



# City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

10/17

## Planning Commission

### NOTICE OF MEETING

**THURSDAY, October 17, 2002 at 7:00 p.m.**

Council Chambers - City Hall  
3800 Laverne Ave. North  
Lake Elmo, Minnesota

### AGENDA

1. Agenda
2. Minutes
  - a. September 9, 2002
  - b. September 23, 2002
3. PUBLIC HEARING  
Variance from Front Property Line – Eric Svendsen
4. PUBLIC HEARING  
Capital Improvement Program, 2003 - 2007
5. Other Business
6. Adjourn

**CITY OF LAKE ELMO  
PLANNING COMMISSION MEETING  
MINUTES OF 10/17/02**

Chairman Armstrong called the Planning Commission Meeting to order at 7:00 p.m. COMMISSIONERS PRESENT: Bunn, Berg, Deziel, Sedro, Helwig, and Ptacek. STAFF PRESENT: Charles Dillerud, City Planner; Abigail Grenfell, Finance Director; Kimberly Schaffel, Recording Secretary.

**AGENDA**

- 5A. Maps of Natural Resources of Regional Significance
- 5B. Comprehensive Plan Update
- 5C. Old Village Special Projects Update

**M/S ARMSTRONG/BUNN**, To accept the Agenda as amended. **VOTE: 7:0 PASSED.**

**MINUTES OF SEPTEMBER 9, 2002**

**M/S Helwig/Berg**, To accept pages one through the top of page 6 of the Minutes of September 9, 2002 as presented. **VOTE: 6:0:1 (ABSTAIN: Armstrong) PASSED.**

**MINUTES OF SEPTEMBER 23, 2002**

**M/S Helwig/Armstrong**, To accept the Minutes of September 23, 2002 as presented. **VOTE: 7:0 PASSED.**

**VARIANCE FROM FRONT PROPERTY LINE – ERIC SVENDSEN**

**Staff Report, City Planner, Charles Dillerud**

A Public Hearing was requested to consider a Variance from Front Property Line setback. Notice of Public Hearing was published in the Stillwater *Gazette*, and affected property owners were notified.

The proposed project is the reconstruction of an old garage on 32<sup>nd</sup> Street. This lot is very hilly, falling from the rear to the front of the lot. The proposal by Mr. Svendsen was well documented. Essentially, he wishes to build the new garage in the same location as the former garage. The original fell down. The new garage would be approximately four feet deeper than the former garage.

The front line of the proposed garage is very close to the right-of-way of the street. That was the case with the old one too. The setback requirement is 30 feet. Virtually the entire garage sits in that setback area. There are unique topographical features on this parcel that preclude another building site. The only alternative is deep digging into the hillside. He suggested the Planning Commission may not wish to recreate the safety hazard of the garage being located that close to the 32<sup>nd</sup> Street driving surface. The options are to restructure the variance application in one of two ways.

1. Reduce depth from proposed 24 feet to 20 feet.
2. Orient the garage differently so it is not perpendicular to the roadway but parallel to the road.  
Recognize this option requires a greater movement of soil from the hillside to the west.

If the garage is reoriented, 32 feet of width won't work. It probably could not be a three-car garage, maybe a two-car at most, potentially it might only be a single car garage. Findings are in the Staff Report. Mr. Svendsen could get reasonable use of the property without the degree of variance, and in the interest of public safety. Circumstances of this situation are unique in topography. The essential character could negatively impact the neighborhood by backing out of the garage directly into the street with no driveway apron. Staff suggests the commission recommends denial or ask the applicant if he wants to table the application to consider the other options. He reminded them to keep in mind the potential safety situation.

**Commissioner Sedro**

The plan shows the garage only 11 feet from the septic tank.

**City Planner**

There is no set standard for distance separation between structures and septic systems – only wells.

**Eric Svendsen, Applicant**

He distributed snapshots of the site. One of the main concerns is safety. He handed out a braking and stopping distance chart. The speed limit on that road is 25 mph. That speed requires 85 feet to stop based on the chart. His mailboxes are actually over the blacktop. Page 3 shows his car (backing out of the site) is not at blacktop yet, and there is still good visibility. Page 4 shows a close-up of the same angle. The garage was there when he bought the parcel but one wall was falling down already. One wall collapsed. The last page shows what it looked like when it came down. Twenty feet of depth in the garage might be too little for a vehicle 18.5 feet long. Eight inch walls would make it a tight fit. His coupe is close to 18 feet long as well. He tried flipping the garage plan or going on an angle; those options did not seem to work either. If it is done, he would have to cut the retaining wall at the adjoining property line. He could shave some of the hill to see better up the street.

**Chairman Armstrong**

He thanked the applicant for the photos. Page 4 where Mr. Svendsen is standing by the rear excavation wall, and where the garage needs to be has what appears to be a steep angle.

**Eric Svendsen, Applicant**

Yes, page 5 shows the angle of the slope.

**Commissioner Sedro**

It looks like 11 feet between the existing excavation and the next contour line. Could you work with that?

**Eric Svendsen, Applicant**

Yes, but that would require an 11 foot retaining wall, and he would like a normal looking garage.

**Commissioner Deziel**

He thought that appeared to be a better solution too, especially with height allowances. Safety is his main concern. You definitely need a variance. Making the view better has everything to do with the safety issues. It would be better if the applicant could go back further with the garage.

**Commissioner Sedro**

With 11 feet, there is the possibility of a partial turn before entering the street.

**Eric Svendsen, Applicant**

11 feet would be hard to do; that would put him back behind the tree. Once you hit the dirt line it inclines dramatically.

**Commissioner Deziel**

There appears to be quite a bit of land on either side, especially toward the western side.

**Eric Svendsen, Applicant**

He could knock the corner out of that, and see a bit further.

**City Planner**

At what point are you out of the garage? You can't see until you are out of the garage.

**Eric Svendsen, Applicant**

The lower picture on page four is exactly where the garage was and would be. On page 2, the car never

moved, and he could see fairly well down that street. He has been parking in the street lately, and that is also a safety issue.

**OPENED THE PUBLIC HEARING AT 7:31 P.M.**

There was no public comment.

**CLOSED THE PUBLIC HEARING AT 7:32 P.M.**

**Chairman Armstrong**

It is not our job to design for the applicant. Obviously he has a hardship here. He would like to see an agreement on the safety issues. He asked the applicant if he would like to see it tabled.

**Commissioner Bunn**

She walks and bikes past the site at least once per week. She would be opposed to the suggestion of turning it sideways for several reasons. The photos support that the eastern view appears safe. On the west is the curve in the road. Her suggestion would be to push it in without cutting a larger swath into the hill to accommodate a sideways garage. The stopping distance chart is helpful. He can see people, whether they can see him or not is another question. She has never noticed speeders on that street. Visually, she'd like to leave it where it was, shave the hill, and mount a fisheye mirror where it could be seen from the driver's seat to further the view west.

**Commissioner Sedro**

She disagreed because she said what is crucial is where the front wall is located. There is no view at all until you are past it. She would like to see the garage pushed further back.

**Commissioner Ptacek**

From a safety perspective, the lower photo on page 2 where the car door is open is the western view.

**Eric Svendsen, Applicant**

Page 1 shows where you can see if I was in the road.

**Commissioner Ptacek**

A parallel side loading garage is the only way to accomplish this.

**Eric Svendsen, Applicant**

Page 3 at the bottom shows a Sprite soda bottle; that is approximately where the property line is. It won't solve much by turning the garage, it just pushes it further west, and then there is a twelve foot garage to see beyond. He would have to pull even further into the street. That does not solve safety. Picture 3 actually puts him further away from the road at that point then if he moved the garage further west. That locates the entry zone in a better place.

**Commissioner Berg**

There is a strong case for a variance. He recommended the applicant involve himself in Old Village Planning because these are suburban standards he must meet in what is an urban area.

**Commissioner Deziel**

Creating a new retaining wall to the east between the stairway and garage would give significant visibility for reasonable cost, along with the combination of dropping the garage back two-three feet. Conditions are there for a variance but he is not comfortable with the safety issues.

**Eric Svendsen, Applicant**

The sight distance to the east is at least 250 feet now. He would not gain much of anything.

**Commissioner Deziel**

We are concerned not only with your safety but drivers and future owners too.

**Eric Svendsen, Applicant**

His coupe and truck have the same height seats.

**Commissioner Deziel**

Many vehicles would be substantially different. A variance is for the property, not for an individual.

**Eric Svendsen, Applicant**

He is not sure how to get around that wall and that hill.

**Commissioner Bunn**

The problem is to the west; that bank still obstructs the view. The height of that bank is similar to that of the wall.

**Commissioner Ptacek**

There are two options, either table to reconsider the design or move a motion. This is only a recommending body, maybe the City Council will do the work.

M/S Ptacek/Sedro, To deny the variance application as presented.

**VOTE: 3 (Sedro, Helwig, Ptacek) :3 (Bunn, Berg, Armstrong) :1 (ABSTAIN: Deziel) FAILED.**

M/S Armstrong/Helwig, To refer this application to the City Council without recommendation other than that the applicant reconsiders his plan. **VOTE: 7:0 PASSED.**

**CAPITAL IMPROVEMENT PROGRAM, 2003 – 2007**

**Staff Report, City Planner, Charles Dillerud**

The City Planner introduced Finance Director, Abby Grenfell.

This CIP is different from any the Planning Commission has ever seen. Department heads submit the data. No effort was made by administration to subtract from what was proposed. All department heads were invited to attend this Hearing to explain their CIP proposals. The purpose of the Public Hearing is to invite the public to comment as well.

The City Planner presented the CIP section by section by function without going into individual projects. This is a five-year CIP, 2003 - 2007.

In financing sections of the CIP, there are no specific references to which funds will be used. The Finance Director's philosophy is to work in logical order – first getting done the General Fund Budget in order to know what funding we will have available for Capital Improvements. The Operating Budget is not complete yet but must be by November 25, 2002.

**PARKS**

These are projects proposed by the Parks Superintendent and the Parks Commission. Of significance in this group is the 20<sup>th</sup> Street Trail proposed this year, and an extraordinarily expensive project. The Park Commission has expressed the desire to begin this project in 2003 because of some safety concerns on 20<sup>th</sup> Street. There may be several funding sources for that trail. The City Planner is working with the Trails Sub-Committee to update the entire Trail System Plan. He is not enthusiastic about creating any trail before the whole plan is done. It could turn out this trail would not have the greatest priority.

**Commissioner Bunn**

She recalled that there might be a road project on 20<sup>th</sup> Street, and that there might be opportunity to build

this trail in conjunction with the new road in 2006. If there are significant cost savings, she would be in favor of waiting and creating both at the same time.

**Commissioner Berg**

He would like to have a page with definitions of terms. How does the Finance Director assign the costs by proposed funding sources?

**Finance Director**

She will look at expanding the section on funding sources.

**ENTERPRISE FUNDS**

*Water Enterprise Fund*

**City Planner**

In Municipal Budgeting, Enterprise Funds are separate profit centers that are established primarily for public utilities. We have been trying to build up these funds over the years for future plans. These funds are supposed to be self-sufficient. They are not supposed to tap the General Budget. The Finance Director is investigating these two.

The City Engineer recommends looping water mains.

**Commissioner Bunn**

The text says \$50,000, and the table says \$5,000 for water tower painting.

**Finance Director**

The cost is \$50,000, in \$5,000 installments. The whole thing is an investment over time.

*Sewer Enterprise Fund*

There are few sewers in the city but we have to be careful something does not wear out; so we have to budget for it. The 32<sup>nd</sup> Street system concerns our City Engineer. In four or five years we may have to add to the system just to handle what we already need. Maybe we should hire a consultant to look at all of our 201. The city may become the owner/operator of wetland treatment systems in the future.

**Commissioner Deziel**

32<sup>nd</sup> Street will cost \$50,000?

**City Planner**

That is to add to the system; on the lake side of the street. We have no design for it yet.

**PUBLIC WORKS STREET IMPROVEMENTS**

**City Planner**

Usually street overlays are being done project by project. This year we asked the City Engineer to look at all the older streets to see if we can create a Maintenance and Reconstruction Plan. We have some streets coming unglued pretty badly. Streets built in last four or five years are nine-ton streets, even on cul-de-sacs. That will save us money in the future. This CIP for streets would require bonding. There is some MSA money but not enough. There will be some income from assessments but we don't know how much. This is a logical 'wish list' from the City Engineer. Our Assessment Policy is currently under review.

**Commissioner Deziel**

On old roads, do we do a boring to determine constructed cross sections and sub-base?

**City Planner**

Yes, before we consider a reconstruction. We did that on Hill Trail. There is no sense doing an overlay on a street that is coming apart or was poorly constructed on inadequate sub-base.

**Commissioner Berg**

Washington County Transportation and Physical Development already did a cost analysis including MSA Funds related to a gas tax increase of one-cent. An increase in the gas tax will mean increased MSA funding for the city.

**EQUIPMENT**

There is a depreciable life for equipment that gets used. The telephone system in City Hall is beginning to reach end of its life. It was purchased in the 1980's. There have been no failures yet but we anticipate them soon. Computer networks are obsolete after two years. Our copy machine is truly a publishing machine, and it gets replaced every five years or so.

**Commissioner Berg**

When he calls City Hall, he sometimes gets a busy signal.

**City Planner**

The public didn't like automated answering. We try to provide quality service.

Parks Equipment has been included in the CIP every year. These things are not purchased automatically if an item is not worn out. In Public Works, virtually all of the equipment has been working its way down the CIP. One new item is the water line locator. We have the ability to find shutoffs but not to find the line that goes to the house. We now have more than 500 connections. TKDA was doing this for us now, and billing us for it.

**Commissioner Berg**

Public Works staff knocked on his door when the main broke, and asked where the line was. Could the public use it?

**City Planner**

He didn't think it would be available for public use. Also, staff is in the process of restructuring the water billing system.

**FIRE**

This CIP for the Fire Department includes the Civil Defense Sirens seen by the Maintenance Advisory Special Projects Commission. The City Council adopted your recommendation. Grass rigs were owned by surrounding departments. Now those areas don't have grass or grass rigs. We still have plenty of grass here, and less help from other departments. We have to keep the equipment current. We just bought a new used chief's vehicle after it was knocked out of last year's CIP.

**Commissioner Berg**

Can groups donate equipment? And if they do, can you spend that money elsewhere?

**City Planner**

The City Council is discussing it but generally the answer will be no. It might go into a fund but the departments won't have a prerogative to then spend that money as they choose. That would be a City Council decision.

**Commissioner Bunn**

If the Fire Department had washing equipment, their turn-out equipment would last longer. What would that cost, and why isn't it being pursued?

**City Planner**

The problem is not buying the washing equipment but where to install it. We are short of building space everywhere.

**PUBLIC BUILDINGS**

The Facilities Plan was accepted and adopted by the City Council. They are supposed to get a detailed study. They will then take that study to the Facilities Committee. Staff has left it blank for now.

**Commissioner Bunn**

Where does the money come from for the Old Village Streetscape?

**City Planner**

Those funds come to the city through tax abatement. That is the benefit of a development such as the Eagle Point Business Park in the tax abatement district.

**PUBLIC HEARING OPENED AT 8:29 P.M.**

There was no public comment.

**PUBLIC HEARING CLOSED AT 8:30 P.M.**

M/S ARMSTRONG /PTACEK, To recommend adoption of the CIP 2003-2007, and forward it to the City Council with commissioner comments. **VOTE: 7:0 PASSED.**

**OTHER BUSINESS**

Commissioner Berg brought in several large maps identifying natural resources in Washington County. He invited the public to come in to City Hall to look at the maps.

**COMPREHENSIVE PLAN**

**Staff Report, City Planner, Charles Dillerud**

The Metropolitan Council rejected our Comprehensive Plan on September 11. Our City Council adopted a resolution, and asked staff and the city attorney to provide names of attorneys. They interviewed three firms eight days ago. They hired Lindquist & Vennum, P.L.L.P., and Dick Nowlin will be the lead counsel. Henceforth these matters will be closed. He asked all commissioners and staff to temper any public comments regarding this matter.

**Commissioner Bunn**

Council Member Dunn said the Metropolitan Council's Marc Hugunin sent a letter to all local government officials. She asked the City Planner to summarize his comments or provide the commissioners with copies.

**City Planner**

It appeared to be similar to what we have seen Hugunin and Mondale write in the past.

**Commissioner Bunn**

She went to a Metropolitan Council Workshop in Woodbury. They were surprised Lake Elmo wasn't there.

**Commissioner Deziel**

Is there a time frame for administrative review?

**City Planner**

The appeal would be heard by an administrative law judge. The city has 60 days, and it expires before November 10. Law gets fuzzy but it says the appeal shall be heard in a 60 day period. Once there is a hearing and an administrative law judge renders a decision, it is then sent to the Metropolitan Council,

and they then make the final decision. If the final decision is not different or is unacceptable, then the next step is the Municipal Court of Appeals. Presumably the Metropolitan Council would have to abide by what is instructed.

**Chairman Armstrong**

This is all new ground. He has no doubt it will end up in Appellate Court.

**City Planner**

He senses that the Metropolitan Council is as concerned with how and where this will go as we are. They had a representative at our interview meeting.

**OLD VILLAGE SPECIAL PROJECTS**

**City Planner**

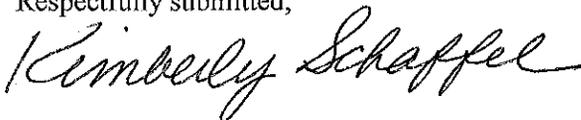
The Old Village Special Projects Subcommittee was appointed for the Old Village Forum process. They looked at the date structure; proposed notice for mailing, cable, and the web; and reviewed the PowerPoint presentation in detail. The subcommittee had a large number of modifications, most were necessary. They presented a rather lengthy list to Thorbeck to fix the presentation. He could fix it but it would be costly. The dollar amount exceeds the contract. The Planner asked the City Council last week how important is this to you to see it before the end of the year? They said it was really not as important to have it timely as to do it right. They said the City Planner should do the modifications. It was done primarily in PowerPoint, and he can do that. We still have a room reserved for November 12, which could be our first forum night. Oct 22 was cancelled.

**Commissioner Bunn**

The PowerPoint presentation was missing legends for maps, no titles and text pages without connection to graphics pages. The font size was unreadable and too small. Their changes would minimally make it more appropriate and adequate.

**ADJOURN AT 8:47 P.M.**

Respectfully submitted,



Kimberly Schaffel  
Recording Secretary

## Chuck Dillerud

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**From:** Abby Grenfell  
**Sent:** Monday, October 28, 2002 3:41 PM  
**To:** Chuck Dillerud  
**Cc:** Mary Kueffner  
**Subject:** Planning Commission Minutes

Chuck: I have reviewed the draft planning commission minutes from the CIP public hearing and the videotape. There are several comments that have been omitted from the draft minutes that I am requesting be included. Since these minutes will go to the City Council as comments regarding the CIP and its transmittal, I think it is important that they are included so the record is accurate and inclusive.

### Page 4

After "This CIP is different..." add "The Finance Director was instrumental in bringing the CIP to you this year, especially in format. It is very complete and very well done."

Change "Department heads submit the data." The content was proposed by the department heads".

Add "This is considered to be a comp plan amendment." After "The purpose of the Public Hearing is to invite the public to comment as well."

Add "other than in general terms" to the end of this sentence: In financing sections of the CIP, there are no specific references to which funds will be used."

Change "for Capital Improvements" to "to contribute to Capital Improvements"

Add the following to the end of paragraph 4 after November 25, 2002. "The transition between finance directors is difficult, especially during the budget preparation as we transitioned in July during the budget preparation.

Add to the end of the last paragraph on page 4: "The balance of projects have been seen in previous years. The Park Dedication fund is pretty well funded and we can do this CIP easily."

### Page 5

Second paragraph under Commissioner Berg. Start with "The Finance Director did a phenomenal job itemizing. It is nice and easy to understand."

At the end of his sentence change " ... proposed funding sources" to "... proposed funding sources by cost center."

Before Enterprise Funds add: "The City Planner directed the Recording Secretary to record commissioner comments accurately because it will be the basis of their recommendations to the City Council."

Change: "We have been trying to build up ..." to "We have been trying to build up these funds over the years for future plans. As we get development, it assumes a good part of the cost will be assumed by the developer, our portion in the CIP will pay for oversizing."

Change: "They are not supposed to tap the General Budget" to "They are not supposed to tap the General Levy. We have two factions for the water supply. A portion is served by public water out of the enterprise fund and another portion have private wells and septic systems. It is not a reasonable assumption that those with private systems should subsidize with ad valorem taxes to support City water. The Finance Director is working on a project to get a full analysis of our two enterprise funds."

Delete "The Finance Director is investigating these two."

Change "The City Engineer recommends looping water mains." To "The City Engineer and City Planner have looked at the water system issues with dead ending and have recommended improvements."

Add "We need to do some preventative improvements." after "There are few sewers in the city... so we have to budget for it."

Under Deziel comment change to: "Will the wetland treatment system for 32<sup>nd</sup> Street cost \$50,000?"

Change "Maybe we should hire a consultant..." to "Maybe we should have an independent firm..."

Under Public Works first paragraph. Change "This year we asked the City Engineer to look at all the older streets ...." To "This year we asked the City Engineer to look at the entire street system, especially those streets with years on them..."

#### Page 6

First paragraph change "Yes, before we consider a reconstruction" to "Yes, before we consider an overlay or reconstruction."

Under Berg's comments, change City to County.

Under Equipment, add this sentence first: "Capital Equipment is handled differently. Previously, through the MAC, there was a depreciation schedule. Equipment was scheduled to be replaced at that point but not always was. If it is in good shape, we keep using it."

Add: "We really ought to have direct lines because we are having problems running calls from one main line." After "The telephone system in City Hall is beginning to reach the end of its life."

Under Comm. Berg's comments, change to "Telephones are a priority. When he calls City Hall, he sometimes gets a busy and it doesn't happen in business today."

After the City Planner's "We try to provide quality service." add "With 4 lines coming in, it's active. We are a City offering services and it's hard with the system we have, and the answer is direct lines so people aren't answering phones for us. It will save us money."

Under City Planner change "He didn't think ... restructuring the water billing system." To "He doesn't know if it would be available for public use. Also, staff is in the process of restructuring the commercial water rates."

Under Comm. Bunn comments add: "The CIP didn't mention how many turnout gear in stock. Add: "and wouldn't need to replace as often" after "...would last longer"

#### Page 7

Add: "based on your recommendations" after "They are supposed to get a detailed study"

Under City Planner add: "Staff would suggest a motion that you have reviewed the CIP and move it on to the City Council with any commentary. You have asked the recording secretary to record it and pass it on to the City Council."

After motion and before other business, add: Chair Armstrong commented that the CIP was great, a nice document.

Abby Grenfell  
Finance Director, City of Lake Elmo  
(651) 777-5510