



**MINUTES  
CITY COUNCIL MEETING  
December 20, 2011**

**CALL TO ORDER**

The meeting was called to order at 6:36 pm.

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

**Staff Present:** City Administrator: Terrance Post; Public Works Director: Marv Wurzer; City Attorney: Jeff Carson; and City Clerk: Jeanette Moeller

**Absent:** None

**PLEDGE OF ALLEGIANCE**

**CITY OF LONG LAKE UPDATE**

Mayor Hultmann encouraged shopping local for Christmas and holiday gifts.

On behalf of the City Council and staff, Mayor Hultmann wished everyone a safe and happy holiday season.

**APPROVE AGENDA**

Mayor Hultmann noted that the agenda had been revised prior to the meeting to include Item No. 11, Approval of Salary Step Increases, as a bench handout.

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

**CONSENT AGENDA**

The Consent Agenda consisted of:

- A. Receive Unofficial Draft Minutes of December 13, 2011 Planning Commission Meeting
- B. Approve Minutes of December 6, 2011 City Council Meeting
- C. Approve Minutes of December 6, 2011 City Council Work Session
- D. Approve Vendor Claims and Payroll
- E. Adopt Resolution No. 2011-28 Adopting a Fund Balance Policy Compliant with GASB 54 Standards
- F. Authorize Amendments to the Adopted City of Long Lake 2011 Budget
- G. Adopt Resolution No. 2011-33 Approving Issuance of 2012 Refuse Hauler Licenses
- H. Adopt Resolution No. 2011-34 Approving Issuance of 2012 Tobacco Licenses
- I. Adopt Resolution No. 2011-35 Approving Issuance of 2012 Liquor Licenses

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

**OPEN CORRESPONDENCE**

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

## **BUSINESS ITEMS**

### **Public Hearing: Approve Rental Housing Registration Ordinance**

Mayor Hultmann opened the public hearing at 6:38 pm.

Post stated that during 2011, the City Council tasked the Planning Commission to examine issues surrounding rental housing including public safety notification and make preliminary recommendations. The Planning Commission created a subcommittee to study this topic. They met several times and became knowledgeable on the subject. They met with the Council at an August 16, 2011 work session to discuss preliminary options and receive direction from the Council. Council direction was for an ordinance to reflect a registration, versus a licensing orientation; and for the implementation to be on a voluntary and not punitive basis.

Over the course of the next several months, the subcommittee developed a draft ordinance that was reviewed by both the full Planning Commission and the City Council. The ordinance is patterned largely after similar ordinances recently adopted by the cities of Apple Valley and Eagan. If adopted, staff will monitor level of voluntary compliance over the first six months of 2012 with other Hennepin County taxpayer record information regarding homesteaded residential properties as well as the City's utility customer database. Staff will also be developing an online application form to assist property owners or property managers in submitting the requested information to the City of Long Lake.

Council members expressed appreciation for the work of the Planning Commission on this draft ordinance.

Council and staff discussed how notification of the new rental housing registration process would be disseminated to the public; as well as how staff will be following up on those properties which do not register in a timely manner through obtaining a list of non-homesteaded residential properties from Hennepin County taxpayer records.

Mayor Hultmann closed the public hearing at 6:47 pm.

*A motion was made by Skjaret, seconded by Chillstrom, to approve Ordinance No. 2011-08 amending Chapter 8, Buildings and Building Regulations, adding Article VII. Rental Housing, to the City Code of Ordinances establishing regulations for the management and registration of rental housing, and direct the City Clerk to publish a summary ordinance in the Official City newspaper. Ayes: all.*

### **Adoption of Final Payable 2012 Levy, Budget, CIP and Pay Plan Resolutions**

Post advised that since the December 6, 2011 Truth in Taxation 2012 levy and budget discussion, staff has made no changes to the proposed levy and budget information presented for that meeting.

The current 2012 final budget presented to the City Council this evening reflects a total levy decrease of 0.44%, created by a 0% operating levy increase and a debt service levy decrease of 2.93%. The levy supports total General Fund revenues of \$1,345,074 and General Fund expenditures of \$1,345,068 which results in a balanced budget. The 2011 estimated year-end General Fund fund balance of approximately \$770,000 represents approximately 58% of proposed 2012 General Fund expenditures. The overall budget also assumes no headcount changes and a 1.0% salary range move in the 2012 Salary Plan.

Similar to 2011, which was characterized by just a few CIP projects, the 2012 CIP, which totals \$46,000, includes the following major items: 1) streets seal coating (\$25,000); 2) parks improvement projects (\$6,000), and 3) continuation of the ongoing sanitary sewer inflow and infiltration (I & I) mitigation project (\$15,000). In addition to these levy supported CIP projects, possible improvements to Brimhall and Tamarack Avenues are still being evaluated.

*A motion was made by Carpenter, seconded by Chillstrom to adopt Resolution No. 2011-29 establishing the final 2011 tax levy collectible in 2012. Ayes: all.*

*A motion was made by Carpenter, seconded by Skjaret, to adopt Resolution No. 2011-30 establishing the final 2012 total City budget. Ayes: all.*

*A motion was made by Carpenter, seconded by Olson, to adopt Resolution No. 2011-31 establishing the 2012 Capital Improvement Plan. Ayes: all.*

*A motion was made by Carpenter, seconded by Chillstrom, to adopt Resolution No. 2011-32 establishing the 2012 Pay Plan. Ayes: all.*

### **Request for Expansion/Alteration of a Nonconforming Use for Elite Auto**

Elite Auto business owners Shane and Kris Rudd were present for discussion of this agenda item.

Post reported that this agenda topic originated from a Council meeting held in late December 2010, at which time the Council made a determined that there had been an expansion of a nonconforming use at the Elite Auto property. Since a January 11 meeting held between Council, staff, and Elite Auto business owners Shane and Kris Rudd, efforts have been ongoing towards development of a revised site plan that would address aesthetic issues of concern. The Rudds have made tremendous improvements to the appearance of their property, and have received a clean bill of health from the Fire Chief on public safety items that needed to be addressed.

Section 24 of the nonconforming use section of the Zoning Ordinance allows the City to approve "expansions" and "alterations" to nonconforming uses and structures based on certain findings. The following are the ordinance findings that the City Council should consider:

1. The expansion/alteration will be compatible with the adjacent property and the other properties in the vicinity.
2. The expansion/alteration will not result in significant increases in adverse off site impacts such as noise, dust, odors, and parking congestion.
3. The expansion/alteration, because of improvements to the property, will improve the appearance or stability of the vicinity.

Approval of the expansion/alteration of the nonconforming use requires a super majority or 4/5 vote by the City Council.

Post noted that the revised site plan, dated December 6, 2011, identifies an area in the lower right hand portion of the map with 16 parking spots designated for cars for sale. Council had previously discussed this area with the property owners and agreed this was to be a guideline, recognizing the at times on a temporary basis only, there may be a few additional vehicles due to their influx of work. The business owners have submitted a narrative for the Council's consideration regarding how their revised site plan is in conformance with the three ordinance finding criteria statements. Staff is recommending approval of the expansion/alteration of the nonconforming use.

Council members reviewed the site plan in detail, with the Rudds responding to questions regarding the rail car currently on site, their ability to keep the scope of their business to the December 6, 2011 site plan limits, and whether the curb cut reflected on the site plan in the area where the body cars are is necessary.

Council members agreed that with the December 6, 2011 site plan, Elite Auto would meet the three criteria for expansion/alteration of a nonconforming use as stated in the Zoning Ordinance Section 24, nonconforming use section.

*A motion was made by Chillstrom, seconded by Skjaret, finding that the expansion/alteration of complies with requirements of Subd. 5 of Section 24 Nonconforming Buildings, Structures and Uses of the Zoning Ordinance based on the site plan submitted December 6, 2011, amended to delete the east side curb cut from the site plan drawing; and the information contained in the staff report for discussion of this agenda item. Ayes: all.*

### **Approve Creekside and Glendale Cove Areas Utility Agreements with the City of Orono**

Post indicated that previously the Public Works Directors of Long Lake and Orono had begun a process to consolidate existing utility agreements between the two cities, developing a master agreement template that could be used to address future service areas on an agreement addendum basis, and charges between the two cities. These goals were not accomplished for a variety of reasons after years of discussion. In the meantime, the City of Long Lake signed off on plats for two new subdivisions in Orono, Creekside and Glendale Cove, to provide municipal water and accept sanitary sewer from properties in these areas. It was anticipated that these two subdivisions would become addendums to a master utility agreement; however, the master utility agreement was never adopted. In the meantime, the subdivision developers paid the City of Long Lake connection charges. The current issue is that there is no contract mechanism to bill the City of Orono for water and sanitary sewer services being delivered to these subdivision area properties.

Earlier in 2011, the Mayors and City Administrators of the two cities agreed to focus on developing utility agreements for the two subdivisions first and later address consolidating other existing agreements. The City of Orono took the lead on this and drafted agreements largely based on current agreements they have with the City of Wayzata. The language in the Wayzata-based agreements is acceptable to Long Lake in that they address both connection charges and usage charges, establish notification requirements, and provide an audit trail for MCES adjustments to community wastewater flow. These agreements have been reviewed by both City Attorney Carson and staff and found to be acceptable. Staff suggested minor revisions to the original drafts which dealt with effective date and a method of charging "sewer only" properties in these service areas. Staff recommends approval of the two revised agreements dated December 14, 2011.

Council and staff discussed concerns regarding monitoring I/I measurement and enforcement from the Orono neighborhoods, verification of "out of whack" readings, and how average water uses will be utilized to calculate the standard flat rate charge.

City Attorney Carson noted that Section 9 of the agreements requires the City of Orono to conduct the type of regulating of concern to the Council, and noted that the Council would have the right to request enforcement of that section of the agreement if needed in the future.

Post summarized connection fees paid by developers for the two neighborhoods to date.

*A motion was made by Skjaret, seconded by Olson, to approve the Creekside and Glendale Cove Sanitary Sewer and Water Service Agreements with the City of Orono and authorize the Mayor and City Administrator to sign the Agreements on behalf of the City of Long Lake. Ayes: all.*

### **Approval of Salary Step Increases**

Post stated that this item had been discussed in a work session prior to appearing as a bench handout before the Council. The City's Pay Plan is an 8 Step salary range for employee job descriptions. Currently, of the six full-time regular City employees, four of them are at Step 8 and two are at Step 7. The two that are at Step 7 are a result of the last three-year salary and step increase freeze situations and not job performance issues. While a 1% Salary Pay Plan range move was addressed during the 2012 budget process, the disposition of future Step increases was not discussed. Staff recommends approval of the Salary Step increase resolutions to bring closure to the current pending situation.

*A motion was made by Skjaret, seconded by Chillstrom, to adopt Resolutions No. 2011-36 approving a Salary Step increase for City Clerk Jeanette Moeller, and No. 2011-37 approving a Salary Step increase for City Administrator Terrance Post, with effective dates set forth in the resolutions. Ayes: all.*

### **OTHER BUSINESS**

**Planning Commission Liaison** – Council member Skjaret reported on activities of the Planning Commission at their last meeting. The Commission voted to recommend that Jon Crump be appointed by the Council to serve as the Commission's Chair again in 2012. The discussion of the Chair Pro-Tempore position will take place at the Commission's January meeting. Skjaret requested that the Planning Commission make some recommendations on their future goals at their next meeting. Chair Crump has already expressed interest in seeing the Commission review the potential for noise ordinance standards for the lake area. Skjaret also thanked the Commission subcommittee responsible for the rental housing ordinance, reflecting that they had done a great job and put in a lot of extra time.

**Park Board Liaison** – Council member Chillstrom thanked the Park Board for their efforts and accomplishments during 2011. The Board is currently exploring the addition of a gravel trail around Holbrook Park where the trail currently dead ends at the Warming House, and possibly having the trail wrap around the back side possibly to a tie in with Orono, should Orono be interested. The Board will also be reviewing signage standards and possibly naming of trails. Chillstrom wished everyone a merry Christmas and a happy new year.

**Thank You to Fellow Council Members** – Council member Carpenter thanked both the Mayor and fellow Council members for a very productive year, and commented that he is looking forward to the Council's strategic planning session in January as well as to future cooperative efforts with the City of Orono. Council member Olson also noted it had been a great year, and indicated she hopes the next year will be even better.

**Establish Strategic Planning Session Date** – Post requested the Council consider making a motion to establish January 21, 2012 as the date for a Council strategic planning session.

*A motion was made by Chillstrom, seconded by Skjaret, to establish January 21, 2012 as the date for a Council strategic planning session. Ayes: all.*

**Message From City Attorney** – City Attorney Carson stated he had enjoyed working and interacting with the City Council and staff in the past year, and was pleased to be working with a well-run City such as Long Lake.

**Park Board Member Vacancy** – City Clerk Moeller indicated that she had spoken with Park Board member Bob Hardin regarding the expiration of his term, and although he had not originally completed an application for reappointment, he expressed active interest in continuing to serve.

**Snowball Open** – Council member Skjaret noted that the annual Snowball Open had been scheduled for January 28, 2012.

**ADJOURN**

*A motion was made by Chillstrom, seconded by Carpenter, to adjourn the meeting. Ayes: all. The meeting was adjourned at 7:36 pm.*

Respectfully submitted,

Jeanette Moeller  
City Clerk