

City of Lake Elmo
3800 Laverne Avenue North

**7 PM REGULAR COUNCIL MEETING
AGENDA**

April 1, 2008

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE:
- C. ATTENDANCE: ___ Johnston, ___ DeLapp, ___ Johnson, ___ Park, ___ Smith
- D. APPROVAL OF AGENDA: (The approved agenda is the order in which the City Council will do its business.)
- E. ORDER OF BUSINESS: (This is the way that the city council runs its meetings so everyone attending the meeting or watching the meeting understands how the city council does its public business.)
- F. GROUND RULE: (These are the rules of behavior that the city council adopted for doing its public business.)
- G. APPROVE MINUTES:
 - 1. Consider approval of March 18, 2008 minutes
- H. PUBLIC COMMENTS/INQUIRIES: In order to be sure that anyone wishing to speak to the city council is treated the same way, meeting attendees wishing to address the city council on any items NOT on the regular agenda may speak for up to three minutes.
- I. CONSENT AGENDA: Items are placed on the consent agenda by city staff and the Mayor because they are not anticipated to generate discussion. Items may be removed at City Council's request.
 - 2. Approve Resolution no. 2008-016 payments of claims.
 - 3. Consider septic system variance for Eason, 7934 Hill Trail N.; Resolution 2008-017
- J. REGULAR AGENDA:
 - 4. Consider and select the development scenarios for the Village AUAR and order the AUAR; Resolution No. 2008-018

5. Consider a resolution of support for HF3997 and SF 3703 concerning solid waste landfill being sited in high risk areas; Resolution No. 2008-019

K. REPORTS AND ANNOUNCEMENTS:

(These are verbal updates and do not have to be formally added to the agenda.)

- Mayor and Council Members
- Administrator

L. ADJOURN

City of Lake Elmo
City Council Meeting Minutes

March 18, 2008

Mayor Johnston called the meeting to order at 7:00 p.m.

PRESENT: Mayor Johnston, Council Members DeLapp, Johnson, Park

Also Present: City Administrator Hoyt, Finance Director Bouthilet, City Attorney Filla, City Engineer Griffin, Planning Director Klatt and City Clerk Lumby

APPROVAL OF AGENDA:

MOTION: Council Member Johnson moved approval of the March 18, 2008 agenda as presented. Council Member Park seconded the motion. The motion passed unanimously.

ORDER OF BUSINESS:

APPROVE MINUTES:

The minutes of March 4, 2008 were approved by consensus.

PUBLIC COMMENTS/INQUIRIES:

Pete Groth, 115 Myrtle St., Stillwater, read the newspaper article of the proposed Village plan and suggested the new homes in the Village be built in a cloverleaf style, hooked onto a central septic system and encourage passive solar.

Ann Bucheck, 2301 Legion Avenue, reported that over 70 people had submitted forms to the City Council on the development scenarios. She read the statement on the form: 1) the AUAR required for future development of the Old Village Area should be performed on a maximum of 600 new units; 2) Do not spend our money on consulting fees for additional AUAR's studying higher densities; 3) Please refresh yourselves on the guiding principles for development of the Old Village area; 4) please represent the citizens of Lake Elmo and the residents of the Old Village Area on this matter, not the Met Council or the developers; 5) change your recent plan to run a sewer line from 10th Street to 30th Street along Lake Elmo Avenue. It is simply wrong to install this sewer line along a developed and mature route that doesn't want or need the system. Find a better solution.

CONSENT AGENDA:

MOTION: Council Member Johnson moved to approve the Items 2, 3, and 5 of the consent agenda as presented. Council Member Park seconded the motion. The motion passed unanimously.

- Approve Resolution No. 2008-014 approving disbursements in the amount of \$182,709.65

- Approve Resolution No. 2008-015 granting permission to the Lake Elmo Jaycees to conduct charitable gambling in the City.
- Schedule the consideration of the Village AUAR development scenarios for the April 1st City Council meeting as directed at 3-11-08 workshop

Appoint Brenda Anderson, First Alternate to the Planning Commission to fill out Deb Lyzenga's term (expires 12/31/08) due to her resignation

Council Member DeLapp recognized Deb Lyzenga for her exceptional service to the City by serving on the Planning Commission.

MOTION: Council Member DeLapp moved to approve the appointment of Brenda Anderson, First Alternate to the Planning Commission to fill out Deb Lyzenga's term (expires 12/31/08) due to Deb Lyzenga's resignation. Council Member Johnson seconded the motion. The motion passed unanimously.

REGULAR AGENDA:

Authorization of computer hardware and software license purchases and approval of joint powers agreement for the City of Roseville extension of MIS services and support to the City of Lake Elmo

Project Assistant, Carol Kriegler, asked the Council to authorize the purchase of 14 desktop and 3 laptop computers which will allow for the replacement of all City computers. The recommendation was based upon a competitive process for proposals for providing hardware, software, installation and maintenance services. In addition, the council was asked to authorize the purchase of several software application licenses and to approve a Joint Powers Agreement for the City of Roseville Extension of MIS Services and Support so the city can join this public network. The budgeted funding sources for the IT hardware and software is part of the 2004A capital bonds for the capital items and the service and maintenance are budgeted in the 2008 general fund.

MOTION: Councilmember Johnson moved to approve:

1) authorization of expenditures in the amount not to exceed \$22,000 for items related to computer hardware purchases out of the 2008 CIP and to amend the 2009 CIP to \$25,000 for IT hardware needs in 2008. Council Member DeLapp seconded the motion. The motion passed unanimously.

2) expenditures in the amount not to exceed \$16,000 for software application licenses and amend the 2008 CIP to \$18,000 for IT software needs in 2008. Council Member DeLapp seconded the motion. The motion passed unanimously.

3) *the Joint Powers Agreement for the City of Roseville Extension of MIS Services and Support to the City of Lake Elmo to allow for shared and approve the expenditure of the associated cost in the amount of \$16,570.00 for installation, maintenance and service from the general fund operating budget.*

Council Member DeLapp seconded the motion. The motion passed unanimously.

Consider approval of the Lake Elmo Comprehensive Park Plan

City Administrator Hoyt explained the proposed Comprehensive Park Plan was revised based on comments received from the council on February 19, 2008. The Park Commission and the Planning Commission approved this plan earlier this year.

Council Member DeLapp submitted a statement that he believed added clarity and context to the Plan that he wanted inserted as an appendix to the plan. DeLapp also provided some additional technical changes for the staff to consider in finalizing the plan.

MOTION: Council Member Johnson moved to approve the Comprehensive Park Plan with the proposed change to accept Council Member DeLapp's statement added as an appendix and staff to review the technical enhancements if they fit into the plan which were submitted by Council member DeLapp. Council Member Park seconded the motion. The motion passed unanimously.

REPORTS AND ANNOUNCEMENTS:

Administrator Hoyt announced that the rules of order will be brought back to the council after the April 8th parliamentary procedure workshop.

Mayor Johnston adjourned the meeting at 8:03 p.m.

City Council
Date: 04/01/08
CONSENT
Item: 2
Resolution 2008-016

ITEM: Approve resolution No. 2008-016 approving disbursements in the amount of \$65,279.09.

SUBMITTED BY: Tom Bouthilet, Finance Director

REVIEWED BY: Susan Hoyt, City Administrator

SUMMARY AND ACTION REQUESTED: The City Council is being asked to approve disbursements in the amount of \$65,279.09

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

**RESOLUTION NO. 2008-016
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 452, 453, DD1608 through DD1618, 32361 through 322371, were used for Staff Payroll dated March 27, 2008; 32372 through 32409 were used for Accounts Payable, in the total amount of \$65,279.09 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the First day of April, 2008.

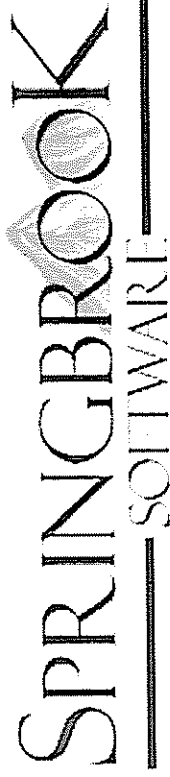
Dean Johnston
Mayor

ATTEST:

Susan Hoyt
City Administrator

Accounts Payable To Be Paid Proof List

User: ADMINISTRATOR
 Printed: 03/28/2008 - 11:26 AM
 Batch: 005-03-2008



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ACS Animal Control Services 81 101-420-2700-43150 Contract Services	03/21/2008	31.41	0.00	04/01/2008	Animal Control Services	3/10 - 3/23	-	No		0000
81 Total:		31.41								
ACS Total:		31.41								
AMLEGAL American Legal Publishing Corp 63188 101-410-1320-43510 Legal Publishing	03/13/2008	250.00	0.00	04/01/2008	Annual Internet Renewal for Code		-	No		0000
63188 Total:		250.00								
AMLEGAL Total:		250.00								
ARAM Aramark 629-6447770 101-430-3100-44170 Uniforms	03/12/2008	358.23	0.00	04/01/2008	Uniform Start-Up - Public Works		-	No		0000
629-6447770 Total:		358.23								
629-6450661 101-410-1940-44010 Repairs/Maint Contractual Bldg	03/17/2008	57.98	0.00	04/01/2008	Linen-City Hall		-	No		0000
629-6450661 Total:		57.98								
629-6452552 101-430-3100-44010 Repairs/Maint Contractual Bldg	03/19/2008	15.00	0.00	04/01/2008	Mats -Public Works		-	No		0000
629-6452552 Total:		15.00								
629-6452553 101-430-3100-44170 Uniforms	03/19/2008	32.25	0.00	04/01/2008	Uniforms - Public Works		-	No		0000
629-6452553 Total:		32.25								
ARAM Total:		463.46								
BIFFS Biff's Inc. W348042 101-450-5200-44120 Rentals - Buildings	03/12/2008	77.26	0.00	04/01/2008	Portable Restrooms - Sunfish Lake Park		-	No		0000
W348042 Total:		77.26								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
W348043	03/12/2008	188.94	0.00	04/01/2008	Portable Restrooms - Lions Park		-			0000
	101-450-5200-44120 Rentals - Buildings	188.94								
	W348043 Total:	188.94								
	BIFFS Total:	266.20								
CARQUEST Car Quest Auto Parts										
2055-113514	03/10/2008	95.69	0.00	04/01/2008	Sanding Dics & Batterics Opener - PW		-			0000
101-430-3100-42150 Shop Materials										
2055-113514	03/10/2008	20.83	0.00	04/01/2008	Fuel Filter - Public Works		-			0000
101-430-3100-42210 Equipment Parts										
2055-113514	03/12/2008	116.52	0.00	04/01/2008	Anti-Freeze-Stop Leak - Public Works		-			0000
101-430-3100-42150 Shop Materials										
2055-113764	03/12/2008	61.26								
101-430-3100-42150 Shop Materials										
2055-113764	03/12/2008	177.78								
CARQUEST Total:										
CENTPOW Century Power Equipment										
407568	03/12/2008	70.50	0.00	04/01/2008	Chain Saw Wrenches & Parts - Parks		-			0000
101-450-5200-42400 Small Tools & Minor Equipment										
407568	03/12/2008	70.50								
CENTPOW Total:		70.50								
CLAREYS Clarey's Safety Equipment										
116570	03/21/2008	846.00	0.00	04/01/2008	Electrical Junction Boxes		-			0000
101-420-2220-45800 Equipment										
116570	03/21/2008	846.00								
CLAREYS Total:		846.00								
FIREENG Fire Engineering										
101-420-2220-44330 Dues & Subscriptions										
03/25/2008	03/25/2008	94.95	0.00	04/01/2008	3 Year Magazine Subscriptions		-			0000
Total:		94.95								
FIREENG Total:		94.95								
FXL FXL, Inc.										
101-410-1550-43100 Assessing Services										
04/01/2008	04/01/2008	2,000.00	0.00	04/01/2008	Assessing Services - April		-			0000
Total:		2,000.00								
FXL Total:		2,000.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
GOVTRNG Government Training Services 03/25/2008		125.00	0.00	04/01/2008	Advanced Zoning Application Seminar					0000
101-410-1320-44370 Conferences & Training Total: GOVTRNG Total:		125.00 125.00								No
GRAINGER Grainger 9580997956 03/03/2008		113.29	0.00	04/01/2008	Lift Station Fuses					0000
602-495-9450-42270 Utility System Maint Supplies 9580997956 Total: GRAINGER Total:		113.29 113.29								No
HASS Hasser Garage Doors Inc. 9754 02/22/2008		195.00	0.00	04/01/2008	Garage Door Service & Repairs - Public W -					0000
101-430-3100-44010 Repairs/Maint Contractual Bldg 9754 Total: HASS Total:		195.00 195.00								No
Kremer Kremer Spring Inc. 27379 03/13/2008		200.71	0.00	04/01/2008	Spring Repairs Truck - Public Works					0000
101-430-3100-44040 Repairs/Maint Contractual Eqpt 27379 Total: Kremer Total:		200.71 200.71								No
LMCIT Cities Insurance Trust League of M Claim 11061046 03/27/2008		500.00	0.00	04/01/2008	Insurance Claim Deductible					0000
101-410-1320-43610 Insurance Claim 11061046 Total: LMCIT Total:		500.00 500.00								No
MAMA Manager Association Metropolitan Ar 02/04/2008		40.00	0.00	04/01/2008	Annual Membership Dues					0000
101-410-1110-44370 Conferences & Training Total: MAMA Total:		40.00 40.00								No
MATCO Matco Tools 199211 03/06/2008		29.07	0.00	04/01/2008	Fuse Tester - Public Works					0000
101-430-3100-42400 Small Tools & Minor Equipment 199211 Total:		29.07								No

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
199723	03/20/2008	627.77	0.00	04/01/2008	Tools - Public Works		-	No		0000
	101-430-3100-42400 Small Tools & Minor Equipment									
	199723 Total:	627.77								
	MATCO Total:	656.84								
<hr/>										
MENARDSO Menards - Oakdale										
27905	03/14/2008	6.86	0.00	04/01/2008	Hose Fittings - Surface Water		-	No		0000
	603-496-9500-42400 Small Tools & Minor Equipment									
	27905 Total:	6.86								
29215	03/20/2005	55.01	0.00	04/01/2008	Plug Ends for Truck Cord - Fire		-	No		0000
	101-420-2220-42400 Small Tools & Equipment									
	29215 Total:	55.01								
	MENARDSO Total:	61.87								
<hr/>										
MENARDST Menards - Stillwater										
10444	03/19/2008	50.28	0.00	04/01/2008	Plug Ends for Truck & Tools - Fire		-	No		0000
	101-420-2220-42400 Small Tools & Equipment									
	10444 Total:	50.28								
	MENARDST Total:	50.28								
<hr/>										
MFRA MFRA										
61277	03/01/2008	2,504.37	0.00	04/01/2008	Planning Services		-	No		0000
	101-410-1910-43150 Contract Services									
	61277 Total:	2,504.37								
	MFRA Total:	2,504.37								
<hr/>										
MUNICI-P Munici-Pals										
	03/25/2008	25.00	0.00	04/01/2008	Annual Dues		-	No		0000
	101-410-1320-44330 Dues & Subscriptions									
	Total:	25.00								
	MUNICI-P Total:	25.00								
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NATREPRO National Reprographics, LLC										
53528	03/18/2008	186.38	0.00	04/01/2008	Park Plan Copies		-	No		0000
	101-410-1910-42000 Office Supplies									
	53528 Total:	186.38								
	NATREPRO Total:	186.38								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
NORCHEM Northland Chemical Corp.										
5011069	03/12/2008	31.86	0.00	04/01/2008	Brake Wash		-	No		0000
101-430-3100-42150	Shop Materials	31.86								
	5011069 Total:	31.86								
	NORCHEM Total:									
NORTHTOO HSBC Business Solutions										
0561036366	03/10/2008	10.63	0.00	04/01/2008	Hose Fittings - Surface Water		-	No		0000
603-496-9500-42400	Small Tools & Minor Equipment	10.63								
	0561036366 Total:	400.61								
17256319	12/13/2007	400.61	0.00	04/01/2008	Snow Blower - City Hall		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg	400.61								
	17256319 Total:	95.84								
563012129	03/14/2008	95.84	0.00	04/01/2008	PSI Hose Surface Water		-	No		0000
603-496-9500-42270	Utility System Maint Supplies	95.84								
	563012129 Total:	507.08								
	NORTHTOO Total:									
OFFMACH Office Machine Sales & Service										
46130-0	03/11/2008	1,485.68	0.00	04/01/2008	19 Office Chairs-City Hall Annex		-	No		0000
101-410-1940-44300	Miscellaneous	1,485.68								
	46130-0 Total:	1,485.68								
	OFFMACH Total:									
PETERSON Peterson Fram & Bergman										
11135M	02/29/2008	2,824.79	0.00	04/01/2008	Legal Services-Admin		-	No		0000
101-410-1610-43040	Legal Services	2,824.79								
11135M	02/29/2008	67.50	0.00	04/01/2008	Legal Services-Planning		-	No		0000
101-410-1910-43040	Legal Services	67.50								
	11135M Total:	2,892.29								
11140M	02/29/2008	5,331.13	0.00	04/01/2008	Legal Services-Criminal		-	No		0000
101-410-1610-43045	Civil Attorney Criminal	5,331.13								
	11140M Total:	5,331.13								
11145M	02/29/2008	33.00	0.00	04/01/2008	Legal Services-Water		-	No		0000
601-494-9400-44300	Miscellaneous	33.00								
	11145M Total:	33.00								
11150M	02/29/2008	288.00	0.00	04/01/2008	Legal Services-Planning		-	No		0000
101-410-1910-43040	Legal Services	288.00								
	11150M Total:	288.00								
11155M	02/29/2008	364.50	0.00	04/01/2008	Legal Services-Civil		-	No		0000
101-410-1610-43040	Legal Services	364.50								
11155M	02/29/2008	54.00	0.00	04/01/2008	Legal Services-Water		-	No		0000
601-494-9400-44300	Miscellaneous	54.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	11155M Total:	418.50								
	PETERSO Total:	8,962.92								
PITNEY Pitney Bowes	03/13/2008	693.00	0.00	04/01/2008	Quarter Maint. & Rental - Postage Machin			No		0000
2817997-MR08	Repairs/Maint Contractual Bldg									
101-410-1940-44010	2817997-MR08 Total:	693.00								
	PITNEY Total:	693.00								
PRESS Press Steven	03/25/2008	28.64	0.00	04/01/2008	Duplicate Meeting Tapes			No		0000
101-410-1320-43620	Cable Operation Expense									
	Total:	28.64								
3/18/08	03/25/2008	57.28	0.00	04/01/2008	Cable Operator - Council			No		0000
101-410-1320-43620	Cable Operation Expense									
	3/18/08 Total:	57.28								
3/24/08	03/25/2008	57.28	0.00	04/01/2008	Cable Operator - Planning Comm.			No		0000
101-410-1910-43620	Cable Operation Expense									
	3/24/08 Total:	57.28								
	PRESS Total:	143.20								
Propane Propane Products	03/07/2008	128.15	0.00	04/01/2008	Generator Engine Heater			No		0000
6825	Building Repair Supplies									
101-430-3100-42230	6825 Total:	128.15								
	Propane Total:	128.15								
RUD Prince-Rud Diane	03/27/2008	240.00	0.00	04/01/2008	Cleaning Services - City Hall			No		0000
3/17 - 3/26	Repairs/Maint Contractual Bldg									
101-410-1940-44010	03/27/2008	240.00	0.00	04/01/2008	Cleaning Services - Fire Station			No		0000
3/17 - 3/26	Repairs/Maint Contractual Bldg									
101-420-2220-44010	3/17 - 3/26 Total:	480.00								
	RUD Total:	480.00								
S&T S&T Office Products, Inc.	03/17/2008	3.57	0.00	04/01/2008	Office Supplies - Bldg Dept.			No		0000
01ML1384	Office Supplies									
101-420-2400-42000	03/17/2008	61.73	0.00	04/01/2008	Office Supplies - Fire Dept.			No		0000
01ML1384	Office Supplies									
101-420-2220-42000	01ML1384 Total:	65.30								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	S&T Total:	65.30								
SAMSLUB Sam's Club	03/28/2008	221.99	0.00	04/01/2008	AUAR Open House Meeting		-		No	0000
5508	101-410-1910-44300 Miscellaneous	221.99								
	5508 Total:	221.99								
	SAMSLUB Total:	221.99								
Sherm Sherman Robert	03/14/2008	43.17	0.00	04/01/2008	Plug Ends & Tools		-		No	0000
101-420-2220-42400 Small Tools & Equipment		43.17								
	Total:	43.17								
	Sherm Total:	43.17								
SPRINT Sprint	03/15/2008	49.24	0.00	04/01/2008	Wireless Card for Laptop - Fire		-		No	0000
0526076028-3	101-420-2220-43210 Telephone	49.24								
	0526076028-3 Total:	49.24								
	SPRINT Total:	49.24								
SSSPE S & S Specialists	03/05/2008	825.38	0.00	04/01/2008	Tree Removal		-		No	0000
17972	101-430-3100-43150 Contract Services	825.38								
	17972 Total:	825.38								
	SSSPE Total:	825.38								
TASCH T.A. Schifsky & Sons	03/17/2008	485.27	0.00	04/01/2008	Winter Asphalt		-		No	0000
43940	101-430-3100-42240 Street Maintenance Materials	485.27								
	43940 Total:	485.27								
	TASCH Total:	485.27								
TDS TDS METROCOM - MN	03/13/2008	136.30	0.00	04/01/2008	Analog Telephone Lines - Fire		-		No	0000
651-779-8882	101-420-2220-43210 Telephone	23.49							No	0000
	651-779-8882 03/13/2008	102.42							No	0000
	101-430-3100-43210 Telephone	262.21							No	0000
	651-779-8882 03/13/2008									
	602-495-9450-43210 Telephone									
	651-779-8882 Total:	262.21								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	TDS Total:	262.21								
TRI-P TRI STATE PUMP & CONTROL INC.										
27591	03/03/2008	270.00	0.00	04/01/2008	Emergency Service to 94 Lift Station		-	No		0000
602-495-9450-44030	Repairs\Maint Imp Not Bldgs	270.00								
	27591 Total:	270.00								
	TRI-P Total:	270.00								
WASH-REC Washington County										
59818	03/25/2008	965.00	0.00	04/01/2008	2008 Special Assessment Billing		-	No		0000
101-410-1520-44300	Miscellaneous	965.00								
	59818 Total:	965.00								
	WASH-REC Total:	965.00								
	Report Total:	24,478.49								

ITEM: Consider an application from Phil and Michele Eason for a side yard setback and structure setback variance to permit the construction of a new on-site septic system at 7934 Hill Trail North – R1 zoning – PID 05-29-21-44-0028.

SUBMITTED BY: Kyle Klatt, Planning Director

REVIEWED BY: Susan Hoyt, City Administrator
Planning Commission

SUMMARY AND ACTION REQUESTED

The City Council is being asked to consider a request from Phil and Michele Eason to construct a new on-site septic system at 7934 Hill Trail North with the following setbacks:

- 15 feet from a primary structure
- 2 feet from a side property line
- 6 feet from another side property line

The variances noted above have been requested because the existing system is failing and there are no other suitable locations on the lot to construct a new system. Any other location would place a new drain field much closer to Lake Demotreville and in a location that is inappropriate based on soil conditions and other factors.

For variance applications, the burden is on the applicant to demonstrate why this situation is unique and necessitates flexibility to code requirements. To make this case, a variance can only be granted by the city when strict enforcement of the code would cause undue hardship on a property owner. "Hardship" is broken down into the following three components:

- a. *The proposed use of the property and associated structures in question cannot be established under the conditions allowed by the city's zoning regulations and no other reasonable alternative use exists;*
- b. *The plight of the landowner is due to the physical conditions unique to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district; and*
- c. *The unique conditions of the site were not caused or accepted by the landowner after the effective date of the city's zoning regulations.*

In reviewing the request against the three criteria listed above, staff determined all criteria were met as a septic system would be necessary to utilize the home on the site and the current property owner did not create the nonconformities. The request was also deemed to be reasonable as the addition of the septic system would have no impact on adjacent properties.

ADDITIONAL INFORMATION:

- The DNR does not have any concerns with the application as submitted.

- Staff has expressed some concern that a retaining wall that is depicted on the certificate of survey could interfere with the installation of a new septic system. Since this wall is located in only a small fraction of the proposed drain field's total area, this issue may be addressed as a condition of approval.
- The City Engineer submitted a review letter prior to the Planning Commission meeting. The letter contains comments that should be incorporated as part of the approval for this project. Some of the concerns concerning the mapping and general information have been addressed already since the Planning Department does have this information on file.

PLANNING COMMISSION REPORT

The Planning Commission conducted a public hearing regarding this request at its March 24, 2008 meeting. During the hearing the applicant explained that the only portion of the site that is located outside of any required septic system setbacks is where a driveway has been in use for many years. No other persons spoke at the hearing.

RECOMMENDATION:

Approval is recommended as follows because the request meets the requirements for granting a variance and has been recommended for approval by the Planning Commission:

1. It is recommended that the City Council approve the side yard setback and principal structure setback variance request by Phil and Michele Eason to construct a new on-site septic system at 7934 Hill Trail North based on the following:
 - a. That the proposed use of the property and associated structures in question cannot be established under the conditions allowed by the city's zoning regulations and no other reasonable alternative use exists;
 - b. That the plight of the landowner is due to the physical conditions unique to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district; and
 - c. That the unique conditions of the site were not caused or accepted by the landowner after the effective date of the city's zoning regulations.

With the following conditions:

- a) The extreme southwestern portion of the drain field shall be adjusted to accommodate the location of a retaining wall as depicted on the submitted site plan and certificate of survey if it interferes with the installation and function of the septic system.
- b) The installation of the septic system shall address all applicable comments from the City Engineer in a review letter to the City dated March 21, 2008

SUGGESTED MOTION FOR CONSIDERATION:

Motion:

Motion to approve Resolution No. 2008-17 granting a variance to allow the placement of a new septic site in a nonconforming location for the home at 7934 Hill Trail North with conditions.

ORDER OF BUSINESS:

- IntroductionSusan Hoyt, City Administrator
- Report by staff..... Kyle Klatt, Planning Director
- Questions from the Council Mayor & Council Members
- Questions/Comments from the applicant..... Mayor facilitates
- Questions/Comments from the public..... Mayor facilitates
- Call for a Motion
(required for further discussion; does not
imply approval of the motion..... Mayor facilitates
- Discussion Mayor facilitates
- Action on motion Council

ATTACHMENTS (13):

1. Resolution No. 2008-17
2. Staff Report
3. Area Map
4. Application Form
5. Legal Description
6. Applicant's Narrative(2 pages)
7. Letter from Adjacent Property Owner
8. Certificate of Survey
9. Survey with Septic System Location
10. Aerial Photograph
11. Comments From: City Engineer, Acting Building Official
12. Percolation Report (Dated 8-18-16)

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

RESOLUTION NO. 2008-17

*A RESOLUTION APPROVING A VARIANCE TO CONSTRUCT A SEPTIC SYSTEM THAT
ENCROACHES INTO A REQUIRED SETBACK FROM A PRINCIPAL STRUCTURE AND
SIDE PROPERTY LINE*

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

WHEREAS, Phil and Michele Eason, 7934 Hill Trail North (the “Applicant”), has submitted an application to the City of Lake Elmo (the “City”) for a Variance to construct a new septic system that encroaches into the required setback from a principal structure and required side yard setback from a property line, a copy of which is on file with the City; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.017; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on March 2, 2008; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated April 1, 2008; and

WHEREAS, the City Council considered said matter at its April 1, 2008 meeting.

NOW, THEREFORE, based on the testimony elicited and information received, the Board of Adjustment makes the following:

FINDINGS

- 1) That the procedures for obtaining said Variance are found in the Lake Elmo Zoning Ordinance, Section 154.017.
- 2) That all the submission requirements of said 154.017 have been met by the Applicant.
- 3) That the proposed Variance is to construct a new septic system that encroaches into the required setback from a principal structure and required side yard setback from a property

line. The resulting setbacks from the Variance would be 15 feet from the principal structure, six feet from a side property line, and two feet from another property line.

- 4) That the Variance will be located on property legally described as Lots two hundred seventeen (217) through two hundred twenty-six (226), both inclusive, Lane's Demontreville Country Club, together with that part of vacated Mack Avenue lying South of and abutting said lots two hundred seventeen (217) through two hundred twenty-three (223) inclusive and also together with that part of the Southwesterly one-half of vacated West Shore Lane lying Northeasterly of and abutting lot two hundred twenty-six (226), all according to the plat thereof on file with and of record in the office of the Registrar of Deeds, Washington County, Minnesota.
- 5) That certain conditions as detailed in Section 154.017 do exist, and the proposed use of the property and associated structures in question cannot be established under the conditions allowed by the city's zoning regulations and no other reasonable alternative use exists. *In particular, the design and location of the septic system was established by a professional septic system design company. Their review identified the proposed location as the only viable location for the system on this site given the location of the house and its close proximity to Lake Demontreville. All other locations would place the septic system closer to the Lake or in conflict with other improvements on the lot. The City's building inspector, who is a certified septic inspector, has reviewed the site and concurs with this finding.*
- 6) That the plight of the landowner is due to the physical conditions unique to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district. *The site is unique for a number of reasons, including its odd shape, the placement of the primary structure at the far western edge of the parcel, the close proximity of Lake Demontreville to the improvements on the site, and the relatively small size of this parcel compared to surrounding lots.*
- 7) The unique conditions of the site were not caused or accepted by the landowner after the effective date of the city's zoning regulations. *The physical layout of the platted lot and the topography on the lot were not created by the landowner. The current septic design was compliant for a system designed nearly 40 years ago; current standards would not allow for the construction of a new system without the requested variances.*

CONCLUSIONS AND DECISION

1. Based on the foregoing, the Applicants' application for a Variance is granted, provided the following conditions is met:
 - a) The extreme southwestern portion of the drain field shall be adjusted to accommodate the location of a retaining wall as depicted on the submitted site plan and certificate of survey if it interferes with the installation and function of the septic system.

- b) The installation of the septic system shall address all applicable comments from the City Engineer in a review letter to the City dated March 21, 2008.
2. The City may revoke a Variance if any conditions established by the City Council as part of granting the Variance request are violated.

Passed and duly adopted this 1st day of April 2008 by the City Council of the City of Lake Elmo, Minnesota.

Dean A. Johnston, Mayor

ATTEST:

Susan Hoyt, City Administrator

City of Lake Elmo Planning Department
Variance Review

To: **City Council**

From: **Kyle Klatt, Director of Planning**

Meeting Date: **4-1-08**

Applicant: **Phil and Michele Eason**

Location: **7934 Hill Trail North**

Current Zoning: **R1 – One Family Residential**

Introductory Information

Request: The applicant is seeking approval of a variance to allow the placement of a new septic site in a nonconforming location for the home at 7934 Hill Trail North. Specifically, the replacement septic system will be set back two feet from the southern (side) property line, six feet from the western (side) property line and 15 feet from the primary residential structure on the site. The City Code requires a new septic system to be set back a minimum of 20 feet from a building and 10 feet from any property lines.

Background: The applicants have provided a description of their request for a variance as a part of the application materials submitted to the City. The house at 7934 Hill Trail North was built in 1976 (according to the permit on file) and the septic field was redone in 1984. This system is beginning to fail and will require replacement to comply with current design requirements for a new drain field.

The site under consideration is located within Lane’s Demontrville County Club Addition along Hill Trail North. It is an odd-shaped parcel with five distinct property sides and frontage along Lake Demontreville. For the purposes of determining the required setbacks on the parcel, the Zoning Ordinance defines the border along the public street as the front property line, the border with the Lake as the rear property line (opposite the front) and all others as side property lines. The other lot feature of importance on this site is the Ordinary High Water Level (OHWL), which is depicted on the attached site plan at an elevation of 928.5. The City’s regulatory OHWL is actually 929.3, which in this case should not have an impact on the applicant’s plans since the site survey shows that the drain field will be located well beyond the required 75-foot setback.

The applicant house is located in the far western portion of the property, with approximately 40 to 50 feet between the structure and the Ordinary High Water Level.

A fairly significant portion of the platted lot lies below the OHWL, which along with the other improvements to the site, greatly restricts the suitable locations for a septic system on the property.

Applicable Codes:

Section 51.002 Individual and Community Waster Water Treatment Systems

Adopts Minnesota Rules Chapter 7080 by reference with exceptions. The Rules contain the design requirements and setbacks for Individual Sewage Treatment Systems.

Section 150.255 Shoreland District. Subd 4. Placement, Design and Height of Structures

States that on-site sewage systems must be setback a minimum of 75 feet from the OHW of recreational Development classified lakes.

Findings & General Site Overview

Site Data:

Existing Zoning – R-1 (One Family Residential)

Land Use Guidance – NC (Neighborhood Conservation District)

Parcel size – 0.65 acres (using provided shoreline information)

Property Identification Number (PID): 05-29-21-44-0028

Application Review:

Applicable Code Definitions:

HARDSHIP. The proposed use of the property and associated structures in question cannot be established under the conditions allowed by the city's zoning regulations and no other reasonable alternative use exists; that the plight of the landowner is due to the physical conditions unique to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district; and that these unique conditions of the site were not caused or accepted by the landowner after the effective date of the city's zoning regulations.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM. A septic tank, seepage tile sewage disposal system, or other sewage treatment device.

INDIVIDUAL SEWAGE TREATMENT SYSTEM. An on-site sewage treatment system connecting to a single dwelling or other establishment, consisting of soil treatment unit, septic tank, and any associated pumping and piping systems.

SEPTIC TANK. A sound, durable, watertight sewage tank designed and constructed to receive the discharge of sewage from a building sewer, separate solids from liquids, digest organic matter, and store liquids through a period of detention.

STANDARD SYSTEM. An individual sewage treatment system employing a

building sewer, sewage tank, and the soil treatment system commonly known as a dram field or leach field.

VARIANCE. A modification of a specific permitted development standard required to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship as defined in Section 300.06, Subd. 3. Economic considerations along shall not constitute a hardship. [sic]

**Variance
Review:**

With a failing septic system, the applicants have few options other than to replace the existing system with a new one. Given the non-conforming size of their parcel and the fact that this is a lake frontage lot, there are few suitable sites on the property that could be utilized for a replacement system. A review of the City's variance criteria follows, focusing on the information submitted by the applicants. By code, a variance can only be granted where the city finds the request can successfully address the three criteria as outlined below for the septic system.

1. *The proposed use of the property and associated structures in question cannot be established under the conditions allowed by the city's zoning regulations and no other reasonable alternative use exists;*

The design and location of the septic system was established by a professional septic system design company. Their review identified the proposed location as the only viable location for the system on this site given the location of the house and its close proximity to Lake Demontreville. All other locations would place the septic system closer to the Lake or in conflict with other improvements on the lot. The City's building inspector, who is a certified septic inspector, has reviewed the site and concurs with this finding. As such, staff finds the request is reasonable given that wastewater management must be provided for the home. **This criteria is met.**

2. *The plight of the landowner is due to the physical conditions unique to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district;*

The applicants' site is unique for a number of reasons, including its odd shape, the placement of the primary structure at the far western edge of the parcel, the close proximity of Lake Demontreville to the improvements on the site, and the relatively small size of this parcel compared to surrounding lots. **This criteria is met.**

3. *The unique conditions of the site were not caused or accepted by the landowner after the effective date of the city's zoning regulations.*

The physical layout of the platted lot and the topography on the lot were not created by the landowner. The current septic design was compliant for a system designed nearly 40 years ago; current standards would not allow for the construction of a new system without the requested variances. **Staff finds this criteria is also satisfied.**

Variance Conclusions: Based on our analysis of the review criteria in City Code, staff recommends **approval of the septic variance request** for 7934 Hill Trail North.

Resident Concerns: The property owner that borders the applicants' property to the south and west (who would be the closest to the proposed drain field) has submitted a letter stating her willingness to grant an easement to allow the septic system to be built to the edge of her property. Please note that the granting of an easement does not change the need for side yard setback variances since an easement would not change the location of the property lines.

Additional Information:

- The Department of Natural Resources has provided a statement that it does not have any comments concerning the proposed variance. Staff has not received any correspondence from the Valley Branch Watershed District.
- Staff has expressed some concern that a retaining wall that is depicted on the certificate of survey could interfere with the installation of a new septic system. Since this wall is located in only a small fraction of the proposed drain field's total area, this issue may be addressed as a condition of approval.
- The City Engineer has submitted a review with comments that should be incorporated into the final action by the City.

Conclusion

The applicant is seeking approval of a 5-foot variance from the required 20-foot setback from a principal structure in addition to an 8-foot and 4-foot variance from the required 10-foot side property line setback to allow the placement of a septic system in a nonconforming location.

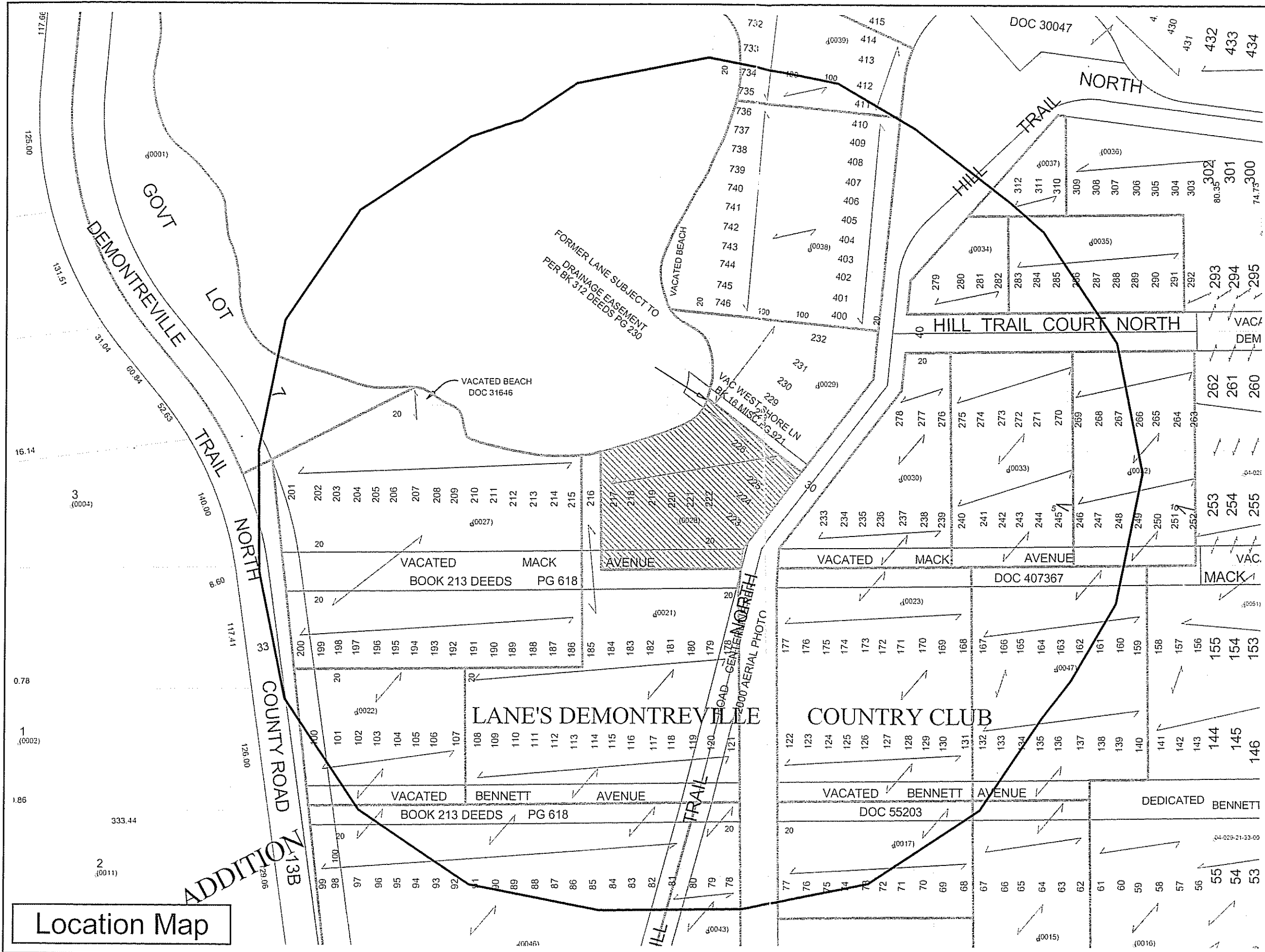
Commission Options: The Planning Commission must examine the proposed variance to determine whether it meets all conditions of approval outlined by city code. The Planning Commission considered the following options:

- A) Recommend that the Council approve the requested variance based on the applicants' submission and findings of fact.
- B) Recommend that the Council deny the requested variance based on the applicants' submission and findings of fact.
- C) Table the request and ask for additional information.

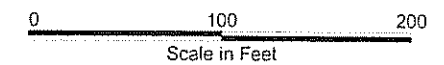
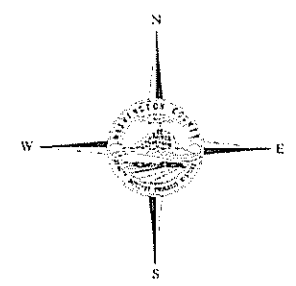
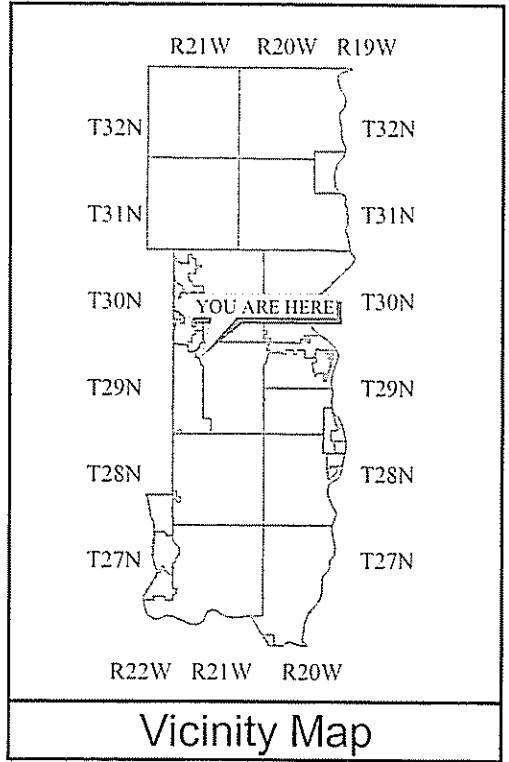
The deadline for a Council decision on this item is April 29, 2008 which can be extended an additional 60-day if needed.

Recommended Action:	Staff recommended option A: Approval of the requested variance <u>with the following conditions:</u> <ol style="list-style-type: none">1. The extreme southwestern portion of the drain field shall be adjusted to accommodate the location of a retaining wall as depicted on the submitted site plan and certificate of survey if it interferes with the installation and function of the septic system.2. The installation of the septic system shall address all applicable comments from the City Engineer in a review letter to the City dated March 21, 2008.
Denial Motion Template:	To deny the requested variances, you may use the following motion as a guide: Move to recommend denial of the variance application for 7934 Hill Trail North based on the following findings: (cite your own findings)
Approval Motion Template (as recommended by staff):	To approve the requested variances as recommended by staff, you may use the following motion as a guide: Move to recommend approval of the variances for the septic system as outlined in the staff report for 7934 Hill Trail North based on the findings listed in the staff report and as articulated tonight, subject to the conditions recommended by staff. <i>(use staff's findings provided above or cite your own)</i> Conditions: <ol style="list-style-type: none">1. The extreme southwestern portion of the drain field shall be adjusted to accommodate the location of a retaining wall as depicted on the submitted site plan and certificate of survey if it interferes with the installation and function of the septic system.2. The installation of the septic system shall address all applicable comments from the City Engineer in a review letter to the City dated March 21, 2008.

cc: Phil and Michele Eason, 7934 Hill Trail North



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 Surveyor's Office. Phone (651) 430-6875

Parcel data based on AS400 information current through: July 31, 2007
Map printed: September 12, 2007

City of Lake Elmo DEVELOPMENT APPLICATION FORM

COPY

RECEIVED FEB 29 2008

- Comprehensive Plan Amendment
 - Zoning District Amendment
 - Text Amendment
- Variance * (See below)
- Residential Subdivision Sketch/Concept Plan
- Residential Subdivision Preliminary/Final Plat
 - 01 - 10 Lots
 - 11 - 20 Lots
 - 21 Lots or More
 -
- Minor Subdivision
- Lot Line Adjustment
- Conditional Use Permit (C.U.P.)
- Flood Plain C.U.P.
- Site & Building Plan Review
- Excavating & Grading Permit
- Vacation
- PUD
- Appeal

APPLICANT: Philip and Michele Eastm 7934 Hill Trail N. Lake Elmo MN 55042
 (Name) (Mailing Address) (Zip)

TELEPHONES: 651-439-3993 612-617-8534 612-750-2221
 (Home) (Work) (Mobile) (Fax)

SEE OWNER: _____ (Name) _____ (Mailing Address) _____ (Zip)

TELEPHONES: _____ (Home) _____ (Work) _____ (Mobile) _____ (Fax)

Property Location (Address and Complete (Long) Legal Description): 7934 Hill Trail N. Lake Elmo, MN 55042. Lots two hundred seventeen (217) through two hundred twenty-six (226), both inclusive, Lane's Demontreville Country Club, together with that part of vacated Mack Avenue lying south of and abutting said lots two hundred seventeen (217) through two hundred twenty-three (223) inclusive and also together with that part of the southwesterly one half of vacated West Shore Lane lying northeasterly of and abutting lot two hundred twenty-six (226), all according to the plat thereof on filed and of record in the office of the register of Deeds, Washington County, Minnesota.

Detailed reason for request: Due to the poor condition of the existing septic system and the limited lot size we are requesting a hardship variance to locate a new drain field within fifteen feet of the house as opposed to a recommended twenty feet. Please see letter attached to this form.

VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:
Due to the size of the lot, its proximity to Lake Demontreville and the existing drainfield location a new septic system will require a variance to two recommended set-backs. The new bed has been designed to be set-back 15' from the house as opposed to 20'.

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

Philip Eastm
 Signature of Applicant
6/5/07
 Date

[Signature]
 Signature of Applicant
6-5-17
 Date



EXHIBIT "A"

Legal Description
Agent

File No. 5-37073

Lots Two hundred seventeen (217) through Two hundred twenty-six (226), both inclusive, Lane's DeMontreville Country Club, together with that part of vacated Mack Avenue lying South of and abutting said Lots Two hundred seventeen (217) through Two hundred twenty-three (223) inclusive and also together with that part of the Southwesterly one-half of vacated West Shore Lane lying Northeasterly of and abutting Lot Two hundred twenty-six (226), all according to the plat thereof on file and of record in the office of the Register of Deeds, Washington County, Minnesota.

ENTERED IN TRANSFER RECORD
WASHINGTON COUNTY, MINNESOTA
August 23, 2005
MOLLY F. O'Rourke, AUDITOR-TREASURER
BY *Julia A. Wetzel* DEPUTY
05.029.21.44.0028

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

6/5/07
2/08

COPY

Subject: Variance for septic system at 7934 Hill Trail N.

At this time our septic system is beginning to fail. It has been necessary to pump the system approximately every 6 months. The septic system drain field was redone in 1984, which makes the newest improvement 23 years old. The current system consists of only one tank and a 23-year-old drain field.

We purchased this home and property in the fall of 2005; the previous owner hired Barry Brown to examine the condition of the existing septic system and design a new system. Upon purchasing the home, we obtained several bids for replacement of the existing septic system that was designed by Barry Brown. After reviewing the proposed design with Joe Chaves –septic contractor, he pointed out that the design would not be allowed by Lake Elmo due to the coming too close to the house.

At this time, we asked Jim McNamara – Lake Elmo City Building Official along with our septic system contractor Joe Chaves to review our property and what changes needed to be made in order to meet or closely comply with the Lake Elmo septic system ordinances. The result of this meeting is the attached design dated 8-18-06.

Therefore we would like to apply for a variance that would allow this system to be 15 feet from the house. The existing lot with its proximity to Lake Demontreville is very limited for space to put a new drain-field. The proposed design utilizes the space available to support a septic system of appropriate size.

We appreciate your time to review this request.

Phil and Michele Eason
7934 Hill Trail N.
Lake Elmo, MN 55042

RECEIVED

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

3/14/08

Subject: Hardship Variance for septic system at 7934 Hill Trail N.

We are applying for a hardship variance to install a new septic system that will be within 15 feet from our house. There are several reasons why we are applying for this variance.

1. At this time our septic system is beginning to fail. It has been necessary to pump the system approximately every 6 months. The septic system drain field was redone in 1984, which makes the newest improvement 23 years old. The current system consists of only one tank and a 23-year-old drain field.
2. Our home is located on Lake Demontreville. Currently, the shoreline is approximately 80 feet from the backside of our house. This leaves no room for a drain field to be located on the backside of the house.
3. Our parcel is an odd shape and the existing drain field is in the front yard on the west end (south west corner of lot). Therefore, we need to fill the existing septic tank and locate the new drain field in a limited area on the east end of the front yard (south east corner of lot). In order to have an adequate size drain field we will need to locate the drain field closer to the house.
4. I have enclosed a signed letter from our neighbor: Loree K. Kalliainen, 7920 Hill Trail N. Lake Elmo, MN 55042 who owns the lot that borders our parcel on the south and east sides to allow a 10 ft. utility easement. This will allow us to build the drain field close to the lot lines with crossing our property line.
5. This new septic will be very inconspicuous and will fit in very nicely with the surrounding landscape. It will pose no interference with our neighbors.
6. I have discussed the construction of our new septic system with our immediate neighbors to the south and east of our property. I have received no objections to building a new system. The closest home which is to the east of our parcel will be at least 50 feet away from the drain field. Our parcel is separated from both of our immediate neighbors by stand of trees to the south and a 20 foot strip of land going to the lake and 20 feet of trees to the East.

Therefore we would like to apply for a hardship variance that would allow this system to be within 15 feet from the house. The existing lot with its proximity to Lake Demontreville is very limited for space to put a new drain-field. The proposed design utilizes the space available to support a septic system of appropriate size.

We appreciate your time to review this request.

Phil and Michele Eason
7934 Hill Trail N.
Lake Elmo, MN 55042

Loree K. Kalliainen
7920 Hill Trail N.
Lake Elmo, MN 55042

February 7, 2008

Lake Elmo City Council:

I live at Hill Trail N. and my property borders the Eason property (7934 Hill Trail N. Lake Elmo, MN 55042) for the full length to the south and west of their property. I will allow a utility easement of 10 feet to the south and 10 feet to the west of the Eason property (7934 Hill Trail N. Lake Elmo, MN 55042) so that the proposed septic system can be built on the edge of the Eason property, but **not** over the property line.

Signed:

Loree K. Kalliainen,

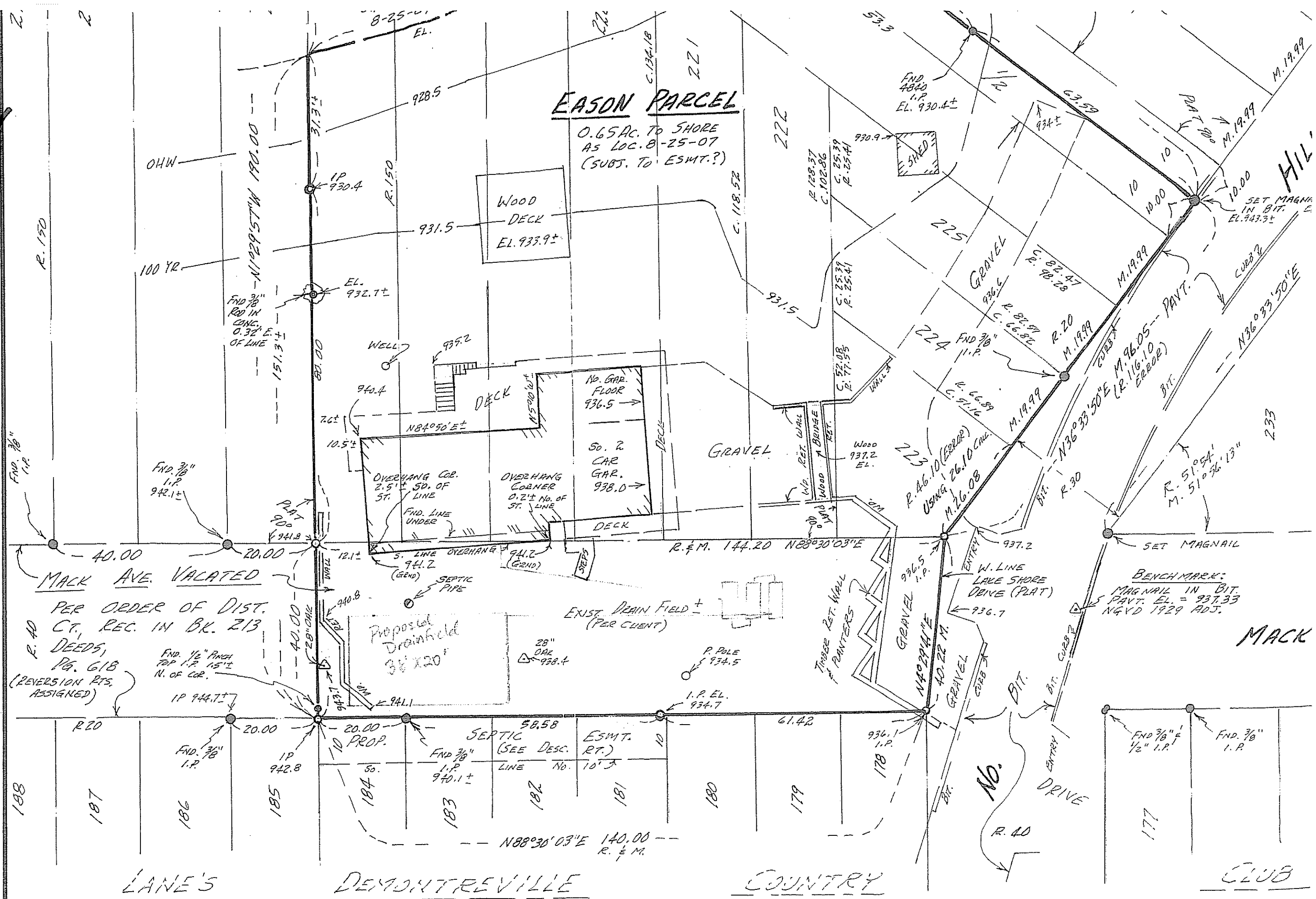


Dated:

2/7/08

RECEIVED
FEB 29 2008

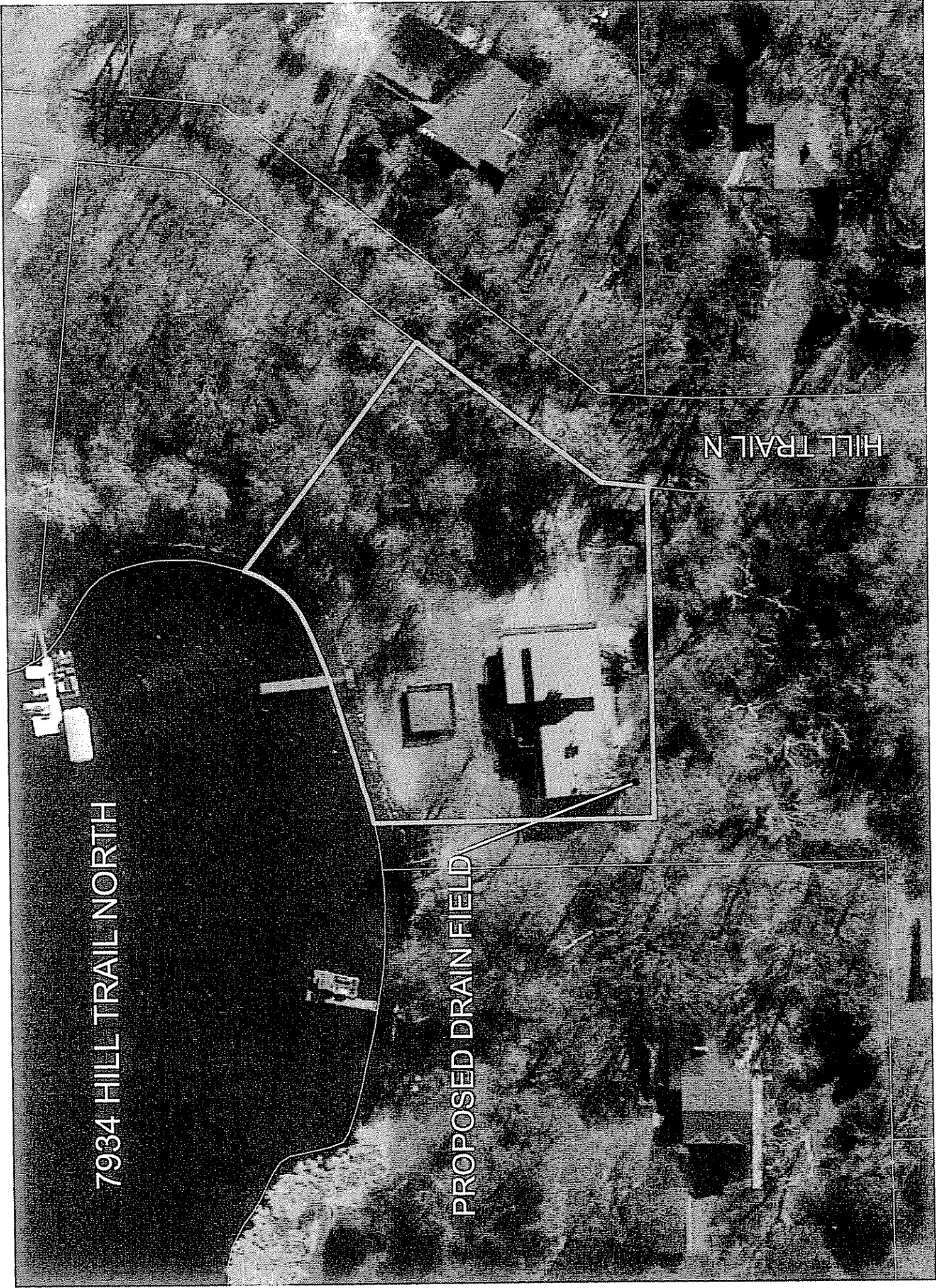
SITE PLAN



7934 HILL TRAIL NORTH

HILL TRAIL N

PROPOSED DRAIN FIELD





ENGINEERS • ARCHITECTS • PLANNERS

444 Cedar Street, Suite 1500
Saint Paul, MN 55101-2140

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

MEMORANDUM

To:	Kyle Klatt, Planning Director	Reference:	7934 Hill Trail North
Copies To:			Variance Request
			City of Lake Elmo, Minnesota
From:	Ryan Stempski, P.E.	Proj. No.:	14078.001
Date:	March 21, 2008	Routing:	

Kyle,

I have reviewed the variance request for 7934 Hill Trail North and have the following comments:

1. Applicant should submit a design of the proposed on-site sewage treatment system, including soil reports from the proposed drainfield site and layout of the proposed septic system. Impacts to the existing retaining wall and trees must be shown and described.
2. Update the Site Plan and Certificate of Survey to show the proposed 10-foot septic easement to the west of the Eason parcel. Documentation of the recorded easements must be provided to the City of Lake Elmo prior to construction. The Site Plan should show the entire Eason parcel to confirm other locations are not feasible to the lake setbacks.
3. The Eason's variance request letter, dated March 14, 2008, seems to be inconsistent with east and west directions. The applicant should clarify this discrepancy and include north arrows on all drawings.
4. Planning or Building Department should confirm all municipal code drainfield setbacks to structures and property lines for this location.

If you have any questions, please contact me at (651) 292-4487.

Ryan

MEMO

RE: Septic variance for 7934 Hill Trail North.

The present septic system at the above address is a failing system and must be replaced.

Speaking with Mr. Barry Brown, the septic system designer, a bed type system has been designed to replace the failing system. While reviewing the proposed design it became obvious to me that this type of system will make the best use of the area the new septic will occupy.

During my inspection of the property it became obvious that the location for the new septic system was the only area on the property that would allow a system to be placed. The location of the house in regard to lake DeMontreville, did not allow the system to be placed near the north and west yard, and to the south the existing drainfield area.

Although setback variances are required, none of the requested variances are unusual or overly concerning to me. These type of septic system setback variances have been approved in the past and should serve the property well – and until city sewer is provided for the area.

Minnesota chapter 7080 (7080.0170) allows for local units of government to vary from setback distances if required.


Karl Horning
MPCA Cert. # R7489

PERCOLATION REPORT

WISE RESOURCE MANAGEMENT DOESN'T COST — IT PAYS 08-18-06

ROGER DIEDRICH

ADDENDUM

SOIL TESTING AND DESIGN FOR SEPTIC SYSTEMS

LOCATION: 7934 Hill Trail, Lake Elmo

USE OF BUILDING: 3-bedroom home

A design for a pressure bed was made in June of 2005 for this lot. I met with Jim McNamara, from the City of Lake Elmo, at this location before making the design. We agreed that it is obvious that there will need to be variances to both the lot line set backs and the house set back to install this system. I originally designed a very large bed for this drain field because it appears that it will be the last standard system to be used on this lot. It now appears that we need to downsize the bed to be within an agreeable distance from the house. The drawing shows that the rectangle at the south side of the lot is 40' wide. The drawing also shows that the house comes into this rectangle approximately two feet. If we allow five feet for the maximum that the house encroaches on this rectangle, we would have 35' left. If the bed could be built starting at the south lot line, a twenty foot wide pressure bed could be installed with 15' setback to the house. The variance would have to be from 20' to 15' for the house setback. The distance that the bed must be kept from the south lot line will determine the width of the bed. I have redesigned the bed to be 18' x 36' rather than its original 25' width. This allows for a standard sized bed for a three-bedroom house using a 1.27 soil sizing factor and standard 7080 pressure bed sizing.

The permit for this system should be applied for so that the variances can be discussed. A new pressure distribution sheet may need to be completed when the actual bed size is determined.

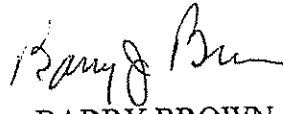
The absorption width is designed to be at least 10 feet from the lot line and possibly 10 feet with variance from the house or any building with footings. The well is located on the north side of the house at least 50 feet from any part of this system. The high water mark for the lake is just over 100 feet from the pressure bed.

All wastewater treatment sites are to be cordoned off prior to the start of any construction activity on the property. No construction traffic or grading permitted in drain field areas. All proposed wastewater treatment sites are to be protected with a visual barrier to prevent construction traffic from encroaching into the test area and possibly causing irreversible soil damage with respect to on-site wastewater treatment and absorption. A septic system permit will not be issued until the tested area is surrounded with snow or silt fence.

This design was prepared in accordance to Washington County Ordinance #128 and should be presented to the City of Lake Elmo for inspection as soon as possible. All

RECEIVED

soil samples shall be left in place until this inspection and all stakes shall be left in place until the system is installed.

A handwritten signature in black ink, appearing to read "Barry Brown". The signature is fluid and cursive, with the first name "Barry" and last name "Brown" clearly distinguishable.

BARRY BROWN
LICENSE #1772



**STANDARD SYSTEM DESIGN
INDIVIDUAL SEWAGE TREATMENT SYSTEM**

PUBLIC HEALTH & ENVIRONMENT
14949 62nd Street North, PO Box 6, Stillwater MN 55082-0006
651/430-6688 OR 651-430-6655 FAX 651/430-6730

Owner's Name	Roger Diederich	Geo Code	
Job Site Address	7934 Hill Trail		
City or Township	Lake Elmo		
Use of Building	Single family home		
Number of Bedrooms	3		

Design Flow Rate	450	Perc Rate	5:25	Landslope	Flat then 5%	Percent	
Two Required Tanks Sizes	1000	Gallons	1000	Gallons	Lift Station Tank Size	1000	Gallons
Type of System (standard, at grade, or rockless pipe add 20%) Pressure bed							
System Size	570	-Square Feet	36'	-Lineal Feet	18'	-Trench Width	18" Feet
Depth of rock below pipe	12"	Depth of rock above pipe					
MINimum Depth of Trench From Existing Grade	12" at SE. corner	Inches	MAXimum Depth of Trench From Existing Grade	36	Inches		
Recommended Number of Trenches	laterals	5	Recommended Length of Trenches	laterals	36'	Feet	
Trench Spacing Measured Center to Center Lateral spacing 39"							
Any Other Special Conditions Laterals at 30", 69", 108", 147" & 186"							

IF PRESSURE DISTRIBUTION IS USED, COMPLETE THE PRESSURE DISTRIBUTION SHEET ATTACHED.

This Design must be accompanied by a site plan that clearly shows the location of the area tested and approve by the following.

1. Use an appropriate scale and indicate direction by use of a north arrow.
2. Show ALL property boundaries, rights-of-way, easements, wetlands. If necessary, an enlarged detail of the house site may Also be required.
3. Show location of house, garage, driveway and all other improvements existing or proposed.
4. Show location and layout of sewage treatment system.
5. Show location of water supply (well and/or community supply line).
6. Dimension all setbacks and separation distances.

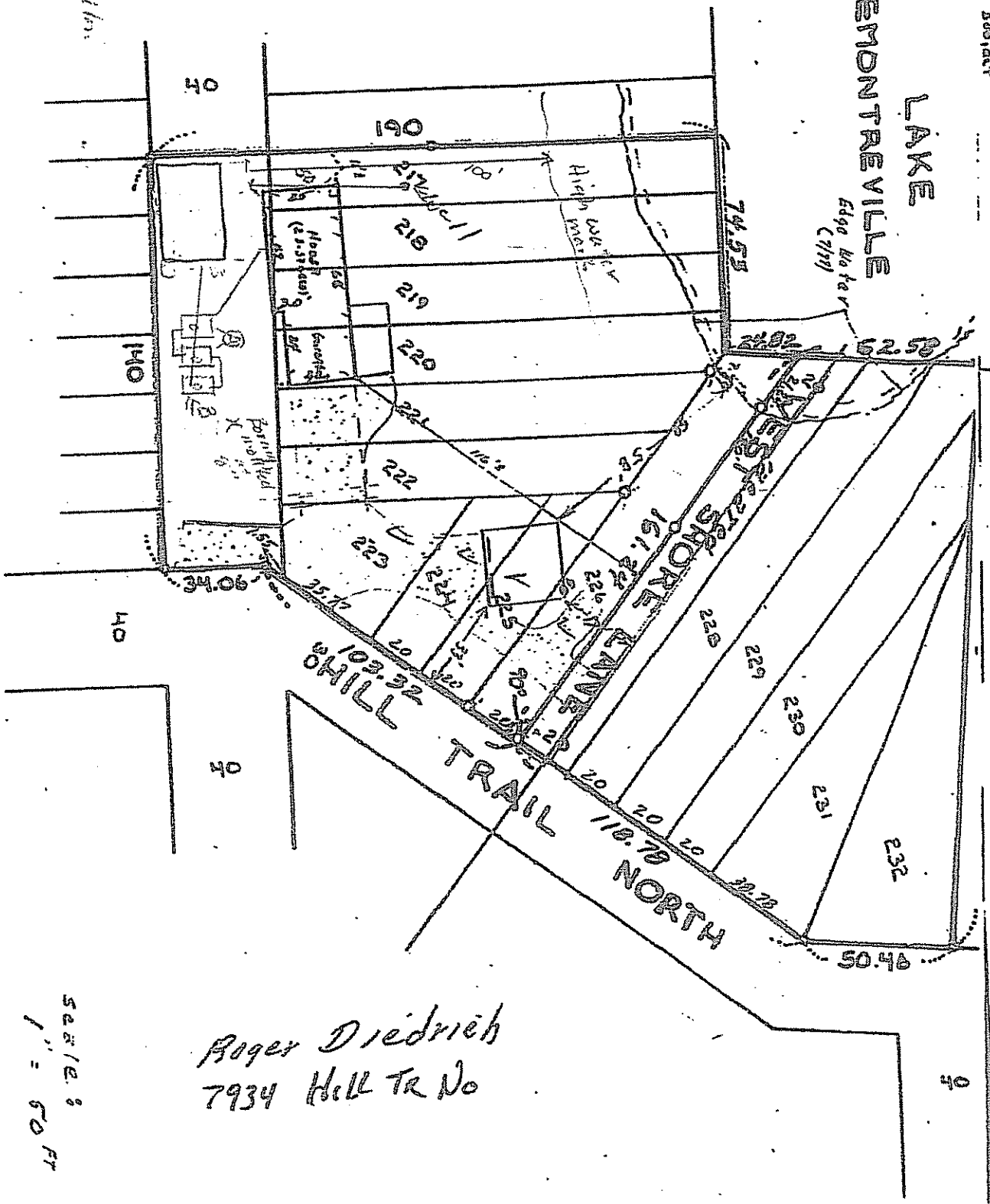
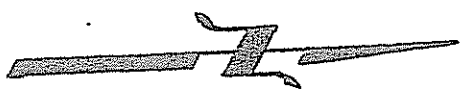
This system has been designed by a Pollution Control Agency (PCA) Certified Professional.

Designer Name Barry Brown
Address 3041 Woodlawn Dr Woodbury 55125
Signature Barry J. Brown

PCA Certification # 1772
Phone # 651-735-7321
Date 08-18-06

lots 229 and 231, which were conveyed as odd lots with 90° also as shown. This is subject

LAKE DEMONTREVILLE
Edge No 100
C/199

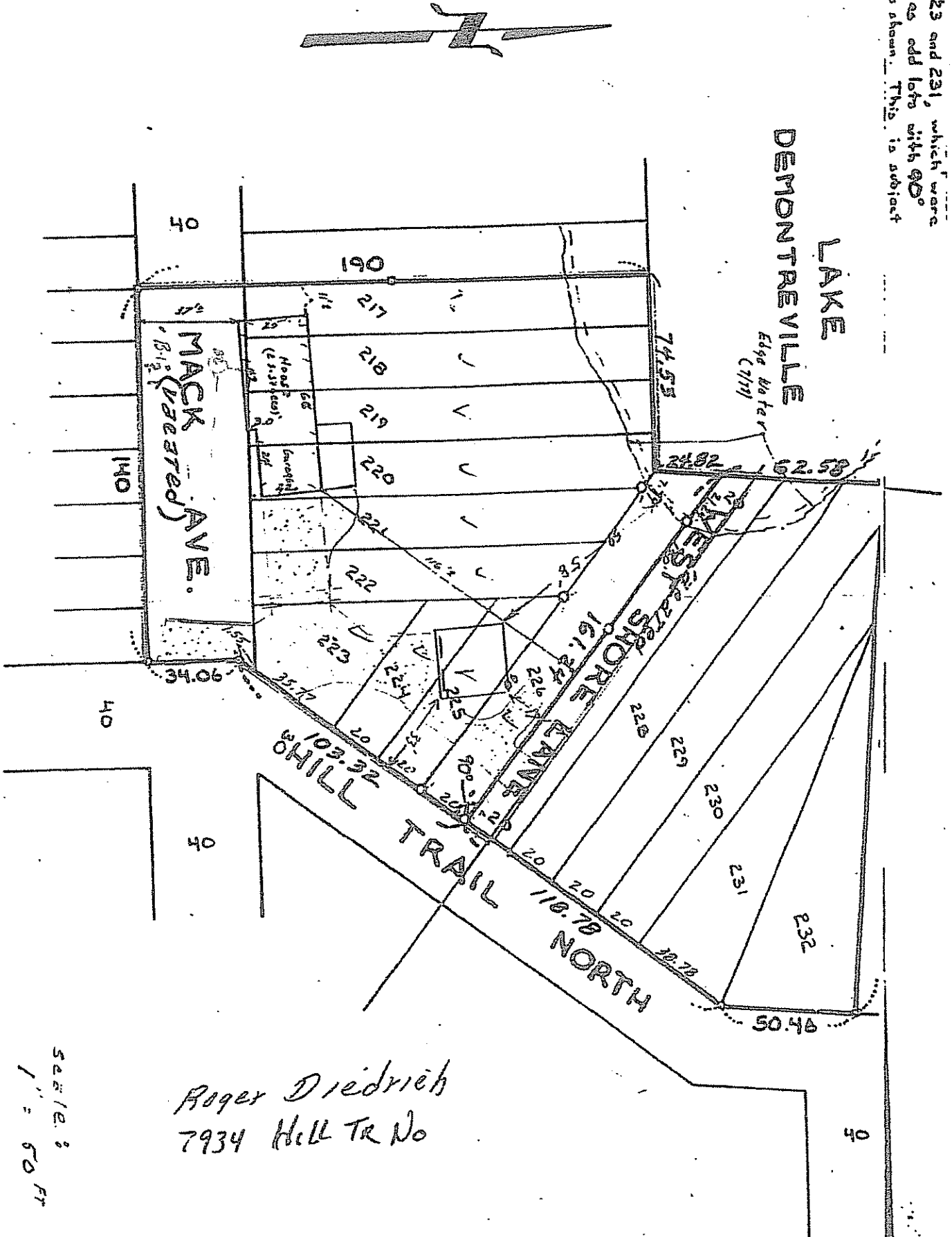


2 new 1000 gallon Septic tanks
1 (U) New 1000 gallon Pump tank

Scale:
1" = 50 FT

Roger Diedrich
7934 Hill Tr No

lots 223 and 231, which were
purchased as odd lots with 90°
also as shown. This is subject



PRESSURE DISTRIBUTION SYSTEM

- Select number of perforated laterals 5
- Select perforation spacing = 3 ft
- Since perforations should not be placed closer than 1 foot to the edge of the rock layer (see diagram), subtract 2 feet from the rock layer length.

$$\frac{36}{\text{Rock layer length}} - 2 \text{ ft} = \underline{34} \text{ ft}$$

- Determine the number of spaces between perforations. Divide the length (3) by perforation spacing (2) and round down to nearest whole number.

$$\text{Perforation spacing} = \underline{34} \text{ ft} \div \underline{3} \text{ ft} = \underline{11} \text{ spaces}$$

- Number of perforations is equal to one plus the number of perforation spaces (4). Check figure E-4 to assure the number of perforations per lateral guarantees <10% discharge variation.

$$\underline{11} \text{ spaces} + 1 = \underline{12} \text{ perforations/lateral}$$

- A. Total number of perforations = perforations per lateral (5) times number of laterals (1)

$$\underline{12} \text{ perfs/lat} \times \underline{5} \text{ lat} = \underline{60} \text{ perforations}$$

- B. Calculate the square footage per perforation.

Recommended value is 6-10 sqft/perf. Does not apply to at-grades.

Rock bed area = rock width (ft) x rock length (ft)

$$\underline{17} \text{ ft} \times \underline{36} \text{ ft} = \underline{612} \text{ sqft}$$

Square foot per perforation = Rock bed area ÷ number of perfs (6)

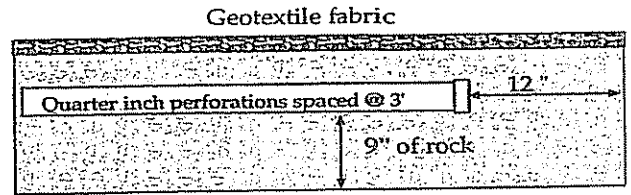
$$\underline{612} \text{ sqft} \div \underline{60} \text{ perfs} = \underline{10} \text{ sqft/perf}$$

- Determine required flow rate by multiplying the total number of perforations (6A) by flow per perforation (see figure E-6)

$$\underline{60} \text{ perfs} \times \underline{.74} \text{ gpm/perfs} = \underline{45} \text{ gpm}$$

- If laterals are connected to header pipe as shown on upper example, to select minimum required lateral diameter, enter figure E-4 with perforation spacing (2) and number of perforations per lateral (5) Select minimum diameter for perforated lateral = 1.5 inches.

- If perforated lateral system is attached to manifold pipe near the center, lower diagram, perforated lateral length (3) and number of perforations per lateral (5) will be approximately one half of that in step 8. Using these values, select minimum diameter for perforated lateral = _____ inches.



Perf Sizing 3/16" - 1/4"
Perf Spacing 1.5' - 5'

E-4: Maximum allowable number of 1/4-inch perforations per lateral to guarantee <10% discharge variation

perforation spacing (feet)	1 inch	1.25 inch	1.5 inch	2.0 inch
2.5	8	14	18	28
3.0	8	13	17	26
3.3	7	12	16	25
4.0	7	11	15	23
5.0	6	10	14	22

E-6: Perforation Discharge in gpm

head (feet)	perforation diameter (inches)		
	3/16	7/32	1/4
1.0 ^a	0.42	0.56	0.74
2.0 ^b	0.59	0.80	1.04
5.0	0.94	1.26	1.65

^a Use 1.0 foot for single-family homes.

^b Use 2.0 feet for anything else.

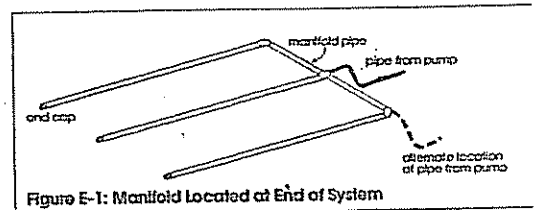


Figure E-1: Manifold Located at End of System

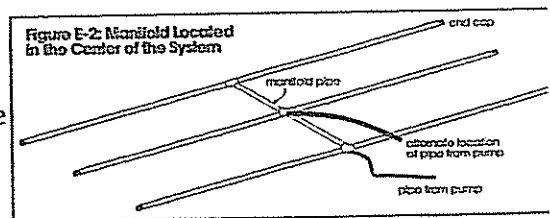


Figure E-2: Manifold Located in the Center of the System

I hereby certify that I have completed this work in accordance with applicable ordinances, rules and laws.

Barry J Brown (signature)

(signature)

1772 (license #)

(license #)

08-18-06 (date)

(date)

PUMP SELECTION PROCEDURE

1. Determine pump capacity:

A. Gravity distribution

1. Minimum required discharge is 10 gpm
2. Maximum suggested discharge is 45 gpm. For other establishments at least 10% greater than the water supply rate, but no faster than the rate at which effluent will flow out of the distribution device.

supply rate,
out of the

B. Pressure distribution

See pressure distribution work sheet

From A or B Selected pump capacity: 45 gpm

2. Determine pump head requirements:

A. Elevation difference between pump and point of discharge?

12 feet

B. Special head requirements? (See Figure at right - Special Head Requirements)

5 feet

C. Calculate friction loss

1. Select pipe diameter 2 in
2. Enter Figure E-9 with gpm (1A or B) and pipe diameter

(C1)

Read friction loss in feet per 100 feet from Figure E-9

Friction Loss = 3.28 ft/100ft of pipe

3. Determine total pipe length from pump discharge to soil treatment discharge point. Estimate by adding 25 percent to pipe length for fitting loss. Total pipe length times 1.25 = equivalent pipe length

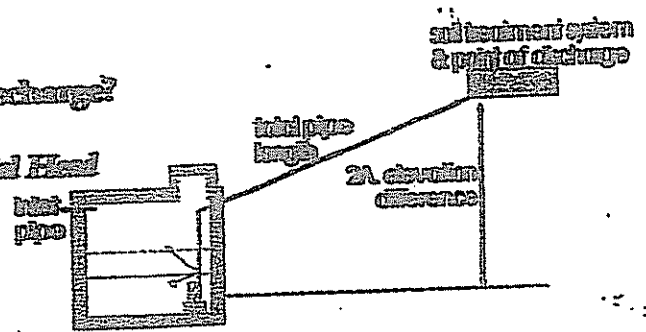
40 feet x 1.25 = 50 feet

4. Calculate total friction loss by multiplying friction loss (C2) in ft/100 ft by the equivalent pipe length (C3) and divide by 100.

= $\frac{3.28 \text{ ft/100ft} \times 50}{100} = 1.64$ ft

D. Total head required is the sum of elevation difference (A), special head requirements (B), and total friction loss (C4)

12 ft + 5 ft + 2 ft = 19



Special Head Requirements	
Gravity Distribution	0 ft
Pressure Distribution	5 ft

Flow rate gpm	Friction Loss in Plastic Pipe Per 100 feet		
	nominal pipe diameter		
	1.5"	2"	3"
20	2.07	0.73	0.11
25	3.73	1.11	0.16
30	5.23	1.55	0.23
35	6.96	2.06	0.30
40	8.91	2.64	0.39
45	11.07	3.28	0.48
50	13.46	3.99	0.58
55	16.17	4.76	0.70
60	19.20	5.60	0.82
65	22.56	6.48	0.95
70	26.25	7.44	1.09

Total head: 19 feet

3. Pump selection

A pump must be selected to deliver at least 45 gpm (1A or B) with at least 19 feet of total head (2D)

I hereby certify that I have completed this work in accordance with applicable ordinances, rules and laws.

Barry A. Bon

(signature)

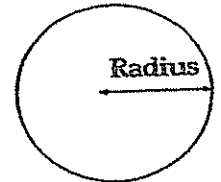
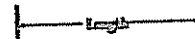
1772

(license #)

08-18-06

(date)

- _____ x _____ = _____ square feet
- B. Circle area = π (3.14) x radius in feet x radius in feet
 $3.14 \times$ _____ ft x _____ ft = _____ sqft
- C. Get area from manufacturer _____ sqft



2. Calculate gallons per inch
 There are 7.5 gallons per cubic foot of volume, therefore multiply the area (1A, B or C) times the conversion factor and divide by 12 inches per foot to calculate gallon per inch.
 Area x 7.5 ÷ 12 = _____ sqft x 7.5 ÷ 12 in/ft = 23 gallon per inch

3. Calculate total tank volume
 A. Depth from bottom of inlet pipe to tank bottom 44 in
 B. Total tank volume = depth from bottom of inlet pipe to tank bottom (3A) x gal/in (2)
 = 44 in x 23 gal/in = 1000 gal

4. Calculate gallons to cover pump (with 2-3 inches of water covering pump)
 (Pump and block height (inch) + 2 inch) x gallon/inch
 (18 in + 2 in) x 23 gal/in = 460 gallon

5. Calculate total pumpout volume
 A. Select pump size for 4-5 doses per day. Gallon per dose = gpd (see figure A-1)
 / doses per day = 450 gpd ÷ 4 doses/day = 113 gallons
 B. Calculate drainback
 1. Determine total pipe length, 40 feet
 2. Determine liquid volume of pipe, 17 gal per ft (see figure E-20)
 3. Drainback quantity = 40 ft (5B1) x 17 gal per ft (5B2) = 7 gal
 C. Total pump out volume = dose volume (5A) + drainback (5B3)
113 gal + 7 gal = 120 Total gallon

6. Float separation distance (using total pumpout volume)
 Total pumpout volume (5C) ÷ gal/inch (2)
120 gal ÷ 23 gal/in = 5.2 inch

7. Calculate volume for alarm (typically 2 to 3 inches)
 Alarm depth (inch) x gallon/inch (2) = 2 in x 23 gal/in = 46 gal

8. Calculate total gallon = gallons over pump (4) + gallons pumpout (5C) + gallons alarm (7)
460 gal + 120 gal + 46 gal = 626 gallons

9. Total Tank Depth = total gallon (8) ÷ gallon/inch (2)
626 gal ÷ 23 gal/in = 27.2 in

Recommended:

Calculate reserve capacity (75% the daily flow)
 Daily flow x .75 = 460 x .75 = 338 gallons

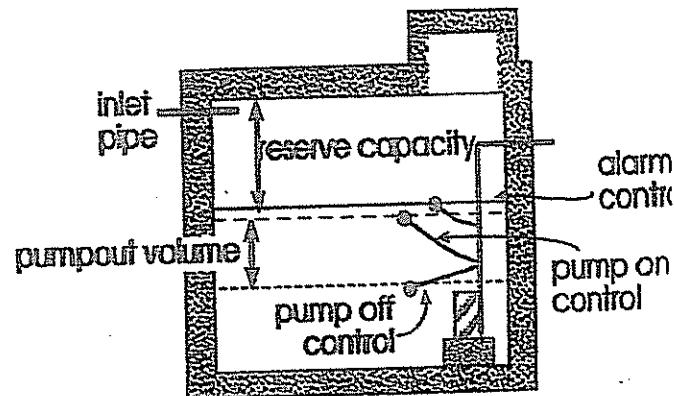
Legal Tank:
 500 gallons or
 100% the Daily flow
 or
 Alternating Pumps

A-1: Estimated Storage Volumes in Gallons per Day

Number of Inches	Class I	Class II	Class III	Class IV
2	300	25	160	60%
3	450	300	218	of the
4	600	375	256	volumes
5	750	450	294	in the
6	900	525	332	Class I,
7	1050	600	370	II, or III
8	1200	675	408	category

E-20: Volume of Liquid in Pipe

Pipe Diameter inches	Gallons per foot
1	0.045
1.25	0.078
1.5	0.11
<u>2</u>	<u>0.17</u>
2.5	0.25
3	0.38
4	0.66



I hereby certify that I have completed this work in accordance with applicable ordinances, rules and laws.

Brian J. Brown

(signature)

1772

(license #)

04-04-05

(date)

Percolation Test

Location: 7934 Hill Trail, Lake Elmo

Test hole number: P-1

Diameter of hole: 6 inches

Depth to the bottom of hole: 18 inches

Depth, inches

soil texture

0-18

SAND (FINE)

Percolation test by Barry Brown Registration # 4213 License # 1772

Date of test: 06-03-05

Time	Time interval minutes	Measurement inches	Drop in water level inches	Percolation rate min./in.	Remarks
3:16:00		8			
3:20:30	4:30	7	1	4.5	
3:21:00		8			
3:26:00	5:00	7	1	5.0	
3:26:15		8			
3:31:30	5:15	7	1	5.25	
3:32:00		8			
3:37:00	5:00	7	1	5.0	

Percolation rate: 5.25 minutes per inch

Job: 2934 Hill Trail Lake Elmo

Date: 06-03-05

Depth Feet	B1	B2	B3	B4
1	Dark brown sandy loam topsoil 11	Dark brown sandy loam topsoil 6		
2	medium brown fine sand 10yr 4/3 24	mixed fine sand		
3	Dark red brown sandy loam 2.5yr 3/4 36	filled over septic tank		
4	medium brown fine sand 10yr 4/3 46			
5	Red brown fine sand 5yr 4/3			
6			Tank Cover 62	
7				

City Council
Date: 4.1.08
REGULAR
Item: 4.
Resolution 2008-18

ITEM: Order to the AUAR and define the development scenarios to be evaluated as part of the Alternative Urban Areawide Review (AUAR) process for the Village and

SUBMITTED BY: Susan Hoyt, City Administrator
Ciara Schlichting, Consulting Planner, Bonestroo

REVIEWED BY: Village AUAR Advisory Panel
Kyle Klatt, Planning Director
Jerry Filla, City Attorney

SUMMARY AND ACTION REQUESTED:

The city council is being asked to make the following the decisions:

- 1) To order the preparation of the AUAR
This action will set in motion the environmental review process for the Village. The Environmental Quality Board defines required steps to proceed with an AUAR. Mn Rules requires the City Council to officially order the preparation of the AUAR. When the Council orders the AUAR, Mn Rules requires that the order identifies the AUAR study boundary and the development scenarios, as discussed below:
 - a. Define the AUAR Boundary – The Village AUAR boundary is shown in Attachment 1, Exhibit A
 - b. Define the AUAR Development Scenarios – MN Rules requires that the City Council define the location (maps), type (residential, commercial, etc.), and intensity (housing unit numbers and square footages of commercial/institutional uses) of development for each scenario.

The Council must choose the development scenarios consistent with the Village masterplan to be evaluated as part of the Alternative Urban Areawide Review (AUAR) process or environmental review of the Village area.

In April 2007 the city council accepted the Village Masterplan. At the same meeting the city council stated that it wanted to evaluate a housing range from 600 housing units to 1,600 housing units. An AUAR cannot study a range, but must study specific land use maps. Therefore, the council endorsed bringing three scenarios (600 units, 1,000 units, and 1,600 units) to the advisory panel and to the public for comment because each scenario would cover the range of housing units discussed.

- 2) To amend the proposal for the AUAR to cover the cost of doing additional development scenarios beyond the two scenarios that are included in the original proposal with the consultant, if additional scenarios beyond the comprehensive plan and one masterplan scenario are selected to study.

The cost is \$ 11, 720 per additional scenario. The funds for the additional costs are budgeted in the 2008 CIP for the Village. The cost of the AUAR will be reimbursed by the property owners and developers. The current contract for the AUAR is for \$ \$ 219,250.

The purpose of the AUAR is to gather information to determine the environmental impacts and how to address these impacts so any negative impacts can be avoided or minimized and addressed in the planning process for the future development of the Village. This is being done prior to any specific development plans from private property owners/developers. The masterplan team of Engstrom and Close Associates first recommended the AUAR process as a follow up to the masterplan in November, 2006. The AUAR will identify the positive and the negative environmental impacts that are generated by the different development scenarios being studied. This provides the city council with information to help determine what works and what doesn't work and to prepare a plan to mitigate for these effects.

The formal AUAR process is governed by the regulations of the Environmental Quality Board, which includes technical information gathering, a 30-day comment period on the Draft AUAR and Mitigation Plan, a time to revise the AUAR and Mitigation Plan to address these comments, and a final AUAR 10-day comment period for agencies to register objections and for additional public comments. Lake Elmo has adopted a more inclusive AUAR process that affords additional input from the Village Advisory Panel and public throughout the process. The Village AUAR process is anticipated to be completed by the end of 2008 (see process chart later in this report).

THE VILLAGE MASTERPLAN

The Village Masterplan began as a mechanism to accommodate some of the future sewered growth required by the Metropolitan Council as part of the 2005 MOU and Comprehensive Plan. It is the foundation for all of the development scenarios, and was prepared by Engstrom and Close Landscape Architects from August, 2006 through April, 2007.

The plan was developed around 13 land use principles summarized: 1) provoke a sense of place, 2) balance the natural and built systems, 3) broaden the mix of local goods and services, 4) provide a variety of housing choices, 5) invest in quality public space, 6) preserve and enhance natural and cultural resources, 7) improve connectivity, 8) build partnerships, 9) foster public safety, 10) forward a vision that can be implemented, 11) become a great model, 12) lead by design, 13) minimize the impact on existing residences and businesses.

The Village planning team met with community members and major property owners and hosted public open houses to receive input to the plan as well as studied the related land characteristics and future uses to fit these needs. The city council accepted the Masterplan composite land use plan on April, 2007 and the recommendation that up to 1, 600 housing units (including apartments and condominiums) be studied as a maximum for future development.

DEVELOPMENT SCENARIOS

Comparison of the Proposed Village Master Plan Scenarios

Composite Village Land Use Masterplan	Scenario A	Scenario B	Scenario C	Source:
Total acreage within the Village	1,129 acres	1,129 acres	1,129 acres	Bonestroo
Parks and Open Space (current and future)	47%	47%	47%	Village Masterplan prepared by Engstrom and Close Landscape Architects
Existing Village Built Area	14%	14%	14%	Village Masterplan
New Commercial/Institutional	7%	7%	7%	Village Masterplan
New residential	32%	32%	32%	Village Masterplan
New Housing Units	600 (A)	1,000 (B)	1,600 (B)	(A) Comp plan (B Village Masterplan includes apt/condo counted as units)

Comprehensive plan scenario. This future land use plan has been effectively replaced by the vision presented in the Village masterplan for future development of the Village regardless of how many new housing units are part of the future development. Nevertheless, under the AUAR Environmental Quality Board regulations, the city's comprehensive plan land use map for the Village is a required scenario to be studied. The city attorney has determined the new housing units required in the comprehensive plan for the Village is 906 new units due to the number of actual existing housing units. (Attachment 7). This number is required to be used in evaluating the comprehensive plan impacts. However, the implementation of any new development scenario will require amending the comprehensive plan. If the 600 new housing units become the selected development scenario, this will be the new housing unit number in the amended comprehensive plan.

Amendments to the current comprehensive plan.

After the AUAR process is completed and the city obtains financial information regarding development scenarios, the city will select a preferred development scenario and will amend the comprehensive plan to reflect this scenario. This process, along with zoning, will likely modify various elements in the plan such as the amount of commercial area.

The comprehensive plan amendment will change what is in the current comprehensive plan for the Village. This is within the city's authority to do as long as the city maintains the performance requirements set out in the MOU regarding: 24,000 population and 6,500 new RECs by 2030. (Attachment 7, attorney letter).

AUAR PROCESS

The AUAR process before and after ordering the AUAR, which includes selecting the development scenarios

ACTIVITY	RESPONSIBLE PARTY	APPROXIMATE DATE
Order AUAR	City Council	April 1, 2008
Technical Evaluation – Prepare the Draft AUAR & Mitigation Plan	AUAR Consultant Team	April – May 2008
Review of information	Advisory Panel, Agencies, City Council	June – July 2008
Authorize distribution of AUAR and Mitigation Plan for 30 Day Comment Period	City Council	July/August 2008
Receive comments, respond to comments, revise AUAR & Mitigation Plan to address comments	AUAR Consultant Team	August/September 2008
Review revised AUAR and Mitigation Plan	Advisory Panel, Agencies, City Council	September/ October 2008
Authorize distribution of the final AUAR and Mitigation Plan for the 10 day objection period	City Council	October/November 2008
Receive objections (if any) formal objection process would begin	EQB, objecting agency, City Council, AUAR Consultant Team	Varies
Receive additional public comments	City Council	November/December 2008
Adopt final AUAR and Mitigation Plan	City Council	November/December 2008

ADVISORY PANEL AND PUBLIC INPUT

Village Advisory Panel input on the proposed development scenarios (Attachment 5)

The Village Advisory Panel received background on the development scenarios and the land use composition included in each of them. The Advisory Panel is comprised of two members of the Environmental Commission, the Chair and the Vice Chair of the Park and Planning Commission and five landowners. The consensus of the Advisory Panel was to study all three development scenarios proposed to gather information including the 1,600 units to see what the negative impacts are from such a development scenario so the city can make an informed decision. One participant expressed disagreement with the general consensus and favored eliminating the 1,000 and 1,600 unit development scenarios because the market demand would not be there by 2030 among other reasons. Advisory panel members were also free to express their individual opinions through other public means like the public open house and comment sheets and emails.

Public input received to date (Attachment 6)

The city held an open house on February 28, 2008 on the proposed development scenarios. The open house was widely publicized through fliers and in the newspaper. Approximately 90 people attended the open house where people submitted written comments and verbal comments. In addition, the city received comments through auarcomments@lakeelmo.org; forms submitted by citizens, letters and comments at city council public inquiry. A summary of the verbal comments received at the open house and copies of the written comments received are attached. (Attachment 6)

ADDITIONAL INFORMATION

What does the decision mean?

- This decision means that the city will study the potential environmental impacts or affects from the development scenarios being studied and how to make sure that any negative impacts will be avoided or minimized by planning to take care of these.

For a specific example, an AUAR will evaluate how much will traffic increase and what will result from the new development at Highway 5 and Manning Avenue or at Lake Elmo Avenue and Highway 5. The result might show an increase of traffic that requires a traffic signal to be installed when a new residential or mixed use development goes in at this location in the future. The city would, then, require this traffic signal as part of any development approvals and at a cost to the developer.

After the Draft AUAR & Mitigation Plan is prepared, the information will be reviewed by the Village AUAR Advisory Panel and agencies prior to the City Council making its second formal decision during the AUAR process (the first formal decision is to "order" the preparation of the AUAR). The Council's second decision is to authorize distribution of the Draft AUAR and Mitigation Plan for the formal 30-day public comment period.

What doesn't the decision mean?

- This decision does not mean that any one of these scenarios will actually be implemented. The development scenarios are the way that the future development will be studied. It means that they will be evaluated from an environmental perspective to determine the environmental impacts.
- This analysis will *not* provide any financial information including no analysis of the financial relationship between the number of housing units developers are planned to an build and the public and private amenities that developers' will finance with a project.

Is the city required to develop one of these scenarios that is studied?

- No, the city can gather the information and determine what is good and bad about the various scenarios and develop and adopt a plan for how to mitigate (avoid or minimize) any potential negative environmental impacts. This will give the city information on why and why not to pursue certain development scenarios.
- If the city chooses to study 600, 1,000 and 1,600 new housing units for environmental purposes, the city can eliminate any scenario that goes through the financial analysis and planning process, it can determine that 800 units or 1,200 units are the appropriate number with which to proceed.

= Housing Units

600 800 1,000 1,200 1,400 1,600

What if the city wants to add a scenario after the AUAR is ordered? Completed?

The city can add a development scenario during this AUAR process. This will add increased costs and delay the process in order to evaluate an additional scenario. An AUAR can be amended/updated after it has been completed. It must go through the AUAR process again to do this.

Is there a required timeline for the AUAR document to be completed?

Mn Rules places a 120 day timeline from the date the AUAR is ordered to the date the Final AUAR and Mitigation Plan is adopted. The City Council has the authority to extend the time limit and the process adopted by the city anticipates a longer time frame than the 120 days. Since no specific development project (i.e., request for site plan approval, subdivision approval, etc.) has been submitted for review through the AUAR process, the City Council can extend the time limit on its own. If a specific development project had been submitted and its schedule was affected by the AUAR schedule, the City Council and the project proposer would have to come to an agreement on extending the 120 day timeline. It is anticipated that the city will complete the entire AUAR process in December, 2008.

When does the AUAR document require changes; updates?

Mn Rules identifies the following specific circumstances that require updating the environmental review:

- Five years have passed since the City adopted the original environmental analysis document and plan for mitigation or the latest revision. This item does not apply if all development within the area has been given final approval by the City.
- A comprehensive plan amendment is proposed that would allow an increase in development over the levels assumed in the environmental analysis document.
- Total development within the area would exceed the maximum levels assumed in the environmental analysis document.
- Development within any subarea delineated in the environmental analysis document would exceed the maximum levels assumed for that subarea in the document.
- A substantial change is proposed in public facilities intended to service development in the area that may result in increased adverse impacts on the environment.
- Development or construction of public facilities will occur on a schedule other than that assumed in the environmental analysis document or plan for mitigation so as to substantially increase the likelihood or magnitude of potential adverse environmental impacts or to substantially postpone the implementation of identified mitigation measures.
- New information demonstrates that important assumptions or background conditions used in the analysis presented in the environmental analysis document are substantially in error and that environmental impacts have consequently been substantially underestimated.
- The City determines that other substantial changes have occurred that may affect the potential for, or magnitude of, adverse environmental impacts.

Who is paying for the AUAR? Other activities related to Village planning?

Developers and major property owners will be charged fees to cover the cost of the AUAR. This was raised at the Advisory Panel. The city will look at an ordinance and begin to determine when and how to charge for this activity. Overall, The costs associated with some of the Village Masterplan and all of the Village infrastructure, environmental and financial planning including communications and legal information are eligible to be charged to the developers and sewer system users with interest on the loaned funds rather than charged to general taxpayers. These reimbursed costs will include interest for the funds loaned to the Village planning effort. To date the city has expended \$650,000 on the Village project.

CONTEXT OF THE AUAR IN THE VILLAGE PLANNING

The Village planning and decision making process (Attachments 2 and 3)

The AUAR does not deal with financial information or policies. It is purely an environmental planning document that will be incorporated into the city's land use controls through the comprehensive plan and zoning code that is ultimately adopted for the Village. Essentially, three elements are involved in the Village Development process. 1) land use planning including the AUAR, 2) engineering and 3) financial planning.

This is a tentative timeline for the Village planning and development. Any future step may be shorter or longer. This process assumes that the city is in the position of managing the development rather than reacting to development proposals that developers submit for city consideration and approval. The timelines in the MOU are being met as efficiently as possible given the housing market and the local decision making steps necessary to accomplish the goals.

January 2005	2005 – 2006	2006 to April 2007	Spring, Summer 2007	April 2007 to date	Fall, 2007	Feb, March 2008	April 2008	Dec 2008
Memo of understanding w Metro Council	Comp plan	Develop and accept Village Masterplan	I-94 to 30 th Street forcemain sewer project design	AUAR process underway	Financial feasibility analysis of sewer system demonstrate s feasible	AUAR Development Scenarios	Order AUAR	Complete AUAR /adopt mitigation plans for the scenarios

Nov 2008 to Feb 2009	Feb - March 2009	Spring, Summer 2009	Spring, Summer 2009	Spring, Summer, Fall 2009	Fall 2009
Financial Analyses of Development Scenarios to determine costs of each development scenario. Including the mitigation, amenities and infrastructure costs to be born by developers.	Select a development scenario that meets environmental, financial and the land use planning principles in the Village Masterplan	Develop and adopt financial policies for paying for development – focus on policies for new development but make sure the fiscal system is feasible into the future and not isolated	Develop and adopt a Village comprehensive plan amendment to reflect the chosen development scenario	Develop and adopt Village zoning code and subdivision requirements and design elements to reflect selected development scenario	Develop capital improvement plan for the timing of public improvements for the long term implementation and the financing of public improvements and amenities

Fall 2009 (1)	December 2009 (1)	March 2010 (1)	2010	2010	2010	2010 and beyond
Get formal developer commitment to provide financial guarantees for sewer to the Village and new development according to the plan.	Order forcemain to the Village to serve new development, if financial commitments are made up front and housing market will support the cost of construction.	Begin construction of forcemain to the Village.	Negotiate development agreements with developers for new development	Develop infrastructure to support development in new Village as part of developer's responsibility.	Begin new Village development along the east side of the Village	Revisit fiscal policies, annually revisit the capital improvement plan for timing future public improvements and revisit land use controls through zoning when needed to clarify and improve

(1) This is subject to change depending upon the developers' ability to pay up front for the infrastructure and guarantee housing market to cover costs.

DECISION TO BE MADE:

The city council created a mechanism for absorbing the required growth for the city until 2030 and to accommodate regional sewer. Part of the plan is to provide development and redevelopment in the Village area. This is a comprehensive and complex process that has put the city in control of the future land use planning, development and redevelopment of the Village. This next planning step is a detailed environmental review that will keep the process moving forward by gathering critical information to help the city council determine what the positive and negative impacts are associated with different development scenarios and how to manage these impacts. This requires ordering the AUAR and selecting the development scenarios to be evaluated in this process.

The Council's decision should be made with the understanding that the city council is interested in gathering information on various development scenarios for the Village based upon the Masterplan for environmental analysis. This information will help the city protect any positive natural features and to negate any development scenarios (or portions of development scenarios) that may have negative impacts. It is further understood that the city council is not endorsing any one of these specific development scenarios as the preferred development scenario to be implemented through the comprehensive plan amendment process because this decision would be premature at this time.

- If the city council wants to explore the range of new housing units in the Village based upon the information* in the comprehensive plan (600 units) and the recorded public citizen input strongly supporting this option and in the Village Masterplan (1,000 to 1,600 units, which includes some apartment/condos units), it is recommended that the city council approve studying the scenarios that include: 1) 600 new housing units; 2) 1,000 new housing units; and 3) 1,600 new housing units because it is more cost efficient to gather the information now to be able to make future informed decisions about the preferred land use scenario in the Village with this information on hand.
- If additional scenarios beyond two are to be studies, the city council should amend the contract with Bonestroo to add \$ 11, 720 per additional development scenario and that this be charged back to the developers/property owners through a future fee structure to be developed in the coming months.
- It is recommended that the city council approve an anticipated completion date of December, 2008 for the purpose of being on record as to when the city expects to complete the AUAR process.

*This is not the legal opinion of required housing in the comp plan, which is based upon the existing housing unit count of 194 rather than 500 existing housing units .

SUGGESTED MOTION FOR CONSIDERATION

Move resolution 2008-018

ORDER OF BUSINESS

- | | |
|---|--|
| • Introduction | Susan Hoyt, City Administrator |
| • Presentation/Report | Ciara Schlichting, Consultant, Bonestroo |
| • Questions to presenter
(3 minutes/round robin) | Mayor and Councilmembers |
| • Questions from the public to the council
(3 minutes/round robin) | Mayor facilitates |
| • Call for a motion | Mayor and Councilmembers |
| • Discussion
(3 minutes/round robin) | Mayor facilitates |
| • Action | City Council |

ATTACHMENTS:

1. Resolution 2008-018 for consideration
 - Resolution Exhibit A: AUAR Boundary
 - Resolution Exhibit B: Three Village Masterplan AUAR development scenario options
 - Resolution Exhibit B: Comprehensive Plan Future Land Use Map (required development scenario)
2. Timeline for Village activities to date
3. Decision making chart (December, 2007)
4. Letter from Bonestroo regarding additional development scenarios
5. Advisory Panel meeting notes
6. Public Input
 - a. open house summary of verbal comments received
 - b. translated (typed) handwritten comments (from comment sheets)
 - c. written comments received
7. Letter from attorney on comprehensive plan sewerage housing unit count

CITY OF LAKE ELMO

RESOLUTION NO. 2008-018

**A RESOLUTION ORDERING AN ALTERNATIVE URBAN AREAWIDE REVIEW OF
THE LAKE ELMO VILLAGE AREA**

WHEREAS,

- A. There is an approximate 1,129-acre area in the City of Lake Elmo, located within portions of Sections 11, 12, 13, 14, and 23 within Township 29 North, Range 21 West in Washington County, Minnesota, as depicted on the attached Exhibit A. The property is known as the Lake Elmo Village (“Subject Property”).
- B. The urbanization of the Subject Property will require environmental review in accordance with the Minnesota Environmental Review Program.
- C. The Minnesota Environmental Review Program rules provide for an Alternative Urban Areawide Review (“AUAR”), as an appropriate form of environmental review for proposed plans for the Subject Property.
- D. The City of Lake Elmo will be the Responsible Governmental Unit (“RGU”) for purposes of the AUAR.
- E. The AUAR shall address the geographic area and development specified in Scenarios A, B, C, and D as depicted on the attached Exhibit B, which scenarios and Exhibit B are hereby incorporated by reference.
- F. The City of Lake Elmo has adopted a comprehensive plan that includes the elements set forth in Mn. Rules 4410.3610. subpart 1 items A to C.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo:

- 1. That pursuant to Minnesota Rules 4410.3610 subp. 3, an AUAR of the Subject Property is ordered and shall be prepared to meet all applicable requirements set forth in Minnesota Statutes Chapter 116D and Minnesota Rules Chapter 4410.
- 2. That the City of Lake Elmo as the RGU shall prepare and distribute the AUAR. Bonestroo, Inc. or its agents, is designated to prepare a draft of the AUAR for approval by the City, in accordance with Minnesota Rules 4410.3610.

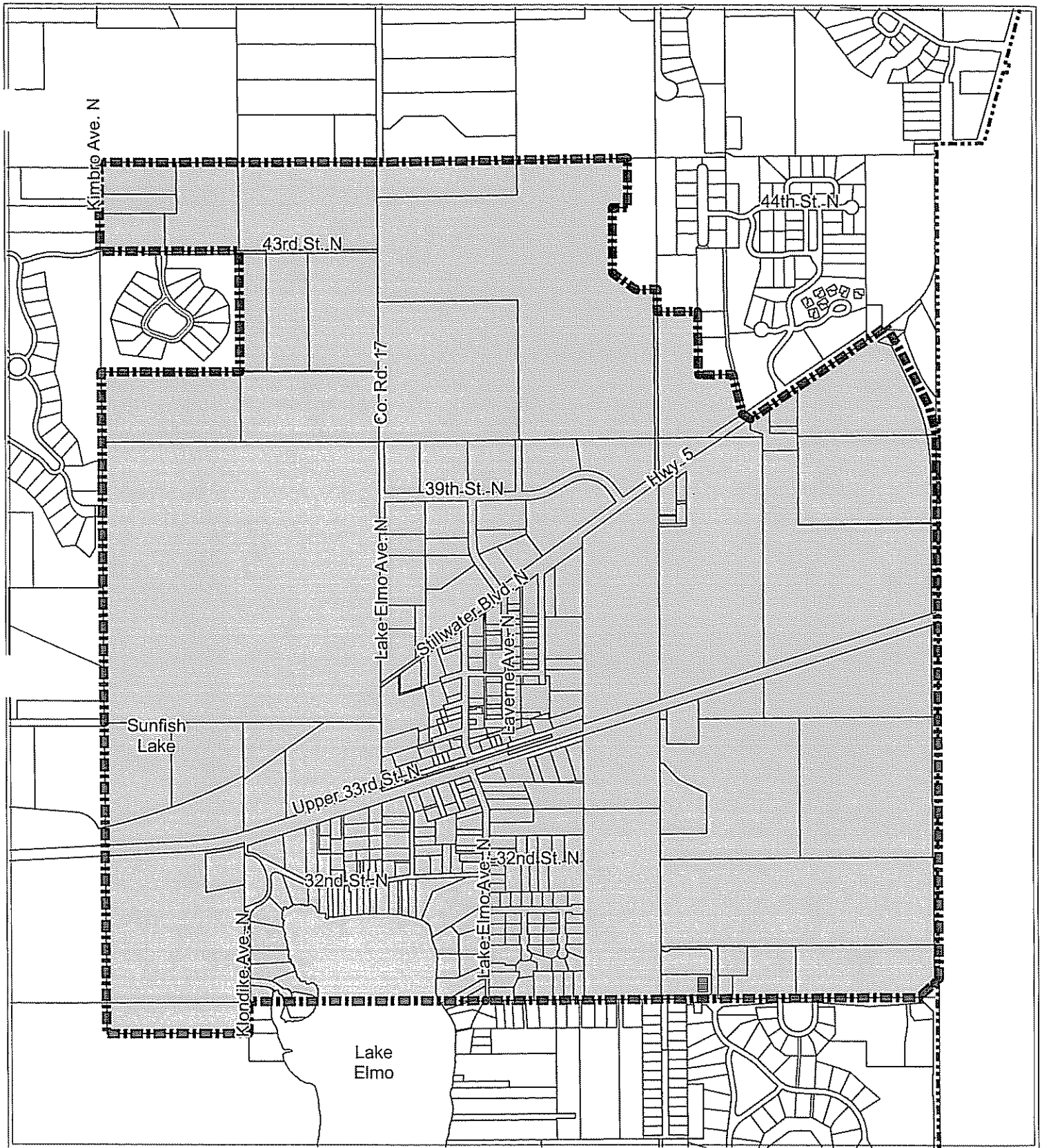
DATED this _____ day of _____, 2008

CITY OF LAKE ELMO

Dean Johnston, Mayor

ATTEST:

Sharon Lumby, City Clerk



Village AUAR Boundary

Exhibit A

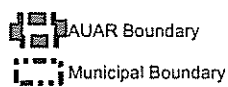
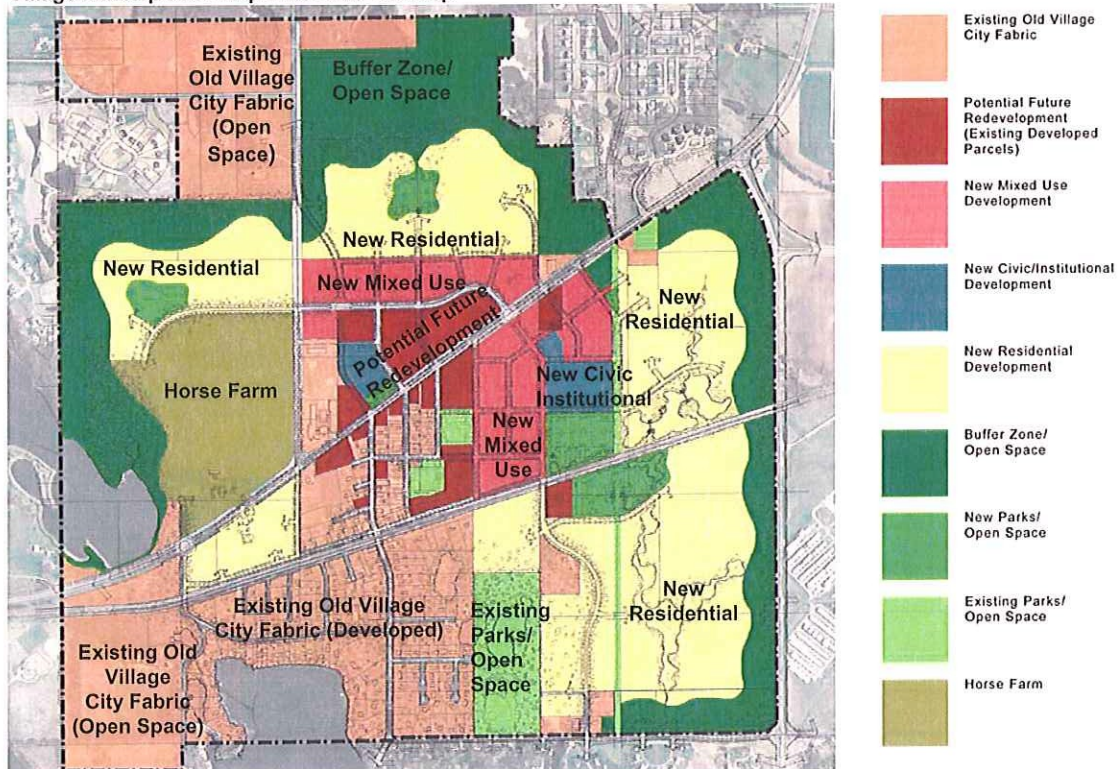


Exhibit B

Village Masterplan AUAR Development Scenarios (A, B, & C)

Village Masterplan- Composite Land Use Map

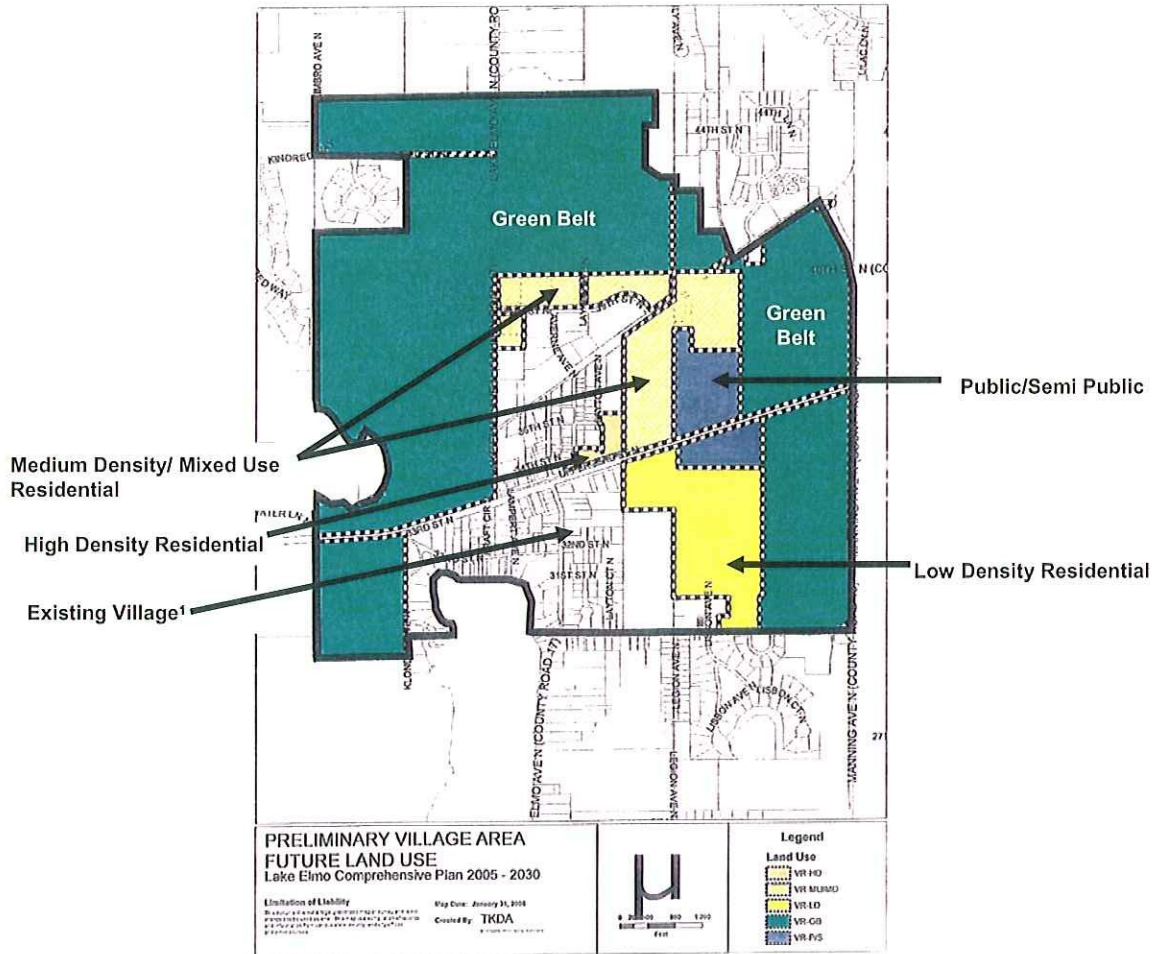


Masterplan Composite Land Use	Acres	Scenario A - 600	Scenario B - 1,000	Scenario C - 1,600
New Mixed Use	72.46	-	-	-
* Mixed Use (Non-Residential ¹) 16.46 acres	-	200,000 ft ²	200,000 ft ²	200,000 ft ²
* Mixed Use (Residential) 56.0 acres	-	100 units	200 units	400 units
New Residential	308.55	450 units	700 units	1015 units
Potential Future Redevelopment	44.52	-	-	-
* Non-Residential ¹	-	250,000 ft ²	250,000 ft ²	250,000 ft ²
* Residential	-	50 units	100 units	185 units
New Civic/Institutional Development	16.47	200,000 ft ²	200,000 ft ²	200,000 ft ²
Buffer Zone, Open Space	226.02	No development	No development	No development
Existing Old Village City Fabric	305.67	No development	No development	No development
Existing Open Space	45.29	No development	No development	No development
Horse Farm	74.10	No development	No development	No development
New Parks/Open Space	35.35	No development	No development	No development
Total Residential Units		600 units	1,000 units	1,600 units
Total Square Footages of Non-Residential Uses		650,000 ft²	650,000 ft²	650,000 ft²

¹ Non-residential includes 300,000 ft² of commercial and 150,000 ft² of office use

Exhibit B

Required Lake Elmo Comprehensive Plan AUAR Development Scenario (Scenario D)



Village Future Land Use Designation	Acres	Housing Units	Commercial/Office (ft ²)	Institutional (ft ²)
Village Residential High Density (VR/HD)	7	102	-	-
Village Residential Low Density (VR/LD)	77	339	-	-
Village Residential Mixed Use/Medium Density (VR MU/MD)	86	465	450,000	-
Village Residential Public/Semi Public (VR P/S)	43	-	-	200,000
Village Residential Green Belt (VR GB)	717	-	-	-
No designation (existing Village Area) ¹	199	-	-	-
Total	1,129	906	450,000	200,000

¹ Refers to the "white" areas on the Village Area Future Land Use Map

Public Meeting Dates
 Related to the Village Plan and Related Activities
 As of March 14, 2008

Early 2005 - 2006	Comprehensive Plan process identified the timing of development/sewer in the Village.	Series of meetings by the city council and the planning commission on an updated 2030 comprehensive plan..
June, 2005	RFQ for Village	City Council
August 3, 2006	City Council	Interview for Village Team
March 14, 2006	City Council	Planning Team presented recommendations
April 19, 2006	Public Open House	Presented masterplan and received comments
June 6, 2006	City Council	Accepted Village Masterplan phase I
June 20, 2006	City Council	Proceed with Masterplan phase II
October 24, 2006	City Council	Update on the status of the plan
November 1, 2006	City Council	Hire project director
December 5, 2006	City Council	Approve sewer service area
December 12, 2006	City Council	St. Croix Valley Family Center discussion (new Village)
January 2, 2007	City Council	Update on the Village masterplan
January 2, 2007	City Council	Financial advisor on Village plan financing options
January 9, 2007	City Council	SCV Family Center Discussion
January 20, 2007	City Council	Infrastructure workshop
January 23, 2007	City Council	Financial workshop on financing infrastructure
February 6, 2007	City Council	Approve alignment for sewer from I-94 to 30 th ST
February 6, 2007	City Council	Endorse process for reviewing the AUAR proposals
February 6, 2007	City Council	Endorse proceeding with EAW on I-94 to 30 th Trunk Project
February 6, 2007	City Council	Schedule public hearing to extend land use moratorium on new Village
February 20, 2007	City Council	Approve proposal for financial planning for utility infrastructure
February 27, 2007	City Council	Presentation of Alternative Urban Areawide Review (AUAR) proposals
March 6, 2007	City Council	Final masterplan presentation at workshop
March 6, 2007	City Council	Authorize preliminary design for Village trunk sewer (connector)
March 12, 2007	Planning Commission	Final masterplan presentation
March 19, 2007	Park Commission	Final masterplan presentation
March 20, 2007	City Council	Verbal update on Village planning
Mid-March, 2007	Citywide mailing	Announcing Village open houses
March 21	Public Open House	Presentation on final masterplan and public input
March 28	Public Open House	Presentation on final masterplan and public input
April 3, 2007	City Council	Public hearing to extend the new Village development moratorium and action
April 3, 2007	City Council	Approve distribution of the EAW trunk sanitary sewer project
April 10, 2007	City Council	Workshop on Masterplan and AUAR
April 17, 2007	City Council	Accept the Village masterplan (composite land use map)
April 17, 2007	City Council	Officially accept the AUAR proposal and move forward with appointments
May 1, 2007	City Council	Receive update on the interim zoning ordinance
June 7, 2007	Public project meeting	I-94 to 30 th infrastructure project – presentation to project area persons and public
Mid - June, 2007	Public project mailing	Mailing to project persons and participants in 6/7/07 meeting with project summary of questions
July 26, 2007	AUAR Advisory panel	The AUAR purpose and process

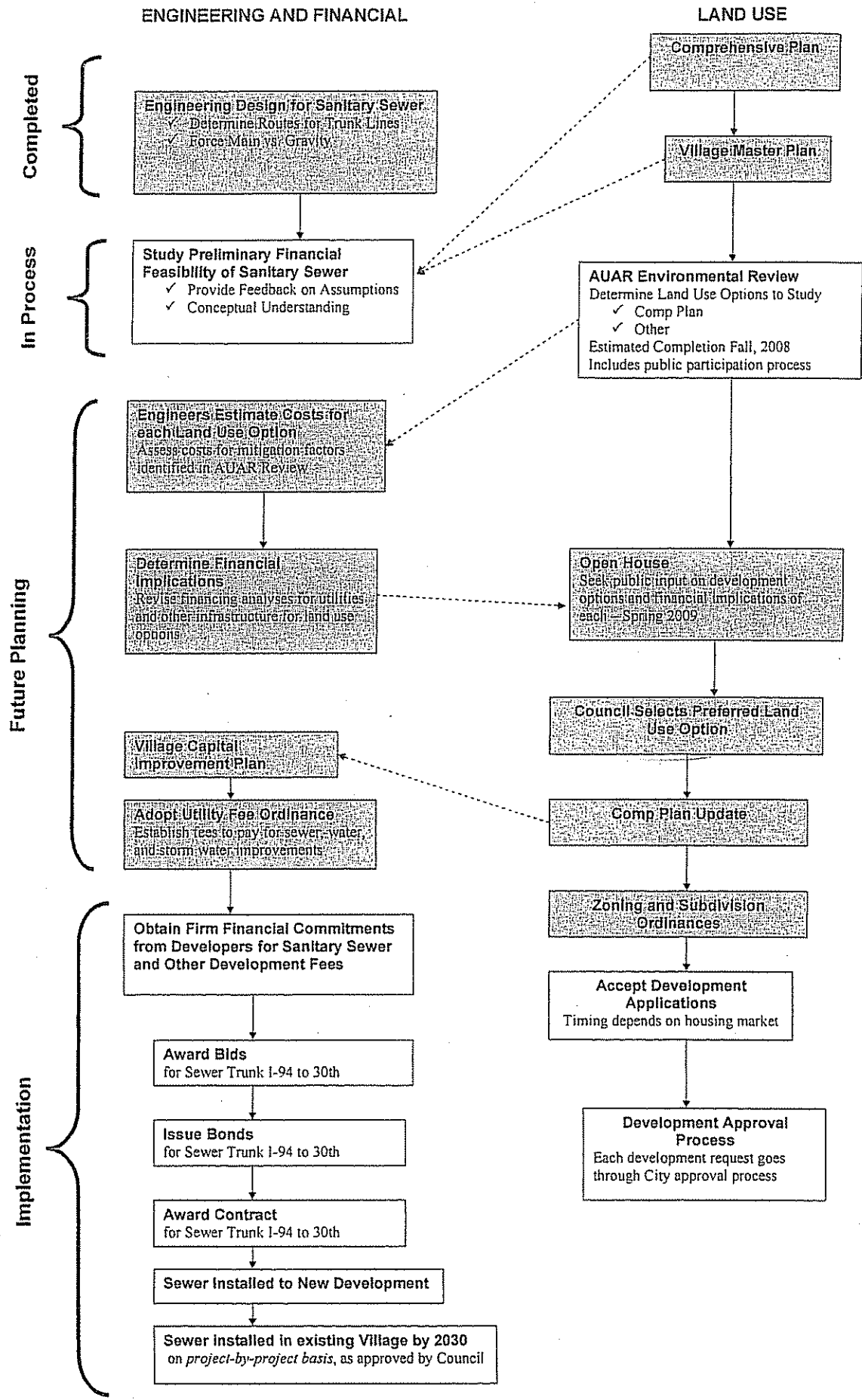
City council meetings and workshops on the Village are televised.

Public Meeting Dates
 Related to the Village Plan and Related Activities
 As of March 14, 2008

August 7, 2007	City Council	Declaration of negative environmental impact for the Village sanitary sewer extension (I-94 to 30 th Street)
August 7, 2007	City Council	Authorize additional area in new Village to be in development moratorium
August 23, 2007	AUAR advisory panel	Current conditions in the Village
September 4, 2007	City Council	Request by Todd Williams to attend non public agency meetings on the Village AUAR
September 12, 2007	City Council	Workshop on AUAR - current conditions
Week of September 10	Citywide mailing	Newsletter with I-94 to 30 th Street project update
Week of October 8	Citywide mailing	Mailing on I-94 to 30 th St update meeting on 10-18-07
October 16, 2007	City Council	Engineering update on the I-94 to 30 th St infrastructure project
October 18, 2007	Public meeting	Engineering update on the I-94 to 30 th St infrastructure project
October 30, 2007	City Council	First workshop on financing sewer
November 5, 1007	City Council	Request a legal opinion on the number of new housing units required in the Village according to the comprehensive plan
November 5, 2007	City Council	Authorize the reconfiguration for the I-94 to 30 th Street Trunk sewer from a combination forcemain/gravity to a forcemain only sewer
November 27, 2007	City Council	Second workshop on financial planning for sewer
December 4, 2007	City Council	Receive legal opinion on the number of new housing units for the Village required in the comprehensive plan
February 4, 2007	City Council	Endorse four development scenarios to move to the Advisory Panel and the public for comment
February 13, 2008	Advisory Panel AUAR	Review development scenarios
February 28, 2008	Public Open House on AUAR development scenarios	OakLand Junior High 6:30 to 8:30 (All city mailing, display ads in local papers)
April 1, 2008	Scheduled – City Council	Consideration of development scenarios and ordering the AUAR

City council meetings and workshops on the Village are televised.

ROAD MAP FOR DECISION MAKING



RECEIVED
JAN 22 2008



January 21, 2008

Susan Hoyt
City Administrator
City of Lake Elmo
3800 LaVerne Avenue North
Lake Elmo, MN 55402

Re: Village AUAR
City of Lake Elmo
Bonestroo File No.: 000038-06001-0

Dear Susan:

We have completed the first phase of the AUAR process. The overall purpose of the first phase of the process was to gather, analyze, and share background information with various stakeholders to determine the appropriate scope of the AUAR analysis. In addition to information gathered through the first phase of the AUAR process, the City Attorney provided an analysis of the requirements set forth in the adopted Comprehensive Plan and I provide a similar analysis, which is described in this letter. Lastly, the City has been contacted by Lakeview Hospital representatives that desire to locate a hospital near Stillwater Boulevard and Manning Avenue. Collectively, this information prompts reconsideration of the AUAR development scenarios and potentially collecting additional traffic information. It is noted that proposed revisions to the AUAR scope and cost estimate for adding the hospital to the AUAR are being transmitted to you under separate cover.

DEVELOPMENT SCENARIO OPTIONS

The Environmental Quality Board (EQB) requires that an AUAR include at least one scenario that is consistent with the adopted Comprehensive Plan. The scope of our existing AUAR work program includes the review of two (2) development scenarios: a scenario consistent with the adopted Comprehensive Plan and a scenario based on the Village Master Plan. At the beginning of the AUAR process, the Council provided initial guidance regarding the two (2) AUAR development scenarios. The Council requested that a range of 600 – 1,600 residential units be reviewed through the AUAR process. It is recommended that two additional development scenarios that accommodate 1,000 residential units be reviewed through the process. It is important to remember that a "preferred" scenario is not selected through AUAR process.

St. Paul
St. Cloud
Rochester
Milwaukee
Chicago

Engineers
Architects
Planners

Comprehensive Plan. The Comprehensive plan states that 1,100 sewerer housing units will be accommodated within the Village. The City Engineer determined that there are 198 existing housing units in the Village. By subtracting the number of existing units from the number of anticipated units, the net result is 902 units. The City Attorney provided a legal opinion regarding the requirements of the Comprehensive Plan. He determined that the Comprehensive Plan requires 906 new housing units in the Village. It is noted that since providing the number of existing housing units to the City Attorney, the City Engineer determined that four (4) additional existing housing units are located on the second story of mixed use buildings in the Village.

Given my analysis of the Comprehensive Plan, I recommend that a development scenario including 1,000 residential units be reviewed through the AUAR process. This scenario would be presented as the scenario consistent with the Comprehensive Plan.

Village Master Plan. The Village Master Plan was created and the concept was accepted by the City Council. In order for the city to adequately assess its options for implementing the village vision, it is recommended that a development scenario be added that addresses the housing unit requirements in the adopted Comprehensive Plan within the context of the Master Plan. This development scenario could include approximately 1,000 residential units that would be accommodated in a manner consistent with the Master Plan, rather than the Village Area Future Land Use Plan included in the Comprehensive Plan.

COST ESTIMATE

Our existing work program and budget is based on reviewing two scenarios for the cost of \$219,250. The estimated cost to add each additional scenario to the AUAR is \$11,720 per scenario. This cost estimate is generally based on increasing the cost of the remaining work program by 5% for each additional scenario. The two exceptions to the 5% cost increase assumption are related to Tasks 201 and 317.

- Task 201, preparing the development scenario alternatives, was estimated to cost \$4,000 to prepare two scenarios (or \$2,000 per scenario). The estimated cost to prepare each additional scenario is also \$2,000 (rather than a 5% increase of \$200 per scenario, which would not be adequate budget to prepare the additional scenario).
- Task 317, the traffic impact analysis, was estimated to cost \$29,000 for two scenarios. The estimated cost for each additional scenario is \$2,300, which is an 8% increase per scenario. The cost estimate includes the necessary data analysis, trip generation, level of service analysis, mitigation, graphics, and documentation.

A table showing the revised cost estimate is included on the next page. Two scenarios are included in the existing scope and each additional scenario would increase the cost by \$11,720 (i.e., the table shows the cost of adding one additional scenario - adding two would increase the original cost by \$23,440). An additional City Council workshop was added to the work program to provide the City Council additional time to review the development scenarios after they are prepared (Task 209).

We learned that it was the opinion of some stakeholders that the PM peak traffic hour in Lake Elmo was later than the time period studied. It is our opinion that additional traffic count data is not necessary given the results of the previous counts and input from Washington County. If the City would like to obtain traffic

count data for the six intersections for the 5:30 p.m. – 6:30 p.m. or 6 p.m. – 7 p.m. time period, the cost would be an additional \$1,300.

City of Lake Elmo Village AUAR
Revised Cost Estimate
21-Jan-08

	Previous Cost Estimate	Cost Estimate per Add'l Scenario	Revised Scope	Total Cost
Phase 1: Background Research and Analysis (Tasks 101 - 108)	\$ 23,850			\$ 23,850
Task 109 Revised Peak Period Traffic Counts			1,300	\$ 1,300
Phase 1 Subtotal	\$ 23,850	\$ -	\$ 1,300	\$ 25,150
Phase 2: Development Scenario Alternatives				
Task 201 Prepare Development Scenario Alternatives	4,000	2,000		\$ 6,000
Tasks 202-208 Development Scenario Review Process	13,000	650		\$ 13,650
Task 209 Additional CCWrsp - Development Scenario Review	-	-	2,000	\$ 2,000
Phase 2 Subtotal	\$ 17,000	\$ 2,650	\$ 2,000	\$ 21,650
Phase 3: AUAR Process				
Task 301 Open House/CC Mtg 2 - Ait. AUAR	5,000	250		\$ 5,250
Tasks 302-325 Prepare Draft AUAR & Mitigation Plan	105,200	6,110		\$ 111,310
Tasks 326-333 Draft AUAR Review Process	24,600	1,230		\$ 25,830
Tasks 334-337 Prepare Final AUAR & Mitigation Plan	17,000	850		\$ 17,850
Tasks 338-342 Final AUAR & Mitigation Plan Review Process	12,600	630		\$ 13,230
Phase 3 Subtotal	\$ 164,400	\$ 9,070	\$ -	\$ 173,470
Project Management/John Shardlow special counsel	14,000			\$ 14,000
Grand Total	\$ 219,250	\$ 11,720	\$ 3,300	\$ 234,270

SUMMARY OF DEVELOPMENT SCENARIO OPTIONS

We are presenting four (4) development scenario options for the City to consider reviewing through the AUAR process. These options are summarized below. It is noted that the square footages for potential commercial, office, and institutional uses shown below are based on the composite land use map and were calculated by Bruce Jacobsen with Close Landscape Architects.

Alternative 1

- 600 residential units
- 300,000 SF Commercial
- 150,000 SF Office
- 200,000 SF Institutional

Alternative 2

- 1,600 residential units
- 300,000 SF Commercial
- 150,000 SF Office
- 200,000 SF Institutional

Alternative 3 – Comprehensive Plan

- 1000 residential units
- Non-residential within the Mixed Use Category (approximately 40 acres) – need to define

Alternative 4

- 1000 residential units
- 300,000 SF Commercial
- 150,000 SF Office
- 200,000 SF Institutional

We are open to modifying any aspect of the existing and proposed work program to achieve a better result for the City. I would be happy to attend the February 4, 2008 City Council Work Session to discuss the development scenario options.

Sincerely,

A handwritten signature in black ink, appearing to read "Ciara Schlichting". The signature is fluid and cursive, with a large, stylized flourish at the end.

Ciara Schlichting, AICP

Lake Elmo AUAR Advisory Panel Meeting February 13, 2008

The AUAR Advisory Panel met on February 13, 2008 to review and discuss the Village Master Plan development scenario options to evaluate through the Alternative Urban Areawide Review (AUAR). The Panel received a lot of land use information and had a robust discussion regarding all three scenarios based on the Village Master Plan (600, 1,000, 1,600 housing units). The Panel nearly came to 100% consensus in determining that evaluating all three scenarios through the AUAR process has value since the AUAR data will allow the city to determine both the positive and negative impacts from each scenario, which will assist the city in making decisions about how to develop in the future. One Panel member felt that 600 units was more desirable and reflected market realities.

This meeting summary includes a list of meeting attendees, the agenda, and a summary of the Advisory Panel's discussion.

Attendees:

Advisory Panel:

Fred Banister - Environmental Commission
Todd Bruchu - Parks Commission Vice Chair
Paul Bruggeman - Lake Elmo Development Group (Steve Gaffney in place of)
Margaret Carlson, Environmental Commission Chair, Convener for the evening
John Dobbs, Land Owner (Steve Bona in place of)
Neil Krueger - Land Owner
Jennifer Pelletier - Planning Commission Vice Chair
Todd Ptacek - Planning Commission Chair
Peter Schiltgen - Land Owner
David Steele - Parks Commission Chair
Judith Screamton – Land Owner (David Screamton in place of)

City Staff:

Susan Hoyt – City Administrator, City of Lake Elmo
Kelli Matzek – Assistant City Planner, City of Lake Elmo
Kyle Klatt – Planning Director, City of Lake Elmo
Jerry Filla – City Attorney, City of Lake Elmo

City's Consultant:

Ciara Schlichting – Bonestroo
Lisa Fay – Bonestroo

Audience/Other Attendees:

Bruce Maus, Lakeview Hospital Representative
Other, did not sign in

AGENDA

1. Welcome and Introductions

The meeting opened with welcome and introductions led by Margaret Carlson, Convener for the evening and Chair of the Environmental Commission

2. Village Planning Update

City (Susan Hoyt) presentation (Village Road Map for Decision Making)

3. Review Advisory Panel Role

Bonestroo presentation (presentation is posted on the city's Village AUAR website)

4. Recap of AUAR process to date

Bonestroo presentation (presentation is posted on the city's Village AUAR website)

5. Overview of Village Master Plan Development Scenario Options

Bonestroo presentation (presentation is posted on the city's Village AUAR website)

6. Overview of Comprehensive Plan Development Scenario

Bonestroo presentation (presentation is posted on the city's Village AUAR website)

7. Next Steps

February 28, 2008 – Public Open House

March (date TBD) – Select the Development Scenarios to be reviewed in AUAR and officially order the AUAR to be prepared.

8. Questions and Discussion among the Advisory Panel Members

Please note that the following is intended to capture the main points discussed during the Advisory Panel Meeting on February 13, and it is possible that the notes below are not comprehensive. Errors, omissions, or other corrections should be forwarded to Kelli Matzek, Assistant City Planner. As much as possible, the speaker is identified in the text below. Where the speaker is unknown, it is indicated by a series of dashes " ---- ".

Questions, Comments & Discussion

Bruchu: Should the Advisory Panel members have the principles outlined in the Master Plan?

Hoyt: City considering how best to distribute that information. Possibly on web site.

Banister: How did we get off on the existing village housing unit count in comp plan? Don't know?

Hoyt: Ciara, why does the City have to analyze the comp plan?

Schlichting: MN Rules require it.

Hoyt: Map matters. Can't just put housing units anywhere.

Schlichting: In describing each scenario, must describe type of use and density. And provide a map to show where they are located.

Pelletier: Between now and open house, are we supposed to think about traffic, soils, water, etc. lots of work?

Schlichting: We (Bonestroo) will analyze the impacts in the AUAR. You don't have to.

Hoyt: That's why we need the scenarios. So the AUAR has something to analyze. Until we know how the development is going to look in the maps, we can't do that. Then the analysis will show the impacts and we can figure out what mitigation will be required.

Pelletier: So we're not deciding between now and the open house what we want to look at?

Schlichting: Council is asking for comments on the 3 options - 600, 1000, and 1600 units.

Hoyt: Panel can provide input on how those units will look on the land.

Krueger: More intellectual, not factual?

Schlichting: Yes.

Krueger: Are there case studies we can look at? Are there some examples in these ranges that we could look at so we can form some opinions?

Schlichting: Each AUAR has such specific impacts that it is hard to compare with other AUARs that looked at the same number of units.

Hoyt: Issue is what is the Advisory Panel to comment on? What are we asking them? See map. Should the housing be distributed differently? Is that what we're asking?

Schlichting: Map shows one scenario based on the Master Plan. City Council wants to look at several scenario options from the Master Plan. Does the panel agree? Panel can also comment on the allocation of units, number of units, other development, etc.

Hoyt: Numbers from master plan? City Council asking public to comment on all 3 options for Master Plan.

Schlichting: That's why meeting next week. A lot to digest. Is this enough mixed use?

Pete Schiltgen: Doesn't make sense. Would think it should be open ended. Environmental analysis should say we can put units here, etc.

Schlichting: Need those scenarios to see what the capacity of the land is. Need to analyze the differences.

Hoyt: Master Plan is trying to deal with what land uses make sense and where they should go.

Schiltgen: 1000 acres of properties. Experts should say what it can support...not advisory panel or people.

Steve Bona: I agree with Pete. Wouldn't you base the study on the maximum and then back up from there? If you find out traffic, wetlands, etc, fine, then Council would go with what works. We can't say how many units are going to work, what the market will bear, etc. Can kind of tell where we'd like to see it. Other cities look at max first and then decide if they want the max or need to back off.

Schlichting: Many AUARs do include the max. In the past we have done some AUARs that only look at one scenario. But found that really the City ended up looking at something less after the AUAR was completed. And then didn't have the info to see what the roads, etc, would look like.

Klatt: Units come into play. How many units could work to pay for the sewer?

Hoyt: Conservatively ran a 600 and 1000 unit. Showed it could be feasible. Financing piece comes after the AUAR is completed.

Klatt: Don't have enough of the pieces.

---: Comes down to hard cost per lot. Developer can't do it if the numbers don't work. Can't just pick a unit number if the financial numbers won't work.

Klatt: 2 options, min and max and then figure out middle ground.

Schiltgen: When should AUAR be done?

Schlichting: We expect Fall of this year.

Schiltgen: What will we give them?

Schlichting: Draft AUAR to come out in spring/summer.

Hoyt: What is in the document, is that what you want to know?

Schiltgen: What will you give them?

Schlichting: At end of AUAR, will have development options, impact info, mitigation. Council adopts the AUAR document but does not select a scenario.

Hoyt: They will have what traffic improvements are needed, what stormwater management needs to be, etc.

Schiltgen: Developers already know this.

Hoyt: But City wants to know the environmental piece as a whole.

Schiltgen: It will be run by the developers. Isn't going to be parks, playgrounds because that doesn't pay for it.

Klatt: Environmental review and specific proposals. Benefit looking at big picture instead of by each project. Do one big review, have to make some assumptions and work with those numbers. Not much different from doing land use planning, comp planning. We will be ahead with environmental analysis.

Carlson: How are Comp Plan housing unit numbers derived? Why didn't we just use 794?

Attorney: City attorney looked at the Comprehensive Plan requirements and determined that 906 units are required given that only 194 existing units are in the village and the comprehensive plan used 500. Why they used 500 to be existing - don't know..

Steele: Enormous amount of work. Scenarios. What do we think? I have no idea. What do you want us to answer?

Schlichting: We want to get your input in each of the scenarios – how units are allocated. Can glean allocation of units from the Master Plan. We don't live in the community, you are the sounding board – does this make sense in terms of the Master Plan? Is there value in looking at more than one scenario? Should there be more than one scenario? How do the units get allocated?

Steele: Range. We should look at low, high and in between. Nothing else to say.

Schlichting: That's what we're looking for.

---: Do we have to look at comp plan?

Schlichting: Yes.

Hoyt: That is confusing. Have to do 906 units and the green border because that's the Comprehensive Plan scenario. The Comprehensive plan is required, but the City Council has gone past that and accepted the Master Plan vision as how they want the village to develop. The 600, 1000, 1600 unit scenarios are all based on the Master Plan composite land use map.

Bona: Won't be able to compare the 906 units to high and low end of the range.

---: but what makes sense is 558-...

Hoyt: We can't do that because of the previous error in counting existing village housing units. Says 1100 sewer units in the comp plan. Assumed 500 existing would get sewer and that 600 new would get sewer. But it requires 1100 sewer units. All property owners in green area can't develop. Master Plan looks different than the Comprehensive Plan. Required to analyze the comp plan, so we have to pay for it. Do we do 3?

Schlichting: The recommendation from the City Council was to have the 3 options. We're looking for input from the panel.

Attorney: Comp plan will change after the AUAR process. Will be amended to accommodate the Master Plan. There will not be that much green space around the Old Village.

Hoyt: There will be a lot of green space, but it won't necessarily look like it is portrayed on the map.

Schiltgen: Reminds me of past experience on another panel. How make a decision – constants, variables, farm story. Try it and see if it works.

Pelletier: Seems we have 2 different lines of thinking. Middle of the road approach. And see what the environmental impacts are. Or do the range I want the least number of units. Community has a lot of environmental issues. But town has a desire to remain rural and there are some legitimate environmental factors that should play into a decision. Appreciate that developers have to make money.

Bona: If go down the middle and found couldn't support it. Can't go back?

Schlichting: Would have to amend the AUAR. If developer proposes less than what was analyzed then don't have to redo. If comes in for more, then you have to amend it.

Pelletier: Is there a purpose if we analyze the info and developers say it can't work?

Schlichting: Not part of the AUAR, you want the AUAR to provide flexibility for future decision making regarding the appropriate number of units for the village. If city just looks at 1000 units and finds it's not enough density to get the amenities you would have to update the AUAR to analyze the impacts of a scenario that includes more than 1000 units.

Carlson: Some of this is already done because know some of what isn't going to work.

Hoyt: Can we average the difference? 1000 would be a good number Jennifer seems to be saying.

Schlichting: Should really look at the range. Need the middle because at end of the AUAR process if you've only done the high and low ends of the range, can't know readily how the impacts would differ in the middle. Opinion is that the ends of the range plus the middle gives better information.

Steel: Is there an advantage to doing the middle? Is there a downside at all?

Schlichting: No downside.

Pelletier: Just move forward and do all 3?

Krueger: Been at this for 10 years. Experts telling us what the City can bear with sewer. Need to look at the land. Can we add another 1600 in the next 20 years? Don't think so. Market conditions will not dictate that in the next 20 years. Too many people too many units. Why study that? Not even possible. Why look at that? Community wants the units kept low. Agree with Pete. Have to have a plan but going too high doesn't make sense. People and market will not support 1600.

Steele: Since the number is already in play. Then we should look at it.

Hoyt: It is in the Master Plan.

Schlichting: City Council supports evaluating the range of 600 to 1,600 units.

Steele: Has it been identified as possible?

Schlichting : Yes, in Master Plan.

Hoyt: See higher number of units because absorbed in mixed use development.

---: Old village is 10% of Lake Elmo. Why only looking at that area?

Schlichting: One community has done an AUAR of their entire city. Typically, they select growth areas and focus on that.

---: why can't we add another 40?

Hoyt: Comp plan is not the way to implement development. Big area. Makes sense to environmentally review it. Will have similar process in southern areas. Some other processes don't require the environmental analysis.

---: 3 scenarios gives us more info. Too big and numbers retreat too. Need to look at scenarios so we have the info. Doesn't lock us into doing 1600 but good to have the information.

Schlichting: We don't vote, but can we come to consensus?

(All, but one member came to consensus to study all three Master Plan options through the AUAR process)

Krueger: No. Dissenting opinion. General population doesn't want to see 1600 units so why look at it? And probably not going to do it. Why look at?

Banister: Should look at it because don't know what housing will look like.

Krueger: If we plan for 1600, people will come. If we build it they will come.

Steele: Do you feel it makes it more likely for council to approve 1600?

Krueger: I think waste of time because community can't support it.

---: Good to have the info, if people ask for it.

Krueger: Who will ask for it?

---: Don't know. Can't say, but good to have the information. Helpful for city and developers. Amenities, etc. facts may ferret out that 1600 not doable but think we need to look at it because it's in the Master Plan.

---: Do we have an open checkbook?

Hoyt: \$11,000 per each scenario. Money is budgeted. City Council will ask if the add info will be helpful as they move forward and make decisions.

Pelletier: Intuitive reason why they chose the range? What philosophy went into unit count?

Hoyt: Considered some time ago and then again last week. City Council feels 1600 is high, but it is in the Master Plan. 600 has been talked about in comp plan. The feeling is probably somewhere in between so they want to look at that. I'm paraphrasing for the City Council though. They generally want the info, is what I'm feeling and hearing.

Schiltgen: Neal says don't study it. Not going to go away just because don't want to look at it.

---: Boundary is fixed?

Hoyt: Yes. And will become even more fixed after the AUAR is completed and a comprehensive plan amendment is processed.

Steele: Do you need a motion?

Schlichting: No.

Bona: What would be discussed next week?

Schlichting: Don't know that we need to meet if we've come to consensus.

Hoyt: Advisory Panel's decision.

Pelletier: Next step. Do you provide your environmental opinion and we provide our input on what is in the document?

Schlichting: Yes. You will get the background info again and the draft AUAR analysis - that will be the next discussion of the impacts identified and the proposed mitigation.

Steele: What will happen at open house?

Schlichting: There will be boards, comp plan, Master Plan, background info, comment sheets to fill out, informal discussion.

Steele: Looking for public feedback?

Pelletier: Any other environmental info?

Schlichting: No, have to wait for Council to order the analysis.

Hoyt: Next step is to actually evaluate it. Lakeview hospital has expressed interest. Not at a point where they can be included in this process. Currently in discussion.

Schlichting: Would warrant a new discussion with Advisory Panel.

Hoyt: Would ask them to essentially do an AUAR on their own.

Krueger: Suggestion. Publicize the number of units contemplating looking at.

---: Increase in land area by 3 times.

Hoyt: Have to be clear not increasing land area. Density.

Carlson: Other questions or comments?

Schlichting: (summarized next steps – upcoming City Council meeting, open house).

Hoyt: If you have suggestions or ideas for input, send email.

Carlson: (closed meeting.)

Notes taken by Lisa Fay, Bonestroo.

City Council
Date: 4.1.08
REGULAR
Item: 5
RESOLUTION 2008-19

ITEM: Consider a resolution supporting legislation regarding the siting of landfills in areas at high risk to groundwater contamination

SUBMITTED BY: Susan Hoyt, City Administrator

SUMMARY AND ACTION REQUESTED: The city council is being asked to consider supporting legislation sponsored in the House by Representative Bunn, HF3997, and in the Senate by Senator Saltzman, SF3707, that prohibits siting new landfills in areas with high risk for groundwater contamination. The legislation is making its way through the legislature at this time. This would directly impact the proposed location of the Excel Energy Fly Ash facility in West Lakeland. This support is consistent with the city of Lake Elmo's concerns related to the Washington County Landfill's location on geologically sensitive material.

SUGGESTED MOTION FOR CONSIDERATION

Move to approve Resolution 2008-19.

ORDER OF BUSINESS:

- Introduction Susan Hoyt, City Administrator
- Questions Mayor and Councilmembers
- Questions from the public to the council Mayor facilitates
- Call for a motion Mayor and Councilmembers
- Discussion Mayor and Councilmembers
- Action City Council

ATTACHMENT:

1 Resolution 2008-19

RESOLUTION 2008-19

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

**A RESOLUTION IN SUPPORT OF HF 3997 AND SF 3703 CONCERNING SOLID WASTE
LANDFILL BEING SITED IN HIGH RISK AREAS**

- WHEREAS,** the City of Lake Elmo that is charged with protecting the public health and safety of its citizens; and
- WHEREAS,** the City of Lake Elmo is required to protect the quality of the groundwater for drinking and other purposes; and
- WHEREAS,** the City of Lake Elmo has concerns about the threat to public health and safety from siting landfills in areas that are high risk to groundwater contamination; and
- WHEREAS,** the City of Lake Elmo has concerns regarding the proposed landfill that has been proposed in West Lakeland Township of Washington County; and
- WHEREAS,** Representative Bunn has authored a bill in the House (HF 3997) and Senator Saltzman has authored a bill in the senate (SF 3703) that would prevent future solid waste landfills from being sited where geologic conditions are such that there is a high risk of ground water contamination; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lake Elmo, expresses its support for the proposed legislation HF 3997 and SF 3707.