

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
AUGUST 20, 2019**

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, Dale Dorschner, Lisa McGinn and Christine Nelson

Staff present: Administrator Handt, City Attorney Sonsalla, Public Works Director Powers, Fire Chief Malmquist, Finance Director Iverson, City Engineer Griffin, Planning Director Roberts, and City Clerk Johnson

APPROVAL OF AGENDA

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

ACCEPT MINUTES

Minutes of the August 7, 2019 Regular Meeting were accepted as presented.

PUBLIC COMMENTS/INQUIRIES

None

PRESENTATIONS

None

CONSENT AGENDA

2. Approve Payment of Disbursements
3. Accept July 2019 Fire Department Report
4. Accept July 2019 Building Department Report
5. Accept July 2019 Public Works Department Report
6. Approve Lease Agreement Extension with Zignego Agency, Inc.
7. Approve Grant Application for Sunfish Lake Park Ski Trail Grooming – *Resolution 2019-057*
8. Approve Lake Elmo Lake Association Lake Grant
9. Approve Pay Request No. 13 (final) for Inwood Water Tower (No. 4)
10. Approve Pay Request No. 2 for the CSAH19-Hudson Blvd. Intersection Improvements
11. Approve Pay Request No. 2 for the 2019 Mill & Overlay Project
12. Approve Engineering Services for Village Parkway UPRR Crossing Improvements

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

ITEM 13: Water Surface Use Ordinance Amendments

Administrator Handt introduced the proposed amendments to the water surface use ordinance, noting that a majority of the deletions are due to duplicate language in state statutes.

Gary Kimlinger, 9461 Jane Road North, spoke in opposition of the proposed changes.

Sue Horning, 8991 Jane Road North, spoke in opposition of the proposed changes.

Bill Stevenson, 8895 Jane Road North, spoke in opposition of the proposed changes due to increasing noise levels.

Bridget Eubank, 8991 Jane Road North, spoke in opposition of the proposed changes.

LeeAnn Leitch, 9025 Jane Road North, expressed safety concerns related to high water and boat wakes.

Gary Fields, 4751 Olson Lake Trail, commented on high water and damage to the lake due to nutrients washing into the lake.

Wendy Griffin, 2835 Lake Elmo Avenue North, thanked the City for grant money provided for removal of Eurasian milfoil and commented on the boating hours and enforcement of no wake rules.

Susan Dunn, 11018 Upper 33rd Street N., commented on notice to the public for the proposed ordinance changes.

Link Lavey, 8510 Hidden Bay Trail, commented on runoff into the lakes and regulation of buoys.

Breanna Pepin, 8690 Lake Jane Trail, spoke in favor of more flexible hours for use of the lakes.

Councilmember Bloyer, seconded by Mayor Person, moved TO DIRECT STAFF TO SUBMIT ORDINANCE NO 08-228 TO THE DNR WITH THE WATER SURFACE USE PACKET.

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO AMEND THE PRIMARY MOTION BY REVISING THE TITLE OF SECTION 97.22 BY REMOVING “STRUCTURES”. Motion passed 5 – 0.

Councilmember Bloyer, seconded by Mayor Pearson, moved TO AMEND THE PRIMARY MOTIN BY STRIKING 97.21(B)(3). Motion passed 5 – 0.

Councilmember Dorschner, seconded by Councilmember McGinn, moved TO AMEND THE PRIMARY MOTION BY RE-INSERTING 97.21(B)(2) RELATED TO HIGHT WATER CONDITIONS. Motion failed 2 – 3. (Pearson, Bloyer, Nelson – nay)

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO AMEND THE PRIMARY MOTION BY STRIKING ORDINANCE 08-228. Motion failed 2 – 3. (Dorschner, McGinn, Nelson – nay)

Primary motion passed 3 – 2. (Dorschner, McGinn – nay)

ITEM 14: Carmelite Hermitage (8249 Demontreville Trail) Variance for Access for Chapel

Planning Director Roberts reviewed the application for a variance to allow access to a new chapel, noting driveway locations and access points. Reverend John Burns provided history of the property and commented on traffic and visitors coming to the chapel. Discussion was also held concerning construction traffic.

Kevin Conley, 15551 N. Hillcrest Ct., Eden Prairie, commented on traffic and potential negative impact during retreats.

David Murphy, 279 Lily Pond Ln., Vadnais Heights, stated silence is critical during retreats.

Jim Slagel, 1125 Davern St., St. Paul, stated that the access road is used during retreat days and opposes increased traffic.

Eric Lipman, 8249 Deer Pond Ct. N. urged the Council to approve the recommendations of the Planning Commission.

Diane Diana Meier, 4731 Birchbark Tr., expressed support for the Carmelite's chapel.

Stenve Senger, 8628 Ironwood Tr. N., asked the Council to deny the request due to traffic concerns.

Father McCorkell, 8243 Demontreville Tr., stated opposition to the request due to traffic concerns.

Tim Keane, 60 S. 6th St., Minneapolis, spoke on behalf of his client, the Jesuit Retreat Center, stating the variance is illegal and the easement does not allow access.

Jim Curran, 3158 32nd Ave., Minneapolis, stated that the Jesuit retreat need quiet and asked the Council to deny the application.

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Terry Kapsen, 6600 Scandia Rd., Edina, stated opposition to the proposed access due to traffic concerns.

Dennis Bakke, 8509 Cherrywood Tr., Lake Elmo, commented on the success of the Jesuit retreat center and need to preserve quiet.

Councilmember Bloyer, seconded by Councilmember Dorschner, moved TO ADOPT RESOLUTION 2019-058 APPROVING THE REQUEST FROM REV. JOHN BURNS OF THE CARMELITE HERMITAGE FOR A VARIANCE (AN EXCEPTION) FROM THE CITY'S REQUIREMENT FOR DIRECT ACCESS TO A MAJOR COLLECTOR OR ARTERIAL STREET FOR A PLACE OF WORSHIP FOR THE PROPERTY LOCATED AT 8249 DEMONTREVILLE TRAIL. Motion passed 4 – 1. (McGinn – nay)

ITEM 15: Carmelite Hermitage (8249 Demontreville Trail) Conditional Use Permit for Chapel

Planning Director Roberts reviewed the request for a Conditional Use Permit to allow the construction of a chapel.

Councilmember McGinn moved TO ADD THAT CONSTRUCTION SHOULD OCCUR MONDAY-THURSDAY AND THERE WILL BE NO PUBLIC ACCESS TO USE THE CHAPEL FRIDAY-SUNDAY WITH THE EXCEPTION OF A HOLIDAY. Motion died – no second.

Councilmember Bloyer, seconded by Councilmember Dorschner, moved TO ADOPT RESOLUTION 2019-059 APPROVING THE CONDITIONAL USE PERMIT FOR THE CARMELITE HERMITAGE INCLUDING THE PROPOSED CHAPEL FOR THE PROPERTY LOCATED AT 8249 DEMONTREVILLE ROAD WITH RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL AS DRAFTED BY STAFF.” Motion passed 4 – 1. (McGinn – nay)

ITEM 16: Four Corners 2nd Addition – Easement and Right-of-Way Vacations and Final PUD and Plat

Planning Director Roberts reviewed the application and recommended conditions of approval.

Councilmember Nelson, seconded by Mayor Pearson, moved TO ADOPT RESOLUTION 2019-060 APPROVING THE REQUEST FOR THE VACATION OF PART OF THE HUDSON BOULEVARD ROAD RIGHT-OF-WAY AND THE EASEMENTS AS SHOWN IN THE VACATION EXHIBIT DATED JANUARY 23, 2019. Motion passed 5 – 0.

Councilmember Nelson, seconded by Mayor Pearson, moved TO ADOPT RESOLUTION 2019-061 APPROVING THE FOUR CORNERS SECOND ADDITION FINAL PUD AND FINAL PLAT WITH THE RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF REPORT. Motion passed 5 – 0.

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Meeting adjourned at 10:30 pm.

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ATTEST:

Mike Pearson, Mayor

Julie Johnson, City Clerk