

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

**CALL TO ORDER**

*Called to order at 7:10 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, Finance Director Bendel, City Planner Wensman and City Clerk Johnson.

Interim Administrator Schroeder read a statement explaining the role of the Parliamentarian. Chief Administrative Law Judge Pust introduced herself and reviewed guidelines and decorum policies for the meeting.

**PLEDGE OF ALLIGENCE**

**APPROVAL OF AGENDA**

*Mayor Pearson, seconded by Councilmember Smith, moved TO ADD ITEM J: ROLE OF PARLIAMENTARIAN TO THE AGENDA. MOTION PASSED 4 – 1. (Bloyer – Nay)*

Item 10 was removed from the Agenda. Items 7 and 9 were moved to the Regular Agenda for discussion after item 13.

*Councilmember Fliflet, seconded by Mayor Pearson, moved TO APPROVE THE AGENDA AS AMENDED. MOTION PASSED 5 – 0.*

**ACCEPT MINUTES**

*Councilmember Fliflet, seconded by Mayor Pearson, moved TO APPROVE THE NOVEMBER 4, 2015 MINUTES AS AMENDED. MOTION PASSED 5 – 0.*

**COUNCIL REPORTS**

**Mayor Pearson:** Met with staff, Bureau of Mediation Services, LMC and Judge Pust to discuss the Parliamentarian process; met with staff to prepare for a water sewer consultant RFP; met with County officials on a variety of matters; held a Visit with the Mayor; attended the Oakdale Lake Elmo Prayer Breakfast; attended the Public Safety Committee meeting; attended the Parks Commission meeting; fielded concerns from residents regarding the impact of development in various neighborhoods, noting no complaints have been received from downtown property owners; took calls regarding financial discussion and asked Interim Administrator Schroeder to comment on that during his staff report.

**Councilmember Fliflet:** Met with LMC and BMS; held a Finance Committee meeting where they worked on water rate reduction and 2016 Budget; held an HR Committee meeting and fielded resident concerns.

**Councilmember Smith:** Attended Finance Committee and postponed other reports due to time considerations.

**Councilmember Lundgren:** Spoke with Bureau of Mediation; discussed milfoil in lakes with residents, attended HR Committee meeting; attended Oakdale Lake Elmo Prayer Breakfast; thanked Public Works staff for picking up two dead deer in her neighborhood; discussed Inwood area flooding with resident and staff.

**Councilmember Bloyer:** Emailed with Fields residents, emails from residents regarding the Parliamentarian.

Judge Pust explained that she was serving as Parliamentarian on behalf of the Office of Administrative Hearings and reported that the City will be billed by the OAH at a rate of \$120 per hour as approved by the Minnesota Management and Budget Department.

**PUBLIC COMMENTS/INQUIRIES**

Matt Eder and Becky Goble spoke on behalf of their dad, Jerome Eder, at 3415 Lake Elmo Avenue North concerning the construction of a storm water holding pond adjacent to his property and related safety concerns.

Wally Nelson, 4582 Lilac Lane North, stressed the need for civility among the City Council Members and called for removal of the censure of Councilmember Bloyer.

**PRESENTATIONS**

None

**FINANCE CONSENT AGENDA**

- 2. Approve Payment of Disbursements**
- 3. Accept Financial Report Dated October 31, 2015**
- 4. Accept Building Report Dated October 31, 2015**
- 5. Accept Assessors Report Dated October 31, 2015**
- 6. Approve Eagle Point Blvd. Street Improvements Pay Request No. 3**

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

**OTHER CONSENT AGENDA**

- 8. Water Tower No. 4 – Approve Preliminary Design Recommendations**

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

**ITEM 11: CLARIFICATION OF MANNING AVENUE REDESIGN AND FUNDING OPTIONS**

Interim Administrator Schroeder provided background information on the Washington County plan to realign Manning Avenue and the design option chosen by the City Council.

Councilmember Fliflet added that she requested this discussion to provide clarification for the public to address misconceptions.

Jack Rowenhorst, 11676 Little Bluestem, stated that as a new driver he is concerned about safety and thinks option C would be much safer.

Lisa Rowenhorst, 11676 Little Bluestem, spoke against the C2 design chosen by the City Council and asked the Council to reconsider option C for safety reasons.

Mary Pat Cumming, 11857 44<sup>th</sup> Street Lane North, reported that approximately 200 people in the neighborhood have met and asked that their voices be heard in support of option C.

Cindy Silkworth, 4418 Lily Avenue North, stated the County, staff and Planning Commission recommended concept C and requested the City Council reconsider concept C.

Karen Schwartz, 11772 44<sup>th</sup> Street Lane North, expressed concerns about safety and asked that Highway 5 remain open in both directions until the north-south road is built.

John Hodler, 11834 44<sup>th</sup> Street Lane North, stated that not building the north-south road is a big problem for Fields of St. Croix residents and requested the Council reconsider option C.

Marcy Eischen, 11674 Stillwater Boulevard, spoke in favor of the dead end option on behalf of herself and neighbors Dupuis and Jacobsen.

***Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO CLARIFY MANNING AVENUE REDESIGN APPROVAL OF CONCEPT C2 THAT WAS PASSED AT THE SEPTEMBER 15 CITY COUNCIL MEETING, TO READ THA THE CITY COUNCIL ACCEPTS CONCEPT C2, BUT THA THE EXACT TIMING, PLACEMENT, DESIGN AND FUNDING FOR THE NORTH/SOUTH CONNECTION ROAD WILL BE DETERMINED AT A LATER TIME THROUGH THOUGHTFUL PLANNING, AND THAT OLD HIGHWAY 5 WILL NOT BE CUL DE SAC'D UNTIL THIS NORTH/SOUTH CONNECTION IS BUILT. MOTION PASSED 3 – 2. (Pearson, Bloyer – Nay)***

Councilmember Bloyer stated concerns about safety and uncertainty that the costly north-south road would be safer than option C. Mayor Pearson referred to a Washington County report on stop lights and stated the C2 option is not safer.

Councilmember Fliflet directed staff to begin planning a workshop with residents to gather their feedback. Councilmember Bloyer stated that the landowner should be contacted to inquire about purchasing land for the north-south road. Mayor Pearson stated that the north-south road is an improvement but without the landowner present it will be difficult to make progress.

**ITEM 9: DOWNTOWN PHASE I IMPROVEMENTS – APPROVE DESIGN REVISIONS FOR UPPER 33<sup>RD</sup> STREET AND LIBRARY PARKING LOT**

City Engineer Griffin provided an overview of the proposed revisions on Upper 33<sup>rd</sup> Street and noted concerns expressed by a business owner.

Steve Johnson, 2945 Lake Elmo Avenue, stated that he has some concerns but feels the proposed design is reasonable and works well for the Fire Department.

***Councilmember Bloyer, seconded by Councilmember Fliflet, moved TO APPROVE THE UPPER 33<sup>RD</sup> STREET STRIPING REVISIONS FOR THE PHASE I DOWNTOWN STREET, DRAINAGE AND UTILITY IMPROVEMENTS. MOTION PASSED 4 – 1. (Pearson – Nay)***

Mayor Pearson stated that removing five parking spaces downtown needs additional research and discussion.

City Engineer Griffin reviewed the proposed parking lot improvements for the Library, noting that the Library Board would also be reviewing the proposal. Griffin stated that the project contractor is offering favorable pricing through adding this project on to the downtown project.

***Councilmember Fliflet, seconded by Councilmember Smith, moved TO APPROVE THE LIBRARY PARKING LOT IMPROVEMENTS TO BE CONSTRUCTED IN CONJUNCTION WITH PHASE I DOWNTOWN STREET, DRAINAGE AND UTILITY IMPROVEMENTS, CONTINGENT ON LIBRARY BOARD APPROVAL AT THEIR NOVEMBER 18 MEETING. MOTION PASSED 4 – 1. (Bloyer – Nay)***

Councilmember Bloyer stated that the City should pay for this improvement for a City building and added that the City Council has not seen the Library budget.

**ITEM 12: SEARCH FIRM FOR CITY ADMINISTRATOR**

Interim Administrator Schroeder explained that the term of his contract is July 2016 to January 2016 and presented a list of search firms that could be employed to conduct a search for a permanent City Administrator. Schroeder stated that Springsted provided an estimated cost of \$15,000 to \$20,000 depending upon the scope of services. Discussion held concerning options for conducting a search with and without a search firm.

***Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO MOVE FORWARD WITHOUT A SEARCH FIRM AND INSTRUCT THE CITY CLERK TO POST THE POSITION ON THE LMC AND ICMA WEBSITES.***

***Councilmember Smith, seconded by Councilmember Fliflet, moved TO AMEND THE MOTION TO ADD SUBJECT TO HIRING OF A PROFESSIONAL FIRM TO CONDUCT BACKGROUND CHECKS. MOTION PASSED 5 – 0.***

Councilmember Bloyer stated that he won't support the motion, as he feels the City could extend Mr. Schroeder's contract and that Councilmembers shouldn't be involved in vetting applicants. Mayor Pearson suggested seeking professionals within the City to assist with reviewing applicants.

**PRIMARY MOTION PASSED 3 – 2. (Pearson, Bloyer – Nay)**

City Attorney Snyder recommended that the process should be moved along and suggested staff prepare an advertisement for approve at the next Council meeting.

**ITEM 13: HIGH PRIORITY FOR HIGHWAY 5/COUNTY ROAD 14**

Interim Administrator Schroeder explained that Councilmembers have expressed a need for a traffic light at the intersection of Highway 5 and 50<sup>th</sup> Street.

Jim Ogren, 11790 Little Bluestem, stated that a stop light will also be needed at the intersection of Highway 5 and Manning and suggested they could both be installed at the same time.

Councilmember Fliflet stated that the 50<sup>th</sup> Street intersection should be a high priority for 2016 and not wait for the new road alignment.

***Councilmember Fliflet, seconded by Councilmember Smith, moved THE LAKE ELMO CITY COUNCIL WOULD LIKE BY MATTER OF RESOLUTION TO SUPPORT A TRAFFIC SIGNAL AT THE INTERSECTION OF NEW CSAH 15 AND 50<sup>TH</sup> STREET AND MAKE IT KNOWN THAT THE CITY WOULD LIKE THIS TO BE THE NUMBER ONE PRIORITY FOR RHTE COUNTY FOR THIS STRETCH OF ROADWAY RECENTLY TURNED OVER TO THE COUNTY FROM THE STATE OF MINNESOTA PREVIOUSLY KNOWN AS STATE HIGHWAY 5.***

Councilmember Bloyer stated that this intersection does not meet County standards for a traffic light. Mayor Pearson asked about facts and rankings from the County's report on intersections and stated that all intersections should be assessed before committing to upgrading one.

***Mayor Pearson, seconded by Councilmember Bloyer, moved TO TABLE THIS ISSUE TO A WORKSHOP. MOTION FAILED 2 – 3. (Fliflet, Lundgren, Smith – Nay)***

**PRIMARY MOTION PASSED 3 – 1 – 1. (Pearson – Nay, Bloyer – Present)**

Mayor Pearson clarified that he is not opposed to a traffic light at the 50<sup>th</sup> Street intersection but wants to look at all intersections first.

***Mayor Pearson, seconded by Councilmember Lundgren, moved TO DIRECT STAFF TO ARRANGE A WORKSHOP TO DISCUSS INTERSECTION SAFETY CITY WIDE. MOTION PASSED 5 – 0.***

**ITEM 7: APPROVE SPECIAL ASSESSMENT PAYOFF FOR KLEIS PROPERTY**

Finance Director Bendel reviewed the request from the property owner for a reduced payoff amount for special assessments levied in 1995 on a parcel that is in the Green Acres program. City Attorney Snyder explained the Green Acres program and noted that if the City Council chooses to modify the assessment it should be done by uniform resolution or an ordinance change.

Peter Kastler, 9130 55<sup>th</sup> Street North, stated he is the grandson of the original owners and that his grandparents did not have any documentation regarding this assessment or the interest that is due. Mr. Kastler noted that the assessment payoff isn't due until the property is taken out of Green Acres but he would agree to pay it off early at the reduced amount as a benefit to both parties.

***Councilmember Fliflet, seconded by Councilmember Smith, moved TO ACCEPT THE PAYOFF OFFER OF \$6,879.55 FROM MR. KASTLER/KLEIS FAMILY TO PAY IN FULL THE OUTSTANDING SPECIAL ASSESSMENTS RELATED TO THE 1995 STREET OVERLAY PROJECT.***

**MOTION PASSED 3 – 2. (Pearson, Bloyer – Nay)**

Councilmember Bloyer stated that he understands the situation but feels the City needs to adhere to the laws and have thought out policies in place. Mayor Pearson added that he is concerned about setting precedence with this reduction but has empathy for the property owners.

### **STAFF REPORTS AND ANNOUNCEMENTS**

**Interim City Administrator Schroeder:** Attended the Public Safety Committee meeting, Parks Commission meeting, met with developers, worked on legal and engineering concerns, attended the Finance Committee meeting, provided the Mayor's Handbook to the City Council at the recommendation of the League of MN Cities. Reported that the Finance Committee discussed the proforma and recommends hiring Northland Securities to develop the proforma. The Finance Committee will continue to discuss how to develop the proforma at the next meeting and Schroeder recommended that the current spreadsheet not be worked on any further

Councilmember Bloyer stated that the explanation given on the \$6.5M in assessments is unacceptable and stated that it can easily be explained where the \$6.5M was and the amount of assessments paid in the past month.

***Councilmember Bloyer, seconded by Mayor Pearson, moved THAT THE CITY ADMINISTRATOR AND FINANCE DIRECTOR PROVIDE THE CITY COUNCIL AND RESIDENTS WITH AN EXPLANATION AS TO THE WHEREABOUTS OF \$6.5 MILLION WORTH OF ASSESSMENTS. MOTION FAILED 2 – 3. (Fliflet, Lundgren, Smith – Nay)***

Councilmember Fliflet stated she would not support the motion because she supports the City Administrator's recommendation to move on to a new model.

**City Clerk Johnson:** Reported that an offer has been extended to a candidate for the Office Administrative Assistant position.

**Finance Director Bendel:** Finalized recommended changes to the 2016 General Fund Budget at Finance Committee Meeting, fielding calls and questions on assessments, all Lennar outstanding assessments will be paid soon, started year end closeout in preparation for the audit.

**City Attorney Snyder:** No report.

**Community Development Wensman:** No report

**City Engineer Griffin:** Working on projects for next year and the engineering department is very busy with current construction projects.

### **ROLE OF PARLIAMENTARIAN**

Judge Pust asked for City Council input on the Parliamentarian and stated it was an honor to be invited. Councilmembers indicated that it was helpful to have a Parliamentarian run the meeting.

***Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO CONTINUE THE SERVICES OF THE PARLIAMENTARIAN UNTIL THE SERVICES ARE NO LONGER NEEDED AND TO DIRECT STAFF TO SECURE A REPLACEMENT PARLIAMENTARIAN IF NEEDED. MOTION PASSED 3 – 1 – 1. (Pearson – Abstain, Bloyer – Nay)***

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Councilmember Bloyer stated that he would not support the motion to continue to pay for the services of a Parliamentarian due to the opinion of the League of Minnesota Cities that Mayor Pearson does a fine job running the meetings.

Judge Pust stated that representatives from the League of Minnesota Cities and Board of Mediation Services stated that their support of the council's decision to hire a Parliamentarian for this meeting was not a reflection on the Mayor's ability to run the meetings.

Meeting adjourned at 11:16 pm.

**LAKE ELMO CITY COUNCIL**

ATTEST:

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Mike Pearson, Mayor

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Julie Johnson, City Clerk