

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

Lake Elmo City Council

Tuesday July 5, 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:

June 21, 2005

3. PUBLIC INQUIRIES/INFORMATIONAL:

A. PUBLIC INQUIRIES:

B. 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

- Pass 5-0

A. (1) Resolution No. 2005-068: Approving claims

(2) Resolution No. 2005-069: Approving Claims

B. Feasibility Report for Water Systems Interconnect; Supplemental Authorization No. 1 for Professional Services

C. Phase II Construction - Extension of Completion Date

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.

6. NEW BUSINESS

A. Xcel Fly Ash Committee: Add two alternates - Mayor Johnston

DEAN JOHNSTON - ALTERNATE
LIZ JOHNSON X
ANNE SMITH X

<p>7. <u>MAINTENANCE/PARK/FIRE/BUILDING:</u></p> <p>A. Parks Department: Washington County Cooperative Deer Hunt</p> <p>B. Fire Department Report and Job Descriptions - Verbal</p>	<p><i>AUN MOTION 2ND SMITH 5-0</i></p> <p><i>7.6 PROBATION OF FIRE RECRUITS</i></p>
<p>8. <u>CITY ENGINEER'S REPORT:</u></p> <p>A. Resolution No. 2005-070: Feasibility Report for Hilltop</p>	<p>Tom Prew</p> <p><i>APPROVED 5-0</i></p>
<p>9. <u>PLANNING, LAND USE & ZONING:</u></p> <p>A. Farms of Lake Elmo:OP Stage Plan/Preliminary Plat, Conditional Use permit; Resolution No. 2005-071</p> <p>B. Request for Safety Street Light:Tapestry Project <i>REMOVED</i></p> <p>C. Lake Elmo Development Company:OP Concept – Bergmann; Resolution No. 2005-072</p> <p>D. Village Area Master Planner</p>	<p>C. Dillerud</p> <p><i>5-0 AS AMENDED</i></p> <p><i>WITHDRAWN</i></p> <p><i>-TABLED</i></p>
<p>10. <u>CITY ATTORNEY'S REPORT:</u></p> <p>A. Legislative, Finance, Legal, Personnel Committee Report – Sessing/Ziertman</p>	<p><i>4)</i></p>
<p>11. <u>CITY ADMINISTRATOR'S REPORT:</u></p> <p>A. Library – Mayor to discuss possible action</p> <p>B. Calendar for Comprehensive Plan</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>Council Committee Meetings:July 12th; 5:30 p.m.</p>	<p>Community Improvement Committee Meeting: July 13; 7 p.m.</p>

LAKE ELMO CITY COUNCIL MINUTES

June 21, 2005

*APPROVE
AS AMENDED*

1. AGENDA
2. MINUTES: June 7, 2005
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - a. PUBLIC INQUIRIES
 - b. PUBLIC INFORMATIONAL
 - i. Excel Fly Ash Disposal Landfill Site Selection: C. Dillerud
4. CONSENT AGENDA:
 - a. Resolution No. 2005-055: Approving Claims
 - b. Fire Department Compensation
 - c. Sachs Settlement Agreement
5. FINANCE
 - a. Monthly Operating Report
 - b. Water Expansion
 - i. Bonding: Resolution No. 2005-056
6. NEW BUSINESS:
 - a. Housing for Disabled in the Old Village
 - b. St. Croix Family Center
 - c. Ramsey Center for the Arts
7. MAINTENANCE/PARK/FIRE/BUILDING:
 - a. Fire Department: Tanker/Pumper Purchase
 - b. Update on Building Activities: Jim McNamara
8. CITY ENGINEER'S REPORT:
 - a. Water Expansion Project Update – Verbal
 - i. Lateral Charges
 - b. Partial Payment Request No. 1: Chris Riley, Resolution No. 2005-057
9. PLANNING, LAND USE & ZONING:
 - a. Public Hearing: Vacation of 55th Street, Resolution No. 2005-058;
 - b. Comprehensive Plan Amendment: Resolution No. 2005-059; Rezoning: Ordinance No. 97-159; Conditional Use Permit: Resolution No. 2005-060; Variance: Resolution No. 2005-061; Site Plan: Resolution No. 2005-062 – Public Works/Water Tower.
 - c. Minor Subdivision – City/3M Company: Resolution No. 2005-063
 - d. Final Plat and Development Agreement – CARDINAL VIEW: Resolution No. 2005-064
 - e. Extended Construction Working Hours - TAPESTRY
10. CITY ATTORNEY'S REPORT:
 - a. Code change adding (2) alternates to Community Improvement Commission : Resolution No. 2005-065
11. CITY ADMINISTRATOR'S REPORT:
 - a. Public Works Building
12. CITY COUNCIL REPORTS:
 - a. Mayor Johnston
 - b. Councilmember Conlin

- c. Councilmember DeLapp
- d. Councilmember Johnson
- e. Councilmember Smith

Mayor Johnston called the meeting to order at 7:00 p.m. in the Council Chambers of City Hall. PRESENT: Johnston, Smith, Conlin, Johnson, DeLapp, City Engineer Prew, City Attorney Filla, Finance Director Tom Bouthilet, City Planner Dillerud, Administrator Rafferty and Recording Secretary Schaffel.

1. AGENDA

Administrator Rafferty asked to move 55th Street to 3C and added Met Council Update to 11B. Mayor Johnston moved Ramsey Center for the Arts from 6C to 3D. Item 5B, Bonding, will await the arrival of the consultant.

M/S/P, Johnson/Smith, to approve the June 21, 2005 City Council Agenda, as amended. (Motion passed 4-1).

2. MINUTES of JUNE 7, 2005

M/S/P, Johnson/Smith, To accept the Minutes of June 7, 2005 as presented. (Motion passed 5-0)

3. PUBLIC INQUIRIES/INFORMATIONAL

A. PUBLIC INQUIRIES

Brenda Jo Carlson of Hidden Bay Trail expressed concern for rapid growth and loss of rural setting. She said she was speaking on behalf of 40 residents who are concerned for sewer and water coming. The residents do not want City water and City sewer. She said they did not receive sufficient notice of the proposed public works and water tower.

B. PUBLIC INFORMATIONAL

(1) Xcel Fly Ash Disposal Landfill Site Selection

The City Planner said he serves on the committee formed by Xcel to assist in locating a site to deposit fly ash generated by the King Power Plant. The Oak Park Heights facility will run out of room within five years. King will double output of fly ash within that timeframe too. The two sites being reviewed in Lake Elmo are the Shafer Mine and the Hammes Mine. Failure analysis says the cell will be good from 20 to 50 years but cannot guarantee it thereafter.

Councilmember DeLapp said a presentation was made to the county planning commission, and Xcel did not mention the liner until the end of their presentation. They are quadrupling mercury and other heavy metals that are being dumped now. The railroad through Lake Elmo will be busier because twice as much coal will be needed. There will be 30 trucks per day to deliver it to the landfill site.

The Planner said that fly ash can be treated for marketability but it costs money. If it is dry treated, fly ash is mixed with lime and sprayed into stacks to remove the sulfur. Then fly ash and lime soaked with sulfur are placed into the landfill. Wet scrubbing is 100% lime. Lime mixed with sulfur creates gypsum which is marketable.

Mayor Johnston said two landfill sites in Lake Elmo have gone awry contaminating groundwater, and the Council does not want another hazardous waste dump in the City.

Councilmember Conlin suggested the Council speak out on the record that the committee was not given enough data on the alternatives.

Administrator Rafferty said the plan needs further review, and every elected body needs to come forward to say they have not done enough research. He suggested a resolution from the City Council, and afterward, development of a strategy to build a team to bring pressure to bear.

M/S/P, Johnston/Conlin, To draft a resolution stating that it is the belief of the City council that the necessary work/disclosure have not occurred with relation to the site, the site should not be selected until the science is done, that the City Council strongly believes that siting of one or more fly ash dump sites in one or more locations of Washington County cannot be taken in isolation for quality of life considerations. (Motion passed: 5 – 0).

C. PUBLIC HEARING: 55th STREET VACATION

The Planner explained that the conditions of title work and legalities have been met for the vacation of 55th Street. A property owner on the north side asked for reconsideration which shortens the amount of road to be vacated.

The City Attorney said he examined titles and reviewed easements to be conveyed to the City. He said the documents must be signed and notarized, and that can be done at City hall.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:44 P.M.

Kathleen Haggard thanked council and staff for accommodating the residents.

*SEVERAL Council City
OFFERED THANKS Planner
FOR RESIDENTS*

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:45 P.M.

M/S/P, Smith/Johnston, to adopt Resolution No. 2005-058, rescinding Resolution 2004-____, and approving the vacation of 55th Street North. (Motion passed 5 – 0).

D. RAMSEY CENTER FOR THE ARTS

Robert Meyer, Director of Ramsey Center for the Arts, said they would like to move their operations to the City in the Siedow house adjacent to Lions Park. Councilmember DeLapp asked how accessibility issues will be addressed. Approaches include two ramps allowing first floor accessibility. Mr. Meyer said he has little doubt that problem will be solved.

M/S/P, DeLapp/Johnston, to authorize and direct the Mayor and Administrator to enter negotiations for a lease agreement with the Ramsey Center for the Arts on the Siedow house. (Motion passed 5-0).

*ARE
Council MEMBER NEED FOR
COMMENTS*

4. CONSENT AGENDA

- A. Resolution No.2005-011: Approving Claims
- B. Fire Department Compensation
- C. Sachs Settlement Agreement

M/S/P, Johnson/Conlin, to accept and approve Items 4a, 4b, and 4c as presented. (Motion passed 5 – 0).

5. FINANCE

A. Monthly Operating Report

Finance Director Bouthilet said 38% of the budget has been expended though we are 50% through the year.

6. NEW BUSINESS

A. Housing for Disabled in Old Village

Administrator Rafferty said an item incorporated into our Comprehensive Plan was housing for disabled persons in the Old Village, and to somehow encourage that concept in an overall development scheme. Council Committee heard it at their last meeting.

Mayor Johnston said costs and limitations must be explored and Council must establish a policy for it. Now is the appropriate time to start a formal evaluation process.

Two residents came forth to speak. One was Susan Kane who said they both of them are special needs parents. She asked for a resolution tonight to continue discussion with Council and staff.

Katherine Paulson, Housing Project Manager for Two Rivers Land Trust

Ms. Paulson said the Land Trust takes donated land that will be preserved for the purpose it is established. They are researching legal mechanisms to do that. They are looking for lands to be donated for housing for people who are disabled.

Councilmember DeLapp said many components to Old Village development such as arts, housing for disabled and elderly, charter or elementary school, library, etc. should all be added to the discussions.

Administrator Rafferty said in a meeting last fall with Old Village landowners they received input for getting a Master Planner. Within one month staff should have input from those four residents to help facilitate this type of planning.

M/S/P, Johnston/Conlin, To direct staff to enter discussions with groups present and developers to define a proposal to be brought back to Council for addressing housing for disabled people in the Old Village. (Motion passed 5 – 0).

M/S/P, Johnston/Conlin, To direct staff to meet with both groups to come back with some sort of proposal and inquire of developers. (Motion passed 5-0)

M/S/P, Conlin/Johnson, To direct staff to define the role of Master Planner and how it would work and bring it back to Council for how it will be managed for the Old Village. (Motion passed 5 – 0).

B. St. Croix Family Center

M/S/P, Smith/Conlin, to direct staff to evaluate and research a site for a family center in Lake Elmo. (Motion passed 5-0).

B. Water Expansion MOVED TO LATER IN AGENDA

i. Bonding: Resolution No. 2005-056

Paul Donna said the City is looking for a bond issue of \$4,600,000. Minnesota Statute 444 allows the City to raise charges of the water utility to cover 100% of the bond. The agreement means the City is pledging to levy taxes if there is a deficiency to meet debt service. Structure of the issue is a 25 year term. The yield curve is flat now. A prepayment feature after 8 years is built into this bond. Given the revenue stream, they estimated interest of 4.5%. He would like to be permitted to bring the bond issue to market and return to the second meeting in July. Then the City can lock in interest rates.

Administrator Rafferty said the staging plan is from the Comprehensive Plan. He said no money is being borrowed for the south. Instead we will reuse the dollars again or we prepay and eliminate the debt. The design of this bond is provide maximum flexibility to make public improvements in the water system over time.

M/S/P, Johnson/Conlin to adopt Resolution 2005-056. (Motion passed 5 – 0).

7. MAINTENANCE/PARK/FIRE/BUILDING

A. Fire Department Tanker/Pumper Purchase

Chief Malmquist said he met with Council Committee and now would like to advertise for bids the tanker/pumper purchase. The City has been working on this project for over one year. The purchase has been in the CIP for a few years. This combination emergency vehicle is suitable for present and future needs.

M/S/P, Johnson/Smith, To authorize the bid process to acquire a Fire Department Pumper/Tanker Truck. (Motion passed 5 - 0).

B. Update on Building Activities: Jim McNamara

The Building Official presented an update on May construction activity. Wet weather slowed activity in May. The alarm system for the Carriage Station Septic System worked perfectly during the power outage.

9. PLANNING, LAND USE & ZONING

9 B. Comp Plan Amendment, Rezone, CUP, Variance, and Site Plan for City Public Works/Water Tower

The Planner said the planning commission had a public hearing and adopted recommendations for a maintenance facility and water storage facility at the northeast corner of Highway 5 and Ideal Avenue. The City Council might make a special request to the county to address the issue of speed on Ideal Avenue. 10 employees will work at this site and a small amount of truck traffic in and out. One of the features of the site plan is that development around this site is anticipated so the facility will be well screened.

The City Attorney said the Parcel A legal description and easement area are subject to modification by Washington County Examiner of Titles because there is a disagreement between the surveyor and the Examiner of Titles.

Councilmember Johnson said she would like to review speed and traffic issues again after the Comprehensive Plan issues are finished.

Barb Walsh, Resident

Ms. Walsh said she is concerned for the traffic and the bike trail. She said she cannot believe 500,000 gallons of water will not drain the aquifer. She asked that all permits be applied for. She is concerned for water runoff.

The City Engineer said the water appropriations permit is updated annually. 500,000 gallons is storage volume related to how much the City uses which is about 66,000,000 gallons per year. Probably get a new permit with the comp plan as a formality. He said an MPCA and VBWD permit will be necessary. Runoff goes to holding ponds on the site and the drainage way for overflow is across Imation and over Wildflower Shores. The City's wells are located in the Old Village and at Carriage Station. He said the water tower will have no impact on neighboring wells.

M/S/P, Conlin/DeLapp, to adopt Resolution No. 2005-059 approving a Comprehensive Plan Amendment to reguide the parcel from RAD to PF. (Motion passed 5 – 0)

M/S/P, Conlin/DeLapp, Ordinance No. 97-159 to rezone the parcel from RR to PF. (Motion passed 5 – 0).

M/S/P, Johnson/Conlin, Resolution No. 2005-060 approving a Conditional Use Permit to allow construction of a Public Works/Parks Garage and a water tower on the site. (Motion passed 5 – 0).

M/S/P, DeLapp/Johnson, Resolution No. 2005-061 approving a variance to allow metal siding as a primary material on the Public Works building. (Motion passed 5 – 0).

M/S/P, Johnson/Conlin, Resolution No. 2005-062 approving the Site Plan for the Public Works parcel. (Motion passed 5-0).

9C. Minor Subdivision of City of Lake Elmo/3M Company parcel

M/S/P, DeLapp/Smith, to adopt Resolution No. 2005-063 approving the division of an existing 175 acre parcel into parcels of approximately 7.5 acres and 168.3 acres. (Motion passed 5-0).

9D. Final Plat and Development Agreement – CARDINAL VIEW

The Planner said one element of the Development Agreement for CARDINAL VIEW is Public Use Dedication. The appraiser determined the predevelopment value of the property and code specifies 7% of that value. In this case it is fee in lieu of land. This property results in \$45,000 of fee, which amounts to \$6,000 to \$7,000 per lot. CARDINAL RIDGE by the same developer came to between \$3,000 - \$4,000 per lot. The developer said this fee puts an unfair burden on the small lot subdivision because other contemporary developments are less money per lot.

The City Attorney said that most developments have sites for neighborhood parks and significant areas of open space. This development has neither.

Tom Wiener

Mr. Wiener said he received no bonuses for extra lots. He does not dispute the value of the land. He questions why these residents are going to have more impact on the park than other residents.

The City Attorney said the laws have changed. Public Use Dedication can be appealed to the Council within 60 days.

M/S/P, Johnson/Conlin, to adopt Resolution No. 2005-064 approving the Final Plat and Development Agreement of CARDINAL VIEW. (Motion passed 5-0).

9E Extended Work Hours for Construction in TAPESTRY

The City Planner presented the problem encountered by the developers of TAPESTRY. Equipment was on site but could not be used until the septic permit was granted. That resulted in a delay of 50 days. They are requesting a change in working hours for 50 days.

M/S/P, Smith/DeLapp, to approve extended working hours to allow work to continue until 8:30 p.m. on weekdays and to allow work from 1:00 to 5:00 p.m. on Saturday until July 25. (Motion Passed: 5-0).

The Mayor called a recess at 9:37 p.m. and reconvened at 9:43 p.m.

Councilmember Conlin suggested drafting a formal letter of complaint to MPCA that the ripple effect of MPCA's significant delay will cause noise pollution and other problems in Lake Elmo. The Planner said he will draft a letter because a six month lead time has been a regular occurrence on constructed wetland treatment systems.

8. CITY ENGINEER'S REPORT

A. Water Expansion Project Update – Verbal

i. Lateral Charges

The City Engineer said this part of the water project deals with the Tapestry area and over to Jamaca. Staff wanted to create a method and a plan for the water main extension. The City will recoup up front costs when residents want to hook up to the water main. Costs will remain in the project file for the list of properties with WAC fees determined. Administrator Rafferty said there are people who want to connect now. It is a voluntary system if they choose to connect today, a 429 hearing will be held and residents will be incentivized. They can be assessed to pay the cost over several years if they volunteer to hook up immediately.

The project from 39th to Tapestry has a different cost than the other part of the project. The cost per foot is \$30.08 for the first project. Undeveloped rural properties with about 150 feet of frontage was the average arrived at. The cost will be \$4,512 per lot to hook up. Estimated number of lots would be 41. If all hooked up the City will collect about 50% of the costs.

The Engineer said the second project area is Tapestry to Jamaca. The cost per foot is \$45.75. The assumed average of 125 feet lot width and cost per lot would be \$5,718.00. There are 33 lots between Jamaca and Tapestry. If all hooked up, the City will collect about 50% of the costs. This project is under the road so the cost is a little higher. The City is taking the time to extend water service out to the houses now so the road will not have to be dug up each time someone wishes to hook up in the future.

M/S/P, Johnson/DeLapp, to approve the proposed Lateral Connection Charge method for the 2005 Water Projects, to authorize staff to prepare a project worksheet for the first two water main trunk projects and a notification letter informing property owners of the voluntary

connection opportunity consistent with the approved lateral connection policy. (Motion passed 5-0).

B. Partial Payment Request No. 1: Chris Riley, Resolution No. 2005-057

The City Engineer said the first payment is now being requested. Construction has been delayed due to the weather.

M/S/P, Conlin/DeLapp, to adopt Resolution No. 2005-057 approving Partial Payment No. 1 to Chris Riley in the amount of \$117,848.36 for Phase I Water Improvements. (Motion passed 5-0).

10. CITY ATTORNEY'S REPORT:

A. Code change adding (2) alternates to the Community Improvement Commission: Resolution No. 2005-065

M/S/P, Johnson/Smith, to adopt Resolution No. 2005-065 adding two alternates to the Community Improvement Commission. (Motion passed 5-0).

11. CITY ADMINISTRATOR'S REPORT:

A. Public Works Building

M/S/P, Smith/Johnson, to authorize TKDA to proceed with the plan specification and bidding for the Public Works Building on the 3M site. (Motion passed 5 - 0).

B. Met Council Update and Action Required and Report on MOU Clarification Meeting

The mayor said we are at risk of losing our MOU unless we get an extension of our submission date. State statute allows for us to do that. He said the clarification team had two Met Council meetings this week.

Administrator Rafferty said the team for clarification met about some commentary Met Council made about our draft Comprehensive Plan. The area of concern is related to persons per dwelling unit. Metropolitan Council is concerned the City will have enough units built and achieve population growth of 24,000, RECs of 6600, and what could happen north of 10th Street. Another concern is Metropolitan Council's investment into infrastructure and our staging approach for connecting sewer units, and that the City would not be moving fast enough. The extension time period has passed for distribution to other communities, and we did not meet our June 15 deadline either. Lake Elmo's intent is to follow and achieve that MOU agreement. There are two performance standards within that agreement we have to meet. He summarized the four key issues in a handout. To meet the difference between what was planned for and what the Met Council expects, the team came up with a strategy of looking at ways of creating another 670 units.

The Planner said the chair agreed there was no reserve of 1 per 10 acres north of 10th Street. Then they came back with an 800 acre reserve of 1 per 10. Administrator Rafferty said Met Council does not believe we can meet population and number of units so they requested a reserve for it.

City Planner said the team sorted out what was relayed yesterday and came up with one possible solution for presentation to City Council. Met Council does not want the City to mention

persons per dwelling units in the plan. He discussed methods for generating the necessary dwelling units. He said the new staging plan would accelerate development south of 10th Street by one year which results in a bulge in new dwelling units from 2012 through 2015.

Administrator Rafferty said the mayor, administrator, and planner were ^{NOT} authorized to negotiate. The administrator said the City needs to come up with a proposal on its own terms in the best interest of Lake Elmo that will serve our planning requirement. If we don't, Met Council may formulate their position and we could be trying to move them off that position. There is nothing new in this approach. He said he believes it to be a mistake to accept a reserve and be judged every five years.

The City Attorney said the Supreme Court decision in a short paragraph at the end said the Met Council has the authority to force us to put in 7850 RECs.

The Mayor said the Met Council approved the MOU.

The City Attorney said the City of Lake Elmo resolution said the MOU was never completely finalized. We voted this would be a set of guidelines for our decisions. Met Council can go back to district court in Washington County to require us to have 7850 RECs. It is not the binding contract you think it is. It is criteria for discussion.

The Planner said the Planning Commission recommendation entailed a similar look as this evening with the three buckets of OV, RAD2 and OP. 450 units were spread across the three buckets. The council already took one of the buckets for the Old Village. We still have RAD2 and OP. Councilmember Conlin said the public heard that approach and we should look at that approach. Councilmember Smith said she agrees with Councilmember Conlin. Because we lost the Old Village bucket the team came up with the 3M remnant parcel for RAD2.

Administrator Rafferty said the third issue was post 2030 RECs. We had the opportunity in Number 9 of the MOU for a cushion. He recommended the City take the position we maintain the MOU language. We should come up with reasonably achieved dates, put in extension language, and give staff authority to draft a proposal that will address the Comp Plan consistent with discussions and plans.

M/S/P, DeLapp/Conlin, To not accept the Met Council discussion of bringing extra RECs into Lake Elmo post 2030. The City should take the team recommended position and standby Number 9 of the MOU. (Motion Passed: 5-0).

M/S/P, Johnson/DeLapp, For the clarification group to determine the extension timeline working with the City Attorney to draft the agreement, and the agreement will include a provision that a decision by the Met Council should not send the City into default on the time table.

Councilmember Conlin said we should include language that the timetable was not met due to Met Council actions. (Motion passed 5-0).

Councilmember Conlin suggested going back to Met Council adding the necessary units, and requesting a little time to determine where that will be located.

M/S/P, Johnson/Johnston, to approve the Lake Elmo Option with 340 units in RAD2 and increasing OP to .45 without specifying locations.

(Motion Passed 4-1, Nay: DeLapp we are not forced to do this in the MOU).

M/S/P, Conlin/Johnston, to accept the Lake Elmo Option with the second item increasing from 1206 in 2015 up to 1650.

The City Attorney said the City has the ability to require a parcel to hook up to sanitary sewer by a certain period. It could be a health issue.

(Motion passed: 4 -1, Nay – DeLapp).

M/S/P, Johnson/Conlin, To grant the negotiating team authority to complete the agreement with the Metropolitan Council.

The City Attorney said one of the reasons we did not violate the open meeting law was because the negotiating team did not have final authority. If they were granted that authority, the negotiating team would have to hold open meetings. Without authority they must bring it back to Council for final vote.

M/S/F, DeLapp/Conlin, To limit debate. (Motion Failed 2-3, Nay- Smith, Johnston, Johnson).

MOTION WITHDRAWN by Councilmember Johnson.

^{JOHNSON}
M/S/P, Smith/DeLapp, to authorize staff to take the four issues passed and enter an agreement with the Met Council. (Motion Passed: 3-2, Nay- DeLapp/Smith - They would like to be present.)

Adjourned 11:52 p.m.

Respectfully submitted,

Kimberly Schaffel
Recording Secretary

MINUTES APPROVED: June 21, 2005
LAKE ELMO CITY COUNCIL MINUTES

JUNE 7, 2005

1. AGENDA
2. MINUTES: May 17, 2005 (Postponed)
3. PUBLIC INQUIRIES/INFORMATONAL:
 - A. Public Inquiries
 - B. Public Informational:
 - (1) Fire Department:20 Years of Service Ring Presentation
 - (2) Introduction of New Firefighters
4. CONSENT AGENDA:
 - A. Resolution No. 2005-051: Approving Claims
 - B. Reimbursement Resolution No. 2005-052
 - C. New Telephone System
 - D. Planning Commission Appointment
 - E. Community Improvement Commission Appointment
5. FINANCE:
 - A. Revenue Bond Schedule
 - B. 2006 Budget Schedule
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
8. CITY ENGINEER'S REPORT:
 - A. Resolution No. 2005-053: Award Contract for Phase II Water System Interconnect
 - B. Presentation of Public Works Garage and Water Tower on Proposed Site:Terri Olsen
9. PLANNING, LAND USE & ZONING:
 - A. Extended Contractor Working Hours – Tapestry Project
 - B. Visible Roofing Material – Commercial Building, Ordinance No. 97-158 LB and Ordinance No. 97-159 GB (NOT ADOPTED)
10. CITY ATTORNEY'S REPORT:
 - A. Development Moratorium:Ordinance 97-158
11. CITY ADMINISTRATOR'S REPORT:
 - A. Donation of 3M Company Property:Resolution No. 2005-054
 - B. Met Council Comments
12. CITY COUNCIL REPORTS:

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

1. AGENDA

ADD: 8(2) Amend Water Interconnect Authorization, 11A. Resolution to accept donation from 3M Company and execute donation agreement, 11B. Report from Met Council on Comp Plan, 12. Council Member DeLapp-Workshops for summer

8(2) Amend water interconnect authorization, City Council Reports, DeLapp -workshops for summer.

M/S/P Johnson/Smith - to approve the June 7, 2005 City Council Agenda, as amended. (Motion passed 5-0).

2. MINUTES: May 17, 2005 (Postponed)

3. PUBLIC INQUIRIES/INFORMATONAL:

A. Public Inquiries - NONE

B. Public Informational:

(1) Fire Department:20 Years of Service Ring Presentation

On behalf of a grateful community, Mayor Johnston handed out 20 Years of service rings to the following firefighters: Greg Malmquist (20.5 years), John Eder (20.5 years), Jim Sachs (25 years), Dick Sachs (29.5 years).

(2)Introduction of New Firefighters

Fire Chief Malmquist introduced the four new recruits on the Fire Department – Richard Myran, Marie Duffert, Maurice “Mo” Butler and Ty Jacobson.

4. CONSENT AGENDA:

A. Resolution No. 2005-051: Approving Claims

M/S/P DeLapp/Johnson - to adopt Resolution No. 2005-051 approving claim numbers 260, 261, 262, DD431 through DD440, 27373 through 27365 which were used for staff payroll dated May 26, 2005; claims 27386 through 27448 in the total amount of \$138,695.23. (Motion passed 5-0).

B. Reimbursement Resolution No. 2005-052

The Finance Director reported in order for the City to reimburse the General Fund from tax-exempt bond issued, the City is required to adopt a resolution authorizing the repayment of funds. A draft resolution granting reimbursement to the General Fund for Capital expenditures from bonds issued by the City was provided to the Council.

M/S/P DeLapp/Johnson - to adopt Resolution No. 2005-052 granting the City to repay expenditures made out of the General Fund from Bond Proceeds. (Motion passed 5-0).

C. New Telephone System

The Finance Director reported that the City signed a new agreement for phone service which allowed for the installation of a T-1 line at a rate less than what the City had been paying for analog lines. The new T-1 line provides an additional six voice lines to our existing five lines. In order to accommodate the additional lines and upgrade the current

phone system, the City has been negotiating with several telephone vendors. Staff recommends purchasing 3 Com telephone equipment from VATACOM at a price not to exceed \$13,540. The replacement of the phone equipment has been scheduled on the CIP for this year in the amount of \$15,000.

M/S/P DeLapp/Johnson - to approve the purchase of 3 Com telephone equipment from VATACOM at a price not to exceed \$13,540. (Motion passed 5-0).

D. Planning Commission Appointment

On May 17, the Council appointed Bob Van Zandt as 2nd Alternate Member of the Planning Commission. Staff recommended Commissioner Deborah Lyzenga be appointed as Full Voting Member for a three-year term to fill the vacancy created by Rodney Sessing and Julie Fliflet as appointed First Alternate Member of the Planning Commission.

M/S/P DeLapp/Johnson - to appoint Deborah Lyzenga as Full Voting Member of the Planning Commission for a three-year term. (Motion passed 5-0).

M/S/P DeLapp/Johnson - to appoint Julie Fliflet as First Alternate Member of the Planning Commission. (Motion passed 5-0).

E. Community Improvement Commission Appointment

Commissioner Robert Van Zandt has resigned from the Community Improvement Commission in order to devote his time to the Planning Commission. The CIC now has one vacancy. The City has received an application from Nicole Park. There are no other applications on file.

M/S/P DeLapp/Johnson - to appoint Nicole Park to a three-year term on the Community Improvement Commission. (Motion passed 5-0).

5. FINANCE:

A. Revenue Bond Schedule

The Finance Director explained the City is in the early stages of a major water expansion project. As part of this project, the City will need to address the financing issues related to infrastructure costs. One source of funding is to issue tax-exempt bonds. The Council received the General Obligation Revenue Bond Series 2005A Proposed Schedule of Events. The schedule outlines the sequence of events, time frames and individual responsibilities.

M/S/P Smith/Johnson - to approve to proceed with the Water Revenue Bonds Proposed Schedule of Events. (Motion passed 5-0).

B. 2006 Budget Schedule

The Finance Director provided the Council with a 2006 Budget Calendar.

6. NEW BUSINESS:

7. MAINTENANCE/PARK/FIRE/BUILDING:

8. CITY ENGINEER'S REPORT:

A. (1) Resolution No. 2005-053: Award Contract for Phase II Water System Interconnect

In his memo dated May 23, 2005, the City Engineer reported bids were received on May 20, 2005 for the Water System Interconnect – Phase II projects. The engineer recommended that the Council award the contract to the lowest bidder, G.M. Contracting, Inc. for their base bid of \$359,049.86.

The City Administrator reported, in a good corporate spirit with 3M, 3M will be donating 8.3 acres for a water tower and public works facility.

M/S/P DeLapp/Johnson - to adopt Resolution No. 2005-053 awarding the bid to G.M. Contracting, Inc. in the amount of \$359,049.86 for the Water System Interconnect – Phase II. (Motion passed 5-0).

(2) Amend Water Interconnection - Authorization

The City Engineer asked for authorization to amend current study to expand the water system to the new location of the water tower site.

M/S/P Smith/Conlin - to amend the water system study to evaluate extending the water system out to the 3M site on Ideal Avenue and Highway 5. (Motion passed 5-0)

B. Presentation of Public Works Garage and Water Tower on Proposed Site: Terri Olsen

Terri Olsen, TKDA architect, gave a presentation regarding the new water tower and public works facility. Council members discussed the landscape architecture of the site including the trees to accompany the water tower's boundaries. The Planner said there are conifers proposed along Highway 5 and once they grow the facility will disappear. The approval of this item will be on the June 21st Council agenda.

9. PLANNING, LAND USE & ZONING:

A. Extended Contractor Working Hours – Tapestry Project

In the letter dated May 20, 2005, St. Croix Farms, LLC (developers of Tapestry), have requested extended working hours on the Tapestry project. No specific times were mentioned, nor did they suggest the scale of the economic loss that would result from not gaining approval of the extended hours.

Pat Block, Construction manager, explained they had to suspend work pending PCA permit approval for the sewer system because the PCA has a slow permitting process. They had applied for an MPCA permit in October, and the MPCA will be mailing the permit on June 7th.

Chapter 1370 of the City code specifies that construction equipment may only be operated in the City between 7:00 a.m. and 6:00 p.m., weekdays—except holidays. The Code does provide that the Council may issue a special permit to extend those operating hours to 9:30 p.m. on weekdays and/or between 1:00 p.m. and 5:00 p.m. on Saturdays, Sundays, and holidays. The Code refers to a Council determination of “substantial economic loss” as the basis for approving a special permit to extend working hours. There are no parameters provided for defining “substantial”.

M/S/P Johnston/Smith - to authorize 7 a.m. to 8:30 p.m., Monday through Friday, and Saturdays, from 1 p.m. to 5 p.m., no Sundays for a two week period with the intent that Mr. Youngdahl, the developer, provide financial information to substantiate substantial economic loss as the basis for approving a special permit to extend working hours for the June 21 council meeting. (Motion passed 4-1:Conlin would like to eliminate Fridays because of graduations, etc.) The Planner and City Engineer will review financial submittals.

B. Visible Roofing Material – Commercial Building, Ordinance No. 97-158
LB and Ordinance No. 97-159 GB – NOT ADOPTED

The City Planner reported the Planning Commission reviewed a staff memo regarding present zoning standard for visible roofing materials in the commercial zoning districts and conducted a Public Hearing to consider modification to those standards based on the staff memo and recent actions of the City with those standards on specific projects. The Commission adopted a recommendation to amend certain commercial zoning district performance standards to include “commercial grade” asphalt shingles as allowable visible roofing in materials in areas north of 10th Street North. The Planner said the basic rationale for the geographic differentiation with the visible roofing standard relates to the more “residential” character surrounding those commercial zoning districts north of 10th Street (primarily the Old Village). The Commission believed that an asphalt style roof would better blend with the residential roofs in those areas.

The City Planner provided two ordinance amendments covering the Limited Business and General Business zones for Council consideration.

M/S/F DeLapp/Johnston – to adopt Ordinance No. 97-158 (Limited Business) and 97-159 (General Business) to amend the City Code to allow commercial grade asphalt roofing materials on visible roofs north of 10th Street. (Motion failed 3-2Conlin and Johnson voiced their concern that the amendment is only for North of 10th St. and would have liked to see the ordinance address all the LB and GB parcels in the city).

10. CITY ATTORNEY'S REPORT:

A. Development Moratorium

Attorney Filla explained that after final approval of an amended Comprehensive Plan, it will be necessary for the City to draft, review at public hearings and adopt official control to implement the policies of a newly approved Comprehensive Plan before development occurs. This development moratorium will exclude United Properties, Eagle Point Business Park.

M/S/P DeLapp/Johnson – to adopt Ordinance No. 97-158, An Ordinance Relating to the Adoption of a Development Moratorium effective for twelve months, as amended (9.0 Whereas, the City anticipates that the area of the City located west of Manning Avenue; east of County Road 13; north of Interstate 94; and south of 10th Street, except that part thereof included within the Eagle Point Business Park, which is already served by public sanitary sewer and is subject to the development restrictions contained in a planned unit development permit (I-94 Corridor Area) will experience intense development pressure as sanitary sewer becomes available to serve the area.) (Motion passed 5-0).

11. CITY ADMINISTRATOR'S REPORT:

A. Donation of 3M Property

The City Administrator explained this is a resolution accepting a real estate donation of 8.3 acres from the 3M Company. There will be a public hearing held by the Planning Commission for a Conditional Use Permit for a Public Works Facility and Water Tower on this donated parcel.

M/S/P Smith/Conlin – to adopt Resolution No. 2005-054, A Resolution Accepting Real Estate Donation from the 3M Company. (Motion passed 5-0). Attorney Filla suggested placing the deed in escrow because the City may want to do an environmental background check.

Attorney Filla provided a copy of the donation agreement with the 3M Company for the property located on the southwest corner on the north site of Highway 5 and along Ideal Avenue. Filla pointed out the covenants contained in the agreement. The Council authorized the Mayor to sign the Donation Agreement.

B. Met Council Comments

The City Administrator and City Planner discussed the review of the draft comprehensive plan document submitted in the letter by Blair Tremere, Met Council staff member. Administrator Rafferty suggested a meeting with the Met Council staff to ask for clarifications of the recent comments of the Met Council staff, which seem to be inconsistent with the Memorandum of Understanding.

M/S/ Johnson/Smith - that the Clarification Committee consisting of the City Planner, City Administrator, Mayor Johnston to discuss the review of the Draft Comprehensive Plan document submitted in the letter by Blair Tremere. The Clarification committee has no authority to negotiate with the Met Council staff members. All information will come back to the City Council.

Council member Smith asked if she could attend this clarification meeting. Council member Conlin supported Smith's attendance because Smith has been a proponent of 2.91 ppdu.

M/S/P Smith/Conlin - to amend the motion to approve Anne Smith to be a party of the clarification committee to meet with the Met Council representatives. (Motion passed 3-2:Johnson, Johnston said this was the best possible agreement under certain circumstances and would like to see the same team go back for clarification.)

M/S/P Johnson/Smith - that the Clarification Committee consisting of the City Planner, City Administrator, Mayor Johnston and Council member Smith will discuss the review of the City's Draft Comprehensive Plan submitted in the letter by Blair Tremere. The Clarification committee has no authority to negotiate with the Met Council staff members. All information will come back to the entire City Council. (Motion passed 5-0).

12. CITY COUNCIL REPORTS:

Council member DeLapp asked for Council consideration in consolidating workshops for the summer. Council member Johnson said she would rather have shorter meetings and more meetings because there are many issues the Council needs to discuss.

Council member Johnson stated she attended the Lake Elmo Regional Park open house.

Council member Smith welcomed Nicole Park to the Community Improvement Commission.

Council adjourned the meeting at 9:20 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2005-051 Approve Claims

Resolution No. 2005-052 Reimbursement to the General Fund for Capital Expenditures from Bonds Issued by the City

Resolution No. 2005-053 Award bid to G.M. Contracting Inc. for Water System Interconnect – Phase II

Resolution No. 2005-054 Accept Real Estate Donation from the 3M Company

Ordinance No. 97-158 Adoption of Development Moratorium I-94 Corridor for 12 months.

4A (1)

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

**RESOLUTION NO. 2005-068
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 265, 266, 267, DD453 through DD462, 27522 through 27539, were used for Staff Payroll dated June 23rd, 2005; claims 27540 through 27576, in the total amount of \$228,960.58 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 7th day of July, 2005.

Dean A. Johnston
Mayor

ATTEST:

Martin J. Rafferty
City Administrator

Accounts Payable Computer Check Proof List

User: administrator

Printed: 06/30/2005 - 12:04 PM

SPRINGBROOK SOFTWARE

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: ANCOM 41079	ANCOM COMMUNICATIONS, INC. Battery Adapter Check Total:	143.24 143.24	07/05/2005	Check Sequence: 1 101-420-2220-43230	ACH Enabled: No
Vendor: ARAM 629-5742756	Aramark Linen - City Hall Check Total:	50.84 50.84	07/05/2005	Check Sequence: 2 101-410-1940-44010	ACH Enabled: No
Vendor: ARAMAU 57501519-1	ARAMARK Uniforms - Bldg Dept. Check Total:	107.78 107.78	07/05/2005	Check Sequence: 3 101-420-2400-44170	ACH Enabled: No
Vendor: ATTWI 023-2750230	2 CINGULAR WIRELESS Floater Phones - Fire Dept. Check Total:	40.98 40.98	07/05/2005	Check Sequence: 4 101-420-2220-43210	ACH Enabled: No
Vendor: AVAYA 2721432079	AVAYA Inc. Transfer of Phone Service Check Total:	544.58 544.58	07/05/2005	Check Sequence: 5 410-480-8000-45700	ACH Enabled: No
Vendor: BROADBLD Permit 4177	Broadway Builders Return Rd Dep. 3756 Kindred Ct. #4177 Check Total:	1,000.00 1,000.00	07/05/2005	Check Sequence: 6 803-000-0000-22900	ACH Enabled: No
Vendor: BRYAN 102-19179	Bryan Rock Products, Inc. Gravel Check Total:	214.29 214.29	07/05/2005	Check Sequence: 7 101-430-3100-42240	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:CENTFEN 8816C00	Century Fence Company Repair fence - Public Works (B&E) Check Total:	1,133.00 1,133.00	07/05/2005	Check Sequence: 8 101-430-3100-44010	ACH Enabled: No
Vendor:FARNPLN 1025205	Farm Plan Repairs - Public Works Truck Check Total:	989.99 989.99	07/05/2005	Check Sequence: 9 101-430-3100-44040	ACH Enabled: No
Vendor:FOUR 23-039898	Four Seasons Service Supplies - City Hall Check Total:	47.92 47.92	07/05/2005	Check Sequence: 10 101-410-1940-44300	ACH Enabled: No
Vendor:FREEMAN Emp. Req. 06/24	Carole Luczak Freeman Reim. Notary Certification Check Total:	140.00 140.00	07/05/2005	Check Sequence: 11 101-410-1320-44330	ACH Enabled: No
Vendor:FXL July	FXL, Inc. Assessing Services for July Check Total:	1,700.00 1,700.00	07/05/2005	Check Sequence: 12 101-410-1550-43100	ACH Enabled: No
Vendor:HOMBYCHA 3411	Homes By Chase Rd Dep. Return - #3411, 12324 Marquess W Check Total:	1,000.00 1,000.00	07/05/2005	Check Sequence: 13 803-000-0000-22900	ACH Enabled: No
Vendor:INTERARS 12210	Internation Assoc of Arson Inv Annual Membership Check Total:	50.00 50.00	07/05/2005	Check Sequence: 14 101-420-2220-44330	ACH Enabled: No
Vendor:MALMQ Claim 06/03 Claim 06/21	GregMalinquist Soap, paper towels - Fire Dept. Water Check Total:	28.38 16.96 45.34	07/05/2005 07/05/2005	Check Sequence: 15 101-420-2220-44300 101-420-2220-44300	ACH Enabled: No
Vendor:MENARDST 77272	Menards - Stillwater Batteries, Bulbs Check Total:	17.72 17.72	07/05/2005	Check Sequence: 16 101-420-2400-44300	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:Natl Wat 2485254	National Waterworks Magnetic Locator Check Total:	1,467.72 1,467.72	07/05/2005	Check Sequence: 17 601-494-9400-45800	ACH Enabled: No
Vendor:NEXTEL 761950227-027 761950227-027 761950227-027 761950227-027 761950227-027	Nextel Communications Cellular Service - Admin Cellular Service - Fire Dept. Cellular Service - Bldg Dept. Cellular Service - Public Works Cellular Service - Parks Check Total:	76.02 74.40 32.66 48.99 16.33 248.40	07/05/2005 07/05/2005 07/05/2005 07/05/2005 07/05/2005	Check Sequence: 18 101-410-1940-43210 101-420-2220-43210 101-420-2400-43210 101-430-3100-43210 101-450-5200-43210	ACH Enabled: No
Vendor:NORTHL 143-6412710	Northland Trust Services, Inc. Interest - 2004 GO Bond Check Total:	117,526.88 117,526.88	07/05/2005	Check Sequence: 19 410-480-8000-46110	ACH Enabled: No
Vendor:PEPIND EMT-Claim 6/28 Req. - 06/08	DougPepin Reim. - EMT Refresher Supplies - 20 year party Check Total:	175.00 11.25 186.25	07/05/2005 07/05/2005	Check Sequence: 20 101-420-2220-44370 101-420-2220-44300	ACH Enabled: No
Vendor:PITNEY 2817997-JN05	Pitney Bowes Postage Machine Rental Check Total:	693.00 693.00	07/05/2005	Check Sequence: 21 101-410-1940-44010	ACH Enabled: No
Vendor:PITNEYSU 493868	Pitney Bowes Supplies Ink & Postage sheets Check Total:	278.39 278.39	07/05/2005	Check Sequence: 22 101-410-1320-42000	ACH Enabled: No
Vendor:PRESS 06/21	StevenPress Cable Oper. - Council Meeting 06/21/05 Check Total:	74.25 74.25	07/05/2005	Check Sequence: 23 101-410-1320-43620	ACH Enabled: No
Vendor:QUICKSI 6243373	Quicksilver Delivery - Title Co. re: 3M Site Check Total:	46.52 46.52	07/05/2005	Check Sequence: 24 410-480-8000-43040	ACH Enabled: No
Vendor:Reserve 20313037	Pitney BowesReserve Account Metered Postage	500.00	07/05/2005	Check Sequence: 25 101-410-1320-43220	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	500.00			
Vendor: RUD 6/20-6/29 6/21-6/29	Diane Prince-Rud Cleaning City Hall Cleaning Fire Hall Check Total:	240.00 240.00 480.00	07/05/2005 07/05/2005	Check Sequence: 26 101-410-1940-44010 101-420-2220-44010	ACH Enabled: No
Vendor: S&T 01KA8933 01KA9585 01KA9585	S&T Office Products, Inc. Printer Cartridges - Fire Dept. Paper, Fax/Printer Cigs, Toner Fax Cartridges - Public Works Check Total:	53.76 556.75 27.58 638.09	07/05/2005 07/05/2005 07/05/2005	Check Sequence: 27 101-420-2220-42000 101-410-1320-42000 101-430-3100-42000	ACH Enabled: No
Vendor: SATELLIT 24180623	Satellite Shelters, Inc. Rental - Bldg Dept. Trailer Check Total:	319.50 319.50	07/05/2005	Check Sequence: 28 101-420-2400-44120	ACH Enabled: No
Vendor: SPRINT 0526076028-3	Sprint Laptop Connection Card Check Total:	53.60 53.60	07/05/2005	Check Sequence: 29 101-420-2220-43210	ACH Enabled: No
Vendor: STJOSEPH SR13791	St Joseph Equipment, Inc. Backhoe Rental - May and June 2005 Check Total:	426.00 426.00	07/05/2005	Check Sequence: 30 101-430-3100-43150	ACH Enabled: No
Vendor: TASCH 36303	T.A. Schifsky & Sons Sand Mix Check Total:	78.28 78.28	07/05/2005	Check Sequence: 31 101-430-3100-42240	ACH Enabled: No
Vendor: TKDA 000200502232 000200502237 000200502237 000200502237 000200502237 000200502237 000200502237 000200502237 000200502237 000200502237 000200502237	TKDA, Inc. Water Sys Interconnection Utility Permits, Staff Meetings Comp Plan Public Works Building Water System Fields II Drainage, MSA Reporting Tapestry, Whist. Villy, DG, Disc Xing Hill Trail Drainage Council Meetings	14,714.87 1,482.16 5,595.43 680.05 872.89 187.03 2,466.76 62.41 200.00	07/05/2005 07/05/2005 07/05/2005 07/05/2005 07/05/2005 07/05/2005 07/05/2005 07/05/2005 07/05/2005	Check Sequence: 32 601-494-9400-43030 101-410-1930-43030 101-410-1910-43020 410-480-8000-46200 601-494-9400-43030 603-496-9500-43030 803-490-9070-43030 409-480-8000-43030 101-410-1930-43030	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
000200502260	PW@Sunfish Lake - Design	4,782.39	07/05/2005	410-480-8000-46200	
000200502263	Hilltop Ave Repair - Feasibility Rpt	335.56	07/05/2005	409-480-8000-43030	
	Check Total:	31,379.55			
Vendor: TREMM	Michael Tremain			Check Sequence: 33	ACH Enabled: No
Req. 06/08	Supplies - 20 year party	82.86	07/05/2005	101-420-2220-44300	
	Check Total:	82.86			
Vendor: UNIRENNW	United Rentals Northwest, Inc.			Check Sequence: 34	ACH Enabled: No
49001070-001	Camlock - Public Works	8.41	07/05/2005	101-430-3100-42400	
	Check Total:	8.41			
Vendor: USBANK	US Bank Trust N.A.			Check Sequence: 35	ACH Enabled: No
33395470	Interest - State Aid Bond 2001	18,252.50	07/05/2005	310-480-8000-46110	
	Check Total:	18,252.50			
Vendor: WORKWELL	Workwell Occupational Health			Check Sequence: 36	ACH Enabled: No
057919	Physicals	1,631.00	07/05/2005	101-420-2220-43050	
	Check Total:	1,631.00			
Vendor: XCEL	Xcel Energy			Check Sequence: 37	ACH Enabled: No
31792722	3014 Jamley	24.03	07/05/2005	101-430-3160-43810	
	Check Total:	24.03			
	Total for Check Run:	181,620.91			
	Total Number of Checks:	37			

Accounts Payable Computer Check Proof List

User: administrator

Printed: 06/30/2005 - 12:29 PM

SPRINGBROOK SOFTWARE

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:REVENUE	MN Department of Revenue				
Sales Tax June	Sales Tax June 2005	145.00	07/05/2005	101-410-1320-44300	Check Sequence: 1
Sales Tax June	Sales Tax June 2005 - Water	805.00	07/05/2005	601-494-9400-44300	ACH Enabled: No
	Check Total:	950.00			
Total for Check Run:		950.00			
Total Number of Checks:		1			

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

**RESOLUTION NO. 2005-069
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Number 27577, in the total amount of \$270.00 is hereby approved.

ADOPTED, by the Lake Elmo City Council on the 7th day of July, 2005.

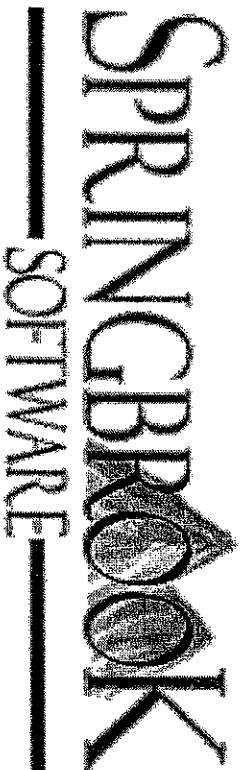
Dean A. Johnston
Mayor

ATTEST:

Martin J. Rafferty
City Administrator

Accounts Payable Computer Check Proof List

User: administrator
Printed: 06/30/2005 - 12:26 PM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: Johnson July-Sept	Johnson Construction Rental - Storage #13 - Fire Dept. Check Total:	270.00 270.00	07/05/2005	Check Sequence: 1 101-420-2220-44120	ACH Enabled: No
Total for Check Run:		270.00			
Total Number of Checks:		1			

CITY OF LAKE ELMO, MINNESOTA

SUPPLEMENTAL AUTHORIZATION NO. 1

TO: Toltz, King, Duvall, Anderson
and Associates, Incorporated
444 Cedar Street, Suite 1500
St. Paul, Minnesota 55101-2140

Pursuant to our Agreement dated February 2, 1988, and supplemental to the Authorization for the Project dated September 14, 2004 (approved by the City Council on August 31, 2004), TKDA is hereby authorized to proceed with the following additional professional services.

FEASIBILITY REPORT FOR
WATER SYSTEMS INTERCONNECT

I. Add the following to SECTION I of the Authorization:

The Project scope shall be expanded to include a water tower at the new Public Works site at the intersection of TH 5 and Ideal Avenue. Trunk watermain shall be extended from the existing public works site to the water tower.

The Project shall also include watermain extension from the intersection of TH 5 and Jamaca Avenue to the "Farms of Lake Elmo" subdivision.

II. Under SECTION II of the Authorization, add the following new Paragraph A.1.e, and renumber existing Paragraph A.1.e to A.1.f:

- e. Prepare a new Feasibility Report meeting the requirements of Minnesota Rules 429 to cover the expanded Project. Complete a topographic survey as part of the new Feasibility Report.

III. Add the following to SECTION V of the Authorization:

The new Feasibility Report shall be completed by August 2, 2005. The schedule for the plan preparation and construction phases shall included in the new Feasibility Report.

- IV. Delete the first paragraph of SECTION VI of the Authorization and replace with the following:

Compensation to TKDA for services provided under SECTION II of this Authorization shall be on an Hourly Rate basis as defined in the General Agreement, in an amount estimated to be \$78,000. This reflects compensation of \$60,000 for this Supplemental Authorization No. 1 added to the original authorized amount of \$18,000.

Approved By _____, _____, 2005.
City Administrator

Consultant Acceptance by _____, _____, 2005.
Authorized TKDA Representative

MEMORANDUM

To: City Council
Copies To: City of Lake Elmo, Minnesota

From: Thomas Prew, P. E. *[Signature]*
Date: June 30, 2005

Reference: Water System Interconnect Ph II
City of Lake Elmo, Minnesota

Proj. No.: 13186.000
Routing: _____

Attached is a letter from the contractor for the Phase II work. They are requesting an extension of the completion date for the project from August 1, 2005, to September 1, 2005. We have held a preconstruction meeting, and the contractor has presented a workable schedule to complete the Project by that date.

As stated in their letter, this is an extension request is due to the wet weather we have been experiencing. Most all other contractors I know of are in the same situation. I don't know of any that are not well behind on their work this year.

I recommend we process a Change Order to extend the completion date to September 1, 2005. This will allow the contractor an adequate amount of time to safely complete the Project.

Note: Letter from Contractor Not attached.

Lake Elmo City Council July 5, 2005	Agenda Section: PARKS	<u>No 7A.</u>
<u>Agenda Item:</u> Cooperative Deer Hunt: Sunfish Park and Washington County		
<p>Mike Polehna, Manager, Washington County Parks, approached the City to request a cooperative deer hunt for two weekends during hunting season (October-November, 2005). In early March, the deer herd was counted by helicopter in Sunfish Park, Lake Elmo Park Reserve, Tartan Park, and Meehan's Nursery, and the count was 112. The DNR recommends adding an additional 30% for deer that were hidden from view resulting in a deer herd of approximately 140 animals. The DNR recommends a maximum of 30 deer per square mile. Mike Polehna said the herd should be maintained at 15 deer per square mile or 60 deer for both parks. In the past, when Lake Elmo did not cooperate in the hunt, the deer ran to Sunfish Park.</p> <p>Applications from Washington County residents will be entered into a lottery for a chance to hunt in Lake Elmo Park Reserve. Parks Superintendent Bouthilet will manage the hunt for Sunfish Park. He will hold a drawing for Lake Elmo residents only who apply, and draw approximately six names for permits to hunt in Sunfish Park on those two weekends. There will be an orientation session for hunters prior to the hunt, and they will be required to take a doe before they will be allowed to take a buck. DNR game wardens and reserve deputies work closely together with parks personnel. Both parks will be closed those days. There have been no injuries or poaching in the past. The Parks Commission voted unanimously (8-0) to recommend holding a deer hunt in Sunfish Park in cooperation with Washington County.</p>		
<u>Action Items:</u> Motion: To authorize a deer hunt in Sunfish Park in cooperation with Washington County for two weekends during deer hunting season in the Fall of 2005.	<u>Person responsible:</u> Mike Bouthilet	
<u>Attachments:</u> Washington County Parks proposal to the County Board.	<u>Time Allocated:</u> 5 Minutes	

Washington County
Parks Division

Lake Elmo Park Reserve Deer Harvest

Background

This report contains information about how a white-tailed deer harvest will be conducted in the Lake Elmo Park Reserve. The Washington County Parks Division in conjunction with the Minnesota Department of Natural Resources will conduct this special harvest.

Studies conducted in conjunction with the Minnesota Department of Natural Resources indicate that there is an over-population of deer in the Lake Elmo Park Reserve.

Permits

Shotgun hunting permits will be issued.

Dates

The hunt will be conducted November 5th & 6th and 12th & 13th.

Game

Either sex white-tailed deer. A doe must be harvested before a buck is allowed. The Lake Elmo Park Reserve is in a designated Intensive Harvest Area. Hunters will be given the option to purchase and use up to four Bonus Permits to take additional antlerless deer, up to a grand total of 5 deer.

Application Procedures

Application for special area permits must be submitted to the MNDNR License Bureau. The State will conduct a random drawing and return a list of successful applicants to the County.

Orientation Meeting

Successful applicants will receive a packet of hunt information and will be notified of a mandatory hunter orientation/safety meeting, which will be held before the hunt begins.

Hunting Zones

The park reserve will be divided into hunting zones. At the orientation session, each hunter will select the zone he wants to hunt according to the order in which they were drawn in the lottery. Hunters selected near the end of the lottery probably will not receive their first choice of zone. Hunters may shift zones after the first day to fill vacancies left by successful hunters.

Zones will be marked on a map and marked in the field near residential development. A minimum of 300 yards will be the nearest any zone will be marked from residential development.

Parking and Vehicle Use

Designated parking areas will be established for use during the hunt. Hunters will not be allowed to park on any roads outside the park and walk into the park. The only time hunters will be allowed to drive beyond the parking areas is to retrieve a deer.

Washington County
Parks Division

2005 Proposed Shotgun Deer Management Plan

Deer herds have been increasing steadily in Washington County and throughout the entire Metropolitan Area for the last 25 years. It will take the collective efforts of the Minnesota Department of Natural Resources (MNDNR), most cities in the Metro Area, park agencies, sportsmen's organizations, and private citizens to develop and implement a program that will keep the deer herds in balance with available habitat and within the social tolerance levels of the people living in the Metropolitan Area.

The Washington County Parks Division with the assistance of the MNDNR recommends the use of a special hunt as a deer management tool within the Lake Elmo Park Reserve (LEPR). The proposal for the LEPR is to conduct a shotgun hunt during the regular firearms deer season in November 2005. A shotgun hunt is being selected over an archery hunt to increase hunter success rate in order to decrease the amount of effort required to achieve harvest goals, thereby decreasing days of disturbance to park users.

The deer herd in the park reserve and the adjacent Sunfish Lake Park has grown to 112, based upon an aerial survey. Wildlife managers estimate that 30% of the actual deer population is missed through aerial surveys. Meaning there is possibly upwards of 145 deer in the park area. The MNDNR wildlife manager recommends a deer population goal of 15 to 25 deer per square mile. A large number of these deer are entering and staying in the parks in the fall because of outside hunting pressures. The large concentration of deer has caused much browsing destruction to the trees and shrubs in the park and poses a traffic hazard as they cross the highways. A hunt in conjunction with the regular deer hunting season would remove some of the deer in the park reserve, while also dispersing deer into areas outside the park where they may be harvested by other hunters, thereby increasing efficiency of our efforts.

The MNDNR wildlife manager recommends that we allow hunting of either sex deer in the park reserve while emphasizing the importance of harvesting antlerless (female) deer. The MNDNR wildlife manager also indicated that many times park management choose an antlerless only hunting framework in order to maximize harvest on the productive females in the herd. The recommendation is that we allow 50 hunters into the park reserve for the special hunt, and allow hunters to purchase additional antlerless permits. The goal of the hunt is to reduce the deer herd to 15 deer per square in the park, which would be 60 deer.

The MNDNR provides the service of conducting the lottery drawing for many special hunts in the State. Washington County Parks will work with MNDNR to take advantage of the lottery system for this years' hunt. MNDNR will conduct the drawing and provide the list of successful applicants to Washington County.

Staff asks for approval of the 2005 Deer Management Plan.

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2005-070

A RESOLUTION RECEIVING THE FEASIBILITY REPORT
AND CALLING HEARING ON STREET REPAIRS FOR HILLTOP AVENUE

WHEREAS, a feasibility report has been prepared by TKDA with reference to the 2005 Street Repairs – Hilltop Avenue, and this report was received by the City Council on July 5, 2005.

WHEREAS, the report provides information regarding whether the proposed project is necessary, cost-effective, and feasible,

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

1. The Lake Elmo City Council will consider the 2005 Street Repairs – Hilltop Avenue in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes Chapter 429 at an estimated cost of the improvement of \$150,770.00.
2. A Public Hearing has been ordered on said street repair project on the 2nd day of August, 2005 at Lake Elmo City Hall, 7:00 p.m. and the clerk shall give mailed and published notice of such hearing and improvement as required by law.

ADOPTED by the Lake Elmo City Council this 5th day of July, 2005.

Dean Johnston, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

Resol Hilltop Avenue

FEASIBILITY REPORT

2005 STREET REPAIRS HILLTOP AVENUE

CITY OF LAKE ELMO, MINNESOTA

Date:
Project No.

June 16, 2005
13403.001

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

JUNE 16, 2005

FEASIBILITY REPORT

**2005 STREET REPAIRS
HILLTOP AVENUE**

CITY OF LAKE ELMO, MINNESOTA

TKDA PROJECT NO. 13403.001

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



Thomas D. Prew, P.E.
License No. 19621

**2005 STREET REPAIRS
HILLTOP AVENUE
CITY OF LAKE ELMO, MINNESOTA
PROJECT NO. 13403.001**

TABLE OF CONTENTS

	PAGE NO.
I. INTRODUCTION.....	1
II. INITIATION	1
III. IMPROVEMENT.....	1
IV. OPTIONAL WORK.....	2
V. PERMITS AND APPROVALS	2
VI. ESTIMATED PROJECT COSTS.....	3
VII. PROJECT FINANCING	3
VIII. PROJECT ASSESSMENTS.....	3
IX. RIGHT-OF-WAY.....	4
X. PROJECT SCHEDULE	4
XI. STATEMENT OF FEASIBILITY.....	4
XII. RECOMMENDATION	4

APPENDIX

ESTIMATED CONSTRUCTION COSTS.....	1
PRELIMINARY ASSESSMENT ROLL	1
EXHIBITS	2

**2005 REPAIRS
HILLTOP AVENUE
CITY OF LAKE ELMO, MINNESOTA**

I. INTRODUCTION

In an effort to keep its streets in good repair, the City of Lake Elmo routinely performs bituminous overlays and other necessary work to its streets. The City has developed a 5-year Capital Improvements Plan to schedule and budget for these repairs. The Plan was developed by the Public Works Department in conjunction with the Finance Department. The City Council has adopted the 5-year Plan.

Hilltop Avenue was built in 1978 and was overlayed once in about 1990. The surface of the street is in very poor condition. There are large areas of cracking and spalling in the bituminous surface. The street is about 2,800 feet long, has bituminous curb, and is 32 feet wide.

Soil borings show that there is generally 4 inches of bituminous and 14 inches of gravel base on this street.

II. INITIATION

The City Council initiated this Project. A 4/5th's vote of the City Council is necessary to order this Project.

III. IMPROVEMENT

The flat driveways, and the fact that this street has already been overlayed once, make this road an unacceptable candidate for another overlay project. For this Project, we propose removing the existing 4 inches of bituminous surface, repairing the subgrade where necessary, and repaving with 1-1/2 inches of bituminous base and 1-1/2 inches of bituminous wear course. The bituminous curb would be replaced throughout the Project.

Prior to performing this work the streets are reviewed for any subgrade correction that may be necessary. Also, all the catch basins are inspected, repaired, and adjusted to the new finished grade.

This Project will extend the life of the street an additional 15 to 20 years.

The new surface will be saw cut and sealed to prevent new random cracks from developing prematurely.

IV. OPTIONAL WORK

Because this road is wider than our current standards, and because we have received a large number of complaints of speeding traffic on this street, we have prepared an optional traffic calming design that may be considered.

To calm traffic, we would recommend narrowing one side of the street for the length of the project. A new street width of 24 feet would allow two-way traffic with on-street parking. This width street is used in many of our newer neighborhoods. We have been able to post these streets 25 mph. In other neighborhoods we have not needed to restrict parking to one side of the street.

In order to accomplish this, the driveways and lawns on one side of the street would need to be expanded 8 feet to match the new street.

Also, a trail could be added where the road is narrowed. This would provide additional pedestrian safety.

Another option to consider would be to reduce the impervious surface in the cul-de-sac by creating an island in the center of it. This has been suggested on other overlay projects, but has not been implemented in an existing neighborhood. If done, the center island could be planted in a number of different ways, depending on the neighborhood input. It would be helpful to the City if the neighbors around the cul-de-sac would "adopt" the island area and help keep it watered and weeded. If the neighborhood does not wish to participate, the island could be planted with grass and mowed by the City.

Costs and drawings of these options are located in the Appendix.

V. PERMITS AND APPROVALS

A Valley Branch Watershed District (VBWD) permit for the grading work and a Minnesota Pollution Control Agency (MPCA) permit for erosion control are required.

VI. ESTIMATED PROJECT COSTS

The prices quoted herein are estimates only. The actual cost of the work will be determined through the public bidding process. A detailed cost estimate is located in the Appendix.

<u>Item</u>	<u>Estimated Cost</u>
Estimated Construction Cost	\$ 123,425.00
10% Contingencies	\$ 12,345.00
Indirect Costs	<u>\$ 15,000.00</u>
Estimated Project Cost	\$ 150,770.00

VII. PROJECT FINANCING

This Project will be financed by assessments to benefiting properties and from the City's general levy.

<u>Item</u>	<u>Amount</u>
Estimated Project Cost	\$ 150,770.00
Assessable Cost	<u>\$ 41,547.00</u>
City Cost	\$ 109,223.00

VIII. PROJECT ASSESSMENTS

The City's assessment policy on street improvement projects is to assess each property uniformly, according to zoning classification. The assessment rate is held consistent year to year, with only an adjustment for inflation. For this Project, all properties are in the R-1 (SRD) zone, and have a proposed assessment rate for this Project of \$1,259.00 per buildable lot. There are 33 assessable units on this Project.

In January 2003, the City had an appraisal of the value of this improvement Project to the properties on this Project. That report concluded that, on average, the properties on this Project would increase in value by \$1,500.00.

IX. RIGHT-OF-WAY

No additional right-of-way is required.

X. PROJECT SCHEDULE

The proposed Project schedule is as follows:

- | | |
|--|--------------------|
| 1. Feasibility Report Received by City Council | July 5, 2005 |
| 2. Public Hearing | August 2, 2005 |
| 3. City Council Authorizes preparation of Plans and Specifications | August 2, 2005 |
| 4. City Council Approves Plans, Authorizes Advertisement for Bids | August 16, 2005 |
| 5. Open Bids | September 2, 2005 |
| 6. City Council Awards Bid | September 6, 2005 |
| 7. Contractor Begins Construction | September 19, 2005 |
| 8. Contractors Completes Construction | October, 2005 |
| 9. Assessment Hearing | September, 2005 |

XI. STATEMENT OF FEASIBILITY

The construction of the street improvements considered in this Report is feasible from an engineering standpoint. The economic feasibility is to be determined by the City Council.

XII. RECOMMENDATION

We recommend the City proceed with the improvements as proposed.

ESTIMATED CONSTRUCTION COST

2005 STREET REPAIRS
HILLTOP AVENUE
CITY OF LAKE ELMO, MINNESOTA
TKDA PROJECT NO. 13403.001

Standard Project: 36-Foot Wide Street

Item	Unit	Quantity	Unit Price	Amount
Mobilization	LS	1	\$ 5,000.00	\$ 5,000.00
Remove Bituminous Surface	SY	10,600	\$ 1.50	\$ 15,900.00
Repair Catch Basin	EA	6	\$ 400.00	\$ 2,400.00
Subgrade Excavation	CY	2,500	\$ 8.00	\$ 20,000.00
Grade Gravel Base	RS	28	\$ 150.00	\$ 4,200.00
Bituminous Base Course	TN	960	\$ 34.00	\$ 32,640.00
Bituminous Wear Course	TN	900	\$ 36.00	\$ 32,400.00
Tack Coat	GAL	500	\$ 1.25	\$ 625.00
Bituminous Driveway Patching	SY	50	\$ 6.00	\$ 300.00
Saw And Seal Pavement	LF	2,400	\$ 1.65	\$ 3,960.00
Lawn Restoration	SY	2,000	\$ 3.00	\$ 6,000.00

Total Estimated Construction Cost \$ 123,425.00

Optional Project: 24-Foot Wide Street

Item	Unit	Quantity	Unit Price	Amount
Mobilization	LS	1	\$ 5,000.00	\$ 5,000.00
Remove Bituminous Surface	SY	10,600	\$ 1.50	\$ 15,900.00
Repair Catch Basin	EA	6	\$ 400.00	\$ 2,400.00
Subgrade Excavation	CY	2,500	\$ 8.00	\$ 20,000.00
Grade Gravel Base	RS	28	\$ 150.00	\$ 4,200.00
Bituminous Base Course	TN	735	\$ 34.00	\$ 24,990.00
Bituminous Wear Course	TN	680	\$ 36.00	\$ 24,480.00
Tack Coat	GAL	400	\$ 1.25	\$ 500.00
Bituminous Driveway Patching	SY	200	\$ 6.00	\$ 1,200.00
Concrete Driveway Patching	SY	40	\$ 40.00	\$ 1,600.00
Saw And Seal Pavement	LF	1,700	\$ 1.65	\$ 2,805.00
Topsoil Borrow	CY	800	\$ 10.00	\$ 8,000.00
Lawn Restoration	SY	3,500	\$ 3.00	\$ 10,500.00

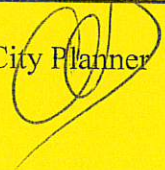
Total Estimated Construction Cost \$ 121,575.00

PRELIMINARY ASSESSMENT ROLL

CITY OF LAKE ELMO, MINNESOTA
2005 STREET REPAIRS - HILLTOP AVENUE
TKDA PROJECT NO. 13403.001

DATED: JUNE 29, 2005

No.	Name	Address	Geocode	Units	Preliminary Assessment
1	JOHN V & NANCY L OLKER	5500 HILLTOP AVENUE NORTH	0502921130001	1	\$ 1,259.00
2	DAVID J & JEAN A BENDEL	5480 HILLTOP AVENUE NORTH	0502921420019	1	\$ 1,259.00
3	DENNIS J & CAROL A SCHULTZ	5471 HILLTOP AVENUE NORTH	0502921420020	1	\$ 1,259.00
4	RANDY J & LAURIE A POST	5460 HILLTOP AVENUE NORTH	0502921420018	1	\$ 1,259.00
5	DAVID P & MARY K LANG	5451 HILLTOP AVENUE NORTH	0502921420021	1	\$ 1,259.00
6	MARK G EDLUND	5431 HILLTOP AVENUE NORTH	0502921420022	1	\$ 1,259.00
7	JOSEPH T & PAMELA J CONNOLLY	5440 HILLTOP AVENUE NORTH	0502921420017	1	\$ 1,259.00
8	LONNIE A & DENISE M PROECHEL	5420 HILLTOP AVENUE NORTH	0502921420016	1	\$ 1,259.00
9	WALLACE L & JANET L OLSON	5361 HILLTOP AVENUE NORTH	0502921420008	1	\$ 1,259.00
10	MICHAEL J & MARY E EGGERT	5350 HILLTOP AVENUE NORTH	0502921420003	1	\$ 1,259.00
11	JOAN M KANOWITZ &	5321 HILLTOP AVENUE NORTH	0502921420007	1	\$ 1,259.00
12	BRIAN J STEFFENSON	5291 HILLTOP AVENUE NORTH	0502921420006	1	\$ 1,259.00
13	MARK R & JOAN E RIVARD	5290 HILLTOP AVENUE NORTH	0502921420002	1	\$ 1,259.00
14	CHARLES A & PAMELA STICKLER	5261 HILLTOP AVENUE NORTH	0502921420005	1	\$ 1,259.00
15	LYNNE C & BRUCE L BECK	5260 HILLTOP AVENUE NORTH	0502921420001	1	\$ 1,259.00
16	ROBERT L & DIANE F MCDONOUGH	5231 HILLTOP AVENUE NORTH	0502921420004	1	\$ 1,259.00
17	STEVEN M & SUSAN M SEMLAK	5230 HILLTOP AVENUE NORTH	0502921430025	1	\$ 1,259.00
18	MARK L & ANDREA G SANDSTROM	5201 HILLTOP AVENUE NORTH	0502921430026	1	\$ 1,259.00
19	DAVID W & BRENDA L FORCIEA	5200 HILLTOP AVENUE NORTH	0502921430024	1	\$ 1,259.00
20	DAVID A & JUDITH A SEIFERT	5171 HILLTOP AVENUE NORTH	0502921430016	1	\$ 1,259.00
21	ROGER L KAPSNER &	5170 HILLTOP AVENUE NORTH	0502921430022	1	\$ 1,259.00
22	DANIEL T JOHNSON	5151 HILLTOP AVENUE NORTH	0502921430028	1	\$ 1,259.00
23	MIKE LEHMAN/KRISTIN CONNELLY	5150 HILLTOP AVENUE NORTH	0502921430021	1	\$ 1,259.00
24	CLIFTON J & SHARO LIVINGSTON	5131 HILLTOP AVENUE NORTH	0502921430013	1	\$ 1,259.00
25	SID A & FAYE A OAKES	5130 HILLTOP AVENUE NORTH	0502921430020	1	\$ 1,259.00
26	BRYAN J BLAHA	5111 HILLTOP AVENUE NORTH	0502921430012	1	\$ 1,259.00
27	JAMES B & DEBRA J MARTIN	5110 HILLTOP AVENUE NORTH	0502921430019	1	\$ 1,259.00
28	ALFRED O & SUSAN LY WILLIAMS	5091 HILLTOP AVENUE NORTH	0502921430011	1	\$ 1,259.00
29	PATRICIA A LARKIN	5090 HILLTOP AVENUE NORTH	0502921430018	1	\$ 1,259.00
30	DEBRA RAE ORLOFF-TRUST	5071 HILLTOP AVENUE NORTH	0502921430010	1	\$ 1,259.00
31	OTIS W & VIRGINIA M STADLER	5070 HILLTOP AVENUE NORTH	0502921430017	1	\$ 1,259.00
32	JERRY A & MARY G PARROTT	5051 HILLTOP AVENUE NORTH	0502921430009	1	\$ 1,259.00
33	GERALD G & COLETTE WALLGREN	5040 HILLTOP AVENUE NORTH	0502921430008	1	\$ 1,259.00

Lake Elmo City Council July 5, 2005	Agenda Section: Planning, Land Use and Zoning	<u>No.</u> 9A
<u>Agenda Item:</u> OP Development Stage Plan/CUP and Preliminary Plat – “Farms of Lake Elmo”		
<p><u>Background Information for July 5, 2005:</u></p> <p>At its meeting June 27, 2005 the Planning Commission unanimously (9-0) adopted a recommendation to approve the OP Development Stage Plan, OP Conditional Use Permit, and Preliminary Plat of the “Farms of Lake Elmo”. The plan designates 30 SFD lots, but also (in a change from the approved Concept Plan) designates 3 outlots that could become SFD lots should the OP ordinance be amended in the future from 0.40 to 0.45 dwelling units per buildable acre. The calculations and mapping regarding Preserved Open Space must be adjusted to comply with OP ordinance standards as well. In all other respects the Development Stage Plan and Plat reflects the approved Concept Plan and conditions of approval.</p> <p>The Park Commission has reviewed the Plan and recommends the Public trail link running east/west through the site as consistent with the Trails System Plan. Credit for that trail construction (and easement dedication) as a Public trail will be credited to the Park Dedication calculation of \$143,460.</p> <p>The attached Resolution approves the OP Development Stage Plan/CUP and Preliminary Plat as recommended by the Planning Commission per plans staff dated June 27, 2005, and subject to conditions.</p>		
<p><u>Action items:</u></p> <p>Motion to adopt Resolution #2005 - , approving the Op Development Stage Plan/CUP and Preliminary Plat of “Farms of Lake Elmo” per plans staff dated June 27, 2005, and subject to conditions listed.</p>	<p><u>Person responsible:</u></p> <p>City Planner </p>	
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Draft Resolution #2005 - Approving Plan/CUP/Plat 2. Location Map 3. Draft Planning Commission Minutes of June 27, 2005 4. Planning Staff Report 5. Concept Plan Resolution/Minutes 6. Location Map 7. Approved Concept Plan 8. Applicant's Graphics 	<p><u>Time Allocated:</u></p>	

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

RESOLUTION NO. 2005-071

**A RESOLUTION APPROVING THE OP DEVELOPMENT STAGE PLAN,
CONDITIONAL USE PERMIT, AND PRELIMINARY PLAT OF
FARMS OF LAKE ELMO**

WHEREAS, at its April 5, 2005 meeting, the City Council approved the Concept Plan for FARMS OF LAKE ELMO,

WHEREAS, M & K Development, LLC, made application for an OP Development Stage Plan, Conditional Use Permit, and Preliminary Plat, FARMS OF LAKE ELMO, to create 30 residential building lots and twelve outlots on a parcel of 83.8 acres legally described as follows:

LEGAL DESCRIPTION: EARL FRIEDRICH FARM – FARMS OF LAKE ELMO

That part of the North Half of the Northwest Quarter of Section 22, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota described as follows:

Beginning at the northeast corner of said North Half of the Northwest Quarter; thence westerly along the north line thereof to the east line of the west 690.00 feet of said North Half of the Northwest Quarter; thence southerly along said east line to the south line of the north 215.00 feet of said North Half of the Northwest Quarter; thence westerly along said south line to the east line of the west 440.00 feet of said North Half of the Northwest Quarter; thence southerly along said east line to the south line of the north 675.00 feet of said North Half of the Northwest Quarter; thence westerly along said south line to the east line of the west 240.00 feet of said North Half of the Northwest Quarter; thence southerly along said east line to the south line of the north 875.00 feet of said North Half of the Northwest Quarter; thence easterly along said south line to the east line of the west 440.00 feet of said North Half of the Northwest Quarter; thence southerly along said east line to the south line of said North Half of the Northwest Quarter; thence easterly along said south line to the southwest corner of said North Half of the Northwest Quarter; thence northerly along the east line thereof to the point of beginning.

Excepting therefrom the parcel described as follows:

Commencing at said northeast corner of the North Half of the Northwest Quarter; thence westerly along the north line thereof a distance of 700.00 feet to the point of beginning of the parcel to be excepted; thence south on a line parallel with the east line of said North Half of the Northwest Quarter a distance of 208.70 feet; thence westerly, parallel with the north line of said North Half of the Northwest Quarter, a distance of 208.70 feet; thence northerly, parallel with the east line of said North Half of the Northwest Quarter, a distance of 208.70 feet to the north line of said North Half of the Northwest Quarter; thence easterly along said north line to the point of beginning.

This property is subject to various easements and restrictions of record.

ALSO

That part of the Southwest Quarter of Section 15, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota, described as follows:

Beginning at a point on the south line of said Southwest Quarter distant 690.00 feet easterly of the southwest corner of said Southwest Quarter; thence northerly along a line parallel with the west line of said Southwest Quarter to a point 185.00 feet southerly of the center line of the old so-called Stillwater and St. Paul Road as measured along said parallel line extended to said center line; thence easterly along a line parallel with the south line of said Southwest Quarter a distance of 185.00 feet; thence northerly along a line parallel with the west line of said Southwest Quarter to said center line of the old so-called Stillwater and St. Paul Road; thence easterly along said center line to the west line of the east 925.20 feet of said Southwest Quarter; thence southerly along said west line a distance of 555.60 feet; thence easterly a distance of 225.20 feet to the west line of the east 700.00 feet of said Southwest Quarter; thence southerly along said west line to the south line of said Southwest Quarter; thence westerly along said south line to the point of beginning.

Excepting therefrom the following two parcels:

The parcel of land described in the Warranty Deed recorded in Book 212 of Deeds, on Page 184 in the Office of the County Recorder, Washington County, Minnesota.

The parcel of land described in the Warranty Deed recorded in Book 225 of Deeds, on Page 243 in the Office of the County Recorder, Washington County, Minnesota.

This property is subject to various easements and restrictions of record.

WHEREAS, at its June 27, 2005 meeting, the Planning Commission reviewed and unanimously recommended approval of this Development Stage Plan/CUP/Preliminary Plat with conditions.

WHEREAS, the OP Development Stage Plan, the Conditional Use Permit and Preliminary Plat of FARMS OF LAKE ELMO was presented to the City Council at its July 5, 2005 City Council Meeting;

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Lake Elmo does hereby approve and accept the OP Development Stage Plan, Conditional Use Permit, and Preliminary Plat of FARMS OF LAKE ELMO, per plans that staff dated June 30, 2005, and July 1, 2005, as the same on file with the City Administrator, based on the following Conditions:

1. Approval of all plans and specifications by the City Engineer (June 14, 2005 Memo).
2. Compliance with the recommendations of the Valley Branch Watershed District, as found applicable and practical by the City Engineer.

3. Public Use/Park Dedication shall be \$143,360, with credit to that amount for Public Trail construction east to west through Outlot B and Outlot A to Jamley Avenue.
4. Realignment of the Public Trail within Outlot B to intersect the east property line at a point as close as possible to the wetland at the northeast corner of the site.
5. Final Landscape Plan shall reflect additional tree planting along the west and south site border where abutting platted lands.
6. Recalculation and reconfiguration of lots/outlots for compliance of 33 lot plat with OP Preserved Open Space standards.

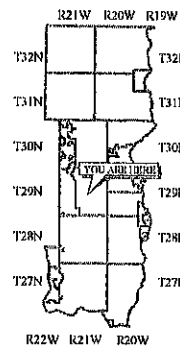
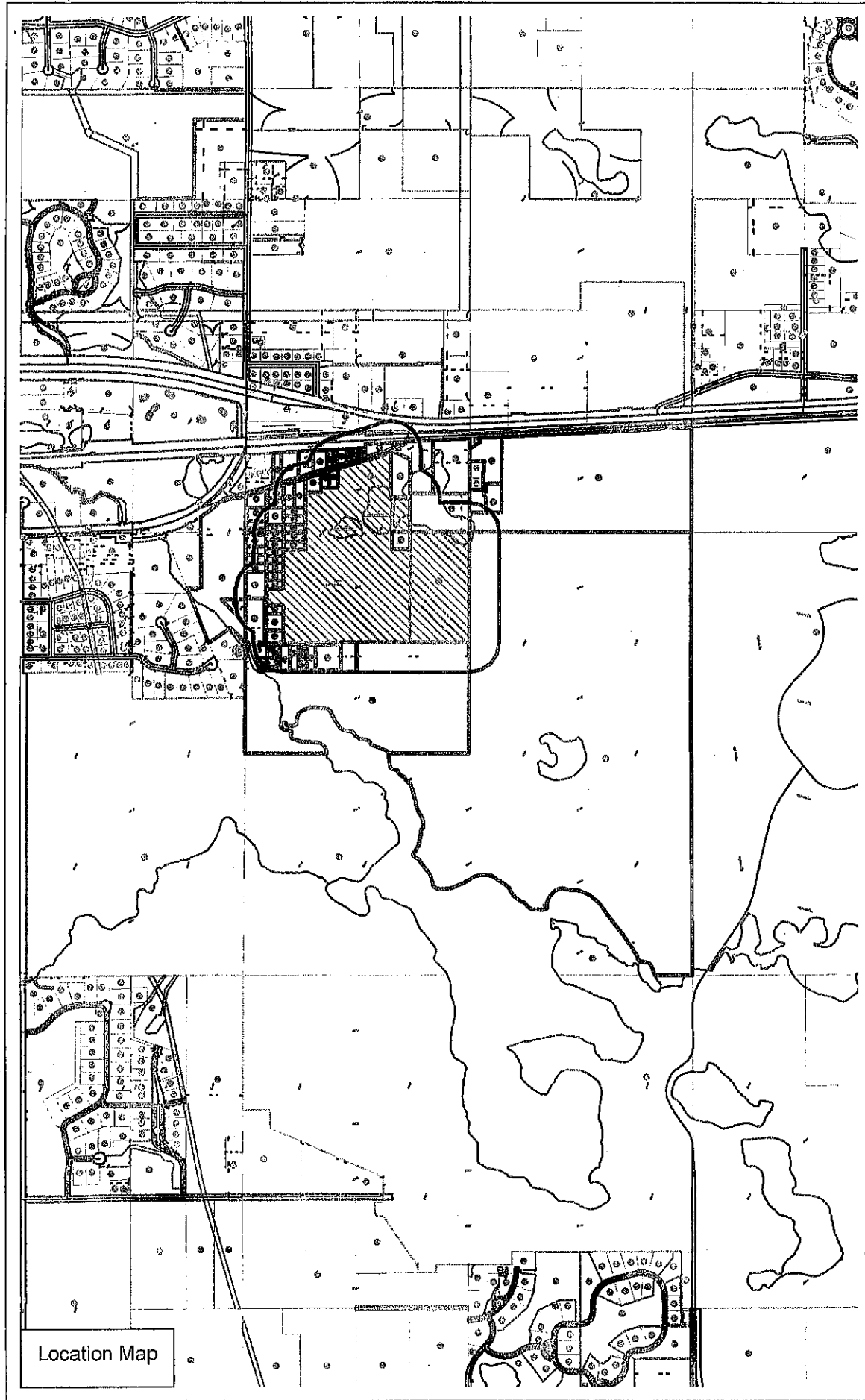
ADOPTED, by the Lake Elmo City Council on the 5th day of July, 2005.

Dean Johnston, Mayor

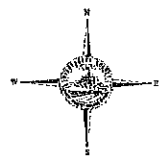
ATTEST:

Martin J. Rafferty, City Administrator

Farms of Lake Elmo



Vicinity Map



0 1700
Scale in Feet

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 (551) 430-6875

Parcel data based on AS400 information

**Public Hearing: Preliminary Plat, OP Development Stage Plan, CUP –
FARMS OF LAKE ELMO**

The Planner introduced the application for Preliminary Plat, OP Subdivision Development Stage Plan, and Conditional Use Permit. At the Concept Stage this plan was approved for a 30 lot subdivision on an 83 acre parcel. He advised the Commission that the Preliminary Plat changed since the mailing of the Agenda to include additional potential lots in response to the possibility of OP density increasing with changes to the Comprehensive Plan. The Planner reported that the City Council granted a 4/5 OP waiver to reduce the buffering requirement on the southwest corner of the site. He also noted that preliminary plans have been submitted for an outbuilding that will be restored with the expenditure of at least \$25,000 that allows a bonus lot to the developer.

The Planner said he recommends approval with conditions for the Development Stage Plan, Preliminary Plat, and Conditional Use Permit because they comply with the standards of the zoning ordinance, meet the requirements of the city code platting and subdivision ordinance, and the CUP meets requirements of the code.

Bob Schumacher, Chairman of the Lake Elmo Parks Commission

The Parks Chairman said the Trail Plan is firming up but Parks is willing to be flexible with the exact location of the Public trail link within this site.

Commissioner Sedro asked, with the possible increase in OP density, if it would be a possibility to have more lots with any formerly approved OP project that has sufficient open space remaining. The Planner said it would be possible.

Commissioner Ptacek noted that Land Trust lands cannot be developed.

Tim Freeman, Surveyor and Planner for Folz, Freeman, Erickson

Mr. Freeman explained the update creating two outlots at the east end and one on west end that could be building lots if the OP density is increased. He said that the southern lots have excess acreage so it will be easy to come up with the extra open space. He said they already changed the alignment of the trail at the eastern edge moving it as far northward as possible. There will be additional screening at the southwest corner of the plat. He asked if the wording of the condition subject to the June 14 memo by City Engineer could be changed to say subject to approval of City Engineer, because he has some changed plans for the engineer's review.

Commissioner Schneider asked if there would be confusion with the project entrance onto 31st Street and the neighbor's driveway to the east. Mr. Freeman said there would be no confusion.

Commissioner Deziel asked if the green spaces will be relocated from the central area now being dedicated as outlots and potential home sites. Mr. Freeman said he will be sliding those common area items over but that the rainwater gardens now depicted will remain in the possible front yards within drainage easements.

**Excerpt of Draft Planning Commission Meeting Minutes
June 27, 2005**

2

Chairman Helwig asked about the potential water quality impacts on the existing pond. Mr. Freeman said they are trying to route the vast majority of runoff to the south pond (away from the existing pond) and through the park. There have been issues of flooding in the past in those northern ponds so they will also direct runoff into rainwater gardens. They are awaiting the watershed permit.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:35 P.M.

Bob Schumacher, 9155 28th Street

Mr. Schumacher expressed concern for 150 feet of buffer instead of 200 feet because homes will be too close to each other.

Greg Kreglmeier, 9350 31st Street

He asked how the water in those ponds is going to affect him.

Barb Peterson, 3010 Janero Avenue

Ms. Peterson asked about the septic plan and where access pipes are going to be placed. She asked if they would be on the Friedrich Road. She asked what type of system it will be, whether there will be vents or a smell.

Nancy Friedrich, 9345 31st Street

Ms. Friedrich asked if city water is going by, do neighbors have an option to get city water.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:40 P.M.

The Planner said the developer has no responsibility for a trail beyond the property boundary. That will be the city's responsibility. The Planner said that temporary water will be coming in at the 31st Street entrance to the development. The City Council is addressing how to work out the extension to 31st Street.

Chairman Helwig said that no existing residents will be forced to receive city water but they will be allowed to hook up in the future.

Mr. Freeman said an engineering consultant was hired to test and report about the septic system design, and the analysis resulted in planning for a pretreated large standard septic system. Sewage will be pumped from homes through pipes to settling tanks then pre-treated, and when liquid exits before the drainfield it should be similar to beach water. It will be a standard drainfield drip system under pressure, with trenches, rock. The big difference is the water is pre-treated. The chance for odor is significantly reduced as a result; otherwise it is similar to standard drainfields. Pre treatment allows MPCA to fast track the application. Sewer piping will be in the streets and then follow the most direct route to the tanks and drainfield.

Chairman Helwig asked why there would not be individual tanks and what will be the capacity in the system to handle the pumping of effluent.

**Excerpt of Draft Planning Commission Meeting Minutes
June 27, 2005**

3

Mr. Freeman said this is a grinder system, and each person has their own pump. Each resident will not get foreign matter problems past their own pump. The pumps all work together to push the effluent to the tanks.

Mr. Freeman said the southwest corner buffer strip is only about 50 feet wide. The needed open space will come off the backs of those lots to make up for what is lost when three new lots are added. There will be an increase in the tree numbers in those back yards.

M/S/P, Sedro/Ptacek, to recommend approval of the OP Preliminary Plat, Development Stage Plan, and Conditional Use Permit for FARMS OF LAKE ELMO subject to City Engineer approval, subject to conditions numbered 2 through 4 in the staff report, and subject to adding more trees to the southwest corner of the plat. Vote: 9:0.

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: June 22, 2005 for the meeting of June 27, 2005

Applicant: M&K Development/Friedrich Estate

Location: Southeast Quadrant of Janero Avenue and 31st Street North – North of the Park Reserve

Requested Action: Open Space Development Stage Plan/CUP/Preliminary Plat

Land Use Plan Guiding: AG

Existing Zoning: AG

Site History and Existing Conditions:

Other than a 1971 Building Permit for construction of a “pole shed” City records reveal no planning/zoning/building actions by the City involving this parcel.

The existing site of 83.8 acres has been a working farm for over 100 years. While approximately 10 acres of the site is open water, the balance of the site (less farmstead) is open farm field, with a scattering of trees adjacent to the farmstead and water areas. The site features rolling terrain, with approximately 35 feet of topography from high point to low point. A farmstead that included a house and 6 outbuildings (as of the 2000 air photos) is located in the center of the parcel.

The OP Concept Plan for this site was approved by the City Council on April 5, 2005 subject to 4 conditions – none relating to project layout or design.

Discussion and Analysis:

The applicants propose an OP Development Stage Plan/CUP and Preliminary Plat for the site that would result in 30 home sites in a layout identical to that which was approved as the Concept Plan. Wastewater would be treated by a common facility and water supply would be City. The Preserved Open Space is proposed to be held by City (as opposed to Minnesota Land Trust Easement). The applicants also propose renovation of two of the existing farm structures to serve as HOA owned features of the neighborhood. A single lot credit is proposed in return for the farm structure renovation (as permitted by the OP Ordinance).

Staff review of the Development Stage Plan design leads to the following observations:

1. Proposed lot areas meet or exceed OP lot area standards.
2. Lot count and proposed Preserved Open Space appears to be in compliance with OP standards – based on buildable area (totaling 71 acres). It appears that the applicants have properly deducted the water areas from both the buildable area, and from the claimed Preserved Open Space.
3. It continues to appear that several of the proposed lots along the east and south peripheries of the Concept would also fail to meet the 200 foot buffer requirement now that house pads are identified. In both cases the lots will back onto the Lake Elmo Regional Park Reserve.

In a recent similar situation lots of the Tapestry OP backed onto the City's Sunfish Park. In that case staff found that the Intents and Purposes of the OP ordinance would be complied with without a buffer to a major natural park environment.

4. The City Council approved an OP 4/5th waiver at the Concept Plan Stage to permit house pads along the west site periphery to be within 100 feet of the site boundary.
5. The City continues to move forward with water system improvement plans and financing that will result in City water service to the neighborhood. The applicant's plans anticipate City water service.
6. The City Trail System Plan has been completed by the Park Commission. The Commission has transmitted the Plan to the Planning Commission for Hearing and review – now anticipated for July 13. The current draft depicts a public trail running east/west through this site with a west extension across Jamley to Tablyn Park. The applicant's "Layout" sheet (Sheet 4) of the Development Stage Plan for this site depicts a trail alignment that would comply with the draft City Trails System Plan. The applicant's "Landscape Plan" sheet (Sheet 5) does not appear to replicate that compliance. For the purposes of trail location Sheet 4 of the applicant's present submission should prevail. The east end trail stub should be extended (or realigned) north to accommodate concerns with access to the Regional Park.
7. The Development Stage Landscape Plan does not propose any added vegetative screening at the southwest corner of the site (Lots 21-24) as a substitute for the 200 foot buffer setback. The City Council action on the 4/5th waiver does not, however, refer to any such added screening.
8. By a June 14, 2005 Memo the City Engineer has recommended several modifications to the Preliminary Plat and Preliminary Construction Plans.
9. The developer has submitted preliminary sketch plans and specifications/cost estimates for the renovation of the barn structure on the site. The Building

Findings and Recommendations:

Staff finds that the OP Development Stage Plan generally complies with the standards of the OP District – as such standards are applicable at Development Stage. Further, we find that the Development Stage Plan generally reflects the design of the approved Concept Stage Plan, including conditions and 4/5th waiver approved by the City Council. The Preliminary Plat generally complies with the design standards of Section 400 of the City Code, except as noted by the City Engineer's Memo. Finally, the Development Stage Plan responds affirmatively to the mandatory Findings for a Conditional Use Permit – as applicable to an OP Project.

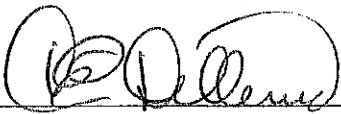
Staff recommends approval of the Development Stage Plan, Conditional Use Permit, and Preliminary Plat of Farms of Lake Elmo subject to the following conditions:

1. Compliance with the recommendations of the City Engineer (June 14, 2005 Memo).
2. Compliance with the recommendations of the Valley Branch Watershed District, as found applicable and practical by the City Engineer.
3. Public Use/Park Dedication shall be \$143,360, with credit to that amount for Public Trail construction east to west through Outlot B and Outlot A to Jamley Avenue.
4. Realignment of the Public Trail within Outlot B to intersection the east property line at a point as close as possible to the wetland at the northeast corner of the site.

Planning Commission Actions Requested:

Motion to recommend approval of the Farms of Lake Elmo OP Development Stage Plan, OP Conditional Use Permit and Preliminary Plat subject to the following conditions:

1. Compliance with the recommendations of the City Engineer (June 14, 2005 Memo).
2. Compliance with the recommendations of the Valley Branch Watershed District, as found applicable and practical by the City Engineer.
3. Public Use/Park Dedication shall be \$143,360, with credit to that amount for Public Trail construction east to west through Outlot B and Outlot A to Jamley Avenue.
4. Realignment of the Public Trail within Outlot B to intersection the east property line at a point as close as possible to the wetland at the northeast corner of the site.



Charles E. Dillerud, City Planner

Attachments:

1. Location Map
2. City Council Resolution # 2005 – 038
3. City Council Minutes of April 4, 2005
4. Planning Commission Minutes of March 28, 2005
5. City Engineer's Memo
6. Applicant's Documentation & Graphics

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

RESOLUTION NO. 2005- 038

**A RESOLUTION APPROVING THE OPEN SPACE PRESERVATION
DEVELOPMENT OF FARMS OF LAKE ELMO.**

WHEREAS, on the 9th day of March, 2005, the M & K Development, LLC, ("Applicant") submitted a completed application requesting that the City of Lake Elmo approve an Open Space Preservation Development Concept Plan; and

WHEREAS, on the 28th day of March, 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

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

Approves the Open Space Concept Plan for FARMS OF LAKE ELMO as illustrated on a M& K Development, LLC Concept Plan prepared by Folz, Freeman, Erickson, Inc., staff dated March 18, 2005 with the following conditions:

1. Compliance with recommendations of city engineer;
2. Compliance with city trail system plan;
3. Compliance with VBWD that the city engineer finds to be practical.
4. Removal of lettering from the entrance wall.

ADOPTED, by the Lake Elmo City Council on the 5th day of April, 2005


Dean Johnston, Mayor

ATTEST:


Martin Rafferty, City Administrator

C. Resolution No. 2005- 036: Award Bid for Phase I of the Water System Interconnect Project

In his letter dated March 24, 2005, the City Engineer reported bids were opened on February 18, 2005 for this project. The City engineer recommended awarding the contract to the lowest bidder, Chris Riley Utilities, Inc. for their bid of \$348,626.18.

M/S/P Johnson/Conlin - to adopt Resolution No. 2005-036, A Resolution Awarding the bid for the Phase I of the Water System Interconnect Project to Chris Riley Utilities in the amount of \$348,626.18. (Motion passed 4-0).

9. PLANNING, LAND USE & ZONING:

A. Preliminary Plat, Comprehensive Plan Amendment, Rezoning, Conditional Use Permit and OP Concept Plan – Deer Glen/Evangelical Free Church (Continuation)

Attorney Filla reported he received a 13-page document from the representatives of the church late this afternoon and has not had time to review the submittals. He asked the applicant if they would agree to a two week extension of their application. Chuck Palmer, the applicant, said he would agree to the two week extension as long as it had no impact on the merits of the case.

M/S/P Smith/Johnson - to approve the extension for two weeks agreed to by the applicant, Chuck Palmer. (Motion passed 4-0.)

B. OP Concept Plan – Farms of Lake Elmo

This is an OP Concept Plan for Earl Friedrich Farm for 30-single family building lots on a site of 84 acres. The Planner explained the three lots at the southwestern edge of the site may not meet buffer requirements, but an adjoining parcel is eligible for OP development. The zoning ordinance does not provide for monument signs, so the letters have to be taken down and the wall left up.

Tim Freeman, Surveyor with FFE, indicated these lots sizes match or exceeds neighboring properties and only a few houses are close. Their plan would have the existing berm cut in with houses and planted above with additional buffering and screening. Freeman said the intent of the ordinance is met with 100 feet of buffer, and that they worked hard to keep each lot not having a neighbor across or behind them.

The Planner pointed out that the Planning Commission's recommendation deleted the staff condition #1 requiring the developer to install a full 200 foot OP buffer between the house pads of the westerly 3 lots and the west project property line. By implication, a 100 foot buffer with appropriate landscaping would be the expectation for the Development Stage Plan, but a 4/5 City Council waiver will be necessary to adopt that design strategy.

M/SP Conlin/Johnson - to waive the 200 foot buffer requirement and require the 100 foot buffering setback standards to the west, south and east based on the findings of the size of lots, adjoins the majority of the Regional Park, trees are planted on the top and the elevation difference. (Motion passed 4-0).

M/S/P Johnson/Conlin - to adopt Resolution No. 2005-038, as amended, A Resolution Approving the OP Concept Plan of Farms of Lake Elmo per the plans staff dated March 18, 2005, and subject to conditions #1-#3, of the Staff Report of March 18, 2005 and a 4th condition that the nameplate be removed from the rock wall at the entrance. (Motion passed 4-0).

C. Minor Subdivision: Olinger, 9057 Lake Jane Trail

The City Planner reported that the Planning Commission recommended approval of this application to divide an existing 16 acres parcel into parcels of 2.04 acres, .75 acres, and 13.3 acres. This application is responsive to the Comprehensive Plan amendment actions and a rezoning that was approved by the Council in 2004. A condition of the approval recommendation is that the .75 parcel be either combined with the parcel to the south (across Lake Jane Trail), or that a "No Build" covenant be placed on the title.

M/S/P Johnson/Johnston - to adopt Resolution No. 2005-037, A Resolution approving the Minor Subdivision for Daniel and Jean Olinger at 9057 Lake Jane Trail, per plans staff dated March 8, 2005, and subject to the conditions of the March 8, 2005 Staff Report. (Motion passed 4-0).

D. Section 520 Site Plan – 11051 Stillwater Blvd.

The City Planner reported the Planning Commission recommended approving this application to modify the site and make a building addition that nearly doubles the size of this existing 2,057 square foot structure. Since the additions will not double the size of the structure, the GB Architectural Standards do not apply. The two issues that form conditions to approval are proper placement of the pylon sign and the City Engineer's recommendation that a septic site be identified on the site. The Building Official pointed out that this building must be sprinkled.

M/S/P Smith/Conlin - to adopt Resolution No. 2005-039, A Resolution approving a Section 520 Site Plan for site modifications and a 2,046 square foot addition to 11051 Stillwater Blvd. per plans Staff dated March 9, 2005, and subject to the conditions of the Staff Report. (Motion passed 4-0).

E. Zoning Ordinance Text Amendment-Home Occupation in Rural Residential Zoning

The City Planner reported the Planning Commission conducted a Public Hearing and adopted a recommendation to approve an amendment to the text of the RR zoning district to permit Home Occupation as an Accessory Use. The Commission considered the reports of the City Attorney and City Planner on the matter and concluded that the amendment amounts to a code housekeeping item.

LEAGUE OF MINNESOTA CITIES INSURANCE TRUST

PROPERTY/MOBILE PROPERTY COVERAGE

The General Limit of Coverage per Occurrence is the sum of the estimated replacement costs of the building, contents, property in the open, builders risk property, and mobile property.

BUILDINGS/CONTENTS/PROPERTY IN THE OPEN

Attach updated schedule of buildings/contents, and property in the open.

Please identify any vacant properties on the schedule.

MOBILE PROPERTY - GREATER THAN \$25,000

Attach updated schedule of mobile property with replacement cost values greater than \$25,000.

MOBILE PROPERTY - \$25,000 OR LESS

Mobile property with replacement cost values of \$25,000 or less can be covered with no schedule.

There is a flat premium charge. Do you want this coverage? ☐ YES ☐ NO

CRIME COVERAGE

The covenant automatically provides a \$100,000 per occurrence limit for crime losses, with no additional premium charge. LMCIT provides coverage for theft, disappearance and destruction-inside, theft disappearance and destruction-outside, and forgery and alteration. The coverage is now a blanket limit with no location limitations. If you need additional limits, please contact your LMCIT Underwriter.

WASHINGTON COUNTY RESPONSE

① IN CONJUNCTION OR AS A PART OF
THE HOMEWORK DAYS IS THE
PANCAKE BREAKFAST

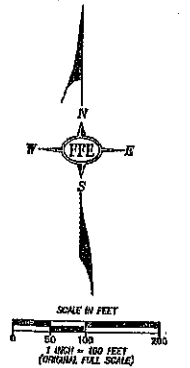
- 1) TABLE SET-UP THERE ^{FOR} ^{OF} ^{THE} QUESTIONNAIRES
- 2) GIVE AWAYS
- 3) COLOR CONTEST
- 4) CONE BACK
- 5) WIN PRIZE
- 6) STAFF BY
- 7) CITY PERFORMER
- 8) FINE VOUCHER

FARMS OF LAKE ELMO

CONCEPT LAYOUT

Approved Concept Plan
CED

Folz, Freeman, Erickson, Inc.
LAND PLANNING • SURVEYING • ENGINEERING
5620 MEMORIAL AVENUE NORTH
STILLWATER, MINNESOTA 55062
Phone (651) 439-8033 Fax (651) 430-9331



LEGEND

	PROPERTY BOUNDARY
	PROPOSED LOT LINE
	EXISTING TREE
	EXISTING TREE LINE
	EXISTING HISTORICAL FARM STRUCTURES TO REMAIN & BE REFURBISHED
	EXISTING & PROPOSED WATER SURFACE
	EXTENT OF PHASE II ENVIRONMENTAL FINDINGS
	EXISTING WETLAND BOUNDARY
	PROPOSED ROADWAY
	PROPOSED TRAIL

ENVIRONMENTAL RESOURCES

TOTAL SITE	83.8 ACRES
PROTECTED WETLANDS	10.7 ACRES
WETLAND BUFFER SETBACK AREA	2.1 ACRES
12% - 24% SLOPED AREAS	2.6 ACRES
25% + SLOPED AREAS	0.0 ACRES
WOODLANDS	3.3 ACRES

CONSERVATION AREAS

OUTLOT	DESIGNATION	AREA
A	PRIMARY	22.4 ACRES
B	PRIMARY	15.9 ACRES
C	SECONDARY	2.7 ACRES
D	SECONDARY	6.4 ACRES
E	SECONDARY	1.0 ACRE
TOTAL		48.4 ACRES

UNIT CALCULATION

GROSS AREA:	83.8 ACRES
UNBUILDABLE AREA:	12.6 ACRES
TOTAL BUILDABLE AREA:	71.0 ACRES
UNIT CALCULATION (8 UNITS / 20 ACRES):	20 UNITS
RESTORATION OF HISTORIC STRUCTURES:	9 UNIT F
TOTAL PERMITTED UNITS:	30 UNITS

LOT SIZE

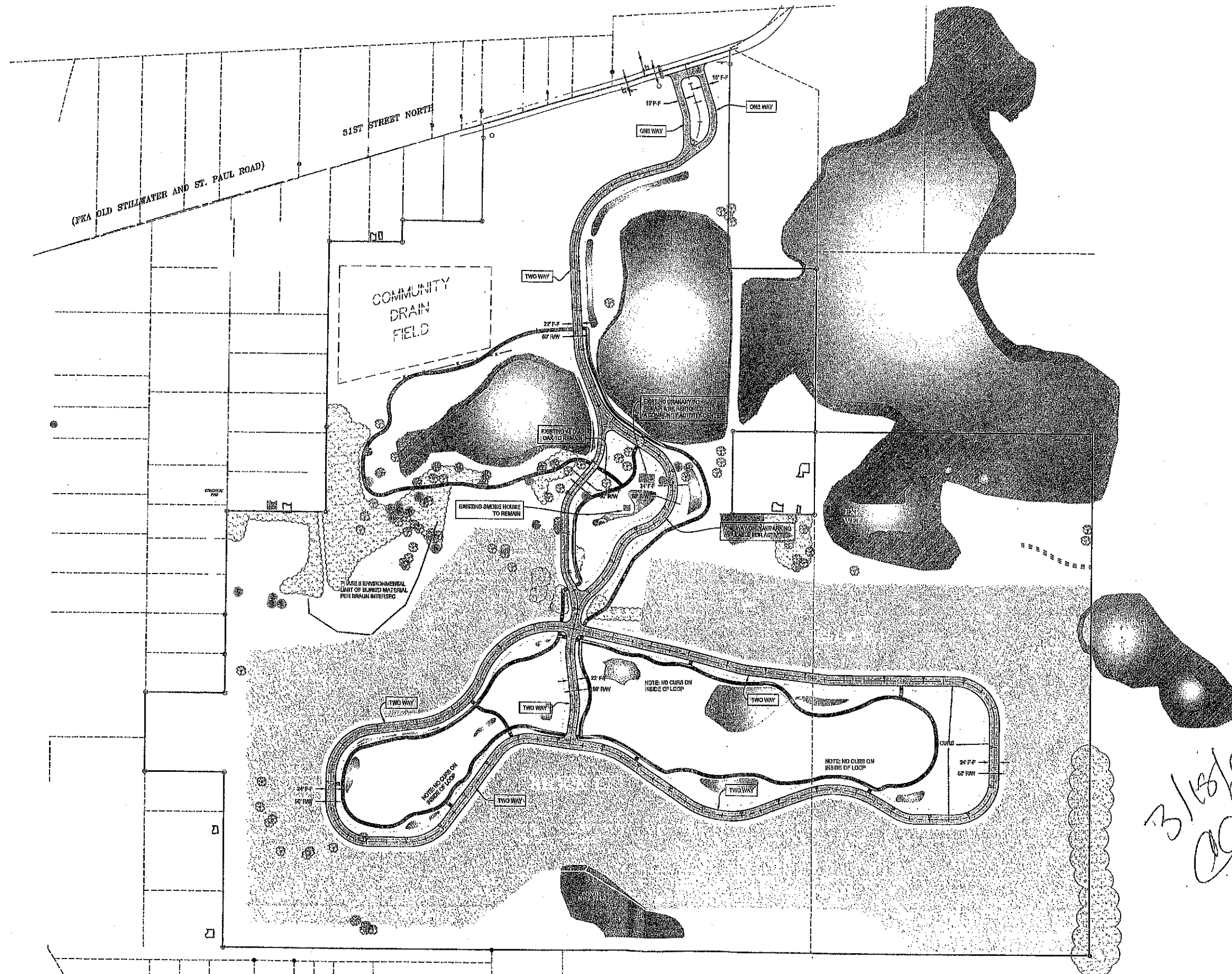
MINIMUM LOT SIZE:	0.75 ACRES
LOT SIZE RANGE:	0.75 - 1.35 ACRES
AVERAGE LOT SIZE:	0.86 ACRES

OPEN SPACE CALCULATION

TOTAL OPEN SPACE AREA:	71.0 ACRES
OPEN SPACE REQUIRED:	35.5 ACRES (50%)
OPEN SPACE PROVIDED:	35.5 ACRES (50%)

STREET & TRAIL

TOTAL STREET LENGTH:	0.804 FEET
MINIMUM TRAIL TO BE PROVIDED:	0.804 FEET



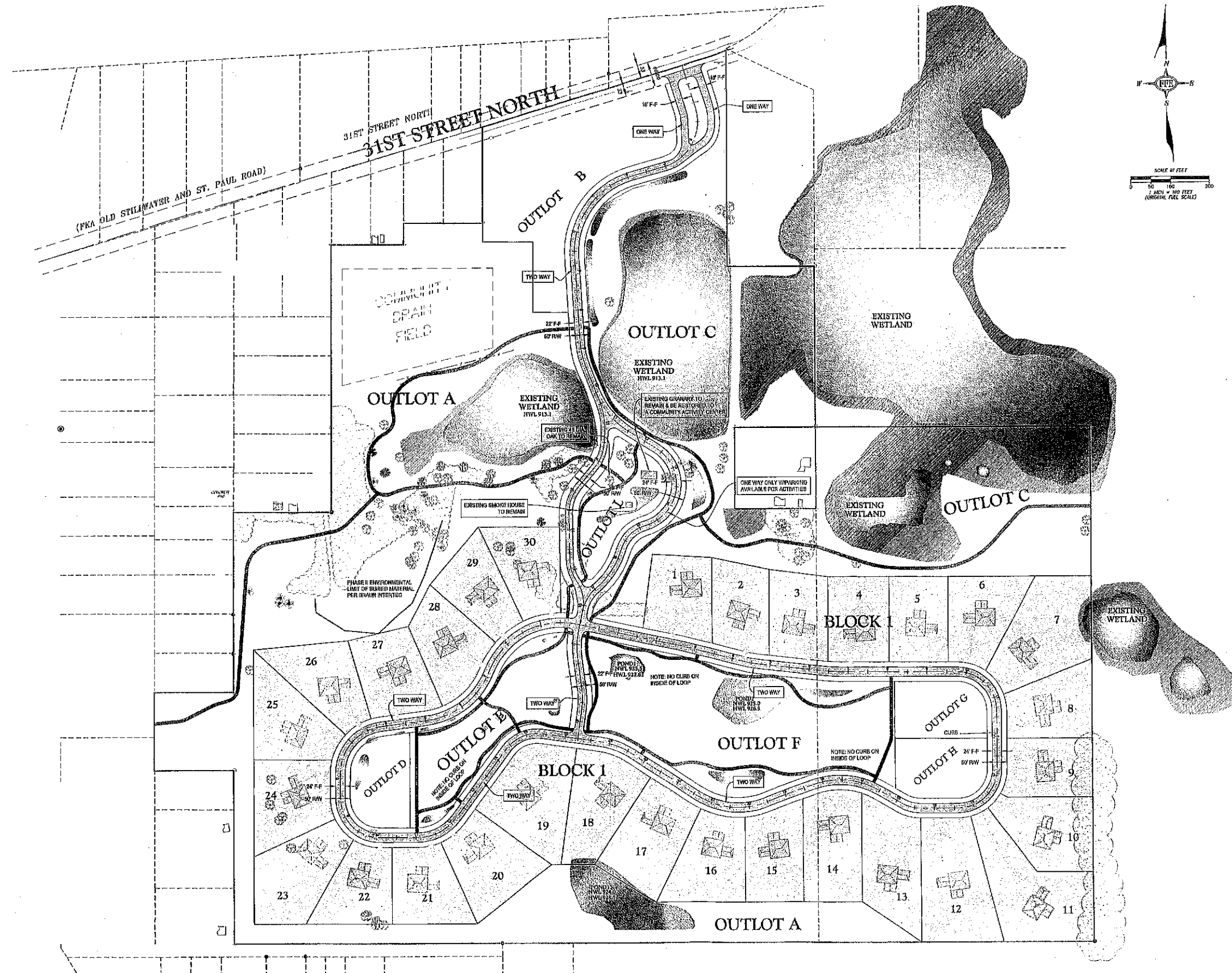
3/18/05
CED

FARMS OF LAKE ELMO

PRELIMINARY PLAT

LAYOUT - ALTERNATE A

Folz, Freeman, Erickson, Inc.
 LAND PLANNING • SURVEYING • ENGINEERING
 5620 MEMORIAL AVENUE NORTH
 STILLWATER, MINNESOTA 55082
 Phone (651) 439-8833 Fax (651) 430-9331




Lake Elmo City Council July 5, 2005	Agenda Section: Planning, Land Use and Zoning	<u>No.</u> 9B
<u>Agenda Item:</u> Intersection Safety Light - Tapestry		
<p><u>Background Information for July 5, 2005:</u></p> <p>The developers of the Tapestry neighborhood have requested the City approve the installation of a single street light at the intersection of the sole entrance (for today) to this 67 lot neighborhood and 45th Street North. They point out that this intersection is very near a 90 degree curvature of 45th Street North which severely compromises the visibility of the new street intersection for eastbound 45th Street traffic.</p> <p>Staff advises the Council that 45th Street North is designated a "Collector Street" by the City's Transportation Plan. As such the street is designed to carry significant traffic volumes. It has been the policy of the City in the past to approve properly designed street lights for intersection safety when at least one "leg" of an intersection is a designated thoroughfare in the Transportation Plan. Installation by the developer of a full cut-off street light at the proposed location would appear to be consistent with that policy and in the interest of public safety.</p>		
<p><u>Action items:</u></p> <p>Motion to approve installation by the Tapestry developer of a street light of full cut-off design at the intersection of Julep Avenue and 45th Street North, on a Finding that 45th Street North is a Collector Street, and the street light is to assure public safety at a thoroughfare street intersection.</p>	<p><u>Person responsible:</u></p> <p>City Planner </p>	
<p><u>Attachments:</u></p>	<p><u>Time Allocated:</u></p>	

Figure for July 5 @ Agenda

ad

St. Croix Farms, LLC.



RECEIVED
JUN 15 2005

June 13, 2005

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

Re: Tapestry at Charlotte's Grove

Mr. Dillerud,

As we are planning our finishes and landscaping at Tapestry, we are looking hard at our entrance from 45th Street onto the new Julep Avenue. Due to the curvy nature of the "intersection," we are wondering if it would be a good idea to place a street light at the corner of 45th Street and the new Julep Avenue. Since we are not planning on any type of lighted entrance monument for Tapestry, it has occurred to us that a street light may be appropriate for safety reasons. Following Lake Elmo's exterior lighting ordinances for this light, it could be a very low impact light and yet assure that a vehicle driving through the curves at night would notice the street sign and the intersection of the roads.


Thank you for your time Mr. Dillerud. Please get back to me at your earliest convenience to let me know if you think we should look at pursuing this. Your input is much appreciated.

Sincerely,

Pat Block
Construction Manager
St. Croix Farms, LLC.
612-328-1826
patb@sennyongdahl.com

cc: Mark Youngdahl, St. Croix Farms, LLC.

109 E. Myrtle Street
Stillwater, Minnesota 55082
(651) 351-1450

Lake Elmo City Council July 5, 2005	Agenda Section: Planning, Land Use and Zoning	<u>No.</u> 9C
<u>Agenda Item:</u> OP Concept Plan – Lake Elmo Development Company/Bergmann		
<p><u>Background Information for July 5, 2005:</u></p> <p>At its meeting June 27 the Planning Commission conducted a Public Hearing and adopted a recommendation of approval (6-3, Ptacek, Helwig, and Schneider opposed) for the OP Concept Plan for 54 or 62 single family dwelling lots on a 155 acre site at Manning/State Highway 5. The two major issues discussed by the Planning Staff Report and the Commission were those of the need for a neighborhood park on this site, and the applicants' exclusion of a 23 acre portion of one of the parent tax parcels from the Concept Plan. Staff had recommended tabling of the Concept Plan to the July 27 Planning Commission meeting to enable the Park Commission to provide a recommendation on the park issue at its July 18 meeting; and, to provide the applicants an opportunity to further address the future end use of the 23 acre exception as a part of this application. The Commission did not agree regarding the tabling, nor with the need to designate end use of the 23 acre exclusion. The Commission did retain a condition regarding Park Commission review of the need for a neighborhood park, but did not require that review to be reported tot the Planning Commission at Concept Stage.</p> <p>While not addressed during the Planning Commission discussion, Section 400.07, Subd. 5E does permit the Planning Commission to require the developer to provide a sketch plan for the development of any adjoining land owned by the applicant <u>at the Preliminary Plat Stage</u> (but not a the OP Concept Stage). It appears that the Commission can waive that provision and it appears that they intend to based on the Concept Plan actions.</p> <p>A draft Resolution is attached providing for the approval of the OP Concept Plan for Lake Elmo Development Company/Bergmann based on Findings and conditions of approval recommended by the Planning Commission. The application date for this Concept Plan is June 8, 2005. The 60 day review period will expire – unless extended – on August 7, 2005. The Planning Commission meets again on July 11, and July 27; and, the Council meets again on July 19, and August 2. The Park Commission meets next on July 18.</p>		
<p><u>Action items:</u></p> <p>Motion to adopt Resolution #205-079 approving the OP Concept Plan for Lake Elmo Development Company/Bergmann per plans staff dated June 7, 2005 based on Findings and conditions of approval recommended by the Planning Commission.</p>	<p><u>Person responsible:</u></p> <p>City Planner </p>	
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Draft Resolution of Approval 2. Draft Planning Commission Minutes of June 27 3. Planning Staff Report 4. Location Map 5. Applicants' Documentation/Graphics 	<p><u>Time Allocated:</u></p>	

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

RESOLUTION NO. 2005-072

**A RESOLUTION APPROVING THE OPEN SPACE PRESERVATION
DEVELOPMENT CONCEPT PLAN BY LAKE ELMO DEVELOPMENT**

WHEREAS, on the 7th day of June, 2005, the Lake Elmo Development Company, ("Applicant") submitted a completed application requesting that the City of Lake Elmo approve an Open Space Preservation Development Concept Plan; and

WHEREAS, on the 27th day of June, 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 with conditions.

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

Approves the Open Space Concept Plan for the application by Lake Elmo Development Company as illustrated on an MFRA Concept Plan, staff dated June 7, 2005 with the following conditions:

1. Compliance with recommendations for a neighborhood park as determined by the Lake Elmo Parks Commission,
2. Compliance with recommendations of the city engineer,
3. Compliance with the city trail system plan, and
4. Compliance with VBWD recommendations that the city engineer finds to be practical or applicable.

ADOPTED, by the Lake Elmo City Council on the 5th day of July, 2005

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator

PUBLIC HEARING: OP Concept Plan --

Lake Elmo Development Company/Bergmann

The Planner introduced the 155 acre plan merging several parcels with multiple applicants into one single family project of 55 or 62 homes, due to possible change to OP density. He reported there is one additional lot due to an agricultural structure that will be preserved through the expenditure of \$25,000. It appears that access will be to Manning Avenue, and the developer will be required to improve this road to city standards but not the area adjacent to the ponds. He said a 23 acre portion of the farthest northwest corner tax parcel is being excepted from the Concept Plan. He advised the Commission that staff believes it important for the City to know the plan for that remnant and how that parcel will relate to that greenhouse business. He suggested there should be a written or recorded commitment. He reported that the current Park System Plan depicts the need for a neighborhood park in this section of the city. The Planner suggested that either this site or the Goetschel parcel could be the home for that park, and that the Parks Commission should make that recommendation. The Planner recommended tabling until July 25 to allow the applicant a chance to respond to the 23 acre remnant parcel questions and for the Parks Commission to review at their July 18 meeting.

Commissioner Deziel asked if a park can be part of the Preserved Open space. The Planner said it must be calculated and accounted for separately from Preserved Open Space in the OP standards.

Mike Gair, Planner, MFRA

Mr. Gair reported that seven lots via the cul de sac would be the 'ghost platting' at the northernmost section of the plat to be developed should OP density increase. He said that roads are laid out to match the natural contours of the land and it drops approximately 70 feet from north to southeast. He distributed a letter by Richard Bergmann explaining the proposed use of the 23 acres and the reason for excluding that area from the Concept Plan. The letter explained that the 23 acres is to swap for the farming operation they were performing on the southernmost 27 acres that will now become part of the Concept.

Mr. Gair said that could be stipulated to as a condition. He would like the city to consider the geographic center of the section adjacent to the proposed trail as indicated by the trail plan for the neighborhood park. He would like to offer cooperation with the Parks Commission as a condition of moving this application forward.

Commissioner Deziel asked if the Bergmanns would be amenable to a mechanism for protection of the 23 acres. Mr. John Arkell (co-applicant) said Bergmanns would probably not deed restrict that remaining 23 acres, and it may not be a right of the city to request that.

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

Bernie Nass, Owner to the east

He said he objects to nothing about this development. This development will

**Excerpt Draft Planning Commission Meeting Minutes
June 27, 2005**

2

complement his property. He agrees the road between the ponds is unnecessary. He said Mr. Goetschel has several areas for a dandy park.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:50 P.M.

M/ F, Schneider, To table based on the need for a Parks Commission recommendation regarding a neighborhood park site and to provide the applicant an opportunity to further address the future of the 23 acre exception. FAILED FOR A SECOND.

The Chairman recessed for ten minutes and reconvened at 9:00 p.m.

A letter from the Bergmann Family was presented for review by Mike Gair.

M/S/F, Armstrong/Schneider, to table the application by Lake Elmo Development Company until July 25 to give time to address staff concerns. VOTE: 4:5. MOTION FAILED.

M/S/P, Roth/Deziel, to recommend approval of the Concept Plan by Lake Elmo Development Company subject to following the Parks Commission recommendation for a park as well as staff recommendations, based partly upon receipt of the letter from the Bergmann Family, and also conditioned upon approval by the City Engineer for the design.

The Planner said the Findings supporting the Commission's approval recommendation must be that the Concept Plan is consistent with the Comprehensive Plan, that it meets the requirements of the OP and Subdivision Ordinances, and will not negatively impact the public, health, safety, and general welfare.

The Planner said he would like the Commission to add a condition requiring a clear definition of the official use for the 23 acre remnant parcel to the west.

Commissioner Deziel said the City cannot require a commitment from those landowners for the 23 acre remnant parcel.

Commissioner Fliflet said that after reviewing the landowners' letter indicating their intent for those 23 acres, the Commission should proceed and not table the application.

VOTE: 6:3, Nay - Ptacek, Helwig, Schneider.

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: June 32, 2005 for the Meeting of June 27, 2005

Applicant: Bergmanns/Arkell

Location: SW Quadrant of Manning Avenue and State Highway 36

Requested Action: OP Concept Plan

Land Use Plan Guiding: RAD

Existing Zoning: RR

Site History and Existing Conditions:

A review of City records reveals that a portion of this site was the subject of a rezoning and platting proposal for commercial development in 1981. The matter then was litigated and the City prevailed in the denial actions by Court Order in 1982. No other planning and development actions of consequence are of City record.

The proposed OP site consists of 155 acres including all or a portion of 4 existing tax parcels. The site contains an existing farmstead with several accessory agricultural buildings (Bergmann Estate) and an additional farm structure not related to the farmstead. The site is gently rolling, with 80 feet of topographic relief and approximately 20 acres of existing wetlands – with the exact acreage of wetlands to be determined at a later stage. The majority of the site is open farm land interspersed with tree groupings at several locations. The site is presently accessed via unimproved (gravel) Manning Avenue from the signalized intersection with State Highway 36.

The 225 foot wide power line easement running west to east adjacent to Highway 36 is a major site feature influencing the design of the proposed project . The presence of that easement precludes any manner of development over the north 500+ feet of the site. A second utility easement (for natural gas pipeline) also impact that extreme west portions of the site.

Discussion and Analysis:

The applicant proposes a Concept for the development of the site consisting of either 55 or 62 single family dwelling lots. The varying proposed lot yield relates to City contemplation of increase to the OP allowable density from .40 units per acre (yielding 54 lots) to .45 units per acre (yielding 61 lots). In addition (with either scenario) the applicant is proposing 1 additional lot as an incentive to renovate/rehabilitate a historic structure on the site (barn) at a cost of at least \$25,000.

As of the writing of this Staff Report, it appears that the City Council will be amending the Comprehensive Plan to increase the OP density to .45 units/acre in coming weeks – yielding 61 units. The actual OP ordinance amendment will follow later. The City can not approve an OP Concept at greater density than .40 units /acre today. The Concept Plan could, however, preserve an area as “outlot” where the additional units at .45 could be located if and when the ordinance is amended. That outlot area should not then be used today as Preserved Open Space, and sufficient

Preserved Open Space should be designated in the plan (net of the possible lots) to account for Preserved Open Space requirements as a 61 lot plat.

The Concept Plan documentation and graphics that have been submitted by the applicant have been reviewed by both City staff and have been transmitted to the "outside agencies" (MnDOT, DNR and Valley Branch) that have potential interest in the development. Typically the City does not receive detailed responses from the outside agencies (if any) with Concept Plans.

City Staff review of the Concept Plan materials that accompany the application results in the following observations:

1. The Concept drawings and calculations generally respond to the OP standards of the City Code – to the extent that can be determined by Concept Stage level of plan detail. The City has been somewhat "spoiled" by recent Concept Plan submittals that included Development Stage Plan levels of detail that were not necessarily required by Code. The level of detail that has been presented here meets, but surely does not exceed what is required of a Concept Plan submission.
2. The Plan appears to propose access from unimproved Manning Avenue at a point north of the significant wetland that is crossed by the existing Manning gravel roadway from Highway 36 to (now vacated) 55th Street North. This strategy is probably acceptable now that 55th Street (to Highway 5) is no longer an option for alternative site access – a situation we predicted during discussions of the 55th Street vacation proceedings. The developer has been advised by City staff that the improvement of Manning to City street standards will be the developer's sole responsibility, and a requirement of project approval. Bringing Manning to City street standards between the two wetlands would be very costly project given the extremely poor road base there today, and a multitude of wetlands encroachment issues that would be faced. There appears to be no point in requiring that portion of Manning to be reconstructed.
3. The Concept suggests future street extensions from the site both south and west. This becomes a critical design element for the City since the vacation of 55th Street has precluded access to/from the east.
4. The applicants have excluded the west approximately 23 acres of one of the "parent" tax parcels from the Concept proposal. Staff had been advised of that probability prior to the application. Staff concern with that strategy resides with a question of what the future holds for that 23 acres. While large enough to be a "stand alone" parcel in the RR zoning district, the parcel is too small (as a stand alone) to itself be an OP project. Since the ownership of that 23 acres is today the same as the garden store AG acreage to the east, and since the greenhouse/garden store function to the west has already been extended into the 23 acres to a small degree ("overflow parking"), it could be that future greenhouse/garden store expansion plans into the 23 acres are contemplated. During prior CUP expansion discussions regarding the greenhouse/garden store City staff has repeatedly advised the Commission that the existing greenhouse agricultural function appears to be slowly but surely moving toward a retail garden store function. The existing (dangerous) direct access to Highway 36 by the greenhouse/garden store, and the lack of commercial zoning or comprehensive plan designation of the existing site (or the 23 acres) as a retail location must be considered in that light.
5. While no specific plans have been presented by the applicants for utility services to the proposed lots, it is assumed that wastewater will be handled by a central system serving the entire site. City water service is available to the site at the southeast corner, and public

water service to the site will be mandatory. Trunk water extension to the site west periphery should also be a requirement.

6. Staff has previously advised the Commission that the City's Park Plan contemplates a new neighborhood park at some location in the quadrant bounded by 50th Street North, Manning, Highway 36 and Lake Elmo Avenue. A full function neighborhood park (similar to the Tana Park now under development) continues to appear necessary to serve the present and future residents of the City north of the 50th Street "Collector" Street. The southwest extremity of this site – with Public significant trail linkages east, west and south may be appropriate. The advice of the Park Commission will be requested in this regard at their July meeting (July 18).

Findings and Recommendations:

This Concept Plan is the largest such proposal that has been submitted to the City in recent years. In addition there are Staff concerns related to both the neighborhood park and the future of the 23 acres proposed to be excluded from the Concept. While Staff is usually hesitant to suggest an application be tabled by the Commission, the scale of this proposal coupled with the possible design impacts of the two significant issues we have noted above suggests that it may be in the best interests of the City and the developer to table this application to the Planning Commission meeting of July 25 to enable further investigations by the City and the developer of those issues and others that may result from the Concept Plan Hearing and Commission review. This will enable the Park Commission to consider the park issue at its July 18 meeting, and allow the applicants to consider inclusion of the 23 acres.

The City received the application on June 8, 2005. The statutory 60 day review window for the City extends to August 7, 2005. A Planning Commission recommendation on July 25 would enable City Council consideration of the Concept Plan – with the noted issues addressed in full – on August 2.

Should the Commission not concur with the suggested process regarding this application, staff will be prepared on June 27 to suggest Findings and conditions related to a Commission recommendation for approval or denial.

Planning Commission Actions Requested:

Motion to table to the OP Concept application of Lake Elmo Development Corporation to the Planning Commission meeting of July 25, 2005 to enable the Lake Elmo Park Commission to provide a recommendation regarding a neighborhood park within the site; and, to enable the applicants to consider inclusion of the westerly 23 acres of the "parent" tax parcels in the Concept Plan.



Charles E. Dillerud, City Planner

Attachments:

1. Location Map
2. Valley Branch Review Letter
3. City Engineer's Memo (If Available)

RECEIVED
JUN 21 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:	<u>Planning Commission</u>	Reference:	<u>Concept Plan Review</u>
Copies To:	<u></u>		<u>Bergmann Property</u>
	<u></u>		<u>City of Lake Elmo</u>
From:	<u>Thomas Prew, P. E. TP</u>	Proj. No.:	<u>13267.000</u>
Date:	<u>June 24, 2005</u>	Routing:	<u></u>

I have reviewed the Concept Plan dated June 7, 2005, and have the following comments:

Plat

The site will be accessed from TH 36 and Manning Trail, a 40-foot right-of-way should be platted along Manning Trail to the entrance of this plat.

The street right-of-way south of the entrance should be vacated, as it actually functions as a driveway, and the City well site can be accessed from within the development with a shorter driveway.

Streets

The "T" intersection off of Manning Trail should be designed as a curve. Manning Trail to the south should intersect with that curve.

The primary north-south street and the primary east-west street should be constructed to a 26-foot width, as they will carry larger volumes of traffic and could be part of our State-Aid system.

A roundabout would be a good traffic calming feature at the intersection of the two primary roads. I would recommend it be looked at.

Manning Trail, south of TH 36 will need to be upgraded.

All streets should have concrete curb and gutter, as the development will have sewer and water.

The cul-de-sacs shall be island style.

A driveway to the City well house on 55th Street should be constructed from the north-south street.

Watermain

A 16-inch watermain is required from our City well on 55th Street, to the west end of the plat.

Watermain should be extended to the northeast corner of the plat for future extension.

Sanitary Sewer

No mention of sewer system was made in this submittal.

Trails

An extension of our proposed 55th Street Trail should be made. To the west through the plat

It would be nice to have a trail loop around the pond.

The main east-west street should have a trail so a future link to the trail in other subdivisions can be maintained.

June 22, 2005

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



Re: Lake Elmo Development Company – Bergmann Parcels

Dear Mr. Dillerud:

Thank you for submitting the concept plan for the proposed 155-acre development southwest of Manning Avenue and Highway 36. Most of the site appears to be within the Brown's Creek Watershed District (BCWD), and the developers should obtain a permit from the BCWD. Because the extreme western portion of the site appears to drain to the Valley Branch Watershed District (VBWD), the VBWD will offer comments to the BCWD in its permit review process.

Several wetlands appear to exist within the site. The VBWD is the Local Government Unit (LGU) responsible for administering the Wetland Conservation Act (WCA) for that part of Lake Elmo within the VBWD. For the portion of Lake Elmo within the BCWD, the City of Lake Elmo is the LGU, and I believe the City consults with Jyneen Thatcher of the Washington Conservation District on WCA issues. Again, because the extreme western portion of the site appears to drain to the VBWD, the VBWD would like to offer comments to the City in its review of WCA issues.

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)
Karen Kill, BCWD Administrator (via e-mail)
Kathleen O'Connell, MFRA, Developer's Consultant (via e-mail)
Jyneen Thatcher, WCD (via e-mail)

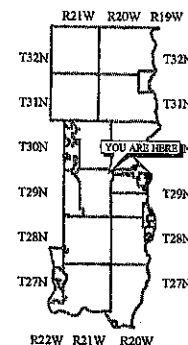
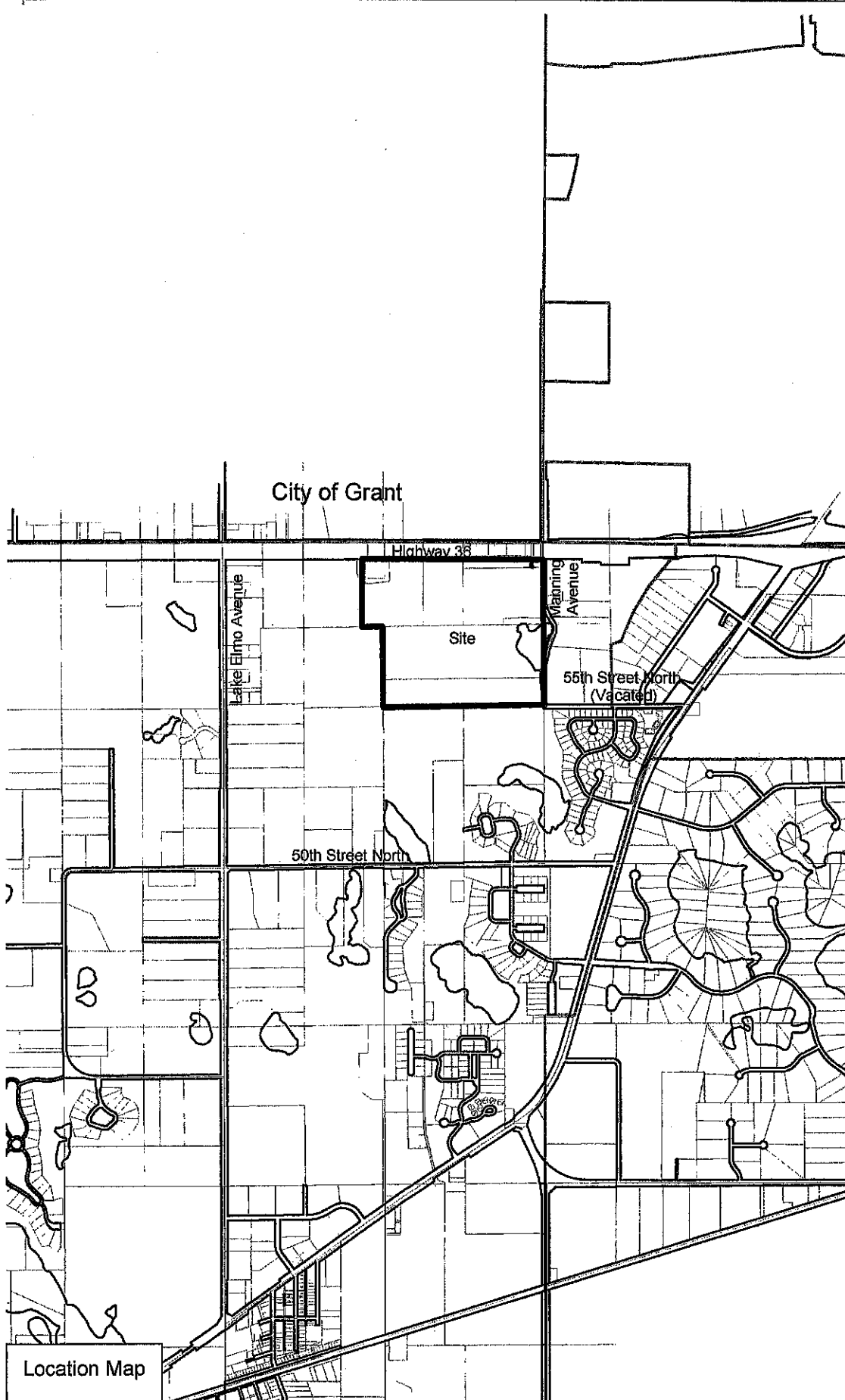


DAVID BUCHECK LINCOLN FETCHER DONALD SCHEEL DALE BORASH DUANE JOHNSON

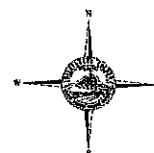
VALLEY BRANCH WATERSHED DISTRICT
P.O. BOX 838

www.vbwd.org

LAKE ELMO, MINNESOTA 55042-0538



Vicinity Map



0 2400
Scale in Feet

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) 430-6876

Parcel data based on AS400 information

To the Lake Elmo City Planning Commission:

It appears that in our attempt to maintain a rural styled farm amongst a growing city, we have created a "significant issue" pertaining to the development of the property to our East. Within the concept plan presented today, 27 acres of our property along the South border of the "Bergmann estate" has been included in the proposed development. This is 27 acres which we have farmed for many years. Due to the closing of 55th street, and the increased traffic on Highway 36, it has become virtually impossible, and considerably dangerous to access this property with our farm equipment. It has become increasingly difficult to drive a tractor and plow down to this property to prepare the land for planting, and just as hazardous to pull wagons filled with pumpkins back to our farm during our fall harvest. We feel that now is a good time for us to let this property be retired from farming and enjoyed by other new families. At the same time though, this 27 acres of plowed ground is very important to us as crop production, so it only makes sense to us to exchange this piece of ground for another piece approximately 23 acres which adjoins our current farming operation. In fact we have already reclaimed most of the old fields on this property and the pumpkins planted there are growing as we speak. Having these fields adjoined to the rest of the property definitely makes growing and harvesting a crop a much easier endeavor.

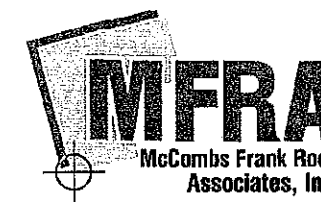
By including this land in the development, we would not only lose the ground to crop production, but we would also lose some of the rural character that surrounds our farm. By maintaining this land, we create an open agriculture space between ourselves and the proposed development which we are sure all will enjoy. It is not in our plans to develop all of our property; in fact, it is our hope to preserve our land for the next generation, so that they may enjoy a rural Lake Elmo as we have. Someday it may come about that our property is developed like the surrounding parcels but we would prefer for that day to come in the distant future. For now we see no reason to develop a parcel of property that still has some crop life left.

Thank you,

Richard Bergmann and Family

RECEIVED
JUN 27 2003

RECEIVED
JUL 2 5 2005



15050 23rd Avenue North • Plymouth, Minnesota • 55447
phone 763/476-6010 • fax 763/476-0532
E-Mail: mfra@mfra.com

Client

Lake Elmo Development Company
Lake Elmo, MN

Project

Lake Elmo Project

Lake Elmo, MN

Sheet Title

Open Space Preservation Plat Concept

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

Signature _____
Name _____
Date _____ License # _____

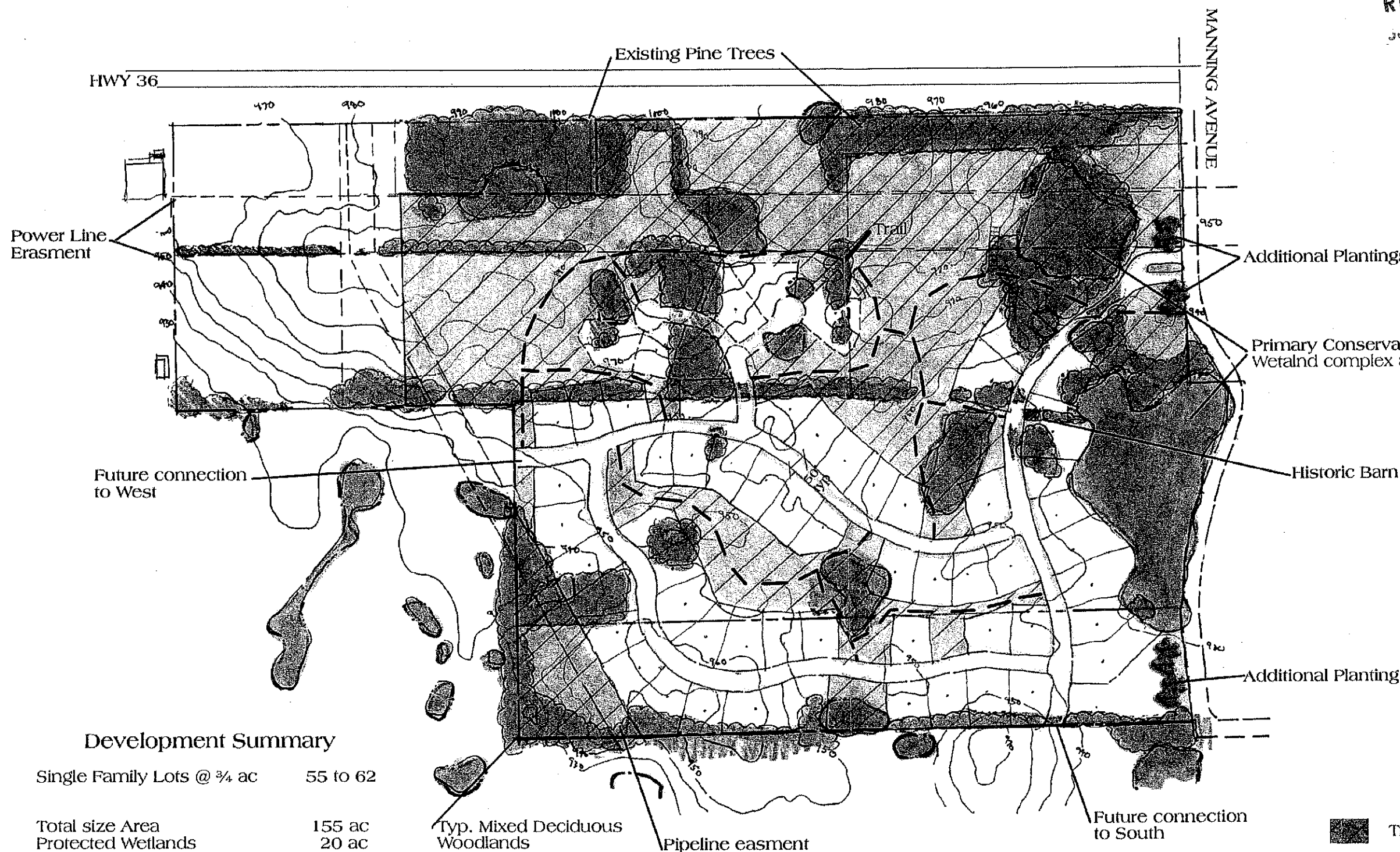
Designed _____ Checked _____
Drawn _____ Approved _____
Date _____

Revisions

No.	Date	By	Remarks

Sheet	Revision
1	1

MFRA FILE NO.: 16216



Development Summary

Single Family Lots @ ¼ ac 55 to 62

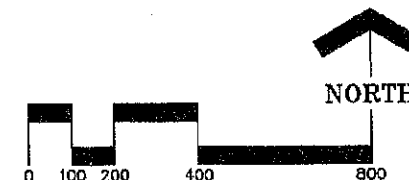
Total size Area 155 ac
Protected Wetlands 20 ac

(Preliminary)
12% to 24% slopes 17 ac
25% and greater slopes .3 ac
Woodlands 26.6 ac
Rights of Way (R.O.W.) 9.42 ac
Linear feet of R.O.W. 8215 LF
Linear feet of Trail 8742 LF

Developable Land 135 ac
Contiguous Open Space 88.35 ac

Note:
Blvd. Landscape: Minimum 3 trees per lot. Total tree count to equal min 10 trees per building site.

- Tree Cover
- Wetlands
- Grasslands/ Agriculture



Lake Elmo
City Council
July 5, 2005

Agenda Section: Planning, Land Use and Zoning

No. 9D

Agenda Item: Village Area Master Planner

Background Information for July 5, 2005:

The Council has previously directed preparation by staff of an RFQ for a Village Area Master Planner to complete expanded and more detailed Village Area 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. That draft was provided to the Council in December, 2004. Subsequently staff was directed by the Council to hold off proceeding with that RFQ to allow the vacant land developers – and developers with interests in Village commercial core redevelopment – to themselves organize as a common planning/development effort responsive to the general guidance of the City's Village Area Plan work.

Now 6 months later, with the expiration of the Village Area Development Moratorium only 90 days in the future (October 5) it is apparent that the property owners/developers have been unable/unwilling to themselves organize into a singular detail planning and plan implementation effort – now increasingly important with the potential increase in Village Area dwelling unit count and Regional wastewater service forthcoming as the result of the Met Council Agreement.. In addition, the Council has discussed at least two initiatives that it desires to be also considered within the Village Area Plan (housing for handicapped, and a center for delivery of services to area residents).

Based on those factors, the Council recently directed staff to again present the Master Planner RFQ for Council consideration, which we have attached (with some updating from December, 2004). Staff suggest that there may be alternative to pursuing the RFQ that could be (ultimately) less costly to the City and (most importantly), in the opinion of staff, far more timely than the lengthy RFQ process. Staff has solicited the interest of Dewey Thorbeck – author of the Village Area Plan – to continue/expand/modify his earlier work as the Village Area Master Planner. Mr. Thorbeck could offer the expanded planning/coordination efforts by the City the advantage of intimate knowledge of the Village Area as well as first hand knowledge of the thought process and extensive Public inputs that are reflected by the current Plan version. The City/staff will not have to “re-invent the wheel” getting a new planner up-to-speed either the physical resources of the Village Area or the history of how we got where we are today (which is extensive, spanning decade).

Mr. Thorbeck's initial response to the staff inquiry is also attached. We would suggest (if this alternative is pursued by the Council) that a City Council Workshop be scheduled – perhaps the week of July 11 – for the Council to discuss with Mr. Thorbeck what its (the Council's) expectations would be for the “Master Planner”. From those discussions Mr. Thorbeck could prepare a work plan and budget, and the City could get moving on this important initiative quickly.

Action items:

Motion directing staff regarding a Village Area Master Planner.

Person responsible:

City Planner 

Attachments:

1. Draft Village Area Master planner RFQ
2. Thorbeck Letter of June 30, 2005

Time Allocated:

thorbeck

ARCHITECTS

MEMORANDUM

June 30, 2005

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

Re: Master Planner for Old Village Housing Development

Dear Chuck:

As per our telephone conversation today, if the City Council decides we are delighted to have the opportunity to extend our work on the Old Village Neighborhood Housing Study to function as Master Planner for new development surrounding the Old Village.

As I understand, Option # 4 is still the preferred design direction of the City Council, however there will be changes as a result of the decision to extend metropolitan sewer connections to serve the Old Village and the new development, as well as some new ideas that the City Council wants to explore. Also, based on discussions with the Metropolitan Council, there will be an increase in the number of housing units by 150.

We can work on a time and expense basis until a specific scope of services can be identified. Our current hourly rates are as follows:

Principal	\$145.00
Project Manager/Designer I	95.00
Project Designer II	85.00
Project Designer III	75.00
Staff Level I	65.00

Out of pocket expenses directly attributable to the project are billed at direct cost times 1.10 for mileage (at IRS approved rate), photography, printing, equipment utilization, communication, and materials directly attributable to the project.

As Master Planner our previous work will serve the City well as developers move forward with specific proposals for new village scale housing that preserves open space and rural character; resolves storm water issues, and provides for city facilities, parks and new business expansion.

Sincerely,

Dewey Thorbeck, FAIA, FAAR
President

1409 willow street
minneapolis, mn 55403
612 • 871 • 7979
fax: 871 • 8088

Draft 06/28/05

REQUEST FOR QUALIFICATIONS

Old Village Master Planner

City of Lake Elmo

Background

The City of Lake Elmo is a 25 square mile municipality of nearly 8,000 population located in Washington County. The City has for years actively nurtured its historic heritage and its desire to maintain its rural character while virtually unchecked urbanization takes place in some adjacent cities. City Planning Policy initiatives addressed in 1999 and 2000 identified the 700 acre "Old Village" (circa 19th Century) and the surrounding several hundred acres of farm fields as the community focal point by which the City can maintain its identity as a "place" rather than become another indistinguishable (and undistinguished) extension of Metro urbanization.

Implementation of those policy initiatives has progressed over the past several months with the preparation of a Comprehensive Plan amendment addressing the 1,000 acre "Old Village" area; preparation of water supply, wastewater treatment, surface water and traffic reports/studies addressing the quantitative impacts of that Plan, and the required Public infrastructure; and, preparation of "Streetscape" plans and specifications that suggest visual renovation of the Public portions of the Old Village commercial area. During that period a Development Moratorium has covered the entire undeveloped planning area, and remains in place today. The Moratorium extends to October 5, 2005 and no further extensions are possible. Tasks of the Master Planner must be significantly complete by that date.

Residential developers have secured varying interests in nearly all of the undeveloped portions of the "Old Village", and have been waiting expiration of the Development Moratorium to proceed with project planning. The City has indicated its intent to construct a new City Hall within the Old Village (and has sold the bonds to finance the project), but the exact location of the facility has not been determined.

The City hereby solicits the presentation of qualifications by consulting firms to act, under contract by the City, as the Master Planner for the Old Village.

Description of Tasks

The City envisions the tasks for this undertaking will involve at least the following:

Task #1 – Review of all Old Village Policy and planning work completed to date (Public and private), and the infrastructure studies and feasibility work by the City to support those plans and policies.

Task #2 – Determine the market feasibility and types of office/retail development probable within the Old Village.

Task #3 – Determine the market-feasible scale and type of senior housing appropriate for the Old Village.

Task #4 – Determine the maximum geographic extent of redevelopment of existing Old Village areas suggested and sustainable from Tasks 2-3.

Task #5 – Utilizing the outcomes of Tasks 1-4, preparation of graphics depicting how Old Village redevelopment plans will physically link with new development to occur on adjacent vacant lands responsive to prior work accomplished by the City as to policy and design guidelines for that new development.

Task #6 – Develop recommended strategy/action necessary to accomplish the Old Village Plans in a coordinated manner given multiple land owners and developers.

The intended outcome of these tasks is a detailed strategy for the coordination and execution of the Public/private components of the Old Village initiative. "Who must do what, and when" to accomplish the Old Village Plan goals.

Consultant Selection

This Request for Qualifications has been offered to a limited number of local consulting firms, judged by City Staff to have the experience and personnel required to undertake the creative/coordinative tasks described. Selection of the Consultant by the City will be, to a large degree, based on how well the Consultant appears to understand, and address, the tasks the City has outlined in its written Proposal together with the firm's prior experience with similar engagements. The Consultant Selection process will proceed as follows:

1. RFP Mailed by the City to Prospective Consulting Firms – July 6, 2005
2. City Staff Meets with Interested Firms as a Group – July 18, 2005
3. Consulting Firms Submit Written Proposals – July 27, 2005
4. City Staff Screens to Finalist Firms – July 29, 2005
5. City Council Interviews 3 Finalist Firms – August 2, 2005
6. Final Consultant Selection by the City Council and Contract Execution – Week of August 2, 2005.

Consultant selection will be based on a sum of the following criteria:

1. Consultant's understanding of the tasks proposed, as reflected by the Consultant's written proposal.

2. Consultant's documented experience with similar project coordination and execution undertakings.
3. Documented experience and qualifications of the Consultant's professional staff that will actually be working on this project.
4. Consultant's proposal for fees and expenses to complete the project.

Please note that Step #2 in the Consultant Selection Process is to enable prospective firms, as a group, to meet with City Staff regarding questions, in advance of Proposal preparation. At the group meeting with staff, all firms will get the same answers to the questions that may be raised.

The City respectfully requests all consulting firms that intend to be represented at the August 11 Group Meeting with City Staff regarding this RFQ to advise the City by e-mail at Chuck.Dillerud@LakeElmo.org by July 15, 2005.

Thank you for your interest in providing consulting services to the City of Lake Elmo.

Martin Rafferty
City Administrator

Lake Elmo City Council July 5, 2005	Agenda Section: City Attorney's Report	<u>No.</u> 10A
<u>Agenda Item:</u> Legislative, Finance, Legal, Personnel Committee Report – Sessing/Zertman		
<p><u>Background Information for July 5, 2005:</u></p> <p>At the Special Committee Meeting June 30, 2005 Members heard additional testimony from both parties and City staff. Following more the 4 hours of testimony over two separate committee meetings the committee adopted the following recommendations to the City Council regarding the issues/allegations discussed by the committee:</p> <ul style="list-style-type: none"> ✓ 1. Staff and the City Attorney be directed to proceed with execution of the Building Official's earlier Order to remove the partially completed three sided structure on the Sessing property for which no Building Permit was obtained, but is required. ✓ 2. City Attorney be directed to identify appropriate resolution pertaining to the Landscaping along the north side of the Sessing pole barn. -- <i>LANDSCAPE STONE OK</i> ✓ 3. Staff be directed to research historic topographic information to determine the extent to which grading of the Sessing property since 1990 has altered natural drainage to the detriment of the Ziertman property. <i>ARO</i> <i>IN VIOLATION OF CITY RESOLUTION 20-05</i> ✓ 4. Staff and the City Attorney be directed to proceed with execution of the "Cease and Desist" Order issued by the City earlier regarding the conduct of an illegal home occupation at the Sessing residence. <i>10</i> <i>60 DAY TO STOP</i> ✓ 5. City staff be directed to evaluate the current sizing of the Sessing wastewater drain field to determine if alleged modifications to the drain field have reduced the treatment capacity to a level below that required for a residence of the size it serves. Staff also be directed to calculate home use per building plans for appropriateness and conformance with city code. <i>Square</i> ✓ 6. The City Attorney be directed to confer with the Ziertman's attorney regarding differing Data Practices Act interpretations. -- <i>UNRESOLVED</i> <p>Mayor Johnston, Committee Chair Johnson and Council Members Delapp and Smith attended the Special Committee Meeting. <i>TERRY RECOMMENDS WITH CIVIL ACTION.</i> <i>\$ \$ \$ \$</i></p>		
<p><u>Action items:</u> Motion(s) regarding he Committee's recommended actions regarding the Sessing/Zertman issues.</p>	<p><u>Person responsible:</u> City Attorney/City Administrator</p>	
<p><u>Attachments:</u></p>	<p><u>Time Allocated:</u></p>	

CITY OF LAKE ELMO

RESOLUTION NO. 97-37

**A RESOLUTION RELATING TO AN APPEAL FROM AN
ADMINISTRATIVE DECISION.**

WHEREAS, on May 17, 1999, the Lake Elmo Building Inspector notified Rod Sessing who resides at 5699 Keats Avenue North, that the landscaping/erosion control improvements which had been made to a portion of his property were not in compliance with the City's Regulations (Lake Elmo Code Chapter 1365 and Chapter 150-Landscaping); and

WHEREAS, on May 24, 1999, Rod Sessing appealed the administrative decision of the City and requested that the appeal be heard by Lake Elmo City Council pursuant to its Regulations; and


WHEREAS, on July 6, 1999, the Lake Elmo City Council heard the appeal of Rod Sessing and made the following findings of fact:

1. Rod Sessing used field stone to landscape and construct erosion control improvements within the side yard of his property;
2. Lake Elmo Code, Section 1365.01 requires "soil retention cover such as sod, seed and mulch, plantings, or as may be necessary to protect the soil and aesthetic values on the lot and adjacent property";
3. Lake Elmo Code, Sections 1365.03 and 1365.04, requires side yards to be landscaped;
4. Lake Elmo Code, Chapter 150 defines landscaping as the "planting of trees, shrubs and turf covers such as grasses and shrubs";
5. In the past, the City of Lake Elmo has not interpreted the provisions of Chapter 1365 or the definition of landscaping to prevent the exclusive use of field stone and decorative rock;
6. Field stone and/or decorative rock have been used as a subsidiary component of landscaping in the City of Lake Elmo;
7. The City Building Inspector specifically authorized the use of field stone on the Sessing property in September, 1997 and in July of 1998;

8. Mr. Sessing relied on the City's interpretation of its Regulations and upon its authorization when constructing the landscape/erosion control improvements on his property;


NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council hereby overturns the administrative decision of the City, approves the current use of field stone on the Sessing property and directs the City Staff to recommend changes to the City Code which would specifically allow the use of field stone and/or decorative rock as landscaping materials in the City of Lake Elmo.

Approved by the City Council 20th
day of July, 1999.



Lee Hunt, Mayor

ATTEST:



Mary Kueffner, City Administrator

Lake Elmo City Council 07-05-2005	Agenda Section: Administrators Report	<u>No . 11B</u>
<u>Agenda Item:</u> Comp Plan Calendar		
<p><u>Background Information for July 5th, 2005:</u></p> <p>In order to achieve the deadline related to the Comprehensive Plan submittal to the Metropolitan Council the following action dates must be achieved.</p> <p><u>Comp Plan Key Dates</u></p> <p>July 5 – Council suggest strategy for RAD2 locations for Commission consideration on July 11.</p> <p>July 11 – Commission Adopts RAD2 recommendation and Council (Special Meeting) adopts the RAD2 strategy.</p> <p>August 8 – Planning Commission conducts Public Hearing on Complete Comp Plan</p> <p>August 16 (and August 23, if necessary) – Council adopts complete Comp Plan</p> <p>August 31 – Complete and adopted Comp Plan sent to adjacent communities and Met Council</p> <p>Please come prepared with suggestions that would be forwarded to the Plan Commission for possible locations for the RAD 2 to be considered at the July 11th meeting.</p>		
<u>Action Items:</u> Motion approving proposed calendar	<u>Person responsible:</u> Martin Rafferty	
<u>Attachments:</u>		