

**LAKE ELMO CITY COUNCIL MINUTES  
FEBRUARY 05, 2014**

**CITY OF LAKE ELMO  
CITY COUNCIL MINUTES  
FEBRUARY 05, 2014**

*Mayor Pearson called the meeting to order at 7:00 pm.*

**PRESENT:** Mayor Mike Pearson, Council Members Wally Nelson, Anne Smith, Justin Bloyer, and Mike Reeves.

Also Present: City Administrator Zuleger, Community Development Director Klatt, City Engineer Griffin, Finance Director Bendel, and City Clerk Bell.

**PLEDGE OF ALLIGENCE**

**APPROVAL OF AGENDA**

Council Member Bloyer requested that Item 9 be pulled for discussion.

***MOTION:** Council Member Nelson moved **TO APPROVE THE FEBRUARY 05, 2014 CITY COUNCIL AGENDA AS AMENDED.** Council Member Smith seconded the motion. **MOTION PASSED 5-0.***

**ITEM 1: ACCEPT MINUTES**

Council Member Smith noted that during the discussion of the Met Council's previous interests regarding sewerage growth versus total population, Mr. Klatt was not in fact employed by the City at the time the MOU was created.

***THE JANUARY 21, 2013 CITY COUNCIL MINUTES WERE APPROVED AS PRESENTED BY CONSENSUS OF THE CITY COUNCIL.***

**COUNCIL REPORTS:**

**Council Member Reeves:** Participated in a couple of Speak Your Peace presentations. The Lake Elmo Library is starting civility book group that will include speakers on related topics starting in March. Also joined Alyssa at Rotary Club to introduce the SYP project; Parks Commission/Council joint workshop coming up. Commission is focusing on improving the parks. Working on new park signs; the next Human Resources Committee meeting being scheduled.

**Council Member Bloyer:** Met with a state rep to discuss state bonding bill.

**Mayor Pearson:** Met with legislators; met with developers and property owners to discuss development; Public Safety Committee meeting; met with Washington County and MNDOT regarding Hwy 5 realignment; attended a MetroCities meeting on water quantity.

**Council Member Smith:** Wants all residents to know she is accessible by phone at any time.

**Council Member Nelson:** Attended Finance Committee meeting. Group recommended hiring new assessor for City.

**PUBLIC INQUIRY/COMMENTS:**

**Susan Dunn,** 11018 Upper 33<sup>rd</sup> St. N. thanked council and staff. She appreciates recent help provided. 1) Requested her single family home be removed from the Old Village planning area. She claimed that the original plan was not what has been implemented; 2) Requested open house style forum for planning changes in Village to explain true costs and impact; 3) Warned about water depletion issues due to growth; 4) Wants to know what the "well-ordered low-regulatory burden quality of life" means.

**Library Director Linda Orsted** spoke about upcoming events: 70<sup>th</sup> anniversary of D-Day in June. Bob Clemens, WWII Veteran and B-17 Navigator, visiting library to speak about his experiences in the Army Air Forces. Linda urged everyone to attend; on the 25<sup>th</sup> of February, David Steele will be speaking on

# LAKE ELMO CITY COUNCIL MINUTES

## FEBRUARY 05, 2014

who was Adolph Hitler?; explained the Blind Date with a Book program where readers can rate their “date”; explained the civility discussion group. Registration is required to participate.

### **PRESENTATIONS: SOUTH WASHINGTON WATERSHED DISTRICT**

Matt Moore, South Washington Watershed District Administrator provided update on activities. Major accomplishment was realigning county roads 19, 20, and 22. That area has been an issue for over 20 years. Connecting to river has been progressing. Ground water management and supply has become a greater issue. Mr. Moore highlighted several other projects the watershed is currently working on.

Council Member Smith asked about the expected completion date for all phases. Mr. Moore stated that 5-6 years is target.

### **CONSENT AGENDA**

2. Approve Payment of Disbursements and Payroll in the amount of \$166,093.46
3. Lake Elmo Sewer Infrastructure Improvements: I-94 to 30th St. – Change Order No. 4.
4. Keats MSA Street and Trunk Watermain Improvements – (Compensating) Change Order No. 6.
5. Keats MSA Street and Trunk Watermain Improvements – Pay Request No. 6 (FINAL).
6. Approve 2014 Waste Hauler Licenses
7. New Assessor Contract for 2014
8. Zoning Text Amendment – Zoning District Cleanup; ***Ordinance 08-098***
9. ~~Driveway Ordinance Amendment; ***Ordinance 08-099***~~

***MOTION:*** Council Member Smith moved **TO APPROVE THE CONSENT AGENDA AS AMENDED**. Council Member Reeves seconded the motion. ***MOTION PASSED 5-0.***

### **ITEM 9: DRIVEWAY ORDINANCE AMENDMENT; ORDINANCE 08-099**

Community Development Director Klatt provided overview of the proposed changes requested by Council. To provide clarification as to what materials should be deemed acceptable under the City Code, staff is suggesting an update to the City’s Driveway Standards to include the language “hot mix bituminous asphalt” as opposed to simply “bitumen.” The goal of the proposed language, “hot mix bituminous asphalt,” is to eliminate any potential confusion as to what is required.

The City is planning on investigating the rural areas to determine what is needed. Council Member Bloyer expressed his desire to postpone the amendment until spring after more investigation can be completed. He does not believe that hot-mix may be necessary in the rural areas.

Council Member Nelson is in favor of approving the clarifying language and then review Mr. Bloyer’s concerns about the ordinance in the spring. Mr. Klatt explained that there is no harm in clarifying the language in the meantime. Council Member Smith is okay with passing tonight, but wants it looked at similar to Mr. Bloyer.

***MOTION:*** Mayor Pearson moved **TO ADOPT ORDINANCE 08-099, CLARIFYING WHAT CONSTITUTES ACCEPTABLE DRIVEWAY MATERIALS IN THE DRIVEWAY STANDARDS SECTION OF THE CITY CODE**. Council Member Reeves seconded the motion. ***MOTION PASSED 5-0.***

Mr. Zuleger noted that investigation is expected to begin in April when the snow is gone.

### **REGULAR AGENDA**

**ITEM 10: 2014 STREET IMPROVEMENTS – PUBLIC HEARING; AUTHORIZE P&S; RESOLUTION ORDERING IMPROVEMENT; AWARD ENGINEERING CONTRACT; RES. 2014-10**

## LAKE ELMO CITY COUNCIL MINUTES FEBRUARY 05, 2014

City Engineer Griffin gave overview of the proposed project and the scope of the work by providing a recap of the feasibility study from 1/06/2014.

Council Member Smith asked about how long the rural roads last until being required to be reconstructed. Mr. Griffin explained that it depends on the original construction which varies greatly. Whether concrete curb and gutters were being used in each area was explained. It was noted that when an engineered road base and drainage layer are installed, the structural road base is expected to last 40-50 years before being replaced.

Mr. Griffin gave recap of proposed assessments for project. Mr. Griffin explained the cost recovery strategy regarding the West Lakeland properties that are not located in Lake Elmo but access Manning Trail and the West Lakeland section of Manning Trail that was left unimproved. West Lakeland is willing to enter a joint services agreement to improve this section and cover the un-assessable properties.

The difference in bituminous versus concrete curb and gutter was further explained. Mr. Griffin's opinion is that concrete is a much better product and any savings for bituminous are not realized in the long run. He noted that on the 2012 Street Improvement project the City had to install concrete curb and gutter around cul-de-sacs to ensure positive drainage. Mr. Griffin gave overview of the assessed properties and the respective amortization schedule. The project schedule was also explained.

Road widths and any cost savings realized in width reduction were discussed. Recently, narrowing roads ended up seeing an increased cost in past projects. Also, rural sections pose additional problems with narrower roads.

Council Member Reeves asked how the public meeting went. Mr. Griffin said that attendance was good.

***MOTION: Council Member Nelson moved TO OPEN PUBLIC HEARING. Council Member Reeves seconded the motion. MOTION PASSED 5-0. Public hearing opened at 8:00 pm.***

**Joan Moseman** 24<sup>th</sup> St. Ct. N. inquired about how the water would drain in the cul-de-sacs. City Engineer Griffin said that the intent of the project is to drain the road, but due to the stage where the project is at, surveys have not been done. That specific determination will take place at a later stage.

***MOTION: Council Member Smith moved TO CLOSE PUBLIC HEARING. Council Member Nelson seconded the motion. MOTION PASSED 5-0. Public hearing closed at 8:02 pm.***

***MOTION: Council Member Smith moved TO ADOPT RESOLUTION NO. 2014-10, ORDERING THE 2014 STREET IMPROVEMENTS AND THE PREPARATION OF PLANS AND SPECIFICATIONS. Council Member Reeves seconded the motion. MOTION PASSED 3-2 (Nelson/Bloyer – Nay).***

***MOTION: Council Member Reeves moved TO APPROVE A PROFESSIONAL ENGINEERING DESIGN AND CONSTRUCTION SUPPORT SERVICES CONTRACT TO BOLTON & MENK, INC. IN THE NOT TO EXCEED AMOUNT OF \$79,935. Council Member Smith seconded the motion. MOTION PASSED 5-0.***

### **ITEM 11: SKETCH PLAN REVIEW – EASTON VILLAGE**

Community Development Director Klatt provided overview of the submitted sketch plan. Development will be located in the Village planning area. It is situated on a unique property as it has multiple constraints: Union Pacific Railroad, Lake Elmo Airport, and Manning Avenue are all adjacent. Property consists of 98 acres and proposes to include 224 single family lots. The gross/net densities were explained. The property specifics and amount of open space were discussed. It was noted that applicant also owns the property north of the RR tracks for future phases and storm water management.

Mr. Klatt gave further information on the parameters of the airport zoning. The proposed plan does comply with airport zoning requirements. Staff is asking applicant to provide additional draining info for preliminary plat.

## LAKE ELMO CITY COUNCIL MINUTES FEBRUARY 05, 2014

Planning Commission reviewed the sketch plan on 1/27/2014. Parks Commission reviewed on 1/30/2014. Parks commission would prefer dedication fees in lieu of a new larger park. It would also be in favor of a few smaller pocket or neighborhood parks. Overall, the Parks Commission would like the dedication fees be used to improve or connect to Reid Park and the Old Village. Council Member Reeves expounded on the Parks Commission's preferences. They took a very holistic view of the neighborhood and primarily focusing on the parks and connections.

The length of the cul-de-sacs was discussed. There are 3 or 4 proposed that do not currently meet the city requirements. Council Member Smith wants neighborhood to be more walk-able, as that was the vision for the Village. Planning Commission Chair wants the Planning Commission to discuss the cul-de-sacs at next meeting.

Todd Erickson, engineer for project, provided his overview of the proposal.

Mayor Pearson stated that he is in agreement with much of the Parks Commission input regarding connectivity. The collector road entering neighborhood and the access to 30<sup>th</sup> Street should be reevaluated.

Mr. Reeves noted that this is the first development in the Village and will set the pace.

The issue of neighborhood interaction was discussed vis-à-vis cul-de-sacs versus grid plans.

**Steve DeLapp** 8468 Lake Jane Trail spoke about the proposal. He reiterated that Village connectivity was really important. Concerns about the location and related challenges must be addressed.

*No formal action requested.*

### **ITEM 12: APPROVAL OF AGREEMENT TO SUNSET MEMORANDUM OF UNDERSTANDING WITH THE METROPOLITAN COUNCIL**

City Administrator Zuleger explained the letter from the Met Council outlining the terms of termination and the history of how the MOU came about. Terms include: Proof of payment for Section 34 development improvements and Lake Elmo Ave Sewer Infrastructure. City is anticipating complying in mid-March. Noted that if the MOU goes away, the City only has to live with the 2040 forecast. Staff recommends acceptance. It was explained that the obligation to grow will still remain post-MOU because the infrastructure is in the ground and has to be paid for.

**Todd Ptacek** 812 Julep Ave. N. spoke about the history of NIMBY in community. He is concerned about increased traffic on and south of 10<sup>th</sup> St. He urged Council to go forwardly prudently.

Mayor Pearson concurs with the shared sentiment that this is a great day for the City. Council Member Smith noted that this will relieve much pressure in the I-94 Corridor. Council Member Bloyer reiterated his opinion that development in the rest of Lake Elmo needs to be addressed so the City can be built out on its own terms and done with trying to comply with similar future Met Council mandates on growth.

Ms. Smith read letter Council received from **Kathy Sedro**, 8916 35th Street N., requesting the government choose the minimum growth numbers while complying with legal commitments. Mr. Bloyer read letter from resident **Curt Montieth**, 331 Julep Ave N., requesting the Council to limit all future development in the city, impose strict open space requirements, high standards, and require 2.5 acre lots in areas outside of the Village. The letter also requested sufficient recreation spaces.

Mr. Zuleger thanked planning staff for all the hard work over the past year to achieve this.

***MOTION: Council Member Smith moved TO CONCUR WITH THE TERMS OF TERMINATION OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE METROPOLITAN COUNCIL AND THE CITY OF LAKE ELMO DATED JANUARY 14, 2014, AND INSTRUCT THE CITY***

**LAKE ELMO CITY COUNCIL MINUTES  
FEBRUARY 05, 2014**

**ADMINISTRATOR TO SIGN THE TERMS AND RETURN THE LETTER AS REQUESTED.** Mayor Pearson seconded the motion. **MOTION PASSES 5-0.**

**SUMMARY REPORTS AND ANNOUNCEMENTS**

**City Administrator Zuleger:** Park Commission workshop on 2/12/14; attending various water meetings (State bonding and groundwater); met with school district regarding developing a park by the middle school. District is donating \$5000 for flashing beacon on Hwy 5; Eastern Village development meetings; holding continued meetings with MNDOT and Washington County on transportation issues.

**City Attorney Snyder:** responding to routine staff requests and developer agreements.

**Community Development Director Klatt:** final Lennar plat is being reviewed; taking look at AUAR development costs. Plan on bring to council in near future.

**City Engineer Griffin:** completed the MS4 application; contacting property owners for Inwood booster station site.

**Finance Director Bendel:** chose a new assessor with finance committee; year-end reporting with county and state auditor; 2014 budget now available on website.

**City Clerk Bell:** reported livestock ordinance is to be discussed again at the Planning Commission meeting on 2/10/14. Expect to bring it to council on 2/18/14.

**Mayor Pearson appointed Cullen Case to Public Safety Commission.**

**Mayor Pearson recessed the meeting at 9:22 pm.**

**ITEM 18: ADJOURN TO CLOSED SESSION PER MN STATE STATUTE 13D.05 SUBD. 3(A) FOR ANNUAL PERFORMANCE REVIEW OF CITY ADMINISTRATOR DEAN ZULEGER.**

**MOTION:** Council Member Reeves moved **TO ENTER CLOSED SESSION.** Council Member Smith seconded the motion. **MOTION PASSES 5-0.** Meeting closed at 9:35 pm.

**MOTION:** Council Member Nelson moved **TO RE-ENTER OPEN SESSION.** Council Member Smith seconded the motion. **MOTION PASSES 5-0.** Meeting reopened at 10:57 pm.

**MOTION:** Mayor Pearson moved **TO AWARD 3% RAISE TO CITY ADMINISTRATOR ZULEGER EFFECTIVE AT CONCLUSION OF CURRENT PAY PERIOD.** Council Member Reeves seconded the motion. **MOTION PASSES 4-1 (Smith - Nay).**

**Mayor Pearson adjourned the meeting at 11:01pm.**

**LAKE ELMO CITY COUNCIL**

ATTEST:

\_\_\_\_\_  
Mike Pearson, Mayor

\_\_\_\_\_  
Adam R. Bell, City Clerk