

FILE

City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042
City Council Meeting
April 3, 2012

7:00 p.m.

- A. **CALL TO ORDER:**
- B. **PLEDGE OF ALLEGIANCE:**
- C. **ATTENDANCE:** ___Johnston___Emmons___Park___Pearson___Smith
- D. **APPROVAL OF AGENDA:** (The approved agenda is the order in which the City Council will do its business.)
- E. **ORDER OF BUSINESS:** (This is the way that the City Council runs its meetings so everyone attending the meeting or watching the meeting understands how the City Council conducts its public business.)
- F. **GROUND RULES:** (These are the rules of behavior that the City Council adopted for doing its public business.)
- G. **ACCEPT MINUTES:**
1. Accept March 20, 2012, City Council minutes
- H. **PUBLIC COMMENTS/INQUIRIES:** In order to be sure that anyone wishing to speak to the City Council is treated the same way, meeting attendees wishing to address the City Council on any items NOT on the regular agenda may speak for up to three minutes.)
- I. **REPORTS AND ANNOUNCEMENTS:**
(These are verbal updates and do not have to be formally added to the agenda.)
- Mayor and Council
 - Administrator
 - City Attorney
 - City Engineer
 - Planning Director

J. **CONSENT AGENDA:** (Items placed on the Consent Agenda by City Staff and the Mayor because they are not anticipated to generate discussion. Items may be removed at City Council's request.)

2. Approve Payment of Disbursements and Payroll
3. 2011 Street and Water Quality Improvements-Compensating Change Order (CCO) No. 1 and Pay Request (PR) No. 4 (Final)
4. 2012 Street and Water Quality Improvements (Demontrreville-Highlands Area) – Award Engineering Services Contract
5. Municipal State Aid System Revision – Resolution Establishing and Designating Demontrreville Trail as a Municipal State Aid Street

K. **REGULAR AGENDA:**

6. Olson Lake Trail Sanitary Sewer Extension – Joint Sewer Project with the City of Oakdale
7. Lot Area (Size) and Width Variance – 5577 Lake Elmo Avenue North
8. Lake Elmo Park Reserve West Side Access Plan
9. 2012 City of Lake Elmo Program of Work Calendar

L. Adjourn

City of Lake Elmo
City Council Minutes
March 20, 2012

Acting Mayor Emmons called the meeting to order at 7:00 p.m.

PRESENT: Acting Mayor Emmons, Council Members Smith, Park & Pearson

Also Present: City Administrator Zuleger, Attorney Snyder, City Engineer Griffin, Planning Director Klatt, Finance Director Bendel, and Director of Public Works Bouthilet.

REMEMBRANCE OF ROBERT VAN ZANDT / CHAIR, PLANNING COMMISSION:

Acting Mayor Emmons called for a moment of silence in remembrance of Bob Van Zandt, Chairman of the City of Lake Elmo Planning Commission. Following the moment of silence Council Members & Staff reflected on Mr. Van Zandt's impact on the community. Council Member Pearson noted that Mr. Van Zandt was truly a pillar of the community. Council Member Smith described Mr. Van Zandt as always being involved for the betterment of the community. Council Member Park expressed her appreciation for Mr. Van Zandt's ability to find common ground. Administrator Zuleger stated that in his short tenure with Lake Elmo Mr. Van Zandt had taken him under his wing. Planning Director Klatt reflected on his fondness for Mr. Van Zandt and appreciation for his leadership style as a Planning Commission Chairman.

APPROVAL OF AGENDA:

City Administrator Zuleger requested that one item be added to the Consent Agenda #7 – Affirmation of the hiring of a City Clerk, that one item on the Regular Agenda #11 – Lot Area (Size) and Width Variance – 5577 Lake Elmo Avenue N. be continued on the April 3, 2012 City Council Agenda at the request of the applicant, and an item be added to the Regular Agenda #11 - Council Discussion of Metropolitan Council Wastewater Inefficiency Fee Memo dated March 5, 2012.

*MOTION: Council Member Smith moved to approve the March 20, 2012 City Council Agenda as amended. Council Member Pearson seconded the motion. **The motion passed 4-0.***

ACCEPTED MINUTES:

Council Member Pearson asked that the minutes under the Regular Agenda Item – MnDNR Watercraft Inspection Grant be amended to read: Paragraph 2; Council Member Pearson commented that non-lake shore owners take "the onus off of the MnDNR". Pearson also asked that the Motion be amended to read "Council Member Pearson voting against – lakeshore owner's responsibility as residents "already pay for lake concerns through taxes and other related fees".

The March 6, 2012 City Council Minutes were accepted as amended by consensus of the City Council.

PUBLIC COMMENTS / INQUIRIES:

There was no public comment presented.

REPORTS:

Council Member Pearson reported that he attended the March 15th Homeowners Association Meeting with the City Administrator. In addition, he attended meetings concerning the Metropolitan Transit Park and Ride Plans,

and a briefing from the Minnesota Department of Health on the status of PFC groundwater contamination in Lake Elmo.

Council Member Emmons noted that he also had attended the same meetings in re: Metropolitan Transit Park & Ride and Minnesota Department of Health on groundwater contamination. Council Member Smith inquired to the status of the Old Village landowners meeting that occurred during spring break and asked for a report from the Planning Director.

City Administrator Zuleger updated the City Council that (8) Homeowners Association Representatives attended the open forum on March 15th. He noted he appreciated the thorough briefing by the Minnesota Department of Health on the PFC groundwater contamination issue. Zuleger alerted the Council that he would be meeting with Washington County Sheriff's Department Sgt. Halverson on traffic enforcement and other issues on Wednesday March 21, 2012. Zuleger provided a brief issue update on the library building purchase, storm water fee appeals, and the development of financial pro forms for the water, sewer, and surface water funds.

City Attorney Snyder noted that he was working with the City Engineer on the real estate transaction needed to acquire land for Municipal Well #4. In addition, he reported that he had received statistical data from the Washington County Sheriff's Department on Lake Elmo and that he thought it would be beneficial for the Council to hear a presentation on the same data. Snyder provided the Council with an update on the land detachment appeal process. Council Member Emmons asked for an update on the 3M litigation and Snyder noted that he would be happy to offer a report in Executive Session.

City Engineer Griffin reported that he was working with the Valley Branch Watershed District on acquiring additional reimbursement funds for the installation of rain gardens for the 2012 street improvement projects. He also asked the Council to refer to his written report for a summary of his activities since the last Council meeting.

Planning Director Klatt gave an update on both the 1-94 and Old Village Work Groups. He noted that the 1-94 group is continuing to work on buffering plans and easement in preparation for a Comp Plan amendment and zoning plan. The Old Village Work Group had a major landowners meeting during the week of March 13th and there was some discussion on Transfer Development Rights. Klatt also noted that a member of the Old Village Work Group was working on illustrative concept to provide some texture to the land use plan. Klatt informed the Council of the MnDOT Highway 5 Landscaping Grant planting event on June 2, 2012; Council Members are encouraged to attend. Klatt also noted that staff had met with Washington County on establishing trail access and parking areas for bike / ped access into western parts of the Lake Elmo Park Reserve. He will present County recommendations to the Planning Commission next week.

Director of Public Works Bouthliet noted that he was gearing up for spring by changing out the hockey boards for tennis nets, preparing the parks and completing some early road patching. He has not yet put away the winter maintenance equipment.

CONSENT AGENDA:

MOTION: Council Member Park moved to approve the Consent Agenda. Council Member Smith seconded the motion. The motion passed 4-0.

- Approved disbursements and payroll in the amount of \$95,705.35
- 2012 Seal Coat Project – Agreement for Joint Services with West Lakeland Township
- 2012 Seal Coat Project – Preparations of Plans and Specifications
- Professional Engineering Support Services – Adopt Consultant Pool

- Approval and Reading of Arbor Day Proclamation
- Affirm the Hiring of the City Clerk – Sandie Thone

Council Member Smith commended the City Engineer for his work in assembling an effective consultant pool and was glad to see a local consultant on the list.

City Administrator Zuleger provided a brief summary of the qualifications of the new City Clerk, Sandie Thone. He noted her seven years as the Clerk of Mendota Heights, MN. Prior to that, she had a career in quality management and process improvement. He noted she will be an excellent addition to the management team and will focus on taxpayer service and organizational improvement.

REGULAR AGENDA:

DPW MULTI-USE 2012 PICK-UP PURCHASE (PER MAC) – DPW Director Mike Bouthilet presented the findings and recommendation about the purchase of a heavy duty pick-up. Bouthilet explained that the Ford 250 was chosen via the state contract because of its pulling capability and price. Bouthilet noted that by adding the \$600 spring package the F-250 actually becomes an F-350 for about \$10,000 less in price. Smith / Pearson noted a price disparity in the MAC minutes from the base price of the truck and the total price with the plow package and lighting system. The MAC minutes will be corrected to reflect the total price of \$33,735 which included additional safety lights recommended by the MAC members by phone poll.

*MOTION: Council Member Smith moved to approve the purchase of the 2012 F-250 off the MN State Contract with MAC proposed accessories, including the additional warning lights, for \$33,735.30 and to put the 1985 Dodge up for auction. Council Member Pearson seconded the motion. **The motion passed 4-0.***

OLSON LAKE TRAIL SANITARY SEWER EXTENSION – JOINT SEWER PROJECT WITH THE CITY OF OAKDALE – City Engineer Griffin introduced the City of Oakdale Olson Lake Trail sewer extension project. At the last Washington County Transportation meeting the Director of Public Works for Oakdale inquired as to Lake Elmo's interest to extend sewer service to at least (2) properties that would be in proximity to the Oakdale project. Griffin explained the Oakdale project in detail and noted the (15) Lake Elmo properties that could benefit from a sewer extension service. Griffin provided a historical perspective on a petition spearheaded by Lake Elmo resident Roger Johnson that would have requested hook-up to the Oakdale sewer system on the DeMontreville peninsula. While Griffin noted that he and his staff had not had time to examine the private system efficacy of those affected, he did note that they were able to contact 9 out of the 15 properties along the extension route and 6 expressed interest in the service and 3 were not interested. Efforts are being made to contact the remaining six property owners.

A dialogue occurred between Council Members and the City Engineer on next steps or expressed interest to have Oakdale extend the project to Lake Elmo residents. City Engineer Griffin noted that the next step would be a feasibility study at an approximate cost of \$15,000 that would be shared between Oakdale and Lake Elmo. Griffin also stated that Oakdale and Lake Elmo were waiting to hear from Washington County on what their plans might be for maintenance on County Highway 13. Council Member Smith said she saw a benefit in pursuing the project but needed more information on the County's commitment to work on CTH 13 and a more complete response from affected residents. Griffin responded that if the County does not do the CTH work that Oakdale believes there is enough room to place the pipe in the ditch. Council Member Pearson asked how quick Oakdale needed an answer. Griffin responded that Oakdale would like the project to commence in 2013. The Council also explored the idea of extending the pipe beyond the initial 15 properties affected. **Council Member Smith re-iterated the need for more information from Washington County and the residents.** Council Member Park said she would like to see an extension to the two-year hook-up for residents who just made an investment in new septic systems. Attorney Snyder cited several different deferment agreements that could be used to accomplish the extension. **Council Member Pearson concluded that the project has practical merit, but would like to see more support from the residents involved. Griffin will continue to acquire information.**

COUNCIL – STAFF GOAL SETTING RETREAT - Administrator Zuleger outlined the upcoming Council-Staff Planning Retreat to be held on April 20-21, 2012 at the Wildwood Lodge in Lake Elmo. The retreat hours will be from 5:30 PM – 9:30 PM Friday evening and from 8:30 AM to Noon on Saturday. Don Salverda & Associates will conduct the retreat and provide an after action plan. Staff Members required to attend are: City Administrator, City Clerk, Finance Director, DPW, City Engineer (s), Fire Chief and the City Attorney if he is so inclined. The Wildwood Lodge has arranged for a special rate for those wishing to spend the evening.

MOTION: Council Member Smith moved to affirm the Lake Elmo Council-Staff Retreat be held on April 20-21, 2012 at the Wildwood Lodge in Lake Elmo at an expense not to exceed \$3200. Council Member Pearson seconded the motion. *The motion passed 4-0.*

SURFACE WATER UTILITY FEE APPEAL / CREDIT POLICY – Administrator Zuleger brought the Council up-to-date on surface water appeals reconciliation process. He has come to an agreement with 7 out of the first 10 appellants – some of the appeals were four years old. However, the process has been difficult because the Surface Water Ordinance has no defined appeal process or credit standards to use for reconciliation. Zuleger handed out the current Lake Elmo Surface Water Ordinance for review. Zuleger outlined a five criteria appeal / credit policy that focused on a residents' "intentional" effort to retain surface water. The policy focused on defining "intentional retention", rain barrels, rain gardens, engineered surface water retention ponds, swales, and other facilities, and an economic hardship policy. Zuleger noted that he may have to add an additional policy point that took into account "intentional plantings of riparian buffers to prevent suspended solids from reaching surface waters. Acting Mayor Emmons noted that he liked the use of the word "intentional" as a means of establishing a policy, but was interested in whether adopting a more technical formula that evaluated impervious surfaces as a method of assessing the fee. City Engineer Griffin said that this calculation was a possibility and perhaps that the City could use the County's resources to look at it, but the process might be cost prohibitive. Zuleger noted that the current fee structure is based on the ability to cash flow the operational activity of the City's surface water utility. Emmons would like staff to look into the impervious surface calculation process. Zuleger reported that it was the staff's desire to have a revision to Chapter 53 of the Municipal Code by June 1st to allow ample time before next year's fee assessment process. Zuleger also noted that the upcoming newsletter will have a four-page insert explaining the purpose of the utility and ways that residents can help in the process. Council Member Smith said that resident's concerns may be calmed if we could split the payment up into quarters similar to the water bill. City Engineer Griffin gave a brief explanation of the federal, state and water shed district mandates that have to be complied with as part of the surface water utility obligations. Finance Director Bendl predicted that after the appeal reconciliation process was complete she could foresee only 2 – 3 appeals per year with minimal fiscal impact.

MOTION: Council Member Smith moved to have staff develop a surface water appeal process / credit policy to be added to Chapter 53 of the Municipal Code by June 1, 2012. Further, staff is directed to use their best judgment in negotiating and collecting past due receivables using the five point policy structure outline in the March 20, 2012 Council Summary. Council Member Park seconded the motion. *Motion passed 4-0.*

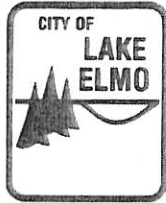
METROPOLITAN COUNCIL WASTEWATER INEFFICIENCY FEE – At the request of Acting Mayor Emmons, the Council reviewed a March 5, 2012 memo from the Metropolitan Council to Lake Elmo Administrator Zuleger detailing the City's obligation to meet a Residential Equivalent Connection (REC) level of 515 by December 31, 2015. Emmons felt that it may be appropriate for the Council to respond to the memo to clarify the understanding between both parties and to express the Council's thoughts on the calculation of the ten-year rolling average. Council Member Smith stated that she felt that the 515 REC unit obligation was not unreasonable if Lake Elmo was serious about growth plans. Attorney Snyder noted that the Metropolitan Council and Lake Elmo have made great strides and in-roads in understanding and that the Metropolitan Council would probably welcome an interaction. Zuleger noted that he and Planning Director Klatt would be meeting with Metropolitan Council staff on Monday, March 26th to discuss the current MOU and that he would directly supply that information to the City Council. Council Member Pearson asked about the possibility of expanding properties that may be

included for REC unit credit. Council Member Smith explained the current MOU REC unit expectation of 6600, which had been negotiated down from 8300. The differential of 1700 REC units were to be used by the City of Lake Elmo for remediation purposes. **It was agreed that after the meeting between the two staffs, that Acting Mayor Emmons, Council Member Smith and staff will craft a response to the March 5, 2012 communique with review by Attorney Snyder.**

The meeting was adjourned at 8:42 PM

Submitted by Dean A. Zuleger, City Administrator

Professional Engineering Support Services Consulting Pool
Arbor Day Proclamation



MAYOR & COUNCIL COMMUNICATION

DATE: 4/3/2012
CONSENT
ITEM #: 2
MOTION *as part of Consent Agenda*

AGENDA ITEM: Approve Disbursements in the Amount of \$59,708.24

SUBMITTED BY: Cathy Bendel, Finance Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Joan Ziertman, Finance Consultant

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$59,708.24. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

BACKGROUND INFORMATION: The City of Lake Elmo has fiduciary authority and responsibility to conduct normal business operation. Below is a summary of current claims to be disbursed and paid in accordance with State law and City policies and procedures.

Claim #	Amount	Description
ACH	\$ 5,576.94	Payroll Taxes to IRS 3/22/2012
ACH	\$ 1,087.32	Payroll Taxes to MN Dept. of Revenue 3/22/2012
ACH	\$ 3,774.45	Payroll Retirement to PERA 3/22/2012
DD3873 – DD3885	\$ 17,711.26	Payroll Dated 3/22/2012 (Direct Deposit)
38225-38226	\$ 659.66	Payroll Dated 3/22/2012 (Payroll Paper Checks)
38227-38258	\$ 29,698.61	Accounts Payable Dated 4/3/2012
1374-1393	\$ 1,200.00	Accounts Payable Dated 4/3/2012 (Library Checks)
TOTAL	\$ 59,708.24	

STAFF REPORT: City staff has compiled and reviewed the attached set of claims. All appears to be in order and consistent with City budgetary and fiscal policies and Council direction

RECOMMENDATION: It is recommended that the City Council approve as part of the Consent Agenda proposed disbursements in the amount of \$59,708.24.

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda or a particular claim from this item and further discuss and deliberate prior to taking action. If done so, the appropriate action of the Council following such discussion would be:

“Move to approve the April 3, 2012, Disbursements as Presented [and modified] herein.”

ATTACHMENTS:

1. Accounts Payable Dated 4/3/2012

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

- Questions from Council to Staff..... Mayor Facilitates
- Call for Motion..... Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

Accounts Payable To Be Paid Proof List

User: joan z
Printed: 03/29/2012 - 12:15 PM
Batch: 008-03-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ACEHARD Ace Hardware , Inc										
119625	03/12/2012	9.54	0.00	04/03/2012	Hardware V Box Repair		-	No		0000
101-430-3125-44040	Repairs/Maint Eqpt									
	119625 Total:	9.54								
	ACEHARD Total:	9.54								
ALEXAIR Alex Air Apparatus, Inc										
21498	03/21/2012	467.33	0.00	04/03/2012	Replacement of SCBA Lenses & Frames		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
	21498 Total:	467.33								
	ALEXAIR Total:	467.33								
AMFLAG American Flagpole & Flag Corp										
99008	03/13/2012	133.98	0.00	04/03/2012	Replace Flags		-	No		0000
101-410-1320-44300	Miscellaneous									
	99008 Total:	133.98								
	AMFLAG Total:	133.98								
ARAM Aramark, Inc.										
629-7454189	03/15/2012	19.19	0.00	04/03/2012	Uniforms		-	No		0000
101-430-3100-44170	Uniforms									
	629-7454189 Total:	19.19								
629-7456003	03/29/2012	113.87	0.00	04/03/2012	Monthly Rug Service Station #2		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
	629-7456003 Total:	113.87								
629-7456004	03/29/2012	171.14	0.00	04/03/2012	Linen City Hall		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	629-7456004 Total:	171.14								
629-7456005	03/29/2012	112.59	0.00	04/03/2012	Monthly Rug Service Station #1		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
	629-7456005 Total:	112.59								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
629-7459090	03/22/2012	22.91	0.00	04/03/2012	Uniforms		-		No		0000
101-430-3100-44170	Uniforms										
629-7459090	Total:	22.91									
629-7460954	03/29/2012	23.09	0.00	04/03/2012	Linen Annex		-		No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg										
629-7460954	Total:	23.09									
ARAM	Total:	462.79									
CTYOAKDA City of Oakdale											
201203223140	03/22/2012	82.97	0.00	04/03/2012	U2-Brakelights Repaired		-		No		0000
101-420-2220-44040	Repairs/Maint Eght										
201203223140	Total:	82.97									
CTYOAKDA	Total:	82.97									
CUMMINGS Cummings Mary Jo											
03/28/2012	03/28/2012	1,777.50	0.00	04/03/2012	Consulting hours		-		No		0000
206-450-5300-43150	Contract Services										
03/28/2012	Total:	1,777.50									
CUMMINGS	Total:	1,777.50									
DELTA Delta Dental Of Minnesota											
4814111	03/15/2012	874.50	0.00	04/03/2012	April 2012 Dental Coverage		-		No		0000
101-000-0000-21706	Medical Insurance										
4814111	Total:	874.50									
DELTA	Total:	874.50									
DPCINDUS DPC Industries, Inc.											
82700290-12	03/21/2012	194.55	0.00	04/03/2012	Well II Chlorine		-		No		0000
601-494-9400-42160	Chemicals										
82700290-12	Total:	194.55									
DPCINDUS	Total:	194.55									
FIORILLO Fiorillo Megan											
03/26/2012	03/26/2012	41.25	0.00	04/03/2012	PX Meeting 3/26/12		-		No		0000
101-410-1450-43620	Cable Operations										
03/26/2012	Total:	41.25									
FIORILLO	Total:	41.25									

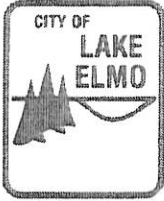
Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
FXL FXL, Inc. March 2012 101-410-1320-43100 Assessing Services March 2012 Total: FXL Total:	03/31/2012	2,000.00 2,000.00 2,000.00	0.00	04/03/2012	Assessing Services - March 2012		-	No		0000
GRAINGER Grainger 9781040614 101-420-2220-44040 Repairs/Maint Eqpt 9781040614 Total: GRAINGER Total:	03/16/2012	19.24 19.24 19.24	0.00	04/03/2012	Replacement Bulbs for Floodlights		-	No		0000
HAUSER Brian Hauser 03/19/2012 101-420-2220-44370 Conferences & Training 03/19/2012 Total: HAUSER Total:	03/19/2012	29.36 29.36 29.36	0.00	04/03/2012	Brian Hauser - Reimbursement for meals		-	No		0000
KLATT Klatt Kyle 03/15/2012 101-000-0000-21710 Health HSA 03/15/2012 Total: KLATT Total:	03/15/2012	185.00 185.00 185.00	0.00	04/03/2012	Health Savings Reimbursement		-	No		0000
MENARDSO Menards - Oakdale 74737 101-430-3100-42150 Shop Materials 74737 101-430-3100-44040 Repairs/Maint Eqpt 74737 Total: MENARDSO Total:	03/21/2012	13.98 58.65 72.63 72.63	0.00 0.00	04/03/2012 04/03/2012	Electrical Connectors Trailer Safety Chain		- -	No No		0000 0000
MENARDST Menards - Stillwater 60404 101-420-2220-42400 Small Tools & Equipment 60404 101-420-2220-44170 Uniforms 60404 101-420-2220-44010 Repairs/Maint Bldg 60404 Total:	03/16/2012	3.48 3.29 18.07 24.84	0.00 0.00 0.00	04/03/2012 04/03/2012 04/03/2012	Flor-Dri Container Uniform Storage Water Softner Salt		- - -	No No No		0000 0000 0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
61597	03/22/2012	4.54	0.00	04/03/2012	Well II Chlorine Room Shelf		-		No		0000
601-494-9400-44300	Miscellaneous										
	61597 Total:	4.54									
	MENARDST Total:	29.38									
METROFIR Metro Fire											
43673	03/15/2012	780.00	0.00	04/03/2012	Foam		-		No		0000
101-420-2220-42400	Small Tools & Equipment										
	43673 Total:	780.00									
	METROFIR Total:	780.00									
NEXTEL Nextel Communications											
761950227-108	03/18/2012	85.08	0.00	04/03/2012	Cell Phone Service - Administration		-		No		0000
101-410-1940-43210	Telephone										
761950227-108	03/18/2012	79.71	0.00	04/03/2012	Cell Phone Service - Fire Dept		-		No		0000
101-420-2220-43210	Telephone										
761950227-108	03/18/2012	17.78	0.00	04/03/2012	Cell Phone Service - Building Dept		-		No		0000
101-420-2400-43210	Telephone										
761950227-108	03/18/2012	35.40	0.00	04/03/2012	Cell Phone Service - Public Works Dept		-		No		0000
101-430-3100-43210	Telephone										
761950227-108	03/18/2012	88.69	0.00	04/03/2012	Cell Phone Service - Parks Dept		-		No		0000
101-450-5200-43210	Telephone										
	761950227-108 Total:	306.66									
	NEXTEL Total:	306.66									
POMPS Pomp's Tire Service, Inc.											
203900	03/21/2012	220.50	0.00	04/03/2012	(2ea) Patching Trailer Tires 02-2		-		No		0000
101-430-3120-42210	Equipment Parts										
203900	03/21/2012	80.35	0.00	04/03/2012	(1 ea) Cushman Tires 03-2		-		No		0000
101-450-5200-42210	Equipment Parts										
	203900 Total:	300.85									
	POMPS Total:	300.85									
PRESSA Anastasia Press											
03/26/2012	03/26/2012	55.00	0.00	04/03/2012	03/20/12 CC Meeting		-		No		0000
101-410-1450-43620	Cable Operations										
03/26/2012	03/26/2012	41.25	0.00	04/03/2012	03/26/12 PZ Meeting		-		No		0000
101-410-1450-43620	Cable Operations										
	03/26/2012 Total:	96.25									
	PRESSA Total:	96.25									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
PROSTAFF PROSTAFF										
102-851118	03/25/2012	496.00	0.00	04/03/2012	Temp Staff WE 3/8/12		-		No	0000
101-410-1320-41010	Full-time Salaries									
102-851118	Total:	496.00								
102-851603	04/01/2012	620.00	0.00	04/03/2012	Temp Stafing WE 3/18/12		-		No	0000
101-410-1320-41010	Full-time Salaries									
102-851603	Total:	620.00								
PROSTAFF	Total:	1,116.00								
READYWAT Ready Watt Electric										
96307	03/22/2012	5,193.90	0.00	04/03/2012	Narrowband 6 newer sirens		-		No	0000
703-420-2220-45800	Other Equipment									
96307	Total:	5,193.90								
96309	03/22/2012	2,624.68	0.00	04/03/2012	Narrowband/upgrade Cimarron Siren		-		No	0000
703-420-2220-45800	Other Equipment									
96309	Total:	2,624.68								
READYWAT	Total:	7,818.58								
RICHTMAN Richtman Karen										
03/12/2012	03/12/2012	2,500.00	0.00	04/03/2012	2nd Half of Recycling contract		-		No	0000
101-430-3200-44300	Miscellaneous									
03/12/2012	Total:	2,500.00								
RICHTMAN	Total:	2,500.00								
S&T S&T Office Products, Inc.										
01PB9832	03/13/2012	17.14	0.00	04/03/2012	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies									
01PB9832	Total:	17.14								
01PC0043	03/29/2012	37.48	0.00	04/03/2012	Office Supplies for CC & PZ Meetings		-		No	0000
101-410-1320-42000	Office Supplies									
01PC0043	Total:	37.48								
01PC2068	03/29/2012	91.00	0.00	04/03/2012	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies									
01PC2068	Total:	91.00								
01PC3440	03/21/2012	66.00	0.00	04/03/2012	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies									
01PC3440	Total:	66.00								
S&T	Total:	211.62								
SEH Short Elliott Hendrickson, Inc										
254588	03/12/2012	1,410.60	0.00	04/03/2012	Design Services for Test Well #4		-		No	0000
601-494-9400-43030	Engineering Services									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
		254588 Total:								
		SEH Total:								
		1,410.60								
		1,410.60								
SPRING SPRINGSTED, INC.										
139.103	03/20/2012	7,250.00	0.00	04/03/2012	Finance Dept Analysis		-		No	0000
Contract Services										
101-410-1520-43150		7,250.00								
139.103 Total:		7,250.00								
SPRING Total:		7,250.00								
STILLMED Stillwater Medical Group										
2324	03/13/2012	563.70	0.00	04/03/2012	Physicals and Vaccinations		-		No	0000
Physicals										
101-420-2220-43050		563.70								
2324 Total:		563.70								
STILLMED Total:		563.70								
TASCH T.A. Schifsky & Sons Inc										
52788	03/19/2012	288.83	0.00	04/03/2012	Asphalt		-		No	0000
Street Maintenance Materials										
101-430-3120-42240		288.83								
52788 Total:		288.83								
TASCH Total:		288.83								
TELEMETR Telemetry & Process Controls										
6184924	03/16/2012	58.46	0.00	04/03/2012	Plug Ends for Truck cords		-		No	0000
Small Tools & Equipment										
101-420-2220-42400		58.46								
6184924 Total:		58.46								
G-Sale		50.00							No	0000
101-410-1320-42000	03/16/2012	50.00	0.00	04/03/2012	Fire Proof Cabinet- City Hall		-		No	0000
Office Supplies										
G-Sale	03/16/2012	20.00	0.00	04/03/2012	2 Coffeemakers - City Hall		-		No	0000
Office Supplies										
101-410-1320-42000		20.00								
G-Sale Total:		70.00								
TELEMETR Total:		128.46								
WITTER Witter Nicholas										
03/19/2012	03/19/2012	28.64	0.00	04/03/2012	Nick Witter - Reimb for Meals		-		No	0000
Conferences & Training										
101-420-2220-44370		28.64								
03/19/2012 Total:		28.64								
WITTER Total:		28.64								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
YOCUM Yocum Oil Company, Inc.										
502870	03/20/2012	160.69	0.00	04/03/2012	Bulk Oil Tanks		-		No	0000
101-430-3100-44010	Repairs/Maint Bldg									
	502870 Total:	160.69								
	YOCUM Total:	160.69								
ZACK Zack's, Inc.										
27563	03/22/2012	134.72	0.00	04/03/2012	Flat towels, Toilet paper (City Hall)		-		No	0000
101-430-3100-42150	Shop Materials									
27563	03/22/2012	65.10	0.00	04/03/2012	Brooms, rake, Penetrating Oil		-		No	0000
101-430-3100-42400	Small Tools & Minor Equipment									
27563	03/22/2012	43.98	0.00	04/03/2012	Ratchet Straps		-		No	0000
101-450-5200-42400	Small Tools & Minor Equipment									
	27563 Total:	243.80								
27575	03/22/2012	71.06	0.00	04/03/2012	Toilet Paper-City Hall		-		No	0000
101-410-1940-42110	Cleaning Supplies									
	27575 Total:	71.06								
	ZACK Total:	314.86								
ZULEGER Zuleger Dean										
03/04/2012	03/04/2012	42.85	0.00	04/03/2012	Mileage & Parking		-		No	0000
101-410-1320-43310	Mileage									
	03/04/2012 Total:	42.85								
	ZULEGER Total:	42.85								
	Report Total:	29,698.61								



MAYOR & COUNCIL COMMUNICATION

DATE: 4/3/2012

CONSENT

ITEM #: 3

MOTION as part of *Consent Agenda*

AGENDA ITEM: 2011 Street and Water Quality Improvements – Compensating Change Order (CCO) No. 1 and Pay Request (PR) No. 4 (Final)

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Jack Griffin, City Engineer
Mike Bouthilet, Public Works
Cathy Bendel, Finance Director

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider accepting the work as recommended by the Project Engineer for the 2011 Street and Water Quality Improvements. To complete the final paperwork, the City Council is respectfully requested to consider approving Compensating Change Order No. 1, thereby reducing the total contract amount by \$6,679.35, and approving final payment to Hardrives, Inc., the Contractor for the project, in the amount of \$42,210.53. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

STAFF REPORT AND BACKGROUND INFORMATION: The 2011 Street and Water Quality Improvements have been fully completed and the project Certificate of Completion has been prepared by the Project Engineer. The warranty period began at substantial completion on November 15, 2011, and will extend to November 15, 2012. Final Payment in the amount of \$42,210.53 has been requested by the Contractor, Hardrives, Inc., based upon the work completed. The final quantities have been reviewed and approved by City Staff.

The City share of the project costs is funded from the 2011 Street Improvement Bond Fund. The final assessment hearing will be held in September/October 2012 and the warranty review will be completed in October 2012.

The construction contract with Hardrives, Inc. was executed in the amount of \$469,524.99 using estimated quantities. The final construction cost for the project was \$462,845.64. Compensating Change Order No. 1 has been processed, in the deduct amount of \$6,679.35, to reconcile the contract with the actual quantities installed for the project. The total job-to-date engineering services are \$19,900 under budget. It is estimated that an additional \$2,500 will be expended for the warranty inspection, final assessment calculations and conducting the Assessment Hearing.

The total projects cost for construction and engineering is therefore projected to be finalized at \$543,303.96. Management of the contract documents and efficiencies in the design and construction services allowed the project to come in under budget. The shorter time to complete the project significantly reduced the cost of construction services.

RECOMMENDATION: Based upon the above staff report and background information, it is recommended that the City Council, as part of tonight's *Consent Agenda*, accept the work for the 2011 Street and Water Quality Improvements as recommended by the Project Engineer, approve Compensating Change Order No. 1 in the deduct amount of \$6,679.35, and approve Final Payment to Hardrives, Inc. in the amount of \$42,210.53.

Alternatively, the City Council does have the authority to remove this item from the *Consent Agenda*, table this item for future consideration, or further discuss, deliberate and/or, if appropriate, amend the recommended motion prior to taking action. If the latter is done so, the appropriate action of the Council following such discussion would be:

"Move to accept the work for the 2011 Street and Water Quality Improvements as recommended by the Project Engineer, approve Compensating Change Order No. 1 in the deduct amount of \$6,679.35, and approve Final Payment to Hardrives, Inc. in the amount of \$42,210.53; to be paid from the 2011 Street Improvement Fund [and as amended and/or modified at tonight's meeting]."

ATTACHMENTS:

1. Certificate of Completion
2. Compensating Change Order No. 1
3. Pay Request No. 4 (Final)

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

- Questions from Council to Staff..... Mayor Facilitates
- Call for Motion..... Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

CERTIFICATE OF COMPLETION

DATE OF ISSUANCE: April 3, 2012

OWNER: CITY OF LAKE ELMO, MN

CONTRACTOR: HARDRIVES, INC.

PROJECT NAME: 2011 STREET & WATER QUALITY IMPROVEMENTS

PROJECT NO.: 2011.123

- ☒ This Certification of Completion applies to all work under the Contract Documents
☐ This Certification of Completion applies to the following specified parts of the Contract Documents

I do hereby certify that the work to which this Certificate applies has been constructed in accordance with the Contract dated April 19, 2011, and related Contract Documents as prepared by TKDA dated March 15, 2011. The above-mentioned improvement is hereby declared to be complete and acceptance of this work is recommended.

DATE OF COMPLETION: April 3, 2012Ryan W. Stempski Reg. No. 45395

FOCUS Engineering, inc.

THE WARRANTY PERIOD BEGINS November 15, 2011 AND ENDS November 15, 2012

Burner

CHANGE ORDER

TKDA

Engineers-Architects-Planners

Saint Paul, MN November 8 20 11 Proj. No. 14732.001 Compensating Change Order No. 1

To Hardrives, Inc.

for 2011 Street and Water Quality Improvements

for City of Lake Elmo, Minnesota

You are hereby directed to make the following change to your contract dated April 19, 2011. The change and the work affected thereby is subject to all contract stipulations and covenants. This Change Order will (increase) (decrease) (not change) the contract sum by Six Thousand Six Hundred Seventy Nine Dollars and 35/100 (\$6,679.35).

COMPENSATING CHANGE ORDER

This change order shows the actual quantities installed at the unit price bid amounts (see attached itemization):

NET CHANGE =

\$ (6,679.35)

Amount of Original Contract
Additions approved to date (Nos.)
Deductions approved to date (Nos.)
Contract amount to date
Amount of this Change Order (Add) (Deduct) (No Change)
Revised Contract Amount

\$	469,524.99
\$	-
\$	-
\$	469,524.99
\$	(6,679.35)
\$	462,845.64

Approved _____
City of Lake Elmo, Minnesota

By _____

Approved _____
Hardrives, Inc.
By _____

White - Owner
Pink - Contractor
Blue - TKDA

By _____
Larry D. Bohrer, P.E.
TKDA

COMPENSATING CHANGE ORDER NO. 1

Date: November 8, 2011

2011 STREET AND WATER QUALITY IMPROVEMENTS
LAKE ELMO MINNESOTA
TKDA PROJECT NO. 14732.001

ITEM NO	DESCRIPTION	UNIT	UNIT PRICE	CONTRACT QUANTITY	QUANTITY TO DATE	CONTRACT AMOUNT	AMOUNT TO DATE	NET CHANGE
TARTAN MEADOWS NEIGHBORHOOD								
1	MOBILIZATION	LS	4,632.25	1	1	\$ 4,632.25	\$ 4,632.25	\$ -
2	TRAFFIC CONTROL	LS	988.23	1	1	\$ 988.23	\$ 988.23	\$ -
3	SILT FENCE	LF	2.69	285	0	\$ 766.65	\$ -	\$ (766.65)
4	INLET PROTECTION	EA	96.82	14	14	\$ 1,355.48	\$ 1,355.48	\$ -
5	SAWCUT PAVEMENT (ALL TYPES)	LF	2.15	1,012	671	\$ 2,175.60	\$ 1,442.85	\$ (733.15)
6	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (DRIVEWAYS)	SY	4.30	155	289	\$ 666.50	\$ 1,242.70	\$ 576.20
7	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (FLUME)	EA	80.69	2	2	\$ 161.38	\$ 161.38	\$ -
8	REMOVE & DISPOSE OF EXIST. CONCRETE PAVEMENT (DRIVEWAYS)	SY	5.38	101	4	\$ 543.38	\$ 21.52	\$ (521.86)
9	SUBGRADE CORRECTION	SY	2.00	966	0	\$ 1,932.00	\$ -	\$ (1,932.00)
10	RECLAIM EX. BIT. AND BASE MATERIALS, 8-INCH DEPTH	SY	0.80	19,294	19,294	\$ 15,435.20	\$ 15,435.20	\$ -
11	HAUL OUT EXCESS MILLINGS (LV)	CY	6.00	1,084	978	\$ 6,504.00	\$ 5,668.00	\$ (836.00)
12	SUBGRADE PREPARATION OF RECLAIMED SURFACE	RS	220.03	49	49	\$ 10,781.47	\$ 10,781.47	\$ -
13	2360 TYPE LV3 BITUMINOUS NON-WEARING COURSE	TN	48.95	1,797	1894	\$ 87,963.15	\$ 92,711.30	\$ 4,748.15
14	2360 TYPE LV4 BITUMINOUS WEARING COURSE	TN	51.06	1,537	1633	\$ 78,479.22	\$ 83,380.98	\$ 4,901.76
15	BITUMINOUS MATERIAL FOR TACK COAT	GAL	2.14	860	775	\$ 1,640.40	\$ 1,658.50	\$ (181.90)
16	2360 TYPE LV4 BITUMINOUS WEAR COURSE DRIVES	SY	15.98	214	289	\$ 3,419.72	\$ 4,618.22	\$ 1,198.50
17	SAW & SEAL STREET (40' INTERVALS)	LF	2.09	3,480	4195	\$ 7,273.20	\$ 8,767.55	\$ 1,494.35
18	ADJUST CATCH BASIN & INSTALL CONCRETE WINGS	EA	511.27	13	14	\$ 6,846.51	\$ 7,157.78	\$ 511.27
19	REPAIR CASTING AND ADJUST CATCH BASIN & INSTALL CONCRETE WINGS	EA	809.61	1	0	\$ 809.61	\$ -	\$ (809.61)
20	ADJUST MANHOLE	EA	458.24	1	1	\$ 458.24	\$ 458.24	\$ -
21	6" CONCRETE DRIVE	SY	46.26	134	0	\$ 6,198.84	\$ -	\$ (6,198.84)
22	CONCRETE CURB CUT FOR RAIN GARDEN	EA	263.56	12	10	\$ 3,162.96	\$ 2,635.80	\$ (527.16)
23	CLASS 3 RIP RAP W/GEOTEXTILE FABRIC	CY	102.21	4	0	\$ 408.84	\$ -	\$ (408.84)
24	DITCH GRADING	LF	2.37	210	190	\$ 497.70	\$ 450.30	\$ (47.40)
25	IMPORT AND PLACE TOPSOIL	CY	14.52	481	397	\$ 6,984.12	\$ 5,764.44	\$ (1,219.68)
26	SEEDING, FERTILIZER AND WOOD FIBER BLANKET	SY	2.15	145	801	\$ 311.75	\$ 1,722.15	\$ 1,410.40
27	SODDING	SY	2.70	4,354	2485	\$ 11,755.80	\$ 6,709.50	\$ (5,046.30)
SUBTOTAL TARTAN MEADOWS NEIGHBORHOOD						\$ 262,132.40	\$ 267,943.64	\$ (4,188.76)
DAVID NELSON ESTATES NEIGHBORHOOD								
1	MOBILIZATION	LS	1,639.88	1	1	\$ 1,639.88	\$ 1,639.88	\$ -
2	TRAFFIC CONTROL	LS	268.95	1	1	\$ 268.95	\$ 268.95	\$ -
3	SILT FENCE	LF	2.69	100	0	\$ 269.00	\$ -	\$ (269.00)
4	INLET PROTECTION	EA	96.82	2	2	\$ 193.66	\$ 193.66	\$ -
5	SAWCUT PAVEMENT (ALL TYPES)	LF	2.15	163	89	\$ 350.45	\$ 191.35	\$ (159.10)
6	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (DRIVEWAYS)	SY	4.30	17	28	\$ 73.10	\$ 120.40	\$ 47.30
7	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (FLUME)	EA	80.69	1	1	\$ 80.69	\$ 80.69	\$ -
8	REMOVE & DISPOSE OF EXIST. CONCRETE PAVEMENT (DRIVEWAYS)	SY	5.34	13	0	\$ 69.42	\$ -	\$ (69.42)
9	SUBGRADE CORRECTION	SY	2.00	138	0	\$ 276.00	\$ -	\$ (276.00)
10	RECLAIM EX. BIT. AND BASE MATERIALS, 8-INCH DEPTH	SY	0.80	2,750	2,750	\$ 2,200.00	\$ 2,200.00	\$ -
11	HAUL OUT EXCESS MILLINGS (LV)	CY	1.00	101	0	\$ 101.00	\$ -	\$ (101.00)
12	SUBGRADE PREPARATION OF RECLAIMED SURFACE	RS	378.11	6	6	\$ 2,268.66	\$ 2,268.66	\$ -
13	2360 TYPE LV3 BITUMINOUS NON-WEARING COURSE	TN	50.76	246	272.2	\$ 12,486.96	\$ 13,818.87	\$ 1,329.91
14	2360 TYPE LV4 BITUMINOUS WEARING COURSE	TN	53.69	207	246	\$ 11,113.83	\$ 13,315.12	\$ 2,201.29
15	BITUMINOUS MATERIAL FOR TACK COAT	GAL	2.14	116	75	\$ 248.24	\$ 160.50	\$ (87.74)
16	2360 TYPE LV4 BITUMINOUS WEAR COURSE DRIVES	SY	15.05	32	27	\$ 513.60	\$ 433.35	\$ (80.25)
17	SAW & SEAL STREET (40' INTERVALS)	LF	2.09	360	723	\$ 752.40	\$ 1,511.07	\$ 758.67
18	ADJUST CATCH BASIN & INSTALL CONCRETE WINGS	EA	560.43	1	2	\$ 560.43	\$ 1,120.86	\$ 560.43
19	REPAIR CASTING AND ADJUST CATCH BASIN & INSTALL CONCRETE WINGS	EA	841.89	1	0	\$ 841.89	\$ -	\$ (841.89)
20	6" CONCRETE DRIVE	SY	53.79	22	0	\$ 1,183.38	\$ -	\$ (1,183.38)
21	CONCRETE CURB CUT FOR RAIN GARDEN	EA	295.86	2	2	\$ 591.72	\$ 591.72	\$ -
22	DITCH GRADING	LF	10.76	5	10	\$ 53.80	\$ 107.60	\$ 53.80
23	IMPORT AND PLACE TOPSOIL	CY	34.68	62	30	\$ 2,150.16	\$ 1,040.40	\$ (1,109.76)
24	SEEDING, FERTILIZER AND WOOD FIBER BLANKET	SY	10.76	25	52	\$ 269.00	\$ 559.52	\$ 290.52
25	SODDING	SY	2.70	531	358	\$ 1,433.70	\$ 966.60	\$ (467.10)
SUBTOTAL DAVID NELSON ESTATES NEIGHBORHOOD						\$ 39,989.92	\$ 40,587.20	\$ 597.28
50TH STREET AND KIMBRO AVENUE								
1	MOBILIZATION	LS	3,075.56	1	1	\$ 3,075.56	\$ 3,075.56	\$ -
2	TRAFFIC CONTROL	LS	699.30	1	1	\$ 699.30	\$ 699.30	\$ -
3	SILT FENCE	LF	2.69	100	0	\$ 269.00	\$ -	\$ (269.00)
4	CLEAR AND GRUB TREE	EA	236.69	20	20	\$ 4,733.80	\$ 4,733.80	\$ -
5	SAWCUT PAVEMENT (ALL TYPES)	LF	2.15	100	155	\$ 215.00	\$ 333.25	\$ 118.25
6	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT	SY	1.29	1,067	1,067	\$ 1,376.43	\$ 1,376.43	\$ -
7	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (DRIVEWAYS)	SY	4.30	8	33	\$ 34.40	\$ 141.90	\$ 107.50
8	COMMON EXCAVATION (CV) (P)	CY	7.42	289	289	\$ 2,144.38	\$ 2,144.38	\$ -
9	SUBGRADE CORRECTION	SY	4.63	1,050	1,050	\$ 4,861.50	\$ 4,861.50	\$ -
10	SUBGRADE PREPARATION OF GRAVEL SURFACE	RS	160.00	38	38	\$ 6,840.00	\$ 6,840.00	\$ -
11	PLACE & COMPACT RECLAIM MATERIAL (FROM OTHER SITES) (LV)	CY	1.00	1,239	978	\$ 1,239.00	\$ 978.00	\$ (261.00)
12	2360 TYPE LV3 BITUMINOUS NON-WEARING COURSE	TN	49.89	1,201	1,209	\$ 59,905.88	\$ 60,304.92	\$ 399.04
13	2360 TYPE LV4 BITUMINOUS WEARING COURSE	TN	50.74	1,201	1,209	\$ 60,938.74	\$ 61,344.66	\$ 405.92
14	BITUMINOUS MATERIAL FOR TACK COAT	GAL	2.14	504	250	\$ 1,078.56	\$ 535.00	\$ (543.56)
15	2360 TYPE LV4 BITUMINOUS WEAR COURSE DRIVES	SY	15.60	356	109	\$ 5,553.60	\$ 1,700.40	\$ (3,853.20)
16	GUARDRAIL, MN/DOT TYPE 8307 OR 8388	LF	35.50	210	212	\$ 7,455.00	\$ 7,526.00	\$ 71.00
17	CLASS 5 AGGREGATE SHOULDERING - 100% CRUSHED LIMESTONE	TN	17.43	204	204	\$ 3,555.72	\$ 3,555.72	\$ -
18	DITCH GRADING	LF	10.76	20	20	\$ 215.20	\$ 215.20	\$ -
19	SEEDING, FERTILIZER AND WOOD FIBER BLANKET	SY	2.15	420	764	\$ 903.00	\$ 1,642.60	\$ 739.60
20	STRIPING - 4" YELLOW STRIPING	LF	0.22	2,320	2,375	\$ 510.40	\$ 522.50	\$ 12.10
21	STRIPING - 4" WHITE STRIPING	LF	0.22	7,440	7,374	\$ 1,636.80	\$ 1,622.28	\$ (14.52)
22	INSTALL SIGN PANEL	SF	32.28	5	5	\$ 161.40	\$ 161.40	\$ -
SUBTOTAL 50TH STREET AND KIMBRO AVENUE						\$ 167,402.67	\$ 164,314.80	\$ (3,087.87)
TOTAL COMPENSATING CHANGE ORDER NO. 1						\$ 469,524.99	\$ 462,845.64	\$ (6,679.35)

TKDA

444 Cedar Street, Suite 1500
Saint Paul, MN 55101

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

www.kda.com

over

Prof. No. 14732.001 Cert. No. 4F St. Paul, MN, November 8, 2011

This Certifies that _____ Hardrives, Inc., Contractor

For 2011 Street and Water Quality Improvements

Is entitled to Forty Two Thousand Two Hundred Ten Dollars and 53/100 ----- (\$42,210.53) FINAL

being 4th _____ estimate for partial payment on contract with you dated April 19 _____, 2011

Received payment in full of above Certificate.

TKDA

Hardives, Inc.

2011

Larry D. Bohrer, P.E.

Long D. Johns

RECAPITULATION OF ACCOUNT

	CONTRACT	PLUS EXTRAS	PAYMENTS	CREDITS
Contract price plus extras	\$	469,524.99		
All previous payments			\$	420,635.11
All previous credits				
Compensating Change Order No. 1	\$	(6,679.35)		
" "				
" "				
" "				
" "				
" "				
Credit No.				\$ -
" "				
" "				
" "				
" "				
AMOUNT OF THIS CERTIFICATE			\$	42,210.53
Totals	\$	462,845.64	\$	462,845.64
Credit Balance			\$	-
There will remain unpaid on contract after payment of this Certificate			\$	-
			\$	462,845.64
			\$	-

TKDA
Engineers-Architects-Planners Saint Paul, Minnesota 55101

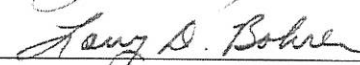
PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS

Estimate No. 4F Period Ending November 8, 2011 Page 1 of 1 Proj. No. 14732.001
Contractor Hardrives, Inc. Original Contract Amount \$469,524.99
Project 2011 Street and Water Quality Improvements
Location City of Lake Elmo, Minnesota

Total Contract Work Completed	\$	<u>462,845.64</u>
Total Approved Credits	\$	<u>0.00</u>
Total Approved Extra Work Completed	\$	<u>0.00</u>
Approved Extra Orders Amount Completed	\$	<u>0.00</u>
Total Amount Earned This Estimate	\$	<u>462,845.64</u>

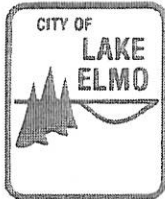
Less Approved Credits	\$	<u>0.00</u>
Less 0 % Retained	\$	<u>0.00</u>
Less Previous Payments	\$	<u>420,635.11</u>
Total Deductions	\$	<u>420,635.11</u>

Amount Due This Estimate \$ 42,210.53

Contractor 
Hardrives, Inc.
Engineer 
Larry D. Bohrer, P.E.

Date 2/15/12
Date 11-8-11

ITEM NO.	DESCRIPTION	UNIT	PRICE	QUANTITY	CONTRACT	AMOUNT	TO DATE
TARTAN MEADOWS NEIGHBORHOOD							
1	MOBILIZATION	LS	4,532.25	1	1	4,532.25	
2	TRAFFIC CONTROL	LS	968.23	1	1	968.23	
3	SILT FENCE	EA	2.55	1	1	2.55	
4	INLET PROTECTION	LF	2.55	1	1	2.55	
5	SAWCUT PAVEMENT (ALL TYPES)	LF	96.82	2	2	193.64	
6	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (DRIVEWAYS)	LF	2.15	89	89	193.64	
7	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (FLUME)	LF	4.30	17	28	73.10	
8	REMOVE & DISPOSE OF EXIST. CONCRETE PAVEMENT (DRIVEWAYS)	EA	60.69	1	1	60.69	
9	SUBGRADE CORRECTION	SY	5.34	13	0	69.42	
10	RECLAIM EX. BIT. AND BASE MATERIALS, 8-INCH DEPTH	SY	2.00	138	0	276.00	
11	HAUL OUT EXCESS MILLINGS (LV)	CY	1.00	101	0	101.00	
12	SUBGRADE PREPARATION OF RECLAIMED SURFACE	RS	378.11	6	6	2,268.66	
13	2360 TYPE LV3 BITUMINOUS NON-WEARING COURSE	TN	50.73	246	272.2	12,488.58	
14	2360 TYPE LV4 BITUMINOUS WEARING COURSE	TN	53.69	207	248	13,315.12	
15	BITUMINOUS MATERIAL FOR TACK COAT	GAL	2.14	116	75	248.24	
16	2360 TYPE LV4 BITUMINOUS WEAR COURSE DRIVES	SY	16.06	32	27	513.60	
17	SAW & SEAL STREET (40' INTERVALS)	LF	2.09	360	723	1,511.07	
18	ADJUST CATCH BASIN & INSTALL CONCRETE WINGS	EA	560.43	1	2	1,120.86	
19	REPAIR CASTING AND ADJUST CATCH BASIN & INSTALL CONCRETE WINGS	EA	841.69	1	0	841.69	
20	6" CONCRETE DRIVE	EA	53.79	22	0	1,183.38	
21	CONCRETE CURB CUT FOR RAIN GARDEN	EA	295.86	2	2	591.72	
22	DITCH GRADING	LF	10.75	10	30	107.50	
23	IMPORT AND PLACE TOPSOIL	CY	34.68	62	30	2,150.16	
24	SEEDING, FERTILIZER AND WOOD FIBER BLANKET	SY	10.76	25	52	269.00	
25	SODDING	SY	2.70	631	358	1,433.70	
SUBTOTAL DAVID NELSON ESTATES NEIGHBORHOOD							
						39,989.92	40,587.20
DAVID NELSON ESTATES NEIGHBORHOOD							
1	MOBILIZATION	LS	1,539.88	1	1	1,539.88	
2	TRAFFIC CONTROL	LS	268.95	1	1	268.95	
3	SILT FENCE	EA	2.55	1	1	2.55	
4	INLET PROTECTION	LF	2.55	100	0	255.00	
5	SAWCUT PAVEMENT (ALL TYPES)	LF	96.82	2	2	193.64	
6	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (DRIVEWAYS)	LF	2.15	163	89	350.45	
7	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (FLUME)	LF	4.30	17	28	73.10	
8	REMOVE & DISPOSE OF EXIST. CONCRETE PAVEMENT (DRIVEWAYS)	EA	60.69	1	1	60.69	
9	SUBGRADE CORRECTION	SY	5.34	13	0	69.42	
10	RECLAIM EX. BIT. AND BASE MATERIALS, 8-INCH DEPTH	SY	2.00	138	0	276.00	
11	HAUL OUT EXCESS MILLINGS (LV)	CY	1.00	101	0	101.00	
12	SUBGRADE PREPARATION OF RECLAIMED SURFACE	RS	378.11	6	6	2,268.66	
13	2360 TYPE LV3 BITUMINOUS NON-WEARING COURSE	TN	50.73	246	272.2	12,488.58	
14	2360 TYPE LV4 BITUMINOUS WEARING COURSE	TN	53.69	207	248	13,315.12	
15	BITUMINOUS MATERIAL FOR TACK COAT	GAL	2.14	116	75	248.24	
16	2360 TYPE LV4 BITUMINOUS WEAR COURSE DRIVES	SY	16.06	32	27	513.60	
17	SAW & SEAL STREET (40' INTERVALS)	LF	2.09	360	723	1,511.07	
18	ADJUST CATCH BASIN & INSTALL CONCRETE WINGS	EA	560.43	1	2	1,120.86	
19	REPAIR CASTING AND ADJUST CATCH BASIN & INSTALL CONCRETE WINGS	EA	841.69	1	0	841.69	
20	6" CONCRETE DRIVE	EA	53.79	22	0	1,183.38	
21	CONCRETE CURB CUT FOR RAIN GARDEN	EA	295.86	2	2	591.72	
22	DITCH GRADING	LF	10.75	10	30	107.50	
23	IMPORT AND PLACE TOPSOIL	CY	34.68	62	30	2,150.16	
24	SEEDING, FERTILIZER AND WOOD FIBER BLANKET	SY	10.76	25	52	269.00	
25	SODDING	SY	2.70	631	358	1,433.70	
SUBTOTAL TARTAN MEADOWS NEIGHBORHOOD							
						262,132.40	267,943.64
TARTAN MEADOWS NEIGHBORHOOD							
1	MOBILIZATION	LS	4,532.25	1	1	4,532.25	
2	TRAFFIC CONTROL	LS	968.23	1	1	968.23	
3	SILT FENCE	EA	2.55	1	1	2.55	
4	INLET PROTECTION	LF	2.55	1	1	2.55	
5	SAWCUT PAVEMENT (ALL TYPES)	LF	96.82	2	2	193.64	
6	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (DRIVEWAYS)	LF	2.15	155	289	333.25	
7	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (FLUME)	LF	4.30	17	28	73.10	
8	REMOVE & DISPOSE OF EXIST. CONCRETE PAVEMENT (DRIVEWAYS)	EA	60.69	1	1	60.69	
9	SUBGRADE CORRECTION	SY	5.34	13	0	69.42	
10	RECLAIM EX. BIT. AND BASE MATERIALS, 8-INCH DEPTH	SY	2.00	138	0	276.00	
11	HAUL OUT EXCESS MILLINGS (LV)	CY	1.00	101	0	101.00	
12	SUBGRADE PREPARATION OF RECLAIMED SURFACE	RS	378.11	6	6	2,268.66	
13	2360 TYPE LV3 BITUMINOUS NON-WEARING COURSE	TN	50.73	246	272.2	12,488.58	
14	2360 TYPE LV4 BITUMINOUS WEARING COURSE	TN	53.69	207	248	13,315.12	
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17	SAW & SEAL STREET (40' INTERVALS)	LF	2.09	360	723	1,511.07	
18	ADJUST CATCH BASIN & INSTALL CONCRETE WINGS	EA	560.43	1	2	1,120.86	
19	REPAIR CASTING AND ADJUST CATCH BASIN & INSTALL CONCRETE WINGS	EA	841.69	1	0	841.69	
20	6" CONCRETE DRIVE	EA	53.79	22	0	1,183.38	
21	CONCRETE CURB CUT FOR RAIN GARDEN	EA	295.86	2	2	591.72	
22	DITCH GRADING	LF	10.75	10	30	107.50	
23	IMPORT AND PLACE TOPSOIL	CY	34.68	62	30	2,150.16	
24	SEEDING, FERTILIZER AND WOOD FIBER BLANKET	SY	10.76	25	52	269.00	
25	SODDING	SY	2.70	631	358	1,433.70	
SUBTOTAL TARTAN MEADOWS NEIGHBORHOOD							
						262,132.40	267,943.64
TOTAL ESTIMATE NO. 4F							
						459,524.99	462,845.64



MAYOR & COUNCIL COMMUNICATION

DATE: 04/03/2012

CONSENT

ITEM #: 4

MOTION as part of consent agenda

AGENDA ITEM: 2012 Street and Water Quality Improvements (DeMontreville-Highlands Area) – Award Engineering Services Contract

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Ryan Stempski, Assistant City Engineer

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested, as part of its consent agenda, to consider awarding the Professional Engineering Support Services Contract for the 2012 Street and Water Quality Improvements (DeMontreville-Highlands Area) to Stantec Consulting Services, Inc. in the estimated not to exceed amount of \$33,375. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

STAFF REPORT AND BACKGROUND INFORMATION: On March 6, 2012, following a public improvement hearing, the City Council authorized the preparation of plans and specifications for the 2012 Street and Water Quality Improvements to improve the streets in the DeMontreville Highlands Area. The City Engineer prepared a Request for Proposal (RFP) for Engineering Support Services that includes the preparation of the plans and specifications; plan printing, distribution and bidding services; limited construction administration support to the City Engineer; and construction staking.

FOCUS Engineering will provide all resident and council communication, conduct all public meetings, coordinate the work associated with the rain garden program, and will lead the construction administration and construction observation for the project. FOCUS will also oversee the project design and quality control review, prepare the Contract Documents, master specifications and complete field storm sewer inspections to identify work to be incorporated with the project plans.

The RFP was sent to the five firms in the City's recently formed General Municipal Engineering Consultant Pool, including Bolton & Menk, FOTH Infrastructure, Stantec, Stevens, and TKDA.

The proposals were received and ranked on the basis of:

- Project Team Qualifications,

- Understanding and experience with similar projects,
- Understanding the scope of work and the roles and responsibilities of the Consultant,
- Collaboration skills and responsiveness demonstrated during the RFP Submittal process,
- Engineering Fees.

The attached Table 1 summarizes the fees proposed by each consultant, ranging from \$25,875 (211 hours of work effort) to \$56,948 (530 hours of work effort). Each proposal includes a detailed breakdown of the hours and tasks by personnel assigned to the project; together with the hourly billing rates, expenses and total fees. Engineering Fees are subtotaled for each project phase including Plans and Specifications, Bidding, and Construction Support Services (including construction staking).

The City Engineer is recommending a contract be awarded to Stantec Consulting Services, Inc. Stantec has assigned a highly qualified team appropriate for the level of work required for this project, they were engaged and responsive throughout the proposal preparation process, they have demonstrated a thorough understanding of the work to be performed by them, and they were the lowest cost. Staff was concerned about the low number of construction staking hours in the Stantec proposal, however after normalizing the staking hours they remained the lowest cost proposal. The City Engineer is recommending that the contract include the additional construction staking hours requested by staff to retain the level of service requested by the City Engineer. This increases the Stantec Fee Estimate to \$33,375.

RECOMMENDATION: Based upon the above staff report and background information, the City Council is respectfully requested to consider awarding, *as part of the Consent Agenda*, the Professional Engineering Support Services Contract for the 2012 Street and Water Quality Improvements (DeMontreville-Highlands Area) to Stantec Consulting Services, Inc. in the estimated not to exceed amount of \$33,375.

Alternatively, the City Council does have the authority to remove this item from the *Consent Agenda* to further discuss, deliberate and/or, if appropriate, amend the recommended motion prior to taking action. If done so, the appropriate action of the Council following such discussion would be:

"Move to Approve the Professional Engineering Support Services Contract for the 2012 Street and Water Quality Improvements (DeMontreville-Highlands Area) to Stantec Consulting Services, Inc. in the estimated not to exceed amount of \$33,375." [as amended and/or modified at tonight's meeting]."

ATTACHMENTS:

I. Table 1: Proposal Cost Summary

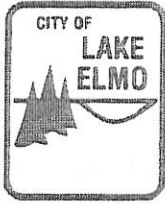
SUGGESTED ORDER OF BUSINESS (if removed from the Consent Agenda):

- Questions from Council to staff..... Mayor Facilitates
- Call for Motion, if appropriate..... Mayor & City Council
- Discussion (if needed)..... Mayor Facilitates
- Action on Motion (if needed) Mayor Facilitates

CITY OF LAKE ELMO, MINNESOTA
 DeMontreville-Highlands Area - 2012 Street & Water Quality Improvements
 Project No. 2012.123
 DATE: March 29, 2012

TABLE NO. 1 PROPOSAL COST SUMMARY

Consulting Firm		Total Engineering		P&S		Bidding		Construction	
STANTEC Consulting Services, Inc.	\$25,875	\$15,260	\$2,195	\$8,420					
TKDA, Inc.	\$39,800	\$24,700	\$1,500	\$13,600					
Bolton & Menk, Inc.	\$46,946	\$23,830	\$3,080	\$20,036					
FOTH Infrastructure	\$53,400	\$30,900	\$3,600	\$18,900					
Stevens Engineers	\$56,948	\$38,174	\$2,788	\$15,986					



MAYOR & COUNCIL COMMUNICATION

DATE: 04/03/2012

CONSENT

ITEM #: 5

RESOLUTION as part of *Consent Agenda*

AGENDA ITEM: Municipal State Aid System Revision – Resolution Establishing and Designating DeMontreville Trail as a Municipal State Aid Street

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Ryan Stempski, Assistant City Engineer
Kyle Klatt, City Planner

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider approving Resolution No. 2012-XXX, Establishing, Locating and Designating DeMontreville Trail, from CSAH 35 to Trunk Highway 36, as a Municipal State Aid Street. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

STAFF REPORT AND BACKGROUND INFORMATION: Washington County and the City of Lake Elmo entered into an Agreement on April 19, 2011, for the jurisdictional Transfer of County Road 13B/DeMontreville Trail North. The transfer, from the County to the City, was finalized on December 31, 2011, upon the County fulfilling the terms of the agreement.

Pursuant to State Aid Rules, a County Road Turnback may be added to the City's Municipal State Aid System and is not counted toward the City's 20% statutory mileage limitation. Therefore, the City may request the Turnback to be added to their MSA System to generate additional funding needs over and above the allowable mileage allocation. DeMontreville Trail serves as a major collector road in the City's Transportation network; therefore, Staff is recommending adding the 2.15 Miles of DeMontreville Trail North, from CSAH 35 to Trunk Highway 36 to the municipal state aid system. A location map is attached for your referenced.

RECOMMENDATION: Based upon the above staff report, the City Council is respectfully requested to consider approving, as part of tonight's *Consent Agenda*, Resolution No. 2012-XXX, Establishing, Locating and Designating DeMontreville Trail, from CSAH 35 to Trunk Highway 36, as a Municipal State Aid Street.

Alternatively, the City Council does have the authority to remove this item from the *Consent Agenda*, table this item for future consideration, or further discuss, deliberate and/or, if appropriate, amend the recommended motion prior to taking action. If the latter is done so, the appropriate action of the Council following such discussion would be:

“Move to approve Resolution 2012-XXX, Establishing, Locating and Designating DeMontreville Trail, from CSAH 35 to Trunk Highway 36, as a Municipal State Aid Street [and as amended and/or modified at tonight’s meeting].”

ATTACHMENTS:

1. Resolution No. 2012-XXX
2. Location Map – DeMontreville Trail, from CSAH 35 to Trunk Highway 36
3. State Aid Office Approval Letter, dated March 12, 2012

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

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

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

RESOLUTION NO. 2012-XXX

A RESOLUTION ESTABLISHING MUNICIPAL STATE AID STREETS

***WHEREAS**, pursuant to MN Statute 163.11, Washington County has transferred all that part of County Road 13B/DeMontreville Trail between CSAH 35 and Trunk Highway 36 to the City of Lake Elmo; and*

***WHEREAS**, the City of Lake Elmo agrees to the jurisdictional transfer of County Road 13B/DeMontreville Trail pursuant to the Agreement for the Transfer of County Road 13B/DeMontreville Trail, dated April 19, 2011; and*

***WHEREAS**, the City of Lake Elmo agrees that all conditions of the Transfer Agreement have been met by Washington County; and*

***WHEREAS**, the City of Lake Elmo is requesting that all that part of DeMontreville Trail, between CSAH 35 and Trunk Highway 36, be designated a Municipal State Aid Street under the provisions of Minnesota Law.*

***NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Lake Elmo that the DeMontreville Trail, between CSAH 35 and Trunk Highway 36, be and hereby is, established, located, and designated a Municipal State Aid Street subject to the approval of the Commissioner of Transportation of the State of Minnesota.*

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

Adopted by the Council this 3rd day of April, 2012.

Date: _____, 2012

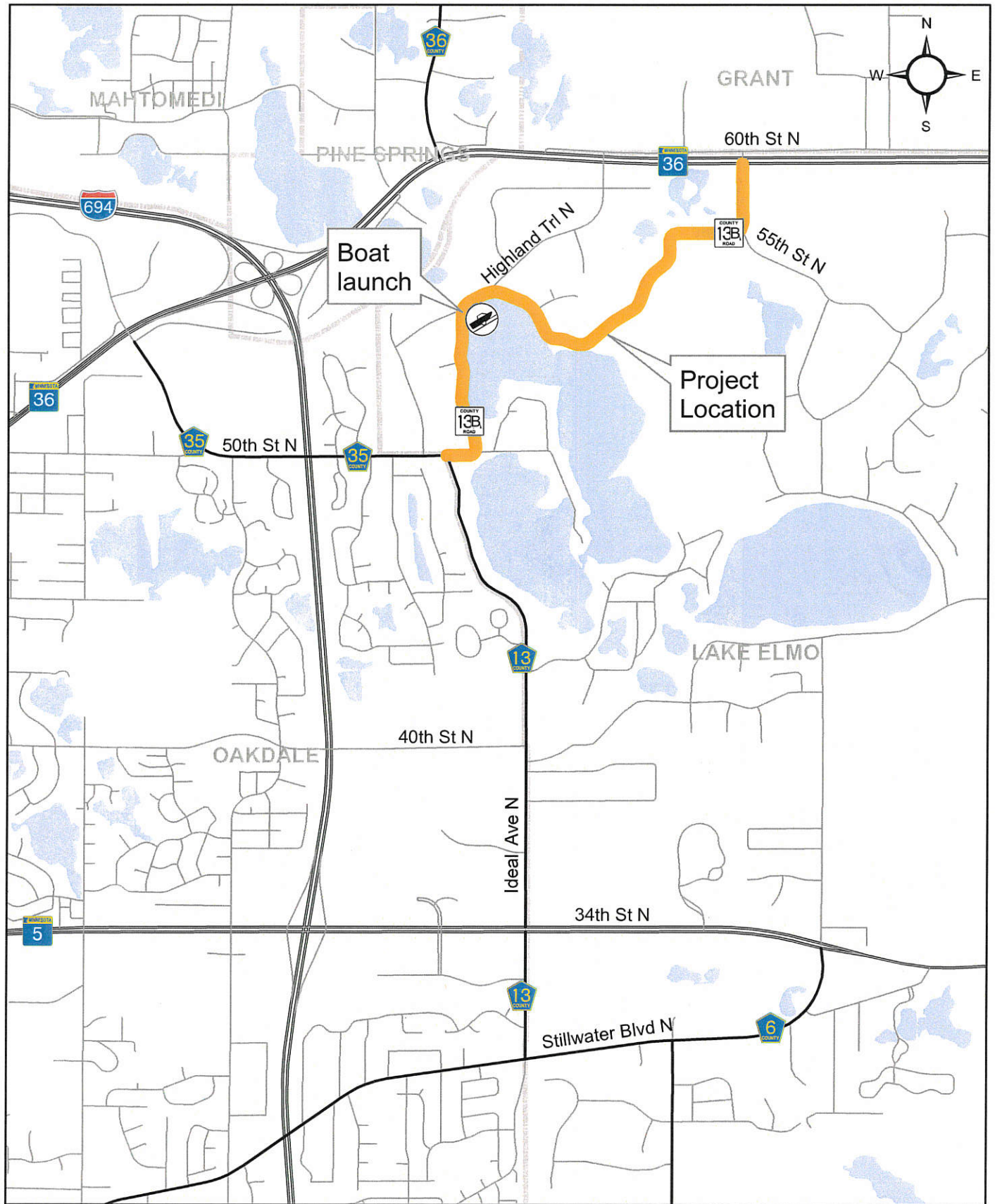
CITY OF LAKE ELMO

By: _____

Dean A. Johnston
Mayor

ATTEST:

Dean A. Zuleger
City Administrator





Minnesota Department of Transportation

MEMO

State Aid for Local Transportation Division

Mail Stop 500, 4th Floor
395 John Ireland Boulevard
St. Paul, MN 55155-1899

Office Tel.: 651 366-3800
Fax: 651 366-3801

March 12, 2012

TO: Mr. Jack Griffin
Lake Elmo City Engineer
3973 Northview Terrace
Eagan, MN 55123
Jack.griffin@focusengineeringinc.com

FROM: Marshall Johnston
Municipal State Aid Needs Manager

(651) 366-3815

SUBJECT: Municipal State Aid Designations and Revocations

The following Municipal State Aid Street designations will be approved when the City Council resolution is received:

MSAS ~~249~~ **119** DeMontreville Trail North- CSAH 35 to TH 36 (2.15 miles of County Road 13B turnback to the city)

The following Municipal State Aid Street revocations will be approved when the City Council resolution is received:

None Requested

The following documents must be submitted before further processing can occur:

A Commissioner's Order will follow after the City Council resolution is received and approved by the Commissioner.

Comments:

If the City Council resolution is received by the DSAE before May 1, 2012, routes designated can receive needs in 2012. Include the road data with the normal computer needs update. Also include the revisions on the Certification of Mileage due in January 2013. If you have any questions, contact your DSAE or Marshall Johnston at (651) 366-3815 for instructions.

	Available Mileage	0.17	2011 Certified Mileage
+	Revoked Mileage	0.00	
-	Designated Mileage	0.00	
	Remaining Available Mileage	0.17	
		2.15	County Road Turnback

An

equal

opportunity

employer

C:\Users\FOCUSJWG\Documents\Shared\CLIENTS\Lake Elmo\3-Streets & MSA\Municipal State Aid System\System Revisions\2012 System Revisions\Lake Elmo 1 2012.docx

This jurisdictional transfer of former CR 13B to the city is not included within the city's 20% statutory mileage limitation.

cc. District State Aid Engineer
File

An

equal

opportunity

employer

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

RESOLUTION NO. 2012-xx

**A RESOLUTION RELATED TO 2012 ASSESSMENTS
TO WASHINGTON COUNTY**

BE IT RESOLVED, by the City Council of the City of Lake Elmo, Minnesota, the attached list of 3 parcels may be removed from the 2012 assessment roll due per the attached Washington County abatement forms.

APPROVED by the Lake Elmo City Council on this 3rd day of April, 2012.

By: _____
Dean A. Johnston
Mayor

ATTEST:

Dean Zuleger
City Administrator

City of Lake Elmo
 Parcels to be removed from 2012 Assessment File
 Updates as of 4.2.2012

Address	PID	Type	Amount	Year Assessed
OACE Acres 2nd Addn Lot 14	09.029.21.13.0009	Utility	438.22	2011
3572 Kelvin Court	14.029.21.23.0006	Utility	190.00	2011
2377 Legion Ln N	24.029.21.42.0004	Street	1,750.00	2010
			<u>2,378.22</u>	

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

(M.S.) 375.192

Worksheet #:

Assessment Year: 2011

Payable Year: 2012

APPLICANT

Owner's Name (please print or type) Corporation 14			Soc. Sec. /Fed ID	Phone	Cell
Owner's Name			Soc. Sec. /Fed ID	Phone	Cell
Owner's Name			Soc. Sec. /Fed ID	Phone	Cell
Owner's Mailing Address 8374 Windbreak Trail			Property Address (if different from mailing address) OACE Acres 2nd Addition Lot 14		
City Lake Elmo	State MN	Zip 55042	City Lake Elmo	State MN	Zip 55042

DESCRIPTION OF PROPERTY

Property ID Number 09.029.21.13.0009	MP Number		
Legal Description of Property OACE ACRES 2nd ADD Lot 14 Subdivision Cd 37546	City or Township Lake Elmo	School District # 622	TAG

ASSESSOR'S ESTIMATED MARKET VALUE

Original:

Land EMV	Improvement EMV	Total	Classification
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Revised:

Land EMV	Improvement EMV	Total	Classification
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Applicant's Statement of Facts:

Applicant's Request:

Please abate the special assessment for the delinquent utilities. A change in property classification resulted in an erroneous billing. The amount to be abated is \$438.22

Applicant's Signature: Cathy Bender

Date: 3/22/12

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

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

Note: Must include Fire report for Local Option Disaster Credit

(M.S.) 375.192

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

(M.S.) 375.192

Worksheet #:

Assessment Year: 2010

Payable Year: 2011

APPLICANT

Owner's Name (please print or type) Garold & Mary Felland			Soc. Sec. /Fed ID	Phone	Cell
Owner's Name			Soc. Sec. /Fed ID	Phone	Cell
Owner's Name			Soc. Sec. /Fed ID	Phone	Cell
Owner's Mailing Address 2377 Legion Ln N			Property Address (if different from mailing address)		
City Lake Elmo	State MN	Zip 55042	City Lake Elmo	State MN	Zip 55042

DESCRIPTION OF PROPERTY

Property ID Number 24.029.21.42.0004	MP Number		
Legal Description of Property EDEN PARK Lot 4 Block 1 Subdivision Cd 37180	City or Township Lake Elmo	School District # 622	TAG

ASSESSOR'S ESTIMATED MARKET VALUE

Original:

Land EMV	Improvement EMV	Total	Classification
----------	-----------------	-------	----------------

Revised:

Land EMV	Improvement EMV	Total	Classification
----------	-----------------	-------	----------------

Applicant's Statement of Facts:

Applicant's Request:

Please abate the \$1,750 street assessment that was assessed in 2010 to begin payment in 2011 as it was assessed in error. Their payment was received 9/2/10 and they should have been removed from the list but were not. The City of Lake Elmo refunded the Fellands for the amount withheld in error in 2011 (\$283.00) and the County needs to remove this from their tax roll as soon as possible.

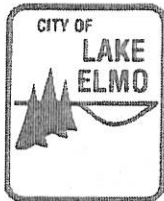
Applicant's Signature: Carol Bendel

Date: 4/2/12

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

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

Note: Must include Fire report for Local Option Disaster Credit



MAYOR & COUNCIL COMMUNICATION

DATE: 4/03/2012
REGULAR
ITEM #: 6
DISCUSSION/MOTION

AGENDA ITEM: Olson Lake Trail Sanitary Sewer Extension – Joint Sewer Project with the City of Oakdale

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Ryan Stempski, Assistant City Engineer
Kyle Klatt, City Planner

SUMMARY AND ACTION REQUESTED: Staff is requesting Council direction in regards to an invitation from the City of Oakdale to participate in a joint sanitary sewer extension project along the shared City border of Olson Lake Trail. The City Engineer will present a brief overview of the Oakdale project and the request being made, together with an update on the additional information obtained at the Council's direction. This agenda item is intended for Council discussion and direction to staff for this initiative.

STAFF REPORT AND BACKGROUND INFORMATION: The City of Oakdale is proceeding with a sanitary sewer extension project along Olson Lake Trail to provide municipal sewer service to Oakdale properties residing along the west side of the road. The Oakdale project will initially be constructed for a length of 550 feet to serve the two properties located at 4656 and 4678 Olson Lake Trail. The sewer main will be placed so that it can be extended further north at some future date to provide municipal sewer service to an additional 9 properties. See attached Project Map.

There are 15 existing residential homes located in Lake Elmo along the easterly side of Olson Lake Trail that will be immediately adjacent to this sewer line once it is constructed. The City of Oakdale has approached Lake Elmo staff to inquire if the City of Lake Elmo has any interest in pursuing this as a joint project by adding the Lake Elmo properties to municipal sewer service.

Staff has briefly reviewed the City files regarding individual sewage treatment systems for the subject properties and has also contacted the residents to determine the level of potential interest in having municipal sewer service. This information is summarized in the attachments to this agenda report and will be further summarized at the meeting.

Should the Council wish to pursue a joint feasibility study to further investigate the issues and costs for a joint sewer project is it estimated that a feasibility report can be completed for about \$8,000. This amount would be shared equally between the City of Oakdale and the City of Lake Elmo.

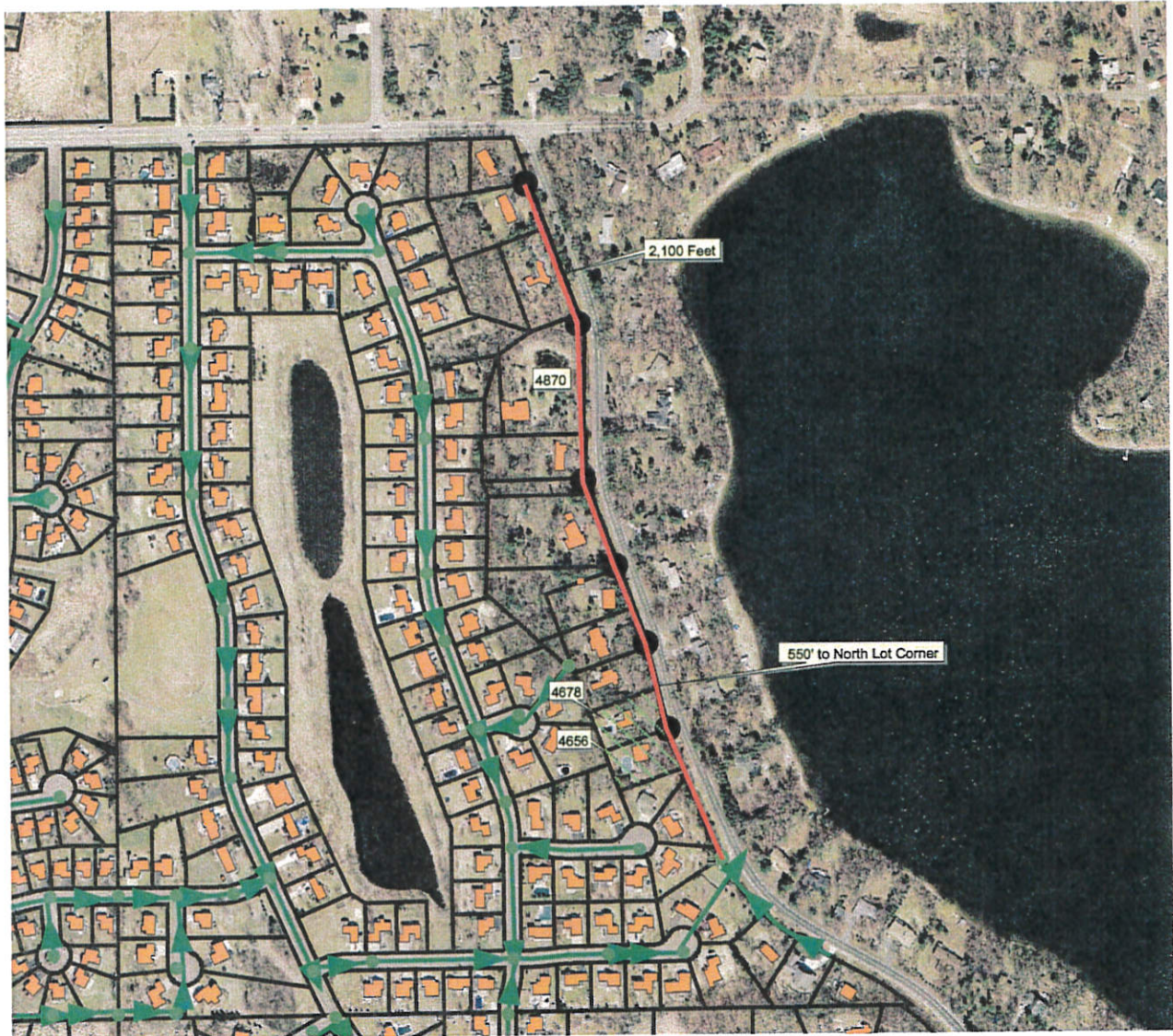
RECOMMENDATION: Based upon the above staff report, the City Council is respectfully requested to consider the request for a joint sanitary sewer extension project with the City of Oakdale along Olson Lake Trail, and provide direction to staff for responding to the City of Oakdale.

ATTACHMENTS:

1. Olson Lake Trail Sanitary Sewer Project Map
2. Lake Elmo Property Map
3. Property Owner Information and Comments (UPDATED)
4. Property Septic System Information on File at City Hall

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation of Item City Engineer
- Questions from Council to Staff Mayor Facilitates
- Call for Motion, if Appropriate Mayor & City Council
- Discussion/Comments Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Action on Motion Mayor Facilitates



Olson Lake Trail Petition for Sanitary Sewer to Serve 4656 & 4678





City of Lake Elmo, Minneosta
Olson Lake Trail Sanitary Sewer Project - Joint Sewer Project with Oakdale
Project No. 2012.107

PROPERTIES TO BE POTENTIALLY SERVED - EACH PROPERTY WAS CONTACTED TO INQUIRE INTEREST IN REGARDS TO MUNICIPAL SEWER SERVICE

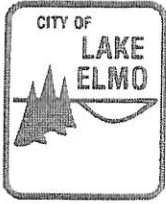
PROPERTY OWNER NAME(S)	ADDRESS	PHONE NO.	CONTACT DATE	COMMENTS
Tony & Diane Haider	4575 Olson Lake Trail	500-9232	3/23/2012	Y Septic System is noncompliant, needs to be replaced, very interested in sewer connection
Richard Graham	4635 Olson Lake Trail	777-0893	3/12/2012	N 200' of frontage, happy w/ septic system, not interested in sewer connection - concerned w/ upfront costs and quarterly billing
Joyce Kvaase	4655 Olson Lake Trail	777-3586	3/12/2012	N 150' of drainfield, 1 person living in home, old system but is working well, not interested at this time
Rebecca Taylor	4671 Olson Lake Trail	777-2514	3/13/2012	Y Interested, mound system w/ 2 tanks, would like to not worry about septic, would improve lake
Charles Shultz & Marsha Anderson	4709 Olson Lake Trail	748-9299	3/13/2012	Y Moved in during 2001, not original system, grinder pump would be necessary, interested in sanitary sewer connection
Catherine Coles	4719 Olson Lake Trail	777-4129	3/13/2012	Y Daughter (Mary Florence Brink) to Rebuild in 2 yrs and is interested in sewer connection, does not know condition of septic system
Fred & Carol Schmiesing	4751 Olson Lake Trail	770-1065	3/13/2012	U Phone # not in service, Letter sent out on 3/22/2012
Roy & June Brogren	4769 Olson Lake Trail	777-3564	3/13/2012	Y Getting house ready for sale, interest in project depends on \$\$ cost
Elizabeth Gergen	4823 Olson Lake Trail	777-5547	3/13/2012	N 1 person living in home, septic system working fine, set back far from the lake, large backyard for secondary system
Thomas & Judith Koppy	4849 Olson Lake Trail	773-2148	3/13/2012	N Not interested, new home built in 2000, they have area for a back-up system
Bruce & Beth Ketzner	4863 Olson Lake Trail	426-6308	3/12/2012	Y Put in new tanks last year, interested in sewer connection
Dennis & Susan Hawkinson	4891 Olson Lake Trail	770-0220	3/12/2012	Y Aging Septic System, would be interested in sewer connection
Richard & Wendy Gimpel	4911 Olson Lake Trail	330-8623	3/12/2012	Y Very excited and interested in a sewer connection
John Seffi	4941 Olson Lake Trail	777-5661	3/12/2012	N Resident installed a new septic system 2 years ago (\$20,000 investment), not interested in sanitary sewer connection
Harold & Jane Revoir	7803 50th Street	777-6468	3/12/2012	Y Concerned about the Lake contamination related to septic systems, interested in sanitary sewer connection

Y	YES	9	60%
N	NO	5	33%
U	CONTACT UNSUCCESSFUL	1	7%
		15	

City of Lake Elmo, Minnesota
Olson Lake Trail Sanitary Sewer Project - Joint Sewer Project with Oakdale
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INDIVIDUAL SEPTIC SYSTEM INFORMATION

PROPERTY OWNER NAME(S)	ADDRESS	PHONE NO.	INFO ON FILE	YEAR BUILT	SYSTEM AGE	COMMENTS
Nicholas & Joan Winkel	4575 Olson Lake Trail	779-6389				
Richard Graham	4635 Olson Lake Trail	777-0893	NO	1976	36	
Joyce Kvaase	4655 Olson Lake Trail	777-3586	YES	1979	33	
Rebecca Taylor	4671 Olson Lake Trail	777-2514	YES	1998	14	Mound System w/ 2 tanks
Charles Shultz & Marsha Anderson	4709 Olson Lake Trail	748-9299	YES	1985	27	Inspected in 2001 at point of sale
Catherine Coles	4719 Olson Lake Trail	777-4129	NO	1974	38	
Fred & Carol Schmiesing	4751 Olson Lake Trail	770-1065	YES	1984	28	
Roy & June Brogren	4769 Olson Lake Trail	777-3564	NO			
James & Elizabeth Gergen	4823 Olson Lake Trail	777-5547	YES	1988	24	
Thomas & Judith Koppy	4849 Olson Lake Trail	773-2148	YES	1999	13	
Bruce & Beth Ketzner	4863 Olson Lake Trail	426-6308	YES			
Dennis & Susan Hawkinson	4891 Olson Lake Trail	770-0220	YES	1985	27	
Richard & Wendy Gimpel	4911 Olson Lake Trail	330-8623	YES	1995	17	Inspected in 2009 at point of sale
John Seffl	4941 Olson Lake Trail	777-5661	YES	2008	4	New system installed in 2008 (\$20,000 investment)
Harold & Jane Revoir	7803 50th Street	777-6468	NO	1973	39	



MAYOR & COUNCIL COMMUNICATION

DATE: 4/3/12

REGULAR

ITEM #: 7

MOTION RESOLUTION 2012-XX

AGENDA ITEM: Lot Area (Size) and Width Variances – 5577 Lake Elmo Avenue

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Planning Commission
Nick Johnson, Interim City Planner

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider a request from Steven Weber, 12729 22nd Street North, West Lakeland, MN to allow the subdivision of a 5.11-acre lot at 5577 Lake Elmo Avenue into two new lots of 2.27 and 2.84 acres in size. One of the newly created lots would contain an existing home, while a new buildable lot would be created on the northerly portion of the site. A variance has been requested from the minimum lot size requirement of 10 acres in a RR – Rural Residential zoning district and the minimum width requirement of 300 feet for lots in this district (the proposed lot widths would be 195 and 95 feet respectfully).

The applicant has previously requested a Comprehensive Plan and Zoning Map Amendment on the same property, but has withdrawn that request in favor of the current variance application. The public hearing on the variance application was opened at the February 13, 2012 Planning Commission meeting, and was continued until February 27, 2012 because the applicant was not able to attend on the prior meeting date. The Planning Commission recommended denial of the variance request based on the draft findings prepared by Staff. The recommended motion to act on this on this request is as follows:

“Move to adopt Resolution No. 2012-XXX denying a request by Steven Weber for variances to allow the subdivision of a 5.11-acre lot at 5577 Lake Elmo Avenue into two new lots of 2.27 and 2.84 acres in size”

BACKGROUND INFORMATION: The attached Planning Commission report includes a detailed review of the application along with the original Staff recommendation to the Commission. Should the Council support the Planning Commission recommendation, the attached resolution reflects the findings that were adopted by the Commission. If the Council decides to approve the variance, it will need to work with staff to develop findings of fact that

are supportive of this decision. Staff has suggested how such findings could be constructed under the alternate actions presented below.

PLANNING COMMISSION REPORT: The Planning Commission reviewed the variance requests at its February 13th and 27th meetings, and conducted a public hearing on this matter over the course of these two meetings. At the prior hearing, the Commission received public testimony from one neighboring property owner against the granting of the variance and noted receipt of a letter from another adjoining property owner opposed to the variance requests. At the latter meeting, the Commission heard testimony as follows:

- Eileen Bergman (5500 Lake Elmo Avenue) reviewed the history of the surrounding land, and restated her opposition to the proposed variances and lot split. She expressed concern over setting precedent for other rural property owners to subdivide their land.
- James Delaplain, Attorney at Law, representing the applicant, indicated that all of the surrounding lots are consistent with the lots that would be created through the variance. He disagreed with the draft findings prepared by Staff, and expressed concern that the standards in the code had not properly been applied in this situation, noting:
 - That the shape of the lot is much more important to determine unique circumstances than lot size.
 - That the proposed lots would not be any different than surrounding parcels, many of which are actually smaller.
 - That the "adjacent properties and traffic" finding in the staff report does not address the issue of congestion, which is the term referenced in City Code.

- Steven Weber discussed the history of his family's ownership of the parcel, and noted that the character of the surrounding land is not rural. He discussed future plans for a frontage road in the area, and explained that he would look at other options for the driveway access if needed.

The Commission generally discussed the proposed variances, and offered the following comments in support of the staff recommendation:

- Not being able to subdivide a lot further than allowed under the zoning regulations does not represent a practical difficulty. It was noted that the lot was created under a 5-acre minimum standard, and could have been subdivided into two 2.5-acre lots if that had been the requirement at the time.

- The lot was created by the landowner, and therefore any proposed hardship due to the shape of the lot would have been created by the property owner.

- The proposed variances would take an existing non-conforming lot and create two non-conforming lots, neither of which would come close to otherwise being considered a buildable lot under the Zoning Ordinance.

The Commission recommended denial of the variance requests, and suggested that Staff revise the first finding to better reflect that the Planning Commission does not consider the creation of a new 2.5-acre parcel within a 10-acre zoning district to be a reasonable use of the property. It was noted that the configuration of the lot does not have any relationship to this first finding because the split of any 5-acre lot in the Rural Residential District would be considered unreasonable.

The Planning Commission vote on the recommendation was unanimous, with one abstention.

RECOMMENDATION: Based upon the above background information, staff report and Planning Commission recommendation, it is recommended that the City Council deny the request from Steven Weber, 12729 22nd Street North, West Lakeland, MN to allow the subdivision of a 5.11-acre lot at 5577 Lake Elmo Avenue into two new lots of 2.27 and 2.84 acres in size by undertaking the following action

“Move to adopt Resolution No. 2012-XXX denying a request by Steven Weber for variances to allow the subdivision of a 5.11-acre lot at 5577 Lake Elmo Avenue into two new lots of 2.27 and 2.84 acres in size”

Alternatively, the City Council may consider the other actions that were suggested as part of the Planning Commission report, which includes the following:

- A. Recommend approval of the variance request, and developing appropriate findings of fact to support this action. These findings would need to address the following:
 - 1. That the inability to subdivide the property will cause practical difficulties for the property owner, and that the proposed subdivision is a reasonable use of the property.
 - 2. That the plight of the land owner is due to circumstances unique to the property, and specifically that the odd shape of the lot and the disconnected area of the parcel make it difficult to use.
 - 3. That the variance will not alter the essentially character of the locality, and that the surrounding properties are similar in size, shape, density, and usage. Furthermore, the surrounding land is comprised of smaller residential lots and commercial activity and is not rural in character.
 - 4. That the proposed variance will not negatively impact the adjacent properties and traffic in the area.
- B. Table taking action on the variance in order to request additional information from either staff or the applicants.
- C. Direct Staff to consider the request as part of a broader Comprehensive Plan or Zoning Map amendment that would look at a change to the entire area, and in particular, the other non-conforming lots that were created in this area before the City's 1979

Comprehensive Plan and Zoning Ordinance. This action does not appear to be supported by the City Council based on its discussions concerning the applicant's previous request.

ATTACHMENTS:

1. Resolution No. 2012-XXX
2. Planning Commission Staff Report (2/27/12 Meeting)
3. Application Form
4. Legal Description
5. Application Narrative
6. Proposed Lot Split Drawing
7. Location Map
8. Septic Site Evaluation Report
9. Washington County Comments
10. Aerial Photograph
11. Lake Elmo Access Analysis Map
12. Letter from Mike and Mary Jo Neuman
13. City Engineer Review Letter
14. League of MN Cities Variance FAQ Sheet

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item..... City Administrator
- Report/Presentation..... Planning Director
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate..... Mayor Facilitates
- Call for Motion..... Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

City of Lake Elmo Planning Department
Variance Review

To: **Planning Commission**

From: Kyle Klatt, Planning Director

Meeting Date: **2/27/12**

Applicant: **Steven Weber**

Owner: Steven Weber

Location: **5577 Lake Elmo Avenue**

Zoning: RR – Rural Residential

Introductory Information

***Application
Summary:***

The Planning Commission is being asked to consider a request by Steven Weber, 12729 22nd Street North, West Lakeland, for variances to allow the subdivision of a 5.11 acres lot at 5577 Lake Elmo Avenue into two new lots of 2.27 and 2.84 acres in size. The applicant is seeking to create a new buildable lot while retaining the existing single family residence located at this address. The specific variances that have been requested are as follows:

- A variance from the minimum lot size requirement of 10 acres in a RR – Rural Residential zoning district. The proposed lots would be 2.27 and 2.84 acres in size.
- A variance from the minimum width requirement of 300 feet for lots in this district. The proposed lots would be 195 feet and 95 feet in width, which are 105 and 205 feet narrower than allowed in an RR zoning district.

The applicant has previously requested a Zoning Map and Comprehensive Plan Amendment that would have allowed the proposed lot split without variances, but decided to withdraw this application after the Planning Commission had completed its review and forwarded its recommendation to the City Council. The review requirements for consideration of a variance are different than those for zoning amendments, and the Planning Commission should keep this in mind while considering the present application. Staff has included the relevant background information from the Commission's previous review in this report, but updated the analysis section to reflect the specific aspects of the variance request and subsequent findings that must be considered.

Should the requested variances be approved for the subject property, the applicant would then be able to apply for a Minor Subdivision to officially split the property into two parcels.

**Property
Information
and Site
Background:**

The applicant's property is located along Lake Elmo Avenue approximately one-third of a mile south of Highway 36. The property was split from an adjoining parcel to the west owned by the Bergmann family in 1978, and at the time the City Zoning regulations allowed for a minimum lot size of 5 acres. In looking back through the City records for this parcel, it appears that the request was intended to allow the subdivision of the portion of the property that was not suitable for agricultural purposes to be split off from a larger farm site to create a new residential lot. The current boundaries of the applicant's parcel were therefore the result of the original owner's intent to keep any tillable acreage as part of the larger farm operation, as well as to meet the minimum lot area requirement of 5 acres. The result was the "U" or "C" shaped parcel that is presently owned by Mr. Weber, who inherited the property from his father (who originally purchased the land when it was subdivided).

As part of the City's approval of the subdivision, the Bergmann's were required to grant easements to the City over a 60-foot wide segment that is located immediately to the south of the applicant's property, and to further allow the newly subdivided parcel to use this strip of land as its access to Lake Elmo Avenue. The easement agreement that is of record in the City files provides for an emergency vehicle access, installation and maintenance of public utilities, and the provision of public service, but does not otherwise appear to grant any rights of the public to use the property for access purposes. The agreement does provide for an option by the City to acquire this land if it is needed for a public street in the future, but otherwise only describes the potential for a private roadway to be built on this strip of land (not a public road). Shortly after the subdivision was approved, the applicant's father applied for a building permit and constructed the house that is on the site today. This house is located on the southern leg of the "C" shape, about 45 feet back from the Lake Elmo Avenue right-of-way, and centered in the middle of the 96-foot wide segment. The driveway providing access to the house does cross into the 60-foot wide segment still owned by the Bergmann's. Staff is not aware of any private easements that exist for such access, and would consider this a private matter between the two affected property owners.

There are three other single family homes in close proximity to the applicant's property, and all of these are very close to one acre in size. In addition to the residential lots, there are two other parcels of one acre in size that do not have any buildings on them, one of which is owned by the neighboring property owner and the other of which was retained by the Bergmann family. All of these lots were split at a time then the City's (or township) zoning regulations allowed for the creation of these smaller lots.

In 1977, the City of Lake Elmo adopted a zoning ordinance that closely followed the township zoning requirements, allowing for 5-acre lots in rural areas, but revised this code in 1979 in conjunction with the adoption of a Comprehensive Plan that changed the standards for rural development areas. The code after 1979 required a minimum lot size of 10 acres in rural areas, which is the standard that is still in place today.

**Applicable
Codes:**

Section 150.017 Variances.

(A-I) Variances. Identifies procedures and requirements for the processing and review of a variance application. Please note that this section was recently updated by the City to comply with revisions to Minnesota State Statutes.

Section 154.036 RR – Rural Residential

Outlines the general requirements for the RR Rural Residential Zoning District in Lake Elmo, and includes the following minimum requirements:

Lot Size: Nominal 10 acres. A 10-acre parcel not reduced by more than 10% and/or a 10-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road right-of-way and survey variations

Lot Width: 300 feet

Septic Drainfield Regulations: All lots must have at least 1 acre of land suitable for septic drainfields and area sufficient for 2 separate and distinct drainfield sites. Placement of the second required drainfield between the trenches of the first drainfield is prohibited.

Findings & General Site Overview

Site Data:

Lot Size: 5.11 Acres

Existing Uses: Single Family Residence

Existing Zoning: RR – Rural Residential

Future Land Use: RAD – Rural Agricultural Density

Property Identification Number (PID): 01-029-21-23-0001

Variance Review:

**Variance
Analysis:**

As part of the report concerning a previous zoning request on the applicant's property, Staff provided the Planning Commission with information concerning the future land use designation of this site. It was noted that this site is located in a portion of the City that is guided for RAD – Rural Agricultural Density, which represents the bulk of the rural development areas within the City. With the current application, Mr. Weber is not requesting any changes to either the future land use or the zoning classification for the property, and has instead requested a variance from the current zoning requirements for a RR – Rural Residential Zoning District.

The RR – Rural Residential Zoning district specifies a minimum lot size of 10 acres and a minimum lot width of 300 feet, and the proposed variance would allow two lots to be created that fall well under both of these requirements. The existing lot is considered a legal non-conforming lot since it was created prior to the adoption of the current standards, and splitting it into two separate parcels would not be allowed without a variance. In this case, the resulting lots would be 7.73 and 7.16 acres smaller than required in the RR zoning district. Moreover, the resulting lot widths would also fall 105 and 205 feet shorter than required.

The criteria for consideration of a variance is found in the Zoning Ordinance, which includes the following provision:

- A request for a variance from the literal provisions of this chapter may be granted in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. All requests for variances shall be reviewed in accordance with the required findings listed [below].
- A more detailed analysis of the variance findings form Staff is included a little later in this report. The applicant has provided a narrative (attached) describing their request, which includes the following general comments:

- The proposed usage if the variance were granted would be consistent with the surrounding lot sizes, shapes, density, and usage.
- The existing parcel is very odd in its shape.
- The existing configuration of the parcel is inconsistent with the surrounding lot sizes, shapes, density, and usage.
- The proposed densities would be consistent with the surrounding land use and would not alter the character of the locality.
- The proposed land use and zoning would be in substantial conformity with the policies goals, and standards of the Comprehensive Plan.
- The soil has been perk tested and the size of the proposed parcels and soil type allow for a suitable septic system.
- The proposed variance would have no impact on an adequate supply of light and air to adjacent properties.
- The proposed use under a variance would not substantially increase the congestion of public streets.
- The proposed use under the variance would do nothing to diminish or impair property values in the neighborhood

All of the other information that has been submitted is either the same or substantially similar to the materials submitted as part of the previous request.

Staff Review Comments

In reviewing the present request for a variance, Staff would like to note that most of the general comments that were provided during the Commission's previous review are relevant as well. In particular Staff is concerned that the proposed variance would allow and augment a pattern of development that is contrary to the purpose and intent of the City's Rural Residential zoning requirements. In addition, the creation of smaller lots within rural areas presents numerous planning issues related to traffic, safety, provision of future services, and maintaining the character or rural areas. Staff has also found that the proposed request also does not meet the four criteria that must be met in order for the City to grant a variance. In particular, the applicant's lot

was created to meet the minimum district requirements at the time, and the inability to further subdivide the lot does not constitute "practical difficulties". It is not reasonable to allow a subdivision that would otherwise not be permitted on a piece of property that already is five acres smaller than allowed in the underlying zoning district. Staff also does not support the argument that the property is unusable and therefore the City must allow the property to be split. A person's definition of usability can vary substantially from one individual to another, and there are many properties in the City's rural development areas that are larger parcels with large areas that have limited use options (which can be seen as an intentional restriction to help preserve rural areas). The shape of the property clearly is unusual for Lake Elmo, but was created and eventually purchased in this configuration with the clear understanding that only one house could be built on the property.

The City Engineer has submitted review comments for consideration by the Planning Commission, and has augmented his previous review by noting additional concerns regarding the location of the driveway and the current and future traffic levels along Lake Elmo Avenue. Lake Elmo Avenue is classified as a Minor Aerial (A) roadway in the City's Comprehensive Plan, and this designation is defined as follows:

"Minor arterials also emphasize mobility over property access and connect cities with adjacent communities and the metropolitan highway system. "A" minor arterials are roadways that are of regional importance because they relieve, expand, or complement the principal arterial system."

This designation specifically notes that mobility be given emphasis over access along these streets, and in this case, the creation of an additional driveway access to Lake Elmo Avenue would not be consistent with the roadway classification. Please also note the existing and future traffic counts that are included in the Engineer's report. Traffic levels along Lake Elmo Avenue are forecast to increase nearly four times beyond the current amount, and the continued operation of individual driveway accesses along this road segment will present serious safety concerns in the future. Although the County has stated that it will issue a permit for the new driveway, if requested, the County does rely in local jurisdictions to regulate access in accordance with their respective plans since it does not have land use authority over a city like Lake Elmo.

Other comments from Staff pertaining to the variance request, some of which were also applicable to the previous request, are as follows:

- The subdivision of lots less than 10 acres in size that are not otherwise part of an OP development is not consistent with the City's goal of preserving its rural character. The 10-acre minimum lot size in rural areas has been in place for over 30 years, with the RED zoning representing the only development allowed before the Open Space zoning regulations were adopted by the City in the mid 1990's.
- Lots less than five acres in size are not as efficient to serve with public services as lots that are planned and developed as part of a broader subdivision. Some of the surrounding properties have been developed as an OP subdivision,

which included plans for providing water and sanitary sewer services, roads, and other utilities.

- Adding another access to Lake Elmo Avenue is not recommended by the City Engineer, and could present problems for managing traffic in the future. Although the County would issue a new driveway permit for a lot along Lake Elmo Avenue, it is up to the City to plan for its future access needs and to ensure that the overall transportation network is planned in an efficient and safe manner. Considering current traffic levels, and with the increases projected in the Comprehensive Plan for Lake Elmo Avenue, individual driveways will not be a safe option for new homes.

- The applicant is not losing any rights to use his property in the way it was initially approved by the City, and the lot is already much smaller than would be allowed for a single family home on a separate parcel in this portion of the City (except for OP development lots).

- There have been no changes to the City since the applicant's lot was originally subdivided that would warrant a consideration of a request to further subdivide this lot. For example, the City has not implemented any transportation improvements near the applicant's property that would provide for more efficient and safe access to this portion of the City.

- The City Engineer has provided the Planning Commission with a recommendation to deny the applicant's request along with information to support this recommendation.

- The proposed driveway to serve the new lot would be located along an incline along Lake Elmo Avenue, which would reduce the visibility for vehicles entering and exiting the site and for vehicles that would be stopped and waiting for turn into the property.

- The City's access spacing standard for the distance between local streets on a Minor Arterial road is $\frac{1}{4}$ mile, and as traffic increases on Lake Elmo Avenue in the future (once the counts exceed 7,500 average daily trips), no direct access for residential driveways is recommended. The attached access analysis map depicts all of the present driveway and road connections to Lake Elmo Avenue, which shows 12 existing (and the one proposed) road/driveway accesses over a distance that would support one such connection point under the City's guidelines.

- Staff does not support the creation of any new access points along Lake Elmo Avenue unless some of the existing driveways could be consolidated into one new public roadway.

For the reasons noted above, Staff is recommending that the Planning Commission recommend denial of the variance request, and is proposing findings to support this action in the section that follows.

**Variance
Criteria:**

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.017 before an exception or modification to city code requirements can be granted. These criteria are listed below, along with comments from Staff regarding applicability of these criteria to the applicants' request.

1. **Practical Difficulties.** *A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.*

The language concerning "practical difficulties" is the first standard that must be met in order for the City to consider granting a variance. Under this standard, the Planning Commission would need to find that the subdivision of an existing non-conforming lot is a reasonable use of the property not otherwise permitted under the zoning ordinance. The appropriate findings for this standard would therefore need to note the subdivision is a reasonable request within a Rural Residential zoning district. Using this standard as a basis, Staff is suggesting that the Planning Commission consider the following:

FINDINGS: That the proposed subdivision is **not** reasonable because the property as it exists can be used for a single family residential home. Reasonable use of the property already exists, and the variance is not needed in order to make use of the parcel under the Rural Residential zoning district requirements. The current configuration of the lot is not relevant to the establishment of reasonable use because the lot would not have been usable for a single family home without this additional area.

2. **Unique Circumstances.** *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

In order to demonstrate compliance with this standard, the Planning Commission would need to note those aspects of the applicant's property that would not pertain to other properties within the same zoning classification. In this case, all Rural Residential property is subject to the same area and width requirements, and the current lot presently does not meet these standards. Again, Staff is suggesting some findings that could be considered by the Planning Commission as follows:

FINDINGS: That the applicant's property is **not** unique because the property is able to support a single family home, and the vast majority of parcels in the Rural Residential zoning district are required to have a larger area than that owned by the

applicant. The ability to find a suitable use for the areas outside of the immediate building location is not something that is unique to the applicant's site since the intent of the Rural Residential district is to promote the preservation of open space and rural character, and therefore, the uses and densities allowed in the district are intentionally limited.

3. **Character of locality.** *The proposed variance will not alter the essential character of the locality in which the property in question is located.*

The subdivision of rural residential lots, by definition, changes the character of the City's rural areas by introducing higher densities into areas that have not been planned for more intensive uses. A more formal set of findings related to this standard is suggested as follows:

FINDINGS: That the proposed variance will alter the essential character of the locality in which the property in question is located. The applicant's property is located in a portion of the City that is guided for Rural Agricultural Density (RAD) development, which corresponds to the City's Rural Residential Zoning District. This district requires a minimum lot size of 10 acres, and the applicant's request to create two lots of under 2.5 acres in size represents a substantial departure from the district requirements. Although there are existing non-conforming lots in the vicinity of the applicant's property, the continued subdivision of lots less than 10 acres will continue to alter the character of the area and create a denser, more urban environment in an area that is not intended to be served by municipal water, sewer services.

4. **Adjacent properties and traffic.** *The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.*

A large part of the Staff report above is devoted to transportation and access issues, and based partially on comments from the City Engineer, Staff is suggesting the following findings pertaining to this criterion:

FINDINGS: The proposed variance will have a negative effect on adjacent properties and traffic because the proposed driveway to serve the new home would not comply with the City's access management policies and guidelines. In particular, new driveway accesses are discouraged along streets classified as Minor Arterials (such as Lake Elmo Avenue) at the traffic levels that are forecast for this road. The proposed driveway would also fail to comply with the City's use of best management practices for spacing guidelines, which include: minimizing new access locations and reducing/consolidating existing access points, protecting and improving intersection functional and sight distance areas, and proper design of driveways and intersections. The creation of a new driveway/lot will create a safety concern by adding an access point to Lake Elmo Avenue in a location that

has reduced visibility dues to an incline in the roadway.

Considering the potential findings of fact as suggested in the preceding section, Staff is recommending denial of the variance request based on the findings noted in items 1-4 above.

Conclusion: Based on the report and analysis provided above, Staff is recommending that the Planning Commission recommend **denial** of the request by Steven Weber for variances to allow the subdivision of a 5.11 acres lot at 5577 Lake Elmo Avenue into two new lots of 2.27 and 2.84 acres in size.

Additional Information: Valley Branch Watershed District did not submit any comments specific to the applicant's variance request, but did note that a Minor Subdivision would require a permit from the watershed district.

The City Engineer's comments are included as part of the attached memorandum.

Recommendation:

Staff is recommending that the Planning Commission recommend denial of the request by Steven Weber for variances to allow the subdivision of a 5.11 acres lot at 5577 Lake Elmo Avenue into two new lots of 2.27 and 2.84 acres in size.

Commission Options: The Planning Commission should consider the following options with this request:

- A) Recommend approval of the variance request, and developing appropriate findings of fact to support this action.
- B) Table taking action on the variance in order to request additional information from either staff or the applicants.
- C) Direct Staff to consider the request as part of a broader Comprehensive Plan or Zoning Map amendment that would look at a change to the entire area, and in particular, the other non-conforming lots that were created in this area before the City's 1979 Comprehensive Plan and Zoning Ordinance. This action does not appear to be supported by the City Council based on its discussions concerning the applicant's previous request.

cc: Steven Weber, 12729 22nd Street North, West Lakeland, MN

City of Lake Elmo DEVELOPMENT APPLICATION FORM

Fee \$

- ☐ Comprehensive Plan Amendment
- ☒ Variance * (See below)
- ☐ Minor Subdivision
- ☐ Lot Line Adjustment
- ☐ Residential Subdivision
- ☐ Sketch/Concept Plan
- ☐ Conditional Use Permit
- ☐ Flood Plain C.U.P.
- ☐ Text Amendment
- ☐ Zoning District Amendment
- ☐ Preliminary/Final Plat
- ☐ Residential Subdivision
- ☐ 01 - 10 Lots
- ☐ 11 - 20 Lots
- ☐ 21 Lots or More
- ☐ Excavating & Grading Permit
- ☐ Appeal
- ☐ PUD

APPLICANT: Steven John Weber, 18729 22nd St. N., West Lakeeland, MN 55282

TELEPHONES: (Home) (651) 337-0541 (Work) (651) 337-0541 (Mobile) (651) 337-0541 (Fax) (651) 337-0541

FEE OWNER: Same as above

TELEPHONES: (Home) Same as above (Work) Same as above (Mobile) Same as above (Fax) Same as above

PROPERTY LOCATION (Address and Complete (Long) Legal Description): 5577 Lake Elmo Avenue, Lake Elmo, MN 55042

P.I.N. # 01.029.21.23.0001

Legal description attached as Schedule A.

DETAILED REASON FOR REQUEST: See Schedule B

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

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of Applicant [Signature] Date 1/13/12

Signature of Applicant _____ Date _____

Schedule "A" Legal Description

All that part of the Southwest 1/4 of the Northwest 1/4 of Section 1, Township 29 North Range 21 West, Washington County, Minnesota described as follows: Commencing at the Southwest corner of said Southwest 1/4 of the Northwest 1/4; thence North 01 degrees 31 minutes 43 seconds West (recorded as N 00 degrees 00' 46" W) along the West line of said Southwest 1/4 of the Northwest 1/4, a distance of 334.70 feet to the North line of the South 334.70 feet of said Southwest 1/4 of the Northwest 1/4, and the point of beginning of this description; thence continuing North 01 degrees 31 minutes 43 seconds West (recorded as N 00 degrees 00' 46" W), a distance of 494.71 feet; thence North 87 degrees 32 minutes 27 seconds East (recorded as N 89 degrees 03' 24" E) a distance of 618.20 feet to the West line of the East 695.22 feet of said Southwest 1/4 of the Northwest 1/4; thence South 01 degrees 19 minutes 29 seconds East, along said West line of the East 695.22 feet, a distance of 502.85 feet to the North line of the South 334.70 feet of said Southwest 1/4 of the Northwest 1/4; thence South 88 degrees 17 minutes 37 seconds West, along said North line of the South 334.70 feet, a distance of 616.33 feet to the point of beginning, together with an easement for roadway purposes over and across the North 60.00 feet of the South 334.70 feet which lies West of the East 695.22 feet of said Southwest 1/4 of the Northwest 1/4, excepting therefrom the North 209.00 feet of the South 639.40 feet of the West 417.42 feet of said Southwest 1/4 of the Northwest 1/4

SCHEDULE B

Variance Request Application
5577 Lake Elmo Avenue
PIN 01.029.21.23.0001
Owner: Steven Weber

Detailed Reason for Request:

Summary of Request.

Applicant property owner requests a partition of the existing 5.11 acre parcel into two new parcels, 2.27 and 2.84 acres in size, with one single family residential unit allowed on each parcel. All existing and intended future use would conform to the zoning requirements of R-1.

Practical Difficulties.

The applicants submit that the strict enforcement of the city code zooming restrictions in regard to the affected property would cause practical difficulties because of circumstances unique to the property under consideration. The requested use would be in keeping with the spirit and intent of the chapter. The applicant proposes to use the property in a reasonable manner not permitted by an official control. Namely, the applicant wished to use the property in a way not inconsistent with the dwelling unit density allowed under the comprehensive plan, and with dwelling density in conformity with the majority of the surrounding parcels. In short, the proposed usage if the variance were granted would be consistent with the surrounding lot sizes, shapes, density, and usage.

Unique Circumstances.

The existing parcel is very odd in its shape. It is unknown to applicant why the parcel was configured as it is. One of the members of the family of the original seller of the property around 1978 reports that it was shaped as it is to comply with a then existing 5 acre code requirement. At any rate, the parcel as it exists is a little over 5 acres and, if a map is oriented to the North, is in the shape of a backwards C or a horseshoe. The two ends of the horseshoe front onto Lake Elmo Avenue. On the South prong of the horseshoe there is an existing single family home, with a driveway crossing over a City easement allowing access to Lake Elmo Avenue. There is no other access. The north prong of the horseshoe is not developed. In the interior of the horseshoe shape there are two 1 acre parcels owned by a single property owner (one home on two one acre parcels owned by the occupant of the parcel at issue, with a driveway and a single family home, one would see the north portion of the parcel at issue, with a driveway and a single family home, then a neighbors parcel, with a driveway accessing two parcels, then the south portion of applicants parcel, without a driveway or access.

The existing configuration of the parcel is inconsistent with the surrounding lot sizes, shapes, density, and usage. The majority of surrounding lots are 1 to 2 acres in size, each with one single family home. Applicant proposes a new boundary line between the north and south portions of the existing parcel, allowing the north parcel to be developed with a single family residential unit, rendering both the existing and new parcel consistent with the surrounding parcels and use.

Character of the locality: The proposed densities of the site would be consistent with surrounding land use and would not alter the character of the locality.

The existing density of the parcels surrounding applicants parcel is in the range of 1 residential unit per one or two acres. Additionally, directly on the other side of Lake Elmo Avenue, in Discover Crossing, the residential lot sizes appear to be .75 acres.

The proposed partition would result in two new parcels, approximately 2.27 and 2.84 acres each, with each anticipated to contain one residential dwelling unit. The existing parcel makes contact with 8 other parcels (ignoring the City Easement to the South). 7 of these 8 parcels are smaller than the two new proposed parcels. The two parcels surrounded on three sides by applicant's lot, the ones on the interior of the "horseshoe," are each one acre in size. (lots 01-029-21-23-0006 and 0007). The two parcels to immediate north are 2 acres (01-029-21-23-0011) and 1 acre (01-029-21-23-0002). The three parcels to the south are 1 acre (01-029-21-23-0010), 1 acre (01-029-21-23-0009) and 1.2 acres (01-029-21-23-0005) .

The proposed land use and zoning would be in substantial conformity with the policies goals and standards of the Comprehensive Plan

Future land use map for the City of Lake Elmo Comprehensive Plan, 2005-2030, shows the area designated as RAD - 0.45 DU/Acre. Petitioner understands this to mean a maximum dwelling unit density of .45 per acre. The proposed use and development is consistent as the new south parcel would contain one residence on 2.27 acres (0.44) and the north parcel would contain one residence on 2.84 acres (0.35).

The soil has been perk tested and the size of the proposed parcels and soil type allow for a suitable septic system.

The proposed variance would have no impact on an adequate supply of light and air to adjacent properties.

The proposed use under a variance would not substantially increase the congestion of public streets.

The County will issue a permit for a new driveway for the proposed new north lot to access Lake Elmo Avenue. The County has not indicated any danger or hazard created by the new drive.

The County suggested that if feasible a driveway across the City Easement currently running on the south side of the south parcel would be preferable. The logistics of this appear difficult, but applicant is open to that suggestion if the City requires.

The proposed use under the variance would do nothing to diminish or impair property values in the neighborhood.

LEGEND
DNF PROTECTED WATERS
DNF PROTECTED WETLAND
DNF PROTECTED WATERS
PARK EQUIPMENT

NORTH
SCALE: 1 inch = 500 feet

SECTION GROUP INDEX

350001	350002	310003
000001	000002	000003

SECTION INDEX

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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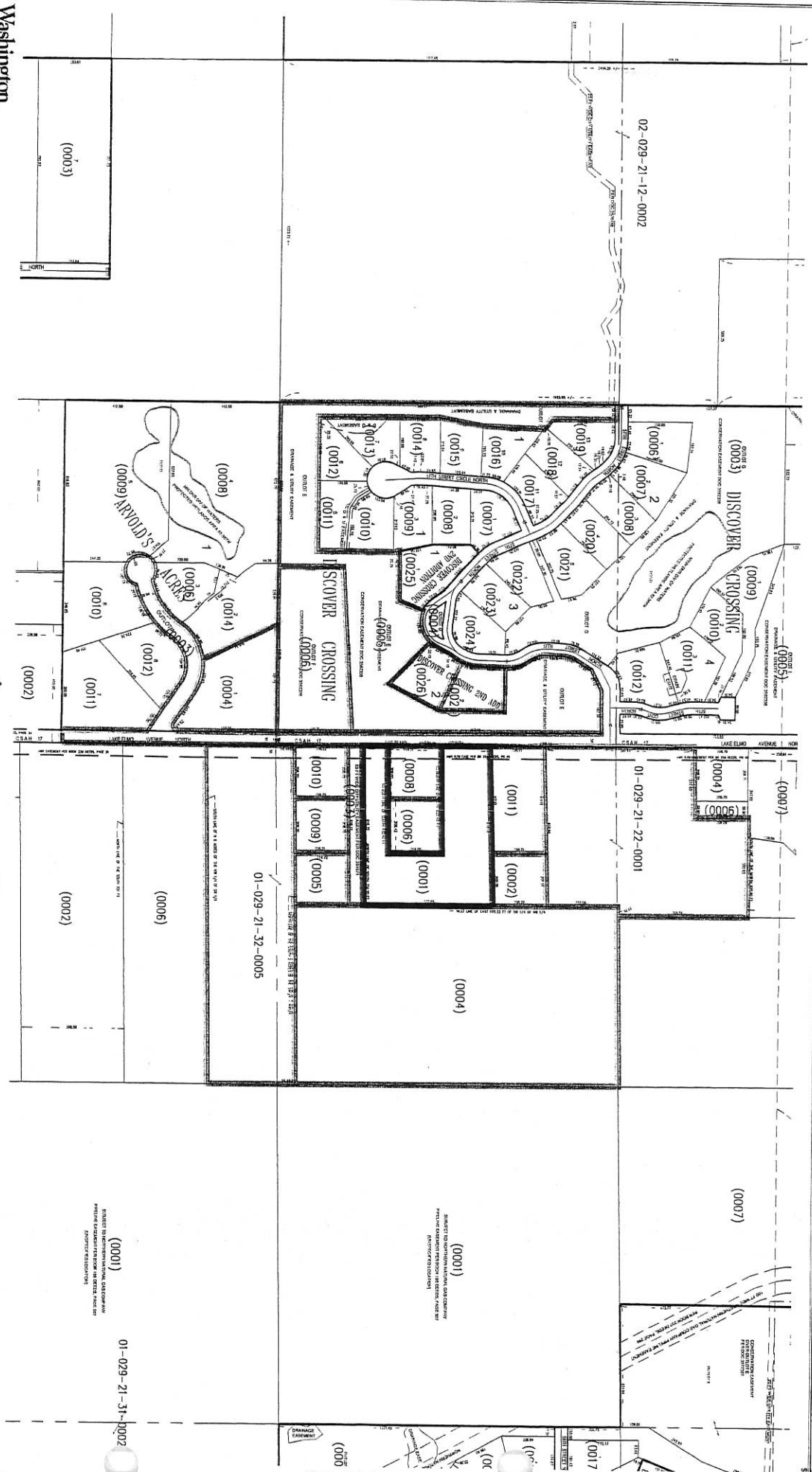
SECTION INDEX MAP

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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PROPERTY RESTRICTIONS

SECTION	OWNER	DATE	RESTRICTION
0001	Washington County	2011	NO ADDITIONAL CHANGES HAVE BEEN REPORTED TO DATE

THIS DRAWING IS THE RESULT OF A COMPARISON AND RECONCILIATION OF LAND RECORDS AS THEY APPEAR IN VARIOUS WASHINGTON COUNTY OFFICES. WASHINGTON COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES. PROPERTY LINES AS SHOWN ARE FOR REFERENCE PURPOSES AND MAY NOT BE LATEST. February 14, 2011
DATE OF COMPILATION: April 2008 DATE OF PHOTOGRAPHY: None



96718

HWY R/W EASE PER BK 258 DEEDS, PG 45

Proposed New Driveway to 11

 (0011)

472

618-19

(iii)?

2007

(B) New Parcel 123,963 sq Ft
Approx 2.84 acres

(A) NEW BOUNDARY LINE

WEST LINE OF EAST 59522

OF SW 1/4 OF NW 1/4

(11-029-21-23

(0004)

LAKE ELMO AVENUE NORTH

494.71

(0008)

209-00

24.42

- NORTH LINE OF SOUTH 430.40 FT

(9000)

208.42

209.00

(1000)

New Parcel Apr 98/93 gift
2.27 miles

2.2.125

30207

2-NORTH LINE OF SOUTH 6.59.40 1.7

617, 72

200.77

200.78

NORTH LINE OF SOUTH 33.70 FT

60 FT WIDE CITY UTILITY EASEMENT PER DOC 384574

(0003)

61b-12

208/0

208.70

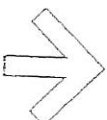
Undivided Parcel is 01.029.21.23.0001

Proposed new boundary line

Approximate size of new North Parcel 123,963 sq. ft. (2.84 acres)

D. proposed new driveway entering onto Lake Elmo Avenue North

E). Approximate location of existing entrance onto Lake Elmo Avenue North



Ed Eklın Septic System Design & Inspection LLC
2303 County Road F East
White Bear Lake, MN 55110
651.485.2300

November 7, 2011

Steven Weber
2626 E. 82nd St., Suite 105
Bloomington, MN 55425

Dear Steven:

At your request, a site evaluation was performed at the property located at 5577 Lake Elmo Ave.

Since you propose to divide the lot into two parcels, I have established a sewage treatment area of at least 10,000 square feet on the north east part of the property.

It appears that a trench drainfield could be installed in the area and there is plenty of area for a possible house site.

This is a preliminary evaluation of the lot, a sewage treatment design and specific house plans will be needed before a building permit can be issued.

The proposed septic area must not be excavated, compacted or filled and must remain as it is.

This site evaluation must be reviewed and approved by Washington County Public Health.

If you have any questions or concerns, please feel free to call me. I would be glad to help.

Sincerely,



Ed Eklın

MPCA License #3321/Certification #C3268

SEPTIC SYSTEM DESIGNS • PERCOLATION TESTS

SOIL BORINGS • SUB-DIVISION PLANNING

NORTH
↑

2. From North Road
to Lake Elmo Avenue



Public Works Department
Donald J. Theisen, P.E.
Director
Wayne H. Sandberg, P.E.
Deputy Director/County Engineer

November 10, 2011

James W. Delaplain
The Lowry Rose Building
2124 Dupont Avenue South
Minneapolis, MN 55405

STEVEN WEBER RESIDENTIAL ACCESS REQUEST TO COUNTY STATE AID HIGHWAY 17 (LAKE
ELMO AVENUE) CITY OF LAKE ELMO MINOR SUBDIVISION CONCEPT
PID 01-029-21-23-0004

Dear Mr. Delaplain:

Washington County has reviewed the residential driveway location along Lake Elmo Avenue for a
proposed new parcel of record based on a concept plan for a minor subdivision of a 5 acre parcel of
property owned by Mr. Steven Weber, in the City of Lake Elmo.

Typically, the county process in cities within Washington County is to respond to formal applications
submitted to the local government since we do not have land use authority. Also, when a subdivision is
proposed, it is common practice to seek alternative access locations to local streets within a municipality.
If those alternatives are not feasible, access to a county highway would be permitted. Alternatives in this
case would be to consider a shared driveway and the feasibility of access to the 60 Ft wide City Utility
Easement shown on the plan that could be improved to provide local access.

Finally, as you are aware, Washington County requires driveway permits for access to a county road. In
this case, once the property owner has gone through the appropriate review and approval process at the
local level, the minor subdivision has been recorded and a permit application is filed with our office, an
access permit can be issued.

Please feel free to give me a call any questions at 651-430-4313 or email me at
carol.hanson@co.washington.mn.us.

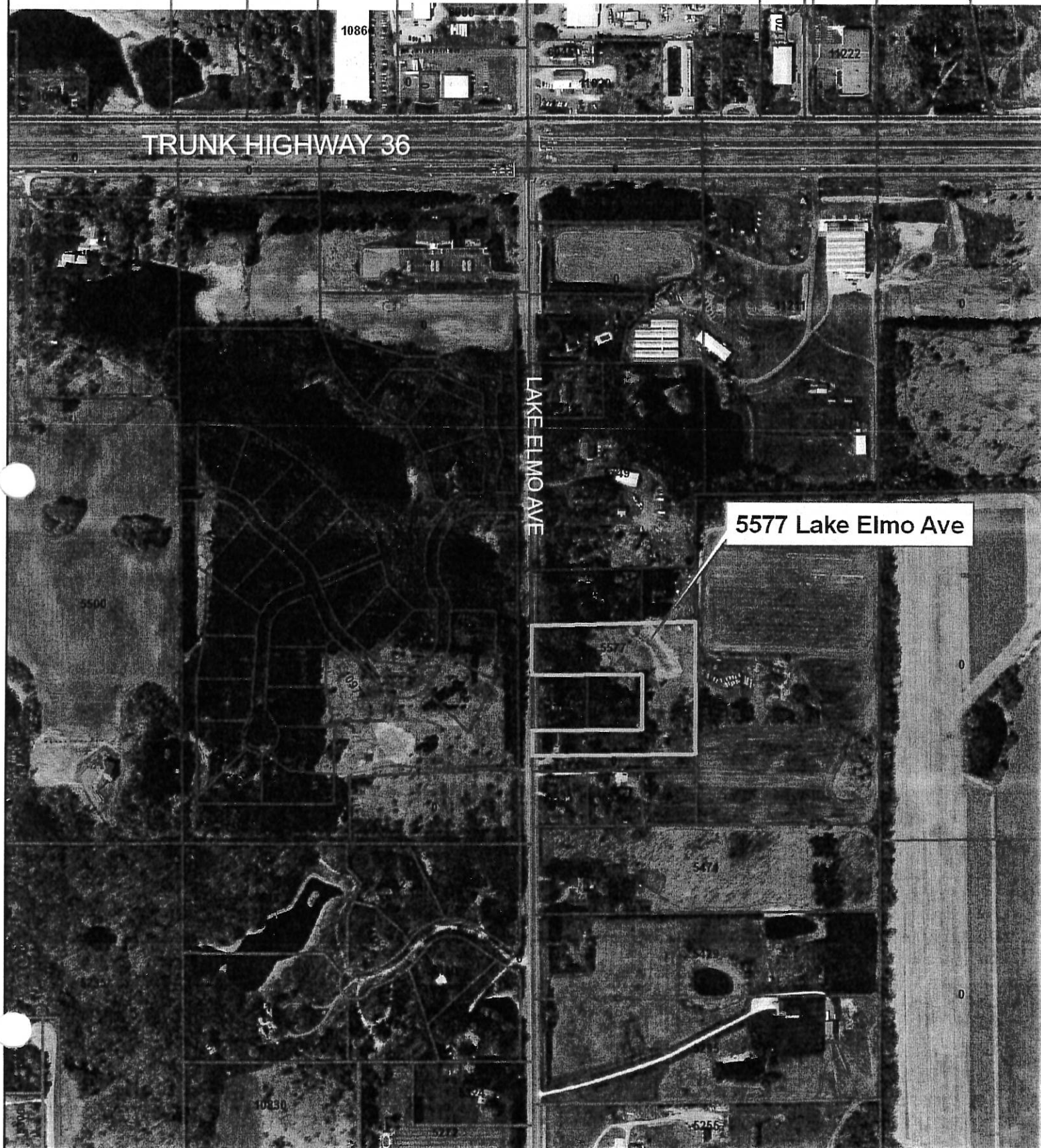
Sincerely,

Carol Hanson
Office Specialist

c: Joe Gustafson, Washington County Transportation Engineer
Ann Pung-Terwedo, Washington County Senior Planner
Kyle Klatt - City of Lake Elmo Community Development Director

11660 Myerson Road North, Stillwater, Minnesota 55082-9573
Phone: 651-430-4300 • Fax: 651-430-4350 • TTY: 651-430-6246
www.co.washington.mn.us
Equal Employment Opportunity / Affirmative Action

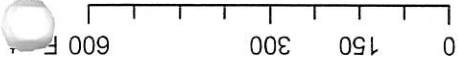
Location Map - 5577 Lake Elmo Ave



Legend

- Existing Access Point
- Proposed Access Point
- Parcel Boundary
- Distance Between Access Points

City of Lake Elmo
2/23/2012
Data Source:
Washington County, MN



5577 Lake Elmo Ave N Access Analysis

February 12, 2012

To: City of Lake Elmo

Subject: Variance for 5577 Lake Elmo Avenue



To whom it may concern:

We are opposing the division/variance of the property at 5577 Lake Elmo Avenue North.

Sincerely,

  2/12/12

Mike and Mary Jo Neuman
5685 Lake Elmo Avenue
Lake Elmo, MN 55042

651.300.4261

651.300.4264

651.300.4267

Cara Geheren, P.E.

Jack Griffin, P.E.

Ryan Stempski, P.E.

Date: February 22, 2012

To: Kyle Klatt, Lake Elmo Planning Director

Re: City of Lake Elmo

5577 Lake Elmo Avenue

Lot Split Variance

Cc: Ryan Stempski, P.E.

From: Jack Griffin, P.E., City Engineer

We have received the Variance Request Development Application for 5577 Lake Elmo Avenue North; PIN 01.029.21.23.0001. The following items were received:

- Application with Schedule A [Legal Description] and Schedule B [Request Narrative].
- Plat Drawing; NTS. PIN 01.029.21.23.0001.
- Sketch drawing showing proposed Lot Split.
- Septic System preliminary site review letter by Ed Elkin Septic System Design, dated 11-07-2011.
- Washington County Review Letter dated 11-10-2011.

The engineering department continues to find that this Lot Split proposal and Variance Application remains inconsistent with the City's Comprehensive Plan, including the Transportation Plan, and therefore is recommending denial of this request.

Coordinated, Efficient Infrastructure: The Comprehensive Plan has guided the zoning in this area to allow development at 1 unit per 10 acres unless completed as part of a cluster type development with supporting infrastructure. When development is allowed to occur at higher densities, it is important to require the development to occur through a *coordinated approach* to allow for adequate and efficient supporting infrastructure. Adequate and efficient infrastructure will not occur if parcels are allowed lot splits, completed on an independent basis. For this application, the proposed infrastructure is not consistent with the requested higher density development (1 unit per 2.5 acres). Surrounding development that allows higher density (i.e. Discover Crossing) was required to plan infrastructure differently to serve individual properties.

The Transportation Situation: The Transportation issue relates to Access Management. Access management is the balance between corridor mobility and property access. Increased access results in a decrease in mobility and a decrease in safety. The City is responsible for creating and implementing Access Management policies as part of its Transportation Plan. While both the State and County own and operate roadways within the City **they cannot deny** access to local properties. They rely on the City

or local authority to manage the proper access spacing along State and County roadways through its land use controls.

In the vicinity of the proposed private driveway, there are currently 10 existing private driveways and two intersecting local roads. In accordance with the City Transportation Plan, private driveway access to Lake Elmo Avenue (A Minor Arterial Road) is to be prohibited. Lake Elmo Avenue is a County owned roadway that supports the City's transportation needs including mobility, safety, efficiency, and the local economy. This roadway is classified as an "A Minor Arterial" in the City's Transportation Plan. Minor Arterial roads are one step higher than collector roads in the Transportation hierarchy. They are intended to prioritize mobility, efficiency and safety over property access. Collector roads supplement the arterial roadway system by providing access between neighborhoods and to the arterial system. Local Streets have the primary purpose to provide direct access to local properties within neighborhoods. Therefore future development along this corridor needs to require a collector or local roadway to be constructed from Lake Elmo Avenue into the developed property. The local property access may then extend to this new road. As traffic increases along this corridor and other access points are needed, future corrective improvements may be required to actually remove the number of private driveways in this area.

Access Spacing Guidelines from Transportation Plan:

- Principal Arterials: No direct access to local properties. Access from Minor Arterials only.
- Minor Arterials (i.e. Lake Elmo Avenue): No direct access to local properties. ¼ Mile spacing between Collector Roadways. 1/8 Mile spacing between residential street intersections.
- Collector Roadways No direct access to local properties. ¼ Mile spacing between Collector Roadways. 1/8 Mile spacing between residential street intersections.

Water and Sewer Treatment Systems: In a similar manner, the extension of municipal water service needs to be planned in an efficient and cost effective way. Typically watermain is expanded along public roadway corridors to avoid easement acquisition costs. When higher density development is allowed without a planned supporting road network, the future expansion of other city services to the area results in significantly elevated costs. Future water system hookups become more costly and prohibitive for property owners due to easement acquisition costs and/or longer water services.

Higher density development places greater pressure on the private infrastructure in a rural area, such as private wells and septic systems. With greater densities, the probability of failure for private wells and/or septic systems is increased. When septic systems fail, the available land needed for replacement systems becomes limited.



CONNECTING & INNOVATING
SINCE 1913

VARIANCES

Frequently Asked Questions
(Reflects 2011 law change)

What is a variance?

A variance is a way that a city may allow an exception to part of a zoning ordinance. It is a permitted departure from strict enforcement of the ordinance as applied to a particular piece of property. A variance is generally for a dimensional standard (such as setbacks or height limits). A variance allows the landowner to break a dimensional zoning rule that would otherwise apply.

Who grants a variance?

Minnesota law provides that requests for variances are heard by a body called the board of adjustment and appeals; in many smaller communities, the planning commission or even the city council may serve that function. A variance decision is generally appealable to the city council. For more information, see Minn. Stat. § 462.357.

When can a variance be granted?

A variance may be granted if enforcement of a zoning ordinance provision as applied to a particular piece of property would cause the landowner "practical difficulties." For the variance to be granted, the applicant must satisfy the statutory three-factor test for practical difficulties. If the applicant does not meet all three factors of the statutory test, then a variance should not be granted. Also, variances are only permitted when they are in harmony with the general purposes and intent of the ordinance, and when the terms of the variance are consistent with the comprehensive plan. For more information, see Minn. Stat. § 462.357.

What kind of authority is the city exercising?

A city exercises so-called "quasi-judicial" authority when considering a variance application. This means that the city's role is limited to applying the legal standard of practical difficulties to the facts presented by the application. The city acts like a judge in evaluating the facts against the legal standard. If the applicant meets the standard, then the variance may be granted. In contrast, when the city writes the rules in zoning ordinance, the city is exercising "legislative" authority and has much broader discretion.

What is practical difficulties?

Practical difficulties is a legal standard set forth in law that cities must apply the when considering applications for variances. It is a three-factor test and applies to all requests for variances. To constitute practical difficulties, all three factors of the test must be satisfied. For more information, see Minn. Stat. § 462.357.

This material is provided as general information and is not a substitute for legal advice.
Consult your attorney for advice concerning specific situations.

LEAGUE OF MINNESOTA CITIES
INSURANCE TRUST

145 UNIVERSITY AVE. WEST PHONE: (651) 281-1200 FAX: (651) 281-1298
ST. PAUL, MN 55103-2044 TOLL FREE: (800) 925-1122 WEB: WWW.LMC.ORG

What are the practical difficulties factors?

The first factor is that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line, or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

The second factor is that the landowner's problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land, and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

Are there are other factors a city should consider?

Yes. State statute provides variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance, and when the terms of the variance are consistent with the comprehensive plan. So, in addition to the three-factor practical difficulties test, a city evaluating a variance application should make findings as to (1) whether or not the variance is in harmony with the purposes and intent of the ordinance, and (2) whether or not the variance is consistent with the comprehensive plan.

What about economic considerations?

Sometimes landowners insist that they deserve a variance because they have already incurred substantial costs or argue they will not receive expected revenue without the variance. State statute specifically notes that economic considerations alone cannot create practical difficulties. Rather, practical difficulties exists only when the three statutory factors are met.

What about undue hardship?

"Undue hardship" was the name of the three-factor test prior to a May 2011 change of law. Effective May 6, 2011 Minnesota Laws, Chapter 19, amended Minn. Stat. § 462.357, subd. 6 to restore municipal variance authority in response to *Krummenacher v. City of Minnetonka*, 783 N.W.2d 721 (Minn. June 24, 2010). In *Krummenacher*, the Minnesota Supreme Court interpreted the statutory definition of "undue hardship" and held that the "reasonable use" prong of the "undue hardship" test was not whether the proposed use is reasonable, but rather whether there is a reasonable use in the absence of the variance.

What did the 2011 law change?

The 2011 law changed the first factor back to the "reasonable manner" understanding that had been used by some lower courts prior to the *Krummenacher* ruling. The 2011 law renamed the municipal variance standard from "undue hardship" to "practical difficulties," but otherwise retained the familiar three-factor test of (1) reasonableness, (2) uniqueness, and (3) essential character. The 2011 law also provides that: "Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan."

Can a city grant a use variance?

Sometimes a landowner will seek a variance to allow a particular use of their property that would otherwise not be permissible under the zoning ordinance. Such variances are often termed "use variances" as opposed to "area variances" from dimensional standards. Use variances are not generally allowed in Minnesota—state law prohibits a city from permitting by variance any use that is not permitted under the ordinance for the zoning district where the property is located. For more information, see Minn. Stat. § 462.357.

Is a public hearing required?

Minnesota statute does not clearly require a public hearing before a variance is granted or denied, but many practitioners and attorneys agree that the best practice is to hold public hearings on all variance requests. A public hearing allows the city to establish a record and elicit facts to help determine if the application meets the practical difficulties factors.

What is the role of neighborhood opinion?

Neighborhood opinion alone is not a valid basis for granting or denying a variance request. While city officials may feel their decision should reflect the overall will of the residents, the task in considering a variance request is limited to evaluating how the variance application meets the statutory practical difficulties factors. Residents can often provide important facts that may help the city in addressing these factors, but unsubstantiated opinions and reactions to a request do not form a legitimate basis for a variance decision. If neighborhood opinion is a significant basis for the variance decision, the decision could be overturned by a court.

What is the role of past practice?

While past practice may be instructive, it cannot replace the need for analysis of all three of the practical difficulties factors for each and every variance request. In evaluating a variance request, cities are not generally bound by decisions made for prior variance requests. If a city finds that it is issuing many variances to a particular zoning standard, the city should consider the possibility of amending the ordinance to change the standard.

When should a variance decision be made?

A written request for a variance is subject to Minnesota's 60-day rule and must be approved or denied within 60 days of the time it is submitted to the city. A city may extend the time period for an additional 60 days, but only if it does so in writing before expiration of the initial 60-day period. Under the 60-day rule, failure to approve or deny a request within the statutory time period is deemed an approval. For more information, see Minn. Stat. § 15.99.

How should a city document a variance decision?

Whatever the decision, a city should create a record that will support it. In the case of a variance denial, the 60-day rule requires that the reasons for the denial be put in writing. Even when the variance is approved, the city should consider a written statement explaining the decision. The written statement should explain the variance decision, address each of the three practical difficulties factors and list the relevant facts and conclusions as to each factor.

Can meeting minutes adequately document a variance decision?

If a variance is denied, the 60-day rule requires a written statement of the reasons for denial be provided to the applicant within the statutory time period. While meeting minutes may document the reasons for denial, usually a separate written statement will need to be provided to the applicant in order to meet the statutory deadline. A separate written statement is advisable even for a variance approval, although meeting minutes could serve as adequate documentation, provided they include detail about the decision factors and not just a record indicating an approval motion passed.

Can a city attach conditions to a variance?

By law, a city may impose a condition when it grants a variance so long as the condition is directly related and bears a rough proportionality to the impact created by the variance. For instance, if a variance is granted to exceed an otherwise applicable height limit, any conditions attached should presumably relate to mitigating the affect of excess height. For more information, see Minn. Stat. § 462.357.

What happens to the variance once granted?

A variance once issued is a property right that “runs with the land” so it attaches to and benefits the land and is not limited to a particular landowner. A variance is typically filed with the county recorder. Even if the property is sold to another person, the variance applies.

Jed Burkett 2011/06

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

RESOLUTION NO. 2012-_____

***A RESOLUTION DENYING LOT AREA AND WIDTH VARIANCES TO ALLOW A MINOR
SUBDIVISION AT 5577 LAKE ELMO AVENUE***

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

WHEREAS, Steven Weber, 12729 22nd Street North, West Lakeland, MN (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for variances to the minimum lot size and lot width requirements for a Rural Residential Zoning District to allow the subdivision of a 5.11-acre parcel at 5577 Lake Elmo Avenue into two new lots of 2.27 and 2.84 acres in size; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.017; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on February 13, 2012 and continued this hearing until its February 27, 2012 meeting; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated March 6, 2012; and

WHEREAS, the City Council considered said matter at its March 6, 2012 meeting; and tabled discussion on said matter until its April 3, 2012 meeting.

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

FINDINGS

1) That the procedures for obtaining said Variance are found in the Lake Elmo Zoning Ordinance, Section 154.017.

2) That all the submission requirements of said 154.017 have been met by the Applicant.

3) That the proposed variances are to allow the subdivision of property at 5577 Lake Elmo Avenue into two separate lots that do not meet the minimum requirements of the RR - Rural Residential zoning district, and include the following components:

- a) Variances from the minimum lot size requirement of 10 acres in a RR – Rural Residential zoning district in order to create two new lots of 2.27 and 2.84 acres in size.
 - b) Variances from the minimum lot width requirement of 300 feet in a RR – Rural Residential zoning district in order to create two new lots that are 195 and 95 feet in width.
- 4) That the Variance will be located on property legally described as follows:

All that part of the Southwest 1/4 of the Northwest 1/4 of Section 1, Township 29 North, Range 21 West, Washington County, Minnesota described as follows: Commencing at the Southwest corner of said Southwest 1/4 of the Northwest 1/4; thence North 01 degrees 31 minutes 43 seconds West (recorded as N 00 degrees 00' 46" W) along the West line of said Southwest 1/4 of the Northwest 1/4, a distance of 334.70 feet to the North line of the South 334.70 feet of said Southwest 1/4 of the Northwest 1/4, and the point of beginning of this description; thence continuing North 01 degrees 31 minutes 43 seconds West (recorded as N 00 degrees 00' 46" W) a distance of 494.71 feet; thence North 87 degrees 32 minutes 27 seconds East (recorded as N 89 degrees 03' 24" E) a distance of 618.20 feet to the West line of the East 695.22 feet of said Southwest 1/4 of the Northwest 1/4; thence South 01 degrees 19 minutes 29 second East, along said West line of the East 695.22 feet, a distance of 502.85 feet to the North line of the South 334.70 feet of said Southwest 1/4 of the Northwest 1/4; thence South 88 degrees 17 minutes 37 seconds West, along said North line of the South 334.70 feet, a distance of 616.33 feet to the point of beginning, together with an easement for roadway purposes over and across the North 60.00 feet of the South 334.70 feet which lies West of the East 695.22 feet of said Southwest 1/4 of the Northwest 1/4, excepting therefrom the North 209.00 feet of the South 639.40 feet of the West 417.42 feet of said Southwest 1/4 of the Northwest 1/4.

More commonly known as 5577 Lake Elmo Avenue.

- 5) That the strict enforcement of Zoning Ordinance would **not** cause practical difficulties and that the property owner **does not** propose to use the property in a reasonable manner not permitted by an official control. *Specific findings:*
- a) *That the subdivision of an existing 5-acre parcel into two smaller parcels in a zoning district that requires a minimum lot size of 10 acres is not a reasonable use of the property.*
 - b) *That the proposed subdivision is not reasonable because the property as it exists can be used for a single family residential home. Reasonable use of the property already exists, and the variance is not needed in order to make use of the parcel under the Rural Residential zoning district requirements. The current configuration of the lot is not relevant to the establishment of*

reasonable use because the lot would not have been usable for a single family home without this additional area.

- 6) That the plight of the landowner is not due to circumstances unique to the property and was created by the landowner. *Specific findings:*

a) That the applicant's property is not unique because the property is able to support a single family home, and because a large majority of parcels outside of Open Space Preservation developments in the Rural Residential zoning district are larger than the lot owned by the applicant. The ability to find a suitable use for the areas outside of the immediate building location is not something that is unique to the applicant's site since the intent of the Rural Residential district is to promote the preservation of open space and rural character, and therefore, the uses and densities allowed in the district are intentionally limited.

b) That the proposed lot was created by the land owner and met the minimum lot size requirements when it was subdivided. The land owner was able to build on the lot and has been able to use the property as a single family residential lot for over 30 years.

- 7) That the proposed variance will alter the essential character of the locality in which the property in question is located. *Specific findings:*

a) That the applicant's property is located in a portion of the City that is guided for Rural Agricultural Density (RAD) development, which corresponds to the City's RR - Rural Residential Zoning District. This district requires a minimum lot size of 10 acres, and the applicant's request to create two lots of under 2.5 acres in size represents a substantial departure from the district requirements. Although there are existing non-conforming lots in the vicinity of the applicant's property, the continued subdivision of lots less than 10 acres will continue to alter the character of the area and create a denser, more urban environment in an area that is not intended to be served by municipal water or sewer services.

- 8) That the proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question but will substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. *Specific findings:*

a) That the proposed variance will have a negative effect on adjacent properties and traffic because the proposed driveway to serve the new home would not comply with the City's access management policies and guidelines. In particular, new driveway accesses are discouraged along streets classified as Minor Arterials (such as Lake Elmo Avenue) at the traffic levels that are forecast for this road. The proposed driveway would also fail to comply with the City's use of best management practices for spacing guidelines, which include:

minimizing new access locations and reducing/consolidating existing access points, protecting and improving intersection functional and sight distance areas, and proper design of driveways and intersections. The creation of a new driveway/lot will create a safety concern and add to congestion on Lake Elmo Avenue by adding an access point to Lake Elmo Avenue in a location that has reduced visibility dues to an incline in the roadway.

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicants' application for a Variance is denied.

Passed and duly adopted this 3rd day of April 2012 by the City Council of the City of Lake Elmo, Minnesota.

Dean A. Johnston, Mayor

ATTEST:

Dean A. Zuleger, City Administrator



MAYOR & COUNCIL COMMUNICATION

DATE: 4/3/12

REGULAR

ITEM #: 8

INFORMATIONAL

AGENDA ITEM: Lake Elmo Park Reserve West Side Access Plan (Prepared by Washington County)

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Nick Johnson, Interim City Planner
Park Commission
Planning Commission

SUMMARY AND ACTION REQUESTED: The City Council is being asked to review and provide comments on a plan that has been prepared by Washington County to identify potential options for improving access to the Lake Elmo Park Reserve from the west side of park property. The Lake Elmo Park Commission has reviewed the plan and adopted a motion in support of the plan as presented. The Planning Commission also reviewed the plan and provided the feedback as noted below. Staff has participated in a stakeholder group that has been reviewing the plan over the past year or so, and there have also been two public open houses to solicit public feedback on the plan as well.

There is no specific motion that is being recommended by Staff related to this agenda item. Since the plan is being prepared by the County (and it is not a City document), the Council is instead being asked to provide any comments regarding the plan that can then be forwarded to the County for its consideration.

FISCAL IMPACT: None at this point in time. The plan identifies potential trail alignments that mirror the City's trail plans. Future trail construction would need to be budgeted through the City's capital improvement plans.

BACKGROUND INFORMATION: As noted in the attached plan: "This trail planning study is being undertaken as a collaborative effort with Washington County and the cities of Lake Elmo and Oakdale for establishing off road trail connections to the west boundary of Lake Elmo Park Reserve. Funding secured for this study through the Statewide Health Improvement Program (SHIP) sets forth initiatives for establishing interconnected trail systems which

encourage residents to lead more active and healthy lives by participating in recreational trail use and activities.”

The proposed plan does incorporate several of the recommendations from Lake Elmo’s trail plan, including a proposed trail along 15th Street between the park and Inwood Avenue. Staff will review a few other highlights from the Plan with the City Council at its April 3rd meeting.

COMMISSION REPORT: The Lake Elmo Park Commission reviewed the West Side Access Plan at its March 19, 2012 meeting and recommended that the plan be approved as drafted. The Planning Commission reviewed the plan at its March 26, 2012 meeting. Instead of making a specific recommendation, the Commission offered several pros and cons that it suggested be communicated to the County, which included the following:

Pros:

- The proposed tunnel under Inwood Avenue south of Torre Pines would be a good thing and improve safety along the corridor.
- Increasing access to the regional park.

Cons:

- Total cost of project.
- Concern about being financially irresponsible.
- The expense of the tunnel under Inwood Avenue.
- Providing access to 15th Street from the park.
- The plan does not suitably demonstrate the need for the proposed improvements.
- The practicability of improving access and the resulting parking and traffic issues.
- Trails on both sides of Inwood Avenue would be redundant and wasteful.
- Would like to see consideration given to improving access in the northeast quarter of the site, and in general, access that provides better access for more Lake Elmo residents.
- Parking areas off of road would be better than on-street parking
- The City needs to have conversations with the County regarding parking along Inwood Avenue.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council review the recommendation made by the Park Commission and comments from the Planning Commission and to provide any additional comments regarding the plan that can then be forwarded to the County for its consideration.

ATTACHMENTS:

1. Lake Elmo Park Reserve West Side Access Plan

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation..... Planning Director
- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

LAKE

DRAFT

Washington County

PARK RESERVE

West Side Access Plan



JANUARY 2012

Washington
County

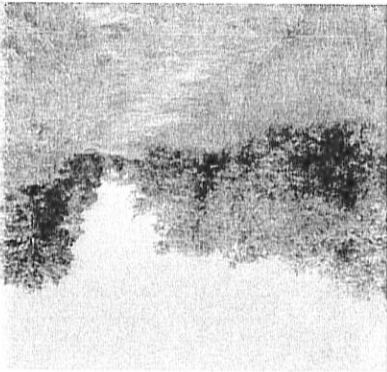
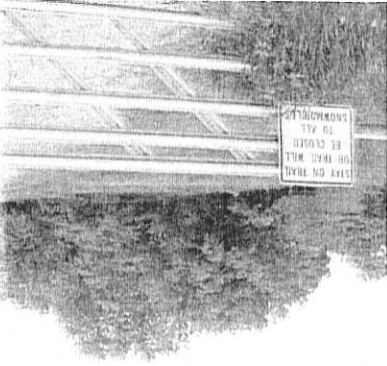
Living Healthy
in Washington County

MINNESOTA
VISION
SHIP

SRF

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18	Preliminary Trail Implementation Plan
20	Preliminary Cost Estimate
A-1	Appendix A – Public Comment



ACKNOWLEDGEMENTS AND PUBLIC OUTREACH

This study involved the participation of a wide variety of stakeholders for planning new trail connections to Lake Elmo Park Reserve. A technical advisory committee comprised of Washington County, City of Lake Elmo, and City of Oakdale staff met on May 17th and July 14th, 2011 to provide comment and feedback during the planning process. Open house meetings were also held on June 8th and July 27th, 2011 at Lake Elmo City Hall for the general public to review alternative and refined plans for the planning and development of new trail system connections to the park. See appendix A for a list of recorded comments submitted at each open house meeting. The following staff members collaborated to provide input for this study:

John Elholm, Parks Director, Washington County

Peter Mott, Parks Manager, Washington County

Jean Streetar, Public Health and Environment - SHIP Coordinator, Washington County

Kenneth Heuer, Washington County Parks and Open Space Commission

Ann Pung-Terwedo, Senior Planner, Washington County

Bruce Messelt, City Administrator, City of Lake Elmo

Kelli Matzek, Planner, City of Lake Elmo

Kyle Klatt, Planning Director, City of Lake Elmo

Bob Streetar, Community Development Director, City of Oakdale

Whitney Ridlon, Planner, City of Oakdale

Jen Hassebroek, Senior Community Development Specialist, City of Oakdale

CONSULTANT TEAM:

SRF CONSULTING GROUP

Ken Grieshaber, ASLA

Nichole Schlepp, ASLA

INTRODUCTION

This trail planning study is being undertaken as a collaborative effort with Washington County and the cities of Lake Elmo and Oakdale for establishing off road trail connections to the west boundary of Lake Elmo Park Reserve. Funding secured for this study through the Statewide Health Improvement Program (SHIP) sets forth initiatives for establishing interconnected trail systems which encourage residents to lead more active and healthy lives by participating in recreational trail use and activities.

PROJECT GOALS

Based on the context identified for this planning study, the following goals are being pursued for establishing local trail connections to Lake Elmo Park Reserve:

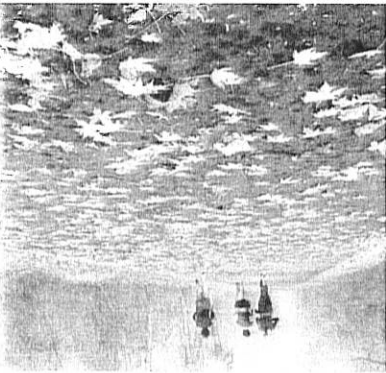
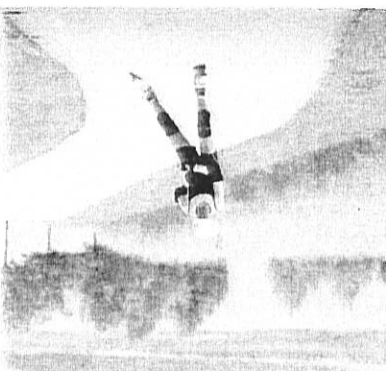
- Provide safe and convenient off road trail access to the park reserve from existing surrounding neighborhood trail systems
- Utilize existing road right of way or trail easement areas to locate trail corridors
- Promote active living and fitness by expanding opportunities for non-motorized transportation
- Provide safe connections to nearby neighborhood schools
- Establish safe trail roadway crossings
- Expand trail system to connect with other regional park destinations and trail systems

PROMOTING ACTIVE AND HEALTHY LIVING INITIATIVES

One of the primary objectives of developing this trail plan is to help promote active living initiatives as a way of life that integrates physical activity in to daily living routines. Communities can be proactive in promoting active lifestyles by providing safe, efficient, and accessible pedestrian and bicycle transportation systems. This includes establishing sidewalks, trails and safe crossings of highways, major streets, and railroad roads. Creating a viable trail network provides residents the opportunity to access parks, schools, libraries, work, grocery stores, and other destinations amenities that otherwise would be accessed by motorized vehicles.

THE DEMAND FOR TRAIL SYSTEMS

As part of the Metropolitan Regional Parks and Trail Survey completed in 2008, walking and biking are identified as the primary activities sought out by the general public for meeting their recreational needs. Metropolitan Council's 2030 Regional Parks Policy Plan notes that according to the State Comprehensive Outdoor Recreation Plan (SCORP), trail recreation is becoming increasingly important as the interest and demand for more trails is being felt at all levels of government. This increased interest in trail recreation reflects the fact that it is a healthful form of exercise for people



of all age groups, is suitable for all groups of physical conditioning, and can be carried out by families, groups, or individuals, and is often available close to home. Over 50% of visitors to regional parks and trail facilities within Washington County are from the surrounding community, indicating a need for establishing more interconnected trail systems to these facilities throughout the County.

REGIONAL CONTEXT AND STUDY AREA

Before undertaking a detailed assessment of planning local trail connections to Lake Elmo Park Reserve, existing and proposed trail systems within Washington County and the cities of Lake Elmo and Oakdale were reviewed to gain a better understanding of the regional context of the trail study area. (See Figure A)

Primary east west trail corridors leading to Lake Elmo Park Reserve from the west are currently located along Stillwater Boulevard north of the park, and along 15th Street and CSAH 10 south of the park. All of these trail corridors offer the opportunity to connect to the park reserve.

As part of the 2006 master plan completed for Lake Elmo Park Reserve, internal park trail connections are identified to be made at Inwood Avenue on the northwest corner of the park and at the east end of 15th Street on the southwest corner of the park. These trail connections will connect to a future paved trail system identified around Eagle Point Lake.

These study area parameters provide the basis for evaluating existing site conditions and identifying the best opportunities for establishing trail connections to and from the park reserve.

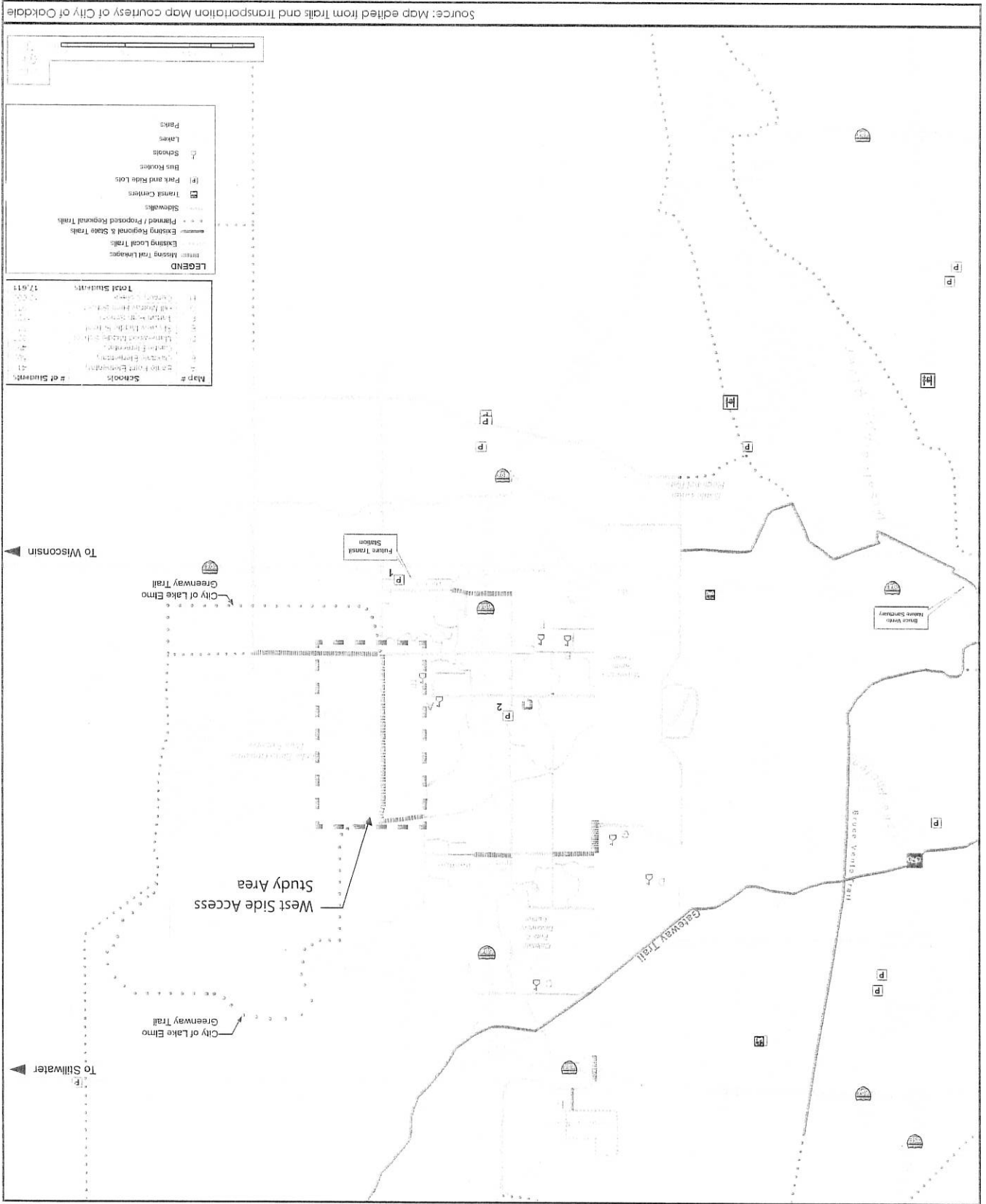


Existing Trail along 15th St. in Oakdale



Inwood Ave. and 15th St., West Side, Looking North

REGIONAL TRAIL CONTEXT - FIGURE A



EXISTING SITE CONDITIONS

Several existing site conditions within the study area pose issues and challenges for establishing trail connections to the park reserve. The following issues have been identified to be evaluated for determining preliminary trail alignments and connections to the park. (see Figure B)

TRAIL CROSSINGS AT INWOOD AVENUE

The posted high speeds and limited sight lines along this roadway corridor only allow for safe at grade trail crossings to be made at four way controlled intersections. Both Stillwater Boulevard and CSAH 10 provide this opportunity while 15th Street does not offer a safe crossing alternative because of limited sight lines and only a two way controlled intersection at this location.

PARK BOUNDARY BARRIERS

Much of the area along the west boundary of the park contains steep slopes which pose some challenges for establishing accessible trail routes into the park. Residential properties bordering the south side of the park boundary also limit trail access opportunities to the site.

PRIVATE PROPERTY OWNER IMPACTS

Residential properties abut many of the roadway corridors being studied for placement of trail corridors within right-of-way or easement areas. Trail planning efforts should minimize impacts on adjacent private land and provide adequate buffers and separation from residential properties. Establishing safe crossings at driveway crossings should also be integrated with trail construction efforts.

RIGHT-OF-WAY CONSTRAINTS

The presence of overhead utilities on the west side of Inwood Avenue south of Torre Lane and on the east side of Inwood north of 27th Street places some limitations on determining a trail alignment in these locations. Some modification of the drainage swales along Inwood Avenue may also be necessary to accommodate trail corridor alignments. Inwood Avenue also transitions to an urban road section north of the park boundary which will provide a minimal or reduced setback for the trail along this stretch of roadway.

COMPATIBILITY WITH LAKE ELMO PARK MASTER PLAN

Internal trail circulation planned as a part of the master plan for Lake Elmo Park Reserve should correspond to proposed trail circulation and connections being made to and along the perimeter of the park.

Existing site conditions within the study area were also documented to gain a better understanding of site trail alignment issues to be addressed within the study area.



15th St. Near Park Boundary, Looking West



Inwood Ave. Near 15th St., Looking North



TRAIL CONNECTION CORRIDORS - ISSUES AND OPPORTUNITIES

While reviewing the potential for establishing trail connections to the west side of Lake Elmo Park Reserve, other amenities were studied to be integrated with a new trail system including creating on street or off street trailhead parking areas near trail entrances to the park. After additional review and comment by local residents, it was determined adding new parking facilities was not desired by the local community and should not be pursued as part of the overall plan.

Several trail corridors were evaluated for establishing trail connections to the Park Reserve from existing local city trails and new proposed county trails along Inwood Avenue. The following issues and opportunities are identified for implementing each county and city trail corridor segment.

COUNTY TRAIL CORRIDOR PLANNING INITIATIVES

Establishing county trail corridors along Stillwater Boulevard and Inwood Avenue will further enhance the connectivity of the local trail system with other park destination amenities and to other communities in close proximity to Lake Elmo Park Reserve. The following county trail segments have been evaluated to increase the connectivity of trail systems from local neighborhoods to the park reserve.

Trail Segment 1- Stillwater Boulevard – (County Segment between Ideal Avenue and Inwood Avenue – (See Figure C)

This key link of trail establishes an important connection to Inwood Avenue from Stillwater Boulevard which provides more direct access to the park for Oakdale residents. The proposed trail connection extends along the south side of Stillwater Boulevard to a controlled intersection crossing at Inwood Avenue.

Trail Segment 2- West Side of Inwood Avenue- (County Segment between Stillwater Boulevard and CSAH 10 – (See Figure C)

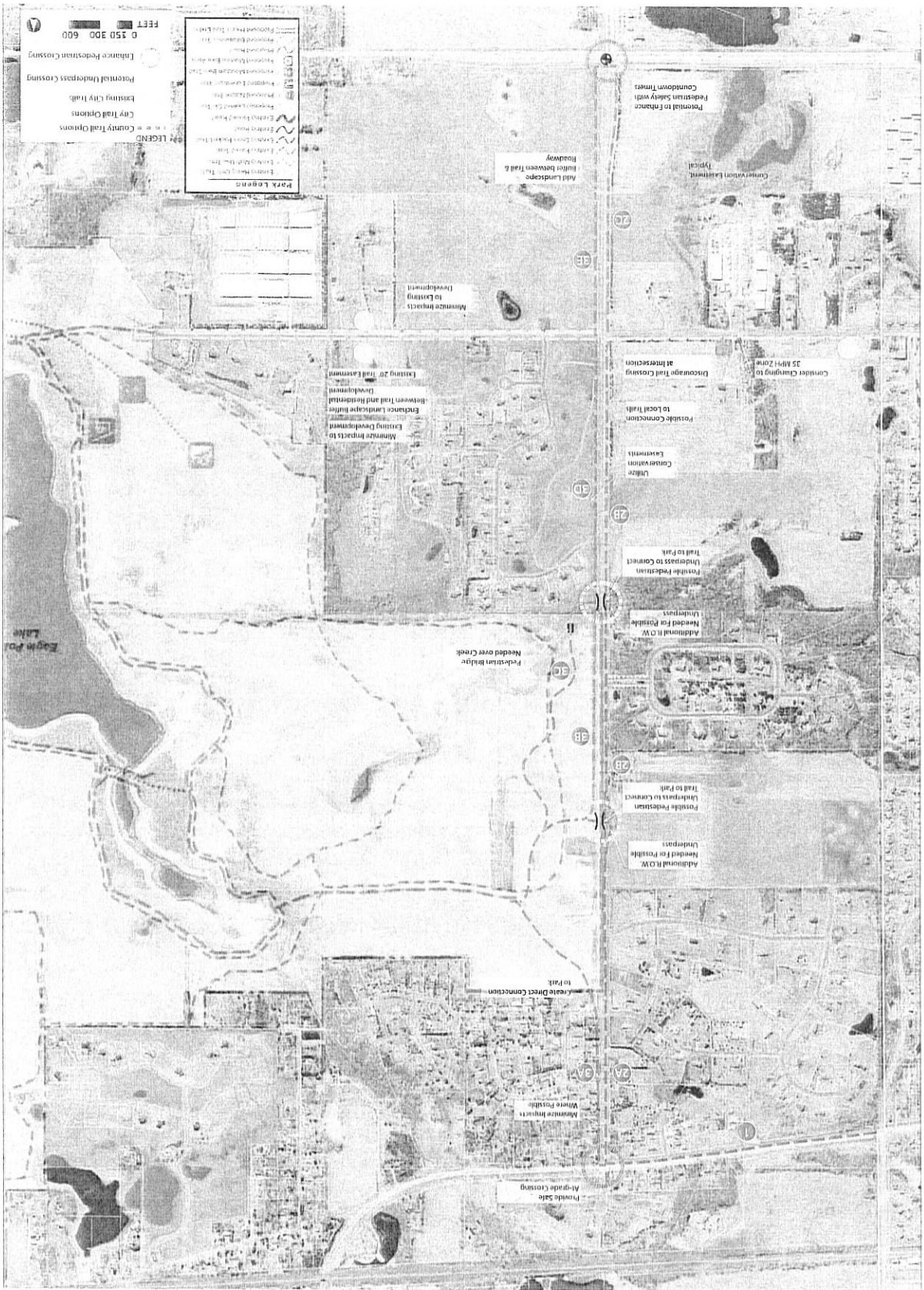
This segment of trail provides the opportunity for residents living directly west of Inwood Avenue to have convenient access to trail systems along Stillwater Boulevard, 15th Street, and CSAH 10. The potential also exists to integrate a grade separated crossing under Inwood Avenue for direct access to the park south of 26th Street or south of Torre Lane.



*Inwood Ave. near Stillwater Blvd.,
Looking South*



*26th St. and Inwood Ave. West Side,
Looking North*



Segment 2A- Stillwater Boulevard to 26th Street (see Figure D)

This segment of trail is located within the right-of-way along mostly rear yard property lines which are also buffered with landscaping along Inwood Avenue.

Segment 2B- 26th Street to 15th Street (see Figure D and E)

This rural section of Inwood Avenue remains mostly undeveloped with the exception of the Torre Pines development and a few remaining farmsteads. An expanded right-of-way north of 15th Street will allow for overhead utilities to be avoided in this area.

Segment 2C- 15th Street to CSAH 10 (see Figure E)

This section of trail provides a connection to a controlled intersection crossing at CSAH 10 which will allow trail users to cross Inwood Avenue and gain access to the park along 15th Street.

Trail Section 3- East Side of Inwood Avenue - County Segment between Stillwater Boulevard and CSAH 10 (See Figure D & E)

The establishment of this trail on the east side of Inwood Avenue between Stillwater Boulevard and CSAH 10 provides the best opportunity to improve trail access to the Park Reserve from surrounding trail systems. Funding for this segment of trail is currently being pursued by the County as part of a TE grant application.

Segment 3A- Stillwater Boulevard to 27th Street (see Figure D)

This segment of trail poses some challenges for integrating a trail alignment based on the limited available right-of-way, front yard orientation of residential properties, overhead utilities, and driveways which intersect with the trail corridor. This segment of trail will have to be implemented with a minimal or no setback from the roadway and utilize the existing curb to provide separation

Segment 3B- 27th Street to southwest corner of park (see Figure D)

Several options exist for how this segment of trail should be aligned along the edge of the park property. Both the potential addition of subsurface crossings along Inwood Avenue and locating a bridge or culvert crossing over the creek will determine how this trail segment is aligned within the Inwood right-of-way or internal park boundary.

Segment 3C- Internal Park Trail Circulation (see Figure D)

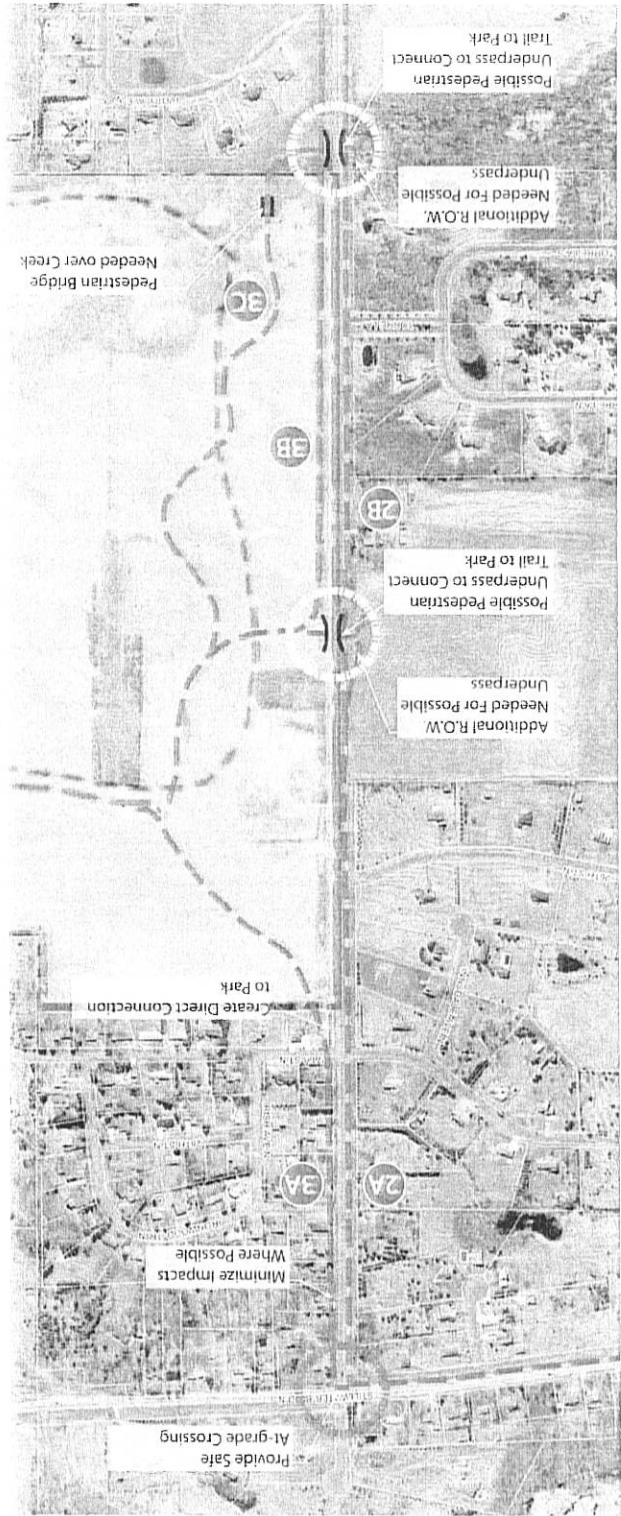
As part of developing future internal park trail circulation to connect to the west side of the park, the master plan identifies the establishment of a paved looped trail system around Eagle Point Lake. Initial priority will be placed on establishing a trail alignment connection around the north side of Eagle Point Lake to the existing trail system already established within the park.



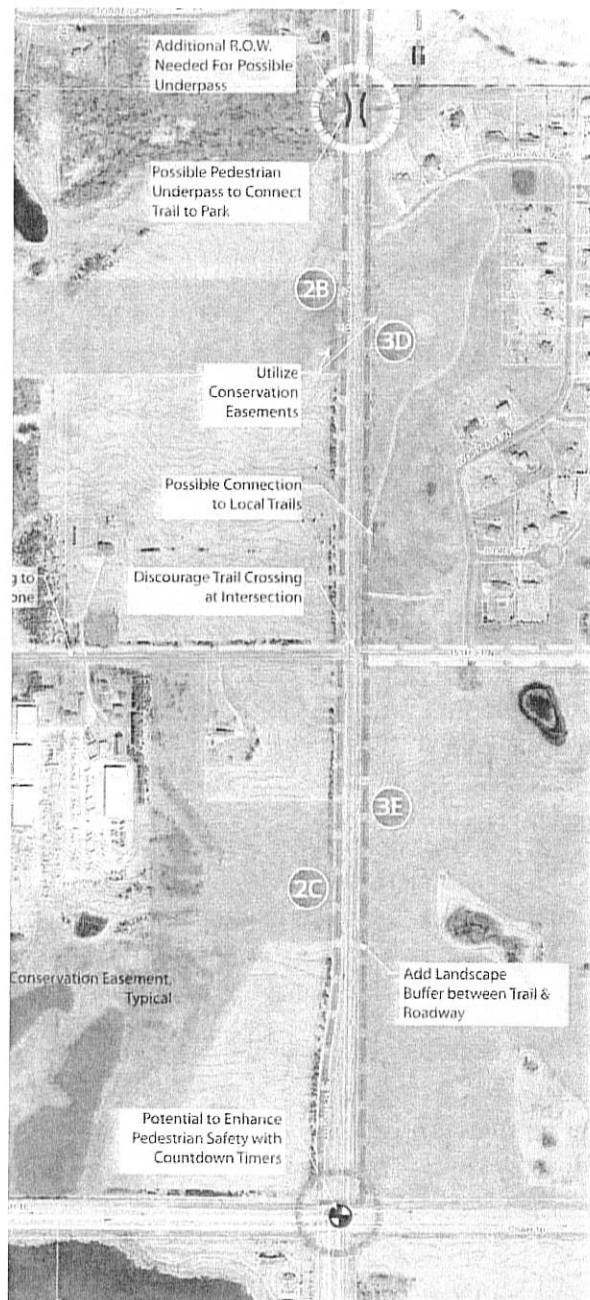
*Existing trail along 10th St.,
Looking West*

ISSUES AND OPPORTUNITIES POTENTIAL TRAIL SEGMENTS - FIGURE D

- Trail Segment 2**
WEST SIDE OF INWOOD AVENUE
- Opportunities:
- Does Not Require an At-grade Trail Crossing of Inwood Avenue/ Stillwater Boulevard Intersection
- Issues:
- On Opposite Side of the Park
 - Crossing to Park Requires Grade Separated Pedestrian Tunnel; Significant Construction Costs
 - Potential Property Impacts
- Segment 2A Urban Road Section**
- Issues:
- On Opposite Side of the Park
 - Crossing to Park Requires Grade Separated Pedestrian Tunnel; Significant Construction Costs
 - Potential Property Impacts
- Segment 2B Rural Road Section**
- Issues:
- On Opposite Side of the Park
 - Crossing to Park Requires Grade Separated Pedestrian Tunnel; Significant Construction Costs
 - Potential Impacts to Development Signage
 - Drainage Ditch
 - Utility Line Begins at Farm North of Torre Lane
- Trail Segment 3**
EAST SIDE OF INWOOD AVENUE
- Opportunities:
- Direct Connection to the Park
 - Partially Utilizes Park Land and Conservation Easements
- Segment 3A Urban Road Section**
- Issues:
- Property Impacts- limited right-of-way and multiple driveway crossings
 - Conflicts with Utility Line
 - Requires Trail Crossing at the Intersection of Stillwater Avenue and Inwood Avenue
 - Potential Safety Conflicts with Trail Crossing and Right-hand Turn Lane at Stillwater Avenue and Inwood Avenue Intersection
- Segment 3B Rural Road Section**
- Issues:
- Steep Grade Along Roadway and Impacts to Existing Buffer
- Segment 3C Park Land**
- Issues:
- Pedestrian Bridge Needed Over Creek
 - Maintain Landscape Buffer between Residential and Park/Trail



ISSUES AND OPPORTUNITIES POTENTIAL TRAIL SEGMENTS - FIGURE E



Trail Segment 2, cont.

WEST SIDE OF INWOOD AVENUE

Opportunities:

- Avoids Crossing of Inwood Avenue/15th
- Connection to Existing City Trail on 10th

Segment 2B, cont. Rural Road Section

Issues:

- On Opposite Side of the Park
- Crossing to Park Requires Grade Separated Pedestrian Tunnel; Significant Construction Costs
- Drainage Ditch
- Utility Line from Farm North of Torre Lane to 15th

Segment 2C Rural Road Section

Issues:

- On Opposite Side of the Park
- Would Impact Existing Vegetated Buffer
- Potential Conflicts with Utility Line

Trail Segment 3, cont.

EAST SIDE OF INWOOD AVENUE

Opportunities:

- Direct Connection to the Park
- Partially Utilizes Park Land and Conservation Easements
- Potential Connections to Existing City Trails

Segment 3D Rural Road Section

Issues:

- Potential Impacts of Development Signage
- Safe Pedestrian Crossing Needed at 15th
- Impacts to Vegetative Buffer at 15th and Inwood
- Provide/Maintain Landscape Buffer between Trail and Development

Segment 3E Rural Road Section

Issues:

- Utility Line from 15th to 10th
- Provide Pedestrian Countdown Timers at Inwood and 10th for a Safer Pedestrian Crossing Experience

Segment 3D- Southwest corner of park to 15th Street (see Figure E)

A majority of this trail segment is located within a conservation easement area and offers the opportunity to connect to existing local trails east of Inwood Avenue.

Segment 3E- 15th Street to CSAH 10 (see Figure E)

This segment of trail also provides a key link for establishing a safe crossing of Inwood Avenue at the CSAH 10 intersection. Alignment of this trail corridor segment should be planned with any current development proposals being pursued along this stretch of Inwood between 15th Street and CSAH 10.

CITY TRAIL CORRIDOR PLANNING INITIATIVES

In an effort to coordinate local trail planning efforts with new proposed County trail connections along Stillwater Boulevard and Inwood Avenue, the following local trail segments along 15th Street have been evaluated to complete the connectivity of trail systems from local neighborhoods to the park reserve.

Segment 4A- City of Oakdale city limits to Inwood Avenue (see Figure F)

This segment of trail provides a key connection from the city limits of Oakdale to Inwood Avenue which will transition to establishing trail connections to Lake Elmo Park Reserve. This trail segment also provides connections to Eagle Point Elementary and Skyview Middle Schools which is a desired outcome of SHIP trail planning initiatives.

Segment 4B- North Side of 15th between Inwood Avenue and Park

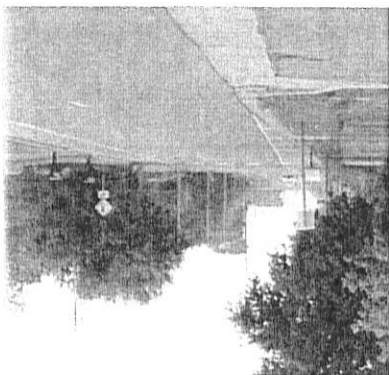
(see Figure F)

In an effort to discourage an at grade trail crossing at 15th Street and Inwood Avenue, trail users on 15th Street will be directed south along the west side of Inwood Avenue to the controlled intersection at CSAH 10. If a trail is established on the west side of Inwood north of 15th, this may provide the opportunity to direct trail users to either a subsurface crossing entering the park, or to the Stillwater Boulevard trail connection and crossing.

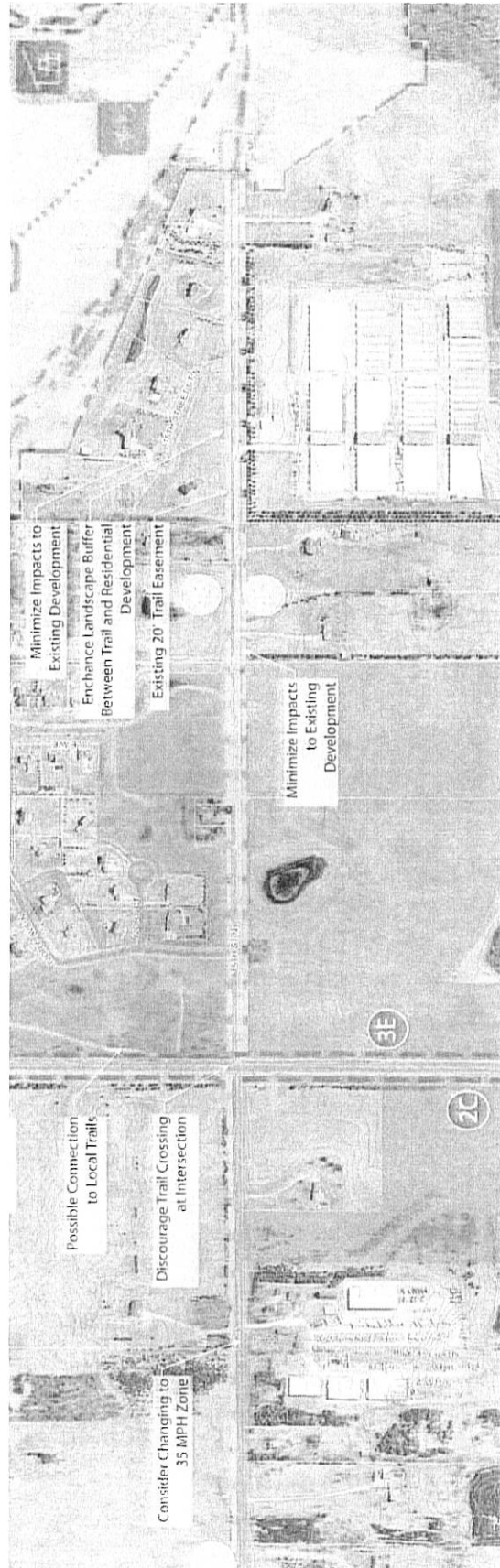
Segment 4C- South Side of 15th between Inwood Avenue and Park

(see Figure F)

Establishing a trail corridor along this stretch of 15th Street provides a direct connection to the park and trail alignment proposed on the east side of Inwood Avenue. Options exist to locate the trail on either the north or south side of 15th Street. A 20' trail easement currently exists on the north side of 15th as well as the potential to establish connections to existing local trails which outlet on the north side of 15th Street. Establishing a trail alignment on the south side of 15th Street impacts fewer



ISSUES AND OPPORTUNITIES POTENTIAL CITY TRAIL SEGMENTS - FIGURE F



Trail Segment 4 ALONG 15TH STREET

Opportunities:

- Direct Connection to the Park
- Partially Utilizes Conservation and Trail Easements
- Connections to Existing City Trails
- Minimal Utility Conflicts Along North Side

Segment 2C - North Side - Rural Road Section

Issues:

- Discourage Crossing at 15th and Inwood
- 55 MPH Zone- Consider Reducing Speed Limit
- Consider Changing to Urban Road Section to Align with Existing Oakdale Trail

Segment 3E - South Side - Rural Road Section

Issues:

- Provide Landscape Buffer Between Trail and Residential Development
- Minimal Utility Conflicts

Segment 3F - South Side - Rural Road Section

Issues:

- Provide Landscape Buffer Between Trail and Residential Development
- Minimal Utility Conflicts
- Potential Conflicts with Commercial Operations and Associated Truck Traffic

private land owners but creates potential conflicts between trail users and heavy truck traffic utilizing the driveway entrance to the nursery facility during periodic times of the year.

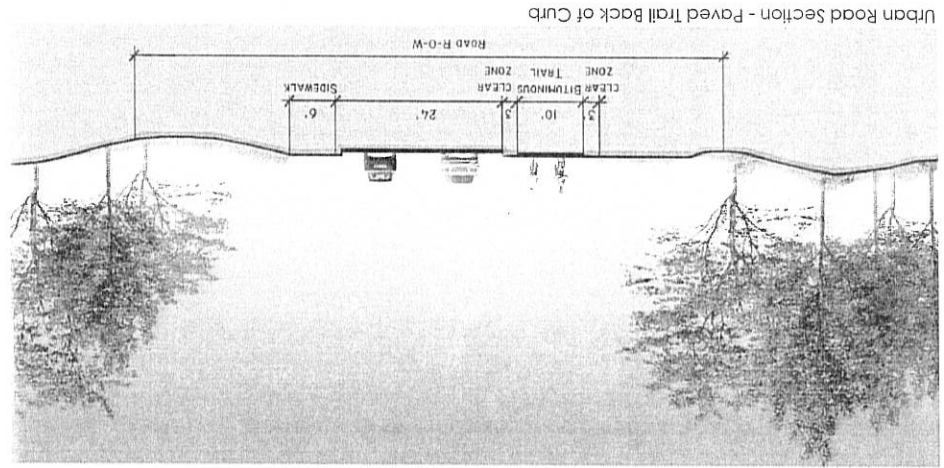
TYPICAL TRAIL SECTIONS

Several types of trail sections are proposed to be implemented as part of this plan. (see Figure C) A majority of the trail system proposed along Inwood Avenue would be implemented within a rural roadway section and require a 25' setback from the roadway to meet federal design standards. A small segment of trail north of 27th Street would be constructed within an urban roadway section with separation defined by a raised curb.

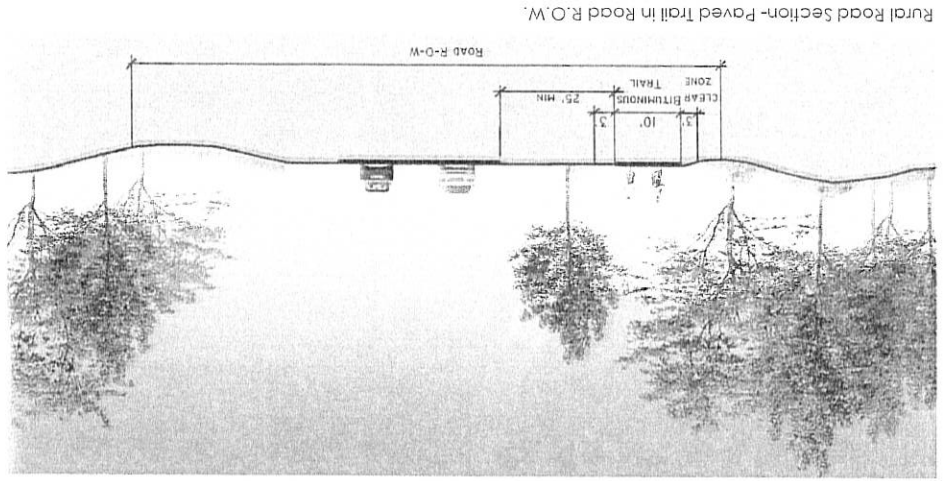
Local trails along 15th Street would have a reduced setback of approximately 5' from the roadway or aligned to match with existing setbacks already in place along the existing trail corridor.

Trail connections established within Lake Elmo Park Reserve will be single paved trails maintaining 3' clear zones while maintaining adequate separation and buffers with existing equestrian turf trails within the park.

TYPICAL TRAIL SECTIONS - FIGURE G



Urban Road Section - Paved Trail Back of Curb



Rural Road Section - Paved Trail in Road R.O.W.

PEDESTRIAN UNDERPASS OPTIONS ALONG INWOOD AVENUE

Options have been studied for establishing a grade separated (subsurface) crossing into the park from Inwood Avenue to provide a more direct and safe access route to the park for trail users. (see Figure H) After reviewing the surrounding topography of the Inwood Avenue corridor, the following locations could be considered for establishing a subsurface crossing into the park:

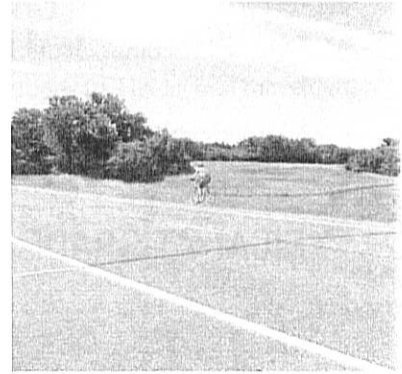
Option 1- Eberhard Property

This location has a natural depression on both sides of the roadway which will minimize grading efforts need to install a culvert crossing in this area. Additional right-of-way would most likely need to be acquired to develop safe trail alignment approaches to the crossing.

Option 2- Farney Creek Crossing

This location is also situated at a low point along the roadway where the creek extends into the park. More extensive retaining wall work would be required to develop trail approaches to this crossing which could be further complicated by the presence of a high water table in the area.

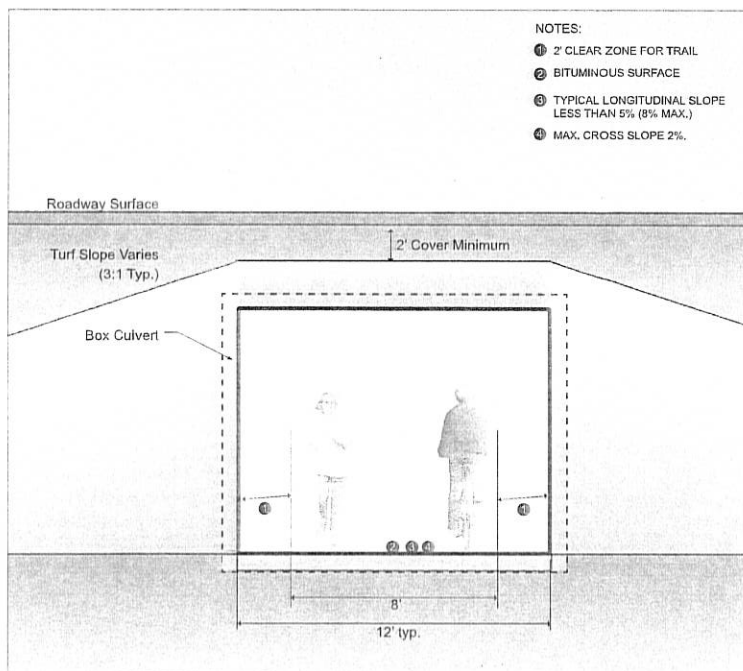
Establishing subsurface crossings at both of these locations may be cost prohibitive based on the limited amount of user groups projected to initially use this trail corridor. However, with population increases in the area, justification could be made for its implementation in the future.



*Near possible underpass location.
Looking Southwest*

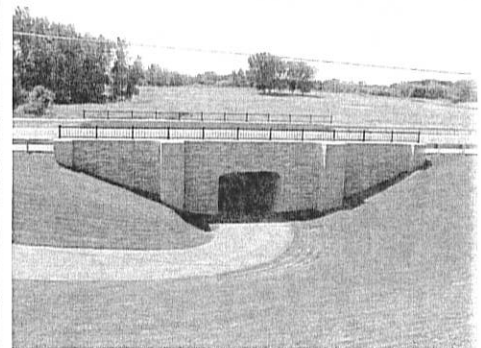


TYPICAL SEPARATED GRADE CROSSING - FIGURE H



GENERAL NOTES:

- 12 x 10' Precast Box Culvert
- 6" Concrete Distribution Slab Under Roadway
- Minimize Impacts of Off-road Excavation with Sheet piling and Walls

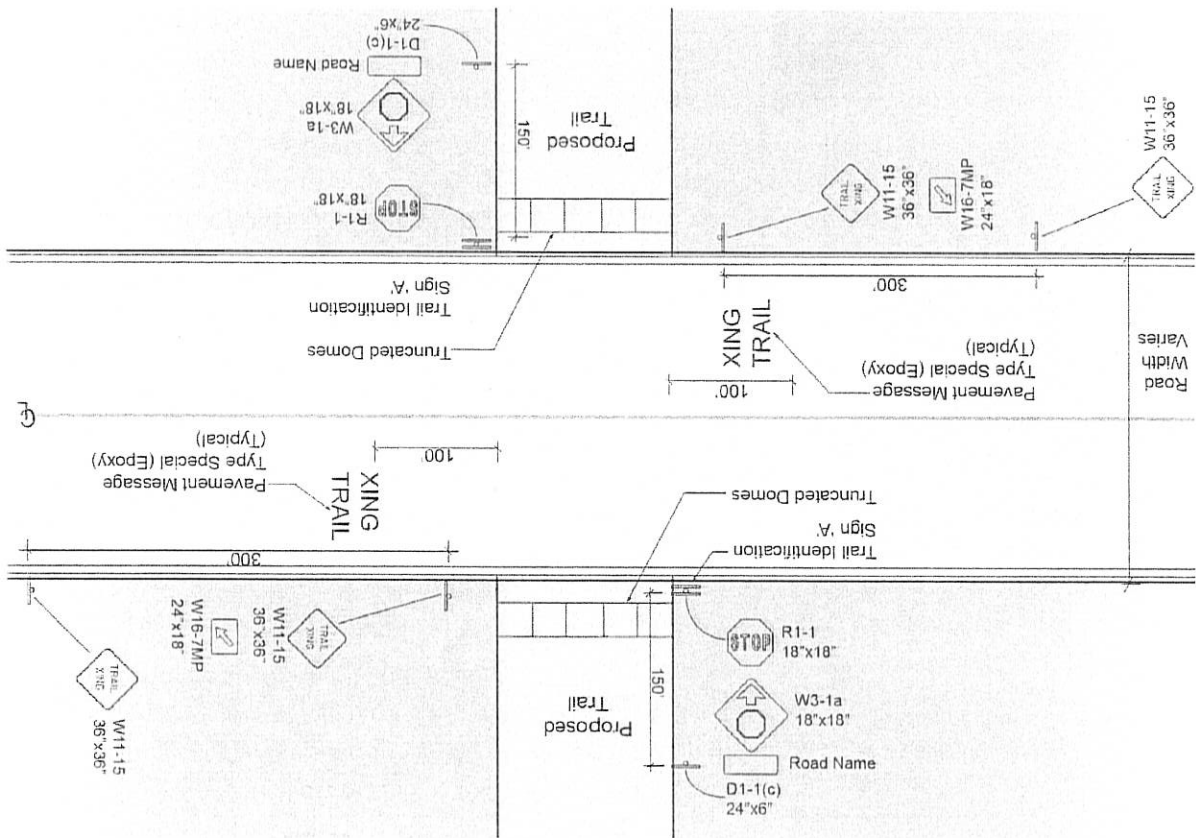


Separated Grade Crossing Precedent
Wayzata Country Club Underpass, Wayzata, MN

AT-GRADE TRAIL CROSSINGS

At grade trail crossings identified along Inwood Avenue at Stillwater Boulevard and CSAH 10 should be designed to meet all current ADA, AASHTO, and MnDOT bikeway facility design standards. (See Figure I for a typical trail roadway crossing)

TYPICAL AT-GRADE CROSSING - FIGURE I



STUDY FINDINGS AND CONCLUSIONS

The communities surrounding Lake Elmo Park Reserve are generally supportive of designated, safe and convenient access points to the park. Undeveloped, poorly defined access points are thought to create nuisances, safety concerns, and invite unwanted impacts and conflicts with adjacent private property owners. Through properly placed trail connections and buffer zones, these potential conflicts can be avoided.

Additional site amenities associated with trailheads, such as parking lots and lighting, are not desired by most residents living adjacent to or near the park boundary.

Trail access points to the park reserve should be well-defined and easily accessible; and visual impacts to nearby properties should be minimized with vegetative buffering and careful trail placement.

Trail alignments that take advantage of existing right-of-way (e.g. Section 3, along the east-side of Inwood Avenue) and avoid at-grade road crossings should take precedence for new trail development.

This plan recognizes the investments local governments have already made in developing trails and acquiring trail easements for establishing new trail connections. This plan builds upon the existing public infrastructure in place to make these key trail connections to the park reserve.

PRELIMINARY TRAIL IMPLEMENTATION PLAN

In order to help coordinate County and City trail planning efforts, a preliminary trail plan has been developed to guide its implementation over time. (See Figure J)

The following preliminary construction phases have been identified to be implemented over time by Washington County and the City of Lake Elmo to improve the connectivity of the trail system to Lake Elmo Park Reserve:

Phase A (Washington County)

- Construct trail on east side of Inwood Avenue from Stillwater Boulevard to CSAH 10.
- Establish internal park trail circulation around the north side of Eagle Point Lake.

Phase B (Washington County)

- Construct trail on south side of Stillwater Boulevard from Oakdale city limits to Inwood Avenue intersection.

Phase C (Washington County)

- Construct trail on west side of Inwood Avenue from Stillwater Boulevard to CSAH 10.

Phase D (Washington County)

- If feasible, construct pedestrian underpass along Inwood Avenue either north or south of the Torres Pine development.

Phase E (City of Lake Elmo)

- Construct city trail connection along 15th Street from City of Oakdale city limits to new park trail connection on the south side of the park.
- North side or south side alignment of trail along 15th Street to be determined.

PRELIMINARY COST ESTIMATE

Table 1 provides a preliminary estimate of costs needed to implement identified trail improvements. Cost estimates are based on 2011 construction costs. An inflation factor of 5% should be added to the total estimate for every year beyond identified 2011 construction costs.

UNIT LEGENDS: LS=Lump Sum, SF=Square Feet, SY=Square Yards, EA=Each,
LF=Lineal Foot, CY=Cubic Yards, AC=Acre

TABLE 1- Lake Elmo West Side Access Plan - Preliminary Cost Estimate					
Notes	Phase A	Estimated Qty.	Unit	Unit Cost (in Dollars)	Total Cost (in Dollars)
1	Provide mobilization and all necessary construction surveying and staking and erosion control	1	LS	\$60,000.00	\$60,000.00
	Clearing and Grubbing	4	AC	\$4,500.00	\$17,100.00
2	10' Bituminous Trail includes base	10,750	LF	\$65.00	\$698,750.00
2	10' Bituminous Trail - Park Connection	6,200	LF	\$65.00	\$403,000.00
3	Pedestrian Bridge over Creek	525	SF	\$125.00	\$65,625.00
	Native Seeding and Restoration	4	AC	\$6,000.00	\$22,800.00
	Trail Signage/VWayfinding along Trail Corridor	1	LS	\$1,500.00	\$1,500.00
Phase A Total:					\$1,268,775.00
Notes	Phase B	Estimated Qty.	Unit	Unit Cost (in Dollars)	Total Cost (in Dollars)
1	Provide mobilization and all necessary construction surveying and staking and erosion control	1	LS	\$80,000.00	\$80,000.00
	Clearing and Grubbing	3	AC	\$4,500.00	\$13,500.00
2	10' Bituminous Trail	12,800	LF	\$65.00	\$832,000.00
	Native Seeding and Restoration	3	AC	\$6,000.00	\$18,000.00
	Trail Signage	1	LS	\$1,500.00	\$1,500.00
Phase B- Total:					\$945,000.00
Notes	Phase C	Estimated Qty.	Unit	Unit Cost (in Dollars)	Total Cost (in Dollars)
1	Provide mobilization and all necessary construction surveying and staking and erosion control	1	LS	\$35,000.00	\$35,000.00
4	Construct Pedestrian Underpass- includes trail connections, clearing and grubbing, seeding and restoration	1	LS	\$750,000.00	\$750,000.00
Phase C Total:					\$785,000.00
No.	Phase D	Estimated Bid Qty.	Unit	Unit Bid (in Dollars)	Total Bid (in Dollars)
1	Provide mobilization and all necessary construction surveying and staking and erosion control	1	LS	\$40,000.00	\$40,000.00
	Clearing and Grubbing	1	AC	\$4,500.00	\$4,365.00
2	10' Bituminous Trail	6768	LF	\$65.00	\$439,920.00
	Native Seeding and Restoration	1	AC	\$6,000.00	\$6,000.00
	Trail Signage	1	LS	\$500.00	\$500.00
Phase D Total:					\$490,785.00
Subtotal:					\$3,489,560.00
15% Contingency:					\$523,434.00
Total Estimated with 15% Contingency:					\$4,012,994.00
Design and Administration Fees (for physical design, construction admin., and related engineering -20% of total with contingency):					\$802,598.80

Notes

1. Approximately 5% of Bituminous Costs
2. Includes base, grading, and striping
3. Assumes 35' Length and 15' Width Structured Pedestrian Bridge
4. Does not include additional R.O.W. acquisition costs

APPENDIX A

Washington
County
COMMENT CARD

NAME (Please Print) Bill Linder

ADDRESS 1720 1st St

CITY Lake Elmo

COMMENTS Please no parking -
road head at end of 15th St
would like a walking access
prefer no paved trail.
Prefer to keep non paved
trail.

Washington
County
COMMENT CARD

NAME (Please Print) Barbara A. Hester

ADDRESS 877 1st St

CITY Lake Elmo

COMMENTS Member of previous board. cc: 12

It is interesting to know that road
at neighborhood at B. It
road head parking lot back
to neighborhood. no paved trail -
member just a walking trail.

There are some more walking trails
in the area (B. and) by the lake.

Washington
County
COMMENT CARD

NAME (Please Print) Margaret Cortich

ADDRESS 8732 15th St

CITY Lake Elmo

COMMENTS Member of previous board

in the area

Washington
County
COMMENT CARD

NAME (Please Print) Doug Taylor

ADDRESS 9250 15th St

CITY Lake Elmo

COMMENTS Don't Pave

around Eagle Point

lake.

Open Access

Different Places

Not just Westside

(North & East sides)

NAME (Please Print) Carol Manette
ADDRESS 8623 38th St.
CITY LR Elmo, Mn.
COMMENTS Concerned about parking area off Inwood - additional traffic. a concern for getting out of Tablyn Park.

Washington
County
COMMENT CARD

NAME (Please Print) Anne Petersen
ADDRESS 8501 21st St N
CITY Washington MN 55124
COMMENTS We have had a golf cart stuck in the mud about 1/2 mile from the road. The only way down are it is by using a rope. I think it is a bridge road. I would like to have a road built at the end of the road.

Washington
County
COMMENT CARD

NAME (Please Print) Jim Henry
ADDRESS
CITY
COMMENTS Access option A3 would probably be less expensive than A2. Then would be especially for those of us who would have to pay the toll through the river.

Washington
County
COMMENT CARD

NAME (Please Print) Anne Petersen
ADDRESS 8501 21st St N
CITY Washington MN 55124
COMMENTS We have had a golf cart stuck in the mud about 1/2 mile from the road. The only way down are it is by using a rope. I think it is a bridge road. I would like to have a road built at the end of the road.

Washington
County
COMMENT CARD

NAME (Please Print) Ally DeLoach
ADDRESS 2699 Linnwood Ave
CITY _____
COMMENTS This should be tabled!
When State/Local govt's don't
have money for more money then
plan street work, especially
when you are looking at getting
things up that quick, it's
harder to make sure the money
is on going money.
LAKE ELMO PARK RESERVE - JULY 27, 2011
Don't know if there is a
problem with the money of
the money of the money of
the money of the money of

Washington
County
COMMENT CARD

NAME (Please Print) Ally DeLoach
ADDRESS 2699 Linnwood Ave
CITY _____
COMMENTS This should be tabled!
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harder to make sure the money
is on going money.
LAKE ELMO PARK RESERVE - JULY 27, 2011
Don't know if there is a
problem with the money of
the money of the money of
the money of the money of

Washington
County
COMMENT CARD

NAME (Please Print) John V. V. V.
ADDRESS 2699 Linnwood Ave
CITY Lake Elmo
COMMENTS Please lower speed limit
on Linnwood Ave to 15 mph.
from 15th down to St. Lawrence
Rd. People drive WAY too fast.
We have seen accidents @ 26th St.
and travel for the excessive speed
Thank you.
LAKE ELMO PARK RESERVE - JULY 27, 2011

Washington
County
COMMENT CARD

2012 City of Lake ...no 2nd Quarter Program of Wo ...Schedule

Program Basics

Council Draft Minutes -

Tuesday @ 5 PM Before Council Mtg

Council Packet Submissions -

Thursday @ 5 PM Before Council Mtg

Financial Statements, Building Permit Update –

2nd Council Meeting Packet

April 2012

Council Workshop / Community Development

Library Bldg. Re-Appraisal

New City Clerk Begins

Staff-Council Retreat

Park Maintenance / Mowing Schedule

Water, Sewer, & Storm Sewer Pro Formas

Office Efficiency Analysis Complete

Audit Fieldwork

Asst. Clerk/Finance Asst. Position Description

Environmental Commission Re-Activated

Storm Water Appeals Completed

Publish 2013 Budget Calendar

April 10th

Wk of Apr 10th

April 16th

April 20th – 21st

April 15th

April 17th

April 17th

April 23rd – May 4th

April 23rd

April 25th

April 30th

April 30th

May 2012

Water Fund RE-Financing

Code Enforcement Process & Penalty Schedule

Taxpayer Service Training (Clerk)

Council Workshop / Utilities & Growth

NEW WEBSITE ONLINE

Department Head Lean Workshop – Success Loops

I-94 / Old Village Work Groups Workshop

Begin 2013 Budget Process with Dept heads

May 1st

May 1st

May 2nd

May 8th

May 14th

May 16th

May 29th

May 31st

June 2012

Storm Water Appeal and Credit Policy Completed

First 10 Success Loops Completed

2013 Budget / CIP Dept Head ½ Day Retreat

Transportation Workshop

Office Move

Insurance Renewal Analysis

Employee Handbook Completed

CIP Equipment Priority – Draft to Administrator

I-94 Corridor Land Use & Base Zoning Complete

Fall Festival Planning Begins

June 1st

June 1st

June 7th

June 12th

June 14th -15th

June 15th

June 19th

June 22nd

June 29th

June 30th

