

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
MARCH 17, 2015**

Mayor Pearson called the meeting to order at 7:00 pm.

PRESENT: Mayor Mike Pearson and Council Members Julie Fliflet, and Jill Lundgren.

ABSENT: Council Members Anne Smith and Justin Bloyer

Staff present: City Attorney Chris Johnson, Community Development Director Klatt, City Engineer Griffin, Finance Director Bendel, and City Clerk Bell.

PLEDGE OF ALLIGENCE

APPROVAL OF AGENDA

Council Member Lundgren noted Item 9 has been postponed by applicant. Council Member Fliflet pulled Item 6 for discussion. Mayor Pearson pulled Item 8 for discussion.

MOTION: Council Member Lundgren moved TO APPROVE THE MARCH 17, 2015 CITY COUNCIL AGENDA AS AMENDED. Council Member Fliflet seconded the motion. MOTION PASSED 3-0.

ITEM 1: ACCEPT MINUTES

THE FEBRUARY 24, 2015 CITY COUNCIL MINUTES WERE APPROVED AS AMENDED BY CONSENSUS.

THE MARCH 3, 2015 CITY COUNCIL MINUTES WERE APPROVED AS PRESENTED BY CONSENSUS.

COUNCIL REPORTS:

Mayor Pearson: attended Public Safety Committee meeting, Gateway Corridor meeting, and Park Commission meeting. Park Commission asked to be empowered in Village planning. Mayor Pearson explained that the Commission tabled their agenda items and adjourned in protest over administrator vote; there will be a Meet the Mayor session at Hagberg's Market on 3/18/15 at 4:30-5:30 pm.

Council Member Fliflet: spoke about public concerns over Council workshops not being taped. She explained the nature of workshops and her reasoning why she opposed recording them. They are supposed to be less formal with no action taken. She said the intent is not to limit or reduce transparency; she addressed the response from public regarding the city administrator vote. She reiterated that there are restrictions on public disclosure of information involved in decision and there are facts that predate her taking office that the public is unaware of due to privacy restrictions. The Council is trying to facilitate the transition with the best interest of the City and Mr. Zuleger in mind.

Council Member Lundgren: met with Washington County Commissioner Kriesel; attended workshop on farmer's markets; attended Public Safety Committee and Fire Relief Association meetings; she addressed the response from public regarding the city administrator vote. While she appreciates the public feedback, she asked that the comments be made in a more respectful manner. She also asked that the public respect the private nature of personnel matters and the related council actions.

Mayor Pearson responded to council reports. He objected to the way the administrator vote and public response is being characterized. He also responded to workshop taping discussion. He objected to the way that those discussions are being framed. The scheduling of the administrator's 2014 review was discussed.

PUBLIC COMMENTS/INQUIRIES

Margaret "Tedi" Carlson, 8735 27th Street, spoke about council transparency. She questioned past claims of desires to listen to public input. Council Member Fliflet responded that her point was that the public meeting was not the appropriate forum for public input on employment matters.

Dale Dorschner, 3150 Lake Elmo Ave, said he is very passionate about the Council vote on the city administrator. He noted his kids will be 4th generation Lake Elmo residents. He took issue with the way campaign pledges have been carried out. He asked that pledges to listen to the public be kept. He asserted that Mr. Zuleger would not be looking for somewhere else to work if environment was better. He spoke about why employees leave jobs.

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Dave Moore, 8680 Stillwater Blvd, has attended every meeting since new Council was seated. He spoke about the numerous 3-2 votes that have occurred without any debate. He said that it appears there have been discussions prior to and outside of open public meetings. Council Member Lundgren noted that there have been recent non-3-2 split votes.

Mike Reeves, 11075 14th Street, found council members' opening statements demeaning. The public does not want to be lectured on how to behave. He spoke about the cost of separating with the administrator and the cost of employee turnover. He questioned why the Council would favor letting the administrator leave rather than create a better working environment. He urged council to reconsider their previous vote.

Milt Klohn, 8716 Ironwood Trail, questioned what issues could have existed prior to new Council taking office when four of the previous five council members in 2014 strongly supported Mr. Zuleger's performance. He took issue with accusation of incivility on behalf of the public. He asked about the Old Village Workgroup. He wants more information on the group and asked what authority they have. He wants to get involved with group and attend next Village Workgroup meeting.

Tammy Malmquist, 8549 Ironwood Trail, spoke about her disappointment in Council behavior. She asked about administrator review process.

Rita Conlin, 8560 Ironwood Trail, noted that Council is dealing with an educated public, and that the public knows what workshops involve. She asked what measures were taken to address any employment issues that have been requested that council members who were so quick to accept administrator's resignation consider their own resignation.

Jim Leonard, 3012 Lake Elmo Ave, respects job the council members have and decisions they have to make. He has 300 employees in Lake Elmo. He asserted that the desire to remove Mr. Zuleger was known prior to election. He said that he knows Mr. Zuleger does not want to leave the City. He hasn't spoke at council meeting since 2005. He said he works with five cities and Mr. Zuleger is the best administrator he has worked with. He commended Mr. Zuleger for his accomplishments and asked council to reconsider their vote.

FINANCE CONSENT AGENDA

2. Approve Payment of Disbursements and Payroll in the amount of \$202,848.30
3. Accept Financial Report dated February 28, 2015
4. ~~Accept Building Report dated February 28, 2015 – No Report~~
5. Accept City Assessor Report dated February 28, 2015
6. ~~Authorize Purchase of Replacement Fire Department Command Vehicle. Removed from Consent~~

MOTION: Council Member Fliflet moved **TO APPROVE THE FINANCE CONSENT AGENDA AS AMENDED**. Council Member Lundgren seconded the motion. **MOTION PASSED 3-0.**

ITEM 6: AUTHORIZE PURCHASE OF REPLACEMENT FIRE DEPARTMENT COMMAND VEHICLE

Council Member Lundgren asked if this item should be discussed by the full Council. Fire chief Malmquist explained that there is a deadline for the purchase under the state pricing. Council Member Fliflet stated that the Finance Committee did approve moving forward with purchase.

MOTION: Council Member Lundgren moved **TO APPROVE THE PURCHASE OF A REPLACEMENT FIRE DEPARTMENT COMMAND VEHICLE IN THE AMOUNT NOT TO EXCEED \$39,000**. Council Member Fliflet seconded the motion. **MOTION PASSED 3-0.**

Council Member Fliflet asked that items approved by Finance Committee be placed on Regular Agenda.

OTHER CONSENT AGENDA

7. Approve 2015 Election Judges; **Resolution No. 2015-19**
8. ~~Sale of City Hall Annex Removed from Consent~~

MOTION: Mayor Pearson moved **TO APPROVE THE OTHER CONSENT AGENDA AS AMENDED**. Council Member Fliflet seconded the motion. **MOTION PASSED 3-0.**

ITEM 8: SALE OF CITY HALL ANNEX

Mayor Pearson asked for clarification on the remaining depreciation. Finance Director Bendel explained the remaining depreciation will just be listed as a loss on the books.

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MOTION: Mayor Pearson moved TO APPROVE SALE OF THE CITY HALL ANNEX TO WASHINGTON COUNTY FOR SPECIFIED TERMS. Council Member Fliflet seconded the motion. MOTION PASSED 3-0.

REGULAR AGENDA

ITEM 10: APPROVE VARIANCE – 3033 INWOOD AVE. N.; Resolution No. 2015-20

Community Development Director Klatt provided summary of the proposed variance to allow an accessory building that is closer to the front lot line than the principal building and does not meet the 100ft setback. The Planning Commission unanimously recommended approval 5-0.

MOTION: Council Member Lundgren moved TO ADOPT RESOLUTION NO. 2015-20, APPROVING A VARIANCE TO ALLOW AN ACCESSORY BUILDING THAT DOES NOT MEET THE 100-FOOT FRONT YARD SETBACK AND IS CLOSER TO THE FRONT LOT LINE THAN THE PRINCIPAL BUILDING. Council Member Fliflet seconded the motion. MOTION PASSED 3-0.

ITEM 11: 39TH STREET: STREET AND SANITARY SEWER IMPROVEMENTS – CHANGE ORDER NO. 4

City Engineer Griffin provided an update on the project. Negotiations are ongoing. Due to time constraints, Council Member Fliflet suggested that Council Member Smith and Mayor Pearson be authorized to approve on behalf of Council. Council Member Lundgren would be back up. Finance Director Bendel noted that additional costs would be part of 2015 bonding.

DISCUSSION ITEM: COUNCIL DRIVEN WORKSHOP

Council discussed involving outside facilitator. Directed Clerk Bell to coordinate when and where and obtaining facilitator.

Mayor Pearson called for a workshop to discuss administrator issue. The workshop would be held on March 24, 2015 at 6:30 pm at City Hall. Clerk Bell was directed to coordinate with Council.

STAFF REPORTS & ANNOUNCEMENTS:

City Finance Director Bendel: Finance Committee had meeting on downtown assessments; attended Fire Relief Association meeting. Working on audit reports. It was clarified that some of the Jaycees' money was used for the Youth Service Bureau. Committee unanimously thought that the Committee can do the financial services work requested by Mayor Pearson.

City Attorney Johnson: No report.

Community Development Director Klatt: Planning Commission approved Wildflower Preliminary Plat and Boulder Ponds Final Plat. Those items will be brought to Council at next meeting. Easton Village developer agreement is being negotiated with attorneys.

City Engineer Griffin: reviewing Valley Branch Watershed Dist 2015 plan; Jane Rd. 201 septic found in compliance. The City will now have 2-3 years to determine how to extend service to larger area with new system.

City Clerk Bell: Deputy Clerk and he will be attending MN Clerk and Finance Officer Association Conference Wednesday through Friday of this week.

Mayor Pearson Adjourned the meeting at 8:16 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Adam R. Bell, City Clerk