



**MINUTES
CITY COUNCIL MEETING
May 17, 2011**

CALL TO ORDER

The meeting was called to order at 6:30 pm.

Present: Mayor: Tim Hultmann; Council: Tom Skjaret, Donny Chillstrom, Brian Carpenter (arrived late to the meeting), and Liz Olson

Staff Present: City Administrator: Terrance Post; Fire Chief: James Van Eyll; City Attorney: Jeff Carson; and City Clerk: Jeanette Moeller

Absent: None

PLEDGE OF ALLEGIANCE

CITY OF LONG LAKE UPDATE

Mayor Hultmann reported that the Long Lake Area Chamber of Commerce will be sponsoring a new festival, Summerfest, from June 21 through June 25. The big day of the festival will be on Saturday with lots of events and activities planned, including the annual Orono Lions carp fishing contest and live musical entertainment.

Mayor Hultmann also encouraged the viewing audience to support local businesses and to continue buying local as often as possible.

APPROVE AGENDA

Mayor Hultmann suggested that the agenda be amended to add Item No. 11, Discussion of Touchstone Lighting Proposal.

A motion was made by Chillstrom, seconded by Olson, to approve the Agenda as amended. Ayes: all.

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of May 3, 2011 City Council Work Session
- B. Approve Minutes of May 3, 2011 City Council Meeting
- C. Approve Vendor Claims and Payroll
- D. Accept the \$100.00 Donation from the RMG "Refer a friend. Build *your* community."TM Program and Christopher Smith
- E. Receive the Long Lake Fire Department First Quarter 2011 Call Statistics Report
- F. Adopt Resolution No. 2011-08 Approving Issuance of a Special Event Permit for Summerfest 2011; Approve a 1 to 4 Day Temporary On Sale Liquor License for the Orono Lions Club to Allow Sale of Alcoholic Beverages; Approve Noise Variance Permit for Live Musical Entertainment
- G. Receive Unofficial Draft Minutes of May 10, 2011 Planning Commission Meeting

A motion was made by Chillstrom, seconded by Skjaret, to approve the Consent Agenda as presented. Ayes: all.

OPEN CORRESPONDENCE

No one was in attendance to address the City Council during Open Correspondence.

BUSINESS ITEMS

Presentation of Badge for Non-Probationary Firefighter

Fire Chief Van Eyll introduced the LLFD's newest non-probationary firefighter, Grant Nalls, to the City Council. The Council previously approved Mr. Nalls to become a probationary firefighter for the Long Lake Fire Department. In the time since she was hired, Mr. Nalls has fulfilled the requirements of his probationary period, and has completed Firefighter 1, Hazmat Operations and EMT classes. Mr. Nalls will be serving as the Department's events coordinator.

LLFD Station Captain Dave Nalls assisted in presenting firefighter Grant Nalls his badge.

Following the badge presentation, Fire Chief Van Eyll administered the Confirmed Member's Oath to Mr. Nalls, and read aloud the 'What a professional firefighter is' statement.

Administrative Fines for Liquor and Tobacco Violations Ordinance

Mayor Hultmann noted that the public hearing for comment on the draft ordinance was held at a previous Council meeting.

Administrator Post reported that previously the Council had received public comment and discussed a draft ordinance which would establish a schedule of presumptive penalties for liquor and tobacco license violations. At that time Council directed staff to add a fourth tier to the penalty grid for liquor violations. City Attorney Carson prepared a revised draft of the ordinance that staff believes has complied with the Council's direction.

Attorney Carson commented that the revised draft also removed some language redundancies and inconsistencies. He recommended that one additional change be made – where the ordinance states "if the first, second or third violation", he recommended the language be updated to state "following a determination that a violation has occurred". Carson also clarified that a City cannot give up the right to revoke a liquor license as the right to revoke is State law; therefore, it must be reflected in local law.

Both Council members Skjaret and Carpenter added that penalties in response to compliance check failures under the new schedule would be imposed following a successful prosecution.

A motion was made by Skjaret, seconded by Chillstrom, to adopt Ordinance No. 2011-02 amending the City Code of Ordinances, Chapter 4 , Alcoholic Beverages, and Chapter 10, Businesses, providing for presumptive civil penalties for liquor and tobacco violations and direct staff to publish a summary of the adopted Ordinance in the City's Official newspaper. Ayes: all.

Planning Case #2011-02 / Request to Expand a Nonconforming Use, Final Site and Building Plan Review for the Long Lake Assisted Living Facility, 345 Brown Road N

Post stated that the Planning Commission had reviewed the land use application for the expansion to the non-conforming use and Final Site and Building Plan Review for a building addition at the Long Lake Assisted Living facility at their meeting on May 10, 2011. In addition to staff's request that the Planning Commission add two additional conditions pertaining to the parking area along Brown Road, the Commission recommended two conditions be added to the approval of the

requested expansion in response to neighbor concerns that are aimed at providing additional privacy to the neighborhood. The stipulations include the addition of a solid fence along the parking area of the west parking lot and requiring on-going maintenance of the fence and landscaping materials. The Commission considered the land use application, the information provided by the applicant, and the neighborhood comments. Subsequently, the Commission voted unanimously to recommend that the City Council adopt a resolution approving the expansion to the non-conforming use and the final site and building plans for the building expansion.

Post reviewed the conditions of approval recommended by the Planning Commission as contained in the proposed resolution, including:

1. Submittal of a final site plan prior to building permit issuance demonstrating removal or reconfiguration of the N. Brown Road parking area to alleviate the existing unsafe "head-in" parking configuration. The reconstruction of the N. Brown Road parking area must be completed prior to issuance of a certificate of occupancy for the addition.
2. The plan for the N. Brown Road parking area reconfiguration must be reviewed and approved by the City Engineer prior to reconstruction of the parking area.
3. The applicant must obtain a permit from Hennepin County for the N. Brown Road parking area reconfiguration prior to reconstruction of the parking area.
4. The applicant must install the 17-20 six feet high techny arborvitae trees along the western lot line of the parking lot prior to building permit issuance for the addition.
5. The applicant verify that the edge of the western parking area has been altered to meet the 5' setback from the lot line prior to building permit issuance for the addition. If the parking lot alteration has not occurred, it must be completed prior to installation of the landscaping noted in d. above.
6. Details of the proposed trash enclosure materials be submitted for review and approval by staff prior to issuance of a building permit. The trash enclosure must be completed before the issuance of a certificate of occupancy for the addition.
7. The applicant obtain any required permits from the Minnehaha Creek Watershed District prior to issuance of a building permit for the addition.
8. A six foot high solid fence be placed along the parking spaces of the west parking area and installed prior to building permit issuance for the addition.
9. The fence and landscaping must be maintained on a continual basis and any dead landscaped trees be immediately replaced.
10. All consultant fees must be paid before issuance of a building permit for the addition.

Applicant Neil Weber, Weber Architects, responded to Council member questions pertaining to installation of fencing and arborvitae trees along the western lot line.

Staff clarified that the conditions pertaining to installation of both fencing and arborvitae trees were a result of the property owner failing to meet a condition of a previous lot division land use application which required installation of arborvitaes along the west parking area. Had the trees been planted previously, they would already have grown to create effective privacy screening between the Long Lake Assisted Living building and the concerned neighbors.

Council members discussed the conditions requiring both fencing and techny arborvitae trees at length. Ultimately the Council was in agreement that both measures were not necessary, and that it would be more desirable to see a nice landscape plan in place than both arborvitaes and a fence.

With the applicant and Council members in agreement, staff was directed to make the following changes to the approving resolution:

- Eliminate Item No. 8 from the list of conditions.
- Amend Item No. 4 to require that the applicant submit a planting plan to be approved by City staff to accomplish the screening objective, also stating that plantings must be completed prior to issuance of a Certificate of Occupancy.

Mr. Weber commented that discussions with Hennepin County regarding the proposed reconfiguration of the parking along Brown Road N were proceeding favorably with verbal agreement received thus far. He also displayed examples of the siding and roof materials to be used, and indicated the owner hopes to have construction complete within three months.

A motion was made by Carpenter, seconded by Skjaret, to adopt Resolution No. 2011-07 approving the expansion of a non-conforming use and Final Site and Building Plan Review for the proposed addition to the existing Long Lake Assisted Living Facility building located at 345 North Brown Road with revised findings of fact and conditions noted in the resolution. Ayes: all.

Approval of Wellhouse No. 2 Rehabilitation Project Killmer Electric Pay Application No. 2

Post stated that Pay Application No. 2 from Killmer Electric for the Wellhouse No. 2 Rehabilitation Project represents electric work performed during the month of April, 2011. SEH Project Engineer Chris Larson has inspected the work performed and recommends approval of the pay application. Staff recommends approval of Pay Application No. 2 to Killmer Electric in the amount of \$9,957.90. The job is approximately 97% completed with no change orders expected.

A motion was made by Chillstrom, seconded by Skjaret, to authorize progress Payment Application No. 2 to Killmer Electric Co., Inc. in the amount of \$9,957.90 for electric work completed through April 30, 2011 in conjunction with the Wellhouse No. 2 Rehabilitation Project. Ayes: all.

Discussion of Touchstone Lighting Proposal

Mayor Hultmann indicated that the City had received a cost estimate from Long Lake business Touchstone Lighting for installation of solar lighting in the seven boulder landscaping features in the Wayzata Boulevard landscaping area, including downlighting for the walkway and uplighting for the trees within each landscape feature. While the lighting proposed will not be as bright as standard street lights, it will be solar powered and a fairly cost effective solution compared to the cost of street lights.

Council members reviewed the lighting proposed and commented on possible additional lighting features and locations that could further enhance the landscaped corridor.

A motion was made by Skjaret, seconded by Olson, to contract with Touchstone Lighting of Long Lake to purchase up and down lighting for seven boulder landscape features and lighting for pine trees, with pricing to be consistent with the dated quote already received. Ayes: all.

Council members also discussed future lighting of the City of Long Lake signage at the entrance to the City.

OTHER BUSINESS

Long Lake Assisted Living Expansion – Council member Skjaret noted he was pleased to see the Long Lake Assisted Living facility expand and that the owner would be making a further investment in the community.

Goose Repellent – Council member Carpenter questioned whether staff had sprayed goose repellent at Nelson Lakeside Park. Post had not yet seen a purchase order from Public Works for the repellent purchase. Council members commented on the low number of geese currently in the park.

Thank You to Council – Mayor Hultmann thanked fellow Council members for being receptive to the Long Lake Assisted Living facility's expansion proposal.

Wayzata Boulevard and Other Landscaping – Council member Olson asked whether fellow Council members were happy with the appearance of the no mow grass in the Wayzata Boulevard landscaping area this year. It was noted that the appearance was substantially improved from the previous year. Post stated that the Public Works Department's part time seasonal staff member would begin his employment soon and would likely be tasked with addressing weed issues. Council members also discussed trees installed by Mn/DOT, whether the warranty for the plantings had lapsed, and the need for ditch cleanup along trails.

Fire Advisory Meeting Cancelled – Post reported that the May 2011 Fire Advisory subcommittee meeting had been cancelled and would be rescheduled in June.

Analysis of Sanitary Sewer Agreements – Council member Olson questioned the current status of the analysis of sanitary sewer utility agreements with the City of Orono in progress. Attorney Carson replied that he has completed his review of the agreements provided to him by Public Works Director Wurzer and is drafting a memo to Administrator Post summarizing his findings.

Utility Agreements for Orono Subdivisions – Post advised that staff will be working with the Orono City staff to draft utility agreements for service to two Orono subdivisions, the Glendale Cove and Creekside neighborhoods. He anticipated the agreements would come before the Council in June.

ADJOURN

Hearing no objection, Mayor Hultmann adjourned the meeting by general consent at 7:35 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk