

**CITY OF LAKE ELMO  
CITY COUNCIL MINUTES  
DECEMBER 4, 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 (arrived at 7:03), Julie Fliflet, Jill Lundgren and Christine Nelson

Staff present: Administrator Handt, City Attorney Sonsalla, City Engineer Griffin, Planning Director Roberts, Public Works Director Weldon, Assistant City Administrator Foster, Finance Director Iverson, and City Clerk Johnson.

**APPROVAL OF AGENDA**

Item 14, “Approve MNSPECT Agreement for Plan Review Services” was moved to the Regular Agenda.

*Councilmember Nelson, seconded by Councilmember Lundgren, moved TO APPROVE THE AGENDA AS AMENDED. Motion passed 4 – 0.*

**APPROVAL OF MINUTES**

Minutes of the November 7, 2018 City Council meeting were accepted by consensus.

**PUBLIC COMMENTS/INQUIRIES**

Dave Faint, 3617 Laverne Avenue N., stated that the City Council Chambers is too small and suggested the City install a monitor in the lobby for overflow viewing.

**PRESENTATIONS**

City Administrator Handt presented a Certificate of Appreciation to outgoing Councilmembers Julie Fliflet and Jill Lundgren.

**CONSENT AGENDA**

2. Approve Payment of Disbursements and Payroll
3. Approve November 2018 Fire Department Report
4. Approve November 2018 Public Works Department Report
5. Approve October & November 2018 Building Department Reports
6. Approve 2019 Pay Scale

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7. Approve 2019 Paid on Call Firefighter Compensation
8. Approve Rental Lease Agreement Amendments for Brookfield Tenants
9. Approve Cable Franchise Agreement Extension
10. Approve TH36/Keats Avenue Acceleration Lane – Authorize Preliminary Design
11. Approve CSAH 17 Phase 3 Improvements – Approve Concurrence for Award of Contract – *Resolution 2018-133*
12. Approve 2019 Regular Meeting Schedule
13. Approve Hiring of Public Works Operator
- ~~14. Approve MNSPECT Agreement for Plan Review Services~~
15. Approve Amendment to Boulder Ponds 4<sup>th</sup> Addition Development Agreement
16. Approve Resolution to Uncommit Fund Balance for Legal Fees – *Resolution 2018-134*
17. Approve Conditional Job Offer to PT Firefighter and POC
18. Approve 2018 Street Improvements Pay Request No. 5
19. Authorize Certification of Delinquent Utility Bills – *Resolution 2018-135*

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

**ITEM 14: Approve MNSPECT Agreement for Plan Review Services**

City Administrator Handt reviewed the proposal for MNSPECT to provide plan review services as needed. Councilmember Lundgren stated she would not support the proposal without the support of the Building Official.

***Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO POSTPONE THE CURRENT ITEM TO THE NEXT MEETING. Motion failed 2 – 3. (Pearson, Bloyer, Nelson – nay)***

***Mayor Pearson, seconded by Councilmember Nelson, moved TO APPROVE THE AGREEMENT FOR BACK UP SERVICES WITH MNSPECT. Motion passed 3 – 2. (Fliflet, Lundgren – nay)***

**ITEM 20: Snow Removal from Sidewalks**

Public Works Director Weldon reviewed the proposed policy for removal of snow from sidewalks.

Marjorie Williams, 3025 Lake Elmo Avenue, stated she physically cannot clear snow from her sidewalk and it is a burden to pay a contractor.

Barry Weeks, 3647 Lake Elmo Avenue, commented on processes used by other cities for sidewalk snow removal.

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Mary Ann Beers, 3235 Lake Elmo Avenue, commented on challenges for residents in clearing sidewalks and asked that the City take care of it.

***Councilmember Bloyer, seconded by Councilmember Nelson, moved TO APPROVE ORDINANCE AMENDMENT 08-216 AMENDING CHAPTERS 96 AND 93 REGARDING SNOW REMOVAL FROM SIDEWALKS.***

***Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO AMEND THE PRIMARY MOTION TO AMEND CHAPTER 93.50 PARAGRAPH A TO STATE THAT THE CITY WILL REMOVE SNOW AND ICE FROM SIDEWALKS EXCEPT PRIVATE HOA SIDEWALKS AND TRAILS. Motion failed 2 – 3. (Pearson, Bloyer, Nelson – nay)***

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

**ITEM 21: Public Hearing for 2019 General Fund Budget and 2019 Final Property Levy Certification**

Finance Director Iverson presented the proposed budget and levy for 2019.

***Councilmember Lundgren, seconded by Mayor Pearson, moved TO OPEN THE PUBLIC HEARING. Motion passed 5 – 0.***

Lynn Yock, 8962 35<sup>th</sup> Street North, commented on property taxes increasing.

***Councilmember Bloyer, seconded by Mayor Pearson, moved TO CLOSE THE PUBLIC HEARING. Motion passed 5 – 0.***

***Councilmember Nelson, seconded by Councilmember Bloyer, moved TO ADOPT RESOLUTION 2018-136 ADOPTING THE 2018 TAX LEVY COLLECTIBLE IN 2019 AND ADOPTING THE 2019 GENERAL FUND AND EDA BUDGETS.***

***Councilmember Bloyer, seconded by Councilmember Fliflet, moved TO DELETE \$2,000 FOR COUNCIL LAPTOPS ON LINE 1110. Motion failed 2 – 3. (Pearson, Lundgren, Nelson – nay)***

***Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO APPROVE A 0% TAX INCREASE FOR THE 2019 BUDGET. Motion failed 2 – 3. (Pearson, Bloyer, Nelson – nay)***

*Councilmember Bloyer, seconded by Councilmember Nelson, moved TO REMOVE \$100,000 FROM THE 2019 BUDGET FOR THE DISCOVER CROSSING BRIDGE. Motion withdrawn.*

*Councilmember Bloyer, seconded by Mayor Pearson, moved TO STRIKE THE LANGUAGE “DISCOVER CROSSING BRIDGE” FROM ITEM 3100. Motion passed 4 – 1.*

*Mayor Pearson, seconded by Councilmember Nelson, moved TO REMOVE \$15,000 FOR LAKE TREATMENTS. Motion failed 0 – 5.*

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

**ITEM 22: 2019 Utility Budgets**

Finance Director Iverson presented the proposed 2019 Utility Budgets.

*Councilmember Nelson, seconded by Councilmember Bloyer, moved TO ADOPT RESOLUTION 2018-137 ADOPTING THE 2019 WATER, SEWER AND STORM WATER FUND BUDGETS. Motion passed 3 – 2. (Fliflet, Lundgren – nay)*

**ITEM 23: 2019 Fee Schedule**

Finance Director Iverson presented the proposed fee schedule for 2019, noting updates.

*Councilmember Fliflet, seconded by Mayor Pearson, moved TO APPROVE THE 2019 FEE SCHEDULE WITH NO FEE FOR VIOLATION OF ODD/EVEN WATERING. Motion failed 2 – 3. (Pearson, Bloyer, Nelson – nay)*

*Mayor Pearson, seconded by Councilmember Nelson, moved TO ADOPT THE 2019 FEE SCHEDULE AS PRESENTED. Motion passed 3 – 2. (Fliflet, Lundgren – nay)*

*Councilmember Nelson, seconded by Mayor Pearson, moved TO ADOPT RESOLUTION 2018-138 AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 08-217. Motion passed 5 – 0.*

**ITEM 24: 2019-2023 Capital Improvement Plan**

Administrator Handt presented the proposed Capital Improvement Plan for 2019-2023.

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George Johnson, 3070 Lake Elmo Avenue, commented on mountain biking in Sunfish Lake Park, questioning the need for a trail.

***Councilmember Bloyer, seconded by Councilmember Fliflet, moved TO APPROVE THE 2019-2023 CAPITAL IMPROVEMENT PLAN.***

***Councilmember Lundgren, seconded by Councilmember Fliflet, moved TO REMOVE THE SUNFISH LAKE PARK MOUNTAIN BIKE TRAIL FROM THE CIP. Motion failed 2 – 3. (Pearson, Bloyer, Nelson – nay)***

***Councilmember Bloyer, seconded by Mayor Pearson, moved TO MOVE THE 50<sup>TH</sup> STREET TRAIL TO PENDING. Motion passed 4 – 1. (Fliflet – nay)***

***Councilmember Bloyer, seconded by Mayor Pearson, moved TO MOVE THE HUDSON/KEATS SIGNAL TO THE DEBT SERVICE CATEGORY. Motion passed 4 – 1. (Fliflet – nay)***

***Councilmember Bloyer, seconded by Mayor Pearson, moved TO DELETE THE WATER COMPONENT OF THE 2019 STREETS PROJECT. Motion passed 5 – 0.***

***Councilmember Bloyer, seconded by Mayor Pearson, moved TO DELETE THE BLACKFORD WATER EXTENSION. Motion withdrawn.***

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

**ITEM 25: CSAH 19-Hudson Blvd. Intersection Improvements – Approve Preliminary Design/Authorize Final Design**

City Engineer Griffin reviewed the proposed improvements for the CSAH 19/Hudson Boulevard intersection.

***Mayor Pearson, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2018-139 APPROVING THE PRELIMINARY GEOMETRIC LAYOUT AND AUTHORIZING FINAL DESIGN FOR THE COUNTY STATE AID HIGHWAY 19 AND HUDSON BOULEVARD INTERSECTION IMPROVEMENTS. Motion passed 5 – 0.***

**ITEM 26: Wyndham Village Final Plat**

Planner Jennifer Haskamp presented the Wyndham Village Final Plat, noting changes from preliminary to final plat.

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Kevin Schroepper, 11520 30<sup>th</sup> Street North, commented on the buffer between his property and the proposed development.

***Councilmember Bloyer, seconded by Councilmember Nelson, moved TO APPROVE THE FINAL PLAT WITH FINDINGS AND CONDITIONS IN THE STAFF REPORT AND REVISION TO CONDITION 12, AND DIRECT STAFF TO PREPARE A RESOLUTION MEMORIALIZING THE APPROVAL. Motion passed 3 – 2. (Fliflet, Lundgren – nay)***

**ITEM 27: Royal Golf 3<sup>rd</sup> Addition Final Plat and PUD Easement Vacation**

Planner Jennifer Haskamp reviewed the plan, density and proposed conditions of approval, noting that phase 3 triggers the contribution to the city to compensate for the loss of the ball fields.

***Councilmember Bloyer, seconded by Councilmember Lundgren, moved TO APPROVE THE FINAL PLAT AND PUD FOR ROYAL GOLF 3<sup>RD</sup> ADDITION WITH THE FINDINGS AND CONDITIONS IN THE STAFF REPORT AND DIRECT STAFF TO PREPARE A RESOLUTION MEMORIALIZING THE APPROVAL. Motion passed 5 – 0.***

***Mayor Pearson, seconded by Councilmember Nelson, moved TO APPROVE VACATION OF EASEMENT AND DIRECT STAFF TO PREPARE A RESOLUTION MEMORIALIZING THE APPROVAL. Motion passed 5 – 0.***

**ITEM 28: Chapter 32: Planning Commission Ordinance**

Planning Director Roberts presented proposed updates to the Planning Commission Ordinance.

***Councilmember Bloyer, seconded by Councilmember Nelson, moved TO APPROVE THE AMENDED LANGUAGE TO CHAPTER 32 AS IT PERTAINS TO THE PLANNING COMMISSION. Motion passed 3 – 1 – 1. (Fliflet – nay; Lundgren – present/not voting)***

**STAFF REPORTS AND ANNOUNCEMENTS**

**Administrator Handt:** Council worksession on December 11<sup>th</sup> regarding the Highway 36 frontage road.

Meeting adjourned at 11:42 pm.

**LAKE ELMO CITY COUNCIL**

ATTEST:

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Mike Pearson, Mayor

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Julie Johnson, City Clerk