

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
JULY 7, 2015**

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

PRESENT: Mayor Mike Pearson and Council Members Julie Fliflet, Anne Smith, Justin Bloyer, and Jill Lundgren.

Staff present: City Attorney Snyder, City Engineer Griffin, Finance Director Bendel, Community Development Director Klatt and Planning Program Assistant Ziertman.

PLEDGE OF ALLIGENCE

APPROVAL OF AGENDA

APPROVE THE JULY 7, 2015 CITY COUNCIL AGENDA AS AMENDED – NO OBJECTIONS.

ACCEPT MINUTESTHE MAY 5, 2015 CITY COUNCIL MEETING MINUTES PASSED WITH NO OBJECTIONS.

COUNCIL REPORTS:

Mayor Pearson: Met with Torre Pines HOA, participated on Moody's Bonding Call, Met with Tony Manzara, Good wishes to Dean Zuleger and thanked him for his hard work and efforts, will be at Farmers Market for meet the Mayor on Saturday.

Council Member Lundgren: Farmers Market signs are similar to garage sale signs, met with Tony Manzara, attended Gateway Workshop, thanks to Public Works for installing AED's, talked to Citizens about Lake Elmo Ave, thanks to Dean Zuleger for all of his work.

Council Member Bloyer: thank you to staff, talked to Danielle Hecker about Wedding Venue, Resident Complaints about farmers market signs.

Council Member Smith: met with Tony Manzara, met with Nate Landucci, need to keep businesses on 39th street aware of progress on construction

Council Member Fliflet: went to 4th of July Parade and Farmers Market, thank you to staff, sat in on Moody's bonding call, met Nate Landucci, Praise to Dean Zuleger

PUBLIC COMMENTS/INQUIRIES

Terry Emerson, 2204 Legion Circle N, expressing disappointment in the Council's decision regarding the signage for Rihm Kenworth.

Matt Frisbie, Ayers Associates has a project with Mike Lynskey on the 26 acres along 39th Street. Part of the project would be a senior living with memory care.

Nate Deprey, Lake Elmo Librarian, June was the busiest month to date. Attendance has been strong with lots of fun kids' activities planned for summer.

PRESENTATIONS

Sunfish Lake Park Nature Center – Tony Manzara Gave a presentation regarding the possible Nature Center in Sunfish Lake Park. This proposal has gone to the Park Commission and Planning Commission. Council has interest in this Nature Center. They would like to see this go back to the Park Commission for Vetting and then have it come back. Attorney Snyder suggested a Council representative to work with Park Commission and Council member Smith volunteered.

FINANCE CONSENT AGENDA

2. Approve Payment of Disbursements
3. Accept Finance Report dated May 31, 2015
4. Accept Building Report dated May 31, 2015
5. Section 34 Pressure Reduction Valve Station – Compensating change Order No.
6. Section 34 Pressure Reduction Valve Station – Compensating Change Order No 1
7. Production Well No 4-Pay request No. 9
8. Pumphouse No.4 – Pay Request No. 8 (Final)
9. Deputy Clerk PTO Payout

MOTION: Member Bloyer moved TO APPROVE THE FINANCE CONSENT AGENDA AS PRESENTED. Council Member Fliflet seconded the motion. MOTION PASSED 5-0.

OTHER CONSENT AGENDA

10. Ownership and Maintenance Agreement – 11732 58TH ST N
11. Encroachment Agreement -528 Juniper Court N

MOTION: Council Member Lundgren moved TO APPROVE THE FINANCE CONSENT AGENDA AS PRESENTED. Council Member Smith seconded the motion. MOTION PASSED 5-0.

REGULAR AGENDA

ITEM 12: Appointment of City Clerk – Julie Johnson

Council expressed their confidence in the decision to hire Ms. Johnson as City Clerk.

MOTION: Council Member Fliflet moved TO APPROVE THE APPOINTMENT OF JULIE JOHNSON TO THE POSITION OF CITY CLERK. Council Member Smith seconded the motion. MOTION PASSED 5-0.

ITEM 13: Eagle Point Boulevard Street Improvements Accept Bids and Award Contract;

Engineer Griffin gave a presentation regarding the estimated improvement costs post bid. Griffin felt that the bids were competitive. There could be a value on the drain tile for the project. There could also be cost savings for restoration. There is some potential for reducing overages.

MOTION: Mayor Pearson moved TO APPROVE RESOLUTION No. 2015-55 ACCEPTING BIDS AND AWARDA CONTRACT TO MILLER EXCAVATION, INC. IN THE AMOUNT OF \$1,249,494.09 FOR THE EAGLE POINT BOULEVARD STREET AND UTILITY IMPROVEMENTS. RESOLUTION NO. 2015-55 Council Member Smith seconded the motion. MOTION PASSED 5-0.

ITEM 14: Water booster Station – Approve Land Purchase

Engineer Griffin discussed the history of finding property for the booster station. This is being revisited from October because the County has been taken out of the equation. Purchase price is \$27,000 for the smaller section or \$32,000 for the larger site.

Fliflet asked about using a rural theme for the building facade. Griffin stated that there is extra cost associated with that.

Al Eberhard talked about the aesthetic tradeoffs and costs associated with them. Council seemed in favor of option 1.

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Griffin talked about the costs involved with the aesthetics of the building. It could cost as much as \$30,000, but landscaping could also be used. Eberhard stated that there would be less landscaping required if the aesthetics of the building are better.

Mayor Pearson offered that \$30,000 for aesthetic improvements seemed a bit excessive for that size building.

MOTION: Council Member Smith MOVED TO APPROVE THE INWOOD WATER BOOSTER STATION LAND PURCHASE AGREEMENT TO PURCHASE A 90 FOOT BY 75 FOOT PARCEL FROM THE CAROLINE MARY EBERHARD LIVING TRUST, (OPTION 1) Council Member Bloyer seconded the motion. MOTION PASSED 5-0.

ITEM 15: 2015 Bond Rating Report – Moody's

Finance Director Bendel gave an update about the Moody's Bond Rating Report. The City maintained the Aa2 bond rating.

ITEM 16: Request from Verizon Wireless to Formally Address the Council – Ideal Ave. and Langley Ct Sites –Lease

Verizon is looking for approval from the Council to be able to build a new tower on the Langley court site and would like to be able to negotiate with staff for lease agreements. Would possibly like to be able to build a new tower and lease to others or the City owning it and leasing it out.

Council supported looking to site these towers on City land so that they did not end up on private land.

Andrea Albright – Concerned about a 125 foot tower like this going up when telephone poles are being taken down for aesthetic reasons.

Paul Pallmeyer, Lake Jane Trail, a number of years ago T-mobile wanted to put up a tower by lake Jane. What is different about the proposal now? Smith stated that it came to them on the 90th day and they had to make a decision that night. She was opposed to putting it on private property vs. public land.

MOTION: Council Member Pearson moved TO authorize staff to negotiate lease agreements with Verizon Wireless Communications for the Ideal Avenue and Langley Court water tower sites with consideration of City owned tower. Council Member Fliflet seconded the motion. MOTION PASSED 5-0

ITEM 17: Request to Fund Services for Code Enforcement Case

Staff is asking for approval for a survey to be done to determine if code enforcement is warranted on a property in the Tri-lake area.

MOTION: Council Member Lundgren moved TO. Authorize the requested survey work related to ongoing code enforcement activities in an amount not to exceed \$1500 Pearson seconded the motion. MOTION PASSED 5-0.

ITEM 18: CITY CLERK SEVERENCE REQUEST

MOTION: Council Member Bloyer moved TO APPROVE CITY CLERK SEVERENCE REQUEST. Council Member Pearson seconded the motion. MOTION FAILS 2-3. (Fliflet, Lundgren, Smith –Nay)

ITEM 19: COUNCIL MEETING DECORUM

This would give the City Council, Commissioners, Staff and Residents guidelines for meeting decorum. There was opposition to some of the wording.

Dale Dorschner, 3150 Lake Elmo Ave, feels this is ironic after the first meeting when Speak your Peace was taken down. He feels that when decisions are made, reasons should be given.

Attorney Snyder stated that the bottom line is if we want to have a policy or not.

Stuart Johnson, thinks that this can be simplified by saying that people need to adhere to behavior determined by the mayor.

MOTION: Council Member Pearson **MOVE TO TABLE THIS ITEM FOR FURTHER REFINEMENT.** Council Member Bloyer seconded the motion. **FAILED 3-2 (Fliflet, Smith – nay)**

MOTION: Council Member Fliflet **MOVE TO ADOPT THE LAKE ELMO MINNESOTA GUIDELINES OF PUBLIC MEETING DECORUM PROTOCOL WITH CHANGES TO #3 UNDER CITIZEN BEHAVIOR TO STRIKE “OR RELEVANT” AND THE FIRST SENTENCE OF #5 TO STATE “WHEN A GROUP OF PERSONS WISHES TO ADDRESS THE COUNCIL ON THE SAME SUBJECT MATTER, THEY MAY CHOOSE A SPOKESPERSON”.** Council Member Lundgren seconded the motion. **APPROVED 4-1 (Bloyer – Nay)**

ITEM 20: Interim Ordinance: Ordinance 08-123

Community Development Director Klatt stated that this Ordinance was prepared at the direction of the Council to establish a moratorium on new development in the community. There has been limited development in stage 2 and no development in stage 3. Staff also feels that there should be language that pertains to the gateway corridor.

Lundgren asked about the vague wording about the benefit to the City. Feels that is too vague and might open up too much area. Fliflet stated that the wording should be changed to narrow it down to environmental issues.

Fliflet feels that we just need time to assess and see where we are. This interim ordinance is just for a year and just because they have paid advance water fees, does not automatically mean they are allowed to move forward. Klatt stated that there are areas that the City did a public project in the Village area and they were assessed for it and are not able to develop under this ordinance.

Snyder stated that care should be given for those parcels that assessments are in place for. There is potential for problems with those that have already been assessed.

Fliflet would like Section 1 item b removed as it is only for a year. There should also be something regarding the BRT Line. Klatt went through his recommendation in regards to the BRT.

Mayor Pearson suggested that this Ordinance addressed the excess residential development to some degree while allowing for commercial tax base to occur.

MOTION: Council Member Pearson **move TO ADOPT AN INTERIM ORDINANCE FOR THE 3 HIGHER DENSITY PARCELS.** Council Member Bloyer seconded the motion. **MOTION FAILED 2-3 (Fliflet, Lundgren, Smith – Nay)**

Deb Krueger, Lake Elmo Ave, stated that she agrees with the moratorium and feels that we need to slow down and reassess and see where we are at and figure out what we want to do. A year is not that long of a time.

Bob Durow, NE intersection of 94 and Keats, they have a purchase agreement in place and a 1 year moratorium will kill the sale.

Terry Emerson, 2204 Legion Lane Circle, was concerned that the commercial area would be affected.

MOTION: Council Member Fliflet **moved TO ADOPT ORDINANCE 08-123. DECLARING A MORATORIUM FOR A PERIOD OF 12 MONTHS ON CERTAIN TYPES OF DEVELOPMENT AS DESCRIBED IN THE ORDINANCE WITH THE FOLLOWING CHANGES: REMOVE ITEM B IN SECTION 1 & SECTION 2; REMOVE “BENEFIT COMMUNITY OR” FROM ITEM C IN SECTION 1; AND INCORPORATE THE WHEREAS STATEMENT STAFF PROVIDED REGARDING THE GATEWAY CORRIDOR COMMISSION INVOLVEMENT.** Council Member Lundgren seconded the motion. **MOTION PASSED 3-2. (Pearson, Bloyer – Nay)**

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ITEM 21: Discussion Old Village Work Group

Councilmember Fliflet started the discussion about the work group and expressed her intent to have a discussion about what the work group is, how it was formed and what it does. She thanked Community Development Director Klatt for the memo he prepared and stated that it is a very accurate summary. Fliflet stated that the Park Commission has referred to this group as the Village Green group which is not accurate as the Lake Elmo Avenue project has nothing to do with this group. Fliflet stated that if there are any questions regarding the group, please ask.

Mayor Pearson identified the "Village Work Group Consensus Proposal" and expressed his reservations regarding it.

Barry Weeks, 3647 Lake Elmo Ave, had never heard about the Old Village Work Group. He found out about it last fall and felt it was difficult to find on the City's website.

Dale Dorschner, Lake Elmo Ave, would like to know the cost of the Old Village Work Group. There is a rumor out there that there is a million dollar bill. Klatt stated that the cost out there is due to planning efforts. Mr. Dorschner would like to see citizens in the area on the group and would like accountability.

Councilmember Bloyer discussed history of the group, citing past discussion and notes concerning the size and specific location of the area in the Old Village Work Group plan.

Klatt stated that there were two plans brought forward. The Village Work Group never had any decision making authority, but was a recommending body. If the City Council would like to continue, that plan might need to be brought out. If the group continues, the participation should be broadened out.

Klatt would like to come back to Council with some specifics regarding the group and get some specific direction from the Council.

Motion to recess until 10:00 tomorrow.

STAFF REPORTS & ANNOUNCEMENTS:

City Finance Director Bendel: None

City Attorney Snyder: None

Community Development Director Klatt: None

City Engineer Griffin: None

Mayor Pearson Recessed the meeting at 11:55 pm.

July 8, 2015

Mayor Pearson called the meeting to order at 10:00 a.m.

PRESENT: Mayor Mike Pearson and Councilmembers Julie Fliflet, Justin Bloyer and Jill Lundgren.

ABSENT: Councilmember Anne Smith.

MOTION: *Mayor Pearson moved TO RECONVENE THE CITY COUNCIL MEETING. Councilmember Lundgren seconded the motion. MOTION PASSED 4-0*

Mayor Pearson stated that one applicant for the Interim City Administrator position was unintentionally omitted from the process and suggested 9:00 p.m. on July 9, 2015 for a thirty minute interview. Councilmember Bloyer suggested scheduling another time after the interview to discuss the candidates due to the late evening timing of the interview.

MOTION: *Mayor Pearson moved TO RECONVENE THE MEETING THURSDAY, JULY 9 2015 AT 9:00 PM. Councilmember Lundgren seconded the motion. MOTION PASSED 4-0*

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MOTION: Councilmember Fliflet moved **TO RECESS THE MEETING UNTIL 9:00 PM, THURSDAY, JULY 9, 2015.** Councilmember Lundgren seconded the motion. **MOTION PASSED 4-0**

Mayor Pearson Recessed the meeting at 10:15 a.m.

July 9, 2015

Mayor Pearson called the meeting to order at 9:00 p.m.

PRESENT: Mayor Mike Pearson and Councilmembers Fliflet and Lundgren.

ABSENT: Councilmembers Boyer and Smith.

MOTION: Councilmember Lundgren moved **TO RECONVENE THE CITY COUNCIL MEETING.** Mayor Pearson seconded the motion. **MOTION PASSED 3-0**

Mayor Pearson noted that because the full Council was not able to attend the meeting, the meeting would be recessed and reconvened Friday, July 10th at 8:00 a.m.

MOTION: Councilmember Lundgren moved **TO RECESS THE MEETING UNTIL 8:00 A.M. FRIDAY, JULY 10, 2015.** Councilmember Fliflet seconded the motion. **MOTION PASSED 3-0**

Mayor Pearson Recessed the meeting at 9:02 p.m.

July 10, 2015

Mayor Pearson called the meeting to order at 8:00 a.m.

PRESENT: Mayor Mike Pearson and Councilmembers Julie Fliflet, Anne Smith, Justin Boyer, and Jill Lundgren.

MOTION: Councilmember Lundgren moved **TO RECONVENE THE CITY COUNCIL MEETING.** Councilmember Smith seconded the motion. **MOTION PASSED 5-0**

Mayor Pearson stated that the purpose of the meeting was to conduct the final interview for the Interim City Administrator position. One candidate was interviewed and provided with a list of questions the other candidates had answered in writing. Discussion held concerning allowing the final candidate time to provide written answers as the other candidates had. Discussion held concerning potential times to reconvene the meeting for the purpose of discussing the candidates and interviews.

MOTION: Councilmember Fliflet moved **TO RECONVENE THE MEETING AT 3:00 ON FRIDAY, JULY 10, 2015 AT 3:00 PM.** Councilmember Smith seconded the motion. **MOTION PASSED 5-0**

Mayor Pearson recessed the meeting at 9:06 a.m.

July 10, 2015

Mayor Pearson called the meeting to order at 3:06 p.m.

MOTION: Mayor Pearson moved **TO RECONVENE THE CITY COUNCIL MEETING.** Councilmember Boyer seconded the motion. **MOTION PASSED 5-0**

Discussion was held concerning the five candidates for the Interim City Administrator position. Applicants were randomly assigned a number for reference during discussion. Strengths and weaknesses of each candidate were discussed.

MOTION: Councilmember Fliflet moved **TO AUTHORIZE THE MAYOR AND FINANCE COMMITTEE CHAIR TO WORK WITH CITY ATTORNEY SNYDER TO NEGOTIATE WITH CANDIDATE C3, OFFERING HIM/HER THE POSITION OF INTERIM CITY**

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ADMINISTRATOR IN A RANGE OF 75-85% OF THE CURRENT CITY ADMINISTRATOR POSITION SALARY. *Councilmember Smith seconded the motion. MOTION PASSED 4-1 (Bloyer – Nay)*

Councilmember Bloyer stated that although he did not support the motion, he hopes the candidate is successful in the Interim City Administrator position.

MOTION: *Mayor Pearson moved TO INITIATE THE SEARCH FOR A PERMANENT CITYADMINISTRATOR BY DECEMBER 1, 2015. Councilmember Smith seconded the motion. MOTION PASSED 5-0*

MOTION: *Councilmember Flislet moved TO ADJOURN THE MEETING. Mayor Pearson seconded the motion. MOTION PASSED 5-0*

Mayor Pearson adjourned the meeting at 4:08 p.m.

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ATTEST:

Julie Johnson, City Clerk

Mike Pearson, Mayor