

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
AUGUST 18, 2020**

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, Lisa McGinn and Christine Nelson. **Absent:** Councilmember Dale Dorschner

Staff present: Administrator Handt, City Attorney Sonsalla, City Attorney Shepherd, City Engineer Griffin, Planning Director Roberts, and City Clerk Johnson

APPROVAL OF AGENDA

Councilmember Bloyer, seconded by Councilmember McGinn, moved TO APPROVE THE AGENDA AS PRESENTED. Motion passed 4 – 0.

ACCEPT MINUTES

Minutes of the August 4, 2020 Regular Meeting were accepted as presented.

PUBLIC COMMENTS/INQUIRIES

None

PRESENTATIONS

None

CONSENT AGENDA

2. Approve Payment of Disbursements and Payroll
3. Accept July 2020 Building Department Report
4. Accept July 2020 Public Works Report
5. Accept July 2020 Sheriff's Office Report
6. Accept July 2020 Fire Department Report
7. Approve Lake Elmo Lake Association Grant
8. Approve Pay Request No. 2 for Well No. 5.
9. Approve Change Order No. 1 for Stonegate Addition Street and Utility Improvements.
10. Approve Pay Request No. 2 for Stonegate Addition Street and Utility Improvements.
11. Approve Change Order No. 4 for the CSAH 19-Hudson Boulevard Intersection Improvements.

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12. Approve Compensating Change Order No. 5 for the CSAH 19-Hudson Boulevard Intersection Improvements.
13. Approve Pay Request No. 7 (FINAL) for the CSAH 19-Hudson Boulevard Intersection Improvements.
14. Accept Quotes and Award Contract for 2020 Street Maintenance Striping
15. Approve Contract Amendment with Washington County Sheriff
16. Approve CUP Time Extension (Carmelites Chapel – 8249 Demontreville Trail)

Councilmember Bloyer, seconded by Mayor Pearson, moved TO APPROVE THE CONSENT AGENDA AS AMENDED WITH ITEM 16 MOVED TO THE REGULAR AGENDA. Motion passed 4 - 0.

ITEM 16: Approve CUP Time Extension (Carmelites Chapel – 8249 Demontreville Trail)

Reverend John Burns explained the need for the time extension to allow time to complete negotiations with the neighboring property.

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO APPROVE EXTENSION OF THE CUP, RESOLUTION 2019-059, TO PROVIDE AN EXTENSION OF CONDITION NO. 7 TO ALLOW THE PERMIT HOLDER TO HAVE ONE YEAR AFTER THE DATE OF THE LAWSUIT TO RESOLVE LAST (EITHER JESUIT RETREAT HOUSE V. CITY OF LAKE ELMO, A20-0847 OR JESUIT RETREAT HOUSE V. DISCALCED CARMELITE NUNS OF ST. PAUL AND CARMEL OF THE BLESSED VIRGIN MARY, 82-CV-19-4008) TO START THE CHAPEL OR, IF SUBSTANTIAL CONSTRUCTION OF THE CHAPEL HAS NOT TAKEN PLACE, TO SUBSTANTIALLY CONSTRUCT THE CHAPEL. Motion passed 4 - 0.

ITEM 17: Four Corners 1st Addition

City Administrator Handt reviewed the background of the development and the status of compliance with the Development Agreement.

Terry Emerson, 2204 Legion Lane Cir. N. explained that the delays in the project are due to small utilities needing to be moved before he proceed.

Councilmember Bloyer, seconded by Councilmember Nelson, moved TO DIRECT THE CITY ATTORNEY TO DRAFT NOTICE OF DEFAULT TO DEVELOPER WITH OPPORTUNITY TO CURE AS RECOMMENDED BY STAFF AND TO PROVIDE FOR ENFORCEMENT OF THE AGREEMENT IF THE DEVELOPER DOES NOT CURE THE DEFAULT. Motion passed 3 - 1. (McGinn - nay)

ITEM 18: Water Surface Use Amendment

Planning Director Roberts presented the proposed updates to the Water Surface Use ordinance to remove references to personal watercraft as this is already covered in state statute, and to update language in section 97.23 from “Department” to “Office”.

ITEM 19: Comprehensive Plan Amendments

Planning Director Roberts reviewed the proposed amendments for a boundary change in the City’s Metropolitan Urban Service Area to allow for two properties to connect to City sewer.

Neal Krueger, 4452 Lake Elmo Avenue N., expressed concern over possible future development.

Mayor Pearson, seconded by Councilmember McGinn, MOVED TO ADOPT RESOLUTION 2020 – 078 APPROVING ALL NECESSARY AMENDMENTS TO THE 2040 LAKE ELMO COMPREHENSIVE PLAN (INCLUDING THOSE TO THE LAND USE PLAN AND TO WASTEWATER SERVICES PLAN) TO ADD THE PROPERTIES LOCATED AT 4212 LAKE ELMO AVENUE AND 10875 43RD STREET NORTH TO THE CITY’S SANITARY SEWER AREA. Motion passed 4 – 0.

Mayor Pearson, seconded by Councilmember Nelson, moved TO ADOPT RESOLUTION 2020 – 079 APPROVING A COMPREHENSIVE PLAN AMENDMENT RE-GUIDING ON THE CITY’S LAND USE PLAN THE PROPERTIES LOCATED AT 4212 LAKE ELMO AVENUE AND 10875 43RD STREET NORTH FROM RAD (RURAL AREA DEVELOPMENT) TO V- LDR (VILLAGE LOW-DENSITY RESIDENTIAL) AND AUTHORIZE CITY STAFF TO SUBMIT THE PROPOSED AMENDMENTS TO THE METROPOLITAN COUNCIL FOR REVIEW. Motion passed 4 – 0.

ITEM 20: Ordinance Amendments

Planning Director Roberts reviewed the proposed amendments to move the requirement for concept plan and sketch plan review for open space planned unit developments. Councilmember McGinn stated she would not support the proposed changes due to lack of community input.

Councilmember Nelson, seconded by Councilmember Bloyer, moved TO ADOPT ORDINANCE 08-228. Motion passed 3 – 1. (McGinn – nay)

Mayor Pearson, seconded by Councilmember Bloyer, moved TO ADOPT RESOLUTION 2020-080 AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 08-228. Motion passed 4 – 0.

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STAFF REPORTS AND ANNOUNCEMENTS

Administrator Handt: Provided a reminder of the upcoming Budget Workshop and water projects.

City Clerk Johnson: Provided an election update.

Meeting adjourned at 8:38 pm.

ATTEST:



Julie Johnson, City Clerk

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Mike Pearson, Mayor