



City of Lake Elmo

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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will hold a Special Meeting on
Monday, December 19, 2005, at 6:00 p.m.

AGENDA

- 1. Agenda Approval**
- 2. Public Hearing: Comprehensive Plan Amendment**
- 3. Adjourn**

The public is invited to attend.

**CITY OF LAKE ELMO
PLANNING COMMISSION SPECIAL MEETING
MINUTES OF DECEMBER 19, 2005**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Pelletier, Deziel, Van Zandt, Armstrong, Helwig, Sedro, Lyzenga, Schneider, and Roth (7:20 p.m.). STAFF PRESENT: Planner Dillerud, Administrator Rafferty, and Recording Secretary Schaffel. ALSO PRESENT: Councilmember Johnson and Councilmember DeLapp (6:09 p.m.).

AGENDA

M/S/P, Armstrong/Sedro, To accept the Agenda as presented. VOTE: 8:0.

PUBLIC HEARING: COMPREHENSIVE PLAN AMENDMENT

The Planner introduced the recommended changes to the Comprehensive Plan, drafted primarily as a result of preliminary review by the Metropolitan Council. He said that some of the items requested were significant. The Village Area Plan was not submitted in detail nor were any maps included. The city's consultant is still working on those items but has completed a text of the Village Area Plan which is proposed for inclusion in the Comprehensive Plan. The Planner said that the remedial measures were mandated by the Met Council when the Plan submission time extension was approved and are significant. He noted that those measures only come into play if the City does not meet specific Dwelling Unit, REC and population targets at five year intervals.

Commissioner Schneider asked about minutes from the November 18, 2005 meeting with Met Council Chair and staff. The Planner said that minutes are taken when meetings are held staff-to staff, whether with the Met Council or any other governmental entity.

Commissioner Deziel said the proposed Village Area narrative refers to maps that are not contained within it, and that could be confusing.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 6:16 P.M.

Councilmember DeLapp said if we build as many housing units as Met Council requires we could end up with 4.5 homes per acre, and we could end up at 35 to 40,000 population. On page 2, under political context, we need to be more specific and direct.

Councilmember DeLapp said that the Met Council is paid by the MN Homebuilders' Association, and Tom Weaver's wife is Vice President of that association.

Councilmember DeLapp said that the Planner did a pretty good job under the circumstances. He said submitted a list of edits he proposes for the Village Area text.

Councilmember DeLapp said that Met Council has stolen two square miles of land from Baytown, West Lakeland and Lake Elmo without any sort of compensation; and the Met Council took four square miles out of Lake Elmo for the regional park. He suggested that the City should be really tough on the Met Council, and they should not feel that they can get away with it.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 6:29 P.M.

The Planner said he did not write the Village text materials; that was written by the consultant.

Commissioner Sedro said she would not mind saying this plan was drafted under duress so when people are trying to understand our laws they realize how they came about.

Commissioner Van Zandt said when talking about fines (the proposed WIF), we have never been aware of another municipality being treated this way, and that upsets him. He suggested that nothing says we cannot put our objections on record without getting into gamesmanship. He offered that twenty years from now or Comp Plan decisions will somewhat reflect those considerations by this commission and city council. He noted that if you are backed into a corner and treated unfairly, you should have a right to say so.

Commissioner Deziel said that incendiary language has never helped us. He said he feels that Councilmember DeLapp's comments in the press and in meetings and convincing the commission to backload the plan staging has brought the remedial measures situation to the City. We struck out in courts, and we have to take it. We have now become afraid of our own shadows. We should put in what we already as the Thorbeck Village Plan instead of this Village Plan narrative. We discussed the Thorbeck Village Plan and worked on it as a commission.

Commissioner Lyzenga said she agrees completely. She said we need to divorce the political from the technical. She said there are plenty of other forums for setting an historical record. We need to move on to preparing a technical document without creating further acrimony with the Met Council.

Commissioner Schneider asked about the vote on November 7, 2005 where the motion was made to argue the Met Council submission date extension conditions were unreasonable and unprecedented.

The Planner said that it became clear to him at the November 18 meeting with Met Council that whether the City considered the conditions reasonable or not Met Council expects they City to acknowledge those conditions and agree to comply by text in the Comprehensive Plan.

Commissioner Armstrong said he drafted a motion regarding opposition to the Met Council remedial measures. He stated that the Met Council does not have the authority to impose WIF charges, but when two parties make an agreement, like the MOU, those types of conditions can be enforced even if they are not normally legal. He suggested that this is hardball politics from the Met Council. The City Council was right in their motion on November 7 regarding the remedial measures not being reasonable conditions to a Plan submission extension, and the Council should not knuckle under.

M/S/P, Armstrong/Schneider, To recommend the City Council stay the course and reject the WIF charges because it would be bad to subject Lake Elmo residents to something no other residents in the metropolitan area are subjected to. To recommend including the Met Council Resolution in the Appendix of our Comprehensive Plan, and if those numbers are not met, we will discuss the remedial measures in the future.

Commissioner Deziel said all the details of a memo distributed by Councilmember Armstrong not necessary.

Commissioner Armstrong said the text he drafted is just a recommendation to the City Council and will become part of the record, not necessarily in the Plan.

VOTE: 7:0:1 Abstain: Deziel - Too much at this time without enough detail or the appropriateness of this coming from the Planning Commission rather than the City Council.

Commissioner Schneider suggested we should add language to say it is okay if the airport closes due to the impact of the safety zone to our Village Area.

The Planner said there has been no advocacy for closing the Lake Elmo Airport. There is a new runway proposed to replace the existing runway, but it is not sized for corporate jets and not planned by MAC for several years

Commissioner Lyzenga said if we can't be specific we should be generic. She asked where the consultant is in the Village Area planning phase.

The Planner said the consultants are starting to solidify and detail their concept work. The City is only proposing to use the text of the consultants to have some reference to the Village Area Plan in the Comp Plan, as required by the Metro Council in its September 26 letter to the City.

Commissioner Lyzenga said she would feel safer saying we do not have Village Area plans to give the Met Council rather than to give them an incomplete document.

Administrator Rafferty said the Met Council wanted to see the text even knowing it will ultimately be modified with maps and even more of the text will change.

Councilmember DeLapp said on the front page of the Star Tribune, it said the Met Council is funding city centers like water fountains. They have no right to have impact on our zoning. The Planner is preparing the way for zoning later. When he refers to the Met Council the Planner is talking about staff and they are a political organization. The airport came up due to rules that came forth from MAC such as no water within five miles of the airport because of geese.

M/S/P, Helwig/Van Zandt, to accept the Village Area Planner's memo as a Comprehensive Plan amendment and pass it on to the City Council with Councilmember DeLapp's comments massaged in key areas.

Commissioner Deziel said he cannot see voting to move this forward in its present condition.

Commissioner Pelletier suggested adding a disclaimer of sorts, if it says this Village Area text is a working plan without specifics, so Met Council recognizes this is being submitted for expediency.

Commissioner Pelletier asked for an Amendment to the Motion saying this is a work-in-progress plan, not a complete plan, put together as the best the City can do with the time we have available in accordance with the Met Council mandate. The Maker and Second (Helwig/Van Zandt) accepted the amendment.

Commissioner Armstrong said he is reluctant to say this is a work in progress. He does not want to give the Met Council more ammunition. He suggested that as we go through the zoning code,

APPROVED: 01/09/06

we can modify and get more specific.

Commissioner Pelletier said we cannot be that specific when there are references to diagrams that are not present in the document.

VOTE: 5:3, PASSED.

Adjourned at 8:08 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kimberly Schaffel". The signature is written in dark ink and is positioned above the printed name and title.

Kimberly Schaffel
Recording Secretary