



**MINUTES
CITY COUNCIL MEETING
June 21, 2011**

CALL TO ORDER

The meeting was called to order at 6:32 pm.

Present: Mayor: Tim Hultmann; Council: Tom Skjaret, Donny Chillstrom, and Liz Olson

Staff Present: City Administrator: Terrance Post; Public Works Director: Marv Wurzer; Planning Consultant: Ann Perry, Resource Strategies Corporation; City Attorney: Bill Clelland; and City Clerk: Jeanette Moeller

Absent: Council: Brian Carpenter

PLEDGE OF ALLEGIANCE

CITY OF LONG LAKE UPDATE

Mayor Hultmann indicated that the Farmers Market event scheduled for June 21 as part of SummerFest was postponed due to weather and would instead be taking place in Nelson Lakeside Park during Big Bang Saturday. Mayor Hultmann encouraged the viewing audience to attend SummerFest, especially Big Bang Saturday, and to support both the Long Lake Area Chamber of Commerce and local businesses.

APPROVE AGENDA

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

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of June 7, 2011 City Council Work Session
- B. Approve Minutes of June 7, 2011 City Council Meeting
- C. Receive Unofficial Draft Minutes of June 14, 2011 Planning Commission Meeting
- D. Receive Unofficial Draft Minutes of May 24, 2011 Park Board Meeting
- E. Approve Vendor Claims and Payroll
- F. Adopt Ordinance No. 2011-05 Amending the 2011 Fee Schedule for the City of Long Lake
- G. Approve Continuance of All Active Conditional Use Permits Until June 30, 2012
- H. Award the 2011 Street Crack Filling Project to Bergen Incorporated of Mountain Lake, MN and Authorize Execution of Project Agreement

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

OPEN CORRESPONDENCE

No one appeared to address the City Council during Open Correspondence.

BUSINESS ITEMS

Tobacco-Free Parks Presentation by Orono High School – Youth in Action Students

Post stated that a group of Orono High School – Youth in Action students have requested the City consider adopting an ordinance that would prohibit smoking on recreational park and trail property. The group had previously presented to the Park Board and at a City Council work session.

Emily Anderson, Tobacco Free Youth Recreation, indicated their organization works to assist communities in promoting tobacco-free environments. In early 2010, they began working with the Orono High School – Youth in Action group of students. The students worked together as a team to learn about tobacco-free environments and policies, then began making presentation to area communities. In lieu of a slide show, Ms. Anderson provided folders containing information for Council members to review at their convenience.

Orono High School students Jake Pepin, Ashley Melko, Alissa Melko, and Ellie Houston presented their organization's goals for tobacco free parks and trails, data supporting their request, how other communities had taken action in support of tobacco-free parks, and examples of signage and draft ordinance the City could utilize to implement a tobacco-free parks policy.

Post requested that Council provide staff direction on whether to work towards developing a tobacco-free parks ordinance, modify park signage stating parks and trails are tobacco-free, or to take no further action. The Park Board previously recommended that the Council consider adopting a tobacco-free parks policy.

Council member Chillstrom indicated he had been notified by representatives of the Orono Hockey Association and Orono Baseball Association that they were in favor of tobacco-free parks.

Council member Skjaret recommended that staff move forward with development of a tobacco-free City owned property ordinance, highlighting examples of ordinances adopted by other communities provided by the presenters.

Council member Olson stated she was not in support of such an ordinance, as she feels there is a need to maintain a balance in the community that respects the rights of everyone. The City licenses businesses to sell cigarette products in town. She does not think the community has a huge problem with people smoking or clouds of smoke in parks.

Mayor Hultmann commented that he would like to see the Council give staff direction to research other cities' tobacco-free City property ordinances and draft an ordinance for Long Lake to make a statement of commitment on behalf of the city's youth and others who do not smoke to advocate a smoke-free environment.

A motion was made by Skjaret, seconded by Chillstrom, to direct staff to prepare a draft ordinance for smoke-free City property. Ayes: Skjaret, Chillstrom, Hultmann. Nay: Olson. Motion carried.

Planning Case #2011-03: Request for a Conditional Use Permit to Allow Grading for a Single Family Home Building Located Within the 1,000 Feet Shoreland Area, 1780 Martha Lane

Post noted that this agenda item is similar to a planning case approved previously in October in preparation for construction of a new home at 1776 Martha Lane. City ordinance requires that if grading in excess of certain limits is proposed to occur within 1,000 feet of shoreline, a Conditional Use Permit must be obtained to allow such activity. The ordinance requirement is a reflection of Mn/DNR regulations.

Planning Consultant Ann Perry reported that the applicants are proposing to demolish the existing house at 1780 Martha Lane and construct a new home. The plan meets all setback requirements and shoreland rules applicable to the zoning district. In order for the project to move forward, the City must adopt findings stating that the grading activity proposed will conform to Conditional Use Permit requirements in City ordinance. It is the opinion of staff that the proposal does meet all applicable standards, and the resolution proposed for the Council's consideration would adopt findings stating as such and approve a Conditional Use Permit for the grading to take place. The applicants desire to begin demolition and grading work in July, if approved, and will be using the same contractors as their neighbors employed.

Council and staff discussed the need to televise and sewer line serving the property. Public Works Director Wurzer stated that the sewer line will likely need to be replaced as part of the project.

A motion was made by Olson, seconded by Chillstrom, to adopt Resolution No. 2011-10 approving the Conditional Use Permit for the grading of property located at 1780 Martha Lane with the findings of fact and conditions noted in the resolution. Ayes: all.

Planning Case #2011-04: Amendment to Existing Conditional Use Permit and Request for a Conditional Use Permit for an Outdoor Fence (Netting) for the Golf Dome Property, 2465 Wayzata Boulevard W

Perry stated that the existing Conditional Use Permit for the property at 2465 Wayzata Boulevard W would need to be amended to accommodate the applicant's request to install a sports court in the northwest area of his property's parking lot. The sports court proposed would consist of a turf / sports board area that would be enclosed by solid four foot tall boards, topped by four foot tall plexiglass panels. The sports court proposed would be used for hockey and broomball in winter, and for soccer as the primary use during the summer months.

Additionally, a new Conditional Use Permit is being requested to allow the installation of mesh netting along the north side of the sports court to prevent balls from entering old Highway 12. The netting would be similar to that seen at golf courses along roadways, although likely not as high. Perry pointed out that the applicant's plan for the improvements includes exterior lighting to be located on the west and east sides of the sports court area. Perry noted that the lights proposed will be downlights to prevent light pollution with adjacent properties, and lights will be turned off following conclusion of sporting activities around 9:00 pm to 10:00 pm nightly.

The applicant, Mr. Mark, has indicated that he intends to add movable bleachers as a feature on the sports court for certain events; and at some point in the future, he will likely be interested in requesting allowance of signage for the sports court boards. At this time, ordinance does not allow that type of signage, therefore the Planning Commission would need to review the matter further.

Council member Olson questioned whether residents in the area had been notified of the project.

Perry confirmed that property owners within 350 feet of the Golf Dome property were notified consistent with legal notification requirements. Additionally the Stone Bay townhome association was notified, although the condominiums are located outside the required notification area.

A motion was made by Chillstrom, seconded by Skjaret, to adopt Resolution No. 2011-11 approving the amendment to the existing Conditional Use Permit to allow a sports board/turf area on the southwest side of the parking area and installation of lighting for the sports board/turf area; and a new Conditional Use Permit to allow placement of a fence (netting) along the north side of the

sports court for the Golf Dome property located at 2465 W. Wayzata Boulevard with the findings of fact and conditions noted in the resolution. Ayes: all.

Ordinance Amending the Zoning Ordinance to Allow Marine Repair and Service in the I-1 Zoning District

Post noted that this agenda item was City initiated and was not a result of a land use application or based on a particular property within the I-1 zoning district. The Planning Commission did recommend approval of expanding uses within the I-1 zoning district to include marine services at their last meeting.

Perry reported that there were two areas of discussion at the Planning Commission meeting – the first centered on the draft ordinance proposing expanding the allowable uses to include marine repair and services in the I-1 zoning district. The Planning Commission felt that marine services and repair should be treated the same way that other vehicle type uses such as automobiles, buses and trailers in the I-1 zoning district are addressed; and also, that the same restrictions that apply to vehicle uses should apply to marine repair and service including the limitation of allowable outside storage, screening requirements, and storage being limited to the rear of the building / property. As with other vehicle uses, sales of marine equipment would also require a Conditional Use Permit and must occur within an enclosed building. The Planning Commission recommended approval of the ordinance as drafted.

The second area of discussion by the Planning Commission focused on how application of the draft ordinance language would apply to 2305 Daniels Street, the former ISS property, recently moved into by Tonka Auto & Marine. The Commission's concern was whether or not Tonka Auto & Marine can comply with the I-1 standards pertaining to a limit on the allowable amount of outside storage. It was the consensus of the Commission that there should be no deviation specifically for one business. Because any zoning changes to the I-1 district will be applicable for all properties within the zoning district, all properties need to have the same standards apply and spot zoning to allow greater storage for one particular property would be ill advised.

Council member Skjaret clarified that if approved, the change applies to the whole I-1 zoning district and any property owner within the district could conduct marine repair and services in the future with all zoning requirements met.

Council member Chillstrom raised the issue of screening at the Tonka Auto & Marine site.

Council and staff were clear that the discussion was regarding the proposed ordinance allowing marine repair and services as an allowable use in the I-1 Industrial zoning district, and concerns regarding individual property were not part of the action item.

Kelli Gillespie, Tonka Auto & Marine, requested clarification that boat storage was included in the definition of marine services. She also stated she would be approaching the City requesting a review of the 25% outdoor storage limitation in the future, as they need more space for boat storage than what is currently allowed. She noted she had been in contact with the former occupant and still property owner, the owner of ISS, and if the amount of boat storage they require cannot be accommodated on site, she may be offering ISS use of the back portion of the site for their storage purposes in exchange for reduced rent.

A motion was made by Skjaret, seconded by Chillstrom, to adopt Ordinance No. 2011-04 amending sections of the Long Lake Zoning Ordinance to allow marine repair and services in the I-1 Industrial District. Ayes: all.

Ordinance Amending the Zoning Ordinance Pertaining to Variances

Post indicated that the purpose of this agenda item would be to bring the City Zoning Ordinance into compliance with current State Statute language that allows variances on properties under new requirements, eliminating the word hardship.

Perry commented that the draft ordinance for the Council's consideration would basically turn back the clock to a year ago before the State Supreme Court ruling in 2010 that resulted in an inability of cities to issue most variances. New state statute permits the granting of variances based on allowing uses that are reasonable on properties, taking into account a specific property's conditions. The proposed ordinance pertaining to variances should be considered more of a housekeeping amendment to achieve consistency with current statute.

City Attorney Clelland noted that the Minnesota Supreme Court ruling really limited the discretion cities had available for the granting of variances such that cities were unable to grant them. Almost immediately following the ruling, public interest groups and cities began working together to draft an amendment for the State Legislature to consider, and the proposed legislation passed. In 2010, a State Supreme Court ruling significantly changed the interpretation of the statute that Minnesota cities have utilized in the review and granting of zoning variances. The draft ordinance proposed is in harmony with the standards incorporated in current statute.

A motion was made by Chillstrom, seconded by Skjaret, to adopt Ordinance No. 2011-03 amending sections of the Long Lake Zoning Ordinance to incorporate recent changes in State law pertaining to variances. Ayes: all.

OTHER BUSINESS

Televising Project Results – Council member Olson questioned whether the downtown televising project results had revealed any particular source of inflow and infiltration (I/I). Wurzer responded that there were definitely some areas in need of repair, and staff will be putting together a proposal and will obtain cost estimates for the Council's consideration.

Drainage Improvements on Glenmoor Lane – Council member Skjaret asked when the drainage improvements on Glenmoor Lane would be installed. Wurzer replied he anticipates the project being completed before August 1.

Acquisition of Trees – Council member Skjaret complimented staff on their recent acquisition and planting of auctioned trees, and noted they look great.

Orono Lions Carp Fishing Contest – Council member Chillstrom stated that the Orono Lions Club annual carp fishing contest would be held on SummerFest Big Bang Saturday, listed prizes to be awarded, and indicated registration will start at 7:30 am.

Meeting with MCWD - Council member Olson reported that she, Council member Carpenter, and Administrator Post would be meeting with the Minnehaha Creek Watershed District at 3:30 pm on Thursday, June 23 to gain information about opportunities for making drainage and shoreline improvements along old Highway 12.

Firehouse Garden Update – Post advised that Public Works staff is constructing a stand to allow a hydrant meter to be secured and installed in Holbrook Park, in preparation for providing water to the Firehouse Garden project. The damage deposit and daily hookup fee will be waived for the group's use; however, they will be charged for actual metered water usage.

Donation to SummerFest – In follow up to direction received by staff at a previous Council work session, Post reported that he will be recommending making a donation to SummerFest from charitable gambling funds in an amount to cover the group's bill for dumpsters or portable restrooms. The donation request will be presented to Council for consideration once the event is over and the SummerFest event coordinators have submitted a copy of a bill for reimbursement.

Fire Advisory Subcommittee Meeting – Post stated that the Fire Advisory subcommittee would be meeting on Wednesday, June 29. The primary discussion topic will be amending the fire contract with Orono to more accurately reflect the LLFD's current operations at the Navarre Fire Station and to address the question of station ownership.

Request for Volunteers – On behalf of the SummerFest committee, Mayor Hultmann asked that any willing volunteers report to Nelson Lakeside Park on Sunday morning to help clean up following the Big Bang Saturday event. Assistance would be greatly appreciated.

ADJOURN

Hearing no objection, Mayor Hultmann adjourned the meeting by general consent at 7:37 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk