

Refreshingly, we found that the Beaubien's long range plans for this land, which include charitable and other uses, fit very nicely with the proposed use of Tracts 1. and 2. for park purposes by the Village. Tentatively, it would appear that a negotiated purchase can be worked out, with Mr. Beaubien's approval following review by his tax advisor, along the following lines:

1. The Village would enter into an option agreement for the purchase of Tract 1. pursuant to which it would have a right for a six month period commencing on the date the option agreement is executed to elect to purchase said tract at a price of \$2,000.00 per acre and thereafter, without penalty, would have three additional months within which to close on the purchase of said property and complete settlement therefor.
2. The cost of this option to purchase Tract 1. on the terms specified herein would be \$500.00, and if the purchase transaction is not closed on this tract by January 1, 1975, the Village would become obligated to pay the taxes due thereon during 1975, and if said purchase is not closed and the purchase price delivered to the Beaubiens twelve months after the date the option agreement is executed, the Village would incur a penalty of \$250.00 per month thereafter until the final closing date on said purchase.
3. The Village would be obligated, as a part of the option agreement, to install a fence meeting the Beaubien's specifications along the entire southern border of Tract 1. and extending straight eastward therefrom to Sunfish Lake. In addition, the Village would pay for a survey of said property as well as the legal expense incurred in the abstract extension, title examination and preparation and recording of deeds for such property.
4. The option agreement would provide that it may be amended at any time by mutual agreement among the parties, and would also provide that if the first bond issue attempt fails to win approval in a referendum, and if the Village elects diligently to pursue the effort of presenting a second bond proposal for approval, then the Village may proceed to seek such second approval with the aforementioned penalties or with the reduced penalties as the Beaubiens shall agree upon.

5. If the purchase of said property and the approval of the bond issue contemplated herein are all obtained and proceed according to schedule, the option money provided for in the option agreement shall be applied to reduce the purchase price of said Tract 1.
6. If the Village does not elect to exercise its option to purchase said Tract 1. within the six months after the execution of the option agreement, then the option money paid shall be forfeit to the Beaubiens.
7. If, following an election within six months by the Village to purchase said property, it is subsequently determined by the Village Council that pursuing approval of a bond issue shall be abandoned, then except for forfeiture of the option money, the Village may avoid the penalties otherwise provided herein for failure to close within the time specified by giving the Beaubiens 60 days written notice of such abandonment of an intent to perform hereunder.
8. Since the Beaubiens intend to have any gain on their sale of Tract 1. and perhaps Tract 2. used largely for eleemosynary purposes, it is important to them that maximum use be made of any tax savings available. One possibility which we discussed is that of a bargain sale whereby a portion of Tract 1. might be sold for a stipulated price and a portion would then be donated to the Village. The contribution deduction could then be employed at the per acre price established for that portion which is sold to the Village and, with carry back and carry forward provisions for deducting such contributions against income, it may be to the Beaubien's advantage to follow this course. We will make such suggestions as occur to us, and Mr. Beaubien will determine the best course for him based on the determinations of his tax advisors.
9. With respect to Tract 2., the Beaubiens are again not unwilling to consider a sale of this to the Village for park purposes, and feel that the price on this parcel should probably, to be fair, equal the price which the Village pays for the Whitman property lying to the east of Tract 1. and to the north of Tract 2. adjoining. This, it seems to us, is fair. The terms of such option agreement would be similar to those described above for Tract 1.

Mr. Nielsen will report on this visit to the Park Advisory Board and I will acquaint the Lake Elmo Village Council with the facts concerning this visit at its next meeting on February 19, 1974.

February 15, 1974

As soon as we can, we will again discuss this memorandum and these negotiations with the Beaubiens, and will continue to seek those points on which agreement may be reached to enable the Village to purchase the options above described and to avoid the delays, expense and the inconvenience of condemnation by reaching agreement on a negotiated purchase of this property.

The Beaubiens live at 3503 Kelvin Avenue North, Lake Elmo, Minnesota 55042 and their telephone number is 777-9392.

Lloyd Shervheim
Councilman

LS:b

MAYOR
CALVIN BROOKMAN
COUNCILMEN
ROBERT WATSON
ROBERT G. ABERCROMBIE
LLOYD SHERVHEIM
LEHART FRIEDRICH
CLERK
DONALD MEHSIKOMER
TREASURER
WILLIAM PARK

Village of Lake Elmo

Washington County
Lake Elmo, Minnesota
55042

March 26, 1974

TO: Park File

COPIES TO: Lake Elmo Park Advisory Board Member Ed Nielsen
Attorney Don Raleigh

FROM: Lloyd Shervheim

SUBJECT: Proposal Regarding Option to Purchase Certain
Property From Mervin and Mae Nippoldt for Park
Purposes.

On Saturday, March 23, 1974, Park Advisory Board Member, Ed Nielsen discussed this proposal with Mr. Nippoldt. This memorandum is prepared as a basis for further consideration of the terms on which we would propose to proceed if an option to purchase the following described tract of land appears desirable from the standpoint of the Village:

The 14 acres, more or less, in the easterly portion of the Northeast 1/4 of the Northwest 1/4 of Section 15 -- this tract of land abuts the Friedrich property which is already under option to the Village for park purposes, on the easterly border of this tract, and abuts the site of the current landfill area on the northerly border of this tract.

The proposal which would be made would be as follows:

1. The Village would enter into an option agreement for the purchase of the tract pursuant to which it would have a right for a six month period commencing on the date the option agreement is executed to elect to purchase the tract at a price of approximately \$2,250.00 per acre (it being recognized that the purchase of an irregular tract such as this normally commands a slightly higher per acre price than the purchase of a full 20 or 40 acre tract) and thereafter, without penalty, would have an additional three months within which to close on the purchase of said property.

March 26, 1974

2. The cost of this option to purchase said tract on the terms specified herein would be \$200, and if the purchase transaction is not closed on this tract by January 1, 1975, the Village would become obligated to pay the taxes due thereon during 1975, and if said purchase is not closed and the purchase price delivered to the seller twelve months after the date the option agreement is executed, the Village would incur a penalty of \$100 per month thereafter until the final closing on said purchase.
3. The property is currently fenced along its westerly border, and the Village would be obligated, as a part of the option agreement, to install a fence meeting the seller's specifications (presumably, woven wire) along the southerly border of said tract near the woods and extending from the westerly border to the easterly border where it abuts the Friedrich property with a walk-in gate located on the south side near the southwesterly corner of the tract. In addition, the Village would pay for a survey of said property and for the legal expense incurred in the abstract extension, title examination, and preparation and recording of deeds for such property.
4. The option agreement would provide that it may be amended at any time by mutual agreement among the parties, and would also provide that if the first bond issue attempt fails to win approval in a referendum, and if the Village elects diligently to pursue the effort of presenting a second bond proposal for approval, then the Village may proceed to seek such second approval with the aforementioned penalties or with the reduced penalties which the seller may agree upon.
5. If the purchase of said property and the approval of the bond issue contemplated herein are all obtained and proceed according to schedule, the option money provided for in the option agreement shall be applied to reduce the purchase price of said tract.
6. If the Village does not elect to exercise its option to purchase said tract within the six

March 26, 1974

months after the execution of the option agreement, then the option money paid shall be forfeit to the seller.

7. If, following an election within six months by the Village to purchase said property, it is subsequently determined by the Village Council that pursuing approval of a bond issue shall be abandoned, then except for forfeiture of the option money, the Village may avoid the penalties otherwise provided herein for failure to close within the time specified by giving the seller 60 days written notice of such abandonment of an intent to perform hereunder.
8. The Village would install appropriate signs and use all reasonable means to avoid having park users invade the privacy of the surrounding residents.
9. The Village is prepared to consider any other special requests which the sellers of this tract may feel are important to them.

Lloyd Shervheim
Councilman

LS:b

MAYOR
MAYNARD L. EDER
COUNCILMEN
ROBERT B. ABERCROMBIE
FRANCIS J. POTT
LLOYD SHERVHEIM
COUNCILWOMAN
DOROTHY HAMMES LYONS
CLERK-TREASURER
DONALD MEHSIKOMER

City of Lake Elmo

Washington County
Lake Elmo, Minnesota
55042

June 3, 1975

MEMORANDUM

File
To: Lake Elmo Council

From: Lloyd Shervheim

Subject: Whitman Property

Attorney Don Raleigh and I met with Ed and Mrs. Whitman, with Park Board Chairman David Morgan sitting in for the substantial portion of our discussion to determine whether there is a basis on which we can proceed to negotiate the purchase of ten acres at the north end of Sunfish Lake for Lake Elmo's park system.

During the course of our discussion, Mrs. Whitman mentioned that \$3,000 per acre is a sum which they had agreed would be considered by them to be a very reasonable price and yet a price which may be acceptable to them.

In view of the rapidly changing property values, it is my recommendation that we be authorized to proceed with the acquisition of these ten acres for an aggregate price of \$30,000 and that Attorney Don Raleigh be authorized to proceed with the preparation of a formal offer in that amount. The justification for this price is as follows:

1. While we purchased the bulk of our recent park acquisition land for \$2,000 an acre and paid \$2,250 an acre for a fourteen acre irregular tract, we have not previously split a tract of land such as this square forty acre tract, and this division must be recognized as affecting the value of the remainder of the forty.
2. The unique character of this land which is partly lake shore and partly submerged shore bottom, together with the lake access it provides, requires that this tract be appraised on a basis different from the land we have previously acquired.

LS:k

Lloyd Shervheim

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2005-

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT, SITE PLAN AND
VARIANCE FOR A PUBLIC WORKS/PARK MAINTENANCE BUILDING

WHEREAS, the City of Lake Elmo has made application for a Conditional Use Permit for a Public Works/Park Maintenance Building in the Public Facility Zoning District, located 10,000 Stillwater Lane, Lake Elmo, Minnesota.

The property is generally described as Sunfish Lake Park, 10,000 Stillwater Lane
PID 15-029-21-11-0001

WHEREAS, the City of Lake Elmo has made application for a variance to Section 300.07 Subd. 4.M.5.a.1. to allow standing seam metal as a primary exterior surfacing material where other materials are required.

WHEREAS, the application was reviewed and recommended for approval by the Planning Commission at a public hearing on March 14, 2005

WHEREAS, the application for a Conditional Use Permit, Site Plan and Variance for a Public Works/Park Maintenance Building, the recommendation of the Planning Commission, and the recommendations of the Staff were reviewed.

NOW, THEREFORE, the City Council makes the following findings in regard to the Conditional Use Permit:

1. The Conditional Use Permit is consistent with the standards for Conditional Use Permits specified by Section 300.07 Sub 4.M, Sub 2. C. of the City Code. and is consistent with the findings required by Section 300.06, Subd 4A.

NOW, FURTHERMORE, the City Council finds with regard to the requested variance that said variance meets the findings required in Section 300.06 Subd 4A.

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

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator

Excerpt Motion for Public Works Facility and Water Storage Facility in Sunfish Lake Park – CUP, Site Plan, and Variance

PLANNING COMMISSION SUPP

March 17, 2005

Chairman Armstrong said he firmly believes there are no technical legal restrictions to using the park for public works, while he is firmly convinced the city has a moral obligation to uphold. Staff has done the best they could. The city desperately needs a public works and a water storage facility.

M/S/P, Armstrong/Schneider, to recommend denial of the application for a conditional use permit to construct a public works facility and a water storage facility in Sunfish Lake Park, or in the alternative, to recommend that the City Council withdraw the applications based upon the Findings that park land should not be utilized for more intense uses.

Commissioner Armstrong said residents are strongly opposed to allowing parks facilities for a water tower and a garage. He said it was unfortunate that the agreements did not survive to the deeds. He recommended that the Facilities Committee be reinstated because they made progress finding sites for a new city hall.

Commissioner Deziel said he thought the motion was appropriate. The commission does not know enough and might need more education. He said we need more public input at an earlier point in the process. He said the Parks commission knew of this application late in the process.

Commissioner Fliflet said the problem seems to be more with the site than with a variance or conditional use permit.

Commissioner Lyzenga said the city can expect this type of conflict to become more common as we move into the future. We will look at this more often balancing the concerns of long-term residents with new residents. The city has to build a water tower and put out fires. She said that the cheapest solution may not be the best solution, and we may have to dig into our pockets to hang onto our values.

VOTE: 8:0:1 Abstain: Helwig – for reasons of conflict of interest.

OVER

Judith Blackford

From: "Jim Lund" <lundjames@qwest.net>
To: "vicki nielsen" <vicki_nielsen@excite.com>; <woodscrone@msn.com>
Sent: Tuesday, April 05, 2005 2:25 PM
Subject: Legal information update

Ed and Judith,

Here is a summary of the information which I have been able to compile this morning regarding Sunfish. I am not yet a practicing attorney, so I cannot make legal recommendations.

1. If the land contract between the city and the generous farmers had a covenant to the effect, "for recreational purposes only," Minnesota Supreme Court precedent defines recreational as non-essential public services (Schlobohm v. Spa Petite, Inc., 326 N.W.2d 920, 925-26 (Minn. 1982)). (I concur with my professor, who thinks that with respect to buildings that this would, at most, pertain to a storage shed for baseball bats, and the like – not a maintenance facility or water tower.)
2. With respect to the admissibility of parole evidence (information or prior agreements which are said to merge with a signed writing in the form of a final contract), the Supreme Court of Minnesota stated in In re Bush's Trust, 81 N.W.2d 615 (Minn. 1957) the following:

[3][4] 2, 3. Although under the parole evidence rule (in the absence of fraud or other ground for reformation or rescission), extrinsic evidence may not be used to contradict or vary the settlor's written declaration of intent, it is nevertheless admissible in interpreting and clarifying a writing which is ambiguous and uncertain as to the settlor's intended meaning. Thus, for the sole purpose of resolving ambiguity, extrinsic facts and surrounding circumstances-- inclusive of the conduct of the parties and any practical construction which *43 they themselves have applied to the writing[FN6]-- may be considered in ascertaining the settlor's manifest intent.[FN7]

WHAT DOES THE DEED TO THE CITY SAY SPECIFICALLY – WAS THERE A COVENANT TO USE FOR "RECREATIONAL PURPOSES ONLY"?

Your testimony, and that of the generous farmers, tonight will be ample evidence (in my private nonlegal opinion) of the intentions of the parties.

3. Finally, I did a bit of digging and discovered that Lake Elmo is what's called a "Statutory City" (a "plan A" Statutory City to be exact), and thus is probably required to conform to § 412 of Minnesota Statutes. In particular, I found § 412.511 particularly informing – in pertinent part:

412.511. Acquisition and control of park property

Either the park board or the council may acquire land for park purposes but the park board shall have full, absolute and exclusive control over all property set aside for park purposes.

I will be at the meeting this evening to discuss these matters with you and/or the City Council, should the need arise.

I am a fan of Teddy Roosevelt (Carl Jung also)!

Jim

April 4, 2005

Mayor Dean Johnston and Council Members
Rita Conlin, Steve DeLapp, Liz Johnson and
Anne Smith
Lake Elmo City Hall
3800 Laverne Avenue North
Lake Elmo, MN 55042

Dear Friends,

I thank you for the notice you have given that the Council will consider the siting of the Public Works/Parks Facility and Water Storage Tank at its meeting on Tuesday, April 5, 2005 at 7:00 P.M. at the City hall. I will be unable to attend that meeting but would like to share with you my deep concern about this important decision.

Such a siting on Sunfish Park land would be not only an improper use of our parkland but a violation of our promise to the landowners who sold us that property at a reduced rate that the land would be used for parks in perpetuity. The historical evidence presented at the March 14, 2005 hearing before the Lake Elmo Planning Commission made clear that that promise was made by Lake Elmo officials to the landowners and was persuasive in their willingness to sell. It was with this understanding that we, the people of Lake Elmo, voted to buy the land.

To say now that because this promise made in the oral agreement did not make it into the final written agreement frees us from any legal obligation to honor a promise that was made and accepted in good faith may be good enough for those who would prevail by legal technicalities. It is not good enough for me. It will tarnish our integrity and give notice to the wider community that our word is not to be trusted. There is still considerable open land for the siting of these needed public facilities. If we need to pay for the land, we can do so. Don't take the low, easy road.

Thank you for all of your hard work and dedication.

Sincerely,



Rosalie Wahl,
10231 47th Street North, Lake Elmo, MN 55042, since 1955

Judith Blackford

From: "Steele, David F." <DFSTEELE@stthomas.edu>
To: <woodscrone@msn.com.>
Sent: Monday, March 14, 2005 10:59 AM
Subject: Thanks

Hi Judith,

I just wanted to thank you for bringing the Sunfish Park issue to my attention this weekend. I have exchanged e-mails with Bob Schumacher (he also opposes it), Bob has sent out your flyer to all members of the Parks Commission, and I have sent e-mails to the mayor and all members of the City Council.

I hope to be at the Planning Commission meeting this evening to help oppose these plans as well.

David F. Steele, Ph.D.
651.777.9018

Judith Blackford

From: "Schumacher, Bob" <bschumac@sowashco.k12.mn.us>
To: "Judith Blackford" <Woodscrone@msn.com>
Sent: Monday, March 14, 2005 8:14 AM
Subject: RE: Sunfish flyer

Judith: ***For the meeting tonight only***

Hello:

I am Bob Schumacher, a longstanding citizen of Lake Elmo. Many years ago I was impressed that Lake Elmo took its citizenry seriously. I became involved in public service as a direct outcome of that first impression.

Right now I am taking calls fro residents regarding the Parks Commission allowing a water tower and public works building within a city park. I assure callers that I, as Parks chairman, had no prior knowledge of either. This, despite that I also served recently on a Facilities Planning Committee.

I have realized over the years of my volunteer service that public input greatly *improves* the outcome of decisions affecting our community. A monumental decision such as we have before us should involve thorough, thoughtful input from a large cross section of the citizens of Lake Elmo.

Please consider an Open House for all people to offer their questions and comments.

Sincerely, ~Bob Schumacher

Judith Blackford

From: "Jim Lund" <lundx060@umn.edu>
To: <woodscrone@msn.com>
Sent: Monday, April 04, 2005 7:45 AM
Subject: FW: Sunfish Park

Judith,

FYI - Here is a copy of the quick email I sent to Bob and David of the current Parks Commission. I am looking forward to their reply, since I have not been able to attend many of their meetings and am not fully up to speed on what specific actions they have taken lately. I will either be there Tuesday night, or write something more for the City Council. I am interested in speaking with you and your husband further with respect to specific measures, including and beyond the establishment of the park in a land trust, which may be required in keeping this jewel wild and protected as the population density sharply rises.

Best Regards,

Jim Lund

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

From: Jim Lund [mailto:lundx060@umn.edu]
Sent: Sunday, April 03, 2005 5:23 PM
To: 'Schumacher, Bob'
Cc: 'dfsteele@stthomas.edu'
Subject: Sunfish Park

Bob,

I thought I'd send you a quick note regarding the proposed water tower and maintenance facility proposed for Sunfish Lake Park. Although I attend William Mitchell 5 nights a week, I was able to skip class (with permission) and attend the Planning Commission meeting a couple of weeks ago after hearing of the advanced state of the city administrator's plan for the park, and saw David Steele, who spoke on behalf of the current Commission. Although I did not get the chance to speak with David afterward, from what I

witnessed, it appears that the city's plans raised several issues, first and foremost being that oral assurances were given the farmers, who sold the land to the city at discounted prices, that the land was to be used only for recreational park purposes. Apparently the spirit of the agreement was such that not only are the descendants of these generous farmers upset about the city's hastily drawn plans, but also that past Parks Commission members are quite upset with the city administrator's assertion that the city disregard such promises since they did not make it into the final document. In effect, it seemed as though the past Parks Commission members, who worked so hard to negotiate the deal with the farmers, and worked to have the city pass by vote a bond referendum to save this beautiful parkland for future generations, feel as though the city is cashing in on their integrity in attempting to quickly dispatch with the siting issues for both the water tower and maintenance facility.

My take on the situation is as follows:

Although the city may attempt to dismiss the oral promise as "parole evidence" (a prior oral agreement is often held to merge with a subsequent signed contract such that, in a court of law one typically cannot bring suit based on the prior oral contract), if push came to shove, I believe that the issue of intent of the parties to the contract could be brought before a jury. Underlying policy supports the city council's heeding the testimony of both the descendents of the farmers, as well as the past Parks Commission members involved. The city as a whole owes a great debt of gratitude and deference to both of these groups, and the intentions surrounding their agreement. To neglect either sets bad precedent - what philanthropist will trust Parks Commission members, no matter how well intentioned, and work as an able partner in contributing toward the advancement of our city?

The second issue is one of due process. First, the Parks Commission should have been consulted prior to the approval for funding of any architect's site plans - such land use is strictly within our jurisdiction, since the Commission is the body which acquired the land and is charged with overseeing parks resources for the city. To short circuit our own system is to disenfranchise and alienate city volunteers serving on the Commission.

Personally, I've been enjoying Sunfish Park since I was in 9th grade (1976)

when my best friend, Pete Schneider, whose grandfather built the first feed mill in Lake Elmo, taught me how to cross country ski there. The biggest reason I joined the Parks Commission is to help ensure that Sunfish Park is protected adequately, given our inevitable rise in population density. It seems that a commercial corridor, or at least a location directly adjacent Highway 5 would be a more appropriate location for these facilities (especially the maintenance facility). Unfortunately, night classes at Mitchell have precluded my active involvement thus far on the Parks Commission, but I am willing to try to schedule the one evening course that I will take this summer so that I can contribute more.

Let me know what your take on the situation is, and whether you or David will be attending the City Council meeting Tuesday evening - I may see if I can skip my Property class in order to be there.

Best Regards,

Jim Lund

651-770-7962 or 651-387-7741 (cell)

Judith Blackford

My family has owned land in Lake Elmo—the land I chose to build my home and raise my family on—for over 50 years. I cherish the wild places and beauties of Lake Elmo that surround me. It is why I chose to live here. It is why I became appointed to the Parks Commission several years ago—because I saw a usage taking place which was compromising Sunfish Park. Mountain biking was creating serious erosion, dangerous walking conditions with bikers careening around blind corners, and 300 signatures and testimonies from various agencies and input from the Parks Commission caused the Council to put an ordinance in place banning this usage.

When I was on the Parks Commission, the issue of cell towers also came before us. Money was an issue, because landowners would be paid \$10,000 simply to allow a cell tower on their land. As Commissioners we discussed our receiving this money instead by allowing cell towers in parks. Parks are scenic places that are purchased so that people can visit them and be restored. As a Parks Commission we voted against this. It establishes a dark precedent once you allow something that takes away from the definition of a park. For the five years I served on the Parks Commission, City administrators followed strict governmental procedures of sending issues through the Planning and Parks Commissions for citizenry input and their input before they ever went before the Council. As taxpaying citizens, we desire, expect, and deserve no less.

Thoreau knew the value of large, wild places where the spirit was uplifted and peace restored to a soul by being one with the wild, feeling that connectedness to the earth, and seeing beautiful sights, smelling fragrant aromas, and hearing soothing, nature sounds, or observing the quiet solitude of the wild. Sunfish is such a rare, glorious, expansive, wild place. It was secured as such to gift current and future generations such a wild place, by establishing certain passive, natural usages, which were outlined in the language presented to the public at its purchase. The definition of a promise is that it is a commitment held in perpetuity. Our legal system doesn't always work as it is intended, so we as good people of honor and integrity, have to look at the intent of agreements. We are not owners but stewards of these irreplaceable, wild places.

There is a masculine viewpoint of the earth that says it is infinite in its resources and created only for our consumption and usage, for expediency, for financial purposes. This pendulum has swung so far that our earth is in a precarious position. It is time for the pendulum to swing the other way and return to a more holistic, feminine perspective, which acknowledges the earth as a spiritual, finite resource that requires our love, advocacy, and protection. Most of us live fast-paced, stress-filled lives that

our bodies were never created to live. We know the value of time spent in nature and how it inspires us, eases stress, and gives us a sense of well-being and joy.

Placing a maintenance facility in Sunfish Park would markedly change the aesthetic appeal of this slice of wild. At the entrance, one would be greeted by the visual affront of heavy equipment which would spew diesel fumes into the air, spill oil/gas that will seep into the ground, and pepper the woods with their unnatural, horrid, back up alarms and engine noises which would drown out nature's sounds with their daytime heavy usage, and we will forever lose the serenity and peace of this wild place.

We desire to serve on our City Council and Commissions because we love that we have something unique here in Lake Elmo. We pride ourselves on being progressive not in building quickly, haphazardly, and expediently, but we honor the gem we have in Lake Elmo by implementing such visionary concepts as securing large tracts of parkland, cluster land preservation concepts, and having many landowners implementing land trusts and doing density exchanges to preserve undeveloped land. Many Lake Elmo citizens carry their town so close to their heart that they are very actively involved in the future of their beloved City by serving on commissions, attending/watching City meetings, writing letters, and speaking their viewpoints such as at this meeting. We join these committees and record details in files so that future councils/commissions will understand our intents and the thought processes that went into decision-making. City staff and administrators have access to these files, and these files should be brought to the attention of commissions when these issues come up for discussion.

There are exceedingly few cities that can boast that they had the foresight to preserve an almost 300-acre, wooded, wild park. In 1994, The State of Minnesota, Depart. of Natural Resources did a survey of this woods, and they indicated that there were two rare species in this area—Blandings turtles and red-shouldered hawks. In their letter they state that large, intact forests are becoming very rare in the central part of Minnesota. They further state that roads, trails, parking areas, and buildings all contribute to the degradation of native species, and encourage private and public agencies to develop protection strategies that will enhance Minnesota's natural flora and fauna. They state that allowing as little mechanized travel in an area being protected for its natural characteristics will help preserve important biological diversity.

We all leave an imprint on the earth. We have the opportunity and obligation to walk the earth lightly where our wild places are concerned.

A handwritten signature in cursive script that reads "Judith L. Blackford". The signature is written in dark ink and is positioned at the bottom right of the page.

Lake Elmo LEADER

Friday, March 4, 2005

www.lakeelmoleader.com

Water tower location put on hold

Lake Elmo council will have to review location in light of new documents

By **Barbara Boelk**
Editor

The Lake Elmo City Council expected to move forward with placing a new 500,000 gallon water storage tank and maintenance building in Sunfish Lake Park during the regular city meeting March 1. Instead, the council will have

to wait to make a decision on whether the tower could be placed in the park due to documents that came to light at the meeting.

At the last council meeting, councilors agreed to wait to make a final decision on where the water tower would be placed until a suitable color scheme could be developed.

The council had previously agreed to build a new public works maintenance building in the style of a barn in the north east corner of the park.

The water tower was expected to be placed about 800 feet to the northwest of the building.

The city's engineering firm,

on direction from the council, had developed the water tower plan as part of an effort to improve the city's water services to new and existing developments. The tower also would allow the city to take back water customers who currently pay Oakdale for water service.

Ed Nielson, who lives on Stillwater Boulevard, presented documents from land sales in 1974 from three families to the city of Lake Elmo.

One of the families in particular, Lehart and Florence Friedrich, sold about 150 acres to the city for \$2,000 per acre.

The land was required, according to the sales docu-

ments, to be used solely for park land within the city.

Nielson said he found other documentation that stated Lehart Friedrich also had been approached by city officials in the 1970s to sell more land to the city for a maintenance building.

Nielson said Friedrich declined that request and now we're talking about putting a maintenance building on this land that is to be used for a park and was given by a very generous man.

Several other residents whose property abuts the Sunfish Lake Park also spoke to the council Tuesday night in opposition to putting the

planned maintenance building and water tower in the park.

"There was a commitment made by the council for parks," one resident said. "There was a commitment to landowners to use this land for parks. It was a covenant all for parks."

Former council member Susan Dunn, who also had previously served on the city's parks board, suggested that the city investigate whether it could partner with the county and place a maintenance building near the county's parks maintenance building in Lake Elmo Park Reserve.

Council member Ann Smith

See **Tower** on page 2A

Tower: Land use disputed

Continued from 1A

said she did not understand that suggestion because, while residents were speaking out to protect one park, they offered another up for the building location.

One resident, whose backyard connects to the north of the location where the tower and maintenance building are planned, said he was surprised to see the council discussing putting the structures in the park.

"I moved here six months ago from the Milwaukee area and I'm dumfounded as to why a water tower and maintenance building would be put in a park — any park," John LaLonde.

Nielson told the council that the former parks board members and residents who have learned about the sale documents will fight the city to keep the tower and maintenance building out of the park.

"I really think there is good potential to have lawsuits in this."

"If you start this, you're

going to open Pandora's box," Nielson said. "The next group is going to say: 'Why don't we put this project there,' and the next group will say: 'Well, this is a nice use and why don't we have [something] there?'"

The council agreed to put off making any further plans for the tower and maintenance buildings until the documentation and legal ramifications of their action could be further investigated.

Community center

A group of representatives from area organizations and towns attended the March 1 council meeting to talk about plans to build a community family center in the Stillwater-Oak Park Heights-Lake Elmo area.

Lake Elmo may be one of the first cities on the list for locating the facility, which would include a fitness center, day care

options, early childhood education, family support resources, a swimming pool and other recreational opportunities.

Currently partnering for the project are the St. Croix Valley YMCA of Hudson, Stillwater Area Schools, Lakeview Hospital, Headstart and Human Services Inc., as well as the cities of Stillwater, Oak Park Heights and Bayport.

The representatives attended the meeting to ask for a volunteer representative from the city to serve on the advisory and planning board.

Mayor Dean Johnston volunteered for the slot.

The St. Croix Valley Family Center group is expected to return to the council soon to ask for about \$2,000 to be combined with money from other organizations and towns to fund a project mana

Boelk can be reached at editor@lakeelmoleader.com.

'People need wild places'



Gazette photos by Micki Adams

Lake Elmo city staffers proposed a plan for a water tower and public works facility to be built in Sunfish Lake Park. The City Council voted 3-1 to reject the proposal last Tuesday. The water tower discussion has been tabled as staff reviews alternative sites.

Residents make themselves heard in water tower, maintenance building talks

Citizen opposition follows 'a pattern' in Lake Elmo politics

By MICKI ADAMS
adamsm@pressenter.com

LAKE ELMO — Advocates for green space took the limelight last Tuesday when the City Council here faced a vote for a public works facility and water tower to be built within parkland of what some call the "jewel of Lake Elmo."

With a good deal of pressure to expand its population, city staffers proposed Sunfish Lake Park as a site for a public works facility and water tower.

Last Tuesday, the City Council chambers were packed with "almost 100 percent anti-tower, anti-maintenance facility" advocates, said Parks Commission Chairman Bob Schumacher.

After hearing residents' testimony



Lake Elmo's Parks Commission has strove for years to preserve Sunfish Lake Park. Neither Motorized vehicles nor bikes are allowed within the park off of Highway 5.

See Parks, page 2

Gazette

LOCAL NEWS

Monday, April 11, 2005

Parks

(Continued from page 1)

against any city building or water tower in Sunfish Lake Park, the City Council voted 3-1 to end further consideration of a public works building there. The decision on the 120-foot water tower was sent back to staff for further study.

"People need wild places to get away," said Jim Lund, a Parks Commission member currently on sabbatical.

Though Mayor Dean Johnston voted in favor of building on parkland, he said it's "unlikely" the water tower would be built there.

In early March the city sent out a public notice asking for design suggestions on a water tower "located at the Sunfish Lake Park." The city did not ask for location suggestions, said Judith Blackford, a lifelong Lake Elmo resident and former Parks Commission member.

"At the very beginning they didn't do it right," she said. "That's why a lot of this is such a mess."

City staff should have approached both the Parks Commission and Planning Commission prior to proposing Sunfish Lake Park as a possible site, she said.

The city's government is

"not the most expedient, but we are careful in our planning," Blackford said.

In her two-and-a-half years on the Parks Commission, Blackford backed all efforts to keep the nearly 300-acre park as pristine and serene as possible. During her tenure, she gained 300 signatures to pass an ordinance banning mountain biking in the park and also voted against a cellular phone tower on the park's land.

"My interest has always been to take care of this park," she said.

Prior to Tuesday's City Council meeting Blackford distributed more than 300 flyers urging neighbors and business people to attend.

"I have to stick with what I feel is right out here," she said. "... Don't set up precedent by putting something on parkland that doesn't belong on parkland."

On March 21 Parks Commission members found themselves "a little stunned," Schumacher said, when — for the first time — they saw plans for the maintenance building and water tower's placement in Sunfish Lake Park.

"What upset Lake Elmoites was how it was drawn up before," said Schumacher, who has been involved in city politics for 26 years.

The citizens of Lake Elmo "fought valiantly" in 1979

against a city dump and in the past year have shot down two plans for a City Hall in the Old Village, he said.

"We're seeing a pattern here," Schumacher said of community opposition.

Though there are advantages to having both the public works facility and water tower at the same site, it is "not absolutely critical to do so," City Administrator Martin Rafferty said.

Alternate sites discussed for the public works facility and water tower include land south of the Minnesota Pollution Control Agency closed landfill site; city-owned land within the closed landfill site; city-owned land east of the landfill in "Sunfish West;" a parcel of land on Ideal Avenue owned by 3M Co.; and about an acre of property at Common Ground Church.

"If the citizens are against it I'm behind them ... If the city planer and city administrator suggest a plan then I'll have to support that," Schumacher said. "But right now it seems like the citizens have spoken."

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Micki Adams covers education and the cities of Oak Park Heights and Lake Elmo for the Gazette. She can be reached by phone at 651-796-1108.

WASHINGTON

PAGE GROVE OAKDALE STILLWATER FOREST LAKE MAHTOMEDI HUGO LAKE ELMO ST. PAUL PARK OAK PARK HEIGHTS
T UP YOUR CHILDREN FOR THE 'BUNNY HOP BEACH PARTY'

LAKE ELMO

'Parkland' in dispute

Parcel's 1974 sale to Lake Elmo is conflicting with city's building plan

BY ALEX FRIEDRICH
Pioneer Press

An understanding crafted between Lake Elmo city officials and a landowner 30 years ago is being put to the test now that the city is thinking of building on property originally considered parkland.

A water tower and maintenance facility have been slated for construction in a section of Sunfish Lake Park, just

off Minnesota 5. Although they're necessary for a growing city, some residents don't want them in that area, contending that doing so would violate terms the city agreed to when it bought the land. They are urging the city to look at other sites.

On Tuesday, the City Council decided to do that — though city staffers are not ruling out the park site. The terms of the 1974 land sale don't qualify as an official con-

tract, the city administrator said, and so aren't legally binding.

Still, said City Administrator Martin Rafferty, "hopefully we can match their desires."

At the center of the dispute is a 120-foot water tower and 12,000-square-foot maintenance facility — separate projects that together will cost almost \$3 million.

They would replace structures that are too small

already and cannot handle future growth, Rafferty said.

An ideal place for the facilities, he said, would be in Sunfish Lake, several hundred feet apart. The height of the area is key for the water tower, he said, while locating the two structures there would "cause the least amount of disturbance to the land."

The man leading the

LAND USE ISSUE, 2B

CONTINUED FROM PAGE 1B

Land use issue

(continued)

charge to keep construction out of Sunfish Lake is Ed Nielsen, a retired 3M engineer who lives next to the park — and who helped broker the original land deal.

As a parks commission member in 1974, Nielsen

said, he persuaded his neighbor, then-City Council Member Lehart Friedrich, to sell 150 acres to Lake Elmo for \$302,000.

In a city letter drafted at the time, Council Member Lloyd Shervheim wrote that Friedrich and his wife, Frances, would offer Lake Elmo "an option to purchase (land) for park purposes."

The council agreed to the terms, Nielsen said.

And in a campaign document Nielsen provided from that time, the city asked citizens to pass a bond referendum to pay for the purchase of land — such as the Friedrich property — to create Sunfish Lake and other city parks.

But Rafferty said such terms are not in the warranty deed to the property.

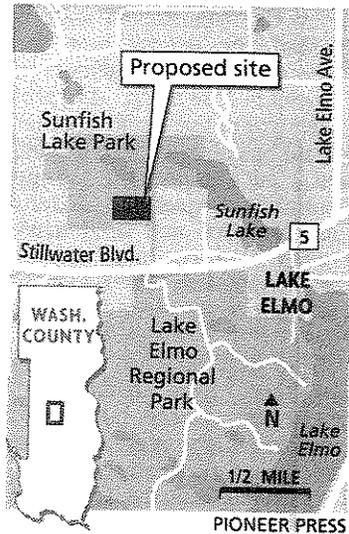
"There is nothing on the deed that requires that the city pay attention to the document," he said. "It's not a covenant. It's a letter of interest."

Nielsen said it is indeed a formal agreement that the city needs to honor.

"I went into these people's homes and asked them to give

Park controversy

Lake Elmo is studying sites for a water tower and maintenance facility, and some residents don't want them in Sunfish Lake Park.



us some of their best property for a purpose," he said. "You don't give people your word ... and then change it."

Nielsen said he has proposed two alternative locations — one southeast of Minnesota 5 and Kelvin Avenue, the other by a landfill near Jamaca Avenue and Lake Jane Trail North.

Rafferty said he and other city officials will scout a number of locations and may report back at the April 4 City Council meeting.

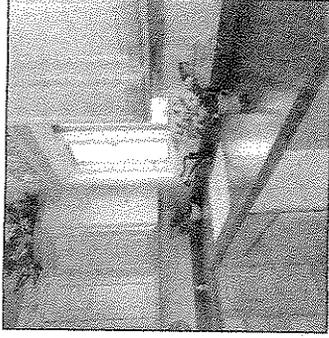
Oakdale • Lake Elmo REVIEW

Number 15

A Little Suburban Newspaper

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April 13, 2005 OLE



**SPRING HOME
IMPROVEMENT**

Projects that offer
higher paybacks

pages 11-14

Sunfish Park abandoned for public works building

Lake Elmo 'starting over' in quest for project location

Ryan Kathman
staff writer

In February, the Lake Elmo City Council approved a parcel near the entrance to Sunfish Lake Park as the location for a new 500,000-gallon elevated water tower and, most likely, for an adjoining public works facility as well.

Now, over two months later, the

city finds itself back at the proverbial drawing board after voting April 5 to reject the Sunfish Park site for the public works project, which will likely rule out the water tower as well. The 3-1 vote (Council member Steve DeLapp was absent) was apparently motivated by information several residents introduced weeks ago in a determined effort to roadblock the Sunfish proposal.

Although at least five possible sites remain in discussion for the tower location, City Administrator Martin Rafferty reported at the council meeting that none of those locations were appropriate for the public works building.

"At this point, we have no alternative sites for the public works facility other than the Sunfish location," Rafferty told the council.

Nevertheless, Sunfish was removed from consideration, leaving the city with fewer options than were available months ago. After the meeting, Rafferty confirmed that the staff would be "starting over" in its quest for an approvable site and that "more dollars will be invested."

The complaining neighbors primarily cited a perceived agreement between the city and the farmer, who in the 1970s sold the land that eventually became Sunfish Park as

their rationale for denial.

Exactly one month after the site was approved, Ed Nielson, a former parks commissioner, produced documents from the 1974 sale of the Sunfish land (by former City Council member Lehart Friedrich) that he claimed barred the city from building any kind of public facility on that acreage.

"In (Friedrich's) contract and everyone else's, it defines (the land) as being for park purposes and that's the only reason that Lehart signed it," Nielsen said over a month ago.

see **Sunfish Lake** on Page 2

Sunfish Lake...

continued from Page 1

City Attorney Jerry Filla investigated the deeds and other legal documentation pertaining to Sunfish prior to the council's March 15 meeting and found no legal obligation for the city to halt its construction plans since the parcel of land earmarked for construction was actually most recently sold to Lake Elmo by Washington County under no such restrictions.

Nevertheless, the few but vocal residents continued to protest the Sunfish Lake Park proposal calling the understanding with Friedrich a "covenant" and asserting that the projects would considerably devalue the park land.

Their arguments were seemingly convincing enough for three of the sitting council members on April 5 who cited either an inappropriate use of park land or insufficient exploration of other property for their denial. Council Member Anne Smith said she interpreted "park purposes only" as a clear enough statement of intent for her to abandon the site.

"To me, it wasn't a legal issue, it was an ethical issue," Smith said later. "I was not so much against the public facilities being in that park ... (But) I do believe there's another site out there."

Though she ultimately sided with the opposing residents, Smith stressed the importance of community cooperation if the city is to make any progress.

"I hope that, for the next site that comes up, we don't have the same circus and song and dance about why that isn't a good site," she said. "We're going to have to have a little give and take on the side of the residents. I think we need to open the door to consider any site across Lake Elmo."

For Mayor Dean Johnston, who cast the only opposing vote to the resolution of denial for the Sunfish location, it was a matter of taking steps forward rather than backward.

"Instead of disapproving a site, we ought to continue looking and then, when we go to make a decision, we make a positive one and leave all

(sites) open to consideration until we're done," Johnston said following the meeting. "I'm trying to advocate for results. We're going to have to make a decision."

Although the council simply tabled the water tower decision, at staff recommendation, Rafferty indicated that he believed removing Sunfish as an option for the public works facility effectively ruled out the tower as well.

But he said the remaining five sites — some of which are near Sunfish, others would require additional water main construction to further locations — would continue to be examined and considered again at the next council meeting.

Incidentally, the rejection of Sunfish for the public works facility reopened the possibility of a joint city hall, fire station and/or public works facility project should an appropriate location be found.

However, Rafferty admits, in considerable understatement, to the difficulty of accomplishing that task.

"We're not having a great deal of luck with finding a location that everyone would be happy with yet."

WASHINGTON

WOODBURY COTTAGE GROVE OAKDALE STILLWATER FOREST LAKE MAHTOMEDI HUGO LAKE ELMO ST. PAUL PARK OAK PARK HE

INSIDE STILLWATER SETS MEDICAL SIGHTS ON PATIENTS IN WESTERN

LAKE ELMO CITY COUNCIL

Park garage plan nixed

Vote is half the battle for those against Sunfish Lake Park changes

BY NANCY YANG
Pioneer Press

One decision down, one to go. That's the attitude of a group of Lake Elmo residents after the City Council rejected a plan to build a maintenance garage at the city's Sunfish Lake Park, giving the opponents a victory in their push to keep the park strictly a park.

The council still will decide whether to build a 120-foot water tower at a proposed site in the park — but is delaying the discussion until other possible sites can be studied. Tuesday's 3-1 decision

means the garage plan goes back to square one, with city staff searching for a suitable site, while the water tower location remains in limbo.

At the heart of the issue is an understanding crafted between Lake Elmo city officials and a landowner more than 30 years ago. The landowner, then-City Council Member Lehart Friedrich, sold 150 acres to Lake Elmo for \$302,000.

Opponents contend that Friedrich's 1974 agreement restricts the city to use the land only for park purposes. Some city officials have maintained that the terms of sale don't qualify as a contract

and therefore are not legally binding.

At Tuesday's council meeting, dozens of residents and some parks commission members contrasted the city's plans for the park with its recent legal fight with the Metropolitan Council over land-use planning.

"The city went up against the Met Council about the value of open space," resident Jim Blackford said. "The city turns around and goes back on it" by proposing to use open space for public facilities, he said.

PARK GARAGE, 2B

CONTINUED FROM PAGE 1B

Park garage

(continued)

In the end, most council members said they would honor the agreement.

"When it says that it's for park purposes only, that means it's for park purposes only," Council Member Anne Smith said. "I cannot in good conscience vote to put (the maintenance facility) there."

Mayor Dean Johnston was the lone vote against rejecting the plan, saying he would prefer to vote on the issue with an alternative site available.

City Administrator Martin Rafferty said at the meeting that there were no other land options for the maintenance

facility. The Sunfish Lake Park site was ideal because it requires the least amount of disturbance to the land and is owned by the city, he said, making it cost-effective for both the garage and water tower.

The city is continuing to examine at least five other sites for the water tower, with a recommendation expected in about a month.

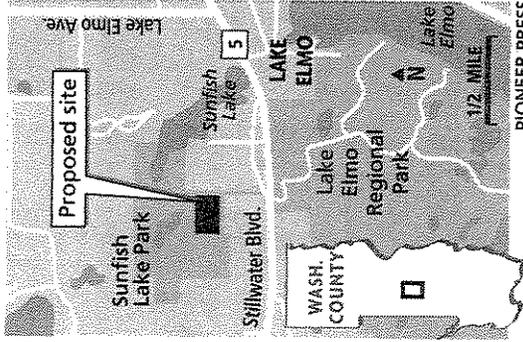
Residents who fought against the maintenance facility in the park said they'll continue to fight the water tower there.

"One hurdle has been cleared," said Fonda Olson, whose parents sold the land to the city. "We're determined to stick through this."

Nancy Yang can be reached at nyang@pioneerpress.com or 651-228-5480.

Park controversy

Lake Elmo has rejected a plan to build a city maintenance facility in Sunfish Lake Park.



PIONEER PRESS



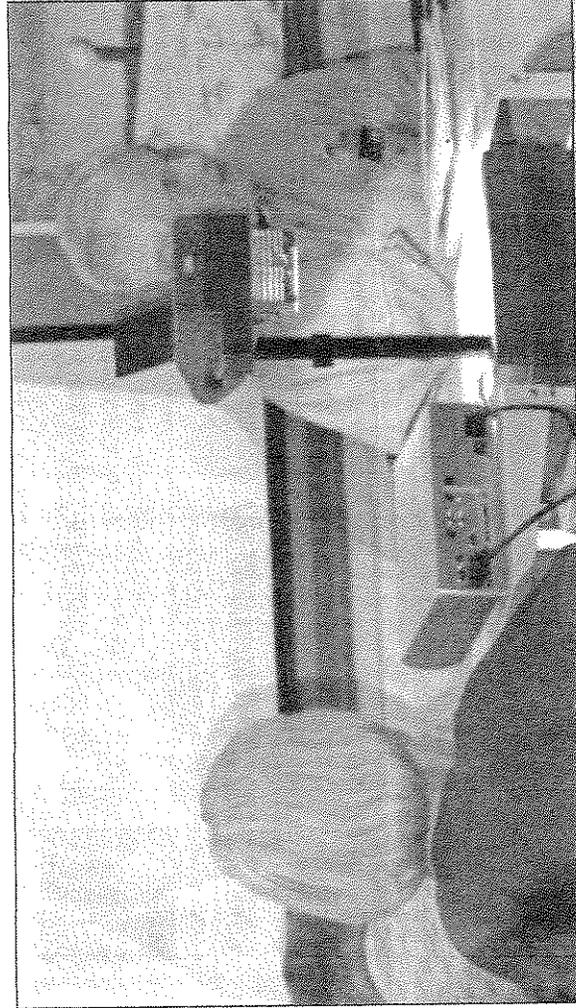
Lake Elmo

Friday, March 18, 2005

LEADER

www.lakeelmoleader.com

Water tower location goes back to drawing board



LEADER PHOTO BY BARBARA BOELK

Lake Elmo resident, and former Parks Commission member, Ed Nielson gave a lengthy presentation Monday night to the city's Planning Commission. Documents retained by Nielson may lead the city to adjust the location of a proposed 500,000 gallon water storage tower and an 11,000 square-foot maintenance building -- both planned for Sunfish Lake Park.

Council sends option back to staff for investigation

By Barbara Boelk
Editor

Lake Elmo residents who live near Sunfish Lake Park spoke loud and clear Monday night during a city Planning Commission meeting: Don't put a water tower and maintenance building in the park.

The Planning Commission members responded by unanimously voting to deny a request from the city to change the use of the land to allow a tower and building.

The city had to apply for a conditional use permit to put a public facility -- the maintenance

building -- on a public facility zoned site. The city also needed a variance for the building in the public facility zone to allow a standing seam metal exterior on the building.

The exterior of the building would have to be poured or block concrete -- or other product with a commercial aesthetic -- if the variance was not approved.

An 11,000 square-foot standing seam metal building was selected by the city's engineering firm, TKDA, and by staff to help retain the rural character of the area.

The maintenance building was designed to look like a barn rather than a garage so it would have less impact on the park and farm field surroundings.

The city also needed a conditional use permit and site plan approval to install a 500,000 gallon water tower in the park.

See Park on page 4A

Park: City staff asked to explore other options

Continued from 1A

City planner Chuck Dillerud told the Planning Commission members that the city could ask for the variance for the building's exterior as it could be considered a hardship on the part of the city — that to keep the rural character of the location, the materials were required to be changed.

The building would be located along the roadway at the entrance to Sunfish Lake Park, said City Administrator Martin Rafferty, who presented the city's request to the commission.

He said locating the building in a park is a good idea economically and for efficiency.

"Ninety percent of the equipment that will be stored in the buildings is used at some time during the year in the parks," Rafferty said. "It would be as much a parks building as a public works facility."

Rafferty told the commission that the city's attorney, Jerry Filla, had looked into the titles of the properties sold to the city to make up Sunfish Lake Park.

The agreements presented by resident Ed Nielson to the planning commission and city council were not found attached to the titles and that the attorney's opinion was that the city had free reign over the

property.

"There are no legal covenants filed with the property. There are no legal restrictions for the city."

Rafferty said the main reason the city decided to locate both the tower and the building on the same property was for consistency.

He said if the projects were built on other properties considered by staff they would have had to be separated.

Planning Commission member Charlie Schneider said he was disappointed in the communication on the issue, citing the fact that the city's Parks Commission was not informed of or asked for input on the plan and that the Planning Commission had only heard about the plan at the March 14 meeting.

He asked city engineer Tom Prew if the city had investigated whether it could simply erect a larger tower at the location of the current water tower.

Prew told the commissioners that the point of putting up a second tower was to improve several factors lacking in Lake Elmo's water service including fire protection ability, water pressure; and to regain income for Lake Elmo by getting people currently on the Oakdale system back to Lake Elmo's.

Nielson started off the evening's testimony with a 25-

minute presentation of documents that had previously been presented to the city council at its March 1 meeting.

Nielson told the commission about how the city came to own Sunfish Lake Park and about the farmers who sold the land to the city.

One family in particular, that of Lehart Friedrich, had sold about 150 acres to the city for \$2,000 an acre — what at that time was considered a steal.

He emphasized that the parks commission at the time had encouraged, even lobbied, residents to vote for a bonding bill that would allow the city to buy the property.

"I learned from my grandparents that when a farmer said something or shook hands, it was a deal," Nielson told the planning commission.

"The city made a deal then and the people agreed to it. You should agree to it now."

Merte Olsen, Friedrich's son-in-law, asked the Planning Commission not to recommend acceptance of the variance and not allow the water tower.

"I knew my father-in-law very well and there is no way he would have sold that land if they would have said 'We're going to put in a water tower and a maintenance building.'"

David Steele, vice chairman of the Parks Commission, told planning commission members

that the parks group had no had extensive talks about the tower and building.

"The Parks Commission met Feb. 22 and the issue was raised and there was brief discussion," Steele said. "It was brought up that night for the first time."

Rosalie Wahl, former state Supreme Court justice and Lake Elmo resident, presented a brief statement to the commission.

She said she is a 50-year resident of Lake Elmo and that Sunfish Lake Park is a "wild, wonderful place."

"It may be old fashioned to keep promises," she said, "but it's something we all do want to do."

At the March 15 City Council meeting, the council again heard about two hours of testimony on the topic before deciding to send the issue back to the staff to try looking at other options.

"There is no good location for a tower," planner Dillerud said during the planning commission meeting.

"There's always someone who is not going to want it."

Boelk can be reached at editor@lakeelmoleader.com.

Sunfish Lake Park off table for tower

Surrounding residents testimony impacted council decision

By Barbara Boelk
Editor

Sunfish Lake Park appears to be off the table for building a proposed 500,000 gallon water storage tank and maintenance building after a 3-1 council decision April 5. The council heard from several residents who spoke

against putting the building and tower in the park, citing documents from the bonding bill passed in the mid-1970s to buy land from several farmers to create open space park land. Council member Rita Conlin said she believed she was watching history repeat itself.

"I was on the council 10 years ago and there was discussion about needing a maintenance facility then," Conlin said after she made a motion to deny the requested conditional use permit for the city to build in the park.

"There was a real need then for a building and the residents didn't want it in the location that was suggested.

There is a very real need now and again, the people don't want it in this location.

"I believe this is not a good use for park land. The city will need all its parks later."

Council members Anne Smith and Liz Johnson voted to deny the conditional use permit as well.

"I believe the park should be used for parks purposes only," said Smith. "I cannot in good conscience vote to put (the building) there."

Johnson asked if the council must take a vote on the question of putting the building in the park if the topic could be postponed until another suitable site was discovered.

"I don't think we have all our homework in place," Johnson said. "We haven't looked at commercial property."

Mayor Dean Johnston voted against the motion, saying he would rather the city have a solid site identified before a vote was cast.

"I'd just as soon take positive action," Johnston said, "instead of simply choosing a site by elimination."

Council member Steve DeLapp was absent from the meeting.

The council now must find an alternate location for the water tower.

City Engineer Tom Prew held meetings with City

Administrator Martin Rafferty, the Minnesota Pollution Control Agency and Washington County officials to discuss five alternate sites proposed by residents for locating the tower and the building.

One site was city owned property within the closed landfill site, to the north and west of Sunfish Lake Park.

The 110-acre site could have been an option for a water storage tank on legs, but not a column tank, according to Prew's report.

No new buildings would be allowed on the site, the MPCA said.

Another potential location was county owned property

Park: Council to look at alternates

Continued from 1A

south of the closed landfill. That site would allow a column-style tank, but no other buildings. Locating the tower there would cost the city an additional \$160,000.

Another site considered was property in Sunfish West, east of the landfill. Siting on the heavily wooded lot would cost the city an addition \$200,000 for the tower project and would not be conducive to a maintenance building.

Staff also looked at buying some land from 3M, along Hwy. 5 west of Wildflower Shores. The additional estimated cost would be \$460,000 just in pipes to get water to service areas.

The fifth site examined was between Hwy. 5 and Stillwater

Blvd. at Common Ground Church. The city could buy one acre from the church to put a tower on, but the church was not interested in selling more land for a maintenance building, saying it would like to retain the space for future expansion of the church.

The staff ultimately proposed that the maintenance building be put into the park as originally proposed and that the tower site continue to be investigated.

The council finally voted to not put the tower or the building in the park and sent staff back to the drawing board to find more sites.

Also at the meeting, Lakewood Evangelical Free Church agreed to give the city a two-week extension in considering

its land use and zoning plan to build a new church and several single family homes near Keats Ave. and Hwy. 36.

The council approved a request to add onto an office building near Gorman's restaurant and approved allowing home-based occupations in the rural residential zone.

The Lake Elmo Planning Commission presented a preliminary plan at its April 4 meeting on how the city could go about meeting Metropolitan Council requirements for growth in the next 20 years.

The plan is supposed to be presented to the city council at its April 12 work session.

The council is not expected to vote on the plan until April 19.

Attachment D—Minnesota Land Trust

THURSDAY, NOV. 6, 2008

Lake Elmo Community rally for park easement successful

By ANDY BLENKUSH
Staff Writer

Communities on the edge of the metro often wrestle with how and where to develop their open spaces.

The City of Lake Elmo came up with an answer for a 256-acre chunk of natural habitat when the city council agreed to have a Minnesota Land Trust easement placed on the majority of Sunfish Lake Park. The park is 315 acres. The Minnesota Pollution Control Agency is in control of the remaining 70 acres.

The easement restricts development and places limits on what the land can be used for in the future. The easement isn't in place yet, but should take effect by the end of 2008.

The size of the park, with its mixed native forest made up of oaks and aspen, gives people the opportunity to get lost in nature within a growing metropolitan area. The size also makes this project almost unheralded, according to Sarah Strommen, a conservation director at the Minnesota Land Trust.

"This is very unique, not only in Lake Elmo but also regionally," Strommen said. "To have this much park area that is a natural habitat, I think the city realized that they have a real gem here

and that they have a responsibility here. This area has been preserved over the years and they realized they need to preserve it for the future."

David Steele has served on the Lake Elmo parks commission for nine consecutive years, the last three of which he has chaired the commission. His family and hundreds of others frequent the park. Sunfish Lake Park's vastness within city limits make it unique, and an attribute the city needed to preserve, he said.

Making the easement reality rather than theory took more than two years. Much of the time was spent trying to define what would be acceptable uses for the park easement, which is divided into two sections.

A 230-acre portion of the park will remain relatively untouched. It is the forest area that is dotted with low-lying marsh and wetland. The development will consist mostly of trails and limited signage. A 20-acre portion, near the Highway 5 public entrance, is designated for some development. However, it will be limited to educational developments such as a small nature center.

The easement prevents the park from having ball fields, courts or other recreational activities built on the land.

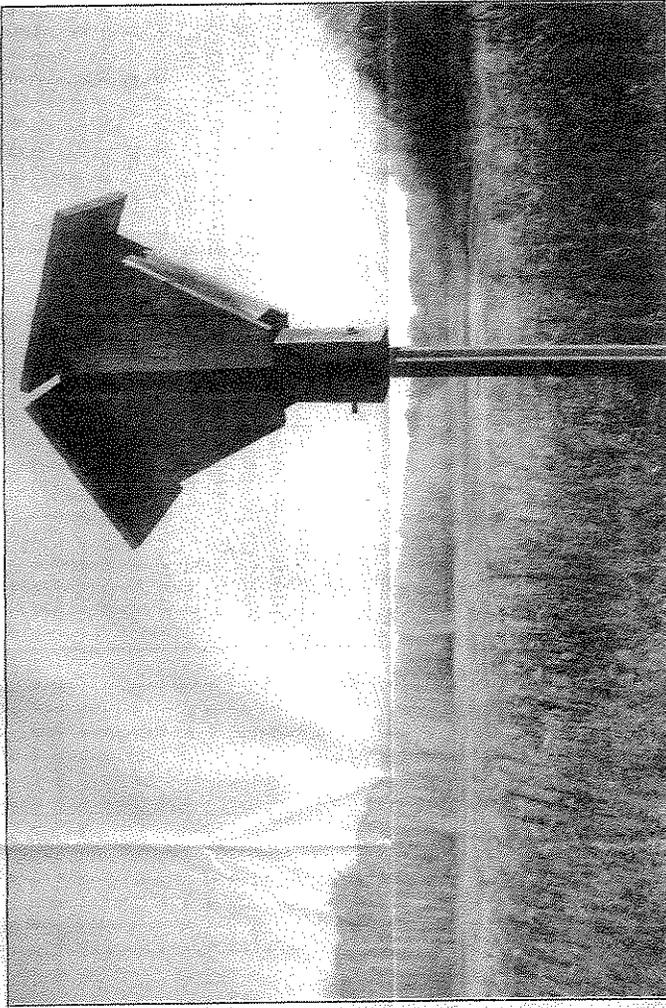


Photo by Andy Blenkush

Bird houses humans are one of the few touches left behind by human beings at Sunfish Park in Lake Elmo. A new land trust easement for the park will assure that there is limited changes made by humans in the future.

Judith Blackford has a deep appreciation for nature. Her parents owned land that traversed Sunfish Lake Park. Now some of that land belongs to her, husband Jim, and other family members. To the Blackfords and others who own land bordering the park, the easement provides protection to land they feel connected with.

"I just have always loved nature," Judith Blackford said. "We built [our home] out here because we love nature. We are all advocates for this parcel of land." Additional easements have been placed on land surrounding Sunfish Lake Park. The Tapestry development on the northwestern section of Lake Elmo has land easements placed throughout it. These restricted lands create a buffer surrounding the park and ensures access into what community leaders call the "crown jewel" of the Lake Elmo Parks. The city's work with the Minnesota Land Trust demonstrates its commitment to preserving the elements of Lake Elmo's rural character, to securing aspects of its native habitat. "It is an expression of our values as the people of Lake Elmo," said Steele. "It's basically untouched wilderness. We don't have many of those pockets of untouched wilderness anymore."

Andy Blenkush is at 651-439-4366 or ablenkush@stillwatercourier.com

City of Lake Elmo, land trust culminate agreement to preserve Sunfish Lake Park

By YVONNE KLINNERT
Editor

Applause erupted after a vote by the Lake Elmo City Council Tuesday night, approving an agreement with the Minnesota Land Trust to assure that Sunfish Lake Park remains a conservation district.

Members of the city's parks commission have been working for more than two years to place the conservation easement on the land. The city will remain the owner of the parkland, while the conservation easement will guide how the park is used in the future.

The conservation easement covers 256 acres within the 315-acre park. Part of the park - 70 acres - is under a Minnesota Pollution Control Agency easement associated with the closed landfill in the area. Another 20 acres, currently an open field, may be used for educational, recreational or natural observation purposes, according to easement plans.

But the bulk of the park will be preserved in its natural state. Its use will be guided by the conservation

values, said Sarah Strommen, conservation director of the central region for the Land Trust. Those values list preserving the hardwood forest of aspen and oak for habitat for natural species; protecting wildlife corridors that traverse the park; and providing a way for the public to enjoy open space.

From those values grow the guidelines for preserving the space, Strommen said, including preventing the division of the property and the building of any commercial, industrial or residential buildings on the property.

According to information provided to the city council, the Land Trust is responsible for stewardship of the easement, which means monitoring it, administering it and enforcing any encroachments on the easement, if necessary.

The city's responsibility is to retain ownership and manage the property, consistent with the easement restrictions. The city will pay the Land Trust \$10,000 from its parks fund to cover the costs of managing and enforcing the easement.

Because some park development will be allowed in the 20 acres of the park that are already cultivated fields, it is recommended that the city create a plan for any further building be done by the park.

Jim Blackford, a nearby resident who has been outspoken regarding the handling of the city's contaminated landfill, pointed out to the council that, while this is a celebration, it should be noted that the city has a source of pollution close to this "gem" of a park.

"It's kind of unfortunate that right next to this park is the biggest pollution problem in the state," he said, continuing to urge the city to move toward cleaning up the landfill, which is leaking contaminants into nearby groundwater.

Council members thanked members of the parks commission for their work, especially past member Judith Blackford who worked for the easement while on the commission.

"It's put us on a high level of preservation," said Councilmember Steve DeLapp.

Lake Elmo should celebrate its park designation

To the editor:

Lake Elmo's jewel, Sunfish Lake Park, made history this past week. It is being put into the Minnesota Land Trust for forever preservation.

Farmers, park commissioners, and Lake Elmo citizens had the vision and intent in the '70s to preserve this 300-acre deciduous woodland and prairie for parkland through a Lake Elmo, citizen-paid bond referendum. Through the years, it has become apparent that a stronger conveyance of that intent was needed.

Oct. 21, 2008, current Lake Elmo parks commissioners working with Sarah Strommen of the Minnesota Land Trust brought a legal document before the council and received a unanimous celebratory motion to finalize this effort. Sunfish Lake Park is enjoyed for its quiet and solitude, nature observation, cross-country skiing, and sledding.

Future possible enhancements (e.g., interpretive center/prairie restoration) would be allowed on a 20-acre parcel at the entrance. Refined language remains to be done for this small parcel. The larger woods will remain untouched.

Local newspapers heralded this achievement, and I thank them, but no mention was made of the contributions of current Lake Elmo Park Commission Chair, David Steele. All park commission members contributed to and unanimously supported this effort, but without David Steele's leadership, professional writing skills, and respectful, humble manner, this Land Trust realization would not have been achieved.

And, because I've observed David's character over several years, the most laudable trait is that he does good for good's sake, never requiring or even noticing any lack of accolades. That is selfless service! Thank you very much, David!

Judith Blackford

Member

Lake Elmo Parks Commission

Attachment E—Guest Column on Sunfish Lake Park's
Wild Treasures by Judith Blackford
Published in The Lake Elmo Leader

The following is a copy of an article written by me that was printed on February 8, 2007, in our community newspaper, The Lake Elmo Leader.

GUEST COLUMN

Need a spring vacation?—Come share a walk in Sunfish Lake Park

A walk through the park is a getaway
to nature with all its treasures

By Judith Blackford

What in nature stirs your heart? I have enjoyed Sunfish Lake Park, the City of Lake Elmo's 280-acre jewel, your park, over a 25-year period. Experience a condensed sharing of nature experiences—gifts of pure gold!

One night last week, I was refilling bird feeders for early morning visitors. Outside lights flooded the area, and a small, squirrel-like creature with white underbody circled a nearby cherry tree in a wild dance to hide from my gaze. The DNR told me that it is a nocturnal flying squirrel. Amazing!—just when I think I know all this wood's secrets! Pileated woodpeckers (17" in length) visit the suet feeders by day and swoop through the woods trailing their raucous cries.

As my husband and I shared our daily walk yesterday over farm fields, a bald eagle passed 25' above the ground, 30' in front of us. He skimmed nearby trees down towards Sunfish Lake, where he and his mate have nested for many years.

In the wooded pasture, chickadees and cardinals sang their spring songs. The great grey owl, new resident, and the barred owl are sounding their evening mating calls. Like Chief Joseph, my being receives these gifts, and my heart soars! Like Thoreau, I am restored and need the recuperative tonic of wild places.

Leaving a grove of sugar maples, I once entered a clearing at the shallow end of Sunfish Lake. Hoping maybe to see egrets, I stared in amazement. Playing in the shallows were three lithe

river otters. Eventually, I made a noise to confirm that it wasn't a dream. Two swam off rather hurriedly, but one raised himself up to a seemingly 3' height and barked an admonishment at me, intruder. This remains a magical once-in-a-lifetime gift.

Deep in the woods, a huge snapping turtle once blocked my path, and I gingerly gave it a wide berth, wondering how long it had traveled.

Colorful Scarlet Tanagers, Indigo Buntings, Baltimore Orioles, American Goldfinches, Rose-breasted Grosbeaks, sweet Wrens and more nest here and sound the morning chorus until around 10 a.m. Often a winged one leaves a small feather in my path that I carry home and add to the bouquet of past gifts.

Chorus frogs and spring peepers are spring's first voices, along with the red-winged blackbird. Colorful wood ducks make their home 30' off the ground in a poplar in my backyard. A pond is at least $\frac{1}{4}$ mi. away, and I marvel at these babies' tenacity as first they fall to the forest floor, and then trudge the long distance to water. Some wisdom prevails that these parents teach their babies each year to call this tree, these woods, home.

Once, a whippoorwill spent time outside my window. A gift yes, but it calls all night long, and after a week, I was happy when it left. Grouse and wild turkeys call the woods home, as do coyotes and red-tailed fox.

One spring, the red-tailed hawk built its nest in a tall oak, and when the fledglings were heard, I wandered to the relinquished nest. I called "suuee, suuee, suuee", and three juvenile red-tails swept back near their old nest and alighted on nearby trees. Only at close distance when I called, did they quickly name me imposter and fly swiftly away.

I have seen beds of melted snow in the winter where deer laid, and lingering long and motionless on a fallen log on this ridge in summer, I once had shy deer almost stumble upon me, when the wind was in my favor. They felt the energy of my gaze or some

other signal their creature senses picked up, and they paused, staring a long time. I made a tiny noise to entice them, and one yearling made a few steps towards me, but the others older and more aware of human deceits snorted and stamped feet of warning, and my last view was white tails bounding over furthest ridge.

Families of fern cascade down a hillside carpeting the floor beneath snowy paper birch. Large-flowered bellwort, wild monarda, black-eyed Susan's, mayflowers, wild geranium, wild columbine, sumac, jack-in-the-pulpit, mullein, goldenrod, queen Anne's lace, wild blue flag (iris), spiderwort, Solomon's seal, bloodroot, wild strawberry, rue anemone, and yellow violet are some plants that invite one to walk through the seasons.

There are also hidden meadows where meadowlarks and bluebirds sing sweetly.

When my parents purchased our abutting, contiguous woods, 50 years ago, yellow lady slipper (moccasin—orchid), wild hazelnuts, bittersweet, and prairie wildflowers were more plentiful in this area. Somewhere in their memories, they long to be replanted and return home to this park.

Sunfish Lake Park is an amazing slice of wild in your backyard. Has my writing called you home for a walk or to share the wonders of nature with a child? Don your wool socks, long undies, Sorel boots, or cross country skis, and stretch your legs and enjoy invigorating fresh air, the sun, and nature in this jewel—your City park.

Sunfish Lake Park will capture your heart!

Judith Blackford, Lake Elmo resident and parks commissioner, lives in a home in the woods next to Sunfish Lake Park.

Get to Know the Author



Get to Know the Author

Judith (Moris) Blackford has raised her family in their home in the contiguous woods north of Sunfish Lake Park, where she has lived for 30 years. Her parents purchased farmland and woods on the north side of Sunfish in the 1950's. It was farmed by them and their sons or other farmers until their death. The farmland then became a neighborhood named Tapestry at Charlotte's Grove in honor of her mother, who planted the pines. The woods and pasture remain in the family.

For 30 years, Judith has walked the woods of Sunfish Lake Park weekly and observes nature daily around her woodland home. She has been a naturalist since childhood, consulting a personal library of field guides when another source is needed to name a species. She participated in the Cornell Lab Ornithology At-Home Bird Count for 3 years, collecting data on birds throughout the winter season.

She enjoys rock collecting—especially agates. She and her husband used boulders and rocks from the family farm to create a waterfall, stream, and pond, as well as using the rocks for wildflower garden borders, steps, and accent landscaping. She lives in an active and passive, solar energy-powered home, where no herbicides or pesticides have ever been used on their property.

She has currently served 13 years on the City of Lake Elmo's Parks Commission, becoming appointed twice, as various needs of Sunfish Lake Park required action. She is proud of Lake Elmo's many beautiful and varied City parks, and has enjoyed both enhancing and protecting their recreational and scenic offerings. Like most park commissioners, she has a favorite City park, and it is Sunfish Lake Park! Besides walking and studying nature in Sunfish, she also enjoys cross-country skiing its steep ridges, and has loved sharing its wonders with family and friends.

She has consciously attempted to leave a gentle imprint on the earth. She's studied nutrition and holistic health since her 20's, trying to eat and live healthily, locally, sustainably, and organically to support local farmers, free trade, and the kind treatment of animals and the earth.

For 8 years, she created and taught an Art Celebrating Nature class in the Stillwater School District for 3rd through 6th grade art students.

She has enjoyed both creative and issue-related writing for 20 years, with published poems and columns.



The bird on the cover art is a Western Meadowlark.
Illustrations by Judith (Moris) Blackford



We are proud to live and raise our family in Lake Elmo, where residents value and plan for the preservation and enjoyment of their wild spaces. It was pure joy to create this history of Sunfish Lake Park for the greater Lake Elmo community.