

# LAKE ELMO CITY COUNCIL MINUTES

JANUARY 18, 2005

1. AGENDA
2. MINUTES: January 4, 2005
3. PUBLIC INQUIRIES/INFORMATIONAL:
4. CONSENT AGENDA:
  - A. 2005 Fee Schedule
  - B. Pay Scale Adjustment
  - C. Resolution No. 2005-008 Approving Claims
  - D. Escrow Reduction for Whistling Valley 2
  - E. Change Order VFW Ball Field Lights: Resolution No. 2005-009
5. FINANCE:
  - A. Telephone Service (verbal)
  - B. Monthly Operating Report 12/04
  - C. Monthly Operating Report 1/5
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Update on Building Dept.: Jim McNamara
8. CITY ENGINEER'S REPORT:
  - A. Approve Plans for Phase I Water System Interconnection: Resolution No. 2005-010
9. PLANNING, LAND USE & ZONING:
10. CITY ATTORNEY'S REPORT:
  - A. Designation of Legal Newspaper (verbal)
11. CITY ADMINISTRATOR'S REPORT:
  - A. Met Council Update (verbal)
  - B. Council Interviews (verbal)
12. CITY COUNCIL REPORTS:

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

## **1. AGENDA**

Remove Fee Schedule from Consent Agenda and add as 5D.  
M/S/P DeLapp/Smith – to approve the January 18, 2005 City Council agenda, as amended. (Motion passed 3-0.)

## **2. MINUTES: JANUARY 4, 2005**

M/S/P DeLapp/Smith – to approve the January 4, 2005 City Council Minutes, as amended. (Motion passed 3-0).

### 3. PUBLIC INQUIRIES/INFORMATIONAL:

In response to Gloria Knoblauch's question as to the policy for reporting street light outages, the Administrator asked that she call city hall with the lights-out locations and staff will call in a repair request.

### 4. CONSENT AGENDA

#### A. 2005 Fee Schedule

The Finance Director reported the Fee Schedule requires adoption by Ordinance which would be drafted for the February 1<sup>st</sup> Council meeting.

M/S/P DeLapp/Smith – to approve the proposed 2005 Fee Schedule in the ordinance form recommended by the Finance Director for the February 1<sup>st</sup> Council meeting. (Motion passed 3-0.)

#### B. Pay Scale Adjustment

The Finance Director provided a proposed 2005 Employee Pay Plan which was drafted during the 2005 Budget preparation and represents a three percent increase adjustment in all positions and steps. The increase is based on Consumer Price Index (CPI) which is at 3.6%.

The Finance Director indicated this pay structure is a product developed by the Springsted Consulting Corporation who was retained by the City to develop a complete compensation package to be in line with other Metro Cities of similar size. In order to be consistent with the Springsted recommendation, he noted that employee contributions for benefits were also incorporated into employee compensation in 2004. Administrator Rafferty pointed out the City continues to review the benefits portions of the compensation package and will make the necessary adjustments during the renewal periods.

M/S/P DeLapp/Smith - to adopt the 2005 Proposed Employee Pay Plan as presented by the Finance Director. (Motion passed 3-0.)

#### C. Resolution No. 2005-008 Approving Claims

M/S/P DeLapp/Smith – to adopt Resolution No. 2005-008, A Resolution approving claim numbers 235, 236, DD316 through DD328, 26728 through 26756 which were used for staff payroll dated January 6, 2005, 237, 26758 through 26804 in the total amount of \$228,873.26. (Motion passed 3-0).

#### D. Escrow Reduction for Whistling Valley 2<sup>nd</sup> Addition:

In his memo dated January 13, 2005, the City Engineer reported the developer has completed most of the site work for this project. Punch list work, clean-up, final seeding, and the final lift of bituminous remain. The wetland treatment system has not gone through start-up. Most of the trees have been planted.

M/S/P DeLapp/Smith – to approve of Bond #37SB10426273 securing infrastructure improvements in the Whistling Valley 2<sup>nd</sup> Addition from \$1,295,375 to \$135,000 as recommended by the City Engineer. (Motion passed 3-0).

E. Change Order VFW Ball Field Lights Resolution No. 2005-009

In his memo dated December 3, 2004, the City Engineer reported the city was unable to obtain an easement for the electric service. Therefore a new overhead power line was constructed from TH5 to the ball field along Layton Avenue. Xcel terminated their work with a service pole and a pole mounted transformer near the outfield fence. The contractor, Arcade Electric, must construct 150 feet of buried line from the service pole to the control cabinet. The City Engineer recommended approval of the contractor's proposed change order and agreed with the costs. The work will be completed early in the spring so the lights will be operational for the entire 2005 season.

M/S/P DeLapp/Smith – to adopt Resolution No. 2005-009, A Resolution approving Change Order No. 1 for the VFW Ball Field Lighting in the amount of \$5,957.00 for constructing 150 feet of buried line from the service pole to the control cabinet, verified by the City Engineer in his memo dated December 3, 2005. (Motion passed 3-0).

5. FINANCE

A. Telephone Service

The Finance Director reported the City's contract expired in September, 2004. He has contacted another vendor for phone service, will get 23 lines, for \$10-15 less a month than we are currently paying. He negotiated a deal for one month's free service worth \$800 to offset the cost for moving phone service to the new facility.

B. Monthly Operating Report 12/04

C. Monthly Operating Report 1/5

The Finance Director provided copies of the Monthly Operating Reports.

6. NEW BUSINESS:

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Update on Building Dept:Jim McNamara

The Building Official reported there were 13 new residential homes and eight new commercial building permits issued in 2004 with a total of about \$16 million in value. He reminded residents to check their CO detectors and their chimney to see if it is burning properly. He pointed out that snowmobiles should not be driven over the septic area and the possibility of freezing septic systems this winter season due to lack of insulation.

Council member Smith noted that three homes in her neighborhood have tested positive for radon. Radon kits are available and inexpensive.

**8. CITY ENGINEER'S REPORT:**

A. Resolution No. 2005-010 - Approve Plans for the Water Systems Interconnect Phase I

In his memo dated January 13, 2005, the City Engineer reported that plans and specs are complete on the first phase of the Water Systems Interconnect Project. This phase of the project installs a 16-inch water main from the intersection of 39<sup>th</sup> Street and Lake Elmo Avenue to the Tapestry subdivision. Bids will be opened on February 18 and brought to the Council for approval on March 1<sup>st</sup>.

M/S/P Smith/DeLapp – to adopt Resolution No. 2005-010 Approving Plans and Authorize Advertisement for Bids for the Water Systems Interconnect Phase I. (Motion passed 3-0.)

**9. PLANNING LAND USE & ZONING:**

**10. CITY ATTORNEY'S REPORT**

A. Legal Newspaper

Attorney Filla summarized the criteria set by State law designating a qualified legal newspaper. The Lake Elmo Leader meets this criteria.

Council asked the public hearing notices be added to the website and whenever possible add an address of the property within the notice.

M/S/P DeLapp/Smith – to change Council action from the January 4<sup>th</sup> Council meeting and designate the Lake Elmo Leader as (add to website and place an address) as the official newspaper. (Motion passed 3-0.)

M/S/P Johnston/DeLapp – to direct the staff to write a letter to the City's representative and senator and ask that the physical mandates of the state be remedied. (Motion passed 3-0.)

House located on 37<sup>th</sup> Street: The contractor has a remediation plan for the house. The federal tax liens has to be cleaned up by May, 2005

**11. CITY ADMINISTRATOR'S REPORT:**

A. Met Council Update

Administrator Rafferty reported the negotiating team met with Met Council Chair Peter Bell and Mr. Weaver. Progress is being made on the issues which remain similar to the principle issues which were negotiated in the past.

## B. Council Interviews

Administrator Rafferty reported nine excellent candidates were interviewed for the position of Lake Elmo City Council Member. The four finalists will be interviewed on February 1<sup>st</sup> beginning at 6 p.m. These interviews will be televised and last approximately ten minutes. At the conclusion of the interviews the Council will make their final selection.

Council member DeLapp indicated he wanted to make sure that the city residents would be active participants in the discussion of the Met Council's impact on the City's comprehensive plan.

Council member Smith reminded the public of two vacancies on the Community Improvement Commission. She thanked the nine candidates for their interest in the Council appointment and noted there were openings on other commissions if interested.

Council adjourned the meeting at 7:52 p.m.

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Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2005-008 Approve claims

Resolution No. 2005-009 Change Order VFW Ball Field Lights

Resolution No. 2005-010 Approve Plans for Phase I Water System Interconnection

MINUTES APPROVED: JANUARY 18, 2005  
LAKE ELMO CITY COUNCIL MINUTES

JANUARY 4, 2005

1. AGENDA
2. MINUTES: December 7, 2004
3. Resolution No. 2005-001:Claims
4. Accept Resignation of Dean Johnston, Resolution 2005-002 Declaring Council Vacancy
5. OATH OF OFFICE FOR NEWLY ELECTED MEMBERS OF COUNCIL
6. Adjourn

New Council Convenes Council Meeting

1. AGENDA
2. PUBLIC INFORMATIONAL:
  - A. Recognition of Outgoing Council Members
  - B. Lake Elmo Jaycees Proclamation
  - C. 2005 Board of Appeal and Equalization Meeting:May 4, 2005
  - D. Employee and Volunteer Recognition Party
3. PUBLIC INQUIRIES
4. ORGANIZATIONAL MEETING:
  - A. Appointment Process of Council & Commission
  - B. Election of Acting Mayor
  - C. Council Committee Appointments
  - D. Designation of Legal Newspaper 5
  - E. Designation of Official Depositories for 2005
  - F. Appointment of City Engineer
  - G. Appointment of City Attorney (Civil and Criminal)
  - H. Appointment of Financial Advisor
  - I. Appointment of Auditing Firm
  - J. Planning Commission Appointment (two openings:1<sup>st</sup> & 2<sup>nd</sup> Alternates)
  - K. Parks Commission Appointments:(one opening:2<sup>nd</sup> Alternate)
  - L. Community Improvement Commission Appointment:two openings
  - M. Cable Operator:Steven Press
  - N. IT:Next Genesis
  - O. Animal Control:Kathi Pelnar
5. CONSENT:
  - A. Resolution No. 2005-003:Authorizing Signature for Payments of Funds from the Lake Elmo Bank
  - B. Resolution No. 2005-004:Approve Claims
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Update on Fire Dept.:Chief Malmquist
8. CITY ENGINEER'S REPORT:
9. PLANNING, LAND USE & ZONING:

- A. Appeal of Administrative Determination-Chadoua Vue
  - B. Plan Amend/Rezone/RE Plat – Cardinal View:Resolutions 2005-005, 006, Ordinance No. 97-144
  - C. Community Development Block Grant 2005-2007:Resolution No. 2005-007
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
- A. Met Council
12. CITY COUNCIL REPORTS:

Mayor Hunt called the Council meeting to order at 7:00 p.m. in the Council chambers.  
 PRESENT: John, Dunn, Hunt, Johnston, DeLapp, City Engineer Prew, Attorney Miller, Planner Dillerud, Finance Director Tom Bouthilet and Administrator Rafferty.

**1. AGENDA**

M/S/P Dunn/Johnston - to approve the January 4, 2005 City Council agenda, as presented. (Motion passed 5-0).

**2. MINUTES: December 7, 2004**

M/S/P Dunn/Johnston - to approve the December 7, 2004 City Council minutes, as amended. (Motion passed 5-0).

**3. Resolution No. 2005-001:Claims**

M/S/P Dunn/John - to adopt Resolution No. 2005-001 approving claim numbers 230, 231, DD294 through DD305, 26608 through 26636 which were used for staff payroll dated December 9, 2004, Claim 232, 233, DD306 through DD315, 26637 through 26651 which were used for staff payroll dated December 23, 2004, claims 26652 through 26699, in the total amount of \$157,576.15 (Motion passed 5-0).

**4. Accept Resignation of Dean Johnston, Resolution No. 2005-002 Declaring Council Vacancy**

The City received a resignation letter from Council Member Johnston indicating his resignation from the position of Council Member effective upon the administration of his oath of office as Mayor.

M/S/P DeLapp/Dunn - to adopt Resolution No. 2005-002 accepting the resignation of Dean Johnston from the position of Council Member effective upon the administration of his oath of office as Mayor of Lake Elmo and declare a vacancy in the Council seat held by Council Member Dean Johnston. (Motion passed 5-0).

**5. OATH OF OFFICE FOR NEWLY ELECTED MEMBERS OF COUNCIL**

The City Clerk administered the Oath of Office to the newly elected members of Council, Mayor Dean Johnston, Council Member Liz Johnson and Council Member Anne Smith.

**6. Adjourn**

M/S/P Johnson/Smith – to approve the Council Committee Appointments as indicated on January 4, 2005. (Motion passed 4-0).

D. Designation of Legal Newspaper

M/S/ Johnson/Smith - to designate the Stillwater Gazette and the Lake Elmo Leader as the City's legal newspaper for 2005.

Council member Johnston said he supported the Oakdale-Lake Elmo Review based on the excellent press coverage and cost.

M/S/P Johnston/Smith – to amend the motion to designate the Stillwater Gazette as the City's legal newspaper for 2005 and the Oakdale Lake Elmo Review based on coverage, price and quality of reporting. (Motion passed 3-1 Johnson supported the local newspaper, Lake Elmo Leader).

E. Designation of Official Depositories for 2005

Staff recommended the designation of the following as official depositories for the City: Lake Elmo Bank, Wachovia Securities, Smith Barney Citigroup and Northland Securities.

M/S/P DeLapp/Johnson - to designate Lake Elmo Bank, Wachovia Securities, Smith Barney Citigroup, and Northland Securities for 2005. (Motion passed 4-0).

F. Appointment of City Engineer

M/S/P DeLapp/Johnson - to appoint Tom Prew/TKDA as the City Engineer for 2005. (Motion passed 4-0).

G. Appointment of City Attorney (Civil and Criminal)

M/S/P DeLapp/Johnson - to appoint Jerry Filla, Peterson, Fram & Bergman as the City Attorney, for both criminal and civil matters for 2005. (Motion passed 4-0).

H. Appointment of Financial Advisor

M/S/P DeLapp/Johnson - to appoint Paul Donna, Northland Public Finance Group as the City's Financial Advisor for 2005. (Motion passed 4-0).

I. Appointment of Auditing Firm

M/S/P DeLapp/Johnson - to appoint Steven R. McDonald, CPA, Abdo, Eick & Meyers, and LLP as the City's Auditing Firm for 2005. (Motion passed 4-0).

J. Planning Commission Appointment (two openings: 1<sup>st</sup> & 2<sup>nd</sup> Alternates)

Three Planning Commission terms expired on December 31, 2004 (Ptacek, Sessing, and Schneider). Todd Ptacek and Bob Helwig, who serve on the Planning Commission, have submitted their names for consideration in the City Council Appointment. Now that there is a procedural policy in place, the following motion was made:

M/S/P Smith/Johnston – to reappoint Todd Ptacek, Rodney Sessing, and Charlie Schneider to the Planning Commission for 60 days. (Motion passed 4-0).

Council member DeLapp objected to the procedure in place and suggested we follow Washington County's procedure of appointing members for a three year term. Discussion on Planning Commission terms will be referred to the January 11<sup>th</sup> Finance, Legal, Legislative, Personnel Council Committee Meeting.

Planning Commissioner Liz Johnson became a City Council member and Commissioner Thomas Meldahl resigned his commission December 13, 2004. The Commission now has nine members and the City Code specifies eleven. Commissioner Ben Roth is currently 2<sup>nd</sup> Alternate Member and should become a Full Voting Member taking the position vacated by Liz Johnson with a term expiring December 31, 2005.

M/S/P Johnson/Smith - to appoint Ben Roth as Full Voting Member of the Planning Commission to finish a 3-year term that will expire on December 31, 2005. (Motion passed 4-0).

K. Parks Commission Appointments:(one opening:2<sup>nd</sup> Alternate)

Three Parks Commission appointments expired December 31, 2004. Commissioners Linda Wagner, Terry Bouthilet and Todd Bruchu have requested reappointment. Council member DeLapp suggested the Parks Commission appointments be made for a 3-year term because they are not like the Planning Commission that has to follow the regulations according to state law.

M/S/P Johnson/Smith - to reappoint Linda Wagner, Terry Bouthilet and Todd Bruchu to the Parks Commission for a 3-year term that will expire on December 31, 2007. (Motion passed 4-0.)

Commissioner Jim Lund has resigned from the Parks Commission, but hopes to be able to serve again in 2006. With his resignation, 2<sup>nd</sup> Alternate Commissioner Rolf Larson should advance to 1st Alternate Parks Commissioner.

M/S/P DeLapp/Johnson - to appoint Rolf Larson as 1st Alternate of the Parks Commission. (Motion passed 4-0.)

L. Community Improvement Commission Appointment:two openings

The Community Improvement Commission shall be comprised of seven members. Currently the members on the Commission are: Jill Anderson, Stacy Howieson, Debbie Lyzenga, Gary Rieder, Anne Smith and Joan Ziertman. CIC Member Smith resigned because of becoming a Council Member so there are two vacancies on the Commission.

The staff will continue to advertise for the two vacancies on the Community Improvement Commission and bring back item to the February 1<sup>st</sup> Council meeting.

M. Cable Operator:Steven Press

M/S/P Johnson/DeLapp – to approve the reappointment of Steven Press as the City's Part-Time Cable Operator at \$13.50 Hr. for taping and broadcasting city meetings. (Motion passed 4-0).

N. IT:Next Genesis

M/S/P Johnson/DeLapp – to approve the reappointment of the computer service contract between the City and Next Genesis (William Keran). (Motion passed 4-0).

O. Animal Control:Kathi Pelnar

M/S/P Johnson/DeLapp – to approve the Animal Control Contract between the City and Kathi Pelnar to provide Animal Control Services for 2005. (Motion passed 4-0).

5. CONSENT:

A. Resolution No. 2005-003:Authorizing Signature for Payments of Funds from the Lake Elmo Bank

Following every election, the City must notify the lake Elmo Bank who has been authorized to sign checks for payment of funds by the City. State Statute requires that the Mayor sign all checks as well as the City Administrator and or an appointed designee.

M/S/P DeLapp/Johnson - to adopt Resolution No. 2005-003 authorizing signatures for payment of funds from the Lake Elmo Bank. (Motion passed 4-0).

B. Resolution No. 2005-004:Approve Claims

M/S/P DeLapp/Johnson - to adopt Resolution No. 2005-004 approving claim numbers 26700 through 26727, 234 in the total amount of \$5,059.89. (Motion passed 4-0)

6. NEW BUSINESS:

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Update on Fire Dept.:Chief Malmquist

The Fire Chief reported there are 25 volunteers in the department. They responded to over 320 medical, rescue and fire emergencies, which is a decline from the 422 calls in 203. Fires of all types dropped from 53 in 2002 to only 27 in 2004. The entire

department upgraded from Fire Fighter I to Fire Fighter II. One safety officer was sent to a training program at the National Fire Academy. This is the second year for the Fire Department Calendar.

8. CITY ENGINEER'S REPORT: None

9. PLANNING, LAND USE & ZONING:

A. Appeal of Administrative Determination-Chadoua Vue

Planner Dillerud reported that on December 7 the Council adopted motion to 1.) Affirm the Building Official's determination that Mr. Vue needs a building permit for whatever he constructs as an accessory building; and 2.) Postpone action regarding the location of an accessory structure(s) nearer the front property line than the principal structure.

Dillerud reported Mr. Vue has submitted a building permit application for a 30 foot by 18 foot accessory structure, but additional drawings have been submitted beyond those he had submitted with his Appeal. Staff recommended Council direction to remove the lean-to structure; and relocation of the Menards style tool shed to a location within code compliance by June regardless of the outcome of Mr. Vue's request to place the new accessory structure in front of his house.

M/S/F DeLapp/Johnson – to adopt Resolution No. 2005-008 approving an accessory structure located in front of the principal structure at 11991 30<sup>th</sup> Street. (Motion failed 0-4).

Council member DeLapp stated the whole concept of accessory structures needs to be discussed and determine what a principal structure is and what constitutes an accessory structure.

M/S/P Smith/DeLapp – to direct Chadoua Vue, 11991 30<sup>th</sup> Street, to remove the lean-to-structure; and relocate the Menards style tool shed to a location in compliance with Code by June 1, 2005. (Motion passed 4-0).

M/S/P Johnson/Smith - to send Section 300.13 Subd. 3I of the City Code to the Planning Commission for a recommendation regarding retention, repeal or modification within 90 days. (Motion passed 4-0.)

B. Plan Amend/Rezone/RE Plat – Cardinal View:Resolutions 2004-005, 006, Ordinance No. 97-144

The Planner reported the Planning Commission recommend approval of a Comprehensive Plan Amendment, Rezoning and Preliminary Plat, which creates six residential estates lots on a 23.5 acre site at the east end of 15<sup>th</sup> Street No. A seventh lot would accommodate the existing home on the site. Staff had advised the Commission that the plat design resulted in apparent technical non-compliance with average lot area and septic site area requirements of the RE zoning district.

The Planner indicated the applicant agreed to conduct additional soil testing and to identify the full 20,000 sq.ft. per lot of septic drain field area and those tests have been completed and submitted. He reported that the existing home with an in-place septic system is not addressed regarding the 20,000 square foot septic standard by the original plan, but has been in a preliminary manner since then.

M/S/P Johnson/DeLapp - to adopt Resolution 2005-005 granting a Comprehensive Plan Amending Guiding Land Use From RAD to RED to D&T Development. (Motion passed 4-0).

M/S/P Johnson/DeLapp - to adopt Ordinance 97-144, An Ordinance amending Section 300.07 Zoning District Map of the Lake Elmo Municipal Code to rezone the Cardinal View site from RR to RED in compliance with the Comprehensive Plan Amendment previously adopted. (Motion passed 4-0).

M/S/P Johnson/DeLapp – to adopt Resolution No. 2005-006, A Resolution approving the Preliminary Plat of Cardinal View subject to a condition that the applicant provide additional tests to verify 20,000 square feet of proposed Lot 7 to be suitable for septic drain field purposes prior to submission of the Final Plat. (Motion passed 4-0).

#### C. Community Development Block Grant 2005-2007

The City Planner reported the CDBG application in the amount of \$72,000 has been submitted to Washington County to meet the December 17 deadline. The application follows the direction of the Community Improvement Commission as to program content.

M/S/P DeLapp/Johnson - to adopt Resolution No. 2005-007, approving submission of the 2005-2006 Lake Elmo CDBG Application. (Motion passed 4-0.)

#### **10. CITY ATTORNEY'S REPORT:**

#### **11. CITY ADMINISTRATOR'S REPORT:**

##### A. Met Council

The City Administrator reported Mayor Johnston requested the Council confirm by motion the Met Council Negotiating Team. The team would report the progress to Council at each meeting as appropriate. All settlement with the Met Council must be approved by a majority vote of the City Council.

M/S/P Johnson/DeLapp – establishing the official Met Council Negotiating Team consisting of Mayor Johnston as chair of the team and Martin Rafferty, City Administrator and Chuck Dillerud, Planner. (Motion passed 4-0).

12. **CITY COUNCIL REPORTS:**

Council member DeLapp welcomes the new members of the Council.

Council member Smith stated she will be resigning as Vice Chair of the Community Improvement Commission and urged residents/property owners to apply for membership.

Adjourn 8:50 p.m.

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Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2005-001 Claims

Resolution No. 2005-002 Declaring Council Vacancy

Resolution No. 2005-003 Signatures for Payments of Funds from the LE Bank

Resolution No. 2005-004 Claims

Resolution No. 2005-005 Comprehensive Plan Amendment for Cardinal View

Resolution No. 2005-006 Preliminary Plat of Cardinal View

Resolution No. 2005-007 CDBG 2005-2007

Ordinance No. 97-144 Rezoning for Cardinal View from RR to RED