

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
APRIL 5, 2016**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

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

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

Staff present: Interim Administrator Schroeder, City Attorney Sonsalla, City Engineer Griffin, Finance Director Bendel, Planning Director Wensman, and City Clerk Johnson.

Others present: Parliamentarian Joshua Martin

APPROVAL OF AGENDA

Councilmember Bloyer, seconded by Mayor Pearson, moved TO MOVE THE CLOSED SESSION TO THE REGULAR AGENDA.

City Attorney Sonsalla clarified the nature of the discussion to be held during the closed session and noted that the state statutes allow this discussion to be held during closed session but the Council may choose to hold the discussion during the regular meeting.

Motion failed 2 – 3. (Fliflet, Lundgren, Smith – nay)

Items 2, 5, 8 and 9 were moved to the Regular Agenda. Item 10 was postponed to the May 3, 2016 meeting. Conditional Job Offer to New Fire Department Recruit was added to the Consent Agenda.

Agenda approved as amended.

ACCEPT MINUTES

Councilmember Smith asked if there was an agreement between the parties that should be included in the motion under Item 7 in the February 2, 2016 minutes.

Councilmember Fliflet, seconded by Councilmember Bloyer, moved TO DIRECT THE CLERK TO REVIEW THE VIDEO AND BRING THE FEBRUARY 2, 2016 MINUTES BACK FOR APPROVAL. Motion passed 5 – 0.

Clerk Johnson noted a correction to the motion at the top of page 4 in the February 16, 2016 minutes to state that Councilmember Smith's motion was withdrawn. **February 16, 2016 minutes approved as corrected.**

March 2, 2016 minutes were tabled to the next meeting for verification of the vote on a motion made regarding Item 20.

Minutes of the March 8, 2016 special meeting were accepted as presented.

PUBLIC COMMENTS/INQUIRIES

Virginia Pleban, 8245 59th Street N., asked for volunteers to assist with weeding and maintaining rain gardens in the City and commented on Council Member conduct. Councilmember Fliflet

stated that she would bring rain garden maintenance to the Environmental Committee for consideration.

Dave Moore, 8680 Stillwater Boulevard, inquired as to the purpose of the Environmental Committee.

Bill Wacker, 3603 Laverne Avenue N., commented on the Fire Department and expressed concerns over staffing due to recruitment challenges.

Barry Weeks, 3647 Lake Elmo Avenue N., expressed concern over the closed session at the end of the Council meeting and lack of public input on the issue the Council is scheduled to discuss.

PRESENTATIONS

National Library Week Proclamation:

Mayor Pearson read the National Library Week Presentation. Councilmember Fliflet recognized Library Director Nate Deprey for the work he does at the Library.

Fire Department New Recruit:

Chief Malmquist introduced new recruit Todd Galuska, noting that the City is fortunate to have Mr. Galuska's 5 years of experience and training from his previous department. Mr. Galuska thanked the City for the opportunity to serve as a Firefighter.

CONSENT AGENDA

- 3. Accept 2015 Lake Elmo Firefighters Relief Association Actuarial Report**
- 4. Adopt Resolution Requesting a Traffic Light at 50th Street – Resolution 2016-25**
- 6. Approve Hiring of Building Official**
- 7. Adopt Amended 2016 Fee Schedule – Ordinance 08-132**
- 9.5 Conditional Job Offer to New Recruit**

Consent Agenda approved as presented.

ITEM 2: Approve Payment of Disbursements

Councilmember Bloyer requested clarification on library card reimbursements.

Councilmember Fliflet, seconded by Councilmember Smith, moved TO APPROVE PAYMENT OF DISBURSEMENTS. Motion passed 5 – 0.

ITEM 5: Village City Property Sewer Service – Approve Quotes to Complete Sewer Service Connections

Councilmember Smith expressed concern over extending sewer service to the park shelter when the park may be redesigned. City Engineer Griffin stated that the City has one year to connect the park shelter to the sewer system.

Councilmember Lundgren, seconded by Councilmember Fliflet, moved TO AWARD A CONTRACT WITH CAPRA'S UTILITIES, INC TO COMPLETE SANITARY SEWER

SERVICE IMPROVEMENTS FOR TWO CITY OWNED PROPERTIES: THE LAKE ELMO LIBRARY AND FIRE STATION ONE, AND TO CONNECT LIONS PARK SHELTER IN THE FUTURE. Motion passed 5 – 0.

ITEM 8: Approve Lawful Gambling Premises Permit for Pull Tab Sales at the Machine Shed Restaurant

Mayor Pearson, seconded by Councilmember Bloyer, moved TO APPROVE RESOLUTION 2016-26 APPROVING A LAWFUL GAMBLING PREMISES PERMIT FOR THE OAKDALE ATHLETIC ASSOCIATION.

Councilmember Fliflet, seconded by Councilmember Smith, moved TO POSTPONE THE PENDING MOTION TO THE APRIL 19, 2016 MEETING. Motion passed 3 – 2. (Pearson, Bloyer – nay)

ITEM 9: Savona 4th Addition Developer Agreement

Councilmember Smith asked staff for confirmation that the issues previously discussed by the Council are included in the Developer Agreement and are being completed. City Attorney Sonsalla stated that she has reviewed the Developer Agreement and everything seems to be in line, noting that the list of items included with final plat approval must be complete before the 4th Addition plat will be released.

Councilmember Lundgren, seconded by Mayor Pearson, moved TO ADOPT RESOLUTION 2016-20 APPROVING THE DEVELOPER AGREEMENT FOR SAVONA 4TH ADDITION. Motion passed 5 – 0.

ITEM 11: Easton Village Park Plan

Former Interim Administrator Schroeder summarized the park plan and timeline in the Developer's Agreement for installation of the City park on Outlot D. Costs and options for layout of the sidewalk, curbing and play structures were presented. Public Works Superintendent Bouthilet commented on cost savings for utilizing the developer to prepare the site and install curbing. Bouthilet also noted that it will be easier to install the park before the homes are all built up around it and it will allow future residents to see where the park will be when choosing their lot.

Councilmember Smith, seconded by Councilmember Bloyer, moved TO DIRECT STAFF TO COORDINATE WITH EASTON VILLAGE TO GRADE THE PARK PAD AND INSTALL CONCRETE CURBING WHILE EASTON VILLAGE HAS CREWS ON-SITE, PURCHASE PROPOSED LARGE PARK AMENITIES AND HAVE AMENITIES INSTALLED THIS SUMMER. Motion passed 5 – 0.

ITEM 12: 2016 Street Improvements – Approve Bids and Award Contract

City Engineer Griffin reviewed the areas included in the project and reported that four very competitive bids were received. Griffin also reported on funding sources and the estimated completion date of August 12, 2016.

Councilmember Smith, seconded by Councilmember Lundgren, moved TO APPROVE RESOLUTION 2016-21, ACCEPTING BIDS AND AWARDING A CONTRACT TO HARDRIVES, INC. FOR THE BASE BID PLUS ALTERNATE NO. 1 IN THE AMOUNT OF \$1,189,610.33 FOR THE 2016 STREET, DRAINAGE AND UTILITY IMPROVEMENTS. Motion passed 4 – 0 – 1. (Fliflet – abstain)

Councilmember Fliflet stated that she abstained because she is opposed to the water project opposed by some residents.

ITEM 13: Inwood Booster Station Improvements – Accept Bids and Award Contract

City Engineer Griffin reported that bids for the project came in higher than anticipated, but after reviewing the bids and Department of Health requirements; Griffin stated the project should be awarded as is. Griffin reviewed the cost figures for the booster station and the overall Inwood water system.

Councilmember Lundgren, seconded by Councilmember Smith, moved TO APPROVE RESOLUTION 2016-23, ACCEPTING BIDS AND AWARDING A CONTRACT TO MAGNEY CONSTRUCTION, INC. FOR THE BASE BID IN THE AMOUNT OF \$1,308,404 FOR THE INWOOD WATER BOOSTER STATION IMPROVEMENTS. Motion passed 5 – 0.

Engineer Griffin requested Council authorization for work to be done by Xcel Energy at the site as well.

Councilmember Smith, seconded by Councilmember Lundgren, moved TO AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH XCEL ENERGY TO BRING THREE PHASE POWER TO THE BOOSTER STATION SITE. Motion passed 5 – 0.

ITEM 14: CSAH 15 (Manning Avenue) – Phase 1 Cooperative Agreement

City Engineer Griffin presented a Cooperative Agreement between the City and Washington County for cost participation in the Manning Avenue Phase 1 improvements.

Councilmember Smith, seconded by Councilmember Lundgren, moved TO APPROVE RESOLUTION 2016-22 APPROVING COOPERATIVE AGREEMENT 10144 WITH WASHINGTON COUNTY FOR STATE AID HIGHWAY 15 (MANNING AVENUE) PHASE 1 IMPROVEMENTS. Motion passed 4 – 1. (Pearson opposed)

Mayor Pearson stated concerns over the cost of the trail included in the project and potential cost for moving the traffic light.

ITEM 15: Downtown Phase 1 and 2 Improvements – Project Update

City Engineer Griffin presented summary and detailed information on costs for Phase 1 and 2 improvements. Location maps, project phasing and project schedule were also reviewed. Cost figures were presented with changes that have affected the current totals.

ITEM 16: Old Village Phase 2: Street, Drainage and Utility Improvements – Accept Report, Adopt Project Assessment Policy and Call Public Hearing

City Engineer Griffin presented the feasibility report, scope of improvements and assessment recommendations. Griffin reviewed the City's special assessment policy and the proposed assessment rates for each property.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2016-24 RECEIVING THE FEASIBILITY REPORT, ADOPTING PROJECT ASSESSMENT POLICY AND CALLING HEARING FOR THE OLD VILLAGE PHASE 2 STREET, DRAINAGE AND UTILITY IMPROVEMENTS. Motion passed 5 – 0.

ITEM 17: Mayor's Handbook – Chapter 31 Ordinance Update

Former Interim Administrator Schroeder reviewed final changes to the draft Ordinance update.

Councilmember Smith, seconded by Mayor Pearson, moved TO REPLACE CHAPTER 31.01-31.07 WITH THE ATTACHED CHAPTER 31.01-31.07 WITH REFERENCES TO SPEAKER TIME LIMITS CHANGED TO 4 MINUTES ON PAGES 11, 12 AND 13.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO AMEND THE PRIMARY MOTION TO ADD "POSTED" BEFORE "AGENDA" IN 31.04, A, B AND C. Motion passed 4 – 1. (Bloyer – nay)

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO AMEND THE PRIMARY MOTION TO ADD TO 31.04B THAT TWO COUNCILMEMBERS MAY PLACE AN ITEM ON THE AGENDA. Motion passed 3 – 2. (Pearson, Bloyer – nay)

Councilmember Fliflet, seconded by Mayor Pearson, moved TO AMEND THE PRIMARY MOTION TO STRIKE THE CHANGE REGARDING 4 MINUTE TIME LIMITS FOR SPEAKERS. Motion passed 3 – 2. (Bloyer, Smith – nay)

Mayor Pearson, seconded by Councilmember Bloyer, moved TO AMEND THE PRIMARY MOTION TO ADD TO 31.04.D.6 TO STATE THAT THE COUNCIL SHALL NOT INTERRUPT THE SPEAKER BUT SHALL WAIT UNTIL AFTER THE SPEAKER IS FINISHED. Motion failed 2 – 3. (Fliflet, Lundgren, Smith – nay)

Primary motion passed 3 – 2. (Pearson, Bloyer – nay)

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2016-27 FOR SUMMARY PUBLICATION. Motion passed 5 – 0.

ITEM 18: Union Negotiation Committee

City Administrator Handt requested that the Council appoint a committee and alternates to participate in union contract negotiations. Councilmembers discussed their individual interest and qualifications for serving on the committee.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO ALLOW STAFF TO MEET WITH THE LOCAL 49ers REPRESENTATIVES AND BRING BACK A FULL CONTRACT FOR COUNCIL CONSIDERATION. Motion failed 2 – 2 – 0. (Pearson, Bloyer – nay. Smith – abstain)

Councilmember Smith, seconded by Councilmember Lundgren, moved TO APPOINT MAYOR PEARSON AND COUNCILMEMBER FLIFLET TO ASSIST STAFF IN LABOR NEGOTIATIONS AND NOT APPOINT ALTERNATES BUT LET THE MEETINGS GO ON AS LONG AS A MAJORITY OF THE TEAM IS PRESENT. Motion passed 5 – 0.

COUNCIL REPORTS

Mayor Pearson: Investigated an allegation against Councilmember Bloyer related to Public Works and found it to be false.

Councilmember Fliflet: Thanked former Interim Administrator Schroeder for his work with the City and welcomed new City Administrator Handt.

Councilmember Smith: Received phone calls from residents on various issues; thanked former Interim Administrator Schroeder for his service and welcomed City Administrator Handt.

Councilmember Lundgren: Welcomed City Administrator Handt and thanked Clark Schroeder for his service as Interim Administrator. Reported the Farmers Market group will hold a meeting April 11th, 6:30 p.m. at the Library.

Councilmember Bloyer: Reported the City has received a data request targeting him and warned it will be very costly to the City to produce the information.

STAFF REPORTS AND ANNOUNCEMENTS

City Administrator Handt: Thanked staff for helping during her transition.

City Clerk Johnson: Working on website updates and welcomed new staff members.

Finance Director Bendel: Pulling together final information for 2016 bonding for Finance Committee Meeting on April 13th.

City Attorney Sonsalla: Working on the Mayor's Handbook and working with the City Engineer on easements.

City Engineer Griffin: Holding an open house on April 23rd at Christ Lutheran Church for the CSAH 13 project. Received a petition for sewer access from Lake Elmo Elementary. Engineering team is completing a sweep through developments to check on erosion control.

CLOSED SESSION

Mayor Pearson, seconded by Councilmember Smith, moved TO ADJOURN TO CLOSED SESSION AT 1:17 A.M. PURSUANT MN STAT. 13.D.05 SUBD. 3 TO DISCUSS A REAL

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ESTATE TRANSACTION FOR PROPERTY LOCATED AT 3504 AND 3514 LAKE ELMO AVENUE AND ONE ADJOINING VACANT PARCEL. Motion passed 3 – 2. (Pearson, Lundgren – nay)

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO RETURN TO OPEN SESSION AT 2:39 A.M. Motion passed 5 – 0.

Meeting adjourned at 2:39 a.m.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Julie Johnson, City Clerk