

**CITY OF LAKE ELMO  
CITY COUNCIL MINUTES  
OCTOBER 15, 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, Finance Director Iverson, Public Works Director Powers and City Clerk Johnson

**APPROVAL OF AGENDA**

*(Councilmember Bloyer left the room)*

***Councilmember Dorschner, seconded by Councilmember McGinn, moved TO APPROVE THE AGENDA.***

***Mayor Pearson, seconded by Councilmember Nelson, moved TO AMEND THE PRIMARY MOTION TO ADD “ICE CASTLES SPECIAL EVENT PERMIT” TO THE AGENDA. Motion passed 4 – 0.***

**Primary motion passed 4 – 0.**

**ACCEPT MINUTES**

Minutes of the October 1, 2019 Regular Meeting were accepted as presented.

**PUBLIC COMMENTS/INQUIRIES**

Susan Dunn, 11018 Upper 33<sup>rd</sup> St. N., commented on the Ice Castles past events in Stillwater, high water concerns, a meeting regarding City litigation against a home owners association and proposed mountain bike trails in Sunfish Lake Park.

*(Councilmember Bloyer returned)*

**PRESENTATIONS**

None

**CONSENT AGENDA**

2. Approve Payment of Disbursements
3. Accept September 2019 Fire Department Report

4. Accept September 2019 Building Department Report
5. Accept September 2019 Public Works Department Report
6. Authorize Advertising and Hiring of Warming House Attendants
7. Adopt *Resolution 2019-074* Declaring Polling Locations for 2020
8. Approve Pay Request No. 2 (FINAL) for Test Well #5
9. Approve Pay Request No. 3 for the 2019 Mill & Overlay Project. FINAL
10. Approve Pay Request No. 1 (FINAL) for Jane Court North
11. Approve Pay Request No. 4 for the CSAH 19 and Hudson Boulevard Intersection Improvements

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

**ITEM 12: Public Improvement Hearing and Authorize Plans and Specifications for the Heritage Farms Street and Sanitary Sewer Improvements**

City Engineer Griffin presented the proposed improvements and project area, the assessable properties and assessment amounts, and the estimated cost of the project.

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

Daniel Pierpont, 2958 Lisbon Avenue, stated he installed a new septic system at his property recently and is not in favor of the project.

Paul Matschi, 2932 Lisbon Avenue, spoke in opposition of the project due to the cost.

Brandon Mueller, 2867 Lisbon Avenue, provided a summary of neighborhood meetings held prior to petitioning the City for the sewer improvements.

Dale Young, 2846 Lisbon Avenue, spoke in favor of the project due to issues with his septic system freezing and backing up.

Bill Hafner, 2718 Lisbon Avenue, spoke in favor of the sewer project.

Steven Menzel, 2978 30<sup>th</sup> Street Circle North, spoke in favor of the sewer project.

Micah Solseth, 2933 Lisbon Avenue, stated he has a failing septic system and is in favor of the sewer project.

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

***Councilmember McGinn, seconded by Councilmember Bloyer, moved TO ADOPT RESOLUTION NO. 2019-079 ORDERING THE HERITAGE FARMS STREET AND UTILITY IMPROVEMENTS AND THE PREPARATION OF PLANS AND SPECIFICATIONS INCLUDING SANITARY SEWER EXTENSION INTO THE NEIGHBORHOOD AND FULL STREET RECONSTRUCTION AS OUTLINED IN THE FEASIBILITY REPORT APPROVED ON SEPTEMBER 17, 2019 AND PER THE REVISED ASSESSMENT ROLLS DATED OCTOBER 15, 2019. Motion passed 5 – 0.***

***Councilmember Dorschner, seconded by Councilmember McGinn, moved TO APPROVE A PROFESSIONAL ENGINEERING DESIGN AND CONSTRUCTION SUPPORT SERVICES CONTRACT TO TKDA, INC IN THE NOT TO EXCEED AMOUNT OF \$161,200 FOR THE HERITAGE FARMS STREET AND UTILITY IMPROVEMENTS. Motion passed 5 – 0.***

**ITEM 13: Inwood 6<sup>th</sup> Addition**

Planning Director Roberts presented the request to vacate an existing easement and approve a minor subdivision/final plat in the Inwood 6<sup>th</sup> Addition.

***Councilmember Dorschner, seconded by Mayor Pearson, moved TO ADOPT RESOLUTION 2019 – 075 APPROVING THE REQUEST FOR THE VACATION OF THE EXISTING DRAINAGE AND UTILITY EASEMENTS FOR THE INWOOD 6<sup>TH</sup> ADDITION AS SHOWN ON THE DRAINAGE AND UTILITY EASEMENT VACATION EXHIBIT DATED JUNE 28, 2019. Motion passed 5 – 0.***

***Councilmember Bloyer, seconded by Councilmember Dorschner, MOVED TO ADOPT RESOLUTION 2019 – 076 APPROVING THE MINOR SUBDIVISION REQUEST (INWOOD 6<sup>TH</sup> ADDITION) TO SPLIT OUTLOT O OF INWOOD ADDITION INTO THREE LOTS, SUBJECT TO THE CONDITIONS OF APPROVAL AS LISTED IN THE CITY STAFF REPORT. Motion passed 5 – 0.***

**ITEM 14: Kwik Trip Fuel Station /Convenience Store**

Planning Director Roberts reviewed the application for a Conditional Use Permit for the construction of a Kwik Trip fuel station and convenience store at the intersection of Inwood Avenue and 5<sup>th</sup> Street North. Dean George spoke on behalf of the applicant and stated they would split the outstanding cost of the traffic light at that location with the City.

***Mayor Pearson, seconded by Councilmember McGinn, moved TO ADOPT RESOLUTION 2019 – 077 APPROVING THE CONDITIONAL USE PERMIT FOR THE PROPOSED KWIK TRIP FUEL STATION/CONVENIENCE STORE AND CAR WASH TO BE LOCATED ON THE SOUTHEAST CORNER OF INWOOD AVENUE AND 5<sup>TH</sup> STREET NORTH, SUBJECT TO THE CONDITIONS OF APPROVAL AS DRAFTED BY STAFF AND BASED ON THE FINDINGS OF FACT LISTED IN THE STAFF REPORT PLUS THE ADDITION OF A CONDITION THAT THE APPLICANT WILL SPLIT THE***

***OUTSTANDING COST OF THE TRAFFIC SIGNAL WITH THE CITY. Motion passed 5 – 0.***

**ITEM 15: Authorize Topographical Survey and Final Design for the Stonegate Street and Utility Improvement**

City Engineer Griffin reviewed the proposal for a topographical survey and design work for street and utility improvements in the Stonegate neighborhood.

***Councilmember Bloyer, seconded by Councilmember Dorschner, moved TO COMPLETE THE TOPOGRAPHIC SURVEY AND FINAL DESIGN FOR THE STONEGATE STREET AND UTILITY IMPROVEMENTS IN THE NOT TO EXCEED AMOUNT OF \$192,727. Motion passed 5 – 0.***

**ITEM 16: Authorize Topographical Survey and Final Design for the 31<sup>st</sup> Street – Stillwater Boulevard Watermain Extension**

City Engineer Griffin reviewed the proposal for a topographical survey and design work for street and utility improvements in the 31<sup>st</sup> Street – Stillwater Boulevard neighborhood.

***Councilmember Bloyer, seconded by Councilmember Dorschner, moved TO AUTHORIZE BOLTON AND MENK, INC. TO COMPLETE THE TOPOGRAPHIC SURVEY AND FINAL DESIGN FOR THE 31ST STREET AND STILLWATER BLVD WATERMAIN IMPROVEMENTS IN THE NOT TO EXCEED AMOUNT OF \$46,326. Motion passed 5 – 0.***

**ITEM 17: Consider Petition for Environmental Assessment Worksheet (EAW) for Sunfish Lake Park Mountain Bike Trails**

Planning Director Roberts reviewed the petition requesting that an Environmental Assessment Worksheet be prepared for the proposed mountain bike trails in Sunfish Lake Park and reported on staff recommendations to deny the petition.

Susan Saffle, 11180 50<sup>th</sup> Street North, commented on the City's description of Sunfish Lake Park and expressed concern that use of the park would increase with mountain bike trails, causing erosion and wildlife disturbance.

Susan Dunn, 11018 Upper 33<sup>rd</sup> Street North, asked about the effects of mountain biking in Reid Park and requested that the environmental study be done for Sunfish Lake Park, stating that the soils are different than other areas of the City.

***Councilmember Bloyer, seconded by Councilmember Dorschner, moved TO DENY THE PETITION FOR THE PREPARATION OF AN EAW FOR THE PROPOSED MOUNTAIN BIKE TRAILS IN SUNFISH LAKE PARK AND ADOPT RESOLUTION 2019-078 THAT IS A RECORD OF THE CITY DECISION INCLUDING FINDINGS OF FACT. Motion passed 5 – 0.***

**ITEM 18: Ice Castle Special Event Permit**

City Administrator Handt provided background information and reviewed details of the special event permit application from Ice Castles to construct an ice castle and hold a special event at Royal Golf Club. Jim Felten spoke on behalf of Royal Golf and Ryan Davis of Ice Castles provided additional details.

Misti Roach, 2075 Legion Avenue North, expressed concern about traffic, signage and parking due to the proximity of the event to her home with small children.

Sheila Smith, 2121 Legion Avenue North, asked the Council to consider traffic concerns and excess water runoff.

Jerome Junker, 11130 20<sup>th</sup> Street Court North, expressed traffic safety concerns due to the width of 20<sup>th</sup> Street.

Dominic Travis, 2189 Legion Lane North, asked for more time to plan and study the potential impacts.

Susan Dunn, 11018 Upper 33<sup>rd</sup> Street North, asked about issues in Stillwater during past events and commented on water use related to the event.

***Councilmember Nelson, seconded by Councilmember Bloyer, moved TO APPROVE THE SPECIAL EVENT PERMIT FOR ICE CASTLES 2019-2020 AT ROYAL GOLF CLUB WITH CONDITIONS OUTLINED IN THE STAFF MEMO. Motion passed 5 – 0.***

**COUNCIL REPORTS**

No reports

**STAFF REPORTS AND ANNOUNCEMENTS**

**Administrator Handt:** Reported on upcoming events.

**City Engineer Griffin:** Reported that the traffic signal at CSAH19/Hudson Road is operational.

Meeting adjourned at 10:16 p.m.

**LAKE ELMO CITY COUNCIL**

ATTEST:

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Mike Pearson, Mayor

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Julie Johnson, City Clerk