**CITY OF LAKE ELMO**
**CITY COUNCIL MINUTES**
**SEPTEMBER 20, 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, Building Official Bent and City Clerk Johnson.

## APPROVAL OF AGENDA

Item 21, "OP4 Boulder Ponds LLC Zoning Map Amendment/PUD Amendment" was removed from the agenda at the request of the applicant. Item 20, "Approve Concrete Work at City Hall" and Item 17, "Approve Lions Park Design Services – Miller Architecture" were moved from the Consent Agenda to the Regular Agenda.

***Councilmember Smith, seconded by Councilmember Fliflet, moved TO APPROVE THE AGENDA AS AMENDED. MOTION PASSED 5 – 0.***

## ACCEPT MINUTES

Minutes of the August 16, 2016 Regular Meeting were approved as presented by unanimous consensus.

## PUBLIC COMMENTS/INQUIRIES

Virginia Pleban, 8245 59th Street North, commented on what qualities make for a good politician.

Susan Dunn, 11018 Upper 33rd Street North, encouraged the Council to consider showing support for neighboring communities opposed to the Lake Elmo Airport expansion.

## PRESENTATIONS

None

## CONSENT AGENDA

2. **Approve Payment of Disbursements**
3. **Accept August 2016 Financial Statements**
4. **Accept August 2016 Assessor's Report**
5. **Accept August 2016 Building Department Report**
6. **Accept August 2016 Fire Department Report**
7. **Accept August 2016 Public Works Department Report**
8. **2016 Street, Drainage and Utility Improvements – Approve Pay Request No. 4**
9. **2016 Street, Drainage and Utility Improvements – Approve Change Order No. 2**
10. **Inwood Trunk Watermain Improvements – Approve Pay Request No. 5**
11. **Inwood Booster Station – Approve Pay Request No. 4**
12. **Inwood Water Tower (No. 4) – Approve Pay Request No. 4**
13. **Inwood Water Tower (No. 4) – Approve Change Order No. 2**

**14. Approve Repairs to Well #2 Roof**
**15. Approve payoff of Existing Building Vehicle Loan**
**16. Approve Safe Assure Contract Renewal**
**18. Approve Tablyn Park Upgrades**
**19. Accept LMCIT New Special Endorsements**

**Councilmember Smith, seconded by Councilmember Bloyer, moved *TO APPROVE THE CONSENT AGENDA AS PRESENTED*. MOTION PASSED 5-0.**

**ITEM 20: Approve Concrete Work in Front of City Hall**

Councilmember Fliflet suggested that lack of lighting in front of City Hall be addressed as well.

***Councilmember Smith, seconded by Councilmember Lundgren, moved TO APPROVE CONTRACTING FOR CONCRETE REPLACEMENT AT CITY HALL FROM FRANK ZAMORA'S CONCRETE IN AN AMOUNT NOT TO EXCEED $9,800.* Motion passed 5 – 0.**

**ITEM 22: OP Ordinance**

Planning Director Wensman reviewed the history and recommendations for updates to the OP Ordinance. Changes to each section were reviewed and discussed.

Ann Bucheck, 2301 Legion Avenue North, stated concerns about the extension of city water lines and the 6120 Rule relating to shoreland.

Susan Dunn, 11018 Upper 33rd Street North, urged the Council to get as much information as possible on the issues.

***Councilmember Lundgren, seconded by Councilmember Smith, moved TO APPROVE STAFF AND PLANNING COMMISSION RECOMMENDATION TO APPROVE ORDINANCE 08-152 REPEALING THE EXISTING OPEN SPACE DEVELOPMENT REGULATIONS WIHTIN CHAPTER 150, AND ADOPTING NEW OPEN SPACE PLANNED UNIT DEVELOPMENT REGULATIONS IN CHAPTER 154 THAT ESTABLISHES AN OP-OPEN SPACE OVERLAY DISTRICT AND REORGANIZING AND RENUMBERING CHAPTER 154 TO FIT THE NEW OPEN SPACE REGULATIONS AND ADD AN ADDITIONAL POINT UNDER INTENT REGARDING OPEN SPACE PRESERVATION.***

Discussion was held concerning buffers and the requirement for a 4/5ths vote for future changes to the ordinance.

***Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO AMEND THE PRIMARY MOTION TO ADD A 4/5THS VOTE REQUIREMENT FOR DEVIATIONS TO BUFFERS.***

Planning Director Wensman suggested that staff redraft the ordinance and present a revised version for the Council to consider.

***Councilmember Bloyer, seconded by Councilmember Fliflet, moved TO POSTPONE FURTHER ACTION TO THE NEXT REGULAR COUNCIL MEETING.*** **Motion passed 5 – 0.**

**ITEM 23: Ordinance Amendment: Exemption from Platting for Subdivision of Property**

City Attorney Sonsalla presented the proposed ordinance amendment, noting that it would speed up the process by allowing administrative approval for subdivision of property.

***Councilmember Smith, seconded by Councilmember Lundgren, moved TO APPROVE ORDINANCE AMENDMENT 08-153 AMENDING CHAPTER 153: SUBDIVISION REGULATIONS; SECTION 153.09: EXCEPTIONS TO PLATTING, BY INSERTING, AS AN ADDITIONAL EXCEPTION TO PLATTING, A SUBDIVISION OF PROPERTY RESULTING FROM ACQUISITION BY GOVERNMENTAL AGENCIES FOR PUBLIC IMPROVEMENTS OR USES, AND RESOLUTION 2016-76 FOR ITS SUMMARY PUBLICATION.*** **Motion passed 5 – 0.**

**ITEM 24: Financing Matters Related to the Downtown Project**

Finance Director Bendel presented the recommendations of the Finance Committee regarding the changes to the assessment policy for the downtown project.

Councilmember Bloyer stated he would not support the recommendations without documentation showing that the funds will not be negatively impacted by the change.

***Councilmember Smith, seconded by Councilmember Fliflet, moved TO APPROVE THE FOUR RECOMMENDATIONS LISTED AND UPDATE THE SPECIAL ASSESSMENT POLICY TO REFLECT THOSE CHANGES.*** **Motion passed 4 – 1.**

**ITEM 25: Easton Village Park Additional Cost**

Administrator Handt reviewed the request for additional funds for drain tile and curbing in the Easton Village Park.

***Councilmember Smith, seconded by Councilmember Lundgren, moved TO APPROVE $7,241.50 FOR INSTALLATION OF CONCRETE CURBING AND DENY REIMBURSEMENT OF DRAIN TILE COSTS.*** **Motion passed 5 – 0.**

**ITEM 26: Fence Ordinance**

City Planner Becker reviewed the current fence ordinance and two proposed options for changes to one section of the ordinance pertaining to solid wall fences.

***Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO APPROVE ORD. 08- (OPTION #2), WHICH AMENDS SEC. 154.205: FENCING REGULATIONS; SUBD. (E) (3), BY REPEALING LANGUAGE OF SUBP. D THAT REQUIRES PERMISSION FROM AN ADJACENT PROPERTY OWNER TO ERECT A SOLID WALL FENCE UP TO SIX FEET IN HEIGHT FOR SCREENING OR PRIVACY PURPOSES WHEN THE***

***LINEAL MEASUREMENT OF THE FENCE DOES NOT EXCEED ONE-FOURTH OF THE LINEAR DISTANCE OF THE PERIMETER OF THE LOT ON A LOT UNDER HALF AN ACRE; WHICH REPEALS SUBP. E.; AND WHICH REPEALS THE REQUIREMENT OF 154.080 THAT FENCES IN SIDE AND REAR YARDS BE 30% OPEN.*** **Motion failed 2 – 1 – 2. (Bloyer – nay; Pearson, Smith – abstain)**

**ITEM 30: Preliminary 2017 General Fund and Library Fund Annual Budget and Tax Levy**

Item 30 was moved up in the Agenda by unanimous consent.

Finance Director Bendel presented the 2017 preliminary budget, noting that the levy can be reduced after it is submitted to the county but cannot be increased. Bendel reviewed key considerations and the levies for the General Fund and Library Fund. Discussion was held concerning the proposed $50,000 pay down of the debt levy.

***Councilmember Smith, seconded by Councilmember Lundgren, moved TO APPROVE RESOLUTION 2016-77 ADOPTING THE PRELIMINARY 2017 GENERAL FUND AND LIBRARY FUND ANNUAL BUDGETS AND LEVIES WITH A CHANGE IN THE GENERAL FUND LEVY TO $1,948,847 AND THE G.O. DEBT LEVY TO $874,622.*** **Motion passed 3 – 2. (Pearson, Bloyer – nay)**

Mayor Pearson stated he would not support the proposed budget, as it counts on income that isn't permanent and he feels there is a need to invest in equipment and vehicles.

*(Councilmember Lundgren left the meeting at approximately 10:00 p.m.)*

**ITEM 27: Old Village Phase 1 Street and Utility Improvements – Resolution Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessments, and Calling for Hearing on Improvements.**

City Engineer Griffin reviewed the scope of the improvements, project costs and assessment methodology.

***Councilmember Smith, seconded by Councilmember Fliflet, moved TO APPROVE RESOLUTION 2016-81; A RESOLUTION DECLARING COSTS TO BE ASSESSED, ORDERING PREPARATION OF PROPOSED ASSESSMENT, AND CALLING FOR THE HEARING ON THE PROPOSED ASSESSMENT FOR THE OLD VILLAGE PHASE 1 STREET, DRAINAGE AND UTILITY IMPROVEMENTS.*** **Motion passed 4 – 0.**

**ITEM 28: Old Village Phase 3 Street & Utility Improvements – Accept Petitions and Authorize Feasibility Report and Borings**

City Engineer Griffin presented the proposed location map, project schedule and petitions received from residents asking to be included in the project. Griffin also explained how areas were chosen for Phase 3, the estimated project costs and potential alignment for connecting Lake Elmo Elementary to the City sewer system.

***Councilmember Smith, seconded by Mayor Pearson, moved TO APPROVE RESOLUTION 2016-80, DECLARING ADEQUACY OF PETITION AND ORDERING PREPARATION OF A FEASIBILITY REPORT FOR THE OLD VILLAGE PHASE 2 STREET AND UTILITY IMPROVEMENTS TO BE COMPLETED BY FOCUS ENGINEERING, INC. IN THE NOT TO EXCEED AMOUNT OF $12,500.*** **Motion passed 4 – 0.**

**ITEM 29: 2016 Street Improvements – Resolution Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessments, and Calling for Hearing on Proposed Assessment**

City Engineer Griffin reviewed the project areas, assessment amounts and projected payment schedule to be presented to affected residents.

***Councilmember Smith, seconded by Mayor Pearson, moved TO APPROVE RESOLUTION 2016-78; A RESOLUTION DECLARING COSTS TO BE ASSESSED, ORDERING PREPARATION OF PROPOSED ASSESSMENT, AND CALLING FOR THE HEARING ON THE PROPOSED ASSESSMENT FOR THE 2016 STREET, DRAINAGE AND UTILITY IMPROVEMENTS.*** **Motion passed 3 – 0 – 1. (Fliflet – present/not voting)**

**ITEM 31: Job Classification and Compensation Study**

Administrator Handt presented staff recommendations for a job classification and compensation study, noting that the recommended vendor could provide the information in time for it to be used in preparing the Pay Equity Report required by the state.

***Mayor Pearson, seconded by Councilmember Bloyer, moved TO CONTRACT WITH DAVID DROWN AND ASSOCIATES INC FOR A JOB CLASSIFICATION AND COMPENSATION STUDY IN AN AMOUNT NOT TO EXCEED $11,250 AND AUTHORIZE THE MAYOR AND CLERK TO SIGN THE CONTRACT.*** **Motion passed 3 – 0 – 1. (Smith – abstain)**

**ITEM 32: City Administrator Review Process**

City Attorney Sonsalla provided background on the City Administrator's contract and requested Council direction on whether or not the Council would like to conduct a performance review.

**STAFF REPORTS AND ANNOUNCEMENTS**

**Administrator Handt:** reported on ongoing projects and meetings attended.

**City Clerk Johnson:** reminded residents of the communication tools available for City related information: the Fresh, Facebook and website.

**Finance Director Bendel:** no report.

**City Attorney Sonsalla:** reported on inquiries received related to the moratorium.

**Planning Director Wensman:** no report.

**City Engineer Griffin:** reported on construction progress.

Meeting adjourned at 10:48 pm.

**LAKE ELMO CITY COUNCIL**

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk