

**City of Lake Elmo
City Council Meeting
Minutes of March 6, 2006**

Mayor Johnston called to order the meeting of the Lake Elmo City Council at 7:00 p.m. COUNCILMEMBERS PRESENT: Smith, Johnson, and Delapp. STAFF PRESENT: Administrator Rafferty, Planner Dillervud, Finance Director Bouthilet, and Recording Secretary Schaffel. ALSO PRESENT: City Attorney Filla.

I. AGENDA

M/S/P, Johnson/Smith to accept the Agenda as presented. Vote: 4:0.

2. MINUTES

M/S/P, Johnson/Smith to accept the Minutes of December 6, 2005 as presented. Vote: 4:0.

MINUTES OF JANUARY 17, 2006

Mayor Johnston said he called the meeting to order. Councilmember Smith said that Page 6, large paragraph, 95% who contacted her do not support a 4 year term. Page 7, 4:1 vote, Smith wanted to move forward with the purchase of the Gen Tek. Page 10, 2/3 down, closed at 9:44, Smith liked the idea of being able to drive to a service window for safety and convenience reasons. Page 12, 4th paragraph, pictures are worthless because there are no measurements. 2/3 down, Smith said she called into question the validity of the Resolution because it was never published. Page 14, he not she under Council Member Johnson.

M/S/P, Delapp/Smith to accept the Minutes of January 17, 2006 as amended. Vote: 4:0.

MINUTES OF JANUARY 24, 2006

Page 2, Smith 24,000 and 6,600 REC units – reiterated that Chair Bell and his staff present at meeting at Met Council office assured Lake Elmo would not have to go over the agreed upon numbers. Councilmember Delapp left the table at 6:42 to chair the county planning commission meeting.

M/S/P, Johnson/Smith to accept the Minutes of January 24, 2006 as amended. As amended. Vote: 4:0.

MINUTES OF JANUARY 27, 2006

Mayor Johnston paragraph about the MOU is not the intent for it to be silent page two. Paragraph two delete sentence with silent above. The Planner read from...

M/S/P, Johnson/Smith to accept the Minutes of January 27, 2006 as amended. Vote: 4:0.

MINUTES OF FEBRUARY 7, 2006

Mayor Johnston, page 9, middle, Councilmember Delapp Item C, speculative and inflammatory strike two paragraphs where he said he phoned Sedro. Remove from last page Mayor and administrator said they would take care of it. Mayor Johnston, page 9, agreed Delapp contacted Pulkabek and recommended Sedro to county planning commission. Strike first sentence indicating job was not done on page 10.

M/S/P, Johnson/Smith to accept the Minutes of February 7, 2006 as amended. Vote: 4:0.

MINUTES OF FEBRUARY 21, 2006

M/S/P, Johnson/Smith to accept the Minutes of February 21, 2006 as presented. Vote: 4:0.

3. PUBLIC INQUIRIES/INFORMATIONAL
A. PUBLIC INFORMATIONAL

Sheriff Steve Pott said there was a marijuana arrest in the city Friday at 2270 Manning Trail. 2 people are in custody. The police confiscated plants, cocaine, methamphetamine, guns, and ready for sale marijuana. The home

is owned by the woman arrested. He said it would be short sighted to think drugs are not in the community. In a recent student survey, the use of marijuana has increased significantly. Growing and warehousing is more a problem in this area than distribution.

B. PUBLIC INQUIRIES

No inquiries.

4. CONSENT AGENDA

A. RESOLUTION NO. 2006-023: APPROVING CLAIMS

B. LEASE AGREEMENT: WASHINGTON COUNTY FAIRGROUNDS - CLEAN UP DAY

M/S/P, Johnson/Smith to adopt Resolution No. 2006-023 approving claims in the amount of \$427,452.21 and approving a lease agreement with Washington County Fairgrounds for Clean up Day. Vote: 4:0.

5. FINANCE

No report.

6. NEW BUSINESS

No new business.

7. MAINTENANCE/PARK/FIRE/BUILDING

A. PARKS DEPT. LANDSCAPING AT LAKE ELMO ARTS CENTER

Administrator Rafferty said Bob Meyer requested expanding art into the living environment in the form of landscaping surrounding the Art Center. A presentation was made to Parks Commission and unanimously recommended.

M/S/P, Smith/Delapp to support Robert Meyer's request for the addition of creative gardens at the Lake Elmo Art Center. Vote: 4:0.

B. UPDATE ON FIRE DEPT. ACTIVITIES: CHIEF MALMQUIST

No report. Postponed.

8. CITY ENGINEER'S REPORT

No report.

9. PLANNING, LAND USE & ZONING

A. 1990 PARK PLAN UPDATE

The Planner said the Parks Commission unanimously recommended a \$20,000 increase to the CIP to hire a consultant to update the 1990 Park Plan. The Park Plan will be needed to determine the need for community playfields among other needs

M/S/P, Johnson/Johnston to begin the consultant solicitation process and set a CIP hearing to amend the 2006 CIP increasing the Park Plan project from \$5,000 to \$25,000.

Council Member Smith said even now we do not have enough ball fields according to Parks Commissioners Todd Bruch and John Heroff.

Councilmember Johnson said part of Council's role is to look, forecast and work to identify the needs of current and future Lake Elmo residents, and this is our opportunity to do that.

Mayor Johnston stated that it is the Council's role to manage the People's business, and it is more efficient to hire a consultant and keep staff low.

Administrator Rafferty said parks are being inventoried and will soon be finalized. A needs assessment was

requested after discussion with Oakdale about a joint park. The Park Plan needs to be updated since 1990. That will give us a vision for today and into the future.

Vote: 3:1 No - Delapp: Councilmember Delapp is opposed because he does not see how it benefits existing residents. Dollars for downtown plans have not been spent yet. Commissioner Todd Bruch can tell Council what the city needs, and we don't need to spend money on a consultant. We do not need to pay someone to tell us what we need when we already know we need it.

B. ZONING VARIANCES - HAIRE (8160 HILL TRAIL); RESOLUTION NO. 2006-024

The Planner explained the variance request for a complete tear-down of an existing home and construction of a new home. He said the Planning Commission recommended approval on a vote of 5:4. Two variances are required for the setback distance from OHW and construction of a new home on a lot substandard by area.

M/S/P, Delapp/Smith to adopt Resolution No. 2006-024 denying zoning variances for 8160 Hill Trail based upon facts and data included in the staff report and Planning Memo of February 13, 2006. VOTE: 4:0.

C. ORDINANCE NO. 97-166 RELATING TO PRIVATE WELLS/RESOLUTION NO. 2006-025 DECLARING POTENTIAL HAZARD

The City Attorney prepared two actions for Council to consider. One has city-wide application to allow the sealing of wells when city water becomes available and the other is for an area where a potential hazard exists. The report should say sink faucet not sick faucet. City Attorney recommends changing VIEW TAPE

M/S/P, Smith/Johnson to adopt Ordinance 97-166 amending sick faucet to sink faucet and adding 600.21 B. A private well which has been declared to be a known or potential health hazard by resolution of the city Council shall be sealed pursuant to the regulations of the Minnesota Dept. of Health. Vote: 4:0

M/S/P, Smith/Johnson to adopt Resolution No. 2006-025 amending it to add "as illustrated by Exhibit A" and to add that "all of the private residential wells in the WCLB Area are located downstream from the source of contamination and draw water from the same aquifers." Vote: 4:0.

10. CITY ATTORNEY'S REPORT No report

11. CITY ADMINISTRATOR'S REPORT A. WORKSHOP ON MARCH 14TH-PRESENTATION OF OLD VILLAGE PLAN

Next week at the Council Workshop at 6:00 p.m. (televised) will be the presentation by the Bob Engstrom Team retained by the City as of the Village Plan. The Planning Commission will be invited to attend.

The Mayor said at the next council meeting the Council will take action to decide how to present it to the public.

12. CITY COUNCIL REPORTS A. MAYOR JOHNSTON

B. COUNCIL MEMBER CONLIN

Absent

C. COUNCIL MEMBER DELAPP

- a. Wastewater from wash bays at gas station may be going into the ground at Cenex.
 - b. Inwood street signs wired in and wondering if it was done. Budgeted money for speed signs.
- Administrator Rafferty said we have one and it is deployed by the Sheriff's office.

- c. After flurry of letters from Mary Devine in Afton, and it is obvious that Met Council is barely hitting horizon on townships. What we have been imposed with is a seven county issue. They do not necessarily have to sit down and take it alone. EAW called for 1.7 million gallons capacity to Lake Elmo and 2 million concurrently to communities along I-94. They are being told they have to take it in the EAW but after this was called to the attention of the Met Council, this directive was rescinded.

D. COUNCIL MEMBER JOHNSON

Wonderful local newspaper coverage of the Lake Elmo Inn and their recent awards.
E. Council Member Smith
Chelsea Jones with the Stillwater Ponies is somebody to watch.

Employee and Volunteer Recognition Banquet, Friday, March 10, 6 p.m., Tartan Park
Board of Review on May 3 from 4-6 p.m.

Clean-up Day June 3

Council Workshop: March 14, 6 p.m.

Adjourned at 7:29 p.m.

Respectfully submitted,

Kimberly Anez
Recording Secretary