



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

NOTICE OF MEETING
City Council Meeting
Tuesday, December 1, 2015 7:00 P.M.
City of Lake Elmo | 3800 Laverne Avenue North

Agenda

- A. Call to Order**
- B. Pledge of Allegiance**
- C. Approval of Agenda**
- D. Accept Minutes**
 - 1. Approve November 17, 2015 Minutes
- E. Council Reports**
- F. Presentations/Public Comments/Inquiries**
- G. Finance Consent Agenda**
 - 2. Approve Payment of Disbursements
- H. Other Consent Agenda**
 - 3. Approve Belle Amie Spa Massage License Renewal
 - 4. Approve Liquor License Renewals
 - 5. Approve Inwood Addition Development Contract Addendum
 - 6. Approve Reider Preliminary Plat Extension – *Resolution 2015-86*
 - 7. Designate Data Practices Official – *Resolution 2015-85*
 - 8. Approve Driveway Encroachment and Maintenance Agreement
- I. Regular Agenda**
 - 9. Public Hearing: 2016 Proposed Tax Levy and General Fund Budget – Adopt 2016 Budget and Tax Levy – *Resolution 2015-84*
 - 10. Developer Line of Credit Reduction Discussion
 - 11. Tana Ridge Park Sign
 - 12. Charter and Roster for the Environmental Committee
 - 13. City Administrator Search
 - 14. RFP for Legal Services
 - 15. Arts Center
 - 16. Mayors Handbook
 - 17. Utility Rate Study Update
 - 18. Single Fire Station
- J. Staff Reports and Announcements**
- K. Adjourn**

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
NOVEMBER 17, 2015**

CALL TO ORDER

Called to order at 7:10 pm.

PRESENT: Mayor Mike Pearson and Council Members Julie Fliflet, Anne Smith, Justin Bloyer, and Jill Lundgren.

Staff present: Interim Administrator Schroeder, City Attorney Snyder, City Engineer Griffin, Finance Director Bendel, City Planner Wensman and City Clerk Johnson.

Interim Administrator Schroeder read a statement explaining the role of the Parliamentarian. Chief Administrative Law Judge Pust introduced herself and reviewed guidelines and decorum policies for the meeting.

PLEDGE OF ALLIGENCE

APPROVAL OF AGENDA

Mayor Pearson, seconded by Councilmember Smith, moved TO ADD ITEM J: ROLE OF PARLIAMENTARIAN TO THE AGENDA. MOTION PASSED 4 – 1. (Bloyer – Nay)

Item 10 was removed from the Agenda. Items 7 and 9 were moved to the Regular Agenda for discussion after item 13.

Councilmember Fliflet, seconded by Mayor Pearson, moved TO APPROVE THE AGENDA AS AMENDED. MOTION PASSED 5 – 0.

ACCEPT MINUTES

Councilmember Fliflet, seconded by Mayor Pearson, moved TO APPROVE THE NOVEMBER 4, 2015 MINUTES AS AMENDED. MOTION PASSED 5 – 0.

COUNCIL REPORTS

Mayor Pearson: Met with staff, Bureau of Mediation Services, LMC and Judge Pust to discuss the Parliamentarian process; met with staff to prepare for a water sewer consultant RFP; met with County officials on a variety of matters; held a Visit with the Mayor; attended the Oakdale Lake Elmo Prayer Breakfast; attended the Public Safety Committee meeting; attended the Parks Commission meeting; fielded concerns from residents regarding the impact of development in various neighborhoods, noting no complaints have been received from downtown property owners; took calls regarding financial discussion and asked Interim Administrator Schroeder to comment on that during his staff report.

Councilmember Fliflet: Met with LMC and BMS; held a Finance Committee meeting where they worked on water rate reduction and 2016 Budget; held an HR Committee meeting and fielded resident concerns.

Councilmember Smith: Attended Finance Committee and postponed other reports due to time considerations.

Councilmember Lundgren: Spoke with Bureau of Mediation; discussed milfoil in lakes with residents, attended HR Committee meeting; attended Oakdale Lake Elmo Prayer Breakfast; thanked Public Works staff for picking up two dead deer in her neighborhood; discussed Inwood area flooding with resident and staff.

Councilmember Bloyer: Emailed with Fields residents, emails from residents regarding the Parliamentarian.

Judge Pust explained that she was serving as Parliamentarian on behalf of the Office of Administrative Hearings and reported that the City will be billed by the OAH at a rate of \$120 per hour as approved by the Minnesota Management and Budget Department.

PUBLIC COMMENTS/INQUIRIES

Matt Eder and Becky Goble spoke on behalf of their dad, Jerome Eder, at 3415 Lake Elmo Avenue North concerning the construction of a storm water holding pond adjacent to his property and related safety concerns.

Wally Nelson, 4582 Lilac Lane North, stressed the need for civility among the City Council Members and called for removal of the censure of Councilmember Bloyer.

PRESENTATIONS

None

FINANCE CONSENT AGENDA

- 2. Approve Payment of Disbursements**
- 3. Accept Financial Report Dated October 31, 2015**
- 4. Accept Building Report Dated October 31, 2015**
- 5. Accept Assessors Report Dated October 31, 2015**
- 6. Approve Eagle Point Blvd. Street Improvements Pay Request No. 3**

Councilmember Smith, seconded by Councilmember Lundgren, moved TO APPROVE THE FINANCE CONSENT AGENDA AS PRESENTED. MOTION PASSED 5-0.

OTHER CONSENT AGENDA

- 8. Water Tower No. 4 – Approve Preliminary Design Recommendations**

Councilmember Smith, seconded by Councilmember Fliflet, moved TO APPROVE THE CONSENT AGENDA AS PRESENTED. MOTION PASSED 5-0.

ITEM 11: CLARIFICATION OF MANNING AVENUE REDESIGN AND FUNDING OPTIONS

Interim Administrator Schroeder provided background information on the Washington County plan to realign Manning Avenue and the design option chosen by the City Council.

Councilmember Fliflet added that she requested this discussion to provide clarification for the public to address misconceptions.

Jack Rowenhorst, 11676 Little Bluestem, stated that as a new driver he is concerned about safety and thinks option C would be much safer.

Lisa Rowenhorst, 11676 Little Bluestem, spoke against the C2 design chosen by the City Council and asked the Council to reconsider option C for safety reasons.

Mary Pat Cumming, 11857 44th Street Lane North, reported that approximately 200 people in the neighborhood have met and asked that their voices be heard in support of option C.

Cindy Silkworth, 4418 Lily Avenue North, stated the County, staff and Planning Commission recommended concept C and requested the City Council reconsider concept C.

Karen Schwartz, 11772 44th Street Lane North, expressed concerns about safety and asked that Highway 5 remain open in both directions until the north-south road is built.

John Hodler, 11834 44th Street Lane North, stated that not building the north-south road is a big problem for Fields of St. Croix residents and requested the Council reconsider option C.

Marcy Eischen, 11674 Stillwater Boulevard, spoke in favor of the dead end option on behalf of herself and neighbors Dupuis and Jacobsen.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO CLARIFY MANNING AVENUE REDESIGN APPROVAL OF CONCEPT C2 THAT WAS PASSED AT THE SEPTEMBER 15 CITY COUNCIL MEETING, TO READ THAT THE CITY COUNCIL ACCEPTS CONCEPT C2, BUT THAT THE EXACT TIMING, PLACEMENT, DESIGN AND FUNDING FOR THE NORTH/SOUTH CONNECTION ROAD WILL BE DETERMINED AT A LATER TIME THROUGH THOUGHTFUL PLANNING, AND THAT OLD HIGHWAY 5 WILL NOT BE CUL DE SAC'D UNTIL THIS NORTH/SOUTH CONNECTION IS BUILT. MOTION PASSED 3 – 2. (Pearson, Bloyer – Nay)

Councilmember Bloyer stated concerns about safety and uncertainty that the costly north-south road would be safer than option C. Mayor Pearson referred to a Washington County report on stop lights and stated the C2 option is not safer.

Councilmember Fliflet directed staff to begin planning a workshop with residents to gather their feedback. Councilmember Bloyer stated that the landowner should be contacted to inquire about purchasing land for the north-south road. Mayor Pearson stated that the north-south road is an improvement but without the landowner present it will be difficult to make progress.

ITEM 9: DOWNTOWN PHASE I IMPROVEMENTS – APPROVE DESIGN REVISIONS FOR UPPER 33RD STREET AND LIBRARY PARKING LOT

City Engineer Griffin provided an overview of the proposed revisions on Upper 33rd Street and noted concerns expressed by a business owner.

Steve Johnson, 2945 Lake Elmo Avenue, stated that he has some concerns but feels the proposed design is reasonable and works well for the Fire Department.

Councilmember Bloyer, seconded by Councilmember Fliflet, moved TO APPROVE THE UPPER 33RD STREET STRIPING REVISIONS FOR THE PHASE I DOWNTOWN STREET, DRAINAGE AND UTILITY IMPROVEMENTS. MOTION PASSED 4 – 1. (Pearson – Nay)

Mayor Pearson stated that removing five parking spaces downtown needs additional research and discussion.

City Engineer Griffin reviewed the proposed parking lot improvements for the Library, noting that the Library Board would also be reviewing the proposal. Griffin stated that the project contractor is offering favorable pricing through adding this project on to the downtown project.

Councilmember Fliflet, seconded by Councilmember Smith, moved TO APPROVE THE LIBRARY PARKING LOT IMPROVEMENTS TO BE CONSTRUCTED IN CONJUNCTION WITH PHASE I DOWNTOWN STREET, DRAINAGE AND UTILITY IMPROVEMENTS. MOTION PASSED 4 – 1. (Bloyer – Nay)

Councilmember Bloyer stated that the City should pay for this improvement for a City building and added that the City Council has not seen the Library budget.

ITEM 12: SEARCH FIRM FOR CITY ADMINISTRATOR

Interim Administrator Schroeder explained that the term of his contract is July 2016 to January 2016 and presented a list of search firms that could be employed to conduct a search for a permanent City Administrator. Schroeder stated that Springsted provided an estimated cost of \$15,000 to \$20,000 depending upon the scope of services. Discussion held concerning options for conducting a search with and without a search firm.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO MOVE FORWARD WITHOUT A SEARCH FIRM AND INSTRUCT THE CITY CLERK TO POST THE POSITION ON THE LMC AND ICMA WEBSITES.

Councilmember Smith, seconded by Councilmember Fliflet, moved TO AMEND THE MOTION TO ADD SUBJECT TO HIRING OF A PROFESSIONAL FIRM TO CONDUCT BACKGROUND CHECKS. MOTION PASSED 5 – 0.

Councilmember Bloyer stated that he won't support the motion, as he feels the City could extend Mr. Schroeder's contract and that Councilmembers shouldn't be involved in vetting applicants. Mayor Pearson suggested seeking professionals within the City to assist with reviewing applicants.

PRIMARY MOTION PASSED 3 – 2. (Pearson, Bloyer – Nay)

City Attorney Snyder recommended that the process should be moved along and suggested staff prepare an advertisement for approve at the next Council meeting.

ITEM 13: HIGH PRIORITY FOR HIGHWAY 5/COUNTY ROAD 14

Interim Administrator Schroeder explained that Councilmembers have expressed a need for a traffic light at the intersection of Highway 5 and 50th Street.

Jim Ogren, 11790 Little Bluestem, stated that a stop light will also be needed at the intersection of Highway 5 and Manning and suggested they could both be installed at the same time.

Councilmember Fliflet stated that the 50th Street intersection should be a high priority for 2016 and not wait for the new road alignment.

Councilmember Fliflet, seconded by Councilmember Smith, moved THE LAKE ELMO CITY COUNCIL WOULD LIKE BY MATTER OF RESOLUTION TO SUPPORT A TRAFFIC SIGNAL AT THE INTERSECTION OF NEW CSAH 15 AND 50TH STREET AND MAKE IT KNOWN THAT THE CITY WOULD LIKE THIS TO BE THE NUMBER ONE PRIORITY FOR THE COUNTY FOR THIS STRETCH OF ROADWAY RECENTLY TURNED OVER TO THE COUNTY FROM THE STATE OF MINNESOTA PREVIOUSLY KNOWN AS STATE HIGHWAY 5.

Councilmember Bloyer stated that this intersection does not meet County standards for a traffic light. Mayor Pearson asked about facts and rankings from the County's report on intersections and stated that all intersections should be assessed before committing to upgrading one.

Mayor Pearson, seconded by Councilmember Bloyer, moved TO TABLE THIS ISSUE TO A WORKSHOP. MOTION FAILED 2 – 3. (Fliflet, Lundgren, Smith – Nay)

PRIMARY MOTION PASSED 3 – 1 – 1. (Pearson – Nay, Bloyer – Present)

Mayor Pearson clarified that he is not opposed to a traffic light at the 50th Street intersection but wants to look at all intersections first.

Mayor Pearson, seconded by Councilmember Lundgren, moved TO DIRECT STAFF TO ARRANGE A WORKSHOP TO DISCUSS INTERSECTION SAFETY CITY WIDE. MOTION PASSED 5 – 0.

ITEM 7: APPROVE SPECIAL ASSESSMENT PAYOFF FOR KLEIS PROPERTY

Finance Director Bendel reviewed the request from the property owner for a reduced payoff amount for special assessments levied in 1995 on a parcel that is in the Green Acres program. City Attorney Snyder explained the Green Acres program and noted that if the City Council chooses to modify the assessment it should be done by uniform resolution or an ordinance change.

Peter Kastler, 9130 55th Street North, stated he is the grandson of the original owners and that his grandparents did not have any documentation regarding this assessment or the interest that is due. Mr. Kastler noted that the assessment payoff isn't due until the property is taken out of Green Acres but he would agree to pay it off early at the reduced amount as a benefit to both parties.

Councilmember Fliflet, seconded by Councilmember Smith, moved TO ACCEPT THE PAYOFF OFFER OF \$6,879.55 FROM MR. KASTLER/KLEIS FAMILY TO PAY IN FULL THE OUTSTANDING SPECIAL ASSESSMENTS RELATED TO THE 1995 STREET OVERLAY PROJECT. MOTION PASSED 3 – 2. (Pearson, Bloyer – Nay)

Councilmember Bloyer stated that he understands the situation but feels the City needs to adhere to the laws and have thought out policies in place. Mayor Pearson added that he is concerned about setting precedence with this reduction but has empathy for the property owners.

STAFF REPORTS AND ANNOUNCEMENTS

Interim City Administrator Schroeder: Attended the Public Safety Committee meeting, Parks Commission meeting, met with developers, worked on legal and engineering concerns, attended the Finance Committee meeting, provided the Mayor’s Handbook to the City Council at the recommendation of the League of MN Cities. Reported that the Finance Committee discussed the proforma and recommends hiring Northland Securities to take over the proforma. The Finance Committee will continue to discuss the proforma at the next meeting.

Councilmember Bloyer, seconded by Mayor Pearson, moved THAT THE CITY ADMINISTRATOR AND FINANCE DIRECTOR PROVIDE EXPLANATION TO RESIDENTS AS TO THE WHEREABOUTS OF \$6.5 MILLION IN ASSESSMENTS. MOTION FAILED 2 – 3. (Fliflet, Lundgren, Smith – Nay)

City Clerk Johnson: Reported that an offer has been extended to a candidate for the Office Administrative Assistant position.

Finance Director Bendel: Finalized recommended changes to the 2016 General Fund Budget at Finance Committee Meeting, fielding calls and questions on assessments, all Lennar outstanding assessments will be paid soon, started year end closeout in preparation for the audit.

City Attorney Snyder: No report.

Community Development Wensman: No report

City Engineer Griffin: Working on projects for next year and the engineering department is very busy with current construction projects.

ROLE OF PARLIAMENTARIAN

Judge Pust asked for City Council input on the Parliamentarian and stated it was an honor to be invited. Councilmembers indicated that it was helpful to have a Parliamentarian run the meeting.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO CONTINUE THE SERVICES OF THE PARLIAMENTARIAN UNTIL THE SERVICES ARE NO LONGER NEEDED AND TO DIRECT STAFF TO SECURE A REPLACEMENT PARLIAMENTARIAN IF NEEDED. MOTION PASSED 3 – 1 – 1. (Pearson – Abstain, Bloyer – Nay)

Meeting adjourned at 11:16 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Julie Johnson, City Clerk



MAYOR & COUNCIL COMMUNICATION

DATE: December 1, 2015
CONSENT
ITEM #2
MOTION

AGENDA ITEM: Approve Disbursements in the amount of \$122,898.71

SUBMITTED BY: Patty Baker, Accountant

THROUGH: Cathy Bendel, Finance Director

REVIEWED BY: Cathy Bendel, Finance Director

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation.....City Administrator
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

POLICY RECOMMENDER: Finance

FISCAL IMPACT: \$122,898.71

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$122,898.71. No specific motion is needed as this is recommended to be part of the *Consent Agenda*.

LEGISLATIVE HISTORY: NA

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

Claim #	Amount	Description
ACH	\$ 11,572.49	Payroll Taxes to IRS & MN Dept of Revenue 11/25/15
ACH	\$ 5,801.10	Payroll Retirement to PERA 11/25/15
DD6804-DD6825	\$ 29,379.82	Payroll Dated (Direct Deposits) 11/25/15
43637-43678	\$ 76,025.30	Accounts Payable 12/01/15
2747-2748	\$ 120.00	Library Card Reimbursement 12/01/15
TOTAL	\$ 122,898.71	

RECOMMENDATION: Based on the aforementioned, the staff recommends the City Council approve as part of the Consent Agenda the aforementioned disbursements in the amount of \$122,898.71.

ATTACHMENTS:

1. Accounts Payable – check registers

Accounts Payable To Be Paid Proof List

User: PattyB
 Printed: 11/24/2015 - 11:37 AM
 Batch: 008-11-2015

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
AMAZONIN Amazon Inc	10/10/2015	1,874.34	0.00	12/01/2015	Adult, teen & kids books & dvds		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
	11/10/2015	889.67	0.00	12/01/2015	Adult, teens & kids bookds & dvds		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
	10/10/2015	205.71	0.00	12/01/2015	Office supplies		-	No		0000
206-450-5300-42000	Office Supplies									
	11/10/2015	45.10	0.00	12/01/2015	Office supplies		-	No		0000
206-450-5300-42000	Office Supplies									
	10/10/2015	38.33	0.00	12/01/2015	Programming		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
	11/10/2015	127.69	0.00	12/01/2015	Programming		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
	Total:	3,180.84								
	AMAZONIN Total:	3,180.84								
ASPENMI Aspen Mills, Inc.										
172912	11/11/2015	285.80	0.00	12/01/2015	Uniforms - M. Cornell		-	No		0000
101-420-2220-44170	Uniforms									
	172912 Total:	285.80								
172913	11/11/2015	262.30	0.00	12/01/2015	Uniforms - Peltier		-	No		0000
101-420-2220-44170	Uniforms									
	172913 Total:	262.30								
	ASPENMI Total:	548.10								
BIFFS Biffs Inc.										
W581010-5810019	11/11/2015	826.00	0.00	12/01/2015	Portable Restrooms - Parks		-	No		0000
101-450-5200-44120	Rentals - Buildings									
	W581010-5810019 Total:	826.00								
	BIFFS Total:	826.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
BROCHMAN Brochman Blacktopping Co										
3814	11/12/2015	18,400.00	0.00	12/01/2015	Paving - Sanctuary Park		-	No		0000
404-480-8000-43050	Other Park Ded Prof Services									
	3814 Total:	18,400.00								
	BROCHMAN Total:	18,400.00								
C A C Companion Animal Control, LLC										
Oct 15	11/15/2015	500.00	0.00	12/01/2015	Animal control services - October 2015		-	No		0000
101-420-2700-43160	Impounding									
Oct 15	11/15/2015	150.00	0.00	12/01/2015	Impound 7am - 7pm		-	No		0000
101-420-2700-43160	Impounding									
	Oct 15 Total:	650.00								
	C A C Total:	650.00								
CHASERIC Chase Rick										
101-420-2400-42000	11/23/2015	41.93	0.00	12/01/2015	Office supplies		-	No		0000
	Total:	41.93								
	CHASERIC Total:	41.93								
COLDWELL Coldwell Banker Commercial										
40643	09/30/2015	190.00	0.00	12/01/2015	Preventative Maintenance		-	No		0000
206-450-5300-44010	Repairs/Maint Bldg									
	40643 Total:	190.00								
40758	11/11/2015	380.00	0.00	12/01/2015	Water leak and cleaning AC unit		-	No		0000
206-450-5300-44010	Repairs/Maint Bldg									
	40758 Total:	380.00								
	COLDWELL Total:	570.00								
CORNELL Cornell Mike										
101-420-2220-44370	11/20/2015	133.85	0.00	12/01/2015	VCOS conference reimbursement		-	No		0000
	Conferences & Training									
	Total:	133.85								
	CORNELL Total:	133.85								
DELAPP DeLapp Steve										
206-450-5300-42230	11/18/2015	37.17	0.00	12/01/2015	Building Maintenance Supplies		-	No		0000
	Building Repair Supplies									
	Total:	37.17								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	DELAPP Total:	37.17								
DEPREY Deprey Nate	11/18/2015	55.00	0.00	12/01/2015	Conference		-	No		0000
206-450-5300-44370	Conferences & Training									
	Total:	55.00								
DEPREY Total:		55.00								
EBSCO Ebsco	11/05/2015	1,234.00	0.00	12/01/2015	Auto Repair Reference Center		-	No		0000
WSR117156	Library Collection Maintenance									
206-450-5300-42500	WSR117156 Total:	1,234.00								
	EBSCO Total:	1,234.00								
ECMPUBLI ECM Publishers, Inc	10/25/2015	40.80	0.00	12/01/2015	Newspaper ad		-	No		0000
256137	Repairs/Maint Bldg									
206-450-5300-44010	256137 Total:	40.80								
	ECMPUBLI Total:	40.80								
EMERGRES Emergency Response Solutions	11/02/2015	157.49	0.00	12/01/2015	2x Hose Straps		-	No		0000
5131	Small Tools & Equipment									
101-420-2220-42400	5131 Total:	157.49								
	EMERGRES Total:	157.49								
GREATAM Great America Financial	11/16/2015	396.49	0.00	12/01/2015	Copier maintenance		-	No		0000
17866692	Repairs/Maint Contractual Eqpt									
101-410-1940-44040	17866692 Total:	396.49								
	GREATAM Total:	396.49								
H & L H & L Mesabi Corp	11/12/2015	3,295.00	0.00	12/01/2015	Plow blades		-	No		0000
94452	Equipment Parts									
101-430-3125-42210	94452 Total:	3,295.00								
	H & L Total:	3,295.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
HOLIDAYC Holiday Credit Office										
	11/15/2015	196.00	0.00	12/01/2015	Fuel		-	No		0000
101-420-2220-42120	Fuel, Oil and Fluids									
	Total:	196.00								
	HOLIDAYC Total:	196.00								
HYDRO Hydromethods										
201511507	11/03/2015	90.00	0.00	12/01/2015	Auto Owners Bldg Stormwater Mgmt		-	No		0000
803-000-0000-22910	Developer Payments									
	201511507 Total:	90.00								
	HYDRO Total:	90.00								
INNOVAT Innovative Office Solutions										
IN0983246	11/17/2015	51.30	0.00	12/01/2015	Office supplies		-	No		0000
101-410-1910-42000	Office Supplies									
IN0983246	11/17/2015	25.81	0.00	12/01/2015	Office supplies		-	No		0000
101-410-1320-42000	Office Supplies									
IN0983246	11/17/2015	7.95	0.00	12/01/2015	Office supplies		-	No		0000
101-430-3100-42000	Office Supplies									
	IN0983246 Total:	85.06								
	INNOVAT Total:	85.06								
INTERSTA Interstate All Battery Ctr										
1902701003483	11/20/2015	123.96	0.00	12/01/2015	Restock batteries		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
	1902701003483 Total:	123.96								
	INTERSTA Total:	123.96								
kathfuel Kath Fuel Oil Service Co										
536753	11/13/2015	1,143.37	0.00	12/01/2015	Fuel		-	No		0000
101-430-3100-42120	Fuel, Oil and Fluids									
	536753 Total:	1,143.37								
536754	11/13/2015	424.15	0.00	12/01/2015	Fuel		-	No		0000
101-430-3100-42120	Fuel, Oil and Fluids									
	536754 Total:	424.15								
536794	11/13/2015	1,210.64	0.00	12/01/2015	Fuel		-	No		0000
101-430-3100-42120	Fuel, Oil and Fluids									
	536794 Total:	1,210.64								
	kathfuel Total:	2,778.16								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
KIMTEK Kintek Corp	11/12/2015	11,550.00	0.00	12/01/2015	Replacement skid unit		-	No		0000
LE-111215	Small Tools & Equipment									
101-420-2220-42400	LE-111215 Total:	11,550.00								
KIMTEK Total:		11,550.00								
Lillie Newspapers Inc. Lillie Suburban	10/30/2015	309.57	0.00	12/01/2015	Newspaper Ad		-	No		0000
206-450-5300-44010	Repairs/Maint Bldg									
Total:		309.57								
Lillie Total:		309.57								
MALMQ Malmquist Greg	11/20/2015	259.77	0.00	12/01/2015	VCOS conference reimbursement		-	No		0000
101-420-2220-44370	Conferences & Training									
Total:		259.77								
MALMQ Total:		259.77								
MENARDSO Menards - Oakdale	11/10/2015	34.07	0.00	12/01/2015	Station Supplies		-	No		0000
91091	Repairs/Maint Bldg									
101-420-2220-44010	Repairs/Maint Bldg									
91091	11/12/2014	16.47	0.00	12/01/2015	Water city hall		-	No		0000
101-410-1940-44300	Miscellaneous									
91091 Total:		50.54								
91241	11/10/2015	120.38	0.00	12/01/2015	Station Supplies		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
91241 Total:		120.38								
91247	11/10/2015	7.98	0.00	12/01/2015	T2 bulbs		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
91247 Total:		7.98								
MENARDSO Total:		178.90								
MMAINTEN Mobile Maintenance Inc	11/16/2015	60.00	0.00	12/01/2015	Refund Overpayment on Permits		-	No		0000
101-000-0000-11500	Accounts Receivable									
Total:		60.00								
MMAINTEN Total:		60.00								
MNDOH MN Department of Health	11/17/2015	1,661.00	0.00	12/01/2015	4th quarter water supply connection fee		-	No		0000
601-494-9400-43820	Water Utility									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
11172015 Total:		1,661.00								
MNDOH Total:		1,661.00								
<hr/>										
RCM RCM Specialties, Inc										
5224	11/09/2015	356.32	0.00	12/01/2015	Emulsion		-	No		0000
101-430-3120-42240 Street Maintenance Materials										
5224 Total:		356.32								
RCM Total:		356.32								
<hr/>										
ROOT Root Spring Scraper Co										
76501	11/13/2015	904.47	0.00	12/01/2015	Snow plow repairs		-	No		0000
101-430-3125-44040 Repairs/Maint Eqpt										
76501 Total:		904.47								
ROOT Total:		904.47								
<hr/>										
SEH Short Elliott Hendrickson, Inc										
305734	11/06/2015	2,050.20	0.00	12/01/2015	Inwood water tower #4		-	No		0000
409-480-8000-43030 Engineering Services										
305734 Total:		2,050.20								
SEH Total:		2,050.20								
<hr/>										
SELECTAC SelectAccount										
1128565	11/13/2015	6.33	0.00	12/01/2015	Participant fees 11/01-11/30/15		-	No		0000
101-410-1520-43150 Contract Services										
1128565 Total:		6.33								
SELECTAC Total:		6.33								
<hr/>										
SPRGFARM Springborn Farm										
906666	11/18/2015	114.00	0.00	12/01/2015	Hay		-	No		0000
101-450-5200-42250 Landscaping Materials										
906666	11/18/2015	200.00	0.00	12/01/2015	Hopper box		-	No		0000
101-450-5200-42400 Small Tools & Minor Equipment										
906666 Total:		314.00								
SPRGFARM Total:		314.00								
<hr/>										
STLIBRAR Stillwater Public Library										
	11/01/2015	240.00	0.00	12/01/2015	Library Card Reimbursement		-	No		0000
206-450-5300-44300 Miscellaneous										
Total:		240.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
STLIBRAR Total:										
		240.00								
TDS TDS Metrocom - LLC										
651-779-8882	11/13/2015	89.53	0.00	12/01/2015	Analog Lines - Fire		-	No		0000
101-420-2220-43210	Telephone									
651-779-8882	11/13/2015	210.17	0.00	12/01/2015	Analog Lines - PW		-	No		0000
101-430-3100-43210	Telephone									
651-779-8882	11/13/2015	82.58	0.00	12/01/2015	Analog Lines - Lift Station Alarms		-	No		0000
602-495-9450-43210	Telephone									
651-779-8882	11/13/2015	43.29	0.00	12/01/2015	Alarm - Well House 2		-	No		0000
601-494-9400-43210	Telephone									
651-779-8882 Total:										
425.57										
TDS Total:										
425.57										
TEILANDM TEI Landmark Audio										
11835976	06/30/2015	164.02	0.00	12/01/2015	Audio books - used		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
11835976 Total:										
164.02										
TEILANDM Total:										
164.02										
TKDA TKDA, Inc.										
002015003293	11/04/2015	77.67	0.00	12/01/2015	Easton Village Pipe Install Review		-	No		0000
602-495-9450-43030	Engineering Services									
002015003293 Total:										
77.67										
002015003294	11/04/2015	441.96	0.00	12/01/2015	2015.120 Eagle Point Blvd Street		-	No		0000
409-480-8000-43030	Engineering Services									
002015003294 Total:										
441.96										
002015003295	11/04/2015	16,622.37	0.00	12/01/2015	2015.120 Eagle Point Blvd		-	No		0000
409-480-8000-43030	Engineering Services									
002015003295 Total:										
16,622.37										
TKDA Total:										
17,142.00										
TMOBILE T Mobile										
947226095	11/11/2015	21.34	0.00	12/01/2015	SCADA line		-	No		0000
601-494-9400-43210	Telephone									
947226095 Total:										
21.34										
TMOBILE Total:										
21.34										
VERIZON Verizon Wireless										
9755442610	11/10/2015	35.01	0.00	12/01/2015	Wireless charges		-	No		0000
101-420-2220-43210	Telephone									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	9755442610 Total:	35.01								
	VERIZON Total:	35.01								
<hr/>										
WASHLIB	Washington County Library	957.00	0.00	12/01/2015	Library Card Reimbursement		-	No		0000
	11/01/2015									
206-450-5300-44300	Miscellaneous	957.00								
	Total:	957.00								
	WASHLIB Total:	957.00								
<hr/>										
Whiteani	White Anita	25.00	0.00	12/01/2015	CC 11/17/2015		-	No		0000
Bonus	11/18/2015									
101-410-1450-43620	Cable Operations	25.00								
	Bonus Total:	25.00								
Cable	11/18/2015	55.00	0.00	12/01/2015	CC 11/17/2015		-	No		0000
101-410-1450-43620	Cable Operations	55.00								
	Cable Total:	55.00								
	Whiteani Total:	80.00								
<hr/>										
	Report Total:	69,555.35								

Accounts Payable To Be Paid Proof List

User: PattyB

Printed: 11/24/2015 - 12:00 PM

Batch: 009-11-2015

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
DELTA Delta Dental Of Minnesota 6260135	11/15/2015	1,508.95	0.00	12/01/2015	December Premium		-	No		0000
101-000-0000-21706 Medical Insurance		1,508.95								
	6260135 Total:	1,508.95								
	DELTA Total:									
LEASSOC Lake Elmo Associates, LLP Dec 15	12/01/2015	2,461.00	0.00	12/01/2015	December Rental payment		-	No		0000
101-410-1940-44120 Rentals - Building		2,461.00								
	Dec 15 Total:	2,461.00								
	LEASSOC Total:									
RABOUIN RABOUIN, INC Dec	11/24/2015	2,500.00	0.00	12/01/2015	December monthly installment		-	No		0000
101-410-1320-43100 Assessing Services		2,500.00								
	Dec Total:	2,500.00								
	RABOUIN Total:									
	Report Total:	6,469.95								



MAYOR & COUNCIL COMMUNICATION

DATE: December 1, 2015

CONSENT

ITEM # 3

AGENDA ITEM: Approval of Belle Amie Massage Therapy License Renewal

SUBMITTED BY: Julie Johnson, City Clerk

THROUGH: Julie Johnson, City Clerk

REVIEWED BY: Clark Schroeder, Interim Administrator

POLICY RECOMMENDER: City Staff

SUMMARY AND ACTION REQUESTED: The City has received an application for a Massage Therapy license renewal for Belle Amie Spa located at 8925 Highway 5, Lake Elmo. The applicant has submitted all the necessary paperwork and fee for renewal.

LEGISLATIVE HISTORY: The City of Lake Elmo instituted a city license structure in December of 2012 in order to better regulate the practice of therapeutic massage in Lake Elmo. Licenses are subject to renewal each year.

RECOMMENDATION: If removed from consent, staff recommends the following motion:

“Move to approve Massage Therapy License renewal for Belle Amie Spa as presented.”



Print Applicant Name: Belle Annie spa

MASSAGE LICENSE RENEWAL FORM

This form may be used in place of a full Massage Therapy License Application, for the renewal of a previously issued massage license, ONLY if you are able to answer "No" to all of the following questions. These questions apply to the previous licensing period. If you answer "Yes" to any of the following questions, a full massage license application must be completed.

(Circle the appropriate response)

- 1. Were there any changes in the name, location, or ownership of the licensed therapist or premises? Yes or **No**
- 2. Was any employee, owner or officer of the business or corporation, or the business as an entity, charged with a violation of state or local laws regulating the practice of massage, or of any law prohibiting criminal sexual conduct, prostitution, pandering, indecent conduct, or keeping of a disorderly house? Yes or **No**
- 3. Did any employee, owner or officer of the business or corporation, or the business as an entity, have a similar license denied or revoked by another agency? Yes or **No**
- 4. Was any employee, owner or officer of the business or corporation, or the business as an entity, charged with any violation of any other law or ordinance related to the operation of the business? Yes or **No**

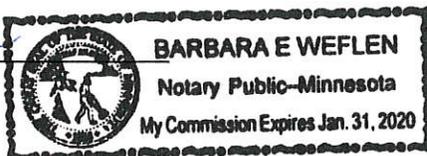
By signing below, you are indicating that the answer to questions 1 through 4 is "No". Any inaccurate information contained on this form shall constitute grounds for the non-renewal or revocation of the massage license and potential criminal prosecution.

Alina Hernandez
Applicant Signature

11/19/15
Date

Subscribed and sworn before me this 19th day of November, 2015

Barb Weflen
Notary Public





MAYOR & COUNCIL COMMUNICATION

DATE: December 1, 2015

CONSENT

ITEM #

4

AGENDA ITEM: Approval of 2016 Liquor License Renewals

SUBMITTED BY: Julie Johnson, City Clerk

THROUGH: Clark Schroeder, Interim City Administrator

REVIEWED BY: Julie Johnson, City Clerk
Washington County Sheriff's Office (Pending)

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemStaff
- Report/Presentation.....Staff
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Staff

FISCAL IMPACT: License application revenue of \$6,800

SUMMARY AND ACTION REQUESTED: The City has received liquor license renewal applications for 2016, required fees, and insurance certificates. As all applications are in order, it is respectfully requested that the City Council approve these renewals as part of its Consent Agenda. If removed from the Consent Agenda, staff recommends the following motion:

“Move to approve 2016 Liquor License Renewals, as presented.”

LEGISLATIVE HISTORY: According to State Statute and City Code, each year, all Liquor Licenses must be renewed. All renewals are contingent upon approve by the Washington County Sheriff's Department.

BACKGROUND INFORMATION: The City is respectfully requested to consider granting the following 2016 Liquor License applications:

- On-sale intoxicating liquor and On-Sale Sunday intoxicating license to **The Machine Shed Restaurant by Heart of America Restaurants**; contingent upon approval by the Washington County Sheriff's Department.
- On-sale intoxicating liquor, Off-sale intoxicating liquor and On-sale Sunday intoxicating license to the **Twin Point Tavern** and **Lake Elmo Inn** including the outside patio; contingent upon approval by the Washington County Sheriff's Department.
- Off-sale intoxicating liquor license to **Village Wine & Spirits**; contingent upon approval by the Washington County Sheriff's Department.
- On-sale intoxicating liquor license (second location) for the **Lake Elmo Inn Event Center**; contingent upon approval by the Washington County Sheriff's Department.
- Off-sale intoxicating liquor license to **Kwik Trip, Inc.**; contingent upon approval by the Washington County Sheriff's Department.

RECOMMENDATION: As all applications are in order, it is respectfully requested that the City Council approve all liquor license renewals. As part of its Consent Agenda, no formal motion is required. If removed from the Consent Agenda, staff recommends the following motion:

“Move to approve 2016 Liquor License Renewals, as presented.”



MAYOR AND COUNCIL COMMUNICATION

DATE: 12/1/15

CONSENT

ITEM #: 5

AGENDA ITEM: Addendum to Inwood
SUBMITTED BY: Clark Schroeder
THROUGH: Stephen Wensman
REVIEWED BY: Stephen Wensman/Jack Griffin/Dave Snyder

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/PresentationStaff
- 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

PUBLIC POLICY STATEMENT NONE

SUMMARY AND ACTION REQUESTED:

Inwood Second Addition was approved by city council. This is basically was an out lot of phase one which added an additional 21 lots to the sub-division. Because there is no public utility involved in this addition, a developer agreement is not required. This addendum to the phase one agreement is a way to memorialize the WAC/SAC charges due and to allow for building to take place.

RECOMMENDATION:

If removed from consent:

“Approve Inwood contract addendum”

ATTACHMENT(S): *Inwood contract addendum*

(reserved for recording information)

DEVELOPMENT CONTRACT ADDENDUM

(Public sewer and water)

Inwood Addition

AGREEMENT dated _____, 2015, by and between the **CITY OF LAKE ELMO** a Minnesota municipal corporation ("City"), and Hans Hagen Homes, Inc., a Minnesota corporation (the "Developer").

1. REQUEST FOR PLAT APPROVAL. The Developer has asked the City to approve the plat for Inwood 2nd Addition (referred to in this Addendum as the "plat"). The land is situated in the County of Washington, State of Minnesota, and is legally described as:

Outlot E, INWOOD, according to the recorded plat hereof, Washington County.

2. CONDITIONS OF PLAT APPROVAL. The City hereby approves the plat on condition that the Developer enter into this Addendum to the Inwood Developer Contract, and record the plat with the County Recorder or Registrar of Titles within (180) days after the City Council approves the final plat.

3. RIGHT TO PROCEED. The approvals related to the development (Plat of Inwood, 2nd addition) are subject to, and conditioned upon, compliance with all requirements and conditions of approval for related developments by the developer including Plat of Inwood 1st Addition and its development agreement dated June 9, 2015. Failure to comply with any requirement related thereto

shall be a breach of this agreement.

4. DEVELOPMENT PLANS. The plat shall be developed in accordance with the following plans and at the Developer's sole expense. The plans shall not be attached to this Contract. If the plans vary from the written terms of this Contract, the written terms shall control. The plans are:

Plan A – Final Plat

5. SANITARY SEWER AND WATER UTILITY AVAILABILITY CHARGES (SAC AND WAC). The Developer shall be responsible for the payment of all sewer availability charges (SAC) and all water availability charges (WAC) with respect to the Improvements required by the City and any state or metropolitan government agency.

The sewer availability charge (SAC) in the amount of \$3,000.00 per REU shall be paid by the Developer prior to the City recording the final plat. The total amount to be paid by the Developer is \$63,000.00.

The water availability charge (WAC) in the amount of \$3,000.00 per REU shall be paid by the Developer prior to the City recording the final plat. The total amount to be paid by the Developer is \$63,000.00 .

In addition, a sewer connection charge in the current amount of \$1,000.00 per REU, a Met Council sewer availability charge in the current amount of \$2,485.00 per REU, and a water connection charge in the current amount of \$1,000.00 per REU will be collected by the City at the time the building permit is issued for each lot. These amounts are charged at the time of building permit in accordance with the latest city fee schedule.

6. SPECIAL PROVISIONS. The following special provisions shall apply to plat development:

A. The approvals related to the development (Plat of Inwood, 2nd addition) are subject to, and conditioned upon, compliance with all requirements and conditions of approval for related developments by the developer including Plat of Inwood 1st Addition and its development agreement

dated June 9, 2015. Failure to comply with any requirement related thereto shall be a breach of this agreement.

B. The Developer shall record a Declaration of Covenants, Conditions, Restrictions, and Easements (hereinafter "Declaration") along with the plat. The Declaration shall require the Inwood Homeowners Association to be responsible for maintenance of landscaping installed in areas outside of land dedicated as public park and open space on the final plat.

C. Retaining walls within rear yard utility easements shall be clearly documented and shall be owned and maintained by the Inwood Homeowners' Association. All costs associated with protection, replacement, or maintenance of retaining walls due to any work in easements by the City shall be the full responsibility of the Inwood Homeowners' Association.

7. SUMMARY OF CASH REQUIREMENTS. The following is a summary of the cash requirements under this Addendum which must be furnished to the City at the time of final plat approval:

Sewer Availability Charge (SAC)	\$63,000
Water Availability Charge (WAC)	\$63,000
Park Dedication	N/A
City Base Map Upgrading	\$525
Total Cash Requirements	\$126,525

8. EVIDENCE OF TITLE. Developer shall furnish the City with evidence of its fee ownership of the property being platted by way of an attorney's title opinion or title insurance policy dated not earlier than thirty (30) days prior to the execution of the plat.

CITY OF LAKE ELMO

(SEAL)

BY: _____

, Mayor

AND _____

, City Clerk

DEVELOPER:

BY: _____

Its

**FEE OWNER CONSENT
TO
DEVELOPMENT CONTRACT**

_____, fee owners of all or part of the subject property, the development of which is governed by the foregoing Development Contract, affirm and consent to the provisions thereof and agree to be bound by the provisions as the same may apply to that portion of the subject property owned by them.

Dated this _____ day of _____, 2_____.

STATE OF MINNESOTA)
 (ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2_____,
by _____.

NOTARY PUBLIC

DRAFTED BY:
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042
(651) 747-3901

**MORTGAGE CONSENT
TO
DEVELOPMENT CONTRACT**

_____, which holds a mortgage on the subject property, the development of which is governed by the foregoing Development Contract, agrees that the Development Contract shall remain in full force and effect even if it forecloses on its mortgage.

Dated this _____ day of _____, 2_____.

STATE OF MINNESOTA)
 (ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2_____, by _____.

NOTARY PUBLIC

DRAFTED BY:
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042
(651) 747-3901

IRREVOCABLE LETTER OF CREDIT

No. _____
Date: _____

TO: City of Lake Elmo

Dear Sir or Madam:

We hereby issue, for the account of _____ (Name of Developer) and in your favor, our Irrevocable Letter of Credit in the amount of \$ _____, available to you by your draft drawn on sight on the undersigned bank at its offices in Minnesota.

The draft must:

- a) Bear the clause, "Drawn under Letter of Credit No. _____, dated _____, 2 _____, of (Name of Bank) _____";
- b) Be signed by the Mayor or City Administrator of the City of Lake Elmo.
- c) Be presented for payment at _____ (Address of Bank) _____, on or before 4:00 p.m. on November 30, 2 _____.

This Letter of Credit shall automatically renew for successive one-year terms unless, at least forty-five (45) days prior to the next annual renewal date (which shall be November 30 of each year), the Bank delivers written notice to the Lake Elmo City Administrator that it intends to modify the terms of, or cancel, this Letter of Credit. Written notice is effective if sent by certified mail, postage prepaid, and deposited in the U.S. Mail, at least forty-five (45) days prior to the next annual renewal date addressed as follows: City Administrator, City Hall, 3800 Laverne Ave. N. Lake Elmo Minnesota 55042 and is actually received by the City Administrator at least thirty (30) days prior to the renewal date.

This Letter of Credit sets forth in full our understanding which shall not in any way be modified, amended, amplified, or limited by reference to any document, instrument, or agreement, whether or not referred to herein.

This Letter of Credit is not assignable. This is not a Notation Letter of Credit. More than one draw may be made under this Letter of Credit.

This Letter of Credit shall be governed by the most recent revision of the Uniform Customs and Practice for Documentary Credits, International Chamber of Commerce Publication No. 500.

We hereby agree that a draft drawn under and in compliance with this Letter of Credit shall be duly honored upon presentation.

BY: _____

Its _____



MAYOR & COUNCIL COMMUNICATION

DATE: December 1, 2015
REGULAR
ITEM # 6

AGENDA ITEM: Rieder Property– Preliminary Plat Extension

SUBMITTED BY: Stephen Wensman, City Planner

REVIEWED BY: Joan Ziertman

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Planner
- Report/Presentation.....City Planner
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider a request by Mr. Rieder for Preliminary Plat Extension. The City Council approved Resolution 2015-056 granting preliminary plat approval on July 21, 2015. According to Lake Elmo City Ordinance 153.07 a subdivider of land must submit a final plat within 180 days after approval of preliminary plat or the plat will be considered void. Staff is recommending approval of the Preliminary Plat Extension.

BACKGROUND AND STAFF REPORT: The City Council approved Resolution 2015-056 granting preliminary plat approval for a 46-unit singled family attached (townhouse) development to be located on slightly over 15 acres of land immediately east of Lake Elmo Avenue and north of the Hunters Crossing development. The applicant, Mr. Rieder is requesting the extension to allow for more time to arrange bank financing and prepare for final plat.

MORATORIUM: This development is not affected by the City’s moratorium since it received preliminary plat approval prior to July 22, 2015.

FISCAL IMPACT:

- **5th Street:** The City will require that the applicant enter into a developer's agreement with the City to specify the financial responsibilities for various aspects of the subdivision and related public improvements. It is expected that the project will include the construction of the northern half of the segment of 5th Street to the east of Lake Elmo.
- **Municipal services and property taxes:** The developer is expected to pay the Water Availability Charge for the entire development at the time a final plat (\$138,000 per unit) and Sewer Accessibility Charge (\$138,000) similar to other developments that are connecting to the Municipal services. In addition, at the time of building permit issuance, water and sewer connection charges will be collected in the amount of \$2,000/unit (\$92,000). When fully developed, the property taxes will produce roughly $(\$350,000 \times 46) \times .002 = \$32,200$ in increased revenue per year.

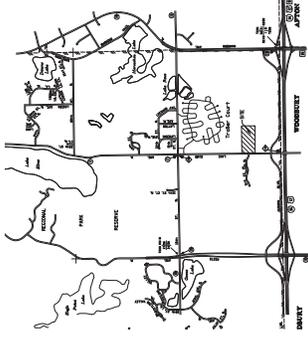
SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider a request for approval of a Preliminary Plat Extension for a 46-unit singled family attached (townhouse) development to be located on slightly over 15 acres of land immediately east of Lake Elmo Avenue and north of the Hunters Crossing development.

“Move to adopt Resolution No. 2015-086 approving the Rieder (Lennar Diedrich) Townhouses preliminary plat extension for one year.”

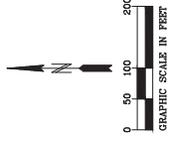
ATTACHMENTS:

1. Resolution No. 2015-086 approving the Rieder Preliminary extension for one year.
2. Resolution No. 2015-056 approving the preliminary plat
3. Lennar Diedrich Townhouses Preliminary Plat
4. City Council Packet 7-21-15

DIEDRICH PROPERTY PRELIMINARY PLAT LAKE ELMO, MINNESOTA



LOCATION MAP



- SHEET INDEX**
1. COVER SHEET
 2. LEGEND SHEET
 3. EXISTING CONDITIONS
 4. PRELIMINARY PLAT
 5. PRELIMINARY SITE PLAN
 - 6-7. PRELIMINARY UTILITY PLAN
 8. PRELIMINARY GRADING PLAN
 9. EROSION CONTROL PLAN
 10. PRELIMINARY SEEDING PLAN
 11. PRELIMINARY STREET PROFILES
 - 12-14. DETAILS

- L1. LANDSCAPE PLAN**
T1. TREE PRESERVATION PLAN



BENCH MARK
MN/DOT 82282 AG
ELEV=943.87 (1983 datum)

DIEDRICH PROPERTY
LAKE ELMO, MINNESOTA

LENNAR
16805 58TH AVENUE N, SUITE 600
PLYMOUTH, MINNESOTA 55466

COVER SHEET

DATE: 04-20-14
DESIGNED: JPC/DMJ
CHECKED: JPC/DMJ

BY: JPC/DMJ
U.S. & S.D. CITY COMMENTS

PROJECT: 224-23-11-11
DATE: 04-20-14

THIS COUNTY AND CITY PLANS WERE PREPARED BY
AN ENGINEER REGISTERED IN THE STATE OF MINNESOTA
AND ARE SUBJECT TO THE PUBLIC RECORD ACT
AND THE RULES OF THE STATE OF MINNESOTA

PIONEER engineering
CONSTRUCTION DOCUMENTS LAND SURVEYING
6510 68th 1914
Rice, MN 55120
www.pioneereng.com

DATE: 04-20-14
PROJECT: 224-23-11-11
DATE: 04-20-14

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

RESOLUTION NO. 2015-86

*A RESOLUTION APPROVING A 12 MONTH EXTENSION TO THE FINAL PLAT FOR THE
LENNAR DIEDRICH PROPERTY*

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

WHEREAS, Gerhart Rieder, property owner, 7401 Wyndham Way, Woodbury, MN 55125, submitted an application to the City of Lake Elmo (City) for a preliminary plat for a 46-unit singled family attached (townhouse) development on approximately 15 acres in the RT-Rural Development Transitional Zoning District (PID: 36.029.21.32.0002) referred to as Lennar Diedrich Property Preliminary Plat, a copy of which is on file in the City of Lake Elmo Community Development Department; and

WHEREAS, on July 7, 2015, the Lake Elmo Planning Commission reviewed and recommended approval of the Lennar Diedrich Preliminary Plat; and

WHEREAS, on July 21, 2015, the Lake Elmo City Council adopted Resolution 2015-056 granting preliminary plat approval for a 46-unit singled family attached (townhouse) development; and

WHEREAS, Gerhart Reider has requested a 12-month extension to the Final Plat submittal deadline of the approved plat to allow for additional time to prepare for financing and other planning activities.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve a 12-month extension to the Final Plat deadline for the Lennar Diedrich property residential subdivision, thereby extending the final plat application deadline to December 1, 2016.

Passed and duly adopted this 1st day of December, 2015 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk



MAYOR & COUNCIL COMMUNICATION

DATE: July 21, 2015
REGULAR
ITEM # 14
RESOLUTION 2015-056

AGENDA ITEM: Diedrich Property Townhouses (Lennar) – Preliminary Plat

SUBMITTED BY: Kyle Klatt, Community Development Director

THROUGH: Julie Johnson, City Clerk

REVIEWED BY: Planning Commission
Nick Johnson, City Planner
Jack Griffin, City Engineer

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemCommunity Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

POLICY RECCOMENDER: The Planning Commission is recommending approval of a preliminary plat for a new subdivision as requested by Lennar Corporation. The Subdivision Ordinance requires that the City Council review and approval a preliminary plat before an applicant may proceed with the preparation and recording of a final plat. The subdivision request is being made by Lennar for property presently owned by Tammy Diedrich and Gerhard Rieder within the I-94 Corridor planning area.

FISCAL IMPACT: TBD – The City will require that the applicant enter into a developer’s agreement with the City to specify the financial responsibilities for various aspects of the subdivision and related public improvements. The developer is expected to pay the Water Availability Charge for the entire development at the time a final plat is approved (currently \$3,000 per unit) similar to other developments that are connecting to the Lake Elmo Avenue water main.

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider a request for approval of a Preliminary Plat from Lennar Corporation for a 46-unit singled family

attached (townhouse) development to be located on slightly over 15 acres of land immediately east of Lake Elmo Avenue and north of the Hunters Crossing development. The proposed development site is located within the City's I-94 corridor planning area, and is in an area guided for public sewer and water services. The preliminary plat has been prepared in response to the City's Comprehensive Plan for the corridor, which guides this site for medium density urban residential development. The Staff report to the Planning Commission concerning this request is attached to this memorandum, and includes a detailed summary of the request in addition to the detailed Staff review and recommendation. The City Council was scheduled to review this request at the 7/7/15 meeting, but consideration was postponed at request of the applicant. The applicant has now requested that consideration be placed back on the agenda

The Planning Commission is recommending approval of the preliminary plat with several conditions of approval. The suggested motion to adopt the Planning Commission recommendation is as follows:

“Move to adopt Resolution No. 2015-056 approving the Lennar Diedrich Townhouses preliminary plat with 16 conditions of approval.”

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT: The attached staff report to the Planning Commission provides an overview of the request and a list of comments and recommendations from Staff. In order to address the initial set of comments from the City, the developer prepared an updated site plan prior to the Planning Commission meeting that reduced the overall number of units by two and that changed the originally planned private street to a public street meeting City specifications. Although the construction plans have not yet been updated, the Planning Commission's review focused on the updated site plan. The City will still need to review updated construction plans, and all previous review comments from the City Engineer and County Engineer will need to be addressed by the applicant. Since the Planning Commission meeting the developer has updated the landscape plan to provide a better overview of how the site will look when completed.

The Planning Commission considered the preliminary plat at its June 22, 2015 meeting and conducted a public hearing on the applicant's request at this time. No one spoke at the public hearing.

The Planning Commission discussed the request and specifically issues associated with the timing of improvements to 5th Street, the updated site plan, and potential issues associated with the new configuration of lots. The Commission also noted that the developer would need to address an ownership issue in the extreme southwestern portion of the plat. Specifically, Ryland Homes owns a small remnant of land that is sandwiched between 5th Street and the Lennar property. This property is shown as part of the Lennar plat, but it may be excluded from the subdivision based on the developers' comments at the meeting. If this is the case, four of the lots need be adjusted in order to provide adequate rear yard setbacks. This is not a major plat concern, but will need to be addressed as part of a final plat submission. The Commission adopted a finding of fact to document their concerns over this issue.

The Commission further discussed the status of parks in this area and the developer's request to pay a fee in lieu of land dedication. Commissioners adopted a motion to include a finding that there are no City parks within ½ mile of the subdivision site. The Commission also requested one additional condition of approval to clarify that the developer must secure a written agreement from Xcel Energy to perform the planned grading work within the existing power line easement. The conditions of approval as amended by the Planning Commission are incorporated into the draft resolution.

The Planning Commission adopted a motion to recommend approval of the Preliminary Plat with the findings and conditions as noted in the attached Resolution 2015-056. The motion passed unanimously (7-0).

BACKGROUND INFORMATION (SWOT):

- | | |
|----------------------|--|
| Strengths | <ul style="list-style-type: none">• The preliminary plat is consistent with the Comprehensive Plan and specifically the Urban Medium Density Residential land use classification.• The project will connect to the Cottage Grove sewer interceptor via a connection to the gravity line constructed across the project site late last year.• The project will connect to the Lake Elmo Avenue water main recently installed in this area. |
| Weaknesses | <ul style="list-style-type: none">• The two developers adjacent to 5th Street have not yet agreed to build this road as a joint project. |
| Opportunities | <ul style="list-style-type: none">• The development will include 46 REC units and will pay connection fees for sewer and water service. The developer has committed to paying the water available charge for the entire development (\$138,000 based on the current fee schedule) with the first phase of the final plat.• The project will include the construction of the initial segment of 5th Street to the east of Lake Elmo (which must either be constructed as a public project or privately by the developer). |
| Threats | <ul style="list-style-type: none">• None identified. |

RECOMMENDATION: Based upon the above background information, Staff report and Planning Commission recommendation, it is recommended that the City Council approve the Lennar Diedrich Townhouses preliminary plat with the 16 conditions of approval as documented in the resolution of approval by taking the following action / with the following motion:

“Move to adopt Resolution No. 2015-056 approving the Lennar Diedrich Townhouses preliminary plat with 16 conditions of approval.”

ATTACHMENTS:

1. Resolution No. 2015-056
2. Planning Commission Report (6/22/15)
3. Application Forms
4. Application Narrative and Information
5. Location Map
6. Tree Inventory
7. Review Comments:
 - a. City Engineer
 - b. Washington County
8. Preliminary Plat and Plans (20 sheets)
 - a. Revised Site Plan (Dated 6/19/15)
 - b. Revised Landscape Plan (Dated 6/25/15)
 - c. Cover Sheet
 - d. Legend Sheet
 - e. Existing Conditions
 - f. Preliminary Plat
 - g. Preliminary Site Plan
 - h. Preliminary Utility Plan
 - i. Preliminary Grading Plan
 - j. Erosion Control Plan
 - k. Preliminary Seeding Plan
 - l. Preliminary Street Profiles
 - m. Details
 - n. Landscape Plan
 - o. Tree Preservation Plan

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

RESOLUTION NO. 2015-056

*A RESOLUTION APPROVING A PRELIMINARY PLAT FOR
THE LENNAR DIEDRICH TOWNHOUSES*

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

WHEREAS, Lennar Corporation, 16305 36th Avenue North, Plymouth, MN (Applicant) has submitted an application to the City of Lake Elmo (City) for a Preliminary Plat for the Lennar Diedrich Townhouses subdivision, a copy of which is on file in the City of Lake Elmo Community Development Department; and

WHEREAS, the Lake Elmo Planning Commission held public hearing on June 22, 2015 to consider the Preliminary Plat request; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Preliminary Plat as part of a memorandum to the City Council from Community Development Director Kyle Klatt for the July 7, 2015 Council Meeting; and

WHEREAS, the Lake Elmo Planning Commission adopted a motion recommending approval of the Preliminary Plat; and

WHEREAS, the City Council reviewed the Preliminary Plat at its meeting held on July 7, 2014 and made the following findings of fact:

- 1) That the preliminary plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 2) That the preliminary plat complies with the City's Urban Medium Density Residential zoning district regulations.
- 3) That the preliminary plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances with the plan revisions as requested by City Staff and consultants.
- 4) That the preliminary plat complies with the City's subdivision ordinance.
- 5) That the preliminary plat is consistent with the City's engineering standards provided the plans are updated to address the City Engineer's comments documented in a letter dated June 17, 2014.
- 6) That there are no City parks located within ½ mile of the proposed subdivision.

- 7) That the updated development plans indicate that proposed structures on Lots 29-32 are located too close to the property line and that the development plans must be updated to move these structures to the required setbacks prior to the submission of a final plat.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the preliminary plat for the Lennar Diedrich Townhouses subdivision subject to the following conditions:

- 1) The landscape plan and tree preservation plan shall be reviewed and approved by an independent forester or landscape architect in advance of the approval of a final plat and final construction plans.
- 2) The final landscape plan shall incorporate additional plantings where feasible adjacent to the shared property lines with parcel at 11490 Hudson Boulevard.
- 3) The applicant shall be responsible for updating the final construction plans to include the construction of all improvements within the Lake Elmo Avenue (CSAH 17) right-of-way as required by Washington County and further described in the review letter received from the County dated March 3, 2015. The required improvements shall include, but not be limited to the construction of a northbound right turn lane and southbound center turn lane.
- 4) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from the Valley Branch Watershed District prior to the commencement of any grading or development activity on the site.
- 5) The applicant shall enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the final plat.
- 6) The developer shall be required to pay a fee in lieu of park land dedication equivalent to the fair market value for the amount of land that is required to be dedicated for such purposes in the City's Subdivision Ordinance. A cash payment in lieu of land dedication shall be paid by the applicant prior to the release of the final plat for recording.
- 7) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site.
- 8) All required modifications to the plans as requested by the City Engineer in a review letter dated June 17, 2015 shall be incorporated into the plans prior to consideration of a final plat.

- 9) The applicant shall update all of the landscaping and construction plans to reflect the updated site plan that includes a public right-of-way within the project area. These updated plan shall be subject to review and approval by the City Engineer.
- 10) Although the updated site plan does not incorporate a private street, any request for flexibility from City regulations and standards must be considered and addressed as part of the final plat submission.
- 11) The final construction plans for the Diedrich Townhouses subdivision shall include, at a minimum, the northern portion of 5th Street if a joint construction project between the applicant and Ryland Homes does not proceed in advance of a final plat submission for the applicant's site.
- 12) The architectural covenants for the homeowner's association shall include provisions that discourage blank garage doors. All garage doors shall incorporate windows or decorative trim to minimize the visual impact of the garage-forward home design.
- 13) Prior to recording the Final Plat for any portion of the area shown in the Preliminary Plat, the Developer shall enter into a Developers Agreement acceptable to the City Attorney that delineates who is responsible for the design, construction, and payment of public improvements.
- 14) The site plan and construction plans shall be revised to include a sidewalk along at least one side of all streets within the subdivision.
- 15) The applicant shall pay a Water Availability Charge consistent with the Lake Elmo Fee Schedule for the entire development prior to the release of the final plat for recording, regardless of project phasing.
- 16) The developer shall secure a written grading agreement from Excel Energy concerning the proposed grading activity underneath an existing power line easement across the property prior to submission of a final plat.

Passed and duly adopted this 21st day of July 2015 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk



PLANNING COMMISSION
DATE: 6/22/15
AGENDA ITEM: 4A – PUBLIC HEARING
CASE # 2015-19

ITEM: Diedrich Property Townhouses (Lennar) – Preliminary Plat and Conditional Use Permit

SUBMITTED BY: Kyle Klatt, Planning Director

REVIEWED BY: Nick Johnson, City Planner
Jack Griffin, City Engineer

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a Preliminary Plat request from Lennar Corporation for a 46-unit single-family attached (townhouse) development to be located on slightly over 15 acres of land immediately east of Lake Elmo Avenue and north of the Hunters Crossing development. The site is located within the I-94 Corridor Planning Area and is therefore on property that has been guided for public sewer and water services. The application as originally submitted included a request for a Conditional Use Permit to allow the use of a private street to serve the individual townhouse units. The applicant has since updated the proposed site plan and plat to incorporate a public street within the development, which will eliminate the need for a conditional use permit. Staff is recommending approval of the request with conditions as listed in the below report.

GENERAL INFORMATION

Applicant: Lennar Corporation (Paul Tabone); 16305 36th Avenue North, Suite 600, Plymouth MN 55446

Property Owner: Tammy Diedrich and Gerhard Rieder, 7401 Wyndham Way, Woodbury, MN 55125

Location: Part of Section 36 in Lake Elmo, north of I-94, east of Lake Elmo Avenue, and south of the Cimarron Golf Course property. Immediately north of 404 Lake Elmo Avenue North. PID: 36.029.21.32.0002

Request: Application for a preliminary plat related to a 46-unit townhouse subdivision. A request for a conditional use permit is no longer need based on the submission of an updated site plan with a public street.

Existing Land Use and Zoning: Vacant with fairly heavy tree cover. Current Zoning: RT – Rural Transitional; Proposed Zoning: MDR – Medium Density Residential

Surrounding Land Use: North – Cimarron Manufactured Home Park and golf course; East – Trans-City industrial building; West – Rural Residential property and The Forest residential subdivision; South –

	Hunters Crossing single family residential development; also one existing home site adjacent to Lake Elmo Avenue.
<i>Surrounding Zoning:</i>	MDR – Medium Density Residential, RT – Rural Development Transitional; LDR – Low Density Residential
<i>Comprehensive Plan:</i>	Urban Medium Density Residential (4 – 7.5 units per acre)
<i>History:</i>	No history on file with the City. Site has been vacant or used for agricultural purposes for a long period of time. The sketch plan was reviewed by the City in February and March of 2015. Staff did not find any information in the City’s land use files for the site that would impact the proposed subdivision.
<i>Deadline for Action:</i>	Application Complete – 6/3/15 60 Day Deadline – 8/2/15 Extension Letter Mailed – No 120 Day Deadline – 10/1/15
<i>Applicable Regulations:</i>	Chapter 153 – Subdivision Regulations Article 10 – Urban Residential Districts (MDR) §150.270 Storm Water, Erosion, and Sediment Control

REQUEST DETAILS

The City of Lake Elmo has received a request from Lennar Corporation for a preliminary plat for a 46 unit townhouse development tentatively called the Diedrich Property Preliminary Plat. Please note that the original application and all of the construction plans as submitted were for a 48-unit project utilizing a private street. Due to several issues concerning the original configuration of lots and in order to address City, County, and watershed district comments and concerns, the applicant has submitted a revised site plan that now includes a public street and a reduced number of lots. The applicant may still be seeking some variation from City standards in order to plat a public street, and Staff is suggesting that any variations from the City’s zoning and subdivision regulations be addressed at the final plat stage.

The City previously reviewed a sketch plan for the property earlier in the spring of this year, and the current application has been preceded by a Comprehensive Plan amendment that changed the future land use designation of this parcel from HDR – High Density Residential to MDR – Medium Density Residential.

The site under consideration is situated between the Cimarron Golf Course and the Hunters Crossing development north of the planned 5th Street corridor and west of Lake Elmo Avenue. The property is currently vacant, and there is no record of any buildings or structures being constructed on the site. When the City was initially planning the trunk sewer line project to serve the Village Area, the original alignment of the trunk sewer through this property followed the northern and eastern property boundaries. After subsequent discussions with the property owners, this alignment was changed to the southern boundary of the site, within what eventually become the planned right-of-way for 5th Street. The City has acquired easements for both 5th Street and the sewer and water main serving this area that cross the southern property boundary of the applicant’s property. These easements may eventually be vacated since the preliminary plat will formally dedicate the required right-of-way for the road, sewer, water, and other utilities as 5th Street. A similar dedication of the road and utility right-of-way was provided with Hunters Crossing to the South.

The proposed access into the development is now proposed to occur via a new public road immediately across from the entrance to Hunters Crossing (Lavern Avenue North). The City has previously approved the use of private roads to serve the townhouse units with Lennar's Savona subdivision, and the plan as originally drawn out called for a private road to be used to access the proposed townhouses. The road as originally planned would have been located within a 30-foot wide Outlot, however, the City Engineer expressed concern that this outlot was not wide enough to accommodate all necessary infrastructure (both private and public) to serve the development. In order to address these (and other) concerns, the applicant has propose a modified plan that accommodates a public street meeting all City standards. This updated plan has been submitted as a supplement to the original application materials that still include a 30-foot outlot with a private street. Any future plan submissions and reviews will need to address revised review comments from Staff, and specifically, the City Engineer, prior to approval of a final plat.

The overall site plan is generally consistent with sketch plan submitted earlier this year. The two notable exceptions are that the (now revised) preliminary plat reduced the overall number of units from 50 to 46. The developer is proposing to construct a sidewalk along the main entrance into the development in addition to a sidewalk connecting the western cul-de-sac with the planned 5th Street trail. There are no interior sidewalks depicted on the preliminary development plans, and the applicant has stated that they believe that interior sidewalks will not be necessary given the low traffic volumes expected on the interior streets. Staff is recommending that if the project does includes a public street and right-of-way meeting City standards that a sidewalk on one side of all street be included in the final development plans.

One of the reasons that the applicant originally requested the use of a private street is that it would allow them to slightly vary the setbacks of the townhouse units in order to help minimize the visual impact of a row of townhouses all at the same setback. The developer is still looking for ways to add some variation to the setbacks, and will be seeking some minor modifications as part of the final plat submission in order to address this issue.

Consistent with the City's specifications for the 5th Street roadway segment, the applicant has provided for a 100-foot wide right-of-way, which will provide sufficient room for the construction of a parkway with turning lanes, 10-foot bituminous trail, sidewalk, trees, lighting, and other design elements as planned by the City. In this case, the applicant is retaining the existing easement width of 110 feet at the intersection of 5th Street and Lake Elmo Avenue and narrowing the right-of-way down to match the 100 foot right-of-way platting within Hunters Crossing. Both Ryland Homes and Lennar are still working towards a joint project to build 5th Street at one time verses splitting the construction up into northern and southern segments.

The preliminary plat has been developed in response to the City's recently adopted Comprehensive Plan, which identifies all of the applicant's property for urban medium density residential development. The plat incorporates 46 single family attached lots, most of which are designed with widths around 40 feet each. Given the limited access to the site and relatively small nature of the property, the applicant has worked to incorporate some variety into the arrangement of lots as is possible given these restrictions.

Public sanitary sewer service is presently available on the site, which was constructed as part of the Village trunk line project completed late last year. Water was extended to the site as part of the 2014 Lake Elmo Avenue water main project. Like other developments along this line, the developer will be expected to pay the full water availability charges for each planned lot (\$3,000) at the time of the final plat, even if the project is broken up into different stages.

PLANNING AND ZONING ISSUES

The Diedrich Townhouse site is guided for urban medium density development in the City's Comprehensive Plan, and the appropriate zoning for the site will be MDR – Medium Density Residential. The actual rezoning of the property is a necessary step prior to development of this site that will need to be completed prior to approval of the final plat. The overall subdivision plan has therefore been prepared in order to comply with the district standards for the MDR districts in terms of lot size, lot widths, building setbacks, and other design criteria. Within the MDR district, townhouses are allowed that do not meet minimum frontage requirements or that are located along a private street as a conditional use permit.

The planned road serving the townhouse lots extends due north from 5th Street and then splits east and west through the middle of the property to provide access to the townhouses. There are no planned connections to the east, west, or north of the property because these sites have previously been developed or will connect into 5th Street once on either side of the site under consideration. Given the site characteristics and the immediately adjacent land uses (which are all different than single family), the applicant has had to design the site as an isolated island that is impractical to connect to adjacent properties. The streets as originally planned and later updated will meet the City's minimum standards for construction.

The sidewalks within the subdivision are limited to those mentioned in the previous section of this report, and there are no sidewalks planned along the east/west private road. Please note that the plat as originally submitted did not dedicate the amount of right-of-way that has been requested by Washington County. The County has previously requested that the developer dedicate an additional 42 feet of right-of-way along Lake Elmo Avenue, and that this right-of-way width be incorporated into the final plat. The additional right-of-way does impact the location of the planned storm water pond over Outlot A, and this pond and associated grading work will need to be adjusted in order to account for the expanded right-of-way. Updated plans must be reviewed and approved by the City, County, and Watershed District prior to the City's approval of a final plat for this subdivision.

As noted in the preceding section, the developer has submitted an updated site plan that retains the same general layout, and configuration of lots, but changes the proposed private street outlot of 30 feet to a public right-of-way 60 feet in width. The additional right-of-way has been requested by the City Engineer to help ensure that there is adequate room for future maintenance and upkeep of public utilities (sewer, water, and other private utilities) within this subdivision. All final construction plans will need to be updated to reflect the public right-of-way and reconfiguration of lots.

The preliminary site plan included as part of the application materials includes a description of the lot size, dimensions, and all required setbacks for the development. All of the lots meet the City's minimum area requirement of 4,000 for single-family attached lots in a MDR district, with the smallest lot proposed at 5,527 square feet. The site plans further illustrate that throughout the subdivision the lots will average 8,782 square feet, which exceeds the minimum requirements by a fairly wide margin.

The following is a general summary of the subdivision design elements that have proposed as part of the Diedrich Townhouses preliminary plat and plans:

Zoning and Site Information:

- Existing Zoning: RT – Rural Transitional

- Proposed Zoning: MDR – Medium Density Residential
- Total Site Area: 15.11 acres (includes Outlot D of Hunters Crossing)
- Total Residential Units: 48
- Proposed Density (Net): 4 units per acre
- REC Units from Comp Plan: 57 (based on a gross calculation)

Proposed Lot Dimensional Standards:

- Min. Lot Width: 40 ft.
- Lot Depth: 134 ft. (140 ft. typical)
- Lot Area: 4,000 sq. ft. (8,000 typical)
- Front Yard Setback: 25 ft.
- Side Yard Setback: 10 ft.
- Rear Yard Setback: 20 ft.

Proposed Street Standards:

- ROW Width – Local 60 ft. (potentially could be reduced to 50 ft. for a limited access road)
- ROW Width – Minor Collector 110-100 feet
- Street Widths – Local: 28 ft.(per City standard)
- Street Width – Minor Collector Varies – parkway design proposed

The standards listed above are all in compliance with the applicable requirements from the City's zoning and subdivision regulations, including the revised public street and associated right-of-way. Based on Staff's review of the preliminary plat, the applicant has demonstrated compliance with all applicable code requirements at the level of detail that is required for a preliminary plat. The applicant will need to address the review comments from the City and County, and the final plat and final construction plans will specifically need to be updated to reflect the wider public street right-of-way and expanded Lake Elmo Avenue (CSAH 17) right-of-way. Any variations from setbacks and other standards because of the amended road section will need to be addressed with the final plat.

As with any new subdivision the City Code requires that a portion of the plat be set aside for public park use. In this case, the applicant is not proposing to dedicate any land specifically for a public park, and is instead asking to pay a fee in lieu of land dedication. This is not a site or general location that would be suitable for a public park or any specific trail connections; therefore, Staff is supportive of the applicant's request to pay a fee instead of dedicating any public land with the subdivision. The required dedication for the 15.11 acre site would be 1.51 acres, or a cash payment of approximately \$90,000 based on previous appraisals of land in this area.

REVIEW AND ANALYSIS

City Staff has reviewed the proposed preliminary plat, and has forwarded the plans to appropriate reviewing agencies in advance of the Planning Commission meeting. In general, the proposed plat will meet all applicable City requirements for approval, and any deficiencies or additional work that is needed is noted as part of the review record and can be imported in the final plat and final construction plans. The City has received a detailed list of comments from the City Engineer concerning the proposed subdivision; these comments are attached to this report for consideration by the Planning Commission.

In addition to the general comments that have been provided in the preceding sections of this report, Staff would like the Planning Commission to consider the issues and comments related to the following discussion areas as well:

- **Comprehensive Plan.** The proposed subdivision is consistent with the Lake Elmo Comprehensive Plan for this area and with the densities that were approved as part of this plan (as recently amended). The net densities for the development fall within the low end of the range allowed for the urban medium density, and depending on the specific amount of land that will be dedicated for 5th Street and Lake Elmo Avenue, this density will be somewhere in the 3.8 to 4.0 units per acre range. Given the site constraints and need to accommodate additional right-of-way within the plat, Staff has found that the proposed density is in keeping the spirit and intent of the Comprehensive Plan for this area. Other aspects of the Comprehensive Plan relate to the Hunter's Crossing subdivision as follows:
 - **Transportation.** The City's transportation plan calls for the construction of a minor collector road that will connect the eastern and western portions of the I-94 Corridor. Staff views this road as a critical piece of the transportation infrastructure that is needed to serve the densities that have been planned for this area. The City's previous acquisition of easements through this area anticipated the future alignment of 5th Street through the southern portion of the applicant's property and the proposed subdivision will officially plat this right-of-way with the final plat. Both Lennar and Ryland are still working towards a joint project to build all of 5th Street between their properties later this summer, and regardless of whether or not a joint project occurs, Lennar will need to build at least its half of 5th Street in order to provide access to the proposed townhouses. Staff will continue to work with both parties to work towards a joint project that addresses the needs of the private developers and the City for access.
 - **Parks.** The City's park plan identifies proposed locations for neighborhood parks based on the anticipated population that should be served by each park. This subdivision is located at the periphery of a park search area for the area east of Lake Elmo Avenue. During its review of the sketch plan for this subdivision, the Park Commission did not recommend the dedication of land within the subdivision for a new park, and instead agreed with the developer's request to submit a cash payment in lieu of land dedication. Staff anticipates that a larger park that could be designed in conjunction with the School District near Oakland Junior High would better serve existing and future residents in this portion of the City.
 - **Water.** Public water service has been extended to this area via the public improvement project that installed a new water main along Lake Elmo Avenue last year. The final construction plans will need to abide by any recommendations of the City Engineer concerning the extension of water service through this site to service other adjacent sites (which will likely not be required given the exiting development on either side of the applicant's site).
 - **Sanitary Sewer.** The developer will be required to connect to the gravity sewer main that has been installed under the 5th Street right-of-way. The utility plans provided by the applicant document this connection.

- **Phasing.** The Lennar townhouse subdivision is located within the Stage 2 phasing area for the I-94 Corridor. The City's Comprehensive Plan allows the City to consider accelerating development stages when adequate public services are available. In this case, the sewer and water projects already completed help this project meet this threshold. The developer will also be required to pay all water availability charges for the project at the time of platting regardless of project staging.
- **Zoning.** The proposed zoning for the site is MDR – Low Density Residential and the subdivision has been designed to comply with all applicable requirements of this zoning district.
- **Subdivision Requirements.** The City's Subdivision Ordinance includes a fairly lengthy list of standards that must be met by all new subdivisions, and include requirements for blocks, lots, easements, erosion and sediment control, drainage systems, monuments, sanitary sewer and water facilities, streets, and other aspects of the plans. The majority of these requirements have been addressed as part of the City Engineer's comments (which are detailed in the Engineer's comment letter) or have been reviewed as part of Staff's ongoing communications with the applicant regarding the project. The elimination of the private street will help the project comply with several of the concerns previously expressed by the City Engineer and other Staff.
- **Infrastructure.** The developer will be required to construct all streets, sewer, water, storm water ponds, and other infrastructure necessary to serve the development.
- **Landscaping.** The applicant has provided a landscape plan for the development that is intended to comply with the City's requirements for number, size and spacing of trees along the public streets. This plan should be reviewed by the City's consulting landscape architect prior to the submission of a final plat. The applicant has also submitted a tree inventory that documents the type and size of all trees on the property and all those that will be impacted by construction to determine compliance with the City's tree preservation and protection plan as described below.
- **Tree Preservation and Protection.** The City recently adopted a tree preservation and protection ordinance, and the applicant has prepared a tree inventory and tree preservation plan for the site. Overall, there are 1,387 caliper inches of trees on the subject property, and all of these trees will be removed in order to build the subdivision as planned. This means the developer will need to mitigate for 485 caliper inches (the amount that exceeds the allowed 30% removal) in accordance with the ordinance replacement schedule. The species and mix of replacement plantings should be also be reviewed by the City's consulting landscape architect.
- **Green Belt/Buffer/Screening.** There are no planned green belts or buffers on or around the site under consideration. The proposed landscape plan incorporates plantings along all edges of the property and within the internal outlots.
- **Streets and Transportation.** The proposed street system, as revised, has been designed to comply with all applicable subdivision requirements and City engineering standards. The developer must also commit to the construction of at least the northern portion of 5th Street in

order for the project to move forward as a final plat. The timing of this road will be somewhat dependent on whether or not Ryland and Lennar are able to come to an agreement to build 5th Street as a joint project. The final construction plans should reflect how 5th Street will be built, and must include the northern portion if a joint project does not move forward. The City has received and reviewed a complete set of construction plans for 5th Street as part of the Hunters Crossing development.

- **County Comments.** Comments received from Washington County during the concept plan review, which focus on needed improvements to Lake Elmo Avenue (CSAH 17) to serve the development, are included in an attached letter from the County's Senior Planner dated March 3, 2015. Staff is recommending that compliance with the County's comments be added as a condition of approval for the plat.
- **Trails.** The Planning Commission comments during the sketch plan review encouraged the developer to incorporate a trail connection between 5th Street and the eastern cul-de-sac. The developer has indicated that given the tight constraints on the site (even with the elimination of four units) that there is not sufficient room to provide for this trail connection. Staff would also like to note that the overall distance from the cul-de-sac to 5th Street is not a large distance even without a direct trail connection.
- **Street Names.** Staff has forwarded its recommendation for street names to Lennar, and these names should be included on the final plat documents.
- **Adjacent Parcels.** The proposed landscape plan includes additional plantings between the proposed townhouses and the industrial facility to the east. The landscape plan will need to be updated to reflect the revised site plan, and in particular, the plan should continue to provide for screening between the eastern-most townhouses and the adjacent industrial land.
- **City Engineer Review.** The City Engineer has provided the Planning Department with a detailed comment letter as a summary of his preliminary plat review. Staff has incorporated the more significant issues identified by the Engineer as part of the recommended conditions of approval, and has also included a general condition that all issues identified by the City Engineer must be addressed by the applicant prior to approval of a final plat for any portion of the Diedrich townhouses. With the general site plan revisions that have been proposed by the applicant, the construction plans will need to be updated to reflect this revisions. Any additional comments or concerns from the City Engineer that arise from the plan updates will need to be addressed as part of a final plat submission.
- **Watershed District.** The project area lies within the Valley Branch Watershed District and the developer will need to secure permits from the watershed district in order to proceed with the development as planned. One of the recommended conditions of approval is that the applicant receive plan approval from the watershed district prior to submission of a final plat for the subdivision.
- **Storm Water Management.** In order to accommodate the County's requirement for additional right-of-way along Lake Elmo Avenue, the developer has had to readjust the size and configuration of the planned storm water basin over Outlot A. The County will not allow any portion of the storm water facility to be located within its right-of-way; therefore, the

plans will need to be updated to reconfigure and adjust the location and size of this pond. These updated plans will be subject to review by the City Engineer and Valley Branch Watershed District. The developer is also requesting to use the proposed pond as part of a water re-use system through lawn irrigation. The City Engineer is seeking additional details concerning this system prior to making any recommendations concerning the viability of the system as proposed.

- ***Washington County Review.*** County Staff has previously provided review comments to the City concerning the sketch plan for the Diedrich townhouses subdivision to the City in a letter dated March 5, 2015. The most significant of the County's concerns is that the applicant will need to make improvements to the County road system in order to provide the necessary access to the subdivision. As a condition of approval, Staff has noted that the applicant will be responsible for including all improvements to TH17 as required by the County as part of the construction plans for the development. In addition, the County has noted that the required right-of-way dedication for Lake Elmo Avenue should be 92 feet as opposed to the 90 feet shown. This request does impact the proposed storm water plan as noted above.

Based on the above Staff report and analysis, Staff is recommending approval of the preliminary plat with several conditions intended to address the outstanding issues noted above and to further clarify the City's expectations in order for the developer to move forward with a final plat. The recommended conditions are as follows:

Recommended Conditions of Approval:

- 1) The landscape plan and tree preservation plan shall be reviewed and approved by an independent forester or landscape architect in advance of the approval of a final plat and final construction plans.
- 2) The final landscape plan shall incorporate additional plantings where feasible adjacent to the shared property lines with parcel at 11490 Hudson Boulevard.
- 3) The applicant shall be responsible for updating the final construction plans to include the construction of all improvements within the Lake Elmo Avenue (CSAH 17) right-of-way as required by Washington County and further described in the review letter received from the County dated March 3, 2015. The required improvements shall include, but not be limited to the construction of a northbound right turn lane and southbound center turn lane.
- 4) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from the Valley Branch Watershed District prior to the commencement of any grading or development activity on the site.
- 5) The applicant shall enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the final plat.
- 6) The developer shall be required to pay a fee in lieu of park land dedication equivalent to the fair market value for the amount of land that is required to be dedicated for such purposes in

the City's Subdivision Ordinance. A cash payment in lieu of land dedication shall be paid by the applicant prior to the release of the final plat for recording.

- 7) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site.
- 8) All required modifications to the plans as requested by the City Engineer in a review letter dated June 17, 2015 shall be incorporated into the plans prior to consideration of a final plat.
- 9) The applicant shall update all of the landscaping and construction plans to reflect the updated site plan that includes a public right-of-way within the project area. These updated plan shall be subject to review and approval by the City Engineer.
- 10) Although the updated site plan does not incorporate a private street, any request for flexibility from City regulations and standards must be considered and addressed as part of the final plat submission.
- 11) The final construction plans for the Diedrich Townhouses subdivision shall include, at a minimum, the northern portion of 5th Street if a joint construction project between the applicant and Ryland Homes does not proceed in advance of a final plat submission for the applicant's site.
- 12) The architectural covenants for the homeowner's association shall include provisions that discourage blank garage doors. All garage doors shall incorporate windows or decorative trim to minimize the visual impact of the garage-forward home design.
- 13) Prior to recording the Final Plat for any portion of the area shown in the Preliminary Plat, the Developer shall enter into a Developers Agreement acceptable to the City Attorney that delineates who is responsible for the design, construction, and payment of public improvements.
- 14) The site plan and construction plans shall be revised to include a sidewalk along at least one side of all streets within the subdivision.

DRAFT FINDINGS

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Lennar/Diedrich Townhouses preliminary plat:

- That the preliminary plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- That the preliminary plat complies with the City's Urban Medium Density Residential zoning district regulations.

- That the preliminary plat complies with all other applicable zoning requirements, including the City’s landscaping, storm water, sediment and erosion control and other ordinances with the plan revisions as requested by City Staff and consultants
- That the preliminary plat complies with the City’s subdivision ordinance.
- That the preliminary plat is consistent with the City’s engineering standards provided the plans are updated to address the City Engineer’s comments documented in a letter dated June 17, 2014.

RECCOMENDATION:

Staff recommends that the Planning Commission recommend approval of the Lennar/Diedrich preliminary plat with the 14 conditions of approval as listed in the Staff report. Suggested motion:

“Move to recommend approval of the Lennar/Diedrich preliminary plat with the 14 conditions of approval as drafted by Staff”

ATTACHMENTS:

1. Application Forms
2. Application Narrative and Information
3. Location Map
4. Tree Inventory
5. Review Comments:
 - a. City Engineer
 - b. Washington County
6. Preliminary Plat and Plans (20 sheets)
 - a. Revised Site Plan (Dated 6/19/15)
 - b. Cover Sheet
 - c. Legend Sheet
 - d. Existing Conditions
 - e. Preliminary Plat
 - f. Preliminary Site Plan
 - g. Preliminary Utility Plan
 - h. Preliminary Grading Plan
 - i. Erosion Control Plan
 - j. Preliminary Seeding Plan
 - k. Preliminary Street Profiles
 - l. Details
 - m. Landscape Plan
 - n. Tree Preservation Plan

ORDER OF BUSINESS:

- IntroductionPlanning Staff

- Report by StaffPlanning Staff
- Questions from the Commission Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members

Date Received: 4/29/15
Received By: [Signature]
LU File #: 2015-19



651-747-3900
3800 Laveme Avenue North
Lake Elmo, MN 55042

PRELIMINARY PLAT APPLICATION

Applicant: PAUL TABONE - LENNAR CORPORATION
Address: 16305 36th AVE NORTH, PLYMOUTH MN 55446
Phone #: 952-249-3086
Email Address: PAUL.TABONE@LENNAR.COM

Fee Owner: _____
Address: _____
Phone #: _____
Email Address: _____

Property Location (Address and Complete (long) Legal Description): LOCATED ALONG
LAKE ELMO AVENUE - PIN # 36-029-21-32-002 -
REFER TO PRELIMINARY PLAT.

General information of proposed subdivision: 48 TOWN HOMES WITH
ASSOCIATED IMPROVEMENTS - REFER TO PRE-PLAT PLANS
& COVER LETTER.

Conducted pre-application meeting with Staff? Yes No

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

Signature of applicant: Paul J. Tabone Date: 4/29/2015
Signature of Fee Owner: [Signature] Date: 4/29/2015
Tammy Diehl 4/29/2015

Date Received: _____
Received By: _____
Permit #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

LAND USE APPLICATION

- Comprehensive Plan Zoning District Amend Zoning Text Amend Variance*(see below) Zoning Appeal
- Conditional Use Permit (C.U.P.) Flood Plain C.U.P. Interim Use Permit (I.U.P.) Excavating/Grading
- Lot Line Adjustment Minor Subdivision Residential Subdivision Sketch/Concept Plan
- PUD Concept Plan PUD Preliminary Plan PUD Final Plan

Applicant: SALE - PAUL TABONE - LENNAR CORPORATION
Address: _____
Phone #: _____
Email Address: _____

Fee Owner: _____
Address: _____
Phone #: _____
Email Address: _____

Property Location (Address and Complete (long) Legal Description): SALE

Detailed Reason for Request: REFER TO ATTACHED COVER MEMO -
CUP FOR PRIVATE STREETS FOR TWIN HOME COMMUNITY

*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

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

Signature of applicant: Paul J. Tabone Date: 4/29/2015

Signature of fee owner: Tammy Dieckel Date: 4/29/2015



Lake Elmo City Hall
651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

Name of applicant Gerhard Rieder - Tammy Diederich
(Please Print)

Street address/legal description of subject property _____

Tammy Diederich Signature 4/29/15 Date
Tammy Diederich 4/29/15

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

If a corporation is fee title holder, attach a copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.



Lake Elmo City Hall
651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read and understand the instructions supplied for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I understand that this application may be reviewed by City staff and consultants. I further understand that additional information, including, but not limited to, traffic analysis and expert testimony may be required for review of this application. I agree to pay to the City upon demand, expenses, determined by the City, that the City incurs in reviewing this application and shall provide an escrow deposit to the City in an amount to be determined by the City. Said expenses shall include, but are not limited to, staff time, engineering, legal expenses and other consultant expenses.

I agree to allow access by City personnel to the property for purposes of review of my application.

Signature of applicant PAUL J. TABONE Date 4/29/2015

Name of applicant Paul J. Tabone Phone 952-249-3086
(Please Print)

Name and address of Contact (if other than applicant) _____



Mr. Kyle Klatt
Community Development Director
City of Lake Elmo, MN

Dear Kyle:

Lennar Corporation is pleased to submit the preliminary plat application for a twin home community located on the Diedrich property (PIN 36.029.21.32.0002) along Lake Elmo Avenue. The proposed preliminary plat is in substantial conformance with the sketch plat for the property that was reviewed by the City during February. There are some modifications we wish to acknowledge with this submittal.

In finalizing the design and layout, it was determined that homes were too close when private walks were added; private sidewalks were overlapping each other, especially when homes were located around the curves of both cul-de-sacs that were shown in the sketch plat. The wider public rights of way were overdesigned, and also resulted in tight spacing around each cul-de-sac. Additionally, units 38-23 all had fronts located along the same setback line, resulting in a stretch of homes that had no variation in placement. To remedy these issues and open up the design a bit more, 2 units were eliminated to allow more space between the twin homes, resulting in a total of 48 units. The easterly cul-de-sac has also been modified into a loop road with an outlot in a center island. This allowed us to space out the layout of the homes while providing an open space area for residents. Side setbacks have also been modified to a minimum of 7.5 feet.

Because the entire interior street system is now set up as a private street, and side setbacks have been slightly modified to achieve a better fit between units, we are requesting that a CUP be processed as a master plan of development for this site primarily for the private roads, as was done in the townhome area for Savona. It should be noted that the width of the paved area is still 28' back to back; only the right of way has been reduced. The remainder of the site meets the minimum design requirements for the MDR District, with the exception of the modified setback, which can be governed by a CUP. The transition of the interior streets from public to private roads results in the opportunity for a HOA to maintain the streets, and the MDR District Density of 4 to 7 dwelling units per acre can still be achieved when right of way and pond areas are excluded.

16305 36th Avenue N, Suite 600 • Plymouth, MN 55446

LENNAR.COM

Enclosed you will find the following project documents:

- 5 sets of full-size plans, 1 digital set, 10 reductions size 11x17
- Signed and dated application & escrow deposit check
- Current title commitment
- Mailing labels – 750' radius
- Vacation Exhibit for a portion of 5th Street

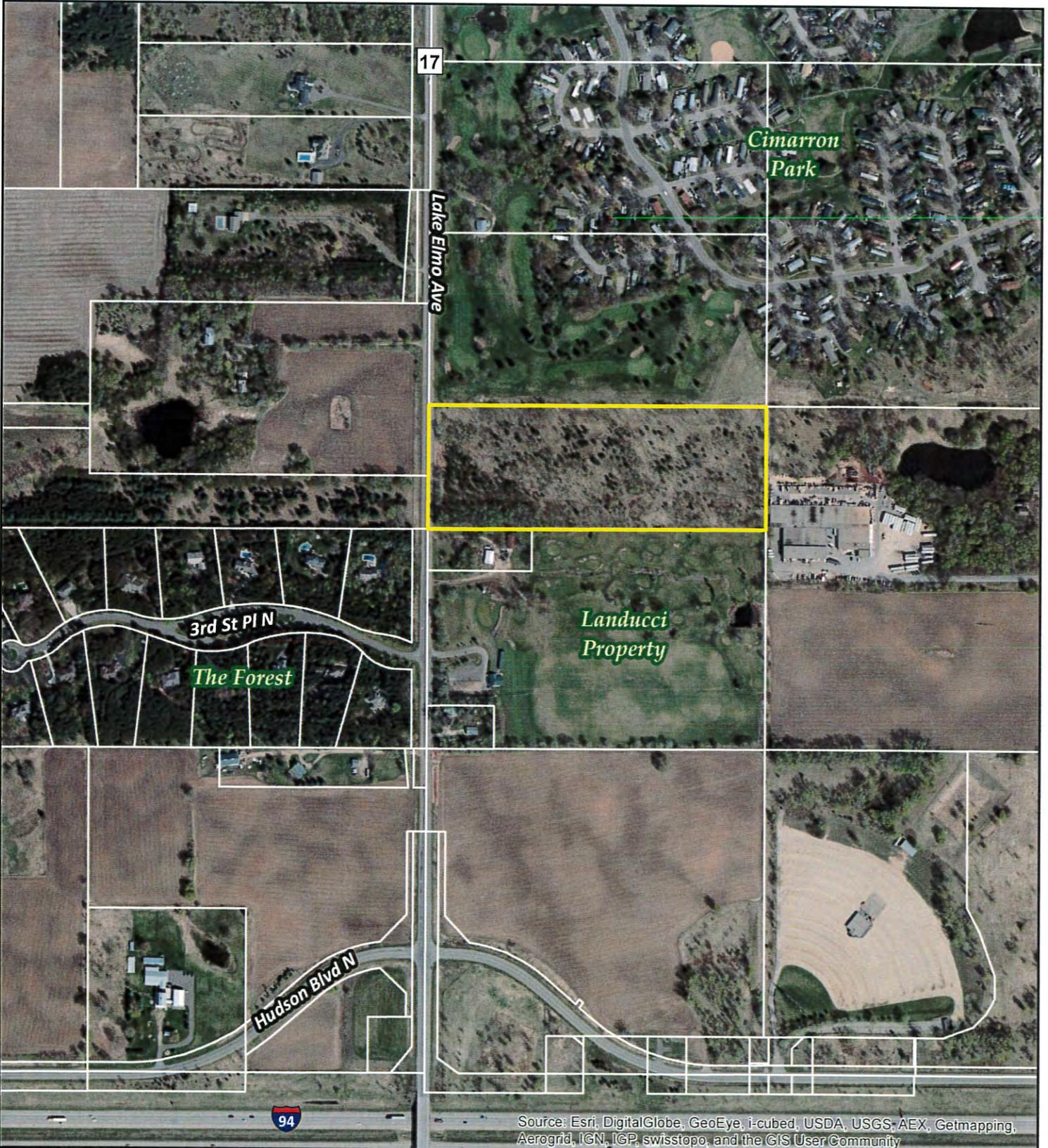
We are confident that this layout enhances the site design from what was initially presented in the sketch plat, and are excited about a new prospective community in the City of Lake Elmo.

Please contact me with any questions, and I look forward to working with you.

Sincerely,

A handwritten signature in blue ink that reads "Paul J. Tabone". The signature is fluid and cursive, with a long horizontal line extending to the right.

Paul J. Tabone
Land Entitlement Mgr
Lennar Minnesota

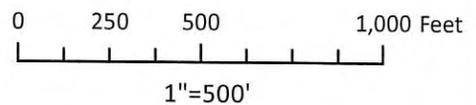


Location Map: Diedrich Property (PIN: 36.029.21.32.0002)



Data Source: Washington County, MN
10-22-2013

 Diedrich Property



Diedrich Property Tree Inventory

Lake Elmo, Minnesota

April 29, 2015

LENNAR[®]

Tree Inventory by:

Ken Arndt
Forest Ecologist/Wetland Specialist
Midwest Natural Resources, Inc.
1032 West Seventh St. #150
St. Paul, MN 55102
(651)-788-0641

Tree Preservation Plans provided by:

PI**NEER** *engineering*

2422 Enterprise Drive
Mendota Heights, MN 55120
651-681-1914

#	Tree Tag #	Size (DBH ")	Common Name	Scientific Name	Notes	Total Remove	Conifer Remove	Common Remove
1	1701	12/10	Siberian Elm	<i>Ulmus pumila</i>	offsite			
2	1702	15	Honey Locust	<i>Gleditsia triacanthos</i>	offsite			
3	1703	15	Siberian Elm	<i>Ulmus pumila</i>	offsite			
4	1704	16/10	Siberian Elm	<i>Ulmus pumila</i>	offsite			
5	1705	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
6	1706	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
7	1707	9	Red Pine	<i>Pinus resinosa</i>		9	9	
8	1708	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
9	1709	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
10	1710	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
11	1711	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
12	1712	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
13	1713	10	Jack Pine	<i>Pinus banksiana</i>		10	10	
14	1714	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
15	1715	9	Jack Pine	<i>Pinus banksiana</i>		9	9	
16	1716	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
17	1717	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
18	1718	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
19	1719	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
20	1720	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
21	1721	10	Jack Pine	<i>Pinus banksiana</i>		10	10	
22	1722	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
23	1723	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
24	1724	8	Red Pine	<i>Pinus resinosa</i>		8	8	
25	1725	8	Red Pine	<i>Pinus resinosa</i>		8	8	
26	1726	12	Quaking Aspen	<i>Populus tremuloides</i>		12		12
27	1727	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
28	1728	9	Jack Pine	<i>Pinus banksiana</i>		9	9	
29	1729	12	Scotch Pine	<i>Pinus sylvestris</i>	heavy sapsucker damage along trunk			
30	1730	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
31	1731	11	Scotch Pine	<i>Pinus sylvestris</i>	heavy sapsucker damage along trunk			
32	1732	10	Jack Pine	<i>Pinus banksiana</i>		10	10	
33	1733	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
34	1734	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
35	1735	9	Jack Pine	<i>Pinus banksiana</i>		9	9	
36	1736	10	Jack Pine	<i>Pinus banksiana</i>		10	10	
37	1737	9	Red Pine	<i>Pinus resinosa</i>		9	9	
38	1738	9	Red Pine	<i>Pinus resinosa</i>		9	9	
39	1739	10	Jack Pine	<i>Pinus banksiana</i>		10	10	
40	1740	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
41	1741	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
42	1742	10	Scotch Pine	<i>Pinus sylvestris</i>		10	10	
43	1743	9	Jack Pine	<i>Pinus banksiana</i>		9	9	
44	1744	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
45	1745	9	Scotch Pine	<i>Pinus sylvestris</i>	heavy sapsucker damage along trunk			
46	1746	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
47	1747	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
48	1748	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
49	1749	8	Red Pine	<i>Pinus resinosa</i>		8	8	
50	1750	9	Jack Pine	<i>Pinus banksiana</i>		9	9	
51	1751	9	Jack Pine	<i>Pinus banksiana</i>		9	9	
52	1752	8	Red Pine	<i>Pinus resinosa</i>		8	8	
53	1753	8	Red Pine	<i>Pinus resinosa</i>		8	8	
54	1754	10	Red Pine	<i>Pinus resinosa</i>		10	10	
55	1755	10	Red Pine	<i>Pinus resinosa</i>		10	10	
56	1756	8	Red Pine	<i>Pinus resinosa</i>		8	8	

#	Tree Tag #	Size (DBH ")	Common Name	Scientific Name	Notes	Total Remove	Conifer Remove	Common Remove
57	1757	8	Red Pine	<i>Pinus resinosa</i>		8	8	
58	1758	13	Scotch Pine	<i>Pinus sylvestris</i>	heavy sapsucker damage along trunk			
59	1759	8/6	Red Pine	<i>Pinus resinosa</i>		14	14	
60	1760	10	Red Pine	<i>Pinus resinosa</i>		10	10	
61	1761	10	Jack Pine	<i>Pinus banksiana</i>		10	10	
62	1762	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
63	1763	10	Red Pine	<i>Pinus resinosa</i>		10	10	
64	1764	8	Scotch Pine	<i>Pinus sylvestris</i>		8	8	
65	1765	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
66	1766	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
67	1767	9	Red Pine	<i>Pinus resinosa</i>		9	9	
68	1768	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
69	1769	9	Jack Pine	<i>Pinus banksiana</i>		9	9	
70	1770	9	Jack Pine	<i>Pinus banksiana</i>		9	9	
71	1771	10	Scotch Pine	<i>Pinus sylvestris</i>		10	10	
72	1772	8	Red Pine	<i>Pinus resinosa</i>		8	8	
73	1773	9	Red Pine	<i>Pinus resinosa</i>		9	9	
74	1774	8	Red Pine	<i>Pinus resinosa</i>		8	8	
75	1775	8	Red Pine	<i>Pinus resinosa</i>		8	8	
76	1776	8/6/6	Red Pine	<i>Pinus resinosa</i>		20	20	
77	1777	8	Red Pine	<i>Pinus resinosa</i>		8	8	
78	1778	8	Red Pine	<i>Pinus resinosa</i>		8	8	
79	1779	8	Red Pine	<i>Pinus resinosa</i>		8	8	
80	1780	8	Red Pine	<i>Pinus resinosa</i>		8	8	
81	1781	9	Red Pine	<i>Pinus resinosa</i>		9	9	
82	1782	9	Red Pine	<i>Pinus resinosa</i>		9	9	
83	1783	8	Red Pine	<i>Pinus resinosa</i>		8	8	
84	1784	9	Red Pine	<i>Pinus resinosa</i>		9	9	
85	1785	8/7	Red Pine	<i>Pinus resinosa</i>		15	15	
86	1786	12	Scotch Pine	<i>Pinus sylvestris</i>	toppled but alive			
87	1787	9	Red Pine	<i>Pinus resinosa</i>		9	9	
88	1788	8	Red Pine	<i>Pinus resinosa</i>		8	8	
89	1789	8	Red Pine	<i>Pinus resinosa</i>		8	8	
90	1790	9	Red Pine	<i>Pinus resinosa</i>		9	9	
91	1791	8	Red Pine	<i>Pinus resinosa</i>		8	8	
92	1792	8	Red Pine	<i>Pinus resinosa</i>		8	8	
93	1793	8	Red Pine	<i>Pinus resinosa</i>		8	8	
94	1794	8	Red Pine	<i>Pinus resinosa</i>		8	8	
95	1795	9	Jack Pine	<i>Pinus banksiana</i>		9	9	
96	1796	9/8	Scotch Pine	<i>Pinus sylvestris</i>		17	17	
97	1797	8	Scotch Pine	<i>Pinus sylvestris</i>		8	8	
98	1798	12	Cottonwood	<i>Populus deltoides</i>		12		12
99	1799	8	Red Pine	<i>Pinus resinosa</i>		8	8	
100	1800	8	Red Pine	<i>Pinus resinosa</i>		8	8	
101	1801	9	Red Pine	<i>Pinus resinosa</i>		9	9	
102	1802	9	Red Pine	<i>Pinus resinosa</i>		9	9	
103	1803	8/7	Red Pine	<i>Pinus resinosa</i>		15	15	
104	1804	9	Red Pine	<i>Pinus resinosa</i>		9	9	
105	1805	9/7	Red Pine	<i>Pinus resinosa</i>		16	16	
106	1806	12	Siberian Elm	<i>Ulmus pumila</i>		12		12
107	1807	13	Box Elder	<i>Acer negundo</i>		13		13
108	1808	8	Red Pine	<i>Pinus resinosa</i>		8	8	
109	1809	9	Red Pine	<i>Pinus resinosa</i>		9	9	
110	1810	8	Red Pine	<i>Pinus resinosa</i>		8	8	
111	1811	9	Red Pine	<i>Pinus resinosa</i>		9	9	
112	1812	8	Red Pine	<i>Pinus resinosa</i>		8	8	

#	Tree Tag #	Size (DBH ")	Common Name	Scientific Name	Notes	Total Remove	Conifer Remove	Common Remove
113	1813	8	Red Pine	<i>Pinus resinosa</i>		8	8	
114	1814	8	Red Pine	<i>Pinus resinosa</i>		8	8	
115	1815	8	Red Pine	<i>Pinus resinosa</i>		8	8	
116	1816	8	Red Pine	<i>Pinus resinosa</i>		8	8	
117	1817	9	Red Pine	<i>Pinus resinosa</i>		9	9	
118	1818	15	Siberian Elm	<i>Ulmus pumila</i>		15		15
119	1819	20	Siberian Elm	<i>Ulmus pumila</i>		20		20
120	1820	12	Siberian Elm	<i>Ulmus pumila</i>		12		12
121	1821	14	Siberian Elm	<i>Ulmus pumila</i>		14		14
122	1822	12	Siberian Elm	<i>Ulmus pumila</i>	offsite			
123	1823	13	Siberian Elm	<i>Ulmus pumila</i>	offsite			
124	1824	8	Red Pine	<i>Pinus resinosa</i>		8	8	
125	1825	8	Red Pine	<i>Pinus resinosa</i>		8	8	
126	1826	8	Red Pine	<i>Pinus resinosa</i>		8	8	
127	1827	8/8	Red Pine	<i>Pinus resinosa</i>		16	16	
128	1828	8/6	Red Pine	<i>Pinus resinosa</i>		14	14	
129	1829	8	Red Pine	<i>Pinus resinosa</i>		8	8	
130	1830	9	Jack Pine	<i>Pinus banksiana</i>		9	9	
131	1831	8	Red Pine	<i>Pinus resinosa</i>		8	8	
132	1832	9	Red Pine	<i>Pinus resinosa</i>		9	9	
133	1833	10	Red Pine	<i>Pinus resinosa</i>		10	10	
134	1834	8	Scotch Pine	<i>Pinus sylvestris</i>		8	8	
135	1835	9	Red Pine	<i>Pinus resinosa</i>		9	9	
136	1836	8	Red Pine	<i>Pinus resinosa</i>		8	8	
137	1837	8	Scotch Pine	<i>Pinus sylvestris</i>		8	8	
138	1838	8/8/8	Scotch Pine	<i>Pinus sylvestris</i>		24	24	
139	1839	8/8	Red Pine	<i>Pinus resinosa</i>		16	16	
140	1840	9/9	Scotch Pine	<i>Pinus sylvestris</i>		18	18	
141	1841	8	Red Pine	<i>Pinus resinosa</i>		8	8	
142	1842	8	Red Pine	<i>Pinus resinosa</i>		8	8	
143	1843	9	Scotch Pine	<i>Pinus sylvestris</i>		9	9	
144	1844	8	Red Pine	<i>Pinus resinosa</i>		8	8	
145	1845	9/8	Red Pine	<i>Pinus resinosa</i>		17	17	
146	1846	9	Red Pine	<i>Pinus resinosa</i>		9	9	
147	1847	8	Red Pine	<i>Pinus resinosa</i>		8	8	
148	1848	8	Red Pine	<i>Pinus resinosa</i>		8	8	
149	1849	14	Siberian Elm	<i>Ulmus pumila</i>		14		14
150	1850	8/6	Red Pine	<i>Pinus resinosa</i>		14	14	
151	1851	8/6	Red Pine	<i>Pinus resinosa</i>		14	14	
152	1852	9	Jack Pine	<i>Pinus banksiana</i>		9	9	
153	1853	8	Red Pine	<i>Pinus resinosa</i>		8	8	
154	1854	8	Scotch Pine	<i>Pinus sylvestris</i>		8	8	
155	1855	8	White Spruce	<i>Picea alba</i>		8	8	
156	1856	8	White Spruce	<i>Picea alba</i>		8	8	
Totals:						1387	1263	124

Total Inches:	1387
Allowable removal: 30%	416.1
Total Removal:	1387
Removal over threshold:	970.9
Mitigation for conifers: 50%	485.45
486" required mitigation	

Trees that are topped or have heavy sapsucker damage are not included in totals

MEMORANDUM

FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261
Jack Griffin, P.E. 651.300.4264
Ryan Stempski, P.E. 651.300.4267
Chad Isakson, P.E. 651.300.4283

Date: June 17, 2015

To: Kyle Klatt, Planning Director
From: Jack Griffin, P.E., City Engineer

Re: Diedrich Property – Preliminary Plan Review

An engineering review has been completed for the Preliminary Plat submittal for the Diedrich Property. The submittal consisted of the following documentation prepared by Pioneer Engineering:

- Diedrich Property Preliminary Plan Set, Sheets 1-14, L1 and T1, dated June 17, 2015.
- Stormwater Management Plan dated June 3, 2015.

STATUS/FINDINGS: Engineering has prepared the following review comments:

PRELIMINARY PLAT

- Outlot A is proposed as City owned to accommodate the storm water pond with an HOA owned and operated water re-use irrigation system. See comments below under Stormwater Management.
- Outlot B is proposed as HOA owned to accommodate a "Private Street". See comments below under residential streets.
- The applicant must submit to the City written correspondence from the County indicating that adequate CSAH 17 R/W is being dedicated as part of this Plat. If additional R/W is required by the County the Plat must be revised and resubmitted.
- The plat must be revised to include the Xcel Energy Transmission Easement along the north property line.
- Permanent grading and drainage easements are required to implement the improvements as proposed. These easements must be obtained prior to grading activities and prior to the City accepting an application for final plat.

All public improvements constructed to support the development must be designed and constructed in accordance with the City Engineering Design Standards Manual available on the City website and dated February 2015.

GRADING PLAN, STORMWATER MANAGEMENT AND STORM SEWER SYSTEM

- The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations. Storm water facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual available on the City website. A finalized storm water management plan must be approved by the City and the VBWD permit must be obtained prior to grading activities.
- The Stormwater Management Plan incorporates storm water re-use through lawn irrigation. The re-use system is necessary for the applicant's plan to meet State and Watershed permit requirements for water quality treatment (volume control). Outlot A is proposed as City owned to accommodate the storm water

pond. The water re-use irrigation system is proposed to be HOA operated and maintained on City property. Details of this plan are limited in the application. The following considerations should be noted.

- Stormwater re-use, when implemented correctly can be an effective method to reduce reliance of potable water use while reducing storm water discharges. It would help to reduce peak demands on the potable water system that typically occurs during the summer irrigation and landscape watering season. These benefits make storm water re-use worth consideration.
- However, the City has no design standards or guidelines for implementation and currently has no experience with storm water reuse operations.
- The two most notable concerns for storm water reuse includes the pollutants in the storm water (addressing treatment needs) and designing a system that provides a properly balanced hydraulic system (sizing the storage, and balancing the drawdown to the projected use in a variable climate).
- Pollutants in the storm water reuse system may be a concern for three basic reasons: 1) the health risks associated with human contact; 2) the impact on the environment given the various uses (i.e. bacteria or chlorides from salts); 3) issues for the system equipment and operational impacts.
- Preliminary Plat should be conditioned upon the following:
 - The developer must sign an operation and maintenance agreement for the storm water reuse system in a form acceptable to the City Attorney. The agreement must indemnify and hold harmless the City from any and all activities related to the developer and HOA's operation of this system.
 - The storm water pond must be designed with a hydraulic capacity acceptable to the City Engineer that ensures adequate flood protection without accounting for any water reuse from the system.
 - The storm water pond must be designed and constructed in accordance with the City Engineering Design Standards.
 - A detailed design of the irrigation system together with a detailed operations and maintenance plan must be submitted prior to any grading or construction activity on the site.
- Per City requirements, all storm water facilities, including infiltration basins, must be placed in Outlots deeded to the City for maintenance purposes. The Stormwater Facility Outlots must fully incorporate the 100-year HWL, 10 foot maintenance bench and all maintenance access roads.
 - The pond grading must be revised to add a 10-foot maintenance bench around the entire pond, per the standard pond detail.
 - The maintenance access road must be revised to access the pond from 5th Street North, not CSAH 17.
- Overland emergency overflows or outlets will be required as part of the site plan and must be located within drainage easements, must be in Bold Type on the plans, and must provide 1 foot of vertical separation to the low opening of any building structure. Lot information details must include the lowest opening in addition to the lowest floor elevation.
- The ultimate discharge rate and location is an important consideration to avoid negative impacts to downstream properties. The storm water management plan indicates the pond outfall pipe to discharge to the northerly property. The plan as proposed cannot be implemented without permanent drainage and utility easements from the adjacent property. Permission should be provided to the City prior to accepting a final plat application or allowing grading activities.
- Significant grading is proposed along the northerly property to accommodate many of the proposed building pads. Without written permission to permanently alter grades on the adjacent property, the site would require a redesign. Property owner permission or easements should be provided to the City prior to accepting a final plat application or allowing grading activities.
- The storm sewer system shall be designed to maintain the City standard **minimum** pipe cover of 3.0 feet.
- Per City requirements all storm sewer pipe easements must be a minimum 30-feet in width.
- The maximum allowable curb run along streets without catch basins is 350 feet. Catch basins should be added along Street B, easterly cul-de-sac to maintain maximum curb run of 350 ft.
- Sump manholes are required prior to all discharge points, located at the last manhole or catch basin prior to leaving a paved area. All sump manholes must be 4-foot deep.

MUNICIPAL SANITARY SEWER

- Municipal sanitary sewer service is readily available within the 5th Street R/W located adjacent to the plat.
- The applicant is responsible to extend the municipal sanitary sewer to the development to serve the proposed properties.
- No trunk sewer oversizing is anticipated. The area can be served without a lift station.
- Sanitary sewer must be realigned to better maintain street centerline alignment.
- The sanitary sewer is proposed to be placed within Outlot B to be HOA owned and maintained as a private street. The Outlot width must be a minimum of 40 feet with a 5 foot drainage and utility easement along each side of the street for the corridor to be acceptable for the placement of publicly owned and maintained utilities.

MUNICIPAL WATER SUPPLY

- Municipal water service is readily available within the 5th Street R/W located adjacent to the plat.
- The applicant is responsible to extend municipal water into the development to serve the proposed properties.
- Two connection points to the existing City system should be required.
- No trunk watermain oversizing is anticipated for this development.
- Additional hydrants and system valves will be required as part of the final design.
- Watermain must be realigned to maintain 10-foot separation from the sanitary sewer once the sanitary sewer is realigned as previously noted.
- The watermain is proposed to be placed within Outlot B to be HOA owned and maintained as a private street. The Outlot width must be a minimum of 40 feet with a 5 foot drainage and utility easement along each side of the street for the corridor to be acceptable for the placement of publicly owned and maintained utilities.

TRANSPORTATION IMPROVEMENTS

- Access to the development must be from 5th Street as shown, directly across from the Hunters Crossing access roadway.
- The applicant will be responsible to construct the north half of 5th Street from CSAH 17 to the east plat edge of the Hunters Crossing development. This improvement must be completed at the developer's cost.
- The plat must dedicate the existing 5th Street roadway easement as City R/W. The plan indicates the minimum 100 foot R/W as required. A ten (10) foot utility easement must be provided along the north side of the 5th Street R/W.
- The proposed 2-lane collector parkway street (5th Street) design and geometrics must meet all Municipal State Aid design standards for urban streets (8820.9936) for ADT > 10,000; 40 mph design speed; and must be consistent with the detailed parkway cross section installed throughout the remaining corridor segments and as outlined in the 5th Street Collector Design Guidelines as prepared by City staff.
- Right and left turn lanes must be incorporated along 5th Street North per the City design standards to maintain mobility along the Parkway since there is only one travel lane in each direction.
- Additional streetscape amenities are required along 5th Street consistent with the remaining corridor segments. 5th Street Amenities include a north side off-road bituminous trail, minimum 10 foot width with 5 foot clear zone; a south side concrete sidewalk, minimum 6 foot width with 2 foot clear zone; landscaping elements including a center landscape median; and street lighting.
- The applicant will also be partially responsible for the improvements required by Washington County at the intersection of 5th Street and CSAH 17.

RESIDENTIAL STREETS

- Street A must include a 50 foot tangent per City standards at the intersection with 5th Street before initiating the proposed horizontal curve.
- Street B, east cul-de-sac geometrics must be revised to eliminate turns greater than 90-degrees.

- It is preferable that Public Streets be constructed to serve this development and designed to meet the City's Engineering Design Standards including R/W width, street width and cul-de-sac radii.
- If the streets remain HOA Privately owned, the following recommendations apply:
 - The street/boulevard section must be widened to allow for adequate ownership and maintenance by the City for the public utilities (watermain, sanitary sewer and storm sewer).
 - The street Outlot should be a minimum width of 40 feet (14 feet pavement + 6 foot boulevard) with 5-foot minimum utility easement on each side. This will enable any future construction activity to remain 100% within the Street Outlot plus the utility easement. No additional encroachment on the properties/sidewalks should be necessary during future construction.
 - The typical section should be updated to include storm sewer and should show the small utilities, demonstrating the 3-foot separation between gas and joint trench.
- Street A vertical alignment should be revised to provide a $K = 37$ minimum at STA 0+71.00.



Public Works Department

Donald J. Theisen, P.E.
Director

Wayne H. Sandberg, P.E.
Deputy Director/County Engineer

March 3, 2015

Kyle Klatt
Community Development Director
City of Lake Elmo
3600 Laverne Avenue North
Lake Elmo, MN 55042

RE: Washington County comments on the concept plan for the Diedrich property by Lennar Homes, City of Lake Elmo

Dear Mr. Klatt:

Thank you for providing the county with the concept plan for the Lennar subdivision on the Diedrich property, in Section 36, Township 29N, Range 21W along County Road (CR) 17B/Lake Elmo Avenue in the City of Lake Elmo. The project consists of 50 attached single family residential dwelling units on 12 acres of land. Based on the plan provided, we have the following comments:

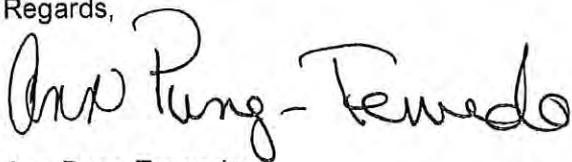
- There is currently 50 feet of right-of-way from the center line of County Road (CR) 17B therefore, an additional 42 feet should be dedicated on the plat which should include the existing home site south of 5th Street.
- According to the *Trip Generation Manual, 7th Addition ITE, 2003*, this development will generate 478 Average Vehicle Trips (AVT) per day.
- In the future, there will be a traffic signal at the intersection of CR 17B and 5th Street and since 5th Street will be a collector roadway, a center left turn lane should be provided on 5th Street for access to the development.
- Access control must be dedicated to Washington County along the CSAH 17/Lake Elmo Avenue frontage. This should be denoted on the final plat.
- Improvements to County Road (CR) 17B will be completed at the new 5th Street section. Washington County is working with the City of Lake Elmo on the planned improvements. The cost of these improvements will be the responsibility of the city.
- The developer or the city must submit the drainage report and calculations to our office for review of any downstream impacts to the county drainage system. Along with the drainage calculations, we will request written conclusions that the volume and rate of stormwater run-off into the county right-of way will not increase as part of the project.

March 3, 2015
Diedrich Property
Concept Plan

- All stormwater ponds should be located outside the county right-of-way.
- Washington County's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards. Minnesota Statute 116.07, Subpart 2a exempts County Roads and County State Aid Highways from noise thresholds. County policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The developer should assess the noise situation and take any action outside of County right of way deemed necessary to minimize the impact of any highway noise.
- Any grading within County right of way will require a Washington County Right of Way Permit.
- All utility connections for the development require Washington County Right of Way permits. Typically, these are the responsibility of the utility companies.

Thank you for the opportunity to comment on this concept plan. If you have any questions, please contact me at 651-430-4362 or ann.pung-terwedo@co.washington.mn.us

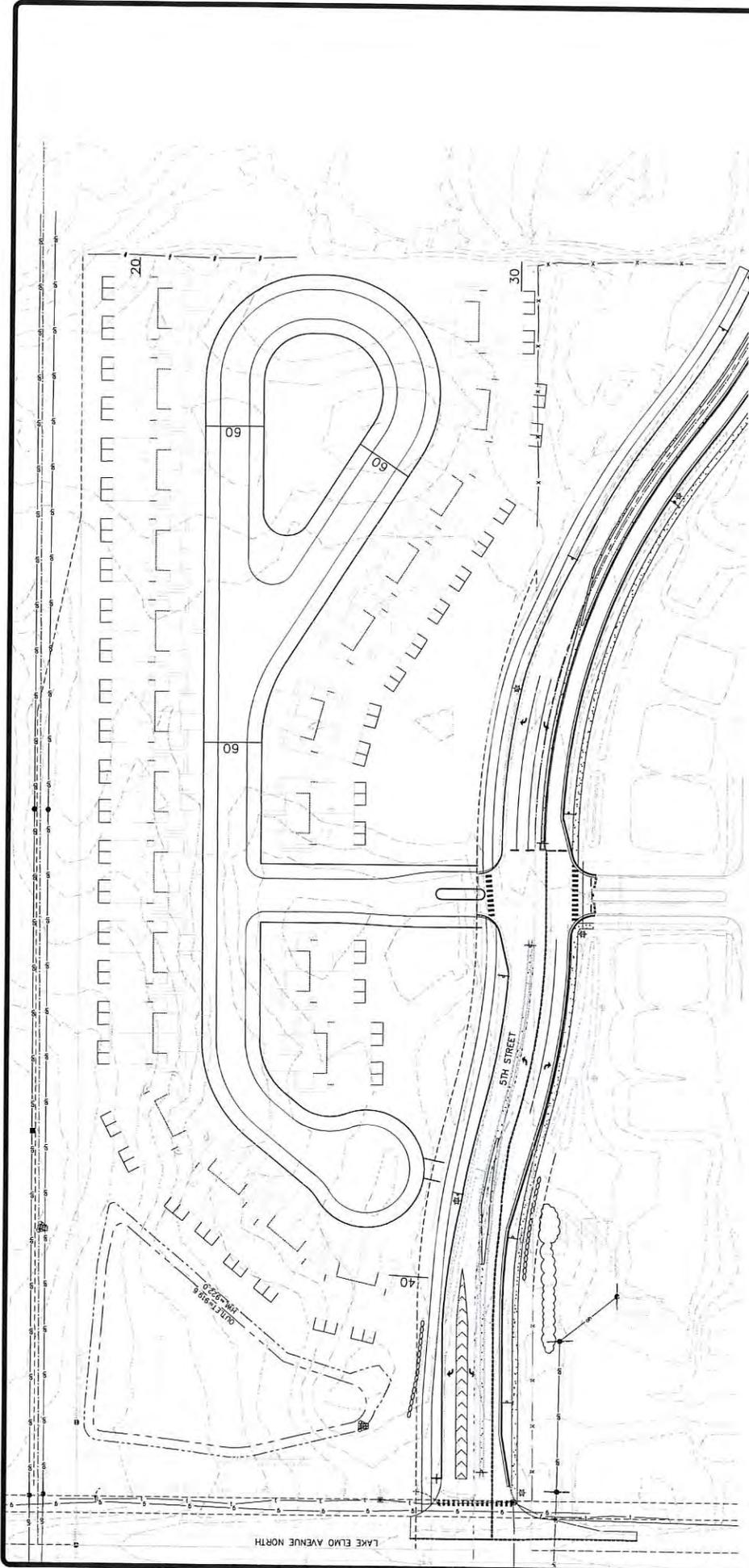
Regards,



Ann Pung-Terwedo
Senior Planner

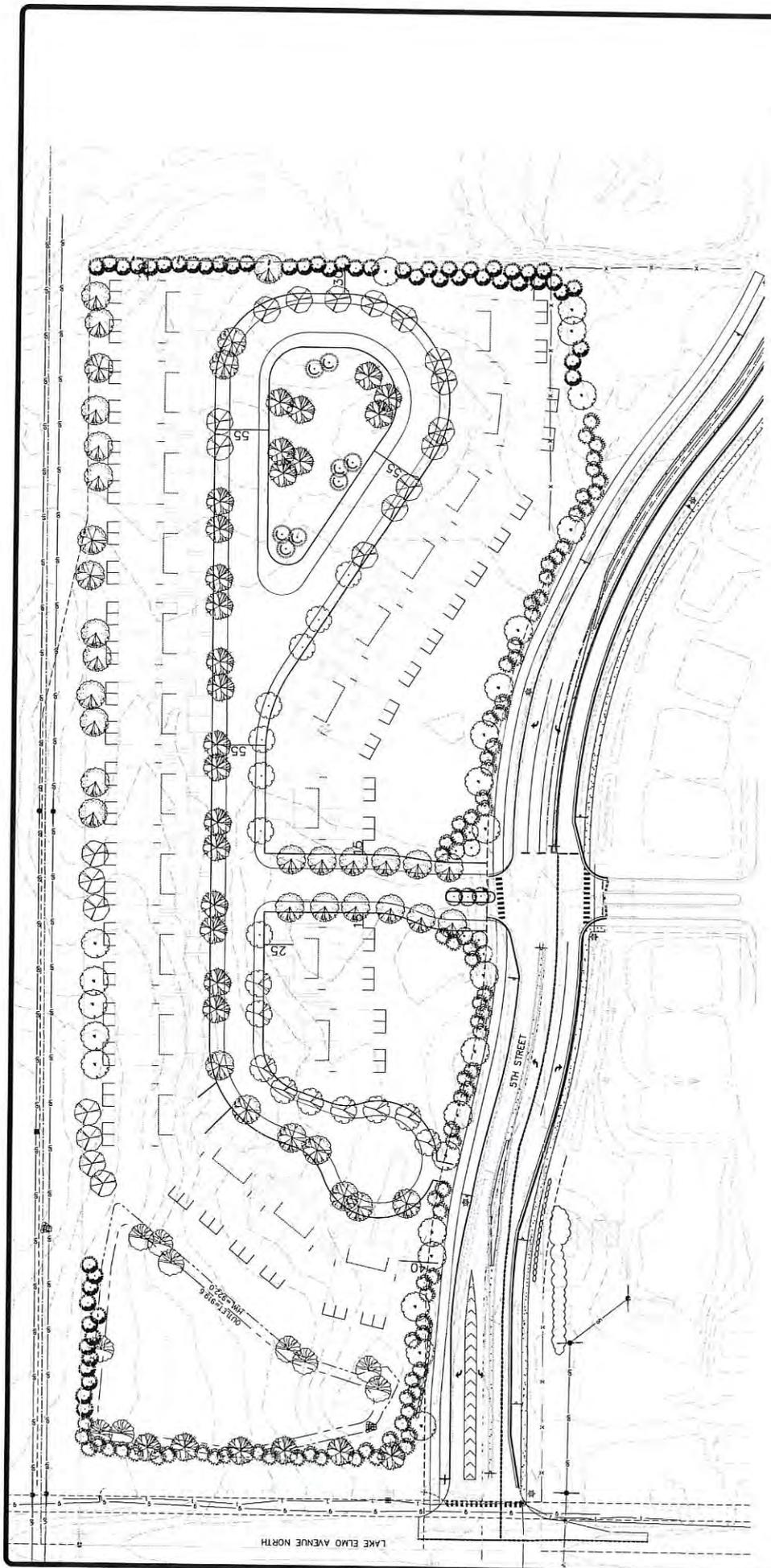
Cc: Carol Hanson, Office Specialist

R/Plat Reviews/City of lake Elmo/Diedrich property

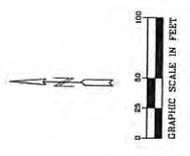


SITE DATA
 PROJECT AREA: ±12 ACRES (EXCLUDING 5TH STREET AND 17 ROW)
 GUIDE PLAN: URBAN MEDIUM DENSITY (4.7-7 UNITS/ACRE NET)
 BULK STANDARDS
 REAR SETBACK: 25'
 FRONT SETBACK: 25'
 SIDE SETBACK: 15' BETWEEN BUILDINGS, 15' SIDE CORNER
 SETBACK ALONG 5TH STREET: 50'
 PROPOSED UNITS: 46

		242 Enterprise Drive Medina Heights, MN 55120 (651) 661-1814 www.pioneereng.com		Project: _____ Date: _____ Designer: _____ Checker: _____		SITE PLAN 4		LENA CP 1609 SUTCLIFF AVENUE SUITE 600 PLYMOUTH, MINNESOTA 55446		DIEDRICH PROPERTY LAKE ELMO, MINNESOTA		LI OF I	
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SITE DATA
PROJECT AREA: ±12 ACRES (EXCLUDING 5TH STREET AND 17 ROW)
GUIDE PLAN: URBAN MEDIUM DENSITY (4.7-7 UNITS/ACRE NET)
BULK STANDARDS
 REAR SETBACK: 25'
 FRONT SETBACK: 25'
 SIDE SETBACK: 19' BETWEEN BUILDINGS, 15' SIDE CORNER
 SETBACK ALONG 5TH STREET: 40'
PROPOSED UNITS: 46



PIONEER engineering
 PROFESSIONAL ENGINEERS LAND SURVEYORS
 1600 W. UNIVERSITY AVENUE SUITE 500
 METROLIA HEIGHTS, MN 55120
 TEL: (612) 458-1000
 WWW.PIONEERENGINEERING.COM

PROJECT NO. 16-0001
 SHEET NO. 1
 DATE: 10/2016
 DESIGNER: JAMES L. HANSEN
 CHECKER: JAMES L. HANSEN
 DATE: 10/2016

SITE PLAN 5

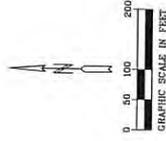
LENNAR
 1600 W. UNIVERSITY AVENUE SUITE 500
 METROLIA HEIGHTS, MINNESOTA 55120

DIEDRICH PROPERTY
 LAKE ELMO, MINNESOTA

L1 OF 1

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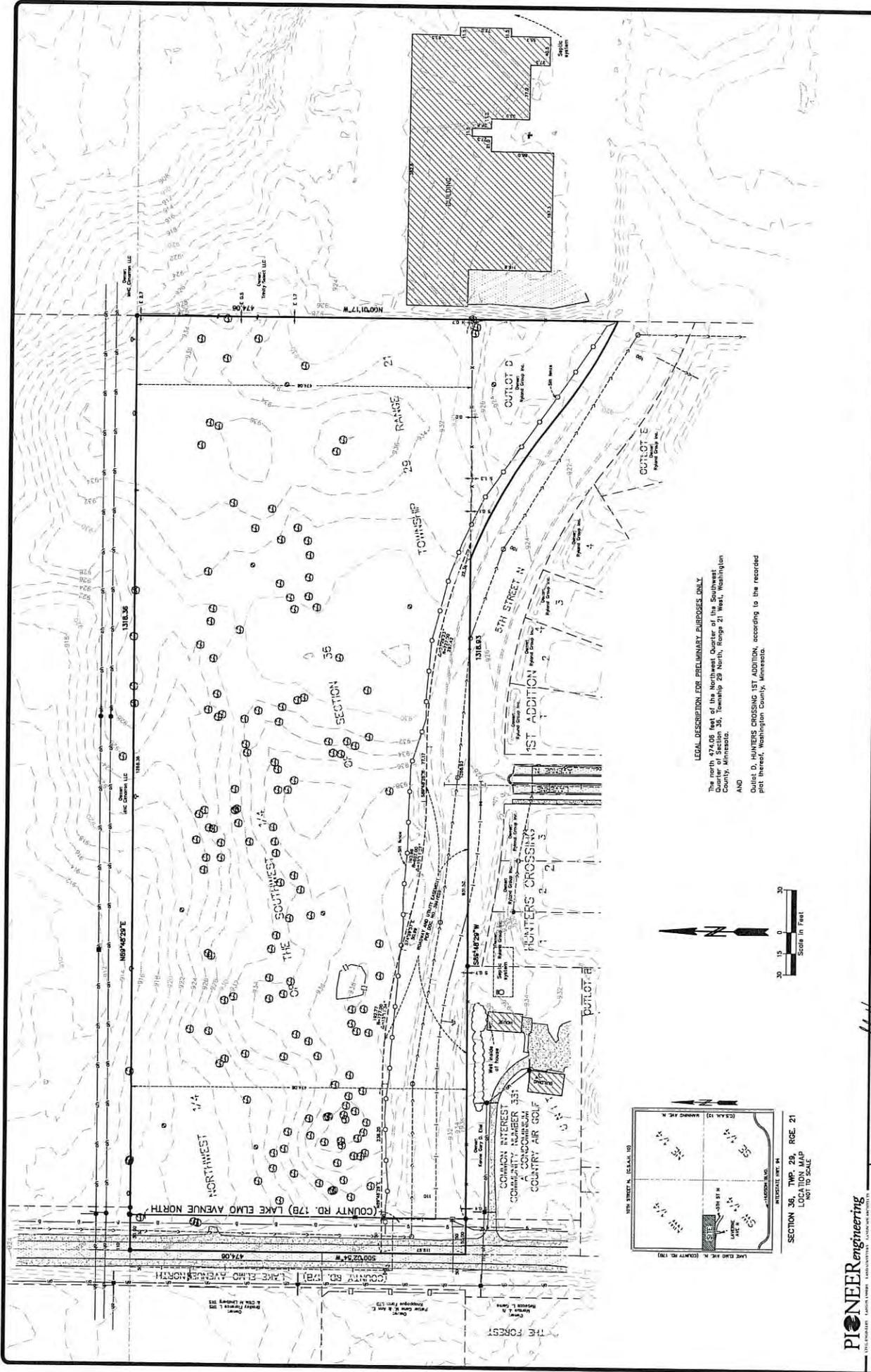
DIEDRICH PROPERTY PRELIMINARY PLAT LAKE ELMO, MINNESOTA



- SHEET INDEX**
1. COVER SHEET
 2. LEGEND SHEET
 3. EXISTING CONDITIONS
 4. PRELIMINARY PLAT
 5. PRELIMINARY SITE PLAN
 - 6-7. PRELIMINARY UTILITY PLAN
 8. PRELIMINARY GRADING PLAN
 9. EROSION CONTROL PLAN
 10. PRELIMINARY SEEDING PLAN
 11. PRELIMINARY STREET PROFILES
 - 12-14. DETAILS

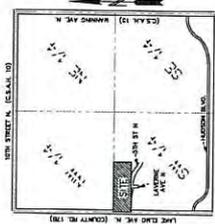
- L1. LANDSCAPE PLAN
- T1. TREE PRESERVATION PLAN

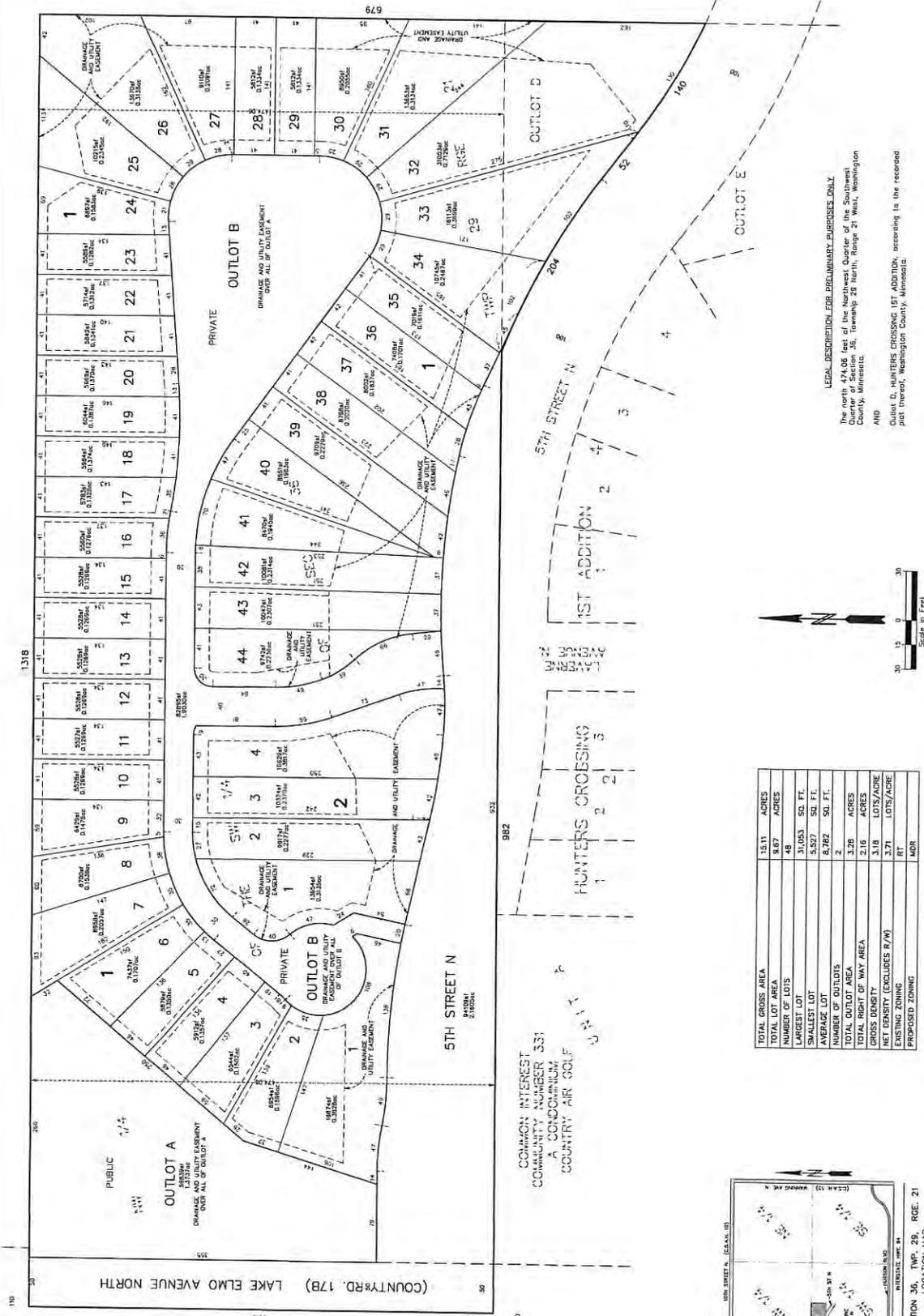
<p>PIONEER engineering <small>2122 Enterprise Drive Princeton, MN 55138 (507) 935-1000 www.pioneereng.com</small></p>	<p><small>PIONEER ENGINEERING, INC. IS AN EQUAL OPPORTUNITY EMPLOYER. We are an Equal Opportunity Employer and do not discriminate on the basis of race, sex, religion, age, or national origin.</small></p>	<p><small>DATE: 08/20/13 DRAWN BY: J. J. JENSEN CHECKED BY: J. J. JENSEN APPROVED BY: J. J. JENSEN</small></p>	<p><small>PROJECT: DIEDRICH PROPERTY SHEET: COVER SHEET OF: 14</small></p>
<p><small>LENNAR 16,905 SOTTLA AVENUE, SUITE 600 FLYING DUTCHMAN, MINNESOTA 55416</small></p>	<p><small>BRUSH MARK 144707 E 43RD AC ELEV: 943.87 (1983 dd/um) MARKING/SURVEY COPY</small></p>	<p>DIEDRICH PROPERTY LAKE ELMO, MINNESOTA</p>	



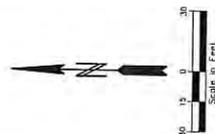
LEGAL DESCRIPTION FOR PRELIMINARY PURPOSES ONLY
 The north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota;
 AND
 DULCE D. HUNTERS CROSSING 1ST ADDITION, according to the recorded plat thereof, Washington County, Minnesota.

SECTION 36, TWP. 29, RGE. 21
 LOCATION MAP
 NOT TO SCALE

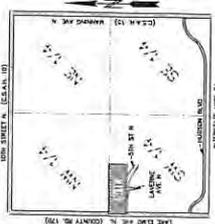




LEGAL DESCRIPTION FOR PRELIMINARY PURPOSE ONLY
 The north 474.06 feet of the Northwest Quarter of the Southwest
 Quarter, Section 36, Township 29 North, Range 21 West, Washington
 County, Minnesota.
 AND
 Outlot B, HUNTERS CROSSING 1ST ADDITION, according to the recorded
 plat thereof, Washington County, Minnesota.



TOTAL GROSS AREA	15.11	ACRES
TOTAL LOT AREA	9.67	ACRES
NUMBER OF LOTS	48	
SMALLEST LOT	31,083	SQ. FT.
AVERAGE LOT	5,527	SQ. FT.
NUMBER OF OUTLOTS	2	
TOTAL OUTLOT AREA	2.28	ACRES
TOTAL RIGHT OF WAY AREA	1.16	ACRES
GROSS DENSITY	3.71	LOTS/ACRE
NET DENSITY (EXCLUDES R/W)	RT	LOTS/ACRE
EXISTING ZONING	RT	
PROPOSED ZONING	MOR	



SECTION 36, TWP. 29, RGE. 21
 LOCATION MAP
 NET TO SCALE

PIONEER engineering
 1700 UNIVERSITY AVENUE, SUITE 1000
 MINNEAPOLIS, MN 55425
 TEL: 612-348-1448
 WWW.PIONEERENGINEERING.COM

DATE: 01/22/2014
 DRAWN: J. HANSEN
 CHECKED: J. HANSEN
 PROJECT: 1700 UNIVERSITY AVENUE, SUITE 1000, MINNEAPOLIS, MN 55425

PRELIMINARY PLAT

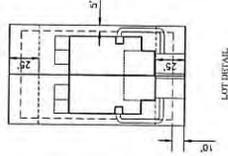
LENNAR
 1600 SOUTH AVENUE, SUITE 600
 PLUMBLITH, MINNESOTA 55446

DIEDRICH PROPERTY
 LAKE ELMO, MINNESOTA

SETBACK REQUIREMENTS

RESIDENTIAL STANDARDS:
 REAR YARD SETBACK: 20'
 HOUSE SIDE SETBACK: 7.5'
 GARAGE SIDE SETBACK: NA
 MINIMUM LOT WIDTH: 35'
 MINIMUM BUILDING COVERAGE: 50%

Q.U.P.:
 20'
 20'
 10'
 5'
 35'
 527 SF 4000 SF
 50%

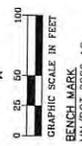


CURVE TABLE

CURVE	DELTA	LENGTH	RADIUS	TANGENT	PC	PT
C1	33°28'56"	87.63	150.00	45.11	0+46.215	1+49.78
C2	33°28'56"	87.65	150.00	44.81	1+49.78	2+56.83
C3	34°36'44"	58.88	97.48	30.37	-3+52.81	-2+72.94
C4	51°09'27"	112.46	126.00	60.29	-2+46.39	-1+33.93
C5	35°00'10"	134.47	214.00	69.54	1+51.65	2+86.12
C6	125°19'56"	107.51	49.00	95.92	5+17.88	6+25.49
C7	84°28'17"	60.79	43.00	52.98	7+15.39	7+95.08
C8	152°09'08"	132.23	500.00	65.50	9+43.52	10+95.55



- OWNERSHIP AND MAINTENANCE**
- SANITARY SEWER: PUBLIC
 - WASTEWATER: PUBLIC
 - STORM SEWER: PUBLIC
 - STREETS & SIDEWALKS: PUBLIC
 - UTILITIES: PUBLIC
 - RETENTION POND: PUBLIC
 - IRRIGATION SYSTEM: PRIVATE



PIONEER engineering
 2122 Edgemoor Drive
 Mendota Heights, MN 55120
 (612) 841-1014
 www.pioneereng.com

Project: (Client) SITE CHAIRSHIP

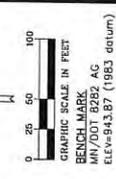
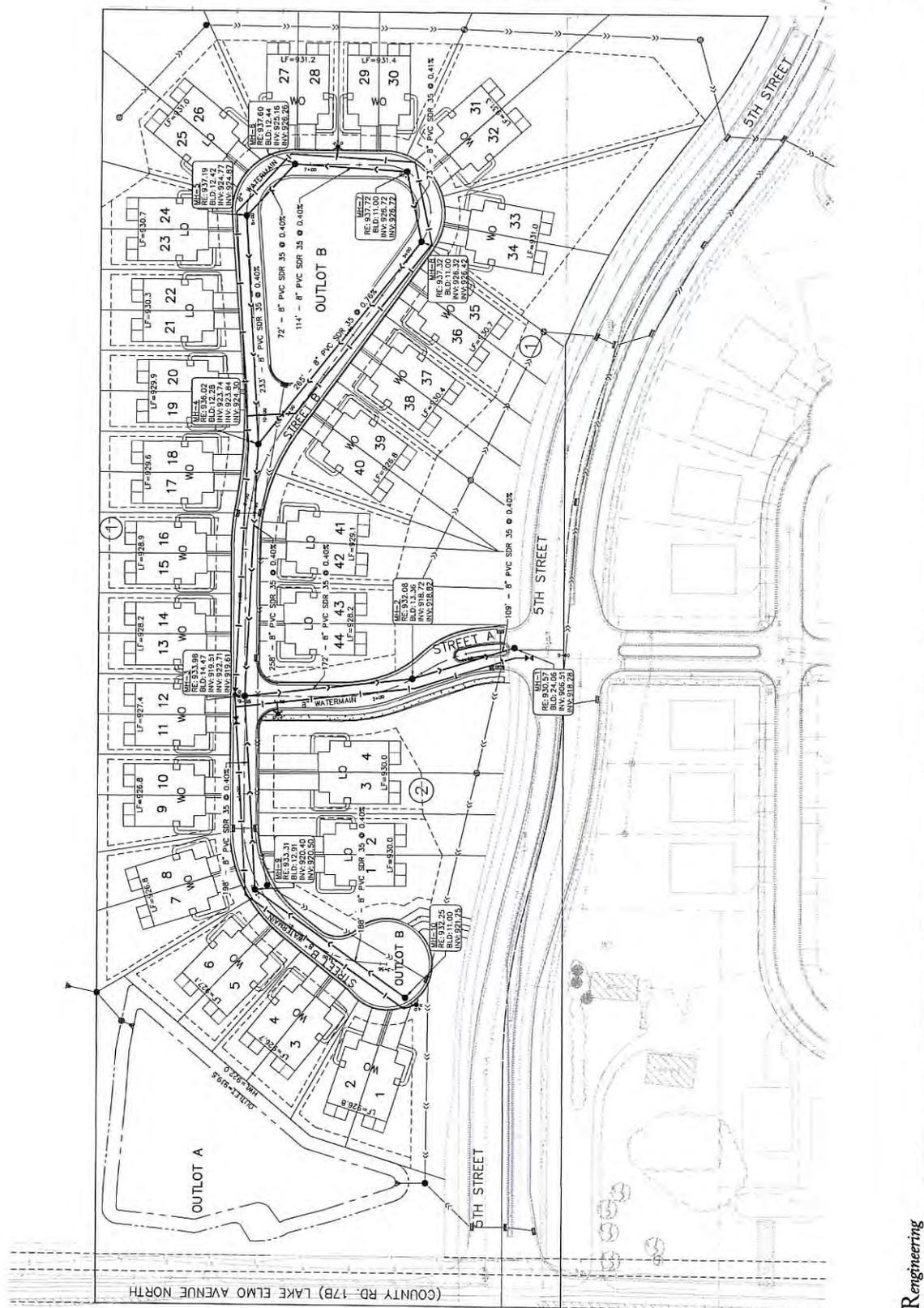
Name: _____ Title: _____
 Date: _____ Scale: _____

Drawn: _____
 Checked: _____
 Date: _____

SITE PLAN

LENNAR
 16305 WYTHAM DRIVE, SUITE 600
 WYTHAM, MINNESOTA 55146

DIEDRICH PROPERTY
 LAKE ELMO, MINNESOTA



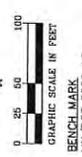
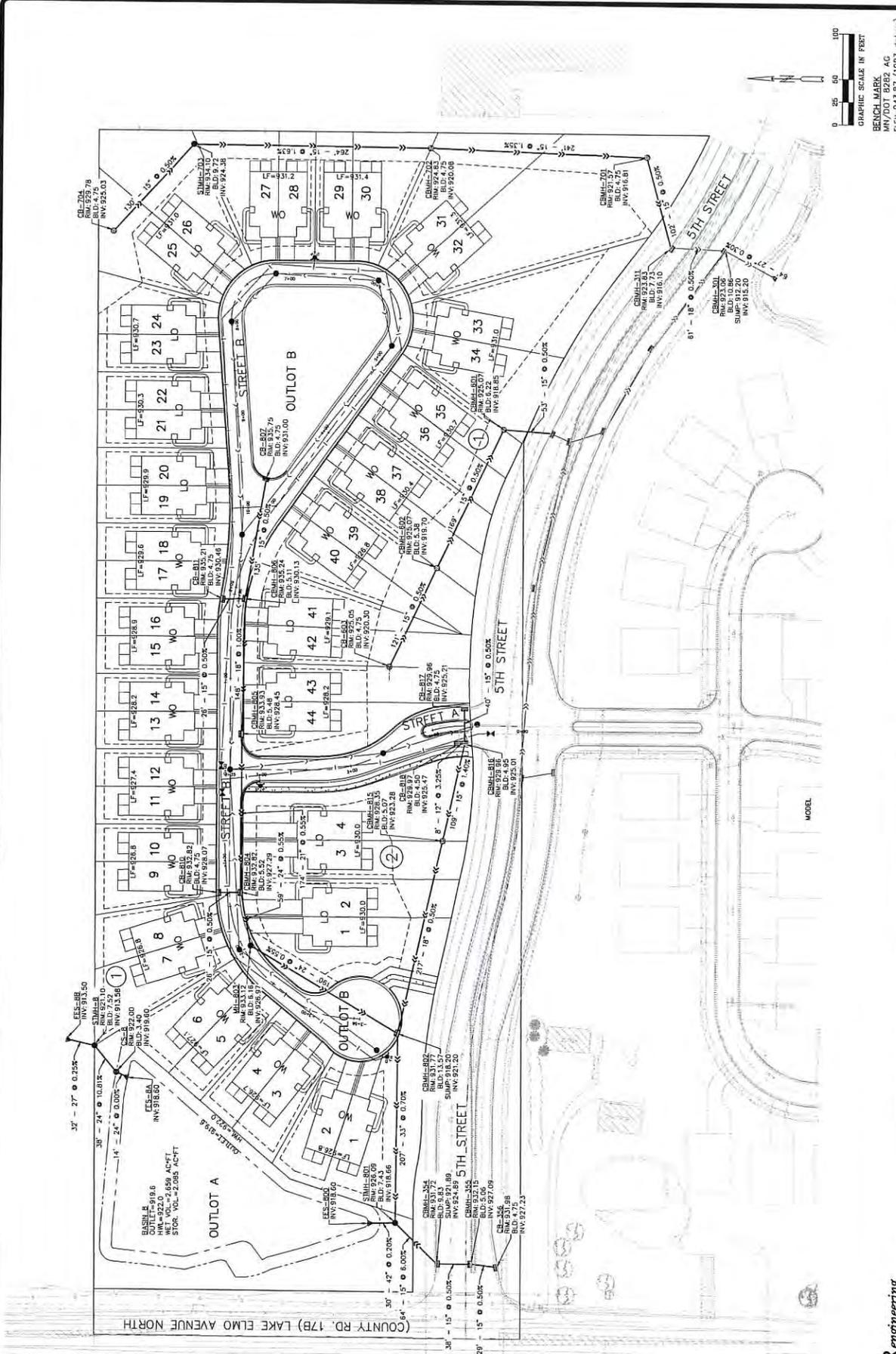
PIEONER engineering
 2122 Ellipse Drive
 St. Louis, MO 63114
 (314) 991-1814
 www.pioneereng.com

PROJECT NO. 15082 DATE 10/20/15 SHEET NO. 6 OF 14	CLIENT LAKELAND COMMUNITY COLLEGE	DESIGNER PIETRO	CHECKER PIETRO	DATE 10/20/15	PROJECT SANITARY SEWER & WATERMAIN	LOCATION LAKELAND COMMUNITY COLLEGE	PROJECT NO. 15082	SHEET NO. 6 OF 14
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LENNAR
 10005 GOTHARDEN BLVD. SUITE 600
 MINNETONKA, MN 55345

DIEDRICH PROPERTY
 LAKELAND, MINNESOTA

(COUNTY RD. 17B) LAKE ELMO AVENUE NORTH



BENCH MARK
 MN/DOIT 9282 AG
 ELEV=943.67 (1983 datum)
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DIEDRICH PROPERTY
 LAKE ILWACO, MINNESOTA

LENVAR
 16385 S. WASHINGTON
 ST. PAUL, MINNESOTA 55116

STORM SEWER

DATE: 04/20/11
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 CHECKED: STB

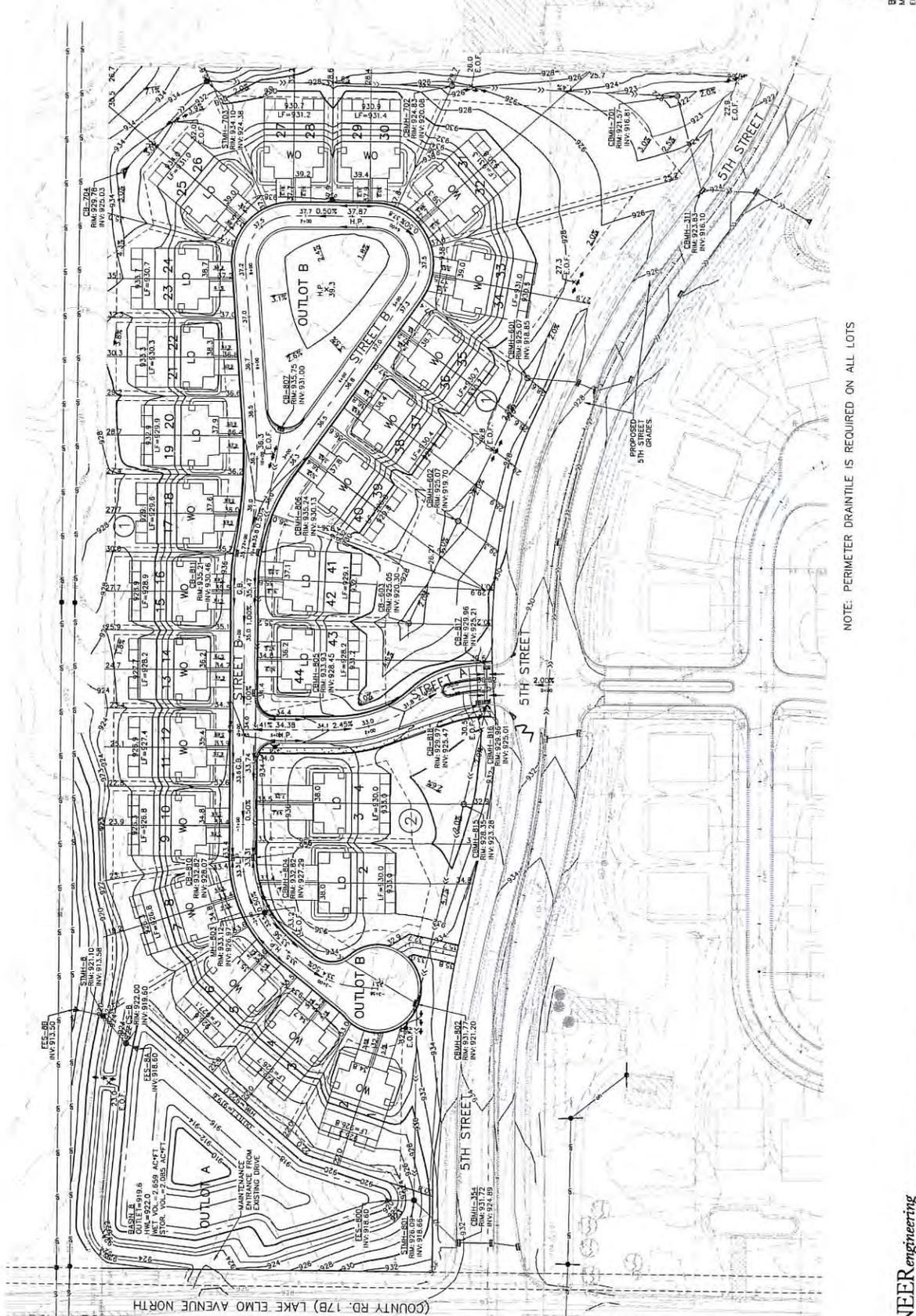
PROJECT: 1704-0001 CITY CONSULTS

DATE: 04/20/11
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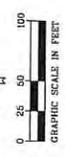
PIONEER engineering

2122 Starbuck Drive
 Mendota Heights, MN 55120
 (651) 681-1284
 www.pioneereng.com

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NOTE: PERIMETER DRAINTILE IS REQUIRED ON ALL LOTS



BENCH MARK
 MN/DOT B282 AC
 ELEV=943.67 (1983 datum)

8 OF 14

DIEDRICH PROPERTY
 LAKE ELMO, MINNESOTA

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GRADING PLAN

DATE: 08/14/2014
 DRAWN: J. J. JENSEN
 CHECKED: J. J. JENSEN
 DATE: 08/14/2014

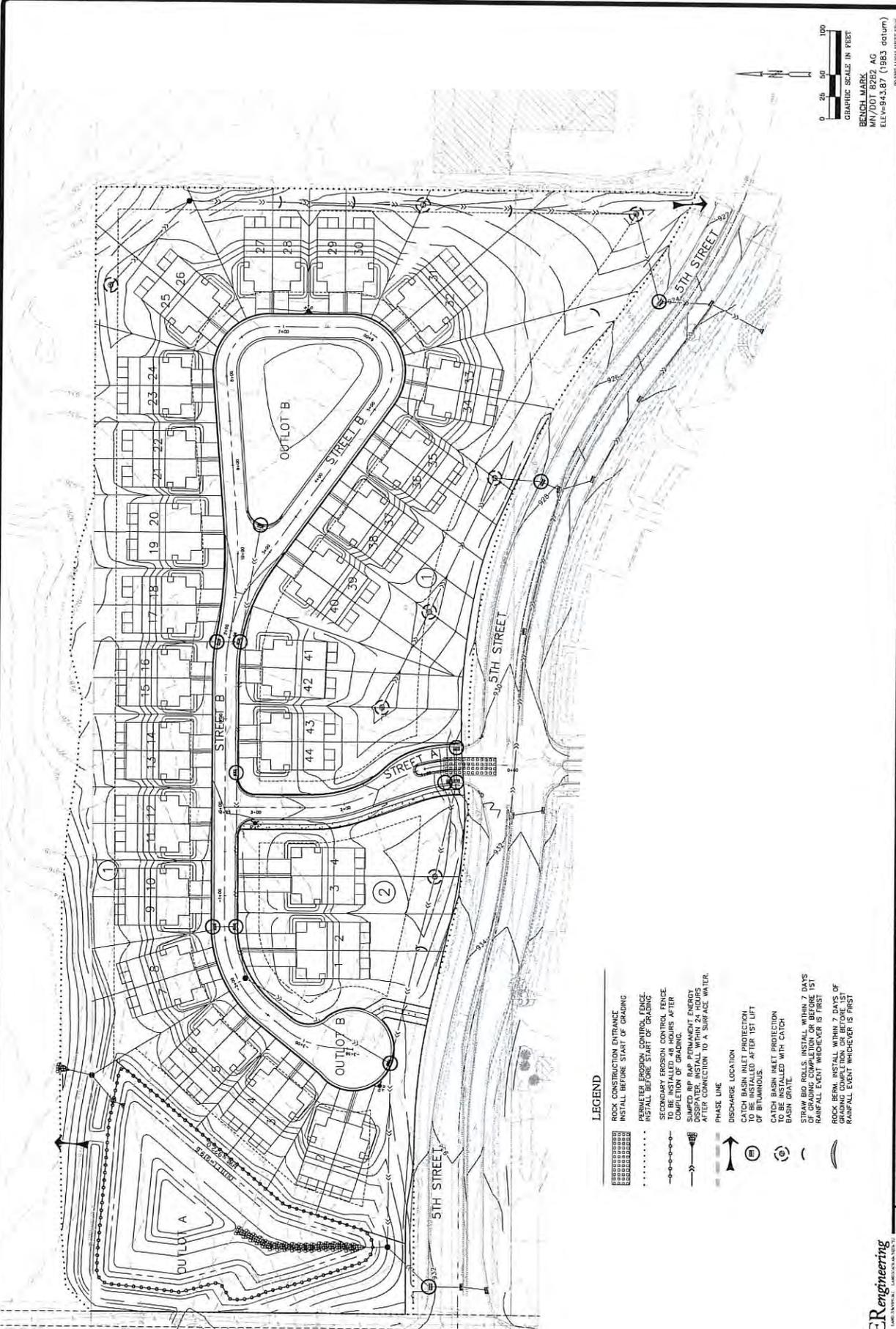
DATE: 08/14/2014
 DRAWN: J. J. JENSEN
 CHECKED: J. J. JENSEN
 DATE: 08/14/2014

DATE: 08/14/2014
 DRAWN: J. J. JENSEN
 CHECKED: J. J. JENSEN
 DATE: 08/14/2014

PIONEER engineering
 11333 Highway 100, Suite 100
 Mendota Heights, MN 55120
 www.pioneereng.com

DATE: 08/14/2014
 DRAWN: J. J. JENSEN
 CHECKED: J. J. JENSEN
 DATE: 08/14/2014

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GRAPHIC SCALE IN FEET
 0 25 50 100
 BENCHMARK
 MN/DOT 6292 AC
 ELEV=943.87 (1983 datum)

DIEDRICH PROPERTY
 LAKETILAND, MINNESOTA

LENNAR
 1605 50TH AVENUE N, SUITE 600
 FLYINGDUTCHMAN, MINNESOTA 55466

EROSION CONTROL PLAN

DATE: 11/14/13
 DRAWN BY: JRM
 CHECKED BY: JRM

PIEHLER CITY COMUNITY

PROJECT NAME: 17B LAKE ELMO AVENUE NORTH
 SHEET NO.: 9 OF 14
 DATE: 11/14/13

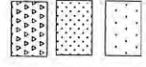
PIEHLER ENGINEERING
 2122 Bluffview Drive
 Mendota Heights, MN 55120
 (651) 681-1814
 www.piehlere.com

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- LEGEND**
- ROCK CONSTRUCTION ENTRANCE
 INSTALL BEFORE START OF GRADING
 - PERIMETER EROSION CONTROL FENCE
 TO BE INSTALLED BEFORE START OF GRADING
 - SECONDARY EROSION CONTROL FENCE
 TO BE INSTALLED 48 HOURS AFTER
 COMPLETION OF GRADING
 - DISCHARGE LOCATION
 TO BE INSTALLED AFTER 1ST LIFT
 OF BITUMINOUS
 - CATCH BASIN INLET PROTECTION
 TO BE INSTALLED WITH CATCH
 BASIN GRATE
 - STRAM BEO ROLLS. INSTALL WITHIN 2 DAYS
 OF GRADING COMPLETION OR BEFORE 1ST
 RAINFALL EVENT WHICHEVER IS FIRST
 - ROCK BERM. INSTALL WITHIN 7 DAYS OF
 GRADING COMPLETION OR BEFORE 1ST
 RAINFALL EVENT WHICHEVER IS FIRST



SEEDING NOTES:
 TEMPORARY SEED AND PERMANENT TURF RESTORATION SHALL BE DONE IN ACCORDANCE TO MNDOT 2575 A, 3076.
 MULCH SHALL BE MNDOT TYPE 3 @ 2 TONS PER ACRE OR APPROVED EQUAL AND DISK ANCHORED IN PLACE OR APPROVED EQUAL. DISTURBED MULCH AT 80% COVERAGE WITH DISK ANCHOR.
 POND BENCH AND UP TO 1/4" TO BE SEEDED WITH MN STATE SEED MIX 33-282 OR EQUIVALENT. SEE GRADING DETAIL NOTES FOR MORE STORMWATER MANAGEMENT DETAILS.
 DISTURBED UPLAND AREA AROUND STORMWATER TREATMENT AREAS TO BE SEEDED WITH MN STATE SEED MIX 35-621 OR EQUIVALENT.
 DISTURBED AREAS TO RECEIVE PERMANENT TURF RESTORATION, MN SEED MIX 25-121 AT 75 POUNDS PER ACRE.
 TEMPORARY SEED TO BE MN SEED MIX 22-111 OR APPROVED EQUAL @ 40 LBS. PER ACRE.



GRAPHIC SCALE IN FEET
 0 25 50 100
 BENCH MARK
 MVDOT 0282 AC
 ELEV 943.87 (1985 datum)

LENNAR
 1635 MEDLAVEN AVENUE SUITE 600
 PLYMOUTH, MINNESOTA 55446

SEEDING PLAN

DIEDRICH PROPERTY
 LAKE ELMO, MINNESOTA

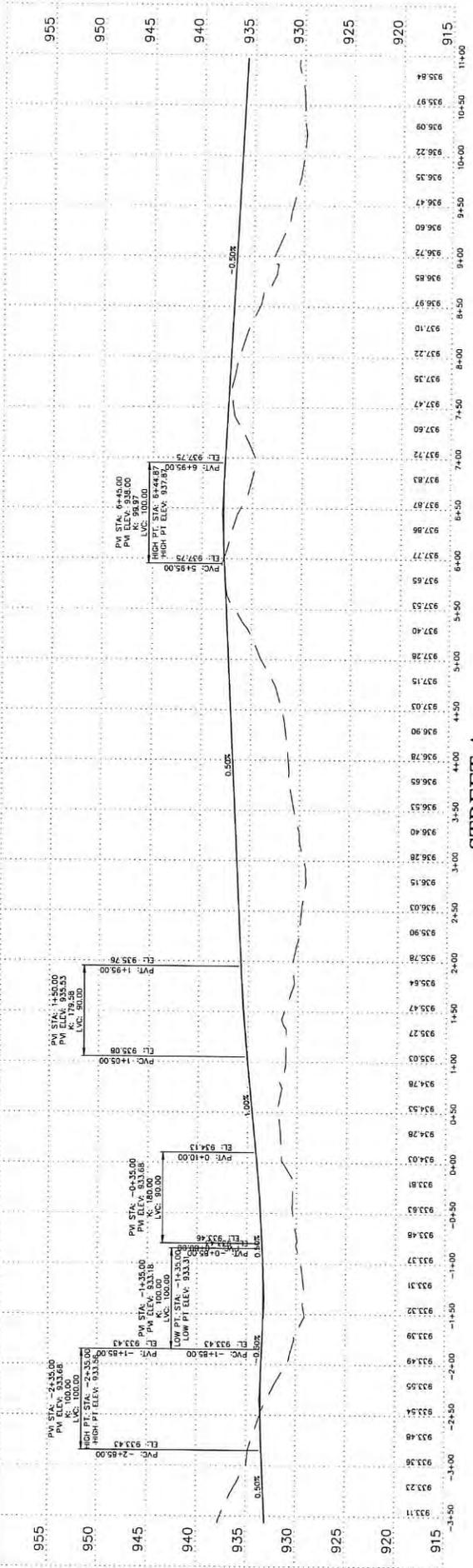
10 OF 14

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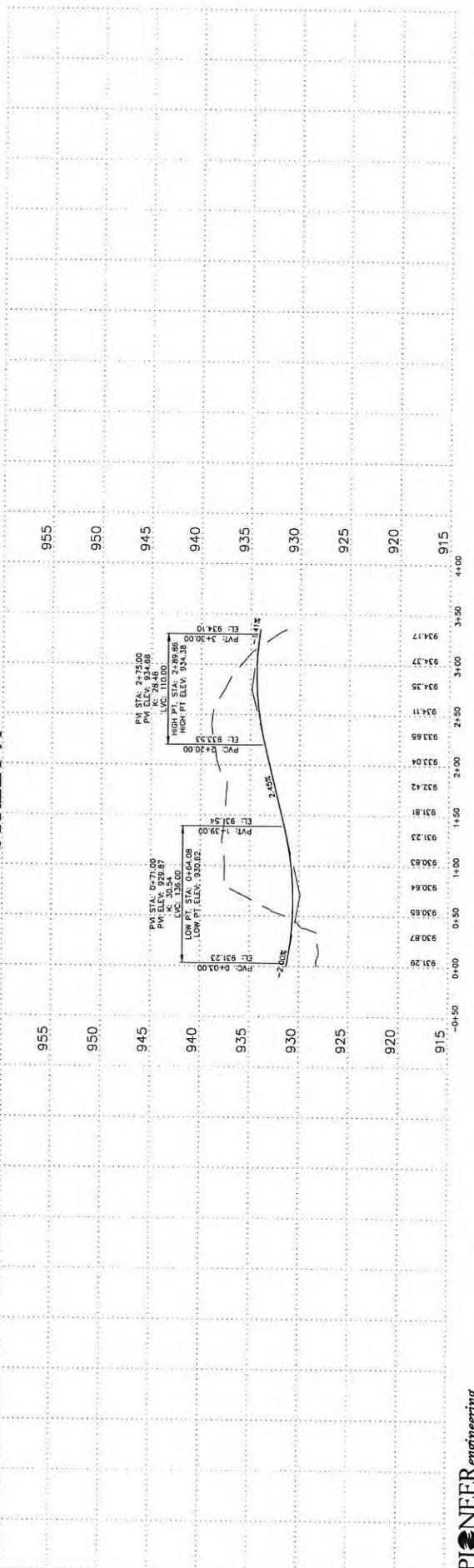
DATE: 04/20/11
 DRAWN: J. HANSEN
 CHECKED: J. HANSEN
 DATE: 03/28/11

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STREET B



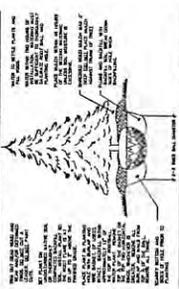
STREET A



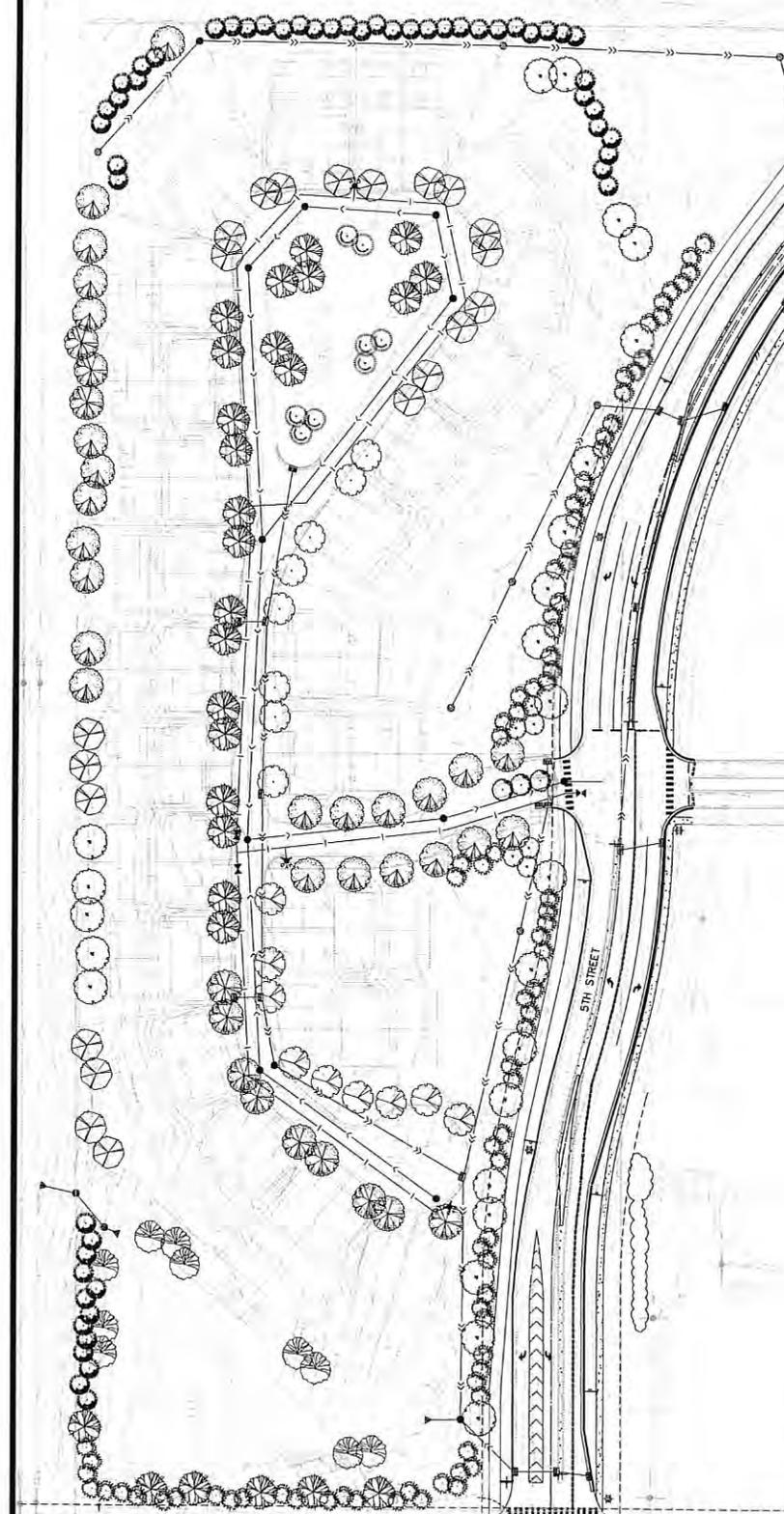
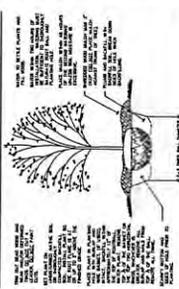
LANDSCAPE NOTES

1. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
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 v. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
 w. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
 x. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
 y. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
 z. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:

CONIFEROUS TREE PLANTING DETAIL



DECIDUOUS TREE PLANTING DETAIL



LANDSCAPE NOTES:
 LANDSCAPE REQUIREMENTS:
 1. 1 TREE PER 50 LINEAR FEET PROPOSED STREET FRONTAGE: 2687 LINEAR FEET/50=54 TREES
 2. 5 TREES PER DEVELOPED ACRE: 13 DEVELOPED ACRES (EXCL 5TH STREET AND COUNTY ROAD 17)X5=65 TREES
 TREE PRESERVATION REQUIREMENTS:
 486" REQUIRED FOR MITIGATION (SEE TREE PRESERVATION PLAN FOR MORE DETAILS)
 PROPOSED LANDSCAPING:
 126 FRONTAGE AND DEVELOPED AREA TREES
 489" MITIGATION TREES
 ALL DISTURBED UPLAND AREAS TO BE SODDED AND IRRIGATED. IRRIGATION DESIGNED BY OTHERS.

KEY	COMMON NAME/Scientific name	PLANT SCHEDULE	ROOT	QUANTITY	INSTRUCTIONS
(Symbol)	NORWOOD RED MAPLE/Acer rubrum 'Norwood'	DECIDUOUS TREES	2.5' B&B	24	
(Symbol)	MUTISHKA BLUE MAPLE/Acer x leucostomum 'Mutishka'	DECIDUOUS TREES	2.5' B&B	12	
(Symbol)	RIVER BIRCH/Betula nigra 'Vitalite'	DECIDUOUS TREES	12' B&B	24	Multi-Stem
(Symbol)	COMMON HICKORY/Hicoria occidentalis	DECIDUOUS TREES	2.5' B&B	8	
(Symbol)	HONEYLOCUST/Robinia pseudoacacia var. americana	DECIDUOUS TREES	2.5' B&B	21	
(Symbol)	NORTHERN RED OAK/Quercus rubra	DECIDUOUS TREES	2.5' B&B	20	
(Symbol)	SAWTOOTH YEW/Taxus americana 'Sawtooth'	CONIFEROUS TREES	2.5' B&B	9	
(Symbol)	WIDE LEAFED WILLOW/Salix alba 'Trillix'	DECIDUOUS TREES	3" B&B	10	
(Symbol)	BLACK HILLS SPRUCE/Prinus spicata densata	CONIFEROUS TREES	8" B&B	86	
(Symbol)	EASTERN WHITE PINE/Prinus strobus	CONIFEROUS TREES	8" B&B	51	
(Symbol)	AUSTRIAN PINE/Prinus nigra	CONIFEROUS TREES	8" B&B	6	
(Symbol)	SPRING SNOW GRASS/Anemone 'Spring Snow'	PERENNIALS	2" B&B	9	

TREES BELOW HEAVY DASHED LINE COUNTED TOWARD THE MITIGATION REQUIREMENT. TREES ABOVE HEAVY DASHED LINE COUNTED TOWARD THE FRONTAGE AND DEVELOPED AREA REQUIREMENT.

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LANDSCAPE PLAN

LENNAR
 1605 50TH AVENUE, SUITE 600
 FLYING DUTCHMAN, MINNESOTA 55060

DIEDRICH PROPERTY
 LAKE ELMO, MINNESOTA

1 OF 1



MAYOR & COUNCIL COMMUNICATION

DATE: December 1, 2015

CONSENT

ITEM # 7

AGENDA ITEM: Designating City’s Data Practice Official

SUBMITTED BY: Julie Johnson, City Clerk

THROUGH: Clark Schroeder, Interim City Administrator

REVIEWED BY: Clark Schroeder, Interim City Administrator

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation.....City Administrator
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: City Clerk/Staff.

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: The City Council is requested to consider approval of Resolution No. 2015-85, Designating City’s Data Practices Official. It has been the City’s past practice to appoint the City Clerk to act as the Data Practices Official. At some point during the staff transitions this year, the City Attorney was appointed as the Data Practices Official and he has stated it is appropriate to transfer this duty back to the City Clerk at this time.

RECOMMENDATION: The City Council is requested to consider approval of Resolution No. 2015-85, Designating City’s Data Practices Official. As part of its consent agenda, no specific motion is required. If Council wishes to remove this item from the consent agenda, the recommended motion is as follows:

“Move to approve Resolution No. 2015-85, Designating City Data Practices Official; specifically, designating Julie Johnson as the City’s Data Practices Responsible Authority and Compliance Officer”

ATTACHMENT: Resolution No. 2015-85

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

RESOLUTION 2015-85

A RESOLUTION DESIGNATING CITY'S DATA PRACTICES OFFICIAL

WHEREAS, Minnesota Statutes, Chapter 13, requires the adoption of certain policies and procedures pertaining to government data practices; and

WHEREAS, the statute also requires the appointment of a data practices compliance official, a data practices responsible authority and optional designee(s) to enforce the data practices policies of government agencies.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Lake Elmo, that the attached City of Lake Elmo Data Practices Policy, together with the exhibits attached thereto, are hereby adopted and approved as if fully set forth herein; and

BE IT FURTHER RESOLVED, that City Clerk Julie Johnson will be appointed to serve as the city's data practices responsible authority and compliance official.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO THIS FIRST DAY OF DECEMBER, 2015.

**CITY COUNCIL
CITY OF LAKE ELMO**

By: _____
Mike Pearson
Mayor

ATTEST:

Julie Johnson
City Clerk



MAYOR & COUNCIL COMMUNICATION

DATE: December 1, 2015

CONSENT

ITEM #

AGENDA ITEM: Driveway Encroachment & Maintenance Agreement

SUBMITTED BY: Joan Ziertman, Planning Program Assistant

THROUGH: Clark Schroeder, City Administrator

REVIEWED BY: Stephen Wensman, City Planner

SUGGESTED ORDER OF BUSINESS (if removed from consent agenda):

- Introduction of ItemStaff
- Report/Presentation.....Staff
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECCOMENDER: Staff recommends that the City Council approve the Driveway Encroachment and Maintenance agreement for Jeerasak Poophakumanart at PID #24.029.21.13.0004.

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to authorize as part of tonight’s consent agenda, the execution of a driveway encroachment and maintenance agreement. The City has received a request to install a driveway within an unimproved portion of the public right-of-way owned by the City. Homeowner and City intend that Homeowner shall be responsible for maintaining, repairing and replacing the Private Driveway.

Staff is recommending that the City Council approve the driveway encroachment and maintenance agreement as part of the Consent Agenda. If the City Council removes the item from the Consent Agenda, the recommended action can be completed through the following motion:

“Move to approve the driveway encroachment and maintenance agreement for Jeerasak Poophakumpanart to install a driveway within an unimproved portion of the public right-of-way owned by the City.”

LEGISLATIVE HISTORY: The Driveway Encroachment and Maintenance Agreement that has been submitted for Council consideration is for a driveway and has been reviewed by planning and engineering staff. The proposed driveway meets all city code requirements and Staff would have otherwise authorized construction of the driveway if it did not encroach into the unimproved portion of the public right-of-way owned by the City.

BACKGROUND INFORMATION (SWOT):

Strengths: The Driveway encroachment and maintenance agreement is a legal document that all property owners seeking to install driveways within unimproved portions of public right-of-way owned by the City are required to sign. The document, among other things, indemnifies the city from responsibility if damage occurs to the improvement or if it needs to be removed at some point in the future.

Weaknesses: None

Opportunities: None

Threats: None

RECOMMENDATION:

Based on the aforementioned, Staff is recommending that the City Council approve the driveway encroachment and maintenance agreement as part of the Consent Agenda. If the City Council removes the item from the Consent Agenda, the recommended action can be completed through the following motion:

“Move to approve the driveway encroachment and maintenance agreement for Jeerasak Poophakumpanart to install a driveway within an unimproved portion of the public right-of-way owned by the City.”



MAYOR & COUNCIL COMMUNICATION

DATE: December 1, 2015
REGULAR
ITEM #9

AGENDA ITEM: Approve 2016 Final General Fund, Debt Service Fund & Library Fund Annual Budget and Tax Levy

SUBMITTED BY: Cathy Bendel, Finance Director

THROUGH: Cathy Bendel, Finance Director

REVIEWED BY: Finance Committee and Clark Schroeder, Interim City Administrator

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemFinance Director
- Report/Presentation.....Finance Director/Interim City Administrator
- Questions from Council to Staff Mayor Facilitates
- Call for Public Hearing Mayor Facilitates
- Close Public Hearing.....Mayor Facilitates
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Finance Director and Finance Committee

FISCAL IMPACT: NA

SUMMARY AND ACTION REQUESTED: Pursuant to State law, the City is required to hold a Truth in Taxation hearing regarding the adoption of the 2016 General Fund, Debt Service Fund and Library Fund Budgets. The City Council is being asked to approve the Final 2016 Annual Budget and Levy for these funds and hold a public hearing.

BACKGROUND INFORMATION: The City of Lake Elmo has both the legal and fiduciary authority and responsibility under Minnesota State Statute to adopt a 2016 General Fund, Debt Service Fund and Library Fund annual budgets; all of which impact the annual Property Tax Levy. On September 1, 2015, the Preliminary Annual Budgets for these funds were approved and subsequently certified to Washington County. The final levy and budgets for these funds must be adopted and certified to Washington County by December 28th, 2015, after holding a Truth in Taxation hearing.

STAFF REPORT: At budget review meetings, the Finance Committee reviewed an in-depth budget and levy presentation for 2016 related to the General Fund. The City Council was invited to those meetings and provided their input as well. As a result of those meetings, the preliminary budget was finalized and presented to the City Council on September 15, 2015 for approval and preliminary certification to the County. Due to uncertainty surrounding the developer build out activity, conservative revenue numbers were used for the preliminary 2016 budget resulting in the certification to the County representing the maximum Levy possible.

On October 14, 2015 the Finance Committee had a follow up 2016 budget meeting to review updated actual results to date. The City Council was again invited to those meetings to provide their input. As a result of those meetings, final revisions were made resulting in a reduction to the preliminary levy certification of \$521,694. It was recommended that any and all excess funds available in the general fund budget be used to reduce the 2016 General Fund Levy. As a result, the final 2016 levy certification is being proposed at \$3,112,204.

RECOMMENDATION: It is recommended that the City Council hold a public hearing related to these budgets and if no issues arise as a result, pass Resolution 2015-84, thereby approving the final 2016 General Fund, Debt Service Fund and Library Fund Annual Budget's and Levies by undertaking the following motion:

“Move to approve Resolution No. 2015-84 adopting the final 2016 General Fund, Debt Service Fund and Library Fund Annual Budget's and Levies”

ATTACHMENT:

1. Resolution No. 2015-84

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

RESOLUTION NO. 2015-84

**RESOLUTION APPROVING 2015 TAX LEVY, COLLECTIBLE IN 2016
AND
ADOPTING THE 2016 GENERAL FUND BUDGET**

WHEREAS, the City Council has conducted budget meetings to review the 2015 Tax Levy, collectible in 2016, and the final 2016 General Fund, 2016 Debt Fund, and 2016 Library Fund Budgets; and

WHEREAS, the City is required to adopt a final 2016 general fund budget payable 2016 and certify its final property tax levy payable in 2016.

WHEREAS, the City of Lake Elmo held it's Truth in Taxation hearing on December 1, 2015;

WHEREAS, the City of Lake Elmo closed the public hearing on the 2016 General Fund, Debt Fund and Library Fund budgets at the close of the meeting on December 1, 2015 without need for continuation;

BE IT RESOLVED that the City adopts the final 2016 General Fund, Debt Fund and Library Fund Budgets,

BE IT FURTHER RESOLVED by the Council of the City of Lake Elmo, County of Washington, Minnesota that the following sums of money be levied for the current year, collectible in 2015, upon taxable property in the City of Lake Elmo, for the following purposes:

Total General Fund Levy	\$2,190,706
Total G.O. Debt Levy	\$ 664,541
Library Levy	<u>\$ 256,957</u>
Total Levy	\$3,112,204

BE IT FUTHER RESOLVED that the City Clerk is hereby instructed to transmit a certified copy of this resolution to the County Auditor of Washington County, Minnesota.

ADOPTED, by the Lake Elmo City Council on the 1st day of December, 2015.

Mike Pearson
Mayor

ATTEST:

Julie Johnson
City Clerk



MAYOR AND COUNCIL COMMUNICATION

DATE: 12/1/15
REGULAR
ITEM #: 10
MOTION

AGENDA ITEM: Request to decrease letter of credit for Robert Engstrom Company
SUBMITTED BY: Clark Schroeder
THROUGH: Clark Schroeder
REVIEWED BY: Jack Griffin

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/PresentationStaff
- 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

PUBLIC POLICY STATEMENT POSSIBLE CHANGE IN DEVELOPER LETTER OF CREDIT POLICY

SUMMARY AND ACTION REQUESTED:

Staff has been approached by Robert Engstrom to allow a decrease in letter of credit for the Wildflower development in advance of any reduction that would otherwise be allowed through the current development agreement. This is not an atypical request by developers and is something which council could consider changing the policy. Instead of just addressing Mr. Engstrom’s request it is appropriate for council to consider the overall policy and if any changes should be addressed.

BACKGROUND AND STAFF REPORT: This is a summary of Mr. Engstroms’s request, which could apply to a number of different developers.

A letter of credit was given to the City of Lake Elmo in the amount of \$3,440,831 by the Robert Engstrom Companies for the Wildflower development to protect the city’s interest in case the company faltered or failed to complete the infrastructure required to support the development. Of this amount \$1,711,104 was required to secure the watermain, sanitary sewer and storm sewer, and storm water pond structure installation.

Mr. Engstrom is requesting a reduction in the letter of credit in the amount of \$1,236,826.96; an amount Mr. Engstrom has determined to represent 100% of the sanitary sewer, watermain, and storm sewer for the phase 1 development. Based upon an initial security in the amount of 125% of the estimated costs, this reduction in letter of credit would leave \$309,206.72 related to the utilities for any warranty

corrections. The difference in the amount of letter of credit addition relates to different estimates of the cost of utility installation and different engineers. The current policy requires 25% of the initial security to be held through the warranty period.

Mr. Engstrom is requesting a reduction in the letter of credit in advance of any reduction that would otherwise be allowed through the current development agreement. The current development agreement requires not only the full installation of each infrastructure component, but also all testing and verification procedures to ensure the installation is constructed as planned (the quality control processes). The current development agreement therefore identifies various letter of credit reduction milestones that align with the completion of the quality control review processes for each infrastructure component. Mr. Engstrom, along with other developers, continue to request letter of credit reductions once the infrastructure component is installed in the field, but before the quality control review processes have been completed. They cite difficulties with the additional waiting time since they need to make payments to the contractors for the work installed.

Mr. Engstrom has not yet provided a record plan or an as built record for the city to verify the proper installation of the utilities, including the correct depth, correct grade, and at the correct location. It is not uncommon after a record plan is submitted for engineering to identify some corrections to be made. This would be the responsibility of the developer to correct. The only case in which a letter of credit would be utilized to correct errors would be if the developer failed to make them and the city was left completing the project on its own.

Given the frequency of the request, staff is looking for council direction as it relates to the processing of letter of credit reduction requests. If so directed by council, policy changes could be implemented to reduce the letters of credit upon the installation of the infrastructure component at 100% installed, but not verified. Since the city has not yet received a record plan or in some cases completed testing, it is hard for staff to give a recommended exact dollar amount to decrease the security. Staff is unable at this point to certify to the city the acceptance of the improvement.

However, the developers are asking, does the city need to retain 100% of the letter of credit until the completion of the verification processes? They believe the city has adequate security to address issues that may arise.

City staff, if so directed by council could, suggest policy changes which would allow partial decreases in letters of credit.

RECOMMENDATION:

Staff recommends the City Council ... take the following action / with the following motion:

Move to direct staff to propose changes to development agreements that would allow decreases in letters of credit.

ATTACHMENT(S):

Wildflower at Lake Elmo reduction request & Wildflower LOC utilities.

November 17, 2015

Clark Schroeder
City Administrator
Lake Elmo

Re: Wildflower at Lake Elmo LOC

Clark:

As a follow up of my previous letter and conversation, we are requesting the amount of \$1,236,826.96 for a letter of credit reduction for our Wildflower at Lake Elmo Development.

The engineers estimate for this amount is attached. This represents the 100% completion of the installation of the sanitary sewer, water and storm sewer. 25% of the Letter of Credit or \$309,206.72 is still remaining on the LOC which certainly is enough for any issues on a project where there are two city inspectors.

As I mentioned before, because of the FDIC stringent requirements for bank balancing, the lender is unable to release any funds to pay the contractor until the LOC is reduced.

Please call if you need any further information.

Thank you.

Bob Engstrom
952-893-1001

**ENGINEER'S ESTIMATE
FOR
UTILITY AND STREET CONSTRUCTION
WILDFLOWER AT LAKE ELMO - 1st PHASE
IN
LAKE ELMO, MN
November 17, 2015
Plan Date: 08-25-15 - contract pricing**

Section A1 - Sanitary Sewer - 1st Phase				Bid Estimate	
Item #	Contract Item	Unit	Unit Price	Quantity	Amount
SS-1	8" PVC SDR 35, 10'-12' Depth	LF	\$30.25	922	\$27,890.50
SS-2	8" PVC SDR 35, 12'-14' Depth	LF	\$30.25	565	\$17,091.25
SS-3	8" PVC SDR 35, 14'-16' Depth	LF	\$30.25	204	\$6,171.00
SS-4	8" PVC SDR 35, 16'-18' Depth	LF	\$30.25	601	\$18,180.25
SS-5	8" PVC SDR 35, 18'-20' Depth	LF	\$30.25	210	\$6,352.50
SS-6	8" PVC SDR 26, 10'-12' Depth	LF	\$37.75	114	\$4,303.50
SS-7	8" PVC SDR 26, 14'-16' Depth	LF	\$37.75	70	\$2,642.50
SS-8	8" PVC SDR 26, 16'-18' Depth	LF	\$37.75	261	\$9,852.75
SS-9	8" PVC SDR 26, 18'-20' Depth	LF	\$37.75	48	\$1,812.00
SS-10	8" PVC SDR 26, 20'-22' Depth	LF	\$37.75	82	\$3,095.50
SS-11	8" PVC SDR 26, 22'-24' Depth	LF	\$37.75	35	\$1,321.25
SS-12	8" PVC SDR 26, 24'-26' Depth	LF	\$44.00	22	\$968.00
SS-13	10" PVC SDR 26, 14'-16' Depth	LF	\$58.00	55	\$3,190.00
SS-14	10" PVC SDR 26, 16'-18' Depth	LF	\$58.00	736	\$42,688.00
SS-15	10" PVC SDR 26, 18'-20' Depth	LF	\$58.00	390	\$22,620.00
SS-16	10" PVC SDR 26, 20'-22' Depth	LF	\$58.00	37	\$2,146.00
SS-17	4" PVC SDR 26 Service Pipe	LF	\$13.50	3,235	\$43,672.50
SS-18	4" PVC Clean Outs	EA	\$135.00	4	\$540.00
SS-19	4" PVC SDR 26 Riser Pipe	VF	\$17.00	163	\$2,771.00
SS-20	8"x4" PVC Service WYE	EA	\$105.00	52	\$5,460.00
SS-21	10"x4" PVC Service WYE	EA	\$210.00	18	\$3,780.00
SS-22	Sanitary Sewer Manhole (0'-10' Depth)	EA	\$2,334.00	23	\$53,682.00
SS-23	Sanitary Sewer Manhole Extra Depth	VF	\$95.00	92.81	\$8,816.95
SS-24	Televise Sanitary Sewer	LF	\$2.00	4,315	\$8,630.00
SS-25	Sanitary Sewer Test	LF	\$0.50	4,315	\$2,157.50
SS-26	4" PVC C-900 Force Main	LF	\$23.50	450	\$10,575.00
Total Sanitary Sewer Estimate Amount					\$310,409.95

Section A2 - Sanitary Sewer - Entrance Road STA:-5+50 to 0+00

				Bid Estimate	
Item #	Contract Item	Unit	Unit Price	Quantity	Amount
SS2-1	10" PVC SDR 26, 16'-18' Depth	LF	\$58.00	75	\$4,350.00
SS2-2	10" PVC SDR 26, 18'-20' Depth	LF	\$58.00	78	\$4,524.00
SS2-3	10" PVC SDR 26, 20'-22' Depth	LF	\$58.00	128	\$7,424.00
SS2-4	10" PVC SDR 26, 22'-24' Depth	LF	\$58.00	182	\$10,556.00
SS2-5	Sanitary Sewer Manhole (0'-10' Depth)	EA	\$2,334.00	1	\$2,334.00
SS2-6	Sanitary Sewer Manhole Extra Depth	VF	\$95.00	11.66	\$1,107.70
SS2-7	Televise Sanitary Sewer	LF	\$2.00	463	\$926.00
SS2-8	Sanitary Sewer Test	LF	\$0.50	463	\$231.50
SS2-9	Connect to Existing	EA	\$1,600.00	1	\$1,600.00

Total Sanitary Sewer Estimate Amount **\$33,053.20**

Section A3 - Sanitary Sewer - Entrance Road STA:0+00 to 1+94.17

				Bid Estimate	
Item #	Contract Item	Unit	Unit Price	Quantity	Amount
SS3-1	8" PVC SDR 26, 20'-22' Depth	LF	\$37.75	79	\$2,982.25
SS3-2	10" PVC SDR 26, 20'-22' Depth	LF	\$58.00	106	\$6,148.00
SS3-3	10" PVC SDR 26, 22'-24' Depth	LF	\$58.00	87	\$5,046.00
SS3-4	Sanitary Sewer Manhole (0'-10' Depth)	EA	\$2,334.00	2	\$4,668.00
SS3-5	Sanitary Sewer Manhole Extra Depth	VF	\$95.00	24.10	\$2,289.50
SS3-6	Televise Sanitary Sewer	LF	\$2.00	272	\$544.00
SS3-7	Sanitary Sewer Test	LF	\$0.50	272	\$136.00

Total Sanitary Sewer Estimate Amount **\$21,813.75**

Section B1 - Watermain - 1st Phase

				Bid Estimate	
Item #	Contract Item	Unit	Unit Price	Quantity	Amount
WM-1	6" D.I.P. Class 52	LF	\$26.50	138	\$3,657.00
WM-2	8" D.I.P. Class 52	LF	\$32.00	4,586	\$146,752.00
WM-3	12" D.I.P. Class 52	LF	\$50.00	587	\$29,350.00
WM-4	Fire Hydrant w/6" Gate Valve	EA	\$4,890.00	12	\$58,680.00
WM-5	D.I.P. Fittings	LB	\$1.75	7,040	\$12,320.00
WM-6	1" Corporation Stop	EA	\$108.00	71	\$7,668.00
WM-7	1" Curb Stop & Box	EA	\$166.00	71	\$11,786.00
WM-8	1" Copper (Type-K) Service Pipe	LF	\$16.50	3,235	\$53,377.50
WM-9	8" Gate Valve & Box	EA	\$1,426.00	13	\$18,538.00
WM-10	12" Gate Valve & Box	EA	\$2,900.00	2	\$5,800.00
WM-11	Watermain Test	LS	\$4,822.00	1	\$4,822.00
WM-12	4" Ridgid Insulation	SF	\$3.00	448	\$1,344.00

Total Watermain Estimate Amount **\$354,094.50**

Section B2 - Watermain - Entrance Road					
				Bid Estimate	
Item #	Contract Item	Unit	Unit Price	Quantity	Amount
WM2-1	6" D.I.P. Class 52	LF	\$26.50	23	\$609.50
WM2-2	8" D.I.P. Class 52	LF	\$32.00	550	\$17,600.00
WM2-3	12" D.I.P. Class 52	LF	\$50.00	182	\$9,100.00
WM2-4	Fire Hydrant w/6" Gate Valve	EA	\$4,890.00	2	\$9,780.00
WM2-5	D.I.P. Fittings	LB	\$1.75	1,500	\$2,625.00
WM2-6	8" Gate Valve & Box	EA	\$1,426.00	2	\$2,852.00
WM2-7	12" Gate Valve & Box	EA	\$2,900.00	2	\$5,800.00
WM2-8	Connect To Existing Watermain	EA	\$500.00	1	\$500.00
WM2-9	Watermain Test	LS	\$2,000.00	1	\$2,000.00
WM2-10	4" Ridgid Insulation	SF	\$3.00	128	\$384.00
Total Watermain Estimate Amount					\$51,250.50

Section C1 - Storm Sewer - 1st Phase					
				Bid Estimate	
Item #	Contract Item	Unit	Unit Price	Quantity	Amount
ST-1	12" RCP Class 5	LF	\$28.00	606	\$16,968.00
ST-2	15" RCP Class 5	LF	\$29.00	2,487	\$72,123.00
ST-3	18" RCP Class 5	LF	\$31.50	352	\$11,088.00
ST-4	21" RCP Class 4	LF	\$34.00	452	\$15,368.00
ST-5	24" RCP Class 3	LF	\$36.50	250	\$9,125.00
ST-6	27" RCP Class 3	LF	\$45.00	1,400	\$63,000.00
ST-7	30" RCP Class 3	LF	\$51.00	144	\$7,344.00
ST-8	33" RCP Class 3	LF	\$66.00	22	\$1,452.00
ST-9	36" RCP Class 3	LF	\$67.50	246	\$16,605.00
ST-10	15" FES w/Trash Guard	EA	\$800.00	12	\$9,600.00
ST-11	18" FES w/Trash Guard	EA	\$903.00	2	\$1,806.00
ST-12	24" FES w/Trash Guard	EA	\$1,300.00	4	\$5,200.00
ST-13	30" FES w/Trash Guard	EA	\$1,450.00	2	\$2,900.00
ST-14	36" x 24" Catch Basin	EA	\$1,551.00	20	\$31,020.00
ST-15	48" Catch Basin Manhole (0'-10' Depth)	EA	\$2,704.00	26	\$70,304.00
ST-16	48" Manhole (0'-10' Depth)	EA	\$2,650.00	4	\$10,600.00
ST-17	48" Manhole Extra Depth	VF	\$99.00	9.39	\$929.61
ST-18	60" Catch Basin Manhole (0'-10' Depth)	EA	\$4,126.00	3	\$12,378.00
ST-19	60" Manhole (0'-10' Depth)	EA	\$3,677.00	2	\$7,354.00
ST-20	60" Manhole Extra Depth	VF	\$154.00	18.70	\$2,879.80
ST-21	72" Catch Basin Manhole (0'-10' Depth)	EA	\$6,204.00	2	\$12,408.00
ST-22	72" Manhole (0'-10' Depth)	EA	\$5,035.00	1	\$5,035.00
ST-23	72" Manhole Extra Depth	VF	\$210.00	5.44	\$1,142.40
ST-24	48" Pond Control Structure	EA	\$4,100.00	4	\$16,400.00
ST-25	60" Pond Control Structure	EA	\$4,600.00	1	\$4,600.00
ST-26	RIP RAP Class III	CY	\$75.00	72	\$5,392.50
ST-27	Catchbasin Inlet Protection & Maintained (Grass)	EA	\$200.00	9	\$1,800.00
ST-28	Catchbasin Inlet Protection & Maintained (Street)	EA	\$100.00	40	\$4,000.00
ST-29	4" PVC Slotted Drain Tile (Fittings Incidental) -Streets	LF	\$8.00	2,364	\$18,912.00
ST-30	4" Drain Tile Clean Out	EA	\$75.00	24	\$1,800.00
ST-31	Plug Stub/Opening	EA	\$500.00	2	\$1,000.00
Total Storm Sewer Estimate Amount					\$440,534.31

Section C2 - Storm Sewer - Entrance Road				Bid Estimate	
Item #	Contract Item	Unit	Unit Price	Quantity	Amount
ST2-1	12" RCP Class 5	LF	\$28.00	26	\$728.00
ST2-2	15" RCP Class 5	LF	\$29.00	562	\$16,298.00
ST2-3	18" RCP Class 5	LF	\$31.50	52	\$1,638.00
ST2-4	21" RCP Class 4	LF	\$34.00	205	\$6,970.00
ST2-5	21" FES w/Trash Guard	EA	\$1,200.00	1	\$1,200.00
ST2-6	36" x 24" Catch Basin	EA	\$1,551.00	2	\$3,102.00
ST2-7	48" Catch Basin Manhole (0'-10' Depth)	EA	\$2,704.00	4	\$10,816.00
ST2-8	48" Manhole (0'-10' Depth)	EA	\$2,650.00	2	\$5,300.00
ST2-9	RIP RAP Class III	CY	\$75.00	7	\$532.50
ST2-10	Catchbasin Inlet Protection & Maintained (Street)	EA	\$100.00	6	\$600.00
ST2-11	Connect to Existing	EA	\$300.00	1	\$300.00
Total Storm Sewer Estimate Amount					\$47,484.50

Section C3 - Storm Sewer - Basin 3N Outlet				Bid Estimate	
Item #	Contract Item	Unit	Unit Price	Quantity	Amount
ST3-1	15" RCP Class 5	LF	\$29.00	704	\$20,416.00
ST3-2	18" RCP Class 5	LF	\$31.50	135	\$4,252.50
ST3-3	36" RCP Class 3	LF	\$67.50	237	\$15,997.50
ST3-4	54" RCP Class 3	LF	\$150.00	93	\$13,950.00
ST3-5	15" FES w/Trash Guard	EA	\$800.00	1	\$800.00
ST3-6	54" FES w/Trash Guard	EA	\$3,250.00	1	\$3,250.00
ST3-7	48" Catch Basin Manhole (0'-10' Depth)	EA	\$2,704.00	3	\$8,112.00
ST3-8	48" Manhole (0'-10' Depth)	EA	\$2,650.00	1	\$2,650.00
ST3-9	60" Catch Basin Manhole (0'-10' Depth)	EA	\$4,126.00	1	\$4,126.00
ST3-10	60" Manhole Extra Depth	VF	\$154.00	9.1	\$1,401.40
ST3-11	78" Catch Basin Manhole (0'-10' Depth)	EA	\$6,324.00	1	\$6,324.00
ST3-12	78" Manhole Extra Depth	VF	\$291.00	4.8	\$1,382.25
ST3-13	84" Catch Basin Manhole (0'-10' Depth)	EA	\$6,661.00	1	\$6,661.00
ST3-14	84" Manhole (0'-10' Depth)	EA	\$6,511.00	1	\$6,511.00
ST3-15	84" Manhole Extra Depth	VF	\$325.00	9.9	\$3,217.50
ST3-16	48" Pond Control Structure	EA	\$4,100.00	1	\$4,100.00
ST3-17	RIP RAP Class III	CY	\$75.00	25	\$1,875.00
ST3-18	Catchbasin Inlet Protection & Maintained (Grass)	EA	\$200.00	3	\$600.00
ST3-19	Catchbasin Inlet Protection & Maintained (Street)	EA	\$100.00	3	\$300.00
Total Storm Sewer Estimate Amount					\$105,926.15

Section D1 - Streets - 1st Phase				Bid Estimate	
Item #	Contract Item	Unit	Unit Price	Quantity	Amount
RD-1	Mobilization	EA	\$37,778.00	2.00	\$75,556.00
RD-2	Subgrade Preparation	SY	\$0.95	24,801	\$23,560.95
RD-3	12" Select Granular Borrow (MnDOT 3149.2B)	SY	\$6.18	24,584	\$151,929.12
RD-4	Additional 12" Select Granular Borrow (MnDOT 3149.2B)	SY	\$5.23	0	\$0.00
RD-5	Additional Geotextile Fabric (xxx)	SY	\$1.75	0	\$0.00
RD-6	Additional Subcut Street for Additional Street Section	CY	\$2.80	0	\$0.00
RD-7	6" Class 5 100% Crushed Stone Aggregate (MnDOT 3138)	SY	\$4.25	21,065	\$89,526.25
RD-8	2" Non-Wearing Bit Base (MnDOT 2360)	SY	\$7.20	16,284	\$117,244.80
RD-9	Tack Coat (MnDOT 2357)	GL	\$2.05	950	\$1,947.50
RD-10	2" Bit Wearing Course (MnDOT 2360)	SY	\$7.70	16,284	\$125,386.80
RD-11	ACCESS DRIVE Subgrade Preparation	SY	\$0.95	1,004	\$953.80
RD-12	ACCESS DRIVE 12" Select Granular Borrow (MnDOT 3149.2B)	SY	\$6.18	950	\$5,871.00
RD-13	ACCESS DRIVE 6" Class 5 100% Crushed Stone Aggregate (MnD	SY	\$4.25	895	\$3,803.75
RD-14	ACCESS DRIVE 2" Non-Wearing Bit Base (MnDOT 2360)	SY	\$7.20	841	\$6,055.20
RD-15	ACCESS DRIVE Tack Coat (MnDOT 2357)	GL	\$2.05	42	\$86.10
RD-16	ACCESS DRIVE 2" Bit Wearing Course (MnDOT 2360)	SY	\$7.70	841	\$6,475.70
RD-17	Concrete Mountable Curb & Gutter	LF	\$10.55	6,648	\$70,136.40
RD-18	Concrete B618 Curb & Gutter	LF	\$10.55	6,955	\$73,375.25
RD-19	Adjust Gate Valve Box	EA	\$115.00	14	\$1,610.00
RD-20	Adjust Catch Basin Casting	EA	\$115.00	44	\$5,060.00
RD-21	Adjust Manhole Casting	EA	\$425.00	28	\$11,900.00
RD-22	Backfill Curb & Gutter and Grade Boulevard	LF	\$1.30	13,603	\$17,683.90
RD-23	Sod 3' Behind Back of Curb	SY	\$3.70	4,534	\$16,775.80
RD-24	Install Bituminous Wedge	LF	\$3.85	13,603	\$52,371.55
RD-25	Remove Bituminous Wedge	LF	\$1.90	13,603	\$25,845.70
RD-26	3-4" PVC Conduit X-ing	EA	\$1,068.00	10	\$10,680.00
RD-27	5" Concrete Sidewalk w/ 4" Select Granular Base	SY	\$35.00	2,452	\$85,820.00
RD-28	Ped Ramp	EA	\$797.00	32	\$25,504.00
RD-29	2 1/4" Trail Bituminous (Main Site)	SY	\$11.00	6,457	\$71,027.00
RD-30	8" Trail Class 5 (Main Site)	SY	\$6.20	7,217	\$44,745.40
RD-31	3" Trail Bituminous (C.R.-17 R/W)	SY	\$16.50	533	\$8,794.50
RD-32	8" Trail Class 5 (C.R.-17 R/W)	SY	\$6.20	596	\$3,695.20
RD-33	Street Name Signs (Plates)	EA	\$330.00	10	\$3,300.00
RD-34	Stop Signs (R1-1)	EA	\$280.00	4	\$1,120.00
RD-35	No Parking Signs (R8-3A)	EA	\$150.00	17	\$2,550.00
RD-36	Keep Right Signs (R4-7) & (X4-2)	EA	\$150.00	1	\$150.00
RD-37	Type 3 Barricades w/ Future Street Sign	EA	\$306.00	10	\$3,060.00
RD-38	Structure Markers	EA	\$77.00	12	\$924.00
RD-39	Wetland Buffer /Conservation Area Signs	EA	\$77.00	10	\$770.00
Total Street Estimate Amount					\$1,145,295.67

Section D2 - Streets - Entrance Road STA: -5+50 to 1+94.17

				Bid Estimate	
Item #	Contract Item	Unit	Unit Price	Quantity	Amount
RD2-1	Mobilization	EA	\$4,718.00	2.00	\$9,436.00
RD2-2	Subgrade Preparation	SY	\$0.95	2,632	\$2,500.40
RD2-3	12" Select Granular Borrow (MnDOT 3149.2B)	SY	\$6.18	2,554	\$15,783.72
RD2-4	Additional 12" Select Granular Borrow (MnDOT 3149.2B)	SY	\$5.23	2,432	\$12,719.36
RD2-5	Additional Geotextile Fabric (xxx)	SY	\$1.75	2,432	\$4,256.00
RD-6	Additional Subcut Street for Additional Street Section	CY	\$2.80	811	\$2,270.80
RD2-4	6" Class 5 100% Crushed Stone Aggregate (MnDOT 3138)	SY	\$4.25	2,477	\$10,527.25
RD2-5	2" Non-Wearing Bit Base (MnDOT 2360)	SY	\$7.20	2,034	\$14,644.80
RD2-6	Tack Coat (MnDOT 2357)	GL	\$2.05	136	\$278.80
RD2-7	2" Bit Wearing Course (MnDOT 2360)	SY	\$7.70	2,034	\$15,661.80
RD2-8	Concrete B618 Curb & Gutter	LF	\$10.55	1,350	\$14,242.50
RD2-9	Adjust Gate Valve Box	EA	\$115.00	5	\$575.00
RD2-10	Adjust Catch Basin Casting	EA	\$115.00	6	\$690.00
RD2-11	Adjust Manhole Casting	EA	\$425.00	4	\$1,700.00
RD2-12	Backfill Curb & Gutter and Grade Boulevard	LF	\$1.30	1,350	\$1,755.00
RD2-13	Sod 3' Behind Back of Curb	SY	\$3.70	450	\$1,665.00
RD2-14	Install Bituminous Wedge	LF	\$3.85	1,350	\$5,197.50
RD2-15	Remove Bituminous Wedge	LF	\$1.90	1,350	\$2,565.00
RD2-16	3-4" PVC Conduit X-ing	EA	\$1,068.00	2	\$2,136.00
RD2-17	Ped Ramp	EA	\$797.00	2	\$1,594.00
RD2-18	2 1/4" Trail Bituminous (Entrance)	SY	\$11.00	631	\$6,941.00
RD2-19	8" Trail Class 5 (Entrance)	SY	\$7.95	6,364	\$50,593.80
RD2-20	Street Name Signs (Plates)	EA	\$330.00	4	\$1,320.00
RD2-21	Stop Signs	EA	\$280.00	2	\$560.00
RD2-22	Bituminous Milled Lap Joint	LF	\$10.00	78	\$780.00
Total Street Estimate Amount					\$180,393.73

1st Phase				
Total Sanitary Sewer Estimate Amount				\$310,409.95
Total Watermain Estimate Amount				\$354,094.50
Total Storm Sewer Estimate Amount				\$440,534.31
Total Street Estimate Amount				\$1,145,295.67
TOTAL AMOUNT				\$2,250,334.43

Total Phase 1 Utility Amount \$1,105,038.76
 Utility and Streets Per Lot @ 60 Lots \$37,505.57

Entrance Road				
Total Sanitary Sewer Estimate Amount				\$33,053.20
Total Watermain Estimate Amount				\$51,250.50
Total Storm Sewer Estimate Amount				\$47,484.50
Total Street Estimate Amount				\$180,393.73
TOTAL AMOUNT				\$312,181.93

Total Entrance Road Utility Amount \$131,788.20

GRAND TOTAL AMOUNT				\$2,562,516.36
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Grand Total Utility Amount \$1,236,826.96
 Utility and Streets Per Lot @ 60 Lots \$42,708.61



MAYOR AND COUNCIL COMMUNICATION

DATE: 12-1-15
REGULAR
ITEM #: 11
MOTION

AGENDA ITEM: Tana Ridge Park sign
SUBMITTED BY: Julie Fliflet
THROUGH: Clark Schroeder
REVIEWED BY: Clark Schroeder

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/PresentationStaff
- 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

PUBLIC POLICY STATEMENT NO POLICY BEING SET BY THIS AGENDA ITEM

SUMMARY AND ACTION REQUESTED: A few citizens offered opinions as to the placement and size of a new sign that was put up in a small park on the north end of The Fields of Lake Elmo directing fellow citizens to a connected park which is Tana Ridge Park. Council member Fliflet requested that this be brought before the council for discussion.

BACKGROUND AND STAFF REPORT:

This sign was part of a large resigning of all the city parks signs. These signs were approved by parks commission in April of 2014, and approved by City council on 4/23/14

<http://www.lakeelmo.org/wp-content/uploads/2014/01/City-Council-Minutes-04-23-14-Approved.pdf>

Total cost ended up being around \$34,000 for the works with Parks staff installing them in all the parks. One sign costs around \$2150, plus staff time to assemble and install. These signs were requested by the Parks Commission, who approved the size and design.

This sign as with all park signs, are on city owned property and I do not believe the HOA was consulted as to the placement of the sign in the city park.

It is not in concrete, and could be moved if that would help with the visibility issue.

The attached gives current dimensions and two proposed sizes for consideration. One is to just take the current sign, and cut the bottom off and bring the “Hours’ and “Ballfield, Playset, Soccer” sub signs up to minimize the overall perception for the sign. Another option is to pay for

a new sign around the same price with smaller dimensions both in height and width. Another option is to move the sign to another location.

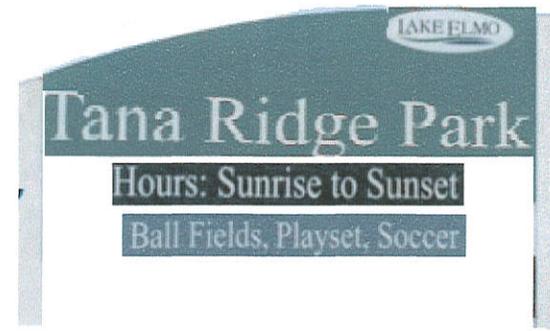
RECOMMENDATION:

Staff recommends that the city council direct the Parks Commission to review the placement and size of this sign titled “Tana Ridge Park”.

ATTACHMENT(S):

Tana Ridge Park signs.

Location map for Tana Ridge Park Sign









MAYOR AND COUNCIL COMMUNICATION

DATE: 12/1/15
REGULAR
ITEM #: 12
MOTION

AGENDA ITEM: Charter and Roster for the Environmental Committee
SUBMITTED BY: Julie Fliflet
THROUGH: Clark Schroeder
REVIEWED BY: **Julie Johnson**

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/PresentationStaff
- 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

PUBLIC POLICY STATEMENT ADOPTING CHARTER AND ROSTER FOR ENVIRONMENTAL COMMITTEE

SUMMARY AND ACTION REQUESTED:

A committee is being formed that will seek to improve the environment in Lake Elmo. This committee will act as a liaison between the community, regulatory agencies, private businesses, city staff and city council.

RECOMMENDATION:

Staff recommends the City Council ... take the following action / with the following motion:

“Move to adopt the charter and roster for the environmental committee”

ATTACHMENT(S): *Environmental Committee Charter*



Environmental Committee Operating Policies & Procedures

Scope & Purpose: The committee will seek to improve the environment in Lake Elmo, and will act as a liaison between the community, regulatory agencies, private businesses, city staff, and city council.

Committee Activities:

- A. The committee will advise and make recommendations to the city council on matters pertaining to:
 - storm water run-off and storm water management
 - water quality improvements
 - wetland conservation and management
 - solid waste and recycling
 - air quality
 - ground and drinking water
 - tree preservation
 - energy conservation
 - other environmental issues

- B. The committee will advise and make recommendations to the city council on issues stemming from data released by the following agencies:
 - Environmental Protection Agency (EPA) such as Toxic Release Inventory Data
 - Minnesota Pollution Control Agency (MPCA)
 - Minnesota Department of Health (MDH)
 - Minnesota Department of Natural Resources (MDNR)
 - Valley Branch Watershed District (VBWD)
 - Other Federal/State agencies addressing environmental issues

- C. The committee seeks to ensure Lake Elmo retains status as a Minnesota Green Step City and Tree City USA.

- D. The committee will publicly recognize residential and business property owners who have demonstrated proactive initiatives to protect the environment and/or save energy.

- E. The committee will sponsor community events having an environmental focus (including those that will satisfy application criteria for a Washington County recycling grant).

Meeting Schedule: The Environmental Committee will meet once per month (day and time TBD).

Committee Composition: Not more than (2) City Council Members along with Lake Elmo Residents who have an interest in environmental issues. Citizen members will serve by appointment of the City Council.

Submitted: November 24, 2015

Lake Elmo Environmental Committee Roster

Julie Fliflet
City Council Representative
jfliflet@lakeelmo.org
651-439-2171
4577 Lily Ave S

Jill Lundgren
City Council Representative
jlundgren@lakeelmo.org
651-261-4493
8282 Hidden Bay Ct N

Mary Florence Brink
New home is certified LEED, EnergyStar, GreenStar, Indoor AirPLUS and
DOW Zero Energy Ready Home-focus is sustainable building & energy
mfbrink@aol.com
651-779-4123
4719 Olsen Lake Trail

Dave Bucheck
President of Valley Branch Watershed District
djbucheck@yahoo.com
651-770-1730
2301 Legion Ave

Tedi Carlson
interested in environmental issues
tedicarlson@gmail.com
651-777-6696
8735 27th St

Brett Emmons
PR, ENV SP, LEED AP
bemmons@eorinc.com
651-303-2008
3280 Klondike Ave N

Wendy Griffin
Natural Resource Specialist for Washington Conservation District
wendy.griffin@mnwcd.org
651-777-7356
2835 Lake Elmo Ave

Sarah Hietpas
interested in environmental issues
samarie2000@hotmail.com
651-802-4123
3704 Kindred Ct N

Jim Kelly
Manager in the Environmental Hlth Division of MDH
jekelly8@comcast.net
651-779-4034
2902 Lisbon Ave N

Deb Krueger
Tree Farm Owners and interested in environmental issues
ndkrueger@msn.com
651-439-9186
4452 Lake Elmo Ave N

Ellen Neuenfeldt
interested in environmental issues
esneuenfeldt1@mmm.com
651-216-3037
2846 Lisbon Ave N

Jennifer Pelletier
interested in environmental issues
jenniferpelletier@comcast.net
651-275-1218
4884 Lily Ave N

Dave Prince
environmental lawyer
jdavidprince@gmail.com
651-442-4314
9771 51st St N

Jeff Riegler
Environmental Engineering Degree - PE, LEED AP, REP, COM
jeffriegler@hotmail.com
651-747-7865
2773 Inwood Ave N

Barb Sahr
interested in environmental issues
barbara.sahr@gmail.com
651-468-5465
9170 15th St N



MAYOR & COUNCIL COMMUNICATION

DATE: December 1, 2015

CONSENT

ITEM # 13

AGENDA ITEM: City Administrator Search

SUBMITTED BY: Julie Johnson, City Clerk

THROUGH: Julie Johnson, City Clerk

REVIEWED BY: Julie Johnson, City Clerk

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemStaff
- Report/Presentation.....Staff
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Staff

FISCAL IMPACT: \$450 for advertising on the ICMA website and newsletter.

SUMMARY AND ACTION REQUESTED: The contract with the Interim City Administrator was signed on July 21, 2015 and is effective “until such time as a regular City Administrator is appointed, which is anticipated to be no longer than 6 (six) months.” The City Council has elected to move forward at this time with a search for a permanent City Administrator. The City Clerk has been instructed to post an advertisement on the LMC and ICMA websites for recruitment of candidates. An ad is attached for Council approval that will direct candidates to the City’s website for the full posting with the City Ordinance detailing the duties of the City Administrator position. A letter to candidates outlining the process is also attached with the supplemental questions that were used in the process for selecting an Interim Administrator. Once finalists are identified, the Washington County Sheriff’s Office would be asked to conduct criminal background checks and the Council may choose to instruct the City Clerk or another individual to contact references and provide that information to the Council for review.

A salary survey for City Administrator positions provided by the League of Minnesota Cities using data from cities with populations 25% smaller and 25% larger than Lake Elmo was used to arrive at a suggested salary range of \$100,000 to \$105,000.

It is likely that this process will extend past the six month time frame stated in the Interim Administrator's contract. Mr. Schroeder has indicated his willingness to continue in his current capacity as Interim Administrator for the City until such time as a permanent Administrator is hired. Therefore, the position posting has been drafted with a 30 time frame for applicants to apply. 30 days is a typical response time for a position at this level, and with the upcoming holiday season, it is advisable to allow sufficient time for applicants to respond.

BACKGROUND INFORMATION: At the November 17, 2015 City Council meeting, the City Council directed the City Clerk to post the position opening for City Administrator on the LMC and ICMA websites. Additionally, the City Council directed staff to use a professional firm for conducting background checks on the candidates.

RECOMMENDATION: Authorize City Clerk to post the attached advertisement for a City Administrator; and discuss the process and timeline to be used for screening applicants for interviews and hiring.

“Motion to authorize the City Clerk to post the position on the LMC and ICMA websites with a salary range of \$100,000 - \$105,000 and a closing date of January 4, 2016 for applications.”

Attachments:

City Administrator Job Posting

City Administrator Ordinance

Letter to Applicants

Consent for Release of Information



Job Title: City Administrator

Open: December 2, 2015

Close: January 4, 2016

Salary: \$100,00 - \$105,000 per year

City: Lake Elmo

The City of Lake Elmo is seeking applicants for the full-time, exempt position of City Administrator with an annual starting salary of \$100,00 - \$105,000. Position is responsible for supervision and management of all departments within the City of Lake Elmo through proper administration of City policies. Minimum qualifications: Bachelor's Degree, with a Master's Degree preferred, and experience in a senior management position. Desirable qualifications: experience in financial management, human resources, economic development, growth planning, governance, and community involvement.

Please go to www.lakeelmo.org for additional information and full job posting.

Closing Date: January 4, 2016

Send cover letter, resume, city application and references to:

City of Lake Elmo
Julie Johnson, City Clerk
3800 Laverne Avenue North
Lake Elmo, MN 55042
jjohnson@lakeelmo.org



Dear Applicant:

Thank you for your interest in applying for the position of City Administrator for the City of Lake Elmo, MN. Please find below additional information on the selection process/timeline, as well as a checklist of information requested for your continued consideration for this position.

Selection Process/Timeline - The City Council of the City of Lake Elmo, MN will meet in early January, 2016 to review applications received from candidates interested in the position of Lake Elmo City Administrator. It is anticipated that the City Council will determine expectations for a start date, salary, and duties, as well as undertake one of the following courses of actions:

- Select one or more candidates as Finalist(s) for the position of City Administrator and direct appropriate reference and employment checks, as well as possible interviews; or
- Proceed in another direction with respect to addressing the soon-to-be vacant position of City Administrator.

Applicant Information - In preparation for the deliberations of the Lake Elmo City Council, and cognizant of the short turn around for this application, we are requesting your submission of the following information in order to be considered for the position of City Administrator:

- A current Résumé or Employment History
- A short Letter of Introduction or Statement of interest
- Response to the following information requests (may be included in the Letter):
 - o Date of availability
 - o Salary or salary range expectation (monthly)
 - o Minimum or maximum contract duration
 - o Other contract considerations (authorization for flexible appointment, outside employment, etc.)
- Written answers to the Supplemental Questions
- Contact information for three (3) professional References [note - References and Employers will not be contacted until after you have been selected as a Finalist and have authorized the City to proceed]
- A signed Applicant Consent Form.

Please deliver or submit the requested information postmarked by 5:00 pm Monday, January 4, 2016 to the Lake Elmo City Clerk, Julie Johnson. You may also email your application materials to jjohnson@lakeelmo.org I have also attached for your information the current City Code language for the Position of City Administrator.

Thank you again for your interest in the position of City Administrator.

Sincerely,

Julie Johnson
City Clerk
City of Lake Elmo



LAKE ELMO CITY ADMINISTRATOR SUPPLEMENTAL QUESTIONS

Please include responses to these questions in your letter of interest.

1. What interests you in the position of City Administrator with the City of Lake Elmo?
2. How would you approach the role of City Administrator?
3. What experience have you had with conflict management, and how would you handle the conflict that is currently prevalent in Lake Elmo?
4. Please describe your leadership and management style.



RELEASE AUTHORIZATION: APPLICANT

I, (please print name) _____, hereby authorize verification of any information contained in the Application for Employment and/or supplemental materials I have submitted in consideration for the position of City Administrator, as may be needed to be considered for employment. I do, hereby authorize / do not authorize (circle one) public release of my name by **the City of Lake Elmo** as an applicant for the position of **City Administrator**, and release **the City of Lake Elmo** from any and all liability or claims for damage that may result from such.

Applicant's Signature

Date

CITY ADMINISTRATOR

§ 31.25 APPOINTMENT.

(A) The office and position of City Administrator is continued within the city.

(B) The City Administrator shall be appointed by the Council and shall serve for an indefinite term. The City Administrator shall be chosen on the basis of executive and administrative qualifications, and shall have experience and knowledge in the area of government or business administration.

(1997 Code, § 200.02)

§ 31.26 CONTRACT.

The city may enter into an employment agreement as it deems necessary to further the purposes of this section.

(1997 Code, § 200.02)

§ 31.27 PRIMARY OBJECTIVE OF POSITION.

The Administrator shall be the chief administrative officer for the city and shall:

(A) Plan and direct the administration of city functions as delegated by the Council to ensure efficient municipal services and development in line with Council objectives, city ordinances, and state law;

(B) Advise the Council regarding the impact of policy decisions and to represent the interest of the city in manners before other governmental agencies as delegated by the Council;

(C) Supervise and manage the administration of all departments within the city. Operate with considerable discretion in normal administration functions and in implementing policies of the Council. Responsible for effectively recommending policies, employee staffing, budgets, code modifications, and public communications where Council action is required; and

(D) Advise Council in matters concerning planning, including but not limited to zoning, platting, variances, shoreline permitting, conditional use permits, and subdivisions.

(1997 Code, § 200.02)

§ 31.28 MAJOR AREAS OF ACCOUNTABILITY AND RESPONSIBILITY.

(A) Serves as chief administrative officer of the city, and is responsible to the Council for the proper administration of all the policies of the city;

(B) Knows and understands the code and its proper application to specific issues and sees that all laws and ordinances are fully and properly enforced;

(C) Supervises and manages the administration of all departments, offices, and divisions of the city except as otherwise provided by law and carried out any other responsibilities placed under Administrator's jurisdiction by ordinance or by subsequent Council action;

(D) Recommends from time to time the adoption of the measures as may be deemed necessary or expedient for health, safety, and welfare of the community or for the improvement of the administration;

(E) Works with city commissions coordinating their activities with elected city officials and presenting commission recommendations to the Council;

(F) Stays abreast of developments in the public administrative field and cooperates with governmental units and on matters of mutual interest;

(G) Supervises and manages the conduct of local elections in accordance with the prescribed laws and regulations;

(H) Relieves the Council members of as much administrative detail, inquiry, and the like as possible so they may devote more of their time to the policy-making responsibilities of their position;

(I) Coordinates the work of the city's appointed attorney and consulting engineer; and

(J) Performs the other duties as may be required by the Council.

(1997 Code, § 200.02)

§ 31.29 PERSONNEL.

(A) Acts as personnel officer, and is responsible for implementation of city personnel policies with the authority to effectively recommend employment, discipline, or removal of city employees for Council action;

(B) Develops and issues all administrative rules, regulations, and procedures necessary to ensure the proper functioning of all city departments, offices, and divisions as permitted by law and Council approval; and

(C) Prepares and updates job descriptions for all city employees and conducts job performance reviews with employees every 6 months. Reviews all department requests for overtime hours and accepts or rejects them based on needs and budget constraints. Reviews employee time cards on a regular basis.

(1997 Code, § 200.02)

§ 31.30 BUDGET.

(A) Supervises and manages the preparation of, and submits, an annual budget to the Council prior to September 1, and keeps the Council advised of the financial condition of the individual departments making recommendations as may, from time to time, be determined desirable and necessary;

(B) Supervises and manages the effective utilization of city assets and recommends additions or changes to the Council;

(C) Ensures effective management of financial assets. Works with the City Finance Director to ensure favorable investment of available funds, effective and proper accounting practices, appropriate insurance coverage, and effective financial planning;

(D) Keeps the Council advised as to the future needs of the city and makes recommendations to the Council in a 5-year Capital Improvement Program reviewed and updated annual; and

(E) Maintains familiarity with alternate and supplemental sources of revenue, including federal and state aids, loans, grants, and other sources of revenue, and submits recommendations to the Council for actions necessary to take advantage of the sources.

(1997 Code, § 200.02)

§ 31.31 MEETINGS.

(A) The Administrator attends and participates in discussion at all meetings of the Council and other official city bodies; also represents the city at all official or semi-official functions as may be directed by the Council; coordinates meetings and represents the Council as directed with other governmental agencies and associations. The Administrator is responsible for public notification of all regular and special meetings of the Council and is responsible for agenda preparation and Council meeting procedures. The Administrator is responsible for notification of public hearings.

(B) The Administrator works closely with the Council, including performing research on agenda items and other Council requests, attending meetings to report on city affairs and problems, presenting recommendations concerning policies and objectives as well as specific actions, participating in discussions as appropriate of all significant matters. Presents all items which required Council action or approval.

(C) The Administrator prepares agendas for Council meetings and provides supporting data.

(1997 Code, § 200.02)

§ 31.32 PURCHASING.

The Administrator supervises all purchases made by the city in accordance with a Council-approved purchasing policy and shall enter into contracts for previously budgeted and Council-approved purchases. The Administrator shall supervise the solicitation of sealed bids, including public notices, on all purchases when required to do so by state law or the city's purchasing policy.

(1997 Code, § 200.02)

§ 31.33 USUAL AND UNUSUAL WORKING CONDITIONS.

The Administrator shall:

- (A) Work a 40-hour week or equivalent;
- (B) Attend Council meetings in evenings; and
- (C) Attend any other evening meetings as needed.

(1997 Code, § 200.02)

§ 31.34 EXAMPLES OF PERFORMANCE CRITERIA.

The performance criteria of the City Administrator shall include, but not be limited to, the following:

- (A) Policies and programs of the city are readily understood and administered by city personnel;
- (B) Department heads reporting are consistently performing at a maximum level of productivity in carrying out the policies of the Council and the City Administrator;
- (C) Clear and effective communication lines are consistently maintained throughout city organization; and/or
- (D) The city consistently maintains a positive and high reputation for service among the citizens.

(1997 Code, § 200.02)



MAYOR AND COUNCIL COMMUNICATION

DATE: 12/1/15
REGULAR
ITEM #:
MOTION

AGENDA ITEM: RFP for City of Lake Elmo Legal Services
SUBMITTED BY: Jill Lundgren
THROUGH: Clark Schroeder
REVIEWED BY: **Clark Schroeder**

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/PresentationStaff
- 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

PUBLIC POLICY STATEMENT POLICY BEING SET IS REQUEST OF RFP FOR LEGAL SERVICES

SUMMARY AND ACTION REQUESTED: Council Member Lundgren requested agenda item “RFP for legal services for the city”

BACKGROUND AND STAFF REPORT: Staff has obtained a template of a RFP for city legal services. If Council so directs staff, they will fill it out, send it out, and advertise for city legal services.

If city council votes to solicit RFP’s, staff would send out and advertise on December 2-3rd, RFP’s would be due on the 14th, council review on the 15th, interviews the 21st – 30th, and appointment of City Attorney on 1/5/16.

RECOMMENDATION:

The City Administrator recommends retaining the current City Attorney.

ATTACHMENT(S):

RFP legal services

City of Lake Elmo MN
Request for Proposals for Legal Services

I. PURPOSE

The City of Lake Elmo is requesting proposals for legal services from firms experienced in municipal law and representation of municipal clients. Firms may choose to be considered for either or both of the following services:

- City Attorney
- Prosecuting Attorney

II. BACKGROUND

The City of Lake Elmo is located in Washington County. Growth and development for the City is projected over the next several years based on recent approvals to the City's Comprehensive Plan that permits the introduction of municipal services for a portion of the community. The current population is approximately 8,200. The City operates under a statutory form of government consisting of a four member City Council and a Mayor. The City Council is responsible for adopting the City's budget and tax levy, adopting resolutions and ordinances, all hiring and firing decisions, policy making, development and growth planning, and overall direction of the City. In addition to providing general government services, the City offers a full range of other services including fire protection, building and other safety inspections, planning and zoning, parks, street maintenance, snow removal, infrastructure maintenance and repair, and others. The City provides limited municipal water and sewer services that will be expanded in the coming years.

III. PROCESS

The City will use the following process for selecting Legal Service Providers:

1. The City Council will select the firm or firms it believes would best meet the City's needs.
2. Pending a mutually agreeable contract arrangement, the City Council will appoint the firm or firms selected to provide the services indicated.

IV. GENERAL INSTRUCTIONS

A. Responses must provide complete information as described in this request. Ten 7 copies shall be submitted no later than 3:00 PM on December 14th 2015 Please forward proposals to:

City Administrator
City of Lake Elmo
3800 Laverne Ave N.
Lake Elmo, MN 55042

B. To ensure fairness and uniformity, firms submitting responses are requested to

not contact City staff or City Council members. Written questions about this RFP may be sent by e-mail to cschroeder@lakeelmo.org prior to the submission deadline. Responses will be shared with all interested responders to the RFP.

C. The City will not reimburse any expenses incurred by the firm submitting a response including, but not limited to, expenses associated with the preparation and submission of the response and/or attendance at interviews.

D. The City reserves the right to reject any and all proposals, to request additional information from any and all Proposers and to suggest modifications to the terms and conditions of an agreement from that offered by a Proposer.

V. REQUIRED CONTENTS OF RESPONSE

A. Firms shall indicate which of the two legal services (City Attorney and/or Prosecuting Attorney) for which they wish to be considered. All proposals, one for City Attorney Services and one for City Prosecution Services shall not exceed 20 pages in length and provide, at a minimum, details for the following.

B. Firm Background:

1. Brief history of firm including nature of the firm's practice.
2. Number of attorneys, including number of partners and associates and areas of specialty.
3. Provide the overall capabilities, qualifications, training, and areas of expertise for each of the principals, partners, and associates of the law firm including the length of employment for each person and his/her area of specialization.
4. Support personnel including number and expertise.
5. Office organization and support capabilities.
6. Office locations(s).
7. Current use of technology, especially capability for computerized legal research and for sharing and editing documents electronically.
8. Statements of any malpractice claims and/or ethics complaints taken against your firm or firm's attorney(s) over the last five years and the status or outcomes of such action. Indicate whether any action is pending or is currently under review by the State Ethics Board.
9. Statement of 2014 billings for municipal work as a percentage of total 2014 billings.
10. Describe malpractice insurance coverage: carrier, limits, and exemptions.
11. Statement of compliance with federal and state laws respecting civil rights.

C. Attorney Qualifications:

1. Identify the specific attorney who will serve as the lead attorney for each of the legal services you have expressed interest in providing, and indicate the following:

- Academic training and degrees
- Year admitted to the Minnesota Bar Association and License Number
- Description of background and experience
- Description of prior municipal experience including cities served in a similar capacity
- List of litigation in communities where designated attorney served as lead attorney and outcomes of litigation
- Professional affiliations

2. Identify attorney who will serve in the lead attorney's absence, and provide information as requested in No. 1 above.

3. Identify other attorneys and support staff who will supply services for which the City will be charged.

4. Indicate current responsibilities of person designated to serve as lead attorney.

D. List cities you currently represent and the type of service provided.

E. List cities you began representing in the last three years and cities you stopped representing in the last three years.

F. Names, telephone numbers, and contact person of at least five (5) client references, at least two (2) of which shall be cities.

G. Describe the firm's view of their responsibilities to the City in the providing of legal services.

H. Copy of Malpractice/liability Insurance Certificate in a minimum amount of \$1,500,000.

I. Conflict of Interest:

1. Indicate whether designated lead attorneys or the law firm represent, or have represented, any client whose representation may conflict with your ability to provide legal services to the City.

2. Indicate whether designated lead attorneys or the law firm currently represent any real estate developers. If so, please identify those companies or persons in detail and provide a percentage breakdown of how much this work represents of your firm's total billings.

3. Identify what procedures your firm utilizes to identify and resolve conflicts of interest.

J. City/City Attorney Relationship:

1. Describe how you would structure the working relationship between the City Attorney and the City Council, City Administrator, Department Heads, and other staff members.
2. Define the standard time frames for response by the City Attorney to direction and/or inquiry from the City Council or City Administrator.
3. Describe the systems or mechanisms that would be established for monthly reporting of the status of projects, requests, and litigation.

K. Fees:

1. City Attorney-firms desiring to be considered for City Attorney services may indicate a monthly retainer amount (if appropriate) and describe specific services to be included within the retainer and any services that would be outside the retainer (refer to the list of services in Section VI.) For services outside the retainer, indicate the hourly rate for City Attorney and other attorneys and support staff that may be working on City business. Alternatively, firms may propose hourly rates for all services.
2. City Prosecutor-firms interested in providing City Prosecutor services may indicate a monthly retainer amount and describe specific services to be included within the retainer and provide an hourly rate for the lead attorney and hourly rates for other attorneys and staff that may be working on non-retainer City business. Alternatively, firms may propose hourly rates for all services.
3. The City is open to exploring alternative fee arrangements other than the retainer or hourly rate. Indicate any alternate billing arrangements you would be willing to consider and under what circumstances they would be most appropriate.
4. Firms shall indicate all other costs and reimbursable expenses including travel (per mile), telephone, printing, photocopying, etc.
5. Firms shall indicate the minimum increment of time billed for each service including phone calls, correspondence, and personal conferences.
6. The City of Lake Elmo requests monthly billing statements which:
 - Itemize the date of services
 - Identify the personnel providing the services
 - List the time spent
 - Provide a detailed description of the services performed
 - State the fees for those services
 - Organize billing on the basis of activity and City contact
 - For activities that span multiple billing periods, a project-to-date summary is requested
 - Summarize monthly and annual costs by type of activity

VI. LEGAL SERVICES REQUIREMENTS

Following are the primary responsibilities for each of the two legal service areas. While this list is an attempt to identify the major areas of representation, it is not intended to be an all encompassing list.

City Attorney:

1. Attend City Council meetings and other City Board, Authority, Commission or Committee meetings as requested by the City Council or City Administrator.
2. Draft and/or review ordinances, resolutions, and correspondence, as requested. Review City Council agendas and meeting minutes as requested.
3. Advise and/or prepare legal opinions to the Mayor and Council members as requested or directed by the City Council and/or City Administrator.
4. Prepare and/or review municipal contracts, such as contracts for public improvements, joint powers of agreements, construction, and purchase of equipment.
5. Represent City in matters related to the enforcement of City building and zoning codes.
6. Provide legal briefings as requested to City Council and/or City Administrator regarding new or proposed legislation or judicial decisions affecting municipal operations and activities.
7. Provide advice on open meeting law, data practice, records retention and privacy issues.
8. Defend City in litigation (except in those cases where insurance companies are required to provide defense) including, but not limited to, 1) human rights claims; 2) condemnation; 3) permits and administrative actions; and 4) labor and employment matters.
9. Defend City in uninsured claims and other insurance matters.
10. In coordination with Bond Counsel, review of financing, special assessments, bonds and insurance requirements required by or for City contracts or activities.
11. Represent City in the acquisition of properties for public improvements, easements, and parks.
12. Represent City in condemnation proceedings for public improvement projects.
13. Initiate litigation on behalf of City as directed by the City Council.
14. Interpret and advise regarding State land use statutes and City Code.
15. Interpret and advise regarding impact fees and legal uses.
16. Advise and represent the City on environmental matters.
17. Prepare and/or review the following:
 - a. Conditional Use Permits and Documentation
 - b. Vacation of Rights-of-Way
 - c. Special Assessments
 - d. Planned Unit Developments
 - e. Development Agreements
 - f. Subdivision and Zoning Requests

18. The firm shall not subcontract out or assign any interest in the contract and shall not transfer any interest in the same without prior written consent of the City.

Prosecuting Attorney:

1. Represent and prosecute all criminal law matters within the City's jurisdiction, included but not limited to, scheduling, coordinating deputy appearances, reviewing all criminal cases presented for purposes of prosecution, determine technical compliance with criminal code and other state statutes, writing complaints, making recommendations to the Court for alternatives to prosecution where appropriate, act as a resource to the Sheriff's Department in the development of criminal cases, and provide training sessions for enforcement staff as needed.
2. Timely pursuit of disposition of criminal cases in advance of actual Court cases to avoid unnecessary officer court time.
3. Aggressively seek restitution to the City for all relevant costs of prosecution.

VII. ANTICIPATED TIMELINE

Following is the anticipated schedule the City Council expects to utilize for the review and selection of a City Attorney and Prosecuting Attorney. This is a tentative schedule and is subject to change.

1. Starting 12/2/15 Distribute RFP
2. 12/14/15 Deadline for receipts of RFP
3. 12/15/15 Review proposals and make arrangements for interviews.
4. 12/21-12/30 Interviews
5. 1/5/16 To City Council for appointment



MAYOR & COUNCIL COMMUNICATION

DATE: 12/1/15

REGULAR

ITEM # 15

AGENDA ITEM: Arts Center Repairs

SUBMITTED BY: Clark Schroeder, Interim City Administrator

THROUGH: Clark Schroeder, Interim City Administrator

REVIEWED BY: Clark Schroeder, Interim City Administrator

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation.....City Administrator
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Interim City Administrator

FISCAL IMPACT: \$25,000 to \$35,000

SUMMARY AND ACTION REQUESTED:

The building was inspected by our Building Official, Fire Chief, Parks Chairperson, and Electrical inspector. Their report is attached to this packet. I will highlight that if this building is going to be used as a public facility we should develop a budget to fix it up and bring it into compliance. In talking to Rick Chase Building Official, he said there are a number of different considerations to consider when considering uses for this building. According to the City Engineer, the building is not planned for a service stub for sewer connection. A visual inspection of the electrical system highlights repairs would be necessary to bring up to current code. Furnace should be inspected/maintained before winter. Structural supports and repairs to the foundation should be done. The attachment lists a number of different areas which need to be addressed if the public is going to utilize this building. His guess without looking into it is that it would take \$25k to \$35k to bring the building into compliance. The city could direct staff to obtain firmer estimates on repairs in order to help guide their decision. If the city council wishes

to create and maintain a community center repairs/maintenance/budget/contractors need to be developed to create a safe compliant space.

RECOMMENDATION: Direct staff to obtain firm estimates on repairs for the Arts Building, and hire out maintenance of the building.



To: Clark Schroeder
Scope: Building evaluation
Address: 3585 Laverne Ave N (Arts Building)
Date: September, 2015

City Staff was tasked with evaluating the Lake Elmo Arts Building, the comment below only relate to visual observations made on site. The following comments are provided as a result of site visits by the Electrical Inspector, Fire Chief, Building Official and the Parks Chairman Shane Weis.

Well

The facility is currently served by City water, it is staff recommendation to verify the prior well system for this site be evaluated to ensure the well was sealed in accordance with the Minnesota well code. According to the Minnesota Department of health there is no well sealing record on file, although there is a well disclosure certificate on file. See the attached well disclosure certificate.

Septic

The structure is currently served by an existing septic system, it is recommended by staff the current septic system be evaluated by a qualified technician in order to determine compliance with Department of Health regulations in accordance with the intended use. Please note according to Engineering the current downtown project does not include a service stub to this property.

Electrical

A visual observation was completed by the Contract Electrical inspector of the dwelling area. The following corrections/comments are:

1. Install the weather proof box by the rear entrance of the structure.

2. Repair/replace per code the exposed wire connection in the basement by the water softener.
3. Lighting in hallways upstairs correct per code.
4. Exposed wiring in detached garage.

Due to some of the existing wiring methods and code requirements it is also recommended all future electrical work be done under the required permits.

Dwelling plumbing recommendations:

1. Water leak- Kitchen sink.
2. Exterior garden hoses- Disconnect prior to winter.

Dwelling mechanical recommendations:

1. Furnace- replace dirty filter.
2. Have start up test/cleaning completed on furnace.

Foundation/structural:

1. CMU cracking- Visual observation of CMU cracking, a report from a design professional with special knowledge should be completed to determine the suitable nature of the foundation.
2. Main floor area- over addition (crawl space) has noticeable settling/shifting of main floor a design professional with special knowledge can determine suitability of this area.
3. Exposed sump- pit located in old well room, the discharge pipe of this system requires repair, and also the discharge location on the exterior should be located to discharge away from the foundation on the exterior.
4. There is noticeable dampness in the basement area.
5. Structural column- Basement observed a high percentage of decay. Required to replace.
6. Floor joist- Notching of floor joist in basement required to be repaired.

Dwelling exterior recommendations:

1. Roof gutters- Area in gutters growing vegetation.
2. Siding- areas of decay.
3. Window frames- areas of decay.
4. Fireplace- If proposed to be in use a cleaning, and applicable codes standards should be applied. (spark arrestor)

Dwelling interior:

1. Mold- visual areas observed.
2. Stairways- Guards and handrails not available in some areas.

3. Smoke detection- Not operational
4. Windows- The majority of windows are painted shut, to assist in emergency egress these are required to be operational.
5. Storage- Material stored in front of windows 2nd floor.
6. Storage- Items stored in stair landing to basement.
7. Lead based paint- May be present in some areas.

The attic area is not included in this evaluation due to access. Access to one room upstairs not available.

Existing fire alarm system & exit illumination/signage.

1. Verify system is operational as installed with qualified installer. It appears the last test date was completed in 2010.
2. Emergency lighting and exit signage not operational. (3each).

Detached garage:

1. Overhead garage door- not operational.
2. Penetrations- Exterior wall penetrations seal.
3. Exterior walls- Areas of decay on corners, wall, and fascia.
At the time of this evaluation access to the interior of the garage was not available.
4. Bottom cord of truss damaged and deflecting.

Landscape:

1. Overgrowth of vegetation in some areas are negatively impacting the durability on the exterior of the structure.

Deck

1. Visual observation of decking and guard from top side appear to be in serviceable condition. The structural components underside were not accessible for inspection.
2. There is noticeable areas of deflection of the joist system from top side.



MAYOR AND COUNCIL COMMUNICATION

DATE: 12/1/15
REGULAR
ITEM #: 16
MOTION

AGENDA ITEM: LMC Mayors Handbook Appendix A
SUBMITTED BY: Mike Pearson and the LMC
THROUGH: Clark Schroeder
REVIEWED BY: Clark Schroeder

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/PresentationStaff
- 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

PUBLIC POLICY STATEMENT POLICY BEING SET IS FOR THE CITY TO ADOPT APPENDIX A OF THE LEAGUE OF MINNESOTA CITIES MAYORS HANDBOOK APPENDIX A

SUMMARY AND ACTION REQUESTED: In working with the Leagues of Minnesota Cities (LMC) and the Bureau of Mediation Services (BMS), it has been determined that due to some dysfunction amongst the council it would be in the best interest of the city to adopt the LMC Mayors handbook.

BACKGROUND AND STAFF REPORT: At the request of the city council the BMS and LMC was brought in to facilitate both individual and group meetings involving the city council, the city attorney, and the interim city administrator. Throughout this process, city council meetings continued to have some discord and the feeling was that a workgroup process of developing best practices might take an extended period of time. After discussions with BMS and LMC, the staff recommendation is that the city council adopt appendix A of the LMC Mayors Handbook. This appendix has a number of best practices which have been instituted by a number of cities throughout Minnesota. Adopting the appendix in its entirety will provide a comprehensive set of procedures to guide city operations as the council works through current issues, which can then be modified if necessary in the future to reflect Lake Elmo’s specific needs. The adaption of the Handbook would address the immediate need of addressing council relations during meetings with an efficient and effective, proven approach. In addition, this would signal to the community at large, that there is a desire by the whole council to address council relations and meeting management.

RECOMMENDATION: “The Interim City Administrator recommends that the city council adopt the Mayors Handbook appendix A in its entirety”

ATTACHMENT(S): LMC Mayors Handbook appendix A

Appendix A

Minnesota Mayors Association

City Council Bylaws

- I. **AUTHORITY.** City councils are authorized to adopt rules of procedure and provide for order at their meetings pursuant to Minn. Stat. § 412.191.
- II. **PURPOSE.** The purpose of this policy on city council meetings is to set the groundwork for orderly and respectful communications between and among councilmembers, city staff, and citizens to promote the efficient working of the public's business at city council meetings.
- III. **THE OPEN MEETING LAW.** The Minnesota Open Meeting Law, Minn. Stat. ch. 13D, generally requires that all meetings of public bodies be open to the public.
 - A. This presumption of openness serves three basic purposes:
 1. To prohibit actions from being taken at a secret meeting, where it is impossible for the interested public to become fully informed concerning decisions of public bodies, or to detect improper influences.
 2. To ensure the public's right to be informed.
 3. To afford the public an opportunity to present its views to the public body.
 - B. The city council views providing and encouraging citizen access to city meetings as one of its most important duties. As a result, all council and council committee meetings, including special and adjourned meetings, with the exception of closed meetings, as provided by Minn. Stat. ch. 13D, shall be open to the public.
 - C. In calculating the number of days for providing notice under the Minnesota Open Meeting Law, the first day that the notice is given is not counted, but the last day is counted. If the last day is a Saturday, Sunday, or legal holiday, that day is omitted from the calculation and the following day is considered the last day (unless, it happens to be a Saturday, Sunday, or legal holiday).
 - D. In keeping with the intent of the Minnesota Open Meeting Law, city councilmembers shall not use any form of electronic communications technology, such as text messaging or e-mail, to communicate with one another or third parties during a public meeting in a manner that is hidden or shielded from the public view.
 - E. Pursuant to Minn. Stat. § 13D.01, subd. 6, at least one copy of the written materials made available to council at or before the meeting shall also be made available for inspection by the public, excluding any non-public data, attorney-client privileged data, or materials related to agenda items of closed meetings.

IV. **QUORUM.** A simple majority (_____) of the council shall constitute a quorum for the valid transaction of any scheduled business to come before the council.

V. **COUNCIL MEETINGS.**

- A. **Location.** All meetings, including special, recessed, and continued meetings, shall be held in the city council chambers, unless otherwise designated, pursuant to Minn. Stat. § 13D.04, subd. 2.
- B. **Regular meetings.** A schedule of regular meetings shall be kept on file with the city clerk.
- C. **Special meetings.** A special meeting is a meeting that is held at a time or location different from that of a regular meeting. A special meeting may be called by the mayor or any two city councilmembers by filing a request for the meeting at least three days before the meeting. Days shall be counted as provided in III-C. Notice to the public of special meetings must be given pursuant to Minn. Stat. § 13D.04, subd. 2.
- D. **Emergency meetings.** An emergency meeting may be called by the mayor or any two city councilmembers. An emergency meeting is a special meeting called because of circumstances that, in the judgment of the public body, require immediate consideration by the public body. Posted or published notice of an emergency meeting is not required. However, the city will make a good faith effort to notify each news outlet that has filed a written request for notice. Notice must be given by telephone or any other method to notify members of the public body. The notice must include the subject of the meeting.
- E. **Closed meetings.** The Minnesota Open Meeting Law allows some meetings to be closed to the public for defined purposes. When a meeting is closed, the presiding officer at the council meeting will state the reason for closing the meeting on the record and cite the state statute that permits closure.
- F. **Recessed or continued meetings.** When a meeting is recessed or continued, the presiding officer shall state the time and place for the next meeting to occur pursuant to Minn. Stat. § 13D.04, subd 4. The time and place shall be noted in the minutes. If the time and place is stated and noted in the minutes, no additional notice of the meeting is required. However, if the time and place is not stated, the notice procedures for special meeting shall be required.
- G. **Organizational meetings.** The council will conduct its organizational meeting concurrent with the first regular council meeting in January of each year to:
 - 1. Appoint an acting mayor pursuant to Minn. Stat. § 412.121.
 - 2. Select an official newspaper pursuant to Minn. Stat. § 412.831.
 - 3. Select an official depository for city funds. This must be done within 30 days of the start of the city's fiscal year pursuant to Minn. Stat. §§ 427.01-.02; 118A.02, subd 1; 427.09.
 - 4. Review council's bylaws and make any needed changes.
 - 5. Assign committee duties to members.
 - 6. Approve official bonds that have been filed with the clerk.

- VI. PRESIDING OFFICER.** The mayor shall preside at all meetings of the city council.
- A. ***Role of the presiding officer.*** The presiding officer shall preserve order, enforce the City Council Rules of Order and Procedure as adopted in VII, and determine, without debate, all questions of procedure and order, subject to the final decision of the council on appeal as provided in VI-D. The presiding officer shall determine which member has the right to speak and may move matters to a vote once the officer has determined that all members have spoken. The presiding officer may determine whether a motion or proposed amendment is in order and may call members to order.
 - B. ***Adjourning meetings.*** If considered necessary, because of grave disorder, the presiding officer may adjourn or continue the meeting to another time or suspend the meeting for a specified time.
 - C. ***Designation of a sergeant-at-arms.*** The presiding officer may request that local law enforcement designate a member to serve as a sergeant-at-arms at city council meetings. The sergeant-at-arms shall carry out all orders or instructions given by the presiding officer for the purpose of maintaining order and decorum at meetings.
 - D. ***Motions and voting.*** The presiding officer may make motions, second motions, speak on any questions, and vote on any matter properly before the council.
 - E. ***Absences of the presiding officer.*** In the absence of the mayor, the acting mayor shall preside. In the absence of both the mayor and the acting mayor, the city clerk/administrator shall call the meeting to order. The first order of business shall be to select a presiding officer for the meeting from the members present. The city clerk/administrator shall preside until the councilmembers present choose a member to act as presiding officer.
 - F. ***Appeals of rulings of the presiding officer.*** Any member of the council may appeal to the full council a ruling on order or procedure made by the presiding officer.
 - 1. ***Procedure for appeals.*** An appeal is made by motion. No second is need for the motion. The member making the motion may speak once solely on the question involved, and the presiding officer may speak once solely to explain his or her ruling, but no other councilmember may participate in the discussion.
 - 2. Once both the maker of the motion and the presiding officer have spoken, the matter must be voted upon by the council as a whole.
 - 3. The appeal shall be sustained if it is approved by a majority of the members present, exclusive of the presiding officer.
 - G. ***Temporary designation of a presiding officer.*** The presiding officer may choose to designate a temporary presiding officer before participating in debate on a given matter. In the alternative, the council may by majority vote designate a temporary presiding officer to preside over the debate on a given matter. The presiding officer shall resume presiding as soon as action on the matter is concluded.
- VII. RULES OF ORDER AND PROCEDURE.** The proceedings of the city council shall be conducted in accordance with the Minnesota Mayors Association Rules of Order for City Councils.

VIII. DECORUM OF COUNCILMEMBERS.

- A. *Aspirational statement:* All councilmembers shall assist the presiding officer in preserving order and decorum and in providing for the efficient operation of the meeting.
- B. *Aspirational statement:* No councilmember shall engage in conduct which delays or interrupts the proceedings or which hinders honest, respectful discussion and debate.
- C. *Aspirational statement:* City council meetings shall be conducted in a courteous manner that recognizes the validity of differing points of view and promotes the ideal of democratic discussion and debate free of insult, slander, and personal attacks and threats.
- D. To effectuate these aspirational goals, city councilmembers shall conduct themselves at council meetings in a manner consistent with the following:
 - 1. No councilmember shall engage in private conversation or pass private messages while in the chamber in a manner so as to interrupt the proceedings of the council.
 - 2. No councilmember shall leave his or her seat or make any noise of disturbance while a vote is being taken and until the result of the vote is announced.
 - 3. No councilmember shall use profane or obscene words or unparliamentary language or use language that threatens harm or violence toward another person during a council meeting.
 - 4. No councilmember shall speak on any subject other than the subject in debate.
 - 5. No councilmember shall speak without being recognized by the chair; nor shall any councilmember interrupt the speech of another councilmember.
 - 6. No councilmember shall disobey the City Council Rules of Order and Procedure adopted in VII or a decision of the presiding officer on questions of order or practice or upon the interpretation of the rules of council.
 - 7. No councilmember shall engage in disorderly conduct that disturbs or disrupts the orderly conduct of any meeting.

IX. VOTING.

- A. The votes of the city council will be taken by voice vote. The presiding officer shall announce the results of all votes of the council.
- B. A clear statement of the matter being voted upon and the names of those voting for and against the matter shall be recorded in the official minutes.
- C. Councilmembers may ask for a roll call of the vote by the clerk/administrator on any motion or resolution.
- D. The clerk/administrator may ask for a verification roll call if the vote of a councilmember is not clear on the voice vote.
- E. A majority vote of the quorum present shall be sufficient for all matters before the council, unless otherwise provided by state law.
- F. Whenever a matter is put forward for a vote, every councilmember shall vote, unless a bona fide conflict of interest, as defined by state law, exists.

X. MEETING SCHEDULE.

- A. Each meeting of the council shall convene at the time and place appointed. All public hearings shall commence at the advertised time.
- B. Council business shall be conducted in the order of the prepared agenda, unless an alteration is approved by a majority of the council. The prepared agenda may also be altered by the presiding officer to accommodate the advertised time of a public hearing.
- C. The last item on the agenda will be commenced no later than _____ p.m.
- D. If all business has not been completed, the meeting may be continued to another date and time following the notice provisions in V-F.

XI. ORDER OF BUSINESS. The order of business for all council meetings shall be:

- A. Call to order.
- B. Call of roll.
- C. Approval of minutes.
- D. Public forum and correspondence.
- E. Consent agenda.
- F. Public hearings (when scheduled).
- G. Acknowledgement of receipt of board/commission minutes (if any).
- H. Board/commission/committee reports (if any).
- I. Staff reports (if any).
- J. New business.
- K. Unfinished business.
- L. Consideration of bills.
- M. Adjournment.

XII. AGENDA. An agenda will be prepared for all regular council meetings by the city clerk/administrator. Agenda items may be placed by city councilmembers and city staff. Members of the public wishing to place items on the agenda shall be directed to the public comment forum provided at the council meeting. When a special meeting is called, the agenda must be included in the request for the meeting and in the publication of the notice of the meeting pursuant to Minn. Stat. § 13D.04, subd. 2.

- A. All requests to place an item on the agenda must be received by the city clerk/administrator by _____ a.m. _____ days prior to the next council meeting.
- B. All requests to place an item on the agenda must be on the form prescribed by the city. The form should be completed with the goal of clearly describing the subject matter to be considered by council and any action requested or required. Supporting information may be attached to the form as necessary.
- C. All requests to place an item on the agenda by city staff must be reviewed by the city administrator/clerk.
- D. The agenda, along with information materials, will be mailed or delivered to all city councilmembers and the city attorney at least _____ days prior to the next council meeting.

- XIII. CONSENT AGENDA.** A consent agenda may be used to improve the efficiency of meetings. The consent agenda allows council to consider several items at one time. Only one motion is necessary to approve all items on the consent agenda.
- A. Items that require findings of fact or an explanation of council actions, such as land use matters and the consideration of license requests, should generally not be placed on the consent agenda.
 - B. An item on the consent agenda may be removed from consideration by the request of any one councilmember. Items removed from the consent agenda will be placed on the regular agenda for discussion and consideration.
- XIV. MINUTES.** Minutes constitute a vital record of the city and are the best means of preserving city council intent, findings of fact, and action. Pursuant to Minn. Stat. § 412.151, the city clerk must keep a minute book.
- A. The minutes shall contain at minimum:
 1. The city councilmembers who are present.
 2. Type of meeting (regular, special, continued, emergency).
 3. Date and place the meeting was held.
 4. Time the meeting was called to order.
 5. Approval of minutes of the previous meeting, with any corrections.
 6. The members who make or second motions.
 7. Roll call vote on motions.
 8. Subject matter of proposed resolutions or ordinances.
 9. Whether the resolutions or ordinances are defeated or adopted.
 10. The votes of each member, including the mayor.
 11. A statement of findings of facts and an explanation of council action, including specific reasons for approval and disapproval, on all land use and licensing matters.
 12. Listing of all bills allowed or approved for payment, noting the recipient, purpose, and amount.
 13. Approval of hourly rates paid for services provided, mileage rates, meal-reimbursement amounts, and per diem amounts.
 14. List of all transfers of funds.

15. Authorizations and directions to invest excess funds, and information on investment redemptions and maturities.
 16. Approval of minutes of the previous meeting, with any corrections.
 17. Identity of parties to whom contracts were awarded.
 18. Abstentions from voting due to a conflict, and the member's name and reason for abstention.
 19. Appointments of representatives to committees or outside organizations.
 20. Name and brief summary of subject matter of citizens appearing before council during public comment period.
- B. The minutes of each meeting shall be typed and signed by the clerk/administrator. Copies of the minutes shall be included in the agenda for the next council meeting.
- C. At the next regular meeting, approval of the previous meeting's minutes shall be considered by council.
1. The meeting minutes do not need to be read aloud.
 2. The presiding officer shall call for any additions or corrections.
 3. If there is no objection to an addition or correction, it will be made without a vote of the council.
 4. If there is an objection, the council shall vote upon the addition or correction by roll call vote.
 5. Council shall take formal action by vote to approve the minutes as distributed or as amended.
- D. Minutes shall be published as required by Minn. Stat. §§ 412.191, 331A.08, subd. 3, 331A.01, subd 10.

XV. PUBLIC COMMENT AT COUNCIL MEETINGS AND AT PUBLIC HEARINGS

- A. ***Public participation and comment at council meetings.*** City council meetings are the forum for the city council to conduct the city's business. While city council meetings are open to the public pursuant to the Minnesota Open Meeting Law, they are not a forum for public expression. As such, members of the public are not allowed to participate in council discussion and debate without a specific invitation and/or formal recognition by the presiding officer. Members of the public shall not applaud, engage in conversation, or engage in other behavior through words or action that may disrupt the proceedings of council.
- B. ***Members of the public shall follow the direction of the presiding officer.*** Members of the public who do not follow the direction of the presiding officer will be warned that further disruptive conduct will result in removal from the meeting. After warning, if the conduct continues, the presiding officer may ask the member of the public to leave the meeting room.

If the member of the public refuses to follow the direction of the presiding officer, the presiding officer may direct the sergeant-at-arms to remove the person through any lawful means. In emergency situations, or where conduct is an egregious threat to the safety of the public or the council, a warning is not necessary before the sergeant-at-arms is directed to remove the person.

C. **Public comment period.** A limited forum for members of the public to speak with the council is provided on the agenda. Public comments during the public comment period are subject to these limitations:

1. Speakers must be recognized by the presiding officer before speaking and are limited to three minutes for comment.
2. When multiple speakers appear to speak on the same topic, comments should not be repetitive. The presiding officer may request speakers to appoint a spokesperson.
3. The presiding officer may place a time limit on the public comment period if necessary to allow for the conduct of city business. If there is not sufficient time at the meeting to hear all public comments, the comment period may be deferred to the next regular council meeting or at a continued meeting.
4. Speakers must sign up prior to speaking and provide a name, address, and brief summary of the subject matter they wish to address. The sign-up sheet will be available at the start of the city council meeting.
5. Speakers must direct their remarks toward the presiding officer.
6. Speakers shall not use obscene, profane or threatening language, nor conduct themselves in a threatening, loud, or boisterous manner that disrupts the conduct of the meeting or the security of the public.
7. Speakers are required to follow the direction of the presiding officer.
8. Speakers who do not follow the direction of the presiding officer will be warned that further disruptive conduct will result in removal from the meeting. After warning, if the conduct continues the presiding officer may ask the speaker to leave. If the speaker refuses to follow the direction of the presiding officer, the presiding officer may direct the sergeant-at-arms to remove the speaker through any lawful means. In emergency situations, or when conduct is an egregious threat to the safety of the public or the council, a warning is not necessary before the sergeant-at-arms is directed to remove the speaker.
9. Council will generally not respond at the same meeting where an issue is initially raised by a member of the public. Generally the matter will be

referred to staff for further research and possible report or action at a future council meeting.

D. A summary of these rules for public comment may be provided in the council meeting room.

XVI. PUBLIC HEARINGS. Public hearings are sometimes required by law to allow the public to offer input on city council decisions. When public hearings are required by law, notice shall be provided as required by state statute. Public hearings shall be commenced at the time advertised in any notice required by law.

A. **General procedure for public hearings.** The order of business for all public hearings conducted by council shall be:

1. Opening comments by presiding officer announcing the purpose of the public hearing.
2. Presiding officer opens the public hearing portion of the meeting.
3. Staff presentation (including clerk/administrator, attorney, engineering reports if any).
4. Developer/other presentation (if any).
5. Public comments.
6. Reading of written comments.
7. Presiding officer formally closes the public hearing portion of the meeting.

B. Speakers who wish to address the city council at a public hearing must follow the same rules in XV. However, the presiding officer may allow additional time for speakers, as required, to comply with applicable state law.

C. Speakers may also provide written comments to the city council before or at the meeting. Written comments shall be read aloud by the presiding officer or his or her designee as provided in XVI-A-6. Anonymous, unsigned communications will not be read.

D. The presiding officer may continue the hearing, if necessary, following the procedures in V-F.

XVII. PROCEDURE FOR RESOLUTION AND ORDINANCE ADOPTION. All resolutions and ordinances shall be in writing. Unless otherwise provided by law, all ordinances shall be adopted by resolution by a majority vote of councilmembers present at the council meeting. Unless otherwise provided by law, ordinances do not require multiple readings, and may be adopted as presented at the first available meeting.

- XVIII. BOARD, COMMISSION, AND COMMITTEE ASSIGNMENTS.** All assignments of councilmembers to serve on city boards, commissions, and committees shall be by a majority vote of councilmembers present at the meeting, unless otherwise provided by law.
- XIX. MAYORAL AND CITY PROCLAMATIONS.** Except as otherwise provided by law, all mayoral and city proclamations recognizing events, persons, and official observances shall be adopted by a majority of councilmembers present at the meeting where such proclamation is presented for adoption.
- XX. SEATING ASSIGNMENTS.** Councilmembers shall occupy the chairs assigned to them by the presiding officer, but two councilmembers may exchange seats by joining in a formal request to the presiding officer.
- XXI. SUSPENSION OR AMENDMENT OF THESE RULES.** Any or all of these rules may be temporarily suspended by a majority vote of the councilmembers present at the meeting, except as otherwise required by Minnesota law. These rules shall not be repealed or amended except by a majority vote of the whole council after notice has been given at a preceding council meeting.

Agenda Request Form

Sample for use with Minnesota Mayors Association *City Council Bylaws*

Agenda Request Form

DATE SUBMITTED:

SUBMITTED BY:

DEPARTMENT:

ISSUE:

ATTACHMENTS:

JUSTIFICATION:

FINANCIAL IMPACT:

ACTION REQUESTED:

REVIEWED BY: ___ City Clerk/Admin. ___ City Attorney ___ Bldg. Insp.
 ___ Finance Director ___ Public Works ___ County
 ___ City Engineer ___ Architect ___ DNR

CITY CLERK/ADMINISTRATOR'S RECOMMENDATION:

LANGUAGE FOR PROPOSED FORMAL MOTION TO BE CONSIDERED BY COUNCIL:

Summary Rules for Public Comment

Sample for Use with Minnesota Mayors Association *City Council Bylaws*

City Council Members

Mayor:

Council:

City Staff:

Clerk/Administrator:

City Attorney:

Public Works Director:

Police Chief:

Fire Chief:

Zoning Administrator:

Meeting Dates &
Times: _____

WELCOME to this meeting of your City Council. Please take a moment to read our guidelines for public participation in council meetings.

Agenda: An agenda packet is available for public inspection at the entrance to the meeting room. Ordinarily the council will address items as they appear on the agenda.

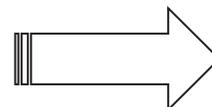
Council procedure: The council has adopted rules of procedure for all meetings. The rules are available for public inspection at the entrance to the meeting room. In order to take official action on items, the council will pass a motion by voice vote. Generally a simple majority vote of the members present is needed to pass most motions.

Public participation in meetings: Comments from the public are restricted to the public forum period.

City Council meetings are the forum for the City Council to conduct the city's business. While City Council meetings are open to the public pursuant to the Minnesota Open Meeting Law, they are not a forum for public expression.

Members of the public are not allowed to participate in council discussion and debate without a specific invitation by the presiding officer.

Members of the public shall not applaud, engage in conversation, or engage in other behavior through words or actions that may disrupt the proceedings of council.



During the public forum period, citizens must:

- Sign up prior to speaking and provide a name, address, and brief summary of the subject matter they wish to address. The sign-up sheet is available at the meeting entrance.
- Be recognized by the presiding officer before speaking. Comments are limited to three minutes.
- Direct their remarks to the presiding officer.
- Follow the direction of the presiding officer.

During forum period, the public is prohibited from:

- ⊘ The use of obscene, profane, or threatening language.
- ⊘ Threatening, loud, or boisterous conduct that disrupts the meeting or the security of the public.

Members of the public who do not follow the direction of the presiding officer will be warned that further disruptive conduct will result in removal from the meeting. If the conduct continues, the presiding officer may ask the speaker to leave. If the speaker refuses to follow the direction of the presiding officer, the presiding officer may direct the sergeant-at-arms to remove the speaker through any lawful means.

The presiding officer may:

- Request the public to appoint a spokesperson when multiple speakers appear to speak on the same topic.
- Place a time limit on or defer the public comment period.
- Alter rules to meet legal requirements for public hearings required by law.

Council agenda/order of business:

1. Call to order.
2. Call of roll.
3. Approval of minutes.
4. Public forum & correspondence.
5. Consent agenda.
6. Public hearings (when scheduled)
7. Board, commission, & committee minutes
8. Board, commission, & committee reports
9. Staff reports
10. New business
11. Unfinished business
12. Consideration of bills
13. Adjournment

Contact information for City Hall: _____

Hours of operation:

Appendix B

Minnesota Mayors Association

Rules of Order for City Councils

Preamble.

- a. ***Purpose.*** The purpose of these rules is to foster debate and discussion in an orderly manner, not to suppress honest discussion with excessive formality. Without rules, confusion and disorderly proceedings would hamper all city action, no matter how well intended. Rules allow city business to be conducted as efficiently as possible, protect minority groups by giving every person a chance to be heard, prevent discussion of multiple topics at once, and allow decisions to be made by majority rule.
- b. ***Rights of councilmembers.*** All councilmembers are equal and have the same rights to make motions; object to motions in a timely manner; participate in debate; have their votes counted; and speak, when recognized, free of interruption.
- c. ***Obligations of councilmembers.*** The rights of individual councilmembers cannot be realized unless all councilmembers also recognize their obligations as members of the political body. Councilmembers are obligated to receive the recognition of the chair before speaking, except as otherwise provided by these rules. No one has the right to speak at whim. Councilmembers are obligated to speak directly on the subject being considered and observe time limits for comment. Finally, councilmembers are obligated to address all remarks to the presiding officer, avoid personal attacks, and refrain from using any insulting or demeaning language or indecent or threatening behavior.

Rule 1. Motions.

All formal actions of council must be by motion. A councilmember may make only one motion at a time.

Rule 2. Language for making a motion.

The appropriate language for making a motion shall be substantially similar to “*I move to*
_____.”

Rule 3. Procedure for consideration of a motion.

A motion does not need to be seconded. Once a motion has been made, the presiding officer shall restate the motion and (if applicable) open the motion up for debate, provided that the mayor determines that the motion is in order and no objections to the motion have been made pursuant to Rule 4. A motion is in order if it is made at a proper time in the proper format and does not violate any applicable rules of law, ordinance, or city policy, including city policies on decorum and civility, and is not made for the purpose of unduly delaying the proceedings. Debate shall follow the procedures in Rule 5. Once debate has concluded, the presiding officer shall restate the motion and call for a vote on the issue. A motion shall be considered passed if it receives a majority vote of those present at the meeting, unless otherwise required by law.

Rule 4. Objections to a motion.

- a. Any member of the council may make an objection to a motion if he or she believes the motion is not in order. A motion is in order if it is made at a proper time in the proper format and does not violate any applicable rules of law, ordinance, or city policy, including city policies on decorum and civility, and is not made for the purpose of unduly delaying the proceedings.
- b. An objection to a motion must be made immediately following the motion and at no other time. The objector does not need to be recognized by the presiding officer in order to voice their objection. The appropriate language for making an objection shall be substantially similar to “I object to the motion as being out of order, and call for a ruling by the presiding officer.”
- c. A motion may be objected to as not being made at a proper time if the motion was made by a person not called upon by the presiding officer to speak, or if it does not follow the agreed upon agenda for the meeting.
- d. The presiding officer shall determine whether the motion is in order.
- e. In determining whether the motion is in order, the presiding officer shall let the objector to the motion speak once explaining his or her position. Next, the presiding officer shall let the maker of the motion speak once to answer the concerns of the objector. Then the presiding officer shall make a formal ruling as to whether the motion was in order.
- f. If the motion is ruled out of order, the motion shall not be considered. If the motion is ruled in order, the presiding officer shall open the motion for debate (if applicable).
- g. The presiding officer’s ruling may be appealed as provided in Rule 7.

Rule 5. Debate.

Generally only one motion may be considered at a time in debate. Once a motion has been made, the presiding officer shall restate the motion and open the motion for debate, if the motion is debatable. The presiding officer shall conduct the debate in accordance with the following:

- a. For initial comments, all comments shall be limited to five minutes. For subsequent comments, all comments shall be limited to two minutes.
- b. The maker of the motion shall be permitted to speak first on the issue.
- c. To the extent possible, the debate shall alternate between proponents and opponents of the measure.
- d. Everyone who wishes to speak on the issue must be permitted to speak once, before councilmembers who have already spoken are permitted to speak again.
- e. Councilmembers shall avoid repeating points already made in the debate or other duplicative conduct that may delay the proceedings. Where a point has already been made, councilmembers may affirm agreement or disagreement.

- f. Generally only one motion may be considered at a time in debate. Debate may only be interrupted by a motion to amend the original motion, a motion to take a brief recess, a motion to withdraw the motion by the motion’s maker, a motion to divide a complex question, a motion to defer consideration to a later date, a motion to refer an issue to committee, motion for the previous question, a motion to limit debate, or a motion for a call to order. When debate is interrupted by any of these motions, the interrupting motion shall be resolved prior to resuming debate.

Rule 6. Definitions of motions that may interrupt debate (secondary motions).

As explained in Rule 5, only certain motions may interrupt debate on a motion. These are called secondary motions. When a secondary motion is made, the presiding officer must follow the same procedures in Rule 3 to consider the secondary motion. A secondary motion must be resolved, either by being ruled out of order by the presiding officer or debated and voted upon by the council, before debate on the main motion can resume. Secondary motions may also be made outside of debate, where appropriate. For example, a motion to take a brief recess can be made before, during, or after a debate.

- a. **Motion to amend the original motion.** The maker of the motion does not need to consent to a motion to amend. However, he or she may vote against the amendment or withdraw their motion via a motion to withdraw prior to any amendment being approved. Only two amendments may be made to an original motion to avoid confusion. The amendments should be voted on in reverse order, with the last amendment being voted upon first. To avoid confusion, complex language should be put in writing. A motion may not be amended so substantially as to essentially reject the original motion, though different language may be proposed so as to entirely substitute for the original language.

The appropriate language for making a motion to amend shall be substantially similar to “I move to amend the motion by inserting between . . . and . . .” or “I move to amend the motion by adding after . . .” or “I move to amend the motion by striking out . . .” or “I move to amend the motion by striking out . . . and inserting . . .” or “I move to amend by striking out the motion . . . and substituting the following.”

- b. **Motion to take a brief recess** is not a motion to adjourn or continue the meeting to another time or place. Instead, it is a motion to take a brief respite no greater than 20 minutes. If a motion to take a brief recess is granted, the presiding officer may set a time for the meeting to resume. In addition, the presiding officer is authorized to call for a brief recess on his or her own initiative, without a vote, to maintain order in the meeting.

The appropriate language for making a motion to recess shall be substantially similar to “I move to take a brief recess for _____ minutes.”

- c. **Motion to withdraw a motion** is not subject to debate, and it can only be made by the motion’s maker before a motion is amended.

The appropriate language for making a motion to withdraw shall be substantially similar to “I move to withdraw my motion.”

- d. **Motion to divide a complex question** may be used for complex items of business. It allows the council to break larger questions into smaller parts, which are considered separately.

The appropriate language for making a motion to divide a complex question shall be substantially similar to “I move to divide the question into _____ parts. Part 1 shall be _____ . Part 2 shall be _____ .”

- e. **Motion to table or defer consideration to a later date** is not subject to debate. It may be used to defer or delay consideration of a matter.

The appropriate language for making a motion to defer consideration shall be substantially similar to “I move to defer consideration of the main motion/this item until _____ .”

- f. **Motion to refer an issue to committee** is not subject to debate. It may be used to refer an issue to a city committee, such as the park board or planning commission, for their report. The motion should contain an expected receipt day for the report.

The appropriate language for making a motion to refer an issue shall be substantially similar to “I move to refer the main motion/this issue to the _____ committee for its consideration and recommendation. The committee should report back to the council in _____ days/weeks.”

- g. **Motion for call of the previous question** is not subject to debate. It may be used only after at least 20 minutes of debate on a single motion or when all members of the council have been permitted to speak at least once on the motion. If approved by the majority, a vote must be taken on the motion under debate immediately.

The appropriate language for making a motion to call the previous question shall be substantially similar to “I move to call the previous question” or “I move for an immediate vote on this issue.”

- h. **Motion to limit debate** is not subject to debate. It may be used to establish time limits for debate.

The appropriate language for making a motion to limit debate shall be substantially similar to “I move to limit debate on this issue to _____ minutes per person” or “I move to limit council debate on this issue to no more than _____ minutes total.”

- i. **Motion for a call to order** is not subject to debate. It may be used to signal to the presiding officer that the councilmember feels the proceedings have gotten disorderly.

The appropriate language for making a motion for a call to order shall be substantially similar to “I move for a call to order by the presiding officer.”

NOTE: Most secondary motions should not literally interrupt debate. They may not be made in the midst of the comments of a speaker duly recognized by the presiding officer, or silence the speaker’s speech. To make a secondary motion, the maker must be called upon and recognized by the presiding officer. There

are two exceptions to this rule—a motion for a call of the previous question and a motion for a call to order. These motions may be made at any time—even in a manner that interrupts a speaker. However, these motions should be made only in the rare instance where a meeting has become out of control, strayed from the agenda, or become disorderly.

Rule 7. Appealing procedural decisions of the presiding officer.

- a. Any member of the council may appeal to the full council a ruling on order or procedure made by the presiding officer.
- b. ***Procedure for appeals.*** An appeal is made by motion. No second is needed for the motion. The member making the motion may speak once solely on the question involved, and the presiding officer may speak once solely to explain his or her ruling, but no other councilmember may participate in the discussion.
- c. Once both the maker of the motion and the presiding officer have spoken, the matter must be voted upon by the council as a whole.
- d. The appeal shall be sustained if it is approved by a majority of the members present, exclusive of the presiding officer.

Rule 8. Other special motions explained.

- a. ***Motion to adjourn*** is not subject to debate. It may be used to suggest a conclusion to the meeting. The presiding officer may adjourn a meeting on his or her own initiative, without a vote, if necessary to maintain order.

The appropriate language for making a motion to adjourn shall be substantially similar to “I move to adjourn the meeting.”

- b. ***Motion to go into closed session*** may be used to close the meeting pursuant to the Minnesota Open Meeting Law. When the motion is made, the basis for closing the meeting and the applicable law must be stated into the record. The presiding officer may also close the meeting on his or her own initiative, without a council vote, if closing the meeting is mandatory under the law or if directed by the city attorney.

The appropriate language for making a motion to go into closed session shall be substantially similar to “I move to close the meeting in order to consider _____ pursuant to _____ of the Minnesota Open Meeting Law.”

- c. ***Motion to leave a closed session*** may be used to conclude a closed session and return to an open meeting.

The appropriate language for making a motion to leave a closed session shall be substantially similar to “I move to open the meeting.”

- d. ***Motion to revive consideration of an issue*** may be used to request consideration of an issue previously tabled, deferred, or referred to committee at any prior meeting.

The appropriate language for making a motion to revive shall be substantially similar to “I move to revive consideration of _____ previously tabled/deferred/referred to committee.”

- e. **Motion to reconsider** may be made only at the *same* meeting where the issue was originally considered and voted upon. It may be made only by a person on the prevailing side of an issue. In the event of a tie vote, those voting against the issue shall be considered the prevailing side.

The appropriate language for making a motion to reconsider shall be substantially similar to “I move to reconsider _____.”

- f. **Motion to rescind or repeal** may be made at any meeting following the meeting where the issue was originally considered and voted upon. It may be made by any councilmember, whether or not he or she was on the prevailing side. It may not be made when prevented by law or where substantial reliance on the council’s previous decision has occurred (for example, in the area of contracts or hiring/termination of employees).

The appropriate language for making a motion to reconsider shall be substantially similar to “I move to rescind/repeal the council’s previous action related to _____ as stated in resolution number _____.”

- g. **Motion to prevent reintroduction of an issue for _____ months** is not subject to debate. It may be used to limit discussion of an issue that has been raised and/or moved for reconsideration several previous times.

The appropriate language for making a motion to prevent reintroduction shall be substantially similar to “I move to prevent reintroduction of this issue for _____ months.”

- h. **Motion to suspend the rules or to consider a motion informally** should be used sparingly on issues likely to be uncontroversial. Complex motions and resolutions should still be put in writing. This motion may permit informal discussion of an issue (such as a roundtable discussion, brainstorming session, visioning session, etc.) where appropriate.

The appropriate language for making a motion to proceed informally shall be substantially similar to “I move that we suspend the rules and proceed informally in discussing the issue of _____.”

Rule 9. Resolutions and ordinances.

Simple motions shall be used only for procedural and meeting matters. Substantive issues, such as the approval or disapproval of contracts, licenses, or permits; the censure of councilmembers; the hiring, termination, or promotion of employees; the appointment of board, commission, and committee members; and the adoption of city policies, rules, and ordinances shall be by resolution. An exception to this general rule may be made in instances where significant documentation of the council’s decision exists, rendering an additional resolution repetitive (for example, where a written contract spells out all the terms that

would be listed in the resolution). All resolutions shall be written and numbered in a manner consistent with the city's record keeping policies.

The appropriate language for a motion for the adoption of a resolution shall be substantially similar to "I move to adopt the resolution numbered ____."

Rule 10. Robert's Rules not applicable.

These model rules are designed specifically for Minnesota city councils. Further, these rules were drafted to be an appropriate level of regulation and formality for smaller governing bodies typically seen in Minnesota cities. Robert's Rules of Order is not assumed to apply or to supplement these regulations. Where a situation arises that is not addressed by these rules, the intent of these rules, as expressed in the preamble, should be effectuated by the presiding officer, in consultation with the city attorney.

Summary of Motions

For use with Minnesota Mayors Association *Rules of Order for City Councils*

 *Means a motion is not subject to debate.*

 *Means that motion may be made during active debate on a main motion.*

 *Means a motion can be made without recognition from the presiding officer or that it can interrupt other speakers.*

1. General motion for all council action:

“I move to _____”

2. Motion to amend the original motion. The maker of the motion does not need to consent to a motion to amend. Only two amendments may be made to an original motion to avoid confusion.



“I move to amend the motion by inserting between . . . and . . .” or “I move to amend the motion by adding after . . .” or “I move to amend the motion by striking out . . .” or “I move to amend the motion by striking out . . . and inserting . . .” or “I move to amend by striking out the motion . . . and substituting the following.”

3. Motion to take a brief recess. A motion to take a brief respite no greater than 20 minutes.



“I move to take a brief recess for _____ minutes.”

4. Motion to withdraw a motion. This can only be made by the motion’s maker before a motion is amended.



“I move to withdraw my motion.”

5. Motion to divide a complex question. This allows questions to be considered in smaller parts.



“I move to divide the question into _____ parts. Part 1 shall be _____. Part 2 shall be _____.”

6. Motion to table or defer consideration to a later date. This may be used to defer consideration.



“I move to defer consideration of the main motion/this item until _____.”

7. Motion to refer an issue to committee. This may be used to refer an issue to a city committee.



“I move to refer the main motion/this issue to the _____ committee for its consideration and recommendation. The committee should report back to the council in ___ days/weeks.”

8. Motion for call of the previous question. This may only be used after at least 20 minutes of debate on a single motion or when all members of the council have been permitted to speak at least once on the motion. If approved by the majority, a vote must be taken on the motion under debate immediately.



“I move to call the previous question” or “I move for an immediate vote on this issue.”

9. **Motion to limit debate.** This may be used to establish time limits for debate.



“I move to limit debate on this issue to ___ minutes per person” or “I move to limit council debate on this issue to no more than ___ minutes total.”

10. **Motion for a call to order.** This is used to signal to the presiding officer that the meeting is disorderly.



“I move for a call to order by the presiding officer.”

11. **Motion to adjourn.** This may be used to suggest a conclusion to the meeting.



“I move to adjourn the meeting.”

12. **Motion to go into closed session.** This may be used to close the meeting pursuant to the Minnesota Open Meeting Law. **The basis for closing the meeting and the applicable law must be stated into the record.**

“I move to close the meeting in order to consider _____ pursuant to _____ of the Minnesota Open Meeting Law.”

13. **Motion to leave a closed session.** This may be used to conclude a closed session and return to an open meeting.

“I move to open the meeting.”

14. **Motion to revive consideration of an issue.** This may be used to request consideration of an issue previously tabled, deferred, or referred to committee at any prior meeting.

“I move to revive consideration of _____ previously tabled/deferred/referred to committee.”

15. **Motion to reconsider.** This may be made only at the **same** meeting where the issue was originally considered and voted upon.

“I move to reconsider _____.”

16. **Motion to rescind or repeal.** This may be made at any meeting following the meeting where the issue was originally considered and voted upon.

“I move to rescind/repeal the council’s previous action related to _____ as stated in resolution number _____.”

17. **Motion to prevent reintroduction of an issue for ___ months.** This may be used to limit discussion.



“I move to prevent reintroduction of this issue for _____ months.”

18. **Motion to suspend the rules or to consider a motion informally.** This permits informal discussion.

“I move that we suspend the rules and proceed informally in discussing the issue of _____.”

Principles for Making Meetings Work

- Council Handout -

For use with Minnesota Mayors Association *Rules of Order for City Councils*

Simple Principles for Making Meetings Work

1. Let the presiding officer manage the meeting.
2. Wait to be recognized by the presiding officer before speaking.
3. Be courteous and civil. Limit debate to the discussion of ideas. Do not make personal attacks.
4. Maintain decorum in the chambers. Do not have side conversations or disrupt the meeting through words or conduct.

Problem Solving Hints

Council Handout

For use with Minnesota Mayors Association *Rules of Order for City Councils*

Problem one: Meetings are taking too long.

Potential solutions:

- a. The presiding officer should follow the agenda and limit discussion and debate to the current agenda item. Councilmembers who speak on topics not related to the current agenda can be called to order by the presiding officer.
- b. The presiding officer should not open discussion and debate on an agenda item until after an actual motion for action has been made. This clarifies the discussion and makes the process more efficient. A line can be added to the council agenda for each item with staff's proposed motion language.
- c. The presiding officer should utilize the time limits established in Rule 5a. When individual councilmembers notice that the time limits are not being observed, they can make a motion to have the presiding officer call for order.
- d. When debate appears to be lengthy but unproductive, councilmembers can make a motion to limit the time for debate. Sometimes setting a deadline for making a decision can be helpful.
- e. When debate has continued for at least 20 minutes or everyone on council has had an opportunity to speak, a councilmember may make a motion to "call the question." If approved, the main motion must be voted upon instantly.

Problem two: The minute taker and/or councilmembers are confused about what has been approved or disapproved.

Potential solutions:

- a. All council action should be stated in a motion and voted upon. Even when the council has agreed by motion to discuss things informally, all decisions should be ratified in a formal motion that is put to a vote.
- b. Complex motions and their amendments can be put in writing. Resolutions should always be numbered, in writing, and adopted by a simple motion, "I move to adopt resolution number ____."
- c. The presiding officer should state the motion being considered prior to opening debate and prior to voting. Once a vote has occurred, the presiding officer should state whether the motion carried or failed.
- d. Only one motion for council action may be considered at a time.

- e. Amendments to motions are limited to two amendments. These amendments should also be stated by the presiding officer prior to opening debate and voting.
- f. In making amendments, the proponent of an amendment should use concise language—preferably the model language identified in the rules, including:

“I move to amend the motion by inserting between . . . and”; or

“I move to amend the motion by adding after . . .”; or

“I move to amend the motion by striking out . . .”; or

“I move to amend the motion by striking out . . . and inserting . . .”; or

“I move to amend by striking out the motion . . . and substituting the following.”

Problem three. One particular member of council disrupts the proceedings, and insults and verbally attacks other councilmembers.

Potential solutions:

- a. No person, including a councilmember, has the right to disrupt the council’s proceedings through fighting, threatening physical harm, or engaging in offensive, noisy, obscene or abusive conduct. This is a crime pursuant to Minn. Stat. § 609.72. Aggressive, threatening conduct cannot be tolerated. The presiding officer should follow the council’s adopted bylaws to issue warnings when such conduct occurs and then order removal of the person by the sergeant-at-arms.
- b. The presiding officer can remind the councilmember that the rules require all remarks to be addressed to the presiding officer alone. If the conduct persists, the presiding officer can rule the person out of order and follow the council’s procedures for discipline through censure and/or temporary removal from the meeting.
- c. The presiding officer can remind the councilmember that the rules require time limits on comments. If the conduct persists, the presiding officer can rule the person out of order and follow the council’s procedures for discipline through censure and/or temporary removal from the meeting.
- d. Members of the council may request action by the presiding officer to curb another member’s conduct through a motion for a call to order. The motion may request a specific response to conduct by the presiding officer. For example, “I make a motion for the presiding officer to call Councilmember _____ to order and to desist from making personal attacks.”
- e. Members of the council may make a motion for adjournment or for a brief recess, if a councilmember’s actions are so offensive as to disrupt the orderly process of the meeting.

Problem four: Council keeps revisiting the same issue over and over again. It's a waste of time, but one member can't help but bring up their "pet" project at every meeting—even though the council has voted the idea down several times.

Potential solutions:

- a. The presiding officer can rule out of order motions to reconsider or rescind council actions if they are not made at the appropriate time by the appropriate person, or where reliance on the council's previous decision has occurred (for example, in the area of contracts or hiring/termination of employees).
- b. A councilmember may make a motion to limit debate.
- c. A councilmember may make a motion to table or defer the matter.
- d. A councilmember may make a motion to refer the matter to a committee.
- e. A councilmember may make a motion to delay consideration of the matter for a specified amount of time. Six months is recommended.

Problem five: The councilmembers can't agree on anything, or are so deeply divided over one particular controversial issue that it has affected civil discussion on all matters.

Potential solutions:

- a. The presiding officer should insist that all members of council observe council bylaws and procedural rules that speak to decorum. In particular, the presiding officer can remind councilmembers that the rules require all remarks to be addressed to the presiding officer alone. Rules should be enforced in a neutral manner applicable to everyone.
- b. The city council may wish to consider that application of rules of procedure alone may not solve the problem. Where divisions among council are particularly fractious, a skilled facilitator may need to be brought in to help council place their divisions in an appropriate perspective against the broader needs of the city.

Sample Statement of Values

Preamble

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of _____ has adopted this Statement of Values to promote and maintain the highest standards of personal and professional conduct in the city's government. All (*select*: elected and appointed officials, city employees, and volunteers) are required to subscribe to this statement, understand how it applies to their specific responsibilities, and practice its (*number*) core values in their work. Because we seek public confidence in the city's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this statement.

The values

As a representative of the City of _____,

1. I serve the public interest.
2. I fulfill the duties and responsibilities of holding public office.
3. I am ethical.
4. I am professional.
5. I am fiscally responsible.
6. I am conscientious.
7. I communicate effectively.
8. I am collaborative.
9. I am forward thinking.
10. I am _____.

Value examples/expressions

1. **I serve the public interest. In practice, this value means that:**
 - a. I provide courteous, equitable, and prompt service to everyone.
 - b. I am attuned to and care about the needs and issues of citizens, public officials, and city workers.
 - c. I am interested, engaged, and responsive in my interactions with constituents.
 - d. I recognize and support the public's right to know the public's business.
2. **I fulfill the duties and responsibilities of holding public office. In practice, this value means that:**
 - a. I observe the highest standards of integrity in my official acts and undertake my responsibilities for the benefit of the greater public good.
 - b. I faithfully discharge the duties of my office regardless of my personal considerations, recognizing that the public interest is my primary concern.
 - c. I uphold the Constitution of the United States and the Constitution of the state of Minnesota and carry out impartially the laws of the nation, state, and municipality and thus foster respect for all government.

- d. I comply with both the letter and the spirit of the laws and policies affecting operations of the city.
 - e. I recognize my obligation to implement the adopted goals and objectives of the city in good faith, regardless of my personal views.
 - f. I conduct myself in both my official and personal actions in a manner that is above reproach.
 - g. I do not use my position to secure for myself or others special privileges or exemptions that are different from those available to the general public.
 - h. I understand and abide by the respective roles and responsibilities of elected and appointed officials and city staff and will not undermine them in their work.
 - i. I am independent, impartial, and fair in my judgment and actions.
3. **I am ethical. In practice, this value means that:**
- a. I am trustworthy, acting with the utmost integrity and moral courage.
 - b. I am truthful, do what I say I will do, and am reliable.
 - c. I am accountable for my actions and behavior and accept responsibility for my decisions.
 - d. I make impartial decisions, free of influence from unlawful gifts, narrow political interests, and financial and other personal interests that impair my independence of judgment or action.
 - e. I am fair, distributing benefits and burdens according to consistent and equitable criteria.
 - f. I oppose all forms of harassment and unlawful discrimination.
 - g. I extend equal opportunities and due process to all parties in matters under consideration.
 - h. I show respect for confidences and confidential information.
 - i. I avoid giving the appearance of impropriety and of using my position for personal gain.
4. **I am professional. In practice, this value means that:**
- a. I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
 - b. I approach my job and work-related relationships with a positive attitude, contributing to a supportive, respectful, and non-threatening work environment.
 - c. I keep my professional knowledge and skills current and growing.
 - d. I am respectful of all city staff, officials, volunteers, and others who participate in the city's government.
5. **I am fiscally responsible. In practice, this value means that:**
- a. I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the city, especially its financial stability.
 - b. I demonstrate concern for the proper use of city assets (e.g., personnel, time, property, equipment, funds), follow established procedures, and do not use public resources for personal gain.
 - c. I make decisions that seek to preserve the financial capacity of the city to provide programs and services for city residents.
 - d. I provide full disclosure of any potential financial or other private conflict of interest. I abstain from participating in the discussion and vote on these matters.
 - e. I prevent misuse of public funds by establishing, maintaining, and following strong fiscal and management controls.
 - f. I report any misuse of public funds of which I am aware.
6. **I am conscientious. In practice, this value means that:**
- a. I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short- and long-term goals.
 - b. I follow through in a responsible way, keeping others informed, and responding in a timely fashion.

- c. I am respectful of established city processes and guidelines.
- d. I prioritize my duties so that the work of the city may move forward.
- e. I prepare for all meetings by reviewing any materials provided ahead of time. When I have materials to contribute, I make sure all others involved have ample time to review these materials prior to the meeting.

7. I communicate effectively. In practice, this value means that:

- a. I convey the city's care for and commitment to its citizens.
- b. I communicate in various ways that I am approachable, open-minded, and willing to participate in dialogue.
- c. I engage in effective two-way communication by listening carefully, asking questions, and responding appropriately, which adds value to conversations.
- d. I do not interfere with the orderly conduct of meetings by interrupting others or making personal comments not germane to the business at hand.
- e. I follow up on inquiries in a timely manner.
- f. I encourage and facilitate citizen involvement in policy decision-making.
- g. I am respectful in disagreements and contribute constructively to discussions on the issue.

8. I am collaborative. In practice, this value means that:

- a. I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding to accomplish common goals.
- b. I share information with others in a timely manner so that, together, we can make informed decisions.
- c. I work toward consensus building and gain value from diverse opinions.
- d. I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.

9. I am forward thinking. In practice, this value means that:

- a. I promote intelligent, proactive, and thoughtful innovation in order to advance the city's policy agenda and provide city services while considering the broader regional, statewide, national, and international implications of the city's decisions and issues.
- b. I maintain consistent standards, but am also sensitive to the need for compromise, creative problem solving, and making improvements when appropriate.
- c. I am open to new ideas and processes, adopting them as they conserve resources and provide efficient and effective service.
- d. I consider the potential long-term consequences and implications of my actions and inactions.

Sample Code of Conduct

____.01. Purpose.

The City Council of the City of _____ determines that a code of conduct for its members, as well as the members of the various boards and commissions of the City of _____, is essential for the public affairs of the city. By eliminating conflicts of interest and providing standards for conduct in city matters, the City Council hopes to promote the faith and confidence of the citizens of _____ in their government and to encourage its citizens to serve on its council and commissions.

____.02. Standards of conduct.

Subd. 1. No member of the City Council or a city board or commission may knowingly:

- a. Violate the Open Meeting Law.
- b. Participate in a matter that affects the person's financial interests or those of a business with which the person is associated, unless the effect on the person or business is no greater than on other members of the same business classification, profession, or occupation.
- c. Use the person's public position to secure special privileges or exemptions for the person or for others.
- d. Use the person's public position to solicit personal gifts or favors.
- e. Use the person's public position for personal gain.
- f. Except as specifically permitted pursuant to Minn. Stat. 471.895, accept or receive any gift of substance, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstances in which it could be reasonably expected to influence the person, the person's performance of official action, or be intended as a reward for the person's official action.
- g. Disclose to the public, or use for the person's or another person's personal gain, information that was gained by reason of the person's public position if the information was not public data or was discussed at a closed session of the City Council.
- h. Disclose information that was received, discussed, or decided in conference with the city's legal counsel that is protected by the attorney-client privilege unless a majority of the City Council has authorized the disclosure.
- i. *Represent private interests before the City Council or any city committee, board, commission, or agency. (optional)*

Subd. 2. Except as prohibited by the provisions of Minn. Stat. § 471.87, there is no violation of subdivision 1 b. of this section for a matter that comes before the council, board, or commission if the member of the council, board, or commission publicly discloses the circumstances that would violate these standards and refrains from participating in the discussion and vote on the matter. Nothing herein shall be construed to prohibit a contract with a member of the City Council under the circumstances described under Minn. Stat. § 471.88, if proper statutory procedures are followed.

____.03. Complaint, hearing.

Any person may file a written complaint with the city clerk alleging a violation of the standards of conduct in section _____.02. The complaint must contain supporting facts for the allegation. The City Council may hold a hearing after receiving the written complaint or upon the council's own volition. A hearing must be held only if the City Council determines (1) upon advice of the city attorney, designee, or other attorney appointed by the council, that the factual allegations state a sufficient claim of a violation of these standards or rise to the level of a legally recognized conflict of interest, and (2) that the complaint has been lodged in good faith and not for impermissible purposes such as delay. The City Council's determination must be made within 30 days of the filing of the allegation with the city clerk. If the council determines that there is an adequate justification for holding a hearing, the hearing must be held within 30 days of the City Council's determination. At the hearing, the person accused must have the opportunity to be heard. If after the hearing, the council finds that a violation of a standard has occurred or does exist, the council may censure the person, refer the matter for criminal prosecution, request an official not to participate in a decision, or remove an appointed member of an advisory board or commission from office.



MAYOR & COUNCIL COMMUNICATION

DATE: December 1, 2015
REGULAR
ITEM # 17

AGENDA ITEM: Cost of Service Study for Water and Sanitary Sewer Utilities – Approve Authorization for TKDA.

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Clark Schroeder, Interim City Administrator

REVIEWED BY: Cathy Bendel, Finance Director
Mike Bouthilet, Public Works

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....City Staff
- Report/Presentation.....City Staff
- 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

POLICY RECOMMENDER: Administration/Finance/Engineering.

FISCAL IMPACT: \$13,900 to be funded 50% through the Water Enterprise Fund and 50% through the Sanitary Sewer Enterprise Fund.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to approve the Cost of Service Study for the Water and Sanitary Sewer Utilities Task Order with TDKA. The recommended motion for the action is as follows:

“Move to approve the Cost of Service Study for the Water and Sanitary Sewer Utilities Task Order with TDKA in an amount not to exceed \$13,900.”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

City staff is preparing to conduct a review of the City’s water and sanitary sewer operational rates and charges, the Water Availability (WAC) and Connections Charges, and Sanitary Sewer Availability (SAC)

and Connection Charges to ensure an adequate user charge system is in place to fund the utility operations and capital projects.

Staff intends to approach this review by retaining the assistance of an experienced utility manager to prepare a Cost of Service Study for water and sanitary sewer utilities. In particular, the goal of the study will be to better understand the cost of service for each utility so that rates and charges can be confidently developed to best meet the Utility's funding requirements, addressing conservation, and that are fair and equitable. The work includes a review of the City's water and sanitary sewer operational costs, capital costs, and depreciation costs projected for 2016-2025. The report findings may then be used for the purpose of evaluating alternative rates and charges.

RECOMMENDATION:

Staff is recommending that the City Council approve the Cost of Service Study for the Water and Sanitary Sewer Utilities Task Order with TDKA. The recommended motion for the action is as follows:

“Move to approve the Cost of Service Study for the Water and Sanitary Sewer Utilities Task Order with TDKA in an amount not to exceed \$13,900.”

ATTACHMENT(S):

1. None.



MAYOR & COUNCIL COMMUNICATION

DATE: December 1, 2015
CONSENT
ITEM #18
MOTION

AGENDA ITEM: Single Fire Station Concept

SUBMITTED BY: Greg Malmquist, Fire Chief

THROUGH: Public Safety Committee

REVIEWED BY: Interim Administrator

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation..... Fire Chief
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECCOMENDER: Fire Department/Public Safety Committee

FISCAL IMPACT: The purchase of land for either one or two future fire station locations.

SUMMARY AND ACTION REQUESTED: Review additional information requested at workshop to determine future staffing/fleet/facilities direction for the fire department, identify and secure land while available.

LEGISLATIVE HISTORY: At the October 13, 2015 Council Workshop, a presentation on “Public Safety, Staffing and Facilities” was given. The information presented was the result of extensive research and discussion conducted by the Public Safety Committee and the officers of the fire department. The information focused on identifying future staffing, equipment and facility needs for the fire department, (see attachment). The Public Safety Committee was looking for direction from Council for future planning, with the question of following the current Paid on Call (POC), multiple stations model or moving toward a one station with 24/7 staffing needing additional clarification.

Information presented addressed the results of the 2004 and 2011 fire studies which were both based on POC staffing. Studies concluded current stations should be relocated and “Are not adaptable to future expansion”. Analysis of various options and how other communities have addressed this issue.

I would also like to highlight the recruitment efforts pursued over the years to deal with our inability to fully staff. The Public Safety Committee spent considerable time brainstorming and addressing this national/regional/local issue and came up with a pretty thorough list, (see attached). In addition to following up on these recommendations, FD staff went even further by attending training at regional and national levels and networking with local FD’s, yet we continue to have a very low success rate.

At the conclusion of the presentation, Council requested additional information/numbers related to the comparison of 1 vs 2 stations. Chief Malmquist conducted additional research, met with Eagan Fire Chief Mike Scott and had follow up conversation with Chief Officers of Maplewood FD regarding closing of fire stations and operating costs. See attached spreadsheet. Finance Director Cathy Bendel provided the operating cost information on the comparison spreadsheet.

BACKGROUND INFORMATION (SWOT):

Strengths	Ensure adequate staffing, long range cost savings (potentially over \$3mil.), meet future response needs of community.
Weaknesses	Increasing land costs. Initial investment in facility. Delaying decision until FD reaches critical staffing point and delivery of service is impacted.
Opportunities	Identify and secure site while still available. Learn from other communities. Possibly partner with Washington County Sheriff’s Department and Lakeview EMS in combined Public Safety Facility.
Threats	Inability to staff by committing to failing Paid on Call system.

RECOMMENDATION: The Public Safety Committee and the Officers of the Lake Elmo Fire Department recommend moving to the one centralized fire station model, identify and secure an appropriate site for a future fire station/public safety facility.

ATTACHMENTS:

- Station Comparison spreadsheet
- Council Workshop PowerPoint presentation
- Recruitment highlight slides
- CIP Fleet replacement comparison, 1 vs 2 stations

STATION COMPARISON

		2 STATION MODEL (Volunteer/Paid on Call)		1 STATION MODEL (PT Shift Staffing)	
		COSTS	NOTES	COSTS	NOTES
BUILDING OPERATING COSTS	Electric/Gas	\$12,600.00	Annual Costs Stat 1-\$5,000, Stat 2-\$7,600		Chief Malmquist has reached out to both Maplewood FD and Eagan FD for information regarding cost savings of old stations vs new energy efficient buidings. Both depts. Have or will close old stations and construct new centralized facilities. Information has not been recieved as of this time. Both Chiefs verbalized that significant savings were experienced.
	Phone	\$3,700.00	Annual Costs Stat 1-\$1,400, Stat 2-\$2,300		
	Water	N/A			
	Sewer	N/A			
	Insurance	\$7,000.00			
	Garbage	\$2,900.00	Annual Costs Stat 1-\$2,400, Stat 2-\$500		
	Bldg Maintenance	\$6,200.00			
SUB-TOTAL		\$32,400.00			

SHORT-TERM	EXISTING STATIONS UPGRADES and REPAIRS	Station #1	\$98,000.00	Replace Roof, ADA Compliance, New Electrical Service, Back up Generator, Kitchen Updates, Fire Sprinkler System. These are basic items identified in the 2011 Fire Study. Building will not allow for most improvements. Based on 2011 Shared Services Study. <u>Would still need to build new station to meet long term needs.</u>
		Station #2	\$110,000.00	Replace Roof, ADA Compliance, Back up Generator, Fire Sprinkler System, Parking Lot. These are basic items identified in the 2011 Fire Study. Building will not allow for most improvements. Based on 2011 Shared Services Study. <u>Would still need to build new station to meet long term needs.</u>
SUB-TOTAL			\$208,000.00	

LONG-TERM	NEW CONSTRUCTION	Land-Sub Station, (2.5 acres)	\$62,500.00	\$25,000.00/acre. Average tax assessed value	N/A	
		Land-Main Station, (5 acres)	\$125,000.00	\$25,000.00/acre. Average tax assessed value	\$125,000.00	\$25,000.00/acre. Average tax assessed value
		Sub Station, (10,000 sq. ft.)	\$2,350,000.00	\$235/sq. ft. based on average of Stw. And Bayport	N/A	
		Main Station, (20,000 sq. ft.)	\$4,700,000.00	\$235/sq. ft. based on average of Stw. And Bayport	\$4,700,000.00	\$235/sq. ft. based on average of Stw. And Bayport
SUB-TOTAL			\$7,237,500.00		\$4,700,000.00	

PERSONNEL	Wages	\$112,752.20	Based on 5 yr. average, and approx. 22 FF's	\$307,673.60	Based on projections, see attached
	Social Security	\$6,990.62	6.27%	\$19,075.76	Based on projections, see attached
	Medicare	\$1,634.91	1.45%	\$4,460.27	Based on projections, see attached
	Work Comp	\$14,000.00		\$2,246.09	Based on projections, see attached
	ER Pera	N/A		\$49,843.12	Based on projections, see attached
SUB-TOTAL		\$135,377.73		\$383,298.84	

FLEET	Replacement	\$3,115,000.00	Based on current CIP, see attached	\$2,105,000.00	Based on current CIP, see attached
	Maintenance, (Annual)	\$19,085.00	Based on 5 yr. average	\$14,285.14	Based on 5 yr. average and assumption of eliminating Engine, Utility and Tender.
	Fuel, (Annual)	\$14,309.53	Based on 5 yr. average	\$10,016.67	Based on 5 yr. average and assumption of eliminating Engine, Utility and Tender.
	Insurance	\$9,440.56	Based on 5 yr. average	\$6,608.39	Based on 5 yr. average and assumption of eliminating Engine, Utility and Tender.
SUB-TOTAL		\$3,157,835.09		\$2,135,910.20	

TOTAL \$10,771,112.82

\$7,219,209.04

FLEET REPLACEMENT PLAN - (2 STATION MODEL)

VEHICLE	YEAR PRCHSD	RECOMMENDED REPLACEMENT	REPLACE WITH	ESTIMATED REPLACEMENT COST	RECOMMENDED REPLACEMENT CYCLE	STATION	NOTES
L1 LADDER/ENGINE	2015	2035	ENGINE W/78'LADDER	\$800,000	20 yrs	South	
E2 ENGINE	1990	2016	Rescue/Engine, multi-purpose vehicle	\$550,000	20 yrs	South	Moved to "Reserve" role in 2014 to prolong life.
T1 TENDER	1987	2018	Single axle Tender	\$450,000	20 yrs	South	Water tank was redone in 2004 to extend life,
E1 ENGINE	1997	2021	Engine	\$500,000	20 yrs	North	Refurbished/repainted in 2007. Sept. 2011, all lighting converted to LED to correct electrical issues and extend life.
T2 TENDER/ENGINE	2007	2027	Current similar	\$550,000	20 yrs	North	Pump rebuilt in 2013.
U2	1994	2019+	Utility Truck	\$60,000	10 yrs	North	As needed
B1	2001	2021+	Pick up	\$40,000	10 yrs	South	
B2	2004	2024	Pick up w/skid unit	\$75,000	10 yrs	North	
CV1	2015	2020	Tahoe	\$45,000	5 yrs	N/A	5 YEAR REPLACEMENT
CV2	2006 (purch., used in 2010)	2017	Tahoe	\$45,000	5 yrs	N/A	5 YEAR REPLACEMENT
Boat	2007	?	Current similar		As needed	North	As needed
Ranger	2009	?	Current similar		As needed	South	As needed
100' Platform/Ladder				\$1 million +		South	The purchase/need of this truck will be driven by future development.

TOTAL \$3,115,000

FLEET REPLACEMENT PLAN - (1 STATION MODEL)

VEHICLE	YEAR PRCHSD	RECOMMENDED REPLACEMENT	REPLACE WITH	ESTIMATED REPLACEMENT COST	RECOMMENDED REPLACEMENT CYCLE	NOTES
L1 LADDER/ENGINE	2015	2035	ENGINE W/78'LADDER	\$800,000	20 yrs	
E2 ENGINE	1990	2016	Rescue/Engine, multi-purpose vehicle	\$550,000	20 yrs	
E1 ENGINE	1997	2021	Engine	<u>\$500,000</u>	20 yrs	Would be eliminated in 1 station model
T1 TENDER	1987	2018	Single axle Tender	<u>\$450,000</u>	20 yrs	Possibly eliminate 1 Tender, <u>DEPENDENT ON STATUS OF WATER SYSTEM/HYDRANT COVERAGE, AS WELL AS AVAILABLE TENDERS IN AREA!</u>
T2 TENDER/ENGINE	2007	2027	Current similar	\$550,000	20 yrs	
U2	1994	2019+	Utility Truck	<u>\$60,000</u>	10 yrs	Possibly combined with Rescue/Engine and eliminated. Won't be able to determine until specs are developed.
B1	2001	2021+	Pick up	\$40,000	10 yrs	
B2	2004	2024	Pick up w/skid unit	\$75,000	10 yrs	
CV1	2015	2020	Tahoe	\$45,000	5 yrs	5 YEAR REPLACEMENT
CV2	2006 (purch., used in 2010)	2017	Tahoe	\$45,000	5 yrs	5 YEAR REPLACEMENT
Boat	2007	?	Current similar		As needed	
Ranger	2009	?	Current similar		As needed	
100' Platform/Ladder				\$1 million +		The purchase/need for this truck will be driven by future development.

Revised 10/19/2015

TOTAL, (LESS T1 & U2) \$2,105,000

HISTORY TIMELINE

Public Safety Committee

- 11/13/13 – First meeting of the Public Safety Committee. Began discussion on recruitment/staffing. Many ideas proposed and pursued during this and future meetings.

Newsletter	Solicit Businesses	Mailings
Cable Channel	Increase Response Times	Reduce Requirements
Explorer Program	Public Works Staff	Ads w/LMC
Demographics	Responding to Scenes	Open Houses
HOA's	Promo Video	Incentives
Retention	Turnover	Morale
Rotary Meeting	Community Meetings-Surveys	

KARE11, NOVEMBER 2014



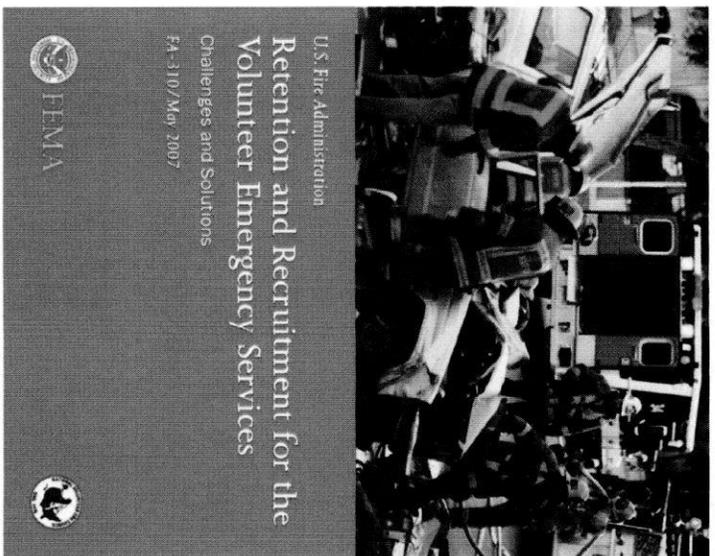
HISTORY TIMELINE

ADDITIONAL RESOURCES

"Emergency Management Magazine: Volunteer Fire Departments Face Recruitment, Retention Challenges Minnesota's recruitment and retention efforts have been falling since the 1980s."
<http://www.emergencymgmt.com/disaster/Volunteer-Fire-Departments-Face-Recruitment-Retention-Challenges.html>

"Fire departments face funding, recruitment challenges"
<http://www.argusleader.com/story/news/2015/04/18/fire-departments-face-funding-recruitment-challenges/25994171/>

FEMA: Retention and Recruitment in the Volunteer Fire Service: Problems and Solutions (LEFD has applied all feasible solutions presented here)
<https://www.usfa.fema.gov/downloads/pdf/publications/fa-310.pdf>



COUNCIL WORKSHOP
 October 13, 2015

**PUBLIC SAFETY,
 STAFFING and FACILITIES**



HISTORY TIMELINE

ADDITIONAL RESOURCES

"Emergency Management Magazine: Volunteer Fire Departments Face Recruitment, Retention Challenges: Minnesota's recruitment and retention efforts have been falling since the 1980s." <http://www.emmagazine.com/2014/05/01/volunteer-fire-departments-face-recruitment-retention-challenges-2014/>

"Fire departments face funding, recruitment challenges" <http://www.firehouse.com/news/2014/05/06/fire-departments-face-funding-recruitment-challenges-20140506/>

FEMA: Retention and Recruitment in the Volunteer Fire Service: Problems and Solutions (LEFD has applied all feasible solutions presented here) <https://www.usfa.fema.gov/2014/05/06/publications/ra-3-15.pdf>



261 Page Report



ISSUES

- STAFFING
- FACILITIES
- EQUIPMENT



HISTORY TIMELINE

Public Safety Committee

- 6/19/14 – Discussions began for "Future Station Locations". With the following topics discussed:

Locations – Current	Response Times	Staffing
Maintenance	Fleet Size	Maplewood Model
POC vs PT vs FT	Shifts	Building Costs
Shared Services Study from September 2011		Service Level
Staffing Costs		
- 9/18/14 – Maplewood Fire Chief Steve Lukin presented to the committee the "Maplewood Model" of staffing with PT shifts and the process they had recently gone through regarding staffing and building a station. This presentation followed a previous meeting between Lake Elmo and Maplewood Chief Officers to discuss these topics.



HISTORY TIMELINE

Public Safety Committee

- 11/13/13 – First meeting of the Public Safety Committee. Began discussion on recruitment/staffing. Many ideas proposed and pursued during this and future meetings.

Newsletter	Solicit Businesses	Mailings
Cable Channel	Increase Response Times	Reduce Requirements
Explorer Program	Public Works Staff	Ads w/LMC
Demographics	Responding to Scenes	Open Houses
HOA's	Promo Video	Incentives
Retention	Turnover	Morale
Rotary Meeting	Community Meetings-Surveys	

KARE11, NOVEMBER 2014



HISTORY TIMELINE

Public Safety Committee

- TO PRESENT – Discussed Pro's and Con's of 1 vs 2 Stations.
2 STATIONS
WITH POC STAFFING

PROS
 Closer response proximity for POC's to station and out of station to scene.

CONS
 Staffing – recruiting issues, number of POC staff required
 Double Costs – Land, Building Construction, Building Maintenance
 Response – not guaranteed



HISTORY TIMELINE

1 STATION STAFFED 24/7 W/PT SHIFTS

PROS

- Reduced Costs – Land, Building Construction, Building Maintenance
- Central Location on major travel routes away from residential area.
- Possible reduction of fleet.
- Improved response times.
- Guaranteed response
- Staffing – Potentially a larger pool to hire from
- Reduce training costs by hiring trained FF's
- Interest expressed by Law Enforcement and EMS partners.

CONS

- Staffing – Increased costs, All Call response w/POC's



SERVICE AREA ANALYSIS: EXISTING FIRE STATIONS

Current Service Area for Fire Protection Services in Lake Elmo

Map 7 shows the area that can be served within 4 minutes (from the time a staffed fire vehicle leaves the station) from the two existing Lake Elmo fire stations. The 4-minute standard applies to career stations (those with full-time firefighters) according to the National Fire Protection Association. The service area on Map 7 takes into account the road pattern, speed limits on each road, and delays presented by traffic control devices.

The map shows that, while the two stations serve the middle part of the city very well, vast portions of Lake Elmo fall cannot be served within 4-minute benchmark from the current stations. In general, station number 1 (blue outline), serves a vast area along the eastern border of the City, and is also able to cover the full area to the western border with Wooddale. Station number 2 also serves the middle section of the City, and is able to cover the area to the northeast of Tri Lakes, generally extending to Lake Elmo Boulevard. However, the significant overlap of the service areas leaves many areas un-served with fire protection services. This suggests to us that the current fire station locations are inefficient, and do not work well together as a team to maximize the coverage area in the City.

In particular, the location of station number 2 on the south side of the Tri Lakes area renders it ineffective in serving the northeast corner of the City. Despite its close location "at the cross files" near the homes north or east of Lake Demontreville, station number 2 cannot quickly, easily serve this area due to circuitous roads and lake barriers. With regard to station number 1, the park reserve greatly restricts the service area to the south and west.

Another critical area that is currently not served within 4 minutes is the entire southern portion of Lake Elmo, where future development density will be highest in the City.

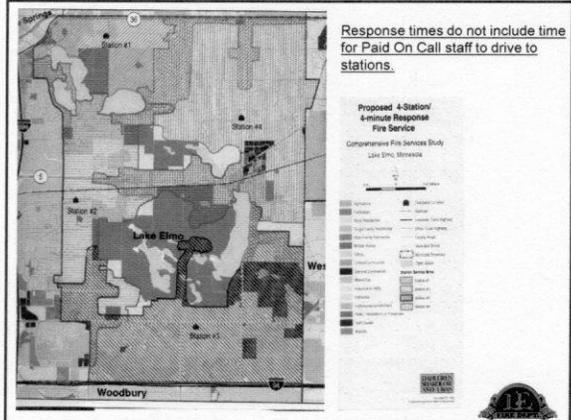
1. Fire Publications NFPA 1135: Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations in the Public Safety Fire Department, 2003 Edition.

Dahlgren, Shardlow and Urban, Inc.
Urbanshople, Minnesota



Preliminary Staffing Costs for 1 Station, PT shifts

This is having 1 officer @ \$14.20/hr and 2 FF's @ \$12.20/hr		Hours per week	Cost Per Hour	Total Cost	FF staff will be the officer
FF's PT M-F 8-4	# FF Needed 2FF @ \$12.20	40	\$24.40	\$976.00	
FF's PT M-F 4pm-8am	2 @ \$12.20 & 1 Officer @ \$14.20	80	\$38.60	\$3,088.00	
FF's PT Friday 4pm - Monday 8am	2 @ \$12.20 & 1 Officer @ \$14.20	48	\$38.60	\$1,852.80	
hours per week		168		Total Cost Per Week \$5,916.80	
				Total Cost Per Year (52 Weeks) \$307,873.60	
	SS	6.20%		\$19,075.76	
	Medicare	1.45%		\$4,460.27	
	ER Pera	16.20%		\$49,843.12	
	Work Comp	\$7.32/\$1000		\$2,246.09	
	TOTAL			\$383,298.84	



PRELIMINARY ANALYSIS: FIRE PROTECTION NEEDS
Lake Elmo, Minnesota
November 22, 2007

DAHLGREN SHARDLOW AND URBAN

TO: Mr. Chuck Dillard
City of Lake Elmo

FROM: Mr. Thomas O'Neil
Mr. Hongyi Duan
Dahlgren, Shardlow and Urban, Inc.

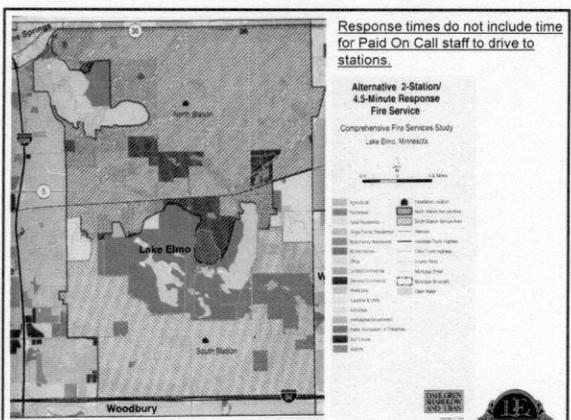
INTRODUCTION

DSU Research, the research arm of Dahlgren, Shardlow and Urban (DSU), was hired by the City of Lake Elmo to determine the community's needs for fire protection infrastructure now and in the future. DSU was charged to recommend new infrastructure and site locations (stations and routes) and address staffing issues. In particular, DSU was hired to identify the best locations for fire stations and routes, and to determine the number of stations that would fully serve the city.

This memo is intended to provide preliminary information to Lake Elmo officials, to meet the deadline of year's end for the delivery of important information on fire station locations. Given that information on the development pattern in the southern portion of the city was unavailable for the deadline, the project is not complete, and will not be, until we receive accurate information on the future land use pattern, street locations and development densities in the southern portion of Lake Elmo.

The mapping analysis portion of the project has been completed, and is outlined as full in the memorandum. This analysis helps us to determine the station locations and sites that would serve the city most effectively. The map also gives us the ability to provide preliminary recommendations on the value of possibly pursuing a regional fire service plan, or joint agreements with specific cities to provide service to specific parts of Lake Elmo.

We are also still determining the general space, facility and staffing needs for the fire department, which depends on the opinions of the Fire Chief and his officers. While we have interviewed these officials, we still need to gather additional information on facility needs and to finalize details on these parts of our recommendations. It will finalize the information after the first of the year. We will also address any ISD related issues at this point.



Fire station Evaluation Assumptions

- We will continue to have a Lake Elmo Fire Department
- Land will continue to be purchased for development reducing options for locations
- Cost of land will continue to increase over time
- National shortage of POC firefighters will continue
- New firefighters will continue to cost \$6k+ to train
- Want to continue to have exceptional response times
- Will continue to have historical response workload
- Moving toward a part-time structure will facilitate the recruitment and retention of firefighters
- Want to incorporate cost savings where possible to be good stewards of the tax dollars
- Maximize the flexibility of the space to allow for multiple uses for the City and for partnerships that could bring revenue to the City
- Reduce the cost of the LEFD fleet; size and maintenance
- Endeavor to meet future needs of the City

How to Read Assessment of Options

Option #	Description	Criteria Rank	Evaluation Criteria (ranking: Lower is Best)							Total Weighted Rank (Lower is Best)
			Speed	Cost	Safety	Maint	Future	Other	Partners	
1	Firehouse #1	1	1	2	3	2	2	2	2	35
2	Firehouse #2	2	2	1	1	1	4	4	4	75
3	Firehouse #3	3	1	2	3	3	3	3	3	76
4	Firehouse #4	4	2	2	6	12	15	18	21	80
5	Firehouse #5	5	1	2	6	8	10	6	7	80

Ranking of each Option for the Evaluation Criteria (1 is best)

Evaluation Criteria ranking of importance (1 is most important)

Weighted rank of each option = Evaluation Criteria Rank x Option Rank

Sum of weighted ranks for the Option (lowest is best)

Evaluation Criteria Definitions

- Response Time:** time for staff to drive to a call
- Staffing Full-up:** most likely to have full staff
- Staffing Cost:** annual cost to have full staff
- Pedestrian Safety:** safest option for pedestrians
- Railroad:** time to transit to furthest location in city when there is a train in the way & distance from railroad for hazmat release safety
- Maintenance/Utilities:** cost to maintain the facilities or annual cost of utilities
- Equipment Cost:** cost to maintain necessary equipment for city
- Cost to Build:** is the cost to update, buy land or build the new facility
- Future City Growth:** multi-use government building possible for incorporation of city offices, multi-use space, or meeting space into the facility
- Public Safety Partners:** ability of the city to work with partner organizations providing space to Sheriff, Ambulance service, other... (some may involve rent for use of the space)

Assessment of Options

Evaluation of Lake Elmo Fire station Options

Option #	Description	Evaluation Criteria (ranking: Lower is Best)										Total Weighted Rank (Lower is Best)
		Response Time	Staffing Full-up	Staffing Cost	Pedestrian Safety	Railroad	Maint	Equip. Utilities	Cost to Build	Future City Growth	Public Safety Partners	
1	One Firehouse Downtown (3-5 acres)	1	1	2	3	3	1	1	4	2	2	119
	Weighted rank	3	2	6	12	15	6	7	32	18	20	119
2	Update Existing Two Firehouses	3	2	1	2	2	4	2	1	5	4	159
	Weighted rank	3	4	3	8	10	24	14	8	45	40	159
3	One Firehouse Expand Fire station #1	2	1	2	4	4	2	1	2	3	3	138
	Weighted rank	2	2	6	16	20	12	7	16	27	30	138
4	One Firehouse Downtown (10+ acres)	1	1	2	3	3	3	1	5	1	1	120
	Weighted rank	1	2	6	12	15	18	7	40	9	10	120
5	One Firehouse Distant to Downtown (3-5 acres)	4	1	2	1	1	4	1	3	4	2	132
	Weighted rank	4	2	6	4	8	24	7	24	36	20	132

Options Evaluated

- One Firehouse (3-5 acres): one station on minimum space required to house fireservice needs
- Update Existing Two Firehouses: improve existing firehouses to meet OSHA requirements and update to make functional
- One Firehouse Expand Fire station #1: expand fire station #1 into the building immediately north of it (into Mohar Building)
- One Firehouse (10+ acres): one station on larger space that would allow for additional city construction in the future
- One Firehouse Distant to Downtown (3-5 acres): one station distant to downtown for less expensive land and in lower traffic area

WHERE ARE WE NOW?

- FD is understaffed and struggling to get POC's. National problem.
- Need to plan for future, staffing and facilities.
- Determine which direction, 1 station w/PT Shifts or 2 stations w/POC will better meet the emergency response needs of the City?
- Based on direction, acquire land/option for either 1 or 2 stations while still available.
- 9/17/15 - Public Safety Comm. moved to recommend the City Council discuss securing land in a centralized location near Highway 5 for a fire station under a one station model. Motion carried 5 - 0.

QUESTIONS?