

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
JUNE 2, 2020**

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, Planning Director Roberts, and City Clerk Johnson

APPROVAL OF AGENDA

Item 6, “Approve Liquor License for Bub’s Gourmet Aussie Pies” was moved to the Regular Agenda.

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

ACCEPT MINUTES

Minutes of the May 19, 2020 Regular Meeting were accepted as presented.

PUBLIC COMMENTS/INQUIRIES

Mayor Pearson read public comments received from Brad Winkels, 2814, Legion Avenue North regarding Legion Pond flooding concerns

PRESENTATIONS

None

CONSENT AGENDA

2. Approve Payment of Disbursements and Payroll
3. Approve Ordinance No 08-236, Deleting the Fire Department Codes 32.055 through 32.067 – *Resolution 2020-055*
4. Accept Quotes & Award Contract for the 2020 Crack Seal Project
5. Accept Bids & Award Contract for the 2020 Mill and Overlay Project – *Resolution 2020-056*
6. ~~Approve Liquor License for Bub’s Gourmet Aussie Pies, 9939 Hudson Blvd. #109~~

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

ITEM 7: Resolution Regarding Governor Walz’s Executive Orders and Stay Safe MN

Mayor Pearson read his proposed Resolution supporting the economy of Lake Elmo.

Councilmember Bloyer, seconded by Mayor Pearson, moved TO ADOPT RESOLUTION 2020-057. Motion passed 4 – 0 – 1.

Councilmember Dorschner recused himself from the vote due to his employment with the State of Minnesota.

ITEM 8: Zoning Text Amendment – Farm Schools as an Accessory Use in the Rural Districts

Planning Director Roberts presented the request for a zoning text amendment to allow operation of a farm school for children in the rural zoning districts. Applicant Amy Marotz explained her current school operation in Woodbury and possible plans for a school in Lake Elmo.

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO APPROVE ORDINANCE 08-238 APPROVING SPECIFIC DEVELOPMENT STANDARDS AND THE USES IN THE RURAL DISTRICT TO ALLOW RURAL SCHOOLS FOR PROPERTIES MEETING THE ESTABLISHED SITE CRITERIA.

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO AMEND THE PRIMARY MOTION TO ADD A REQUIREMENT FOR A MINIMUM LOT SIZE OF TEN ACRES.

Councilmember McGinn, seconded by Mayor Pearson, moved TO TABLE TO THE JULY 7, 2020 COUNCIL MEETING. Motion passed 3 – 2. (Bloyer, Nelson – nay)

ITEM 9 – Zoning Code Text Amendment – Front Yard Setbacks for Structures in Residential Districts

Planning Director Roberts reviewed proposed amendments to allow additions or accessory structures on residential properties in locations that meet or exceed front yard setbacks of existing buildings.

Councilmember Dorschner, seconded by Councilmember Nelson, moved TO ADOPT ORDINANCE 08-237 ADDING LANGUAGE TO THE RURAL RESIDENTIAL AND URBAN RESIDENTIAL ZONING DISTRICTS ABOUT FRONT YARD SETBACKS. Motion failed 2 – 3. (Pearson, Bloyer, McGinn – nay)

ITEM 10 – Comprehensive Plan Amendments – City Owned Property

Planning Director Roberts reviewed proposed Comprehensive Plan updates to allow development of City owned property south of County Road 14 and east of Ideal Avenue as office warehouse uses with connection to City sewer.

Councilmember McGinn, seconded by Mayor Pearson, moved TO ADOPT RESOLUTION 2020 – 060 APPROVING THE PROPOSED COMPREHENSIVE PLAN AMENDMENT RE-GUIDING ON THE CITY’S LAND USE PLAN THE 65 ACRES OF CITY-OWNED LAND LOCATED SOUTH OF COUNTY ROAD 14 AND EAST OF IDEAL AVENUE FROM RAD (RURAL AREA DEVELOPMENT) TO BP (BUSINESS PARK), BASED ON THE RECOMMENDED FINDINGS AND CONDITION OF APPROVAL.

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO TABLE THE CURRENT ITEM. Motion passed 5 – 0.

ITEM 6: Approve Liquor License for Bub’s Gourmet Aussie Pies

City Clerk Johnson stated that this is a new license in the City and that all necessary fees have been and a background check has been conducted by the Washington County Sheriff’s Department.

Mayor Pearson, seconded by Councilmember Bloyer, moved TO APPROVE THE LIQUOR LICENSE APPLICATION FOR BUB’S GOURMET AUSSIE PIES. Motion passed 5 – 0.

COUNCIL REPORTS

Mayor Pearson: Recognized public safety staff for preparing for recent events, attended a meeting held by Rep. Betty McCollum regarding COVID 19.

Councilmember Bloyer: Thanked Washington County Sheriff Deputies and Lake Elmo Fire Department.

Councilmember Dorschner: Expressed gratitude for first responders.

Councilmember McGinn: Thanked first responders all over the metro area.

Councilmember Nelson: Thanked the Lake Elmo Fire Department for participating in honoring Stillwater Area High School graduating seniors.

STAFF REPORTS AND ANNOUNCEMENTS

Administrator Handt: Announced Arbor Day tree give away on June 13th from 9:00 – 11:00 a.m. and provided a recruitment update.

City Clerk Johnson: Reported on city ordinance recodification and city records archiving.

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City Attorney Sonsalla: Reported on work on resolutions and outdoor dining.

Planning Director Roberts: Noted Planning Commission meeting on Monday, June 8th.

Sergeant Harris: Thanked the City for supporting the Sheriff's Department.

CLOSED SESSION

Mayor Pearson, seconded by Councilmember Nelson, moved TO ADJOURN TO CLOSED SESSION PURSUANT TO MINNESOTA STATUTES, SECTION 13D.05, SUBD. 3(B) TO DISCUSS MATTERS PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE PERTAINING TO PENDING LITIGATION RELATED TO THE JESUIT RETREAT CENTER AT 8243 DEMONTREVILLE TR. N. Motion passed 5 – 0.

Closed session held.

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

Councilmember Bloyer, seconded by Mayor Pearson, moved TO DIRECT LITIGATION COUNSEL TO FILE AN APPEAL IN JESUIT RETREAT HOUSE v. CITY OF LAKE ELMO, COURT FILE NO. 82-CV-4228. Motion passed 4 – 1. (McGinn – nay)

Meeting adjourned at 9:18 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Julie Johnson, City Clerk