

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

RESOLUTION NO. 99-16

**A RESOLUTION GRANTING VARIANCES TO SECTION
700.03, SUBD. 1C. 7080.0170
ALLOWING MOUND SYSTEMS AS THE FIRST DISPOSAL,
ON LOTS, 1, 2 & 3, AS PROPOSED, IN WATERS BAY FINAL PLAT**

WHEREAS, the Lake Elmo City Council has reviewed and heard testimony regarding the application of Kelly Schmidt and George Hedges to vary from the standards of Section 700.03, Subd. 1C. 7080.0170 Final Treatment and Disposal of the Lake Elmo Municipal Code. These variances will permit the construction of mound systems as the first disposal on three new building sites for single family residential homes on Lots 1,2,3, Waters Bay Final Plat based on the following reasons:

1. The approximate elevations of the stains in the soil coincide with the high water that the lake experienced in the early 1980's.
2. This variance request is that due to the high water of the lake in the 1980's, the land was stained and mottled.
3. This land would not be usable for any reasonable purpose without these variances.
4. It is not a condition that the owner created, nor did the owner acquire the property knowing about this condition.
5. This request does not violate the spirit and intent of the ordinance, which is to protect the health, safety, and welfare, and to prevent contamination of surface, ground and well water.
6. The experts at the University of Minnesota and the Minnesota Pollution Control Agency agree that mound systems are safe methods of treating sewage.

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council does hereby grant the variances subject to the following conditions stated in the City Engineer's letter of February 4, 1999 and approval/record of the Waters Bay Final Plat.

1. Lot 1: The actual location of the mounds will be staked, and approved by the building inspector before the driveway is graded in. The mound areas will be roped off to protect them from house building activity.

2. Lot 2: The actual location of the mounds will be staked, and approved by the building inspector before the driveway for Lot 1, and the house and driveway for this lot are started. The mound areas will be roped off to protect them from house building activity. The old roadbed will be identified in the field. The mound will not be built over this old roadbed.
3. Lot 3: The actual location of the mounds will be staked, and approved by the building inspector before the house is started. The mound areas will be roped off to protect them from house building activity. The old roadbed will be identified in the field. The mound will not be built over this old roadbed.
4. Approval of the Waters Bay Final Plat.

ADOPTED, by the Lake Elmo City Council on the 16th day of February 1999.

Lee Hunt, Mayor

ATTEST:

Mary Kueffner, City Administrator