

Lakeland Shores City Council Meeting
October 3, 2019, 6:30 p.m.
Lake St. Croix Beach City Hall



1) Regular Council Meeting

- Call to Order
- Roll Call
- Pledge of Allegiance
- Adopt Agenda

2) Consent Agenda (Items may be pulled for discussion and/or separate action)

- A) Approve Monthly Claims
- B) September 5, 2019 City Council Meeting Minutes
- C) Resolution No. 2019-09, Variance to Allow for Home Addition and Deck at 333 Quixote Avenue North

3) Public Comments

4) Unfinished and New Business

- A) Consideration Of WCHS Financial Grant
- B) Consideration of Fire Department Condemnation of Building
- C) Consideration of City Treasurer Appointment

5) Council and Staff Reports

- A) Staff Updates
 - i. City Clerk

- B) Mayor and Council Reports
 - i. Council Member Kopesky
 - ii. Council Member Schroeder
 - iii. Council Member Wilson (Council and Fire Department)
 - iv. Council Member Bischoff
 - v. Mayor Zeller

6) Adjourn

**City of Lakeland Shores
Disbursement Detail - Claims to be Approved
September 1 through September 30, 2019**

Checks Numbered		Description	Amount	
From	To			
EFT	4089	4092	AT & T, EFTPS, MN PERA, Xcel Energy	\$ 269.79
Payroll	6612	6615	Council Payroll August 2019	\$ 654.84
Vendor Checks	6616	6624	Vender Check Payments**	\$ 5,945.97
Total Claims to Be Approved			\$ 6,870.60	

**Attached Copy of Invoice for check listed below:

Check	6623	S.E.H. Engineering Services - August 2019	Check Amounts
			\$ 3,254.65

Prepared by Judy Tetzlaff, Treasurer

Fund Name: All Funds

Date Range: 09/01/2019 To 09/30/2019

Date	Vendor	Check #	Description	Void	Account Name	F-A-O-P	Total
09/30/2019	Cowboys N Clowns	6618	City Clerk Services - September 2019	N	Clerk	100-41425-310-	\$ 1,000.00
Total For Check							6618
09/30/2019	Kelly & Lemmons, PA	6619	Strmt#51583 Legal Services - Aug	N	City Attorney	100-41611-405-	\$ 98.00
Total For Check							6619
09/30/2019	League of Minnesota Cities	6620	Inv# 298262 Membership Dues - 2019-2020	N	General Management	100-41901-438-	\$ 487.00
Total For Check							6620
09/30/2019	Judy A Tetzlaff	6621	Treasurer Services - September 2019	N	Treasurer	100-41510-310-	\$ 400.00
Total For Check							6621
09/30/2019	Donald M. Fixmer	6622	Inv# 9/5/2019 Videographer	N	General Management	406-41901-405-201	\$ 75.00
Total For Check							6622
09/30/2019	Short-Elliott-Hendrickson Inc	6623	Inv #373267 Engineering Services - Aug 2019	N	Engineering Services	205-43101-310-102	\$ 49.39
		6623				205-43101-310-111	\$ 296.35
		6623				205-43101-310-114	\$ 719.33
		6623				407-43101-310-301	\$ 2,189.58
Total For Check							6623
09/30/2019	Pioneer Press	6624	Ad Ref#0071439360 & #0071439672 Legals PH	N	General Management	205-41901-354-111	\$ 32.96
Total For Selected Checks							6624
Total For Check							6624
							32.96
							6,870.60



Invoice

Invoice Number: 373267

Short Elliott Hendrickson, Inc. FEIN: 41-1251208 | 651.490.2000 | 800.325.2055

Task: 5019 - 2019 Pavement Rehabilitation Project

Personnel	Hours	Amount
	<u>12.60</u>	\$2,098.42

Reimbursed - Expenses

Expenditure Type	Amount
Mileage	\$82.36
Postage / Delivery	\$8.80
	\$91.16

Task: 5019 Total: \$2,189.58

Task: 9010 - XXXXX 2nd Street North (Lind Landscape and Design)

Direct

Personnel	Hours	Amount
Senior Project Manager	0.25	\$49.39
	<u>0.25</u>	\$49.39

Task: 9010 Total: \$49.39

Task: 9014 - 333 Quixote Avenue North; Preapplication Meeting

Direct

Personnel	Hours	Amount
Senior Project Manager	1.50	\$296.35
	<u>1.50</u>	\$296.35

Task: 9014 Total: \$296.35

Invoice total \$3,254.65

Lakeland Shores City Council Meeting Minutes | 2019 September 5

Regular City Council Meeting

Lakeland Shores City Council Meeting Call to Order: Mayor Zeller opened the September 5, 2019 City Council meeting at 6:30 p.m.

Council Present: Mayor Brian Zeller, Council Member Randy Kopesky, Council Member John Bischoff, Council Member Tim Schroeder, and Council Member Tom Wilson

Council Absent: None

Staff Present: City Engineer John Parotti and Interim City Clerk

The Pledge of Allegiance was said.

Review and Approve Meeting Agenda: Council Member Wilson made a motion to approve the agenda, as presented. Council Member Schroeder seconded the motion. Motion carried 5-0. Agenda approved as presented.

Review and Approve Consent Agenda (Items may be pulled for discussion or separate action):

- A) Approve Monthly Claims
- B) Tort Liability, City Does NOT Waive Monetary Limits

Mayor Zeller made a motion to approve Consent Agenda as presented. Council Member Wilson seconded the motion. Motion carried 5-0. Consent Agenda approved as presented.

Public Comments

MDH and MPCA Sampling Event Update – Ms. Jennie Engling, Department of Health, came forward and provided an update on the work that has been done relating to the investigation of chemicals within the ground water. She reviewed the status of the sampling, sampling results to date and noted the MPCA has mailed information regarding bottled water, filter, and connection to city water to the four well owners who received advisories from the MDH.

Mr. Tim Lockrem, MPCA, came forward and advised the four homes that received advisories within the City of Lakeland Shores received a letter recommending they hook up to City water. He added there is funding to help with that connection.

Fire Department Update – Mr. Kevin Johnson came forward and submitted the annual Fire Department audit noting audit firms were changed and the Relief Fund is now part of the annual audit.

Richard Thron, VMAC, Veterans Memorial Park – Mr. Thron, Chair of the Veterans Memorial Advisory Committee, came forward and distributed a packet of information relating to the Veterans Memorial park. He provided the background of the committee and reconstruction of the park. They are currently working on Phase 2 of the Park that includes fencing and landscaping. He noted the Veterans Memorial is completely self-funded and counts on private donations. He requested the Council consider making a donation as well as attending the park.

Unfinished and New Business:

PUBLIC HEARING, Consideration of Variance Application, 333 Quixote Avenue South – City Engineer Parotti advised according to the letter from the applicants, this home was constructed in 2001 and purchased by the Finnegan's in 2007.

The current application is for the construction of additions to the house to accommodate a home office. The office and porch addition would be placed in the location of an existing deck and screened porch. It was previously understood (see engineering memo dated July 24, 2019) that this addition would not expand impervious surface coverage as it would retain the existing footprint of the existing deck and porch. However, the updated survey indicates an increase of impervious surface would result from the proposed improvements.

The application also proposes two additions on the riverward side of the house. One is a proposed 540 square foot covered deck noted in the letter. The other is a proposed deck on the south end of the riverward side of the house with an area of approximately 133 square feet.

The survey identifies two existing accessory structures in the floodplain: one labeled "Garage" and the other labeled "Screened Porch". Existing retaining walls, concrete pavement areas and steps are also located in the floodplain. The application does not propose construction in the floodplain.

The application materials do not indicate any grading is necessary to construct the proposed improvements. Therefore, this review assumes no grading is required.

The application materials state that a variance is being requested but the relevant ordinance sections are not stated. Based on review of the proposal, it is assumed that the application is requesting a variance from the minimum dimensional standard of 50-foot bluffline setback and a variance from the maximum total lot area covered by impervious surface standard of 20% [§153.008.B(1)]. The applicant should be asked to amend the application materials to specifically state the variance request(s).

REVIEW COMMENTS:

Based on an engineering review of the above listed documents, the following comments are provided for consideration:

1. This property is located in the City's Shoreland Management Area (Zone A - River A). As a result, the City's Shoreland Management Area Ordinance (Ch. 153) applies.

2. This property is also partially located in the St. Croix River floodplain. Therefore, the City's Floodplain Ordinance (Ch. 154) applies.

3. §153.008.C.6 requires a grading permit for any grading, filling, excavating or changing the topography landward of the high water mark. §153.088.C.6 provides an exception to the requirement for grading permit for those projects where grading is limited to the "minimum area necessary for a structure, sewage disposal system, and private road and parking area undertaken pursuant to a validly issued building permit." The application materials propose no grading. Therefore, grading is not permitted and a grading permit is not required.

4. The survey needs to be modified to show the 100-yr floodplain (1% chance occurrence) elevation of 692.0. (§153.018.F(1))

5. According to the survey the principal structure is 225 feet from the Ordinary High Water Level (OHWL) of 680. The minimum setback from OHWL is 100 feet. The principal structure meets this setback. The existing accessory structures are constructed within the setback and therefore do not meet the minimum setback requirement. (§153.008.B(1))

6. A large portion of the parcel is slope greater than 12%. The bluff areas are shaded on the survey. The 50' bluffline setback is also shown on the survey. All existing and proposed structures are located within the bluffline setback and therefore require a variance from the 50-foot bluffline setback (§153.008.B(1)).

7. The impervious surface calculations provided on the survey are summarized below:

Existing Impervious Surface.....	25.4%	Propose
Impervious Surface	26.4%	

The maximum allowed impervious surface in the Shoreland Management Zone is 20%. (§153.008.B(1))

8. The property slopes generally from west to east. The grade west of the home is less than 2%. On the east side of the home the grade reaches slopes as steep as 67% +/- (1v:1.5h).

9. It appears that the northeast corner of the proposed covered deck would be constructed over a portion of the site with a slope of greater than 12% which is prohibited by §153.008.C(1). The project must be modified to remove any proposed construction from areas of slope greater than 12% or apply for an additional variance from this standard.

10. The proposed additions will add impervious surface to the riverward side of the house and runoff from these surfaces will fall on areas of steep bluff slopes. Measures need to be implemented to mitigate this runoff by directing it to depressions or to areas of the property sloping away from the river.

11. The City's stormwater management requirements are the same as those of the WMO. As a result, the City typically refers to comments provided by the WMO with respect to stormwater management. As of the writing of this memo, the City Engineer has not received copies of WMO review comments. It is recommended that City approvals be withheld until WMO submittal is made by the applicant and comments from the WMO received by the City. Any approvals should include WMO recommendations as conditions of approval.

12. The survey does not show a well or water service and needs to be modified to include this information.

13. The applicant should be required to submit certification from a licensed septic system designer that the existing septic system is capable of supporting the proposed additions.

Other agencies with jurisdiction over this project have also been asked to review the application materials and provide comment. If any of the comments provided herein conflict with comments provided by those agencies, it is recommended that the City apply the more conservative. It is recommended that the above be considered by the City and, if approval is given, made conditions of approval. If revisions are made to these plans for any reason (including in response to this memo), the revised plans must be resubmitted to the City for review.

Mr. Mike Finnegan, Applicant, came forward and stated he has been in the City since 2007 and the home is quite a distance from the river. He stated a home office is needed and is reasonable. In terms of the deck most homes along the river do have a deck. He is no longer proposed the deck be covered and the additional bedroom deck is removed from the proposal altogether. There is a uniqueness to the property as the sawmill was previously located there so the property is man-made. He reviewed pictures that were submitted as part of the application noting the proposed deck will not change the character of the river. He distributed the updated septic information noting the current system is already sized correctly.

Council Member Wilson moved to open the public hearing at 7:23 p.m. Council Member Bischoff seconded the motion. Motion carried 5-0. The public hearing was opened.

Mr. Steve Larson, 325 Quixote Avenue N, came forward and stated he is the neighbor to the south. The applicant's house sits way back from the front of his house and the house to the north. He advised he does not see any problem with what they are proposing to do. It will almost be invisible from the river and he has absolutely no issues.

Mayor Zeller moved to close the public hearing at 7:25 p.m. Council Member Wilson seconded the motion. Motion carried 5-0. The public hearing was closed.

Council Member Bischoff stated the rules that protect the river are there for a purpose but each individual city can look at variances and what it may or may not do the character of the river. The two considerations are the impact on the wild and scenic river and the potential of setting precedence. He continued stating he is not worried about setting precedence in this case due to the uniqueness of the property. The impact on the river from the main channel is minimal because none of what is being requested can be seen. He stated he does not think the proposal will impact the beauty of the river and believes the variances should be granted.

Council Member Kopesky confirmed the location of the house, deck and ownership of the bay.

Council Member Schroeder stated he would like the original blue prints for the project that were reviewed during the site visit.

Mr. Jeff Warren, Divine Custom Homes, noted the kitchen area was reworked from the original plans provided at the site visit.

Council Member Wilson clarified the current proposal does include an increase in impervious surface.

City Engineer Parotti stated mitigation efforts can help with the run-off due to increased impervious surface. However, the mitigation effort will not change the numbers.

Mayor Zeller stated the entire Council did have a site visit for this property. When that site visit was concluded it appeared every one left comfortable with an uncovered deck and addition. The impervious surface increase is an issue but that can be mitigated. He noted he is struggling with the large deck and would be more comfortable with a nice level area for a patio that allowed for drainage.

Mr. Finnegan came forward and stated he is willing to construct an 8 foot deck as opposed to the proposed 12 foot deck.

Mayor Zeller moved to approve 333 Quixote Variance Application contingent upon all conditions outlined in the City Engineer's report and the following:

- 1) The architectural designs must be modified and resubmitted**
- 2) An updated survey showing the service valve at curb stop must be submitted**
- 3) A Certified Septic Letter from the septic designer must be submitted**
- 4) The 9 x 12 area on north side may be filled**
- 5) The addition of the deck will not exceed existing overhang**
- 6) The impervious surface will be recalculated and submitted**

Lakeland Shores City Council Meeting Minutes | 2019 September 5

Council Member Bischoff seconded the motion. Motion carried 5-0. Variances at 333 Quixote were approved conditionally.

Consideration of WCHS Financial Grant – Mr. Brent Peterson, Executive Director Washington County Historical Society, came forward and presented an overview of the organization and its future plans for a new Heritage Center. He stated they are asking every community for their investment in the project. He requested \$500 per year for five years from the City of Lakeland Shores.

Mayor Zeller stated it is City policy that the City does not make charitable donations. Tax dollars are not the City's money but because the organization does preserve Lakeland Shores history there may be a possibility of a contribution.

This item was tabled to the next regular City Council meeting.

Consideration of Resolution No. 2019-08, 2020 Preliminary Budget – Mayor Zeller advised a budget work session was held prior to the regular meeting. The City will establish an annual preliminary 2020 budget not to exceed \$165,000.

Mayor Zeller moved to adopt Resolution No. 2019-08 in the amount of \$165,000. Council Member Wilson seconded the motion. Motion carried 5-0. The 2020 Preliminary Budget was set in the amount of \$165,000.00.

Consideration of Fire Department Condemnation of Building – Mayor Zeller advised the property owner is going to talk to the Fire Department and is currently in litigation with the insurance company.

This item was tabled to the next regular Council meeting.

Consideration of July 11, 2019 City Council Meeting Minutes – A draft of the July 11, 2019 City Council meeting minutes were included in the packets for Council consideration.

Mayor Zeller moved to approve the July 11, 2019 City Council Meeting Minutes, as presented. Council Member Wilson seconded the motion. Motion carried 4-0 with Council Member Bischoff abstaining. The July 11, 2019 City Council Meeting Minutes were approved.

Council and Staff Reports:

City Engineer – City Engineer Parotti advised the 4th Street overlay project went well. \$2,400 was designated to gravel on the shoulders and the project did come in \$11,000 under budget.

Mayor Zeller requested staff follow up with the School District regarding a cost share on the shoulder gravel. The City is committed to gravel, seeding, etc. not to exceed the amount of \$2,400.00.

Lakeland Shores City Council Meeting Minutes | 2019
September 5

City Clerk/Zoning Administrator Report – No City Clerk/Zoning Report.

Mayor and Council Reports:

Council Member Schroeder – Council Member Schroeder advised some tree trimming along 4th Street needs to be done and work on the new picnic shelter has started.

Council Member Wilson – Council Member Wilson stated The Fire Department is delaying some equipment purchases due to current tariffs. Repair work is being done on the current truck and an auto load is being added.

Mayor Zeller – Mayor Zeller stated there was a utility issue when work started on 2nd Street. Repairs to that area have not yet occurred. He requested staff contact the contractor to get the repairs done.

Council Member Bischoff – Council Member Bischoff stated the rejuvenation project went off without a hitch and the roads are currently in fairly good shape.

Council Member Kopesky – Council Member Kopesky advised a military fundraiser called Field of Bands is being held on September 14, 2019 at the Washington County Fairgrounds. He encouraged all Council Members to attend.

Adjourn: Mayor Zeller made a motion to adjourn the meeting. Council Member Wilson seconded the motion; Motion carried 5-0. Mayor Zeller adjourned the meeting at 8:37 p.m.

City Council of Lakeland Shores

Brian Zeller, Mayor

Interim City Clerk

**CITY OF LAKELAND SHORES, MINNESOTA
RESOLUTION NO. 2019-09**

**RESOLUTION APPROVING A VARIANCE TO ALLOW FOR HOME ADDITION AND
DECK AT 333 QUIXOTE AVENUE NORTH**

WHEREAS, Mike and Erica Finnegan (“the Applicant”) has made a request for a variance to allow for a home office addition and deck; and

WHEREAS, the subject site (“the Property”) is legally described as

Lots 27 and 28, Lakeland Bluffs, PID: 35.029.20.41.0046

WHEREAS, the City Council for the City of Lakeland Shores held a duly noticed public hearing during the September 5, 2019 City Council meeting; and

WHEREAS, the Lakeland Shores City Council reviewed the request at the September 5, 2019 City Council meeting; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKELAND SHORES, WASHINGTON COUNTY, MINNESOTA, as follows:

BE IT RESOLVED, that the City Council of the City of Lakeland Shores Washington County, Minnesota hereby approves Variance Application for 333 Quixote with the conditions:

1. The proposed additions will add impervious surface to the riverward side of the house and runoff from these surfaces will fall on areas of steep bluff slopes. Measures need to be implemented to mitigate this runoff by directing it to depressions or to areas of the property sloping away from the river.
2. City approvals will be withheld until WMO submittal is made by the applicant and comments from the WMO received by the City. Any approvals should include WMO recommendations as conditions of approval.

3. The survey does not show a well or water service and needs to be modified to include this information.
4. The applicant should be required to submit certification from a licensed septic system designer that the existing septic system is capable of supporting the proposed additions.
5. The architectural plans must be modified and resubmitted.
6. The 9 x 12 area on north side may be filled.
7. The addition of the deck will not exceed existing overhang on the east side of the home.
8. The impervious surface will be recalculated and submitted.
9. All City fees and escrows are paid in full.
10. This resolution shall, by the property owner, be recorded in the Office of the County Recorder for Washington County and shall be binding on the property owners, their successors, heirs and assigns. A recorded copy shall be provided to the City.
11. No trees will be removed.
12. Erosion controls will be installed prior to work beginning.

The motion for adopting the foregoing resolution was acted upon by motion and seconded, and upon a vote being taken thereon, the following voted via voice:

Mayor Brian Zeller - Yay
Council Member Kopesky – Yay
Council Member Bischoff - Yay
Council Member Schroeder - Yay
Council Member Wilson - Yay

Whereupon, said resolution was declared duly passed and adopted and signed by the Mayor and attested by the City Clerk, passed by the City Council, City of Lakeland Shores, Washington County, Minnesota, on this 5th day of September, 2019.

Brian Zeller, Mayor

Interim City Clerk