

The Planning Commission is an advisory body to the City Council. One of the Commission's functions is to hold public hearings and make recommendations to the City Council. The City Council makes all final decisions on these matters.

Lake Elmo Ordinances require that certain documents and information be included in applications. The Planning Commission may postpone consideration of an application that is incomplete and may for other reasons postpone final action on an application.

For each item, the Commission will receive reports prepared by the City Staff, open the hearing to the public, and discuss and act on the application. If you are aware of information that hasn't been discussed, please fill out a "Request to Appear Before the Planning Commission" slip; or, if you came late, raise your hand to be recognized. Comments that are pertinent are appreciated.

AGENDA

LAKE ELMO PLANNING COMMISSION

JANUARY 11, 1988

- 7:30 p.m.
1. Agenda
 2. Minutes: November 23, 1987
December 14, 1987
 3. Upcoming Requests
 4. City Council Update
- 7:45 p.m.
5. Section 32-33 Discussion
 - A. Work Committee Report
 - B. Further Discussion
 6. Comprehensive Plan Update
 - A. Assignment of review sections to Planning Commission members
(see attached staff cover sheet of 12-14-87)
 7. Other Business
 8. Adjourn

APPROVED

LAKE ELMO PLANNING COMMISSION MINUTES

JANUARY 11, 1988

Chairman DeLapp called the Planning Commission meeting to order at 7:35 p.m. in the City Council chambers. Present: DeLapp, Williams, Stevens, Kunde, Haacke, Enes, Bucheck, Johnson, Hunt. Absent: Simpson.

M/S/P Bucheck/Enes - to nominate Steve DeLapp for the position of Chairman of the Planning Commission. (Motion carried 9-0).

M/S/P Bucheck/Hunt - to nominate Margorie Williams as Vice-chairman of the Planning Commission. (Motion carried 9-0).

M/S/P Enes/Williams - to nominate Ann Bucheck as Secretary of the Planning Commission. (Motion carried 9-0).

1. Agenda

Add: 6. Update on Chapter V-Technical Data Appendices, 7. Building Code Enforcement, 8. Ordinances

M/S/P Williams/Bucheck - to approve the January 11, 1988 Planning Commission agenda as amended. (Motion carried 9-0).

2. Minutes: November 23, 1987

M/S/P Williams/Bucheck - to approve the November 23, 1987 Planning Commission minutes as presented. (Motion carried 7-2-0 Abstain: Johnson, Stevens).

Minutes: December 14, 1987

M/S/P Williams/Stevens - to table the December 15, 1987 Planning Commission minutes for further discussion on Chapter III Land Use Management. (Motion carried 9-0).

3. Upcoming Requests

January 25, 1988

Section 32-33 Discussion
Comprehensive Plan Update

4. City Council Update was provided.

5. Section 32-33 Discussion

A. Work Committee Report

Chairman DeLapp explained that they were expecting to have a response from Oakdale as to how they wanted to address this issue of annexation and tax increment financing, etc. The Commission was then going to

take their proposal and see how it fits into Lake Elmo's possibilities and make a determination that would be best for everybody. After hearing nothing, DeLapp called the Community Development Director Fred Bromer and asked what was going on because the information was ready one day before the December 14th Planning Commission meeting. Bromer stated he did not know what DeLapp was talking about.

DeLapp then called Craig Mattson, Oakdale City Administrator, who informed him that when this topic came up on the City Council agenda in Oakdale that he was ordered to have nothing to do with the topic whatsoever. But if anybody wanted to attend the Lake Elmo Planning Commission meeting on January 11th, it would be fine with them. In the minutes it was recorded that no one indicated they would be able to attend. A copy of these minutes were sent to Section 32-33 landowners.

B. Further Discussion

David Johnson explained his reaction to Oakdale's comments was that when the City Council was asked to allow staff to prepare information to identify what they might as a City do in respect to this property in terms to facilitate the commercial development on there, the reaction of the City Council was they do not want to go through and lay out before them and get into a bidding war because this was not their intention.

Carl Rudeen stated in his discussion with an Oakdale Councilmember who stated that they are not sending anyone because they do want to get into a hassle with the City of Lake Elmo on a political basis. He felt if the people of Section 32 wanted to come in and join Oakdale all they had to do was get a petition with signatures and sent it through the proper channels without coming to Lake Elmo to ask them if they can do it. Marge Williams responded that the State Statutes state that the two cities would have to be in an agreement--the people cannot decide.

Bob Dreher reported that 100 percent of the propertyowners in Section 32 have signed this petition. Not all the people in Section 33 have signed this petition. Rudeen added that if it goes over a certain number of acres the petitions doesn't have to be signed by 100 percent of the property owners. Dave Johnson was surprised to hear this and felt that some propertyowners within Section 32 took it upon themselves to petition because he is not a party of this and has 25 acres in Section 32.

Marge Williams commented that a lot of cities were going into Tax Increment Financing. The towns of Eagan and Apple Valley have done this and their taxes are going sky-high. The most recent information they are getting, not only from the Metropolitan Council but from other Planning Commissions around the nations, is that they are going back to the old attitude. Developers pay for their own developing and the City should not take on that risk. This is being pushed by the Metropolitan Council and by people in the planning business, but also by a networking of cities nationwide because cities are going broke financing development projects.

Lee Hunt referred to Oakdale's City Council minutes of November 24, 1987 where Mayor Hudalla asked the Council if they would have interest in a development to be located north of the Oakdale Mall which would be rental units and would include 24 senior citizen units. Councilmember Merle felt that the developer would be using the senior citizen housing as a way to obtain tax increment financing and asked that Mayor Hudalla tell them no. Hunt felt perhaps we should start to look at creative ways to go around tax ^{fee} increment finances that might have the same affect. A special use ^{team} would serve the same function, but removes some risk from the City and places it on the end user of the property. Hunt would like to have a commitment from the people who will be moving in and putting ⁱⁿ businesses that they would be staying around also.

Rudeen added that there is a string of houses out there that need sewer and the easiest way for them to get it is to hook onto the sewer that comes under the road. Marge Williams expressed the point that the cost for upgrading their septic system versus going on a sewer system. Just because the sewer assessments were paid it does not mean that this ends the financial responsibility. Once sewer comes there are hookup charges and continuing assessment charges on sewer use.

Ann Bucheck asked the large property owners if anyone had come to them and proposed to buy their land. The answer given by Mrs. Brockman was that many developers have. Ann asked what have these developers said to them regarding sewer and water. Mrs. Brockman answered that they came to Lake Elmo asking for information and the City just laughs at them. The developers would rather go to Oakdale rather than try to work with the City and end up bickering as is happening now at this meeting.

Mrs. Brockman further explained that they have had many close agreements, but were contingent on ~~unless~~ sewer and water ~~was~~ being available. They have gone through an Environmental Impact Study and found out how much it would cost for all of their property--but someone came in from the outside, who didn't own a square inch of land on that property, took over the whole meeting. None of the property owners could say anything--all they talked about was how much is this going to cost the rest of Lake Elmo. The property owners said they don't want to bear all the costs, but they have to have some type of 20 year financing--they can't expect propertyowners to bear \$300,000-\$400,000 up front.

Ann asked the propertyowners if they had an Oakdale address and a developer bought their property at this time, ^{what} would they expect ^{from} the City of Oakdale or what type of financial treatment would have to take place for the sewer and water to come through. Mrs. Brockman responded that Oakdale would charge them over a period of time, but Lake Elmo wants them to pay up front. DeLapp stated that Oakdale told him on the telephone they would not front money for development. They guaranteed him that under no circumstance would they do this.

Barb Haacke felt that regardless if whether Oakdale will or won't help them, if these propertyowners think they will and they want to become

part of Oakdale, she doesn't understand why we want to hang onto them.

Mrs. Brockman stated this was something they didn't want to do, but was forced to do it referring to a letter from their attorney, Lyle H. Eckberg, which stated that the Minnesota Municipal Board acknowledges receipt of the petition for concurrent detachment and annexation from the City of Lake Elmo to the City of Oakdale.

Dave Johnson, ConnCo Shoes, felt the discussion at this point was digressing not progressing. His understanding was the Council charged the Planning Commission to look at the proposal that was before them and review it as an advisory capacity and respond back to the Council. If the Planning Commission recommends that they do not think that the City should do anything, the propertyowners would know and then they can go on. It is not what Oakdale will do or not do, that is for them to decide. DeLapp interjected that he already determined that because Oakdale will not put any water or sewer in Section 32 unless there is a signed contract which was told to him by Craig Mattson. Johnson said this was a startling development to him and he would follow this up with a phone call to Mr. Mattson.

Chairman DeLapp further stated that there isn't any City willing to spend any amount of money to bring in sewer and water without a project in mind that they are fully happy with and the financing is sound. Craig Mattson stated that if there is such a project Lake Elmo would be just as happy with it as they are--so why would Lake Elmo want the land annexed.

Ed Stevens felt the City was asked by the Section 32 propertyownrs if they wanted to compete with Oakdale. No way is Lake Elmo going to try to compete with Oakdale to see which one can offer more inducements to the landowners to stay in Lake Elmo and not to go to Oakdale. Stevens added that it looks to him that Oakdale has turned around and has had second thoughts and said maybe they don't want to spend the money. Now it appears the landowners come here and say if Oakdale won't do it, maybe Lake Elmo will do it afterall. The landowners echoed that this was not the scenario at all.

Ann Bucheck tried to move the meeting along by clarifying a few items. Right now in our Comprehensive Plan they have said all along, it was the developer's responsibility to put in any kind of improvements that are needed in order to develop his property. She asked the property owners if they are asking if the City is willing to get bonds to help with water and sewer and if so under what circumstances. Johnson (Connco Shoes) felt this would be helpful and they could progress with this. Bucheck recapped what the propertyowners want to know what are the rules and regulations and how might they compromise from what the norm is.

Councilmember Don Moe explained that on November 17th the Council charged the Planning Commission to work with the Section 32-33 landowners. He asked the Commission who have they talked to and what figures have they come up with. Marge Williams responded that they are not paid to do this. Moe told the Commission that the Council

gave them the direction to do this work and report back to them in 60-90 days. DeLapp added that Moe cannot order them to do City Administrator's work--the commission was asked to review a proposal by the City of Oakdale that would be forthcoming.

Buchek felt that one issue to discuss is that the landowners would like some kind of help with financing of sewer and water. Barb Haacke stated that the City Administrator was going to have someone from the HRA to come and speak to the Commission on finances. Bob Drehrer said there were State Agencies that could provide information on financing. Another issue to look into was Section 414 in the State Statutes regarding annexation. A landowner asked who was going to educate the Mayor because he had stated at a Council meeting that the Section 32 landowners couldn't leave, except over his dead body.

Williams suggested contacting the MN Economic Development Council because they have individuals with this expertise. Johnson (ConnCo Shoes) suggested inviting a credible individual come in to explain Tax Increment Financing. DeLapp felt he has attended enough seminars to know exactly what Tax Increment Financing is--in reality, it is the City willing to do this without a development.

Williams brought up another issue which is quality of life ^{which} and is very difficult to put a dollar on. If you have land and want to develop it and make money, quality of life means nothing. But if you are an average citizen who lives here and enjoys their low taxes and the area, there is a quality of life you have to examine whether it is worth becoming somewhat like Oakdale which has a bad reputation as far as quality of life.

Lee Hunt felt approaching a bank would be an alternative to Tax Increment Financing which has the same effect. The financing would be against the land and the development, it would not be paid up front, but in installments much the way Tax Increment Financing would. It could be staggered such that the payment would not start until the land would be developed. Perhaps the Bank of Lake Elmo would be willing to promote development. Hunt believes the Bank of Lake Elmo would be very happy to see as much development as ~~they~~ could. DeLapp gave the example if he wants to rebuild his septic system, would he go to the bank or go to the City for the money.

Lee Hunt wanted to go on record that he would be glad to work with anyone involved from the landowners or the Planning Commission and see what they could do about approaching and getting private financing. He is not a representative of the City, the City is not saying they will be making any guarantees to the bank. If the Bank is willing to promote development and the landowners are willing to work with them (along with Lee), ^{or} to see if a ~~proposal~~ ^{proposal} could come up with a proposal in the next couple ^{of} weeks. Lee will report back to the Planning Commission. Commission member Dave Johnson volunteered to work with Lee Hunt on finding alternative financing methods other than Tax Increment Financing.

M/S/P Williams/Haacke - to have Lee Hunt and Dave Johnson look into alternative financing for Section 32. (Motion carried 9-0).

M/S/P Bucheck/Stevens - to have Lee Hunt and Dave Johnson contact the appropriate individuals to attend the Planning Commission meeting so the Commission could learn about Tax Increment Financing or any other financing. (Motion carried 9-0).

Mr. Rudeen stated that the Mayor wished to spend \$125,000 to stop a landfill which is their money that they paid in taxes and the City has saved it, which is good. He was not in favor of a landfill which will not bother them in Section 32, why should they contribute. Rudeen pointed out the imbalance and felt this was the same thing they were asking of them. DeLapp explained that they look at this as one city. Rudeen interrupted DeLapp that he was looking at one City his way--no development and no help from the City.

Marge Williams suggested that Section 32-33 discussion be put on the February meeting agenda and suggested the landowners call the City Office or Chairman DeLapp to confirm the meeting date.

6. Comprehensive Plan Update

A. Assignment of review sections to Planning Commission members

Commissionmember Ed Stevens presented a draft of the Parks and Open Space System for the Planning Commission's review. Stevens commented that he did not have the exact figures of the area of the parks, but hoped that whoever put the figures in used the correct figures. Ed felt the following paragraph should be added: "A potential threat to park land in Lake Elmo is the proposal to locate a sanitary landfill in the Regional Park. All governmental agencies in Lake Elmo, several in the surrounding areas, a citizens group are united in opposition of this degradation of park land".

DeLapp reported that he was approached by a Parks Commission member who had a policy that he would have liked proposed to him. This member felt it was time to figure out a way to get land donated to these people so they can go to their own park by their development and not have to go to other (people's) parks. DeLapp talked to this member about this draft and he felt this was great and just what the Parks Commission was talking about.

Ed Stevens will call Nancy Hansen to confirm the area of the parks and the policy of requiring park land and report back to the next meeting.

Ann Bucheck commended Ed on a fine job he did on the Parks and Open Space System Section.

M/S/P Haacke/Hunt - to approve Appendix H Parks and Open Space System replacing H. Recreation Facilities of the 1986 Compreesnive Plan to include the paragraph regarding the landfill; contingent on the area of the parks within the City is confirmed. (Motion carried 9-0).

Chairman DeLapp passed out a work draft of the Appendix F. Natural Features and Resource Assessment for the Planning Commission's review.

Marge Williams reported on the status of Chapter V - Technical Data Appendices. Appendix B. Housing-Existing and Project prose is fine. Appendix I. Sewage Facilities-OnSite and Sewered needs updating from the most current statistics and some reference to the 201 Project. Rob Enes has been working on this. Marge suggested asking City Engineer Bohrer if there is going to be mandatory pumping to help maintain this system.

Appendix J. Other Community Facilities-Most of this is alright. Appendix K. Supplemental Planning Considerations would require reviewing what the surrounding communities have done. Get an update from Oakdale and Woodbury as to where they are in terms of current development. Marge will work on this.

7. Building Code Enforcement

Chairman DeLapp made a recommendation on new construction use of a sprinkler, particularly commercial, but if applicable, residential. DeLapp's thoughts are they should not have a weaker code than anybody does. The State of Kentucky has a stronger code on fire protection than we do. DeLapp felt we should start strengthening our code. He didn't realize it was just a washed out version that we were putting before the City and suggests adopting the Edina code and forget about it. Then he would know that someone has done some research in it. This will be a work item.

8. Ordinances

Chairman DeLapp had copied the Sign and Billboard Ordinance for the Commission's review.

9. Other Business

Chairman DeLapp handed out highway counts for 1987 and 2010 prepared at his request by MnDOT for the Commission's information.

Marge Williams reported that a few commissionmembers attended the State Planning Seminar and listened to Bob Snyder talk on proposed legislation dealing with state planning issues.

Councilman Don Moe stated that he was not in favor of the proposed Residential Estates zoning because of the areas the Commission is planning on putting it. Moe voiced the concern that the people who own that property may not want this. DeLapp felt it has nothing to do with what they want to do with their land, but has to do with what would be desirable for the City. DeLapp explained that this was an optional category that someone could get into if they wanted to. DeLapp added that Moe was only looking at it from a parochial view of a few landowners who are his neighbors such as Gene Peltier. The Commission looks at it as a whole City. Johnson stated his only objection to RE was that he would like to see some of these areas commercial. Hunt responded that this was an overlay district and does not affect the underlying zoning.

M/S/P Stevens/Enes - to adjourn the Planning Commission meeting at 10:30 p.m. (Motion carried 9-0).