

**CITY OF LAKE ELMO  
CITY COUNCIL MINUTES  
FEBRUARY 16, 2016**

**CALL TO ORDER/ PLEDGE OF ALLEGIANCE**

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

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

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

**APPROVAL OF AGENDA**

Councilmember Lundgren added "Public Comments on Agenda" after item 17. Councilmember Fliflet removed items 10 and 21. Item 18 moved to the next Council Workshop agenda. Councilmember Smith removed item 19.

**Agenda approved as amended.**

**ACCEPT MINUTES**

Minutes of the January 5, 2016 Regular Meeting were accepted as presented.

**PUBLIC COMMENTS/INQUIRIES**

Vincent Anderson, West Lakeland Township resident, asked the Council to support West Lakeland Township and Baytown Township in opposition of the Lake Elmo Airport expansion and encouraged them to read the revised addendum to the plan.

**PRESENTATIONS**

Finance Director Bendel was presented with a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association.

Karen O'Brien spoke on behalf of Verizon Wireless, presenting various locations in the downtown Lake Elmo area that would be suitable for locating a cellular network antenna.

**CONSENT AGENDA**

- 2. Approve Payment of Disbursements**
- 3. Accept January 2016 Assessors Report**
- 4. Accept January 2016 Building Department Report**
- 5. Village Trunk Utility Improvements – Approve Reduction of Security #2**
- 6. Wildflower at Lake Elmo 1<sup>st</sup> Addition – Approve Reduction of Security #3**
- 7. Approve Hiring of Office Administrative Assistant**
- 8. Approve Hiring of City Planner**
- 9. Approve Forestry Plan for Sunfish Lake Park**

*Consent Agenda approved as presented.*

**REGULAR AGENDA**

**ITEM 11: Appoint Parks & Planning Commissioners**

*Councilmember Lundgren, seconded by Mayor Pearson, moved TO APPOINT JEAN OLINGER TO THE PARKS COMMISSION. Motion failed 2 – 3. (Fliflet, Lundgren, Smith – nay)*

*Councilmember Smith, seconded by Councilmember Fliflet, moved TO APPOINT ELLEN NEUENFELD TO THE PARKS COMMISSION. Motion passed 5 – 0.*

*Councilmember Fliflet moved to appoint Kristina Lundquist to the Planning Commission. Motion passed 5 – 0.*

**ITEM 12: Commercial Wedding Ceremony Venue**

Planning Director Wensman presented the request for approval of an Ordinance Amendment and an Interim Use Permit to allow operation of a commercial wedding ceremony venue at 11658 50<sup>th</sup> Street North. Wensman noted public hearing requirements and stated the hearing was noticed as required. Planning Commission comments and recommended conditions of approval were presented and discussed. Applicant Danielle Hecker reviewed research conducted and work she has put into bringing the project to this point. Ms. Hecker also addressed requested text amendments concerning owner present during events, number of events per week, parking, traffic and noise.

Paul Nielsen, 4819 Lily Ave. N., commented on traffic that will be generated by the wedding venue.

Alana Hardt, 3309 Lampert Ave. N., stated her full support for the wedding venue and values living in an area with local businesses.

Chip Longacre, 55<sup>th</sup> St. N., spoke in support of the proposal and stated he holds weddings and other events at his property and has had no problems.

Jeffrey Saffle, 11180 50<sup>th</sup> St. N., stated that noise could be an issue and approval could create a precedent for commercial use in residential areas.

Pamela Chickett, 5711 Linden Ave. N., stated a concern for Sanctuary residents and asked that Mr. Landucci's proposal should be looked at in conjunction with the wedding venue.

James Tenpas, 11330 50<sup>th</sup> St. N., stated concerns about noise and changing the ordinance for one person.

Janet Thompson, 11491 50<sup>th</sup> expressed concern about increased traffic and noise.

Rebecca Tenpas, 11330 50<sup>th</sup> St. N., objected to the ten year term of the Interim Use Permit and allowing a zoning text amendment that only benefits one person.

Jean Madrinich, 11240 50<sup>th</sup> St. N., stated concerns about alcohol consumption and noise.

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Austin Anderson, 11686 56<sup>th</sup> St. N., stated he is the Sanctuary HOA President and related neighborhood concerns about traffic if the road from Sanctuary is connected to the proposed Landucci development.

Robert Williams, attorney representing a group of residents opposed to the proposal, stated that the text of existing ordinance is being changed to benefit just one resident and questioned the number of ceremonies that would be allowed.

Nathan Landucci, Legends developer, objected the setback discrepancy and asked the Council to table approval so issues could be worked out.

Ben Backberg, 5693 Linden Ave. N., stated safety is the biggest concern with this proposal and proposed waiting on approval.

Dennis Meissner, 4830 Lily Ave. N., stated concern that the Tana Ridge neighbors weren't notified of the public hearing and feels 10 years is too long.

Carolyn Cary, 5701 Linden Ave. N., expressed opposition to Sanctuary being connected to the Landucci development.

Bob Fossum, 4996 Linden Tr. N., stated he is in support of the proposal and it should be approved.

Carol Palmquist, 12202 55<sup>th</sup> St. N., stated full support for the application and added that barns contribute to the rural character of the area and should be restored.

Jennifer Pelletier stated that it is the Council's duty to consider the impact on neighbors.

Michelle Chickett, 5711 Linden Ave. N., stated the barn is not rural character and expressed concern about traffic.

Amy Vanderhoff, 11384 50<sup>th</sup> St. N., stated she is in favor of the proposal and reminded the Council that people in support tend to stay home and people opposed tend to come to the meetings.

The City Clerk read a summary of emails received prior to the meeting from residents who could not attend.

The Council discussed the resident concerns and Planning Commission recommendations.

***Councilmember Smith, seconded by Mayor Pearson, moved TO APPROVE ORDINANCE 08-129 AMENDING THE LAKE ELMO CODE OF ORDINANCES, SECTION 154.310, SUBD. D, CHANGING THE MINIMUM CRITERIA TO SITES TEN ACRES OR GREATER, LIMITING CEREMONIES TO NO MORE THAN 4 PER WEEK AND NO MORE THAN 3 PER DAY, REQUIRING THE OPERATOR OR A RESPONSIBLE DESIGNEE (A FAMILY MEMBER, EMPLOYEE OR RESPONSIBLE DESIGNEE AT LEAST 21 YEARS OF AGE) TO BE ON THE PREMISES FOR THE DURATION OF EACH EVENT, EXEMPTING COMMERCIAL WEDDING CEREMONY VENUES FROM THE COMMERCIAL SURFACING AND CURBING REQUIREMENTS OF CITY CODE SECTION 154.210.***

***Mayor Pearson moved TO AMEND THE MOTION TO REDUCE THE NUMBER OF EVENTS TO 3 PER WEEK AND REQUIRE THE OPERATOR TO NOTIFY THE CITY***

***WITH THE IDENTITY(IES) OF THE RESPONSIBLE DESIGNEE(S). Motion failed – no second.***

***Councilmember Smith, seconded by Mayor Pearson, moved TO AMEND THE PRIMARY MOTION TO STRIKE “3 PER DAY” AND REPLACE WITH “2 PER DAY”.***

**Primary motion passed 3 – 2. (Fliflet, Lundgren – nay)**

***Councilmember Fliflet, seconded by Councilmember Lundgren, moved that PER THE STAFF REPORT FINDINGS OF FACT THE INTERIM USE PERMIT DOES NOT MEET #2 OF ADVERSELY IMPACTING NEARBY PROPERTIES THROUGH NUISANCE, NOISE, TRAFFIC, DUST, OR UNSIGHTLINESS AND WILL NOT OTHERWISE ADVERSELY IMPACT THE HEALTH, SAFETY, AND WELFARE AND THE INTERIM USE PERMIT MUST BE DENIED BASED ON THAT FINDING OF FACT.***

***Councilmember Lundgren, seconded by Councilmember Fliflet, moved a substitute motion TO DIRECT STAFF TO PREPARE A RESOLUTION WITH FINDINGS OF FACT FOR DENIAL OF THE INTERIM USE PERMIT. Motion failed 2 – 3. (Pearson, Bloyer, Smith – nay)***

**Primary motion failed 2 – 3. (Pearson, Bloyer, Smith – nay).**

***Councilmember Smith, seconded by Mayor Pearson, moved TO APPROVE RESOLUTION 2016-12 APPROVING THE TEN YEAR INTERIM USE PERMIT FOR A COMMERCIAL WEDDING CEREMONY VENUE LOCATED AT 11658 50<sup>TH</sup> STREET NORTH WITH 12 CONDITIONS.***

***Councilmember Bloyer, seconded by Mayor Pearson, moved TO REMOVE CONDITION #2. Motion passed 3 – 0 – 2. (Fliflet, Lundgren – abstain)***

**Primary motion passed 3 – 2. (Fliflet, Lundgren – nay).**

Agenda Items 16 and 20 were postponed to the next meeting due to the length of the meeting.

### **ITEM 13: Arbor Glen Senior Living**

Planning Director Wensman reviewed the request for a zoning text amendment, rezoning and Conditional Use Permit to allow the construction of a senior living facility in the VMX zoning district. Discussion was held regarding areas that allow congregate housing, setbacks, access and parking. Wensman also presented the Planning Commission findings and recommended conditions of approval.

Matt Frisbee spoke on behalf of the applicants and reviewed data on emergency calls at similar senior living facilities.

Dick Weir, 3645 Laverne Ave. N., stated the community has needed this type of housing for years and he and his fellow residents support this proposal.

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Barry Weeks, 3647 Lake Elmo Ave. N., stated that something like this has been needed for a long time so seniors can stay in the community.

***Councilmember Smith, seconded by Councilmember Lundgren, moved TO APPROVE RESOLUTION 2016-10 APPROVING A COMPREHENSIVE PLAN TEXT AMENDMENT TO INCREASE THE MAXIMUM ALLOWED DENSITY FOR SENIOR CONGREGATE HOUSING FACILITIES WITHIN SERVICES FROM 10 UNITS PER ACRE TO 16 UNITS PER ACRE IN THE VMX DISTRICT. Motion passed 4 – 1. (Bloyer – nay)***

Councilmember Bloyer stated he is opposed to master planning and directing where building occurs.

***Councilmember Smith, seconded by Councilmember Lundgren, moved TO ADOPT ORDINANCE 08-129 REZONING LOT 1, BLOCK 1, BROOKMAN ADDITION FROM THE GB-GENERAL BUSINESS TO VMX-VILLAGE MIXED USE ZONING DISTRICT. Motion passed 5 – 0.***

***Councilmember Smith, seconded by Councilmember Bloyer, moved TO ADOPT RESOLUTION 2016-11 APPROVING OF A CONDITIONAL USE PERMIT FOR CONGREGATE HOUSING (ARBOR GLEN SENIOR LIVING FACILITY) WITH SERVICES WITH 12 CONDITIONS.***

***Mayor Pearson, seconded by Councilmember Bloyer, moved TO ADD CONDITION 13 THAT THE APPLICANT DISCUSS WITH STAFF, INCLUDING THE FIRE CHIEF AND LAKEVIEW AMBULANCE, AN EQUITABLE SOLUTION REGARDING EMERGENCY SERVICES. Motion passed 3 – 2. (Fliflet, Lundgren – nay)***

**Primary motion passed 5 – 0.**

Councilmember Lundgren left the meeting at approximately 1:30 a.m.

**ITEM 14: Approve City Administrator Contract**

Councilmember Bloyer stated he would like to discuss and see a copy of the contract.

***Councilmember Bloyer, seconded by Mayor Pearson, moved TO INSTRUCT THE CITY ATTORNEY TO ENTER INTO NEGOTIATIONS WITH CLARK SCHROEDER TO SERVE AS INTERIM ADMINISTRATOR THROUGH THE END OF THE YEAR. Motion failed 1 – 3. (Pearson, Fliflet, Smith – nay)***

***Councilmember Fliflet, seconded by Councilmember Smith, moved TO OFFER THE CITY ADMINISTRATOR POSITION TO KRISTINA HANDT AND DIRECT THE CITY ATTORNEY TO NEGOTIATE A CONTRACT TO BE BROUGHT BACK FOR CITY COUNCIL APPROVAL AT THE NEXT MEETING. Motion passed 3 – 1. (Bloyer – nay)***

**COUNCIL REPORTS**

**Mayor Pearson:** Congratulated Dr. Baillie of Cedar Vet Clinic on his award for

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Veterinary of the Year by the Minnesota Veterinary Medical Association. Attended a meeting at Washington County regarding the library and reported that Commissioner Kriesel called to pledge assistance with the library status issue. Held a Meet the Mayor event, met with school district representatives to discuss the bus garage, invited the environmental committee to look at potential grant opportunities for stormwater issues,

**Councilmember Fliflet:** No report

**Councilmember Smith:** Attended the bus garage meeting, apologized to Mr. Doerschner for her actions after the previous meeting and stated it is time to be inclusive and work together.

**Councilmember Lundgren:** *left the meeting at approximately 1:30 a.m.*

**Councilmember Bloyer:** Attended a County Board meeting regarding the library, reported on the milfoil grant approved at the last meeting and explained that Lake Jane resident group was advised by Barr Engineering against pursuing a grant due to matching funds required.

**STAFF REPORTS AND ANNOUNCEMENTS**

**Interim City Administrator Schroeder:** *absent*

**City Clerk Johnson:** No report.

**Finance Director Bendel:** Assisted with the State of Minnesota audit on the Valley Cartage grant and has closed the file satisfactorily.

**City Attorney Sonsalla:** Working on templates with the Engineering and Planning Departments.

**Planning Director Wensman:** No report.

**City Engineer Griffin:** No report.

**Mayor Pearson, seconded by Councilmember Bloyer, moved TO ENTER EXECUTIVE SESSION. Motion failed 2 – 2. (Fliflet, Smith – nay)**

Meeting adjourned at 2:14 a.m.

**LAKE ELMO CITY COUNCIL**

ATTEST:

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Julie Johnson, City Clerk

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Mike Pearson, Mayor