

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
JANUARY 3, 2017**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

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

PRESENT: Mayor Mike Pearson and Councilmembers Justin Bloyer, Julie Fliflet, Jill Lundgren and Christine Nelson

Staff present: Administrator Handt, City Attorney Sonsalla, City Engineer Griffin, Planning Director Wensman, and City Clerk Johnson.

SWEARING IN OF NEWLY ELECTED OFFICIALS

City Clerk Johnson administered the Oath of Office to newly elected officials: Mayor Pearson, Councilmember Bloyer and Councilmember Nelson.

APPROVAL OF AGENDA

Councilmember Lundgren, seconded by Mayor Pearson, moved TO APPROVE THE AGENDA.

Approval of Minutes was removed from the Agenda. Item 5, "Resolution Designating Data Practice Officials and Approving City's Data Practice Policy" and item 6, "Appoint City Attorney" were moved to the end of the Regular Agenda.

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO ADD "CITY ADMINISTRATOR COMPENSATION" TO THE REGULAR AGENDA. Motion passed 4 – 1. (Fliflet – nay)

Agenda approved as amended 5 – 0.

PUBLIC COMMENTS/INQUIRIES

Nadine Obermueller, 8696 42nd Street N., commented on Lions Park and encouraged residents to support the Parks Commission efforts to make improvements to the park.

PRESENTATIONS

None

CONSENT AGENDA

2. Approve Payment of Disbursements and Payroll
3. Designate Official Depositories of Funds-Resolution 2017-001
4. Designate Official Publication Newspaper of Record
7. Appoint City Engineer
8. Approve 2017 Fee Sheet – Ordinance 08-162; Resolution 2017-005
9. Approve Tree Removal from 201 Drainfield, Hill Trail N
10. Approve Downtown Phase 1 & 2 Improvements – Approve Phase 1 Final Reconciliation Payment and Approve Phase 2 Cooperative Agreement Payment No. 1.
11. Approve Hire of Office Administrative Assistant

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

ITEM 12: Appoint 2017 Acting Mayor

Councilmember Nelson, seconded by Mayor Pearson, moved TO APPOINT COUNCILMEMBER BLOYER ACTING MAYOR. Motion passed 5 – 0.

ITEM 13: Appoint Required Officials to Fire Relief Association

Councilmember Bloyer, seconded by Councilmember Fliflet, moved to appoint Chief Malmquist, Finance Director Bendel and Councilmember Lundgren to the Fire Relief Association. Motion passed 5 – 0.

ITEM 14: Planning Commission Appointments

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO REAPPOINT GARY FIELDS AND SUSAN DUNN TO THE PLANNING COMMISSION. Motion failed 2 – 3. (Pearson, Bloyer, Nelson – nay)

Mayor Pearson, seconded by Councilmember Nelson, moved TO APPOINT DALE DORSCHNER AND JESS HARTLEY TO THE PLANNING COMMISSION. Motion failed 2 – 3. (Bloyer, Fliflet, Lundgren – nay)

Councilmember Bloyer, seconded by Mayor Pearson, moved TO APPOINT GARY FIELDS AND DALE DORSCHNER TO THE PLANNING COMMISSION. Motion passed 3 – 2. (Fliflet, Lundgren – nay)

ITEM 15: Park Commission Appointments

Mayor Pearson, seconded by Councilmember Lundgren, moved TO APPOINT JOHN AMES AND MIKE ZENO AS VOTING MEMBERS OF THE PARKS COMMISSION WITH TERMS EXPIRING 12/31/19. Motion passed 5 – 0.

Mayor Pearson, seconded by Councilmember Bloyer, moved TO APPOINT JEAN OLINGER TO THE PARKS COMMISSION AS AN ALTERNATE MEMBER. Motion passed 5 – 0.

Mayor Pearson, seconded by Councilmember Lundgren, moved TO RECONSIDER THE PREVIOUS MOTION TO REMOVE THE WORD “ALTERNATE”. Motion passed 5 - 0.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO RECONSIDER THE VOTE TO APPOINT JEAN OLINGER AS A FULL MEMBER OF THE PARKS COMMISSION. Motion passed 5 – 0.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO APPOINT COMMISSIONER ELLEN NEUENFELDT AS A FULL VOTING MEMBER TO FILL A VACANCY ON THE PARKS COMMISSION. Motion passed 5 – 0.

Councilmember Bloyer, seconded by Councilmember Lundgren, moved TO APPOINT JEAN OLINGER TO THE PARKS COMMISSION AS FIRST ALTERNATE. Motion passed 5 – 0.

Councilmember Bloyer, seconded by Mayor Pearson, moved TO APPOINT TUCKER PEARCE TO PARKS COMMISSION 2ND ALTERNATE. Motion passed 4 – 0 – 1. (Lundgren abstain)

ITEM 16: Library Board Appointments

Mayor Pearson, seconded by Councilmember Lundgren, moved TO AFFIRM THE MAYOR'S APPOINTMENT OF BRETT EMMONS AND EMILY O'CONNOR TO THE LIBRARY BOARD FOR THREE YEAR TERMS. Motion passed 5 – 0.

Mayor Pearson, seconded by Councilmember Bloyer, moved TO AFFIRM THE MAYOR'S APPOINTMENT OF COUNCILMEMBER FLIFLET AS COUNCIL REPRESENTATIVE TO THE LIBRARY BOARD. Motion passed 5 – 0.

ITEM 17: Council Committees

Discussion held concerning committee operating procedures and scope of work the committees.

Mayor Pearson, seconded by Councilmember Nelson, moved TO REMOVE COUNCILMEMBERS FROM ALL STANDING COMMITTEES. Motion passed 4 – 1. (Fliflet – nay)

Administrator Handt reported that staff would recruit members for all committees with a limit of 5 members per committee, review operating procedures, and bring the information back to the Council.

ITEM 18: 2017 Goal Setting Session

Administrator Handt presented a proposal for a City Council goal setting session.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO HOLD THE 2017 GOAL SETTING SESSION DURING THE JANUARY 10TH WORKSESSION.

Administrator Handt noted that interviews were scheduled for the January 10th worksession with firms submitting proposals for comprehensive plan amendments. **Motion withdrawn.**

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO HOLD THE GOAL SETTING SESSION DURING THE FEBRUARY WORKSESSION. Motion failed 2 – 3. (Pearson, Bloyer, Nelson – nay)

Consensus was reached to direct the City Administrator to poll the Council on their availability.

ITEM 19: Chapter 31, Sec 31.04 City Code Amendments Regarding Council Agendas

City Administrator Handt presented proposed changes to the city code related to Councilmembers placing items on Council meeting agendas.

Councilmember Bloyer, seconded by Mayor Pearson, moved TO APPROVE ORDINANCE 08-161 WITH A CHANGE AT THE TOP OF PAGE TWO REQUIRING RECOMMENDATION OF TWO COUNCILMEMBERS. Motion passed 3 – 1 – 1. (Fliflet – nay; Lundgren – present/not voting)

Mayor Pearson, seconded by Councilmember Bloyer, moved TO ADOPT RESOLUTION 2017-004 APPROVING SUMMARY PUBLICATION OF ORDINANCE 08-161.

ITEM 20: Hammes Estates 2nd Addition Final Plat

Planning Director Wensman reviewed the background of the development, current application and Planning Commission/staff recommendations.

Councilmember Bloyer, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2017-003 APPROVING THE HAMMES ESTATES 2ND ADDITION FINAL PLAT. Motion passed 5 – 0.

ITEM 21: Lake Erosion Study Revisions

City Administrator Handt provided a review of options provided to the Council for moving forward with the lake erosion study. Tim Olson of Bolton & Menk described the proposed scope of the study.

Dale Dorschner, 3150 Lake Elmo Avenue, inquired about the data to be used in the study and requested that Lake Elmo be removed from the study.

Debbie Dean, 8028 Hill Trail N., stated opposition to the study as it is a waste of money.

Pat Dean, 8028 Hill Trail N., stated opposition to restrictions on the lakes.

Daren Enval, National Marine Manufacturers Association, presented a letter to the City Council from C. A. Goudey & Associates opposing the study.

Tom Sieffert, 4849 Olson Lake Trail N., stated opposition to restrictions on lake use and using city funds to pay for the study.

Donovan Chase, 9125 Lake Jane Trail N., stated that his shoreline is not landscaped and has had no erosion.

Dave Carlson, 8554 N. Hidden Bay Tr., submitted a letter for the record stating opposition to any further regulation on the lakes.

Jim Arkell, 8131 Hidden Bay Tr. N., stated that the ordinance is working and asked that no changes be made.

Brian Pittson, 4554 Olson Lake Tr. N., noted very residents speak in favor of restrictions and asked the Council to not spend money on a study only looking at boat traffic.

Brenda Jo Carlson, 8554 N. Hidden Bay Tr., asked the Council to vote “no” on the proposals and stated a majority of residents do now want the study done.

Bev Schwalbach, 4555 Olson Lake Tr. N., stated that the DNR provided key facts at an Environmental Committee meeting that are being ignored and added that any study needs to speak to impact versus benefits of a recreational lake.

Terry Boczek, 8110 Demontreville Tr. N., strongly urged the Council to vote against the study.

Denise Boczek, 8110 Demontreville Tr. N., asked if the study could be expanded to include the watershed district and study runoff volumes.

Dan Stoudt, 8012 Hill Trail N., urged the Council to vote against the study and look into helping property owners restore the lakeshore.

Brooke Duerr, 4870 Jerome Ave. N., discussed wave damage versus boat wake damage, comparing the high volume of wind generated waves and boat wake waves.

Councilmember Lundgren, seconded by Councilmember Bloyer, moved TO NOT DIRECT STAFF TO PURSUE ANY CONTRACTS FOR THE STUDY OF SLOW NO WAKE EROSION ASSESSMENTS ON THE FOUR RECREATIONAL LAKES. Motion passed 5 – 0.

ITEM 22: City Facilities Use Policy

City Administrator Handt presented the revised City Facilities Use Policy, noting proposed changes that would require statutory created public bodies and taxing authorities using the City's meeting facilities to video and audio record their meetings.

Mayor Pearson, seconded by Councilmember Bloyer, moved TO APPROVE THE AMENDED CITY FACILITIES USE POLICY. Motion passed 3 – 2. (Fliflet, Lundgren – nay)

ITEM 23: Library Negotiations

Councilmember Bloyer, seconded by Mayor Pearson, moved TO DIRECT THE CITY ADMINISTRATOR TO RESUME NEGOTIATIONS WITH COUNTY STAFF REGARD RETURNING TO THE COUNTY LIBRARY SYSTEM. Motion passed 5 – 0.

ITEM 5: Resolution Designating Data Practice Officials and Approving City's Data Practice Policy

Discussion held concerning current practice for processing data requests.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2017-002 DESIGNATING THE CITY'S DATA PRACTICES OFFICIALS AND APPROVING THE CITY'S DATA PRACTICES POLICY WITH AN AMENDMENT TO ADD CITY ATTORNEY REVIEW OF NON-ROUTINE REQUESTS. Motion failed 2 – 3. (Pearson, Bloyer, Nelson – nay)

Mayor Pearson, seconded by Councilmember Nelson, moved TO ADOPT RESOLUTION 2017-002 DESIGNATING THE CITY'S DATA PRACTICES OFFICIALS AND APPROVING THE CITY'S DATA PRACTICES POLICY. Motion passed 4 – 0 – 1. (Fliflet – present/not voting)

ITEM 6: Appoint City Attorney

Councilmember Bloyer stated that he requested this agenda item to allow for an RFP to be issued with a longer response time than was allowed when the previous RFP was issued.

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO APPOINT ECKBERG-LAMMERS INTERIM CITY ATTORNEY FOR PROSECUTION MATTERS AND KENNEDY GRAVEN FOR CIVIL MATTERS, AND TO ISSUE AN RFP FOR CITY ATTORNEY PROSECUTION SERVICES. Motion passed 4 – 1. (Fliflet – nay)

ITEM 24: Administrator Compensation

Councilmember Bloyer stated that a number of cities have openings for City Administrator and stated he would like the City to incentivize top staff members to stay. Council consensus reached to place the Administrator's compensation on the next Council agenda for discussion with additional data provided.

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COUNCIL REPORTS

Mayor Pearson: Thanked residents for their vote of confidence in the election.

Councilmember Nelson: Thanked constituents for their votes.

Councilmember Lundgren: Asked Tri-Lakes area residents to come together and be more unified.

Councilmember Bloyer: No report

Councilmember Fliflet: Noted differences in the Council moving forward.

STAFF REPORTS AND ANNOUNCEMENTS

Administrator Handt: Provided a reminder that three firms will be interviewed at the January 10th worksession to review their proposals for comp plan updates.

City Clerk Johnson: Asked for patience during the training in of the new administrative staff member.

City Attorney Sonsalla: Thanked the Council for reappointment. Working on City's response to Royal Golf EAW.

City Engineer Griffin: 2017 Street Improvement Public Hearing and neighborhood meeting coming up.

Meeting adjourned at 10:18 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Julie Johnson, City Clerk