



**MINUTES  
CITY COUNCIL MEETING  
August 20, 2013**

**CALL TO ORDER**

The meeting was called to order at 6:35 pm.

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

**Staff Present:** City Administrator: Terrance Post; Planning Consultant: Ann Perry; City Engineer: Jason Wedel; Public Works Director: Marv Wurzer; and City Clerk: Jeanette Moeller

**Absent:** Council: Kurt Kaminski (with prior notice)

**PLEDGE OF ALLEGIANCE**

**LONG LAKE NEWS UPDATE**

Mayor Hultmann offered the following updates:

- The City Council met jointly in a work session with Wayzata's City Council recently to continue discussion of sharing services, and to work towards determining whether doing so would make sense financially. The ongoing meetings are not indicative of any attempt to merge cities, and are solely about exploring saving money.
- The Brimhall Avenue and Tamarack Avenue street improvement project continues to move along despite a few issues encountered, and weather conditions have cooperated for the construction.
- For those inquiring about the status of the plaza where the gas station and coin laundry have closed, that plaza is in the City of Orono. Individuals interested in finding out what is happening with that plaza should contact Orono for more information.

Lastly, Mayor Hultmann reminded everyone of the importance of shopping locally and supporting local businesses as often as possible.

**APPROVE AGENDA**

Mayor Hultmann noted the agenda was amended to add an Item 10, Approve Brimhall Avenue and Tamarack Avenue Improvement Project Change Order No. 1.

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

**CONSENT AGENDA**

The Consent Agenda consisted of:

- A. Approve Minutes of August 7, 2013 City Council Work Session
- B. Approve Minutes of August 7, 2013 City Council Meeting
- C. Receive Unofficial Draft Minutes of August 13, 2013 Planning Commission Meeting
- D. Approve Vendor Claims and Payroll

- E. Approve Lease Agreement with Hennepin County for the DS200 Digital Scan Voting System and Assisted Voting Technology Equipment

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

## **OPEN CORRESPONDENCE**

Jay Fogelson, 230 Upper Lea Lane, appeared to express his concern over the Long Lake Rowing Club's proprietary use of the lake, and described recent negative interactions between rowing club versus water sports users.

Council members discussed the status of the club's interim use permit and general operations.

Mayor Hultmann inquired whether the lake usage rules sign was in progress. Wurzer responded that staff will be installing signage on a new backing material, but have not yet had the opportunity to do so.

## **BUSINESS ITEMS**

### **Planning Case #2013-04: Request for a Conditional Use Permit for Outdoor Seating, El Parian Mexican Restaurant**

Post introduced the agenda item and indicated the proposed Conditional Use Permit would essentially replicate the CUP held by the former Peppercorn Grill restaurant for outdoor seating; however, the CUP issued to Peppercorn Grill expired prior to El Parian's use of the property.

Planning Consultant Perry indicated that the owner of El Parian was apparently unaware a CUP was required to continue offering outdoor seating at the restaurant. In reviewing the conditions of the CUP previously issued to Peppercorn Grill, El Parian has been following those conditions and has complied with all traffic and noise ordinance requirements. The Planning Commission recommended the City Council approve the Conditional Use Permit for outdoor seating at El Parian, conditioned upon immediate removal of refuse from the site, and that a four foot walkway must be maintained between the edge of the seating area and the outside edge of the sidewalk.

*A motion was made by Skjaret, seconded by Chillstrom, to adopt Resolution No. 2013-36 approving a conditional use permit for outdoor seating for El Parian Mexican Restaurant requested by Aldo Escoto located at 1875 West Wayzata Boulevard, Long Lake, with conditions as listed in the resolution. Ayes: all.*

### **Ordinance Amending Zoning Code Pertaining to Religious Land Use and Institutionalized Persons Act and Other "Housekeeping" Provisions**

Post stated that various drafts of this ordinance have already been viewed by the Council at work session meetings. The ordinance was prepared through the work of a subcommittee of the Planning Commission assisted by Planning Consultant Perry. After extensive review, the Planning Commission has recommended the City Council consider approval of the proposed ordinance, which addresses a number of "housekeeping" cleanup items in zoning code in addition to bringing the zoning code into compliance with the Religious Land Use and Institutionalized Persons Act (RLUIPA).

Perry added that adoption of the ordinance would necessitate that two properties, the Long Lake Post Office and the Long Lake Public Works Department, be rezoned to the Institutional zoning classification as those would no longer be permitted uses as currently zoned. Public hearings

regarding the rezoning of those properties are scheduled to be held at the next Planning Commission meeting.

Council member Skjaret had attended Planning Commission meetings and witnessed the Commission's work in preparing the final ordinance. He indicated the ordinance is a well thought out amendment to zoning code that will be more than adequate to get ahead of any foreseeable issues related to RLUIPA law that may arise in the community.

Council member Chillstrom thanked Planning Commission members Erickson and Adams, along with Planning Consultant Perry, for their work in drafting the ordinance proposed.

Council member Olson questioned whether any public comment had been received by the Planning Commission during their work on the ordinance.

Post replied that no public comment had been received. He also thanked Mayor Hultmann with providing the Planning Commission with a sample of an RLUIPA related ordinance adopted by Saint Anthony Village in 2012, which proved to be of great use.

Planning Consultant Perry indicated staff would recommend adoption of the ordinance and approval of a summary ordinance for publication.

Council gave direction to staff to prepare the final ordinance documents for adoption at an upcoming meeting.

### **Approval of Brimhall/Tamarack Avenues Improvement Project Pay Request**

Post reported that while this project has gotten off to a slow start, general contractor Kuechle Underground has submitted an initial Pay Request for work completed from July 1 through August 5, 2013. The work performed during this period has largely been limited to mobilization, bituminous reclamation, and lump sums for temporary water and traffic control signage.

Of the total completed to date, a 5% retainage is being withheld until substantial completion. WSB has reviewed and signed off on the Pay Request for the value completed to date. Staff recommends approval of Pay Request No. 1 to Kuechle Underground, Inc. in the amount of \$39,222.65.

*A motion was made by Chillstrom, seconded by Olson, to authorize Pay Request No. 1 to Kuechle Underground, Inc. in the amount of \$39,322.65 a for work performed in conjunction with the 2013 Brimhall and Tamarack Avenue Improvements Project. Ayes: all.*

### **Approve Brimhall Avenue and Tamarack Avenue Improvement Project Change Order No. 1**

Post indicated that the Change Order proposed relates to a recent development in terms of a recommendation by geotechnical engineer Braun Intertec in response to unexpected high moisture content of clay soils in the project area. Soil borings conducted earlier did not reveal the extent of the moisture content. To deal with the high moisture content of the existing clay soils the recommendation from Braun Intertec is to subcut the street an additional six inches, and place six inches of three-inch crushed limestone rock. The three-inch rock will bind the clay soils and provide a base to construct the new street upon.

City Engineer Wedel described the density testing process and stated that as preparation for street work on Tamarack Avenue had begun, the area did not pass density tests and clay soils proved to be saturated with moisture. A similar discovery had been made years back during the Daniels Street project. The correction work is necessary, and the Change Order represents an assumption that the

same correction work will be required for reconstruction of Brimhall Avenue as well. The project contractor, Kuechle Underground, has estimated the cost for the additional work at \$70,000.

Council members discussed the water table issues in the area and the additional work proposed.

Mayor Hultmann also noted that corrections had been made to the project pertaining to relocating a hydrant and the misalignment of a storm sewer, and emphasized that those items should not be Long Lake's financial responsibility.

City Engineer Wedel responded that the relocation of the hydrant was not mandatory but was due to the personal preference of a property owner who was concerned about access to the property's loading dock. Wedel maintained that the loading dock would have functioned properly without relocation of the hydrant. Regarding the misalignment of the storm sewer, utility as built drawings were not representative of what was in place. The Change Order does not include any costs relative to those two issues.

Wedel also responded to Council member questions regarding the project area clay correction work proposed, and indicated the correction method proposed has been used in a number of other cities and has been a standard practice for projects undertaken in similar high moisture clay soil conditions in the City of Edina.

*A motion was made by Skjaret, seconded by Chillstrom, to adopt Resolution No. 2013-37 approving Change Order No. 1 for the Brimhall Avenue and Tamarack Avenue Improvement Project. Ayes: all.*

## **OTHER BUSINESS**

**Orono Lions Carp Fishing Contest** – Council member Chillstrom reported that a good number of participants had attended the annual Orono Lions Carp Fishing Contest, and the winning fish was caught by a registrant who fished off the pier. Less fish were caught than in prior years, which may be due to the winter carp harvest or to weather conditions. This year, the Orono Lions Club did not have to dispose of carp caught, as an area resident came and picked them up.

**Retirement of Planning Consultant Perry** – Council member Chillstrom congratulated Planning Consultant Perry on her announcement that she would be retiring in a few months, and thanked her for her work.

**Letter to Long Lake Rowing Club** – Council member Olson noted she thought it would be a good idea to send a letter to the Long Lake Rowing Club to remind them of the upcoming expiration of their non-renewable Interim Use Permit, to discuss their failure to meet the conditions for use of the property, and to mention issues regarding their usage of the lake. Council members were in agreement and directed staff to send an appropriate reminder letter.

**Joint Work Session with Orono City Council** – Post advised that a joint work session of the Long Lake and Orono City Councils has been scheduled for Tuesday, October 1. The meeting agenda will cover a variety of topics including a no wake ordinance for Long Lake and proposed CSAH 112 turnback project improvements.

**CSAH 112 Turnback Project Update** – Council member Olson questioned when Hennepin County would be presenting final CSAH 112 Turnback Project designs and cost information to the cities. Post indicated he would anticipate the County to present information in fourth quarter 2013, as they are hoping to obtain consent from both Long Lake and Orono by first quarter 2014. Council

member Olson suggested the Council have a conversation about the project proposal to discuss concerns from a solely Long Lake perspective at an upcoming meeting.

**Beach Closure Update** – City Clerk Moeller indicated that the swimming beach is currently closed due to water testing results showing a high bacterial count. Water sampling will continue twice a week until the end of the season, and the beach will be reopened if bacterial levels fall to within acceptable limits.

**ADJOURN**

*A motion was made by Skjaret, seconded by Chillstrom, to adjourn the meeting. Ayes: all. The meeting was adjourned at 7:18 pm.*

Respectfully submitted,

Jeanette Moeller  
City Clerk