

Mayor:
Lee Hunt
Councilmembers:
Steve DeLapp
Susan Dunn
Dean Johnston
Wyn John

Lake Elmo City Council

Tuesday

June 1, 2004

3800 Laverne Avenue No.
Lake Elmo, MN 55042
777-5510 777-9615 (fax)

Please read:

Since the City Council does not have time to discuss every point presented, it may appear that decisions are preconceived. However, staff provides background information to the City Council on each agenda item in advance; and decisions are based on this information and experience. In addition, some items may have been discussed at previous council meetings.

If you are aware of information that has not been discussed, please fill out a "Request to Appear Before the City Council" form; or, if you came late, raise your hand to be recognized. Comments that are pertinent are appreciated. Items may be continued to a future meeting if additional time is needed before a decision can be made.

Agenda

City Council Meeting Convenes 7:00 PM

Pledge of Allegiance

1. Agenda

2. Minutes

May 18, 2004

3. PUBLIC INQUIRIES/INFORMATIONAL:

A. PUBLIC INQUIRIES:

Public Inquiries/Informational is an opportunity for citizens to bring the Council's attention any items not currently on the agenda. In addressing the Council, please state your name and address for the record, and a brief summary of the specific item being addressed to the Council. To allow adequate time for each person wishing to address the Council, we ask that individuals limit their comments to three (3) minutes. Written documents may be distributed to the Council prior to the meeting or as bench copies, to allow a more timely presentation.

4. CONSENT AGENDA

A. Resolution No. 2004-045 :Approve claims

Those items listed under the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion under a Consent Calendar format. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the general order of business and considered separately in its normal sequence on the agenda.

5. FINANCE

A. Budget Calendar

6. NEW BUSINESS

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Update on Fire Dept. Activities: Chief Malmquist

<p>8. <u>CITY ENGINEER'S REPORT:</u></p>	<p>Tom Prew</p>
<p>9. <u>PLANNING, LAND USE & ZONING:</u> A. Resolution No. 2004-046: Zoning Setback Variance: 8017 50th Street N. (Isaacson) B. Ordinance No. 97-130: Old Village Development Moratorium</p>	<p>C. Dillerud</p>
<p>10. <u>CITY ATTORNEY'S REPORT:</u></p>	
<p>11. <u>CITY ADMINISTRATOR'S REPORT:</u> A. City Staff Organizational Chart: Resolution No. 2004-047 B. Council Organization: Ordinance No. 97-131 C. Strategic Planning Meeting</p>	
<p>12. <u>CITY COUNCIL REPORTS:</u> A. Mayor Hunt B. Council Member DeLapp C. Council Member Dunn D. Council Member Johnston E. Council Member John</p>	

LAKE ELMO CITY COUNCIL MINUTES

MAY 18, 2004

1. AGENDA
2. MINUTES: May 4, 2004
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - A. Public Informational
4. CONSENT AGENDA:
 - A. Resolution No. 2004-042: Approve Claims
 - B. Resignation of Planning Commission Member
 - C. Resolution No. 2004-044: Authorizing Signature for Payments of Funds from the Lake Elmo Bank
5. FINANCE:
 - A. Monthly Operations Report: Informational
6. NEW BUSINESS:
 - A. Single Sort Residential Recycling: Ordinance No. 97-127
7. MAINTENANCE/PARK/FIRE/BUILDING:
 - A. Carriage Station Play Set
 - B. Update on Building Dept. Activities: Building Official
8. CITY ENGINEER'S REPORT:
9. PLANNING, LAND USE & ZONING:
 - A. Resolution No. 2004-043: Drainfield Setback Variance: Gary Webster, 3604 Layton Avenue
 - B. Zoning Ordinance Amendment: Accessory Structures
 - C. Consultant election Trail System Plan
 - D. Fence Moratorium
 - E. Variance Performance Process
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
 - A. City Council Appointment- Mayor Hunt
 - B. Strategic Planning Session- Mayor Hunt
12. CITY COUNCIL REPORTS:

Mayor Hunt called the Council meeting to order at 7 p.m. in the Council chambers.
PRESENT: Hunt, Johnston, DeLapp, City Engineer Prew, City Attorney Filla, Building Official Jim McNamara, Acting Finance Director Tom Bouthilet, City Planner Dillerud, and Administrator Rafferty. ABSENT: Council member Dunn

1. AGENDA

M/S/P Johnston/DeLapp - to approve the May 18, 2004 City Council agenda, as amended. (Motion passed 3-0).

2. MINUTES: May 4, 2004

M/S/P Johnston/DeLapp - to approve the May 4, 2004 City Council minutes, as amended. (Motion passed 3-0).

3. PUBLIC INQUIRIES/INFORMATIONAL:

A. Public Informational

State Senator Brian LeClair introduced himself to the new city administrator and reported the 2004 session has ended and there was not much to report. The Council thanked him for his efforts on our bill.

Washington County Deputy Harrell introduced Deputy Angela Hansen, who is a new deputy to the Lake Elmo contract.

Carol Banister, member of Friends of the Library, explained this organization is officially a 501C3, where people can donate to the library fund. She said she was delighted to read the various articles about the Lake Elmo Library in the Lake Elmo Leader. Carol gave credit to the young people, who came in to say what they want for a library. She asked that the City place timely updates in the Lake Elmo Leader to keep the residents informed. If they have to wait another year for a library location, she asked that the City help them find someone to get a lease.

Mayor Hunt said staff continues to talk to landowners in the area about acquisitions and will have something soon to report.

Wyn John, Friends of the Library, requested council approval for \$170, plus insurance coverage, to permit an 8 x 8 booth for the Washington County Fair.

M/S/P Johnston/DeLapp -- to approve the Friends of The Library request for placement of a booth at the Washington County Fair at a cost not to exceed \$300 for the booth and insurance coverage. (Motion passed 3-0).

4. CONSENT AGENDA:

A. Resolution No. 2004-042: Approve Claims

M/S/P Johnston/DeLapp - to adopt Resolution No. 2004-042, approving claim numbers 202, 203, DD154 through DD163 25558 through 25590 that were used for Fire/Staff, payroll dated May 13, 2004, claim numbers 25591 through 25640 dated May 18, 2004 in the total amount of \$116,333.38 are hereby approved. (Motion passed 3-0).

B. Resignation of Planning Commission Member

Planning Commissioner Julie Bunn resigned her commission on May 13, 2004. Ms. Bunn became a Full Voting Member of the Planning Commission on June 3, 2002.

M/S/P Johnston/DeLapp - to accept the resignation of Planning Commissioner Julie Bunn and to send a letter of appreciation for her contributions to the residents of the City of Lake Elmo. (Motion passed 3-0).

The Planning Commission has eight Full Voting members and two alternates. First Alternate Planning Commissioner Jim Van Pelt should be appointed as a full voting member to finish the term of Julie Bunn that expires on December 31, 2006.

M/S/P Johnston/DeLapp - to appoint Jim VanPelt as a Full Voting Member of the Planning Commission to finish a term that expires on December 31, 2006. (Motion passed 3-0).

Second Alternate Planning Commissioner Elizabeth Johnson should be appointed as First Alternate.

M/S/P Johnston/DeLapp - to appoint Elizabeth Johnson as first alternate of the Planning Commission. (Motion passed 3-0).

M/S/P DeLapp/Hunt - to appoint Charles Schneider as Second Alternate to the Lake Elmo Planning Commission. (Motion passed 2-1: Johnston said he voted against the appointment because of the appointment procedure based on dates of application and did not vote against the person. Mayor Hunt said he consistently supported appointments based on dates of application and likes the diversity.

Planner Dillerud said Commissioner Bunn will be missed because she was a good commissioner.

C. Resolution No. 2004-044: Authorizing Signature for Payments of Funds from the Lake Elmo Bank

M/S/P Johnston/DeLapp - to adopt Resolution No. 2004-044, A Resolution Authorizing Martin Rafferty Signatory for Payments of Funds from the Lake Elmo Bank. (Motion passed 3-0).

5. FINANCE:

A. Monthly Operations Report: Informational

6. NEW BUSINESS:

A. Single Sort Residential Recycling

Gary Boyum, Waste Management, Inc., presented a program that his firm offers for single sort residential recycling. Residents would simply put all their recyclable materials into a container similar to the one provided by Waste Management for regular refuse collection. Waste Management will do the separating at their Minneapolis processing facility. This service will be offered to Lake Elmo customers only if the City code is amended to allow bi-weekly pick up of recycling rather than the weekly pickup

requirement. Staff reported they favored the single sort process as it would likely encourage an increase in recycling activity for those that did not participate due to the time and trouble of sorting. A code amendment was provided for Council consideration.

M/S/P Johnston/Hunt - to approve the single sort residential recycling program provided by Waste Management, Inc. (Motion passed 2-0-1 Abstain: Council member DeLapp declared he had a financial interest in Waste Management.).

M/S/P Johnston/Hunt - to adopt Ordinance No. 97-127, Amending Section 800.02, Subd, relates to Frequency of Collection. (Motion passed 3-0).

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Carriage Station Play Set

At its April 19, 2004 meeting, the Parks Commission reviewed play set proposals for the park at Carriage Station. Six plans from manufactures pre-approved by the Parks Supervisor were evaluated. The consensus of the Commission was to purchase a play set (B) from Landscape Structures, but they asked for the Park Supervisor to request a modification. If the modification, the addition of the Thunder Climber, could not be added, the recommendation was to purchase play set (A) for \$13,751.00. The Administrator supported the recommendation the Parks Commission and the Park's Superintendent for the new play equipment at Carriage Station. The project as proposed meets budget expectation. The Parks staff will install the play set and the timetable will be six weeks.

M/S/P DeLapp/Johnston - to approve the Park Commission recommendation to purchase the selected play equipment, Landscape Structures, from Earl F. Anderson for the Carriage Station Park in the amount of \$13,751.00, plus tax, as recommended by the Parks Commission and the project proposed meets budget expectation. (Motion passed 3-0).

Mike Bouthilet reported the Lake Elmo Regional Park wants a deer hunt this year and is requesting the City have a deer hunt in Sunfish Park. The deer hunt in the Regional Park is open to anyone in the state, but Sunfish Park is limited to Lake Elmo residents.

B. Update on Building Dept. Activities: Building Official

The Building Official reported there were new no residential building permits and two new commercial building permits issues in the month of April, 2004. He said Prairie Ridge Office Park has started construction on their first office building. The Building Official advised that a lawn sprinkler system requires an installation permit and can be dangerous if not installed correctly so Gopher One should be called for locates.

8. CITY ENGINEER'S REPORT:NONE

9. PLANNING, LAND USE & ZONING:

**A. Resolution No. 2004-043:Drainfield Setback Variance:Gary Webster,
3604 Layton Avenue**

The City Planner reported that at its May 10th meeting, the Planning Commission conducted a public hearing and recommended denial of Gary Webster's application, at 3604 Layton Avenue, to place a new septic drain field within 5 feet of a property line (10 feet required), and within 12 feet of a structure (20 feet required). Planner Dillerud reported the variance application is responsive to a 2003 amendment to Section 700 of the City Code that establishes a variance procedure for septic standards that is identical to the Zoning Ordinance variance procedure, including required Findings.

Dillerud noted that those Planning Commissioners opposed primarily observed that the denial will not preserve a backup drain field site. A garage could be constructed where the new drainfield is proposed – thereby using up the secondary site – without a variance.

Mr. Webster said the 2-10 year plan for sewerage the Old Village does not do him any good. If there is a 30-year life span of a septic system, then why should there be a problem. The layout of the house would not allow for a garage to the north side.

Council members indicated it would be a bad precedent to move a functioning drain field system.

M/S/P Johnston/DeLapp - to approve Resolution No. 2004-043, A Resolution denying the septic setback variances at 3604 Layton Avenue based on Findings and the recommendation of the Planning Commission. (Motion passed 3-0).

B. Zoning Ordinance Amendment: Accessory Structures

Planner Dillerud reported the Council referred the issue of existing accessory structure exterior surfacing provisions of the Zoning Ordinance to the Planning Commission for a public hearing and recommendation. A resident has voiced concern regarding provisions of the Zoning Ordinance that precludes the option of red surfacing of an accessory structure since the principal structure (house) is light gray. The Code provides that all accessory structures must be of color similar to the principal structure or earth tone.

At its May 10, 2004 meeting, the Planning Commission adopted a recommendation to not amend the present Zoning Ordinance provisions regarding the exterior surfacing of accessory structures.

Council member Johnston had some concerns. While he was supportive of the residents' efforts to create a barn-like building, he was not willing to invalidate that section of the code.

Council member DeLapp said he was tired of seeing metal sheds from Menards that look like houses all over the city and applauded the resident's efforts to construct something

true to Lake Elmo's roots as a rural community. DeLapp said the city could amend the ordinance to allow barn-like accessory structure based on the type of roof. For instance a rounded, barn-like roof might be allowed to be painted red.

Mayor Hunt said that DeLapp, who is an architect, may be able to differentiate between different roofs, but there should be an easier way. The Mayor said the building screams to be painted red, and we need to let them have the flexibility to have that happen.

Teri Most said they used barn wood, installed wooden doors and windows in the accessory building to make it appear very barn-like, and they had wanted to use red paint. Mrs. Most presented a color palette and pointed out a brownish red color that they would like to use.

Attorney Filla explained that there is a procedure for appealing administrative decisions and the City should try to follow that process.

Planner Dillerud agreed and suggested that the Council direct him and the building official look at the color palette and determine themselves if the rusty red color is an earth tone. This way the Council would not have to take a vote or make a decision on it. The Council agreed by consensus.

C. Consultant Selection - Trail System Plan

Planner Dillerud reported that the Park Commission recommended the Short, Elliot, Hendrickson firm as the contractor to prepare the City's Trails System Plan update and expansion. The SEH proposal includes a lump sum fee of \$16,600 to complete the Plan per the "Scope of Services" presented by their proposal of April 2, 2004. The 2004 Capital Improvements Program appropriated up to \$20,000 for this task.

Council member DeLapp said he had spoken with County Park officials about access to the Lake Elmo Regional Park. Those County officials suggested that access to the park by City trails would be positively considered by the County – contrary to their historic position – if the City prepares and presents a Trail System Plan to demonstrate appropriate and logical points of access.

M/S/P DeLapp/Johnston – to approve the firm Short, Elliot, Hendrickson to prepare the City Trails System Plan per their proposal dated April 2, 2004, as recommended by the Parks Commission. Further, that the Mayor and City Administrator are authorized and directed to enter into a contract with SEH for Trails Plan preparation services. (Motion passed 3-0).

D. Fence Moratorium

Planner Dillerud reported at the May 10, 2004 workshop, the City Council discussed modifications to the existing fence regulations of the Zoning Ordinance. Dillerud provided a summary of what he believed to be general direction of the Council to staff

and the Planning Commission from the discussion notes, and the graphics placed on the board during the Workshop. The Council concurred with the summary responses.

Don Gustafson, Tablyn Park resident, said he doesn't like fences, but is surrounded by fences. He never worried about the property line and the homeowner saying you cannot play there. He suggested the City require a survey if a fence is being built.

M/S/P Johnston/DeLapp – to direct the city planner to take the information contained in staff memo dated May 13, 2004 to the Planning Commission for a public hearing on a draft zoning ordinance amendment. (Motion passed 3-0).

The Council discussed adopting a Fence Moratorium for fence construction in the City until the council can determine what it wants its new fence ordinance to state.

M/S/P Johnston/DeLapp – to modify Ordinance No. 97-128, Item D. Add “except for those fences required by the State Building Code for safety purposes.” (Motion passed 3-0).

M/S/P Johnston/DeLapp – to adopt Ordinance No. 97-128, as modified, An Ordinance Adopting a Development Moratorium Relating to the Construction of Fences. (Motion passed 3-0).

E. Variance Performance Process

Planner Dillerud reported State Statute (MSA 462.257, Subd. 1) provides “The governing body...may impose conditions in granting of variances to insure compliance and to protect adjacent properties” He suggested that this means that the City can mandate landscape improvements, prohibit existing landscape removal, and insure those mandates are accomplished by requiring financial security, as long as those conditions are responsive to insuring compliance, and protecting adjacent properties. Dillerud added it would be wise to review any proposed variance conditions against those criteria before attaching them to an approval resolution.

Attorney Filla stated at the time of the application, the applicant can be required to submit a landscape plan of the existing site and post construction plan. He said all conditions should be listed in the resolution.

10. CITY ATTORNEY'S REPORT:

11. CITY ADMINISTRATOR'S REPORT:

A. City Council Appointment- Mayor Hunt

Mayor Hunt presented names after they submitted their own names for consideration for Council appointment. The candidate included John Bergstrom, Ann Smith, Bob Helwig, Rod Sessing, Liz Johnston, Jeff Reed and Wyn John. Council member DeLapp added Tom Armstrong and Jim VanPelt and proposed that the Council compare the candidates

at the June 1st meeting. He thought the person selected for the appointment supported the City's comprehensive plan and its cluster development. Council member Johnston said he was new to the Council and it took him six months to get up to speed. He thought it was important the Council chose a candidate with as much experience as possible.

M/No Second DeLapp/ - to consider Jeff Berg as the City Council appointment

Mayor Hunt and Council member Johnston stated they were ready to make a decision on the appointment.

M/S/P Johnston/Hunt – to appoint Wyn John to serve out the remainder of former Council Member Charles Siedow's term, which expires on December 31, 2004? (Motion passed 3-0). Council member DeLapp said he voted for Wyn John, but he was not pleased with the City's method in selecting him. The City's process is absurdly shallow.

B. Strategic Planning Session-Mayor Hunt

Mayor Hunt explained Mr. Rafferty is now on staff and suggested that he be requested to pull together a strategic planning session to get Council ideas and goals and make a determination if they want to invite a facilitator.

M/S/P Johnston/DeLapp – to direct the city administrator to set up a strategic planning meeting with the Council and any staff members he deems necessary. (Motion passed 3-0).

12. CITY COUNCIL REPORTS:

Council member DeLapp asked for a 6-month follow up on the storm water utility. Council member DeLapp asked if something could be done with the Lake Jane Landfill. He said it's not an eyesore unless you know what it stands for. The Council acknowledges the request and suggested the Parks or CIC commission could review possibilities.

Council member Johnston said he did not vote against Charles Schneider, but against the procedure of appointment based on dates of applications.

OLD BUSINESS LIST was provided to the City Council.

Council adjourned the meeting at 9:00 p.m.

Respectfully submitted by Sharon Lumby, Deputy Clerk

Resolution No. 2004-042 Approve Claims

Resolution No. 2004-043 Denial of Drain field Setback Variance for Gary Webster

Resolution No. 2004-044 Authorizing Martin Rafferty Signature for Payment of Funds

Ordinance No. 97-127 Amend Section 800.02, Single Sort Residential Recycling

Ordinance No. 97-128 Fence Moratorium

MINUTES APPROVED: May 18, 2004
LAKE ELMO CITY COUNCIL MINUTES

MAY 4, 2004

1. AGENDA
2. MINUTES: APRIL 20, 2004
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - A. Public Inquiries
4. CONSENT AGENDA:
 - A. Water Ski Show: Joe Kiesling
 - B. Resolution No. 2004-037: Approve claims
5. FINANCE:
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
 - A. VFW Ball Field Lights
 - B. Update on Fire Dept. Activities: Chief Malmquist
8. CITY ENGINEER'S REPORT:
 - A. Resolution No. 2004-:Landscape Cul-de-Sacs: Invitation to residents NOT APPROVED
9. PLANNING, LAND USE & ZONING:
 - A. Resolution No. 2004-038: Section 520 Site Plan, 11343 39th Street N.
 - B. Resolution No. 2004-039: Conditional Use Permit Amendment/Site Plan Amendment – Country Sun Farm
 - C. Resolution No: 2004-040: OP Ordinance Setback Variance: Whistling Valley
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
 - A. Countywide Assessment Services
 - B. Resignation of Council Member: Resolution No. 2004-041
12. CITY COUNCIL REPORTS

Mayor Hunt called the Council meeting to order at 7:00 p.m. in the Council chambers.
PRESENT: Dunn, Hunt, Johnston, DeLapp, City Engineer Prew, City Attorney Filla,
Acting Finance Director Tom Bouthilet.

1. AGENDA

M/S/P Johnston/DeLapp - to approve the May 4, 2004 City Council agenda, as amended.
(Motion passed 4-0).

2. MINUTES: APRIL 20, 2004

M/S/P Johnston/DeLapp - to approve the April 20, 2004 City Council minutes, as amended. (Motion passed 3-0-1 Abstain: Dunn).

3. PUBLIC INQUIRIES/INFORMATIONAL:

A. Public Inquiries

Mark Kimball, Lake Elmo resident, introduced himself and noted he is running for state legislature in District 56A, which covers Lake Elmo. He thanked the Council for standing up for this community with the Met Council.

4. CONSENT AGENDA:

A. Water Ski Show: Joe Kiesling

Joe Kiesling, Tri-Lakes Assoc., requested Council approval of a Water Surface Use Permit for the Annual Water Ski Show on Lake Jane, August 14, from 1-4:30 p.m. The Tri-Lakes Association has secured the appropriate insurance coverage, and the Sheriff's Department will sign off on the permit pending Council approval. The Fire Department will provide an emergency vehicle.

M/S/P DeLapp/Johnston – to approve the permit request of Joe Kiesling, on behalf of the Tri-Lakes Association, to hold a Water Ski show on Lake Jane, August 14, 2004, from 1-4:30 p.m., based on the submittal of the appropriate information and on past favorable request. (Motion passed 4-0).

B. Resolution No. 2004-037: Approve Claims

M/S/P DeLapp/Johnston – to adopt Resolution No. 2004-037 approving claim numbers 200, 201, DD148 through DD153 15506 through 25518 that were used for staff payroll dated April 29, 2004 and claim numbers 25519 through 25557 dated May 4, 2004 in the total amount of \$118,663.94. (Motion passed 4-0).

5. FINANCE:

6. NEW BUSINESS:

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. VFW Ball Field Lights

The staff mailed out invitations to the neighborhood around the VFW ball field to visit the Bielenberg Sports Center in Woodbury, which has the same model of lights on its ball field that Lake Elmo is contemplating installation at the VFW field. The letter noticed the neighbors that this matter will be placed on the City Council agenda for May 4th.

Bob Schumacher, Parks Commission Chair, reported the Commission looked at cost efficiency of the lights, weighed the facts, and recommended approval. Council member DeLapp visited Bielenberg Sports Center in Woodbury and used a light meter to measure the amount of light generated and was concerned that there would be lighter than the manufacturer estimated.

Council member Johnston said he also visited the Woodbury Sports Center and made the observation that it was too dark to drive through the parking lot and was amazed how quickly the lighting fell off a short distance from the field. Council member Dunn said she was concerned with the containment of the lights and wanted to make sure they were controlled to one area.

Council member DeLapp stated he will vote for approval because no one from the neighborhood came forth with objections, and it will take sometime for the old village plan to be completed. Mayor Hunt stated the residents had a chance to advise the Council of their concerns and no one came. He supported the ball field light proposal.

Council member DeLapp asked that a condition be added that MUSCO lighting test and meet the foot candles shown on the drawings and have the lights turned off as soon as they are no longer necessary on the field and replaced with lower level lights for people to leave the field and get to their vehicles.

Mr. Schumacher said that placing some exit lighting in the area would be an extra cost. He said he would check if exit lighting is necessary.

M/S/P DeLapp/Dunn – to authorize City Staff to enter into a purchase agreement with MUSCO Lighting for installation of the poles for VFW Ball Field Lights Project as detailed by the City Engineer's letter of April 14, 2004, to accept the quote from Arcade Electric for the electrical wiring and cabinet work, and including the alternative for additional light spill control provided that the lights meet the performance specifications provided by MUSCO lighting before final payment is made, and to add alternate lighting for safe exit when lights are turned off and to acquire an easement from the Hagbergs for a utility easement. (Motion passed 4-0.)

B. Update on Fire Dept. Activities: Chief Malmquist

Chief Malmquist and the Lake Elmo Fire Department were in attendance to demonstrate the airpaks and masks bought with grants for each fire fighter and the new helmets purchased with raffle proceeds. The Chief announced that each firefighter has taken and passed the Firefighter II exam. Firefighters Durrow, Somner, Tremain have passed the hazardous waste materials class funded through Washington County.

Fire Fighter Bruce Cohen reported the Fire Department is forming a Fire Explorer Scout Post. Post membership is open to youths who live, work, or attend school in Lake Elmo. Those interested in learning more about the Fire Explorer Scout Program are invited to an open house from 7 p.m. to 9 p.m. on Sunday, May 16 at Lake Elmo Station One.

Chief Malmquist asked for Council approval to remove as probationary members and place as Fire Fighters, Brian Hauser, Lee Olson, Dan Lavasseur, Steve Rutowski.

M/S/P Dunn/Johnston – to take off probation and promote to Fire Fighter status: Brian Hauser as Fire Fighter #77, Lee Olson as Fire Fighter #78, Dan Lavasseur as Firefighter #79, and Steve Rutowski as Fire Fighter #80. (Motion passed 4-0).

8. CITY ENGINEER'S REPORT:

A. Resolution No. 2004-038:Landscape Cul-de-Sacs:Invitation to residents

At the April 20th meeting, the Council awarded the contract for the 2004 Overlay Project to the lowest bidder, Tower Asphalt for their base bid of \$62,800. The Engineer advised the Council will have to make a decision if its wishes to include the landscape cul-de-sacs islands bid alternative. The Council directed staff to contact the property owners involved; invite them to view the cul-de-sac landscaping plans; and solicit their options as to whether that cul-de-sac project alternate should be undertaken by the City.

Tom Prew gave a brief presentation of examples of landscaped islands. Council member Johnston noted that it would be the homeowner's responsibility for maintaining the islands.

Jim Trevis, 4850 Jerome Avenue N., said he loves the look of the landscape cul-de-sacs, but was opposed to the idea because of potential problems with snow removal. People play ball in this area. They don't have a homeowner's association so it would be him and his wife maintaining the plantings.

Joan Porcher, 4990 Jasper Avenue N., voiced her concern on the width of the street for not being wide enough for vehicles, such as a recycling truck, to get through. Also, children ride their bikes and play basketball in this area.

Monique Kolb, 9387 Jane Circle N., had a concern on the safety issue for children playing and it would make it difficult for them to backup their boat. The landscaping would be difficult to maintain and there must be other things to spend the money on.

Paula Wood, 9389 Jane Circle N., said there are only two houses on the cul-de-sac and the landscape island would obstruct the view. She said it would be up to her and her neighbor to maintain the plantings, which did not interest them. She also had a concern on ease for snowplowing.

M/S/P Dunn/Johnston – that the Council will not adopt the draft resolution awarding the cul-de-sac asphalt removal bid alternate for the 2004 Overlay Project based on the objections of the property owners involved. (Motion passed 4-0).

9. PLANNING, LAND USE & ZONING:

A. Resolution No. 2004-038:Section 520 Site Plan, 11343 39th Street N.

George Middleton, Excel Partners (Retail Construction) has made application for a Section 520 Site Plan for a 4,000 square foot addition to the existing structure at 11343 39th Street N. The addition will be to the east side of the existing building and be of the

same architecture and exterior materials as the existing structure. The Planning Commission recommended that the proposal to construct on the north side of the site only 4 of the 20 off street parking spaces that the Zoning Ordinance requires for 4,000 square feet of office use. The remaining 16 parking spaces are shown as "proof of parking" on the west side of the site. The applicant was asked to move the secondary drain field location a few feet east to assure a full 20 foot setback to the structure addition, assuming suitable soils.

M/S/P DeLapp/Johnston – to adopt Resolution No. 2004-038, approving the Section 520 Site Plan for an addition to the structure at 11343 39th Street North per plans staff dated April 22, 2004, and subject to a condition that the secondary drain field be modified as to location to be not less than 20 feet from the structure. (Motion passed 4-0.)

B. Resolution No. 2004-039: Conditional Use Permit Amendment/Site Plan Amendment – Country Sun Farms

Richard Berman, Country Sun Farm Greenhouses, at 11211 60th Street North, has made application to amend its Conditional Use Permit to add green house structures of 1,920 square feet (each) to either end (east and west) of the existing retail structure. At its April 26 meeting, the Planning Commission recommended approval of this application. There was some objection to the east setback and with the nature of the use that may result from the structural expansion as proposed.

Council member DeLapp indicated the lighting is not shielded and the signage is 6' feet and does not meet the code and asked that conditions be added for signage, lighting, berms for screening, parking be added to the Resolution.

Mayor Hunt said there were no objections from the neighbors, the business is of a seasonal nature, and the new signal light at the intersection of CSAH17 and Hwy 16 will help.

Council member DeLapp responded that the neighbors have no effect in this. The Bergmans are great people who have lived in the City and had their agricultural business for a long time, but the Conditional Use Permit should stand on its own merits.

M/S/P Dunn/Johnston – to adopt Resolution No. 2004-039, Approving an Amended Conditional Use Permit and Site Plan for two additions to the retail sales building of approximately 2,000 square feet each, per plans staff dated April 22, 2004, and based on the Findings recommended by the Planning Commission. (Motion 4-0.)

C. OP Ordinance Setback Variance: Whistling Valley

When the City Council approved Whistling Valley (First Addition) in 2003, a 100 foot buffer setback to the east was permitted since OP development of the land to the east was possible due to parcel size. Bald Eagle Development provided a landscape plan for his east property line as is require where a 100 foot buffer is substituted for a 200 foot buffer.

The land to the east is being developed as a OP-Whistling Valley 2nd Addition which features a sizeable outlot of Preserved Open Space abutting the eastern-most lots of Whistling Valley (side yard of Lot 4, Block 5, and rear yards of Lot 1-3 Block 6, Whistling Valley).

Bald Eagle Development has required a four-fifths OP variance to eliminate the 100 foot east buffer of Whistling Valley since the approved design of Whistling Valley 2nd Addition will result in no homes in proximity to those side/rear yards which will enable additional flexibility as to house location on the 4 lots in Whistling Valley.

M/S/P DeLapp/Johnston -- to adopt Resolution No. 2004-040, Approving an OP 4/5th variance for Whistling Valley to eliminate the 100 foot buffer requirement on Lot 4, Block 5; and Lots 1-3, Block 6. (Motion passed 4-0.)

10. CITY ATTORNEY'S REPORT:

Hill Trail Property

Council member Johnston explained a resident on Hill Trail, who received Council approval for a variance to build a garage, has removed trees and vegetation. He noted the Building Official inspected the property on Sunday (5/2) and the silt fence was not installed and still not installed as of this meeting. Johnston added that this resident told council members that he would preserve the trees and vegetation. A submittal of a landscape plan was not a condition of the variance approval because they took the resident's word. In order to prevent this situation from happening again, the Council said it would have to be very careful to add all conditions for approval. A landscape plan and performance bond should be required.

Discussion on the process of variance performance will be added as an agenda item under Planning, Land Use and Zoning for the May 18th Council agenda.

Fence on Marquess

Attorney Filla reported he talked to Chad Simich who agreed to get a quote to bring the segment on the street side into City compliance. Midwest Fence provided an estimate which includes cost of replacing the existing 72" high fence section along the street (including the existing double drive gate) and full cost recovery for the 72" fence running perpendicular from the street to the rear of the house which will be torn down. Mr. Simich wanted to be assured that craftsmanship and materials will be of consistent quality and design standard with the rest of the fence.

Council member Johnston said this is a shared responsibility on both sides and would be amenable to pay up to half the cost of the fence replacement. Chad Simich responded a simple telephone call from the City would have prevented this situation. He said the design change he made to the fence was made because of the input of the City and that this input affected not only him, but was repeated to his neighbor and the Homeowner's Association. He said the Building Official visited his property and had walked the fence line.

Mayor Hunt said he would be willing to cover the cost because the City should share in the cost because of the confusion of the interpretation of the ordinance.

M/S/P Johnston/Dunn – to approve the replacement of the fence segment for Chad Simich, 12167 Marquess Lane Cove N., per the quote from Midwest Fence, per quote received by Attorney Filla, not to exceed \$2,280 with submittal of the paperwork to the City. (Motion passed 4-0).

Council member DeLapp asked if Mr. Simich's homeowner's insurance would cover issues like this. Mr. Simich said at this point it is a voluntary action on his part, and he would not file a claim against his insurance. Mr. Simich added we have a current interpretation of the solid fence so he was making the assumption he was done with the fence issue and will not be before this council again. Attorney Filla said this is no doubt the least expensive solution in this matter.

11. CITY ADMINISTRATOR'S REPORT:

A. Countywide Assessment Services

The City has received letters to Washington County from 5 of the 9 local government units that now contract locally for assessment services. All 5 local units have expressed opposition to the countywide assessment services concept proposed by the County. The County is expecting the Council to take a position on this County concept.

Council member Dunn said she did not like the Countywide assessment services because it reduced the level of services to our residents, not beneficial to the City, and it would end up costing the taxpayers more. The remainder of the Council agreed with Council member Dunn's reasons and was opposed to the countywide assessment services.

M/S/P Dunn/DeLapp - to direct the Acting City Administrator to write a letter, consistent with examples of letters received and expressing Council member's Dunn reasons that the position of Lake Elmo was not in favor of the concept of countywide assessment services. (Motion passed 4-0.)

B. Resignation of Council Member: Resolution No. 2004-041

The Council received a letter of resignation from the Lake Elmo City Council from Chuck Siedow because he has purchased a home in Wisconsin and will be moving there soon. A resolution of the City Council accepting Mr. Siedow's resignation and declaring the vacancy of the Council seat was provided for Council approval.

The Council discussed the options of either appointing a person to serve out the rest of Siedow's term, which expires at the end of the year, leave the seat open, or hold a special election. Council member Johnston suggested that they chose someone who wouldn't be running for City Council this November since it might give them an unfair advantage. Former Council member Wyn John was a possibility. Other Council members disagreed with that suggestion. They agreed that they wanted to appoint an experienced person or someone who was up to speed on city issues.

Council member DeLapp said they should choose someone who was in support of the City's Comprehensive Plan.

Mayor Hunt said anyone interested in the position can e-mail him. Council members will also submit names of possible candidates. These names will be brought to the May 18th Council meeting when they will decide if they will hold interviews with each of the candidates before appointing someone.

M/S/P Johnston/Dunn – to adopt Resolution No. 2004-041, Accepting the resignation of Charles Siedow and Lake Elmo City Council Member and declaring a vacancy for the Council seat formerly held by Charles Siedow. (Motion passed 4-0).

Fence Moratorium

Attorney Filla provided a draft moratorium ordinance on fences which the Council will add to the May 18th Council agenda.

12. CITY COUNCIL REPORTS

Mayor Hunt reported he, Council members Johnston and Dunn attended the Fire Department workshop and decided to wait until the City Administrator came on board. On Tuesday, May 11, he will attend the East Metro mayor's Forum. He received, and will not be able to attend, a regional policy conference on Wednesday, May 16, convened by the Met Council, the University of MN and the McKnight Foundation. Deadline is May 12. Peter Bell, Chair of the Met Council will be the moderator for many of the conference items. The Council indicated that it definitely needed someone to attend and then would ask the Acting City Administrator to coordinate attendance.

Council member Dunn announced that City Pages, the On-Line News & Arts Weekly of the Twin Cities, announced Lake Elmo Mayor Lee Hunt as the best mayor.

Council member Johnston reported that AMM has chosen a council member from Hugo to serve on the Board of Directors.

The City of Afton will have a forum on June 3rd on development. Mayor Hunt will give 20 minutes of remarks on Open Space developments in harmony with the environment.

Council Adjourn meeting at 9:10 p.m.

Respectfully submitted by Sharon Lumby, Deputy Clerk

Resolution No. 2004-037 Approve Claims

Resolution No. 2004-038 Section 520 Site Plan, Retail Construction

Resolution No. 2004-039 CUP/Site Plan Amendment-Country Sun Farms

Resolution No. 2004-040 Approve an OP 4/5ths variances for Whistling Valley

Resolution No. 2004-041 Accept resignation of Charles Siedow as City Council Member

4A

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

**RESOLUTION NO. 2004-045
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 204, 205, DD164 through DD171 25642 through 25656, were used for Staff, payroll dated May 27, 2004, Claim Numbers 25641 dated May 19, 2004 and 25657 through 25693 dated June 01, 2004 in the total amount of \$71,673.54 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 1st day of June, 2004.

Lee Hunt
Mayor

ATTEST:

Martin J. Rafferty
City Administrator

Accounts Payable Computer Check Proof List

User: administrator

Printed: 05/27/2004 - 5:02 PM

SPRINGBROOK SOFTWARE

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: AndersonJ Refund Claim	Jeff Anderson Refund - Variance Application Check Total:	620.00 620.00	06/01/2004	Check Sequence: 1 803-490-9070-44300	ACH Enabled: No
Vendor: ARAM 629-5473333	Aramark Linen-City Hall Check Total:	42.78 42.78	06/01/2004	Check Sequence: 2 101-410-1940-44010	ACH Enabled: No
Vendor: AITWI 2750230	AT&T Wireless Floater Phone Fire Dept. Check Total:	17.44 17.44	06/01/2004	Check Sequence: 3 101-420-2220-43210	ACH Enabled: No
Vendor: AUTOMATI 15613S	Automatic Systems Co. Repairs to Lift Station Alarm Check Total:	247.50 247.50	06/01/2004	Check Sequence: 4 602-495-9450-44030	ACH Enabled: No
Vendor: AVAYA 2718422357	AVAYA Inc. Telephone Equip. Maintenance Check Total:	150.36 150.36	06/01/2004	Check Sequence: 5 101-410-1940-44040	ACH Enabled: No
Vendor: BATTERY 31-90298 31-94350	Batteries Plus - MPLD #31 Batteries-Fire Dept. Batteries-Fire Dept. Check Total:	7.98 29.24 37.22	06/01/2004 06/01/2004 06/01/2004	Check Sequence: 6 101-420-2220-42400 101-420-2220-42400	ACH Enabled: No
Vendor: BIFFS W220123 W220124 W220125	Biff's Inc. Restrooms-Sunfish Park Restrooms-Lions Park Restrooms-VFW Park	70.26 220.82 110.41	06/01/2004 06/01/2004 06/01/2004	Check Sequence: 7 101-450-5200-44120 101-450-5200-44120 101-450-5200-44120	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
W220126	Restrooms-DeMontreville Park	110.41	06/01/2004	101-450-5200-44120	
W220127	Restrooms-Reid Park	110.41	06/01/2004	101-450-5200-44120	
W220128	Restrooms-Tablyn Park	110.41	06/01/2004	101-450-5200-44120	
W220129	Restrooms-Pebble Park	110.41	06/01/2004	101-450-5200-44120	
	Check Total:	843.13			
Vendor: COPYMAG 47829	Copy Images, Inc. Copier Maint. Agreement Check Total:	255.60 255.60	06/01/2004	Check Sequence: 8 101-410-1940-44040	ACH Enabled: No
Vendor: FOUR 23-036364	Four Seasons Service Supplies-City Hall Check Total:	29.60 29.60	06/01/2004	Check Sequence: 9 101-410-1940-44300	ACH Enabled: No
Vendor: FXL	FXL, Inc. Assessing Services-June Check Total:	1,700.00 1,700.00	06/01/2004	Check Sequence: 10 101-410-1550-43100	ACH Enabled: No
Vendor: GENESIS 1437	Next Genesis Productions Hardware & Software General Support Check Total:	800.00 800.00	06/01/2004	Check Sequence: 11 101-410-1520-43180	ACH Enabled: No
Vendor: GRAFIX 35543	Grafix Shoppe Decals for Fire Dept. Helmets Check Total:	117.00 117.00	06/01/2004	Check Sequence: 12 101-420-2220-42400	ACH Enabled: No
Vendor: HINKLEY M4301	GMAC & HINKLEY CHEVROLET New Building Dept. Vehicle Check Total:	15,380.00 15,380.00	06/01/2004	Check Sequence: 13 410-480-8000-45500	ACH Enabled: No
Vendor: INTERARS 12210	Internation Assoc of Arson Inv Annual Membership Dues Check Total:	50.00 50.00	06/01/2004	Check Sequence: 14 101-420-2220-44330	ACH Enabled: No
Vendor: Johnson	Johnson Construction Storage Rental-Fire Dept. June 04 Check Total:	90.00 90.00	06/01/2004	Check Sequence: 15 101-420-2220-44120	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:LINDVENN 282344-0840	Lindquist & Vennum Legal Services-Comp. Plan Appeal Check Total:	9,729.24 9,729.24	06/01/2004	Check Sequence: 16 101-410-1940-43020	ACH Enabled: No
Vendor:MALMQ Claim Voucher	GregMalinquist 9-Burn Permits Check Total:	90.00 90.00	06/01/2004	Check Sequence: 17 101-420-2220-43210	ACH Enabled: No
Vendor:MATMGMT	Materials Mgmt Division State Purchase Membership Renewal State Purchase Membership Renewal State Purchase Membership Renewal State Purchase Membership Renewal State Purchase Membership Renewal Check Total:	150.00 50.00 100.00 150.00 50.00 500.00	06/01/2004 06/01/2004 06/01/2004 06/01/2004 06/01/2004	Check Sequence: 18 101-430-3100-44330 101-450-5200-44330 101-410-1320-44330 101-420-2220-44330 101-420-2400-44330	ACH Enabled: No
Vendor:MENARDSO 26392 26855	Menards - Oakdale Shop Supplies-Hand Cleaner & Bolts Paper Towels & Lumber Check Total:	24.84 47.88 72.72	06/01/2004 06/01/2004	Check Sequence: 19 101-430-3100-42150 101-430-3100-42150	ACH Enabled: No
Vendor:METROCA 01542087	Metrocall Pager Service-Fire Dept. Check Total:	83.21 83.21	06/01/2004	Check Sequence: 20 101-420-2220-43210	ACH Enabled: No
Vendor:METFIR 17690 17691	Metro Fire Helmets 6-Face Shields-Fire Dept. Check Total:	460.54 278.05 738.59	06/01/2004 06/01/2004	Check Sequence: 21 101-420-2220-45800 101-420-2220-42400	ACH Enabled: No
Vendor:MNDOH	MN Department of Health Quartley Water Permits Check Total:	817.00 817.00	06/01/2004	Check Sequence: 22 601-494-9400-43820	ACH Enabled: No
Vendor:Natl Wat 1293629	National Waterworks 2- 1 1/2 Water Meter-Reimbursed Check Total:	822.18 822.18	06/01/2004	Check Sequence: 23 601-494-9400-42300	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:PETTYCI					
Petty Cash	Petty Cash	52.20	06/01/2004	Check Sequence: 24 101-410-1320-43220	ACH Enabled: No
Petty Cash	Postage	17.50	06/01/2004	101-420-2220-45800	
Petty Cash	New Vehicle Registration-Fire.Dept	12.00	06/01/2004	101-410-1110-44370	
	Meeting City Council Member	81.70			
	Check Total:				
Vendor:PETTYFIR					
Petty Cash	Petty Cash	97.82	06/01/2004	Check Sequence: 25 101-420-2220-44300	ACH Enabled: No
	Petty Cash Reimbursement-Fire Dept.	97.82			
	Check Total:				
Vendor:PIONEERP					
219071	Pioneer Press	104.00	06/01/2004	Check Sequence: 26 101-410-1320-44330	ACH Enabled: No
	Newspaper	104.00			
	Check Total:				
Vendor:PRESS					
	StevenPress	80.00	06/01/2004	Check Sequence: 27 101-410-1320-44300	ACH Enabled: No
	Cable Operator	80.00			
	Check Total:				
Vendor:QWEST					
6517142209456	Qwest	36.02	06/01/2004	Check Sequence: 28 602-495-9450-43210	ACH Enabled: No
	Phone Service Alarms Hudson Lift Station	36.02			
	Check Total:				
Vendor:RENNESC					
	Scott Renne	1,100.00	06/01/2004	Check Sequence: 29 803-490-9070-44300	ACH Enabled: No
	Appraisal - Whistling Valley-Reimbursed	1,100.00			
	Check Total:				
Vendor:ROGERS					
11524	Rogers Printing Services	1,159.79	06/01/2004	Check Sequence: 30 101-410-1320-43090	ACH Enabled: No
	May Newsletter	1,159.79			
	Check Total:				
Vendor:RUD					
	DianePrince-Rud	240.00	06/01/2004	Check Sequence: 31 101-410-1940-44010	ACH Enabled: No
	Cleaning City Hall	240.00	06/01/2004	101-420-2220-44010	
	Cleaning-Fire Hall	480.00			
	Check Total:				
Vendor:TASCH					
32733	T.A. Schifsky & Sons	102.40	06/01/2004	Check Sequence: 32 101-430-3100-42240	ACH Enabled: No
	Sand & Asphalt				

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	102.40			
Vendor:TRIP 23335	TRI STATE PUMP & CONTROL INC. Repairs 94 Lift Station Check Total:	180.00 180.00	06/01/2004	Check Sequence: 33 602-495-9450-44030	ACH Enabled: No
Vendor:WAS-AG 755	Washington Cty Agricultural So Fairgrounds Rental-Clean-up Day Check Total:	100.00 100.00	06/01/2004	Check Sequence: 34 101-430-3100-44380	ACH Enabled: No
Vendor:WASCOUNT 40801	Washington County GIS software support Check Total:	50.00 50.00	06/01/2004	Check Sequence: 35 101-410-1520-43180	ACH Enabled: No
Vendor:WORKWELL 057919	Workwell Occupational Health Physicals-Fire Dept. Check Total:	221.00 221.00	06/01/2004	Check Sequence: 36 101-420-2220-43050	ACH Enabled: No
Vendor:XCEL 0073736544139	Xcel Energy Check Total:	22.38 22.38	06/01/2004	Check Sequence: 37 101-430-3160-43810	ACH Enabled: No
	Total for Check Run:	37,048.68			
	Total Number of Checks:	37			

Lake Elmo City Council 04-06-2004	Agenda Section: FINANCE	<u>No. 5A.</u>
<u>Agenda Item: Budget Calendar</u>		
<u>Background Information for June 01, 2004:</u> <p>Attached, please find the proposed 2005 Budget Calendar. The Budget process for Fiscal Year 2005 will start in early June with the intention of receiving some guidance through the upcoming Council Strategy Workshop. This will allow staff to analyze the impact on the Budget as it relates to future direction of the City. To the extent possible, the time frame has been moved up this year in an effort to give all involved the time needed to accomplish an accurate and complete Budget.</p>		
<u>Action Items:</u> None		<u>Person responsible:</u> Tom Bouthilet
<u>Attachments:</u> 1. 2005 Budget Calendar		


Lake Elmo City Council June 1, 2004	Agenda Section: Planning, Land Use & Zoning	<u>No.</u> 9A
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Agenda Item: Zoning Setback Variances – 8017 – 50th Street North (Isaacson)

Background Information for June 1, 2004:

The Planning Commission has, at its May 10 and May 24 meetings considered an application by Isaacson for side and front setback variances to accommodate construction of an attached two stall garage. The Hearing was conducted on May 10, 2004, at which time the Commission tabled the application to allow the applicant to consider amending the scale of the request. On May 20 the applicant submitted an amended application that reduced the requested side setback variance from 8.5 feet to 4 feet; and, increased the requested front setback variance from 6 feet to 10 feet.

On May 24 the Commission reviewed the amended proposal and unanimously (9-0) adopted a motion to recommend approval of the variances requested by the May 20 drawings. By the adopted Findings, the Commission found that a physical hardship does exist for the applicant due to the unusual shape of the parcel; the amended request permits the reasonable use of the property; and there is no impact from the variances on surrounding properties.

<p><u>Action items:</u></p> <p>Motion to adopt Resolution # 2004 - ⁰⁴⁶, approving a side yard set back variance of 4 feet and front yard set back variance of 10 feet for garage construction at 8017 50th Street North, per plans staff-dated May 20, 2004, based on the Findings and recommendation of the Planning Commission.</p>	<p><u>Person responsible:</u></p> <p> City Planner</p>
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Resolution #2004 - ⁰⁴⁶, approving variances. 2. Draft Planning Commission Minutes of May 24, 2004 3. Applicant's May 20, 2004 Graphics 4. Planning Commission Minutes of May 10, 2004 5. Planning Staff report of April 30, 2004 6. 	<p><u>Time Allocated:</u></p>

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-046

A RESOLUTION APPROVING A VARIANCE FOR WILLIAM ISAACSON
LOCATED AT 8017 50th STREET NORTH

WHEREAS, William Isaacson, 8017 50th Street North, requested a side yard setback variance and front yard set back variance to accommodate construction of an attached two stall garage.

WHEREAS, at its May 10, 2004 meeting, the Lake Elmo Planning Commission held a public hearing at which time the Commission tabled the application to allow William Isaacson to consider amending the scale of the request.

WHEREAS, at its May 24, 2004 meeting, the Lake Elmo Planning Commission recommended approval of the amended application that reduced the requested setback variance from 8.5 feet to 4 feet; and, increased the requested front setback variances from 6 feet to 10 feet, per plans staff dated May 20, 2004 based on the following findings:

1. Due to the unique shape of the land parcel and its partial frontage on an unused street right-of-way, reasonable use of the property by the applicant would include a garage structure of the size and at the setbacks proposed by the applicant's graphics dated May 20, 2004.
2. There are circumstances unique to the property, as noted by Finding No. 1, that form the basis for the variances requested.
3. Granting of the variance will not change the essential character of the neighborhood.

WHEREAS, at its June 1, 2004 meeting, the Lake Elmo City Council approved a side yard set back variance of 4 feet and front yard set back variance of 10 feet for garage construction for William Isaacson, 8017 50th Street North, per plans staff dated May 20, 2004,

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council approves a side yard set back variance of 4 feet and front yard set back variance of 10 feet to William Isaacson for garage construction at 8017 50th Street North, per plans staff dated May 20, 2004, based on the findings of the Planning Commission.

ADOPTED by the Lake Elmo City Council on the 1st day of June, 2004.

Lee Hunt, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

**City of Lake Elmo
Planning Commission Meeting
Minutes of May 24, 2004**

Chairman Helwig called to order the Planning Commission Meeting at 7:00 p.m. COMMISSIONERS PRESENT: Deziel, Sedro, Berg, Ptacek, Meldahl, Sessing, Van Pelt, Johnson, Pelletier, Schneider; STAFF PRESENT: City Administrator Rafferty, City Planner Dillerud, and Recording Secretary Schaffel.

Pledge of Allegiance

Agenda

M/S/P, Meldahl /Berg, To accept the Agenda as presented. **VOTE: 9:0.**

Welcome to Charles Schneider, 2nd Alternate.

Commissioner Van Pelt was made Full Voting Member and Liz Johnson was moved to First Alternate.

Minutes of May 10, 2004

Commissioner Johnson, said on the 2nd page bottom, a motion was made and seconded but a motion to table took precedence, and there was no vote. On page 6 bottom, in the last sentence she suggested that, "Historic barns should get approval for historic colors." On page 7, third paragraph, the first sentence should end after, "Character."

Commissioner Sedro said that on page 7, she is indicated as seconding a motion for which she abstained from the vote. Commissioner Sessing said he was the seconder on that motion.

M/S/P, Johnson/Deziel, To accept the Minutes of May 10, 2004 as amended. **VOTE: 9:0.**

M/S/P, Ptacek/Sedro, To nominate Commissioner Sessing for Secretary. **VOTE: 8:0:1 (Abstain: Sessing).**

Variance Public Hearing Continued: Isaacson

The Planner reminded the commissioners that at the last meeting, the applicant was asked if he wanted to table his application. He explained that a new drawing submitted by the applicant did not get added to the packet. The drawing was distributed. The Planner said the 6 feet side yard minimum suggested by straw vote of the Commission on May 10 is reflected in the applicant's drawings staff dated May 20. The Planner presented a set of alternative positive Findings. He said the Applicant had also dropped off letters of support from his neighbors.

Commissioner Johnson noted that the front setback in the new plan is less than previously requested and less than required. The Planner said the front yard setback is not as important an issue in this case since the excess right-of-way of "paper" Park Street results in an effective front set back well in excess of Code standards. He repeated that he believed that Park Street would never be constructed since all residences with frontage on that right-of-way now access from 50th Street North.

The Planner reported that Commissioner Sedro had earlier asked about the ability for emergency vehicles to access the rear of the property. She continued her questioning by asking the width of emergency vehicles.

The Planner responded that no emergency vehicle is wider the 8.5 foot maximum allowable width on public streets without a special permit; and that most were significantly narrower than the 8.5 feet. He also said it is possible for emergency vehicles to access the rear of this lot on the west side, where a 10 foot set back has been maintained..

Commissioner Schneider said he drove past the site, and asked about the neighbor's driveway in relation to the property line.

Mr. Isaacson said the dirt driveway borders the property line.

M/S/P, Sessing/Johnson, To take the Isaacson Variance from the Table. VOTE: 9:0.

The Chairman introduced the letters from Douglas, Severin, Marin, and Braun, the Isaacson's neighbors.

Commissioner Deziel said he was pleased to see the redesign, and the garage is 30 feet from the built street.

M/S/P, Johnson/Deziel, To recommend approval for side and front yard variances to accommodate the garage construction per the graphics staff dated May 20, 2004, and based on the following Findings:

1. Due to the unique shape of the land parcel and its partial frontage on an unused street right-of-way reasonable use of the property by the applicant would include a garage structure of the size and at the setbacks proposed by the applicant's graphics dated May 20, 2004.
2. There are circumstances unique to the property – as noted by Finding #1 – that form the basis for the variances requested.
3. Granting of the variance will not change the essential character of the neighborhood.

VOTE: 9:0.

Limited Business Use Addition

The Planner introduced the proposed use of a salon in the Limited Business District by the prospective tenant at Prairie Ridge Office Park.. He reported that a salon is not presently a conditional or permitted use in the LB district. He advised that the Planning Commission can initiate amendment of the Zoning Ordinance. He said the commission has done so in the past. The Planner reminded the commission that new uses always appear on the horizon That could be reason to amend them into the Zoning Ordinance.

Commissioner Sedro said the salon use seems different from the other uses because more water is used in a salon. She said she is concerned about the septic system.

The Planner said the building square footage determines the septic generation, and the system is designed accordingly. He said that square footage limits the scale of the use automatically.

Commissioner Sedro said the potential tenant proposes 18 styling stations, generating more traffic than other uses on the list of allowed uses.

The Planner said the Commission can use the exact proposal as a basis to include or exclude this type of use. He said the Commission can set the conditions they want to include with any CUP eventually approved for this use. He said that Commission's decision will be based on the scale of the use, not use itself. If the Commission amends the code, the applicant could then come in with a full application responsive to the use description and conditions that appear in the Zoning Ordinance after amendment..

Commissioner Ptacek said when looking at other allowed uses in the Limited Business District, the trips by vehicle appeared to be about the same for any other listed business. He said the use should be allowed because a salon could generate just as much or as little traffic or septic use as the other allowed uses.

M/S/P, Johnson/Deziel, To direct staff to publish a hearing notice to amend the uses in the Limited Business District to include a salon as a Conditional Use.

Concern was expressed about hair in septic systems. Commissioner Johnson said most salons use catch traps in the drains.

Commissioner Ptacek asked about SAC Units generated by a salon use.

The Planner said that getting into SAC Units might be too fine-tuned for this stage of the process. He said there is a shared septic system in this LB development, and specific conditions may be placed on specific units within that development.

VOTE: 9:0.

Commissioner Berg asked about the letter from the potential applicant. Is she a potential renter and can renters get a CUP? The Planner said normally not, CUP's run with the land, and if an applicant were only a tenant that request would be viewed differently. The Planner said the building owner would be responsible for the entire operation.

Draft Fence Ordinance

The Planner thanked the many commissioners who attended the Council's fence workshop. He reported that after three months of work on the draft fence ordinance, the Council wanted to be more directive as to what the ordinance standards would be. The Planner reviewed with the Commission the outcomes of the Council workshop. He added that issues of finished side orientation and fences in City easements would also need to be addressed by the ordinance amendments.

Commissioner Sedro pointed out that Item 3 of staff's May 20 Memo mentions cyclone fences, yet Item 6 does not include the cyclone fence when addressing allowable fence colors.

Commissioner Sedro said she didn't understand what Item 1 was trying to say.

The Planner explained that applied to fences in street or front yard setbacks. The allowable fence location is the 30 feet setback, whether or not an adjacent house is rear of that line. He said the same principle would apply on a corner lot.

Chairman Helwig questioned why vinyl fences could be any color but white.

Commissioner Sessing asked about woven wire fence. If it were an addition on to existing fence, would the original fence have to change to green or black?

Commissioner Van Pelt said that, in essence, there would be no backyard privacy fences by the Council's directions on fence standards.

The Planner said there was a discussion about the circumstances on extraordinarily small lots. He said the Council might go along with privacy fences in a townhouse configuration, and also other configurations if the fence was substantially within the property set back line, such as an architectural extension of the house.

Commissioner Meldahl said many cities allow an eight foot privacy fence around a patio.

The Planner said the problem with that is where is the patio ending?

Commissioner Sessing noted that the Council spoke of taller fences inside the building line screening boats and motor homes, but ran out of time to discuss that on May 10.

The Planner and Chairman said they did not hear it that way.

The Planner brought up security fencing for pools. He said a fence can be 75% open and still secure.

Commissioner Sedro asked if it is the job of the Planning Commission to pass on what it comes up with, or to do what the Council says.

Commissioner Deziel said maybe if the Commission brings some of these issues to the hearing we might hear some of the reasons for the Council's changes.

The Planner said the Council wants no privacy fences to six feet in height on property lines..

Commissioner Sedro said the Council dealt with style but not with functionality.

Chairman Helwig asked why does the Commission have to have the hearing when it does not agree with the Council? Shouldn't the Council have the hearing?

The Planner said it would be better for the Planning Commission to hold the hearing. He said he can structure the hearing notice generic enough so both drafts can be presented. The Planner said the Planning Commission is appointed to do the legwork for the Council, which may, at other times, include doing what Council asks them to do.

Commissioner Ptacek said he can live with most of the Council's ordinance direction, but not with the specified fence colors. He said he does not agree that the City should legislate colors. He recommended including the ordinance for public hearing without the colors of fences specified. Otherwise, he said he would prefer to send up to the Council the original fencing ordinance.

Commissioner Ptacek said the Commission can send a strong message tonight. He said the city does not gain by publishing a generic notice. He said he would rather debate it now, and send the result to public hearing.

Commissioner Sedro said she would like to hear public comments on both ordinances.

Commissioner Deziel said he would like to have the generic notice because the Commission only heard subjective opinions as to why the Council made the changes they did. He said privacy is important to some people. He said if the Commission and Council are making laws for other people to live by, the City should be more accommodating.

Commissioner Pelletier asked about publishing in the newsletter and web site. She said fencing is a large enough issue to try for better attendance.

Commissioner Van Pelt agreed that the hearing notice should be generic since there are very different opinions between the Council and the Commission as to appropriate fence standards.

M/S/P, Ptacek/Deziel, To direct staff to publish the generic fence ordinance notice, and bring all ideas forward for public discussion.

Commissioner Schneider suggested that the more restrictive the notice appears, the better the attendance will be.

VOTE: 9:0.

CITY COUNCIL UPDATE

The Planner reported that the City Council denied the septic variance for Gary Webster, and they approved entering a contract with SEH for a Trails System Plan which would then come before the Planning Commission as a Comprehensive Plan Amendment. The Planner said he has been working on the new Zoning Ordinance with Dick Thompson over the last several weeks.

The Planner said a Concept Plan application has been submitted for the church-owned site at Keats and 36 for 48 of their acres. He said there are also two other sizable applications expected in the next thirty days.

Chairman Helwig asked if an OP development is created on the church land, does it come back into taxable property?

The Planner said it does.

The Planner announced that the Supreme Court will hear the City's case against the Metropolitan Council in the first week of June but that he has no idea when a decision will be rendered.

ADJOURN 8:09 P.M.

Respectfully submitted,



Kimberly Schaffel
Recording Secretary

DRAFT

5/2/04

LAKE ELMO

As the residents of 8001 50TH STREET, we're OK
with Bill Isaacson's variance to build the
garage approx 2ft from the east side property
line.

Jim Douglas
Jan Keefner

Rec'd
5/18/04
[Signature]

I agree with Will Isaacson
request for variance for 2 foot set back
for garage from east property line

R.K. Myran
8033 50th St. N

Reb
5/84/04
RC

City of Lake Elmo

Mike Severin
8012 50th St. N
Lake Elmo

To Whom It May Concern:

This letter is in regards to the variance being requested by Will Isaacson for the construction of a garage.

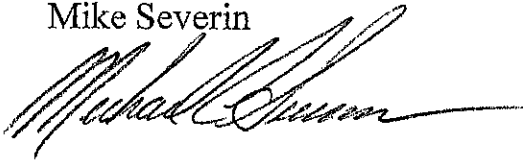
We have no objections to the planned construction. It is a new home that currently has no garage. I do not know what the original plans were regarding a garage for the home, but surely the city must have known that a new home built with city approval would eventually require a garage in keeping with every other house built in the city.

A man has to have a garage, and denying his request would be unamerican.

I would ask that the city approve his request for the variance, as a nice home like that without a garage just wouldn't be right.

Respectfully,

Mike Severin



Raid
5/84/04

① DAVID L. BROWN
7990 50TH ST. N
LAKE ELMO, MN,
55042

MAY 10 2004

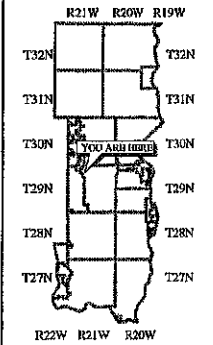
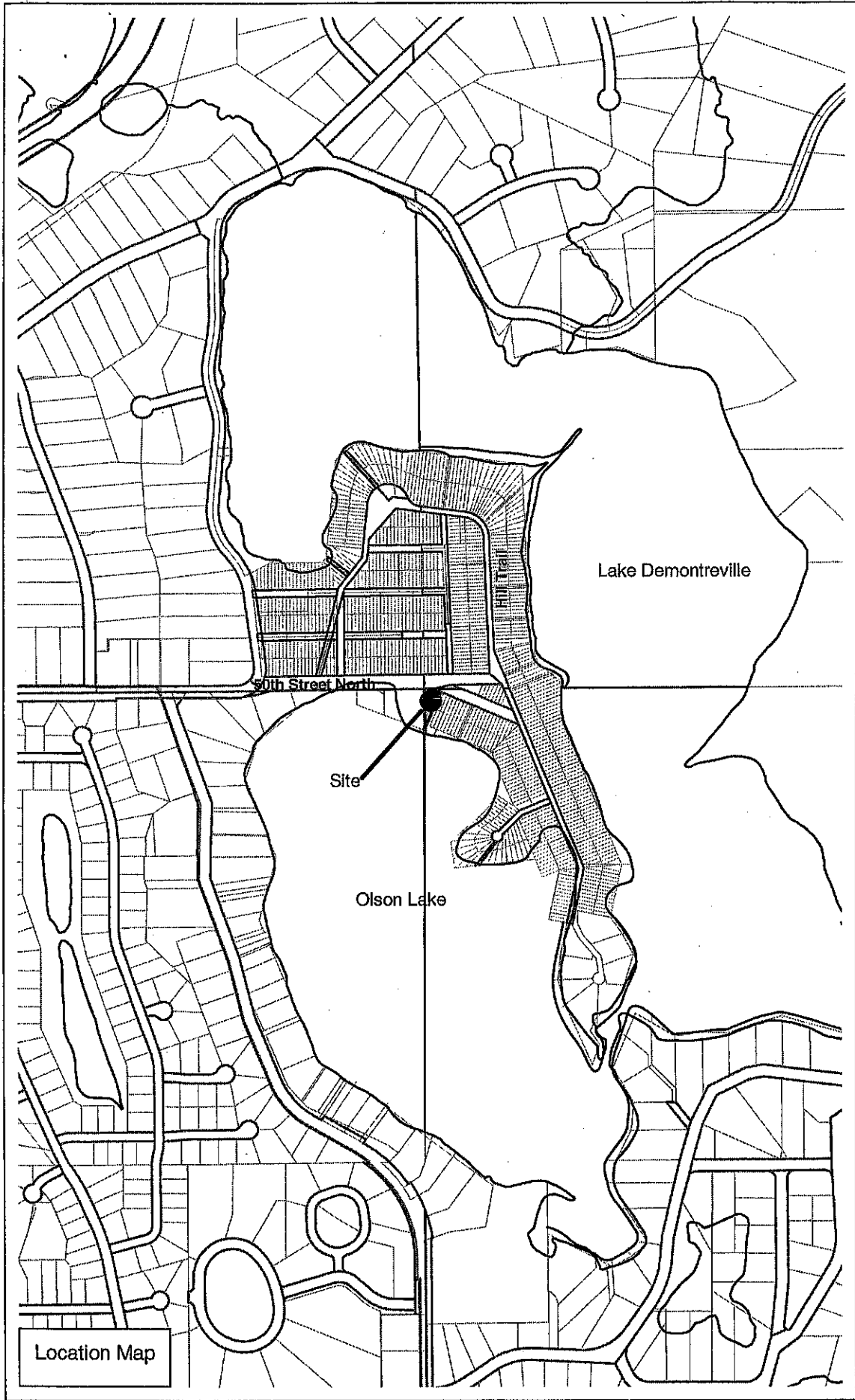
NEITHER MARY OR I HAVE A
PROBLEM WITH BILLY GETTING A
VARIANCE TO BUILD HIS GARAGE.

Done Bro

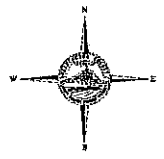
Mary Brown

Reid
5/18/04

oe



Vicinity Map



Location Map

This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

Source: Washington County Surveyors Office, Phone (851) 430-8878

Parcel data based on A8400 information

MEMO
(May 20, 2004)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: Setback Variance for Garage – 8017 50th Street North

The Commission tabled this variance application on May 10 to allow the applicant an opportunity to consider modification of his proposal to reduce the degree of variance requested. On May 20 the applicant submitted revised application graphics depicting a garage structure 22 feet wide and 26 feet in length. This plan (May 20) would result in a 6 foot side yard setback (10 feet required, and 1.5 feet previously proposed); and, a 20 foot front setback (30 feet required, and 24.8 feet previously proposed).

As previously noted by staff, the front setback is not an issue of consequence for this site due to an unused street right-of-way adjacent to the northeast corner of the site. The Minutes of the May 10 meeting indicate that at least two Commissioners commented that they could support a 6 foot side yards setback.

Recognizing that there appeared to be a sense of some of the Commission that variances of some degree might be recommended to the City Council, I have drafted alternate Findings that could accompany such a recommendation, as follow:

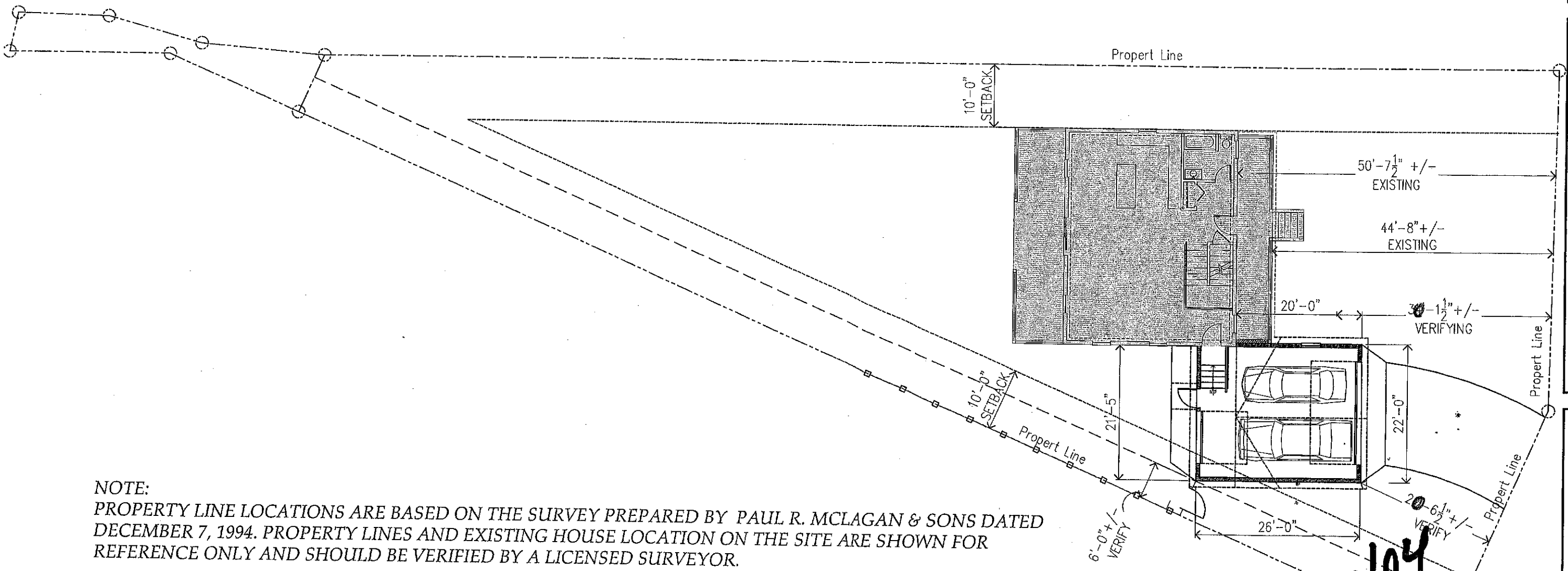
1. Due to the unique shape of the land parcel and its partial frontage on an unused street right-of-way reasonable use of the property by the applicant would include a garage structure of the size and at the setbacks proposed by the applicant's graphics dated May 20, 2004.
2. There are circumstances unique to the property – as noted by Finding #1 – that form the basis for the variances requested.
3. Granting of the variance will not change the essential character of the neighborhood.

I have attached the April 30, 2004 Planning Staff Report to provide the Commission the pertinent background information; the applicants original request; and the original Finding for Denial.

Phil Rader
 Architect
 5126 Washburn Avenue South
 Minneapolis, Minnesota 55410
 Phone: (612) 920-3955
 Fax: (612) 920-3958
 www.philrader.com

Certification:
 I Herby certify that this plan, and or report was prepared by me, or under my direct supervision and that I am a duly registered Architect under the laws of the State of Minnesota.

Signature: *Phil Rader*
 Registration: 41379
 Date: May 18, 2004
 Commission: 03-020
 Drawn By: PJR
 Checked By:



NOTE:
 PROPERTY LINE LOCATIONS ARE BASED ON THE SURVEY PREPARED BY PAUL R. MCLAGAN & SONS DATED DECEMBER 7, 1994. PROPERTY LINES AND EXISTING HOUSE LOCATION ON THE SITE ARE SHOWN FOR REFERENCE ONLY AND SHOULD BE VERIFIED BY A LICENSED SURVEYOR.

1 SITE PLAN
 1/16" = 1'-0"

N

Garage Addition
 William and Shareen Isaacson
 8017 50th Street North
 Lake Elmo, Minnesota

Sheet Title:
Site Plan

5/18/04
 RECEIVED
 MAY 20 2004

Sheet Number:
A1

©2003 Phil Rader Architect, LTD

Phil Rader
 ARCHITECT
 5126 Washburn Avenue South
 Minneapolis, Minnesota 55410
 Phone: (612) 920-3955
 Fax: (612) 920-3958
 www.philtrader.com

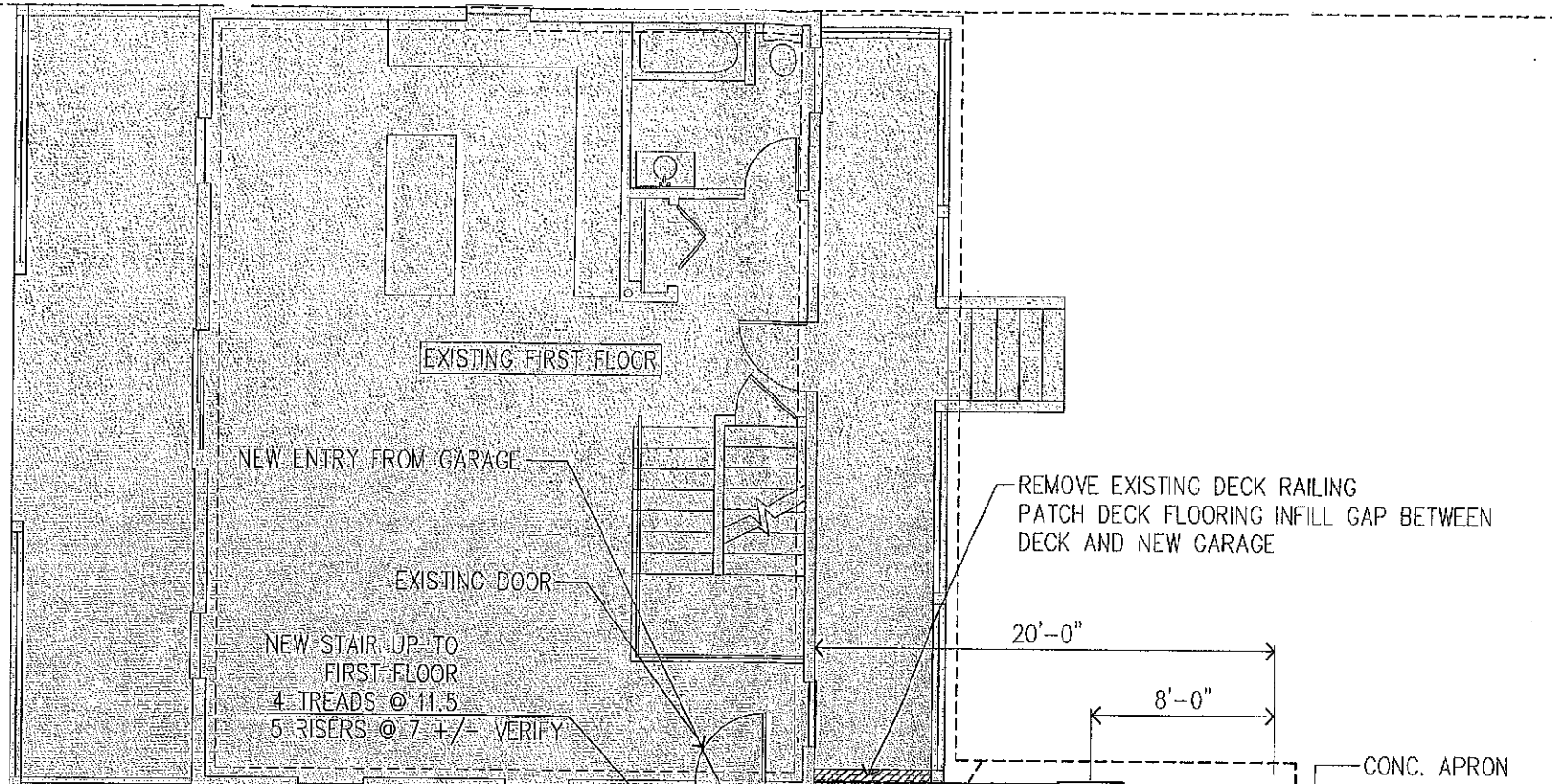
Certification:
 I hereby certify that this plan, and/or report was prepared by me, or under my direct supervision and that I am a duly registered Architect under the laws of the State of Minnesota.

Signature: *Phil Rader*
 Registration: 41379
 Date: May 18, 2004
 Commission: 03-020
 Drawn By: PJR
 Checked By:

Garage Addition
 William and Shareen Isaacson
 8017 50th Street North
 Lake Elmo, Minnesota

Sheet Title
FIRST FLOOR PLAN

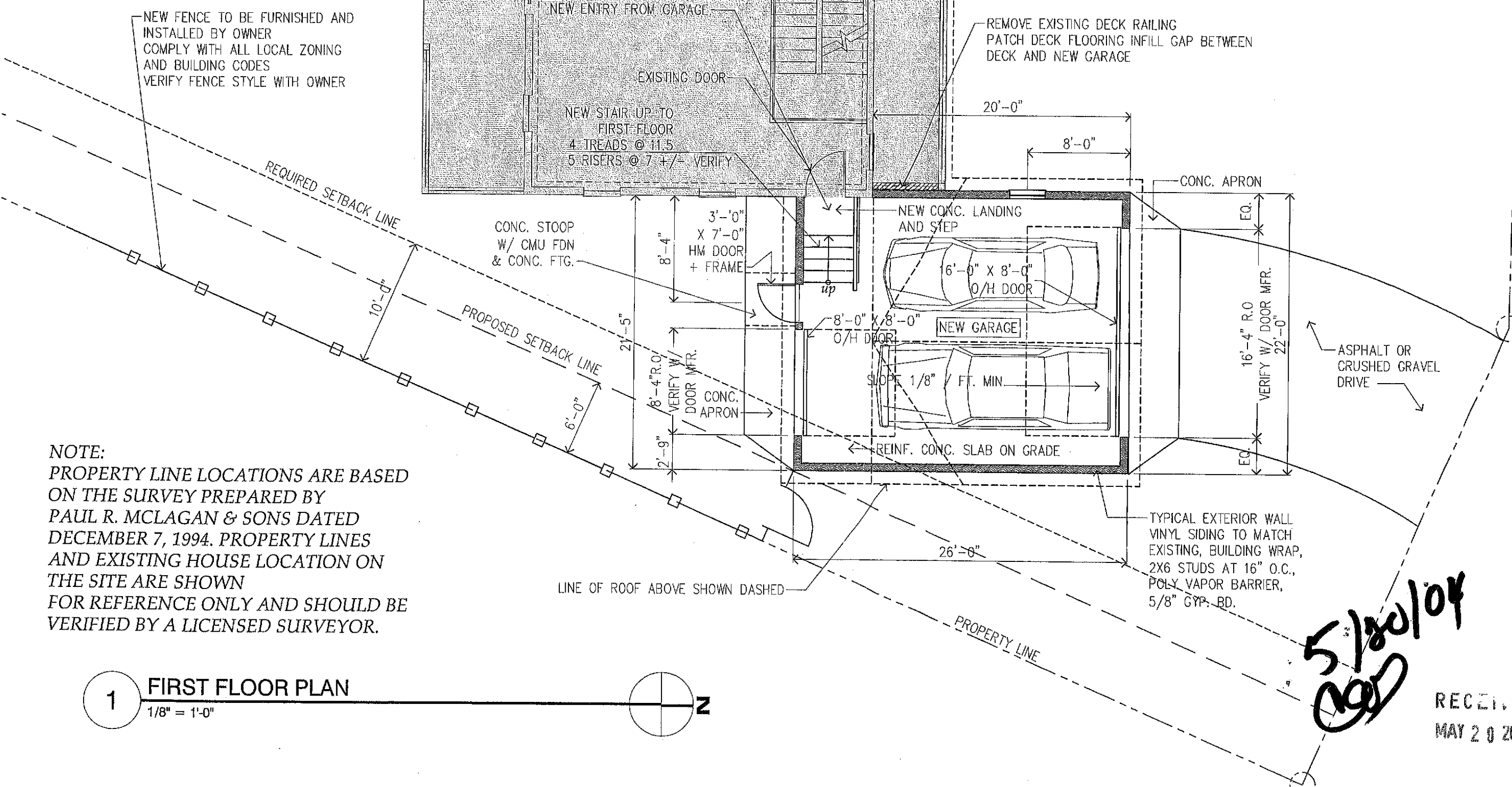
Sheet Number
A2



NEW FENCE TO BE FURNISHED AND INSTALLED BY OWNER
 COMPLY WITH ALL LOCAL ZONING AND BUILDING CODES
 VERIFY FENCE STYLE WITH OWNER

REMOVE EXISTING DECK RAILING
 PATCH DECK FLOORING INFILL GAP BETWEEN DECK AND NEW GARAGE

NEW STAIR UP TO FIRST FLOOR
 4 TREADS @ 11.5
 5 RISERS @ 7 +/- VERIFY



NOTE:
 PROPERTY LINE LOCATIONS ARE BASED ON THE SURVEY PREPARED BY PAUL R. MCLAGAN & SONS DATED DECEMBER 7, 1994. PROPERTY LINES AND EXISTING HOUSE LOCATION ON THE SITE ARE SHOWN FOR REFERENCE ONLY AND SHOULD BE VERIFIED BY A LICENSED SURVEYOR.

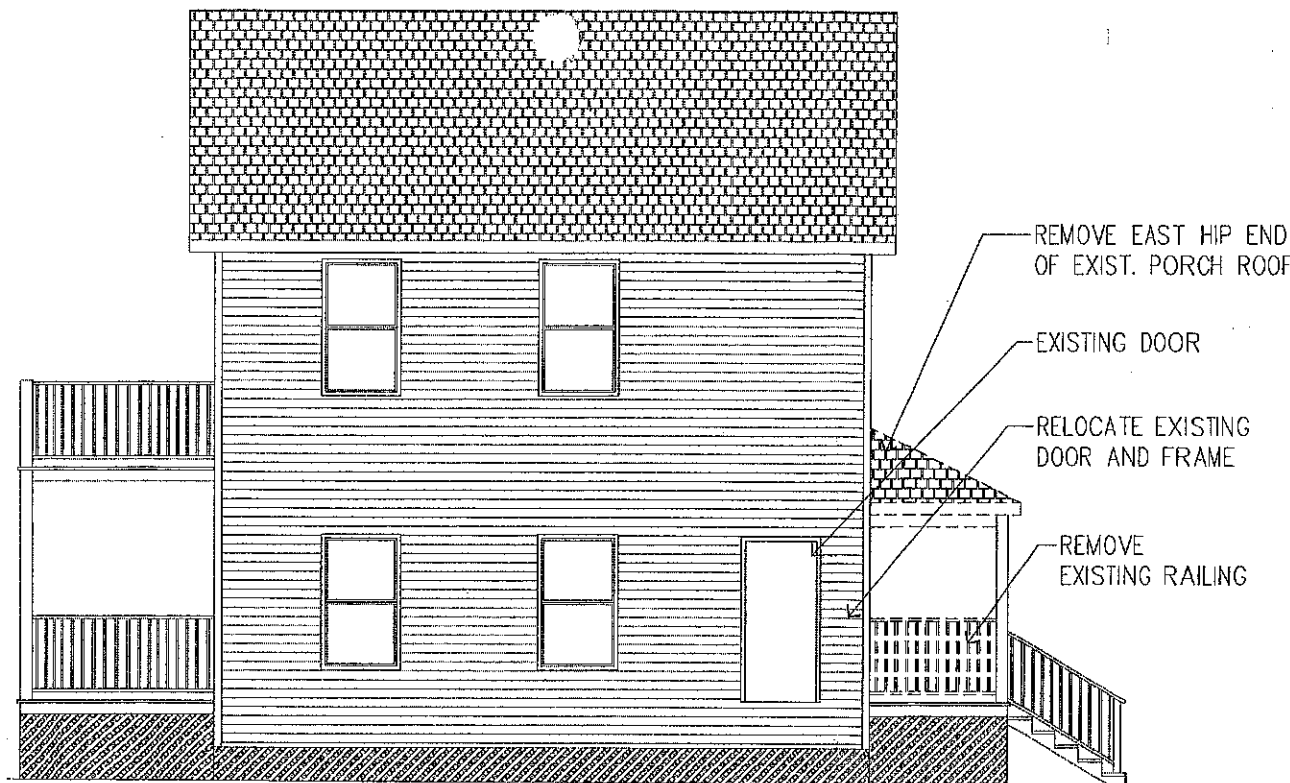
1 **FIRST FLOOR PLAN**
 1/8" = 1'-0"

5/18/04
 [Signature]

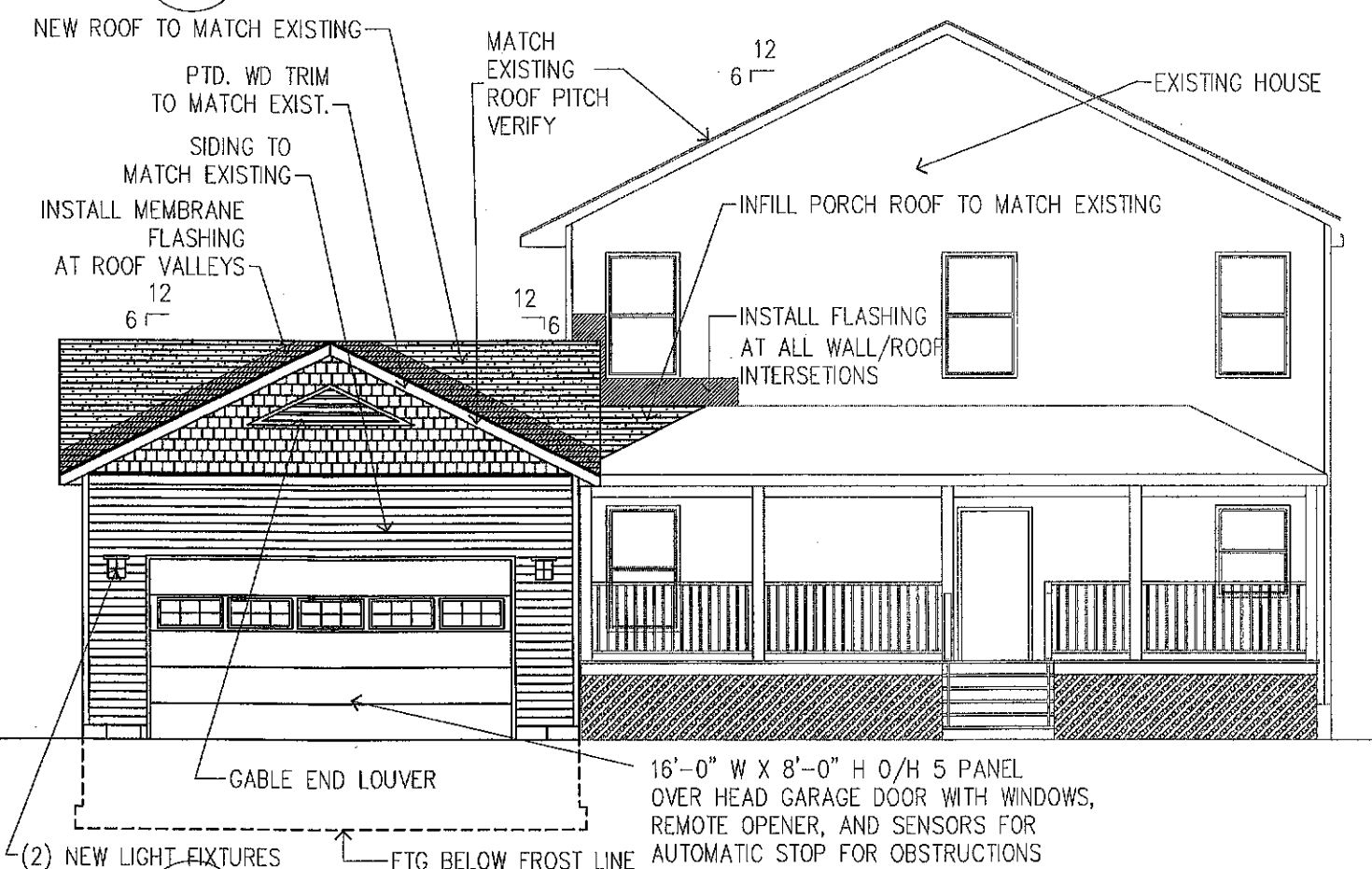
RECEIVED
 MAY 20 2004



1 EXISTING NORTH ELEVATION
 1/8" = 1'-0"

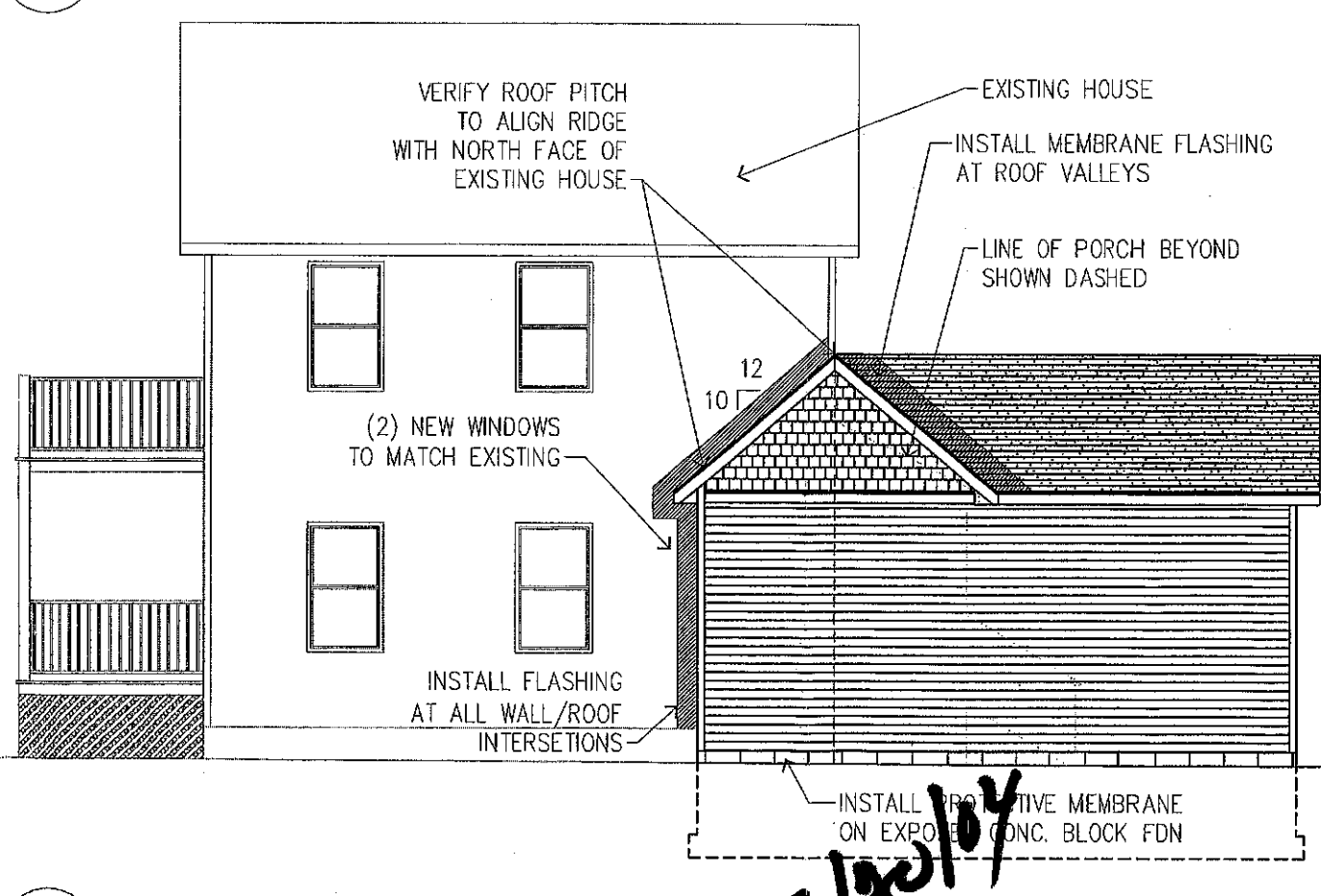


2 EXISTING EAST ELEVATION
 1/8" = 1'-0"



3 PROPOSED NORTH ELEVATION
 1/8" = 1'-0"

NOTE: VERIFY ALL DIMENSIONS IN FIELD PRIOR TO COMMENCING WORK.



4 PROPOSED EAST ELEVATION
 1/8" = 1'-0"

5/20/04
 RECEIVED
 MAY 20 2004
ced

Garage Addition
 William and Shareen Isaacson
 8017 50th Street North
 Lake Elmo, Minnesota

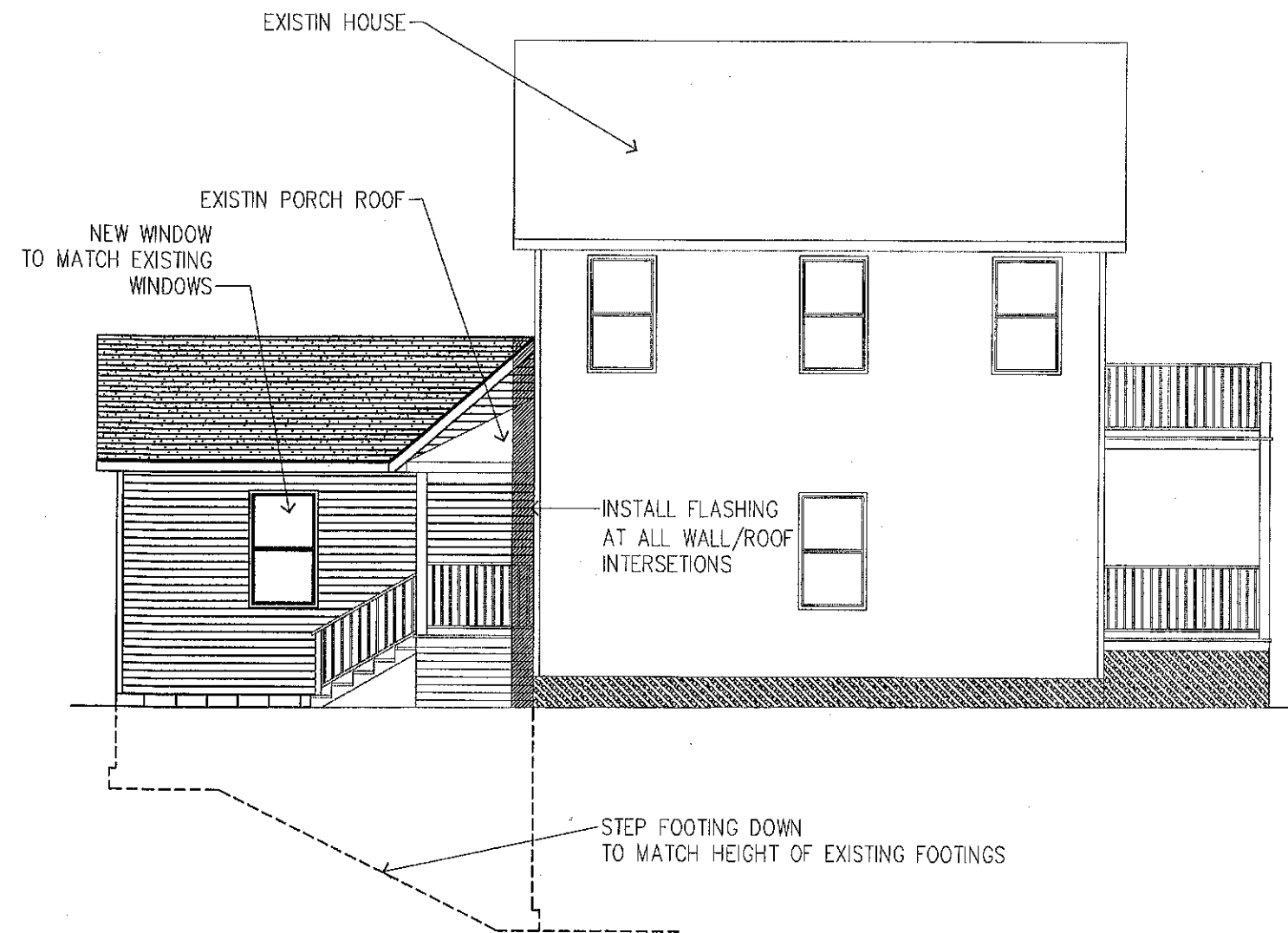
Sheet Title:
EXISTING AND PROPOSED EXTERIOR ELEVATIONS

Sheet Number:
A3
 ©2003 Phil Rader Architects, LTD

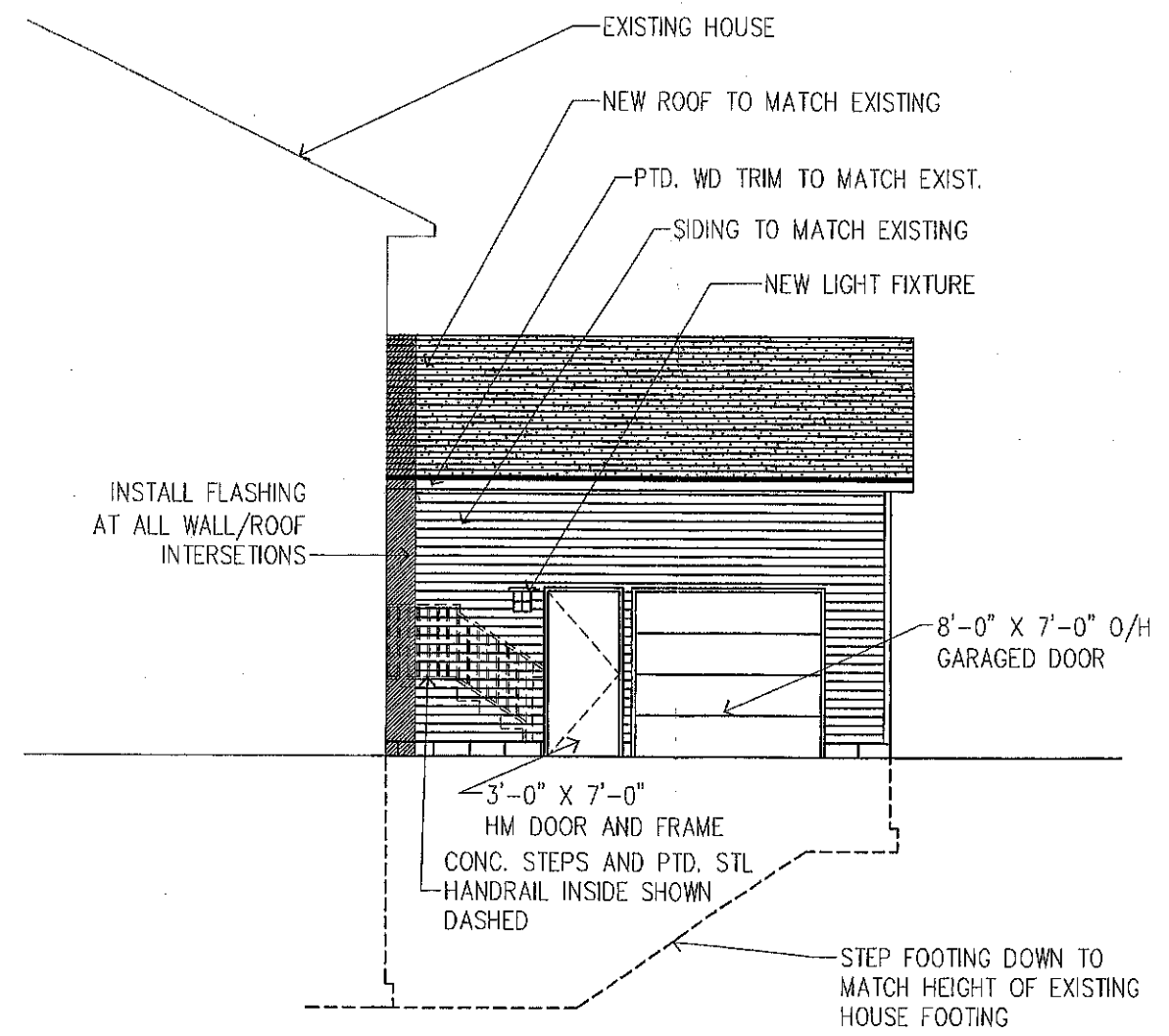
Phil Rader
 ARCHITECT
 5126 Washburn Avenue South
 Minneapolis, Minnesota 55410
 Phone: (612) 920-3955
 Fax: (612) 920-3958
 www.philrader.com

Certification:
 I Herby certify that this plan, and or report was prepared by me, or under my direct supervision and that I am a duly registered Architect under the laws of the State of Minnesota.

Signature: *Phil Rader*
 Registration: 41379
 Date: May 18, 2004
 Commission: 03-020
 Drawn By: PJR
 Checked By:



1 PROPOSED WEST ELEVATION
 1/8" = 1'-0"



2 PROPOSED SOUTH ELEVATION
 1/8" = 1'-0"

5/20/04
CRD
 RECEIVED
 MAY 20 2004

Garage Addition
 William and Shareen Isaacson
 8017 50th Street North
 Lake Elmo, Minnesota

PROPOSED
 EXTERIOR ELEVATIONS

Sheet Number:
A4
 ©2003 Phil Rader Architect, LTD

NOTE: VERIFY ALL DIMENSIONS IN FIELD PRIOR TO COMMENCING WORK.

**City of Lake Elmo
Planning Commission Meeting
Minutes of May 10, 2004**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:05 p.m.
COMMISSIONERS PRESENT: Bunn, Pelletier, Deziel, Johnson, Sedro, Sessing, Ptacek, and Berg.
STAFF PRESENT: Martin Rafferty, City Administrator; Chuck Dillerud, City Planner; and Kimberly Schaffel, Recording Secretary.

Pledge of Allegiance

Agenda

M/S/P, Johnson/Sessing, To accept the Agenda as presented. **VOTE: 9:0.**

Minutes of April 26, 2004

Commissioner Sedro asked for a change to page 5, where the vote on the motion was 5:3:1. Her objection was to Finding 2 because it was not definitive enough. She felt that the word, "Primarily" meant 51%, and that percentage was not high enough.

M/S/P, Sessing/Berg, To accept the Minutes of April 26, 2004 as amended. **VOTE: 8:0:1** (Abstain: Ptacek).

PUBLIC HEARING

Variance to Construct an Attached Garage – ISAACSON

The Planner presented the circumstances related to the application for a variance from front and side setbacks, to construct an attached garage. The original home on this lot was torn down years ago, and this home was built. The current house plan had no garage included in the construction. An affidavit was signed by the applicant at that time that a variance might be necessary should they ever wish to construct a garage.

The Planner said the size of the garage is a reasonable use of the property. A two-car garage is reasonable. The plan is for a garage of 25'W X 26'D, which might be a bit larger than the base standard for a two-car garage. Part of the lot fronts onto Park Street which is platted but not built. The front yard setback is from that street which could probably be vacated.

Findings:

1. It has been previously demonstrated by the applicant that the property can be put to reasonable use without the granting of variances. Reasonable use must be defined in the context of contemporary housing standards and design. The proposed garage addition is in excess of the dimensions that are defined as reasonable.
2. While the property is unique in shape and dimensions, the property owner was fully aware of the size of garage possible within the prescribed setbacks at the time the house was constructed. The variances are required only because the applicant now desires a larger garage structure.
3. Granting of the variance will not change the essential character of the neighborhood.

The Planner said the choices are that the applicant could redraw the plan and amend his application or it could be denied as presented.

Commissioner Berg asked about the process for a street vacation. The Planner explained that the vacated road would be shared 50/50 with adjoining residents on either side of the road.

The Planner showed a site plan map that was created in 1998 relative to the original building permit for the house.

William Isaacson

Mr. Isaacson said his home as it was proposed to be constructed had the same footprint as the old home. Then the home had to be shifted over 3.5 feet to meet side yard setbacks. 24' X 24' is the size of a standard two-car garage. His neighbors' garages are very close to their property lines. With a proposed garage of 22 feet, only the southeast corner of the structure would encroach into the setback.

THE CHAIR OPENED THE PUBLIC HEARING AT 7:23 P.M.

Mrs. Isaacson said she has been requesting a garage for three years. They have equipment, toys, and three children. She would like it to be at least 22 feet wide, 24 feet would be better, and longer if possible.

Gary Webster

He said that if the applicants' proposed garage is in direct proportion to the others in the neighborhood, it should be approved.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:25 P.M.

Mr. Isaacson offered to reduce the size of the garage. After discussion, the Planning Commission and City Planner accepted the verbal adjustment to the plan.

Commissioner Deziel said this variance request is similar to the last one the Planning Commission heard which the Council redesigned. He said there is additional room on the lot to the front where the garage could be moved closer to the unbuilt street. He said he recommends a minimum of five feet from the side property line and reduce the distance to the property line in front. The platted street has massive width, even if it were built, it would not be used to that extent.

Mr. Isaacson said as planned it is seventy-four feet from the platted road.

Commissioner Sedro said she had no problem with the front setback, but it is not great on the side setback.

Commissioner Deziel noticed that a city park borders this property and that park might accommodate a common drainfield in the future. He said this is a small lot in a neighborhood of small lots, and he would not push for the vacation of the street.

The Planner explained to the applicant the 60-day state rule for applications of this type.

Commissioner Bunn said she would propose to change the setback variance to four feet from 1.5 with the same depth.

The Planner said the verbal setback differentiation probably could be passed but he would have to rewrite the Findings. He would do it if the commissioners wanted him to do it.

M/S, Deziel/Sessing, To recommend approval of the variance application if the side yard setback is not less than six feet. TABLED (See page 3)

Commissioner Bunn said that based upon the drawing, requiring five or six feet means the applicants will not have access to the house, and would require a structural change to the design. Given the neighbors' proximity to their property lines, she said she would allow four feet.

Commissioner Berg said he is supportive except for two unknowns, the old drawing, and the street vacation may not happen, so he would prefer tabling or denial.

The Planner said the commission can request six feet of setback at the southeast corner of the new garage based upon new drawings supplied by the applicant, and that the city may need that public land for a 201 system in the future.

Commissioner Bunn observed that this is an unusual lot and it is small in a neighborhood of small lots, She said if the applicant was willing to move the garage forward, she would approve four feet. Commissioners Deziel and Pelletier agreed.

Commissioner Johnson said she would approve four feet of setback.

Commissioner Sedro said she was not comfortable, and would like to see the new plan. She said there are other ways to get more square footage.

Commissioner Sessing said he would approve six feet because that is what the commissioners gave to the applicant of the last garage variance.

Commissioner Ptacek agreed with Commissioners Sedro and Sessing, and said he does not like to see houses right next to houses.

Chairman Helwig said he supports six feet.

Commissioner Berg would like the applicant to bring in a revised site plan.

Chairman Helwig explained to the applicant that the commission's consensus is to deny it as presented on paper. He said the City Council might help the applicant or redesign it, and asked if the applicant would sign the 60 day waiver and redraw it.

Mr. Isaacson said he would like to table it for new drawings, and to request the planner's assistance. He said maybe he can scoot the garage forward enough to get to a wider part of the lot.

M/S/P, Berg/Pelletier, To table the application for a variance at the request of the applicant, until new plans are received. **VOTE: 9:0.**

PUBLIC HEARING

Variance to Side Yard and Structure Setback to Construct a Septic System - WEBSTER

The Planner presented the first application for a variance under Chapter 700, the city's septic system ordinance. He advised the Commission that Chapter 700 by reference adopts Minnesota Rule 7080 - the State Rules governing standards for septic systems. He continued that Minnesota Rule 7080 allows a city to adopt a variance procedure, which Lake Elmo did in August, 2003.

The City Planner reported that this application requests a variance from setbacks from a structure and property lines to construct a drainfield 5 feet from a property line and 12 feet from the house, where 10 feet and 20 feet are required.

The City Planner suggested the following Findings be adopted regarding the Webster variance application:

1. The property can be put to reasonable use – as defined by the circumstances of this particular case – if used under the conditions of the Chapter 700 of the City Code. The

site currently has a functioning drain field that poses no imminent health threat; and complies with drain field setback standards.

2. The plight of the present land owner -- small site land area; present drain field location; and lack of a garage, were known to the present land owner (applicant) as existing conditions upon site acquisition. The variance application is sole the result of the land owner/applicant deciding to construct a garage, not a result of total drain field failure. The Public health and safety protections accorded by the prescribed drain field setbacks outweigh the any property owner hardship resulting from having no garage on the site.
3. The variances, if granted, will not alone change the essential character of the neighborhood.

The Planner recommended denial, but suggested that if the Planning Commission recommends approval, the new septic system will need monitoring by a state certified septic inspector. The Planner suggested that if the City grants this variance for an alternative system, the City may be creating another administrative burden.

Commissioner Deziel asked about the timeframe to connect the Old Village to a community system.

The Planner said it might be 2 to 10 years.

Commissioner Deziel said that surface water might cause those higher water indicators in the soil. This might contribute to the problem.

Gary Webster

The applicant said that the MPCA created new codes in 1996, and that in 1997, when the existing system was constructed, the installation did not meet that new code. He reported that the proposed drainfield site is the only place on the lot that percolates.

Commissioner Sedro asked where the original septic system was located.

Mr. Webster said he thinks it was under the one that exists now.

Commissioner Bunn said that even if the garage was placed on the north side, there would be no access into the kitchen of this house from the outside.

Mr. Webster said he could comply with any conditions attached to approval.

Chairman Helwig asked the Planner if this lot has to have two drain field sites.

The Planner said this lot predates the second drain field provision of the Code, but that the Building Official is still concerned there is no secondary drain field site on this parcel if the existing (functioning) drain field site is relocated as proposed.

Commissioner Pelletier asked the applicant if the east side of the house is the front of the house.

Mr. Webster said that the east side is the front of the house; and, that a garage added to the east side of the house would cover the front of the house, and would require the removal of the mature trees.

Commissioner Deziel pointed out that the proposed drainfield site could become the location for a new garage as well; and then there will be no secondary site for a septic system. He then asked whether or not those issues were considered. He said the lot is open to the west, and while the existing system is not an imminent threat, the proposed septic site is the right place for the drainfield for more than one reason. He pointed out that a garage on the west side of the lot would be more aligned with the other garages on the alley. He then asked what would happen if the existing system does fail. He said it is his inclination was that the Planning Commission would then recommend approval of a variance for new septic system on the site now proposed.

THE CHAIR OPENED THE PUBLIC HEARING AT 8:16 P.M.

No testimony was offered.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:17 P.M.

Commissioner Deziel said the applicant needs a garage and a drainfield, and what the applicant is proposing may be the best plan for both by maintaining the streetscape, and being respectful of vegetation. He said this is a good example of a drainfield variance.

Commissioner Bunn said the public safety concern is an issue at time of failure, and the proposed new system is an alternative while waiting for the Old Village Plan wastewater solution. She observed that the time frame for implementation of the plan and this alternative set together is a combination that might make a case for a variance. She said the failing drainfield site is a good location for a garage, and the proposed drainfield location is okay. She concluded that this is a unique situation.

Commissioner Deziel said it seems the location for the new drainfield is ideal; the Commission should approve the only potentially viable drainfield on the lot; and, the proposed drain field site is a substantial distance to the next door structure.

Mr. Webster distributed letters from his neighbors supporting his variance application.

The Planner said the Building Official classified the existing system as a "technically failing" system, but that the system is functioning, and is not an imminent threat to Public Health.

M/S/F, Deziel/Bunn, To recommend approval for a variance to the side yard setback to the property line and the setback to the house because of an existing drainfield that has been classified as a Failing System by the Building Official and an expert, in order to allow the construction of a new drainfield on the only area of the property, according to the applicant, that percolates. According to the expert, the front yard is unsuitable for a drainfield.

Commissioner Ptacek expressed sympathy for the applicant's problem but said the commission should not establish a precedent of granting variances to construct new septic systems when the existing system still functions. The commission should not base their decisions on what the lot looks like or what the neighbors think of the plan. Commissioner Berg said that public health and safety is the issue to be concerned about.

VOTE: 2:7 – FAILED (Deziel/Bunn).

M/S/P, Ptacek/Sessing, Based upon the Findings in the staff report dated May 6, 2004, to recommend denial of the application by Gary Webster for a variance from side yard and structure setback for the construction of a drainfield.

Commissioner Bunn said that a vote to deny this variance is a vote for no backup system. The applicant can build a garage on the only part of the parcel that percolates, without a variance.

VOTE: 6:3 – PASSED (Deziel/Bunn/Johnson). Commissioner Johnson said she did not originally understand that the planned garage can be built on the secondary septic system site without a variance.

THE CHAIR CALLED FOR A FIVE MINUTE RECESS, AND RECONVENED AT 8:40 P.M.

PUBLIC HEARING

Accessory Structures

The Planner explained that at a recent City Council Meeting a resident spoke regarding an accessory structure that they wished to be painted a barn red while their principal structure (house) is a light grey. He said that at least two areas of the code specify that accessory structures must be of similar surfacing and color as the principal structure, or at least earth tone. The Council observed that this provision of the code might not be in keeping with architectural rural character goals; and directed staff to establish a hearing date to consider modifying the code in some fashion to allow some latitude as to color of accessory structures under certain circumstances.

THE CHAIR OPENED THE PUBLIC HEARING AT 8:42 P.M.

Terry Most, 978 Lake Elmo Avenue North

She said she and her husband purchased their home in September. She said the code specifies materials and colors must be similar or of an earthen tone, and reds are an earthen tone. She said she and her husband made an effort to design a structure that looks like an old barn to match their 90-year old home. She said there is a red barn further north, up the road in a development of new houses. She presented photographs (attached) to the Commission.

THE CHAIR CLOSED THE PUBLIC HEARING AT 8:44 P.M.

Commissioner Bunn asked for clarification regarding whether these standards apply to specific zoning districts.

The Planner said this section of code applies to all zoning districts except for AG, where ongoing agricultural operations exist.

Mrs. Most said her lot is a 2.5 acre site.

Commissioner Johnson said that lots on the stretch of road near the Most residence appear large. She said that the red barn Ms. Most referred to is an historic barn in a development of brand new structures that do not match that barn. She suggested that historic barns should get approval for historic colors.

The Planner asked where the city would draw the line. He said that small accessory buildings under 160 square feet are not regulated.

Commissioner Helwig said he was involved years ago with this section of the zoning ordinance, and that the Planning Commission worked hard and diligently on the design. He also said that there were members on the Council then, who still are, that agreed with this section of the code. He said the Most accessory building does not look like a barn because the roof is A-frame, and the siding is vertical. He said he could support white for this structure since there are several white barns that have a hip roof, horizontal siding, etc. in the City.

Commissioner Ptacek said that changing the code might allow lots to have a hot pink garage, and he supports the Chairman that we do not change the ordinance.

Commissioner Johnson said the city's existing barns coincide with rural character. She said the Commission providing guidance that barn-like structures may only be red might be a Pandora' Box.

Commission Sedro said she has no strong preference, and does not wish the City to be the style police. She would prefer not to see this as a variance application before the Planning Commission.

Commissioner Deziel said he has a measure of anxiety about the ordinance. He said if you are going to license paintbrushes there are other areas the city could be tougher on. The city should accept some difference in taste and variety in order to allow creativity and freedom.

Commissioner Pelletier said she agrees with earthen tone. However, she asked how open to interpretation earthen tone is. Who picks the colors?

The Planner said judgment is exercised, which is why he prefers that the term, "Earthen Tone" was not in the ordinance, and in his opinion, a red accessory structure is not earthen tone.

Terry Most said the ordinance said an accessory structure must match the primary structure, under those conditions neon green or blaze orange could be approved for both a house and garage.

Commissioner Ptacek said some of the concern is that this code applies to residential areas, not rural. He said that and property values are why we do not allow a yellow pole building next to a stucco home. He said there is a difference between barn-like versus barns. He said there are not enough situations existing that we should change the code.

M/S/P, Ptacek/Sessing, To recommend to the City Council that it is not necessary to amend the code with regard to the color of accessory structures. **VOTE: 7:1:1** (Nay: Deziel, Abstain: Sedro).

CITY COUNCIL UPDATE

The Planner said the city has sent out its first Stormwater Utility Billing, that \$8,000.00 will be collected into the utility account, all the other communities are doing this so far, and that staff has perceived only one difficulty so far - multiple tax parcels that make up a homestead. He said those residents are being told to combine their parcels.

Commissioner Bunn said she will be writing a letter of resignation and will send it to the City Council because she wants to work on a project that will consume several years. She said she had enjoyed the process, learned a great deal, and is very proud of the work the commission performed on the Old Village and the Community and Staffing Study. She said she is hopeful those plans will go forward in the next several years.

The Planner said the Old Village Plan is still in the hands of the City Council for now. He said the city needs to find the money to do the streetscapes. He said the Wastewater Report was received and it would work, the Public Water was received and revealed that it would work but that the city needs more storage, the Traffic Report Draft is complete and it presented problems because the concentration of living units will require the installation of traffic signals on Highway 5 at 39th Street, and Lake Elmo Avenue North
Lake Elmo Planning Commission Meeting Minutes of May 10, 2004

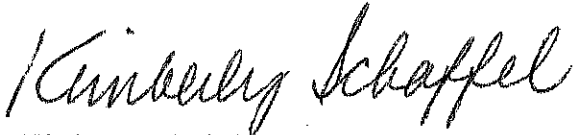
and South. He said he is not sure what Mn/DOT would approve. He said the Surface Water Report is not quite complete yet, and the problem of surface flow calculations would require a lake to store the water upstream. He said now the engineers are looking at filtering the stormwater, and sending it into Sunfish Lake. He said the lake rose significantly several years ago, now we are proposing pumping into it, and his prime concern is degradation of the water quality. He said the moratorium extension on development in the Old Village will expire on June 6.

The Planner said that the purchase of the Brookfield II Building has been delayed because the sellers' counter appraisal is different from ours. He said the Facilities Committee will review it and make a recommendation. He said staff will be viewing another option on Thursday.

The Planning Commission welcomed the new City Administrator Martin Rafferty.

Adjourned 9:11 p.m.

Respectfully submitted,



Kimberly Schaffel
Recording Secretary

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: April 30, 2004 for the Meeting of May 10, 2004

Applicant: William Isaacson

Location: 8017 50th Street North

Requested Action: Side/Front Yard Setback Zoning Variances

Land Use Plan Guiding: SRD

Existing Zoning: R-1

Site History and Existing Conditions:

The site is a unusually shaped parcel of approximately 10,500 square feet, fronting (just barely) Olson Lake. City records reveal that an older structure (probably a lake cabin) was demolished on the site; and, the present home was constructed in 1998/1999 (not including a garage). After some adjustment, the 1998 site plan for this lot depicted a future garage that would meet the 10 foot side yard setback; and 30 foot front setback. That garage addition would have been 19 feet in width and 20+ feet in depth. The property owner executed an affidavit certifying his understanding of the setback requirements should he ever decide to build a garage – perhaps required by the Building Official in recognition of the garage size limitations that resulted after construction of the house.

Discussion and Analysis:

The applicant now proposes to construct an attached garage 25 feet 3 inches wide and 26 feet deep. A garage of those dimensions results in an east side setback of 1 foot 5 inches (10 feet required); and a front (street) setback of 24 feet 10 inches (30 feet required), resulting in the request for two variances.

The applicant has submitted written testimony responding to the Findings required for the approval of a zoning variance. As staff has in past, we concur that residences in Minnesota should have a garage. Also as in the past, the question here arises as to how much garage should be the base line for that “Minnesota Garage Entitlement”. Staff has generally suggested that a “2 car” garage is probably a reasonable base line, but that then has often lead to the question of what dimensions constitute a “2 car” garage. Considering the length and width of the average vehicle, it is difficult to argue that more than a 20 foot by 20 foot garage is required for vehicle storage purposes.

It appears that the applicant submits that, due special family circumstances, there is a need to store other items in the garage to free up basement space. While we certainly can empathize with those family circumstances – as we have with similar circumstances previously – we again remind the Commission that the variance goes with the property, not the applicant family. While the family’s circumstances may well change over time, the structure will remain as constructed today.

The 1998 acknowledgment by the applicant of the setback requirements that would be applied once the applicant did construct a garage adds an element to this variance application not found in previous applications. City records even reveal a sketch by the applicant depicting how a 19 foot by 20 foot garage could be added to the house with no variances. On that basis, how much of the physical hardship related to the land (the only hardship that counts in zoning) is self-imposed by increasing the garage size 62% over the 1998 representation?

Mitigating the front setback circumstances to some degree is an odd public street arrangement fronting this property. The northwest/southeast diagonal portion the street frontage of this parcel is to a street that does not exist. The Park Avenue diagonal street has never been constructed, not will it likely ever be. That results in 15+ feet of effective additional lot depth to 50th Street on the east side of this parcel where the garage would be located.

While staff is hesitant to design alternatives for any applicant, we can here suggest that extra non-vehicular storage in a garage can be a function of garage depth even more than garage width. Perhaps a design could be developed here that would result in little or no side yard variance, only minimal front yard setback variance - where the effective lot depth is greater than the legal dimensions of the lot would imply. Perhaps that unusual shape of the lot could support a variance of this degree and type.

Findings and Recommendations:

Based on the application as now proposed we suggest the following Findings:

1. It has been previously demonstrated by the applicant that the property can be put to reasonable use without the granting of variances. Reasonable use must be defined in the context of contemporary housing standards and design. The proposed garage addition is in excess of the dimensions that are defined as reasonable.
2. While the property is unique in shape and dimensions, the property owner was fully aware of the size of garage possible within the prescribed setbacks at the time the house was constructed. The variances are required only because the applicant now desires a larger garage structure.
3. Granting of the variance will not change the essential character of the neighborhood.

Based on these Findings staff recommends the variances, as proposed, be denied. We suggest, however, that the applicant could consider redesign of the garage to minimize the variance applied for. If the Commission concurs that some degree of variance is warranted, the applicant could be asked to provide a waiver of the 60 day review period, and the application could be tabled for redesign by the applicant.

If, however, the Commission does not believe any degree of variance is supported by the facts - or, should the applicant not wish to consider a redesign - the application should be referred to the City Council as proposed, with a denial recommendation.

Planning Commission Actions Requested:

Two alternative Motions could be considered, as follow:

1. Motion to deny the application William Isaacson for side and front yard setback variances to accommodate garage construction at 8017 50th Street North based on the Findings of the Planning Staff Report of April 30, 2004.

2. Motion to table the application of William Isaacson for side and front yard setback variances to accommodate garage construction at 8017 50th Street North to allow the applicant to redesign the project, based on the applicant's waiver of the City's 60 day application review period.
3. Motion to recommend approval of the application of William Isaacson for side and front yard setback variances to accommodate garage construction at 8017 50th Street North per the graphics staff dated April 30, 2004, and based on the following Finding



Charles E. Dillerud, City Planner

Attachments:

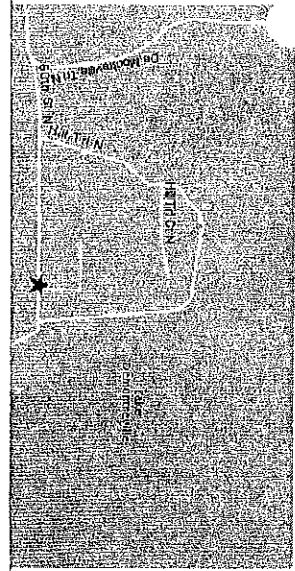
1. Location Map
2. Applicant's Graphics and Narrative
3. Neighbor Letter
4. Applicant's 1998 affidavit
5. Applicant's 1998 Graphics

Phil Rader
 Architect
 5126 Washburn Avenue South
 Minneapolis, Minnesota 55410
 Phone: (612) 920-3955
 Fax: (612) 920-3958
 www.philrader.com

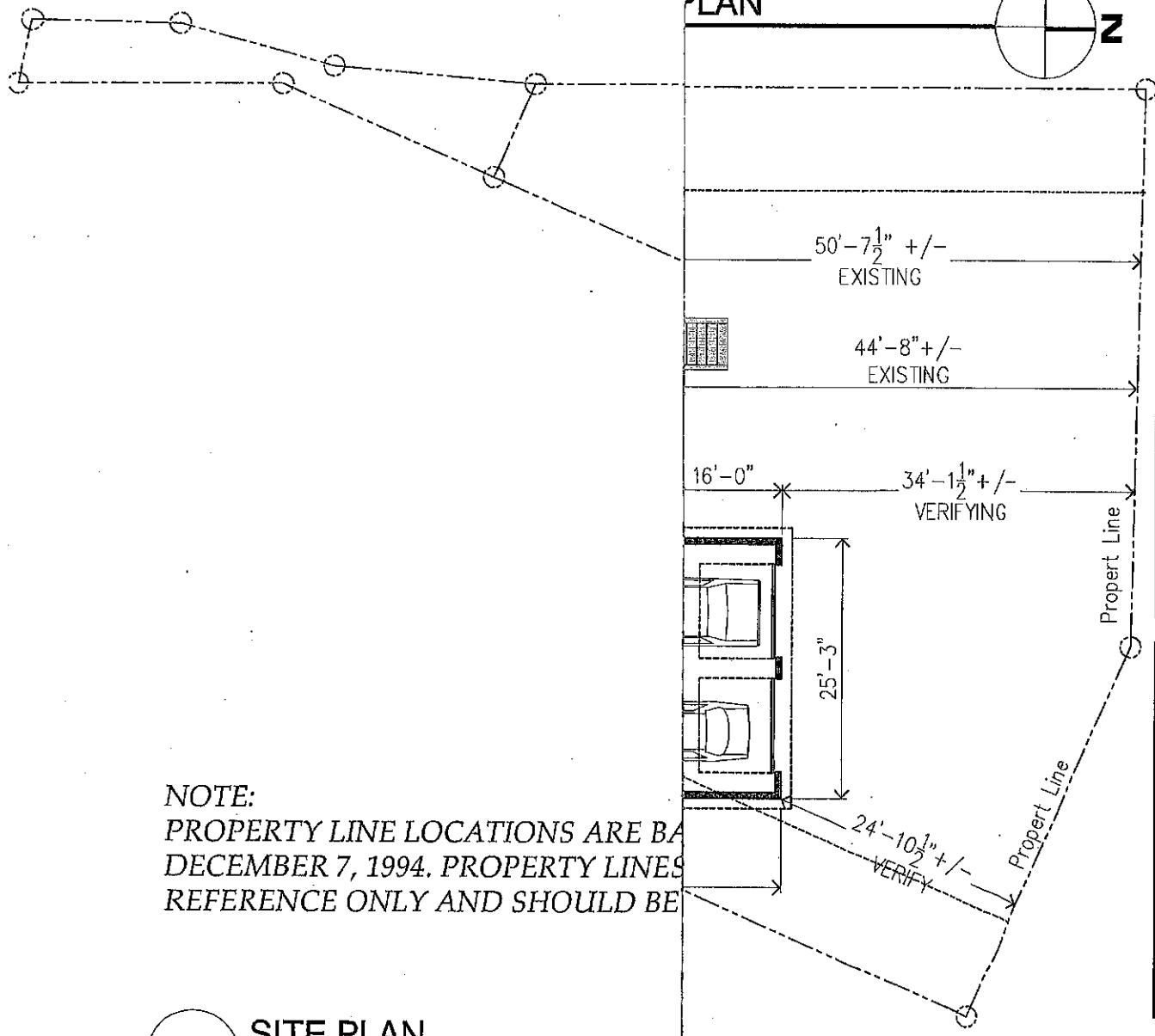
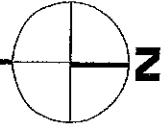
Certification:
 I hereby certify that this plan, and or report was prepared by me, or under my direct supervision and that I am a duly registered Architect under the laws of the State of Minnesota.

Signature: *[Signature]*
 Registration: 91379
 Date: November 24, 2003
 Commission: 03-020
 Drawn By: PJR
 Checked By:

4/30/04



PLAN



Garage Addition
 William and Shareen Isaacson
 8017 50th Street North
 Lake Elmo, Minnesota

NOTE:
 PROPERTY LINE LOCATIONS ARE BASED ON A SURVEY DATED DECEMBER 7, 1994. PROPERTY LINES ARE FOR REFERENCE ONLY AND SHOULD BE VERIFIED.

1 SITE PLAN
 1/16" = 1'-0"

Sheet Title:
Site Plan

Sheet Number:
A1

L A K E P O U L E V

NORTH LINE OF NE 1/4 SECTION 8, T.29N., R.21W. NORTH LINE OF NW 1/4 SECTION 9, T.29N., R.21W.

REVISION

Home moved 3.7 Feet to the EAST

Home will be 10. Ft Ft from West property line

REVISION

EAST WALL of home will be set back 17 FT FROM EAST PROPERTY LINE

WEST LINE OF GOV'T LOT 1, SEC. 9, T.29N., R.21W.

$N89^{\circ}47'08''E$

54.00'

$39^{\circ}24'567''E$

31 FT

HOUSE

GAR

$N01^{\circ}27'13''W$

195.85

$S22^{\circ}24'18''W$

199.83

EASTERLY LINE
LOT 892

West line of the Plat of Lanes Demontreville Country Club

$N67^{\circ}34'02''W$

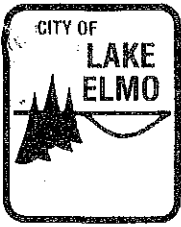
Westerly line of vacated beach as shown on Washington County section map

MEANDER LINE

SEE DETAIL

Shore Line of Olson Lake as located July 21, 1994

95)



City of Lake Elmo

777-5510

3800 Laverne Avenue North / Lake Elmo, Minnesota 55042

October 1, 1998

RE: 8017 50th St. North Lake Elmo

The approval of Permit Application 98-593, for a single family residence, in no way intends to circumvent the requirements of the City Code for variance procedures. When and if a residential garage is built upon said property it must meet the required setbacks of the City Ordinance. If it is not possible to meet the required setbacks when constructing a garage, I understand a Variance Application Form will need to be completed and presented to the City of Lake Elmo for their review and approval.

I fully understand the above and agree to the conditions.

Jillian B. Groden
Signature

10/1/98
Date

Lake Elmo City Council June 1, 2004	Agenda Section: Planning, Land Use & Zoning	<u>No.</u> 9B
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Agenda Item: Old Village Moratorium

Background Information for June 1, 2004:


The Old Village Development Moratorium will again expire on June 9, 2004. As of this writing the Surface Water Drainage Report has not been completed by TKDA. In fairness to our consultant, a sometimes-mentioned, but never seriously addressed solution to the Old Village flooding issues is now being seriously addressed by TKDA – diversion of upstream surface water flow from the route through the Old Village and on to Downs Lake to instead go to Sunfish Lake. This would result in a major reduction in the volume/rate of surface water moving through the Old Village, and periodically flooding Lions Park and other properties, as well as reduce the area consumed and the cost of extensive new ponding that would otherwise be required.

Tom Prew and I brought the Sunfish Lake storage concept to the Valley Branch Watershed Board on May 13. The Board indicated their interest in the concept, but requested more detailed hydrologic modeling to establish the exact potential impact on Sunfish Lake water levels. Of course, the quality of the water introduced to the lake by this measure would be of concern as well – but can be mitigated. TKDA is continuing the hydrologic modeling work requested by the Board. We intend to present that data at the June Board meeting.

Staff has been recently contacted by both the representative of the Hutchinson Estate and by Mr. Lynsky. The Hutchinson family is interested in again entertaining offers from potential developers for their property within the moratorium area. Mr. Lynsky is interested in moving forward with the PUD application for the platted General Business site north of the 39th Street North.

Should the Council decide to again extend the Development Moratorium; the option is open to exclude the Lynsky property from the Moratorium coverage based on the existence of a previously tabled development application. Since approval of a PUD Plan is clearly a discretionary action by the City, compliance of that PUD plan with completed Old Village work to could become a factor of PUD review/approval by the City of the Lynsky proposal. The remaining surface water issues do not directly impact the Lynsky site.

I have attached an ordinance that would extend the Old Village Development Moratorium, should that be the Council's wishes. The ordinance could, 1.) Be adopted as written to include the entire Old Village planning area; or 2.) Could be adopted with the exclusion of the Brookfield I, II., and III. Additions; or 3.) Could be set aside to allow the Moratorium to expire on June 9.

<p><u>Action items:</u> Motion of the City Council to either adopt Ordinance #97 - ¹³⁰, as drafted, or as amended. If the Council desires to allow the Moratorium to expire on June 9, no action is required.</p>	<p><u>Person responsible:</u>  City Planner</p>
<p><u>Attachments:</u> ¹³⁰ 1. Draft Ordinance #97 – Extending Moratorium</p>	<p><u>Time Allocated:</u></p>

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. 97-130

AN ORDINANCE RELATING TO AN EXTENDED DEVELOPMENT
MORATORIUM IN THE VILLAGE AREA

The Lake Elmo City Council ordains that Section 301.150 and its subdivisions shall be added to the Lake Elmo Municipal Code to read as follows:

301.150 Development Moratorium

- A. As authorized and directed by the City Council, the City of Lake Elmo is studying planning concepts relating to the Village Area as shown on Exhibit "A". The Village Plan for the area is prepared in order to guide land use, design and capital improvements in the Village area.
- B. The City is conducting informational meetings with the Public, Planning Commission and City Council, as drafted plan documents are prepared. The City will continue to conduct public hearings in order to obtain public input prior to the adoption of any required changes to its Comprehensive Plan and Official Controls.
- C. Pending the completion of the public hearings and the adoption of amendments to its Comprehensive Plan and Official Controls, the Lake Elmo City Council has determined that it would be in the public interest to extend the rezoning and development moratorium on those parcels of land which will be impacted by the proposed amendments. The original development moratorium was for a period of six months by adoption of Ordinance No. 97-117, on April 24, 2004. The development moratorium was extended for 120 days by adoption of Ordinance No. 97-123, adopted October 21, 2003; and by adoption of Ordinance No. 97-126, adopted February 17, 2004, was further extended for 60 days; and by adoption of Ordinance No. 97-127, adopted April 6, 2004, was further extended for 60 days.
- D. In order to achieve the above objectives, the development moratorium is hereby extended pursuant to the provision of M.S. 462.355, Subd. 4, on all property in the Village area as defined as Exhibit "A"; subject to the following conditions.
 1. No Village area property may be rezoned except land zoned to (AG) Agricultural and those lands within the railroad right-of-way. As an example; no property may be rezoned from one residential use category to another residential use category or from one commercial category to another commercial category or from a residential category to a commercial category.

2. No applications shall be accepted for processing by the City including any land within the moratorium area, including, but not limited to rezoning, subdivision into parcels of less than 10 acres, Conditional use Permit, Open Space Development Project, Site Plan, and Zoning Variances.
 3. Property may not be further subdivided, except as specifically provided below hereafter.
 4. Vacant lots in a residential subdivision, which has already been approved by the City Council, may be developed consistent with the City's current zoning and building regulations.
 5. In Residential Zoning Districts, new construction and additions to existing structures may occur.
 6. No expansion of existing structures or new construction which would require a variance will be permitted.
- E. This moratorium shall not apply to subdivisions resulting in parcels of ten acres or greater; nor shall it apply to subdivisions where necessary to allow for minor lot line adjustments.
- F. This moratorium will be extended for _____ days from the date of publication unless terminated by City Council action.
- G. The City Council may, by amendment to this Ordinance, remove specific parcels from the area of this moratorium, or repeal the moratorium in its entirety.

Effective Date: This Ordinance shall be effective the day following its publication.

Adoption Date: Passed by the City Council of Lake Elmo the 1st day of June, 2004.

Lee Hunt, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

Publication Date: This Ordinance was published in the

Stillwater Gazette.

Agenda Item: City Staff Organizational Chart

Background Information for June 1, 2004:

Over that last several weeks, I have taken appropriate time to interview and evaluate the capabilities of key staff presently performing identified functions and responsibilities in an "Acting or Deputy" capacity designation. I have come to the conclusion, that the individuals in those positions are well suited to be officially designated as the leadership for those areas. Considering the changes over the last several years, with some uncertainty at times, I feel it is very important to move forward in clarifying the "staff" organizational decision making role as defined in the attached organizational chart. The right people are in the right places.

This organizational chart does rearrange some reporting structures. A permanent Public Works Superintendent is clearly established with four functional areas reporting to that position. The functional areas included are streets, water, sewer (storm and sanitary) and parks. In the past, two Superintendents carried out these functions. The City is currently budgeted for two positions. In this case one Superintendent is identified to manage both areas and I will promote the Acting Superintendent to Superintendent of Public works and hire an additional maintenance worker assuring the city's capability to provide the defined service responsibilities.

A second change moves Tom Bouthilet from Acting Finance Director to Finance Director/City Treasurer. Tom has performed excellently in this responsibility area. An existing budgeted support function position is in the process of being recruited.

A third area of change moves the City Clerk function reporting to the Administrator. Today Sharon functions as the City Clerk as Deputy City Clerk. Sharon also performs her responsibility excellently. This change is an important long term move as the position of City Clerk is a position that a city is benefited by having lifetime employee. It is rare to find the lifetime of a City Administrator equate to that of City Clerk in a specific city. By the way, Sharon recently celebrated her 19th year with the City and should be congratulated for her years of dedicated service. In preparation for the future, the next generation of Clerk leadership needs to be identified and mentored as Deputy Clerk so that the historical information is preserved.

A fourth change moves the planner's position as Planner/Assistant City Administrator with specific organizational reporting changes that includes building inspections and engineering. The relationship of responsibilities makes this move an obvious conclusion and not unusual, given the type and complexity of development that has occurred in the city over the last several years. Chuck again has done an outstanding job for the city and continues to earn, on a daily basis, my respect and admiration for his knowledge, skills, ability and commitment.

Action Items:

A resolution approving the organizational chart as presented authorizing the Administrator to so organize the city's operations.

Person responsible:

Martin Rafferty, City Administrator

Attachments: Organization Chart of City Staffing Operations

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-047

A RESOLUTION ADOPTING THE ADMINISTRATIVE ORGANIZATIONAL
STRUCTURE OF THE CITY OF LAKE ELMO

WHEREAS, the City Administrator has evaluated the administrative organizational structure for the city;

WHEREAS, the City administrator has recommended changes to the administrative organizational structure for the City as indicated in "Exhibit A" as attached.

WHEREAS, the City Administrator has recommended that Charles Dillerud serve as the City Planner/Assistant Administrator; and that Mike Bouthilet serve as Public Works Director; and that Tom Bouthilet serve as Finance Director/Treasurer; and that Sharon Lumby serve as the City Clerk.

WHEREAS, the City Council has considered the recommendation of the City Administrator.

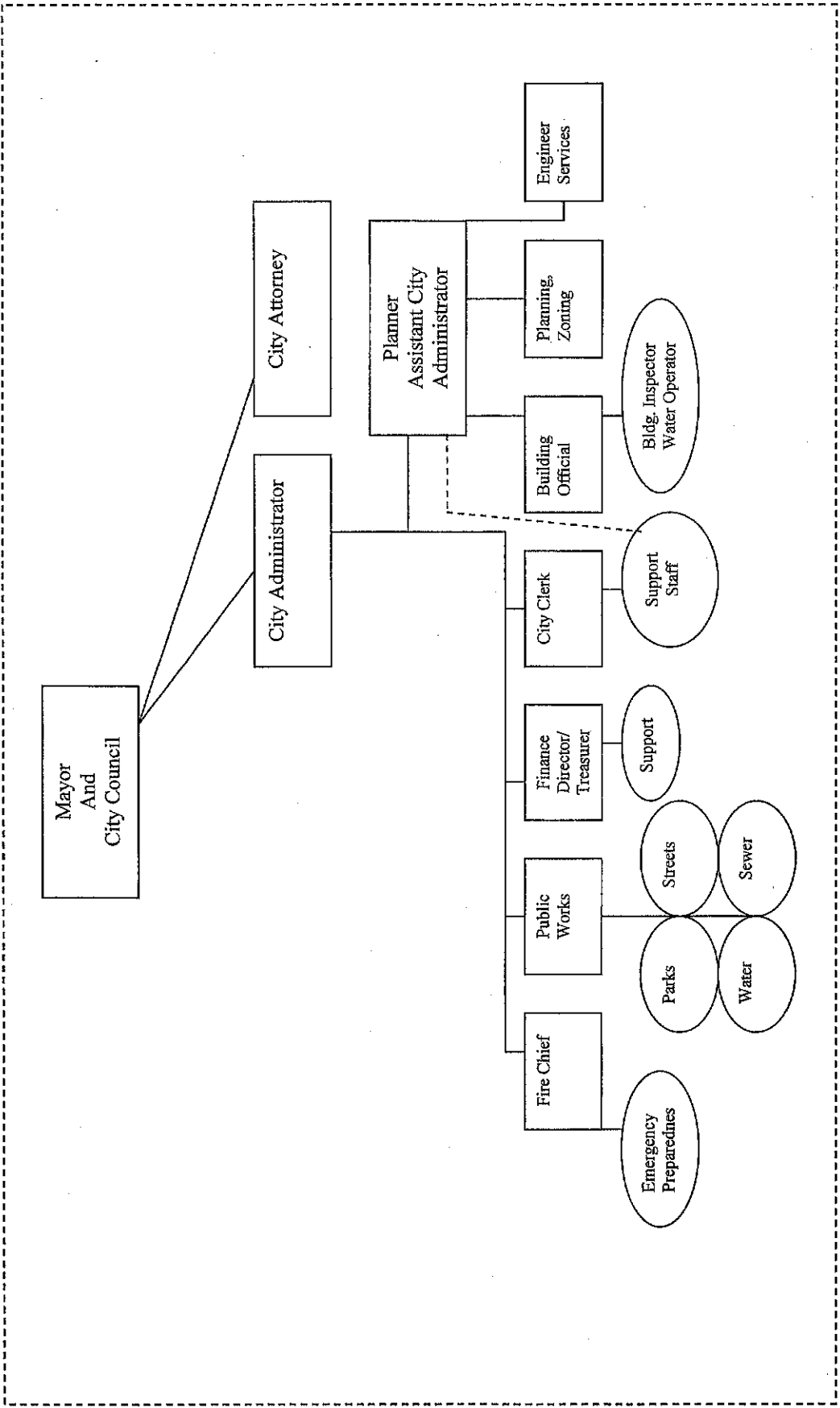
NOW, THEREFORE, BE IT RESOLVED, that the organizational changes recommended by the City Administrator are approved and that the staff appointments to the position of City Planner/Assistant Administrator, Public Works Director, Finance Director/Treasurer, and City Clerk are hereby approved.

ADOPTED BY THE LAKE ELMO CITY COUNIL ON JUNE 1, 2004.

Lee Hunt, Mayor

ATTEST:

Martin J. Rafferty, City Administrator



Lake Elmo City Council June 1, 2004	Agenda Section: CITY ADMINISTRATOR'S REPORT	<u>No. 11B.</u>
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Agenda Item: Council Committee Reorganization

Background Information for June 1, 2004:

Attached find an organizational chart for the creation of three specific Council Committees. The purpose of the creation of the committees is to develop ongoing scheduled council work sessions, in specific subject areas, where each of the established ad hoc committees created by council may report progress on mission and tasks, as well as, make recommendations that can be comprehensively reviewed by the established council committee. The Planning Commission would continue to report their decisions, findings and recommendations directly to the Council as a whole.

Additionally, city staff departments would also report to their designated home committee, as determined by the Administrator, to seek operating policy clarification and authority to act when needed. Each of the three committees would review, report, inform and recommend to Council for those items requiring action by the Council as a whole when the subject area has been reviewed appropriately as determined by the members of the designated committee.

Each defined committee would be composed of two Council Members, the Mayor and the City Administrator or staff designee. The Mayor would annually appoint two Council Members to each committee and designate one as the Chair of the committee. Meetings would be scheduled, at a minimum of, monthly on the preceding week of the last Council meeting scheduled in a month. Addition meetings could be added, as needed, as determined by the committee depending upon work flow.

<u>Action Items:</u>	<u>Person responsible:</u>
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<u>Attachments:</u>	
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CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. 97-131

AN ORDINANCE ESTABLISHING CITY COUNCIL COMMITTEES

WHEREAS, the City Administrator has recommended that the City Council consider establishing the following permanent City Council Committees;

1. Public Health and Safety
2. Public Works
3. Finance, legal, legislative and Personnel

WHEREAS, the purpose of the City Council Committees is to develop ongoing scheduled Council work sessions in specific subject areas, where each of the established ad hoc committees created by Council may report progress on tasks and make recommendations that can be reviewed by the established Council Committee.

WHEREAS, the Planning Commission will continue to report its decisions, findings, and recommendations directly to the entire Council.

WHEREAS, the City Administrator has recommended the following in regard to each City Council Committee

1. That the Mayor may appoint a Chairperson of each City Council Committee for a term of 1 year.
2. That each City Council Committee be comprised of two Council Members, the Mayor, and the City Administrator or staff designee.
3. That the City Administrator and Mayor be ex-officio members of each City Council Committee

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves the creation of the City Council Committees; and

BE IT FURTHER RESOLVED, that the City Administrator be directed to draft and present the legislation necessary to implement such council action; and

BE IT FURTHER RESOLVED, that such legislation define the specific duties of each permanent City Council Committee.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON JUNE 1, 2004.

Lee Hunt, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

