

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
OCTOBER 17, 2017**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

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

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

Staff present: Administrator Handt, City Attorney Sonsalla, City Engineer Griffin, Planning Director Becker, and City Clerk Johnson.

APPROVAL OF AGENDA

Item 11, “Approve Increase to Lake Elmo Fire Relief Benefit” was moved to the beginning of the Regular Agenda. Item 7, “Approve Fall Newsletter” and Item 13, “Approve Conditional Use Permit for Increased Accessory Structures, 11459 60th St. N.” were moved to the Regular Agenda.

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO APPROVE THE AGENDA AS AMENDED. Motion passed 5 – 0.

ACCEPT MINUTES

Minutes of the September 19, 2017 and October 3, 2017 Regular Meetings were accepted as presented. Councilmember Lundgren abstained from approval of the October 3, 2017 minutes due to her absence from the meeting.

PUBLIC COMMENTS/INQUIRIES

None

PRESENTATIONS

None

CONSENT AGENDA

2. Approve Payment of Disbursements
3. Accept September 2017 Assessor’s Report
4. Accept September 2017 Building Department Report
5. Accept September 2017 Fire Department Report
6. Accept September 2017 Public Works Department Report
7. ~~Approve Fall Newsletter~~ *(moved to the Regular Agenda)*

8. Authorize Issuance of Request for Proposals for Engineering Services
9. Authorize Issuance of Request for Proposals for Landscape Architecture Services
10. Accept Resignation of Public Works Operator Paulson and Authorize Advertising for the position
- ~~11. Approve Increase to Lake Elmo Fire Relief Benefit (moved to the Regular Agenda)~~
12. Adopt Firefighter Declaration Resolution – Resolution 2017-108
- ~~13. Approve Conditional Use Permit for Increased Accessory Structures, 11459 60th St N – Resolution 2017-116 (moved to the Regular Agenda)~~
14. Approve Lake Elmo Lake Improvement Matching Grant
15. Approve Private Development Security Reductions – Village Preserve 2nd Addition and Easton Village 2nd Addition
16. I-94 Lift Station and Sanitary Sewer Improvements – Approve Change Order No. 1
17. Old Village Ph3 Street & Utility Improvements – Approve Change Order 3
18. Old Village Ph3 Street & Utility Improvements – Approve Pay Request No. 4
19. 2017 Mill and Overlay – Approve Compensating Change Order No. 2
20. 2017 Mill and Overlay – Approve Pay Request No. 1 (FINAL)
21. Approve Lions Park Change Order No. 2

Councilmember Nelson, seconded by Councilmember Bloyer, moved TO APPROVE THE CONSENT AGENDA AS PRESENTED. Motion passed 5 - 0.

ITEM 7: Approve Fall Newsletter

Councilmember Fliflet commented on the winter parking, library and budget articles in the newsletter.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved THAT THE CITY BE FULLY TRANSPARENT WITH THE RESIDENTS OF LAKE ELMO REGARDING THEIR TAX LEVY INCREASE, AND REPORT THA THE 2018 PRELMINIARY TAX LEVY WITHOUT TAKING CREDIT FOR A LIBRARY TAX REDUCTION AND ETHICALLY STATE THE TRUE LEVY INCREASE IN TOTAL FOR RESIDENTS WHICH IS OVER 30%. Motion failed 2 – 3. (Pearson, Bloyer, Nelson – nay)

Mayor Pearson, seconded by Councilmember Nelson, moved TO APPROVE THE ATTACHED DRAFT AND TO AUTHORIZE PRINTING AND DISTRIBUTION OF THE SOURCE NEWSLETTER FOR THE WINTER OF 2017-2018. Motion passed 3 – 2. (Fliflet, Lundgren – nay)

ITEM 13: Approve Conditional Use Permit for Increased Accessory Structures, 11459 60th St. N.

City Planner Becker provided a brief overview of the request for a Conditional Use Permit to allow for the continued use of existing accessory structures on a parcel.

Councilmember Fliflet moved TO ADOPT RESOLUTION 2017-116 APPROVING THE REQUEST FROM RICHARD, EILEEN AND CHAD BERGMANN FOR A CONDITIONAL USE PERMIT TO ALLOW AN EXCESS OF THE PERMITTED TWO ACCESSORY STRUCTURES AND ACCESSORY STRUCTURE SIZE REQUIREMENTS IN THE RURAL RESIDENTIAL ZONING DISTRICT FOR THE PROPERTY LOCATED AT 11459 60TH STREET NORTH SUBJECT TO RECOMMENDED CONDITION OF APPROVAL AND WAIVING THE CONDITIONAL USE PERMIT FEE. Motion died – no second.

Mayor Pearson, seconded by Councilmember Bloyer, moved TO ADOPT RESOLUTION 2017-116 APPROVING THE REQUEST FROM RICHARD, EILEEN AND CHAD BERGMANN FOR A CONDITIONAL USE PERMIT TO ALLOW AN EXCESS OF THE PERMITTED TWO ACCESSORY STRUCTURES AND ACCESSORY STRUCTURE SIZE REQUIREMENTS IN THE RURAL RESIDENTIAL ZONING DISTRICT FOR THE PROPERTY LOCATED AT 11459 60TH STREET NORTH SUBJECT TO RECOMMENDED CONDITION OF APPROVAL. Motion passed 5 – 0.

ITEM 22: Zoning Text Amendment, Zoning Map Amendment and a Request for CUP to Allow Commercial Boarding Facility as an Accessory Use at 10880 Stillwater Blvd. N.

Planning Director Becker reviewed the details of the proposal and points for Council consideration.

Richard Rothstein spoke on behalf of the applicant, requesting clarification on points in the staff report prepared for the Council Meeting.

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO SUSPEND THE RULES TO ALLOW DISCUSSION PRIOR TO A MOTION ON THIS MATTER. Motion withdrawn.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO ADOPT ORDINANCE 08-188 APPROVING A ZONING TEXT AMENDMENT TO ALLOW COMMERCIAL BOARDING FACILITY AS A CONDITIONAL ACCESSORY USE WITHIN THE AGRICULTURAL ZONING DISTRICT. Motion failed 2 – 3. (Pearson, Bloyer, Nelson – nay)

Councilmember Bloyer, seconded by Mayor Pearson, moved TO ADOPT RESOLUTION 2017-117 DENYING A ZONING MAP AMENDMENT TO REZONE FOR THE PROPERTY LOCATED AT 10880 STILLWATER BLVD N FROM RURAL DEVELOPMENT TRANSITIONAL TO AGRICULTURAL. Motion passed 3 – 2. (Fliflet, Lundgren - nay)

Councilmember Boyer, seconded by Councilmember Nelson, moved TO ADOPT RESOLUTION 2017-118 DENYING A ZONING TEXT AMENDMENT TO ALLOW COMMERCIAL BOARDING FACILITY AS A CONDITIONAL ACCESSORY USE WITHIN THE AGRICULTURAL ZONING DISTRICT. Motion passed 3 – 2. (Fliflet, Lundgren – nay)

Councilmember Bloyer, seconded by Mayor Pearson, moved TO ADOPT RESOLUTION 2017-106 DENYING A CONDITIONAL USE PERMIT TO ALLOW A COMMERCIAL BOARDING FACILITY AS AN ACCESSORY USE FOR THE PROPERTY LOCATED AT 10880 STILLWATER BLVD. N. Motion passed 3 – 2. (Fliflet, Lundgren – nay)

Mayor Pearson, seconded by Councilmember Nelson, moved TO ADOPT RESOLUTION 2017-105 APPROVING A CONDITIONAL USE PERMIT TO ALLOW EXPANSION OF AN EXISTING FEEDLOT WITHIN THE SHORELAND FOR THE PROPERTY LOCATED AT 10880 STILLWATER BLVD. N. SUBJECT TO THE RECOMMENDED CONDITIONS OF APPROVAL. Motion passed 2 – 1 -2. (Bloyer – nay; Fliflet, Lundgren – nay)

Councilmember Bloyer, seconded by Mayor Pearson, moved TO RECONSIDER THE MOTION TO ADOPT RESOLUTION 2017-105. Motion passed 5 – 0.

Councilmember Bloyer, seconded by Mayor Pearson, moved TO ADOPT RESOLUTION 2017-105 APPROVING A CONDITIONAL USE PERMIT TO ALLOW EXPANSION OF AN EXISTING FEEDLOT WITHIN THE SHORELAND FOR THE PROPERTY LOCATED AT 10880 STILLWATER BLVD. N. SUBJECT TO THE RECOMMENDED CONDITIONS OF APPROVAL. Motion passed 3 – 0 – 2. (Fliflet, Lundgren – abstain)

ITEM 23: 2017 Street Improvements - Assessment Hearing, Adoption of Final Assessment Roll

City Engineer Griffin reviewed the project details, reported on the final project cost and funding sources.

Councilmember Lundgren, seconded by Councilmember Bloyer, moved TO OPEN THE PUBLIC HEARING. Motion passed 5 – 0.

No public comments were submitted.

Councilmember Bloyer, seconded by Councilmember Lundgren, moved TO CLOSE THE PUBLIC HEARING. Motion passed 5 – 0.

Councilmember Lundgren, seconded by Councilmember Bloyer, moved TO ADOPT RESOLUTION 2017-109, ADOPTING THE FINAL ASSESSMENT ROLL FOR THE 2017 STREET IMPROVEMENTS. Motion passed 5 – 0.

ITEM 24: Inwood Trunk Watermain Improvements – Assessment Hearing, Adoption of Final Assessment Roll

City Engineer Griffin reviewed the improvement project and reported on final project costs and funding sources.

Councilmember Bloyer, seconded by Councilmember Lundgren, moved TO OPEN THE PUBLIC HEARING. Motion passed 5 – 0.

No public comments were submitted.

Councilmember Bloyer, seconded by Councilmember Lundgren, moved TO CLOSE THE PUBLIC HEARING. Motion passed 5 – 0.

Councilmember Bloyer, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2017-110, ADOPTING THE FINAL ASSESSMENT ROLL FOR THE INWOOD TRUNK WATERMAIN IMPROVEMENTS. Motion passed 5 – 0.

ITEM 25: Old Village Phase 2 Improvements – Assessment Hearing, Adoption of Final Assessment Roll

City Engineer Griffin reviewed the scope of the improvements and assessment methodology.

Councilmember Bloyer, seconded by Councilmember Lundgren, moved TO OPEN THE PUBLIC HEARING. Motion passed 5 – 0.

Barbara Swanson, 11316 30th Street North, stated that residents were told in the past that if farmers developed land residents wouldn't have to pay for sewer improvements.

City Administrator Handt noted two other assessment objections were received by the City prior to the hearing.

Councilmember Bloyer, seconded by Councilmember Lundgren, moved TO CLOSE THE PUBLIC HEARING. Motion passed 5 – 0.

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO ADOPT RESOLUTION 2017-111, ADOPTING THE FINAL ASSESSMENT ROLL FOR THE OLD VILLAGE PHASE 2 IMPROVEMENTS. Motion passed 5 – 0.

ITEM 26: Comprehensive Plan Amendment and Concept Plan for Continental Properties

City Planner Becker provided information on the applicant and the proposal for a 300 unit multi-family development. Becker reviewed the comments held at the public hearing and the Planning Commission recommendations and also reported on comments from the Parks Commission and Engineering.

Gwen Wheeler, Continental Properties, reviewed the site location, building designs, lighting, neighborhood amenities, resident profile and community benefits to the City.

Tucker Pearce, 9811 7th Street North, urged the Council to deny the request and stick to the comprehensive plan.

Stefany Lorang, 9918 7th Street North, spoke in opposition of the comp plan amendment to increase density.

Mike Kobe, 9616 Junco Road North, spoke in opposition of the proposal, stating town homes would be a better fit for the area.

Kourtney Bryan, 618 Juniper Court North, asked the Council to follow the comp plan.

Mayor Pearson, seconded by Councilmember Nelson, moved TO SUSPEND THE RULES REGARDING TIME ALLOWED FOR COUNCILMEMBERS TO SPEAK. Motion failed 3 – 1 – 1. (Fliflet - nay; Lundgren – abstain.)

Mayor Pearson, seconded by Councilmember Nelson, moved TO REFER THE CURRENT AGENDA ITEM BACK TO THE PLANNING COMMISSION. Motion passed 5 – 0.

ITEM 27: Variance for 8130 Hill Trail

Planning Director Becker presented the request for a variance to allow an addition to an existing home and relocation of the septic system. Becker reported on Planning Commission recommendations and conditions of approval.

Mayor Pearson, seconded by Councilmember Bloyer, moved TO ADOPT RESOLUTION 2017-115 APPROVING THE REQUEST FROM PETER AND ADRIENNE PAVEK FOR A VARIANCE TO ALLOW EXPANSION OF A NON-CONFORMING STRUCTURE NOT MEETING THE REQUIRED SETBACK FROM THE ORDINARY HIGH WATER LEVEL OR MINIMUM LOT SIZE REQUIRED WITHIN THE RURAL SINGLE FAMILY ZONING DISTRICT, SUBJECT TO RECOMMENDED CONDITIONS OF APPROVAL. Motion passed 5 – 0.

Councilmember Nelson, seconded by Mayor Pearson, moved TO ADOPT RESOLUTION 2017-114 APPROVING THE REQUEST FROM PETER AND ADRIENNE PAVEK FOR A VARIANCE FROM THE REQUIRED SETBACKS FOR A SEPTIC SYSTEM FROM PROPERTY LINES, SHORELAND BLUFFLINE, ORDINARY HIGH WATER LEVEL AND NON-OCCUPIED STRUCTURE, SUBJECT TO RECOMMENDED CONDITIONS OF APPROVAL. Motion passed 5 – 0.

COUNCIL REPORTS

Mayor Pearson: No report.

Councilmember Nelson: No report.

Councilmember Lundgren: Provided a reminder of the Lake Elmo Jaycees Halloween party.

Councilmember Bloyer: No report.

Councilmember Fliflet: No report.

STAFF REPORTS AND ANNOUNCEMENTS

Administrator Handt: Ribbon cutting for the Olson Lake Trail project will be held on Saturday, October 21st.

City Clerk Johnson: No report.

City Attorney Sonsalla: Working on Hidden Meadows plat opinion.

Planning Director Becker: No report.

City Engineer Griffin: Working on review of three large plats.

Meeting adjourned at 10:30 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Julie Johnson, City Clerk

Mike Pearson, Mayor