

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

CALL TO ORDER

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

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

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

PLEDGE OF ALLIGENCE

APPROVAL OF AGENDA

Items 8 and 9 were moved to the Regular Agenda. Item 17 was removed from the agenda. Minutes were postponed to the next meeting.

Agenda approved as amended.

PUBLIC COMMENTS/INQUIRIES

Mike Reeves, 11075 14th Street North, asked the Council to lift the censure on Councilmember Bloyer, stating that he has made numerous requests and presented a petition requesting the removal of the censure.

PRESENTATIONS

None

CONSENT AGENDA

- 2. Approve Payment of Disbursements**
- 3. Accept January 2016 Financial Statements**
- 4. Approve Close Out of MN MIF Grant/Loan to Valley Cartage – Resolution 2016-14**
- 5. Savona 1st Addition – Approve Reduction of Security #1**
- 6. Savona 2nd Addition – Approve Reduction of Security #1**
- 7. Waive Duplicate Fee for Zoning Text Amendment**

Consent Agenda approved as presented.

ITEM 8: Refer Home Occupation Ordinance Review to Planning Commission

Interim Administrator Schroeder provided an overview of the item. Councilmember Smith added that she would like the Planning Commission to look at inconsistencies in the current ordinance and recommend updates.

Councilmember Smith, seconded by Mayor Pearson, moved TO REFER THE HOME OCCUPATION ORDINANCE TO THE PLANNING COMMISSION TO LOOK AT ONE INCONSISTENCY IN HAIR DRESSING AND CONDUCT FURTHER REVIEW AT A LATER DATE. Motion passed 5 – 0.

ITEM 9: Authorize Posting Building Official Position

Interim Administrator Schroeder reviewed the options staff is currently investigating for gap and longer term coverage in the Building Department.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO DIRECT STAFF TO ADVERTISE, RECRUIT, INTERVIEW AND RECOMMEND FOR EMPLOYMENT THE BUILDING OFFICIAL POSITION. Motion passed 5 – 0.

ITEM 10: Palmquist Commercial Wedding Ceremony Venue IUP

Postponed to the April 5, 2016 meeting.

ITEM 11: Legends Concept Plan

Planning Director Wensman provided an overview of the current plan for 40 single family residential lots north of 50th Street and south of the Sanctuary neighborhood. Wensman reviewed the OP development standards, lot design and interconnected neighborhoods, noting the proposed connection to the Sanctuary neighborhood. Discussion held concerning neighborhood connectivity and future traffic light at 50th Street & Manning Avenue intersection. Wensman reviewed the open space standards and noted where deviation from the code may be needed. Parks Commission review and request for a trail connecting to Sanctuary Park was also reviewed.

Councilmember Bloyer, seconded by Mayor Pearson, moved TO REMOVE ALL LIMITS OF DEBATE FOR DISCUSSION ON THIS ITEM. Motion failed 3 – 2. (4/5ths vote required. Fliflet, Lundgren – Nay)

Discussion was held regarding the proposed connection from Legends to Sanctuary. Administrator Schroeder read a letter from Washington County stating that connecting the neighborhoods would increase the likelihood of a traffic signal being installed at the 50th Street and Manning Avenue intersection. Developer Nate Landucci commented on his discussions with the neighboring property owner to resolve common issues such as trees and the access road.

Austin Anderson, 11686 56th Street North, spoke on behalf of the Sanctuary Homeowners Association as its President, stating that safety is their chief concern and with a connection to 50th Street through Sanctuary it will become a highway.

Todd Nimmo, 11679 58th Street North, stated there are no sidewalks in Sanctuary and over 100 children that use the street to get from house to house, causing a safety concern.

Ben Backberg, 5693 Linden Avenue North, presented a petition signed by Sanctuary residents opposed to a road connecting Sanctuary to 50th Street.

Sue Hicks, 11836 56th Street, stated it is premature to make a decision on the road connection now.

LAKE ELMO CITY COUNCIL MINUTES
MARCH 2, 2016

Michelle Chickett, 5711 Linden Avenue North, agreed with her neighbors and does not want the street to go through.

Pamela Chickett, 5711 Linden Avenue North, stated she fully supports her neighbors opposed to the street going through.

Patricia Geise, 5805 Linden Avenue North, stated opposition to the street going through.

Carolyn Cary, 5701 Linden Avenue North, agreed that that road should not be connected to 50th street and suggested alternate emergency access via 55th Street.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2016-12 WITH ADDITIONAL CONDITION ADDING A CUL DE SAC AT LINDEN AVENUE. Motion failed 2 – 3. (Pearson, Bloyer, Smith – Nay)

Councilmembers discussed the proposed park dedication, septic systems and setbacks.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO APPROVE DEVIATION FROM THE BUFFER REQUIREMENT FOR LOTS 32, 37, 4 AND 3, AND THE ROADWAY NEAR THE HECKER'S PARCEL, REDUCING THE BUFFER TO 100 FEET WITH THE ADDITION OF AN APPROVED WRITTEN AGREEMENT BETWEEN THE DEVELOPER AND THE HECKERS AT PRELIMINARY PLAT. Motion passed 4 – 1. (Bloyer – Nay)

Councilmember Bloyer stated that the Ordinance should be followed.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO APPROVE THE DEVIATION FROM THE OP – OPEN SPACE PRESERVATION DEVELOPMENT STANDARDS TO ALLOW LOTS WITHIN AREAS CLASSIFIED AS PRIME FARMLAND. Motion passed 4 – 1. (Bloyer – Nay)

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2016-12. Councilmember Fliflet, seconded by Councilmember Smith, moved TO AMEND THE PRIMARY MOTION TO ADD THAT THE DEVELOPER WILL WORK WITH THE PARKS COMMISSION ON PARKS PLANS FOR THIS DEVELOPMENT AND A RECOMMENDATION WILL BE BROUGHT TO COUNCIL BEFORE THE PRELIMINARY PLAT. Amendment passed 4 – 1. (Bloyer – Nay). Primary motion passed 4 – 1. (Bloyer – Nay)

ITEM 12: Policy for Agenda Items

Administrator Schroeder introduced the item and noted that this topic may also be discussed during the adoption of the Mayor's Handbook at the March 8th Council Workshop.

Dale Dorschner, 3150 Lake Elmo Avenue North, stated this policy is unnecessary and the City has run for decades without a policy like this.

LAKE ELMO CITY COUNCIL MINUTES
MARCH 2, 2016

Dave Faint, 3617 Laverne Avenue North, stated that this policy could be a problem and could keep important items off the agenda.

Councilmember Lundgren, seconded by Councilmember Fliflet, moved TO SET A POLICY THAT ANY CITY COUNCIL MEMBER CAN ADD AN ITEM TO A COUNCIL AGENDA. HOWEVER, IF AN ITEM IS BROUGHT FORWARD TO THE COUNCIL ON AN AGENDA AND IT IS REMOVED BY A MAJORITY VOTE OF THE COUNCIL BECAUSE THE COUNCIL DOES NOT AGREE WITH DISCUSSING THE AGENDA ITEM, THEN THE COUNCIL MEMBER THAT PUT THE ITEM ON THE AGENDA CANNOT BRING THE ITEM BACK TO BE PLACED ON A SUBSEQUENT AGENDA. Motion passed 3 – 2. (Pearson, Bloyer – Nay)

ITEM 13: Public Comments on Agenda

Administrator Schroeder reviewed the memo proposing that the Public Comment section of the City Council Agenda be moved to follow Regular Agenda items. Councilmember Lundgren stated she brought this proposal to the Council as a result of complaints from residents stating that the Public Comment portion of the meeting is too long.

Councilmember Lundgren, seconded by Councilmember Fliflet, moved TO MOVE PUBLIC COMMENTS TO FOLLOW REGULAR AGENDA ITEMS ON THE CITY COUNCIL AGENDA. Motion failed 1 – 4. (Pearson, Bloyer, Fliflet, Smith – Nay)

Dale Dorschner, 3150 Lake Elmo Avenue North, expressed frustration with Councilmembers not listening to residents.

Barry Weeks, 3647 Lake Elmo Avenue North, recommend that the order of agenda items follow the Mayor's Handbook with public comments at the beginning.

Dick Wier, 3645 Laverne Avenue North, stated it is the people's right to speak.

Bryan Butler, 3631 Laverne Avenue North, stated that this item feels like an attempt to silence the public.

Dave Faint, 3617 Laverne Avenue North, stated that this item sounds like censorship.

Councilmember Fliflet stated that the proposal is to help the meetings run better and help residents be heard who have items on the Regular Agenda. Fliflet stated she would not support this item because of how the intent has been misrepresented.

ITEM 14: Single Fire Station – Reconsider 12/15/15 Vote

Interim Administrator Schroeder reviewed the request from Mayor Pearson to reconsider a vote to make preparations to identify a site for a single fire station.

Mayor Pearson, seconded by Councilmember Bloyer, moved TO DIRECT THE LAKE ELMO FIRE DEPARTMENT TO MAKE PREPARATIONS TO MOVE TO A SINGLE FIRE STATION AND IDENTIFY APPROPRIATE SITES.

Councilmember Bloyer moved to substitute the current motion with a motion TO INSTRUCT CHIEF MALMQUIST TO MEET WITH COUNCILMEMBERS SMITH AND LUNDGREN FOR FURTHER INFORMATION. Motion failed – no second.

Primary motion failed 2 – 2. (Fliflet, Smith – Nay)

ITEM 15: Inwood Trunk Watermain Improvements

City Engineer Griffin reviewed the bid process and recommended awarding the project to the low bidder, Northdale Construction. Public hearing was held and no members of the public were present to speak.

Mayor Pearson, seconded by Councilmember Smith, moved TO APPROVE RESOLUTION 2016-15, ACCEPTING BIDS AND AWARDING A CONTRACT TO NORTHDAL CONSTRUCTION COMPANY, INC. IN THE BASE BID AMOUNT OF \$1,411,737.31 FOR THE INWOOD TRUNK WATERMAIN IMPROVEMENTS. Motion passed 4 – 0.

ITEM 16: IPAD Request

Interim Administrator Schroeder reviewed the options for requesting an opinion from the Department of Administration – Information Policy Analysis Division, concerning the status of a letter written by the former City Attorney David Snyder.

Councilmember Fliflet, seconded by Councilmember Smith, moved TO DIRECT THE CITY ATTORNEY TO REQUEST AN OPINION FROM IPAD AS TO WHETHER OR NOT THE LETTER FROM DAVID SNYDER DATED OCTOBER 1, 2015 IS PUBLIC.

Councilmember Bloyer, seconded by Mayor Pearson, moved TO AMEND THE MOTION TO ADD THE WORD “NOT” BEFORE “REQUEST AN OPINION FROM IPAD”. Motion failed 2 – 2. (Fliflet, Smith –Nay)

Primary motion failed 2 – 2. (Pearson, Bloyer – Nay)

ITEM 17: Library Associate Status Discussion and Possible Action *(removed from agenda)*

ITEM 18: Repairs to Engine 2

Interim Administrator Schroeder invited Council input on repairs to be made to Fire Department Engine, noting that this engine is scheduled to be replaced next year.

ITEM 19: Building Official Ordinance

Interim Administrator Schroeder reviewed information provided to the Council regarding the Building Official Ordinance and reporting structure in the City’s Ordinance.

Councilmember Fliflet moved TO CHANGE THE CITY ORDINANCE TO HAVE THE BUILDING OFFICIAL REPORT TO THE PLANNING DIRECTOR. Motion failed – no second.

Mayor Pearson, seconded by Councilmember Bloyer, moved TO CHANGE THE ORGANIZATIONAL CHART TO ALIGN WITH THE CITY CODE AND HAVE THE BUILDING OFFICIAL REPORT TO THE CITY ADMINISTRATOR. Motion failed 2 – 2. (Fliflet, Smith – Nay)

ITEM 20: Planning Commission to Review Land Use

Interim Administrator Schroeder noted that the moratorium will be expiring soon and requested that the Council provide guidance to the Planning Commission as to the land use issues and moratorium. Discrepancies in the staff memo regarding projects that have paid advance water service committee fees were discussed.

Mayor Pearson, seconded by Councilmember Bloyer, moved THAT IN RESPONSE TO MET COUNCIL SYSTEM STATEMENTS, THE LAKE ELMO CITY COUNCIL DIRECTS THE PLANNING COMMISSION TO STUDY POSSIBLE COMP PLAN AMENDMENTS FOR THE STAGE 1, 2 AND 3 SEWERED AREAS. Motion failed 2 – 2. (Fliflet, Smith – Nay)
Councilmember Fliflet stated this process should start at the City Council level at a workshop.

Councilmember Fliflet, seconded by Councilmember Smith, moved TO PLACE REVIEW OF LAND USE ON THE APRIL WORKSESSION AGENDA. Motion passed 3 – 1. (Bloyer – Nay).

ITEM 21: City Administrator Contract

Interim Administrator Schroeder provided an update on the City Administrator hiring process.

Councilmember Smith, seconded by Councilmember Fliflet, moved TO DIRECT COUNCILMEMBER FLIFLET AND MAYOR PEARSON TO NEGOTIATE A CONTRACT WITH THE CITY ADMINISTRATOR CANDIDATE AND BRING DISCUSSION BACK TO THE CITY COUNCIL FOR A VOTE. Motion passed 4 – 0.

COUNCIL REPORTS

Mayor Pearson: No report

Councilmember Fliflet: Attended many library meetings and denied that she has not been providing library information to the City Council, adding that there has been nothing concrete to report.

Councilmember Smith: Wished the Stillwater High School Boys Hockey team good luck at the State Tournament.

Councilmember Lundgren: Absent.

Councilmember Bloyer: No report.

STAFF REPORTS AND ANNOUNCEMENTS

Interim City Administrator Schroeder: Thanked staff for filling in for him during his vacation.

City Clerk Johnson: Welcomed new staff members Patti Stucke and Emily Becker.

Finance Director Bendel: No report.

City Attorney Sonsalla: No report.

Planning Director Wensman: No report.

City Engineer Griffin: Reported on cracks in the Discover Crossing bridge that are not urgent but will be investigated further.

Meeting adjourned to closed session at 2:20 a.m. pursuant to Minnesota Statutes Section 13D.05, subdivision 3(b) to discuss litigation strategy with respect to the State of Minnesota v. 3M Company lawsuit.

Meeting returned to open session at 3:01 a.m.

Meeting adjourned at 3:01 a.m.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Julie Johnson, City Clerk