

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
FEBRUARY 7, 2018**

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, Jill Lundgren and Christine Nelson. **ABSENT:** Councilmember Julie Fliflet

Staff present: Administrator Handt, City Attorney Sonsalla, City Engineer Griffin, Planning Director Becker, Fire Chief Malmquist, Assistant Administrator Foster and City Clerk Johnson.

APPROVAL OF AGENDA

Item 6, “Approve Chicken Ordinance,” Item 4, “Approve Drug Testing and Drug Free Workplace Policies,” and Item 5, “Approve Service Agreements with Industrial Health Services Network” were moved to the Regular Agenda.

Councilmember Lundgren, seconded by Councilmember Bloyer moved TO APPROVE THE AGENDA AS AMENDED. Motion passed 4 – 0.

ACCEPT MINUTES

Minutes of the January 16, 2018 Regular Meeting were accepted as presented.

PUBLIC COMMENTS/INQUIRIES

None

PRESENTATIONS

None

CONSENT AGENDA

2. Approve Payment of Disbursements and Payroll
3. Approve Extension of Comcast Cable Franchise Agreement
4. ~~Approve Drug Testing and Drug Free Workplace Policies~~
5. ~~Approve Service Agreements with Industrial Health Services Network (IHSN)~~
6. ~~Approve Chicken Ordinance Ordinance No 08-196~~
7. Approve Consultant for Brookfield Building Fit Test/Analysis
8. Approve Old Village Ph3 Street & Utility Improvements – Change Order No. 4.
9. Approve Old Village Ph3 Street & Utility Improvements – Pay Request No. 6.
10. Approve Private Development Security Reductions – Easton Village 2nd & Easton Village 3rd.
11. Approve 5th Street North – Resolution Authorizing MnDOT to Perform Speed Zone Study
12. Approve Non Profit Donation Policy

Councilmember Bloyer, seconded by Councilmember Lundgren, moved TO APPROVE THE CONSENT AGENDA AS PRESENTED. Motion passed 4 - 0.

ITEM 13: Wyndham Village Subdivision Sketch Plan Review & Comprehensive Plan Amendment

Planning Director Becker stated that the developer is requesting an extension of time to allow for further revisions to the plan.

Joe Bush, J.P. Bush Homes, stated that he has been working to address Council and staff concerns and requested an extension to April 18, 2018.

Councilmember Bloyer, seconded by Councilmember Lundgren, moved TO TABLE TO THE APRIL 17TH MEETING OR EARLIER IF THE DEVELOPER AGREES. Motion passed 4 - 0.

ITEM 14: Legacy at North Star Preliminary Plat and PUD Plans

Planning Director Becker reviewed the proposal for preliminary plat and PUD approval and reviewed recommended conditions.

Joe Chavez, 3505 Kelvin Avenue N., spoke in support of the development and commented on potential trespassing onto his property from the trail in the Hamlet neighborhood.

Craig Allen, GWSA Land Development, commented on the proposed buffer, noting that it would be difficult to achieve a 50 foot buffer on the north border of the development. Discussion was also held concerning fencing around the ponds and acquiring right of way to the south of the proposed development.

Mayor Pearson, seconded by Councilmember Bloyer, moved TO TABLE TO A FUTURE MEETING. Motion passed 4 - 0.

ITEM 15: Short Term Rental Ordinance Amendment

Planning Director Becker presented the proposed ordinance revisions to allow for short term home rentals in certain zoning districts.

Pat Dean, 8028 Hill Trail, asked that the Council consider allowing short term rentals throughout the City, lengthen the length of stay restriction and lower the proposed fee.

Councilmember Bloyer, seconded by Mayor Pearson, moved TO ADOPT ORDINANCE 08-197 AMENDING THE ALLOWED USE OF BED AND BREAKFASTS WITHIN THE CITY.

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO AMEND THE PRIMARY MOTION TO ADD RURAL RESIDENTIAL AND RURAL ESTATES AS AREAS ALLOWED. Motion passed 3 – 1. (Lundgren – nay)

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO AMEND THE PRIMARY MOTION BY STRIKING THE NOTICE REQUIREMENT IN SECTION 6.A.1.d. Motion passed 3 – 1. (Lundgren – nay)

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO AMEND THE PRIMARY MOTION BY STRIKING THE LANGUAGE IN SECTION 7 DEFINING AN OWNER OCCUPIED RESIDENCE. Motion passed 3 – 1. (Lundgren – nay)

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO AMEND THE PRIMARY MOTION BY STRIKING SECTION 6.A.2. Motion passed 4 – 0.

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO AMEND THE PRIMARY MOTION BY STRIKING SECTION 6.A.3. Mayor Pearson moved TO AMEND THE MOTION BY ADDING A 3 DAY MINIMUM AND 30 DAY MAXIMUM STAY. Amendment failed – no second. Motion passed 3 – 1. (Lundgren – nay)

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO AMEND THE PRIMARY MOTION BY LIMITING GUEST STAYS TO UP TO 30 DAYS. Motion passed 3 – 1. (Lundgren – nay)

Primary motion as amended passed 3 – 1. (Lundgren – nay)

Mayor Pearson, seconded by Councilmember Bloyer, moved TO ADOPT ORDINANCE 08-200 AMENDING THE CITY'S FEE SCHEDULE TO INCLUDE A BED AND BREAKFAST PERMIT FEE. Motion passed 3 – 0 – 1. (Lundgren – abstain)

Mayor Pearson, seconded by Councilmember Bloyer, moved TO ADOPT RESOLUTION 2018-014 AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 08-197 AND ORDINANCE 08-200. Motion passed 4 – 0.

ITEM 16: Fairfield Inn Final PUD and CUP

Planning Director Becker reviewed the application for construction of a 90 unit Fairfield Inn hotel in the Eagle Point Business Park.

Councilmember Bloyer, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2018-008 APPROVING THE REQUEST BY CENTRAL DESIGN GROUP, LLC FOR APPROVAL OF FINAL PLANNED UNIT DEVELOPMENT PLANS ASSOCIATED WITH A 90 UNIT HOTEL TO BE LOCATED ON LOT 1, BLOCK 1, HOA

2ND ADDITION, SUBJECT TO THE CONDITIONS OF APPROVAL AS RECOMMENDED BY STAFF. Motion passed 4 – 0.

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO ADOPT RESOLUTION 2018-009 APPROVING THE REQUEST BY CENTRAL DESIGN GROUP, LLC FOR APPROVAL OF A CONDITIONAL USE PERMIT ASSOCIATED WITH A 90 UNIT HOTEL TO BE LOCATED ON LOT 1, BLOCK 1, HOA 2ND ADDITION, SUBJECT TO THE APPROVAL OF FINAL PLANNED UNIT DEVELOPMENT PLANS. Motion passed 4 – 0.

ITEM 17: Solar Ordinance

Planning Director Becker presented the proposed ordinance amending the City’s zoning code related to solar energy systems and solar farms.

Councilmember Nelson, seconded by Mayor Pearson, moved TO ADOPT ORDINANCE 08-198 APPROVING AMENDMENTS TO THE SOLAR ORDINANCE.

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO AMEND THE PRIMARY MOTION BY STRIKING LANGUAGE IN SECTION 2.2 REQUIRING SIGNAGE. Mayor Pearson, seconded by Councilmember Lundgren, moved TO AMEND THE MOTION BY STRIKING SECTION 2.2 AND REPLACING WITH A REQUIREMENT FOR AT LEAST ONE SIGN IN CONSULTATION WITH PUBLIC SAFETY OFFICIALS. Amendment failed 2 – 2. (Bloyer, Nelson –nay) Motion to amend failed 2 – 2. (Lundgren, Nelson – nay)

Primary motion passed 4 – 0.

Councilmember Lundgren, seconded by Councilmember Nelson, moved TO ADOPT RESOLUTION 2018-010 AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 08-198. Motion passed 4 – 0.

ITEM 18: Windpower Ordinance

Planning Director Becker reviewed the proposed ordinance amendments to update the wind generator ordinance.

Councilmember Lundgren, seconded by Councilmember Nelson, moved TO ADOPT ORDINANCE 08-199 APPROVING PROPOSED AMENDMENTS TO THE CITY’S WIND GENERATOR REGULATIONS. Motion passed 4 – 0.

Councilmember Lundgren, seconded by Councilmember Nelson, moved TO ADOPT RESOLUTION 2018-011 AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 08-199. Motion passed 4 – 0.

Mayor Pearson, seconded by Councilmember Bloyer, moved TO RECONSIDER THE SOLAR ORDINANCE. Motion passed 4 – 0.

Mayor Pearson, seconded by Councilmember Lundgren, moved TO STRIKE PARAGRAPH 10, SECTION 2 RELATED TO RESTRICTIONS ON SOLAR ENERGY SYSTEMS Motion passed 3 – 1. (Bloyer – nay)

ITEM 19: CSAH15/CSAH14 Realignment – Resolution Approving Cooperative Agreements

Councilmember Lundgren, seconded by Councilmember Nelson, moved TO APPROVE RESOLUTION 2018-012 APPROVING COOPERATIVE AGREEMENT 11400, COOPERATIVE AGREEMENT 11522, AND COOPERATIVE MAINTENANCE AGREEMENT 11523 FOR THE CSAH15 AND CSAH14 REALIGNMENT IMPROVEMENTS. Motion passed 4 – 0.

ITEM 20: Finance Director – Job Description and Posting

Assistant Administrator Foster provided an overview of the proposed Finance Director job description and posting.

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO APPROVE THE JOB DESCRIPTION AND UATHROIZE ADVERTISING FOR FINANCE DIRECTOR. Motion passed 4 – 0.

ITEM 21: Personnel Policy Amendment for Substitute Firefighters

Fire Chief Malmquist reviewed the proposed policy amendment to allow Paid on Call Firefighters to fill part time shifts.

Councilmember Bloyer, seconded by Councilmember Lundgren, moved TO AMEND THE PERSONNEL POLICY TO CREATE THE SUBSTITUTE FIREFIGHTER EMPLOYMENT CATEGORY UNDER THE DEFINITIONS SECTION. Motion passed 4 – 0.

ITEM 4: Approve Drug Testing and Drug Free Workplace Policies

Councilmember Bloyer, seconded by Councilmember Lundgren, moved TO TABLE ITEM 4. Motion passed 4 – 0.

ITEM 5: Approve Service Agreements with Industrial Health Services Network

Councilmember Lundgren, seconded by Councilmember Bloyer, moved TO TABLE ITEM 5. Motion passed 4 – 0.

ITEM 6: Approve Chicken Ordinance

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO TABLE ITEM 6.
Motion passed 3 - 1. (Lundgren – nay)

COUNCIL REPORTS

Mayor Pearson: Attended the library grand re-opening, holding a visit with the Mayor on Friday, February 9th, attended the staff and volunteer appreciation party, thanked Wally Nelson for his service on the Finance Committee and reminded residents of the 2018 Kindness Campaign.

Councilmember Nelson: Thanked Wally Nelson for his service and announced grand opening of the Sally Manzara Nature Center is tentatively scheduled for June 2nd.

Councilmember Lundgren: Announced a planning meeting for the farmers market will be held in March at the library.

Councilmember Bloyer: Thanked Wally Nelson for his service to the City, thanked Mr. Stoudt for use of his facility for the staff and volunteer appreciation party.

STAFF REPORTS AND ANNOUNCEMENTS

Administrator Handt: Reported on water issues that could impact the City, welcomed the public to an open house on February 15th for feedback on the space needs study.

City Attorney Sonsalla: Will be attending the city attorney conference.

Planning Director Becker: Reported that a comp plan advisory committee meeting will be held at the end of the month.

City Engineer Griffin: Held a neighborhood meeting for input on the Old Village Phase 4 project. Reported that the Inwood water tower is operational.

Fire Chief Malmquist: Reported on the Safe Haven program, hydrant shoveling and joint training with the Oakdale Fire Department.

Meeting adjourned at 9:56 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Julie Johnson, City Clerk

Mike Pearson, Mayor