

# LAKE ELMO CITY COUNCIL MINUTES

MARCH 1, 2005

5:30 P.M. Interviews for Planning Commission Vacancies

1. AGENDA
2. MINUTES: February 15, 2005
3. PUBLIC INQUIRIES/INFORMATIONAL:
  - A. Public Inquirers
  - B. Public Informational:
    - (1) Water Ski Show: Joe Kiesling
    - (2) St. Croix Valley Family Center: Doris Karls
    - (3) Planning Commission Appointments
4. CONSENT AGENDA:
  - A. Resolution No. 2005-019: Approving Claims
5. FINANCE:
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
8. CITY ENGINEER'S REPORT:
  - A. Water Tower Storage Tank Design
  - B. Resolution No. 2005-020: Approve Plans and Authorize Advertisement for Bids, Water System Interconnect - Phase II - POSTPONED
9. PLANNING, LAND USE & ZONING:
  - A. Septic and Shoreland Setback Variance, 8784 Lake Jane Trail: Gibson
  - B. Comprehensive Plan Modifications (From February 28<sup>th</sup> Planning Commission Meeting)
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
  - A. Report of meeting with Jim Lugar, Washington County Park
12. CITY COUNCIL REPORTS:

Mayor Johnston called the council meeting to order at 7:00 p.m. in the council chambers.  
PRESENT: Johnston, Conlin, DeLapp, Johnson, Smith, City Engineer Prew, City Planner Dillerud, Finance Director Tom Bouthilet and Administrator Rafferty.

## 1. AGENDA

ADD: 11A. Regional Park Comprehensive Plan, 12. Council Reports: Discuss how public gets involved and how council talks to developers--procedures need to be developed.

M/S/P Johnson/Smith - to approve the March 1, 2005 City Council agenda, as amended. (Motion passed 5-0).

## 2. MINUTES: February 15, 2005

M/S/P Johnson/Conlin - to approve the February 15, 2005 City Council minutes, as amended. (Motion passed 5-0).

### **3. PUBLIC INQUIRIES/INFORMATIONAL:**

#### **A. Public Inquires**

Wyn John, Friends of the Library, reported that at the February 28<sup>th</sup> meeting of the Library Board, a motion to enter negotiations with the owner of the premises for leasing space at 3479 Lake Elmo Avenue was unanimously approved. The aim is to complete these negotiations by the next Library Board meeting on March 28. Library and County staff are gathering data on facility costs to convert the space to a suitable library location. When the upgrade costs are known, the Library Board Director is proposing to approach the City Council with a cost sharing request. As Secretary of the Friends of Lake Elmo Library, Wyn John asked that this request be treated sympathetically by the Council.

Paul Ryberg, Friends of the Library, reported they will host a book drive at 3585 Laverne Avenue N., from 6 to 8 p.m. until March 19<sup>th</sup>. Items that can be used by the library will be given to the library. A book sale will be held March 19, and leftover paperbacks will be sent to military troops on active duty around the world. A silent auction may be held. Mr. Ryberg asked if the Friends of the Library meetings can be televised.

#### **B. Public Informational:**

##### **(1) Water Ski Show: Joe Kiesling**

Joe Kiesling, Tri Lakes Association, requested Council approval of a Water Surface Use Permit for the Annual Water Ski Show on Lake Jane, August 13, 2005. Mr. Kiesling also requested a waiver for this event from the Water Surface Use Regulations, namely Section 1380.03, Subd. 2 Hours of Operation and Subd 5. Operation. The Tri-Lakes Association has secured the appropriate insurance coverage and the Sheriff's Department will sign off on the permit pending Council approval. The Fire Department will provide an emergency permit.

Attorney Filla advised that the Water Surface Use regulations of the municipal code would have to be amended in order for the City to grant a special permit to waive these regulations.

M/S/P DeLapp/Johnson -- to approve the permit request of Joe Kiesling, on behalf of the Tri-Lakes Association, to hold a Water Ski Show on Lake Jane, August 13, 2005, from 1-5 p.m. based on the submittal of the appropriate information and on past favorable requests. (Motion passed 5-0.)

M/S/P DeLapp/Johnson -- to direct staff to amend the city code to grant a temporary suspension of the rules for an event such as this Water Ski Show and to approve a "No Parking" permit to park from Jamaca Avenue to Jane Road North for this event based on past favorable requests. (Motion passed 5-0).

##### **(2) St. Croix Valley Area Community Family Center: Doris Karls**

Doris Karls and other representatives presented a proposal for a St. Croix Valley Area Community Family Center Concept Plan which would meet the educational, recreational

and wellness needs of families and individuals in the Greater Stillwater Area – serving the whole child, whole family, and whole community. Ms. Karls encouraged the city to have a person on the guidance team and would be requesting a small contribution for the project coordinator position.

**(3) Planning Commission Appointments**

The Council interviewed seven applicants for the Planning Commission starting at 5:30 p.m. At the February 15<sup>th</sup> meeting, the City Council appointed Todd Ptacek and Rod Sessing to the Planning Commission for 60 days. The city currently has two vacancies, First Alternate and Second Alternate.

M/S/P DeLapp/Johnson - to reappoint Todd Ptacek to a third term on the Planning Commission. He is vital as a representative south of 10<sup>th</sup> street and important to have a good planning representative that is active in the process of working on the within the Met Council's Memo of Understanding. (Motion passed 5-0.)

M/S/P Johnson/DeLapp - to appoint Deb Lyzenga, 21 Cimarron, as the First Alternate to the Planning Commission. (Motion passed 5-0.)

M/S/P Smith/Conlin – to appoint Julie Fliflet, 4577 Lily Avenue, as the Second Alternate to the Planning Commission. (Motion passed 4-1:Johnston).

**4. CONSENT AGENDA:**

**A. Resolution No. 2005-019: Approving Claims**

M/S/P Johnson/DeLapp - to adopt Resolution No. 2005-019, approving claim numbers 243, 244, DD350 through DD362, 26923 through 26954 which were used for staff payroll dated February 17<sup>th</sup>, 2005 and claims 26955 through 26998 in the total amount of \$337,401.25. (Motion passed 5-0).

**5. FINANCE:**

**6. NEW BUSINESS:**

**7. MAINTENANCE/PARK/FIRE/BUILDING:**

**8. CITY ENGINEER'S REPORT:**

**A. Water Tower Storage Tank Design**

The City Engineer reported that at the February 15<sup>th</sup> meeting, the Council requested him to review the tank location west from the public works site. The location would be approximately 800 feet west of the public works building. This location is as far west as it can be moved without placing it in the woods. Property owners, within a one-half mile radius of the location of the water tower, were invited to offer their input on the water tower design.

Ed Nielsen, a former Lake Elmo Parks commissioner, presented documentation from 1974 from three families who sold land to the city for park purposes only. He said that this is the only reason that these property owners signed the contracts. Other former parks

commission members, Dave Morgan and Susan Dunn, agreed with Mr. Nielsen, in that placing a water tower near Sunfish Park would be a degradation of one of the city's most popular parks.

Jim and Judy Blackford, who live near the land designated for a water tower, said he could not think of another regional example where a city water tower was placed in a public park in recent years. They emphasized there was a commitment made to the landowners to use this land for parks...it was a covenant all for parks. Mr. Blackford suggested Ideal Avenue which is high ground to build a tower.

Administrator Rafferty explained this tower is a vital component to a comprehensive water system overhaul that the city will be implementing over the next two years. The Council approved the early stages of the plan, which included the construction of a new 16-inch watermain that would supply the Tapestry subdivision with water. He said that the land at the entrance to the park is the specific property the city intended for the public works facility and the water tower. He added that land has been leased out by the city for commercial farming for a number of years and is not actually part of Sunfish Park.

Sue Dunn suggested that the city investigate whether it could partner with Washington County and place a maintenance building near the county's parks maintenance building in Lake Elmo Park Reserve.

Council member Smith noted the council has heard citizens saying you can't put a water tower in a park, but a suggestion was made to place it in the Regional Park. Everybody wants the water, but nobody wants the tower in their backyard.

In response to the suggestion of placing the public works facility on the Lake Jane Landfill property, the City Engineer responded using any property near the landfill would run the risk of methane gas contamination.

Mayor Johnston explained designs of the public works building and water tower were taken to the Public Works Council Committee. Commitments have been made because we are along in the process. Johnston said the city wasn't legally required to have a public hearing on this item. The Council invited property owners to this meeting for their input on water tower design. The staff needs to look at the issues raised and determine if there are any legitimate legal issues.

John Lalonde, his backyard backs up to Sunfish Lake Park, said he moved here six months ago, and he didn't understand why the city would think of placing a water tower and a maintenance building in a park.

M/S/P Johnson/Conlin – to table the water tower agenda item and direct the city attorney to investigate the information presented at the Council meeting for possible legal ramifications. (Motion passed 5-0.)

B. Resolution No. 2005-020: Approve Plans and Authorize Advertisement for Bids, Water System Interconnect – Phase II - POSTPONED  
M/S/P Smith/Johnston – to postpone this agenda item per the request of the City Engineer. (Motion passed 5-0).

## **9. PLANNING, LAND USE & ZONING:**

### **A. Septic and Shoreland Setback Variance, 8784 Lake Jane Trail: Gibson**

The City Planner reported that Bob Gibson, 8784 Lake Jane Trail, is requesting a variance to construct a new septic drainfield that encroached a total of 75 square feet into the OHW setback from Lake Jane. Since there are no other on-site options, the encroachment is minimal, and both the City Engineer and DNR recommend approval. The Planner advised at its February 28<sup>th</sup> meeting, the Planning Commission conducted a public hearing and recommended approval of the septic and shoreland setback variance.

M/S/P Johnson/Conlin - to direct staff to draft a resolution for approval of a septic and shoreland setback variance for Bob Gibson at 8784 Lake Jane Trail per the recommendation of the Planning Commission, City Engineer and the DNR. (Motion passed 5-0.)

### **B. Comprehensive Plan Modifications (From February 28<sup>th</sup> Planning Commission Meeting)**

The City Planner reported the Planning Commission will be completing their initial work on the Planning Policy modifications to the Comprehensive Plan that are responsive to the Met Council Memo of Understanding at its February 28<sup>th</sup> meeting. The Planner provided the latest draft, along with his cover memo to the Commission explaining the changes from the February 23<sup>rd</sup> draft. The Commission will address any additional guidance the Council may provide at the Commission's March 7<sup>th</sup> workshop, and then begin work on the Land Use Plan modifications responsive to the Policy.

Mayor Johnston provided his comments in written form and is made part of these minutes.

Council member DeLapp explained we have a Memo of Understanding with the Met Council and we can choose to do this. If we don't, with all the government changeovers, we would not have to put in 24,000 people. The City Planner responded this is a discussion for the land use section. Mayor Johnston noted it was naïve to say we would be better if we delay the project. Council member DeLapp asked what about the schools. Mayor Johnston said he talked to the 834 school district.

Council member Conlin asked to have the planner's draft in a soft copy form so the Council members could make changes/additions and then the planner could merge all the suggestions.

The Planner said he will integrate the Councils' comments and note who said what and where in his draft.

#### **10. CITY ATTORNEY'S REPORT:**

#### **11. CITY ADMINISTRATOR'S REPORT:**

The Administrator reported he met with Jim Lugar, Washington County Park, and found that the County has not updated its comprehensive plan in 25 years. The County is amenable to connect with our proposed trails. The County has requested two representatives to sit on this committee to work on the new comprehensive plan. Sue Dunn has expressed an interest to sit on this committee.

Council member Conlin said she would be interested and thought that Margaret Carlson would also have an interest. Administrator Rafferty will contact the Park Chair to find out if he or a parks member may be interested. Mayor Johnston suggested waiting until we find out who may be interested to serve on this committee and asked that this item be placed on the March 8<sup>th</sup> Council Committee meeting.

#### **12. CITY COUNCIL REPORTS:**

Council member DeLapp indicated he was contacted by a representative of the Lakewood Evangelical Free Church, who worked for 3M, to see if he could get him to vote for approval of the church proposed for Lake Elmo. He expressed his concern that this type of communication is happening more and more between Council members and potential developers since the Met Council's agreement.

Administrator Rafferty responded that he and Planner Dillerud have met with 3 or 4 developers and never had three council members because of the local meeting law. He said the proper contact is to hold meetings at City Hall.

Attorney Filla advised that the council could adopt a code of ethics to address these specific concerns of the Council. Attorney Filla will provide a sample of a code of ethics adopted by another city to be presented at the March 8<sup>th</sup> Council committee meeting.

Council member Liz Johnson reported her and Council member Smith received training on liability and management issues that dealt with the fire department. This will assist them in working with fire dept in the future.

Council member Smith thanked the Planning Commission applicants and congratulated the new appointees, Deb Lyzenga and Julie Fliflet.

Mayor Johnston volunteered to fill that role on the St. Croix community family center guidance team. This item and request for financial support will be added to the Public Health and Safety Council Committee meeting. Term.

Council adjourned the meeting at 10:13 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2005-019 Approve Claims

Resolution No. 2005-020 Approve septic and shoreland setback variance, Gibson, 8784  
Lake Jane Trail

DRAFT

Comprehensive Plan – Policy Draft  
Dean Johnston comments  
March 1, 2005

1. **Page 2 last half of URD section including PZ Commission discussion on implementation.**

The procedure which would leave zoning as is until sewer and water are in place and only then initiate a Comprehensive Plan amendment to initiate staging presents **SERIOUS** problems. This procedure would allow a two vote minority to obstruct a well stage, carefully planned growth process. I believe very strongly that this must be revised.

2. **I-94 Corridor planning policy – second line.**

Stonegate, The Forest, Midland Meadows, and *Cimarron* are all deserving of protection of their “rural character and living environment.” Further *Cimarron* deserves the ground rules for implementing Metro Sewer as the other neighborhoods.

3. **Page 6 – I-94 Freeway Corridor Planning Policy – paragraph 4**

Non-residential development for the employment corridor will be 320 Acres. (1300 REC units divided by 4 REC units per acre = 325 Acres) Eagle Point has not used its 100 REC units. The jobs corridor needs to be a specific area.

4. **Page 6 – I-94 Freeway Corridor Planning Policy – paragraph 1**  
2/3 is too high, 60% would be more reasonable.

5. **Page 6 – I-94 Freeway Corridor Planning Policy – paragraph 5 – last sentence.**

*A minimum of 3000 REC units* must be reserved for residential development south of Tenth Street and be subject to the Development Staging Plan.