

MINUTES APPROVED: December 6, 2005
LAKE ELMO CITY COUNCIL MINUTES

NOVEMBER 15, 2005

1. AGENDA
2. MINUTES: October 18 2005, November 1, 2005
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - A. Public Informational
4. CONSENT AGENDA:
 - A. Resolution No. 2005-121: Approving Claims
 - B. Resolution No. 2005-122: Approving Maplewood Oakdale Lions Charitable Gambling License
 - C. Resolution No. 2005-124: Railroad Crossing Agreement for Water Systems Interconnect Phase III
 - D. (1) Resolution No. 2005-125: Change Order for Chris Riley Water Project Phase I
(2) Resolution No. 2005-126: Change Order for Chris Riley Water Project Phase III
 - E. Ad Hoc Community Improvement Committee Attendance
5. FINANCE:
 - A. Public Hearing: Assessment for Proposed Unpaid Municipal Utilities; Resolution No. 2005-123
 - B. Monthly Operating Report
 - C. Truth N' Taxation, Proposed Budget --verbal
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
 - A. Fire Department:
 - (1) Resolution No. 2005-127 Adopting the National Incident Management System
 - (2) Resolution No 2005-128, Adopting and Promoting the Use of Intrastate Mutual Aid Agreements -- NOT ADOPTED
 - B. Update on Building Department: Activities: Jim McNamara
8. CITY ENGINEER'S REPORT:
9. PLANNING, LAND USE & ZONING:
 - A. Alternative Septic Treatment -- Austad, Pierre, Hurt
 - B. Comprehensive Plan Update -- verbal
10. CITY ADMINISTRATOR'S REPORT:
11. CITY COUNCIL REPORTS:

Mayor Johnston called the Council meeting to order at 7:00 p.m. in the Council chambers: PRESENT: Conlin, Smith, Johnston, Johnson, City Planner Dillerud, City Engineer Prew, City Attorney Filla, Building Official Jim McNamara, Finance Director Tom Bouthilet. ABSENT: Council member DeLapp

1. AGENDA:

M/S/P Johnson/Smith - to approve the November 15, 2005 City Council agenda, as amended. (Motion passed 4-0).

2. MINUTES: October 18 2005

M/S/P Johnson/Conlin - to approve the October 18, 2005 City Council Minutes, as amended. (Motion passed 4-0).

MINUTES: November 1, 2005

M/S/P Johnson/Smith - to approve the November 1, 2005 City Council Minutes, as amended. (Motion passed 4-0).

3. PUBLIC INQUIRIES/INFORMATIONAL:

A. Public Informational

A resident at 8740 Stillwater Blvd., asked if he could split his 9.5 acres in Residential Estates zoning. The City Planner noted this has been an unprecedented action as this has never been asked before. Such a request would require a Comprehensive Plan amendment, rezoning and a variance. The Council suggested that the resident get together with the planner and initiate the process.

4. CONSENT AGENDA:

A. Resolution No. 2005-121: Approving Claims

M/S/P Johnson/Conlin - to adopt Resolution No. 2005-121, Resolution Approving Claim Numbers 290, 291, DD561 through DD572, 28187 through 28218 which were used for Staff Payroll dated November 10, 2005 and claims 28219 through 28268 in the total amount of \$101,958.87. (Motion passed 4-0).

B. Resolution No. 2005-122: Approving Maplewood Oakdale Lions Charitable Gambling License

The Maplewood-Oakdale Lions is requesting its annual One-Day (February 6, 2006), Off-Site Gambling License to sell raffles and hold bingo at the Lake Elmo Inn.

M/S/P Johnson/Conlin - to adopt Resolution No. 2005-122, A Resolution Approving the Issuance of a Charitable Gambling License by the State of Minnesota to the Maplewood/Oakdale Lions. (Motion passed 4-0).

C. Railroad Crossing Agreement for Water Systems Interconnect Phase III

In his memo dated November 10, 2005, the City Engineer reported the portion of water main that crosses under the railroad bridge on Stillwater Boulevard requires a Pipeline crossing agreement. The Railroad requires \$1,500 License Fee with this agreement.

M/S/P Johnson/Conlin - to adopt Resolution No. 2005-124, A Resolution Approving The Agreement Covering A Pipeline Crossing at Lake Elmo. (Motion passed 4-0).

D. (1) Resolution No. 2005-125:Change Order for Chris Riley Water Project Phase I

In his memo dated November 10, 2005, the City Engineer reported due to the late completion of the Phase I Project by the contractor, they entered into discussions with them regarding liquidated damages for that project. As a result of those talks, the City agreed to deduct \$10,000 from monies due them and to have them install Phase V water main at an agreed upon price of \$20,000.

M/S/P Johnson/Conlin - to adopt Resolution No. 2005-125, Resolution Approving Change Order No. 1 for Chris Riley Water Systems Interconnect Project Phase I. (Motion passed 4-0).

(2) Resolution No. 2005-126:Change Order for Chris Riley Water Project Phase III

In his memo dated November 10, 2005, the City Engineer reported due to the hurricanes in the Gulf area, the availability of polyethylene pipe is in very short supply. The contractor has had his order for pipe delayed and the price substantially increased as a result of these conditions. The City has agreed to extend the completion date for a portion of this project. Staff is recommending that the point of the project necessary to give water service to the Farms of Lake Elmo be completed this fall and complete the remainder of the project next spring.

M/S/P Johnson/Conlin - to adopt Resolution No. 2005-126, A Resolution Approving Change Order No. 1 for Chris Riley Water Systems Interconnect Project Phase III. (Motion passed 4-0).

E. Ad Hoc Community Improvement Committee Attendance

At the direction of the Council, the CIC was directed to review the absence of Jill Anderson and their meeting schedule. At their November 9th meeting, the CIC recommended that Commissioner Jill Anderson be removed from the CIC for cause and hoped Ms. Anderson will reapply when her time permits. The CIC has established a quarterly meeting schedule for 2006.

M/S/P Johnson/Conlin - to remove Jill Anderson from the Community Improvement Commission for non-response and to thank her for her service to the City. (Motion passed 4-0).

Mayor Johnston indicated the Community Improvement Commission was never intended to be an Ad Hoc Committee and asked that this item be added to the next Council Committee agenda.

5. FINANCE:

**A. Public Hearing: Assessment for Proposed Unpaid Municipal Utilities;
Resolution No. 2005-123**

The Finance Director reported the City by State Statute and City Code has the authority to assess property owners for unpaid utilities and services. All property owners were sent letters regarding past due Municipal utilities balances. Notification of the Public Hearing was published in the Lake Elmo Leader on November 4, 2005. Property owners will have until November 30, 2005 to pay the balance due without interest or a fee of \$25, whichever is greater.

Mayor Johnston opened up the public hearing at 7:17 p.m. in the Council chambers. There was no one to speak for or against the unpaid municipal utilities. Mayor Johnston closed the public hearing at 7:18 p.m.

M/S/P Johnson/Johnston - to adopt Resolution No. 2005-123, A Resolution Authorizing Certification to Washington County Auditor for Unpaid Utility Bills. (Motion passed 4-0).

B. Truth N'Taxation, Proposed Budget –verbal

The Truth and Taxation Hearing is schedule for December 5th, 7 p.m. with the adoption scheduled for the December 6th Council meeting. If the Hearing needs to be continued, December 12th is the date scheduled.

6. NEW BUSINESS:

7. MAINENANCE/PARK/FIRE/BUILDING:

A. Fire Department:

- (1) Resolution No. 2005-127 Adopting the National Incident Management System

Fire Chief Malmquist reported that as Minnesota continues to implement Homeland Security Presidential Directives (HSPD) 5 and 8, the National Incident Management System (NIMS) is a key element to compliance and effective implementation. The NIMS system makes the nation and Minnesota safer by establishing the uniform response processes, protocols, and procedures for all emergency responders.

M/S/P Johnson/Smith – to adopt Resolution No. 2005-127, Designation of the National Incident Management System as the Basis for All Incident Management in the City of Lake Elmo. (Motion 4-0).

(2) Resolution No 2005-128, Adopting and Promoting the Use of Intrastate Mutual Aid Agreements

In the letter dated May 18, 2005, it indicates there are nine steps needed for initial implementation of HSPD 5 and 8 and for initial NIMS ICS compliance are identified in a memo dated March 10, 2005, entitled National Incident Management System: Incident Command System Elements Implementation to Minnesota. The Council did not receive a copy of the memo dated March 10, 2005.

M/S/P Johnson/Johnston – to delay action on this agenda item in order to obtain the March 10, 2005 Memo. (Motion passed 4-0.)

B. Update on Building Department: Activities: Jim McNamara

The Building Official reported there were five new residential permits and one new commercial permit issued for October, 2005.

8. CITY ENGINEER'S REPORT:

9. PLANNING, LAND USE, AND ZONING:

A. Alternative Septic Treatment – Austad, Pierre, Hurt

The City Planner reported the City received a letter from Attorney Rooney on behalf of the property owners located at the northwest corner of Highlands Trail and Hytrail. The letter requests the City's assistance to either hook these homes to the Metropolitan Sewer line at 54th Street in Oakdale or locate a site on City owned property with the DeMontreville Nature area on which to construct conventional drain field. The petitioners have indicated that they will pay the costs of whichever alternate is pursued.

The Planner noted that the City staff suggested to locate a conventional drain field site or sites on some of the high ground within the DeMontreville Natural area to which wastewater could be pumped and infiltrated...much like the several existing 201 systems in the City. If the pipe and drain fields become City infrastructure (as are the 201's) the appropriate connection fee and quarterly service fee would be charged the property owners, and the City would maintain that infrastructure—still to be constructed at the property owners expense.

Mr. Austad said they have a septic designer if the City wants to proceed with siting a three home system in the wilderness park area. The Council thought this was a workable solution for a health and safety issue. The City Administrator added the project would be under the City Engineer's control and any costs would be reimbursed. The City would bare no costs for the solution.

M/S/P Johnston/Johnson – to direct the staff to work with the three homeowners (Austad/Pierre/Hurt) on Hytrail Avenue in the direction of a community treatment on Lake Demontreville wilderness area and meet the designer requirements of the city engineer and any costs would be reimbursed by the property owners. (Motion passed 4-0)

Attorney Filla noted there was no public hearing required. Council member Johnson suggested informing all the residents in the area and to allow them to comment.

Mr. Austad said he would get the septic designer and send a report to TKDA.

B. Comprehensive Plan Update – verbal

The City Planner provided a letter he drafted to Phyllis Hanson, Local Planning Assistance Manager of the Metropolitan Council, in response to her letter of September 26 initiating “a preliminary review dialogue” regarding the City’s 2005-2030 Comp Plan submission to the Metropolitan Council.

The Council changed the sentence on the second page, 1st paragraph, to read as follows “The City Council unanimously adopted a Motion directing me to advise the Metropolitan Council that the City Council finds Conditions 3(i), (i),(ii) and (iii) not to be in compliance with State Statute providing that the Metropolitan Council may attach only “reasonable” conditions to time extension for plan submission.”

10. CITY ADMINISTRATOR’S REPORT:

The City Administrator reported that the City of Oakdale approached him to consider allowing them to share our salt facility at the new public works facility. In continuation with our cooperative relationship with Oakdale, he said we would evaluate what facility costs would be and take preliminary steps which would be borne by the City of Oakdale. The questions raised by Council were the number of years for the agreement, cost of road deterioration and increase in traffic.

The Council consensus was to approve the direction for the City Administrator to work with the City of Oakdale on the joint salt project with Oakdale.

The Washington County Administrators elected Martin Rafferty as their Chairman.

11. CITY COUNCIL REPORTS:

Mayor Johnston announced the Lake Elmo Library will be opening in December. Council member Johnson alerted the public that December 1st the Minnesota State Demographer will have a demographics presentation at 6:30 p.m. at the Grand in Stillwater.

The Council Adjourn the meeting 7:57 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

- Resolution No. 2005-121 Claims
- Resolution No. 2005-122 Maplewood Oakdale Lions Charitable Gambling License
- Resolution No. 2005-123 Assessment for Unpaid Municipal Utilities

Resolution No. 2005-124 Railroad Crossing Agreement for Water Systems Interconnect
Phase III
Resolution No. 2005-125 Change Order for Chris Riley Water Project Phase I
Resolution No. 2005-126 Change Order for Chris Riley Water Project Phase III
Resolution No. 2005-127 National Incident Management System

