

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
DECEMBER 6, 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: Administrator Handt, City Attorney Sonsalla, City Engineer Griffin, Finance Director Bendel, Public Works Director Weldon, Planning Director Wensman, and City Clerk Johnson.

City Attorney Sonsalla summarized the Closed Sessions held prior to the Council Meeting.

APPROVAL OF AGENDA

Items 4 (Approval of Open Gov) and 10 (Approve Employee Health Benefit Employer/Employee Cost Share for 2017) were moved from the Consent Agenda to the end of the Regular Agenda.

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

ACCEPT MINUTES

Minutes of the September 6, 2016 and October 18, 2016 Regular Meetings were accepted as presented.

PUBLIC COMMENTS/INQUIRIES

Carl Abrahamson, 8061 Hill Trail North, spoke about deer hunting in the City and encouraged the Council to return to the previous rules.

Virginia Pleban, 8245 59th Street N., spoke about security around City Hall and suggested that the audio for meeting broadcasting be improved.

PRESENTATIONS

None

CONSENT AGENDA

2. Approve Payment of Disbursements
3. Authorize Advertising and Hiring of Rink Attendants
5. Approve Inwood Trunk Watermain Improvements – Compensating Change Order No. 2
6. Approve Inwood Trunk Watermain Improvements – Pay Request No. 6. (FINAL)

7. Approve 2017 Liquor License Renewals: Kwik Trip and Elmo Liquor
8. Approve Abatement of Special Assessment Levied in 2016 – *Resolution 2016-103*
9. Approve Ordinance 08-159: An Ordinance Amending Title V: Chapter 51 of the Lake Elmo City Code of Ordinances Regarding Subsurface Sewage Treatment Systems and Summary Publication *Resolution 2016-104*
11. Approve 2017 Enterprise Budgets

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

ITEM 12: 2017 Proposed Tax Levy and General Fund Budget – Adopt 2017 Budget and Tax Levy

Finance Director Bendel presented details of the proposed budget and levy for 2017. General Fund revenue and expenses, debt service and the Library levy were reviewed.

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

No comments were received.

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

Councilmember Fliflet, seconded by Councilmember Smith, moved TO REDUCE THE EXPENSE RELATED THE ADDITIONAL SHERIFF DEPUTY BY \$30,000 AN REFLECT AN ADDITIONAL \$100,000 REDUCTION IN THE GENERAL FUND COMPONENT OF THE LEVY. Motion passed 3 – 2. (Pearson, Bloyer – nay)

Mayor Pearson stated he would not support the changes, as the budget is thin as it is and there are likely to be costs in legal fees, clean up day and Public Works that will be higher than the budgeted amounts.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO APPROVE THE FINAL 2017 GENERAL FUND AND LIBRARY FUND BUDGETS. Motion passed 3 – 2. (Pearson, Bloyer – nay)

ITEM 13: 2017-2021 Capital Improvement Plan

Finance Director Bendel reviewed the process for approving the CIP and reviewed highlights of specific projects. Discussion was held on specific items within the CIP.

Councilmember Bloyer, seconded by Mayor Pearson, moved TO TABLE FURTHER DISCUSSION TO FOLLOW ITEM 20. Motion passed 5 – 0.

ITEM 14: 2017 Street Improvements – Approve Feasibility Report and Order Public Hearing

City Engineer Griffin presented an overview of the proposed project encompassing 2.3 miles of streets in the northern tri lakes area. Griffin reviewed the assessment methodology and estimated costs used to arrive at an estimate of \$6,400 per unit for the assessment. Findings and recommendations and the proposed project schedule were also presented.

Councilmember Lundgren, seconded by Councilmember Smith, moved TO ADOPT RESOLUTION 2017-107, RECEIVING THE FEASIBILITY REPORT AND CALLING HEARING FOR THE 2017 STREET IMPROVEMENTS. Motion passed 5 – 0.

ITEM 15: OP4 Boulder Ponds LLC Zoning Map Amendment/PUD Amendment

Planning Director Wensman provided a brief overview of the request for rezoning to allow for higher density on two lots for development of a senior living component. Wensman reviewed the draft findings and recommendations.

Ben Schmidt, Excelsior Group, reviewed what would be allowed under the current zoning and asked for rezoning to allow additional units and rezone to be consistent with the proposed use.

Councilmember Bloyer, seconded by Mayor Pearson, moved TO APPROVE A ZONING MAP AMENDMENT/PUD AMENDMENT, ORDINANCE 08-149, TO REZONE OUTLOTS B (PID 34.029.21.33.0023) AND C (PID 34.029.21.33.0024), BOULDER PONDS FROM COMMERCIAL/PUD AND MDR/PUD RESPECTIVELY TO HDR/PUD.

Councilmember Fliflet, seconded by Councilmember Smith, moved TO AMEND THE PRIMARY MOTION TO ADD THAT THE SENIOR HOUSING INCENTIVE BE LOOKED AT AND A PUD AMENDMENT BE DRAFTED THROUGH PROCESSES REQUIRED. Motion passed 3 – 2. (Pearson, Lundgren – nay)

Primary motion passed 4 – 1 as amended. (Lundgren – nay)

ITEM 16: Wildflower 2nd Addition Final Plat and Final PUD Plan

Planning Director Wensman reviewed the request for final plat and final PUD.

Councilmember Lundgren, seconded by Councilmember Smith, moved TO ADOPT RESOLUTION 2016-106 APPROVING THE WILDFLOWER AT LAKE ELMO 2ND ADDITION FINAL PLAT AND FINAL PLANNED UNIT DEVELOPMENT PLANS. Motion passed 4 – 1. (Bloyer – nay)

ITEM 17: Review of Preliminary Royal Golf EAW and Comments

Planning Director Wensman noted that the City Council has thirty days to comment on the EAW and reviewed the process to be followed.

Todd Williams, 3025 Lake Elmo Avenue N., stated that the EAW is insufficient until all potential uses are considered.

City Attorney Sonsalla noted that the applicant is working on responses to issues raised and will be back with additional information at a future meeting.

ITEM 18: Royal Golf Comprehensive Plan Amendment

Councilmember Bloyer moved TO TABLE THIS ITEM UNTIL THE CITY IS NO LONGER UNDER A MORATORIUM. Motion died – no second.

Planning Director Wensman reviewed the location and history of the request for a comp plan amendment and criteria for consideration.

Ann Bucheck, 2301 Legion Avenue N., presented a petition asking for larger lot sizes and lower density.

Dennis Egan, 1615 Old Hwy 19, Red Wing, stated he has been retained to look at the EAW and added that the Prairie Island Tribe is not in negotiations to purchase the property.

Shelli Wilk, 11253 14th Street N., stated that the area is environmentally sensitive and encouraged lower density.

Jeff Schumacher, 1067 Leeward Avenue N., stated he would like to see rural density preserved.

Todd Williams, 3025 Lake Elmo Avenue N., stated opposition to extending sewer to the area and development of the property that would detract from the rural character.

Tim Mandel, 2479 Lisbon Avenue N., suggested that OP development be used in this area with buffers.

Bill Martinez, 2470 Lisbon Avenue N., commented on the open space and wildlife in Tartan Park.

Discussion held regarding Planning Commission recommendations and zoning options.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO DIRECT STAFF TO LOOK INTO CREATION OF GOLF COURSE COMMUNITY AS A ZONING CATEGORY FOR ROYAL GOLF CLUB AND THE EMERSON PROPERTY FOR A COMP PLAN AMENDMENT. Motion passed 3 – 2. (Pearson, Bloyer – nay)

ITEM 19: Lake Erosion Study

Administrator Handt summarized proposals from two firms for conducting shoreland studies. Discussion held regarding prior changes made in the no wake rules.

**LAKE ELMO CITY COUNCIL MINUTES
DECEMBER 6, 2016**

Dale Dorschner, 3150 Lake Elmo Avenue, questioned the process and the need for a study.

Denise Bozak, 8110 Demontreville Trail, stated that the lake levels seem to be rising and asked if lowering the lake level could be looked at.

Daryl Vosberg, 9436 Jane Road N., stated that this item needs to be sent back to the Environmental Committee to justify the expense.

Brian Boyle, 10961 32nd Street N., stated that the overall health of the lakes needs to be looked at before erosion.

Tony Haider, 4575 Olson Lake Trail N., stated the best use of funds would be to replace vegetation on the lake shore.

John Hamerly, 9429 Jane Road N., urged the Council not to fund a study for erosion or no wake.

Tom Sieffert, 4849 Olson Lake Trail, stated that he was assured the lake is a fully recreational lake when he purchased his home recently and urged the Council to consider the study.

Brian Pitzen, 4554 Olson Lake Trail, encouraged the Council to send this back to the Environmental Committee to define the goals of the study.

Brenda Jo Carlson, 8554 Hidden Bay Trail, stated there is a need for fact checking the request from the LDO association on this issue.

Jean Olinger, 9057 Lake Jane Trail N., left a written statement opposing the study.

Christine Nelson, 3871 Legion Avenue N., stated that she does not support the issue based on the process used to bring it before the Council.

Dave Carlson, 8554 N. Hidden Bay Trail, spoke against any further restrictions on the lake.

Discussion held regarding the need for a study and associated costs.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO APPROVE A CONTRACT WITH BOLTON AND MENK FOR SLOW NO WAKE ASSESSMENTS ON LAKES OLSON, DEMONTREVILLE, JANE AND ELMO WITH THE CONTRACT BEGINNING IMMEDIATELY OR AS SOON AS POSSIBLE USING 2016 FUNDS IF POSSIBLE WITH THE ADDITION OF OPTIONAL ITEMS NOT TO EXCEED \$5,000.

Mayor Pearson, seconded by Councilmember Bloyer, moved TO SEND THIS ITEM TO THE ENVIRONMENTAL COMMITTEE. Motion failed 2 – 3. (Fliflet, Lundgren, Smith – nay)

Councilmember Bloyer, seconded by Mayor Pearson, moved TO AMEND THE PRIMARY MOTION TO ADD THAT THE LAKE ASSOCIATIONS SHARE IN THE COST OF THE STUDY. Motion failed 2 – 2 – 0. (Fliflet, Lundgren – nay; Smith – present/not voting)

**LAKE ELMO CITY COUNCIL MINUTES
DECEMBER 6, 2016**

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

The remaining items on the agenda were continued to the next Council Meeting.

Meeting adjourned at 12:42 a.m.

LAKE ELMO CITY COUNCIL

ATTEST:

Julie Johnson, City Clerk

Mike Pearson, Mayor