign on Klondike at 32nd Street

Residents that live on Klondike Avenue appeared before the Public Health and Safety Committee requesting the speed limit be reduced to 20 MPH on their road for safety reasons. The Committee also recommended that the Administrator contact the law enforcement for some planned directed patrol activities. The residents also requested consideration of a stop sign on Klondike at 32nd Street.

The City Engineer and the Public Works Superintendent reported the speed limit could be reduced to 25 MPH posted. The Engineer recommended placing an advisory speed of 20 mph at the first curve south of the intersection. The engineer did not recommend any change to the traffic control at the intersection of Klondike Avenue and 32nd Street. There are two stop signs on 32nd street and a Yield on Klondike Avenue.

A resident stated that Klondike Avenue has an entrance to the Lake Elmo Park Reserve for walkers and bikers, and many cars take the road thinking it will lead them to the park. There is a sign that says "No Lake Access" but it contains no reference to the park.

M/S/ DeLapp/Johnson - to accept City Engineer's report recommending decreasing the speed limit to 25 mph on Klondike Avenue and placing an advisory speed of 20 miles per hour at the first curve south of the intersection.

Council member DeLapp suggested an additional stop sign in response to residents concerns over the enforceability of the new speed limit.

M/S/P DeLapp/Johnston -- to amend the motion to include an additional stop sign to the intersection Klondike and 32nd Street. (Motion passed 4-1: Johnson)

M/S/P DeLapp/Johnson -- to accept the City Engineer's report recommending decreasing the speed limit to 25 mph on Klondike Avenue and placing advisory speed of 20 miles per hour on the first curve south of the intersection and place an additional stop sign to the intersection Klondike and 32nd Street. (Motion passed 5-0).

The City Engineer will bring back a resolution for Council approval and look into the possibility of designating other streets in this neighborhood 25 mph if they meet the criteria.

The Public Works Supervisor cautioned the Council that adding a third stop sign creates false sense of security. He noted that there will be residents into the Council complaining about the installation of the third stop sign.

Council member Smith suggested installing a "no access to Park Reserve sign" and look into the, "Slow, Neighborhood" signs that are installed in yards of other cities.

B. Escrow Reduction: Cardinal View

The developers of Cardinal View have completed substantial portions of the required plat improvements. The City Engineer has certified by his July 14 memo that the required development security can be reduced from \$106,965 to \$57,968.75.

M/S/P DeLapp/Conlin - to approve the reduction of the Development Security requirement for Cardinal View from \$106,965 to \$57,968.75 based on the recommendation of the City Engineer in his memo dated July 14, 2005. (Motion passed 5-0.)

9. PLANNING, LAND USE & ZONING:

A. PUBLIC HEARING: Vacation of Stonegate Streets; Resolution No. 2005-075

The City Planner reported that during the public hearings on the Land Use Plan before the Planning Commission residents of the Stonegate neighborhood submitted a petition requesting City vacation of certain street stubs that were platted with the Stonegate subdivision. The Stonegate residents' petition includes signatures from 60 discrete addresses, including 100% of the property owners actually abutting 8th Street, Jewel and Julep stub streets.

The Planner explained, while not required by Statute, it has been the past practice of the Council to request the recommendation of the Planning Commission regarding street vacation petitions with potential Comprehensive Plan implications.

In his memo dated July 14, 2005, the City Engineer reviewed the petition to vacate the three stub streets in the Stonegate subdivision and did not feel this was in the best long term interest of the City for reasons stated.

Mayor Johnston opened up the public hearing at 8:13 p.m.

Tom Kreimer, 772 Jewel Avenue, asked staff to prepare an ordinance to vacate streets. Streets going into high density developments. He didn't agree with the City Engineer that it was premature to vacate these streets. He said that the residents of Stonegate have been using 10th Street for the last 10 years, and it has worked for them. He said that the existing cul-de-sacs can stay the way they are. He observed that it will be easier for crime to enter the neighborhood when connected to an Interstate through the street stubs.

Wayne Prowse, 697 Julep Avenue N., stated he never anticipated this high density development around Stonegate and is looking for some relief from surrounding housing developments. He was told there would be senior housing and a buffer to protect the Stonegate development. Stonegate residents are trying to maintain the rural character.

80.

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August 11, 2005

Honorable Mayor and City Council
City of Lake Elmo, Minnesota

Re: Approve Plans and Specifications
Hilltop Trail
City of Lake Elmo, Minnesota
TKDA Project No. 13403.000

Dear Mayor and City Council:

Plans are complete for the Hilltop Avenue Street Repair project. As discussed at the Public Hearing, there will be no change in the street width.

We will schedule an assessment hearing at the next meeting.

City Council Action Requested

Pass a Resolution approving Plans and Specifications and authorizing the advertisement for bids.

Sincerely,

Thomas D. Prew, P.E.
City Engineer

TDP:art

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

**RESOLUTION NO. 2005-084
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND
ORDERING ADVERTISEMENT FOR BIDS
HILLTOP AVENUE STREET PROJECT**

WHEREAS, the City Engineer has prepared plans and specifications for the Hilltop Avenue Street Project and has presented such plans and specifications to the Council for approval.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LAKE ELMO, MINNESOTA:

1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
2. Th City Clerk shall prepare and cause to be inserted in the official paper and in the Construction Bulletin an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for two weeks, shall specify the work to be done, shall state that bids will be opened and considered by the Council at the September 20, 2005 Council meeting, in the Council chambers of the City Hall, and that no bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the clerk for 5% of the amount of such bid.

ADOPTED BY THE COUNCIL this 16th day of August, 2005.

Dean A. Johnston, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

8D.

TKDA

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444 Cedar Street
Saint Paul, MN 55101-2140

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(651) 292-0083 Fax
www.tkda.com

August 11, 2005

Honorable Mayor and City Council
City of Lake Elmo, Minnesota

Re: Approve Plans and Specifications
Water System Interconnect Phase III
City of Lake Elmo, Minnesota
TKDA Project No. 13186.000

Dear Mayor and City Council:

Plans are complete for the third phase of the water system interconnect project. This phase of work continues the 16-inch watermain from the existing Public Works Building, south along Jamaca Avenue, across TH 5, to the new Farms of Lake Elmo subdivision.

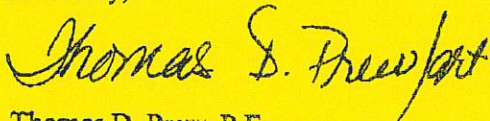
This project will not be assessed.

A Feasibility Report will be prepared shortly for the next Phase of work which will extend watermain from the intersection of Jamaca Avenue and TH 5 to the new water tower. That project will have an assessment.

City Council Action Requested

Pass a Resolution approving Plans and Specifications and authorizing the advertisement for bids.

Sincerely,



Thomas D. Prew, P.E.
City Engineer

TDP:art

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

**RESOLUTION NO. 2005- 085
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND
ORDERING ADVERTISEMENT FOR BIDS
WATER SYSTEMS INTERCONNECT PHASE III
(Jamaca Avenue, Stillwater Blvd. and 31st Streets)**

WHEREAS, the City Engineer has prepared plans and specifications for the Water Systems Interconnect Phase III and has presented such plans and specifications to the Council for approval.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LAKE ELMO, MINNESOTA:


1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
2. Th City Clerk shall prepare and cause to be inserted in the official paper and in the Construction Bulletin an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for two weeks, shall specify the work to be done, shall state that bids will be opened and considered by the Council at the September 20, 2005 Council meeting, in the Council chambers of the City Hall, and that no bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the clerk for 5% of the amount of such bid.

ADOPTED BY THE COUNCIL this 16th day of August, 2005.

Dean A. Johnston, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

<p>Lake Elmo City Council August 16, 2005</p>	<p>Agenda Section: Planning, Land Use and Zoning</p>	<p><u>No.</u> 9A</p>
<p><u>Agenda Item:</u> Amended OP Concept Plan – “Deer Glen”</p>		
<p><u>Background Information for August 16, 2005:</u></p> <p>At its meeting July 25, 2005 the Planning Commission conducted a new Public Hearing and adopted a recommendation to approve (7-2, Schneider and Sedro opposed) this amended OP Concept Plan for 25 single family building lots on a site of 69.37 acres. The Plan amendment is responsive to the April 28, 2005 City Council actions regarding Comprehensive Plan amendment, rezoning, OP Concept Plan and Preliminary Plat for 108 acre site of which this 69 acres is a part. One condition of those earlier City Council actions was for the applicant to increase the size of the OP Concept from the 48 acres then proposed to at least 68 acres. This amended OP Concept accomplished that condition, and increases the lot count from the previous 18 to the now-proposed 25 – still compliant with the present 16/40 OP standards.</p> <p>By the amended Plan the applicant had also corrected the technical issues that had been observed by staff with the previous Concept Plan. The remaining issue raised by staff was that of the first Finding of the Commission in support of their denial recommendation on the earlier (48 acre) Concept Plan. That Finding was that the Concept Plan design requires substantial modification of the site grades to elevate some home sites out of the flood plain of the land-locked ponds on the site – contrary to Comprehensive Plan Policy regarding altering natural surface drainage features of the land. The amended Plan proposes the same alterations for the same reason. The two commissioners voting in opposition to the approval recommendation noted that fact as the basis for their “nay” votes, even though the City Council had set aside that Finding in its April action approving the initial Concept Plan.</p>		
<p><u>Action items:</u></p> <p>Motion to adopt Resolution #2005 - ⁰⁸⁶, approving the Amended OP Concept Plan of Deer Glen per plans staff-dated July 22, 2005 and subject to the conditions recommended by the Planning Commission.</p>	<p><u>Person responsible:</u></p> <p> City Planner</p>	
<p><u>Attachments:</u></p> <p>⁰⁸⁶</p> <ol style="list-style-type: none"> 1. Draft Resolution #2005 – Amended Concept Plan Approval 2. Draft Planning Commission Minutes of July 25 3. Planning Staff Report of July 23 4. City Council Minutes of April 28, 2005 5. Applicant’s Documentation/Graphics 	<p><u>Time Allocated:</u></p>	

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

**RESOLUTION NO. 2005-086
A RESOLUTION APPROVING THE AMENDED
OP CONCEPT PLAN OF DEER GLEN**

WHEREAS, on July 25th, 2005, the Lake Elmo Planning Commission reviewed and recommended approval of the amended OP Concept Plan of Deer Glen subject to certain conditions.

WHEREAS, on August 16, 2005, the Lake Elmo City Council reviewed the recommendations of the Lake Elmo Planning Commission.

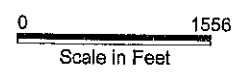
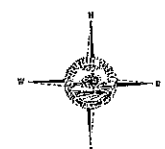
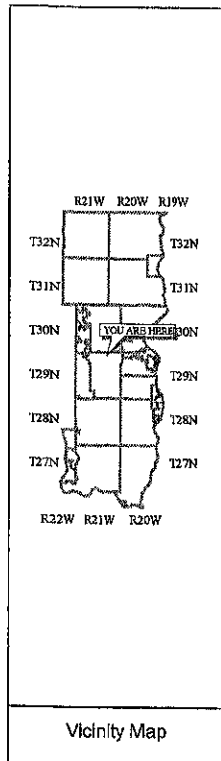
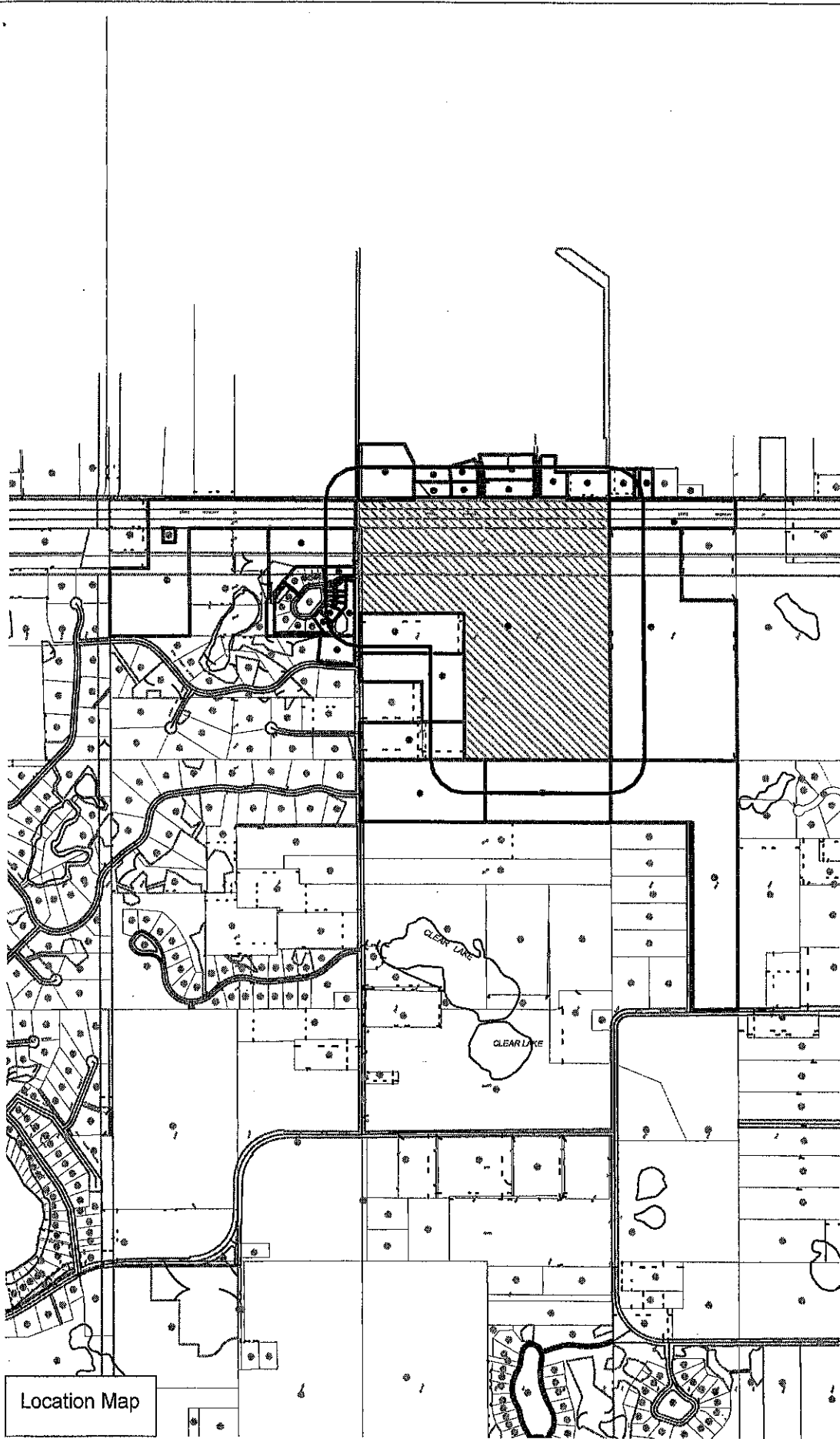
NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council approved the amended OP Concept Plan of Deer Glen, per plans staff-dated July 22, 2005, and subject to the following conditions.

1. Compliance with the recommendations of the City Engineer and City Attorney.
2. Compliance with the recommendations and Permit conditions of the Valley Branch Watershed District as found to be applicable and practical by the City Engineer.
3. Development Stage plans shall address the incorporation of single-source water supply and lateral pipe installation for all OP lots.
4. Keats Avenue/State Highway 36 improvements required of the property owners as conditions of prior City Council approvals shall be conditions to this OP project as well.
5. The Development Stage Plan shall demonstrate the year-round effectiveness of screening measures that support the 100 foot OP buffer on the east side of the site.
6. Amendment of the Conditional Use Permit previously approved by Council Resolution No. 2005-029 to reflect the amended OP Concept Plan approved hereby.
7. Amendment of Preliminary Plat approved by Resolution No. 2005-030 to reflect the amended OP Concept Plan layout as approved hereby.

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator



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

Source: Washington County Surveyor's Office.
Phone (651) 430-6875

Parcel data based on AS400 information

MINUTES APPROVED: May 17, 2005
LAKE ELMO CITY COUNCIL MINUTES

APRIL 28, 2005

Mayor Johnston called the meeting to order at 6 p.m. in the city council chambers.
PRESENT: Conlin, Smith, Johnston, Johnson, DeLapp, City Engineer Prew, City Planner Dillerud, City Attorney Filla, and Administrator Rafferty.

1. Lakewood Evangelical Free Church

Attorney Filla summarized the 10 resolutions provided for Council consideration and recapped the history of the church application and proposal. Attorney Filla asked the council to take action on the comprehensive plan first. If approved, then the Council should consider rezoning and CUP allowed in the PF zone.

Peter Beck, attorney for the church, submitted maps for the current proposed OP, church site, remaining 40 acres and talked about expanded OP development. He said the open space plan does not have to be approved tonight, but the other resolutions do. The applicant would add 20 acres to the 40 for a total of 60 acres....as to how the lots would lay out they would have to come back to the City, probably in 60 days. Beck said tonight, the applicant's goal is to get a decision on the church, comp plan amendment, rezoning, CUP for the church. The church doesn't want any uses between them and Highway 36.

Council member DeLapp asked if they meant keeping the land in OP. Attorney Beck responded that the NW 1/3 or more would be dedicated OP. The balance is unusable for a structure due to the power line easement.

Comprehensive Plan Amendment from RAD to PF

M/S/P Johnston/Conlin - to approve Resolution No. 2005-027, A Comprehensive Plan Amendment from RAD to PF requested by Lakewood Evangelical Free Church. (Motion passed 4-1DeLapp: The comprehensive plan does not call for a string of public facilities.)

Mayor Johnston stated the City is looking at a substantial change in population, and he supports churches which should be located by major transportation corridors. Council member DeLapp said the Planning Commission asked to delay this request until after the comp plan is completed. Council member Conlin asked if there were any residents against this application. The City Planner said not that he recollects and that there are not many houses close by.

Council member Conlin said we as a City have not put together a plan for parcels in the PF Zoning. The code allows for such PF zoning, and the Council has to follow the code.

Rezoning from RR to PF

M/S/P Johnson/Conlin - to approve Resolution No. 2005-028, A Resolution Approving the Rezoning from a Rural Residential (RR) designation to a Public Facility (PF) designation for Lot 1, Block 1, Deer Glen..(Motion passed 4-1DeLapp: Thought we were

going to take the three Resolutions together. Attorney Filla said the three resolutions, Resolutions 2005-027, 028, 029, are a package because they all deal with the church.

Conditional Use Permit

M/S/P Johnson/Conlin - to approve Resolution No. 2005-029, A Resolution Approving the Request for a Conditional Use Permit by Lakewood Evangelical Free Church for Proposed Lot 1, Block 1, Deer Glen. (Motion passed 4-1:DeLapp said he was not as strongly against this CUP request as the other two resolutions.).

Attorney Filla pointed out Conditions 2 and 3 in Resolution No. 2005-029 were not discussed before by the Council, but added that the conditions should have been considered.

Attorney Filla also pointed out that the preliminary plat that is in front of the Council may change if the area of the OP development is expanded based on what Attorney Beck has stated.

Attorney Filla suggested adding a condition #3. The proposed preliminary plat shows a 48 acre OP project plan rather than a 68 acre OP project described preliminarily by Attorney Beck and generally illustrated on Exhibit 1. Filla recommended adding condition #4. That the additional 20 acres of OP should be added to an amended preliminary plat which should be reviewed by the Planning Commission before presentation of the final plat to the City Council.

Preliminary Plat

M/S/ Johnson/DeLapp - to approve Resolution No. 2005-030, A Resolution Approving the Preliminary Plat for Deer Glen with added conditions #3 and #4, as recommended by Attorney Filla.

Council member DeLapp suggested including all the land not currently proposed for development to be included in the Open Space.

M/S/Withdrawn DeLapp/Conlin - to amend condition #3 to include all the land not currently proposed for development to be included in the Open Space.

M/S/P Johnson/DeLapp - to approve Resolution No. 2005-030, A Resolution Approving the Preliminary Plat for Deer Glen with added conditions #3 and #4, as recommended by Attorney Filla. (Motion passed 4-1:DeLapp)

Attorney Filla reminded the Council that it needed to react to what is before them and this 68 acre proposal was not before them.

Council Member DeLapp said he had a meeting with Kirby Spike about saving the land in OP, and Mr. Spike said he would talk to the church council about hiring a landscape architect, but no information has come back to the Council. Chuck Palmer indicated they would work with a landscape architect.

Attorney Filla indicated it should be documented that the applicant is going to add 20 acres to this proposal and asked the applicant if they wanted the City to act on this concept. Attorney Beck responded he would like the Council to act on this proposal to add the 20 acres.

Attorney Filla recommended that if the Council was to approve Resolution No. 2005-031 that in the Now Therefore clause, 4th line, eliminate everything after September 24, 2004 and add "subject to the following condition. 1. Submittal of amended concept plan for a 68 acre OP project within 30 days."

Council member Smith stated her concern was that the adjacent property owners, who may be affected by the additional 20 acres, have not been notified of the potential change. Staff explained the revised concept OP plan and revised preliminary plat would have to have a public hearing before the Planning Commission and neighbors would be included in this process.

Council member Johnson left the meeting at 6:50 p.m.

Attorney Beck said the applicant would comply with the OP regulations. They will consult with the City planner and make sure things are being done appropriately.

Open Space Preservation Development Concept Plan

M/S/P DeLapp/Johnston - to approve Resolution No. 2005-031, as amended, approving A Resolution Approving the Open Space Preservation Development Concept Plan of 68 acres described by Lakewood Evangelical Free Church. (Motion passed 4-0).

Adjourned the meeting at 6:55 p.m.

The Planner explained that the Public Hearing for DEER GLEN was continued on June 14 to allow the applicants time to address issues raised regarding flood plain filling and grading and to comply the standards of the OP Ordinance.

Commissioner Schneider asked how the applicant's graphic depicts flood mitigation.

The Planner said the cross-hatched area on the Concept Plan is now flood plain, and the broad circled area will be created flood plain.

The Planner asked if the Planning Commission to advise the applicant if the Commission is going to approve a Preliminary Plat for 108 acres that does not address the 40 acres at the north end of the parcel. He said that he and some of the Commissioners would like to see a plan that includes the northerly 40 acre portion.

Commissioner Sessing noted that this set of graphics shows a new road coming off the east parking lot and a second parking lot that was not depicted on earlier plans.

The Planner thanked him for pointing out that detail that appeared on only one of the maps the applicant presented with the modified plan.

Paul Danielson, Kimley-Horn

Mr. Danielson said his amended plan was created to clarify the flood plain, and the overall plan is simply a concept. The applicant still has to do a Grading Plan. He said they just wanted to show a way the flood plain issue could be mitigated. That plan would basically call for moving dirt from one spot to another. He advised that the applicant has no current plans to develop Parcel C. They would request it stay zoned as RR. The applicants will ask for a designation for the 20 acre church parcel and the CUP for the Open Space Zoning. The applicants want no encumbrance on Parcel C. If it did develop in the future, the applicant will apply and accept the Planning Commission's conditions for development, should that occur.

Grant Nelson, Lakewood Church

Mr. Nelson said he does not understand the logic of the staff position regarding designation of a use for Parcel C. If the church did not own it, residential development would go fine and the church would go fine. He observed that it appeared as though just because the church owns the 40 acres, the City wants to restrict it. He asked the Commission to let the church know the basis the City has for doing that. Their Open Space Concept Plan is not proposing to change the current status of that parcel. Their proposal is to leave it in its current status. Whatever would come in the future will have to come before the Planning Commission for their approval.

Commissioner Sessing asked whether slopes had been recalculated because if more unbuildable land, slopes are created by way of the flood plain mitigation, the applicant must compensate for it in Open Space preserved.

Commissioner Pelletier asked what the rationale is for asking the applicant to specify Parcel C's use.

The Planner explained that the entire 108 acres is in the same ownership, and he would be concerned about the future plans of a site with two road frontages. He would be concerned that two more church sites could be requested from the undesignated 40 acres.

Chairman Helwig said the applicant is saying they want to keep that 40 acres open. If so, put it in a Land Trust.

Commissioner Deziel said that at this time the City is only being asked to look at an OP Concept proposal by the applicant on 48 of the 108 acres, so he feels that it is out of order to continue to talk about 40 acres that are not part of the proposal.

Commissioner Van Pelt said the Planning Commission is evaluating a plan for 108 acres. The plan is not for Parcel A, B, or C but for 108 acres. He thinks they should keep it open and dedicated, consistent with church desires.

The Planner reminded the Commission of the Eagle Point site of 120 acres where the City reviewed and approved a specific use parameter for the entire site prior to approving use on any portion of the site. He pointed that circumstance out as ample precedent for the City requiring this 108 acre site under single ownership to be likewise completely committed to the City by the owner as to ultimate use.

Commissioner Deziel observed that in the Business Park Zone applicants know what they can and cannot do with a customized CUP. The use list is very narrow. The 120 acres is pre-committed on the Eagle Point site. The City knows the usage, but not the actual users.

Commissioner Van Pelt said this could be looked at as three different parcels. He asked if the applicant has the latitude to create three parcels.

The Planner said they do, if they meet minimum standards. The point being that if that were not one legal parcel, but three with a single ownership, we would ask the same questions.

Commissioner Schneider said he would like to see what is going to be done on Parcel C.

Commissioner Ptacek noted that technical issues of septic are addressed in this plan, so the movement of soil does not affect the building sites or location of septic.

M/S/P, Ptacek/Van Pelt, To recommend approval of the Concept Plan of DEER GLEN, because, by the numbers provided, that plan meets the City's criteria, and based on the recommended Findings of the Planning Staff Report with the addition of Condition 4, to designate a specified use for the northerly 40 acres known as Parcel C.

Commissioner Deziel asked how the City can do that. Parcel C maintains existing zoning. In a PUD we give up density and uses, do we need to know other density and uses? He said this is a 108 acre parcel. If the plan does not stand by itself don't approve it.

Commissioner Van Pelt said this is the first of a three stage application. The next stage will be a Preliminary Plat for 108 acres. To ask for a design to address 108 acres is part of the exercise. We must know the ultimate use for the entire 108 acres. We can not be asked to evaluate a design for 108 acres and leave 40% undiscussed. If those 40 acres are in the total, then the entire plan must be viable.

The Planner said he could ask the City Attorney for a legal opinion as to the propriety of adding a Condition to the OP Concept Plan that relates to lands not a part of the OP Concept application.

Commissioner Deziel ask for a friendly amendment to the motion to separate condition number four to become a separate motion to amend.

Commissioner Ptacek said he would rather call the vote on the motion as stated. If Condition 4 is inappropriate, then the Planner can have it removed.

CALL THE QUESTION

VOTE: 8:1. Commission Deziel said he voted against it for reasons previously discussed, and also as a question, because he said he is not sure we are treating the applicant the same as we have treated other applicants and he does not understand why.

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: July 22, 2004 for the meeting of ^{July}~~June~~ 25, 2004

Applicant: Lakewood Evangelical Free Church

Location: Southeast corner of State Highway 36 and Keats Avenue

Requested Action: OP Concept Plan

Land Use Plan Guiding: RAD

Existing Zoning: RR

Site History and Existing Conditions:

The site of the specific application for OP Concept approval consists of 69.37 gross acres. It is important to understand, however, that this 69 acre OP site is but a portion of 108+ contiguous acres owned by the applicant.

The 108 acre "parent" site is essentially divided into two distinct natural regimes. The north 60 acres of the site is gently rolling farm land containing several topographic depressions that will surely qualify as Jurisdiction Wetlands. The southerly and westerly 69 acres of the parent site – the subject of the OP Concept Plan application – is rolling in topography, and nearly 25% wooded, with several small topographic depressions that will be classified Jurisdictional Wetlands.

On April 28, 2005 the City Council approved a preliminary plat, comprehensive plan amendment and rezoning which addresses the 108 acre "parent" site of which the subject 69 acres is a portion. A condition of those approval actions was that the property owner expand the OP Concept Plan portion of the 108 acres from the previous 48 acres to 68 acres, leaving about 20 acres of the 108 acres land use guided RAD and zoned RR, with no future use plan. The remaining 20 acres was (subject to that condition, and others) approved for land use reclassification to PF, and zoning to PF. Subsequently the Metropolitan Council has concurred in the City's comprehensive plan amendment regarding the 20 acre PF district.

Discussion and Analysis:

The applicant proposes a revised (from April) OP Concept Plan to develop 25 single family detached lots on a site of 69.37 gross acres – of which 66.09 acres is "Buildable" (with the balance as wetlands and steep slopes). The required Preserved Open Space is 33.05 acres. The applicant reports the Concept Plan depicts 33.05 acres of Preserved Open Space in three parcels separated only by roadway. Open Space standards provide that at least 60% of the Preserved Open Space be in parcels of at least 10 acres; and this Concept Plan complies with that standard.

The Concept Plan proposes a full 200 foot OP buffer setback for structures along the south and west property borders. but a 100 foot structure buffer along the east property border. The adjoining parcel to the east is 66 acres in area, and thus qualifies as an OP site by exceeding 40 acres. A 100 foot buffer – with effective structure screening – is therefore permitted by the OP standards. Evidence of the effectiveness of the buffer screening is required with the Development Stage plans.

Copies of OP Concept Plan graphics are submitted by the City to "outside" reviewing agencies for comment even though the level of detail at Concept Stage is generally insufficient for complete reviews by those agencies. In fact, in many cases, we receive no response at all at the Concept Stage. We have, in this case, received a brief response from the Valley Branch Watershed District which is attached. The District had issued a Permit based on the earlier (48 acre) OP Plan, and advises that a new Permit will be required with this enlarged version.

Findings and Recommendations:

Based on the foregoing, staff suggests the following Findings regarding the Lakewood Evangelical Church OP Concept Plan, some of which are the same as those suggested with the earlier 48 acre Concept:

1. The Concept Plan may not be consistent with the goals, objectives and policies of the Comprehensive Plan, as reflected by the Zoning Ordinance, with respect to flood plain development and/or alteration.
2. The Concept Plan is consistent with the purpose of the Open Space Preservation Ordinance.
3. The Concept Plan generally complies with the development standards of the Open Space Preservation Ordinance.

Planning Commission Actions Requested:

Based on the #1 Finding suggested, the Commission could adopt a Motion to deny the Concept Plan. The Commission dismissed the #1 Finding in July, 2005, and recommended approval of the 48 acre OP Concept Plan. It appears that consistency would suggest a similar action with the 69 acre Concept Plan. Should that be the direction the Commission selects, at least the following conditions should be attached to the approval recommendation:

1. Compliance with the recommendations of the City Engineer and City Attorney.
2. Compliance with the recommendations and Permit conditions of the Valley Branch Watershed District as found to be applicable and practical by the City Engineer.
3. Development Stage plans shall address the incorporation of single-source water supply and lateral pipe installation for all OP lots.
4. Keats Avenue/State Highway 36 improvements required of the property owners as conditions of prior City Council approvals shall be conditions to this OP project as well.
5. The Development Stage Plan shall demonstrate the year-round effectiveness of screening measures that support the 100 foot OP buffer on the east side of the site.



Charles E. Dillerud, City Planner

Attachments:

1. Location Map
2. Valley Branch and City Engineer 2005 Review memos
3. 2004/2005 Commission and Council Minutes
4. Applicant' Documentation and Graphics

TKDA

ENGINEERS • ARCHITECTS • PLANNERS

1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, MN 55101-2140

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

July 20, 2005

Planning Commission Members
City of Lake Elmo, Minnesota

Re: Concept Plan Review
Deer Glen/Lakewood Evangelical Free Church
City of Lake Elmo, Minnesota
TKDA Commission No. 13267.000

Dear Planning Commission Members:

We have reviewed the preliminary plat material dated June 28, 2005, and have the following comments:

Streets

A traffic model was developed for the previous plan and is applicable to this project. It was anticipated that the TH 36-Keat Avenue intersection would be reduced to a $\frac{3}{4}$ intersection, and that an acceleration lane would be added to TH 36. The developer should comment on this again.

The street section east of the easterly cul-de-sac should have a temporary "T" turn around built.

The Public Facilities Zone requires that a church have direct access to a major collector street. The church will access a new local street, not a major collector street. Keats Avenue is a minor collector.

Lot 26's driveway should be changed from TH 36 to the Local Street.

Waste Water System

A wetland treatment system is proposed to treat waste from the entire development. A property owners association will be responsible for the operation and maintenance of the system. A preliminary design was not submitted. The size of the system is consistent with others that have been built in Lake Elmo. I have reviewed in the field the soils in the proposed area and they are suitable for a wetland treatment system. Final soil borings and design will be submitted after preliminary plat approval.

Water System

A 16-inch watermain is planned as part of the north loop of the water system to cross this property from east to west. The side streets may have 8-inch watermain.

Trails

This trail plan should be reviewed in conjunction with the City's new Trail System Plan which is now being finalized.

An additional trail segment should be added from the southeast parking lot on Parcel A to "Road B".

Surface Water

A VBWD permit has been approved.

Storm water computations need to be submitted to the City prior to final plat approval.

Sincerely,

Thomas D. Prew, P. E.
City Engineer

TDP:arw

July 20, 2005



Mr. Chuck Dillerud
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Re: Lakewood Evangelical Free Church/Deer Glen

Dear Mr. Dillerud:

Thank you for submitting the materials for comment regarding the proposed Lakewood Evangelical Free Church/Deer Glen subdivision. The Valley Branch Watershed District Managers approved a permit for the proposal on November 11, 2004. However, the plans that you provided are not consistent with the plans approved with the Valley Branch Watershed District permit. Therefore, a new Valley Branch Watershed District Permit will be required. The developer's engineer notes this requirement on page 3 of his cover letter.

With the addition of proposed residential lots, more impervious surfaces are proposed than in the previous plans. The developer will need to provide the necessary stormwater management features to handle the additional runoff produced from these proposed additional impervious surfaces.

If you have any questions, please contact me at 952-832-2622.

Sincerely,

John P. Hanson, P.E.
BARR ENGINEERING COMPANY
Engineers for the Valley Branch Watershed District

c: David Bucheck, VBWD President (via e-mail)
Paul Danielson, Kimley-Horn and Associates, Inc. (via e-mail)



DAVID BUCHECK LINCOLN FETCHER DONALD SCHEEL DALE BORASH DUANE JOHNSON

VALLEY BRANCH WATERSHED DISTRICT
P.O. BOX 838

www.vbwd.org
LAKE ELMO, MINNESOTA 55042-0538

Kimberly Schaffel

From: Travis Germundson [travis.germundson@dnr.state.mn.us]
Sent: Wednesday, July 20, 2005 9:15 AM
To: Kimberly Schaffel
Cc: Chuck Dillerud
Subject: Deer Glen/Park Meadows

I have no comment on the Concept Plan for Deer Glen and no additional comments on the Revised Preliminary Plat for Park Meadows.



Minnesota Department of Transportation

Metropolitan District

Waters Edge
1500 West County Road B-2
Roseville MN 55113-3174

August 4, 2005

Kimberly Schaffel
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

SUBJECT: **Deer Glen**
Mn/DOT Review #P05-024A
Southeast Quadrant of TH 36 and Keats Avenue
Control Section 8204

Dear Ms Schaffel:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above referenced plat in compliance with Minnesota Statute 505.03, subdivision 2, Plats. Before any further development, please address the following issues:

Traffic

- As indicated in our review letters of January 19, 2005, and March 17, 2005, the intersection of Trunk Highway (TH) 36 & Keats Avenue would need to be converted to a $\frac{3}{4}$ intersection. We have included a copy of a plan for an existing $\frac{3}{4}$ intersection, that you may use as a reference. It provides a good example of what would need to be constructed at TH 36 and Keats. Please direct any questions regarding these comments to Wayne Lemaniak (651-634-2147) in Mn/DOT's Traffic Section.

Right of Way

- Please dedicate access control to Mn/DOT.
- Additional right-of-way would need to be dedicated on Keats to enable the construction of the $\frac{3}{4}$ intersection. Please note that all improvements made to TH 36, required due to the proposed development, are the responsibility of the City, or whomever the city assigns responsibility for paying and implementing the improvements. Please direct questions regarding the above issues to Steve Channer at 651-582-1272, of Mn/DOT's Right of Way section.

Surveys

- As the preliminary plat shows, the right-of-way line is 200 feet southerly of and parallel with the west bound alignment. The right-of-way on this stretch of TH 36 is monumented at access openings 885 feet west and 965 feet east of Keats Avenue. The alignment is also monumented. The west bound alignment has been located by means of field survey in 1999. The land tie to the alignment on the northwest corner of the proposed plat is 91.73 feet. The same land tie determined by survey is 92.19 feet. The result is a very minor encroachment of 0.46 feet.

- The land tie to the alignment on the northeast corner of the proposed plat is 94.34 feet. The same land tie determined by survey is 94.24 feet. The result is a gap of 0.10 feet.
- Please update the preliminary plat to correspond with the Mn/DOT survey data. If needed, survey field data may be obtained from Mn/DOT Surveys, Metro East, at the address provided:

Mn/DOT - East Metro Surveys
3485 Hadley Avenue North
Oakdale MN, 55128
651-779-5482

- Please direct questions concerning these issues to Matt Wernet (651-779-5482) in Mn/DOT's East Metro Survey's section.

Drainage

- A Mn/DOT drainage permit may be required. The proposed development will need to maintain existing drainage rates. An increase of storm water rate of run-off to Mn/DOT right-of-way is prohibited. Please send grading and drainage plan to determine whether a drainage permit will be required. Run-off directed towards Mn/DOT Right-of-way must not increase. Please direct questions concerning these issues to Don Berre (651- 634-2362) of Mn/DOT's Water Resources section.

Permits

- Any use of or work within or affecting Mn/DOT right of way requires a permit. Permit forms are available from MnDOT's utility website at www.dot.state.mn.us/tecsup/utility . Please direct any questions regarding permit requirements to Buck Craig (651-582-1447) of MnDOT's Metro Permits Section.

Residential Uses

- Mn/DOT's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards.

Mn/DOT policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The project proposer should assess the noise situation and take the action deemed necessary to minimize the impact of any highway noise. If you have any questions regarding Mn/DOT's noise policy please contact Peter Wasko in our Design section at (651) 582-1293.

As a reminder, please address all initial future correspondence for development activity such as plats and site plans to:

Development Review Coordinator
Mn/DOT - Metro Division
Waters Edge
1500 West County Road B-2
Roseville, Minnesota 55113

Mn/DOT document submittal guidelines require three (3) complete copies of plats and two (2) copies of other review documents including site plans. Failure to provide three (3) copies of a plat and/or two (2) copies of other review documents will make a submittal incomplete and delay Mn/DOT's review and response to development proposals. We appreciate your anticipated cooperation in providing the necessary number of copies, as this will prevent us from having to delay and/or return incomplete submittals.

If you have any questions concerning this review, please feel free to contact me at (651) 582-1724.

Sincerely,



Mary E. Jackson
Planner

Copy: Chuck Dillerud, Lake Elmo
Wayne Sandberg, Washington County
Joe Lux, Washington County
Paul B. Danielson, Kimley-Horn & Associates
Gary Ehret, Kimley-Horn & Associates

Chuck Dillerud

From: Chuck Dillerud
Sent: Monday, July 25, 2005 6:27 PM
To: 'paul.danielson@kimley-horn.com'
Cc: Martin Rafferty; jpfilla@pfb-pa.com
Subject: FW: Correspondence from Jerry Filla

Paul

I today received the attached from the City Attorney. I believe this works to alter the processing strategy we have discussed previously. I am not about to operate contrary to the City Attorney's advice in such matters, so please plan and advise your clients accordingly.

Chuck Dillerud

-----Original Message-----

From: Janice Clark [mailto:jclark@pfb-pa.com]
Sent: Monday, July 25, 2005 4:49 PM
To: Chuck Dillerud
Subject: Correspondence from Jerry Filla

** Reply Requested When Convenient **

Dear Chuck:

I have reviewed your memorandum and the supporting documents for the Lakewood Evangelical Free Church Open Space Concept. I have a concern about a comment contained in Mr. Danielson's correspondence of June 30, 2005 regarding Parcel A. It seems to indicate that the property owner can submit a final plat for only Parcel A. I believe that the City Council minutes of April 28, 2005 indicate that the City wants all of the property platted at the same time. Please speak to the developer regarding this matter.

Very truly yours,

Jerome P. Filla

Janice T. Clark
Legal Assistant
Peterson, Fram & Bergman, P.A.
651-290-6916



Kimley-Horn
and Associates, Inc.

June 30, 2005

■
Suite 345N
2550 University Avenue West
St. Paul, Minnesota
55114

Mr. Chuck Dillerud
City of Lake Elmo
Planning Department
3800 Laverne Avenue North
Lake Elmo, MN 55042

RECEIVED
JUL 06 2005

Re: Lakewood Evangelical Free Church
OP Development/Concept Plan Submittal

Dear Mr. Dillerud:

On behalf of the Lakewood Evangelical Free Church (LEFC), Kimley-Horn and Associates, Inc. (KHA) is submitting an OP Development/ Concept Plan for your review and approval. As you are aware, LEFC received several approvals (with several conditions) for their 108 acres of property within the City of Lake Elmo. The property is "L-shaped" bounded by Trunk Highway (TH) 36 on the north, Keats Avenue on the west, and rural residential (but largely undeveloped) on the east and south. A portion of the west property abuts rural residential developed lots. One of the conditions was to resubmit an OP Development/Concept Plan that reflects a 68-acre OP development in lieu of the 48-acre OP development plan previously submitted. This submittal includes the revised plan reflecting the additional acreage.

The OP Development/Concept Plan shows the entire 108.62 acres and is divided into the same three parcels as previously shown. Parcel A is the 20 acre parcel that was reguied and rezoned along with a conditional use permit (CUP) to public facility (PF). The LEFC building would be constructed on this parcel. Parcel B is a 69.37 acre parcel that we are requesting a CUP for an OP development within the current RR zoning. Parcel C is an 18.97 acre parcel that we are requesting be maintained at the current RR zoning.

We have provided the following information for each parcel below:

Parcel A

No changes from the previous submittal have been made to Parcel A. The next step in the process for this parcel is for the church to submit a final plat and Site Plan for review and approval prior to construction.

Parcel B

Parcel B is proposed to be developed as an OP residential development. Parcel B has 66.08 net buildable acres (gross area less wetlands less slopes greater than 25 percent). Of this net area, 50 percent is proposed to be designated as preserved open space (meeting the requirement of a minimum of 50 percent identified in Section 300.06 Subd



1.B). Based on a density of 16 units per 40 acres, the conceptual plan identifies 26 residential lots (66.08 acres/2.5 units per acre equals 26.43 units).

The plan reflects the same buffer zones as shown on the previous development/concept plan. Minor changes to the roadway alignments in and around lots on the south end of the property were made based on conversations with our local landscape architect (Damon Farber & Associates). In addition, two lots were added to the plan from the previous submittal near the intersection of Road A and B.

Six lots were added along the entry road off Keats Avenue. The entrance road was shifted north to move the lots further away from the south property line. The existing farmhouse is now shown as a lot along with 5 lots on the south side of the entrance road. The south lots were located off of Keats Avenue to minimize the visual impact to the existing residential property south of the church on Keats Avenue.

The open space show for Parcel B includes Outlots A through D on the OP development/concept plan. This includes the property located at the southeast corner of Keats Avenue and TH 36 (Outlot D). The church is committed to this corner as open space and is providing this open space as part of the OP development/concept plan.

Parcel C

Parcel C is proposed to remain as is and is located along the remaining frontage to TH 36. The roadway is designed to allow the extension to the east if Mn/DOT and the City of Lake Elmo desired a frontage road to parallel TH 36 and to form an intersection with the residential road west of Keats Avenue.

Other Issues

Wastewater System

The previous submittals have indicated that Parcel A and B will be served by a community wastewater system. North American Wetland Engineering, P.A. (NAWE) has reviewed their previous work and has made minor changes to the layout to confirm that the development proposed by Parcels A and B can be adequately accommodated in the area identified as "constructed wetlands treatment area".

Water System

It is our understanding that the City is considering the extension of City water to this site. LEFC is interested in service from the City's public water system and will work with the engineering staff to make this a reality.

Storm Sewer

Storm sewer for the site has previously approved by the Valley Branch Watershed District (VBWD) with several conditions. The storm sewer design has been reviewed and can



Kimley-Horn
and Associates, Inc.

Mr. Chuck Dillerud
June 30, 2005
Page 3 of 3

accommodate the additional lots shown in the OP development/concept plan. A resubmittal to the VBWD will be made to modify the permit prior to start of construction.

Submittal Information

The following information is enclosed as part of this submittal package:

OP Development Concept drawings (5 copies at 1"=100' and one reduced 11x17 copy) of the following drawings:

- Existing Conditions/Environmental Resources Plan
- Development/Concept Plan
- Landscape Plan

Thank you for the opportunity to submit this plan for your review and we look forward to working with you, other City staff, and elected officials. If you have any questions or need additional information, please contact me at 651-643-0407.

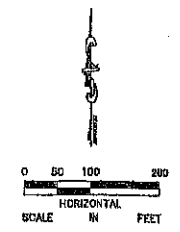
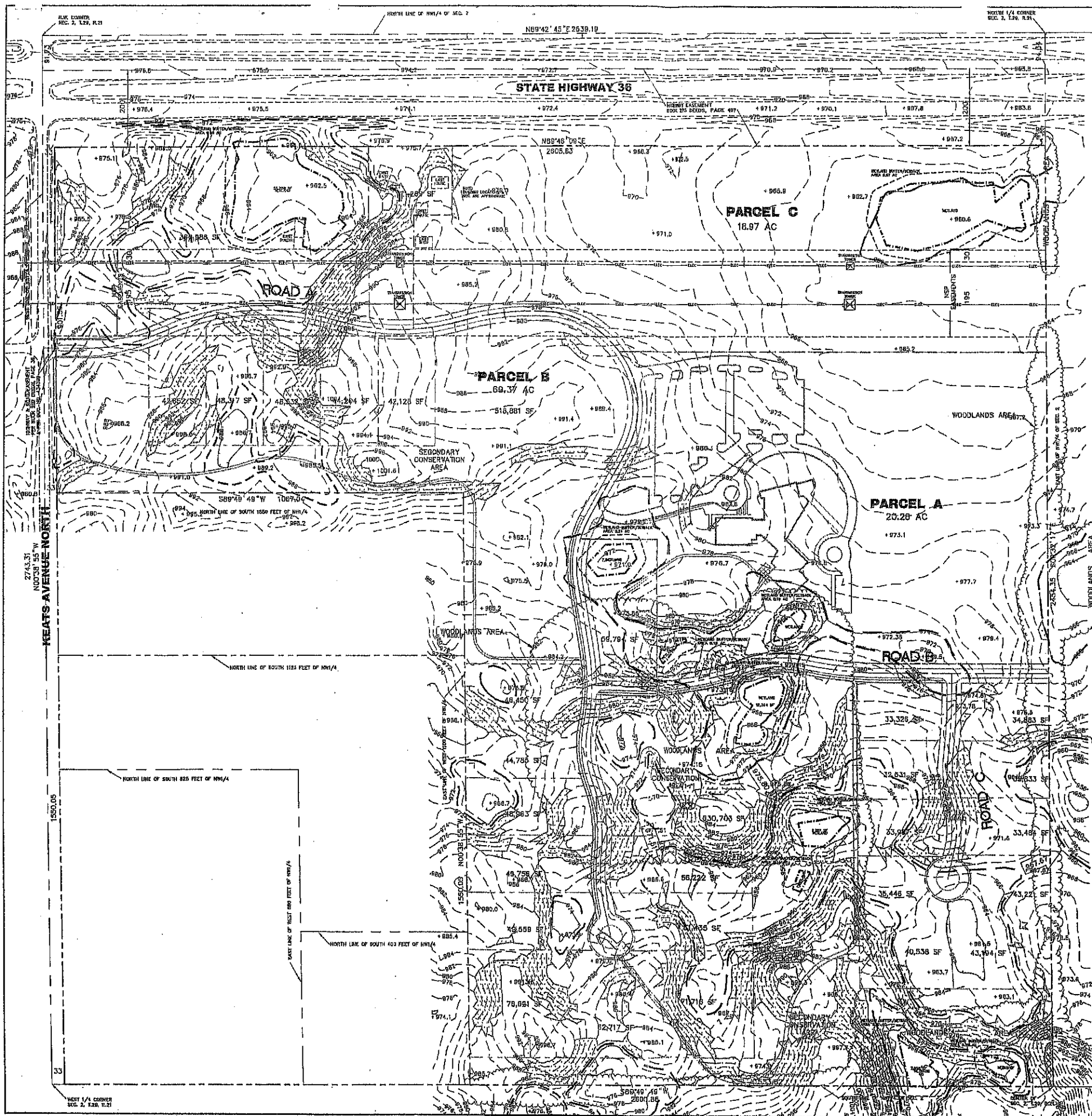
Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

Paul B. Danielson, P.E.
Project Manager

C: Chuck Palmer, LEFC
Grant Nelson, LEFC
Tom Dornack, BWBR Architects
Gary Ehret, Kimley-Horn and Associates
File No. 160502006.2.001

G:\LAKEWOOD\PLAN SHEETS\LP_Concept_Lake-EX01.DWG June 30, 2005 - 8:30am



- LEGEND**
- WETLAND AREAS
 - WETLAND BUFFER
 - WOODLANDS
 - 12%-24% SLOPES
 - >25% SLOPES
 - PARCEL LINE
 - PROPERTY LINE
 - APPROX. FLOOD PLAIN BOUNDARY
 - FIELD VERIFIED RUN-OUT ELEV. 975.00
 - EXISTING CONTOUR

	PARCEL A (PP ZONING)	PARCEL B (DP CUP)	PARCEL C (EXIST RR ZONING)	TOTAL
TOTAL PARCEL AREA	20.28 AC	69.37 AC	18.97 AC	108.62 AC
WETLAND AREA	0.11 AC	2.19 AC	1.32 AC	3.62 AC
>25% SLOPE	0.02 AC	1.10 AC	0 AC	1.12 AC
BUILDABLE AREA	20.15 AC	66.08 AC	16.67 AC	103.89 AC
OPEN SPACE	N/A	33.04 AC	N/A	33.04 AC

EXISTING SITE DATA

TOTAL SITE 108.62 AC
WETLAND AREA 3.62 AC
WETLAND BUFFER 3.30 AC
12%-24% SLOPED AREA 16.55 AC
>25% SLOPED AREA 1.12 AC
WOODLAND AREA 24.10 AC

NOTE:
1. WOODED AREAS CALCULATED TO THE PROPERTY LINE AND INCLUSIVE OF THE ENTIRE SITE.

7/8/05
CJP

RECEIVED
JUL 06 2005

Kimley-Horn and Associates, Inc.

1. KIMLEY-HORN AND ASSOCIATES, INC. HAS PREPARED THIS PLAN AND SPECIFICATIONS FOR THE PROJECT DESCRIBED HEREIN. THE CLIENT HAS REVIEWED AND APPROVED THIS PLAN AND SPECIFICATIONS. THE CLIENT HAS AGREED TO HOLD KIMLEY-HORN AND ASSOCIATES, INC. HARMLESS FROM ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST KIMLEY-HORN AND ASSOCIATES, INC. BY ANY THIRD PARTY AS A RESULT OF THIS PROJECT.

DATE: 05/28/05 UN. UC. NO. 23197

PAUL B. DANIELSON, P.E.

LAKESWOOD EVANGELICAL FREE CHURCH

CONCEPT PLAN

EXISTING CONDITIONS AND ENVIRONMENTAL RESOURCE PLAN

SCALE: 1"=100'

DESIGNED BY: RSP

DRAWN BY: RSP

CHECKED BY: RSP

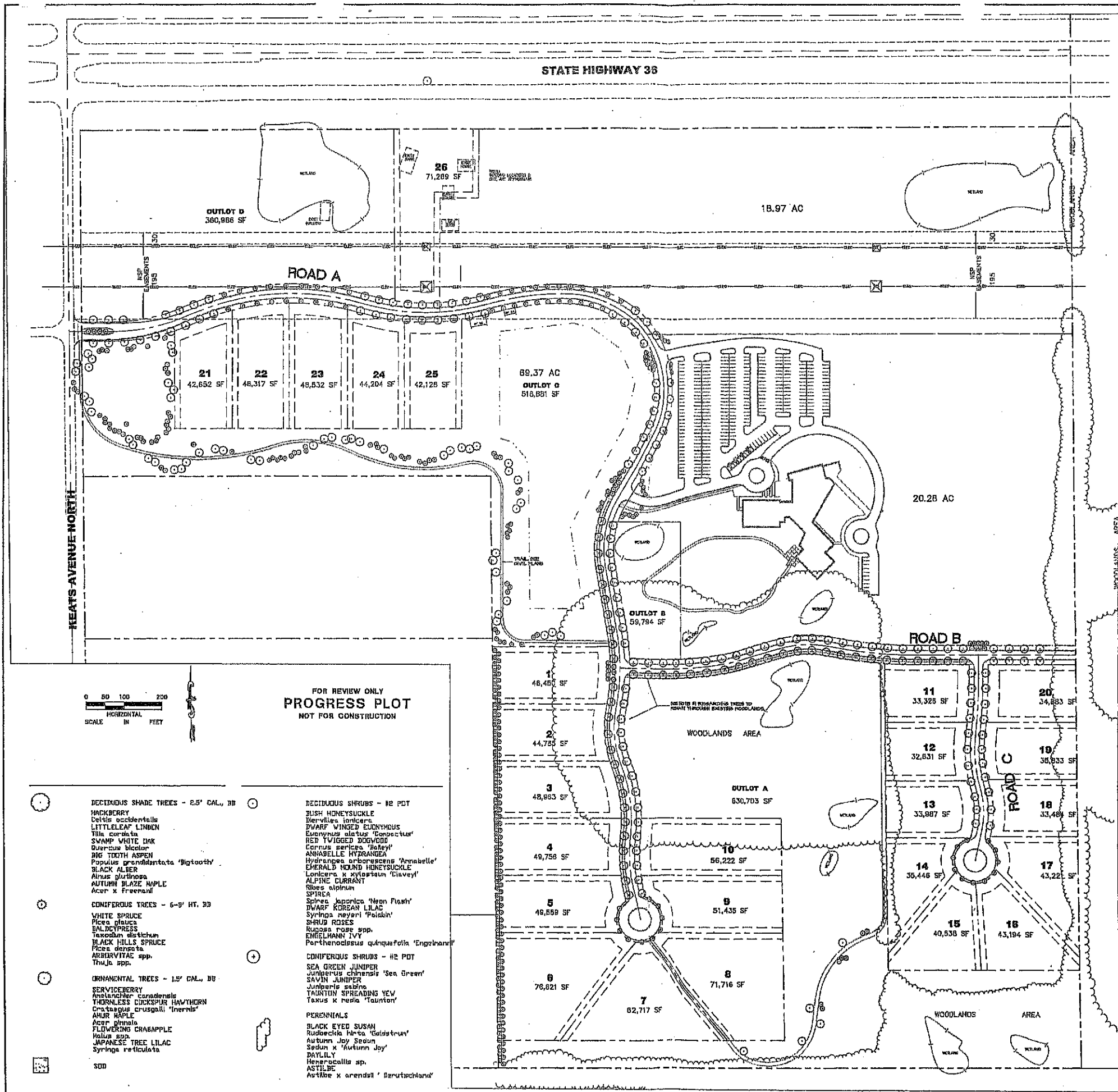
DATE: 06/27/05

PROJECT NO. 155502006.2.001

SHEET 1 OF 3

SHEET NO. 1

G:\LAKEWOOD\PLAN SHEETS\OP_Concept_Plan-2\LAKE-LS01.DWG July 05, 2005 - 10:35am



- PLANTING PALETTE:**
- DECIDUOUS SHADE TREES - 2.5' CAL., 20'
 - HACKBERRY
 - Celtis occidentalis
 - LITTLELEAF LINDBERGH
 - Vitis cordifolia
 - SWAMP WHITE OAK
 - Quercus bicolor
 - BIG TOOTH ASPEN
 - Populus grandidentata 'Bigtooth'
 - BLACK ALDER
 - Ainus glutinosa
 - AUTUMN BLAZE MAPLE
 - Acer x Freemanii
 - CONIFEROUS TREES - 6-9' HT., 20'
 - WHITE SPRUCE
 - Picea glauca
 - BALDYPRESS
 - Taxodium distichum
 - BLACK HILLS SPRUCE
 - Picea densata
 - ARBOREUS VITIS
 - Thuja spp.
 - ORNAMENTAL TREES - 1.5' CAL., 20'
 - SERVICEBERRY
 - Amelanchier canadensis
 - THORNLESS CRABAPPLE
 - Crataegus crusgalli 'Inermis'
 - AMUR MAPLE
 - Acer glabrum
 - FLOWERING CRABAPPLE
 - Halesia spp.
 - JAPANESE TREE LILAC
 - Syringa reticulata
 - DECIDUOUS SHRUBS - 12 POT
 - BUSH HONEYSUCKLE
 - Diervilla lonicera
 - DWARF WINGED EUCONYMIUS
 - Euconymus alatus 'Connecticut'
 - RED TWIGGED DOGWOOD
 - Cornus sericea 'Riley'
 - ANNABELLE HYDRANGEA
 - Hydrangea arborescens 'Annabelle'
 - CHERALE HOUND HONEYSUCKLE
 - Lonicera x xylota 'Clayey'
 - ALPINE CURRANT
 - Ribes nigrum
 - SPIREA
 - Spirea japonica 'Neon Flash'
 - DWARF KOREAN LILAC
 - Syringa meyeri 'Poldin'
 - SHRUB ROSES
 - Rosa rugosa
 - ENGLISH IVY
 - Portenodossus quinquefolia 'Engelmann'
 - CONIFEROUS SHRUBS - 12 POT
 - SEA GREEN JUNIPER
 - Juniperus chinensis 'Sea Green'
 - SAVIN JUNIPER
 - Juniperus sibirica
 - TAUNTON SPREADING YEW
 - Taxus x media 'Taunton'
 - PERENNIALS
 - BLACK EYED SUSAN
 - Rudbeckia hirta 'Goldstruck'
 - Autumn Joy Sedum
 - Sedum x 'Autumn Joy'
 - DAYLILY
 - Heistercollia sp.
 - ASTILBE
 - Astilbe x arendsii 'Berutschland'

ENTRY ENLARGEMENT:

- STREET TREES NOT SHOWN IN WOODLANDS AREA. FIELD VERIFY TO DETERMINE IF STREET TREES ARE REQUIRED IN THESE AREAS AFTER ROAD CONSTRUCTION IS COMPLETED. LANDSCAPE ARCHITECT WILL FIELD-TAG SPECIMEN TREES TO BE PRESERVED.
- LANDSCAPE PLAN FOR THE CHURCH TO BE SUBMITTED WITH ITS PRELIMINARY PLAN.
- COORDINATE TREE PLANTING IN THE ELECTRICAL EASEMENT WITH XCEL ENERGY PLANNING DIVISION PRIOR TO INSTALLATION.
- OVERSTORY TREES ALONG ROADWAY TO BE SPACED 40' ON-CENTER AND ORNAMENTAL TREES TO BE SPACED 30' ON-CENTER, TYP.
- FIELD ADJUSTMENTS TO TREE LOCATIONS MAY BE REQUIRED BASED ON ACTUAL LOCATIONS OF DRIVEWAYS, LIGHT POLES, ETC.

GENERAL DETAILS:

SHRUB PLANTING DETAIL
SCALE: 1/4" = 1'-0"

DECIDUOUS TREE PLANTING DETAIL
SCALE: 1/8" = 1'-0"

CONIFEROUS TREE PLANTING DETAIL
SCALE: 1/8" = 1'-0"

PLANTING DETAILS:


LAKEWOOD EVANGELICAL FREE CHURCH
CONCEPT PLAN
LANDSCAPE PLAN

RECEIVED

DATE: 05-25-05 **BY:** J.C. NO. 12333

PROJECT NO.: 1605020005.001

SHEET NO.: 3

Lake Elmo City Council August 16, 2005	Agenda Section: Planning, Land Use and Zoning	<u>No.</u> 9B
<u>Agenda Item:</u> OP Development Stage Plan, CUP and Preliminary Plat – “Discover Crossing”		
<p><u>Background Information for August 16, 2005:</u></p> <p>At its July 25, 2005 meeting the Planning Commission conducted a Public Hearing and adopted a recommendation for approval (7-2, Fliflet and Schneider opposed) for the OP Development Stage/CUP/Preliminary Plat of this OP project to create 25-28 single family lots on a site of 72 acres. The range of lots proposed relates to the applicants anticipation of forthcoming amendment to the density allowable in OP from 0.40 to 0.45 units per Buildable Acre. The “extra” three lots will be platted as “outlots” (unbuildable by definition) until the OP ordinance is amended over the next few months. The applicant will then have to return with another Final Plat to convert the outlots into buildable lots.</p> <p>The bulk of the Commission’s discussion centered on the applicant’s proposal to “color stamp” a 5 foot wide section of the proposed 22 wide roadway for pedestrian/bike use. While this feature is <u>not</u> counted toward the required trail length by the applicant, the City Engineer has indicated concerns with on-going maintenance of what is essentially a City street, and staff has also questioned the City’s potential liability for pedestrian/motorist accidents where the driving surface (as opposed to the road shoulders) is doing “double duty”.</p> <p>The Commission’s recommendation includes the staff-suggested conditions (except that related to the buffer screening – demonstrated by the applicant to the Commission’s satisfaction during the meeting) and adds concurrence by the City Engineer to road widths (while retaining the “color-stamped” concept) as well as a City Attorney finding regarding City liability regarding the “color-stamped” roadway concept. The Commission also added a condition requesting the City to keep private utilities within 3 feet of the road edge to preserve trees.</p>		
<p><u>Action items:</u> ⁰⁹⁰</p> <p>Motion to adopt Resolution #2005 – approving the OP Development Stage Plan/CUP/Preliminary Plat of “Discover Crossing” per plans staff-dated July 21, 2005, and subject to the conditions recommended by the Planning Commission.</p>	<p><u>Person responsible:</u></p> <p> City Planner</p>	
<p><u>Attachments:</u> ⁰⁹⁰</p> <ol style="list-style-type: none"> 1. Draft Resolution #2005 – Approving Plan/CUP/Plat 2. Draft Planning Commission Minutes of July 25 3. Planning Staff Report of July 21 4. Resolution #2005-047 Approving OP Concept Plan 5. Applicant’s Documentation (The Applicant’s Booklet was included with the 7/25 Commission agenda packet. Please bring with you). 	<p><u>Time Allocated:</u></p>	

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

RESOLUTION NO. 2005-090

**A RESOLUTION APPROVING THE OPEN SPACE PRESERVATION
DEVELOPMENT STAGE PLAN, PRELIMINARY PLAT, AND
CONDITIONAL USE PERMIT OF DISCOVER CROSSING.**

WHEREAS, on the 21st day of April, 2005, MBM Development, LLC ("Applicant") and Elizabeth Lundquist submitted a completed application requesting that the City of Lake Elmo approve an Open Space Preservation Development Concept Plan for 24 residential lots on 71.6 acres; and

WHEREAS, on the 9th day of May, 2005, at a public hearing, the Lake Elmo Planning Commission reviewed the Development Application, the City Planner's reports and comments, the comments of the Applicant and the Applicant's representatives, and recommended approval of the Development Application; AND

WHEREAS, on the 25th day of July, 2005, at a public hearing, the Lake Elmo Planning Commission reviewed the Development Stage Application, the City Planner's reports and comments, the comments of the Applicant and the Applicant's representatives, and recommended approval of the Development Application based upon the following Findings:

1. The application is in compliance with the approved Concept Plan.
2. The application generally complies with the OP Ordinance Design Standards.
3. The OP Development Stage Plan and Preliminary Plat complies with City Code for issuance of a Conditional Use Permit for an OP Project.
4. The Preliminary Plat and Plan, upon compliance with the City Engineer's recommendations, comply with the Development Stage Plan and design standards of the Subdivision Code.

And subject to the following Conditions:

1. Deletion of the project monument sign.
2. The Final Plat shall include no more than 25 building lots unless the Comprehensive Plan/Zoning Ordinance has been officially amended to allow a higher lot count. The final platting of Outlots A, B and/or C will only be on the basis of the Zoning Ordinance density allowed for OP development.
3. Compliance with Valley Branch Watershed District recommendations as determined to be applicable by the City Engineer.
4. Compliance with the recommendations of the City Engineer, specifically as to street widths.

5. Compliance with the recommendations of the City Attorney, specifically as to the City's liability regarding the use of "color-stamped" roadway paving to encourage pedestrian/bike utilization.
6. The Final Plat shall include right-of-way for a future Highway 36 service road in a location and to a width recommended by the City Engineer.
7. The applicant and City Engineer are encourage to maintain private utility placement within 3 feet of the paved road surfaces to preserve existing trees.

NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council hereby:

Approves the Open Space Development Stage Plan, Preliminary Plat, and Conditional Use Permit for DISCOVER CROSSING as illustrated on the Preliminary Plat prepared by Folz, Freeman, Erickson, Inc., dated July 5 , 2005.

ADOPTED, by the Lake Elmo City Council on the 16th day of August, 2005

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator

PUBLIC HEARING: Preliminary Plat, Development Stage Plan – DISCOVER CROSSING

The Planner explained that at Development Stage, there are conditional details but plans are still preliminary. He said the final stage goes only to the City Council, and final construction plans are dealt with by the City Engineer and Development Agreement. The site is located in the southwest quadrant of Lake Elmo Avenue and Highway 36. The city Council approved the OP concept on May 17 with numerous conditions. He said that will be the decision factor. He said the preliminary plat generally complies with design standards of city code. Setback on the south portion of the site has been increased to 200 feet. There is only 100 feet buffer to the west, with no explanation. Water will be served by city water from a single source. Now they have presented a plan for an advanced technology wastewater treatment system. Mn/DOT sent a letter regarding dedication of right of way on the north line regarding a bypass/service road for Highway 36. The River Valley Christian Church had a requirement for an easement on both sides of the property line when they developed for a service road. The City Council did not want a service road there. A project monument sign is still shown with this plan. Initially, outlots were created for three additional lots should OP density change. Under current density, the parcel qualifies for 25 lots but with new density it will qualify for 28 building lots. Open space was recalculated. The Planner said the project is compliant with OP standards and responsive to conditions of concept approval. He recommended approval with 5 conditions including the west buffer, remove the sign, 25-28 lots, and compliance with VBWD, the City Attorney, and City Engineer.

Commissioner Schneider said the bridge picture seems to indicate another marker or sign there. He asked if the bridge will be the city's to take care of. The Planner said yes, if in the right of way. He said it is overblown for a residential development. He said the city might suddenly have to maintain it with all the retaining walls. The Planner said unless other arrangements made, the HOA might maintain if we reach agreement.

Tim Freeman, FFE

He presented copies of a cross section showing 25' pine trees. He said the plaque on the bridge is a memorial to Mr. and Mrs. Lundquist. The bridge details a large culvert dressed up with retaining walls, and the HOA is supposed to maintain it as well as the planting. He said the bridge could be removed and everything will still function. He said there is no additional liability to the city. The culvert/tunnel will meet all design standards of the City Engineer's requirements. He said there was an oversight on the plan, the one-way street will be 14 feet. The T intersection was supposed to be a cul de sac but the city wanted trees saved. He said it is not normally a city standard but the city indicated they wanted it. With regard to technical issues of the septic system, and additional drainfield issues, he asked the Planning Commission to defer to MPCA design and review experts. The trail proposed is no additional burden on the city either. A portion of the street is stamped to indicate the area for pedestrians to walk. If residents want it when the street is repaved, they should pay the extra assessment to have that portion stamped again. He said there is no more difficult to just overlay it. The street is above and beyond the city standards with no cost or issue to the city.

Mark Putman,

Mr. Putman said the applicants now have tree survey data. They studied the grades to save the trees leading to the divided lane in the road. In the bridge area, once past the two trees there is one more bur oak, so they shifted things to protect it and to minimize construction traffic. Most sites have been located to best position houses and garages as well as streets and trails within the trees. Their design goes above and beyond any regulations anywhere in the Twin Cities that he is aware of. The bridge allows another exposure to the vista of open space. He they tried to

minimize the impact of the road. They are trying to create the circumstance of arched tunnels of trees with narrow roads. He said there are subtle ways to slow a car such as to narrow width of the road, with perceived width reductions, closer to trees, rumble strips, and colored pattern stamped asphalt. The quality of design is a reflection on the city and the neighborhood. It is more costly but the applicant is trying to do something better. There is more than the required amount trail that is another plus. The patterned asphalt on the bridge will make noise as you go over. Few people speed past a beautiful view with a little rise and a rumble to it. He said the entry name memorializes a great man who meant something to kids. It is comprised of natural stone about 4 feet high by 3 feet wide. He said it is subtle and laid back but there is distinction to it.

Commissioner Fliflet asked if the 5 feet wide stamped trail runs alongside all road within the development. Mr. Putman said that it does.

Commissioner Sedro asked about preserving trees around the houses. How will they preserved if someone does not want them? Mr. Putman said they will be preserved by the HOA. Permits will be required from the city as well as the design review committee. No tree can be removed unless absolutely necessary. That is why every tree has been located. Home sites have been designed with trees in mind. Trees will remain as buffers at street, back, and between homes.

Commissioner Sedro suggested putting money into escrow for the trail experiment, in case it does not work. Mr. Putman said the length meets/exceeds the trail requirement. If it does not look good, it goes away when it gets seal coated.

The Planner said that 22 feet of driving surface (plus 5 of trail) is three feet wider than the city normally wants. He said the city is about to embark on a higher level of tree removal through our forestry consultant. Mr. Freeman said Dr. Widin was out on the site with them. They would expect her input. He said the street with trail is fully drivable, it slows traffic, pedestrians are allowed to walk there but traffic has to slow and move over. He said they do not intend to remove a tree for a trail.

Commissioner Van Zandt said the perception is of taking a space and defining it. He said it works to slow traffic.

Commissioner Fliflet asked if that will result in walking on the wrong side of the street, will it feel rough for strollers and tricycles. Mr. Freeman said it would be just like pavers. There are a number of choices for patterns including a sidewalk pattern.

Commissioner Pelletier said the plan for the trail is beautiful and it does slow down traffic completely. She is concerned that with the HOA in charge of the bridge that they understand what they are getting into. Mr. Freeman said the type of association being established will result in homeowners being intimately involved with each other. He said the worst case scenario is they can be removed and everything still functions because it is just the illusion of a bridge on a normal city street.

Commissioner Schneider asked where a visitor would park.

The Planner said he will check with the City Attorney for where liability lies.

Commissioner Pelletier said she is concerned for the fact that the pedestrian trail is level with the street. Kids will not differentiate between road and trail.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:46 P.M.

Jay Michels, 5424 Lake Elmo Avenue

Mr. Michels said he can safely say his supportive of this project. They did a nice job. He said the Planning Commission spent one hour discussing a 20 feet wide street through a subdivision of 25 homes but have not taken the opportunity to run a service lane for Highway 36. He said there has been a lot of traffic moving through since the light was installed.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:48 P.M.

The Chairman recessed and reconvened at 8:59 p.m.

Chairman Helwig said we should get an easement for the service road. He said the city would be making a mistake not putting an easement in there. Commissioner Ptacek agreed and said he made it part of the earlier motion at concept stage. The Planner said the City Council's concern was that it was not as continuous a connection as we would like. Deer Glen had a connection to the east with lands in between. The service road came up later. He was not aware that River Valley Church had to dedicate right of way. Mn/DOT letter may have spooked the issue because of specific design criteria. Council did not want a straight shot service road attracting fast food restaurants to it. He said the city needs to get between Keats and Lake Elmo Avenue somehow. He said there would be no harm done to have the easement but the specific design may have spooked it.

M/S/P, Sedro/Helwig, To recommend approval of the Preliminary Plat and Development Stage Plan for DISCOVER CROSSING based on items 2,3,4 in the staff report plus road widths as recommended by the City Engineer plus the City Attorney's assurance that the city has no pedestrian liability, and add right of way for a Highway 36 service road in a location as determined by the City Engineer.

Commissioner Ptacek directed attention to Figure I in the applicant's booklet. There are utility easements of 10 feet on top of 50 feet of right of way. Utilities could be placed on the back edge of the curb. The Planner said that small utility companies have to get permits from the city, it is not uncommon to have them place utilities within three feet of the road. We can specify where they go. Mr. Freeman said utilities can go into a joint trench too. Commissioner Ptacek said utility companies cut down trees. If we can regulate it if the Planner says so. Freeman we want them to work within three feet and do a joint trench. Ptacek also way to roadway surface is city responsibility and retaining walls, trails, etc. language provided that commission encourages city to maintain Beyond purview perhaps Planner.

MOTION AMENDED Ptacek/Sedro, To encourage the city to maintain the actual location of utilities within three feet of the back of curbs with the intent to preserve more trees.

Commissioner Fliflet said she would be voting against it because of issues related to the stamped trail.

VOTE: 7:2, Nay- Fliflet/ Schneider.

LAKE ELMO PLANNING COMMISSION STAFF REPORT

Date: July 21, 2005 for the Meeting of July 25, 2005

Applicant: MBM Development, LLC

Location: Southwest Quadrant of Highway 36 and Lake Elmo Avenue

Requested Action: Open Space Preservation (OP) Development Stage Plan/CUP and Preliminary Plat

Land Use Plan Guiding: RAD

Existing Zoning: RR

Site History and Existing Conditions:

Review of City address and development files regarding this site (5744 Lake Elmo Avenue) reveals no City actions or permits of consequence in recent years. There have been City permits issued over the past decades for re-roofing and a pole barn, but no land use issues or violations are reflected in the City records.

The 72 acre site with a single home and related outbuildings is approximately 70% forested, with a partially forested apple orchard, some tilled land and water features composing the 30% balance. A majority of the site (excepting the tilled portion) is rolling terrain, with approximately 75 feet of topographic difference from the high point (NE corner of the apple orchard) to the low point (wetland adjacent to the Lake Elmo Avenue). The applicant reports that no slopes exceed 24%. The applicant has identified probable wetland areas on the site – to be confirmed by the Valley Branch Watershed Staff based on a formal Wetlands Delineation Report.

The City Council approved an OP Concept Plan for this site by Resolution #2005-047 on May 17, 2005.

Discussion and Analysis:

Staff has reviewed the applicant's graphics and calculations for compliance with the specific design standards of the OP Ordinance. In addition, Preliminary Engineering Plans have been submitted to MnDNR (wetlands/floodplain); Valley Branch Watershed (Wetlands/surface water handling/floodplain), Washington County (CSAH #17), MnDOT (State Highway 36), and City Engineer Prew (Water/sewer/streets/surface water infrastructure and plat design); The draft Protective Covenants have been submitted to City Attorney Filla for his review and recommendations as well. The majority (but not all) of those outside review parties have responded by this writing, and their comments and recommendations are attached hereto.

Staff observations and those of significance from outside review agencies (as available at this time) are as follow:

1. The OP Development Stage Plan continues to generally comply with the specific design standards prescribed by the City Code, except as noted below.

2. With respect to the conditions attached to the Concept Plan approval resolution we observe:
 - a. Proposed house pads on the south perimeter lots are now at least 200 feet from the south site property line (buffer).
 - b. We find no clear demonstration by the applicant that the 100 + foot buffer at the west site periphery contains features that will guarantee year round effectiveness of the buffer – screening. We note that this buffer area does contain existing forestation which is proposed to be retained. How effective a screen will that existing forestation result in? Site cross-sections relating house elevations to buffer vegetation would be a way to demonstrate the probable effectiveness.
 - c. The applicant has submitted plans (lateral design) for single source water to all lots within the project, as required. The City Engineer's memo includes requirements regarding trunk sizing of a portion of the water main. The developer will receive credit for the oversizing from the City Water Enterprise Fund.
 - d. The applicant has submitted preliminary plans for "single point" wastewater treatment for all lots on the site. The City Engineer has provided commentary and requirements regarding those plans.
 - e. The Preliminary Plat depicts the road easement that was previously granted the City along the north property line with the church site. The City Council deleted a requirement for additional consideration by the City of a service road extension strategy from CSAH #17, west.
 - f. The project monument sign remains a feature of the Development Stage Plan, even though a condition of Concept Plan approval was for its removal.
 - g. The Preliminary Plat presents 25 platted lots – the maximum allowable on this site by present OP density formula applied to the "Buildable Area" calculations provided by the applicant. (The applicant's Figure C "Layout Plan" depicts a Lot 14 in Block 1 – but no Lot 6. The Plat is numbered correctly). We note that enhanced accuracy resulting from the formal Wetlands Delineation has resulted in a slight increase (from the Concept Stage) in the Buildable Area, and the resulting one lot increase over the 24 lots approved in the Concept. Three outlots (A, B, and C) are also shown as potential future lots to be eligible (as outlots) for building permits only upon being final platted at a later date should the OP density formula be amended from 0.40 units to 0.45 units per buildable acre.
 - h. Valley Branch Watershed comments are again attached.
3. We note that the City Engineer has again recommended the deletion of the "stamped and colored trail" proposed as a part of the street surface, as well as his notes regarding the proposed septic system. These are technical details that can be addressed during Final Plan preparations, but the City Engineer's recommendations should be a specific condition of Development Stage approval.

Findings and Recommendations:

No specific OP Development Stage Findings by the Commission are required by the City Code. Appropriate Findings would, however, go to compliance with the approved Concept Plan and conditions to that approval, as well as continued compliance with the OP Ordinance design standards. Those findings can be made regarding this application subject to the City Engineer's recommendations.

In addition to the OP Development Stage findings, the Commission should include findings with any approval recommendation regarding the Conditional Use Permit and the Preliminary Plat.

Staff suggested Findings include:

1. The OP Development Stage Plan and Preliminary Plat complies with the City Code - required Findings for issuance of a Conditional Use Permit as such Findings apply to an OP Project.
2. The Preliminary Plat and Plans, upon compliance with the City Engineer's recommendations, complies with the Development Stage Plan and the design standards of the Subdivision Code.

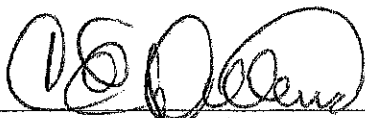
Staff recommends the OP Development Stage Plan, Conditional Use Permit and Preliminary Plat be recommended for approval by the Planning Commission, subject to the following conditions -- all of which should be adhered to with the OP Final Stage Plans and Final Plat/Development Agreement:

1. Applicant shall clearly demonstrate by graphics the year round effectiveness of buffering proposed within the 100 foot west OP buffer.
2. Deletion of the project monument sign.
3. The Final Plat shall include no more than 25 building lots unless the Comprehensive Plan/Zoning Ordinance has been officially amended to allow a higher lot count. The final platting of Outlots A, B and/or C will only be on the basis of the Zoning Ordinance density allowed for OP development.
4. Compliance with Valley Branch Watershed District recommendations as determined to be applicable by the City Engineer.
5. Compliance with the recommendations of the City Engineer and City Attorney.

Planning Commission Actions Requested:

Motion to recommend approval of the OP Development Stage Plan, Conditional Use Permit and Preliminary Plat of Discover Crossing per plans staff dated July 21, 2005 subject to the following conditions:

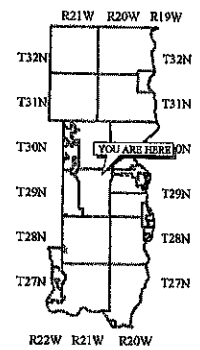
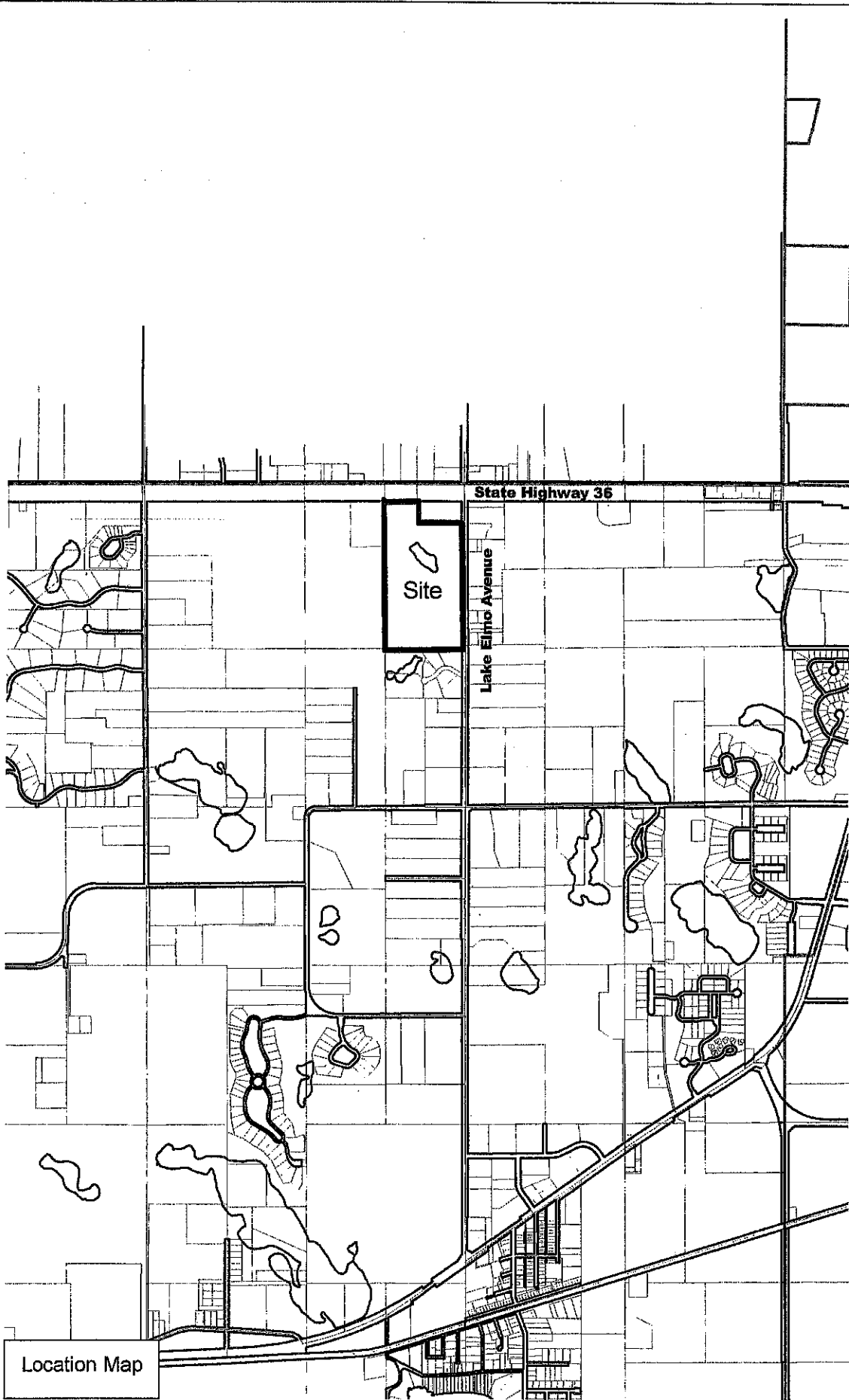
1. Applicant shall clearly demonstrate by graphics the year round effectiveness of buffering proposed within the 100 foot west OP buffer.
2. Deletion of the project monument sign.
3. The Final Plat shall include no more than 25 building lots unless the Comprehensive Plan/Zoning Ordinance has been officially amended to allow a higher lot count. The final platting of Outlots A, B and/or C will only be on the basis of the Zoning Ordinance density allowed for OP development.
4. Compliance with Valley Branch Watershed District recommendations as determined to be applicable by the City Engineer.
5. Compliance with the recommendations of the City Engineer and City Attorney.



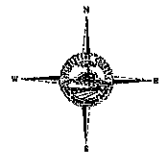
Charles E. Dillerud, City Planner

Attachments:

1. Location Map
2. Planning Commission Minutes of May 9, 2005 (Minutes and Resolution of May 17 City Council Meeting are Not Available at this time)
3. Outside Review Comments/Recommendations
4. Applicant's Project Graphics/Narrative



Vicinity Map



Location Map

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

Source: Washington County Surveyor's Office, Phone (851) 430-6875

Parcel data based on A8400 Information

MAGNUSON LAW FIRM

LICENSED IN MINNESOTA AND WISCONSIN

THE DESCH OFFICE BUILDING
333 NORTH MAIN STREET • SUITE #202 • P.O. BOX 438 • STILLWATER, MN 55082
TELEPHONE: (651) 439-9464 • FAX: (651) 439-5641

DAVID T. MAGNUSON

MARGARET M. MURPHY

MEMORANDUM

TO: Jerry Filla, City Attorney
City of Lake Elmo

FROM: David T. Magnuson

DATE: August 4, 2005

RE: *Street Scape Surface Design Discover Crossing*

I represent the developers of Discover Crossing and would like to drop you a note with regard to the proposed stamped concrete strip that they would like to install as part of the street improvements for this project.

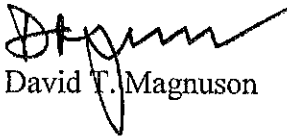
The concept has been developed in other parts of the United States and is the sort of aesthetic touch that would set Lake Elmo apart from the average clumsily done suburban project. Evidently, at the staff level, someone had mentioned that the City might be concerned about creating a liability with this road design. We don't think that liability would be remotely possible for the following reasons:

The common law doctrine of official immunity protects government officials from suit for their discretionary actions taken in the course of their official duties. The leading Minnesota case with regard to road design is found in *Ireland v. Crow's Nest Yachts, Inc.*, 552 N.W.2d 269 (Minn. App. 1996). This decision recognized that the City was not liable for design flaws based upon the official immunity doctrine.

Further, however, the City would have discretionary immunity, especially with regard to road construction and road design. We think that a planning level decision with regard to the road surface design is one that involves factors such as the financial, political, economic and social effects of a given plan or policy.

We believe that a City Council decision, based upon the social benefits of a unique and interesting road design, both the political and economic considerations that communities should promote pedestrian activity, with the added awareness that stamped asphalt would provide to motorists, would surely insulate the City from liability.

In summary, we believe Lake Elmo would be protected from suit in this instance by the doctrine of official immunity and, in addition, by the discretionary immunity provided by Minn. Stat. §466.03, Subd. 6 (1966). Give me a if you'd like to talk about this further.


David T. Magnuson

DTM/jmo

cc: 
Mick Lynskey



Minnesota Department of Transportation

Metropolitan District

Waters Edge
1500 West County Road B-2
Roseville MN 55113-3174

RECEIVED
AUG 9 2005

August 2, 2005

Chuck Dillerud
City Planner/City Administrator
3800 Laverne Ave. North
Lake Elmo, MN 55042

SUBJECT: Discover Crossing, Mn/DOT Review #P05-085
South of TH 36 and West of Lake Elmo Avenue
Lake Elmo, Washington County
Control Section 8204

Dear Mr. Dillerud:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above referenced plat in compliance with Minnesota Statute 505.03, subdivision 2, Plats. Before any further development, please address the following issues:

- As mentioned in the site plan review (May, 2005), the TH 36 Corridor Study (April, 2001) identified County Road 17 at TH 36 as a future "overpass." There will be no direct access from TH 36 to County Road 17. Access will be via a backage road system. If you have any questions concerning these comments please contact Wayne Lemaniak (651- 634-2147) in Mn/DOT's Traffic Section.
- It does not appear that a drainage permit will be required.
- Mn/DOT's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards.

Mn/DOT policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The project proposer should assess the noise situation and take the action deemed necessary to minimize the impact of any highway noise. If you have any questions regarding Mn/DOT's noise policy please contact Peter Wasko in our Design section at (651) 582-1293.

As a reminder, please address all initial future correspondence for development activity such as plats and site plans to:

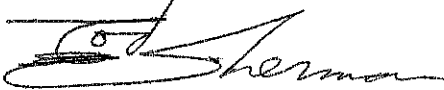
Development Review Coordinator

Mn/DOT - Metro Division
Waters Edge
1500 West County Road B-2
Roseville, Minnesota 55113

Mn/DOT document submittal guidelines require three (3) complete copies of plats and two (2) copies of other review documents including site plans. Failure to provide three (3) copies of a plat and/or two (2) copies of other review documents will make a submittal incomplete and delay Mn/DOT's review and response to development proposals. We appreciate your anticipated cooperation in providing the necessary number of copies, as this will prevent us from having to delay and/or return incomplete submittals.

If you have any questions concerning this review please feel free to contact me at (651) 582-1548

Sincerely,

A handwritten signature in black ink, appearing to read 'Tod Sherman', with a horizontal line drawn through the middle of the signature.

Tod Sherman
Planning Supervisor

Copy: Wayne Sandberg / Washington County
Joe Lux / Washington County
Folz, Freeman, Erickson, Inc.
Wayne Lemaniak - Traffic
Ann Braden / Metropolitan Council
Mn/DOT Division File CS 8204
Mn/DOT LGL File - Lake Elmo

Wayne Sandberg
Washington County
Transportation Engineer
11660 Myeron Road
Stillwater, MN 55082

Joe Lux
Washington County
Senior Transportation Planner
11660 Myeron Road
Stillwater, MN 55082

Folz, Freeman, Erickson, Inc.
5620 Memorial Avenue North
Stillwater, MN 55082

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

RESOLUTION NO. 2005-047

**A RESOLUTION APPROVING THE OPEN SPACE PRESERVATION
DEVELOPMENT CONCEPT PLAN OF DISCOVER CROSSING.**

WHEREAS, on the 21st day of April, 2005, MBM Development, LLC ("Applicant") and Elizabeth Lundquist submitted a completed application requesting that the City of Lake Elmo approve an Open Space Preservation Development Concept Plan for 24 residential lots on 71.6 acres; and

WHEREAS, on the 9th day of May, 2005, at a public hearing, the Lake Elmo Planning Commission reviewed the Development Application, the City Planner's reports and comments, the comments of the Applicant and the Applicant's representatives, and recommended approval of the Development Application based upon the following Findings:

1. Except as noted regarding OP buffer compliance, the OP Concept Plan generally complies with the OP design standards as can be determined at the Concept Plan Stage.
2. The Concept Plan is generally consistent with the purpose of the Open Space Preservation Ordinance.
3. The Concept Plan generally complies with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council hereby:

Approves the Open Space Concept Plan for DISCOVER CROSSING as illustrated on the Concept Plan prepared by Folz, Freeman, Erickson, Inc., staff dated May 4, 2005 with the following conditions:

1. All house pads shall be at least 200 feet from the south property line and 100 feet from the west property line.
2. Applicant shall clearly demonstrate by graphics the year round effectiveness of buffering proposed within the 100 foot west OP buffer.
3. Applicant shall submit preliminary plans to provide water supply from a single community well and lateral service to home sites.
4. Applicant shall submit preliminary plans to treat wastewater with a single Constructed Wetlands Wastewater Treatment System (or technologically equivalent) with sewer laterals to the individual home sites.
5. The Development Stage Plan and Preliminary Plat shall show easement for an east/west service road along the north property line reflecting the MnDOT graphic as presented the Planning Commission.
6. Deletion of the project monument sign.


7. The Development Stage Plan/Preliminary Play shall include no more than 24 building lots unless the Comprehensive Plan/Zoning Ordinance has been officially amended to allow a higher lot count.
8. Compliance with Valley Branch Watershed District recommendations as determined to be applicable by the City Engineer.

ADOPTED, by the Lake Elmo City Council on the 17th day of May, 2005

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator

Lake Elmo City Council August 16, 2005	Agenda Section: Planning, Land Use and Zoning	<u>No.</u> 9C
<u>Agenda Item:</u> Section 520 Site Plan Amendment – Village North		
<p><u>Background Information for August 16, 2005:</u></p> <p>At its meeting August 9, 2005 the Planning Commission unanimously adopted a recommendation to approve this proposal to modify the site plan of a previously approved project to construct a 10,000 square foot office building on 39th Street North – Brookman Addition. The revised plan re-orientes most of the off-street parking from the front of the building to the rear and side of the building, and enhances the landscaping that will be installed. Both modifications are efforts by the developer to improve the streetscape appearance and “pedestrian friendly” aspects of the project. The new site design requires a slight increase to the area of the site, which can be processed by staff as a Lot Line Adjustment. Staff advised the Commission that the revised design was a better response to the Village Area concept than the previously approved “suburban style” design placing a sea of parking between the street and the building.</p> <p>The Commission’s approval recommendation included the same conditions as the prior approval action by the Council – primarily related to the exterior lighting of the site.</p>		
<p><u>Action items:</u></p> <p>Motion to approve an amendment to the Section 520 Site Plan for “Village North” per plans staff-dated August 4, 2005, as recommended by the Planning Commission, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Compliance with the recommendations of the City Engineer – specifically regarding wastewater treatment (temporary and permanent). 2. Compliance with the recommendations of the Valley Branch Watershed District as found to be reasonable and practical by the City Engineer. 3. Submission by the applicant of exterior lighting plans compliance with Section 1350 prior to the issuance of a Building Permit. 	<p><u>Person responsible:</u></p> <p>City Planner </p>	
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Draft Planning Commission Minutes of August 9 2. Planning Staff Report of August 4 3. Graphics 	<p><u>Time Allocated:</u></p>	

Excerpt of Lake Elmo Planning Commission Meeting Minutes of August 9, 2005
Village North – Amended Site Plan

Amended Site Plan – Village North

M/S/P, Ptacek/Sedro, To recommend approval of the amended Site Plan for Village North because it makes the site look better and is a more desirable plan, subject to the following Conditions from the staff report dated August 3, 2005:

1. Compliance with the recommendations of the City Engineer – specifically regarding wastewater treatment, both temporary and permanent.
2. Compliance with the recommendations of the Valley Branch Watershed District as found to be reasonable and practical by the City Engineer.
3. Submission by the applicant of exterior lighting plans compliant with Section 1350 of the *Lake Elmo Municipal Code* prior to the issuance of a Building Permit.

VOTE: 9:0.

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: August 4, 2005, 2005 for the Meeting of August 9, 2005

Applicant: Mike Lynsky (Brookman/Raleigh – Land Owners)

Location: North Side of 39th Street North, West of State Highway 5

Requested Action: Section 520 Site Plan Amendment

Land Use Plan Guiding: C (Commercial)

Existing Zoning: GB (General Business)

Site History and Existing Conditions:

The site is a portion of the Brookman 3rd Addition which was platted in the late 1980's. At that time 39th Street North and City water mains were constructed by the developer to serve the area. The lots of the Brookman 3rd Addition were platted with Lots 1 and 2 of Block 3 at 5.1 acres and 6.6 acres respectively, and remain vacant. The GB minimum lot area is 1.5 acres today, and was in the late 1980's as well. Redivision of those parcels to accommodate future buyers' needs was likely anticipated with the original platting.

The site is also a portion of the Village North PUD Concept Plan, which was tabled with the applicant's concurrence on April 14, 2003 pending completion of the Old Village Neighborhood Design Study. The site plan and lot configuration coincide with the tabled PUD Concept Plan. That application (the PUD application) remains on the table; and the entire Village North site (except the subject area) remains subject to a City Council Development Moratorium which remains in force on its face until October 12, 2005 – unless earlier repealed or modified by the City Council.

On March 15, 2005 the City Council approved a Section 520 Site Plan for an office building at this location. The Council also approved a Minor Subdivision creating the specific site; removed the site from the Village Area Moratorium; and approved vacation of certain drainage and utility easements. No variances were specifically approved, but the Council did make a finding that commercial grade asphalt shingles of the specification used by the Credit Union in Eagle Point Business Park comply with the General Business District performance standards. No zoning ordinance variances were applied for or approved in March. Therefore the site would be required to comply with all other application City Code standards. The applicant has not proceeded with the construction, and none of the legal documents related to the Minor Subdivision and easement vacation have as yet been recorded.

Discussion and Analysis:

The applicant now proposes to amend the approved site plan in the following manner:

1. Slightly increasing site area from 69,410 square feet to 72,310 square feet.
2. Reconfiguring the site plan to move the building forward toward 39th Street North.

3. Reconfiguring parking to move the majority from the street side to the back and sides of the site. The parking count is 1 space more than the approved plan (53 now, 52 previously approved).
4. In recognition of the differing parking layout, conversion of the landscape parking area islands to landscape peninsulas – which continue to comply with parking lot landscaping requirements.

It is the understanding of staff that the building size, shape and architecture remains as previously approved. The description of the Minor Subdivision will change somewhat if this amendment is approved since the site is somewhat larger. No further actions by the Commission/Council are required to accommodate the Minor Subdivision modification, as this becomes a Lot Line Rearrangement, which can be approved at the staff level.

We further understand that the proposed amendment is based on the applicant's desire to produce a site design that better responds to "New Urbanism". New Urbanism essentially advocates commercial (and residential) design that "hides" as much of the off-street parking as possible from the streetscape, and places buildings closer to the street. This design approach (as seen in the downtown commercial areas of most traditional communities – like Lake Elmo Avenue here today) – is considered to be more pedestrian-friendly as well as better emphasizing the architecture of the building rather than exposing a "sea" of parking to the traveling public on the street side of the site. Staff concurs with the applicant's designer in this regard.

A review of the amended Section 520 Site Plan for compliance with GB and other applicable City Code standards reveals the following:

1. No revised Site Lighting Plan has been submitted. Those submitted previously forecast foot candle lighting levels in excess of levels specified by the City Code for areas beyond a 20 foot radius from the light source. Since no specific light fixture specifications are provided, we are assuming that a maximum of 1.5 foot candles is permitted. The exterior lighting plan should be relamped or otherwise redesigned to comply with the Code – or fixture specifications should be provided that would permit a less restrictive standard.
2. The exterior lighting fixtures were previously proposed to be located 27 feet above the parking lot surface (25 foot poles on 2 foot pedestals). Since no specific fixture specifications are provided we are assuming that the maximum allowable total fixture height is 20 feet. The fixture height deviation from Code standards may contribute to the lighting intensity deviation noted in #1.

Findings and Recommendations:

Staff finds that the amended Section 520 Site Plan generally complies with General Business District and other City Code Standards, except as noted previously. The compliance issues noted above must be addressed by the applicant with plan modifications prior to issuance of a Building Permit. Staff recommends approval of the amended site plan subject to the following conditions:

1. Compliance with the recommendations of the City Engineer – specifically regarding wastewater treatment (temporary and permanent).
2. Compliance with the recommendations of the Valley Branch Watershed District as found to be reasonable and practical by the City Engineer.
3. Submission by the applicant of exterior lighting plans compliance with Section 1350 prior to the issuance of a Building Permit.

Planning Commission Actions Requested:

Motion to recommend approval of the amended Site Plan for the Lake Elmo Professional Center per plans staff dated August 3, 2005, and subject to the following conditions:

1. Compliance with the recommendations of the City Engineer – specifically regarding wastewater treatment (temporary and permanent).
2. Compliance with the recommendations of the Valley Branch Watershed District as found to be reasonable and practical by the City Engineer.
3. Submission by the applicant of exterior lighting plans compliance with Section 1350 prior to the issuance of a Building Permit.



Charles E. Dillerud, City Planner

Attachments:

1. Location Map
2. City Council Resolution #2005-025
3. City Council Minutes of March 15, 2005
4. Planning Commission Minutes of March 14, 2005
5. Previously Approved Site Plan
6. Applicant's August 2005 Amended Graphics

**City of Lake Elmo
Washington County, Minnesota**

Resolution No. 2005- 025

**A RESOLUTION APPROVING A SECTION 520 SITE PLAN AND
MINOR SUBDIVISION TO LAKE ELMO PROFESSIONAL CENTER, LLP**

WHEREAS, Lake Elmo Professional Center, LLP, has made application to the City of Lake Elmo for a Minor Subdivision pursuant to Section 520 and Section 400.07 of the *Lake Elmo Municipal Code* of the following described parcels of land; to wit:

Lot 1, Block 3, BROOKMAN 3RD ADDITION

And

Lot 2, Block 3, BROOKMAN 3RD ADDITION

WHEREAS, the Lake Elmo Planning Commission considered this Section 520 Site Plan request at its February 14, 2005 meeting, and recommended that the Section 520 Site Plan be denied based upon the following Findings:

1. The absence of a wastewater treatment plan that meets standards of Section 700 of the *Lake Elmo Municipal Code*.
2. Asphalt shingles do not meet architectural standards of the *Lake Elmo Municipal Code*.

WHEREAS, the Lake Elmo Planning Commission reconsidered this Section 520 Site Plan request at its March 14, 2005 meeting, and recommended that the Section 520 Site Plan be approved subject to the following condition:

1. Submission of a wastewater treatment plan and construction that meets standards of Section 700 of the *Lake Elmo Municipal Code*.

WHEREAS, the Lake Elmo Planning Commission considered this Minor Subdivision request at its February 14, 2005 meeting, and recommended that the Minor Subdivision be denied based upon the following Findings:

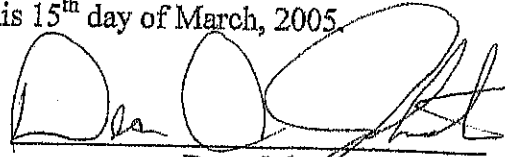
1. The Section 520 Site Plan was denied.

WHEREAS, the Lake Elmo Planning Commission reconsidered this Minor Subdivision request at its March 14, 2005 meeting, and recommended that the Minor Subdivision be approved subject to the following conditions:

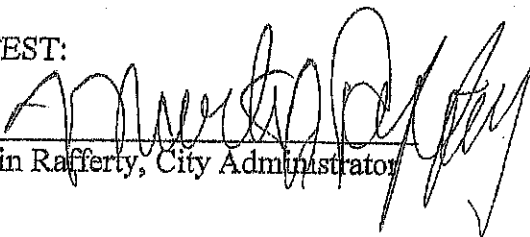
1. Vacate existing drainage easements and replace with easements along boundary of newly created parcel.

NOW, THEREFORE, BE IT RESOLVED that the Section 520 Site Plan and Minor Subdivision is hereby approved by the City Council to Lake Elmo Professional Center, LLP.

ADOPTED by the Lake Elmo City Council this 15th day of March, 2005.


Dean Johnston, Mayor

ATTEST:


Martin Rafferty, City Administrator

Rezoning from and RR Designation to a PF Designation

Mayor Johnston noted that the hardship does not exist for a rezoning and there is a reasonable use of land under the current zoning. Attorney Filla pointed out that the rezoning would not be consistent with the City's 1990 Comp Plan, the City approved 2000 Comp Plan and with any changes to the City approved 2000 Comp Plan as a result of the agreement between the city and the Met Council.

Conditional Use Permit

The City Planner explained based on the traffic study the traffic generated by the proposed development would create traffic congestion at the intersection of Keats Avenue and Highway 36. Mr. Danielson reported that Mn/DOT said that this development would not create any unsatisfactory problem on Hwy 36, but does present delays on Keats approaching Hwy 36. There would be a minimal impact on the intersection except on weekends. Danielson said MnDOT would say the 3-corner intersection could be in now. The church is willing to spend \$150,000 to improve this intersection.

The requested Conditional Use Permit for proposed Lot 1, Block 1 would allow development that is not consistent with the current zoning for the applicant's property and because of the traffic generated by the proposed development would create serious traffic congestion at Keats Avenue and Hwy 36.

Attorney Filla will draft a resolution incorporating Council direction. The council recommended denial of the comprehensive plan amendment and the rezoning from RR to a PF designation so the use will be denied because it is not consistent with the zoning.

M/S/P Conlin/Johnson - to table the development applications for the Lakewood Evangelical Free Church until the April 5th Council meeting where resolutions will be provided for council approval. (Motion passed 5-0.)

B. Minor Subdivision/Site Plan and Zoning Variance, Amendment to the Development Moratorium, Public Hearing: Vacation of drainage easements – Lynsky (Brookman 3rd Addition), Resolution No. 2005-025, Resolution No. 2005-026, Ordinance No. 97-153

Planner Dillerud reported the Planning Commission adopted a recommendation for denial of the applications for Minor Subdivision and Section 520 Site Plan that are proposed by the applicant to allow construction of a 10,000 sq.ft. office building on 39th Street North. Prior to the Commission's vote on the motion, the Chair offered the applicant's representative an opportunity to waive the 60 day city review window to allow time to process the variance issue, but that offer was declined. Dillerud noted that subsequent to February 14 one of the partners of the project formally requested the 60 day review waiver, and a variance application will be heard by the Planning Commission on March 14, 2005. Staff committed to the applicant to bring the applications to the Council on March 15, along with the Planning Commission recommendation on the variance.

The Planner asked Council action on 1.) Moratorium; 2.) Site Plan; 3.) Variance; 4.) Minor Subdivision, and 5.) Hearing and Easement Vacation. A Resolution denying the Site Plan and Minor Subdivision, Ordinance regarding the Moratorium and a Resolution for the easement vacation is provided for Council review.

Tracy Galowitz, applicant, explained it would be a prairie style building, similar to the professional buildings in Carriage Station. They simply want to keep their business in town. They need the moratorium lifted, a minor subdivision and are asking for a variance for asphalt shingles.

DeLapp/No Second - to deny the moratorium because the City is still waiting for a master plan to see how this building fits into the plan.

M/S/P Johnson/Johnston - to approve Ordinance 97-153, An Ordinance removing property from the restrictions of the Village Area Development Moratorium. (Motion passed 4-1:DeLapp)

M/S/P Johnson/Johnston - to approve Resolution No. 2005-025 , approving the Section 520 Site Plan and Minor subdivision applications of Mike Lynsky/Lake Elmo Business Park Co. (Motion passed 4-1:DeLapp - They should put in a holding tank as proposed, take 5 credits of sewer. It is a waste of their money).

M/S/P DeLapp/Smith - to approve the asphalt roofing material as the same approved asphalt shingles used on the Prairie Ridge Office Park and in the County, City Credit Union used based on the Findngs by the City Planner. (Motion passed 5-0).

Mayor Johnston opened the Public Hearing at 11:29 p.m..
There was no one to speak for or against vacating the drainage easement.
Mayor Johnston closed the Public Hearing at 11:30 p.m.

M/S/P Conlin/DeLapp - to approve Resolution No. 2005-026, A Resolution Vacating Existing Platted Drainage and Utility Easements in Brookman 3rd Addition. (Motion passed 5-0).

C. Conditional Use Permit, Variance and Section 520 Site plan - City of Lake Elmo

The City Planner reported the City has made application to construct an 11,000 sq.ft. Public Works/Park Maintenance building and a 500,000 gallon water storage tank on a 20 acre site adjacent Sunfish Park. The Conditional Use Permit is to locate a Public Facility on a PF zoned site. The variance is to the standards of the PF zone to allow standing seam metal exterior surfacing to retain the rural image of the proposed structure.

Merle Olson said Lehart Friedrich sold 150 acres at \$2,000 an acre, which at that time was much less than the going price. The City, Parks Commission voted and passed this so a covenant was made for this land to be used only for park purposes. Olson had talked to

Occupations from RR or inclusion of it. The Planner provided code language for the inclusion of Home Occupations in the RR portion of the zoning code.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 9:08 P.M.

AT 9:09 P.M., THE CHAIRMAN CLOSED THE PUBLIC HEARING AFTER HEARING NO COMMENTS.

M/S/P, Ptacek/Sedro, to recommend approval of a zoning text amendment for Section 300.07 4.b.2, to allow Home Occupations in the RR Zoning District.

Commissioner Ptacek said the matter was simple housekeeping.

VOTE: 9:0.

COMMISSIONER SESSING RETURNED TO THE TABLE.

PUBLIC HEARING: CIP 2005-2009 AMENDMENT

The Planner introduced the City's application to amend the CIP 2005-09. He advised that an amendment to the CIP is an amendment to the Comprehensive Plan. He said the section proposed for is the street construction/reconstruction section is the Infrastructure Reserve Fund. He reported that the City Engineer has sampled the Hilltop sub grade, and has determined it was not as bad as presumed. Instead of total reconstruction of Hilltop the City Engineer now recommends a less costly mill and resurface project. The Planner said that finding will free some street funds in 2006 to undertake deferred overlay projects in 2006

Commissioner Fliflet said it appears the cost has gone up for those overlays about \$18,000.

The Planner said that cost has gone up

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 9:16 P.M.

NO SPEAKER CAME FORWARD, AND THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 9:17 P.M.

M/S/P, Ptacek/Sessing, to recommend approval of an amendment to the Capital Improvement Program 2005-09, Infrastructure Reserve Fund to add 2007 street overlays to the 2006 program, and amend the Hilltop project from reconstruction to overlay. VOTE: 9:0.

PUBLIC HEARING: Variance – Visible Roofing Materials – Village North Office Park

The Planner reminded the Commission of the application by Mike Lynskey for a site plan and minor subdivision for an office building. The Planning Commission had previously recommended denial. He advised the Commission that the applicant has waived the 60 day review period, and has requested going forward with the variance to allow asphalt roofing.

Commissioner Deziel said the proposed roofing materials are a reasonable use of the property.

Tracy Gallowitz

She said the partnership is excited to have an office building in the Old Village. They tailored their architecture after the bank and the Carriage Station dental office. She said it looks professional, and it may eventually become part of a PUD application. She said that asphalt shingles will tie in with what is already in the city. She said all the commercial buildings in the area have asphalt shingle except for Leslie's. She said the metal seam roof will not look like what they are trying to achieve. She requested the commission reconsider the entire application package together with the roofing variance.,

Mike Diem, Architectural Network

Mr. Diem said Arch Net has their office in the Carriage Station Professional Park. He said they listened carefully to what Lake Elmo wants. They designed all four of those buildings in Carriage Station.; He displayed a photo of one of those office buildings. He said the Carriage Station buildings were designed with asphalt shingle before the code was changed. They could do it with standing seam but it would be a challenge, and asphalt shingle will be a smoother transition with the residential community planned north of the site. He said that a low slope roof with complex hips and valleys lend itself to asphalt shingles.

Tim Freeman, Land Surveyor and Planner, FFE

Mr. Freeman reminded the commission that the last time this application was before them, the motion for denial of the subdivision was because of the variance. He said that the variance is part of the site plan. The applicant will build a septic system. He asked that the commission approve the minor subdivision and site plan/variance so the applicant can move forward with the project.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 9:33 P.M.

NO SPEAKER CAME FORWARD, AND THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 9:34 P.M.

Commissioner Sedro suggested looking at visible roofing materials standards in these zones on a future agenda after the comp plan work.

Commissioner Ptacek said the key to the issue is roofing materials and the essential character of a neighborhood. The Council previously approved PUDs on Highway 5 and Carriage Station. While a precedent is established, we don't want to let down our guard for the southern gateway to the City either. There are some very specific materials required in Eagle Point Business Park because of that gateway, which he said he considers less important here.

Commissioner Deziel said the variance requested is more in line of character of the neighborhood. All asphalt roofs there except for one, which is a major aspect of the neighborhood.

Commissioner Sedro said if there is no need to allow asphalt shingles and there is no hardship. She would vote against it until we change the code.

M/S/F, Deziel/Helwig, to recommend approval of a variance to allow high grade architectural asphalt shingles rather than other materials allowed by code on a roof in Village North Office Park based upon the Findings that this is a reasonable use, it is not the cause of the property owner, and it will not change the character of the neighborhood but actually be more in compliance with it.

Commissioner Deziel said the main problem is our own code. This is third time we have come upon one of these, and he has heard no good logical reason yet to disallow asphalt shingles.

Commissioner Roth said this situation puts the Commission in a difficult position to follow interpretation of the rules and code. He suggested staff bring visible roofing materials to the table sooner than before the Comprehensive Plan work is completed rather than later.

Chairman Helwig agreed.

VOTE: 4:5, Roth, Sessing, Sedro, Schneider, Armstrong.

Commissioner Deziel asked for a date to review visible roofing materials. He would like staff to bring it to Public Hearing on April 11, 2005.

Chairman Helwig agreed there have been too many variances.

Tim Freeman

Mr. Freeman said the Minor Subdivision is a separate issue. Planning Commission could make a conditional approval so project can move forward for funding.

M/S/P, Armstrong/Roth, to recommend approval of a Minor Subdivision and Site Plan for the Lake Elmo Business Park with the conditions that the applicant installs a septic system and subject to only permitted roofing materials. Vote: 9:0.

Minor Subdivision: 9057 Lake Jane Trail - Olinger

The Planner explained that this request for a minor subdivision follows a rezoning and comprehensive plan amendment from 2004. The applicant proposes to divide a parcel for their daughter and a second parcel for a neighbor to have water access. In the event the neighbor does not purchase that parcel, it will be reserved for recreational use for the future development on the larger parent parcel, and covenants will be drafted to prevent the parcel from ever becoming buildable.

Commissioner Sedro noted that in the staff report a typo indicates a no-build covenant for Parcel C not B.

Tim Freeman

He said the minor subdivision is consistent with what was presented in 2004. He said the application meets code and DNR requirements in every respect.

M/S/P, Ptacek/Sessing, to recommend approval of a minor subdivision of property at 9057 Lake Jane Trail subject to the condition that the city attorney approve covenant language on the title of Parcel C prohibiting the construction of a structure on that lot. VOTE: 9:0.

City Council Update

The Planner updated the commission about the previous Council meeting.

Comprehensive Plan Modifications Policy

The Planner distributed copies of his latest edits and drafts and a table for staging to the commission. The Planner announced that he has changed the Public Hearing date to April 4.

The Planner said staging is important in an urbanizing situation with introduction of sewer, since the City must provide staffing, infrastructure, and services. Most communities that have urbanization in the future have a staging plan.

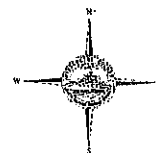
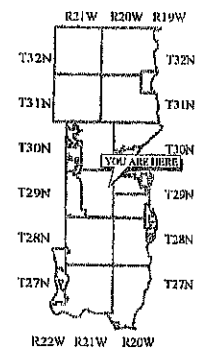
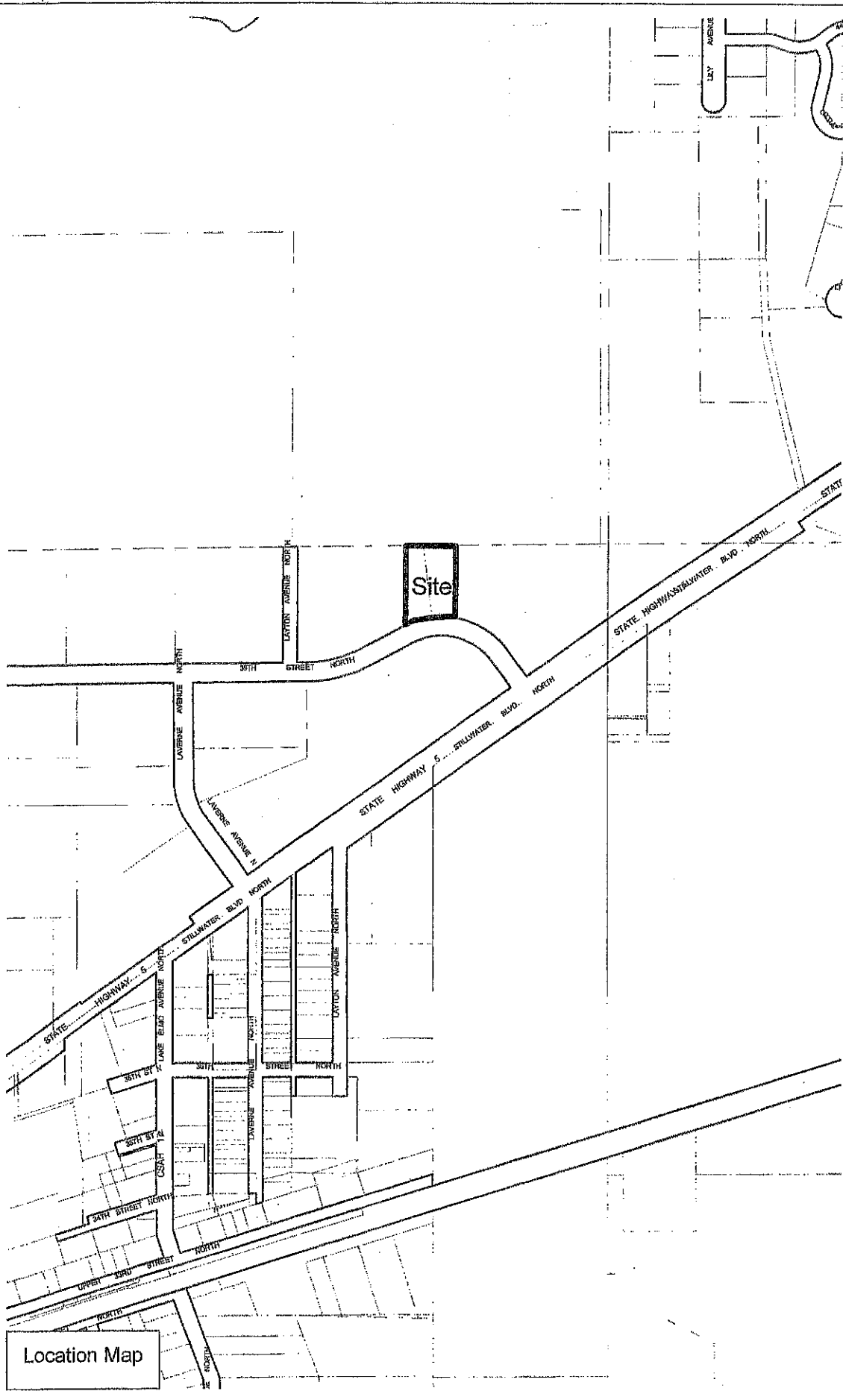
The Planner explained the tables for staging options.

- Scenario No. 1 heavily back loads the growth at the minimum pace prescribed by the MOU.
- Scenario No. 2 also backloads, but to a lesser degree than #1
- Scenario No. 3 attempts to distribute the growth relatively evenly over the 30 year period.
- Scenario No. 4 front loads to accommodate the fiscal aspects of City infrastructure costs – particularly water.

The Planner said staging can be done by building permits per year, an infrastructure control ordinance, limiting lots platted or permits issued to slow installation of infrastructure.

Administrator Rafferty said the number of units south and north of 10th Street is dividing the allocation annually as well. We have serious concerns making sure we are not in financial jeopardy. He said that needs to be considered for a front load scenario.

Administrator Rafferty said the entire water system south and north must be constructed from water connection fees and revenues in the enterprise fund, or the General Fund becomes obligated. He said if we want development in the Old Village and to make it a commercial center, it gets harder if not



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

Source: Washington County Surveyor's Office
Phone (651) 430-6875

Parcel data based on AS400 information

Site Data 1.66 acres

Description

Total Lot Area	=	72,310	Sq. ft.
Total Building Area	=	10,421	Sq. ft.
Parking & Walks	=	19,628	Sq. ft.
Total Lot Coverage	=	30,049	Sq. ft. (42%)
Total Green Space	=	58	%
Total Parking Stalls	=	53	

new!

CLIENT
LYNSKEY
CLARK
Companies

PROJECT
THE LAKE ELMO
PROFESSIONAL
CENTER

LAKE ELMO, MN

SHEET TITLE

SITE PLAN

CERTIFICATION

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Landscape Architect under the laws of the State of Minnesota.

Signature
Name: Marc Putman
Class: Landscape Architecture License: 00000000

DESIGNED DRAWN

DATE

DESIGNED 07-29-05
CHECKED
DRAWN 08-02-05
TRANSMITTED 08-06-05

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REVISIONS

NO.	DATE	REVISION
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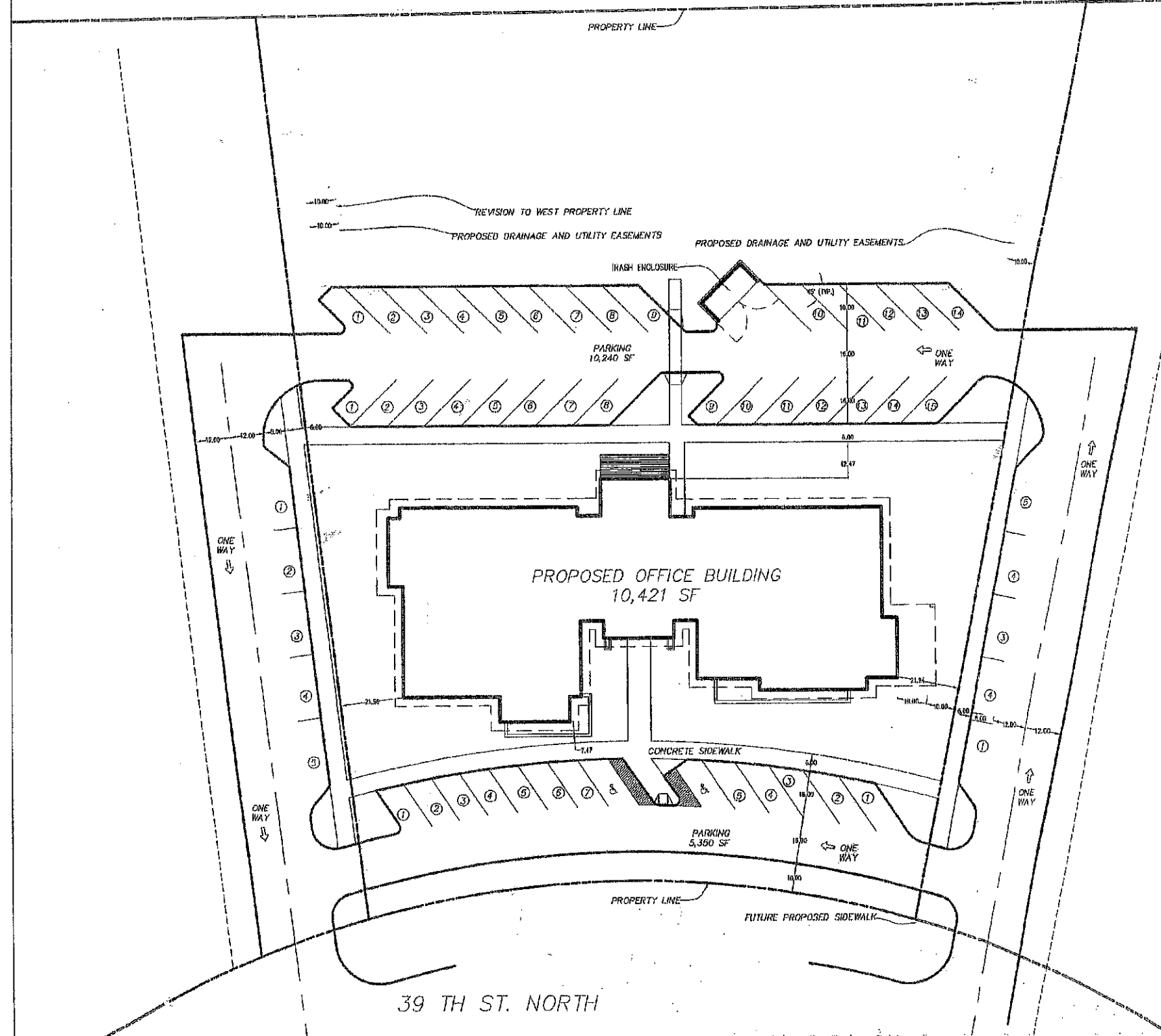
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SHEET OF SHEET

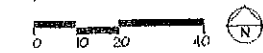
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LAND PLANNING
RESIDENTIAL DESIGN
ARCHITECTURAL ILLUSTRATION
GRAPHIC DESIGN

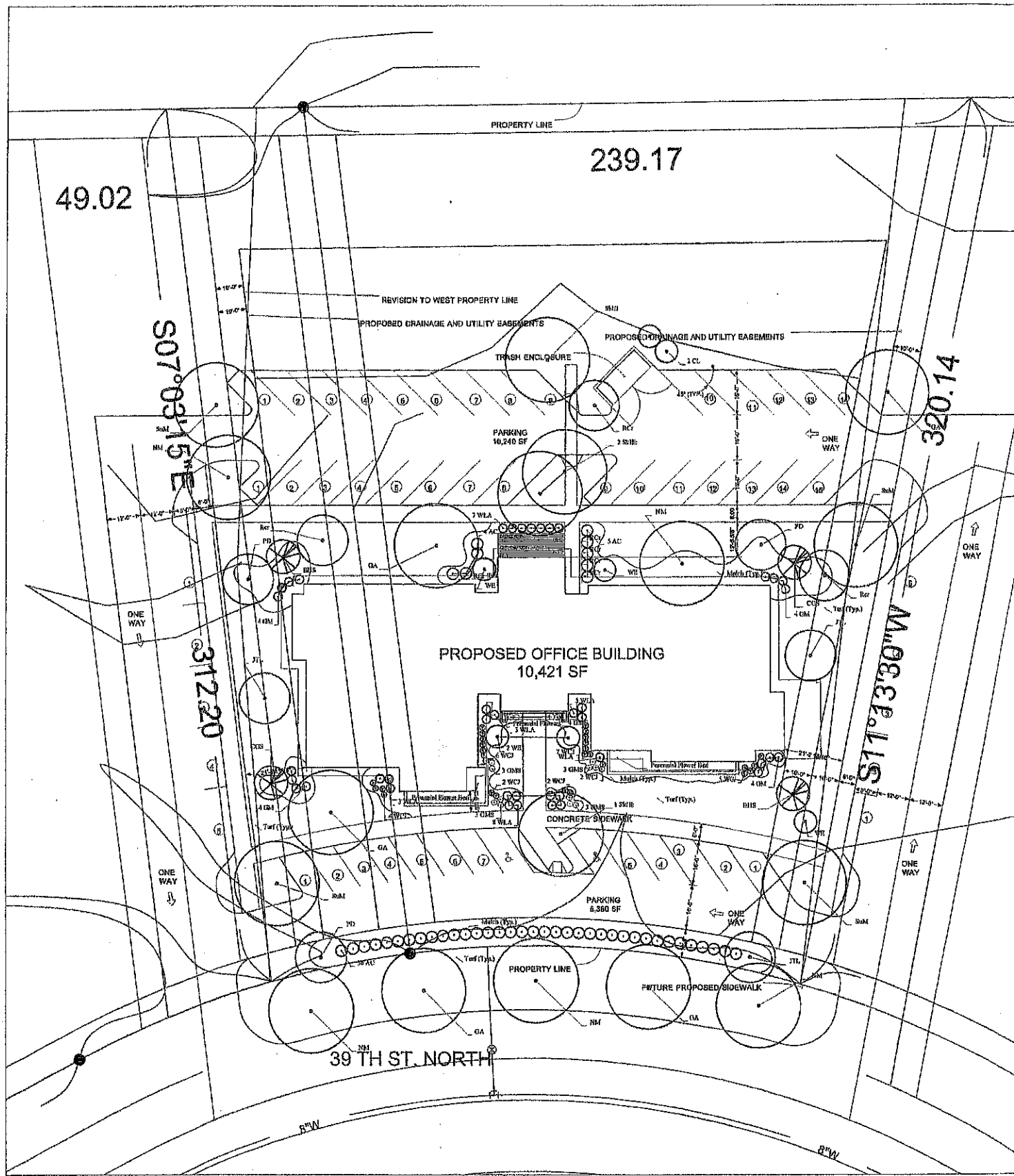
PUTMAN
PLANNING
& DESIGN

10000 Lake Elmo Avenue, Suite 100
Lake Elmo, MN 55049
Phone: 612-461-1111
Fax: 612-461-1112
www.putmanplanning.com











8/4/05
NEW!
RECEIVED
AUG 13 2005





PLANTING SCHEDULE				
Library Part Name	ID	Quantity	PARCEL B	Size
DecUndrStry	DUT: JTL	3	---JAPANESE TREE LILAC/Syringa amurensis japonica	2" CAL/BB
DecUndrStry	DUT: PD	3	---PAGODA DOGWOOD/Cornus alternifolia	2" CAL/BB
DecUndrStry	DUT: RCr	3	---RADIANT CRABAPPLE/Malus indiana	2" CAL/BB
DecSmShrub	DSS: GMS	16	---GOLD MOUND SPIREA/Spiraea bumalda sp	12" HT/CONT
DecOvrStry	DOT: GA	5	---PATMORE GREEN ASH/Fraxinus pennsylvanica patmore	2.5" CAL/BB
DecOvrStry	DOT: NM	5	---NORWAY MAPLE/Acer platanoides	2.5" CAL/BB
DecOvrStry	DOT: SkHI	4	---SKYLINE HONEYLOCUST/Bledius tri laevis "skyline"	2.5" CAL/BB
DecOvrStry	DOT: SuM	4	---SUGAR MAPLE/Acer saccharum	2.5" CAL/BB
DecMedShrub2	DMS2: GM	16	---GOLDEN MOCK ORANGE/Philadelphus coronarius aurea	12" HT/CONT
DecMedShrub2	DMS2: WLA	25	---WHITE LIGHTS AZALEA/Rhododendron White Lights	12" HT/CONT
DecMedShrub1	DMS: AC	45	---ALPINE CURRENT/Ribes alpinum	12" HT/CONT
DecLrgShrub	DLS: CL	2	---COMMON LILAC/Syringa vulgaris var.	18" HT/CONT
DecLrgShrub	DLS: WE	5	---WINGED BUONYMUS/Euonymus alatus	18" HT/CONT
ConifSmShrub	CSS: WCJ	28	---WILTON CARPET JUNIPER/Juniper horizontalis "wilton"	18" HT/CONT
ConifOvrStry	COT: BHS	2	---BLACKHILLS SPRUCE/Picea glauca densata	8-10' HT
ConifOvrStry	COT: CGS	2	---COLORADO GREEN SPRUCE/Picea pungens	8-10' HT
168				
2005/08/03 14:45:24 PARCEL B 2 PLNTNG.pln				

Planting Key

-  **DECIDUOUS OVERSTORY TREE**
Eg: Maple, Linden, Ash, Oak, Birch, & Willow.
-  **CONIFEROUS OVERSTORY TREE**
Eg: Black Hill Spruce, White Pine, Scotch Pine, Colorado Green & Blue Spruce.
-  **DECIDUOUS UNDERSTORY TREE**
Eg: Japanese Tree Lilac, Amur Maple, Quaking Aspen, Poplar, Pagoda Dogwood, Crab & Yellow Birch
-  **DECIDUOUS LARGE SHRUB**
Eg: Lilac, Viburnum, Dogwood, Cotoneaster, Euonymus, & Barberry.
-  **DECIDUOUS MED. SHRUB**
Eg: Alpine Current, Golden Mock Orange, Snowmound Spirea
-  **CONIFEROUS MED. SHRUB**
Eg: Blue/Green Pfitzer Junipers
-  **DECIDUOUS SMALL SHRUB**
Eg: Goldmound Spirea
-  **CONIFEROUS SMALL SHRUB**
Eg: Sea Green Juniper, Wilton Carpet Juniper, Dwarf Mugho Pine

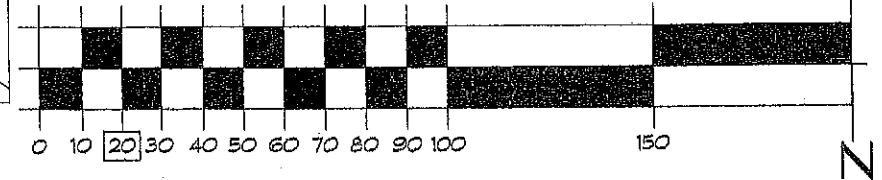
PLANTING PLAN NOTES:

Parcel "B" Planting Plan shows quantity, position, & size of proposed planting as part of the Parcel "B" submittal. Substitutions of species are permitted with approval by developer and landscape architect. See Plant List. All plant materials to conform to American Nursery Stds. and have 1 yr. guarantee. See Specifications.

Proposed topography is based on submitted plan, not final as-built. Verify grades & contours before excavation or installation.

Ground Cover/Mulch: Area of 4" ht. mulch under trees, 2" ht. @ shrub or hedge area is to be mulched with specified material, unless indicated on planting plans.

8/4/05
New!
RECEIVED
8/10/05



CLIENT
LYNSKEY CLARK Companies

PROJECT
THE LAKE ELMO PROFESSIONAL CENTER

LAKE ELMO, MN
PLANTING PLAN

CERTIFICATION
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Landscape Architect under the laws of the State of Minnesota.

Signature: _____
Name: Mark Putman
Date: _____
License: 1454

DESIGNED DRAWN

DATE
DESIGNED 07-29-05
CHECKED 08-02-05
DRAWN 08-03-05
TRANSMITTED 08-03-05

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REVISION
NO. DATE BY

JOB NUMBER

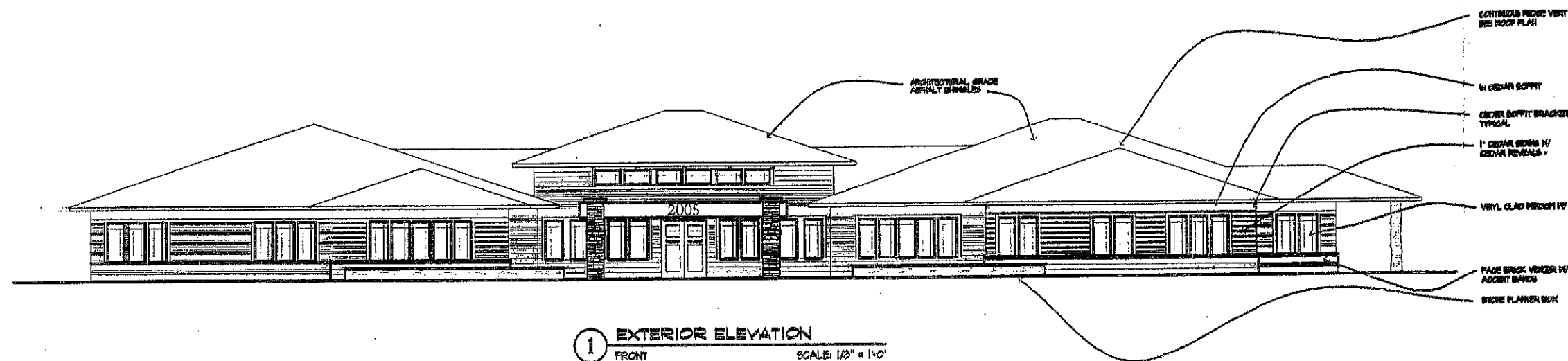
1.0 REV
LANDSCAPE ARCHITECTURE
LAND PLANNING
RESIDENTIAL DESIGN
ARCHITECTURAL ILLUSTRATION
GRAPHIC DESIGN
PUTMAN PLANNING & DESIGN

ARCHNET

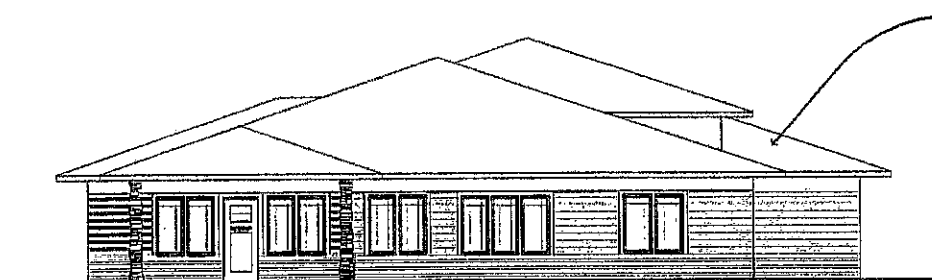
THE ARCHITECTURAL NETWORK, INC.

ARCHITECTURE • PLANNING •
INTERIOR DESIGN • CONSTRUCTION MANAGEMENT

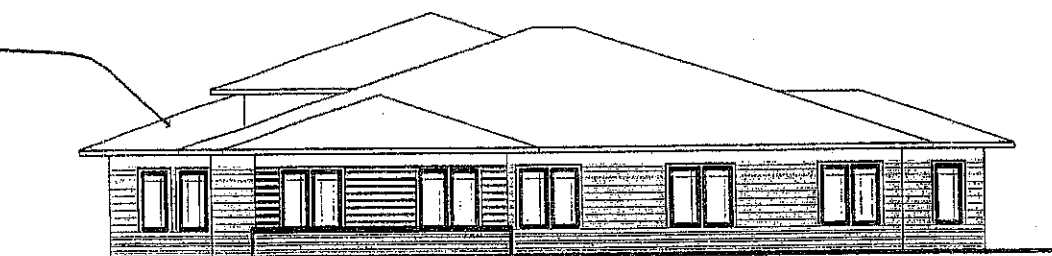
12445 50th STREET
SUITE A
LAKE ELMO, MN. 55042
PHONE 651/430-0800
FAX 651/430-0180



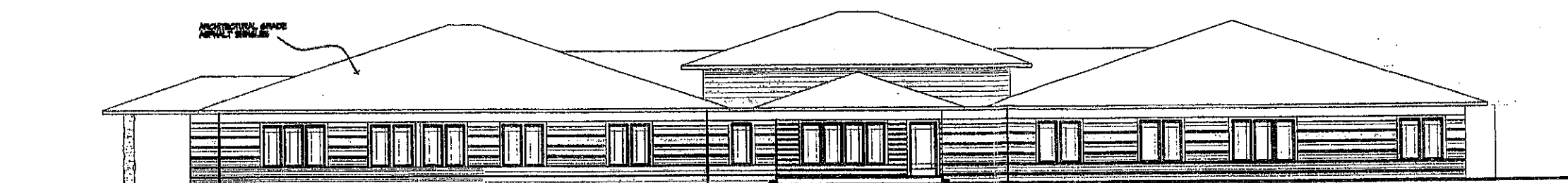
1 EXTERIOR ELEVATION
FRONT SCALE: 1/8" = 1'-0"



2 EXTERIOR ELEVATION
SIDE SCALE: 1/8" = 1'-0"



3 EXTERIOR ELEVATION
SIDE SCALE: 1/8" = 1'-0"



4 EXTERIOR ELEVATION
REAR SCALE: 1/8" = 1'-0"

Project :
LAKE ELMO OFFICE
BUILDING

LAKE ELMO, MN

Revisions :

Item	Date
REVISED	1/5/05

Registration Information :

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Architect under the laws of the State of Minnesota.

Printed Name: MICHAEL J. DUBEL

Signature: _____

Date: 1/5/05

License #: 36044

Sheet Information :

EXTERIOR
ELEVATIONS

Project No : 0004

Drawing No : 1

Drawn By : MJDUBEL

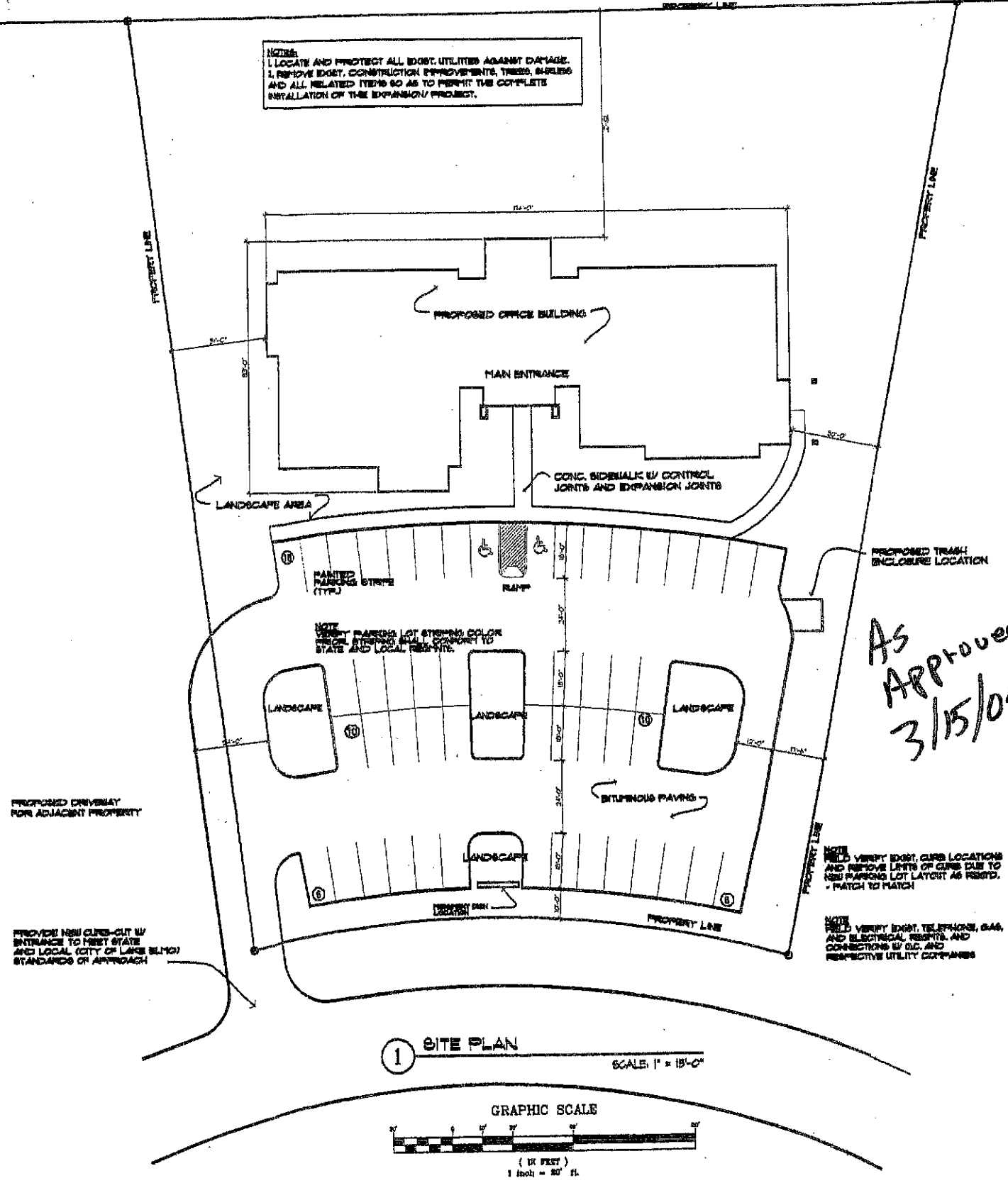
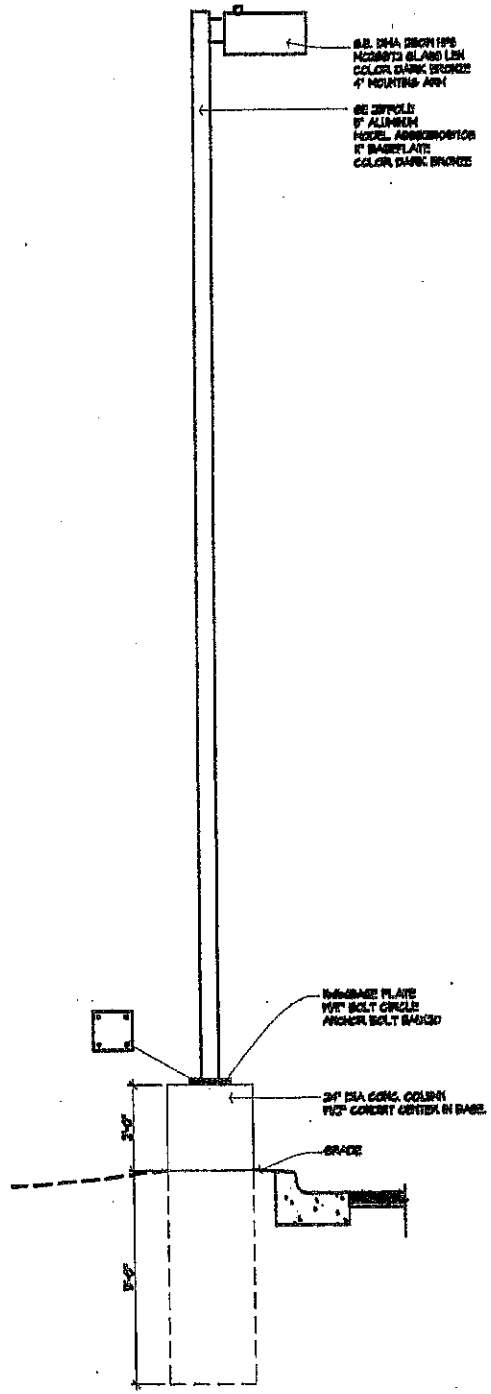
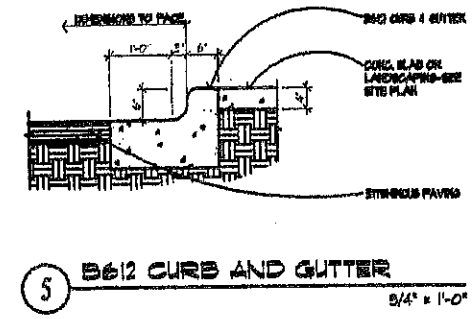
Checked By : MJDUBEL

A3.0


As Approved
3/15/05

12445 DEAN STREET
SUITE A
LAKE ELMO, MN. 55042
PHONE 651/430-0806
FAX 651/430-0100

TOTAL LOT AREA = 89,410 SQUARE FEET
TOTAL BUILDING AREA = 10,431 SQUARE FEET
TOTAL LOT COVERAGE = 28,087 SQ FT 43%
TOTAL GREEN SPACE = 87%
TOTAL PARKING SPACES = 62



AS
APPROVED
3/15/05

Lake Elmo City Council August 16, 2005	Agenda Section: Planning, Land Use and Zoning	<u>No.</u> 9D
<u>Agenda Item:</u> Zoning Variance for Parcel Area - Hardy		
<p><u>Background Information for August 16, 2005:</u></p> <p>At its meeting August 9, 2005 the Planning Commission unanimously adopted a recommendation to approve this application for a zoning variance to allow a parcel-of-record that is non-conforming by area to be used for a single family dwelling site. The parcel is slightly over 17,000 square feet and the minimum "buildable" parcel-of-record is 43,560 square feet (one acre). While planning staff advised the Commission that the applicant's proposal to move an existing 19th century farm house to the parcel would probably not qualify as a "hardship" to support the variance (and a precedent may result), the Commission found that the historic and "rural character" significance of the proposal is substantially unique enough to overcome the potential precedent.</p> <p>The Commission's recommendation includes a condition that the applicant must demonstrate that the parcel provides a sufficient area of soils suitable for both a primary and secondary septic drain field of a size suitable for the dwelling proposed. Staff suggest that, should the Council concur with the Commission's approval recommendation, a second condition be added that specifies the variance be <u>only</u> for the use of the parcel as the site of the specific dwelling referred to by the application – in keeping with the Finding regarding the unique circumstances related to the variance approval.</p>		
<p><u>Action items:</u></p> <p>089 Motion to adopt Resolution #2005 - , approving a variance from Section 300.09 Subd. 1 of the Zoning Ordinance to permit a single family detached dwelling on a lot of record of less than 1 acre area, subject to conditions.</p>	<p><u>Person responsible:</u></p> <p>City Planner </p>	
<p><u>Attachments:</u></p> <p>089 1. Draft Resolution #2005 - Approving Variance 2. Draft Planning Commission Minutes of August 9, 2005 3. Planning Staff Report of August 4, 2005 4. Applicant's Documentation</p>	<p><u>Time Allocated:</u></p>	

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2005- 089
A RESOLUTION APPROVING A ZONING VARIANCE FOR
DAVID AND LINDA HARDY

WHEREAS, David and Linda Hardy, has made application for a variance from the zoning ordinance minimum lot area standards to permit relocation of an existing farm house on to the site from the Farms of Lake Elmo OP site across 31st Street North.

WHEREAS, at its August 9th special meeting, the Planning Commission reviewed and recommended approval of the variance from Section 300.09 Subd. 1 of the Zoning Ordinance to permit a single family detached dwelling on a lot of record of less than 1 acre area based on the following findings:

1. The variance requested results from circumstances unique to property due to the applicant preserving a 19th century farm home in keeping with the City's desire to maintain its history and rural character.
2. Granting of the variance will not change the essential character of the neighborhood.

WHEREAS, at its August 16th meeting, the Lake Elmo City Council reviewed the zoning variance from Section 300.09 Subd. 1 of the Zoning Ordinance to permit a single family detached dwelling on a lot of record of less than 1 acre area subject to conditions.

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council approves the variance from Section 300.09 Subd. 1 of the Zoning Ordinance to permit a single family detached dwelling on a lot of record of less than 1 acre area located between 9240 and 9202 31st Street North for David and Linda Hardy, subject to the following conditions:

1. The applicant shall provide evidence to the City engineer that the parcel includes sufficient area of soil suitable for a primary and secondary septic drainfields prior to execution of the approval resolution.
2. The variance is approved on the condition that the only residential use of the parcel is as the location for the former Friedrich farm house to be moved to the parcel from the former Friedrich farmstead immediately across 31st Street North from the subject parcel.

ADOPTED BY THE Lake Elmo City Council the 16th day of August, 2005.

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator

Hardy Variance

Hardy: Variance to Lot Size

PUBLIC HEARING: Variance to Lot Size – Hardy

M/S/P, Armstrong/Schneider, to recommend approval of application by the Hardys for a variance to lot size based upon the following Findings:

1. To save a farmhouse that is over 100 years old from certain destruction.
2. Historic preservation is a valid and legitimate goal of local government and a long standing pursuit of Lake Elmo.
3. Granting the variance will not negatively impact the neighborhood because the subject lot is larger than adjacent lots.

Along with the Condition that a septic system is designed that is satisfactory to the City Engineer.

VOTE: 9:0.

The Chairman noted that Jim Friedrich's letter of support was not read into the record for the Hardy variance during the Public Hearing. It will be included as an attachment to the minutes.

August 7, 2005

RECEIVED
AUG 8 2005

To Whom It May Concern:

Please consider this letter as my support of the request to move the farmhouse of the late Earl Friedrich to the proposed location. Moving the farmhouse to the new location and restoring it to the original condition will preserve an important part of the Friedrich family and Lake Elmo history.

Thank you for your consideration.

Sincerely,

Jim Friedrich

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: August 4, 2005 for the Meeting of August 9, 2005

Applicant: David & Linda Hardy

Location: Between 9240 and 9202 – 31st Street North

Requested Action: Variance to Permit a Dwelling on a Substandard Lot

Land Use Plan Guiding: SFD

Existing Zoning: R-1

Site History and Existing Conditions:

Since we find no reference to platting in the long legal description for this site, we assume that it was created by metes & bounds description many years ago. We find no City records regarding the site.

The site is of a net area of 17,120 square feet less the 33 foot (from center line) street right-of-way. The site is heavily wooded across the north boundary – abutting the railroad right-of-way. There is also a handful of mature trees on the site – mostly cottonwoods. No site topography has been provided by the applicant, but it appears that much or all of the site lies 2-3 feet below the roadway surface of 31st Street north, with a slight rise at the north end.

There is what appears to be a storage shed at the northwest corner of the site as well as a stored boat and miscellaneous other items not identified by the site inspection.

Discussion and Analysis:

The applicants request a variance from the zoning ordinance minimum lot area standards to permit relocation of an existing farm house on to the site from the Farms of Lake Elmo OP site across 31st Avenue North. The variance would be from the provision of the zoning ordinance that classifies any lot of record prior to 1980 as “buildable” if the parcel is of at least 1 acre and can support a septic system. As noted, the subject parcel is of a net area of 17,120 square feet (4/10 acre).

The applicant has provided a sketch of how the house, detached garage and septic drainfield could be accommodated on the lot. The applicants have also provided a preliminary design specification for a septic system, but have not provided perc tests to demonstrate whether the soils where the drainfield is proposed can sustain the design.

There is a high probability that this site can be served with municipal water as an adjunct to serving the Farms of Lake Elmo OP across the street.

The applicants’ documentation in support this request centers on the historical significance of the structure, and how well it would fit the neighborhood. We can not take issue with either argument (in fact we agree). That noted, however, two issues must be considered as this zoning variance is deliberated by the Commission:

1. Compliance the variance standards must still be a major factor in the Commission's recommendation. Regardless of how logical the request may appear, this remains a variance and the usual Findings as to hardship defined by "reasonable use of the land" and "circumstances unique to the property" and those circumstances are "not created by the landowner". The Finding regarding no change to the essential character of the neighborhood can likely be made.
2. Related to #1 above, the existence of a substandard (by area) lot is hardly unique in Lake Elmo. Numerous such circumstances exist with parcels in this immediate neighborhood, the Tri-Lakes neighborhood, and the Village neighborhood. In many cases those substandard parcels are much closer to the 1 acre minimum for lots of record (which all are) than the subject. The question should be considered as to whether the nature of the dwelling unit proposed for this parcel is alone sufficiently unique to overcome a precedent of major proportions.

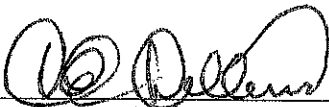
The City Engineer has submitted comments and recommendations regarding this request by Email on August 1, 2005. While none of those comments alone suggest the proposal is infeasible or not in the public interest, the Engineer does note that neither topography nor soil perc tests have been submitted. The ability of this site to support septic treatment will be a key issue as to feasibility – regardless of the variance decision. Even if the variance were to be approved the parcel may not be capable of supporting a septic system, and a backup.

Findings and Recommendations:

Staff is concerned about the precedent-setting nature of this variance request – if approved. We question whether the nature, character and age of the structure proposed to occupy the substandard parcel is sufficient evidence of "unique circumstances" to overcome an approval here from becoming a re-write of the non-conforming parcel area portion of the zoning ordinance by default. It does not appear to staff that either the "unique circumstances" or "self-imposed hardship" findings can be made in this case. We do not find sufficient basis to recommend approval of the variance requested.

Planning Commission Actions Requested:

Motion to recommend denial of the application of David and Linda Hardy for variance to move a single family dwelling on to a non-conforming parcel based on a finding that the circumstances of the parcel are not unique, and the hardship claimed is created by the applicants.



Charles E. Dillerud, City Planner

Attachments:

1. Location Maps
2. Applicant's Documentation

Chuck Dillerud

From: Thomas D. Prew [prew.td@tkda.com]
Sent: Monday, August 01, 2005 11:40 AM
To: Chuck Dillerud
Cc: Kimberly Schaffel
Subject: Variance 9240 31st street North

Regarding requested variance for 9240 31st Street,

The soil borings and perc tests from the site evaluation for the septic system should be submitted for review.

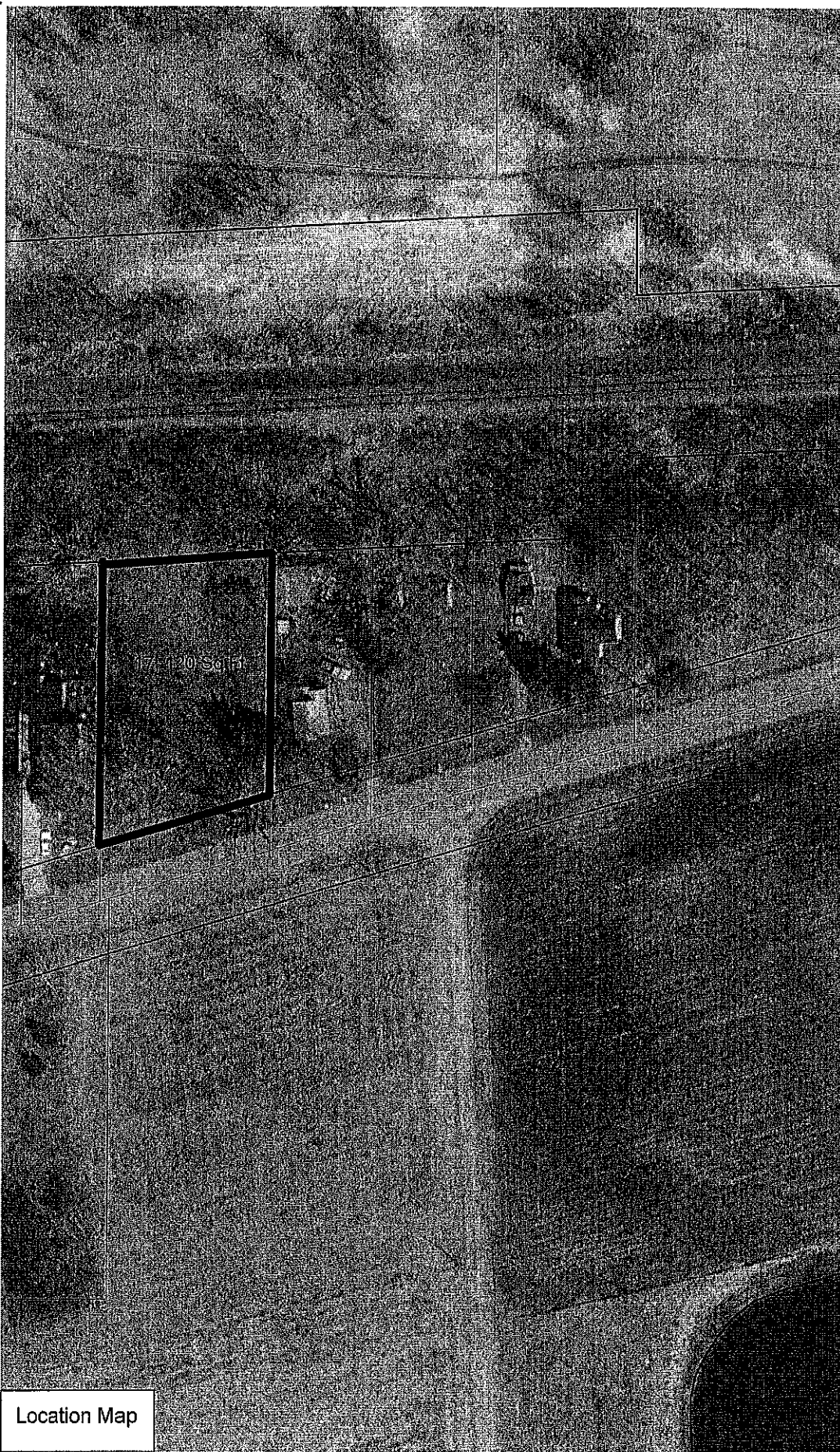
Public water is planned for the Farms of Lake Elmo, and should be available for this lot. The cost of that water is not know at this time.

An actual certificate of survey should be submitted with this application. A topographic survey is needed as well.

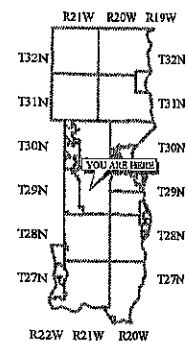
Tom

Thomas D. Prew, P.E.
Senior Registered Engineer
Municipal Services Division
phone: 651/292-4463
fax: 651/292-0083
e-mail: prew.td@tkda.com

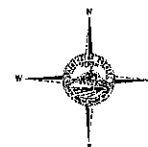
TKDA
1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, Minnesota 55101-2140
www.tkda.com



Location Map



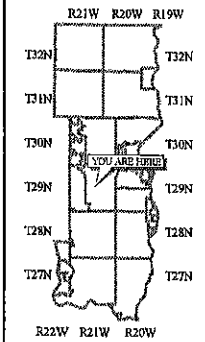
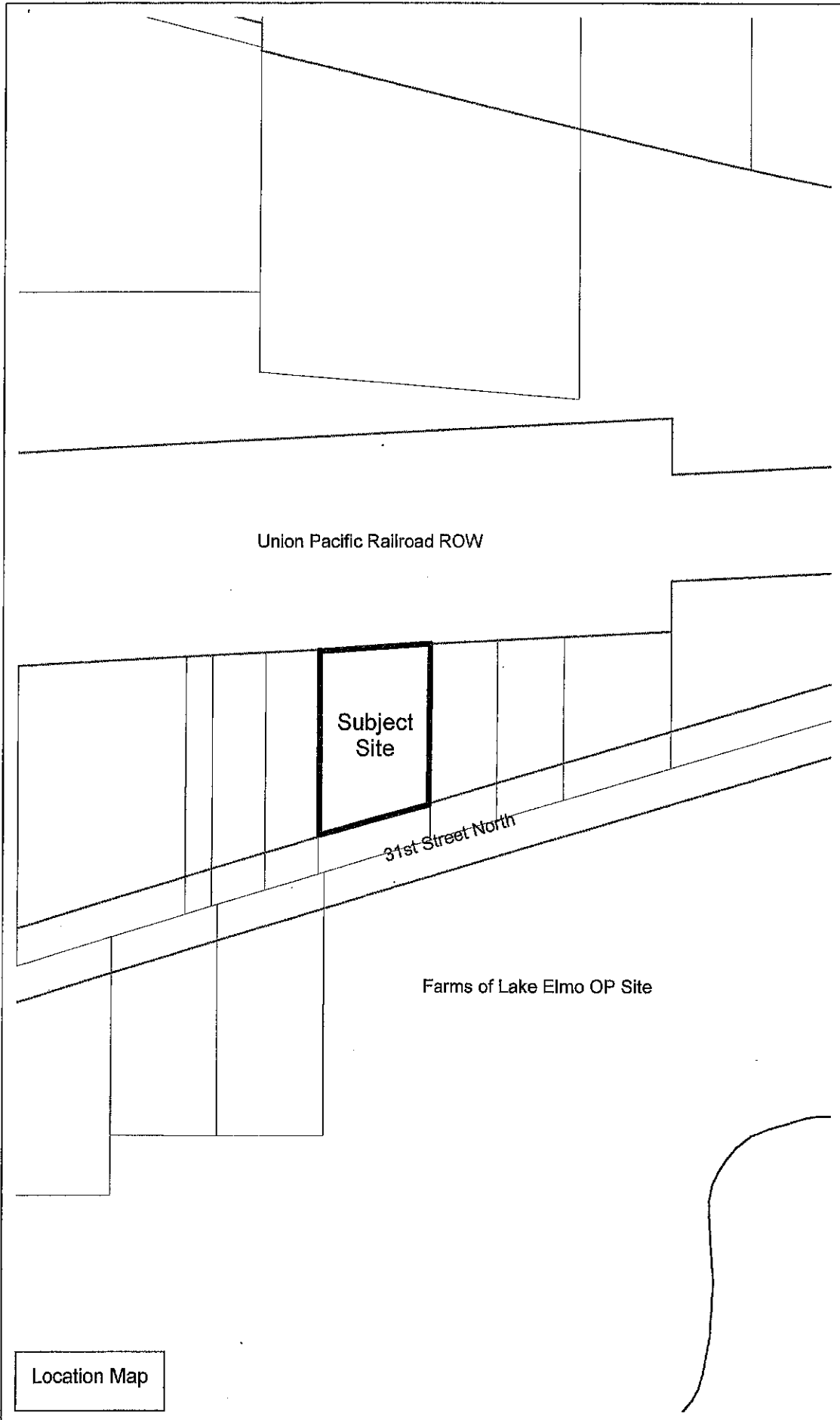
Vicinity Map



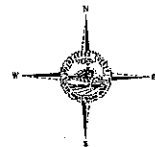
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Source: Washington County Surveyor's Office.
Phone (661) 430-6876

Partial data based on AS400 information



Vicinity Map



Location Map

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Source: Washington County Surveyor's Office.
Phone (651) 430-6876

Parcel data based on AS400 Information

City of Lake Elmo DEVELOPMENT APPLICATION FORM

- | | | |
|--|--|---|
| <input type="checkbox"/> Comprehensive Plan Amendment | <input checked="" type="checkbox"/> Variance * (See below) | <input type="checkbox"/> Residential Subdivision Preliminary/Final Plat |
| <input type="checkbox"/> Zoning District Amendment | <input type="checkbox"/> Minor Subdivision | <input type="checkbox"/> 01 - 10 Lots |
| <input type="checkbox"/> Text Amendment | <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> 11 - 20 Lots |
| <input type="checkbox"/> Flood Plain C.U.P. | <input type="checkbox"/> Residential Subdivision Sketch/Concept Plan | <input type="checkbox"/> 21 Lots or More |
| <input type="checkbox"/> Conditional Use Permit | | <input type="checkbox"/> Excavating & Grading Permit |
| <input type="checkbox"/> Conditional Use Permit (C.U.P.) | <input type="checkbox"/> Site & Building Plan Review | <input type="checkbox"/> Appeal |
| | | <input type="checkbox"/> PUD |

APPLICANT: DAVID & LINDA HARDY 2742 JULY AVE NO. LAKE ELMO, MN. 55042
(Name) (Mailing Address) (Zip)

TELEPHONES: 651-779-1993 651-779-2044 651-338-6906
(Home) (Work) (Mobile) (Fax)

FEE OWNER: LINDA HARDY 9240 31ST AVE NO. LAKE ELMO, MN. 55042
(Name) (Mailing Address) (Zip)

TELEPHONES: 651-779-1993 651-338-6906
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description): 9240 31ST AVE LAKE ELMO

DETAILED REASON FOR REQUEST: ASKING FOR VARIANCE TO MOVE A historic farmhouse and garage to a lot 105 wide by 170 deep. Buildings are located at 9255 31ST AVE. Lake Elmo, the Friedrich Farm, directly across the street from the empty lot at 9240 31ST AVE. in R-1 zone

*VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

I am asking for this variance because this is a 130 year old historic farmhouse which has been a landmark in our neighborhood and if this house can't be moved the developer will destroy it to make room for a road for a new housing development.

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances 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.

Linda Hardy
Signature of Applicant

7-22-05
Date

David Hardy
Signature of Applicant

7-22-05
Date

We are requesting the necessary permits and approval from the City Council and the planning commission to move the Historic Friedrich Farmhouse.

We own a house and a empty lot directly across the street from the Friedrich Farm. This is a large lot 105' wide 170' deep. The closest farm homes to this lot are all on 50-60' lots. There is more than enough room for the farmhouse and garage.

This is a beautiful lot with tall mature trees. But the best part of this lot is that it is an original piece of Friedrich farmland. My mother purchased this lot from Hattie Friedrich.

In 1845 Anton Hattie Friedrich with the help of his brothers built this beautiful farmhouse. This Historic landmark has been in our neighborhood for 130 years.

This house is in excellent condition. It has many glass windows, hardwood floors, original woodwork and moldings. This is a well built house. It has protected the Friedrich family for three generations. It has weathered strong storms and winds, and harsh winters, and still stands tall and strong today.

Estates have to be sold, this farm is lost. It is a huge loss to our neighborhood. Farms are disappearing from our landscapes everyday, leaving us with nothing but memories.

Even though this farm will be gone, this farmhouse can live on. This farmhouse on this lot will be a tremendous asset to our neighborhood. I know the Met council wants Lake Elmo to expand and build more homes. I can't imagine what could be better than to save a historic landmark and put it back on an original piece of farmland that right now serves no useful purpose.

It has taken us some time to get the right people and the right estimates together for this house. But we have a good group of qualified people ready to move and relocate this house. We are prepared to save this farmhouse.

① We have contacted Otter House Movers who have evaluated the farmhouse and garage and found them to be in excellent condition. They are confident they can move this house and garage to this lot without any problems. There will only be one set of wires to be moved and Xcell Energy as well as Cable and phone have assured us they can take care of these to accomodate the move.

② We have a local company Buelow Excavating which has looked at the farmhouse and the lot. They will dig and backfill for the Basement as well as do the perk & design for the septic system and the drainfield.

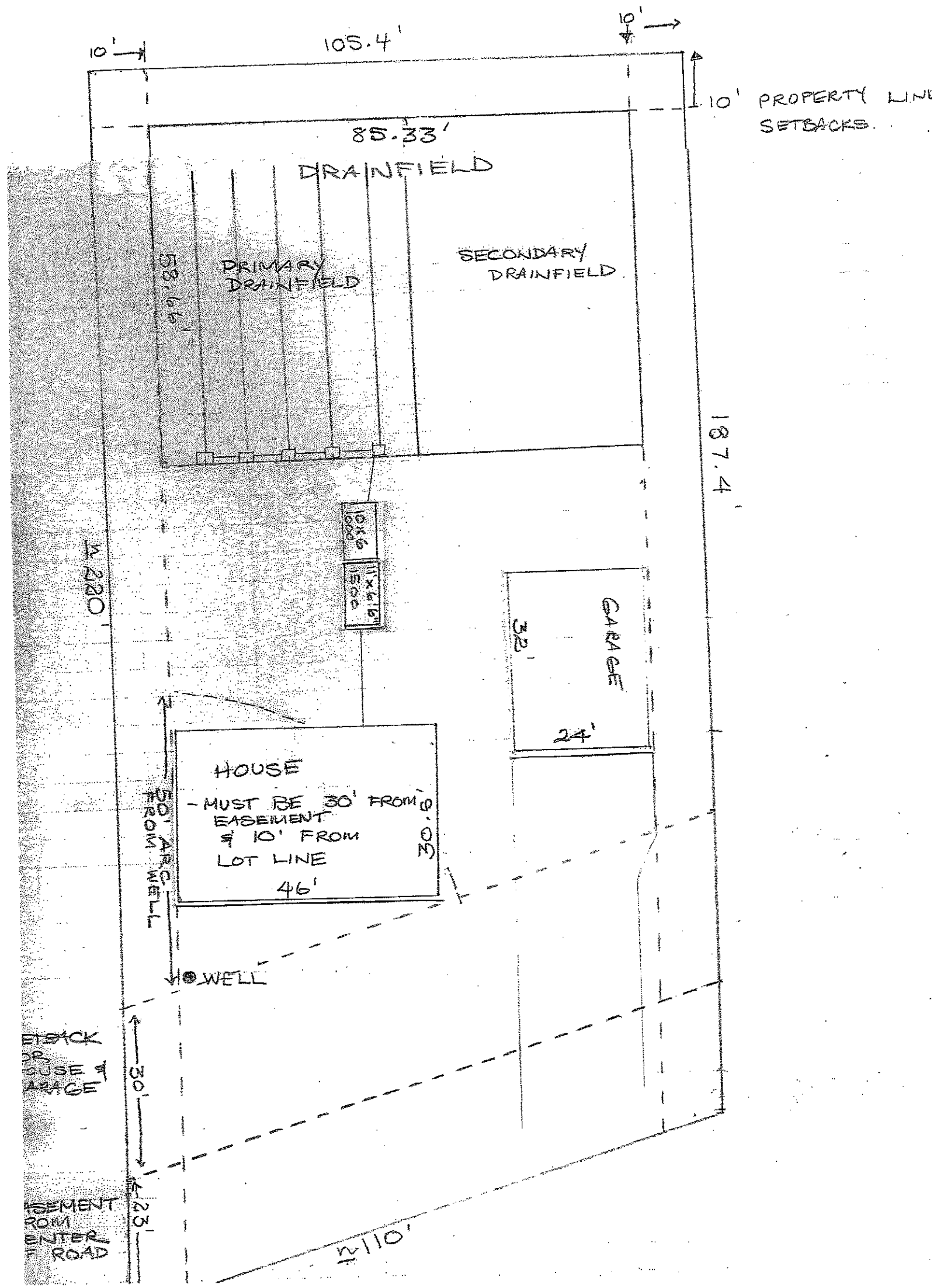
③ We have a local concrete contractor that will do all the footings, Basement and garage slab.

④ We have spoken to Martin Rafferty on hooking up the farmhouse to the city water when it comes in for the new development. We would also be interested in hooking up our house next door also.

⑤ All of our surrounding neighbors are in favor of the farmhouse being relocated to this lot. The four closest neighbors homes are all on 50'-60' lots.

LINDA HARDY
9240 31st ST. N.
LAKE ELMO, MN

LINDA HARDY
9240 31ST ST. N.
LAKE ELMO, MN



August 12, 2005
City of Lake Elmo
City Council Members

RECEIVED
AUG 12 2005

Dear Council Members,

It has been brought to my attention recently that Lake Elmo residents David and Linda Hardy want to save a one hundred and thirty year old farm house located at 9255 31 st St. N. In Lake Elmo. I know of the house and I have photos of Christian and Augusta Friedrich with their family on the front steps in 1890 (they were the original settlers that built the farm house).

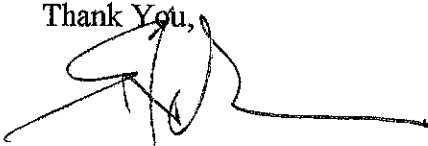
I spoke with Linda Hardy and she said that they have a platted lot across the street from where the old farm house is currently located. Once moved to that lot the home will be served by city water. Linda said that the perk test that she had done for the site passed and looked good. Last week the Lake Elmo Planning Commission voted in favor of saving the old farm house.

Being a Lake Elmo "history buff" I think that it would be wonderful if the city chooses to save this one hundred and thirty year old farm house. I think that the new housing developments planned for this area will be great for Lake Elmo I only hope that we will not loose too much of our past when planning for our future.


The Lake Elmo City Council has a unique opportunity to allow for the preservation of this sturdily built, old home. With out approval at the Tuesday August 16th meeting, the developer has informed Linda that the house will be destroyed in order for the project to move forward What a tragic loss for our city's history!

I encourage you to vote in support of saving this valuable link to our past.

Thank You,



Edward T. Gorman
Gorman's Restaurant

Lake Elmo City Council August 16, 2005	Agenda Section: Planning, Land Use and Zoning	<u>No.</u> 9E
<u>Agenda Item:</u> Comprehensive Plan – Planning Commission Recommendation		
<p><u>Background Information for August 16, 2005:</u></p> <p>On August 8, 2005 the Planning Commission conducted a Public Hearing regarding amendments to the Comprehensive Plan resulting from the Memorandum of Agreement between the City and the Metropolitan Council. This was the second Public Hearing conducted by the Commission on the amendments. On August 9, 2005 the Commission adopted a Motion (7-2, Schneider and Ptacek opposed) forwarding the Comprehensive Plan amendments to the City Council with a list of recommended modifications to the Hearing Draft. Those recommended modifications are:</p> <ol style="list-style-type: none"> 1. Deletion of the map titled "Future Land Use – Old Village" following Page III-4. 2. Deletion of numbered paragraph #2 on Page VIII – 10, and modification of the preceding paragraph to correspond. 3. Deletion of numbered paragraph #2 on Page VIII – 15, and modification of the preceding paragraph to correspond. 4. Deletion of numbered paragraph #2 on Page VIII – 20, and modification of the preceding paragraph to correspond. 5. Deletion of numbered paragraph #2 on Page VIII – 20, and modification of the preceding paragraph and paragraphs on Page VIII-25 to correspond. 6. Deletion of the map titled "2010-2030 Required Improvements" and "Figure 11" preceding Page VIII-25. 7. Add a paragraph (attached) to both the "SRD3.5" section on Page III-3 and to the "I-94 Freeway Corridor Planning Policy" on pages II-6/7. 8. Add language to the "Water Supply" Chapter (VII) to specify that existing residences will not be required to connect to City water (or be assessed for it) when a City water main is installed adjacent. 9. Include the full text of the Memorandum of Understanding between the City and the Metropolitan Council and the City in the Appendix of the Plan. 10. Modify the "Future Water Plan" map following Page VII-22 to differentiate between water system improvements planned and/or bonded for in 2005/2006 and those depicted on the map in future years. 11. Add the legal term "<i>sub recusa</i>" to the City Council approval date section on the Title Page of the Plan. The term means (per Commissioner Armstrong) "Under Protest". 		
<p><u>Action items:</u> 089</p> <p>Motion to adopt Resolution #2005 – adopting the Lake Elmo 2030 Comprehensive Plan , subject to Metroplitan Council concurrence. Directions regrading the above- listed modifications to the Hearing Draft, and any other modifications the Council directs should probably precede any adoption Motion.</p>	<p><u>Person responsible:</u></p> <p>City Planner </p>	
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Draft Planning Commission Minutes of August 8 2. Draft Planning Commission Minutes and Hearing Record of August 9. 	<p><u>Time Allocated:</u></p>	

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

RESOLUTION NO: 2005-089

**A RESOLUTION APPROVING THE 2010-2030
LAKE ELMO COMPREHENSIVE PLAN**

WHEREAS, on the 9th of August, 2005, the Lake Elmo Planning Commission reviewed and recommended approval of the 2010-2030 Lake Elmo Comprehensive Plan subject to certain modifications.

WHEREAS, on the 16th of August, 2005, the Lake Elmo City Council reviewed the recommendations of the Lake Elmo Planning Commission.

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council hereby approves the 2010-2030 Lake Elmo Comprehensive Plan and directs City Staff to submit the 2010-2030 Lake Elmo Comprehensive Plan to adjacent communities for review and comment and to the Metropolitan Council for review and approval.

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator

Draft of Language to be Added to the Land Use Plan

The City recognizes the existence of the Stonegate, Midland Meadows and The Forest neighborhoods adjacent to areas of the City south of 10th Street that are planned for future Regional sewer service and residential development at densities of 3.5 units per acre. Those existing neighborhoods have been fully developed responsive to earlier Comprehensive Plans and Zoning Ordinances at densities of 0.40 units per acre or less. The City will require specific development plans for areas south of 10th Street adjacent to the three existing residential neighborhoods to include significant physical measures that provide a transition from the lower density existing neighborhoods to the higher density Regionally sewered neighborhoods. Those transition measures will include distance separation, lot size transition, and/or significant plantings providing immediate year-round screening. The year-round plantings alone will not suffice as a transition measure.

Amendments to Comprehensive Plan ~ 2030

M/S/P, Helwig/Armstrong, to add, remove, and modify the areas indicated:

1. Delete Map entitled, *Figure 11* from the Transportation Plan.
2. Delete numbered paragraph 2, Page VIII – 10, and modification of the preceding paragraph to correspond.
3. Delete numbered paragraph 2, Page VIII – 15, and modification of the preceding paragraph to correspond.
4. Delete numbered paragraph 2, Page VIII – 20, and modification of the preceding paragraph to correspond.
5. Modify sentence referencing widening to four lanes on Page VIII-25, Paragraph 2.
6. Remove Old Village detail map from the Land Use Plan.

VOTE: 9:0.

M/S/P, Ptacek/Sedro, To add the draft language for protective graduation of density for existing neighborhoods below 10th Street and place it under SRD3.5 in the Land Use Plan as well as in the City-wide Planning Policy under the I-94 Corridor Planning Policy.

VOTE: 9:0.

M/S/P, Deziel/Helwig, to remove the Old Village map from Chapter III-5A due to errors and too much detail because the city has hired a development coordinator and four property owners have hired their own design coordinators which may modify the geography though not the unit count of 600.

VOTE: 9:0.

SRD3.5 does not depict lots correctly on the map on page III-3B, *Future Land Use Plan*.

M/S/P, Schneider/Deziel, To add the *Memorandum of Understanding* to the *Appendix*.

VOTE: 9:0

M/S/P, Armstrong/Ptacek, To amend Chapter IX-5, Section F, Parkland Classification, *Regional Park*, to strengthen the statements there saying the city opposes any additional development within the regional park reserve, and the park should retain its reserve status with only 20% of the Lake Elmo Regional Park to ever be developed.

VOTE: 9:0

Excerpt of Lake Elmo Planning Commission Meeting Minutes of August 9, 2005
Amendments to Comprehensive Plan ~ 2030

M/S/F, Armstrong/Schneider, to modify the *Future Water Plan* map on page VII-11A to show only existing water system and the water system as necessary to provide water to future sewer areas and the approved improvements along Highway 5.

VOTE: 2:6:1 Aye: Schneider/Armstrong. Abstain: Pelletier – Did not have enough time to review the information thoroughly.

M/S/P, Ptacek/Deziel, To add language to Chapter VII Water Supply reiterating similarly what was said in Chapter II-6 for sewer: add that assurance that residents who do not want to hook up and don't need to hook up will not have to hook up to water (or sewer). In the Policy Statement, add it to Chapter VII, and not just under *I-94 Freeway Corridor*.

VOTE: 9:0

M/S/P, Schneider/Armstrong, To modify the *Future Water Plan* map so that any water lines not already planned and bonded for should be shown in a different color with an explanation in the Legend that those lines are potential future water lines.

VOTE: 9:0.

M/S/P, Armstrong/Sedro, To modify the Acknowledgment page of the Comprehensive Plan to say:

Public Hearing was held at Oakland Jr. High on August 8, 2005.
Reviewed and forwarded *sub recuso* by Planning Commission on August 9, 2005;

Reflecting that this work was done under protest.

VOTE: 5:4, Nay: Deziel/Pelletier/Lyzenga/Helwig. Pelletier- firmly agrees with the motion but it is pointless to keep putting it into our document. She thinks we made our point and wants it over with.

M/S/P, Deziel/Lyzenga, To forward the Comprehensive Plan ~ 2030 as modified to the City Council.

VOTE: 7:2, Nay: Ptacek/Schneider.

Lake Elmo Planning Commission Meeting Minutes of August 8, 2005
PUBLIC HEARING: Amendments to Comprehensive Plan ~ 2030

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:53 P.M.

Peter Coyle, Larkin, Hoffman

Mr. Coyle said he was speaking on behalf of the Schiltgen Family and RECO Real Estate Group. Mr. Schiltgen applauds the ongoing staff recommendation for some level of urban density in the Old Village. He said where he differs is with the old planning report with respect to the city trying to protect the existing commercial base, particularly along highway 5. They are respectful of long time commercial businesses but there will be a negative effect by stifling new investment that could add strength to the city's Old Village Area. He said a separate intent would be to revisit the Old Village Plan, and if that effort goes forward, encourage the city to revisit that aspect of commercial development. He noted that a map in the Comp Plan shows the Schiltgen property included as institutional use, that might be a mistake or oversight from when that area was considered as a sewage treatment area in the Old Village Neighborhood Plan.

Mr. Coyle then said that the area around land owned by RECO Real Estate should be zoned for urban scale services to the community. He said he understands the city does not want development down there, and now the challenge to the city is to figure a plan that makes some sense. Mr. Coyle said it is broadly supported by property owners for residential development density however they are very concerned over the extent to which those landowners will be precluded from developing until 2012. They did not agree that forcing sewer to the Old Village should be the first priority. Not allowing urban scale development before 2012, violates the order of the Supreme Court and violates the intent of the Metropolitan Council. He said that action borders on regulatory taking. Nothing can be done with those properties before 2012 notwithstanding a major interstate and major sewer capacity. He said that leaves landowners with a squandered investment of sorts. He said that lumping all commercial property to the east end of the city and not taking advantage of freeway interchanges is contrary to the Supreme Court and Metropolitan Council - essentially denying opportunities to property owners. He said there has been no substantial commercial development in the last several years.

Mr. Coyle acknowledged city staff for fielding questions and the generosity of their time.

Richard and Patrick McNamara.

Richard McNamara displayed a one-half section map of the city. He said he owns Knappogue Farms of 80 acres. He said Gene Peltier is his partner on the south farm of 100 acres. Mr. Peltier owns another 100 acres on the I-94 Corridor. He said they watched the community grow, and now they would like to develop their land.

Mr. McNamara said that when sewer comes in, it will cost a lot of money. If allowed to develop their 200-300 acres, that would pay for the water connections without burdening the rest of the community. He said he thinks they can offer a nice buffer system in their development. They would like to begin immediately because sewer will be here in 2006 and 2007. They would like to connect to it and begin development. David Bernard Builders is a prestigious home building company, and they are partners with them and would like to go forward. The infrastructure will be paid by their development and the city will not have to levy assessments. He said that the City has spent \$500,000 fighting the Met Council. He suggested the city stop spending that money and help taxes go down.

Patrick McNamara said they are putting together a good development plan for everybody with buffers for neighbors.. He would love to move into the community and grow with it.

Kurt Monteith, Stonegate Resident

Mr. Monteith said the map of parks shows a single park in his backyard. He expects a large amount of traffic around his yard. He thinks the city should consider another park below 10th Street. He said he moved to Stonegate because he liked the rural estate density. He would like to see the grove of trees

Lake Elmo Planning Commission Meeting Minutes of August 8, 2005

PUBLIC HEARING: Amendments to Comprehensive Plan ~ 2030

spared when the land around him develops. He said he hopes Stonegate can have graduated density development around it. On the Future Land Use Map, the brown areas are surrounded by only slightly greater densities. He is an engineer and does not understand why no traffic is going to Hudson Road. He said that if we need some goods and services closer to Hudson to take some heat off 10, Keats, and Hudson. He said that no one is allowed to work in the neighborhood. Mr. Monteith said that grade schools will increase capacity, and he asked if there is a plan to deal with that.

John Booher, Stonegate Resident

Mr. Booher said the primary thoroughfares in Lake Elmo are 94, 5, and 36. He said he sees no reason to increase 10 to four lanes encouraging traffic off of 94, and it is not safe now with hills. He said he would like to see the Comprehensive Plan available digitally on the Internet.

Susan Dunn, Old Village Resident

Ms. Dunn said she does not believe all residents in the city understand the traffic impact. We lost a grandmother and two children (on Highway 5). She said the city has to look at the safety issue of traffic much closer. She said there are concerns from residents that do not understand the impact on the Old Village. Two years ago at public meetings there was a great deal of concern about 400 new homes being added to the Old Village. Topography and water runoff is a problem downtown; there is an elementary school and traffic is increasing there. She said there are only negative impacts.

Ms. Dunn said the more you grow, the more you owe. The costs are not mentioned here. She said there are tremendous costs of development that are not understood by most people. Growth and controlled growth is fine, unbridled growth is questionable. She said now we are looking at four lane to six lane roads cutting through the city. The Met Council was pushing for 24,000 people at 2030, and now she heard they are pushing for 34,000 people.

Tom Kreimer, Stonegate Resident

Mr. Kreimer said he loved the density graduated around Stonegate. He asked that somewhere in the Comprehensive Plan text, even without a graphical depiction, could the city say something about buffering existing residents. He is concerned for noise, light, and runoff. Traffic to four lanes on 10th Street concerns him. He would like the plan to push more traffic toward 94 and the freeway entrances.

Mr. Kreimer said that tomorrow night, the vacation of streets in Stonegate is on the agenda. He said he is concerned about streets going through to other developments and the safety of the children in Stonegate. He said that Woodbury and Stillwater charge impact fees on lots as they develop. He said that maybe something to consider to defray costs to Lake Elmo Residents.

Todd Williams, Old Village Resident

Mr. Williams said he has not read the entire document. He is troubled by what he saw for the Old Village. He accepts the requirement of 24,000 people by 2030 but that leaves open where those new residents will live and work. The options presented are not satisfactory. He said there is a glaring problem of proposed extension of sewer two or more miles to the Old Village past properties that do not want or need sewer. That seems the height of folly to him. Up to \$40 per foot for forcemain, maybe one-half million dollars to take a pipe past people who don't want or need it. He said everyone who can should help pay for that trunk. Legally properties who have direct benefit can be assessed. He said he does not think that would be fair in this situation. Those property owners who want everyone to pay for it will try hard to get it to happen. It does not have to get to legal action. The plan calls for 600 new home RECs and 500 reserved for those who want to connect and mitigation of problems in the Old Village. He said the Comp Plan says 1,000 units may be used, 1000. Mr. Williams said he does not think they have to be used at all. The city has been successful with wetland treatment systems, and he sees no reason why new development can't be served that way into the future. He asked the city to not put sewer north of Tartan Park.

Lake Elmo Planning Commission Meeting Minutes of August 8, 2005
PUBLIC HEARING: Amendments to Comprehensive Plan ~ 2030

Mr. Williams said he is dismayed at the lack of publicity for this important document and this public hearing. He said for the city's last Comprehensive Plan, a special newsletter was sent to every home in the city that included maps and text. Everyone was informed. He said that gave residents the idea that you might want to show up or find out about it. He said this Comprehensive Plan is the most radical change in 33 years for the entire city. Every effort should have been made to inform every resident, and he is very disappointed in the City Council not getting their act together. If they are forcing this upon us the Comp Plan title should be, "The Metropolitan Council's Plan for Lake Elmo," because it is not that of the residents.

Gene Peltier, 57 year resident

He said Lake Elmo is trying to get into the 21st century out of the 19th Century. Along the interstate is where city should want commercial building, generating taxes to pay for sewer lines. He asked how the commission could not see it. Traffic can be alleviated from 17 by creating a road on the one-half section line east to west to 19. He said the city is scaring off developers. They don't want anything to do with the Planning Commission and Council. He said that can happen.

Remi Stone, Builders Association of the Twin Cities

Ms. Stone said Mr. Coyle does not represent the Builders Association. She commended the city for the amount of work done. She said it is a regional duty and duty to Lake Elmo residents. She said she strongly encourages the Planning Commission to think of the plan south of 10th Street where regional and interstate infrastructure investments have been made. She said it is important to work with property owners for creativity and use infrastructure to the best possible ability. She suggested they not plan based on blocks of time but rather where the infrastructure is located.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:30 P.M.

August 11, 2005

RECEIVED
AUG 13 2005

Mr. Bob Helwig, Chairman
Lake Elmo Planning Commission
City of Lake Elmo
3880 Laverne Avenue
Lake Elmo, MN 55043

VIA FAX AND U.S. MAIL

Re: Lake Elmo Comprehensive Plan

Dear Mr. Helwig:

Thank you very much for encouraging the public to comment on the proposed changes and amendments to Lake Elmo's comprehensive guide plan.

The Builders Association of the Twin Cities (BATC) is very concerned about the planning situation in Lake Elmo. Decisions made now will affect future development in the City of Lake Elmo and will likely set a precedent as other communities begin the 2008 process of updating their comprehensive guide plans.

Comprehensive guide plans are valuable because they ensure the orderly process of development in communities across the metropolitan area. Additionally, it is always encouraging to know that citizen volunteers and city staff continue to give time and energy to local decision making and visioning for their community and the region.

However, despite the community's commendable hard work, it appears that components of Lake Elmo's proposed plan, the **Development Staging Plan** (identified by the City as a "critical component" of the plan) are unwise and possibly unconstitutional.

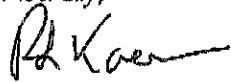
By restricting, until 2010, growth in Lake Elmo to the "Old Village" area and the extreme southwest corner of the city, the City is stranding valuable regional infrastructure behind an imaginary line. Clearly this restriction does not allow for the highest and best use of other properties suitable for development nor does it reflect

the need to optimally use investments made with hard to obtain public dollars.

Additionally, imposing severe development restrictions on property that can easily access critical municipal services creates a situation where the City could easily be in violation of the takings clause of both the United States and Minnesota Constitutions. These unduly burdensome restrictions seem to beg additional litigation.

Thank you for your thoughtful consideration of BATC's comments. Please do not hesitate to contact me at 651.697.7578 or ryan@batc.org to discuss these comments further.

Sincerely,



Ryan L. Kaess
Local and Metropolitan Affairs Specialist

CC. Mayor Dean Johnston
Chuck Dillerud, City Planner
Chair Peter Bell
Regional Administrator Tom Weaver
Blair Tremere, Community Development Director

Aug 8
Heering Received
Comp Plan RECEIVED
AUG 10 2005

Date: August 9, 2005
To: Chuck Dillerud
Assistant City Administrator/City Planner

In review of the more recent boundaries of the Old Village Comprehensive Plan, we noticed that the Mary Jean Dupuis & Robert Eischen property parcels still appear to be within its marked boundary. As we discussed with you several times, this past year and which you agreed that our request for our property parcels be **outside** the Old Village Comp Plan area.

We respectfully anticipate that our previous input and requests to exclude our joint properties be honored. Thank you for reviewing this and let us know promptly if there is a problem with this request.

Robert & Marcy Eischen
11674 Stillwater Blvd N
Lake Elmo MN 55042
777-9542

Mary Jean Dupuis
11676 Stillwater Blvd N
Lake Elmo MN 55042
747-1230

Robert Eischen *Robert Eischen*

Mary Jean Dupuis *MJ Dupuis*

Chuck Dillerud

From: Kimberly Schaffel
Sent: Tuesday, August 09, 2005 4:04 PM
To: Chuck Dillerud
Subject: FW: Comp Plan Meeting

Chuck, I can't print since the lightning. Please, print this for me.

:) Kim

Additional comments for the Public Hearing that was held August 8, 2005

I am not in favor of increasing the density of housing in the old village from 400 to 600
I am not in favor of changing land use in the old village as the lobbyist Pete suggested.
Roadway expansion is not in the best interest of the community or the environment.
The more you grow the more you owe and the quality of life will decrease.. The loss of
the city to the developers darlings is like the loss of a loved and respected family
member.

Many meetings were held regarding the new LkElmo Comp Plan, however,. the public was
prohibited to participate thus I am glad that a hearing was held Monday evening. It is
sad that the contents of the plan were not available for any public review except for a few
days prior to the Monday meeting.

It should be noted in the Plan, if not the title of the plan should be Met Council Plan
for the City of Lake Elmo. This Plan is NOT a reflection of the residents wishes or
desires, but a response to the threats and mandate from the state to the city.. Other
cities and townships had best take heed and start legislative processes to change the
dictatorial manner of the MC.

For the record. Peter Coyle is a lobbyist for the St Paul Builders Association (also
an lawyer for landowner in the city) Perhaps not illegal, but certainly can cause a
question of ethics and conflict of interest. .

Builders Assn of the Twin Cities

Identification Number: 4306

This report includes filings through 1:05 am, Jun. 14, 2005.

2960 Centre Pointe Dr
Roseville, MN 55113

Lobbyists Registered	Registration
Number	Registration
Date	Termination
Date	

Peter Coyle < http://www.cfboard.state.mn.us/lobby/lbdetail/lb9633.html >	9633
6/30/2003	

Miriam E Stone < http://www.cfboard.state.mn.us/lobby/lbdetail/lb9844.html >	9844
1/21/2003	

Return To Association Index <<http://www.cfboard.state.mn.us/lobby/asscatoz.html>>

Builders Assn of Minn

Identification Number: 597

This report includes filings through 1:05 am, Jun. 14, 2005.

525 Park St, Ste 150
St, Paul, MN 55103

Lobbyists Registered Registration
Number Registration
Date Termination
Date

Joseph T Bagnoli < http://www.cfboard.state.mn.us/lobby/lbdetail/lb218.html >	218	
5/31/2005		
Peter Coyle < http://www.cfboard.state.mn.us/lobby/lbdetail/lb9633.html >	9633	
1/19/2005		
Lloyd W Grooms < http://www.cfboard.state.mn.us/lobby/lbdetail/lb7752.html >	7752	
3/25/2005		
Jocelyn Knoll < http://www.cfboard.state.mn.us/lobby/lbdetail/lb1551.html >	1551	
4/4/2005		
Anthony R Kwilas < http://www.cfboard.state.mn.us/lobby/lbdetail/lb199.html >	199	
2/5/2004		
Sarah Psick < http://www.cfboard.state.mn.us/lobby/lbdetail/lb864.html >	864	
6/1/2005		
James A Vagle < http://www.cfboard.state.mn.us/lobby/lbdetail/lb850.html >	850	
10/26/2001		
Pam Weaver < http://www.cfboard.state.mn.us/lobby/lbdetail/lb837.html >	837	8/22/2001

Tom Weaver (Peter Bells right hand man at the Met Council) wife Pam is a lobbyist for the Mn Builders Association.

Weaver, Pam

Registration Number: 837

This report includes filings through 1:05 am, Jun. 14, 2005,

Ste 150
525 Park St
St Paul, MN 55103

Telephone: (651)646-7959

Association Represented Identification

Number Registration

Date Termination

Date

Builders Assn of Minn < http://www.cfboard.state.mn.us/lobby/adetail/a597.html >	597	
8/22/2001		

Best Regards,

Susan Dunn

EKHI

11mation Way

Discovery 3B-62

Oakdale, Minnesota 55128-3414

Internal 334-1131 External 651-393-1131 Fax 651-393-1713

Chuck Dillerud

From: john.boohar@comcast.net
Sent: Friday, August 05, 2005 6:57 PM
To: Chuck Dillerud; ggstoy@usfamily.net
Subject: Lk Elmo

*Kim
Depies Guy
Commissioner
at Monday
Hansen - [Signature]*

The request for vacating of the streets in the Stonegate Neighborhood are consistent with the unanimous decision that was made last December for in Carriage Station street termination which was the neighborhood of some current City Council Members.

The vacating of the three streets will prevent a significant increase in traffic through the neighborhood and prevent litter, speeding and accidents. In addition, if the streets are not vacated, increased access to our neighborhood would increase crime and vandalism.

Thank you,

John F Boohar
859 Julep Ave N
Lake Elmo, MN 55042

8/8/2005

Chuck Dillerud

From: Tom Kreimer [tkreimer@churchillnet.com]
Sent: Tuesday, August 02, 2005 1:55 PM
To: Bob Helwig; Chuck Dillerud
Subject: LkElmo

Dear Planning Commission:

On August 9 you will be reviewing a request to vacate the platted street stubs in the Stonegate neighborhood. I ask that you please consider this request.

This request began when a resident that was trying to sell his home had a prospective buyer that was concerned about future traffic from high density housing surrounding Stonegate. While that immediate need has passed, we are still looking for your consideration of this issue.

When I purchased my home in Stonegate, I knew there were future streets that would affect my neighborhood, but they were streets that were to lead to a few more Rural Estate 2 ½ acre lots. Now thanks to the Met Council, I will be forced to have high density housing adjacent to my home. None of the residents of Stonegate anticipated this or anticipated that our quiet streets would become busy feeder streets to high density development.

The planning commission proposed an Urban Transition of either low density housing or open space to surround Stonegate that I was very excited and relieved to hear, but that provision has since been removed.

What I am looking for is some immediate comfort that the city cares about what happens to our neighborhood.

The city engineer provided a report, and I would like to respond to each of his comments.

- 1) The engineer's report states that it is premature to do this since there are no development proposals. This may be premature, but we need to see some concrete evidence that the city wants to stand behind the residents of Stonegate and give us some piece of mind.
- 2) The city engineer states that without these through streets, Stonegate residents will be forced to use only 10th Street. We've been fine with using only 10th Street for the last 10 years and will continue to be fine with it.
- 3) The engineer states ease of street maintenance, busing, and mail delivery if the streets are opened. Again, it has worked fine for the last 10 years.
- 4) The engineer states that changes would have to be made to the cul-de-sacs. I don't see any need to change the cul-de-sacs as they are today – again, they have worked fine for 10 years. I would think the vacation could be written in such a way to keep them in their current form. We are not asking for any changes to them.

Please give us the assurance that everything within our neighborhood will stay the same as it has for the last 10 years. That is all we are asking for. Development will take place around us, but our neighborhood can remain intact.

We have a very special neighborhood. We live on large lots, but we are close-knit. There are a lot of kids in the neighborhood – in the short stretch of Jewel Avenue by my house there are 10 children between the ages of 2 weeks and 7 years. I am very concerned for their safety if these roads become through streets. This may be a bit premature, but if we don't act now to protect our neighborhood, I fear development proposals could be made incorporating these streets. Once a proposal is made, I believe the difficulty level in getting this accomplished is increased exponentially.

Please approve the vacation of these street stubs to give us some piece of mind. We are bearing the vast majority of the burden of the Metropolitan Council verdict and it is only right to give us some little piece of security.

8/2/2005

Tom Kreimer
tkreimer@churchillnet.com

772 Jewel Avenue North
Lake Elmo, MN 55042

Home: 651.501.9794

Work: 612.673.6631

Fax: 612.673.6733

Received 8/18/05

I am sorry I have not had time to read the entire comprehensive plan as it only became available to the public on Thursday afternoon, August 04. It is difficult to read such a lengthy document while standing at the counter in Lake Elmo's city hall. I am not sure if any of you have been able to read the entire plan, however the parts I have read were quite disturbing and sad. I know the Planning Commission has spent a great deal of time trying to compile the document in a short time, however, I do not believe it reflects the wishes and desires of the citizens of Lake Elmo. If this were to be passed I would hope it would be titled Metropolitan Council's Comprehensive Plan for the City of Lake Elmo. We are a city that has attempted to be rural in nature and according to what has been written the future does not look good. Please add verbiage that states these plans have been forced upon our city due to a lengthy court case that was not settled favorably for the city.

The plan states that between 2005-2030 Lake Elmo will have employment of 13,000 in relation to a population of 24,000 people, a ratio of 1 employee per 1.84 residents. This ratio means Lake Elmo will host more jobs per capita than that of any of the 7 [seven] neighboring communities. How does the city plan to do this? What are you going to give away to bring in that many employers? We are not in a time of financial strength. Northwest may be declaring bankruptcy, 3M has laid off 6,000 people, and Kodak is not growing. Our neighbor to the south, Woodbury, has seen State Farm close shop and send their employees to another state. I certainly hope we do not offer TIF as an incentive since a city can end up not collecting any of the taxes they thought they were going to receive. If a company wants to locate in our city they should be responsible for all their taxes every year.

We have attempted to be rural in nature, which means smaller roads and less congestion. The plan calls for Lake Elmo Avenue to be 4 [four] lanes wide, Inwood and parts of 10th Avenue to be 6 [six] lanes wide, and Highway 5 to be 4 lanes wide through the downtown area. The citizens have expressed a concern over the ability to cross Highway 5 and I believe it will become even harder, if not impossible, to do so if there are four lanes. What does this mean for the setting of our elementary school? A six-lane road is not "rural" in character, but rather reminds one of an expressway. Is this really the future you have envisioned for our city?

Why does this comprehensive plan go to the year 2030? Normally plans would run ten years and so it should only be planning until the year 2020 at best. It is very difficult to plan past that time due to the uncertainties we live in. It would be better to plan only as far as one needs to and can reasonably plan.

Does this plan allow for transfer of density?

Who is going to pay for all the unwanted changes that are discussed in this plan? In the past Lake Elmo has enjoyed being one of the lowest ranking cities in terms of taxes. Will those of us who have lived here for over 27 years be taxed so high we will no longer be able to afford to live in our homes? Who will pay for the sewer system? It states that no one will be forced to hook up to the sewer system, but who pays to run the sewer pipe

over two miles to the downtown area? Who pays for the additional staff needed to oversee all this expansion? Who pays for all the cement for the extra wide roads? The plan calls for an enormous addition of homes and I ask where will the children attend school? It appears Metropolitan Council demands many changes, but they are not the ones footing the bill.

I know this plan will probably be passed by our city council due to the court case, however I urge the planning commission members to reject the plan on the basis it is not the citizens plan, nor their wishes. This is not the future we wanted for our city. This is a plan that has been forced upon us by Metropolitan Council and should have their name on it, not the name of the good city of Lake Elmo.

Ann Bucheck
2301 Legion Avenue
Lake Elmo

RECEIVED

AUG 11 2005

August 11, 2005

Comments on the proposed amendments to the Comprehensive plan

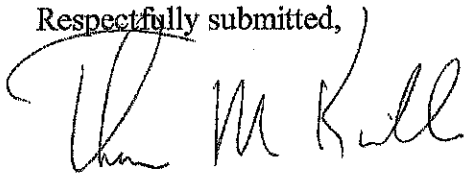
I am a resident of Lake Elmo and I own approximately 48.5 acres on the NW corner of 10th Street and Lake Elmo Avenue. I am submitting these comments in writing because I was unable to attend the Public Hearing on August 8, 2005.

I would like to develop my piece of land to the SRD density levels which are available across the street from my piece. The new sewer line will be running up Lake Elmo Avenue and will pass right by my property. If I develop this piece of land I will have to install an on-site community system at high cost to the residents followed, at some future point, with a hookup to the municipal sewer line at an additional high cost to the residents.

I understand and agree with the desire of the community to retain the rural setting in Lake Elmo. However, as this comprehensive plan is being developed there needs to be a balance struck which will make the most cost effective use of the capital dollars invested in the new sewer line consistent with maintaining the rural nature of Lake Elmo. In looking at the proposed Future Land Use map which the city has prepared, my piece is directly on the new sewer line and it is contiguous with the area south of 10th Street that will receive 3.5 DU/Acre density. Zoning this piece at the higher density level would appear to be both consistent with future surrounding land development and cost effective for both taxpayers in general and for the future residents of the parcel.

I would be interested in discussing this further with members of the Planning Commission or the City Council at their convenience.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Thomas M. Kindler', written in a cursive style.

Thomas M. Kindler
2111 Legion Lane
Lake Elmo, Minnesota 55042
651-779-7555

To: The Planning Commission
From: Richard Smith
Date: August 11th, 2005
Re: August 8th Public Hearing

I was one of the few citizens of Lake Elmo able to attend the Public Hearing held by the planning commission on August 8th at Oakland Junior High. I did notice it was well attended by members of the Met Council, Minnesota Builders Association and developers. I'd have thought the commission would have been more prudent about informing the citizens they represent about such an important public hearing.

The plan submitted on the 8th by the planning commission appears to be driven strictly by the recent Met Council decision and hence should be called "The Met Council plan" not "The Lake Elmo Comprehensive Plan". I do not feel that the plan, in its current state, reflects the needs and desires of the existing residence of Lake Elmo.

I am a landowner presently in the "Old Village". My property resides in the northeast corner of the Old Village. My concern with the plan, that the planning commission is considering adopting, is it is entirely too dense. I listened to the mayor, with council support; insist on a plan, which places nearly 90 homes in my front yard. My property is not listed as part of the FSD plan. It will essentially become part of the green corridor, hence frozen from any future development.

It appears that only a small portion of the FSD lies within the old village. I realize that the city plans to allow existing residence to connect but without a commitment on the part of the residence existing residence will not only incur a hookup charge but will also be responsible for any cost associated with abandoning their current septic systems. I feel the cost to the citizens will be cost prohibitive.

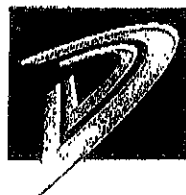
The Thorbeck plan, which the city commissioned in July of 2003 also placed as many homes and a perimeter road abutting the south border of my property. I expressed my disapproval in 03' and am again expressing it as I feel 90 homes on 30 acres is entirely too dense and does not at all reflect the rural nature of the existing community. I was encouraged in 03' by the cities desire to establish on site wastewater treatment areas and storm water collection ponds rather than running sewer thru the entire old village. These treatment and collection designs have worked well in many of the recently built developments such as The Fields and Carriage Station. I can only hope that the city will continue to consider using these methods rather than running a sewer main from the area south of 10th to the Old Village.

I am encouraged by the decision of the city council to trust Mr. Engstrom of Robert Engstrom Company's to help design a plan which best fits the city's needs and the needs of the existing residence. Mr. Engstrom has always been very considerate and fair when working with the existing residence.

The entire density requirements can be met using the property south of 10th st.. It was evident at the hearing that the property owners south of 10th st. are excited and willing to develop their property in a way that could easily fulfill the density requirements set by the Met Council.

Respectfully, Richard Smith





Dale
Properties

RECEIVED
AUG 12 2005

August 12, 2005

Mr. Chuck Dillerud
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

RE: Planning Commission Meeting of 8/8/05 regarding Comprehensive Plan

Dear Mr. Dillerud:

Please accept this letter into the record for the 8/8/05 Planning Commission meeting.

Dale Properties, LLC is a landowner in Lake Elmo. We own a 150 acre parcel (Tax ID's 34-029-21-31-0001, 34-029-21-34-003, 34-029-34-001, 34-029-21-42-0001) on the north side of Hudson Road between Inwood and Kents behind and to the east of White Wolf.

We are in land sale negotiations with Pulte Homes for a proposed Del Webb active adult community. You're proposed Regional Sewered Staging Plan Lake Elmo Comprehensive Plan 2005-2030 dated July 18, 2005 separates our families parcel into 2 Stages. The western approximate half of our land is in Stage I and the eastern half is in Stage IV. Dale Properties requests your consideration to include all of our land in the Stage II sewer plan. I think that the City should not only consider time frames for development but also the quality of development and the creativity of development that larger tracts of land can accommodate and the resources nationally prominent residential developers can bring to the City of Lake Elmo.

Thank you for your consideration.

Sincerely,

Alan Dale
President

CC: Mayor Johnston
Bob Helwig

Sharon Lumby

From: Judith Blackford [Woodscrone@msn.com]
Sent: Friday, August 12, 2005 10:11 AM
To: Chuck Dillerud
Cc: Sharon Lumby; Schumacher Bob
Subject: Comp Plan 2005 Relating to Parks

Chuck,

It has been brought to my attention by a community member that there is an error in the Comp Plan related to Sunfish Lake Park recreation usages.

Mountain biking is listed as an active use in this park. Please delete this usage. We have a City ordinance banning mountain biking in Sunfish Park. This ordinance has been in place since the early 1990's. There are posted signs to this effect in Sunfish Lake Park.

There exists a letter from April 15, 1994, in the Sunfish Lake Park file. This letter was from the entire Parks Commission at that time--Kes Tautvydas, Chair; Judith Blackford, Vice-Chair; Karen Leach; Ron Kuehn; Steve Peterson; and Gloria Knoblauch. In that letter we list passive usages of hiking/walking, recreational cross-country skiing, bird watching, photography, nature studies, picnicking, canoeing, and sailboating as recreational activities that currently complement Sunfish Lake Park as a nature park. When listing uses, please include these.

Thank you!

Judith Blackford,
Lake Elmo Parks Commission

8/12/2005

RECEIVED

8/12/05

AUG 12 2005

TO: LAKE ELMO COUNCIL
FROM: EDMOND NIELSEN
SUBJECT: LAKE ELMO COMPREHENSIVE PLAN

THE LAND USE PLAN IDENTIFYING
POPULATION AND HOUSEHOLD PROJECTIONS
FROM 2005 TO 2030 ARE EXCESSIVE.
THESE PROJECTIONS ARE UNCHARACTERISTIC
OF LAKE ELMO RESIDENT VALUES, BUT
APPEAR TO BE DRIVEN BY METROPOLITAN
COUNCIL INFLUENCE. IT IS UNFORTUNATE
THAT LAKE ELMO IS MARCHING DOWN
THIS PATH.

Edmond Nielsen

9498 STILL WATER BLVD