

**CITY OF LAKE ELMO  
CITY COUNCIL MINUTES  
NOVEMBER 5, 2019**

**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, Dale Dorschner, Lisa McGinn and Christine Nelson

Staff present: Administrator Handt, City Attorney Sonsalla, City Engineer Griffin, Planning Director Roberts, Assistant City Administrator Dickson, Fire Chief Malmquist, City Planner Prchal, Finance Director Iverson and City Clerk Johnson

**APPROVAL OF AGENDA**

*Councilmember Bloyer, seconded by Councilmember Dorschner, moved TO APPROVE THE AGENDA AS PRESENTED. Motion passed 5 – 0.*

**ACCEPT MINUTES**

Minutes of the October 15, 2019 Regular Meeting were accepted as presented.

**PUBLIC COMMENTS/INQUIRIES**

None

**PRESENTATIONS**

None

**CONSENT AGENDA**

2. Approve Payment of Disbursements
3. Accept Part Time Firefighter Resignation
4. Authorize Adverting for Part Time Firefighter and Creating a Wait List
5. Approve Lake Grant for Lake Demontreville Olson
6. Approve Step Increase for Public Works Director
7. Approve Audit Engagement Letter #1
8. Approve Fall 2019 Source Newsletter
9. Approve 2020 Health Insurance Rates and Benefit Plans- *Resolution 2019-080*
10. Approve Security Reduction for Northport 1st Addition.
11. Approve Security Reduction for the Royal Golf 2nd Addition.
12. Accept Improvements and Approve Security Reduction for the Southwind at Lake Elmo.
13. Accept Improvements and Approve Security Reduction for the Wildflower 2nd Addition.
14. Approve Liquor License Renewals

15. Approve Massage Therapy License Renewal
16. Approve Second Home Agreement for 520 Lake Elmo Avenue – *Resolution 2019-081*

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

**ITEM 17: Fire Department Audit**

City Administrator Handt provided an overview of the proposals for an operational audit of the Fire Department.

***Mayor Pearson, seconded by Councilmember Dorschner, moved TO APPROVE THE AGREEMENT WITH RW MANAGEMENT GROUP, INC FOR A FIRE DEPARTMENT OPERATIONAL AUDIT. Motion passed 4 – 1. (Nelson – nay)***

Councilmember Nelson stated she is not in favor of the expenditure as she is unsure it will be able to provide answers.

**ITEM 18: Park Use Policy**

City Administrator Handt presented a proposed park use policy for reserving park facilities.

***Mayor Pearson, seconded by Councilmember McGinn, moved TO APPROVE THE PARK USE POLICY AS AMEMEND WITH THE ADDITION OF A LIGHTING FEE AND RESERVATION DEPOSIT FOR HARD SURFACE COURTS. Motion passed 5 – 0.***

**ITEM 19: Lions Park Dugout Donations**

City Administrator Handt provided an update on the completed dugout project at Lions Park and acknowledged individuals and businesses that donated to the project. Jim Banister, Lake Elmo Lions Club Treasurer, thanked the donors and invited the public to join the organization.

***Councilmember Dorschner, seconded by Councilmember McGinn, moved TO ADOPT RESOLUTION 2019-082 ACCEPTING DONATED MATERIALS AND SERVICES FOR THE DUGOUTS AT LIONS PARK. Motion passed 5 – 0.***

**ITEM 20: Lake Elmo Senior Living**

Planning Director Roberts presented a request for approval of a planned unit development for a 60 unit senior housing development on 39<sup>th</sup> Street. Matt Frisbee spoke on behalf of the applicant, addressing concerns regarding noise and screening.

***Councilmember Dorschner, seconded by Councilmember McGinn, moved TO ADOPT RESOLUTION 2019-083 FOR THE APPROVAL OF THE PRELIMINARY PUD PLAN AS REQUESTED BY MATT FRISBEE (AYERS ASSOCIATES) FOR PID 13.029.21.22.0013***

***FOR THE PROJECT TO BE KNOWN AS LAKE ELMO SENIOR LIVING LOCATED ON THE NORTH SIDE OF 39<sup>TH</sup> STREET NORTH, EAST OF ARBOR GLEN, SUBJECT TO RECOMMENDED CONDITIONS OF APPROVAL AS LISTED IN THE STAFF REPORT.***

***Councilmember Dorschner, seconded by Councilmember McGinn, moved TO AMEND THE PRIMARY MOTION BY AMENDING THE AMENITIY POINTS AS FOLLOWS: PARKING – 5; OPEN SPACE – 5; PLAZA – 5; STORM WATER – 3; LANDSCAPE – 2. Motion passed 5 – 0.***

**Primary motion passed 5 – 0.**

**ITEM 21: 2040 Comprehensive Plan Approval**

Planning Director Roberts reported on the 2040 Comprehensive Plan process and recommended that the City Council formally adopt the plan.

***Councilmember McGinn, seconded by Councilmember Nelson, moved TO ADOPT RESOLUTION 2019-084 APPROVING THE PROPOSED 2040 LAKE ELMO COMPREHENSIVE PLAN UPDATE (DATED 10-24-2019). Motion passed 5 – 0.***

**ITEM 22: Bike Trails in Sunfish Lake Park**

City Planner Prchal reviewed plans for the development of bike trails in Sunfish Lake Park, noting input from the Minnesota Land Trust. Discussion was held concerning signage to ensure pedestrian safety.

David Morgan, 13780 Manning Trail North, former Mayor of Elmo, expressed concern over potential damage to the park and the original intent of the park.

Susan Dunn, 11018 Upper 33<sup>rd</sup> Street North, noted that the park was purchased by residents, questioned data used regarding soil in the park, and presented a petition against mountain biking in the park.

Grayden Betts, Off Road Cyclists Treasurer, offered support for the trail project.

Matt Lehmann, 218 Maple Street, Stillwater, spoke on behalf of Stillwater Area Scholastic Cycling Advocates who built and maintain bike trails in Valley View Park in Oak Park Heights and noted positive input from Oak Park Heights city officials.

Isaac Nightingale, Parks Commissioner, commented on high school mountain biking teams and expressed support for the project.

Logan Makouski, 2551 Croixwood Blvd., stated he is a member of the high school mountain biking team and expressed support for the project, noting biker courtesy on mixed use trails.

***Councilmember Bloyer, seconded by Councilmember McGinn, moved TO APPROVE THE BIKE TRAIL PLAN AND TO ALLOW STAFF THE ABILITY TO MOVE FORWARD WITH THE RFP FOR SUNFISH LAKE PARK. Motion passed 5 – 0.***

**ITEM 23: Zoning Text Amendment – Accessory Building Height Standards**

City Planner Prchal presented updates to the zoning code adjusting the height limitations for accessory buildings.

***Mayor Pearson, seconded by Councilmember Nelson, moved TO APPROVE ORDINANCE 08-229 WHICH REMOVES THE 22 FT ACCESSORY BUILDING HEIGHT LIMITATION IN THE RURAL DISTRICT AND CLARIFIES THE BUILDING HEIGHT DEFINITION. Motion passed 5 – 0.***

***Mayor Pearson, seconded by Councilmember Nelson, moved TO ADOPT RESOLUTION 2019-085 APPROVING SUMMARY PUBLICATION OF ORDINANCE 08-229. Motion passed 5 – 0.***

**ITEM 24: Fire Department Tender Truck**

Fire Chief Malmquist presented a request to purchase a new tender truck for the Fire Department, reviewed specifications and reviewed pricing.

***Councilmember Nelson, seconded by Councilmember McGinn, moved TO APPROVE PURCHASE OF CIP PROJECT F-004, TENDER FROM ROSENBAUER MN AS WELL AS THE ASSOCIATED EQUIPMENT AND EQUIPMENT MOUNTING/MISCELLANEOUS AT A COST OF \$379,201.14. Motion passed 5 – 0.***

**ITEM 25: Valley Branch Board Member Appointment Recommendation**

City Administrator Handt explained that a vacancy has been created on the Valley Branch Watershed District Board due to Anthony Haider's relocation to an address in a different watershed district.

***Councilmember Bloyer, seconded by Mayor Pearson, moved TO RECOMMEND APPOINTMENT OF DR. JOHN HAMERLY TO THE VALLEY BRANCH WATERSHED DISTRICT BOARD. Motion passed 5 – 0.***

**COUNCIL REPORTS**

**Mayor Pearson:** Met with Valley Branch Watershed District to discuss flooding issues.

**Councilmember Bloyer:** Commented on the Ice Castles choosing not to hold the event in Lake Elmo.

**Councilmember McGinn:** Attended the annual buckthorn removal day in Sunfish Lake Park.

**Councilmember Nelson:** Thanked those advocating for Lake Elmo in the 3M water management meetings.

**Closed Session**

***Mayor Pearson, seconded by Councilmember Nelson, moved TO ADJOURN TO CLOSED SESSION. Motion passed 5 – 0.***

Closed session held pursuant to Minnesota Statutes Section 13D.05, subd 3(b), attorney-client privilege, to discuss threatened litigation by Greg Malmquist against the City of Lake Elmo.

***Mayor Pearson, seconded by Councilmember Nelson, moved TO RETURN TO OPEN SESSION. Motion passed 5 – 0.***

Meeting adjourned at 10:52 pm.

**LAKE ELMO CITY COUNCIL**

ATTEST:

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Mike Pearson, Mayor

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Julie Johnson, City Clerk