

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
DECEMBER 1, 2015**

CALL TO ORDER

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

PRESENT: Mayor Mike Pearson and Council Members Julie Fliflet, Anne Smith, Justin Bloyer, and Jill Lundgren.

Staff present: Interim Administrator Schroeder, City Attorney Snyder, City Engineer Griffin, Finance Director Bendel, Fire Chief Malmquist, Planner Wensman and City Clerk Johnson.

Others present: Parliamentarian Kevin Wendt

PLEDGE OF ALLIGENCE

APPROVAL OF AGENDA

Councilmember Smith removed Item 8 to postpone to a future meeting. Councilmember Fliflet moved Items 6 and 7 to the Regular Agenda and postponed Item 16 to the next Council Workshop. Councilmember Fliflet postponed the acceptance of the minutes to the next City Council meeting.

Agenda approved as amended.

COUNCIL REPORTS

Mayor Pearson: Conducted site visits regarding resident concerns, visited Family Means, attended a meeting for the Highway 13 project.

Councilmember Fliflet: Held a Human Resources Committee meeting, attended the Library Board meeting and discussed moving forward with associate library status, met with Washington County representatives and residents of Fields of St. Croix II, thanked the Parliamentarian for his assistance.

Councilmember Smith: Received phone calls on several items including the downtown pond and positive feedback on the Parliamentarian.

Councilmember Lundgren: Met with residents and conducted a site visit.

Councilmember Bloyer: Met with a resident regarding the pond next to his property, received phone calls, and reiterated that the Parliamentarian is not required by the League of MN Cities and is a political game to make the Mayor look bad.

PUBLIC COMMENTS/INQUIRIES

None

PRESENTATIONS

None

FINANCE CONSENT AGENDA

2. Approve Payment of Disbursements

Finance Consent Agenda approved by consensus

OTHER CONSENT AGENDA

- 3. Approve Belle Amie Spa Massage License Renewal**
- 4. Approve Liquor License Renewals**
- 5. Approve Inwood Addition Development Contract Addendum**

Consent Agenda approved by consensus.

ITEM 6: Approve Reider Preliminary Plat Extension

City Planner Wensman presented the request for a preliminary plat extension. Discussion held concerning the City code and 180 day time limit in the code. Councilmember Smith stated there are additional questions to be fielded and she would like additional time to discuss them with the City Planner.

Councilmember Smith, seconded by Councilmember Fliflet, moved TO POSTPONE CONSIDERATION TO THE NEXT MEETING. Motion passed 4 – 1 (Bloyer – nay).

ITEM 7: Designate Data Practices Official

City Attorney Snyder stated that it is necessary to appoint a data practices official as the City Attorney's office is declining to continue serving in that capacity.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2015-85 APPOINTING THE CITY CLERK AS THE DATA PRACTICES OFFICIAL WITH THE ADDED LANGUAGE THAT THE CLERK WILL CONSULT WITH THE CITY ATTORNEY ON NON-MUNDANE REQUESTS. Motion passed 3 – 2 (Pearson, Bloyer – nay).

ITEM 9: Public Hearing: 2016 Proposed Tax Levy and General Fund Budget – Adopt 2016 Budget and Tax Levy – Resolution 2015-84

City Administrator Schroeder provided an overview of the 2016 Budget and invited public comments. The Public Hearing was opened at 8:05 p.m.

Marion Adkins, 2227 Lake Elmo Avenue, asked about the value of her two properties and why the tax on the landlocked parcel has increased.

The Public Hearing was closed at 8:10 p.m.

Councilmember Bloyer, seconded by Mayor Pearson, moved to approve Resolution 2015-84 with the exception that the Library Fund levy remains at the current (2015) level of funding. Motion failed 1 – 4 (Pearson, Fliflet, Lundgren, Smith – nay).

Councilmember Smith stated she would not support the motion because the library levy was reduced last year. Councilmember Fliflet stated she would not support a reduction in library levy, noting that the library is working toward associate status.

Councilmember Smith, seconded by Councilmember Fliflet, moved TO APPROVE RESOLUTON 2015-84 ADOPTING THE FINAL 2016 GENERAL FUND, DEBT SERVICE FUND AND LIBRARY FUND ANNUAL BUDGETS AND LEVIES. Motion passed 3 – 2 (Pearson, Bloyer – nay).

Mayor Pearson stated it is a good budget and he appreciates the Finance Committee work on it.

ITEM 10: Developer Line of Credit Reduction Discussion

Interim Administrator Schroeder introduced the item and reviewed the request from Robert Engstrom Company for a reduction in the Letter of Credit for the Wildflower development. Schroeder explained the risk to City in allowing partial decreases and suggested that staff be directed to propose changes to development agreements to allow for reductions in letters of credit. City Engineer Griffin reviewed steps in the Letter of Credit reduction policy currently in place, noting that he is in favor of minor revisions, particularly in the street utility area.

Councilmember Smith, seconded by Councilmember Fliflet, moved TO DIRECT STAFF TO PROPOSE CHANGES TO DEVELOPMENT AGREEMENTS THAT WOULD ALLOW DECREASES IN LETTERS OF CREDIT. Motion passed 4 – 1 (Bloyer – nay).

Councilmember Bloyer stated he would not support the motion as it would lower the leverage the City has with developers.

ITEM 11: Tana Ridge Park Sign

Interim Administrator Schroeder reviewed the placement of a park sign in Tana Ridge, noting the size and location of the sign and presented a suggested from the Public Works staff to reduce the height of the sign.

Darcy Hilgendorf, 11644 44th Street North, commented on the size of the sign and stated she would like the Parks Commission to evaluate if this size park needs a sign like this. Ms. Hilgendorf stated that if a sign is required, she would like input on the size, design and location of the sign in Tana Ridge Park.

David Jack, 11657 44th Street North, asked if a sign is needed in a low use park such as this and requested it be moved closer to the ball parks.

Mayor Pearson stated he spoke with a resident in the past two weeks about this issue and the Parks Commission has discussed it. Pearson added that he appreciates the work the Commission puts into these projects. Councilmember Bloyer indicated he agreed with Mayor Pearson.

Councilmember Smith, seconded by Councilmember Fliflet, moved TO DIRECT PUBLIC WORKS TO REMOVE THE TANA RIDGE SIGN AND DIRECT THE PARKS COMMISSION TO REVIEW PLACEMENT AND SIZE OF ALL SIGNS IN ALL PARKS. Motion passed 3 – 1 – 1 (Pearson – nay, Bloyer – abstain).

ITEM 12: Charter and Roster for Environmental Committee

Interim Administrator Schroeder noted that the proposed Charter and Roster for the Environmental Committee were included in the meeting packet.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO ADOPT THE CHARTER AND ROSTER FOR THE ENVIRONMENTAL COMMITTEE. Motion passed 5 – 0.

ITEM 13: City Administrator Search

Councilmember Smith, seconded by Councilmember Fliflet, moved TO AUTHORIZE THE CITY CLERK TO POST THE POSITION ON THE LMC AND ICMA WEBSITES WITH A SALARY RANGE OF \$100,000 - \$105,000 AND A CLOSING DATE OF JANUARY 4, 2016 FOR APPLICATIONS.

Mayor Pearson moved TO EXPAND THE SALARY RANGE TO \$90,000 - \$125,000. Motion failed for lack of a second.

Councilmember Smith, seconded by Mayor Pearson, moved TO AMEND THE PRIMARY MOTION TO STRIKE \$105,000 AND INSERT \$115,000. Motion passed 5 – 0.

Primary motion passed 4 – 1 (Bloyer – nay).

ITEM 14: RFP for Legal Services

Interim Administrator Schroeder reviewed the proposed time line for issuing the RFP and proposed limiting responses to twenty pages.

Councilmember Lundgren, seconded by Councilmember Smith, moved TO SEND OUT AN RFP FOR THE CITY OF LAKE ELMO FOR LEGAL SERVICES

Councilmember Bloyer, seconded by Councilmember Fliflet, moved TO AMEND THE PRIMARY MOTION BY ADDING QUESTIONS TO THE RFP TEXT “HAVE ANY ATTORNEYS ON STAFF BEEN CONVICTED OF A MISDEMEANOR OR HIGHER? AND “HAVE ANY ATTORNEYS ON STAFF BEEN ACCUSED OF PROSECUTORIAL MISCONDUCT?”

Councilmember Smith, seconded by Councilmember Fliflet, moved TO AMEND THE AMENDMENT TO REPLACE “MISDEMEANOR” WITH “FELONY”. Motion failed 1 – 4 (Pearson, Bloyer, Fliflet, Lundgren – nay).

Motion to amend the primary motion passed 4 – 0 – 1 (Smith – abstain). Primary motion passed 3 – 2 (Pearson, Bloyer – nay)

Mayor Pearson stated he would not support the primary motion as it is damaging to the City and not recommended by the League of MN Cities.

ITEM 15: Arts Center

Interim Administrator Schroeder stated that the building is mostly unused and not monitored and is a liability to the City in its current state. Discussion was held regarding concerns the Building Official expressed regarding the condition of the property.

Bill Wacker, 3603 Laverne Avenue North, stated he lives across from the Arts Center and the City has not maintained the property and does not mow the grass regularly. Mr. Wacker stated that the building looks abandoned.

Barry Weeks, 3647 Lake Elmo Avenue North, referred to the November 18, 2015 article in the Pioneer Press newspaper regarding the Arts Center and encouraged the Council to find somewhere else for the Friendship Club to operate.

Councilmember Bloyer, seconded by Mayor Pearson, moved TO DIRECT STAFF TO FIRM ESTIMATES ON THE DEMOLITION OF THE ARTS CENTER AND INVESTIGATE ITS POTENTIAL AS A CONTROLLED BURN TRAINING SITE FOR THE LAKE ELMO FIRE DEPARTMENT. Motion failed 2 – 3 (Fliflet, Lundgren, Smith – nay).

Mayor Pearson, seconded by Councilmember Bloyer, moved TO DIRECT STAFF TO OBTAIN FIRM ESTIMATES FOR CODE COMPLIANCE REPAIRS, HIRE OUT MAINTENANCE OF THE BUILDING AND INVESTIGATE AESTHETIC IMPROVEMENTS.

Councilmember Fliflet stated that the Valley Friendship Club is not requesting any repairs. City Attorney Snyder stated that if code review of this property shows a violation, the City is not immune from its own ordinances and the property needs to be brought into compliance.

Councilmember Fliflet, seconded by Councilmember Smith, moved a substitute motion TO CONTINUE TO DISCUSS WITH VALLEY FRIENDSHIP CLUB TO FIND ANOTHER ALTERNATIVE SITE. Motion to substitute passed 3 – 2 (Pearson, Bloyer – nay).

Meeting adjourned at 11:01 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Julie Johnson, City Clerk