CITY OF LAKE ELMO
CITY COUNCIL MINUTES
OCTOBER 4, 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, Finance Director Bendel, Planning Director Wensman, City Planner Becker and City Clerk Johnson.

APPROVAL OF AGENDA

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

ACCEPT MINUTES

Minutes of the September 20, 2016 Regular Meeting were accepted as presented.

PUBLIC COMMENTS/INQUIRIES

Craig Knoll, 3127 Laverne Avenue North, spoke about transparency and expressed concern about making financial decisions without a proforma.

PRESENTATIONS

None

CONSENT AGENDA

2. Approve Payment of Disbursements
3. Approve Amended Special Assessment Policy
4. Approve Amended Fee Ordinance
5. Approve Business SAC Deferral Program Agreement with Met Council
6. Approve Leaf Drop Off Days Event
7. Authorize Certification to the Washington County Auditor – Delinquent Stormwater Bills
8. Approve Horning Lot Size Variance – Krause's Addition, Lot 9
9. Refer OpenGov Discussion to 10/11 Work Session
10. Inwood Booster Station
11. CSAH 15 & 10th Street Intersection – Approve Cooperative Agreement Payment No. 3
12. Approve City Planner Pay Increase
13. Non-Conforming Uses and Structures
14. Approve Xcel Holiday Lighting Contracts for Downtown

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

REGULAR AGENDA

ITEM 15: Reconsider Fence Ordinance

Councilmember Smith, seconded by Councilmember Fliflet, moved TO RECONSIDER THE VOTE ON ORDINANCE 08-154. **Motion passed 3 – 1 – 1. (Bloyer – nay. Pearson – abstain)**

Councilmember Fliflet, seconded by Councilmember Smith, moved TO APPROVE RESOLUTION 2016-79 AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 08-154. **Motion passed 5 – 0.**

ITEM 16: OP Ordinance

Planning Director Wensman provided a summary of the proposed ordinance amendment.

Councilmember Smith, seconded by Councilmember Lundgren, moved TO APPROVE ORDINANCE 08-152 REPEALING THE EXISTING OPEN SPACE DEVELOPMENT REGULATIONS WITHIN CHAPTER 150, AND ADOPTING NEW OPEN SPACE PLANNED UNIT DEVELOPMENT REGULATIONS IN CHAPTER 154 THAT ESTABLISHES AN OP-OPEN SPACE OVERLAY DISTRICT IN ADDTION TO ORGANIZATIONAL/NUMBERING CHANGES THROUGHOUT CHAPTER 154 TO ACCOMMODATE THE NEW ORDINANCE.

Mayor Pearson, seconded by Councilmember Bloyer, offered a substitute motion TO SEND THE OP ORDINANCE BACK TO THE PLANNING COMMISSION FOR A COMPREHENSIVE LOOK AT RESIDENTIAL ESTATES LOTS NORTH OF 10TH STREET. **Motion failed 2 – 3. (Fliflet, Lundgren, Smith – nay)**

Primary motion passed 3 – 2. (Pearson, Bloyer – nay)

Mayor Pearson, seconded by Councilmember Bloyer, moved TO APPROVE RESOLUTION 2016-75 ORDERING THE SUMMARY PUBLICATION OF THE ORDINANCE. **Motion passed 5 – 0.**

Councilmember Smith, seconded by Councilmember Lundgren, moved TO DIRECT STAFF TO LOOK AT DEVELOPMENT NORTH OF 10TH STREET TO DIVIDE PARCELS INTO NON-SEWERED 2.5-3 ACRE LOTS. **Motion passed 5 – 0.**

ITEM 17: City Administrator Review Process

City Attorney Sonsalla presented information related to the City Administrator performance review process.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO CONDUCT A SIX MONTH PERFORMANCE REVIEW OF THE CITY ADMINISTRATOR WITHIN THE NEXT 30 DAYS WITH A 360 DEGREE REVIEW INCLUDED AS PART OF THE PROCESS. **Motion passed 5 – 0.**

ITEM 18: Moratorium Issue

City Attorney Sonsalla provided background information on the moratorium and presented options for moving forward.
Councilmember Fliflet, seconded by Councilmember Smith, moved TO DIRECT STAFF TO PREPARE AND INTERIM ORDINANCE (MORATORIUM) ON DEVELOPMENT ACTIVITY THAT WOULD APPLY TO ALL PROPERTIES WITHIN THE SHORELAND DISTRICT WITH THE SAME CONDITIONS A & B THAT WERE IN THE ORIGINAL MORATORIUM AND WRITTEN SO IT IS LIFTED AS THE SAME TIME AS THE ORIGINAL MORATORIUM. **Motion passed 3 – 2. (Pearson, Bloyer – nay)**

ITEM 19: Street Naming Policy

City Planner Becker reviewed the history of the City's street naming policy and ordinance.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO APPROVE ORDINANCE 08-144, AN AMENDMENT TO CHAPTER 153: SUBDIVISION REGULATIONS, SECTION 07: PRELMINARY PLAT, SUBD. E: PROPOSED DESIGN FEATURES, WHICH MANDATES THAT PLATS SHOW STREET NAMES ACCORDING TO THE COUNTY UNIFORM STREET NAMING AND PROPERTY NUMBERING SYSTEM, WITH OUTLINED EXCEPTIONS. **Motion passed 3 – 2 (Pearson, Bloyer – nay)**

Mayor Pearson stated that he supports the compromise offered by the Public Safety Committee.

Councilmember Fliflet, seconded by Mayor Pearson, moved TO APPROVE RESOLUTION 2016-89 AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 08-144. **Motion passed 5 – 0.**

ITEM 20: Common Ground Interim Use Permit Request

City Planner Becker presented the request from Common Ground Church for renewal of an expired IUP to allow for the keeping of horses at the church property located at 10240 Stillwater Lane North. Becker reviewed the property use and location and presented draft findings and recommendation for approval.

Councilmember Fliflet, seconded by Councilmember Smith, moved TO APPROVE REQUEST MADE BY COMMON GROUND CHURCH FOR AN INTERIM USE PERMIT FOR THE KEEPING OF HORSES IN CONJUNCTION WITH A CHURCH FOR THE PROPERTY LOCATED AT 10240 STILLWATER LANE NORTH, SUBJECT TO THE OUTLINED CONDITIONS OF APPROVAL. **Motion passed 5 – 0.**

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO APPROVE REQUEST THAT THE FEE FOR AN INTERIM USE PERMIT REQUEST MADE BY COMMON GROUND CHURCH FOR THE KEEPING OF HORSES IN CONJUNCTION WITH A CHURCH FOR THE PROPERTY LOCATED AT 10240 STILLWATER LANE NORTH BE WAIVED. **Motion passed 5 – 0.**

ITEM 21: Wasatch Storage CUP

Planning Director Wensman reviewed the request for a Conditional Use Permit for development of a self storage facility with exterior RV storage at 9200 Hudson Boulevard N. Discussion was held concerning the exterior storage and screening the site from the adjacent residential areas. Applicant Scott Wyckoff of Wasatch Storage Partners reviewed the existing landscape and proposed improvements to provide better screening.

Councilmember Lundgren, seconded by Mayor Pearson, moved TO APPROVE RESOLUTION 2016-87 APPROVING A CONDITIONAL USE PERMIT FOR A SELF-SERVICE STORAGE FACILITY AND OUTDOOR VEHICLE STORAGE FOR THE PROPERTY LOCATED AT 9200 HUDSON BOULEVARD NORTH WITH THE ADDITION OF A CONDITION THAT THE APPLICANT SHALL PAY ANY DELINQUENT PROPERTY TAXES, SPECIAL ASSESSMENTS, INTEREST OR CITY UTILITY FEES. **Motion passed 4 – 1. (Bloyer - nay)**

ITEM 22: Hudson Boulevard Lift Station Improvements – Award Engineering Design and Construction Services Task Order

City Engineer Griffin reviewed the proposal for design of improvements to the Hudson Boulevard lift station as planned for in the City's 5 Year Capital Improvement Plan. Griffin also presented bids received and the proposed project schedule.

Councilmember Lundgren, seconded by Mayor Pearson, moved TO APPROVE THE PREPARATION OF PLANS AND SPECIFICATIONS FOR THE HUDSON BLVD. LIFT STATION AND SANITARY SEWER IMPROVEMENTS; AWARD A PROFESSIONAL ENGINEERING DESIGN AND CONSTRUCTION SUPPORT SERVICES CONTRACT TO BOLTON AND MENK, INC IN THE NOT TO EXCEED AMOUNT OF $53,584; AND AWARD THE GEOTECHNICAL SERVICES CONTRACT TO AMERICAN ENGINEERING TESTING IN THE NOT TO EXCEED AMOUNT OF $6,400. **Motion passed 5 – 0.**

ITEM 23: 2017 Street Improvements – Authorize Preparation of a Feasibility Report and Geotechnical Services

City Engineer Griffin presented an overview of the scope of the proposed project and process for street improvements.

Councilmember Smith, seconded by Councilmember Lundgren, moved TO APPROVE RESOLUTIO 2016-86 ORDERING PREPARATION OF A FEASIBILITY REPORT FOR THE 2017 STREET IMPROVEMENTS TO BE COMPLETED BY FOCUS ENGINEERING IN THE NOT TO EXCEED AMOUNT OF $9,200 AND AUTHORIZING GEOTECHNICAL SERVICES TO BE COMPLETED FOR THE PROJECT BY AET, INC IN A NOT TO EXCEED AMOUNT OF $6,800. **Motion passed 5 – 0.**

ITEM 24: Street Inventory and Condition Assessments – Authorize Contract for Street Condition Rating and Inventory

City Engineer Griffin reported that the City's street rating data is outdated and described the process and type of data proposed for collection.

Mayor Pearson, seconded by Councilmember Lundgren, moved TO APPROVE THE STREET INVENTORY AND CONDITION RATING REPORT PROPOSAL WITH GOODPOINTE TECHNOLOGY IN AN AMOUNT NOT TO EXCEED $21,195. **Motion passed 5 – 0.**

ITEM 25: Council Driven Agenda Items

Mayor Pearson reviewed the proposal for Councilmembers to refrain from adding items to the agenda until after the November election. Discussion was held regarding Councilmembers ability to respond to resident concerns.

ITEM 26: Council Committee Attendance by Council Members Who Are Not Appointed Members of the Committee

Councilmember Fliflet suggested that the City Attorney research what Roberts Rules of Order says about this issue. Councilmember Lundgren suggested posting a notice of quorum on all agendas so Councilmembers can attend meetings if they are non-verbal.

STAFF REPORTS AND ANNOUNCEMENTS

Administrator Handt: Reported on Sheriff's Department emergency management training.

City Clerk Johnson: Reported on absentee voting.

Finance Director Bendel: Working on the budget and financial statements.

City Attorney Sonsalla: Working on changes to the nuisance ordinance and the nature center proposal

Planning Director Wensman: Working on Ordinances, development review, and attended a conference.

City Engineer Griffin: Reported on the downtown project and contingency plan for winter preparations.

Meeting adjourned at 10:32 pm.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk