

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
OCTOBER 6, 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: Interim Administrator Schroeder, City Attorney Snyder, City Engineer Griffin, City Engineer Stempski, Finance Director Bendel, Community Development Director Klatt, and City Clerk Johnson.

B. PLEDGE OF ALLIGENCE

C. APPROVAL OF AGENDA

Councilmember Fliflet removed items 8 and 9 and added item 19, Finance Committee Membership and item 20, City Council Workshop Agenda.

Councilmember Smith, seconded by Councilmember Fliflet, moved TO APPROVE THE AGENDA AS AMENDED. MOTION PASSED 4 – 1. (Bloyer – nay)

D. ACCEPT MINUTES

Mayor Pearson, seconded by Councilmember Fliflet, moved TO TABLE THE SEPTEMBER 15, 2015 MINUTES TO THE NEXT MEETING. MOTION PASSED 5 – 0.

COUNCIL REPORTS

Mayor Pearson: Attended meetings with East Metro Strong, Washington County and the school district regarding road issues, and Public Safety Committee. Toured the Arts Center. Stated he would like the Council to hold a budget workshop. Encouraged residents to attend Volksmarch on Saturday, October 10th from 10:00 am to 3:00 pm at Sunfish Lake Park.

Councilmember Fliflet: Addressed many small issues with residents and a workshop with BMS.

Councilmember Smith: Toured the Arts Center with the City Administrator and noted it needs to be cleaned up. Attended training with BMS. Stated that she would like to step down from the HR committee and re-join the Finance Committee.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO APPOINT COUNCILMEMBER SMITH TO THE FINANCE COMMITTEE AND COUNCILMEMBER LUNDGREN TO THE HUMAN RESOURCES COMMITTEE. MOTION PASSED 3 – 2. (Pearson, Bloyer – nay)

Councilmember Bloyer: Discussions with residents regarding the dog park proposal, met with a resident who commented that Sunfish Lake Park is in the best shape it's ever been in. Walked through the Arts Center and feels it is not safe for use. Also noted that document requested from staff has been released.

Councilmember Lundgren: Discussed the cemetery proposal, dog park proposal and other issues with residents, walked through the Arts Center and agrees it needs work; and attended the quarterly Fire Relief meeting.

PUBLIC COMMENTS/INQUIRIES

None

PRESENTATIONS

None

FINANCE CONSENT AGENDA

2. Approve Payment of Disbursements
3. 2015 Stormwater Assessments
4. 39th St. N. Street & Sanitary Sewer Improvements – Pay Request No. 7

Councilmember Smith, seconded by Councilmember Lundgren, moved TO APPROVE THE FINANCE CONSENT AGENDA AS PRESENTED. MOTION PASSED 5-0.

OTHER CONSENT AGENDA

5. Administrative Position Request
6. Approve Animal Humane Society 2016 Letter of Understanding for Impound Services
7. Approve Building Inspector Hiring Recommendation

Councilmember Lundgren, seconded by Mayor Pearson, moved TO APPROVE THE CONSENT AGENDA AS PRESENTED. MOTION PASSED 5-0.

ITEM 10: KLEIS MINOR SUBDIVISION:

Community Development Director Klatt presented the planning report on the request to divide a 54.29 acre parcel into three lots. Klatt reviewed the layout of the new lots, noting that the layout was designed to preserve the original farmstead and farm operations while creating two ten acre lots that can be sold. Klatt also reviewed the Planning Commission recommendation for approval with four conditions.

Councilmember Smith, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2015-79 WITH AN ADDED CONDITION THAT THE ASSESSMENTS BE PAID OFF. MOTION PASSED 5 – 0.

ITEM 11: PRELIMINARY AND FINAL PLAT – HALCYON CEMETERY

Community Development Director Klatt presented a summary of the request previously reviewed by the Council to plat a cemetery at 11050 50th Street North with changes and new information. Site plan was reviewed, noting parking, existing structures and proposed future structures and burial sites. Klatt also reviewed a summary of questions and concerns from the neighboring property owners.

Klatt provided a review of the zoning code update in 2013 that added cemeteries as an allowed use, noting the distinction between a church and cemetery and that funeral homes are not permitted. Klatt identified four options for Council action with two alternatives for further discussion, one option for approval and one option for denial.

Jean Mandrinich, 11240 50th Street N., spoke in opposition, noting that her property is adjacent to the proposed site and she feels the proposed cemetery would disrupt the rural residential character of the area.

Jeff Saffle, 11180 50th Street N., spoke in opposition, stating that he and his wife chose to live in Lake Elmo because of the rural character and stated the proposed cemetery as described is not a cemetery.

Susan Saffle, 11180 50th Street N., spoke in opposition, stating that the proposed cemetery is a large, for profit venture and does not fit the rural residential area.

Saxe Roberts, 11165 50th Street N., spoke in opposition, stating that he has water quality and runoff concerns, concerns about property values and feels the proposal is much more than a cemetery.

Christy Roberts, 11165 50th Street N., spoke in opposition, expressing concerns over traffic across the road from her young children and water runoff.

Joe Fleming, 5040 Lake Elmo Avenue N., spoke in opposition, stating that a mature cemetery without a mausoleum wouldn't impact property values much but the proposed project would.

Richard Day, 11049 50th Street N., spoke in opposition regarding the impact the project would have on his property that has been in his family since 1847, listing concerns over traffic and water runoff. Stated this proposal is a privately owned business and should not be allowed in a rural residential district.

Margaret Schmidt, 4525 Lake Elmo Avenue N., spoke in opposition stating concern that the proposed cemetery would affect the entire city. Mrs. Schmidt noted that she and other volunteers collected signatures on a petition requesting denial of the application from residents and asked the Council to consider public opinion along with facts.

Robert Williams, attorney representing concerned residents, reiterated that the intent of the rural residential zoning is not for commercial use and parking, and requested denial of the application.

Yvette Oldendorf, 5418 Lake Elmo Avenue N., spoke in opposition, noting this is a permanent decision that cannot be reversed once a cemetery is built.

Dean Dodson, 2915 Jonquil Tr. N., spoke as a Planning Commissioner and stated he would have voted against the proposal if he had known there was a legal basis to do so.

Lee Rossow, applicant, stated he wanted to design something special and worked to design the parking to avoid on street parking that would disrupt the neighbors. Mr. Rossow stated he was not proposing this project to make money, but was doing it for the greater good.

Councilmember Fliflet stated this proposal is not what the zoning code allows for, as it is a large scale business and has overwhelming citizen opposition. Mayor Pearson stated that a cemetery is a reasonable use and could be an asset but the funeral home component of this proposal doesn't fit.

Mayor Pearson, seconded by Councilmember Smith, moved TO ADOPT RESOLUTION 2015-59A DENYING THE HALCYON CEMETERY PRELIMINARY AND FINAL PLAT. MOTION PASSED 5 – 0.

ITEM 13: 2014 STREET IMPROVEMENTS – ASSESSMENT HEARING ON IMPROVMENTS & ADOPT FINAL ASSESSMENT ROLL

Item 13 was moved up on the agenda in consideration of residents in attendance.

City Engineer Stempski reviewed the project areas, work done to the streets, gutters and road shoulders and street signs replaced to meet current standards. Stempski explained the process and criteria used to assess property owners.

Councilmember Bloyer, seconded by Councilmember Lundgren, moved to open the public hearing at 9:20 p.m. MOTION PASSED 5 – 0.

Finance Director Bendel reported that she met with Jean Durand regarding her property at 1332 20th Street. The property was assessed in the past for four units versus five in the current project. Bendel stated that staff is recommending the current assessment be changed to four units.

Joan Richert spoke on behalf of her sister, Jean Durand, explaining there is 15 acres of water on the property due to runoff and that leaves only three buildable lots. Ms. Richert requested a reduction to 3 units for assessment on the property.

Linda Bernier, 2257 Legion Lane, stated her street did not have curb and gutter installed but another area did and both areas are being assessed the same amount.

City Engineer Griffin explained that there some drainage improvements included in the Eden Park portion of the project and the reclaim process makes the cost for the two areas very close to the equal. Griffin added that completing the projected together saves cost.

Ann Bucheck, 2301 Legion Avenue N., presented a written objection to the assessment on her property and requested a recalculation due to Packard Park having curb and gutter installed and Eden Park did not.

Dave Bucheck, 2301 Legion Avenue N., stated that about a mile of curb and gutter was installed in Packard Park and feels Eden Park should not be combined with Packard Park for computing the assessment.

Paul Bultman, 8243 Deer Pond Ct., stated that the rebuilt street in front of his house does not increase his property value and feels the assessment is an unconstitutional tax as it is not applied to all residents.

Councilmember Smith, seconded by Councilmember Bloyer, moved TO CLOSE THE PUBLIC HEARING AT 9:44 P.M. MOTION PASSED 5 – 0.

Discussion held concerning the resident objections to the assessment cost distribution and amount of the assessment relative to the benefit to the property. Discussion also held concerning the number of units to assess the Durand property.

Councilmember Bloyer moved TO TABLE ITEM 13. MOTION DIED FOR LACK OF SECOND.

Mayor Pearson, seconded by Councilmember Bloyer, moved TO APPROVE RESOLUTION 2015-78 ADOPTING THE FINAL ASSESSMENT ROLL FOR THE 2014 STREET IMPROVEMENTS. MOTION FAILED 2 – 3. (Fliflet, Lundgren, Smith – Nay)

Councilmember Smith, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2015-78 ADOPTING THE FINAL ASSESSMENT ROLL FOR THE 2014 STREET IMPROVEMENTS WITH AN ADJUSTMENT TO THE DURAND PROPERTY AT 11332 20TH ST. FROM 5 UNITS TO 3 UNITS. MOTION PASSED 5 – 0.

Councilmember Bloyer, seconded by Mayor Pearson, moved TO CONSIDER ITEM 17 NEXT ON THE AGENDA. MOTION FAILED 2 – 3. (Fliflet, Lundgren, Smith – Nay)

ITEM 12: PLAT APPROVAL PROCESS/CONDITIONS OF APPROVAL

Councilmember Fliflet stated concerns over the number of conditions on approvals and the follow up on compliance with the conditions. Discussion was held with Community Development Director Klatt explaining that the sixty day rule limits the amount of work that can be done prior to approval. Klatt added that the number of conditions typically found on approvals is in line with other cities.

Councilmember Fliflet, seconded by Councilmember Smith, moved THAT RELEASE/REALLOCATION OF SPECIAL ASSESSMENTS AND LIENS WITH THE COUNTY NEED CITY COUNCIL APPROVAL. MOTION WITHDRAWN.

Finance Director Bendel stated she will provide a draft policy for conditions of approval for collection and reallocation of special assessments.

ITEM 14: 2016 STREET IMPROVEMENTS – APPROVE FEASIBILITY REPORT AND ORDER PUBLIC HEARING

City Engineer Stempski reviewed the project area and schedule, noting that the Kirkwood residents submitted a petition to the pave their gravel road and staff was directed to include that area in the project. Stempski also reviewed the planned improvements and estimated cost per unit for each area.

Councilmember Bloyer, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2015-79, RECEIVING THE FEASIBILITY REPORT AND CALLING A HEARING FOR THE 2016 STREET, DRAINAGE AND UTILITY IMPROVEMENTS. MOTION PASSED 5 – 0.

ITEM 15: INWOOD BOOSTER STATION IMPROVEMENTS & ADOPT FINAL ASSESSMENT ROLL

City Engineer Griffin reported on the process and costs for the booster station building and asked for direction on the final design.

Councilmember Lundgren, seconded by Mayor Pearson, moved TO APPROVE THE PRAIRIE STYLE BUILDING FOR THE INWOOD WATER BOOSTER STATION. MOTION FAILED 2 – 3. (Bloyer, Fliflet, Smith – Nay)

Councilmember Fliflet stated the building should have unique rural character, such as a barn style. Councilmember Smith asked about removing stone from the back of the building and applying it on the front where it is more visible. Engineer Griffin stated he would seek the input of the adjacent land owner on the final design.

Councilmember Bloyer, seconded by Mayor Pearson, moved TO RECONSIDER THE PREVIOUS MOTION. MOTION PASSED 3 – 2. (Fliflet, Smith – Nay)

ITEM 16: WATER TOWER NO. 4 – APPROVE ENGINEERING SERVICES TASK ORDER FOR DESIGN AND CONSTRUCTION

City Engineer Griffin reported this is the third component in the project. RFPs were sent to five engineering firms and the bids were analyzed for completeness and quality of work. Griffin discussed the design and materials to be used.

Councilmember Smith, seconded by Councilmember Bloyer, moved TO APPROVE A PROFESSIONAL ENGINEERING DESIGN AND CONSTRUCTION SUPPORT SERVICES CONTRACT WITH SHE FOR THE INWOOD WATER TOWER NO 4 PROJECT IN AN AMOUNT NOT TO EXCEED \$108,500. MOTION PASSED 5 – 0.

ITEM 17: 10:00 P.M. CITY COUNCIL MEETING TIME LIMIT

Interim Administrator Schroeder introduced the item, and noted that the Ordinance proposed is based on information collected from other cities that have passed a similar Ordinance. Discussion held.

Mayor Pearson, seconded by Councilmember Bloyer, moved TO ADOPT ORDINANCE 08-127. MOTION FAILED 1 – 4. (Bloyer, Fliflet, Lundgren, Smith – Nay)

ITEM 18: COUNCILMEMBER/STAFF COMMUNICATIONS

Interim Administrator Schroeder stated that an individual has filed a complaint that a Councilmember was communicating in an unprofessional manner.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved THAT IF COUNCILMEMBER BLOYER WANTS TO COMMUNICATE WITH STAFF IT WILL BE VIA EMAIL OR WITH ANOTHER COUNCILMEMBER PRESENT. QUESTIONS FOR MEETINGS WILL BE GIVEN AHEAD OF TIME OR QUESTIONS WILL BE DIRECTED TO THE CHAIR. MOTION PASSED 3 – 2. (Pearson, Bloyer – Nay)

Wally Nelson, 4582 Lilac, stated he has known Councilmember Bloyer for two years and has never seen him threaten or accost anyone.

ITEM 19: FINANCE COMMITTEE MEMBERSHIP

Councilmember Fliflet reported that Finance Committee members are currently being recruited and noted that the Finance Director and City Administrator are considered members of the Committee.

ITEM 20: CITY COUNCIL WORKSHOP AGENDA

Councilmember Fliflet reported that the entire budget will be reviewed at the next Finance Committee meeting and suggested the budget be removed from the October 13th workshop agenda and invited Councilmembers to attend the Finance Committee meeting to discuss the budget.

Councilmember Fliflet, seconded by Councilmember Smith, moved TO CONDUCT THE BUDGET WORKSHOP IN CONJUNCTION WITH THE FINANCE COMMITTEE MEETING ON WEDNESDAY, OCTOBER 14TH AT 4:30 P.M. MOTION PASSED 5 – 0.

STAFF REPORTS AND ANNOUNCEMENTS

Interim City Administrator Schroeder: Report to be provided via email due to the hour

City Clerk Johnson: No report

Finance Director Bendel: Stormwater assessments went out to residents for a final reminder, 3rd quarter water bills will be going out, finishing financial reports for the Finance Committee meeting, working on budget updates, working through CIP updates.

City Attorney Snyder: No report.

Community Development Director Klatt: No report.

City Engineer Griffin: No report.

Meeting adjourned at 12:50 a.m.

LAKE ELMO CITY COUNCIL

ATTEST:

Julie Johnson, City Clerk

Mike Pearson, Mayor