

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
JULY 5, 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: Administrator Handt, City Attorney Sonsalla, City Engineer Griffin, Planning Director Wensman, and City Clerk Johnson.

APPROVAL OF AGENDA

Items 5, 6 and 7 were moved to the Regular Agenda. Items 8 and 14 were postponed to the next meeting.

Councilmember Lundgren, seconded by Councilmember Bloyer, moved TO APPROVE THE AGENDA AS AMENDED. Motion passed 5 – 0.

ACCEPT MINUTES

Minutes of the May 17, 2016 Regular Meeting were accepted as presented and June 28, 2015 Special Meeting were accepted with a correction in the call to order time.

PUBLIC COMMENTS/INQUIRIES

Virginia Pleban, 8245 59th Street North, spoke about courtesy and the City to show more interest in the maintenance of the rain gardens.

Pat Dean, 8028 Hill Trail North, commented on the history of Lake Demontreville and Lake Olson lake levels and no wake ordinances.

PRESENTATIONS

None

CONSENT AGENDA

2. Approve Payment of Disbursements
3. Accept Fire Department Report
4. Approve Vacating Watermain Easements on Property Located at 8574 Eagle Point Circle North, Lake Elmo, Washington County, MN PID #33.029.21.43.0004
9. Approve Appointment of Election Judges for 2016 Primary and General Elections – Resolution 2016-52
10. Approve Resolution Declaring the PT Fire Department Administrative Assistant Position a Firefighter Position – Resolution 2016-56
11. 2016 Street, Drainage and Utility Improvements – Change Order No. 1
12. Inwood Trunk Watermain Improvements – Change Order No. 1

Councilmember Smith, seconded by Councilmember Lundgren, moved TO APPROVE THE CONSENT AGENDA AS PRESENTED. MOTION PASSED 5-0.

ITEM 5: Approve Ordinance to Amend Article XV: Land Usage; Chapter 154: Zoning Code; Section 205: Fencing Regulations; Subd. 6.: Easement Encroachment of the Lake Elmo Code of Ordinances to Allow Administrative Approval of Encroachment Agreements – Ordinance 08-140; Resolution 2016-57

Planning Director Wensman explained that the purpose of the proposed ordinance is to streamline the process and reduce the cost to homeowners.

Mayor Pearson, seconded by Councilmember Lundgren, moved TO APPROVE THE ORDINANCE AMENDMENT TO CHAPTER 154: ZONING CODE; SECTION 205: FENCING REGULATIONS; SUBD. (D)(6), TO ALLOW APPROVAL OF A FENCE EASEMENT ENCROACHMENT AGREEMENT BY THE PLANNING DIRECTOR OR HIS/HER DESIGNEE AND DIRECT STAFF TO REVIEW THE FEE AND BRING BACK A RECOMMENDATION FOR REDUCING THE FEE AS SOON AS PRACTICAL. Motion passed 5 – 0.

Councilmember Smith, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2016-57 AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 08-140. Motion passed 5 – 0.

ITEM 6: Approve Ordinance to Amend Section 10.99 Penalties of the Lake Elmo Code of Ordinances

City Attorney Sonsalla reported on recent changes made by the legislature related to fees.

Councilmember Lundgren, seconded by Councilmember Fliflet, moved TO ADOPT ORDINANCE 08-141, AMENDING THE CITY OF LAKE ELMO ORDINANCES PERTAINING TO ADMINISTRATIVE CITATIONS AND CIVIL PENALTIES. Motion passed 5 – 0.

ITEM 7: Approve Renaming Layton Avenue to Wildflower Drive

Council received clarification on the specific location of the street to be renamed.

Councilmember Fliflet, seconded by Councilmember Smith, moved TO APPROVE RENAMING OF LAYTON AVENUE NORTH, WEST OF 39TH STREET TO CONNECTION OF WILDFLOWER DRIVE, TO WILDFLOWER DRIVE. Motion passed 5 – 0.

ITEM 13: Approve Amending the Comprehensive Land Use Plan Planned Land Use Category for Rural Single Family Such That the City Council Can Allow Connection to the Sanitary Sewer System Where Practical

Planning Director Wensman presented his report and maps depicting the location of properties that would be affected.

Mayor Pearson, seconded by Councilmember Fliflet, moved TO APPROVE RESOLUTION 2016-50 AMENDING THE CITY OF LAKE ELMO COMPREHENSIVE LAND USE PLAN

AMENDING THE RURAL SINGLE FAMILY LAND USE CATEGORY TO FIX INCORRECT ZONING CODE REFERENCES, CREATING A NEW LAND USE CATEGORY CALLED RURAL SINGLE FAMILY – SEWERED, AND REGUIDING OF AREAS CURRENTLY GUIDED AS RURAL SINGLE FAMILY THAT ARE WITHIN A MUSA TO RURAL SINGLE FAMILY – SEWERED. Motion passed 4 – 1. (Lundgren – nay)

ITEM 15: Public Hearing on Moratorium Extension

Planning Director Wensman presented background information on the existing residential development moratorium, noting that it is due to expire on July 22, 2016.

Councilmember Smith, seconded by Councilmember Fliflet, moved TO OPEN THE PUBLIC HEARING AT 7:56 P.M. Motion passed 5 – 0.

Administrator Handt noted correspondence received from attorney Bradley Gunn.

Councilmember Smith, seconded by Councilmember Lundgren, moved TO CLOSE THE PUBLIC HEARING AT 7:57 P.M. Motion passed 5 – 0.

Councilmember Smith, seconded by Councilmember Lundgren, moved TO ADOPT ORDINANCE 08-146, AN INTERIM ORDINANCE EXTENDING THE MORATORIUM ON RESIDENTIAL DEVELOPMENT WITHIN THE STAGE ONE DEVELOPMENT AREA AND ALL DEVELOPMENT ACTIVITY WITHIN THE STAGE TWO AND THREE DEVELOPMENT AREAS AS DESCRIBED BY THE LAKE ELMO COMPREHENSIVE PLAN. Motion passed 3 – 2. (Pearson, Bloyer – nay)

Mayor Pearson stated he is not pro-development but is looking out for the taxpayers. Councilmember Bloyer stated that he is opposed to limiting a land owner's opportunities to develop their property when many people count on that investment for retirement.

Councilmember Smith, seconded by Mayor Pearson, moved TO APPROVE RESOLUTION 2016-59 AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 08-146. Motion passed 5 – 0.

ITEM 16: Funding Request for Fishing with Deputies Event

Administrator Handt presented the request for funding assistance for an event to be conducted by the Washington County Sheriff's Department. City Attorney Sonsalla stated she believes it would be an acceptable expenditure.

Councilmember Smith, seconded by Councilmember Lundgren, moved TO APPROVE UP TO \$1,000 FOR THE WASHINGTON COUNTY SHERIFF'S OFFICE KIDS FISHING EVENT. Motion passed 5 – 0.

ITEM 17: Stormwater Ordinance Amendment – Consideration to Reinstate the 1% Rule Provisions

City Engineer Griffin provided an overview of the 1% rule for stormwater regulation and the Minimal Impact Design Standards performance goals. Griffin recommended that the Council take no action or refer the issue a professional consultant for analysis.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO REFER THE 1% RULE TO THE ENVIRONMENTAL COMMITTEE FOR REVIEW AND RECOMMENDATIONS TO THE CITY COUNCIL. Motion passed 5 – 0.

ITEM 18: Ordinance 08-143, An Ordinance Amending the Lake Elmo City Code of Ordinance by Amending the City's Provisions Related to the City Council

Administrator Handt presented minor changes recommended correct some conflicting provisions.

Councilmember Lundgren, seconded by Mayor Pearson, moved TO ADOPT ORDINANCE 08-143 AMENDING CHAPTER 31 OF THE CITY CODE OF ORDINANCES. Motion passed 5 – 0.

Mayor Pearson, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2016-54 AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 08-143. Motion passed 5 – 0.

ITEM 19: Direct Parks Commission to Work on Plans for a Neighborhood Park in the Savona Neighborhood and Include This Project in the 2017 CIP

Administrator Handt reviewed the parkland dedication area and reported that a resident has requested the City install a neighborhood park.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO DIRECT THE PARKS COMMISSION TO WORK ON PLANS FOR A NEIGHBORHOOD PARK IN THE SAVONA NEIGHBORHOOD THIS FALL TO BE BUILD NEXT YEAR. Motion passed 3 – 1 – 1. (Pearson – nay; Bloyer – present/not voting)

Mayor Pearson stated that the Parks Commission should be allowed to work on this without direction from the City Council.

ITEM 20: Consideration Regarding Whether Any Action Needs to be Taken Regarding Employee Complaint Against Councilmember Bloyer That Was Found to be Unsustained by the City Attorney

City Attorney Sonsalla summarized her findings of the complaint made against Councilmember Bloyer.

Christine Nelson, 2871 Legion Avenue North, stated that the repeated unfounded complaints are wasting taxpayer money.

Dick Weir, 3645 Laverne Avenue North, stated that the conduct of another Councilmember has been similar to what Councilmember Bloyer is being accused of.

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Barry Weeks, 3647 Lake Elmo Avenue North, stated that he didn't see anything at the meeting referenced in the complaint that is worthy of a complaint.

Councilmember Bloyer read a statement commenting on the complaint.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO ADOPT A RESOLUTION CENSURING COUNCILMEMBER BLOYER. Motion passed 3 – 1 – 1. (Pearson – nay; Bloyer – abstain)

COUNCIL REPORTS

Mayor Pearson: Thanked the Lake Elmo Rotary for providing ice cream at the 4th of July Kids Parade.

Councilmember Fliflet: Thanked Steve Johnson and the Lake Elmo Rotary for organizing the Lake Elmo 4th of July Kids Parade. There is a request in the Fresh weekly email for kids to volunteer to help with rain gardens. Thanked Councilmember Lundgren for her work on the Farmers Market.

Councilmember Smith: No report.

Councilmember Lundgren: Farmers Market is held Saturdays 8:00 – 11:30 a.m. and is seeing a good turnout.

Councilmember Bloyer: Met with resident Virginia Pleban to discuss rain gardens, expressed sadness over the library vote and warned that lake issues may be brought up again, urging that residents be given plenty of notice.

STAFF REPORTS AND ANNOUNCEMENTS

Administrator Handt: Thanked Neil and Deb Krueger for a tour of their business. Working on budget drafts and announced the new Public Works Director has started on July 1st.

City Clerk Johnson: Attended Washington County election training and completed Secretary of State training to administer the City's elections.

City Attorney Sonsalla: Drafted the moratorium extension and revisions to other documents.

Planning Director Wensman: No report.

City Engineer Griffin: Construction will be starting in front of the Lake Elmo Inn while it is closed and noted that the county has installed a webcam to allow the public to view the progress.

Meeting adjourned at 10:33 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Julie Johnson, City Clerk