

CITY OF LAKE ELMO
CITY COUNCIL MEETING
JANUARY 3, 2006

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 - B. PUBLIC INFORMATIONAL:
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 - B. Designation of Legal Newspaper
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 - D. Appointment of City Engineer
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 - B. Whiting letter received December 2, 2003 - lighting
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 - A. Update on Fire Dept.: Chief Malmquist
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 - A. Comprehensive Plan Amendment-Trails Guide Plan: Resolution 2006-003
 - B. 2030 Comprehensive Plan Amendments: Resolution 2006-004
 - C. 2006-2010 Capital Improvements Program (CIP): Resolution 2006-005
 - D. Metropolitan Council System Statement - verbal
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
12. CITY COUNCIL REPORTS:

Council recessed at 10:46 pm for a Closed Meeting.

Mayor Johnston called the Council meeting to order at 7:00 p.m. in the Council Chambers. COUNCIL MEMBERS PRESENT: Conlin, DeLapp, Johnson, and Smith, STAFF PRESENT: Administrator Rafferty, City Planner Dillerd, Finance Director Bouthillet, City Engineer Prew, Attorney Filla, Recording Secretary Freeman.

Pledge of Allegiance

1. AGENDA:

M/S/P Johnson/Conlin - to approve the January 3, 2006, agenda as amended. (Motion passed 5-0).

2. MINUTES:

M/S/P Johnson/Smith- to approve the December 20, 2005, City Council minutes, as amended. (Motion passed 5-0).

3. PUBLIC INQUIRIES/INFORMATIONAL:
A. PUBLIC INQUIRIES:

Robert Meyer, Director, Ramsey Center For Arts, announced the Grand Opening and invited residents to the Ribbon Cutting Ceremony on Saturday, January 7, at 1:00 p.m.

Kathy Pelnar, Lake Elmo Animal Control Officer, commented about what she called the untruths printed in the December 23, 2005, issue of the *Lake Elmo Leader*. She stated that she had talked with Mayor Johnston, Council Member Smith and City Administrator Rafferty. Ms. Pelnar stated that the *Leader* stands by its story.

In her 22 years of animal control, and of her four years with the City, Ms. Pelnar stated she has always responded to calls. She felt blind-sided, with the false allegations, written in the newspaper. Response time to calls is approximately 15 minutes, and 10 minutes to Cimarron. In 2005, Ms. Pelnar responded to 221 calls in Lake Elmo, of which five involved dog bites. If the City Council desired, documentation could be provided regarding her response times, actions taken and follow-up. Ms. Pelnar said no calls were received about the "...two dog bites" quoted in the article.

Ms. Pelnar stated, if allowed, she will continue to provide services for the City. She will also be submitting her contract proposals for 2006.

B. PUBLIC INFORMATIONAL:

(1) Lake Elmo Jaycees Proclamation

Josh Ackerman introduced himself as Jaycees President for 2006. Mayor Johnston proclaimed the Week of January 15-21, 2006, as Jaycees Week and urged all citizens to recognize the importance of community service to all of its citizens.

(2) 2006 Board of Appeal and Equalization Meeting
The Lake Elmo Board of Review will meet at City Hall on Wednesday, May 3, 2006, between the hours of 4:00 and 6:00 p.m., for the purpose of reviews and correcting the assessment of said Real Estate for the year 2006.

4. CONSENT AGENDA:

A. Resolution No. 2006-001: Authorizing Signature for Payments of Funds from the Lake Elmo Bank

M/S/P Johnson/Smith – to adopt Resolution No. 2006-001 authorizing Signature for Payments of Funds from the Lake Elmo Bank. (Motion passed 5-0)

B. Resolution No. 2006-002: Approving Claims

M/S/P Johnson/Smith – to adopt Resolution No. 2006-002 approving Claim Numbers 299, 300, DD594 through DD603, 28448 through 28463, which were used for staff payroll dated December 20, 2005; claims 301, 28464 through 28494, in the total amount of \$357,039.78. (Motion passed 5-0)

5. ORGANIZATIONAL MEETING:

A. Election of Acting Mayor

The Council must select an Acting Mayor to act on the City's behalf if Mayor Johnson is unable to attend a meeting, sign an agreement, or attend functions on behalf of the City. Any member of the Council is eligible for this position.

M/no Second Delapp – to nominate Steve Delapp as Acting Mayor.

M/S/P Conlin/Johnson – to nominate Anne Smith as Acting Mayor for 2006. (Motion passed 5-0)

B. Designation of Legal Newspaper

M/S Johnson/Conlin - to designate the Lake Elmo Leader as the City's legal newspaper for 2006.

M/S/F Delapp/Johnson – to amend the motion to designate the Oakdale-Lake Elmo Review as the City's legal newspaper for 2006. (Motion failed 4-1; Delapp more research needed; Leader rates are high)

M/S/P Conlin/Johnson – to designate the Lake Elmo Leader as the City's legal newspaper for 2006, subject to Affidavit of Circulation submitted from Lake Elmo Leader. (Motion 4-1; Delapp)

C. Designation of Official Depositories for 2006

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

M/S/P Johnson/Smith – to designate Lake Elmo Bank, Wachovia Securities, Smith Barney Citigroup and Northland Securities. (Motion passed 4-1; Delapp wanted the City to contact Bremer Bank since they are located in the City).

D. Appointment of City Engineer

M/S/P Smith/Delapp - to appoint Tom Frew/TKDA as the City Engineer for 2006. (Motion 5-0.)

E. Appointment of City Attorney (Civil and Criminal)

M/S/P Smith/Johnson - to appoint Jerry Filla, Peterson, Fram & Bergman as the City Attorney, for both civil and criminal matters for 2006. (Motion passed 5-0.)

F. Appointment of Financial Advisor

M/S/P Johnson/Smith - to appoint Paul Donna, Northland Public Finance Group as the City's Financial Advisor for 2006. (Motion passed 5-0.)

G. Appointment of Auditing Firm

M/S/P Johnson/Conlin - to appoint Steven R. McDonald, CPA, Abdo, Bick & Meyers, LLP as the City's Auditing Firm for 2006. (Motion passed 5-0.)

H. Cable Operator: Steven Press

M/S/P Delapp/Conlin – to approve the reappointment of Steven Press as the City's part-time Cable Operator at \$13,90/hour for taping and broadcasting City's meetings. (Motion passed 5-0.)

I. IT: Next Genesis

Council Member Delapp wondered why the City chose this company, and requested an update on the City's new webpage. Finance Director Bouthilet stated the rates and services provided were 65% higher elsewhere. The new webpage should be ready in 30 days for Staff to be trained.

M/S/P Johnson/Conlin - to approve the reappointment of the computer service contract

between the City and Next Genesis (Ryan Masanz).

(Motion passed 5-0.)

J. Animal Control

M/S/P Johnson/Conlin – to request Proposals for Animal Control Services for 2006, and to extend contract with Kathi Pelnar as the City's Animal Control Officer through February 2006. (Motion 5-0.)

K. Change Council Committees to Council Workshops: Resolution No. 2006-006

Administrator Rafferty recommended this informal public setting as a more efficient way of learning and discussion of City items. Council Member Smith inquired who will be conducting the Council Committee meetings. Administrator Rafferty said the Mayor would be in charge and minutes kept. Council Member Delapp requested a thorough Agenda. At the December 20, 2005, Council meeting, a Motion was made by Council

Member Conlin about televising the Workshop meetings. Motion failed. Council Member Conlin voted for the Motion because she felt it would be a learning experience for the community.

M/S/P Johnson/Conlin – Resolution 2006-006, approving the change from Council Committee structure to a Council Workshop, with meetings to be held on the second Tuesday of each month, beginning at 6 p.m. (Motion passed 4-1 Delapp, too much goes on at the meetings, minutes not approved and meeting should be cabled.)

6. NEW BUSINESS:

A. Employee and Volunteer Recognition Party

Staff was directed to provide possible dates for The Employee and Volunteer Recognition Banquet for 2006. The City will extend invitations to all employees, community volunteers and their spouse/guest to attend.

M/S/P Conlin/Johnson – to pursue funding from the Lake Elmo Jaycees and to come back with recommendations on dates. (Motion passed 5-0.)

B. Whiting letter received December 2, 2003

Neighbors of 35th Street have requested something be done about the lighting being very bright at Animal Inn. City Planner Dillierud said the lighting met City codes when built, but he would contact Animal Inn about their concerns.

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Update on Fire Dept.: Chief Malmquist-no report.

8. CITY ENGINEER'S REPORT-no report.

9. PLANNING, LAND USE & ZONING:

A. Comprehensive Plan Amendment-Trails Guide Plan: Resolution 2006-003

City Planner reported that the Planning Commission recommended adoption of the Trail Plan as an element of the Lake Elmo Comprehensive Plan. Glen VanWarmer of SEH presented an overview of the Trail Guide Plan.

M/S Johnson/Conlin – to adopt Resolution 2006-003 Comprehensive Plan Amendment - "Comprehensive Trail Guide Plan".

Council Member Delapp discussed 14 modifications/issues he has with the plan from a map provided to the Council. He asked that City Council adopt Resolution 2006-003. The City Planner said he would bring Council Member Delapp's maps and concerns to the Parks Commission for further discussion, and possible future amendments to the Trails Guide Plan.

M/S/P Delapp/Smith - to amend to review the 14 points of interest brought up by Council Member Delapp with the process suggested by the Planner. (Motion 5-0)

M/S/P Johnson/Conlin – to adopt Resolution 2006-003 Comprehensive Plan Amendment-Trails Guide Plan as amended. (Motion 5-0)

B. 2030 Comprehensive Plan Amendments: Resolution 2006-004 City Planner Dillnerud provided the following: Draft Planning Commission minutes from December 19, 2006, Resolution by Tom Armstrong, and redraft with edits of Old Village with text. City Planner Dillnerud noted that he had provided City Council with this information on December 20, 2005.

Resident Susan Dunn addressed the need to modify the Old Village Master Plan and the need to add verbiage for buffers to existing developments, to respect the environment of the Old Village, maintain the rural character, and spare the trees in our urban forest.

Council Member Delapp said that he wants to see buffers between the existing Old Village homes/businesses and new developments.

M/S/P Delapp/Smith – Approve edited document (9A-6) by adding language assuring reasonable buffers between new developments and existing Old Village, and to respect environmental conditions. (Motion 5-0.)

City Attorney Filla provided the City Council amended draft text for Chapter III of the 2030 Comprehensive Plan that addressed the remedial measures that appear as conditions to Metropolitan Council Resolution 2005-20. He recommended the draft text as a substitute for the text prepared by the City Planner.

Council Member Delapp stated that the proposed text amendment is not in the best interests of the City and amounts to a punitive measure by the Metropolitan Council. City Planner Dillnerud said that the Lake Elmo City Council did not approve the remedial measures found in the December 29, 2005, Metropolitan Council Resolution 2005-20. He advised the City Council that the Metropolitan Council requires the remedial language from Resolution 2005-20 be in the Comprehensive Plan.

Resident Tom Armstrong said he opposed remedial measures as they are a penalty for being granted an extension. He explained the motivation behind the Planning Commission Motion. He asked why METC needs to put this language in the Comprehensive Plan regarding penalties for the City of Lake Elmo and no other city. It would be a contractual agreement that the City must then honor.

Resident Susan Dunn stated METC reminded the Council that they already rejected the WIF condition of Metropolitan Council Resolution #2005-20 on a 5-0 vote. She

noted that METC has never had a WIF fee before; it is extortion and the City should say no to a Comprehensive Plan with WIF.

Council Member Conlin asked about the consequences to the City if the remedial conditions were not in the 2030 Comprehensive Plan.

City Attorney Filla said Paragraph 3E of the Met Council Resolution states that if the Metropolitan Council would sue the City to attain compliance, the City would pay the costs of the litigation. He also noted that if we don't comply, the MOU becomes null and void. City Administrator Rafferty stated that he sees the WIF as a remedial action and not as a penalty. If the City fails to follow the staging plan, which is part of the City's budget, the City will pay more but the City will get that money back as credits for future connection charges.

Mayor Johnston said the Metropolitan Council staff is continuing to maintain that the 2030 Lake Elmo Plan is not complete, even though City staff maintains that it is complete per usual Met Council practice, and was submitted on September 6, 2005.

Council Member Smith asked City Attorney Filla about Section 3N of Metropolitan Council Resolution 2005-20. Council Member Smith suggested that wording be added to the City's Comprehensive Plan stating, "...provided that Wastewater Inefficiency Fee (WIF) would not be imposed if imposing such a fee would be in conflict with any portions of the MOU."

City Attorney Filla said that you cannot pick and choose. You have to take the whole thing.

Resident Ann Bucheck asked if the City was guaranteeing her no assessment; no guarantee could be provided.

Council Member Delapp stated that METC hasn't rejected the Comprehensive Plan for reasons backed by law.

Council Member Conlin would like to see something added that will help the City out in the long run.

Council Member Delapp asked how we could guarantee our residents there would not be penalties imposed by the Metropolitan Council.

Resident Tom Armstrong said conflicts would occur if the City's Plan is submitted with any of the Metropolitan Council Resolution #2005-20 conditions included.

M/S/P Johnston/Johnson - to adopt Resolution 2006-004 amending the 2030 Comprehensive Plan regarding the Village Area text as recommended by the Planning Commission, and regarding the City compliance with Metropolitan Council Resolution #2005-20. This Resolution was amended by Lake Elmo Remedial

Measures document drafted by City Attorney Filla and City Council to become part of the Comprehensive Plan Resolution. (Motion 5-0.)

C. 2006-2010 Capital Improvements Program (CIP): Resolution 2006-005

The City Planner recommended adoption of the 2006-2010 CIP for Council consideration.

M/S/P Johnston/Smith – to adopt Resolution 2006-005, adding \$25,000 to the Carriage State Park. (Motion passed 5-0)

D. Metropolitan Council System Statement – verbal

The City Planner reported that Met Council attorney stated at the December 20, 2005, System Statement Hearing that the issues at the Metropolitan Council with the System Statement deal with process, not substance.

10. CITY ATTORNEY'S REPORT:

The City was served Friday, December 30, 2005, by property owners north of 10th Street. The City and Met Council are being sued as the Comprehensive Plan should be following the original nine conditions. If not, the courts should be directed to develop the Comprehensive Plan for the City.

11. CITY ADMINISTRATOR'S REPORT: - no report

12. CITY COUNCIL REPORTS:

Mayor Dean Johnston mentioned again the Ribbon Cutting Ceremony for the Grand Opening of Ramsey Center for the Arts on Saturday, January 7, 2006, at 1:00 p.m. Council Member Delapp thanked City Planner and City Administrator for the good work.

The Council recessed the meeting at 10:46 p.m. for a Closed Meeting.

Respectfully submitted by Carole Freeman, Recording Secretary
Resolution No. 2006-001 Signatures for Payments of Funds from the LF Bank
Resolution No. 2006-002 Claims
Resolution No. 2006-003 Comprehensive Plan Amendment-Trail Guide Plan
Resolution No. 2006-004 Comprehensive Plan Amendments
Resolution No. 2006-005 2006-2010 Capital Improvements Program (CIP)
Resolution No. 2006-006 Change Council Committees to Council Workshops