



City Council Workshop – 5:00 p.m.
 City Council Meeting – 6:00 p.m.
 Tuesday, September 16, 2014
 Lakeland City Hall

City Council Workshop

Code Compliance

Regular City Council Meeting

- | | | |
|-----|--|-------------------------------|
| 1. | CALL TO ORDER | Bob Livingston |
| 2. | PLEDGE OF ALLEGIANCE | Bob Livingston |
| 3. | CONSENT AGENDA – Items defined as routine business not requiring discussion and approved by roll call vote. Items may be pulled from the Consent Agenda for discussion and/or separate action. | Bob Livingston |
| 4. | LAW ENFORCEMENT REPORT | Amy Williams / Deputy Sheriff |
| 5. | PETITIONS TO THE COUNCIL – Items requested to be placed on the Agenda from the public or from the floor. | Bob Livingston |
| 6. | VARIANCE APPLICATION / Mark & Angela Statz to construct a new garage at 16610 11 th Street North | Bob Livingston |
| 7. | VARIANCE APPLICATION / Jeff & Julie Anderson to add a balcony to the existing structure at 699 Quixote Avenue North | Bob Livingston |
| 8. | LSCVFD RELIEF ASSN | Kevin Wall |
| 9. | CITY'S RECORD OF CITY OFFICIAL ACTIONS / Minutes & Video | Amy Williams |
| 10. | QUALITY AVENUE / POTENTIAL TO WIDEN | Amy Williams |
| 11. | ORDER REGARDING HAZARDOUS AND DESTROYED BUILDING/
1243 Rivercrest Road North | Chris Johnson |
| 12. | CITY STAFF REPORTS
- Attorney
- City Clerk
- Public Works Director
- Treasurer | |
| 13. | COUNCIL MEMBER REPORT/Glasgow | Richard Glasgow |
| 14. | COUNCIL MEMBER REPORT/Williams | Amy Williams |
| 15. | COUNCIL MEMBER REPORT/Paiement | Joe Paiement |

- | | |
|----------------------------------|----------------|
| 16. COUNCIL MEMBER REPORT/Bednar | Asia Bednar |
| 17. MAYOR'S REPORT | Bob Livingston |
| 18. ADJOURN | Bob Livingston |

CONSENT AGENDA

CONSENT AGENDA ITEMS are defined as routine business not requiring discussion and approved by roll call vote. Members may elect to pull Consent Agenda item(s) for discussion and/or separate action.

- A. Minutes of the August 19, 2014 Regular City Council meeting *
Not finished as packets are delivered. Will be sent Monday.
- B. Treasurer's Report
- C. Bills to be Approved
- D. AFP No. 1 / 2014 Seal Coating Street Improvements to Allied Blacktop Company in the amount of \$77,010.14

D



Building a Better World
for All of Us®

MEMORANDUM

TO: Matt Kline | Director of Public Works

FROM: John D. Parotti, PE | City Engineer

DATE: September 10, 2014

RE: 2014 Seal Coating - Contractor Application for Payment
SEH No. LAKEL 127195 14.00

Attached with this memo you will find a copy of the first Application for Payment (AFP No. 1) from the City's contractor, Allied Blacktop Company, for work completed on the above project. Below is a summary of approved construction funding and costs to date:

Construction Funding Summary

Item	Total
Original Contract	\$82,626.50
Change Orders - NONE	\$0.00
Total Construction Funding Approved by Council	\$82,626.50

Contractor Payment History

Application for Payment	Total
1 - August 15, 2014 - Pending Approval	\$77,010.14
2 -	
Total Contractor Payments to Date	\$77,010.14

All work is completed except for the second sweeping which will occur later this fall. AFP 1 holds back \$4,053.17 of the total amount earned as retainage until the second sweeping has been completed. Once complete, the Contractor will submit a final AFP for that amount to be paid the balance at a later date. The above payment does not include the retainage.

Work completed has been inspected and found to be in conformance with the contract documents. Therefore, we recommend payment to Allied Blacktop Company in the amount of \$77,010.14 as requested.

Please include this memo and attached AFP No. 1 in the Council packets for City Council consideration at the September 16, 2014 City Council meeting.

Attachment

p:\ko\lakel\127195\73-const-srvices\73-contr-app-pay\seal coating\afp 1 memo 2014_07_09.docx

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 156 High Street, Suite 300, New Richmond, WI 54017-1128

SEH is 100% employee-owned | sehinc.com | 715.246.9906 | 888.881.4281 | 888.908.8166 fax



Application for Payment
(Unit Price Contract)
No. _1_

Eng. Project No.: LAKEL 127195

Location: Lakeland, Minnesota

Contractor Allied Blacktop Company Contract Date _____
10503 89th Avenue N.
Maple Grove, MN 55369 Contract Amount \$ 82,626.50

Contract for 2014 Street Maintenance - Bituminous Pavement Seal Coating
Application Date 8/15/14 For Period Ending 8/15/14

Item No.	Item	Unit	Est. Quantity	Quantity to Date	Unit Price	Total Price
2356.505	Bituminous Material for Seal Coat	GAL	15,145	<u>14841</u>	\$3.30	<u>\$48,975.30</u>
2356.507	Seal Coat Aggregate (FA-2)	TON	583	<u>573</u>	\$56.00	<u>\$32,088.00</u>
Total Contract Amount						<u>\$81,063.30</u>

Application for Payment (continued)

Total Contract Amount	\$ <u>82,626.50</u>	Total Amount Earned	\$ <u>81,063.30</u>
Contract Change Order No. _____		Material Suitably Stored on Site, Not Incorporated into Work	_____
Contract Change Order No. _____		Percent Complete	_____
Contract Change Order No. _____		Percent Complete	_____
Less Previous Applications:		GROSS AMOUNT DUE	\$ <u>81,063.30</u>
AFP No. 1: _____ AFP No. 6: _____		LESS <u>5</u> % RETAINAGE	\$ <u>4,053.17</u>
AFP No. 2: _____ AFP No. 7: _____		AMOUNT DUE TO DATE	\$ <u>77,010.14</u>
AFP No. 3: _____ AFP No. 8: _____		LESS PREVIOUS APPLICATIONS	\$ _____
AFP No. 4: _____ AFP No. 9: _____		AMOUNT DUE THIS APPLICATION	\$ <u>77,010.14</u>
AFP No. 5: _____			

CONTRACTOR'S AFFIDAVIT

The undersigned Contractor hereby swears under penalty of perjury that (1) all previous progress payments received from the Owner on account of work performed under the Contract referred to above have been applied by the undersigned to discharge in full all obligations of the undersigned incurred in connection with work covered by prior Applications for Payment under said contract, 2014 Street Maintenance - Bituminous Pavement Seal Coating, Lakeland, Minnesota, and (2) all material and equipment incorporated in said Project or otherwise listed in or covered by this Application for Payment and free and clear of all liens, claims, security interests and encumbrances.

Date Sept. 9, 2014

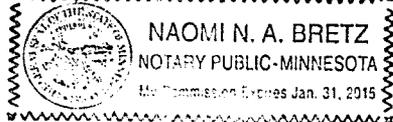
Allied Blacktop Company
(Contractor)

COUNTY OF Hennepin)
STATE OF Minnesota) SS

By Pat M. Capistrano President
(Name and Title)

Before me on this 9 day of September, 2014, personally appeared _____
Pat M. Capistrano known to be, who being duly sworn did depose and say that he is the President (office) of the Contractor above mentioned that he executed the above Application for Payment and Affidavit on behalf of said Contractor; and that all of the statements contained therein are true, correct and complete.

My Commission expires
Jan. 31, 2015



[Signature]
(Notary Public)

The undersigned has checked the Contractor's Application for Payment shown above. A part of this Application is the Contractor's Affidavit stating that all previous payments to him under this contract have been applied by him to discharge in full all of his obligations in connecting with the work by all prior Applications for Payment.

In accordance with the Contract, the undersigned recommends approval of payment to the Contractor for the Amount due.

Short Elliott Hendrickson Inc.

_____ By _____

Date _____

City of Lakeland

_____ By _____

Date _____

ALLIED BLACKTOP COMPANY
 BITUMINOUS CONTRACTORS
 10503 89TH AVENUE NORTH
 MAPLE GROVE, MINNESOTA 55369
 PHONE: (763) 425-0575

INVOICE NO. 19530

PAGE 1

B
 I CITY OF LAKELAND
 L LAKELAND CITY HALL
 L 690 QUINNELL AVENUE N
 LAKELAND MN 55043
 T
 O

J 1412
 O CITY OF LAKELAND
 B
 N
 O

INVOICE DATE	INVOICE NO.	CUSTOMER NO.	PAYMENT TERMS	CONTRACT NO.
08/15/14	19530	LAK10	NET 30	

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
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1.00	2014 STREET MAINTENANCE - BITUMINOUS PAVEMENT SEAL COATING	81063.3000	81,063.30
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ITEM NO:

2356.505 BITUMINOUS MATERIAL
 FOR SEAL COAT: 14,841 GAL @
 3.30 = \$48,975.30

2356.507 SEAL COAT AGGREGATE
 (FA-2): 573 TON @ 56.00 =
 \$32,088.00

GROSS	RETAINAGE	TAX	NET AMOUNT
81,063.30	.00	.00	81,063.30

MINNESOTA • REVENUE

Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

Confirmation Summary

Confirmation Number: 2-037-335-680
Submitted Date and Time: 15-Aug-2014 3:25:37 PM
Legal Name: ALLIED BLACKTOP COMPANY
Federal Employer ID: 41-0827871
User Who Submitted: N10503
Type of Request Submitted: Contractor Affidavit

Affidavit Summary

Affidavit Number: 2008449024
Account Number: 8606387
Project Owner: CITY OF LAKELAND
Project Number: 127195
Project Begin Date: 13-Aug-2014
Project End Date: 14-Aug-2014
Project Location: VARIOUS ROADS AND STREETS
Project Amount: \$81,063.30
Subcontractors: No Subcontractors

Important Messages

A copy of this page must be provided to the contractor or government agency that hired you.

Contact Us

If you need further assistance, contact our Withholding Tax Division at (Metro Area) 651-282-9999, (Greater Minnesota) 800-657-3594, (TTY Users) Call 711 for Minnesota Relay, or (email) Withholding.tax@state.mn.us. Business hours are 8:00 a.m. - 4:30 p.m. Monday - Friday.

How to View and Print this Request

You can see copies of your requests by going to the History Tab.

Please [print this confirmation page](#) for your records using the print or save functionality built into your browser.



TO: Mayor Livingston and Council Members

FROM: Chris Wallberg, City Clerk/Zoning Administrator
Lance Bernard, City Planning Consultant

RE: Variance Application for 16610 11th Street North

DATE: 9-16-14

Attachments

- 16610 11th Street North Variance Application, including a letter describing the proposed plan and the need for variances
- Site Survey and Plan
- Staff Report to Planning Commission dated September 9, 2014
- Written Comments from John D. Parotti, PE, City Engineer
- Written Comments from Mikael Isensee, Middle St. Croix Watershed Management Organization
- Written Comments from Milly Shodeen, Minnesota Department of Natural Resources

Background

The applicant (Mark and Angela Statz) is requesting a variance to construct a new garage on the northwest side of the existing home at 16610 11th Street North. According to Section 155.016 (Minimum District Dimensional Requirements) of the City Code, the existing garage does not meet the side yard setback of twenty (20) feet. In that respect, the existing garage is nonconforming.

The applicant is proposing to remove the nonconforming structure and build a new garage.

Variances requested

The new garage involves the following variance(s):

1. Variance to construct a new garage within the minimum forty (40) foot front yard setback (Section 155.016: Minimum District Dimensional Requirements).

Discussion

The general standard for evaluating a variance application is that a variance may be granted if enforcement of a zoning ordinance provision as applied to a particular piece of property would cause the landowner "practical difficulties" There are three factors used in evaluating the "practical difficulties" standard. If an applicant does not meet all three factors of the standard, then a variance should not be granted. The three factors are as follows:

1. The property owner is proposing to use the property in a reasonable manner
2. The difficulty is due to circumstances unique to the property not caused by the property owner
3. The variance, if granted, will not alter the character of the locality

Planning Commission Recommendation

The Planning Commission recommended, with a vote of 3-0, the approval of the following variance(s):

1. Variance to construct a new garage within the minimum forty (40) foot front yard setback (Section 155.016: Minimum District Dimensional Requirements).

The Commission recommended approval of the variance based on the following findings of fact, and with the following conditions:

Findings of Fact

1. The property is proposed to be used in a reasonable manner. The property owner has made substantial efforts to design the garage within the limitations of the property.
2. The property's shape and dimension pose a number of challenges in meeting setback requirements for a new garage. In this case, the front yard setback of forty (40) feet (Section 155.016: Minimum District Dimensional Requirements) is not being met. The front yard setback is defined as "the minimum horizontal distance between any part of a structure... (Section 155.004: Definitions)." Based on this definition and the minimum standards, the forty (40) foot setback is applied to the property line closest to existing residential home. Moving the proposed garage further to the east to meet the front yard setback requirement may impact a tree and encroach on the thirty (30) foot setback requirement from the existing septic system (Section 155.016: Minimum District Dimensional Requirements). Therefore, the proposed location of the new garage is the most feasible location without posing additional impacts to setback requirements (e.g., bluff line setbacks and septic system setbacks).

Conditions of Approval

The Planning Commission recommended the following conditions be placed on the approval of the variances:

1. The applicant will need to submit final plans that shows the proposed garage is within thirty (30) feet of the existing septic system (Section 155.016: Minimum District Dimensional Requirements). Final plans will also need to include detailed information on the location of septic system components and the location of drain fields.
2. The exterior color of the new structure, including roofs, shall be of earth or summer vegetation tones, unless completely screened from the river.

Council Action Requested

Motion(s) regarding the variance application for 16610 11th Street North, including findings-of-fact and conditions of approval; directing staff to draft a resolution(s) reflecting the Council's action; and authorizing the Mayor and City Clerk to sign and record the resolution(s).



TO: Planning Commission

FROM: Chris Wallberg, City Clerk/Zoning Administrator
Lance H. Bernard, City Planning Consultant

RE: 16610 11th Street North
Variance Application for a Front Yard Setback to Construct a Garage

DATE: September 9, 2014 – Public Hearing

Application

The applicant (Mark and Angela Statz) is requesting a variance to construct a new garage on the northwest side of the existing home at 16610 11th Street North. According to Section 155.016 (Minimum District Dimensional Requirements) of the City Code, the existing garage does not meet the side yard setback of twenty (20) feet. In that respect, the existing garage is nonconforming.

The applicant is proposing to remove the nonconforming structure and build a new garage. The proposed garage will require the following variance:

1. Variance to construct a new garage within the minimum forty (40) foot front yard setback (Section 155.016: Minimum District Dimensional Requirements).

Process

Variance is required where it is determined that, because of hardships, strict enforcement of the regulations is impractical. The law requires that approval of applications for variance first meet a test of a series of practical difficulties standards and be consistent with Ordinances and the Comprehensive Plan (see attached). Conditions may be imposed in the granting of a variance to ensure compliance and to protect the adjacent properties and the public interest, especially in regard to the view from the river.

Notification of public hearing on this matter was published, posted and mailed to owners of all properties within 500', as required by state statute.

Staff & Agency Review

The variance request has been reviewed by City Staff (i.e., City Zoning Administrator, City Planning Consultant and the City Engineer), and the Middle St. Croix Watershed Management Organization (MSCWMO). The MSCWMO has provided written comments and are attached. City Staff offers the following information for inclusion, should Planning Commission members decide to recommend approval of the application.

Findings of Fact

The property's shape and dimension pose a number of challenges in meeting setback requirements for a new garage. In this case, the front yard setback of forty (40) feet (Section

155.016: Minimum District Dimensional Requirements) is not being met. The front yard setback is defined as "the minimum horizontal distance between any part of a structure... (Section 155.004: Definitions)." Based on this definition and the minimum standards, the forty (40) foot setback is applied to the property line closest to existing residential home. Moving the proposed garage further to the east to meet the front yard setback requirement may impact a tree and encroach on the thirty (30) foot setback requirement from the existing septic system (Section 155.016: Minimum District Dimensional Requirements). Therefore, the proposed location of the new garage is the most feasible location without posing additional impacts to setback requirements (e.g., bluff line setbacks and septic system setbacks).

Suggested findings of fact:

- Does not encroach on the bluff line setbacks.
- Meets the following practical difficulties standards:
 - The owners propose to use the property in a reasonable manner.
 - The proposed structure will not alter the essential character of the locality.
 - The variance is in harmony with the general purposes and intent of the ordinance.
 - The variance is consistent with the Comprehensive Plan.

Plans have indicated the use of porous pavements to reduce impervious surface calculations. The City defines porous pavements as impervious surfaces, which is consistent with the MSCWMO definition. In this case, the site's existing and proposed impervious surfaces, including the proposed porous pavements do not exceed the twenty (20) percent maximum total lot are covered by impervious surfaces (Section 155.016: Minimum District Dimensional Requirements).

Conditions of Approval

The applicant will need to submit final plans that shows the proposed garage is within thirty (30) feet of the existing septic system (Section 155.016: Minimum District Dimensional Requirements). Final plans will also need to include detailed information on the location of septic system components and the location of drain fields. The exterior color of all structures, including roofs, shall be of earth or summer vegetation tones, unless completely screened from the river. These conditions will need to be met before issuing building permits.

If recommended by the Planning Commission, these comments will be incorporated into a draft resolution and suggested as conditions to approval.

Recommendation

Staff recommends that the Planning Commission approves the variance request and include findings of fact as presented, and conditions provided by City Staff and the MSCWMO.

AUG 18 2014

City of Lakeland
Washington County, Minnesota

Received by:

APPLICATION FORM

- | | |
|---|--|
| <input type="checkbox"/> Certificate of Compliance | <input type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Text Amendment |
| <input type="checkbox"/> Grading and Filling Permit | <input type="checkbox"/> Vacation of Street |
| <input type="checkbox"/> Preliminary/Final Plat | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Zoning District Amendment |
| <input type="checkbox"/> Other _____ | |

Applicant MARK AND ANGELA STATZ
(Name)

16610 11TH ST N, LAKELAND MN 55043 651-793-9448
(Address) (Phone)

Fee Owner of Affected Property SAME
(Name)

(Address) (Phone)

Property Legal Description SEE ATTACHED

Description and/or Reason for Request CONSTRUCTION OF A GARAGE. SEE
FURTHER DETAIL ATTACHED.



LEGAL DESCRIPTION:

That part of Government Lot 4, Section 26, Township 29 North, Range 20 West, Washington County, Minnesota described as follows:

COMMENCING at the northwest corner of said Government Lot 4; thence on an assumed bearing of North 89 degrees 04 minutes 55 seconds East along the north line of said Government Lot 4 a distance of 1,753.07 feet; thence South 13 degrees 04 minutes 58 seconds East a distance of 636.98 to the POINT OF BEGINNING; thence North 83 degrees 06 minutes 50 seconds East a distance of 269.72 feet to a line parallel with and distant 30.00 feet easterly of the centerline of the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company right of way; thence South 19 degrees 07 minutes 25 seconds East along said parallel line a distance of 20.13 feet to the intersection with a line hereinafter referred to as Line "X"; thence South 70 degrees 52 minutes 35 seconds West along said Line "X" a distance of 30.00 feet to the centerline of said railroad right of way; thence South 19 degrees 07 minutes 25 seconds East along said centerline a distance of 109.34 feet to the northeast corner of Lot 5, Block 1, RIVER CREST ESTATES on file and of record at the Office of the Registrar of Titles, Washington County, Minnesota; thence South 87 degrees 31 minutes 41 seconds West along the northerly line of said Lot 5 a distance of 228.05 feet; thence North 02 degrees 28 minutes 19 seconds West a distance of 60.00 feet to the northeast corner of 11th Street North as Dedicated in OAK BLUFF ESTATES on file and of record at the Office of the County Recorder, Washington County, Minnesota; thence South 87 degrees 31 minutes 41 seconds West along the north line of said 11th Street North a distance of 39.51 feet to the intersection of line which bears South 13 degrees 04 minutes 58 seconds East from the POINT OF BEGINNING; thence North 13 degrees 04 minutes 58 seconds West a distance of 52.78 feet to the POINT OF BEGINNING.

Line "X" is described as COMMENCING at the intersection of the center line of said right-of-way and the southerly line of said Government Lot 4; thence northerly along said centerline a distance of 725.00 feet as measured along said center line to the POINT OF BEGINNING of the line to be described; thence easterly perpendicular to said centerline a distance of 50.00 feet and said line there terminating.

S19°07'25" E
20.13

S19°07'25" E
109.34

S30°00'35" E
N70°52'35" E

NE CORNER OF LOT 5,
BLOCK 1, RIVER CREST
ESTATES

FORMER HIGHWAY
RIGHT OF WAY

BLUFF LINE

NB8°06'50" E
269.72

NB7°31'41" E
228.05

RIVER CREST ESTATES
NLY LINE OF LOT 5, BLOCK 1, RIVER
CREST ESTATES

20' SIDE
YARD

40' BLUFF
LINE

PROPOSED
GARAGE
HOTEL

40' FRONT
YARD

POINT OF BEGINNING

NORTH LINE OF 11TH
STREET NORTH

60.00

S73°04'58" E
62.78

NB7°31'41" E
39.51

N02°28'19" W

DRIVEWAY

747
ROAD
BLUMHARDT



Variance Application

16610 11th St. N.
Lakeland, MN 55043
Mark and Angela Statz

Variance Application Checklist (from bulleted list supplied by city):

- Completed Application
 - Attached
- \$400 Filing Fee and \$800 escrow
 - Attached
- Mailing Labels
 - Attached
- Certified and Dated Survey Plan
 - Attached
- A scaled site plan
 - Attached
- Construction Plans
 - To be submitted with Building Permit (project cannot move forward without variance, so we have not yet commissioned full plans). The variance request is only germane to the footprint of the building. Variances are NOT being requested with regard to the use or design of the building.
- Total Square Footage of Proposed Impervious Surface
 - Attached Spreadsheet
- Screening Plan
 - Existing vegetation provides screening. Additional Screening is not planned.
- Fencing Plan
 - No Fencing is planned
- Plan for future municipal water hook-up.
 - We are already hooked to municipal water.
- Drainage and erosion control plan, including impervious calculations
 - Attached
- Detailed description of proposed use
 - Attached – See cover letter
- Explanation of practical difficulties
 - Attached

August 17, 2014

Board of Adjustment and Appeals
690 Quinnell Avenue North
Lakeland, MN 55043

Honorable Mayor and Council acting as the Board of Adjustment and Appeals,

Thank you for taking the time to consider our proposal for the construction of a garage to replace the outdated and undersized existing garage on our property. The existing garage is a single stall structure, which is not large enough for our two vehicles and leaves very little room for lawn and garden equipment.

This project will eliminate the existing garage which is a non-conforming structure due to its location within the side yard setback.

We initially submitted a proposal to construct our new garage along the south side of our property. However, city staff made a determination that the 1 ½ foot-deep drainage swale along our south property line constitutes a "bluff line" and therefore necessitates a 40-foot setback. This setback line is approximately parallel with the south edge of our house, eliminating any possibility of constructing the garage on that half of the property. While we understand that a strict reading of the definition for a "Bluff Line," from the city's ordinances, may require this drainage swale to be categorized as such, we submit that most reasonable people, who view the area, would not use this term to characterize it. As a topic for future discussion, perhaps the ordinance language could be modified to include some type of minimum threshold of elevation difference for an area to be called a bluff line. Under the current definition, the tiniest of ripples in your yard could be classified as one.

In an effort to propose a conforming structure, and to avoid the need for a variance, we shared with city staff, a sketch of an alternative location for the garage, which, in our view, is outside of the regulated setbacks. Unfortunately, city staff shares a different interpretation of the setback rules and asked us to submit an application for a variance to the front yard setback.

It is our view that we do not need a variance for our proposed structure. That opinion is based on the zoning code definition of the word "setback". Chapter **159.007 Definitions** defines "setback" as such:

SETBACK. The minimum horizontal distance between a structure and the street right-of-way, lot line, or other reference point as provided by ordinance. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure.

As our sketch of the proposed location of the garage shows, it is outside of the 40-foot front yard setback as measured perpendicularly, as required by ordinance. Due to the unique nature of our front

lot line, although the southwest corner of the proposed garage is only a foot or two away from the property corner; it is still outside the setbacks as the ordinance requires us to measure this distance perpendicularly, not at an angle.

If the Board of Adjustment and Appeals feels that our proposed garage requires a variance, the attached is our application. Please bear in mind that we do not understand the nature of how our structure is in violation of the ordinances, so our request may lack dimensional specificity. For instance, a normal variance application would say something like: 'Our proposed structure will be 15 feet from the side yard lot line. This is a 5-foot encroachment on the 20-foot side yard setback.' Without understanding how our proposal is in violation of the ordinance, we cannot provide these types of specific requests.

Sincerely,

Mark and Angela Statz
16610 11th St. N.
Lakeland, MN 55043

Impervious Surface Tabulation
Mark and Angela Statz
16610 11th St. N.
Lakeland, MN 55043

Item	L	W	Total (sf)	Notes
Existing				
Garage	22	16	352	
Gravel Driveway	49	13	637	
	42	9	378	Triangular shape (width is median width)
	16	10	160	
Fieldstone walkway	60	4	240	Could be considered pervious
Home	45	15	675	
	37	11	407	
Front porch	16	7	112	
Back Stairs	6	5	30	
Sauna	13	11	143	
Walkway to sauna	20	3	60	
Sauna Patio slab	14	6	84	
			3278	
Proposed Construction				
New Garage	40	24	960	
New Driveway	40	35	1400	Main area in front of garage
	16	45	720	Neck of driveway to road
Fieldstone walkway (removal)	60	4	-240	Walkway to be eliminated
Existing Garage (removal)	22	16	-352	Existing Garage to be demolished
			2488	
Existing Impervious			3278	
Total Lot Area			28888	
Percentage Impervious (Existing)			11.35%	
Existing Impervious			3278	
Proposed New Impervious (net)			2488	
Total Proposed Impervious			5766	
Total Lot Area			28888	
Percentage Impervious (Proposed)			19.96%	

Explanation of Practical Difficulties:

We are seeking a variance to the following section of the city's code of ordinances for the construction of a detached garage. Our property is in the R-1 zoning district with a SCRD overlay.

Section 159.041.A.7

"Minimum front yard setback – R-1 district – 40 feet" (from the chart)

Description of Request

We are requesting a variance to allow the construction of a detached garage, within the 40-foot front yard setback. We believe that our proposal is in harmony with the general intent of the ordinance and is consistent with the city's comprehensive plan.

Practical Difficulties:

Factor 1 – Reasonable Use: The construction of the garage within the front yard setback is a reasonable use of the property for the following reasons:

- The garage is screened from the roadway by vegetation.
- The garage would be "side loaded".
- The new garage location would allow access to a public street (the current location utilizes an undocumented, shared, private drive).

Factor 2 – Unique Characteristics: The construction of the garage within the front yard setback is necessary due to the following unique characteristics of the parcel, which we did not create:

- Much of the building envelope remaining after considering the setbacks is occupied by the existing home and septic system.
- Meeting the setback would push the garage into the septic system area.
- The total area of the lot is substantially smaller than the allowable area for the R-1 district.
- The front lot line has a jog of approximately 40 feet along the right-of-way.

Factor 3 – Essential Character: The construction of the garage within the side yard setback will not alter the essential character of the neighborhood for the following reasons:

- The garage is well screened from the road, with vegetation.
- The architecture of the garage will match that of the home.
- The garage would still meet the intent of the 40' front yard setback. This is illustrated on the attached sketch. The interpretation of this setback is complicated by a staggered front yard lot line and an unusual jog in the right-of-way. The nearest corner of the garage would be approximately 48 feet from the edge of the bituminous road.

- The garage would be “side loaded”.
- The garage would not block the street view of the home.
- The new garage location would allow access to a public street (the current location utilizes an undocumented, shared, private drive).
- The adjacent home has a similar, side loaded garage.
- There is a mix of attached and detached garages in the neighborhood. There is not a singular theme for characterizing garages in the neighborhood.

Chris Wallberg

From: Mike Isensee <MIIsensee@mnwcd.org>
Sent: Friday, August 29, 2014 11:59 AM
To: mark.statz@stantec.com
Cc: lbernard@srfconsulting.com; John Parotti; Molly Shodeen; Chris Wallberg
Subject: RE: 16610 Rivercrest Rd N / Statz - Variance Application

Dear Mr. Statz,

Thank you for your phone call and follow up explanation of your request. It has been a while since permeable pavers have been requested as a method for meeting the minimum volume (water quality) requirements so I have accommodated your request to review the MSCWMO policies and performance standards for the use of permeable pavement to meet volume control requirements.

Section 5.1.4 of the MSCWMO Watershed Management Plan states structural stormwater management measures to meet MSCWMO performance standards shall conform with design standards in the most recent version of the Minnesota Stormwater Manual. The most recent version of the manual has added permeable pavement as a stormwater volume control practice and therefore is an acceptable BMP to meet the volume control requirements. The pavement design must create sufficient storage to detain the required volume control and the design must be consistent with design guidance in the Minnesota Stormwater Manual. http://stormwater.pca.state.mn.us/index.php/Permeable_pavement

The surface of permeable pavement is counted as an impervious surface that requires volume control. The storage below the pavement must be sufficient to detain the required volume of the driveway and the volume for any other impervious surfaces you are seeking credit to retain. This is consistent with state guidance from Minnesota Pollution Control Agency Stormwater Manual (specifically the MIDS Credit Calculator) <http://stormwater.pca.state.mn.us/index.php/Calculator> .

For a full list of practices and credits available to meet MSCWMO volume requirements, please visit the recently updated Minnesota Stormwater Manual http://stormwater.pca.state.mn.us/index.php/Stormwater_Manual_Table_of_Contents

I have shared the results of this policy review with the City of Lakeland staff and they are in agreement with the findings above, but approval from the MSCWMO does not constitute approval from the City of Lakeland. Your project qualifies for a review by the MSCWMO.

Based on the findings above, please provide information as to which practice you will select to provide the required storage volume.

Please contact me if you have any questions.

Thank you,

Mike

Mikael Isensee, CPESC | Administrator
Middle St. Croix Watershed Management Organization
Watershed Specialist | Washington Conservation District | 455 Hayward Ave. | Oakdale, MN 55128
NEW PHONE NUMBERS ☎ 651-330-8220 Ext. 22 | Fax 651-330-7747
Cell: 608-487-4052 ✉ misensee@mnwcd.org
🌐 www.mscwmo.org www.mnwcd.org

From: Statz, Mark [<mailto:Mark.Statz@stantec.com>]
Sent: Wednesday, August 27, 2014 11:44 PM
To: Chris Wallberg
Cc: Angela Statz
Subject: RE: 16610 Rivercrest Rd N / Statz - Variance Application

Chris,

Here is our response to the Watershed Management Organization's comments:

It is our understanding, based on your email below, and our conversation from earlier today with both you and (via phone, Mike Isnesee) that our project will require a full review from the local MWO (including a \$250 review fee) because we are proposing the addition of more than 500 sf of new impervious surface. During today's conversations I suggested that we would be willing to complete our driveway with pervious pavers. If pervious pavers could be eliminated from the "new impervious" calculation, our project would net less than 500 sf of new impervious surface, avoiding the need for this process. However, I was informed that it is city and WMO policy to not consider "pervious" pavers as "pervious" surface. Rather, you count pervious pavers as "impervious". While this does not make much sense given the obvious semantic conflict, we understand that this policy is in place due to the possibility of pervious pavers clogging over time; rendering them impervious. We would argue that this same logic could be applied to just about any BMP, including rain gardens. We feel this policy should be reviewed. Also, we would like to point out that this policy discourages the use of pervious pavers and, in fact, encourages the use of impervious materials such as asphalt and concrete. This seems contradictory to the goals of the MWO and city.

We would like to plead with the WMO and City to allow us to use pervious pavers on our driveway, in lieu of building stormwater detention basins (rain gardens). The soils on our site are perfect for pervious pavers and we submit that the use of pervious pavers would allow for infiltration of all the water from much larger rain events than the half-inch rain event that a rain garden will store.

If our preferred approach (the use of pervious pavers) is denied, the following is our response:

Per the numbered comments below:

- 1.a. We will include a small rain garden along the south side of our driveway to capture the drainage. The dimensions of this rain garden and volume calculations are shown in the attached spreadsheet.
- 1.b. Our rain garden and other BMPs will be built to the standards of the Minnesota Stormwater Manual as published by the MPCA.
- 1.c. Soil restoration/decompaction will be completed using methods described in the Minnesota Stormwater Manual as published by the MPCA.
- 2.a. The previously submitted Drainage and Erosion Control Plan showed temporary BMPs such as silt fence and a rock construction entrance. These BMPs would be installed prior to any construction beginning. The land disturbing activities involved in the project should take less than 2 weeks to complete and work will be continuous, so there should not be the need for interim BMPs. Permanent Erosion Control will come via sod and hard surfaces. These will be the last items to be placed. Finally, after completion and turf establishment, the temporary BMPs will be removed.

We hope that this email will adequately address the MWO's comments. The simplicity of the proposed BMP and the previous submittal of a drainage and erosion control plan should not require additional drawings to be submitted. An application form, along with a check for the review fee will be submitted tomorrow.

Thank you for your continued efforts on our project.

Mark and Angela Statz

From: Chris Wallberg [<mailto:cityoflakeland@comcast.net>]
Sent: Tuesday, August 26, 2014 11:14 AM



TO: Mayor Livingston and Council Members

FROM: Chris Wallberg, City Clerk/Zoning Administrator
Lance Bernard, City Planning Consultant

RE: Variance Application for 699 Quixote Avenue North

DATE: 9-16-14

Attachments

- 699 Quixote Avenue North Variance Application, including a letter describing the proposed plan and the need for variances
- Site Survey and Plan
- Staff Report to Planning Commission dated September 9, 2014
- Written Comments from Milly Shodeen, Minnesota Department of Natural Resources

Background

The applicant (Jeff and Julie Anderson) is requesting a variance to construct a balcony facing the St. Croix River on the existing residential home at 699 Quixote Avenue North. According to Section 155.016 (Minimum District Dimensional Requirements) of the City Code, the existing residential home does not meet the side yard setback of twenty (20) feet and the bluff line setback of forty (40) feet. In that respect, the existing home is nonconforming.

Variances requested

The balcony involves the following variance:

1. Variance to construct a balcony within the minimum forty (40) foot bluff line setback (Section 155.016: Minimum District Dimensional Requirements).

Discussion

The general standard for evaluating a variance application is that a variance may be granted if enforcement of a zoning ordinance provision as applied to a particular piece of property would cause the landowner "practical difficulties" There are three factors used in evaluating the "practical difficulties" standard. If an applicant does not meet all three factors of the standard, then a variance should not be granted. The three factors are as follows:

1. The property owner is proposing to use the property in a reasonable manner
2. The difficulty is due to circumstances unique to the property not caused by the property owner
3. The variance, if granted, will not alter the character of the locality

Planning Commission Recommendation

The Planning Commission recommended, with a vote of 3-0, the denial of the following variance:

1. Variance to construct a balcony within the minimum forty (40) foot bluff line setback (Section 155.016: Minimum District Dimensional Requirements).

The Commission recommended denial of this variance based on the following findings of fact:

Findings of Fact

1. The existing home is defined as a substandard structure, as it does not meet the side yard setback of twenty (20) feet and the bluff line setback of forty (40) feet. According to Section 155.040(C) of the City Code, a substandard structure is not allowed to increase the violating setback standard. In this case, the proposed balcony will increase the violating bluff line setback.

Council Action Requested

Motion(s) regarding the variance application for 699 Quixote Avenue North.



TO: Planning Commission

FROM: Chris Wallberg, City Clerk/Zoning Administrator
Lance H. Bernard, City Planning Consultant

RE: 699 Quixote Avenue North
Variance Application for a Bluff Line Setback to Construct a Balcony

DATE: September 9, 2014 – Public Hearing

Application

The applicant (Jeff and Julie Anderson) is requesting a variance to construct a balcony facing the St. Croix River on the existing residential home at 699 Quixote Avenue North. According to Section 155.016 (Minimum District Dimensional Requirements) of the City Code, the existing residential home does not meet the side yard setback of twenty (20) feet and the bluff line setback of forty (40) feet. In that respect, the existing home is nonconforming.

The applicant is proposing to build a sixty-nine (69) square foot (sq. ft.) balcony and requesting the following variance:

1. Variance to construct a balcony within the minimum forty (40) foot bluff line setback (Section 155.016: Minimum District Dimensional Requirements).

Process

Variance is required where it is determined that, because of hardships, strict enforcement of the regulations is impractical. The law requires that approval of applications for variance first meet a test of a series of practical difficulties standards and be consistent with Ordinances and the Comprehensive Plan (see attached). Conditions may be imposed in the granting of a variance to ensure compliance and to protect the adjacent properties and the public interest, especially in regard to the view from the river.

Notification of public hearing on this matter was published, posted and mailed to owners of all properties within 500', as required by state statute.

Staff & Agency Review

The variance request has been reviewed by City Staff (i.e., City Zoning Administrator, City Planning Consultant and the City Engineer), the Department of Natural Resources (DNR) and the Middle St. Croix Watershed Management Organization (MSCWMO). City Staff offers the following information for inclusion, should Planning Commission members decide to recommend approval of the application.

Findings of Fact

Exterior decks attached to a structure, which do not extend any roof or foundation, may be permitted to extend laterally (parallel to the river or bluff line) at the same setback as the substandard structure if the deck is visually inconspicuous in summer months as viewed from the river, and provided the deck has no roof or building foundation (Section 155.040 (3): Substandard Structures). In this case, the balcony is being proposed to extend outward into the

forty (40) foot bluff line setback (Section 155.016: Minimum District Dimensional Requirements), and is not within the same setback as the substandard structure. The proposed balcony will be cantilevered outward by approximately six (6) feet from the existing home and will not require a foundation or footings.

Layout AS1.00 provides impervious calculations for existing conditions. However, these calculations do not include the proposed balcony. It does not appear the proposed balcony exceeds the maximum total lot area covered by impervious surface (Section 155.016: Minimum District Dimensional Requirements) when using the balcony dimensions in layout AS1.0:

$$\begin{array}{r} 4,054 \text{ sq. ft.} - \text{Existing Impervious Surface} \\ + \quad 69 \text{ sq. ft.} - \text{Proposed Impervious Surface (Balcony)} \\ \hline 4,123 \text{ sq. ft.} - \text{Total Impervious Surface} \\ \\ 21,363 \text{ sq. ft.} - \text{Lot Area} \\ \hline / 4,123 \text{ sq. ft.} - \text{Total Impervious Surface} \\ \hline 19.3\% - \text{Total Impervious Surface Area (maximum 20\%)} \end{array}$$

The building materials selected for the proposed balcony fit the character of the home and do not create inconspicuous views from the river.

On August 27, 2014 the City Building Inspector determined current work on the residential home that was approved for a building permit (Building Permit #14172) is out of scope. Out of scope work includes modifications to the building's square footage and roofline. A stop work order was issued on August 27, 2014.

Suggested findings of fact:

- Meets the following practical difficulties standards:
 - The owners propose to use the property in a reasonable manner.
 - The proposed structure will not alter the essential character of the locality.
 - The variance is in harmony with the general purposes and intent of the ordinance.

Conditions of Approval

The applicant will need to resolve all out of scope of work before a variance is issued to construct a balcony within the minimum forty (40) foot bluff line setback (Section 155.016: Minimum District Dimensional Requirements). Furthermore, the applicant will need to provide final impervious surface calculations that demonstrate they do not exceed the maximum impervious surfaces allowed (Section 155.016: Minimum District Dimensional Requirements). The MSCWMO has also requested the applicant include plans that show stormwater flow arrows and the location of gutters and downspouts. This information needs to demonstrate that runoff is flowing away from the bluff. The applicant will need to provide this information to the MSCWMO for their approval prior to issuing any building permits.

If recommended by the Planning Commission, these comments will be incorporated into a draft resolution and suggested as conditions to approval.

Recommendation

Staff recommends that the Planning Commission approve the variance request and include findings of fact as presented, and conditions provided by City Staff and the MSCWMO.

Chris Wallberg

From: Shodeen, Molly (DNR) <molly.shodeen@state.mn.us>
Sent: Tuesday, September 02, 2014 4:15 PM
To: Chris Wallberg; John Parotti; Mike Isensee
Cc: lbernard@srfconsulting.com; lakelandbuilding@comcast.net; John Buckley (jbuckley@ci.bayport.mn.us)
Subject: RE: 699 Quixote Ave N / Anderson Variance Application
Attachments: SKONIC_R3HQ14090214030.pdf

Thank you for the opportunity to comment on this proposal, I will be out of town and not be able to attend the hearing, please have our comments read into the record:

The applicant, Mr. Anderson is proposing to extend the house closer to the river by attaching a balcony. The DNR is opposed to the granting of this variance for the following reasons:

City ordinance:

155.040B states any extension of a substandard structure shall meet the setbacks

155.040 C1 allows an extension to be permitted on the side of the structure facing away from the river and/or bluffline

155.040C2(c) requires that improvements be visually inconspicuous as viewed from the river. The attached photos show that the angle of viewing changes the visibility of the façade greatly. The applicant used a very select view. There really is only one tree providing screening. If this tree on the beach were to be lost to flood or wind, the house would be quite conspicuous. The tree to the south has been severely trimmed so as to provide little screening value.

155.040C2(d) requires that the ZA and WCD find that the 1 tree will have the integrity to maintain screening. Has this occurred?

MN Rules 6105.0370 subpart 11B states "In no instance shall the extent to which a substandard structure or sanitary facility violates a setback standard be increased."

We disagree with the applicant's statement that the balcony will break up the façade by creating a "fenestration". We have never considered a similar statement as a positive to offset a variance which results in a setback being decreased. What breaks up the façade is to have enduring healthy native vegetation to screen the structure, not more structure that intensifies the substandard setback dimension.

We are also sure that a second exit could be evaluated for construction elsewhere on the structure to provide exit egress if that is a concern. There is a door on the lower level, or as an alternative, a door and a stairway might suffice on the side or an egress window on the streetside of the structure. A stairway may or may not require a variance.

Please send a copy of the minutes of the hearing and findings of fact on the 5 components of practical difficulty within 10 days of final local action. We do not accept simply a rewriting of the standard, instead a thorough discussion of the standard should be included. The minutes/findings should also discuss mitigation if the city approves the application, and if no mitigation, such as additional screening, is not going to be required, why not. If mitigation is required, how will it be maintained/monitored over time?

We conclude that the applicant is driving the need for the variance, not the land. It is an amenity that is **desired**, not one caused by the land. We see no discussion of alternative locations, like the sides or streetside of the structure. The applicant purchased this structure with all of its limitations due to its location on and below the bluffline, the practical difficulty is self-created.

At our workshop last winter, a council person asked the DNR to articulate what we look at when considering variances. In a case like this, we look at the above citation from the Lower St. Croix Rules that again says "in no instance shall the extent to which a substandard structure violates a setback standard be increased. That is very definitive, and

has been a line that has been held by the DNR and local governments over the years of administration of the program. Structures are simply not allowed to extend closer to a bluffline or the river.

We have not yet heard the results of a structural engineer regarding the remaining 2 walls. This in reality will be a new structure, and should have been reviewed as such. It is imperative that the communities in the valley consider having a definition of reconstruction vs remodel in the ordinances. We are working collaboratively on an effort that will address this change that we hope will be supported by local government, to give clarity to an issue that sometimes gets the best of us due to lack of clear definitions .

Does the city have any records regarding the boathouse remodeling? This structure is in the floodplain and as such, could not have more than 50% of the market value of the structure put into it without bringing it into compliance. It appears to have new siding and roof, unclear about other structural members. Was it substantially improved? Is it less than 500 sq. feet? If yes, the ordinance has provisions for floodproofing such structures. The city should consider requiring compliance with the floodplain ordinance for this structure. At a minimum, flood vents should be installed.

The applicant should be reminded that if he places a new dock, a permit from the Army Corps of Engineers is required, and if over 8' in width, he needs a DNR permit, even if the previous owner had a dock.

From: Chris Wallberg [<mailto:cityoflakeland@comcast.net>]
Sent: Wednesday, August 06, 2014 12:12 PM
To: John Parotti; Mike Isensee; Shodeen, Molly (DNR)
Cc: lbernard@sriconsulting.com; lakelandbuilding@comcast.net
Subject: 699 Quixote Ave N / Anderson Variance Application

We had been talking with this applicant about a renovation earlier this year, and they decided instead to do a remodel that didn't need variance/s. A building permit was issued, and that work is underway. They have decided to add a balcony, and submitted the attached variance application to do so.

Please take a look and let me know whether it provides what is needed for your review.

Thanks!

Chris

Chris Wallberg
City Clerk/Zoning Administrator
651 436-4430

City of Lakeland
Washington County, Minnesota

APPLICATION FORM

- | | |
|---|--|
| <input type="checkbox"/> Certificate of Compliance | <input type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Text Amendment |
| <input type="checkbox"/> Grading and Filling Permit | <input type="checkbox"/> Street Vacation |
| <input type="checkbox"/> Interim Use Permit | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> Preliminary/Final Plat | <input type="checkbox"/> Zoning District Amendment |
| <input type="checkbox"/> Planned Unit Development | |
| <input type="checkbox"/> Other _____ | |

Applicant HAF GROUP
(Name)

233 SOUTH MAIN ST., STILLWATER, MN 55082 (651) 351-1760
(Address) (Phone)

Fee Owner of Affected Property JEFF & JULIE ANDERSON
(Name)

119 W. CHESTNUT ST., STILLWATER, MN 55082 (651) 308-8745
(Address) (Phone)

Property Legal Description LOT 6 & 7, LAKELAND BLUFFS, WASHINGTON
COUNTY, MINNESOTA

Description and/or Reason for Request ADDITION OF DECK ONTO RIVERSIDE
OF EXISTING CABIN

SCREENING PLAN - N/A, FENCING PLAN - N/A, POTENTIAL FUTURE
WATER Hookup - N/A, DRAINAGE & EROSION PLAN - N/A



July 28, 2014

City of Lakeland
Attn. Chris Wahlberg
Project: Maris Stella
699 Quixote Ave North
Lakeland, MN

Project No. 14-014

RE: Proposed use

We respectfully request a variance hearing for a proposed balcony described in our application. The balcony has various uses below

1. The balcony will be used for the only exterior sitting area from the main level. This balcony is handicap accessible from the interior space.
2. This balcony also reduces the east elevation height by creating a fenestration on the building façade.
3. The balcony also creates a shadow/ screening line on the east wall.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Hoefler', with a horizontal line extending to the right.

Michael G. Hoefler, NCARB
HAF Architects, LLC



July 28, 2014

City of Lakeland
Attn. Chris Wahlberg
Project: Maris Stella
699 Quixote Ave North
Lakeland, MN

Project No. 14-014

RE: Practical Difficulties:

- Factor #1. We feel that the inclusion of this balcony allows for the owner to use their property in a reasonable manner. The balcony is set back from the east property line in excess of 80 feet. We feel this level, of which is a common living area, should be allowed to have a small seating area outside.
- Factor #2. The existing building structure creates a problem due to existing topography. The only access is from the southwest corner of the building. The remaining building topography declines and has no availability to allow for reasonable access. This exit also is part of our "means of exit egress" in case of emergency. The door can also be used for emergency fire access. We strongly encourage two exits on the main floor of the house.
- Factor #3. The inclusion of the balcony encourages better façade design in that it "breaks-up" the east elevation. This balcony has been designed to maintain good scale & proportion to the existing architecture. The design of the balcony is consistent with the existing architectural content. We propose to use complimentary materials – see drawing package.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Hoefler', written over a horizontal line.

Michael G. Hoefler, NCARB
HAF Architects, LLC

**CITY OF
LAKELAND**

OWNER:

JEFF ANDERSON
699 Quixote Ave. N.
Lakeland MN 55101

COUNTY:

**WASHINGTON
COUNTY**

SEAL:

THE STATE OF MINNESOTA DOES NOT
REQUIRE A SEAL.

REVISIONS:

DATE: 11-7-13
REVISION: ORIGINAL SURVEY

EXISTING LEGAL DESCRIPTION:

TRK 6818 REUBLIC TITLE INSURANCE COMPANY AS
ASSURED BY ITS AGENT, EDINA REALTY TITLE
COMPANY, INC. 10963941

Lot 8 and Lot 7, LAKELAND BLUFFS, Washington
County, Minnesota.

EASEMENT NOTE:

1. SUBJECT TO THE EASEMENT RIGHTS AND INTERESTS OF
THE STATE OF MINNESOTA, THE SURVEYED PROPERTY IS
MONUMENTED AS SHOWN ON THIS SURVEY.

AREA NOTES:

TOTAL AREA TO EDGE OF WATER = 41,382 SQ. FEET
AREA TO 692.2' FLOOD ELEVATION = 17,543 SQ. FEET

SURVEY NOTES:

1. MEASUREMENTS ARE BASED ON THE WASHINGTON COUNTY
COORDINATE SYSTEM NAD 1983.
2. LEGAL DESCRIPTIONS PROVIDED BY THE OWNER.
3. ELEVATIONS BASED ON NAVD 1988 DATUM.
4. FIELDWORK WAS PERFORMED NOVEMBER 3TH, 2013.

FLOOD INFORMATION:

BELOW ELEVATION 692.2 IS IN ZONE "A", AND
ABOVE ELEVATION 692.2 IS IN ZONE "X". SEE FIRM
711616030B, DATED FEB. 1990, 2010. ZONE AE IS
AREA OF 100 YEAR FLOODING.

UTILITY INFORMATION

UNDERGROUND UTILITIES ARE NOT SHOWN.

CERTIFICATION:

I, the undersigned, being a duly qualified and
licensed land surveyor in the State of Minnesota,
do hereby certify that this survey was
made by me or under my direct supervision, and
that the facts shown on this map are true and
correct to the best of my knowledge and
belief.

PROJECT LOCATION:

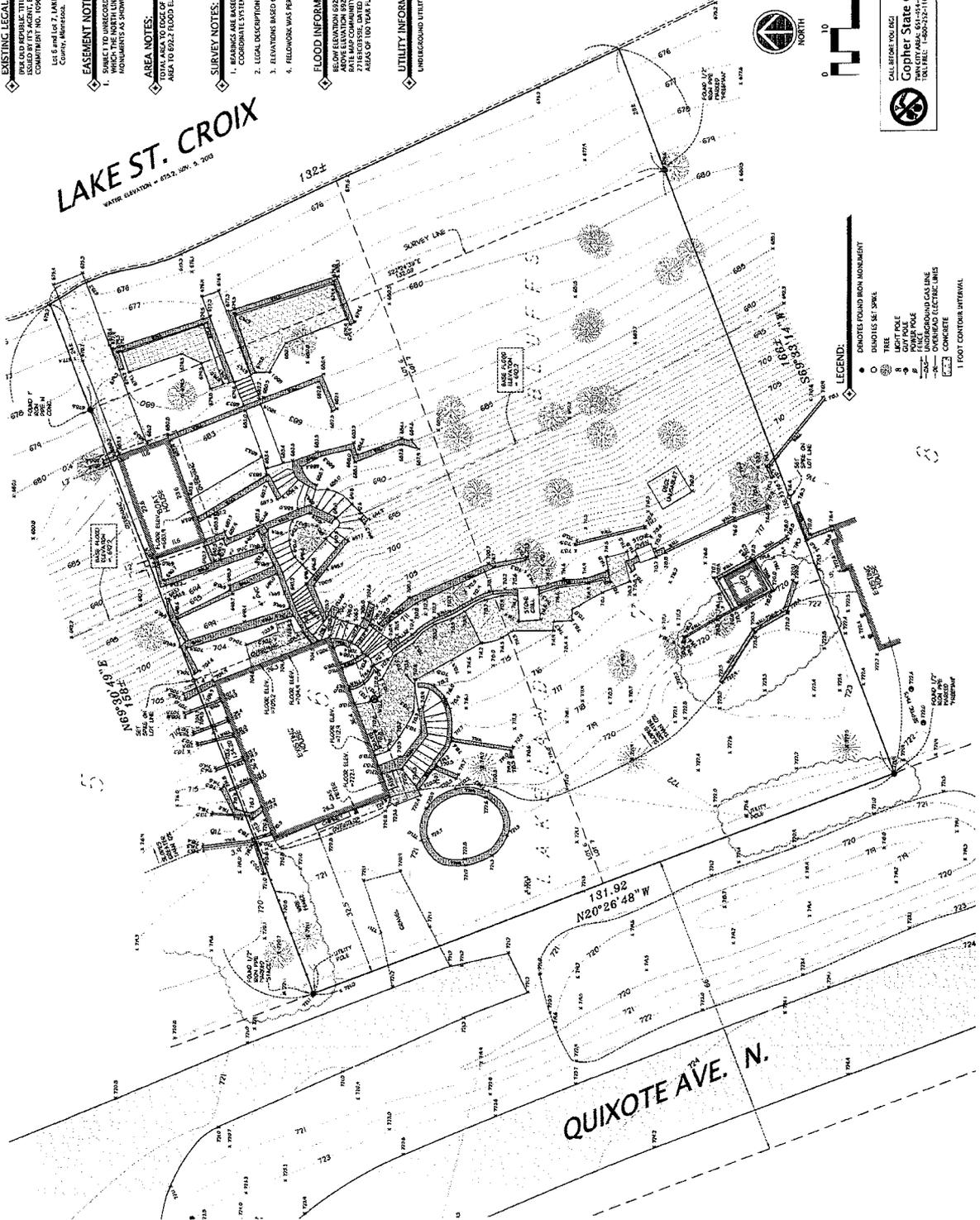
QUIXOTE AVE. N.
PID# 3502920140023

Scale 85/100
6750 Sullivan Blvd. N.
Lakeland, MN 55101
Phone: 651.276.3889
Fax: 651.276.3898
www.cornerstone-land.com
CORNERSTONE
LAND SURVEYING, INC.

**CORNERSTONE
LAND SURVEYING, INC.**

FILE NAME: 11M11801
PROJECT NO: 11-07-13

**CERTIFICATE
OF SURVEY**



CALL 800-551-7621
Gopher State One Call
1-800-551-7621
TOLL FREE 1-800-551-7621



- LEGEND:**
- DENOTES FOUND IRON MONUMENT
 - DENOTES SET SPIKE
 - TREE
 - LIGHT POLE
 - POWER POLE
 - OVERHEAD GAS LINE
 - OVERHEAD ELECTRIC LINES
 - CONCRETE
 - 1 FOOT CONTOUR INTERVAL

HAF GROUP
 DESIGN
 ARCHITECTURE
 INTERIORS
 232 SOUTH MAIN STREET
 SUITE 200
 MILWAUKEE, WI 53202
 TEL: 414.224.1100
 FAX: 414.224.1101

HAF ARCHITECTS
 ARCHITECTS
 INTERIORS
 232 SOUTH MAIN STREET
 SUITE 200
 MILWAUKEE, WI 53202
 TEL: 414.224.1100
 FAX: 414.224.1101

314 SOUTH MAIN ST.
 MILWAUKEE, WI 53202
 TEL: 414.224.1100
 FAX: 414.224.1101
 WWW.HAFARCHITECTS.COM
 WWW.HAFARCHITECTS.COM

HAF CONSTRUCTION
 CONSTRUCTION
 232 SOUTH MAIN STREET
 SUITE 200
 MILWAUKEE, WI 53202
 TEL: 414.224.1100
 FAX: 414.224.1101

MARIS STELLA
 ARCHITECT
 07-23-2014
 600 QUINCY AVENUE, N.
 LAKELAND, WI

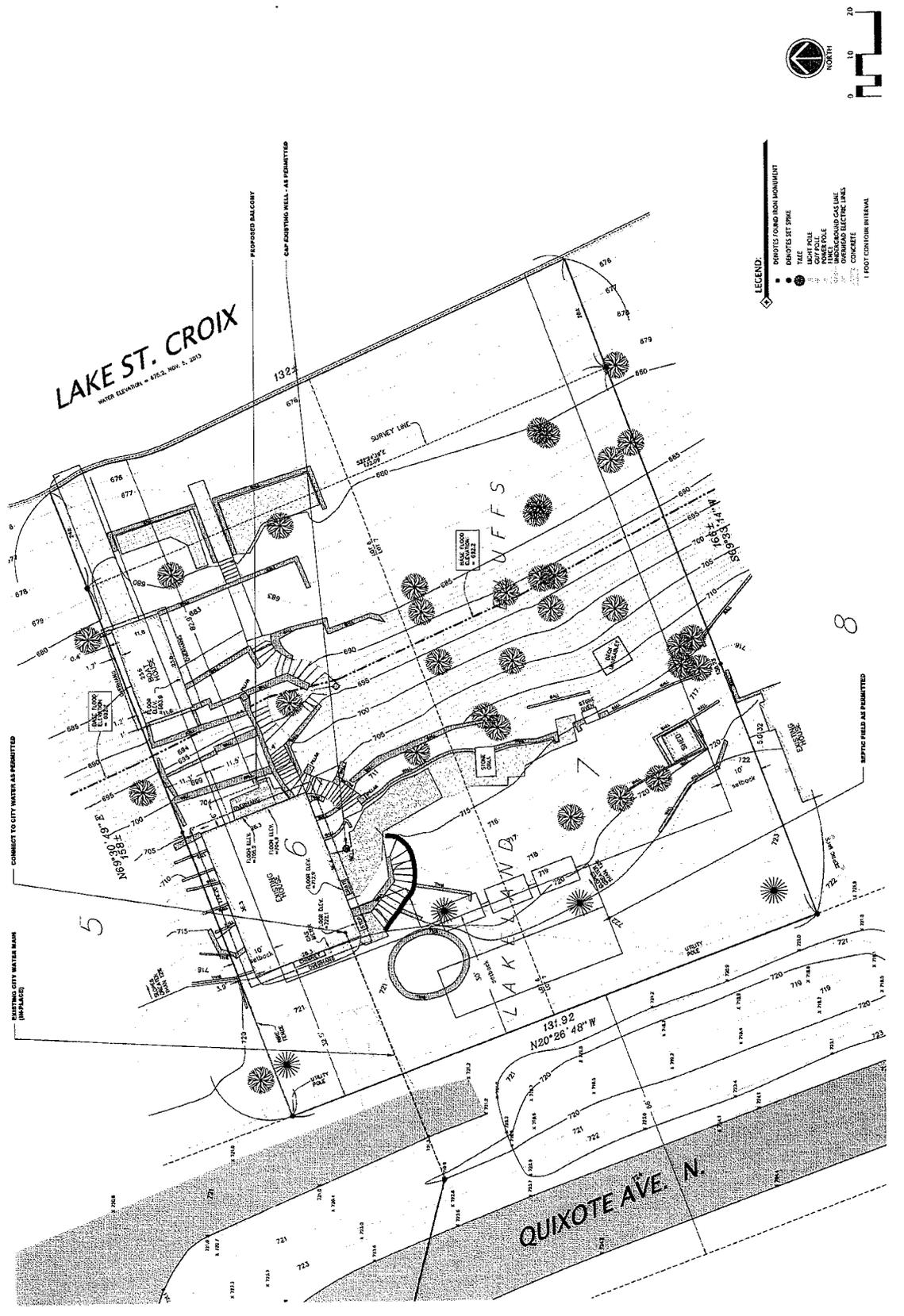
JEFF & JULIE ANDERSON

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	07-23-2014
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
10	REVISION	

PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF MILWAUKEE ZONING ORDINANCES AND THE MILWAUKEE SUBDIVISION MAP ACT. THE DESIGNER HAS CONDUCTED A VISUAL ANALYSIS OF THE PROPOSED PROJECT AND HAS DETERMINED THAT THE PROJECT IS COMPATIBLE WITH THE SURROUNDING AREA AND DOES NOT CONFLICT WITH ANY APPLICABLE ZONING ORDINANCES OR SUBDIVISION MAP ACT REQUIREMENTS.

DATE: 07-23-2014
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT NO.: [Number]

AS1.0



HAF
GROUP
ARCHITECTURE
CONSTRUCTION

HAF
ARCHITECTS
ARCHITECTURAL
STRUCTURAL
MECHANICAL
ELECTRICAL
PLUMBING

7110 UNIVERSITY BLVD
SUITE 100
DALLAS, TX 75243
TEL: 214.343.1111
WWW.HAFGROUP.COM

7110 UNIVERSITY BLVD
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DALLAS, TX 75243
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HAF
CONSTRUCTION
ARCHITECTURAL
STRUCTURAL
MECHANICAL
ELECTRICAL
PLUMBING

7110 UNIVERSITY BLVD
SUITE 100
DALLAS, TX 75243
TEL: 214.343.1111
WWW.HAFGROUP.COM

PROJECT: MARIS STELLA
"MARK II" THE SPA
07-23-2014
LAWSON, WOODS, PEREGRINE,
& ASSOCIATES
LAKELAND, FLORIDA

BY: R. ANDERSON
DATE: 07-23-2014

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	07-23-2014
2	ISSUED FOR CONSTRUCTION	07-23-2014
3	ISSUED FOR AS-BUILT	07-23-2014
4	ISSUED FOR ARCHIVE	07-23-2014

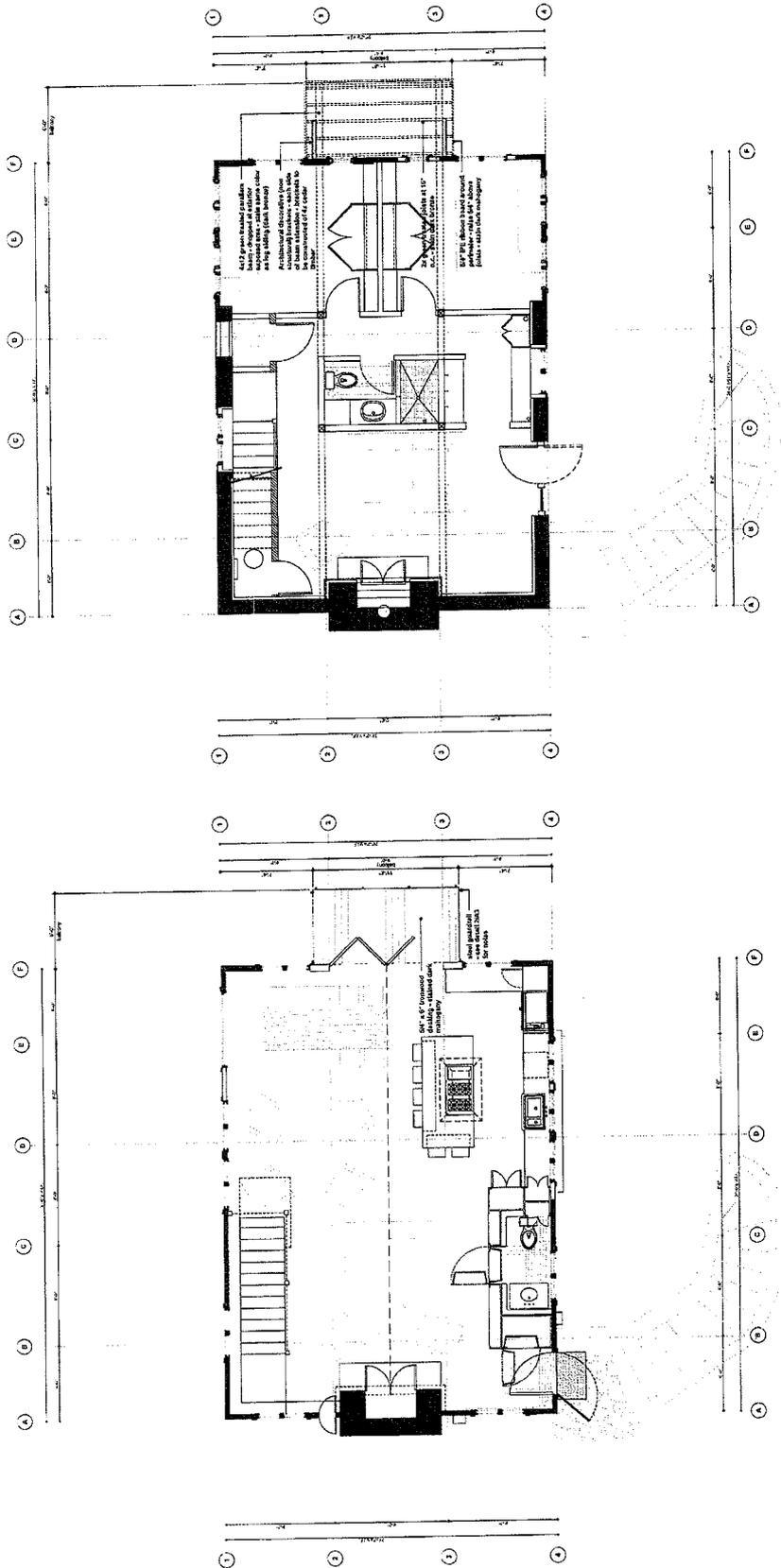
DESIGNED BY: R. ANDERSON
CHECKED BY: R. ANDERSON
DATE: 07-23-2014

PROJECT NO.: 14-0001
SHEET NO.: 14-0001-01
DATE: 07-23-2014

SCALE: AS SHOWN
UNITS: FEET AND INCHES
TYPICAL

1/4" = 1'-0"
1/8" = 1'-0"
1/16" = 1'-0"

A1



2 PROPOSED BASEMENT FLOOR PLAN

1 PROPOSED FIRST FLOOR PLAN

MEMORANDUM

To: City of Lakeland, City Clerk Chris Wallberg

From: Johnson/Turner, P.A.; Christopher D. Johnson and Joshua N. Brekken

Re: Meeting Minutes: Requirements and Process

Date: September 2, 2014

State law requires all cities to "make and preserve all records necessary to a full and accurate knowledge of their official activities. ... All government records shall be made on a physical medium of a quality to insure permanent records." Minn. Stat. § 15.17, subd. 1. The clerk shall keep "a minute book, noting therein all proceedings of the council." Minn. Stat. § 412.151, subd. 1.

The following items must be included in the minutes:

- The members of the public body who are present.
- The members who make or second motions.
- Roll call vote on motions.
- Brief description of subject matter of proposed resolutions or ordinances.
- Whether the resolutions or ordinances are defeated or adopted.
- The votes of the members of the council.
- The vote of *each* councilmember (separately) must be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute.

Minn. Stat. §§ 13D.01, subd. 4; 331A.01, subd. 6; 15.17, subd. 1; 412.151, subd. 1; 412.191, subd. 3.

The Office of the State Auditor has recommended that meeting minutes include the following information in addition to the information required by state statute:

- Type of meeting (regular, special, emergency, etc.)
- Type of group meeting (city council, planning committee, etc.)
- Date and place the meeting was held.
- Time the meeting was called to order.
- Approval of minutes of the previous meeting, with any corrections.
- Identity of parties to whom contracts were awarded.
- Abstentions from voting due to a conflict and the member's name and reason for abstention.

- Reasons the governing body awarded a particular contract to a bidder other than the lowest bidder.
- Granting of variances and special use permits.
- Approval of hourly rates paid for services provided, mileage rates, meal-reimbursement amounts, and per diem amounts.
- Listing of all bills allowed or approved for payment, noting the recipient, purpose, and amount.
- List of all transfers of funds.
- Appointments of representatives to committees or outside organizations.
- Reports of the officers.
- Authorizations and directions to invest excess funds, information on investment redemptions and maturities.
- Time the meeting concluded.

However, these are recommendations and are not required to be part of meeting minutes. Ordinances, resolutions, and claims considered by the council **do not need to be fully detailed in the minutes “if they appear in *other permanent records kept by the clerk and can be accurately identified by the description given in the minutes.*”** Minn. Stat. § 412.151, subd. 1 (emphasis added).

The meeting minutes do not comprise the entire “record” of the meeting. However, the minutes are the primary record of the process and are significant if actions are challenged in court. It is important to make an adequate record of actual council *decisions* and the *factual information* relied upon in making decisions, especially when it comes to such items as conditional use permits, variances, and others that require application of policies to specific factual situations. As stated by the Attorney General, “there may be circumstances in which it would be advisable for the [governing body] to provide for the minutes to include information over and above what is necessary to satisfy minimum statutory requirements for a record of its official actions.” Op. Atty. Gen. 851-C, March 5, 1992.

The actual “records” of any governmental body include “written or printed books, papers, letters, contracts, documents, maps, plans, computer based data, and other records made or received pursuant to law or in connection with the transaction of public business.” Minn. Stat. § 15.17 (emphasis added). These records and/or data include video and audio recordings. Minn. Stat. § 13.02, subd. 7. The concern with limited written meeting minutes is that there will be an insufficient available printed record, causing the clerk or other staff to go back and review the video/audio recording (or other data/records) to develop a full transcript should there be a challenge to council action.

A. Recommendations

With the above in mind, the council may direct its clerk to include only the required information, only the required and recommended information as noted above, or the

required information and any variation of the recommended information. While generally the clerk determines the actual wording and format of the minutes, this is a policy matter up to the discretion of the council. **The direction may be given and adopted through motion with majority approval.**

An additional strategy may be for the clerk to draft a standard form for council review and approval that lists the items which will be noted in the minutes, and which is to be followed for each meeting. This form may help save time.

Finally, while there may be some concern with lacking a full record of the meeting with limited minutes, this concern is only pertinent when there is a challenge to council decisions. Therefore, again as a policy matter, **the council may direct the clerk during a meeting to take more full and detailed minutes**, including but not limited to findings of the council, documents and other information considered, and discussion of council members when it comes to quasi-judicial decisions such as conditional use permits, variances, and other decisions that require an application of policy to a particular fact situation.

If you have any questions or concerns or would like further clarification on any of the above, please contact our office.

Sincerely,

JOHNSON/TURNER, P.A.

Christopher Johnson
Josh Brekken

Draft

RESOLUTION NO. 2014-_____

CITY OF LAKELAND
WASHINGTON COUNTY, MINNESOTA

A RESOLUTION REGARDING FORMAL RECORD OF
CITY OFFICIAL ACTIONS

WHEREAS, State law requires all cities to make and preserve all records necessary to a full and accurate knowledge of their official activities, and

WHEREAS, all government records shall be made on a physical medium of a quality to insure permanent records, and

WHEREAS, State law requires the Clerk shall keep a minute book, noting therein all proceedings of the Council, and

WHEREAS, ordinances, resolutions and claims considered by the Council do not need to be fully detailed in the minutes if they appear in other permanent records kept by the Clerk and can be accurately identified by the description given in the minutes, and

WHEREAS, the actual records of the City include written or printed books, papers, letters, contracts, documents, maps plans, computer based data, other records made or received pursuant of law or in connection with the transaction of public business, and video and audio recordings, and,

WHEREAS, video recordings are made of the City's public meetings to provide an accurate record of citizen commentary and all proceedings otherwise appearing before the City and its commissions and/or councils.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF LAKELAND, AS FOLLOWS:

1. That the City Clerk shall be directed to prepare meeting minutes that are limited to statutory requirements pursuant to Minn. Stat. 15.17 subd. 1 and Minn. Stat. 412.151 Subd. 1 and include the following items:
 - a. The members of the public body who are present
 - b. The members who make or second motions.
 - c. Roll call vote on motions.
 - d. Brief description of subject matter of proposed resolutions or ordinances.
 - e. Whether the resolutions or ordinances are defeated or adopted.
 - f. The votes of the members of the council.
 - g. The vote of *each* councilmember (separately) must be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute.

BE IT FURTHER RESOLVED, that video recordings of City Council public meetings will be retained as part of the permanent record of the City.

Passed and adopted by the City Council for the City of Lakeland this 16th day of September, 2014.

Robert Livingston, Mayor

ATTEST:

Chris Wallberg, City Clerk

Draft

ORDER OF THE CITY OF LAKE LAND REGARDING HAZARDOUS AND DESTROYED BUILDING LOCATED 1243 RIVERCREST ROAD NORTH IN LAKE LAND, MINNESOTA

WHEREAS, this Order is made in connection with the property located at 1243

Rivercrest Road North in Lakeland, Minnesota, legally described as:

All that part of Government Lot Four (4) in Section Twenty-six (26), Township Twenty-nine (29) North, Range Twenty (20) West, described as follows: Beginning at a point on the north line of said Lot Fourteen hundred sixty and eight-tenths (1460.8) feet east of the Northwest corner thereof; running thence southerly Two hundred seventy nine and four-tenths (279.4) feet; thence south 45 degrees west One hundred one and two-tenths (101.2) feet; thence westerly parallel to the north line of said Lot Two hundred nineteen and two-tenths (219.2) feet to the east line of the public highway known as Minnesota State Trunk Highways Numbers 12 and 95, as the same existed in the year 1937; thence northerly along said East line of said public highway to said north line of said lot; thence east along said north line to the point of beginning. Also all right, title and interest of said parties of the first part in and to any other part or parts of the tract of land comprising that part of said Government Lot Four (4) lying East of the County Road running northerly and southerly through the same, as said road existed prior to the establishment of said State Trunk Highways, which tract was described in the decree of descent in the estate of August Nelson, deceased, a certified copy of which was recorded in the office of the Register of Deeds of said County in Book 108 of Deeds, page 9, except those parts of said tract heretofore conveyed by said parties of the first part to Milbert Clymer and Lily Clymer, husband and wife, as joint tenants, by deed recorded in the office of said Register of Deeds in Book 124 of Deeds, page 573 and to Melvin C. Kraft and Kay A. Kraft, husband and wife, as joint tenants, by deed recorded in said office in Book 216 of Deeds, page 6; All subject to public highways now existing and affecting the above described land, According to the United States Government Survey thereof, Washington County, Minnesota.

(hereinafter the "Property"). The Property is owned by without limitation, Edith Nelson. Ms. Nelson passed away on June 15, 2014. No probate proceedings have been commenced transferring ownership of the Property.

WHEREAS, the Property is in a state of dilapidation as it was destroyed by fire on May 3, 2014; and

WHEREAS, without limitation, the following other conditions exist upon the Property in violation of the Lakeland City Code:

1. Section 155 requires reasonable maintenance of all structures, landscaping, and fences so as to avoid health and safety hazards and prevent degradation in the value of adjacent property. The Property is in violation of this provision.
2. Section 159.087 requires all personal property shall be stored within a building or fully screened so as not to be visible from public streets or public lands.
3. The principal building does not meet the minimum standard of the Minnesota State Building Code, and is thus in violation of Section 159.082(D).

NOW THEREFORE, the City of Lakeland, by and through its City Council, finds that the property is in a dilapidated, hazardous state and has been destroyed by fire, and Orders, pursuant to, without limitation, Minn. Stat. §§ 463.15 *et. seq.* and specifically 463.25, 412.221, 429.021, 429.101, Lakeland City Code 151 *et. seq* as follows:

1. The above-listed conditions constituting code violations shall be corrected and brought into compliance within 15 days of the service and publication of this Order as prescribed in Minn. Stat. § 463.17, subd. 2.
2. Should the Owner not bring the property into compliance within 15 days of the service and publication of this Order as prescribed in Minn. Stat. § 463.17, subd. 2, that the filling, grading, and protection of the property to be performed by the City, including but not limited to the following actions:
 - a. The remains of the destroyed principal structure be removed and the basement filled in up to current grade at a date as soon as possible after 15 days from the service and publication of this Order as prescribed in Minn. Stat. § 463.17, subd. 2.

- b. The septic system shall be pumped and collapsed at a date as soon as possible after 15 days from the service and publication of this Order as prescribed in Minn. Stat. § 463.17, subd. 2.
 - c. Any wells on the Property shall be capped and sealed by a Licensed Contractor at a date as soon as possible after 15 days from the service and publication of this Order as prescribed in Minn. Stat. § 463.17, subd. 2.
3. A copy of this order shall be served and published pursuant to Minn. Stat. § 463.17, subd. 2, by posting it at the main entrance to the Property or a conspicuous place on the property and by four weeks publication in the official newspaper of the City or otherwise in a legal newspaper in Washington County.

IT IS HEREBY ORDERED.

Passed and adopted by the City Council for the City of Lakeland this 16th day of September, 2014.

Robert Livingston, Mayor

ATTEST:

Chris Wallberg, City Clerk/
Zoning Administrator



TO: City Council
FROM: Chris Wallberg
RE: City Administration Report
DATE: September 16, 2014

This is to provide you with an update on work being done in the Clerk's office, beyond continuing routine administrative/clerical tasks.

Administrative

Comprehensive Plan - Met Council has approved the Thrive MSP 2040 Plan, which begins the first phase of the process for updating local Comprehensive Plans. Review, discussion and brainstorming is scheduled as ongoing work for the Planning Commission.

Website - <http://ci.lakeland.mn.us>

Changes are made to the website as appropriate. More materials and information will be added as we go along (and time permits). We ask that you give a call or send an email when you see something on the site that needs correcting.

Election

Election preparation is considerable, and a big chunk of my time will be spent on the various steps over the next months. The General Election is Tuesday, November 4, 2014.

Zoning

Administration responsibilities continue to affect priorities for work in this office. SRF has been contacted a few times for preliminary discussions and to participate in a meeting about a potential project that will require variances.

661 Quixote / Billig - Public Health Department has determined that this property has noncompliant cesspool, and a number of notices have been issued to the current owner. Mayor Livingston, Septic Inspectors and I met with the property owner, and it was determined that a new septic system is required. There was also discussion about the fact that there are two structures being used as living quarters on this property, one of which is a garage. Chris LeClair reported that a septic permit cannot be issued until the dwelling issues are resolved, so he can determine how a new system is to be sized. We are working to resolve the non-compliance issues.

1109 Quixote / Space - The extended deadline has passed, and John Parotti is working with the property owner to schedule a site visit to confirm work has been done in accordance with approved plan, as directed by the Court.

1243 Rivercrest - home was destroyed by fire. You will address a new Order on the matter at this meeting. It's included in your packet.

699 Quixote /balcony and 16610 11th/new garage - Public hearings were held, and you will address the Planning Commission recommendations at this meeting.

Communication continues regarding pending variance applications for these projects:

699 Quixote Avenue North / Anderson. A Building Permit was issued to remodel the home, and work is underway.

737 Quentin Avenue South / Ruprecht. The applicants propose to renovate their home such that it would require variance/s. We continue to work with them to have a complete application.

641 Quixote Avenue North / Quinn. Approval was given for the landscaping plan, and the project is underway. We are waiting for plans on new lift installation. Site inspection will be done to insure compliance.

16678 7th Street South / Gustafson. A Grading and Filling Permit was issued for the exterior landscape work being done. Site inspection was done, and the Engineer and WMO are working with the owner to reach compliance with some outstanding issues.

A complaint came in about activity at 16028 5th Street South. It turned out that St. Croix Woodlands had a wedding ceremony under the new Commercial Special Occasion Ceremony Venue ordinance without a permit. The owners have been contacted and expect to submit the permit application next week. I let them know that a letter will be sent notifying them to remove signs they have placed near their property.

We still have an extensive list of work in-process or waiting-for-time:

- Escrow review and reconciliation.
- Municipal licensing reporting to the MN Department of Revenue.
- Set up of the new City email system.
- Researching computer needs for City offices.
- Address and update record retention and Data Practice processes.
- Continue to identify what will be included on the website, develop those materials and meet with Council to get direction regarding content of the website.
- Establish structure for email system for elected officials and staff, and work on developing an email list for broader communication with residents.
- Establish lists for expanded use of the County Code Red system.
- Address zoning projects as they come in.
- Update business files.

We asked the Personnel Committee to consider some additional time to catch up on the backlog in the Clerk's office, and it was determined that is not needed. We then provided a list of timelines for attempting to get some of the priority work done without additional hours, and are waiting for response.

CW

Lakeland Mayor's Update – August, 2014

- 1. Select Senior Housing (SSH) continues work to secure investor(s) for the project, but lending dollars are still hard to come by. They expect that August will be a critical month for securing investment capital, as they have meetings set with possible investors. I will assist them in showing the site as needed. Again, ViewPoint Consulting Group reviewed the Maxfield, Inc marketing study and confirmed their findings earlier this year; SSH engaged dba Architects to work on a preliminary design; the property manager would be Oxford Property Management; and Pointmark Construction will handle the project development. SSH made an offer on the property in mid-June, and continues to negotiate for the property. SSH is also working on a 100-unit project in Stillwater that is further along and remains their current priority and is looking for one more property in southern Washington County for development.**
- 2. Now that Thrive MSP 2040 has laid out the direction, the Metro Council is already getting started on the Comp Plan Update process. It started with a Local Planning Assistance Handbook Update survey this month, which I responded to, and continues with the review of current Policy Plans for Transportation, Housing, Water Resources, and Regional Parks. These reviews are underway with Public Hearings in September and October; although, these short timelines have drawn criticism...more on each below.**
- 3. The Transportation Policy Plan, over 500 pages long, was released for public comment on 8/13 and cities and counties can make comments until 10/1/14. While there is little in the draft that affects Lakeland, you may want to attend the Washington County session for input on Thursday, 9/18 from 5 – 7 PM at the Washington County Government Center.**
- 4. The Housing Policy draft came out for public comment at the end of July, 2014 and is over 100 pages long. In reviewing it, the Housing Policy Plan's priority is: "To create housing options that give people in all life stages and of all economic means viable choices for safe, stable and affordable homes." I think that we can all agree to that priority, but what, specifically, would Lakeland need in their Comp Plan to meet that goal? We'll need to show in the Comp Plan how the City will promote the availability of land for low-moderate income housing and a specific implementation plan on how the City will meet the Metro Council priority. More will be revealed at the Public Hearing on**

Monday, September 15th at the Metro Council offices in St. Paul, which I will attend.

- 5. The Metro Council Forum on Water Supply, specifically for local elected officials, was held on Thursday, August 21st @ the Maplewood Community Center from 6 PM to 8 PM. The Metro Council outlined their draft Water Supply Master Plan, which will form the basis for the draft Water Resources Policy Plan. I got a sneak preview of it at the August 20th Metro Cities Metro Agencies committee meeting on Wednesday, August 20th**
- 6. I met with the Planning Commission on Tuesday, June 3rd to go over the current Comp Plan, plus review the process for the upcoming 2018 update. I memo'ed them for both their July 1st and August 5th meetings on options for the community process for updating the Comp Plan with the goal being to obtain more input from residents on it. I will be at their September 9th meeting to continue the discussion of Comp Plan goals.**
- 7. I had a meeting with Firm Ground Architects on 8/27. I continue to stay in touch with them on their interest in the project. At this time, their "team" consists of Firm Ground Architects, Ebert Construction, and 3 Links of Northfield for managing senior services. They, too, are looking for investors.**
- 8. There are other potential partners, too, but I have not contacted them to date pending above the outcome of the 2 developers "in line".**
- 9. I am working with Kathryn Paulson at the WCHRA, who has been assigned to be our liaison the senior housing project, on possible grant opportunities and WCHRA assistance related to the project. I had a Conference Call with WCHRA on Thursday, 8/14 to update them on progress. They remain ready to help on the project.**
- 10. The County Board also approved a Low Interest Loan Program for homeowners with failing septic systems called the Washington County SSTS Low Interest Loan Program. The program will be run through the Washington County HRA and will have an interest rate of 1.5% on a 5 year loan and would be added as a Special Assessment on the homeowner's Property Taxes, which is due 2 times a year. Homeowners would also have access to other grant and loan programs that could reduce the costs. The program is up and running now, so more information is available by going to either the Washington County HRA or Washington County website. I'm not sure the extent of the problem of failing septic systems in Lakeland, but this does offer**

a low cost method of getting them resolved. I will send info to City Staff for use in the Newsletter and Website, if there is a need.

11. The foreclosure data provided by the Washington County HRA thru May, 2014 shows that total Sheriff's sales are down by 117 for 2014 over 2013, a good indication that the housing market continue to improve. Lakeland has had 52 Sheriff's Sales since 2009, including 12 for 2012. For 2013, Lakeland had only 4 foreclosures and through May, 2014, just 2 - 1839 Quinlan Avenue South and 16660 15th Street South.
12. I advised Staff on the 2015 Affordable and Life Cycle Housing Opportunities Amount required to be spent by the City to remain eligible for Livable Communities Act Programs. The amount is a little over \$6,462 for next year and is met by participating in Washington County HRA housing-related programs.
13. I am working with Staff on finding reasons for the Metro Council's population and employment estimates. The population estimates show Lakeland's population dropping from 1,796 to 1,500, while employment in the City is rising from 302 to 460. I have e-mailed the City's Metro Council Sector Rep, Lisa Barajas, for an explanation.
14. If Lakeland applies for SCORE funding through the County to help finance the recycling day, then there may be larger grants available, since the State added \$4 million more in FY 2015 for recycling and composting programs.
15. Electric utilities are now required to provide \$8 million in assistance in reducing costs for customers that qualify for federal low-income energy assistance programs. Once this is effective 10/1/14, some of Lakeland's senior citizen homeowners would qualify to apply for a \$15/month discount on their electric bill.
16. Legislation to increase PERA General Plan Pension contributions for both employers (7.5%) and employees (6.5%) by .25% each has been approved. The change would take effect beginning with the first paycheck issued after 1/1/15, so it would not affect the 2014 Budget, BUT should be in the 2015 Lakeland Budget.
17. There were a number of changes related to Volunteer FF Relief Associations that should be reviewed by the LSCV FD. Please pass this need along to Lakeland's rep. on the Board. I can provide further info, if you need it.
18. As you know, the Minimum Wage was increased and indexed for inflation and goes into effect on August 1st. A 3 year "phase in" process will move the minimum wage to \$8.00/Hr by 8/1/14, \$9.00/Hr by 8/1/15,

and \$9.50 by 8/1/16, then the inflation index “kicks in” with a “safety net” that allows the State to stop the indexing in times of economic downturn. For Lakeland, which has a budget of over \$500,000 qualifying it as “large employer”, it may mean increased costs for any seasonal employees.

19. The LMC Board met on 8/21/14 to determine the dues increase for next year. The maximum amount that they can increase the dues is 3.5%, but the Board lowered it slightly to 3% for 2015. The City should receive it’s dues invoice after Labor Day.
20. The Fiscal Disparities data for Pay 2015 was published in the July 14th edition of the LMC Bulletin for use in setting preliminary property tax levies. Lakeland’s estimate was \$76,818 for 2015.
21. The Washington County proposed 2015 Budget calls for a max of 3.45% increase in property taxes. The increase is being driven by adding 7 new employees, recent settlements with their bargaining units and higher health insurance premiums. The month of August on the 2015 Budget was spent reviewing all Department budgets, but since the deadline for Preliminary Tax increases has been extended until 9/30, it may be that a final Preliminary Tax Levy is not set until 9/23.
22. The State Minnesota Management and Budget Office released the preliminary “numbers” for State revenues for FY 2014 (7/1/13 to 6/30/14) and the news is unexpectedly good. Minnesota’s net GF receipts are \$168 million more than projected for FY 2014...in May, 2014, they were almost \$95 million under projections. What accounted for the “positive swing”? Mainly, Individual Income Tax receipts were higher than expected, along with Sales Tax receipts, which indicates that the economy is on the rise. For Lakeland, it likely means that LGA distributions for the remainder of 2014 will likely be as budgeted.
23. Other items – The LMCIT also has a new Loss Control guide for Parks and Rec facilities, which was used to bring Lakeland’s parks up-to-date, so it might be good to check them again.
24. September, 2014 Work Plan – Focus on the Senior Housing project and 2020 Comp Plan Process.