

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
FEBRUARY 2, 2016**

CALL TO ORDER

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

PRESENT: Mayor Mike Pearson and Councilmembers Julie Fliflet, Anne Smith, and Jill Lundgren. **ABSENT:** Councilmember Bloyer.

Staff present: Interim Administrator Schroeder, City Attorney Sonsalla, City Engineer Griffin, Finance Director Bendel, Planning Director Wensman, Building Official Chase and City Clerk Johnson.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Councilmember Smith moved Item 7 to the Regular Agenda. Mayor Pearson moved Item 9 to the Regular Agenda.

AGENDA ADOPTED AS AMENDED.

ACCEPT MINUTES

Minutes of the December 1, 2015, December 15, 2015 and January 19, 2016 Regular Meeting were accepted as presented.

PUBLIC COMMENTS/INQUIRIES

City Attorney Sonsalla made a statement concerning the City's position on private versus public data.

Mike Reeves, 11075 14th Street North, presented a petition requesting the removal of the censure on Councilmember Bloyer and read comments from the petition.

Dana Nelson, 2871 Legion Avenue, thanked the Council for their work, commented on the censure and asked for steps to be outlined for the censure to be lifted.

Christine Nelson, 2871 Legion Avenue, asked for consistent standards with conflicts of interest and announced she will run for a seat on the City Council.

Barry Weeks, 3647 Lake Elmo Avenue, called for the removal of the censure on Councilmember Bloyer and asked the Council to stop wasting taxpayer money.

Pam Harley, 10010 Tapestry Road, read additional comments posted to the online petition for the removal of the censure on Councilmember Bloyer.

Wally Nelson, 4582 Lilac Lane North, read additional comments from the online petition and added that residents have spoken up several times in favor of lifting the censure.

Dale Dorschner, 3150 Lake Elmo Avenue, presented a formal complaint regarding public comments made at the January 5, 2016 City Council meeting concerning his character.

Mayor Pearson apologized to Mr. Dorschner and encouraged the Council to consider lifting the censure, noting that over 300 people signed the petition.

PRESENTATIONS

None

CONSENT AGENDA

2. Approve Payment of Disbursements
3. Lake Elmo Avenue Trunk Watermain Improvements – Change Order No. 2
4. Lake Elmo Avenue Trunk Watermain Improvements – Compensating Change Order No. 3
5. Lake Elmo Avenue Trunk Watermain Improvements – Pay Request No. 6 (FINAL)
6. Downtown Phase I Improvements – Approve Cooperative Agreement Payment No. 1
7. Approve Driveway Encroachment and Maintenance Agreement
8. Accept Building Safety Department Statistics Report
9. Clarification of Employment Status of City Council Members

Consent Agenda approved as presented.

REGULAR AGENDA

ITEM 7: Approve Driveway Encroachment and Maintenance Agreement

Councilmember Smith requested that the property owner replace trees that were removed at the entrance of the driveway. The applicant was present and agreed to replace trees.

Motion TO APPROVE THE DRIVEWAY ENCROACHMENT AND MAINTENANCE AGREEMENT FOR JEERASAK POOPHAKUMPANART TO INSTALL A DRIVEWAY WITHIN AN UNIMPROVED PORTION OF THE PUBLIC RIGHT OF WAY OWNED BY THE CITY. Motion passed 4 – 0.

ITEM 9: Clarification of Employment Status of Councilmembers

Interim Administrator Schroeder reported that many cities, such as Stillwater, classify City Council Members as employees, particularly as the city becomes larger. City Attorney Sonsalla added that the City Council Members would be treated as employees also for purposes of data practices.

Mayor Pearson, seconded by Councilmember Lundgren, moved that FOR THE PURPOSES OF INSURANCE LIABILITY COVERAGE, CITY COUNCIL MEMBERS SHOULD BE TREATED AS EMPLOYEES OF THE CITY.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO AMEND THE PRIMARY MOTION BY INSERTING “MN STATUTES CHAPTER 13” AFTER “FOR THE PURPOSES OF.” Motion passed 3 – 1. (Pearson – nay)

Primary motion passed 3 – 1. (Pearson – nay) Mayor Pearson stated that he appreciates getting policies in line with practice but has concerns about transparency.

ITEM 10: Easton Village Park

Interim Administrator Schroeder reviewed the Easton Village plat, noting the location of the future park and trails. Schroeder explained the Parks Commission recommendation to install the park in three phases as the homes are completed and to begin the first phase this summer. Schroeder requested Council approval of the plan so staff could begin to solicit bids.

Motion TO DIRECT STAFF TO SOLICIT BIDS FOR PHASE ONE TO BE INSTALLED SUMMER OF 2016. Motion adopted by consensus.

ITEM 11: Inwood Booster Station Improvements

City Engineer Griffin reviewed the site location, site plan and changes made to the exterior of the proposed building.

Councilmember Lundgren, seconded by Councilmember Smith, moved TO APPROVE RESOLUTION 2016-07, APPROVING THE PLANS AND SPECIFICATIONS AND ORDERING THE ADVERTISEMENT FOR BIDS FOR THE INWOOD WATER BOOSTER STATION. Motion passed 4 – 0.

ITEM 12: Old Village Phase 2: Street & Utility Improvements – Approve Plans and Specifications; Authorize Ad for Bids

City Engineer Griffin presented the project overview and requested authorization to conduct a formal report.

Councilmember Fliflet, seconded by Mayor Pearson, moved TO APPROVE RESOLUTION 2016-08, ORDERING PREPARATION OF A FEASIBILITY REPORT BY FOCUS ENGINEERING FOR THE OLD VILLAGE PHASE 2 STREET, DRAINAGE, AND UTILITY IMPROVEMENTS IN A NOT TO EXCEED AMOUNT OF \$5,500. Motion passed 4 – 0.

ITEM 13: Washington County Aquatic Invasive Species Milfoil Grant

Brief discussion was held concerning treatment of the tri-lakes for milfoil. Resident Wally Nelson clarified that Lake Jane is treated for milfoil but did not apply for grant funds to offset the cost.

Councilmember Lundgren, seconded by Councilmember Smith, moved THAT THE CITY OF LAKE ELMO SUPPORTS THE AQUATIC INVASIVE SPECIES GRANTS FOR LAKE DEMONTREVILLE AND OLSON LAKE ASSOCIATION, AND THE LAKE ELMO LAKE ASSOCIATION FOR THE 2016 GRANT PERIOD. Motion passed 4 – 0.

ITEM 14: Employee Wage Adjustments

Councilmember Smith, seconded by Councilmember Fliflet, moved TO REMOVE THIS ITEM FROM THE AGENDA FOR THE HUMAN RESOURCES COMMITTEE TO REVIEW. Motion failed 3 – 1. (Pearson – nay)

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Mayor Pearson expressed frustration regarding the wage adjustment process and reported on past practice for yearly wage increases.

ITEM 15: Seasonal Building Inspector

Interim Administrator Schroeder requested that the City Administrator be granted the authority to engage a contractor to assist with building inspections and plan reviews as needed, noting that he anticipates 2016 inspection volume to exceed 2015 volume.

Mayor Pearson moved to authorize the City Administrator TO UTILIZE THEIR BEST JUDGMENT TO SOURCE OUT THE MOST COST EFFECTIVE SOLUTION TO RESPOND TO THE VARIOUS DEMANDS ON THE BUILDING INSPECTION DEPARTMENT. THIS WOULD INCLUDE OTHER CITY INSPECTORS, SEASONAL INSPECTOR, CONTRACT INSPECTION COMPANIES BUT NOT HIRING A BENEFITTED STAFF MEMBER. Motion died – no second.

Mayor Pearson related his experience owning a seasonal business with irregular demands. Councilmember Fliflet stated she has been working with the Building Official to get statistics to support the need.

COUNCIL REPORTS

Mayor Pearson: Will hold Visit with the Mayor at Christ Lutheran Church on February 2nd 6:30 – 7:30; thanked Washington County for handling the investigation very professionally for the City; expressed disappointment with his colleagues over recent news stories and emails received while he was on vacation.

Councilmember Fliflet: Working with the building department to gather information; attended Library meeting; looking forward to second interviews with City Administrator candidates.

Councilmember Smith: passed on report

Councilmember Lundgren: Attended City Administrator interviews and will attend second interviews next week. Worked on resident calls and concerns.

Councilmember Bloyer: Absent

STAFF REPORTS AND ANNOUNCEMENTS

Interim City Administrator Schroeder: Attended City Administrator meeting at Washington County where libraries, adding a county economic development authority and water supplier plan were discussed. Held bi-weekly development meeting with staff working on Developer Agreement template.

City Clerk Johnson: Holding Office Administrative Assistant interviews next week, noted that the first meeting in March will be held on Wednesday due to precinct caucuses.

Finance Director Bendel: Sent out over 3,000 stormwater utility bills and fourth quarter utility bills; working on year end close out, payroll reports and county reporting.

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City Attorney Sonsalla: Working with City Staff on template agreements and other issues.

City Engineer Griffin: Working with Washington County on Ideal Avenue/CSAH 13 project, attended city engineer annual conference last week.

Meeting adjourned at 9:22 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Julie Johnson, City Clerk

Mike Pearson, Mayor