

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-147

A RESOLUTION REQUESTING AN EXTENSION OF TIME FOR FULFILLING REQUIREMENTS
OF M.S. 473.865.

WHEREAS, the City of Lake Elmo 2030 Comprehensive Plan was approved by the Metropolitan Council on the 12th day of April, 2006 (the "Comprehensive Plan Approval Date"); and

WHEREAS, there are conflicts between the City of Lake Elmo 2030 Comprehensive Plan and the current City of Lake Elmo Official Controls; and

WHEREAS, pursuant to M.S. 473.865, Subd. 3, the City of Lake Elmo has nine (9) months from the Comprehensive Plan Approval Date to amend its Official Controls so as to eliminate conflicts between the City of Lake Elmo 2030 Comprehensive Plan and the City of Lake Elmo Official Controls (the "Conflict Review Term"); and

WHEREAS, the Conflict Review Term will expire on the 11th day of January, 2007; and

WHEREAS, the City of Lake Elmo will not have reconciled all relevant conflicts between the City of Lake Elmo 2030 Comprehensive Plan and the City of Lake Elmo Officials Controls by the current expiration date of the Conflict Review Term; and

WHEREAS, pursuant to M.S. 473.869, the City of Lake Elmo may request the Metropolitan Council to extend the time for the City of Lake Elmo to fulfill the requirements imposed by M.S. 473.865, Subd. 3; and

WHEREAS, since the Comprehensive Plan Approval Date, the City of Lake Elmo has undertaken the following procedures in order to fulfill its requirements and has experienced the following exceptional circumstances during the Conflict Review Term:

1. The City of Lake Elmo retained a consulting firm to prepare a zoning code based primarily on performance zoning criteria. After the project was completed, the City determined that this type of zoning regulation could become arbitrary and difficult to administer. The City Planner then drafted a more standard Euclidian Zoning Regulation which would apply to all property within the City of Lake Elmo. The process of first considering a Performance Zoning Regulation and then an Euclidian Zoning Regulation was time-consuming.

2. In the Fall of 2005, and the Spring of 2006, the Minnesota Department of Health conducted meetings relative to contamination which was spreading southerly and westerly from the former Washington County/Ramsey County Landfill near Jamaca and Highway 5 in the City of Lake Elmo. The contamination had polluted individual wells in

the west central portion of Lake Elmo. The Minnesota Department of Health recommended that these wells be sealed and that the City provide water to serve this neighborhood. In response, the City designed, bid, and built water mains and laterals to serve the west central portion of Lake Elmo. The City is also in the process of connecting individual wells to the City's water system. The coordination of these projects consumed a considerable amount of the City's Administrator's time.

3. When the City Administrator died suddenly on October 7, 2006, the City Planner was asked to absorb the City Administrator's duties. Consequently, the City Planner could not devote full time to planning activities.

4. On the 19th day of July, 2006, the City of Lake Elmo retained the Robert Engstrom Companies and Close Landscape Architecture, Inc. to prepare a Village Area Master Plan. The scope of the contractor's duties is attached as Exhibit A. It is critical that the Village Area Master Plan be completed prior to final adoption of the City of Lake Elmo's Zoning Regulations for the Village Area.

5. On the 8th day of November, 2006, the City of Lake Elmo retained Susan Hoyt as a project director. The Project Director is to provide project management services to the Lake Elmo City Council and to the City's interim City Administrator. The Project Director has analyzed the various components involved in the implementation of the City of Lake Elmo 2030 Comprehensive Plan and has provided the report attached as Exhibit B to the City Council.

6. On the 5th day of December, 2006, the City Council authorized the preparation of a feasibility report for the extension of sanitary sewer from the vicinity of Interstate 94 and County Road 17 to the Village Area. The feasibility study will be presented to the City Council on the 20th day of February, 2007. This project is designed to satisfy some of the requirements of the Lake Elmo 2030 Comprehensive Plan.

7. Between May 22, 2006 and December 11, 2006, the Lake Elmo Planning Commission has reviewed the status of the proposed zoning regulations and the Village Area Master Plan at twenty (20) meetings and/or public hearings. Most of these public hearings and meetings were devoted to reviewing the Euclidian Zoning Regulations.

8. Between April 11, 2006 and December 19, 2006, the Lake Elmo City Council has reviewed the status of the proposed zoning regulations, the Village Area Master Plan, the efforts of the Lake Elmo City Planning Commission and the extension of sanitary sewer to the Village Area at seven (7) meetings and has received and reviewed the minutes of the Lake Elmo Planning Commission.

9. On the 5th day of December, 2006, the City Planner resigned.

10. On the 11th day of December, 2006, the City of Lake Elmo sent out requests for qualifications for consulting services to prepare an AUAR on the Lake Elmo Village Area Master Plan. The scope of services defined in the request for qualifications is attached as Exhibit C.

11. Even though the City of Lake Elmo has spent considerable funds and hundreds of hours of time reviewing and drafting plans and regulations to implement the City of Lake Elmo 2030 Comprehensive Plan, it will not be able to meet the current deadline for the submission of Official Controls. The City's inability to meet the nine-month submittal deadline is due, in part, to staffing; the unexpected but necessary effort to provide water to the west central portions of the City of Lake Elmo; the sudden death of the City Administrator and the requirement that the City Planner absorb the Administrator's duties; and the resignation of the City Planner.

NOW, THEREFORE, be it resolved that the Lake Elmo City Council hereby respectfully requests that the Metropolitan Council approve an extension of the Conflict Review Term from the 11th day of January, 2007 until the 12th day of July, 2007.

Dated: December 20, 2006

CITY OF LAKE ELMO

By: 

Dean A. Johnston, Mayor

ATTESTED BY:


Thomas Bouthilet, Acting City Administrator

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