

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
APRIL 5, 2022**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Cadenhead called the meeting to order at 7:00 pm.

PRESENT: Mayor Charles Cadenhead and Councilmembers Katrina Beckstrom, Dale Dorschner, Jeff Holtz and Lisa McGinn.

Staff present: Administrator Handt, City Attorney Sonsalla, City Engineer Griffin, Planning Director Just, Fire Chief Kalis, Finance Director Magureanu and City Clerk Johnson

APPROVAL OF AGENDA

Councilmember Dorschner, seconded by Councilmember Holtz, moved TO APPROVE THE AGENDA AS PRESENTED. Motion passed 5 – 0.

ACCEPT MINUTES

Councilmember Dorschner, seconded by Councilmember McGinn, moved TO ACCEPT THE MINUTES OF THE MARCH 8, 2022 CITY COUNCIL WORKSHOP AND MARCH 15TH 2022 CITY COUNCIL MEETING AS PRESENTED. Motion passed 5 – 0.

PUBLIC COMMENTS/INQUIRIES

None

PRESENTATIONS

Mayor Cadenhead presented Lake Elmo Paralympic athlete Sydney Peterson with a Proclamation recognizing her gold, silver and bronze medal awards in the 2022 Paralympic games in Beijing, China.

Mayor Cadenhead read a proclamation for Arbor Day and Arbor Month, 2022.

CONSENT AGENDA

2. Approve Payment of Disbursements and Payroll
3. Approve Contract with Matrix Consulting
4. Approve Ordinance Amendments: Fire Department Organization and Open Burning – *Ordinance 2022-01, Resolution 2022-029*
5. Approve Easement and ROE Agreements, and Pay Request #1 for the CSAH13 Phase 2 Improvements
6. Accept Bids and Award a Contract for the Parkview-Cardinal Neighborhood Street and Utility Improvements – *Resolution 2022-031*

LAKE ELMO CITY COUNCIL MINUTES

April 5, 2022

7. Approve 2nd Amendment to Northpoint Purchase Agreement
8. Approve Step Increase for Building Official
9. Approve Purchase of Building Department Vehicle
10. Approve Hire of Assistant Public Works Director

Councilmember McGinn, seconded by Councilmember Dorschner, moved TO APPROVE THE CONSENT AGENDA AS PRESENTED. Motion passed 5 - 0.

ITEM 11: One Energy Solar CUP – Solar Farm at 10755 50th St. N.

Planning Director Just provided an update on the status of the application for a solar farm on the property at 10755 50th Street North.

Kate Larkin, One Energy Solar, spoke on behalf of the applicant, addressing comments and questions from the previous City Council meeting. Discussion was held concerning landscape screening.

Rich Day, 11049 50th Street North, stated his property is considerably higher than the proposed solar farm and he would have direct sight of the project. Mr. Day questioned if he would be able to apply for a permit for a solar project on his property if this project is approved.

Councilmember Holtz, seconded by Mayor Cadenhead, moved TO ADOPT RESOLUTION 2022-026, APPROVING A CONDITIONAL USE PERMIT (CUP) AS REQUESTED BY CEF LAKE ELMO COMMUNITY SOLAR, LLC FOR THE CONSTRUCTION AND OPERATION OF A SOLAR FARM ON THE PROPERTY LOCATED AT 10755 50TH STREET N WITH THE LISTED CONDITIONS BASED ON THE FINDINGS LISTED IN THE STAFF REPORT. Motion failed. (Beckstrom, Dorschner, McGinn – nay)

Councilmember McGinn, seconded by Councilmember Beckstrom, moved TO ADOPT RESOLUTION 2022-030, DENYING THE CONDITIONAL USE PERMIT (CUP) AS REQUESTED BY CEF LAKE ELMO COMMUNITY SOLAR, LLC FOR THE CONSTRUCTION AND OPERATION OF A SOLAR FARM ON THE PROPERTY LOCATED AT 10755 50TH STREET N BASED ON THE FINDINGS OF FACT LISTED IN THE RESOLUTION WITH FINDING #6 STRICKEN. Motion passed 3 – 2. (Cadenhead, Holtz – nay)

ITEM 12: Interim Ordinance

Planning Director Just introduced the suggested ordinance and City Administrator Handt presented information on the city's low pressure zone and its effect on the city's ability to provide water services to that area.

LAKE ELMO CITY COUNCIL MINUTES

April 5, 2022

Mayor Cadenhead summarized public comments received in writing prior to the meeting (written comments attached).

Steve Ach, Lennar, stated he was not aware of the water supply issues and requested that the City find a solution that will allow development to move forward.

Mario Cocchiarella, Maplewood Development, commented on development plans his company has in the City.

Terry Emerson, 2204 Legion Lane Cir. N., asked for his property to be excluded from the moratorium.

Dan Regan, Launch Properties, commented on the impact of the moratorium on projects currently in the works.

Councilmember Dorschner, seconded by Councilmember Beckstrom, moved to adopt Ordinance No. 2022-03 and order City staff to study the current and future water needs of the Water System Low Pressure Zone during the period of the interim ordinance. Motion passed 5 – 0.

Councilmember Dorschner, seconded by Mayor Cadenhead, moved TO RECONSIDER THE PREVIOUS VOTE. Motion passed 5 – 0.

Councilmember Dorschner, seconded by Mayor Cadenhead, moved TO EXEPMT THE EMERSON PROPERTY ALONG I-94 FROM THE MORATORIUM. Motion failed 2 – 3. (Beckstrom, Holtz, McGinn – nay)

Councilmember Dorschner, seconded by Councilmember Beckstrom, TO ADOPT ORDINANCE NO. 2022-03 AND ORDER CITY STAFF TO STUDY THE CURRENT AND FUTURE WATER NEEDS OF THE WATER SYSTEM LOW PRESSURE ZONE DURING THE PERIOD OF THE INTERIM ORDINANCE. Motion passed 5 – 0.

ITEM 13: Final Alternative Urban Areawide Review for the Cyphers Logistics Park

Planning Director Just presented options for an Alternative Urban Areawide Review for the Cyphers Logistics Park and including the entire 180 acre area the city acquired from 3M.

Lee Bloomquist, 3597 Iris Avenue N., spoke against industrial development in the area due to adverse impacts to his neighborhood.

Councilmember Dorschner, seconded by Councilmember McGinn, moved TO APPROVE RESOLUTION NO 2022-033, A RESOLUTION ADOPTING THE FINAL ALTERNATIVE URBAN AREAWIDE REVIEW (AUAR) FOR CYPHERS LOGISTICS PARK. Motion passed 5 – 0.

Councilmember Dorschner, seconded by Councilmember Holtz, moved TO DECLARE AUAR SCENARIO 3 AS THE PREFERRED SCENARIO FOR DEVELOPMENT OF THE CYPHERS LOGISTICS PARK LAND NORTH OF 34TH STREET. Motion passed 5 – 0.

Councilmember McGinn, seconded by Mayor Cadenhead, moved TO DIRECT STAFF TO REVIEW THE ZONING CODE FOR MIXED USE BUSINESS PARK AND MIXED USE COMMERCIAL DISTRICTS AND INCLUDE A REQUIRED PERCENTAGE OF BUSINESS OR COMMERCIAL DEVELOPMENT IN EACH. Motion passed 5 – 0.

ITEM 14: Comp Plan Amendment and MUSA Amendment for Tapestry at Charlotte's Grove

Planning Director Just presented proposed amendments to the City's Metropolitan Urban Service Area to add the Tapestry at Charlotte's Grove neighborhood.

Councilmember McGinn, seconded by Councilmember Holtz, moved TO ADOPT RESOLUTION 2022-035 APPROVING ALL NECESSARY AMENDMENTS TO THE 2040 LAKE ELMO COMPREHENSIVE PLAN (INCLUDING THOSE TO THE LAND USE PLAN AND TO WASTEWATER SERVICES PLAN) TO ADD THE EXISTING 65 SINGLE-FAMILY PROPERTIES IN THE TAPESTRY AT CHARLOTTE'S GROVE SUBDIVISION TO THE CITY'S SANITARY SEWER AREA. Motion passed 5 – 0.

Councilmember McGinn, seconded by Councilmember Holtz, moved TO ADOPT RESOLUTION 2022-036 APPROVING A COMPREHENSIVE PLAN AMENDMENT REGARDING THE CITY'S LAND USE PLAN FOR THE TAPESTRY AT CHARLOTTE'S GROVE SUBDIVISION FROM RAD (RURAL AREA DEVELOPMENT) TO RSFS (RURAL SINGLE FAMILY SEWERED). Motion passed 5 – 0.

ITEM 15: Crossroads East Development Agreement 1st Amendment

Planning Director Just reviewed a proposed amendment to the Crossroads East 1st Addition Development Agreement to allow the developer to proceed with vertical construction prior to completion of the public improvements in order for the developer to meet a fall deadline for occupancy.

Councilmember Holtz, seconded by Councilmember Dorschner, moved TO ADOPT RESOLUTION 2022-034 APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR CROSSROADS EAST 1^S ADDITION. Motion passed 5 – 0.

Mayor Cadenhead, seconded by Councilmember Holtz, moved TO DIRECT CITY STAFF TO STUDY CITY DEVELOPMENT AGREEMENTS AS IT REFLECTS TO THE CONSTRUCTION OF VERTICAL ASSIGNMENTS IN COMMERCIAL VERSUS RESIDENTIAL AND IF THIS IS SOMETHING THE CITY SHOULD ADOPT MOVING FORWARD. Motion passed 5 – 0.

ITEM 16: Zoning Text Amendment – MDR and HDR Minimum Lot Area and Density

Planning Director Just presented proposed updates to the City's zoning ordinance to bring the ordinance into compliance with the Comprehensive Plan.

Councilmember Holtz, seconded by Councilmember McGinn, moved TO ADOPT ORDINANCE 2022-02 AN ORDINANCE AMENDING THE ZONING ORDINANCE AS PROPOSED BY CITY STAFF AND RECOMMENDED BY THE PLANNING COMMISSION. Motion passed 5 – 0.

Councilmember Holtz, seconded by Councilmember McGinn, moved TO APPROVE SUMMARY PUBLICATION OF ORDINANCE 2202-02 (THE ZONING ORDINANCE AMENDMENTS) WITH APPROVAL OF RESOLUTION 2022-032. Motion passed 5 – 0.

Councilmember McGinn, seconded by Councilmember Holtz, moved TO DIRECT STAFF TO REVIEW THE SETBACKS IN MEDIUM AND HIGH DENSITY DISTRICTS AND BRING PROPOSED CHANGES THROUGH THE PLANNING COMMISSION AND COUNCIL. Motion passed 5 – 0.

COUNCIL REPORTS

Mayor Cadenhead: Reminded Council about the upcoming League of MN Cities conference.

Councilmember McGinn: Expressed condolences for the family of Pete Orput.

STAFF REPORTS AND ANNOUNCEMENTS

Administrator Handt: Announced the Local Board of Appeals meeting on April 20th, tree giveaway at Public Works on April 23rd and the City Center groundbreaking ceremony on April 30th.

Finance Director Magureanu: Quarterly utility bills will be mailed out soon with storm water charges added quarterly going forward.

LAKE ELMO CITY COUNCIL MINUTES
April 5, 2022

Fire Chief Kalis: Commented on Severe Weather Awareness Week.


Planning Director Just: New City Planner starting on April 11th.

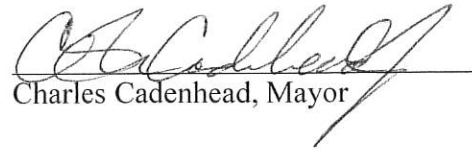
City Engineer Griffin: Holding preconstruction meetings with neighborhoods.

Meeting adjourned at 10:40 pm.

LAKE ELMO CITY COUNCIL

ATTEST:


Julie Johnson, City Clerk


Charles Cadenhead, Mayor

April 4, 2022

Honorable Mayor Charles Cadenhead
Honorable Council Member Katrina Beckstrom
Honorable Council Member Dale Dorschner
Honorable Council Member Jeff Holtz
Honorable Council Member Lisa McGinn

City of Lake Elmo
3800 Laverne Ave North
Lake Elmo, MN 55042

RE: Public Comment- Moratorium- Water System Low Pressure Zone

Dear Mayor Cadenhead and Members of the City Council:

I am writing this letter on behalf of the Peltier family to formally object to the proposed Ordinance No. 2022-03, which would establish a moratorium on platted development with the water system low pressure zone. The Peltier family owns an approximately 60 acre tract of land located on the northwest corner of Hudson Blvd and Lake Elmo Ave (PID Numbers: 35.029.21.44.0006 & 35.029.21.43.0001). We respectfully ask Mayor Cadenhead and members of City Council to either not adopt the moratorium or amend the moratorium to allow our property to continue with the City Entitlement process based on the below information.

Early in 2021, the Peltier family entered into a dialog with the City of Lake Elmo regarding a development path for the above mentioned land. It was our understanding that the land was able to be developed on the condition that a water tower location that was acceptable to the city be met. So we agreed to work with the city on an agreeable water tower location while also identifying Tamarack Land Development as a good partner moving forward. A purchase agreement with Tamarack Land Development was signed in May of 2021 and the process continued with the city. Tamarack has worked with city staff for the past 10 months on developing plans that would satisfy the city but also lead to a successful development that all can be proud of. The concept has changed a number of times based on city feedback and we've continued to be a good partner throughout. Tamarack has spent a great deal of time and a sizable amount of money on the project to date.

During the beginning stages of the development process with the city, the city identified a portion of the Peltier family property as the ideal location for the future water tower. Although this location is not ideal for us, we decided to be good partners and ultimately agreed to sell the site for \$50,000, which is well below what current values are for this property if sold to a developer. But in the interest of moving forward with the city and in turn helping solve a significant issue, we agreed to the price and the location. The water tower site was recently sold and we received the moratorium letter the very next day. The potential for a moratorium was never mentioned during any of the water tower discussions and the city continued to tell us that if the water tower solution was met, we could continue down the development path.

We understand and appreciate that water is a valuable resource and this portion of the city has water pressure issues. We would respectfully ask that since we've been in the development/sale process for over a year and provided a solution to the water tower that this property be exempt from the moratorium. We understand that no certificates of occupancy will be issued until a viable water solution is found. We would like the opportunity to continue to work on our development process and have it be conditioned on the water solution that is currently in place.

In summary, we respectfully request that if this interim ordinance is going to be approved, that it be approved with amendments allowing for our development to proceed.

We thank you for your time and willingness to listen to our request.

Sincerely,

Bruce Peltier

Bruce Peltier

TAMARACK LAND DEVELOPMENT

April 4, 2022

Honorable Mayor Charles Cadenhead
Honorable Council Member Katrina Beckstrom
Honorable Council Member Dale Dorschner
Honorable Council Member Jeff Holtz
Honorable Council Member Lisa McGinn
City of Lake Elmo
3800 Laverne Ave North
Lake Elmo, MN 55042

RE: Public Comment- Moratorium- Water System Low Pressure Zone

Dear Mayor Cadenhead and Members of the City Council:

On behalf of Tamarack Land, LLC (d/b/a Tamarack Land Development) I write today to provide commentary on the proposed Ordinance No. 2022-03, which would establish a moratorium on platted development with the water system low pressure zone. We ask that you either do not adopt the moratorium or amend it prior to adoption.

Tamarack Land Development has a purchase agreement for a 57 acre parcel at the NW quadrant of Lake Elmo Blvd and Hudson Road adjacent to the Water Tower 3 location. The property is owned by the Peltier Family Trust. Our development team has been working with the city staff (past and present), city engineer and the Valley Branch Watershed since May 2021 regarding a residential development on the property. The proposed development on the property consists of approximately 415 residential units and is consistent with Lake Elmo's 2040 comprehensive plan. Our project sits within one of the three MU-C zoning districts. Our proposed development surrounds 9 acres of existing commercial use. Tamarack Land Development has incurred significant cost and effort as part of its due diligence and predevelopment work as it prepares this site for development.

As we have been actively engaged in the planning of this property with the City, it has come as a surprise that the City is contemplating a development moratorium. As recently as February 1st, we had a zoom meeting with the City Administrator, City Planner, and City Engineer regarding our latest concept plan that includes an apartment component to the development in order to meet the minimum residential density unit requirements. Since then the development team has had multiple email and voice conversations with staff regarding our pending development application. All along, we were aware of the water tower construction and implications of when we could "turn on the water". We were led to believe that once the water tower came online, the low pressure issues would be resolved.

Lake Elmo's approval process for developments is rather lengthy. Significant input and review by city staff and its commissions ensures value is added to the community, and we respect that. However, the added delay a moratorium would add could put all of our development work to date at risk if we are not able to continue on with the application process. We request that the City, at a minimum, amend the proposed ordinance to allow us to continue the application process, gather more inputs from the City, address any concerns and prepare our development plans such that we can maintain the project schedule which allowed for some home construction to start in the fall of 2023. This date is consistent with the contract

completion date for the water tower project. Our goal is to get preliminary plat approval this year with final plat approval for our first phase early next spring allowing for utility and street construction in the summer/fall of 2023. Approval of the final plat next year would coincide with the end of the moratorium.

We fully understand that certificates of occupancy may not be available during the fall of 2023, however, completing construction and allowing builders to construction model homes at that time, while awaiting the water being turned on at the property is critical to our development timeline. This can certainly be done through conditional approvals or covenants contained in a development agreement rather than a full-blown moratorium on platting.

Therefore, we respectfully request that if this interim ordinance is going to be approved, that it be approved with amendments allowing for our development to proceed.

We appreciate your review of the above and consideration of our request.

Sincerely



Daniel J. Willenbring
Vice-President
Tamarack Land Development

Cc: Jake Grassel, Grassel Law, PLLC

LENNAR®

City of Lake Elmo
Molly Just, Planning Direct
3800 Laverne Avenue North
Lake Elmo, MN 55042

Dear Molly Just:

Thank you for sending the notice and allowing us an opportunity to comment on the City Council's consideration of an Interim Ordinance placing a one-year moratorium on all new platted development. This notice to consider a moratorium is a surprise to Lennar since no one has ever mentioned during the past 18 months we have been discussing our proposed development plans that a water study may be necessary. As you know, we have two property owners under contract – Knappogue Farm and Kasperson - which together is 116 acres. The concept plan application we submitted in the middle of March will be brought before the City Council at their May workshop meeting.

Over the past 18 months, Lennar has had several meetings with city staff, county highway department and watershed district to understand the issues associated with city review and development of the property. We have been working through several of the challenges including one of the critical issues that needed to be resolved prior to the city approving our preliminary plat application is construction of a water tower to serve the area. We worked with the city and landowner/developer/broker of the Peltier property at Lake Elmo Avenue and Hudson Road to facilitate the current location of the water tower site. It is my understanding the city has closed within the last week on the property for the water tower and is moving forward to construct the tower with an expected completion date in the fall of 2023.

As we discussed in a previous meeting with staff, we understood no occupancy permits would be permitted until the water tower is fully complete and operational. However, it was agreed between now and the fall of 2023, our schedule to work through the city approval process in 2022 and be prepared to start land development work in the spring of 2023 while the water tower is being constructed is an acceptable approach. This would give us an opportunity to begin home construction late fall of 2023 when the water tower is complete.

Now we are facing a moratorium to study the water usage which we all thought was on a path to being resolved with construction of the water tower. More importantly, the moratorium would prevent us from submitting planning applications for staff, planning commission and city council review. This provision will impact our schedule moving city approvals to 2023 and land development activity to 2024 – this delay has a significant impact for Lennar and the landowners.

Lennar is interested in cooperating with the city to make sure the necessary infrastructure is in place to support any development proposal. However, not being able to submit applications during the one-year moratorium has a tremendous impact on our proposed plans that we have been working on for the past 18 months and decisions our sellers must consider given the circumstances. Based on this, we would request staff and city council consider the following:

16305 36th Avenue North • Suite 600 • Plymouth, MN 55446 • Phone: 952-249-3000 • Fax: 952-249-3075

LENNAR.COM

LENNAR®

- 1) During the moratorium, the city would continue to meet with Lennar to review our proposed plans, accept preliminary plat applications, allow planning commission and city council to review our applications and provide action on the applications conditioned upon termination of the moratorium with a result of the study supporting adequate water pressure and usage for the development area.

In summary, we understand the need for the city to perform studies to ensure adequate infrastructure to support development. However, to shelf the past 18 months of work we have perform and have no activity for one year is tremendous hardship. We would appreciate the city council consider our request so we can continue working with staff on our proposed plans with the expectation the water study will have favorable result to support our proposed development.

Thank you for your consideration.



Steve Ach
Lennar - Director of Acquisition

Julie Johnson

From: Rick Schroeder <rickschroe@gmail.com>
Sent: Saturday, April 2, 2022 11:10 AM
To: Molly Just
Subject: comment on Water System Low Pressure Zone

Caution: This email originated outside our organization; please use caution.

Hello -

I live in the subject Zone, and support the plan to have a moratorium on all (residential and commercial) new platted development in the Water System Low Pressure Zone. It is the prudent thing to do, so that the issue can be studied thoroughly. Then, future decisions can be based on a more accurate set of data and knowledge.

Sincerely,

Richard Schroeder
11347 30th St N
Lake Elmo

Julie Johnson

From: djbuchek@comcast.net
Sent: Saturday, April 2, 2022 4:41 PM
To: Molly Just; Charles Cadenhead; Jeff Holtz; Lisa McGinn; Katrina Beckstrom
Subject: Water System Low Pressure Zone Moratorium

Caution: This email originated outside our organization; please use caution.

Mayor and City Council members,

I urge you to not only vote in favor of the one-year moratorium on development in the designated Water System Low Pressure Zone, but that you will also include all the land in the city of Lake Elmo. The city is within five miles of White Bear Lake and until there is a resolution to the water questions no new development should be allowed. I hope the city is advising and keeping those persons/companies who are in the process of building abreast of the information as it becomes available as they may wish to slow their development. Water is not only important, but essential to those who presently live in Lake Elmo, but also to those who will be occupying any new kind of structure in the city.

Ann Buchek
2301 Legion Ave N
Lake Elmo MN 55042

Larkin Hoffman

Larkin Hoffman

8300 Norman Center Drive
Suite 1000
Minneapolis, MN 55437-1060

General: 952-835-3800
Fax: 952-896-3333
Web: www.larkinhoffman.com

April 5, 2022

Lake Elmo Mayor Charles Cadenhead
and Lake Elmo City Council
3880 Laverne Avenue North
Suite 100
Lake Elmo, MN 55042

Via Email

Mayor Charles Cadenhead at ccadenhead@lakeelmo.org
Dale Dorschner at ddorschner@lakeelmo.org
Lisa McGinn at lmcginn@lakeelmo.org
Jeff Holtz at jholtz@lakeelmo.org
Katrina Beckstrom at kbeckstrom@lakeelmo.org

Re: EN Properties, LLC – Exemption from Moratorium

Dear Mayor Cadenhead and City Council Members:

We represent EN Properties, LLC, the owner of approximately 53 acres of land, located at the northwest quadrant of Manning Avenue and Interstate 94 (collectively, the “Property”) in the City of Lake Elmo (“City”). On behalf of EN Properties, we object to the proposed moratorium (“Moratorium”) on platted development within the City’s Water System Low Pressure Zone (“Low-Pressure Zone”) and request that the Property be exempted from the Moratorium.

In 2014, EN Properties entered into a WAC Prepayment Agreement (“Agreement”) to prepay water accessibility charges. Under the Agreement, EN Properties agreed to prepay \$500,000 in water accessibility charges over 10 years. In exchange, the City agreed to extend the water main from approximately 30th Street North to Hudson Boulevard North. EN Properties then extended the utilities through 6 different properties to the property line of Property at cost of more than \$1 million dollars. EN Properties did have Preliminary Plat approvals and was ready for Final Plat, but could not record the Final Plat because the State owned a small parcel of land and would not sign the Final Plat. The City was aware of this but refused to grant an extension and the City unilaterally vacated the Preliminary Plat. EN Properties has complied with the terms of the Agreement and paid \$350,000 over the last 7 years and is committed to paying all amounts due under the Agreement. If the City adopts the Moratorium, it will render the Property undevelopable for a year or longer, in direct conflict with the Agreement and the commitment made by the City to allow the development of the Property. Such action would constitute a breach of the Agreement.

It is apparent that the City’s intent is not to preclude development of the Low-Pressure Zone, but rather delay new development while a new water tower is built. The City has been aware of the low water pressure since 2015 and has had a water tower in the capital improvement plan for several years and is only now commencing construction, and thus shifting the burden to landowners. The Moratorium is misdirected in that it precludes platting, which does not increase demand on the water system. Rather, the City should allow properties to be replatted for development but impose a moratorium on the issuance of new certificate of occupancy until the


Mayor Cadenhead
and Lake Elmo City Council
April 5, 2022
Page 2

low water pressure can be addressed. This would achieve the City's goals, and preserve the rights of property owners without breaching the terms of the Agreement.

EN Properties requests that the City exempt the Property from the Moratorium due to unique and extenuating circumstances. Not only has EN Properties fulfilled its obligations under the Agreement, but the final plat approved for the Property was vacated on the City's own volition. The failure to exempt the Property from the Moratorium would deprive EN Properties of its contractual right to develop the Property and impose an undue hardship.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Peter J. Coyle, for
Larkin Hoffman

Direct Dial: (952) 896-3214
Direct Fax: (952) 841-1704
Email: pcoyle@larkinhoffman.com

cc: Terry Emerson at tse03@comcast.net
Jacob Steen at jsteen@larkinhoffman.com
Molly Just at mjust@lakeelmo.org

