

## NOTICE OF MEETING

The City of Lake Elmo Planning Commission  
and CITY COUNCIL will conduct a JOINT meeting on  
**Wednesday, May 30, 2012 at 7:00 p.m.**

## AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. May 7, 2012
4. Business Items
  - a. REVIEW OF COMMUNITY SEPTIC SYSTEMS. Tom Birkeland of EcoCheck will present an update concerning the community septic systems used within several of Lake Elmo's open space developments.
  - b. SSTS UPDATE – WASHINGTON COUNTY. The Washington County Department of Public Health and Environment will present and update on activities regarding subsurface sewage treatment systems (SSTS).
  - c. COMPREHENSIVE PLANNING WORK GROUP UPDATE. The Planning Department will present an update concerning the progress of the Village Planning Area and I-94 Corridor Work Groups.
5. Updates
  - a. City Council Updates.
    - i. May 15, 2012 – Affirmed hiring of City Planner; Approved Oakdale Gun Club CUP amendment; Approved Christ Lutheran Church septic system variance.
  - b. Staff Updates
    - i. MnDOT Community Roadside Landscaping Partnership Program Plantings - June 2, 2012 at 9:00 a.m. (VOLUNTEERS NEEDED)
    - ii. Upcoming Meetings:
      1. May 29, 2012 – City Council Workshop: Work Group Update
      2. June 11, 2012 – Planning Commission
  - c. Commission Concerns
6. Adjourn



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of May 7, 2012**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

**COMMISSIONERS PRESENT:** Bloyer, Ziertman, Hall, Williams, Pelletier, Fliflet;  
**COMMISSIONERS ABSENT:** Haggard, Obermueller;  
**STAFF PRESENT:** Planning Director Klatt

**Approve Agenda.** Williams asked that the first two agenda items be switched.  
M/S/P: Hall/Ziertman move to approve the agenda as presented. Vote 5:0.

**Elect Vice Chair**

Ziertman, nominate Fliflet; Pelletier 2<sup>nd</sup>

Close nominations, Williams declared Fliflet as vice chairman

**Minutes – None**

**Public Hearing – *Christ Lutheran Church Septic System Variance***

Klatt presented a staff report concerning a request from Christ Lutheran Church to install three holding tanks with a capacity of 1,500 gallons for more than 12 months, at 11194 36<sup>th</sup> Street North. He noted that the Washington County Development Code allows holder tanks for no longer than 12 months.

Bloyer asked if it is typical for property owners to waive their rights to appeal assessments and to submit copies of their septic pumping records.

Hall asked if the City could require the property owner to connect in a certain amount of time once sewer was available.

Bloyer questioned if there would be is a sunset provision to the sewer hook-up requirement.

Williams asked how often the system is currently being pumped.

Jim Lohmann, Christ Lutheran Church, stated that the Church wishes sewer was already hooked up. He noted that one of the current systems is 70 years old and the other is 40 years old. With new construction, the church is not sure that these systems would continue working. He indicated that the church wants to comply with new rules and wants to make sure that they are in compliance in the future.

Lohmann stated that although the church does want to connect to sewer, they are hesitant to waive all rights concerning future assessments.



Lohmann indicated that Pinky's current pumps the present system every six months and that they will continue this relationship. He noted that the proposed management plan for the new system shows that the tanks would need to be pumped on average every 20 to 30 days.

Williams questioned the size of the current tanks and if the pump on the east side of the facility is sealed. Lohmann replied that both current tanks are around 1,000 gallons, but that the church is not certain of their size or design.

Williams noted that there would be a significant increase in pumping traffic going from every six months to 20-30 day.

Williams opened the public hearing at 7:41 p.m.

David Faint, 3617 Laverne Avenue, stated that he is against installation of the tanks and the proposed remodel project. He stated that he has addressed the Planning Commission in January and expressed concern with ability of septic system to accommodate the addition. He explained that he is concerned with the proposed pumping, but is also concerned with church giving up its right to contest tax assessments later on.

Williams closed the public hearing at 7:47 p.m.

Pelletier questioned when people are required to hook-up to sanitary sewer. Klatt responded that under state law, proper owners are required to connect to sanitary sewer within two years of such service being made available, but that there are different ways to consider availability.

Fliflet stated that she believes surrounding property owners and the City would want non-compliant systems to be brought into compliance before problems start to occur.

Bloyer made a motion, which was seconded by Hall, to recommend approval of the variance request based on the staff findings, but not including the drafted conditions of approval. Bloyer commented that he is uneasy requiring the church to waive its property rights and that it does not make sense for them to submit extra copies of pumping reports to the City.

M/S/P: Williams/Fliflet to amend the motion to include a condition that the applicant enter into an agreement with the City to connect to sewer within six months of availability and without language regarding assessments.

***Original motion with amendment passed 6:0.***

#### **Public Hearing – Oakdale Gun Club CUP Amendment**

Klatt present an overview of a request by the Oakdale Gun Club, 10386 North 10<sup>th</sup> Street, to amend its Conditional Use Permit to allow for the construction of cementitious sidewalls and overhead baffling on several of the existing gun ranges within the facility. The changes to the property are requested in order to improve safety and reduce noise throughout the property



Pelletier asked about resident concerns since 2008 and if anything has changed since then or have these previous concerns continued to be an issue.

Hall questioned the origin of recommendations for providing drainage openings to minimize disruption and whether or not the Valley Branch Watershed District would be able to say yes or no to that recommendation.

Bloyer asked if the project will be held up if Valley Branch Watershed District decides to require a permit.

Fliflet asked if the new structures would be buffered visually.

Rusty Williams of Black and Dew, representing the Oakdale Gun Club, stated that the Club is moving ahead with the proposed improvements in order to be proactive at complying with state requirements coming within the next two years. He noted that all outdoor gun ranges will have to go through this process, which will require sound and ballistic shielding from above.

Williams stated that the walls will be block or poured concrete, and that the Club would have no problem putting drain holes in the walls for rain water to move through the site. He further explained that the project would not require a watershed district permit and that police department training has been eliminated from this site to reduce additional noise.

Williams noted that the construction drawings show that the wall distance from the ground to the top of baffle is 12 feet.

Williams opened the public hearing at 8:34 p.m.

Jackie McNamara, 10321 10<sup>th</sup> Street North, stated that she lives directly across the street from gun club. She discussed that she owns 79 acres immediately across from the Gun Club, and that they are currently running their business from the property. She indicated that there are many trees on the north side of 10<sup>th</sup> Street, but that the facility's busiest times are in the fall and winter when the trees are bare. McNamara also indicated that since the entrance driveway was moved several years ago, there is significant more noise coming from the site.

McNamara expressed concern with the height of the proposed structures and that these will be even more visible than the present ones. She also noted her concern with the past history of the site and stated that she would like to see a recommendation that the noise level be reduced or at least held the same.

Fliflet asked if McNamara has noticed a decrease in level of activity or noise since the elimination of the police department training . McNamara stated that she had not.

Bloyer questioned she was more concerned with the visual of the site or the noise. McNamara stated that the visual issue is referenced in the City Council CUP agreement, and that the current





recommendations provide no specific point that indicates the Gun Club improvements will maintain or reduce noise level.

Richard/Jackie McNamara- 10321 10<sup>th</sup> St. N;

Richard McNamara, 10321 10<sup>th</sup> Street North, stated that he is not complaining about CUP amendment, but that he would like to see the health safety issue studied and is asking for help to reduce noise.

Williams closed the public hearing at 8:44 p.m.

Fliflet questioned if the proposed structures are meant to decrease sound. Rusty Williams replied that this is one of the primary purposed for the walls and overhead baffling.

Loren Barber, a Lake Elmo resident, stated that he is an active member of Gun Club and that the Club has taken sound measurements within past three to four years that document they are in compliance with state regulations. Barber also noted that there is a series of flexible, solid plastic sheets that provide a sound barrier between the existing structures and entrances to these structures. Barber noted that he is not aware of any automatic weapons usage by the police department.

Pelletier expressed concern with visibility from 10<sup>th</sup> Street and that the Commission was not provided with any pictures of how the 12 feet cement barricades will look. She suggested additional screening with conifers to minimize the off-site visibility of the structures.

Pelletier made a motion, which was seconded by Ziertman, to recommend approval of the proposed CUP amendment with the conditions listed in staff report, but also with a condition to add screening of conifers in the general vicinity of the previous driveway of sufficient capacity to provide additional screening and sound buffering and to be reviewed and approved by the Planning Director and City Forester.

Bloyer expressed concern with additional government impositions and that he would like something more explicit with regards to the conditions.

Williams asked for a friendly amendment to the motion, which was accepted, to include screening within the southeast corner of the as part of the additional condition.

***Original motion with amendment passed 5:1***

#### **Council Updates**

Klatt explained that the City Council discussed the potential for form an economic development authority at its May 1, 2012 meeting.

#### **Staff Updates**



Klatt stated that the MnDOT community roadside landscaping partnership program planting event will be conducted on June 2, 2012, and that volunteers are still being sought to help plant the trees and vegetation.

**Commission Concerns**

None

**Adjournment**

The meeting was adjourned at 9:06 p.m.

Respectfully submitted,

Kyle Klatt  
Planning Director

