

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
FEBRUARY 20, 2018**

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 Becker, Assistant Administrator Foster, Finance Director Swanson and City Clerk Johnson.

APPROVAL OF AGENDA

Item 11, “Approve Request for Proposals for Lawn Maintenance” was moved to the Regular Agenda.

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

ACCEPT MINUTES

Minutes of the February 7, 2018 Regular Meeting were accepted as presented.

PUBLIC COMMENTS/INQUIRIES

None

CONSENT AGENDA

2. Approve Payment of Disbursements and Payroll
3. Accept January 2018 Assessor’s Report
4. Accept January 2018 Public Works Department Report
5. Accept January 2018 Building Department Report
6. Accept January 2018 Fire Department Report
7. Approve Step Increase, Planning Director
8. Approve Pay Request No. 2: I-94 Lift Station and Sanitary Sewer Improvements
9. Authorize Advertising and Hiring of Finance and GIS Interns
10. Authorize Advertising and Hiring of Seasonal Public Works Employee(s)
11. ~~Approve Request for Proposals for Lawn Maintenance~~
12. Approve Solar Ordinance – *Ordinance 08-198; Resolution 2018-010*

Councilmember Lundgren, seconded by Mayor Pearson, moved TO APPROVE THE CONSENT AGENDA AS PRESENTED. Motion passed 5 - 0.

ITEM 11: Approve Request for Proposals for Lawn Maintenance

Mayor Pearson announced that the City would be accepting bids for lawn maintenance and encouraged interested parties to submit a bid.

Mayor Pearson, seconded by Councilmember Lundgren, moved TO APPROVE ISSUING AN RFP FOR 2018 LAWN MOWING SERVICES OF CITY PROPERTIES. Motion passed 5 – 0.

ITEM 13: Wyndham Village Subdivision Sketch Plan Review & Comprehensive Plan Amendment

City Planner Becker reviewed the site plan and comprehensive plan amendment proposed for a single family development of ten lots.

Councilmember Lundgren, seconded by Councilmember Nelson, moved TO APPROVE THE PROPOSED COMPREHENSIVE PLAN AMENDMENT TO RE-GUIDE PID #13.029.21.43.0001 FROM RURAL SINGLE FAMILY TO VILLAGE URBAN LOW DENSITY, BASED ON THE RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL. Motion passed 5 – 0.

ITEM 14: Legacy at North Star Preliminary Plat and PUD Plans

City Planner Becker presented amendments to the proposed site plan and changes to the recommended conditions of approval. Engineering comments, buffers, trails and amenity points were discussed.

Craig Allen, GSWA, commented on the open space calculation, right of way for the trail along Lake Elmo Avenue, stormwater reuse and the proposed club house design.

Councilmember Nelson, seconded by Councilmember Bloyer, moved TO ADOPT RESOLUTION 2018-013 APPROVING LEGACY AT NORTHSTAR PRELIMINARY PLAT AND PUD PLANS WITH RECOMMENDED CONDITIONS OF APPROVAL.

Councilmember Fliflet stated she would not support the motion as she is opposed to the open space transfer to Reid Park and the proposed buffers for the Hamlet neighborhood.

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO SUSPEND THE RULES TO ALLOW FOR PUBLIC COMMENT. Motion passed 4 – 1. (Fliflet – nay)

Joe Barwick, 3778 Kindred Ct., stated that the plan has improved since last summer and feels that the neighbors can work with the current plan and the developer.

Councilmember Bloyer, Mayor Pearson, moved TO AMEND THE PRIMARY MOTION TO REVISE THE RESOLUTION TO REMOVE PARAGRAPH 8 AND UPDATE IT WITH THE STAFF RECOMMENDATIONS FOR AMENITY POINTS. Motion passed 3 – 2. (Fliflet, Lundgren – nay)

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

ITEM 15: Drug Testing and Drug Free Workplace Policies

Assistant Administrator Foster presented the proposed drug testing and drug free work place policies. Discussion held regarding drug testing procedures.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO ADOPT THE DRUG TESTING POLICIES FOR DOT AND NON-DOT EMPLOYEES AS RECOMMENDED BY STAFF AND THE HUMAN RESOURCES COMMITTEE. Motion passed 3 – 2. (Bloyer, Nelson – nay)

Councilmember Nelson stated she did not support the motion as it discriminates against people legally prescribed certain medications for common conditions.

ITEM 16: Service Agreements with Industrial Health Services Network

Councilmember Fliflet, seconded by Mayor Pearson, moved TO APPROVE THE SERVICE AGREEMENTS WITH INDUSTRIAL HEALTH SERVICES NETWORK. Motion passed 5 – 0.

ITEM 17: Chicken Ordinance

Planning Director Becker presented the proposed updates to the ordinance relating to the keeping of chickens.

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO TABLE THE CHICKEN ORDINANCE INDEFINITELY. Motion passed 3 – 2. (Fliflet, Lundgren – nay)

ITEM 18: Lake Elmo Inn Parking Lot Conditional Use Permit

City Planner Becker reviewed the request from Lake Elmo Inn for use of the property at 3504 Lake Elmo Avenue North as a parking lot.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2018-018 APPROVING A CONDITIONAL USE PERMIT FOR A PARKING FACILITY ON THE PROPERTY LOCATED AT 3504 LAKE ELMO AVENUE NORTH, SUBJECT TO RECOMMENDED CONDITIONS OF APPROVAL.

Mayor Pearson, seconded by Councilmember Nelson, moved TO AMEND THE PRIMARY MOTION TO CHANGE THE SETBACK FROM 20 FEET TO 10 FEET. Councilmember

Bloyer, seconded by Councilmember Lundgren, MOVED TO TABLE THE CURRENT ITEM TO FOLLOW ITEM 23 ON THE AGENDA. Motion passed 5 – 0.

ITEM 19: 4564 Kimbro Avenue Minor Subdivision and Zoning Map Amendment

Planning Director Becker reviewed the request for a minor subdivision to create two separate parcels.

Councilmember Lundgren, seconded by Councilmember Nelson, moved TO ADOPT RESOLUTION 2018-019 APPROVING THE MINOR SUBDIVISION REQUEST FOR THE PROPERTY LOCATED AT 4564 KIMBRO AVENUE NORTH, SUBJECT TO THE 5 OUTLINED CONDITIONS OF APPROVAL.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO AMEND THE PRIMARY MOTION BY ADDING CONDITION 6 REQUIRING RIGHT OF WAY DEDICATION. Motion passed 5 -0.

Councilmember Lundgren, seconded by Mayor Pearson, moved TO ADOPT ORDINANCE 08-201 APPROVING THE ZONING MAP AMENDMENT TO REZONE THE PROPERTY LOCATED AT 4564 KIMBRO AVENUE NORTH FROM AGRICULTURAL TO RURAL RESIDENTIAL, SUBJECT TO ONE CONDITION OF APPROVAL. Motion passed 5 – 0.

ITEM 20: Hammes 3rd Final Plat

Planning Director Becker presented the plans for the final phase of the Hammes Addition.

Councilmember Nelson, seconded by Mayor Pearson, moved TO ADOPT RESOLUTION 2018-016 APPROVING THE HAMMES ESTATES 3RD ADDITION FINAL PLAT WITH THE TEN CONDITIONS OF APPROVAL BASED ON THE FINDINGS OF FACT LISTED IN THE STAFF REPORT.

Councilmember Bloyer, seconded by Mayor Pearson, moved TO AMEND THE PRIMARY MOTION BY STRIKING CONDITION 9 IN RESOLUTION 2018-016. Motion passed 4 – 0 – 1. (Fliflet – present/not voting)

Primary motion passed 4 – 0 – 1. (Fliflet – present/not voting)

Mayor Pearson, seconded by Councilmember Nelson, moved TO ADOPT RESOLUTION 2018-017 APPROVING THE REQUEST TO VACATE THE EASEMENT OVER OUTLOT B, HAMMES ESTATES 3RD ADDITION, SUBJECT TO ONE CONDITION OF APPROVAL. Motion passed 4 – 0 – 1. (Fliflet – present/not voting)

ITEM 21: Northport Development Agreement Amendment

Planning Director Becker reviewed the proposed amendment to the Development Agreement for Northport that would allow phasing within the development.

Mayor Pearson, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2018-020 APPROVING THE REQUEST TO AMEND NORTHPORT DEVELOPMENT AGREEMENT TO ALLOW BUILDING PERMITS TO BE RELEASED UPON COMPLETION OF REQUIRED ITEMS WITHIN PHASES AS PER THE APPROVED PHASING PLAN. Motion passed 5 – 0.

ITEM 22: Old Village Phase 4 Street & Utility Improvements – Authorize Preparation of Plans and Specifications

City Engineer Griffin reviewed the project schedule and project area, scope of improvements and requested Council action.

Councilmember Bloyer left the meeting at approximately 10:30 p.m.

Councilmember Nelson, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2018-021 ORDERING THE PREPARATION OF PLANS AND SPECIFICATIONS FOR THE OLD VILLAGE PHASE 4 STREET AND UTILITY IMPROVEMENTS IN THE NOT TO EXCEED AMOUNT OF \$126,800. Motion passed 4 – 0.

ITEM 23: Hudson Boulevard Design Standards/Typical Section – Authorize Engineering Services

City Planner Griffin presented a request for authorization of engineering services to develop design standards, typical sections and concept layout for Hudson Boulevard.

Councilmember Lundgren, seconded by Councilmember Nelson, moved TO AUTHORIZE KLJ TO COMPLETE ENGINEERING SERVICES TO DEVELOP DESIGN STANDARDS, TYPICAL SECTIONS AND CONCEPT LAYOUT FOR HUDSON BOULEVARD IN THE AMOUNT NOT TO EXCEED \$17,208. Motion passed 4 – 0.

ITEM 18: Lake Elmo Inn Parking Lot Conditional Use Permit (continued)

Mayor Pearson, seconded by Councilmember Lundgren, moved TO TAKE FROM THE TABLE THE LAKE ELMO INN PARKING LOT CUP. Motion passed 4 – 0.

The amendment to the primary motion was withdrawn.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO STRIKE THE LANGUAGE IN PARAGRAPH 2 OF THE CONCLUSIONS AND DECISION IN RESOLUTION 2018-018 TO REMOVE “EXCEPT FOR THE REQUIREMENT THAT LANDSCAPE SCREENING BE REQUIRED ALONG LAKE ELMO AVENUE AND 34TH STREET NORTH.” Motion passed 4 – 0.

Primary motion as amended passed 4 – 0.

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STAFF REPORTS AND ANNOUNCEMENTS

Administrator Handt: Attended meeting with local communities regarding the White Bear Lake lawsuit. Reported that the State of Minnesota has reached a settlement agreement with 3M, reported on the Minnesota Supreme Court decision in the Rossow case and thanked the community for attending the open house held on February 15th regarding the City's space needs study.

City Engineer Griffin: Reported that the grant application submitted for the realignment of CSAH 14/15 was not successful and reported that the County is moving forward with the traffic signal.

Meeting adjourned at 10:52 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Julie Johnson, City Clerk