

LAKE ELMO CITY COUNCIL MINUTES
April 16, 2013

CITY OF LAKE ELMO
CITY COUNCIL MINUTES
April 16, 2013

Mayor Pearson called the meeting to order at 7:00 P.M.

PRESENT: Mayor Pearson, Council Members Bloyer, Nelson, Smith, and Park

Also Present: City Administrator Zuleger, City Attorney Snyder, Planning Director Klatt, City Engineer Griffin, Finance Director Bendel, and City Clerk Bell.

PLEDGE OF ALLIGENCE

APPROVAL OF AGENDA

*MOTION: Council Member Nelson moved **TO APPROVE THE APRIL 16, 2013 CITY COUNCIL AGENDA AS PRESENTED.** Council Member Bloyer seconded the motion. **Motion passed 5-0.***

ITEM 1: ACCEPT MINUTES

THE APRIL 02, 2013 CITY COUNCIL MINUTES WERE APPROVED AS AMENDED BY CONSENSUS OF THE CITY COUNCIL.

PUBLIC COMMENTS None

PRESENTATIONS

ITEM 2: QUALITY STAR PRESENTATION - RICK CHASE

City Administrator Zuleger presented the Quality Star Award to Building Official Rick Chase for his commitment to quality, fair and equitable treatment of the building community, and protection of property values through consistent code enforcement.

CONSENT AGENDA

3. Approve Payment of Disbursements and Payroll of \$149,458.18
4. Accept Financial Report dated March 31, 2013
5. Accept Building Permit Report dated March 31, 2013
6. Well No. 4 -Resolution Approving Plans and Specifications and Ordering Advertisement for Bids; **Resolution 2013- 26**
7. Amend Valley Cartage Tax Abatement Resolution; **Resolution 2013- 27**
8. Approve Wild Adventure Race Spring Sprint - Sunfish Lake Park/Lake Elmo Park Reserve

*MOTION: Council Member Bloyer moved **TO APPROVE THE CONSENT AGENDA AS PRESENTED.** Council Member Nelson seconded the motion. **MOTION PASSED 5-0.***

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REGULAR AGENDA

ITEM 9: SPEAK YOUR PEACE PROJECT: RESOLUTION 2013-28

City Admin Zuleger gave overview of Speak Your Peace project. It was founded in 2003 in the Duluth/Superior area. It operates as a means to increase civil engagement in community. One goal is to learn how to disagree without being disagreeable and create an environment where individuals feel comfortable. Lake Elmo service clubs the Lions, Rotary, and Jaycees are also involved.

Mr. Zuleger explained the nine tools of civility used in the project: 1) Pay Attention; 2) Listen; 3) Be Inclusive; 4) Don't Gossip; 5) Show Respect; 6) Be Agreeable; 7) Apologize; 8) Give Constructive Criticism; and 9) Take Responsibility For Actions. The target audience is the local governing bodies and policy makers; service and nonprofit organizations; schools; churches; businesses; and residents. Mr. Zuleger explained the website - <http://www.speakyourpeacelakeelmo.org> and described its content.

Lake Elmo's model is Washington County. They handle many tough issues and maintain civility well. Former Lake Elmo Council Member Rita Conlin is advocate and liaison with Washington County. Taxpayer Services and Communications Specialist Alyssa McLeod is leading the implementation for the city.

*MOTION: Council Member Smith moved **TO ADOPT RESOLUTION 2013-28, ADOPTING THE NINE TOOLS OF CIVILITY**. Council Member Park seconded the motion. **MOTION PASSED 5-0.***

ITEM 10: LAKE ELMO WINE COMPANY

City Clerk Bell explained the reason for the license application being brought before Council. The business is being sold and the new owner is seeking the license be transferred to his new business. Mr. Bell explained that a public hearing is required.

Public Hearing held. There were no public comments.

*MOTION: Council Member Nelson moved **TO APPROVE A NEW OFF-SALE INTOXICATING LIQUOR LICENSE FOR LAKE ELMO WINE COMPANY AT 3511 LAKE ELMO AVE. NORTH TO CALVIN WILKENS, 5 GRAND, LLC., PENDING APPROVAL BY THE WASHINGTON COUNTY SHERIFF**. Council Member Smith seconded the motion. **MOTION PASSED 5-0.***

ITEM 11: MINNESOTA INVESTMENT FUND

City Administrator Zuleger explained the background of the Valley Cartage expansion and the MIF forgivable loan process/overview. Loan is contingent on the creation of the jobs. Lake Elmo will be administering the fund.

Public Hearing held. There were no public comments.

*MOTION: Council Member Park moved **TO APPROVE 2013-29 AUTHORIZING AN APPLICATION TO THE STATE OF MINNESOTA FINANCING PROGRAM, THE MINNESOTA INVESTMENT FUND, IN THE AMOUNT OF UP TO \$500,000 FOR VALLEY CARTAGE GROUP, INC.***. Council Member Smith seconded the motion. **MOTION PASSED 5-0.**

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ITEM 12: Water surface use

City Administrator Zuleger provided an overview of the background, timeline, and how the issue was raised. At the 3/05/2013 Council meeting, Council Members Park and Bloyer asked staff to draft an amendment to be brought to 4/16 meeting.

Mr. Zuleger explained the lake rule process and how the MNDNR handles proposals. All water use management starts with local regulation. State of Minnesota encourages local governments to follow state rules. The four principles that the MNDNR uses were explained. 1. Accommodating all compatible uses, where feasible; 2. Minimizing adverse impacts on natural resources; 3. Minimizing conflicts between users to provide maximum use, safety, and enjoyment; and 4. Conform to standards set in law.

Mr. Zuleger presented an overview of MNDNR available options for time use, direction of travel, motor type and size, speed limits, and area zoning. The proposed amendments and the legislative intent were explained. The points of policy decisions were also explained. These included noise, tranquility, property values, shore land erosion, congestions, use balance, water safety, and invasive species.

Mr. Zuleger presented summary overviews of each lake- Olson Lake/Lake Demontreville, Lake Elmo, and Lake Jane. Each lake possesses unique issues. It was pointed out that Washington County has expressed the intention of increasing the usage of the Park Reserve Aquatic Center. It was noted that there is generally a generational gap in position. It was also pointed out that local realtors are not consistent in disclosing use restriction to potential buyers in related property sales. Mr. Zuleger presented a summary of community positions received by the City.

Council Member Bloyer spoke about his motivation for proposing the amendment. Mr. Bloyer then proposed amendments to initial proposal: **For Lake Elmo, there would be no changes. On Olson Lake, Lake Demontreville, and Lake Jane- hours of operation with no wake would be from sunset to sunrise on weekdays; and from sunset to 9:00AM on weekends and holidays. The high water mark restrictions would remain the same; buoy placement would require sheriff approval. Counterclockwise directional traffic will remain. Motorboat races will be prohibited. Accepting a fee for lake access will remain prohibited unless for instructional purposes.**

There was a discussion of why Lake Elmo was treated differently. It was noted that the location of the Park Reserve required unique treatment.

Mayor Pearson explained the way the public comment segment will be conducted. He also asked that the public not direct anger towards staff, but instead take issue with the elected officials.

Public input:

1. **Rev. John Burns** 8249 Demontreville Trail opposes changes. He represents the Carmelites men & women. He reported sending letters to council and administrators. He has concerns about the impact of proposed changes. He reported viewing the 3/05/13 meeting. Mr. Burns relayed

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discussions of state regulations versus Lake Elmo regulations with DNR staff. He is concerned that the basis for change is inaccurate. He would like a compromise. He accused City Attorney Snyder of inaccurately stating the situation.

City Attorney Snyder restated his explanation. Mr. Snyder did not agree with the characterization of his statements.

2. **Dean Johnston** 8200 Hill Trail N opposes changes. 30-year resident. Has enjoyed quiet enjoyment of lake. Pointed out the eight principles that have been in place for the Council. Spoke about past failures to follow through by council. Thought that last time issue came up it was agreed that it would be the end of it. Recommended that council keep promises that were made.
3. **George Johnson** 3070 Lake Elmo Ave N opposes changes. His family has lived in Lake Elmo for 100 years. Loves fact that Lake Elmo is different. Spoke about rhythm of Lake Elmo. Like the quiet. Glad that Lake Elmo stands out.
4. **Michelle Hills** 4455 Olson Lake Trail opposes changes. Spoke on behalf of Olson/Demontreville Association. They are concerned about distress it has caused in community. Explained the work that the lake owners do in regards to the lake thought the issue was closed. Relayed recent survey results. She wants Council to represent the people.

Council Member Bloyer explained what lakes were included in his figure.

5. **Tom Hills** 4455 Olson Lake Trail urged city council to leave ordinance as is. Issue is causing more stress and heartache than it is worth.
6. **Ken Schwab** 1409 Granada Trail N opposes changes. Oakdale resident. His daughter and son are Carmelites. He fishes on lakes. He did not know about the previous change on Lake Jane. Wants the restriction on Jane moved back to noon.
7. **Link Lavey** 8510 Hidden Bay Trail opposes changes. Reported that he was put on record last time issue came up as the opposite of what his opinion was. Wants Council to act on public opinion and not personal interest. He and wife have enjoyed the morning peace and quiet. Concerned about trash. Concerned about Demontreville size and increased use. Concerned about buoys. Believes that lake will be covered with buoys.

Buoy placement was discussed. Council Member Bloyer stated that any buoy overnight needs a Washington County permit.

8. **Don Durand** 2901 Lake Elmo Ave N opposes changes. Lived on Lake Elmo whole life. If it's not broke, don't fix it.
9. **Dennis Birschbach** 4545 Olson Lake Trail opposes changes. Counter-clockwise restriction is important for safety. Concerned about placement of buoys during low water levels. Wants more permanent buoys for hazards.

Who places buoys was discussed. It was explained the Sheriff places them.

10. **Wendy Griffin** 2835 Lake Elmo Ave N opposes changes. Has lived on Lake Elmo almost entire life. Grew up on Lake Elmo. Appreciates council leaving Lake Elmo alone. Suggests Council hold

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a workshop to learn how to deal with shallow lakes. Also wants council to address invasive species. She hopes that the council spends as much time on groundwater as surface water.

11. **Jean Novak** 2925 Klondike Ave N opposes changes. Has lived in Lake Elmo since two years old. She has spent lots of time on lake. Thinks each lake should be addressed individually. Council should listen to people who have spoken. She wants more regulation for lakes that have public access.
12. **Paul Novak** 2925 Klondike Ave opposes changes. He worked on water surface use ordinance in past 1995. Past council was trying to be proactive because of Park Reserve coming about. There was call for becoming a no-wake city. Committee tried to look at balance. No changes should occur on any lake.
13. **Kevin Peterson** 8278 Hidden Bay Court N. Has lived on Olson Lake for 17 yrs. His parents raised him on lake. Spoke about Olson Lake usage. Claimed 80% of use is for fishing. Generally in favor of keeping ordinances as is.
14. **Joe Peterson** opposes changes. Believes current regulation allows plenty of time for activity. He is concerned about slalom courses. He is concerned about safety issues. In favor of keeping as is.
15. **John Butenhoff** 2976 Lake Elmo Ave N opposes changes. He appreciates changes proposed at meeting. He believes residents have nearly spoken unanimously against changes. Surprised that issue came up again. Hopes communication is better with public next time.
16. **Larry Paul** 8186 Hill Trail North opposes changes. Attended Jesuit retreat. Every week 70 men use lake for quiet.
17. **Karen Johnston** 8200 Hill Trail N opposes changes. She is surprised issue again. Claimed there are no new facts that would justify change. All lakes are very small. Current rules allow generous use. Quiet time is important. Heavy motor use affects lake due to shallowness. Current use is a compromise. She is concerned about protecting lakes.
18. **Jill Lundgren** 8282 Hidden Bay Court N opposes changes. Thanked Council for public input opportunity. She is concerned about safety and degradation of shoreline with more motor activity. Retreat property; small lake. She is new to city. Moved to Lake Elmo two years ago. Her realtor explained that is a quiet lake. Urged council to listen to residents.
19. **Dale Dorschner** 3150 Lake Elmo Ave opposes changes. His wife is fourth gen Lake Elmo resident. Has lived on Bald Eagle Lake and Lake Elmo. Claims there is a big difference between Lake Elmo and other lakes. Claims he is perhaps the heaviest user on Lake Elmo. He loves the lake. In favor of less restriction, but would not do it if neighbors were against it. Claims lakes are glorified ponds that are used for recreation. Noise is heard across entire lake. Claims that if Council looks at data, decision should be simple.
20. **Dennis Trembl** 2715 Lake Elmo Ave opposes changes. He noted core values of service #6 respect the individual. Acknowledges need to provide opportunity for all users to use lakes. In favor of keeping noon restriction.
21. **Jim Arkell** 8131 Hidden Bay Trail N in favor of changes. He owns 300 ft of Olson Lake outlot. Understands what erosion is about. No diligence obtaining input from those off the lake. Greatest joy is teaching grandkids how to ski. Cannot teach child how to ski at noon because lake is too rough. Wants to teach next generation the joy of lakes. In favor of opening access to use including all people on and off the lake.

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22. **Mark Fritsch** 4563 Birchbark Trail N opposes changes. Claims he warned people last time with Lake Jane changes that issue would come back. He is concerned about loons. Claims usage will drive loons away. Okay to be different. He believes that the counter-clockwise is for safety. Concerned lake will be full of buoys during day. Upset about time change for Lake Jane.
23. **Melissa Miller** 11055 32nd St N opposes changes. She is glad that Lake Elmo is left as is. She believes current regulation is good compromise. Thinks opening it up will increase boats.
24. **Elizabeth Schwab** 1409 Granada Trail N opposes changes. Oakdale resident. She has spent time at Carmelites. Retreat is nationally known because it is quiet and beautiful. Monasteries own almost third of lakeshore. Son and daughter are both Carmelites. Monasteries are treasures. Many communities would like them. Residents there cannot leave. Claims that Carmelites cannot accomplish mission if restrictions are changed. Opposed to demographic
25. **Mark Peterson** 8294 Hidden Bay Trail N opposes changes. He is disappointed with process and how it has been rushed. Claims there are no facts or data to back up proposed changes. Alleges changes are being promoted by a small group of skiers and wake boarders. Asked about conflict of interest vis-a-vis Council Member Bloyer. Owns property and it was noted that

Mayor Pearson stated he does not believe there is a conflict. City Attorney Snyder reported a Minnesota Court of Appeals case *Lenz vs. Coon Creek*. Court ruled that no conflict exists. It is inevitable that council members may have interest. Very narrow grounds for determining conflict.

26. **Phil Eason** 7934 Hill Trail N opposes changes. Claimed he is the largest recreational user on Lake Demontreville. Family enjoys lake.
27. **Roger Johnson** 8048 Hill Trail N opposes changes. 25-year user of lake. Has a powerboat, three jet skis, pontoon, paddleboat, and kayaks. He believes issue is due to a few avid water-skiers who are not willing to share lake with non-wake users. Disagrees with the reasons given to change. Spoke about list of other lakes in state and area with restrictions. Asked that list be entered into record.
28. **John Goodlad** 8344 Hidden Bay Trail N opposes changes. He lives on Lake Demontreville. Thanked the Council for keeping Lake Elmo in newspaper. Wants to echo Mark Peterson's comments. He is in favor of tabling issue and forming workgroup to discuss options.
29. **Audrey Talcott** 8051 Hill Trail N opposes changes. Her husband Bud was on original lake committee. It has worked all these years. Should just leave it as is.
30. **Pat Sinclair** 8164 Hill Trail N opposes changes. He built home in 1983 and was well aware of ordinances. His kids learned how to ski with ordinance. In favor of keeping ordinances as is and is concerned about removing counter-clockwise restriction for safety reasons. Claimed that past campaign promises were not kept.
31. **Tom Linnell** 8056 Hill Trail N opposes changes. He does not understand why current rules cannot stay as they are.

Mayor Pearson explained his understanding of why the issue has been raised. Council Member Smith noted that over time Councils change. As frustrating as things can be, things are going to come up and previous promises are not required to be followed. Council transparency was discussed. Ms. Smith said Mr. Zuleger is the most transparent Administrator she has seen.

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32. **Brock Carlson** 8554 N Hidden Bay Trl in favor of changes. High school junior at Saint Thomas Academy. He asked council to remove all restrictions and just follow state laws. This would allow the next generations to benefit. This is what the future wants.
33. **Elizabeth Niehaus** 2945 Lake Elmo Ave N opposes changes. She thanked Mr. Zuleger for his presentation and work. Noted city has opportunity to add additional restriction to lake use. Sizes and shapes of lakes are unique. Concerned about enforcement with non-uniformity. She is concerned with safety and wants to maintain balance.
34. **Linda Ott** 7831 50th St N opposes changes. She believes uniformity can be beneficial and detrimental. Asked council to create times for all users to use. In favor of leaving rules as is.
35. **Jim Blackford** 9765 45th St N opposes changes. He does not live on lake. Councils he has worked with were in "race to the top", not race to bottom. He is proud of working with past councils and mayors to make Lake Elmo better and keep it different. Past actions were careful compromises considering all needs. He believes that this issue and process has been mishandled. He is embarrassed that Jesuits had to speak up asking to be respected. Claims council member owes apology to all citizens of Lake Elmo for putting them through this. Mr. Blackford threatened this [ordinance change] will not happen. He claimed that [council] would not win this battle. Threatened war is coming if council acts. Change is not will of the people.
36. **Gary Kimlinger** 9461 Jane Rd N opposes changes. He does not think ordinances should be changed. Times and boats have changed since ordinances originally enacted. He is concerned about buoy placement. Some users are not as respectful of others. Enforcement should be stepped up.
37. **Joe McGrath** 8120 Demontreville Trail N opposes changes. He has friends on both sides of issue. Has lived there for almost 25 years. Believes best compromise is current ordinances. Time restrictions do make sense. Advocates council not vote tonight on issue. Recommends Council get more data and input before acting.
38. **Paula McGrath** 8120 Demontreville Trail N opposes changes. Lives adjacent to Jesuits. Love the silence. Loves neighbors. Wants ordinance kept as is.
39. **Jerry Junker** 11130 20th St Ct N opposes changes. Lived at residence for 24 years. He wants counter-clockwise restriction to remain. Concerned about safety and wake issues. More hours of skiing results in more erosion.
40. **Betsy McDonough** 4711 Birchbark Trail N opposes changes. Also wants Lake Jane back to Noon. Alleges questionable math used in previous Lake Jane survey. Claims counter-clockwise removal is dangerous. Questions statistical data on Lake Jane use. Alleges issue looks sounds and feels like a personal agenda. Accused council of being non-transparent.

Meeting recessed at 9:54PM. Meeting reconvened at 10:13PM

41. **Don Butler** 8416 Hidden Bay Trail favors changes. He has lived at residence for 56 years. Fortunate to live on recreational lake. Relayed past experience of removing stumps in his bay, which built community. He believes you have to challenge life, if not, you're not living it.

*MOTION: Council Member Nelson moved **TO RECESS PUBLIC INPUT**. Seconded by Council Member Park. **MOTION PASSED 5-0**.*

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*MOTION: Council Member Nelson moved **TO CHANGE AGENDA AND TAKE UP ITEMS 16 & 17.** Seconded by Council Member Smith. **MOTION PASSED 5-0.***

ITEM 16: KEATS MSA STREET AND TRUNK WATERMAIN IMPROVEMENTS – ACCEPT BIDS AND AWARD CONTRACT

City Engineer griffin gave overview of Keats bid. Staff determines that 12 inch pipe alternate was worth savings recognized.

Council Member Nelson asked about total assessment to each owner. Mr. Griffin stated preliminary estimates. \$2,900 initial assessment and \$2,900 fee later.

*MOTION: Council Member Smith moved **TO APPROVE RESOLUTION NO. 2013-32, ACCEPTING THE BIDS AND AWARDING A CONTRACT TO T.A. SCHIFSKY AND SONS, INC., IN THE AMOUNT OF \$1,606,833.47, FOR THE KEATS MSA STREET AND TRUNK WATERMAIN IMPROVEMENTS.** Seconded by Council Member Park **MOTION PASSED 5-0.***

ITEM 17: AUTHORIZATION TO DISTRIBUTE AN ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW) FOR THE LENNAR RESIDENTIAL DEVELOPMENT (SAVONA)

Planning Director Klatt gave overview of Environmental Assessment Worksheet for Lennar project. As Responsible Government Unit, the City Council must order document distributed to agencies.

*MOTION: Council Member Park moved **TO AUTHORIZE DISTRIBUTION OF THE MANDATORY EAW FOR THE SAVONA RESIDENTIAL SUBDIVISION STARTING THE 30-DAY EAW PUBLIC COMMENT PERIOD.** Seconded by Council Member Bloyer. **MOTION PASSED 5-0.***

City Administrator Zuleger requested that motion be made that Items 13, 14, and 15 be moved to next meeting in the interest of time.

*MOTION: Mayor Pearson moved **TO POSTPONE AGENDA ITEMS 13, 14, AND 15 TO NEXT REGULAR CITY COUNCIL MEETING.** Seconded by Council Member Smith. **MOTION PASSED 5-0.***

*MOTION: Council Member Smith moved **TO RECONVENE PUBLIC INPUT.** Seconded by Council Member Park. **MOTION PASSED 5-0.***

42. **Susan Hawkinson** 4891 Olson Lake Trail N opposes changes. She questions the purpose given of expanding enjoyment of lakes. She wants younger people to learn about all uses, including quiet use. She spoke about her daughter training for triathlon. Wake creation has impact on her training.

43. **Justin Smith** 3291 Lampert Ave opposes changes. He wants rules to remain as is. Wants all lakes to be the same for enforcement purposes, but doesn't want changes. Stated he will use Lake Jane earlier.

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44. **Jeff Berg** 3271 Lampert Ave opposes changes. He spoke about environmental concerns. He offered “scientific” data on the effect of motorized activity on lake vegetation. He claimed literature shows that decrease in water clarity leads to decrease in property values as well as increase in invasive species.
 45. **Brenda Jo Carlson** 8554 N Hidden Bay Trl in favor of changes. She asked Council to remove restrictions and follow the state rules. She feels that the restrictions are unfair to homeowners. Does not want tax dollars used to police the lake.
 46. **Dave Carlson** 8554 N Hidden Bay Trl in favor of changes. He has spoke to issue in past. He is a board member of Olson/Demontreville group. Feels ordinances penalize homeowners. If we have regulation, it should be enforced. It currently is not being enforced.
 47. **Karen Slakey** 7872 Demontreville Trl N in favor of changes. She believes use of lakes to full potential is important. She is asking City to lift restrictions and follow MnDNR standards. Current restrictions have only caused strife with neighbors. There needs to be uniform and consistent enforcement. She believes residents are unfairly punished under current enforcement.
 48. **Sharon Engdahl** 2491 Lake Elmo Ave N opposes changes. She is pleased with residents’ passion and that Lake Elmo remaining as is. Claims it’s a matter of sharing the lakes. She believes bringing issue up creates disrespect for everyone and asked that issue never be brought up again. She wants Council to consider health and well-being of everyone.
 49. **Amy Gustafson** 8120 Hill Trail N opposes changes. Stated she does not own a boat. Stated she would not use any power tools if she had her way. She spoke about enforcement and multi-disabled sister who loves swimming. Claimed that nature is a need, not a want.
 50. **Bryan Boyle** 10961 32nd St N opposes changes. As new resident, considered restrictions in moving to Lake Elmo.
 51. **Gail Olson** 2525 Lake Elmo Ave opposes changes. She had sent letter to City opposing. Appreciates proposed amendment to initial changes proposed. Stated that even the DNR has restrictions. Reported that there is a claim that parks, and therefore quiet lakes, are good for health.
- The 150’ wake buffer was discussed. It was explained that it only applies to personal watercraft. DNR review was also discussed. If nothing changes, there will be no DNR review.
52. **Clayton Michaels** 8066 Hill Trail opposes changes. He does not use the lake, but appreciates the lake. He is against lengthening time for powerboats to use lake. Claimed that his realtor said property value would increase if no changes.

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53. **Richard Engdahl** 2491 Lake Elmo Ave N opposes changes. Claims fishing has decreased in recent years. Coincidentally, use has increased, and water clarity has worsened. He is concerned about safety issues and wants more enforcement. He invited Council to come to lake and experience wake issue.
54. **Debbie Dean** 8028 Hill Trail N in favor of changes. Resident for 25 years and wants restrictions done away with. Already hears fishermen exceeding wake restrictions, but claims only the residents are penalized. She spoke about her grandchildren not being able to use lake when they visit. She is ashamed of some rude behavior and comments.
55. **Kristen Chirafisi 9250 Lake Jane Trail N** opposes changes. Speaking on behalf of her parents. She is concerned about the counter-clockwise restriction being removed. She reported incident in past with current restriction. She is worried that removing it would worsen matters.
56. **Mairlynn Kennedy** 9051 Jane Rd N opposes changes. Believes changes are huge safety issue.
57. **Sheryl Sarkisian** 8290 Hidden Bay Ct N opposes changes. She lives at south end of retreat. Loves the peace and quiet. Concerned about conservation. Thinks that a slight change may be appropriate because noon is late during the summer, but prefers no change.

City Attorney Snyder noted that this type of ordinance change does not require a public hearing. City Administrator Zuleger re-read proposed changes. Discussion followed.

Council Member Bloyer read data on boating accidents and environmental studies. He reported that there is no negative effect on water clarity and erosion. Mr. Bloyer suggested that fish population might be down due to overfishing. Environmental and erosion concerns were discussed. Mayor Pearson stated that environmental concerns would eventually lead to banning all wakes. Council Member Park expressed her wish to have the 9AM be uniform.

Council Member Nelson stated his concerns about the freedom to use public lakes as people choose. A number of people have contacted him, but they are afraid to come forward due to potential reprisal from opponents. Because of federal funding, the only way to increase enforcement is to pay for it. Most residents are not going to want to pay more in taxes for more enforcement.

Mayor Pearson stated he could attest to the reluctance on the other side to come forward. He also recognizes that many people enjoy the peace and quiet. However, he believes that removing the time restriction may actually increase safety by expanding the available time for use. There may be less congestion if users are not forced to all use lake at same short time. He is concerned that increased lake enforcement could possibly reduce the automobile traffic speed enforcement. Lakes are a public asset.

Council Member Park stated that those who want to kayak, canoe, etc. can still do these activities between 6-9AM. She stated her belief that this is primarily a weekend use issue. Ms. Park noted it is

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a public lake and does not believe that proposed changes will hurt anyone. She admitted that it is difficult to have to make any unpopular decisions.

Council Member Smith acknowledged that this is a difficult decision. Up until the last few days, responses were 50/50. She cannot explain why more of those who support the changes are not present. Lake Elmo residents have been most recent commentators. Ms. Smith wants to be fair and is in favor of 9AM across the board.

Mayor Pearson stated that Council has listened to the public input. He is not in favor of tabling; however, he does not believe that any new information will be learned. Mayor Pearson is in favor of 9AM.

Council Member Bloyer is okay with counter-clockwise on all lakes all the time. He does not believe that 9AM change on Lake Jane has caused any problems. Nothing has changed. Consistency is important for tri-lakes regardless of what the Council decides.

Council Member Park explained her logic behind the 9AM every day. Believes it is a good compromise.

*MOTION: Council Member Park moved **TO AMEND ORIGINAL MOTION BY RESTRICTING NO WAKE SUNSET -9AM ON OLSON LAKE/DEMONTREVILLE LAKE/LAKE JANE EVERY DAY.** Seconded by Mayor Pearson. 2-2-1 (NELSON/BLOYER- NAY; SMITH- NO VOTE) **MOTION FAILS.***

Council Member Smith wants a review period/process. If found in September, that problems have arisen, Council can reassess any changes made. Ms. Smith cautioned that she only wants serious issues brought up, not just petty political complaints. Council discussed review process. The Mayor warned that Council needs to study real data, not just conduct a poll.

*MOTION: Council Member Bloyer moved **TO AMEND ORIGINAL MOTION BY REESTABLISHING COUNTER CLOCKWISE TRAVEL DIRECTION REQUIREMENT, SEVEN DAYS A WEEK AT ALL TIMES.** Seconded by Council Member Nelson. **MOTION PASSED 5-0.***

*ORIGINAL MOTION: Council Member Bloyer moved **TO APPROVE ORDINANCE CHANGES AS AMENDED.** Council Member Nelson seconded the motion. **MOTION PASSED 5-0.***

*MOTION: **COUNCIL MEMBER SMITH MOVED TO RECONSIDER AMENDMENTS AT END OF SEASON NO LATER THAN OCTOBER 31, 2013.** Seconded by Council Member Park. **MOTION PASSED 5-0***

*MOTION: Mayor Pearson offered friendly amendment that **BEFORE OCTOBER 31, 2013, COUNCIL WILL PLACE ON AGENDA A DISCUSSION OF HOW TO REVIEW APRIL 16TH'S ACTION AND ITS AFFECTS ON THE LAKES.** Seconded by Council Member Bloyer. **FRIENDLY AMENDMENT – NO VOTE REQUIRED.***

Mayor Pearson invited public to bring to Council related issues of concern regarding the lakes.

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ITEM 13: Postponed to 5/7 mtg.

ITEM 14: Postponed to 5/7 mtg.

ITEM 15: Postponed to 5/7 mtg.

SUMMARY REPORTS AND ANNOUNCEMENTS

Council Member Nelson reported spending three-quarters of day attending planning commission webinar on Saturday. He found it very informative. Interested in purchasing webinar presentation for new commissioners.

Council Member Smith - no report

Council Member Bloyer thanked staff for their time and effort.

Council Member Park - no report

Mayor Pearson reported attending lake issue meetings, HOA meeting; theming meeting; noted quality space available at library; gateway corridor; speak your peace; potential development; EDA applicant; coffee with the Mayor Gorman's this Friday from 7:30-9:00AM; regarding the proposed senior development on Hwy 5, it seems to have run its course. No compelling reason to keep zoning. Wants staff to review zoning. City Attorney Snyder said topic should not be discussed at this time. Staff can be asked to give update.

City Administrator Zuleger reported working on lake issue. Spoke to over 100 residents. Good way to meet people; trying to push Old Village Work Group comp plan through met council and dealing with Airport Commission. Working with legal counsel on next steps in 3M case.

City Attorney Snyder - No update

Finance Director Bendel reported the audit field work is completed; water reports out this week; finalizing CIP for May workshop.

City Clerk Bell - No report.

Meeting adjourned at 12:05 A.M.

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ATTEST:

Mike Pearson, Mayor

Adam R. Bell, City Clerk