

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
JUNE 21, 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, City Engineer Stempksi, Finance Director Bendel, Planning Director Wensman, Building Official Bent, and City Clerk Johnson.

Others present: Parliamentarian Wendt.

APPROVAL OF AGENDA

Councilmember Bloyer, seconded by Councilmember Smith, moved TO MOVE ITEM 26 TO FOLLOW APPROVAL OF THE AGENDA. Motion passed 5 – 0.

Councilmember Bloyer, seconded by Mayor Pearson, moved TO MOVE ITEM 32 TO FOLLOW ITEM 25. Motion failed 2 – 3. (Fliflet, Lundgren, Smith – nay)

Councilmember Smith, seconded by Councilmember Fliflet, moved TO REMOVE ITEM 32 FROM THE AGENDA. Motion passed 3 – 2. (Pearson, Bloyer – nay)

Mayor Pearson urged the Council to consider the Library item due to the July 1st deadline for shifting the levy to the county for 2017 and joining the county system as a branch library.

Planning Director Wensman postponed item 17 to a future date.

Councilmember Fliflet, seconded by Councilmember Smith, moved TO REMOVE ITEM 6 TO ALLOW FOR DISCUSSION AT AN EXECUTIVE SESSION. Motion passed 3 – 2. (Pearson, Bloyer – nay)

Councilmember Fliflet, seconded by Councilmember Smith, moved TO REMOVE ITEM 23 FROM THE AGENDA. Motion passed 3 – 2. (Pearson, Bloyer – nay)

Councilmember Fliflet, seconded by Councilmember Smith, moved TO MOVE ITEMS 30 AND 33 TO FOLLOW ITEM 25. Motion passed 5 – 0.

Councilmember Lundgren, seconded by Councilmember Smith, moved TO MOVE ITEM 15 TO FOLLOW ITEM 25. Motion passed 5 – 0.

Amended agenda approved by unanimous consensus.

ITEM 26: Parliamentarian Contract

City Attorney Sonsalla reiterated her position previously stated to the Council that state statute dictates that the mayor or acting mayor shall preside over meetings.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO DISCONTINUE THE PARLIAMENTARIAN CONTRACT. Motion passed 5 – 0.

ACCEPT MINUTES

Minutes of the May 3, 2016 Regular Meeting and June 14, 2016 Special Meeting were accepted as presented.

PUBLIC COMMENTS/INQUIRIES

Virginia Pleban, 8245 59th Street North, expressed disappointment in the Environmental Committee not helping with rain garden maintenance.

Christine Nelson, 2871 Legion Avenue North, commented on the Finance Committee review of Parks Commission projects and asked that the Library Board hold meetings at times that are accessible to residents who work during the day.

Dana Nelson, 2871 Legion Avenue North, urged the Council to support Parks Commission plans to improve Lions Park and keep it in its current location.

PRESENTATIONS

None

CONSENT AGENDA

- 2. Approve Payment of Disbursements**
- 3. Accept May 2016 Financial Statements**
- 4. Accept May 2016 Assessor's Report**
- 5. Accept May 2016 Building Department Report**
- 7. Downtown Phase 1 Improvements – Approve Cooperative Agreement Payment No. 2**
- 8. Downtown Phase 2 Improvements – Approve CO#1 Sewer Alignment Revisions Along Lake Elmo Avenue**
- 9. CSAH 15 & 10th Street Intersection – Approve Cooperative Agreement Payment No. 1**
- 10. 2016 Street, Drainage, and Utility Improvements – Pay Request No. 1**
- 11. Inwood Trunk Watermain Improvements – Pay Request No. 2**
- 12. Inwood Booster Station – Pay Request No. 1**
- 14. Full Depth Patching – Accept Bids and Award Contract**
- 16. Approve Exception to Accessory Structures in Front Yard – Resolution 2016-43**
- 18. Section 34 Water Pressure Investigation – Approve Task Order No. 7**
- 19. Hazardous Building Order, 8004 50th St. – Adopt Resolution 2016-48**
- 20. Nuisance Property Abatement Order, 8139 38th St. – Adopt Resolution 2016-49**
- 21. Authorize RFP for Information Technology Services**
- 22. Amend Budget Schedule**

24. Amending the Wastewater Treatment System Ordinance to Extend the Time for Connection

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

ITEM 25: Presentation and Acceptance of 2015 Comprehensive Annual Financial Report

Jason Miller of Smith Schafer presented the Comprehensive Annual Financial Report. The report issued the highest opinion possible as a result of audit review of the City's current financial status.

Councilmember Bloyer, seconded by Councilmember Lundgren, moved TO ACCEPT THE 2015 COMPREHENSIVE ANNUAL FINANCIAL REPORT. Motion passed 5 – 0.

ITEM 30: Call for Public Hearing on Moratorium

Planning Director Wensman reported that the current moratorium expires July 22, 2016 and presented options for extending the moratorium or allowing it to expire.

Councilmember Fliflet, seconded by Councilmember Smith, moved TO DIRECT STAFF TO CALL A PUBLIC HEARING ON THE EXTENSION OF THE INTERIM ORDINANCE TO BE CONDUCTED BY THE CITY COUNCIL AT ITS REGULAR MEETING ON JULY 5, 2016. Motion passed 5 – 0.

ITEM 33: Wastewater Incentive Program

Administrator Handt reviewed the information provided to the City Council and recommendations from the Finance Committee for an incentive of a 50% reduction in the SAC and connection fees to encourage residents to connect to municipal sewer.

Councilmember Fliflet, seconded by Councilmember Smith, moved TO ADOPT THE CONNECTION FEE AND SAC INCENTIVE OF 50% DISCOUNT FOR THOSE PROPERTIES WITH EXISTING ON-SITE SEWAGE TREATMENT SYSTEMS WHO CONNECT TO MUNICIPAL SEWER WITHIN ONE YEAR FROM THE DATE THE MAIN IS AVAILABLE TO THEIR PROPERTY. Motion passed

ITEM 15: Approve Fish House Ordinance

City Planner Wensman reviewed three amendments in the proposed ordinance update related to accessory structures to allow for fish houses to be placed on lake lots prior to a permanent structure being constructed.

Councilmember Fliflet, seconded by Councilmember Smith, moved TO APPROVE THREE AMENDMENTS TO THE ACCESSORY STRUCTURE ORDINANCE: ALLOWING AN EXCEPTION FOR FISH HOUSES THAT MEET CERTAIN STANDARDS FROM THE

REQUIREMENT THAT A BUILDING PERMIT FOR A PRINCIPAL STRUCTURE BE ISSUED BEFORE AN ACCESSORY STRUCTURE CAN EXIST ON A LOT; STRIKING LANGUAGE IN SECTION 154.406, SUBD. D OF THE ZONING CODE THAT ALLOWS AN ACCESSORY STRUCTURE TO BE LOCATED NEARER A FRONT LOT LINE THAN THE PRINCIPAL STRUCTURE BY RESOLUTION OF THE CITY COUNCIL; AMENDING THE DEFINITION OF STORAGE OR TOOL SHED IN SECTION 154.213, SUBD. B BY INCREASING SQUARE FOOTAGE REQUIREMENT FOR A BUILDING PERMIT AND ADDING CLARIFYING LANGUAGE. Motion passed 4 – 1. (Pearson – nay)

Mayor Pearson, seconded by Councilmember Bloyer, moved TO ADOPT RESOLUTION 2016-47 AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 08-138. Motion passed 5 – 0.

ITEM 27: Tablyn Park Improvements

Administrator Handt reviewed the Parks Commission proposed improvements for Tablyn Park.

Councilmember Bloyer, seconded by Mayor Pearson, moved TO APPROVE THE RECOMMENDED IMPROVEMENTS TO TABLYN PARK SO THAT STAFF MAY OBTAIN QUOTES.

Dave Moore, 8680 Stillwater Boulevard, stated he lives across the street from Tablyn Park and there is no parking there in the winter due to heavy use of the park. Mr. Moore also stated that the neighbors would like to see lighting installed and suggested a guard rail at the entrance to prevent cars from sliding into the culvert.

Brian Butler, 3631 Laverne Avenue North, stated he takes his daughter to sled at Tablyn Park in the winter and the parking lot is packed. Mr. Butler suggested the Councilmembers visit the park to see that more parking is needed and the park is not conducive to baseball use.

Councilmember Smith, seconded by Councilmember Fliflet, moved TO AMEND THE PRIMARY MOTION BY ADDING: “APPROVE AN EXPENDITURE OF UP TO \$46,000 FOR STAIRS TO THE PARKING LOT, ADA COMPLIANT SWITCHBACK TRAIL AND ENTRANCE LIGHTING SO STAFF MAY OBTAIN QUOTES.” Motion passed 5 – 0.

Primary passed as amended 4 – 1. (Pearson – nay).

ITEM 28: 5th Street Irrigation Requirements

Planning Director Wensman stated that staff is seeking clarification on standards for commercial irrigation standards. Stephen Mastey, consulting landscape architect, and Tim Malooly of Water in Motion provided detailed information on sprinkler systems and standards. Wensman reported that staff would continue to work with the consultants to separate public and private systems and bring revised standards back for Council consideration.

ITEM 29: MS4 Program – Public Meeting and Approve Annual Report

City Engineer Stempski presented the highlights of the MS4 Annual Report for 2015 and reviewed 2016 key work plan tasks. Public hearing was held with no comments from the public.

Councilmember Lundgren, seconded by Councilmember Fliflet, moved TO ACCEPT THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) ANNUAL REPORT FOR 2015, AND AUTHORIZE STAFF TO SUBMIT THIS REPORT TO THE MPCA BY JUNE 30, 2016. Motion passed 5 – 0.

ITEM 31: Lot Coverage Requirements as They Relate to Pools

Planning Director Wensman reviewed the lot coverage requirements for swimming pools as it relates to impervious surfaces.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO TABLE TO THE NEXT MEETING AND DIRECT STAFF TO LOOK FOR PAST RECORDS OF THE ISSUE. Motion passed 4 – 0 – 1. (Pearson – abstain)

COUNCIL REPORTS

Mayor Pearson: Expressed sadness over the passing of former employee Tom Bouthilet and acknowledged his work for the City.

Councilmember Fliflet: Recognized volunteers' efforts at the Arts Center building, thanked volunteers and staff for their hard work during Clean Up Day. Attended two Finance Committee meetings, took calls from Village residents.

Councilmember Smith: Thanked volunteers for assisting with Clean Up Day, attended Finance Committee meeting. Condolences to the family of Tom Bouthilet.

Councilmember Lundgren: Farmers Market season begins Saturday, June 25th. Reported that the Clean Up Day was very well attended.

Councilmember Bloyer: Met with residents to discuss lake issues.

STAFF REPORTS AND ANNOUNCEMENTS

Administrator Handt: Worked with Planning Staff on a railroad crossing in the village, attended part of the LMC conference. Received five bids in response to the Lions Park RFP. Noted a special closed session meeting will be held on June 30th at 5:00 as that was the most workable time and day for the majority of the City Councilmembers.

Finance Director Bendel: Reminded the Council of the July 19th Finance Committee meeting from 5:00 – 7:00 p.m. to review department budgets.

City Attorney Sonsalla: Reported on current projects and stated that the photo of three Councilmembers together after adjournment of a Council meeting that has been circulating on the internet does not necessarily represent an open meeting law violation.

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Planning Director Wensman: Working on development review and landscaping/irrigation issues.

City Engineer Griffin: Reported that City construction projects are moving along smoothly.

Meeting adjourned at 11:39 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Julie Johnson, City Clerk