



Approved: June 28, 2021

**CITY OF ARDEN HILLS, MINNESOTA
SPECIAL CITY COUNCIL WORK SESSION
JUNE 7, 2021
5:45 P.M. - ARDEN HILLS CITY COUNCIL CHAMBERS**

CALL TO ORDER/ROLL CALL

Pursuant to due call and notice thereof, Mayor Grant called to order the City Council Work Session at 5:45 p.m.

Note: On March 20th, 2020 the Mayor signed a determination allowing Councilmembers to participate in City Council meetings via telephone pursuant to State Statute 13D.021

Present: Mayor David Grant; Councilmembers Brenda Holden, Fran Holmes, and Steve Scott

Absent: Councilmember Dave McClung

Also present: City Administrator Dave Perrault and Senior Planner Jessica Jagoe

1. AGENDA ITEMS

A. Shoreland Ordinance and Lake Classification Discussion

Senior Planner Jagoe stated at its May 24, 2021 Regular Meeting, the City Council reviewed the Zoning Code Amendment for Planning Case 21-008 to permit accessory storage sheds within the required structure setback from the ordinary high water level of up to 100 square feet in size and 8 feet in height. At that meeting, the City Council tabled the amendment to allow for further discussion and review of lake classifications. Staff provided detailed historical information for the Council for the City's shoreland ordinance, the lakes classifications, and commented on the proposed Ordinance revisions.

Senior Planner Jagoe explained in 1969, the State of Minnesota passed the Shoreland Management Act due to concerns over rapid development, crowding, and declining water quality and recreational value of the State's lakes and rivers. From 1967–1982, the Minnesota Department of Natural Resources (DNR) noted a shoreland development increase by about 74% with conversion of seasonal cabins to permanent dwellings and development of new permanent homes. This act directed the DNR to develop rules and oversee programs for shoreland management for Cities and Counties. In 1976, the DNR adopted Shoreland rules for Cities. These Shoreland rules are MN Rules Chapter 6120, Shoreland and Floodplain Management. In response

to the adoption of State rules, the City in 1984 studied the differences between our existing zoning controls and the State Shoreland Management Standards. This research and review was completed by a Shoreland subcommittee. Their recommendations for reclassification of several lakes, and relaxation of lot area and lot coverage requirements were presented to and supported by both the Planning Commission and City Council. On December 26, 1984, the City submitted a preliminary request to the DNR for comment prior to submittal of the formal request. This letter included a summary of City comments for seeking the lake reclassification which were due to existing development and present zoning being relatively compatible with the requirements of General Development, the lot area requirements of Recreational Development classification exceed existing development (95%+ developed) and present zoning, and General Development classification more compatible with development around the lake. The City received a response from the DNR of a willingness to accept all of the requested changes with the exception of riparian lot dimensions for Valentine Lake. Based on that direction, the City Council passed Resolution 85-22, Lake Reclassification and Zoning Provision Modifications on May 13, 1985 to request official approval from the DNR.

Senior Planner Jagoe commented in 2019, the City contacted the DNR upon discovery of the discrepancy between the shoreland classification for Lake Johanna. The DNR replied to the City acknowledging receipt of a 1984 request for shoreland reclassification of Lake Johanna, Little Johanna Lake, and Karth Lake from Recreational Development to General Development, but noted that there was no record of ever receiving the resolution, and therefore the DNR did not finalize the classification changes. It was stated that the DNR still concurs with the reasoning supporting the requested reclassifications of these three lakes made in 1984 and is ready to officially adopt the new classifications upon receipt of a resolution. City staff is unsure if Resolution 85-22 was submitted to the DNR and/or if it was misplaced in processing on their end. However, no formal action has been taken to date by the DNR for formal approval.

Senior Planner Jagoe reported this past month City staff contacted Dan Scollan, East Metro Area Hydrologist with the DNR, regarding next steps and available options for proceeding with Resolution 85-22. Mr. Scollan has indicated that the DNR has reviewed the 1984/85 documentation and would proceed with approval of Resolution 85-22 as submitted. Their decision in support of the reclassifications is the result of the lake classification factors having not appreciably changed since 1985. Looking at all of the classification criteria holistically, the DNR still agrees with the City's reasoning presented in 1985 and concurs that the area development is still consistent with the 1985 Council request as outlined. As an alternate, the DNR would also process reclassification of just one of the lakes in Resolution 85-22, but would need submittal of a new resolution that requests only the reclassification(s) the City is currently seeking. It should be noted that a change on the City's part in lake classification other than what is noted under current ordinance may result in existing development/structures around that particular lake becoming legal nonconforming due to newly applicable lot dimensional standards (i.e. lot area, lot width, and setbacks).

Councilmember Holden asked if lake classification was based solely on the size of the lake.

Senior Planner Jagoe explained the DNR has several data points that are used when determining a lake classification.

Mayor Grant questioned if staff knew the total number of homes on Lake Little Johanna.

Senior Planner Jagoe stated in the 1984 analysis there were six existing water front lots. She commented she could not confirm the current number of homes.

Councilmember Holden reported in her opinion nothing has really changed when it comes to the extensive use for Lake Johanna. She noted this lake has a regional park which meant there was no less pressure on this lake than in 1985. She supported the City submitting to the 1985 Resolution classifying each of the lakes in Arden Hills general development.

Councilmember Scott asked if the City's classifications matched the DNR for Sunfish Lake and Round Lake.

Senior Planner Jagoe reported this was the case.

Councilmember Scott commented he was not interested in changing the classification for Sunfish Lake or Round Lake, but agreed with Councilmember Holden that the 1985 Resolution should be resubmitted to reclassify Lake Johanna from recreational development to general development.

Councilmember Holmes supported this recommendation given the amount of development and use on Lake Johanna.

Councilmember Holden commented further on the intensity of use for Lake Johanna.

Mayor Grant stated he favored sending forward Resolution 85-22. He indicated he was not interested in reclassifying these lakes, but rather wanted to see them remain general development. He asked if this was something staff could handle administratively or would the Council have to take action on this item at a future meeting.

City Administrator Perrault explained staff would be submitting the Resolution administratively and the Council would consider the City's Shoreland Ordinance Amendment for reclassification of Little Johanna at a future meeting.

B. COVID-19 Operations

City Administrator Perrault stated the City is currently operating under a modified COVID-19 operations plan. As mitigation measures continue to be rolled back at the State and Federal level, the City Council may want to consider making modifications to current operations. Those operations include:

- City Hall re-opening to the public: City Hall is slated to tentatively open to the public on July 1st, however, that was before the mask mandate repeal. City Staff is expected to return to City Hall in-full on June 14th; given the mask mandate and capacity limits have been repealed, staff questioned if the Council wanted to consider opening City Hall to the public on June 14th.