



MAYOR AND COUNCIL COMMUNICATION

DATE: 6/21/16

Consent

ITEM #: 16

MOTION

AGENDA ITEM: Vue Exception to allow accessory structure closer to front lot line than principal structure.

SUBMITTED BY: Stephen Wensman, Planning Director

REVIEWED BY: Kristina Handt, City Administrator
Emily Becker, City Planner

BACKGROUND:

Mae Vue and Jeerasak Poophakumpanart, the owner of a 40 acre parcel at 2675 Legion Avenue, are requesting an exemption from the requirement that accessory structures be located no closer to the front lot line than the principal structure. The City of Lake Elmo Code, Section 154.406, D. prohibits accessory structures from being located closer to the front lot line than the principal structure unless by Resolution of City Council, an exception is granted. The owners are requesting such an exemption.

This item was pulled from the 5/17/16 Consent Agenda so Staff could provide additional information to the Council. Staff has again placed this item on the Consent Agenda and is recommending approval.

ISSUE BEFORE COUNCIL:

Approve Resolution 2016-43 to grant an exemption to allow an accessory structures to be located closer to the front lot line than the principal structure.

PROPOSAL DETAILS/ANALYSIS:

The owners of 2675 Legion Avenue, recently constructed a home on the northwest corner of their property, more or less on the high point of the property. Access to their property is from a long driveway that extends over an unbuilt Legion Avenue right of way, to the south of the property. The City Council recently granted an encroachment to the Legion Avenue right of way for their driveway in order to allow the construction of the driveway on the Legion Avenue right of way, providing access to the property. Although the property access is to the south, the front property line is along the Legion Avenue easement on the west side of the property. This unbuilt Legion Avenue easement is 41.48 foot wide, at present, too narrow to construct a street without additional right of way from the property to the west. There are no plans to construct an extension of Legion Avenue, nor are there any public utilities planned for the easement at this time. The owners would like to locate an accessory structure to the south and west of their home, closer to the front property line than the principal structure. The new accessory structure would be located 25' from the Legion Avenue easement. The home is located 68.4 feet from Legion Avenue easement (the front property line).

FISCAL IMPACT:

None

OPTIONS:

To deny or approve.

RECOMMENDATION:

Staff recommends the City Council approve Resolution 2016-43 approving an exemption to allow an accessory structure closer to the front property line than the principal structure. If this item is removed from the Consent Agenda, Staff recommends the following motion:

“Move to recommend approval of Resolution 2016-43 approving an exemption to allow an accessory structure closer to the front property line than the principal structure at 2675 Legion Avenue”.

ATTACHMENT:

- Resolution 2016-43

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION NO. 2016-43

*A RESOLUTION APPROVING AN EXEMPTION FROM CODE SECTION 154.406, D TO
ALLOW AN ACCESSORY STRUCTURE CLOSER TO FRONT PROPERTY LINE THAN
PRINCIPAL STRUCTURE.*

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, the owners of a residential property at 2675 Legion Avenue, Mae Vue and Jeerasak Poophakumpanart would like to construct an accessory structure to be located closer to the front property line than the principal structure; and

WHEREAS, the City of Lake Elmo Code of Ordinances, Section 154.406, D prohibits accessory structures closer to front property lines than the principal structure unless an exemption is granted by City Council resolution; and

WHEREAS, the City Council considered the said matter at its May 17, 2016 meeting; and

NOW, THEREFORE, based on the information received, the City Council makes the following:

FINDINGS

1. The proposed accessory structure will comply with the City's accessory structure ordinances and zoning district regulations, with the exception as approved by this Resolution.
2. The proposed accessory structure location has been reviewed by the City Staff and the City Engineer and the location appears to poses no threat, nor impact any City project or plans.
3. The proposed accessory structure will pose no threat to the health, safety and welfare of the public.

BE IT RESOLVED THAT the City Council does hereby approve the exemption from the front property setback, complying with Section 154.406, D of the City of Lake Emo's Code of Ordinances.

This resolution was adopted by the City Council of the City of Lake Elmo on this 17th day of May, 2016.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk



MAYOR AND COUNCIL COMMUNICATION

DATE: 6/21/16

CONSENT

ITEM #: 17

AGENDA ITEM: Comprehensive Plan Text Amendment to Rural Single Family Land Use Designation

SUBMITTED BY: Stephen Wensman, Planning Director

THROUGH: Kristina Handt, City Administrator

REVIEWED BY: Emily Becker, City Planner

BACKGROUND:

On April 19, 2016, the Lake Elmo City Council approved a Comprehensive Plan Text Amendment to the City's Wastewater Facilities Plan by adding three properties to the Village MUSA. The Metropolitan Council, upon reviewing the amendment, requested that the Rural Single Family land use designation be amended to be in compliance with areas guided for sewer. The Comprehensive Land Use Plan designation is defined as being served by private on-site well and septic systems. The proposed new definition will allow for municipal sanitary sewer where the City Council deems it practical. This amendment will allow for municipal sanitary sewer without changing the guided density. Presently, there are two areas where properties guided for Rural Single Family are within a MUSA area; the Old Village and in the Tri-Lakes area near Oakdale.

ISSUE BEFORE COUNCIL:

The Council is respectfully being asked to consider a Comprehensive Plan Text Amendment to the Rural Single Family land use definition to allow municipal sanitary sewer where deemed practical by the City Council.

PROPOSAL DETAILS/ANALYSIS:

The current Rural Single Family planned land use category definition reads:

RURAL SINGLE FAMILY – This category defines a large portion of the City that was historically platted for conventional subdivision prior to 2005, but has been and will continue to be serviced by private on-site well and septic systems. Limited locations within this classification are allowed to have two-family dwellings based on zoning. [Corresponding Zoning District(s): R-1, R-2]

The category as defined is served by private on-site well and septic systems. In addition, the definition references zoning districts that are no longer in existence. The corresponding zoning district is RS - Rural Single Family. The proposed definition will allow on-site well and septic systems, unless the City Council considers connection to the sanitary sewer where practical. The corresponding zoning district is

RS - Rural Single Family. The proposed Rural Single Family planned land use category reads (inserted text is underlined):

RURAL SINGLE FAMILY – This category defines a large portion of the City that was historically platted for conventional subdivision prior to 2005, but has been and will continue to be serviced by private on-site well and septic systems unless within a Metropolitan Urban Service Area (MUSA). If within a MUSA, the City Council may consider connection to the sanitary sewer system where practical. Limited locations within this classification are allowed to have two-family dwellings based on zoning. [Corresponding Zoning District(s): RS – Rural Single Family]

This proposed amendment has been reviewed by the Metropolitan Council Staff and will require formal Metropolitan Council approval.

PUBLIC HEARING:

A public hearing on the Comprehensive Plan Text Amendment was held on June 13, 2016. Nobody from the public spoke for or against the amendment. During the Planning Commission discussion, Commissioner Dunn opposed the amendment, stating that residents should have a choice whether or not to connect to municipal sanitary sewer. The Planning Commission recommended approval of the Amendment.

FISCAL IMPACT:

None.

OPTIONS:

The City Council should consider whether the amended land use category definition is acceptable or not.

RECOMMENDATION:

Staff and the Planning Commission respectfully request, as part of tonight's consent agenda, that the City Council approve the Comprehensive Plan Text Amendment amending the Rural Single Family land use category definition to allow connection to municipal sanitary sewer where the City Council deems it practical by consent. Comprehensive Plan Text Amendments require a 4/5 affirmative vote of the City Council.

If removed from the Consent Agenda, the recommended action can be completed through the following motion:

“Move to approve Resolution 2016-50 Amending the City of Lake Elmo Comprehensive Land Use Plan land use designation for Rural Single Family to allow connection to municipal sanitary sewer where deemed practical by the Lake Elmo City Council.”

ATTACHMENTS:

- 1) Resolution 2016-50
- 2) Planning Commission Report
- 3) June 13, 2016 Planning Commission Minutes

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION NO. 2016- 50

*A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF LAKE ELMO
COMPREHENSIVE LAND USE PLAN RURAL SINGLE FAMILY LAND USE CATEGORY
DEFINITION TO ALLOW CONNECTION TO MUNICIPAL SANITARY SEWER WHERE
DEEMED PRACTICAL BY THE CITY COUNCIL.*

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, The City of Lake Elmo has established a Comprehensive Plan that provides compilation of background data, policy statements, standards, and maps, which help to guide the future physical, social, and economic development of the City; and

WHEREAS, The City Council has approved the Old Village Phase 2 Street and Utility Improvement Project which will extend municipal sanitary sewer to some properties within the Old Village MUSA ; and

WHEREAS, the City has approved projects to connect properties within the Tri-Lakes Sewer Service Area to sanitary sewer;

WHEREAS, many of the properties within these areas have the land use designation of Rural Single Family in the City of Lake Elmo Comprehensive Plan; and

WHEREAS, the Rural Single Family land use definition states these properties have been and will continue to be serviced by private on-site well and septic systems; and

WHEREAS, the Rural Single Family land use definition should be amended to allow for municipal sanitary sewer connection consistent with the City's practice; and

NOW, THEREFORE, based on the testimony elicited and the information received, the City makes the following:

Findings

1. The text amendment will not impact lot density or any other standards for the affected properties.
2. The Metropolitan Council has administratively reviewed the text amendment has appeared to have no objection and had waived adjacent jurisdictional review.
3. The expansion of the MUSA is consistent with improving the health, safety and welfare of the City of Lake Elmo residents.

4. The text amendment will remove an inconsistency between the MUSA designation and Land Use category definition in the City's Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that based on the foregoing, the Lake Elmo City Council does hereby approve the Lake Elmo Comprehensive Plan Text Amendment to allow connection to municipal sanitary sewer where deemed practical by the City Council, subject to and contingent upon the following:

1. The Metropolitan Council's approval of the Comprehensive Plan Text Amendment.

This resolution was adopted by the City Council of the City of Lake Elmo on this 21 day of June, 2016.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk



PLANNING COMMISSION
DATE: 6/13/16
AGENDA ITEM: 4D – PUBLIC HEARING
CASE # 2016-19

ITEM: Comprehensive Plan Text Amendment to Rural Single Family Land Use Designation

SUBMITTED BY: Stephen Wensman, Planning Director

REVIEWED BY: Emily Becker, City Planner
Lisa Barajas, Metropolitan Council

SUMMARY AND ACTION REQUESTED:

The Planning Commission is requested to review a Comprehensive Plan Text Amendment to bring the planned official land use plan category, Rural Single Family, into compliance with the Comprehensive Plan's Wastewater Facilities Plan as recently amended. Staff is recommending the Planning Commission recommend approval of the Comprehensive Plan Text Amendment.

GENERAL INFORMATION

Applicant: City of Lake Elmo

Location: Areas guided as Rural Single Family

Request: A Comprehensive Plan Text Amendment to bring the planned official land use plan category, Rural Single Family, into compliance with the Comprehensive Plan's Wastewater Facilities Plan as recently amended.

History: On 4/19/16, the City Council approved an amendment to the Village MUSA to add three properties. The Metropolitan Council requested that the Rural Single Family land use designation be amended to be in compliance with areas guided for sewer.

REQUEST DETAILS:

The Lake Elmo City Council, on April 19, 2016, approved a Comprehensive Plan Text Amendment to the City's Wastewater Facilities Plan by adding three properties to the Village MUSA. The Metropolitan Council, upon reviewing the amendment, requested that the Rural Single Family land use designation be amended to be in compliance with areas guided for sewer. Presently, there are two areas where properties guided for Rural Single Family are within a MUSA area; the Old Village and in the Tri-Lakes area near Oakdale.

The current Rural Single Family planned land use category reads:

RURAL SINGLE FAMILY – This category defines a large portion of the City that was historically platted for conventional subdivision prior to 2005, but has been and will continue to be serviced by private on-site well and septic systems. Limited locations within this classification are allowed to have two-family dwellings based on zoning. [Corresponding Zoning District(s): R-1, R-2]

The category as defined is served by private on-site well and septic systems. In addition, the definition references zoning districts that are no longer in existence. The corresponding zoning district is RS - Rural Single Family. The proposed definition will allow on-site well and septic systems, unless the City Council considers connection to the sanitary sewer practicable. The corresponding zoning district is RS - Rural Single Family. The proposed Rural Single Family planned land use category reads (inserted text is underlined):

RURAL SINGLE FAMILY – This category defines a large portion of the City that was historically platted for conventional subdivision prior to 2005, but has been and will continue to be serviced by private on-site well and septic systems unless within a Metropolitan Urban Service Area (MUSA). If within a MUSA, the City Council may consider connection to the sanitary sewer system where practical. Limited locations within this classification are allowed to have two-family dwellings based on zoning. [Corresponding Zoning District(s): RS – Rural Single Family]

ANALYSIS:

The RS-Zoning District as defined in City Code Section 154.400, D. reads:

RS Rural Single Family District. The RS District is established for lands that have already been platted as conventional residential subdivisions prior to the 2005 adoption of the Comprehensive Land Use Plan. This district provides an environment of predominantly single-family detached dwellings on moderately sized lots in areas that have typically not been provided with public sanitary sewer services.

Staff believes the definition of RS - Rural Single Family suggests on-site septic systems, but does not preclude them from connecting to public sewer. No change to the RS Rural Single Family definition is needed and the proposed Comprehensive Plan Text Amendment will bring the Land Use Plan in compliance with the Wastewater Facilities Plan without changing existing densities, setbacks, etc.

DRAFT FINDINGS:

The City Code does not require specific findings for comprehensive plan amendments, however, Staff is suggesting the following findings in support of the amendment:

1. The comprehensive plan text amendment will bring the Lake Elmo Comprehensive Land Use Plan into conformity with the Comprehensive Wastewater Facilities Plan.
2. The comprehensive plan text amendment will not affect underlying density or zoning code regulations.

- 3. The Metropolitan Council has administratively reviewed the amendment, has no objection, and had waived adjacent jurisdictional review.

RECOMMENDATION:

Staff is recommending the Planning Commission recommend approval of the Comprehensive Plan Text Amendment with the following motion:

“Move to recommend the City Council approve the comprehensive plan text amendment to amend the planned land use category in the Comprehensive Land Use Plan to read:

RURAL SINGLE FAMILY – This category defines a large portion of the City that was historically platted for conventional subdivision prior to 2005, but has been and will continue to be serviced by private on-site well and septic systems unless within a Metropolitan Urban Service Area (MUSA). If within a MUSA, the City Council may consider connection to the sanitary sewer system where practical. Limited locations within this classification are allowed to have two-family dwellings based on zoning. [Corresponding Zoning District(s): RS – Rural Single Family]

ATTACHMENTS:

- None

ORDER OF BUSINESS:

- IntroductionPlanning Staff
- Report by StaffPlanning Staff
- Questions from the Commission Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission..... Chair & Commission Members



**City of Lake Elmo
Planning Commission Meeting
Minutes of June 13, 2016**

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

COMMISSIONERS PRESENT: Dunn, Fields, Larson, Griffin, Dodson, and Williams.

COMMISSIONERS ABSENT: Haggard, Kreimer, & Lundquist

STAFF PRESENT: Planning Director Wensman & City Planner Becker

Approve Agenda:

Agenda is approved as presented.

Approve Minutes: June 23, 2016

M/S/P:Dunn/Fields, move to approve the June 23, 2016 minutes as amended, **Vote: 4-0, motion carried with Griffin and Dodson not voting.**

Public Hearing – Easement Vacation 8574 Eagle Point circle

Becker started her presentation regarding the easements related to Auto Owners water mains and hydrants. The city moved the location of the water mains and hydrants, so new easements were recorded. Auto Owners is requesting the old easements be vacated.

Public hearing opened at 7:07 pm

No one spoke

There was written comment from Machine Shed, but once the application was explained to them, they were fine with the item.

Public hearing closed at 7:08 pm

Dunn stated it was straight forward and she has no issue with it.

M/S/P: Dunn/Griffin, move to recommend approval of the request to vacate the easement as outlined in Exhibit B-2/2138129 Water Main Easement as recorded, **Vote: 6-0, motion carried unanimously.**

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Public Hearing – Zoning Text Amendment – To amend the fencing regulations to allow administrative approval of encroachment agreements.

Becker stated that the current code the way it is written requires any easement encroachment agreement be approved by the City Council. This change would allow for those agreements to be approved administratively by staff. The current process is time consuming for staff as well as the resident and delays the issuing of the permit. The fee for this agreement is \$150.00, making a fence permit \$225.00. In the future, we might be able to reduce the fee with the reduced staff time.

Dunn is wondering why this was added in 2011 and how often this happens. Becker stated that it has happened quite a bit since she has been here. The new developments all have the utility easements located on the properties.

Larson asked what happens if there is conflicting rules between the City and the HOA. Becker stated that this change doesn't in effect change any of the rules other than who is allowed to make the approval. Wensman stated that the City does not regulate HOA covenants between property owners.

Public hearing opened at 7:20 pm

No one spoke and there was no written comments received.

Public hearing closed at 7:21 pm

M/S/: Fields/Dunn, would like to add a sentence at the end of the suggested motion to read that the fee be reduced to \$50 when the city Council considers the fee schedule.

M/S/P: Williams/Dunn, would like to make an amendment to the motion that the fee not be specified, but only that it be reduced. **Vote: 6-0, motion carried unanimously.**

Original motion as amended to add "that the fee be reduced when the City Council considers the fee schedule", **Vote: 6-0, motion carried unanimously.**

M/S/P: Dodson/Griffin, move to recommend approval of an ordinance to amend Chapter 154: Zoning Code; Section 205: Fencing Regulation; Subp. (D) (6) to allow approval of a fence easement encroachment agreement by the Planning Director or his/her designee after review and approval and furthermore recommends that the fee be reduced when the City Council considers the fee schedule, **Vote: 6-0, motion carried unanimously.**

Public Hearing – Zoning Text Amendment – To amend the accessory Structure Regulations

Becker stated that staff is bringing forward 3 suggested changes to the accessory structure ordinance. The first is to exempt fish houses to the requirement that a primary structure not be required prior to a fish house being located on the lot. The second is removing the portion of the code that allows an accessory structure to be located closer to the front lot line by resolution. Staff would like this removed because it is essentially granting a variance without the requirement to go through the variance process. The third change is to change the size of a tool shed from a maximum of 160 square feet to 200 square feet and move that to the exempted section with one being allowed on a residential lot.

Dodson is wondering why a fishhouse would be any different than something like a camper trailer. Wensman stated that the concern was that there would be storage on vacant lots if there are not specific standards.

Williams was wondering if the tool shed size is calculated into the overall size of accessory structure. Becker stated that no it would not be included for size or number.

Dodson thinks it might be beneficial to have the 120 square feet in the definition. Becker stated that there are fish houses that are larger. The size limit only applies if there is no primary structure.

Public hearing opened at 7:47 pm

No one spoke and there was no written comments received.

Public hearing closed at 7:48 pm

Williams is not in favor of exempting the tool shed from size and number in all districts and thinks it should adhere to the limitations of the district. Wensman stated that if that is the direction the Planning Commission wants to go, there should be some language added in the old "F" and would specify one.

M/S/P: Williams/Fields, move to change the wording of the definition for storage or tool sheds to be: Storage or Tool sheds: One storage or tool shed as defined in this section may be placed on any lot in addition to the permitted number of accessory buildings, provided it complies with the maximum area requirements of the zoning district, providing a principal structure exists on the lot. **Vote: 6-0, motion carried unanimously.**

Williams is wondering about separate lots of record owned by the person who lives next door. This might open up the door for someone to have a fishhouse on both lots.

Becker stated as it is written, that could happen. Williams is uncomfortable with this possibility because it could create a lot of clutter for the neighbors.

Dodson thinks that this seems like a really small problem and that there is not a lot of lots this would pertain to. Dodson wants the 3 proposals to be separate motions.

Williams would like to separate out the fishhouse portion and know how many parcels this would apply to.

M/S/P: Dodson/Williams, Move to recommend approval of Ordinance 08- the exception to 154.406, subd D, and the definition of “storage or tool shed” as amended, **Vote: 6-0, motion carried unanimously.**

Becker stated that there is roughly 50 parcels that are adjacent to the lake and could potentially put a fishhouse on the lot without a primary structure. Fields is comfortable with the language written as this is not a permanent structure.

M/S/P: Williams/Dodson, move to recommend the following finding of fact that there is some concern that if every one of these lots had a fishhouse, it may lead to complaints by the neighbors. **Vote: 6-0, motion carried unanimously.**

M/S/P: Dunn/Griffin, Move to recommend approval of the accessory structure ordinance as it pertains to fishhouses as amended, **Vote: 6-0, motion carried unanimously.**

Public Hearing – Comprehensive Plan Text Amendment to allow connection to sanitary sewer in Rural Single Family zoning where practical.

Wensman stated that the Met Council suggested that we amend the definition of the rural single family definition in the Comprehensive Plan so that it would allow connections to sanitary sewer where reasonable.

Dodson would like it to also read to municipal water where practical. Wensman stated that we are really just talking about areas in the MUSA and the water system extends outside the MUSA.

Williams is wondering about the term practical. Wensman stated that it was what was suggested by Lisa Barajas at the Met Council. Williams asked what if the resident did not want to connect. Wensman stated that the connection would be determined by the City Council.

Dunn would like the “when practical” changed to “when requested”, which gives the resident much more control. Wensman stated that the MUSA dictates where the sewer can go, but this basically allows for Rural Single Family to connect.

Public hearing opened at 8:34 pm

No one spoke and there was no written comments received.

Public hearing closed at 8:35 pm

Dunn would like to see the option of sewer or private septic. She doesn't think that they should be forced to connect to sewer. Wensman stated that the comprehensive Plan is not in compliance with the projects that we are doing. If we don't do this amendment, the land use designation would need to be changed.

M/S/P: Fields/Dodson, Move to recommend the City Council approve the comprehensive plan text amendment to amend the planned land use category in the Comprehensive Land Use Plan to read as written, **Vote: 5-1, motion carried. Dunn voted no because she feels it is important that people have an option regarding connection.**

Business Item – Zoning Text Amendment to discuss the VMX Zoning Text .

Wensman began his presentation by showing the areas that are zoned as general business, but guided as VMX in the Comprehensive Plan. To bring the zoning into compliance with the Comprehensive Plan, Wensman would like to see these properties rezoned. Wensman believes by rezoning, it would actually eliminate some non conformities. The area that would change the most, would be in the Northern area by 39th Street. Wensman stated that this was intended to bring the district more in conformance than it is now and should be done as a district vs. one at a time. If there are things about the district that the Commission does not like, then changes should be made to the district.

Dunn feels that the premise is based on the Village Master Plan. Where is the master plan? Wensman stated that the plan was based on transfer of density and he is not sure what happened to that plan. Dunn did a rough calculation on what could be done if the maximum densities were used. With her calculation, there is potential for upwards of 3000 people. She feels it is quite intense without a lot of restrictions. She would like to see more work done on the reductions for the comprehensive plan and possibly look at form based code. She thinks we should take our time and do this right.

Dunn pointed out some of the differences between GB and VMX. She feels one of the biggest differences is the impervious surface coverage maximum goes from 40% based on acreage in GB to 75% in VMX.

Fields is confused because if the comprehensive plan is guided the way we want it, the rezoning should happen. If we are considering if the guiding is correct, then it should not be rezoned, but should be discussed what the guiding should be.

Larson thinks that what brings the guiding for VMX into question is that the density of this area is in transition. Larson understands the feeling of discomfort as this zone is less restrictive. There are still a lot of questions that make it uncomfortable for people to buy into this zone.

Williams thinks it would be good to ask the City Council if past projections of population in this area are still valid.

Dodson is wondering how big a project form based code is. Wensman stated that it is something that takes some technical skill to do and it would need to be contracted out.

Williams thinks it would help facilitate the vision, but would not be necessary to do the rezone.

M/:Dunn/, Move to recommend not rezoning the parcels to VMX until the City Council can review the target numbers and there is a form based code, **motion dies for lack of second.**

M/S/P: Williams/Dunn, Move to ask the City Council to give the Planning Commission guidance on updated population and development projections for the areas guided for VMX in the Old Village, **Vote: 6-0, motion carried unanimously.**

Fields would like to know what the driving force was for the VMX. If it was to bring more people to the downtown to make it more vibrant, or if it was to meet the Met Council mandates for housing population. Williams recollection was that it was for both of those reasons in addition to form based code to make it a more picturesque downtown and to incorporate business and residential in the same building, which general business does not do.

M/S/P: Williams/Dodson, Move to ask the City Council to approve funds for a consultant to work on a form based code for the downtown Old Village, **Vote: 6-0, motion carried unanimously.**

Fields would like any information that he could get on form based code. Williams believes that the City has a couple of videos on this topic.

Staff Updates

1. Upcoming Meetings
 - a. June 27, 2016
 - b. July 11, 2016

Commission Concerns

Dunn asked about the AUAR. Wensman stated that the City is overdue for the update and it is in the City Engineers hands right now.

Meeting adjourned at 9:28 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant

DRAFT



MAYOR & COUNCIL COMMUNICATION

DATE: June 21, 2015
CONSENT
ITEM #18

AGENDA ITEM: Section 34 Water System Pressure Surge Investigation – Approve Authorization No. 7 for TKDA.

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Kristina Handt, City Administrator

REVIEWED BY: Cathy Bendel, Finance Director
Mike Bouthilet, Public Works
Chad Isakson, Assistant City Engineer

SUGGESTED ORDER OF BUSINESS *if removed from the Consent Agenda*:

- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate.....Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

POLICY RECOMMENDER: Engineering.

FISCAL IMPACT: \$16,500 to be funded through the Section 34 Water & Sewer Utility Extension project fund which has been fully assessed against the benefitting properties.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to approve an Authorization with TKDA to complete the Section 34 Water System Pressure Surge Investigation.

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

The City water system is experiencing periodic pressure surges in the Savona development in the transitional area between the high pressure zone (on top of the hill) and the low pressure zone (townhome units along Keats Avenue at the bottom of the hill). Each time a hydrant or valve is manipulated within this region the water system creates a surge causing pressures up to 150 PSI in some homes, exceeding the rated pressure limits for private plumbing fixtures. Engineering

and Public Works have met on several occasions to discuss and troubleshoot the issues and causes and have concluded that a detailed investigation will be needed to identify all potential sources for the pressure surges and to make recommendations (valve settings, operating procedures, valve manipulation training etc.) to mitigate and manage the surges going forward.

In particular, the investigation will need to include pressure monitoring over an extended time period and over various operating conditions and locations (tank levels, pumps on/off, varying water use periods, etc.) to gain a better understanding of the issues. To monitor pressures engineering and public works are proposing to purchase three pressure logger devices at a cost of \$500 each. Rather than rent them for this study it is believed that these devices will be useful to the water operating staff as the water system continues to expand.

RECOMMENDATION:

Staff is recommending that the City Council approve, *as part of the consent agenda*, the Section 34 Water System Pressure Surge Investigation, Authorization No. 7 for TKDA. The recommended motion for the action is as follows:

“Move to approve the Section 34 Water System Pressure Surge Investigation, Authorization No. 7 for TKDA in an amount not to exceed \$16,500.”

ATTACHMENT(S):

1. TKDA Authorization No. 7.

In accordance with GENERAL AGREEMENT between the City of Lake Elmo (“CITY”) and TKDA, Inc. (“ENGINEER”), dated **FEBRUARY 8, 1988** (“AGREEMENT”), the ENGINEER agrees to provide Professional Engineering Support Services as follows:

SECTION 34 WATER PRESSURE INVESTIGATION

PROJECT OVERVIEW: The Project includes Engineering Services for the Section 34 Water Pressure Investigation as detailed within this Authorization. The investigation includes identification of the source of the water pressure surging issues experienced in Lake Elmo’s intermediate pressure zone in the Section 34 area together corrective recommendations and best practices for ongoing operations.

SERVICES TO BE PROVIDED BY ENGINEER: TKDA, Inc. shall provide the following Professional Engineering Services:

1. Perform a desktop review of infrastructure in place including irrigation valves, piping, pressure reduction valve stations, and any additional information requested by TKDA.
2. Complete a field investigation including but not limited to data collection of the existing system pressure, hydrant/valve operations, and review of the existing pressure reduction valve settings.
3. Prepare a Technical Memorandum detailing the investigation procedures, preliminary findings and an engineering opinion on the source(s) of the pressure surging issue, and provide written recommendations for Best management practices and procedures for future operation of the system.
4. Purchase the pressure logger devices (3) for the investigation. Provide the City the pressure loggers after completion of the analysis and invoice the cost of the devices as a part of this authorization.

CITY RESPONSIBILITIES: The city (or its consultants) will provide the following:

1. Provide data and information requested by TKDA.
2. Field work coordination when operation of hydrants/valves or access to pressure reduction stations are requested.

TIMES FOR RENDERING SERVICES: ENGINEER shall perform its services and provide deliverables in a timely manner.

CITY'S REPRESENTATIVE AND CONTRACT ADMINISTRATION: The CITY's representative with respect to services rendered by ENGINEER under this AUTHORIZATION shall be the Assistant City Engineer. Project correspondence must be addressed to:

Chad Isakson, P.E., Assistant City Engineer
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042
651.300.4283
Email: Chad.Isakson@FOCUSengineeringinc.com

COMPENSATION: Compensation to the ENGINEER for the Professional Services for the Section 34 Water Pressure Investigation shall be on an hourly rate basis in a not to exceed amount of **\$15,000** plus an expense reimbursement for 3 pressure logger devices in the estimated amount of **\$1,500**. Invoices shall be submitted once each month and should be sent to the attention of the Assistant City Engineer.

ADDITIONAL SERVICES: If authorized by the City, ENGINEER shall furnish or obtain from others Additional Services which are not considered under this Authorization. Such services shall be compensated for on an Hourly Rate basis in an amount approved by the City prior to any services being started or as otherwise mutually agreed. The City is not obligated to compensate ENGINEER for services completed outside the approved scope of work which are completed prior to ENGINEER submitting a written request to the City, and receiving written approval of the City.

APPROVAL AND ACCEPTANCE: Approval and Acceptance of this Authorization, including the attachment(s) listed above, shall incorporate this document as part of the AGREEMENT. ENGINEER is authorized to begin performance of services upon receipt of a copy of this Authorization signed by CITY.

The Effective Date of this Task Order is **June 21, 2016**.

TKDA, INC.

CITY OF LAKE ELMO, MINNESOTA

By _____

By _____

(Authorized Principal of the Firm)

City Administrator



MAYOR AND COUNCIL COMMUNICATION

DATE: 6/21/16

CONSENT

ITEM #: 19

AGENDA ITEM: Hazardous Building Order, 8004 50th St-Adopt Resolution

SUBMITTED BY: Mike Bent, Building Official

THROUGH: Mike Bent, Building Official

REVIEWED BY: Kristina Handt, City Administrator

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve Resolution No. 2016-48 and the Hazardous Building Abatement Order for the property at 8004 50th Street N. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

STAFF REPORT: The property located at 8004 50th Street N has received multiple complaints from nearby neighbors. The property has been inspected and found to be in disrepair, unsecure, and a public nuisance per city ordinance and state statute. The Abatement Order (Exhibit A) and the resolution have been prepared by the city attorney based on the information gathered during the investigation of this case.

RECOMMENDATION: Based on the aforementioned, the staff recommends the City Council approve Resolution No. 2016-48 ordering the Abatement of the property listed.

ATTACHMENTS:

1. Resolution No. 2016-48
2. Exhibit A – Abatement Order
3. Photos of the Property

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION NO. 2016-48

*A RESOLUTION ORDERING THE ABATEMENT OF CONDITIONS CREATING A NUISANCE
AND A HAZARDOUS PROPERTY EXISTING AT 8004 50th STREET NORTH, IN THE CITY OF
LAKE ELMO*

WHEREAS, the property located at 8004 50th Street North, legally described as:

Lots Thirty-eight (38), Thirty-nine (39), Forty (40), Forty-one (41), Forty-two (42), Fifty-seven (57), Fifty-eight (58), Fifty-nine (59), Sixty (60), and Sixty-one (61), LANE'S DEMONTREVILLE COUNTRY CLUB, as surveyed and platted and now on file and of record in the office of the Registrar of Titles of Washington County, Minnesota

contains a single family dwelling (the "Subject Property"); and

WHEREAS, a physical inspection by the City Building Official of the Subject Property on May 12, 2016 found that the foundation has caved in and no longer supports the structure, siding, windows, soffits and fascia are rotting and have mold and water damage, there is exposed high voltage electrical wiring, and there are broken windows and doors; and

WHEREAS, by notice dated May 16, 2016, the owner was ordered by the City of Lake Elmo to repair these items; and

WHEREAS, the owner did not complete the repairs as required by the notice; and

WHEREAS, the City Building Official has determined that failing foundation, the exposed high voltage electrical wiring, the rotting windows, siding, soffits and fascia, and the broken windows and doors are a violation of Section 96.03(B)(10) of the City Code and create hazardous and nuisance conditions and that the City must perform all work necessary in order to abate the hazardous and nuisance conditions on the Subject Property unless the owner performs all work set out in the attached order; and

WHEREAS, Marysville LLC, the owner of the Subject Property has taken no steps to abate the hazardous conditions; and

WHEREAS, Minnesota Statutes Section 463.161 authorizes the governing body of any city or town to order the owners of any hazardous building within the municipality to correct or remove the hazardous condition; and

WHEREAS, Minnesota Statutes Section 463.15, subdivision 3 defines a "hazardous building" as "any building..., which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition or abandonment, constitutes a fire hazard or a hazard to public safety or health;" and

WHEREAS, Minnesota Statutes Section 463.161 et seq. authorizes a city to correct or remove a hazardous condition of any hazardous building if the owner of record fails to do so after a reasonable time and the district court enters a judgment sustaining the city's order; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo as follows:

1. The house and garage located on the Subject Property, specifically the foundation, siding, soffits, fascia, exterior doors and windows, are hazardous as defined by Minnesota Statutes Section 463.15.
2. The house and garage also constitute a public nuisance within the meaning of Minnesota Statutes Section 609.74 and Section 96.03(B)(10) of the Lake Elmo City Code.
3. An Abatement Order substantially similar to that attached hereto as Exhibit A shall be served upon all parties with an interest in the Subject Property in order to effectuate this Resolution.
4. The City Attorney is authorized to take all necessary legal steps to secure compliance with the Order and to obtain authority to remove and abate the hazardous conditions on the Subject Property by court order or consent and assess the costs thereof against the Subject Property.

Passed and duly adopted this 21st day of June, 2016, by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

EXHIBIT A

Abatement Order

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF WASHINGTON

TENTH JUDICIAL DISTRICT

Case Type: Other Civil

In the Matter of the Hazardous
Building Located at 8004 50th Street N,
Lake Elmo, Minnesota

**ORDER FOR ABATEMENT OF
A HAZARDOUS BUILDING**

TO: All owners, occupants, and all lienholders of record.

The City Council of the City of Lake Elmo orders that within 20 days of service of this Order that you abate the hazardous conditions which exist on the property located at: 8004 50th Street North, in the City of Lake Elmo, which property is legally described as:

Lots Thirty-eight (38), Thirty-nine (39), Forty (40), Forty-one (41), Forty-two (42), Fifty-seven (57), Fifty-eight (58), Fifty-nine (59), Sixty (60), and Sixty-one (61), LANE'S DEMONTREVILLE COUNTRY CLUB, as surveyed and platted and now on file and of record in the office of the Registrar of Titles of Washington County, Minnesota.

The City of Lake Elmo, pursuant to Minnesota Statutes Sections 463.15 to 463.261, finds that the building located at the above-referenced property, specifically the failing foundation, the exposed high voltage electrical wiring, the rotting windows, siding, soffits and fascia, and the broken windows and doors constitutes a hazardous building within the meaning of Minnesota Statutes Section 463.15, subdivision 3.

The City of Lake Elmo, pursuant to Minnesota Statutes Sections 145A.05, subdivision 9, 561.01 and 609.74 and based on the authorization of Section 96.03(B)(10) of the City Code, finds that the property located at the above-referenced address constitutes a "public nuisance"

within the meaning of Minnesota Statutes Section 609.74 and Section 96.03(B)(10) of the City Code.

Pursuant to the above-referenced statutes and ordinance, it is hereby ORDERED that you abate the hazardous property conditions within 20 days of the date of service of this Order by either removing the building or repairing the property by completing the following:

1. Repair the foundation along the west end of the north wall of the house. It has caved in and no longer supports the structure above, posing a significant structural hazard. The foundation blocks that have caved in have created open access to the structure and the foundation area;
2. Secure and repair or replace the front door (it is delaminating and is not weather tight);
3. Repair all siding that has pulled away from the house under the front windows and repair the water damage and remove the mold that is present in these areas;
4. Repair the multiple holes in the siding along the south and west sides of the house and the east side of the garage;
5. Repair the rotting siding panels on the north wall of the house along the west end;
6. Replace the broken window on the east side of the house that has been boarded over;
7. Remove exposed high voltage electrical wiring that is located at the broken exterior light in the gable area of the east side of the house and repair the broken exterior light;
8. Replace the high voltage electrical outlet on the east side of the exterior of the garage with an outlet that is weather protected and GFCI protected;

9. Repair or replace the broken and split overhead garage door;
10. Repair or replace broken and delaminated garage service door that is not weather tight;
11. Replace rotted fascia boards located along the roof line on the south side of the house;
12. Repair or replace the rotted siding and structural members at the rear of the house at the bump out (they are rotted through and the structural integrity of the wall and roof is compromised, causing bowing in the roof and open access inside the house);
13. Repair or replace the rotted soffit and fascia at the rear of the house at the bump out (it is rotted and is falling away from the structure);
14. Repair or replace the west side of the bump out of the house (it is rotted and has separated from the rest of the structure);
15. Remove all mold that is present on the west side of the bump out of the house and the north side of the house on the exterior;
16. Paint the north wall of the house along the west end; and
17. Repair all windows of the house (they are all rotting and not weather tight).

You must apply for and obtain the appropriate permit(s) for the work you intend to perform from the appropriate City offices before abating the hazardous conditions. This Order is not a permit.

You are further advised that unless such corrective action is taken or an Answer is served on the City and filed with the Washington County District Court Administrator within 20 days of

the date of service of this Order upon you, a motion for summary enforcement of this Order will be made to the Washington County District Court.

You are further advised that if you do not comply with this Order and the City is compelled to take any corrective action, all necessary costs incurred by the City in taking the corrective action will be assessed against the property pursuant to Minnesota Statutes Section 463.21. In connection thereto, the City intends to recover all its expenses incurred in carrying out this Order, including specifically but not exclusively, filing fees, service fees, publication fees, attorneys' fees, appraisers' fees, witness fees, including expert witness fees and traveling expenses incurred by the City from the time this Order was originally made pursuant to Minnesota Statutes Section 463.22.

Dated: June __, 2016.

KENNEDY & GRAVEN, CHARTERED

By: _____
Sarah J. Sonsalla (#0313464)
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402
(612) 337-9300

**ATTORNEYS FOR THE
CITY OF LAKE ELMO**

Hazardous Building Complaint Location 8004 50th Street N

















MAYOR AND COUNCIL COMMUNICATION

DATE: 6/21/16

CONSENT

ITEM #: 20

AGENDA ITEM: Nuisance Abatement Order, 8139 38th St-Adopt Resolution

SUBMITTED BY: Mike Bent, Building Official

THROUGH: Mike Bent, Building Official

REVIEWED BY: Kristina Handt, City Administrator

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve Resolution No. 2016-49 ordering the abatement of conditions creating a public nuisance at 8139 38th Street N. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

STAFF REPORT: The property located at 8139 38th Street N has received multiple complaints from nearby neighbors. The property has been inspected and found excessive accumulation and piles of household garbage and rubbish located in multiple areas around the property creating a public nuisance per city ordinance and state statute. The Abatement Order Resolution has been prepared by the city attorney based on the information gathered during the investigation of this case.

RECOMMENDATION: Based on the aforementioned, the staff recommends the City Council approve Resolution No. 2016-49 ordering the Abatement of the property listed.

ATTACHMENTS:

1. Resolution No. 2016-49
2. Photos of the Property

**CITY OF LAKE ELMO
WASHINGTON COUNTY
MINNESOTA**

RESOLUTION NO. 2016-49

*A RESOLUTION ORDERING THE ABATEMENT OF CONDITIONS
CREATING A NUISANCE EXISTING ON THE PROPERTY LOCATED
AT 8139 38th STREET NORTH IN THE CITY OF LAKE ELMO*

WHEREAS, the property located at 8139 38th Street North contains a single family dwelling (the “Subject Property”); and

WHEREAS, the City Council received several complaints that there are large accumulations of junk and debris located in the yard of the Subject Property; and

WHEREAS, Section 96.07 of the City Code states that it is unlawful to store or accumulate any refuse, garbage, or rubbish on private property, unless such accumulation is in a container permitted, and the contents disposed of, under other provisions of the City Code; and

WHEREAS, by notice dated May 13, 2016, Wells Fargo, N.A., the owner of the Subject Property was ordered by the City to abate the nuisance conditions on the Subject Property within 10 days; and

WHEREAS, the owner has not abated the nuisance conditions; and

WHEREAS, pursuant to Section 96.11 of the City Code, the City Council may by majority vote order the abatement of a nuisance on any premises in violation of Chapter 96 of the City Code;

WHEREAS, the City Council is to issue a written notice to the owner, lessee, or occupant or any person having care or control of the property to abate the nuisance; and

WHEREAS, the City Council has determined that nuisance conditions do exist on the Subject Property in violation of the City Code; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo as follows:

1. The City Council hereby finds that there are nuisance conditions on the Subject Property that meet the definition of nuisance conditions set forth in Section 96.04 of the City Code.
2. The conditions on the Subject Property also constitute a public nuisance within the meaning of Minnesota Statutes Section 609.74 and City Code Section 96.03.

3. The City Attorney shall prepare an Order to Abate the Nuisance substantially similar to that attached hereto as Exhibit A.
4. The City Attorney is authorized to take all necessary legal steps to effectuate service of the Notice of Hearing on Order to Abate Nuisance in the manner required by Section 96.11 of the City Code.
5. If the nuisance is not abated within five days of the delivery of the notice required herein, the Building Official shall cause the nuisance to be abated. The Building Official is authorized to take all necessary steps to abate the nuisance. If the City is required to abate the nuisance, it shall recover all costs incurred as a result of the abatement as outlined in Section 96.12 of the City Code.

Passed and duly adopted this 21st day of June, 2016, by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

EXHIBIT A

Order to Abate Nuisance

TO: All owners, lessees, occupants and persons having control or care of the property described herein.

The City Council of the City of Lake Elmo hereby notifies you upon inspection that it has found large accumulations of junk and debris in the yard of the property located at: 8138 38th Street North, in the City of Lake Elmo, County of Washington, State of Minnesota which property is legally described as:

Lot 22, Bordners-Garner Farnettes, Lake Elmo, Minnesota

The City Council hereby orders that the nuisance be abated within five days of the date of delivery of this Order as required by Section 96.11 of the City Code. Failure to abate the nuisance within five days may result in the City taking action to abate the nuisance in accordance with Sections 96.11 and 96.12 of the City Code.

If the City is compelled to abate the nuisance, all necessary costs incurred by the City in undertaking the abatement will be sought in a civil action or assessed against the property pursuant to Section 96.12 of the City Code.

Dated: June __, 2016.

KENNEDY & GRAVEN, CHARTERED

By: _____

Sarah J. Sonsalla (#0313464)
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402
(612) 337-9300

**ATTORNEYS FOR THE
CITY OF LAKE ELMO**

Property Complaint location 8139 38th Street N















MAYOR & COUNCIL COMMUNICATION

DATE: June 21, 2016
CONSENT
ITEM #21
MOTION

AGENDA ITEM: Authorize RFP for Information Technology Services

SUBMITTED BY: Cathy Bendel, Finance Director

THROUGH: Cathy Bendel, Finance Director

REVIEWED BY: Kristina Handt, City Administrator

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation.....City Administrator
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Finance

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve issuance of an RFP seeking quotes for comparable Information Technology services from vendors other than the City of Roseville (already have their quote for 2017 services). No specific motion is needed as this is recommended to be part of the *Consent Agenda*.

BACKGROUND INFORMATION: The City of Lake Elmo recently received the projected 2017 budgeted costs for Information Services to be provided by the City of Roseville. The quoted rate increase was an increase of 25% over 2016. As shown in the attachment, the cumulative rate increase since 2012 is 216%.

RECOMMENDATION: Staff brought this suggestion to the City Finance Committee on June 14th and it was unanimously agreed to recommend to the City Council that an RFP should be issued to obtain quotes for comparable services from other vendors.

ATTACHMENT:

1. Recap of Roseville historical costs



MAYOR AND COUNCIL COMMUNICATION

DATE: 06/21/2016

CONSENT

ITEM: #22

AGENDA ITEM: Amend 2017 Budget Schedule

SUBMITTED BY: Cathy Bendel, Finance Director

REVIEWED BY: Kristina Handt, City Administrator

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council was asked in May to accept the proposed 2017 budget key dates for planning purposes. This item is being brought back to the City Council due to the July Finance Committee meeting needing to be rescheduled due to two members being unavailable on July 12th. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

STAFF REPORT: Below are key dates to note for the 2017 budget preparation calendar:

5/12/16, 6/14/16, 6/20/16 – 5 year proposed CIP plan under review by the Finance Committee

7/19/16 – Proposed 2017 budgets (all funds) to be presented to the Finance Committee at Joint meeting with CC. Finance Committee meeting scheduled from 5:00 – 7:00 pm (prior to CC meeting)

8/10/16 – Finance Committee meeting; 5:00 – 6:30 (2nd Budget workshop if needed)

9/6/16 – Proposed budget to City Council for adoption for preliminary certification of the General Fund Budget to the County

9/30/16 – Preliminary Certification due to Washington County

12/6/16 – Final Budget and Levy determination (Public Hearing); also referred to as “TNT hearing”

12/28/16 – Final Levy Certification due to Washington County

RECOMMENDATION: Based on the aforementioned, the staff recommends the City Council accept the proposed amended schedule related to the 2017 Budget process.

City of Lake Elmo
Roseville IT Costs
6/14/16 FC Agenda item C

	<u>MIS</u>	<u>Annual Change</u>	<u>Telephone (1)</u>	<u>Annual Change</u>	<u>Total Shared Svcs</u>
2012	19,825		0		19,825
2013	32,570	64.29%	4,583	100.00%	37,153
2014	31,627	-2.90%	4,509	-1.61%	36,136
2015	35,417	11.98%	4,399	-2.44%	39,816
2016	49,995	41.16%	5,945	35.14%	55,940
2017	62,740	25.49%	5,723	-3.73%	68,463
5 year increase		216.47%		100.00%	

(1) The City had it's own phone system until a power outage in the summer of 2012
Roseville was able to do an emergency fix for the City



MAYOR AND COUNCIL COMMUNICATION

DATE: June 21, 2016

CONSENT

ITEM #: 23

MOTION

AGENDA ITEM: Requests from Finance Related to Old Village Downtown Improvement Project

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

At the June 14th Finance Committee meeting, staff mentioned there were a number of ways to influence the financial impact to property owners effected by the Old Village Downtown Improvement Project. These included lowering the assessments and fees, deferring costs over a period of years through special assessments or the Met Council deferral program, city financing contractor costs related to individual hook ups on a project basis rather than individual property owners, and lowering the interest rate to name a few. The committee made a recommendation regarding connection and SAC charges (see later agenda item) but other items were put off to another meeting.

ISSUE BEFORE COUNCIL:

Should the Council direct the Finance Director and Finance Committee to provide recommendations within 45 days regarding the financial options related to the Old Village Downtown Improvement Project?

PROPOSAL DETAILS/ANALYSIS:

Mayor Pearson and Council member Bloyer would like a recommendation from the Finance Director in conjunction with the Finance Committee regarding all the possible ways to reduce the financial impact to property owners downtown.

Some specific items they'd like discussed and a recommendation made on include:

- 1) commercial properties in the village are to be assessed their street / landscaping improvements at the residential equivalency rate of 30%, yet are not to be lower than any residential property within phase 1&2 (IE: 30% v 100%).
- 2) city allows carrying the debt for private internal sanitary sewer hookup costs to an amount not to exceed 5k
- 3) for those transitioning to city sewer, a lowered interest rate shall be provided for aggregate city assessments totaling higher than 14k
- 4) consideration of a universally lowered assessment amount, in anticipation of future growth for the phase 1 and 2 properties. I.E. existing properties are subsidizing future growth potential. Existing assessment policy takes little if any consideration of future hook ups for the phase 1 and 2 projects.
- 5) with regards to phase 1 and 2, for those properties being charged 3 or more RECs, prior to any assessments being levied, a cost benefit appraisal is to be performed in order to ascertain a more exacting incremental value increase for those properties. That appraisal shall be the actual assessed amount.

FISCAL IMPACT:

NA-will be determined with recommendations

OPTIONS:

- 1) Request a summary of all recommendations within 45 days from the finance director in conjunction with the finance committee related to the Old Village Downtown Improvement Project
- 2) Don't request this information from finance

RECOMMENDATION:

If removed from the consent agenda:

Motion to request a summary of all recommendations within 45 days from the finance director in conjunction with the finance committee related to the Old Village Downtown Improvement Project.



MAYOR AND COUNCIL COMMUNICATION

DATE: June 21, 2016

CONSENT

ITEM #:

MOTION

AGENDA ITEM: Amending Wastewater Treatment Systems Ordinance to Extend Time for Connection

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

Current City Code 51.022 (A) requires a building to connect to municipal sewer within one year from the time a connection is available to the building.

Met Council Rules allow for 24 months for the connection to happen from the time a connection is available.

ISSUE BEFORE COUNCIL:

Should the Council amend City Code to be consistent with Met Council Rules and allow 24 months for a building to connect to municipal sewer from the time a connection is available?

PROPOSAL DETAILS/ANALYSIS:

The proposal would simple change the connection time from 1 year to 2 years.

FISCAL IMPACT:

This change would impact the sewer fund balance by possibly delaying the \$1,000 connection fee by an additional year. Net result over time would have no impact.

OPTIONS:

- 1) Approve Ordinance No. 08-139
- 2) Amend and then Approve Ordinance No. 08-139
- 3) Do not adopt Ordinance No. 08-139

RECOMMENDATION:

Motion to adopt Ordinance No. 08-139

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-139

AN ORDINANCE AMENDING CHAPTER 51: WASTEWATER TREATMENT SYSTEMS

The City Council of the City of Lake Elmo hereby ordains that Chapter 51, Section 51.022 (A) is hereby amended to read as follows:

51.022 CONNECTIONS WITH SEWER REQUIRED.

(A) Any building used for human habitation or in which a toilet or other plumbing facility for the disposal of human waste is installed and located on property adjacent to a sewer main, or in a platted block through which the system extends, shall be connected to the municipal sanitary sewer system within ~~1 year~~ 2 years from the date on which a connection is available to the building.

Effective Date

This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

Adoption Date

This Ordinance No. 08-139 was adopted on this 21st day of May, 2016 by a vote of ____ Ayes and ____ Nays.

Mayor Mike Pearson

ATTEST:

Julie Johnson
City Clerk

This Ordinance No. 08-139 was published on the ____ day of ____, 2016.