

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
JULY 21, 2015**

A. CALL TO ORDER

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 City Clerk Johnson.

B. PLEDGE OF ALLIGENCE

C. APPROVAL OF AGENDA

Councilmember Fliflet moved TO TABLE ITEMS 1, 2, 3 AND 16; AND MOVE ITEM 12 TO THE CONSENT AGENDA. Councilmember Smith seconded the motion. MOTION PASSED 5 – 0.

D. ACCEPT MINUTES

July 7, 2015 meeting minutes accepted with an addition by Councilmember Bloyer.

COUNCIL REPORTS

Mayor Pearson: Attended the Parks Commission meeting and walk through at Reid Park, the Metropolitan Airports Commission open house and Washington County Commissioners meeting where the future of Tartan Park was discussed. Met with residents to discuss the proposal for downtown and met residents at the Farmers Market.

Council Member Lundgren: Attended the Council workshop to discuss 5th Street landscaping, Metropolitan Airports Commission open house and Washington County Commissioners meeting concerning Tartan Park. Stated that the Farmers Market is going well and has begun holding drawings. Thanked Public Works Director Bouthilet for installing AEDs and plaques. Asked residents for input on a possible dog park in the city.

Council Member Bloyer: Attended the Metropolitan Airports Commission open house. Thanked all those who have helped organize Tri Lakes swimming lessons.

Council Member Smith: Met with a resident interested in having a dog park in the city. Fielded calls on the cemetery and wedding venue proposals. Met with County Commissioner Gary Kriesel and would like to assist the Mayor with preserving Tartan Park as a park versus allowing it to become corporate owned.

Council Member Fliflet: Attended the Library Board meeting and was impressed by the library and its staff. Worked on the Interim Administrator contract.

PUBLIC COMMENTS/INQUIRIES

City Clerk Johnson read a letter from City Staff.

Neil Krueger, 4452 Lake Elmo Avenue North, asked for a respectful meeting and would like the city to move forward.

Deb Krueger, 4452 Lake Elmo Avenue North, spoke about civility and asked the council and citizens for respectful conversations.

PRESENTATIONS

None

FINANCE CONSENT AGENDA

5. Approval of Interim City Administrator Contract
6. Approve Payment of Disbursements
7. Accept Building Report dated June 30, 2015
8. Accept City Assessor Report dated June 30, 2015

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

OTHER CONSENT AGENDA

9. Zoning Text Amendment – Subdivision Identification Signs, *Ordinance 08-124*
10. Zoning Text Amendment – Accessory Building Setbacks in Urban Residential Districts, *Ordinance 08-125*
- 10.5 Approve Cable Commission Updated Policies and Procedures
12. Stormwater Drainage Improvements – Approve Ditch Cleaning at 8690 & 8702 Ironwood Tr. N.

MOTION: Council Member Fliquet moved TO REMOVED ITEMS 9 AND 10 FROM THE CONSENT AGENDA FOR DISCUSSION. Mayor Pearson seconded the motion. MOTION PASSED 5-0.

ITEM 9: ZONING TEXT AMENDMENT – SUBDIVISION IDENTIFICATION SIGNS, ORDINANCE 08-124

City Planner Klatt explained that in an effort to clarify the city code, the development community was asked for input on the size and number of subdivision identification signs that should be permitted, with very mixed responses received.

MOTION: Mayor Pearson moved TO ADOPT ORDINANCE 08-124. Motion died for lack of a second.

Discussion held concerning the size of the signs. Community Development Director Klatt suggested further review by the Planning Commission to provide input on sign size.

MOTION: Councilmember Fliquet moved TO SEND THE PROPOSED ORDINANCE 08-124 BACK TO THE PLANNING COMMISSION FOR FURTHER DISCUSSION WITH DIRECTION THAT THE CITY COUNCIL PREFERS A MAXIMUM SIGN SIZE OF 24 SQUARE FEET. Councilmember Smith seconded the motion. MOTION PASSED 4 – 1. (Bloyer – Nay)

ITEM 10: ZONING TEXT AMENDMENT – ACCESSORY BUILDING SETBACKS IN URBAN RESIDENTIAL DISTRICTS, ORDINANCE 08-125

Community Development Director Klatt reviewed the history of the issue, explaining that 10 foot setbacks are currently allowed in the Rural Residential district, and is a more practical setback for smaller lots in developments.

Mayor Pearson moved TO ADOPT ORDINANCE 08-125, REDUCING THE REAR YARD SETBACK FOR DETACHED ACCESSORY BUILDINGS IN THE URBAN RESIDENTIAL

DISTRICTS FROM 20 FEET TO 10 FEET. Councilmember Bloyer seconded the motion. MOTION PASSED 5 – 0.

Mayor Pearson moved TO ADOPT RESOLUTION 2015-58, AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 08-125. Councilmember Bloyer seconded the motion. MOTION PASSED 5 – 0.

Councilmember Fliflet moved TO APPROVE THE CONSENT AGENDA. Councilmember Smith seconded the motion. MOTION PASSED 5 – 0.

REGULAR AGENDA

11. PRESENTATION OF 2015A BOND ISSUANCE RESULTS, RESOLUTION #2015-57

Tammy Omdahl of Northland Securities presented the results of the sale of City bonds. 8 bids were received and all were very favorable given the higher interest rate environment compared to rates when the sale was approved.

Councilmember Fliflet moved TO APPROVE RESOLUTION NO. 2015-57 AWARDING THE SALE, PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE PAYMENT OF \$2,815,000 GENERAL OBLIGATION BONDS, SERIES 2015A. Councilmember Lundgren seconded the motion. MOTION PASSED 5 – 0.

13. TH36 AND HIGHLANDS TRAIL – REQUEST FOR STREET LIGHT SAFETY IMPROVEMENT

City Engineer Griffin reported that a resident has requested a street light at the intersection of Highway 36 and Highlands Trail to improve visibility and safety. Staff supported the request and obtained a quote from Xcel Energy for the installation of a street light in the amount of \$1,906. Councilmember Fliflet asked if the neighboring property owners had been notified of the potential installation of a street light.

Councilmember Lundgren moved TO APPROVE THE INSTALLATION OF A STREET LIGHT AT THE INTERSECTION OF TH36 AND HIGHLANDS TRAIL, CONTINGENT UPON NOTIFICATION OF ADJACENT PROPERTY OWNERS AND NO OBJECTIONS. Councilmember Fliflet seconded the motion. MOTION PASSED 4 – 1. (Bloyer – Nay)

14. DIEDRICH PROPERTY TOWNHOUSES (LENNAR) – PRELIMINARY PLAT

Community Development Director Klatt presented the proposal for a new subdivision on approximately 15 acres just north of Hunters Crossing on Lake Elmo Avenue. Klatt reviewed the Planning Commission recommended conditions of approval, noting additions were made to the conditions for clarification.

Tree preservation, proposed outlots and parks were discussed. Len Pratt spoke on behalf of the land owners, describing the target market for the townhomes and offering suggestions for a passive park area in the development.

Mayor Pearson moved TO ADOPT RESOLUTION 2015-56 APPROVING THE LENNAR DEIDRICH TOWNHOUSES PRELIMINARY PLAT WITH 16 CONDITIONS OF APPROVAL AS AMENDED. Councilmember Bloyer seconded the motion. MOTION PASSED 4 – 1. (Fliflet – Nay)

15. EAST VILLAGE TRUNK SEWER UPDATE

City Attorney Snyder reported on a request from the developer to delay sewer construction that has been withdrawn. Snyder advised that there may be a request in the future for an extension of time to complete the project.

Meeting recessed at 8:34 pm and reconvened at 8:40 pm.

17. HALCYON CEMETERY PRELIMINARY AND FINAL PLAT

Community Development Director Klatt reviewed the request for approval of a preliminary and final plat for a cemetery located at 11050 50th Street North and reported on the six conditions on the Planning Commission recommendation for approval.

The applicant, Mr. Lee Rossow addressed the Council and provided background information on the project. Mr. Rossow explained the proposed site improvements and anticipated operations of the cemetery and conversion of the existing single family home to offices, caretaker living quarters, and a facility to hold gatherings and services.

Susan Dunn, 11018 Upper 33rd Street N., asked when cemeteries were added to the Comp Plan and stated they were not allowed under the old Ordinance. Dunn added that there was a pet crematorium in the City in the past and it was a problem. Dunn also commented on the tax exempt status of cemeteries.

Kristy Roberts, 11165 50th Street N., stated she purchased her home two and an half years ago because she wanted to be in a rural residential area with her six children and never imagined a commercial property across the street. Ms. Roberts expressed concern over property values if this application is approved.

Saxe Roberts, 11165 50th Street N., stated that the rural residential intended use is for single family homes on a large lots and questioned how a commercial parking lot is allowed in that zone. Mr. Roberts expressed concern over the operation of the cemetery and the lack of park dedication funds from this development.

Rebecca Tenpas, 11330 50th Street N., stated her opposition to the application due to it being a commercial venue, noting that it may fit the rules but not the neighborhood.

James Tenpas, 11330 50th Street N., stated that the City needs to protect its rural residential residents and not allow this additional traffic on 50th Street. Mr. Tenpas stressed that this is a permanent decision.

Sadie Tenpas, 11330 50th Street N., voiced opposition to the project, stating that there are environmental and aesthetic consequences, harm to property values, and commercial use in rural residential zone. Ms. Tenpas also expressed concern over long term maintenance and upkeep of the property.

Janet Thompson, 11491 50th Street N., stated that the zoning allows this type of use but it does not fit with the neighborhood. Ms. Thompson also stated she is opposed to a business like this that will attract vandals.

Richard Hesse, 5235 Kirkwood Ave., read an email he sent to the Councilmembers and stated that no business should be allowed at this site and stated many concerns regarding the proposal.

Deb Krueger, 4452 Lake Elmo Ave., questioned if the Planning Commissioners did their research or were familiar with City codes. Ms. Krueger expressed concern over the care fund at the State of Minnesota and asked the Council to table the request to allow for further research.

Community Development Director Klatt read an email from Jean Madrinich, 11240 50th Street, expressing opposition to the project.

Councilmember Bloyer asked City Attorney Snyder and Community Development Director Klatt for guidance, as he felt the City Council was not comfortable with the proposal. Councilmember Fliflet asked for further definition of “cemetery” and Councilmember Lundgren requested further definition of “funeral home.”

Councilmember Smith moved TO TABLE THE REQUEST FOR FURTHER CITY REVIEW. Councilmember Fliflet seconded the motion. MOTION PASSED 5 – 0.

18. FINAL PLAT, FINAL PUD PLAN AND ZONING MAP AMENDMENT – WILDFLOWER AT LAKE ELMO. ORDINANCE NO. 08-126

Community Development Director Klatt reviewed the request for the first phase of Wildflower at Lake Elmo, noting that no construction can begin until the trunk sewer project is complete. Klatt presented the recommended twelve conditions of approval, plus five additional conditions added by the Planning Commission.

Applicant Bob Engstrom addressed questions concerning landscaping, trails and street widths. Street naming was also discussed, with Mayor Pearson questioning the use of unique street names versus using the county system of naming streets. Discussion was also held concerning a request from Jean DuPuis at 11676 Stillwater Blvd. N., who asked that the proposed grass trail behind her home be eliminated from the plan.

Councilmember Smith moved TO ADOPT ORDINANCE 08-126 AND RESOLUTION 2015-60 WITH CONDITIONS 1 – 16 AND RECOGNIZING THERE WILL BE NO GRASS TRAIL ON OUTLOT O AND TO CONDITION 16 TO STATE THAT PRIVATE MITIGATION STEPS WILL BE ENFORCED AND THE SOUTHERNMOST STREET WILL BE 18 FEET WIDE VERSUS 24 FEET. Councilmember Fliflet seconded the motion.

Mayor Pearson moved TO AMEND THE PRIMARY MOTION TO INCLUDE CONDITION 17 IN THE APPROVAL. Councilmember Bloyer seconded the motion. Motion passed 3 – 2. (Fliflet, Smith – Nay)

Mayor Pearson stated that he could not support 18 foot street widths and was concerned about alley maintenance and the amount of asphalt in the development. Councilmember Bloyer also stated that he could not support 18 foot street widths.

Vote taken on primary motion. MOTION PASSED 3 – 2. (Pearson, Bloyer – Nay)

19. COUNCIL DRIVEN WORKSHOP FOLLOW UP

City Attorney Snyder stated that the Council spoke about dispute resolution at a prior workshop and has continued to express interest in enhancing conversations and working together. Snyder described services offered by the State of Minnesota Dispute Resolution and stated he will work with the Interim City Administrator and City Clerk to facilitate use of those services.

Meeting adjourned at 11:08 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Julie Johnson, City Clerk