

SPECIAL PLANNING COMMISSION MEETING
November 18, 2008

PLANNING COMMISSION PRESENT: Asia Bednar, Chris White, Diane Wirth, Kevin Witt

CITY COUNCIL PRESENT: Peg Larsen, Bob Livingston, Brian Zeller

STAFF PRESENT: Jim Gilles, Chris Wallberg

OTHERS PRESENT: Al Bergevin, Joe Chaves

1. **CALL TO ORDER** by Acting Chair White at 6:05 p.m.

2. **PLEDGE OF ALLEGIENCE** was said.

3. **MEETING MINUTES** – White noted on page 3 - Discussion and Recommendation, the second sentence says *Carolyn said they are cuttings, live stakes are cuttings from live plants* – should be 'lives stakes'; on page 5 - *Hilger said design will deter them from coming back out, if they were to come out they would be coming into a turn land anyway*, should be turn lane; on page 6 - B Discussion and Recommendation - *White would like to make change to letter D Chemical/Pollutant Storage and Disposal - paints and small gas cans does indicate where they will be stored*, should say doesn't indicate where they would be stored. **M/S/P (Wirth/Witt) to approve the minutes of the October 7, 2008 meeting with corrections. Motion passed.**

4. APPLICATION BY HAROLD SYVERSON FOR VARIANCE TO REPLACE THE SEPTIC SYSTEM AT 801 QUENTIN AVENUE SOUTH

A. Public Hearing

1) **Call to Order** at 6:20 p.m.

2) **Introduction of Application** – Wallberg introduced this application to replace a failed septic system at 801 Quentin Avenue South; variances that will be required are setback from the bluffline and setback from the house; there has been review by the County by Chaves and herself and by the Engineer, and because of elevations and other layout of the property, this is the only area this can be placed; it does not meet the criteria, so the WMO will not have to have full review; waiting for some things WMO outlines, much as the City Engineer does with these types of projects, to prevent erosion during the project itself too; requests that any recommendation they make would be based on Staff preparing and executing the resolution and variance permit in a way that takes into account those things; will send to DNR to have certified because it is in the River District; because this is to accommodate a failed septic system, they would not have any other comments to that presuming they know that Lakeland does due diligence about these things; received an email from the County today and they had no issue whatsoever with the variance application; thinks that is all they need to hear from anyone being notified; doesn't have a resolution for them this evening, so any recommendation they would make to CC would be based on Staff executing and preparing those documents so that they can get their project going.

3) **Public Comments** – none

4) **Written Comments** – none

5) **Hearing Closed** at 6:25 p.m.

B. Discussion & Recommendation

Bednar noted Chris had a question on the snow fence area that is referenced on Percolation Report. Wallberg said in the resolution and permit itself, they will specify what those requirements are; lets the City Engineer decide what that is exactly and usually does it ahead of time but because they are meeting now and the CC will consider it so quickly, they will deal with it in that way; also have had two of these failed septic systems where they have stepped it up before the snow hits; this is something that they and the CC have done recently without any issues or problems.

Joe Chaves, Chaves Excavating. Will be installing system; Harold Syverson, the owner, could be present tonight. White asked Chaves if Syverson is aware of the thoughts that many people have including his Percolation Report that the well should be sealed. Chaves talked to him about that; he's not on City water and everyone else is; talked to Wallberg about that earlier; if that is part of the deal is that he hook up to City water, that is something he will have to do; would seal well if that is what the Code is. Wallberg added there may be additional items they didn't go into because Staff is recommending that to be a requirement is that they hook up to water and that the well would be sealed; there are State requirements about depths, this is an old well and has been there for a long time; for Chaves and Staff to investigate all of that to find it if it is really required or isn't, she decided it made sense for them to wait and see if the PC and CC would choose to have that requirement of this and then there is no reason for them to investigate all of that; could be part of the recommendation and approval as well; there are

State requirements they don't think this well would meet, so the State would have additional conditions. White aware the Percolation Report done states that. Chaves said the Report indicates the well is 65' deep; not sure how they got that number; County probably won't issue the septic permit until that is verified one way or the other. White continued the well also doesn't make the 50' setback from the new septic tanks. Chaves said that is why the tanks would have to be moved, but if they are going to hook up to City water than that point is moot; talked to Syverson about the septic system and it is bad; he wouldn't have an option as he has to get this done right away; if he can get around hooking up to City water, then that well has to meet the Code in order to put the system in; the person who did design indicated 65' – doesn't know if Syverson told him that number and or how he obtained that number; the County won't issue a permit just on the homeowner saying 65'; he either has to have a certified well company like Mantyla or someone would have had to work on the well and they are willing to verify it; the County would accept that; if it is someone just saying 65', that isn't going to work; if in order to get the system in they find the well is no good and not verifiable, then they will have to hook up to City water. White thinks the only way they could verify is to actually have someone come out and do that; asking if Syverson wanting to do that. Chaves said they had talked a little about it; the 65' number, he is assuming Syverson gave the designer that number; doesn't know if he has proof that it is 65'; when originally talking about this, he thinks that came up that if he didn't meet the setback from the well that he would have to hook up to City water. Bednar would be willing to make recommendation to say he does not have to hook up to City water, if by saying that it is a go-ahead and they won't have to come back to the City. Wallberg reminded this application is not for a variance to setback from the well; it assumes that whatever has to take place, the City would not grant a variance to setback to the well period; what they are considering is the bluffline and house setback; application is not for a variance – understands what they are saying in that they want to consider that, but the assumption that needs to be made then is if there is some reason that a setback to the well is also required that would be a separate action; that is not what the applicant brought to them. Chaves said if they don't meet the setback to the well, then there is no variance because they have to hook up to City water; they will not get a variance when City water is available. As Witt understood it, he took it as foregone conclusion that they have to hook up to City water because of the way it is set up now. Chaves said if the well is 65' deep, if he can verify that, then they can make it; if no way to verify, then there is no question. Bednar referred to her original statement in regard to the Percolation Report as just an ambiguous open ended statement; this could be re-measured, this may not be the case; with that open ended statement, they don't know for sure; on their report they had Staff recommended this with the motion that he must hook up to City water, but she doesn't want to have to make that recommendation if not needed. Chaves guessed if he meets the setback and the well is verified as 65' deep, in their recommendation they could state that if they don't meet the setback from the well and the well can't be verified, then he would have to hook up to City water; Syverson may have some paperwork on that; either way, Washington County will need verification; verification can't be from himself or homeowner but from a licensed well contractor that has either worked on the well or came for the purpose of finding out the depth of it.

M/S/P (Bednar/Wirth) to recommend to the CC to approve the application by Harold Syverson for variance to replace the septic system at 801 Quentin Avenue South with stipulations it be accepted as long as the well is found to be properly cased to County specifications, and if not, house hooked up to municipal water supply and well abandoned; further that a silt or snow fence be installed during installation per the application and that City Staff prepares and executes a resolution stating additional recommendations.

Gilles said it isn't just how the well is constructed; they can't just say the depth of it because it also has to meet other recommendations. Witt added amendment per Gilles' recommendation, and it was agreed, to also add that the well is also properly cased to the specifications per the County and also that Chaves install a silt or snow fence during septic system installation per the application. **Motion passed.**

5. MEMBER REPORTS

Bednar asked Gilles if there is any chance of getting the alleys plowed. Gilles advised the only alley they do is if the alley is set up as the homeowner's only access; otherwise the alleys are left to the homeowners; would be CC decision if they want to start maintaining alleys or not; never have. White, on behalf of PC, formally welcomed Reidar Bednar to the PC.

6. ADJOURN – M/S/P (Bednar/Wirth) to adjourn at 7:24 p.m. Motion passed.

Chris White, Acting Chair

Kate Piscitello, Recording Secretary