



**MINUTES  
CITY COUNCIL MEETING  
September 2, 2014**

**CALL TO ORDER**

The meeting was called to order at 6:34 pm.

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

**Staff Present:** City Administrator: Scott Weske; Planning Consultant: Breanne Rothstein; Public Works Director: Marv Wurzer; and City Clerk: Jeanette Moeller

**Absent:** None

**PLEDGE OF ALLEGIANCE**

**LONG LAKE NEWS UPDATE**

Mayor Hultmann offered the following updates:

- Music With a Bang will be held in Nelson Lakeside Park on Saturday, September 27 from 5:00 pm to 11:00 pm. The event is intended to be a "makeup" for the cancelled fireworks display and live musical entertainment missed during SummerFest weekend due to poor weather conditions. The Orono Lions Club will be sponsoring a beer tent as well.
- With the start of the school year, Mayor Hultmann encouraged support of the many Orono School District sporting teams and events.
- Mayor Hultmann will be taking a turn in the dunk tank during James J. Hill Days in Wayzata. The dunk tank serves as a fundraiser for the Wayzata Police Department, allowing them a means to purchase equipment not budgeted for by the City. Funds from last year's fundraiser were used to procure a shield device made of bulletproof glass to keep officers safe when responding to domestic events, at which assaults on police are most common.

Lastly, Mayor Hultmann encouraged everyone to keep shopping in Long Lake and support local businesses whenever possible.

**APPROVE AGENDA**

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

**CONSENT AGENDA**

The Consent Agenda consisted of:

- A. Approve Minutes of August 19, 2014 City Council Work Session
- B. Approve Minutes of August 19, 2014 City Council Meeting
- C. Receive Unofficial Draft Minutes of August 14, 2014 Planning Commission Meeting
- D. Receive Unofficial Draft Minutes of August 26, 2014 Park Board Meeting
- E. Approve Vendor Claims and Payroll

- F. Approve Payment of Pearson Bros. Inc. Invoice No. 3363 for Work Completed on the 2014 Seal Coating Project
- G. Adopt Resolution No. 2014-28 Approving Issuance of Special Event Permit #S2014-09 for Music With a Bang 2014; Approve 1 to 4 Day Temporary On Sale Liquor License; Approve Issuance of Noise Variance Permit

*A motion was made by Chillstrom, seconded by Skjaret, 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: Request to Vacate a Portion of the Easement for Walkway Purposes, 292 Wolf Pointe Trail**

Planning Consultant Rothstein reported that the applicants are requesting a portion of the easement for walkway purposes located on their property be vacated. The walkway easement was taken upon the platting of Wolf Pointe Woods, and was intended to access a future neighborhood trail that was to surround the neighborhood. That trail was never constructed, but an easement still exists for it. The applicants' property is situated at the end of a private road. The walkway easement through their property is currently used to access the trail spur that was constructed as part of the new Highway 12 project. The applicants have indicated they are requesting the vacation because people are parking on the end of the private street and using that area to access the trail.

Minnesota State Statute states that the Council may vacate any street, alley, public grounds, public way, or any part thereof; however, no vacation shall be made unless it appears in the interest of the public to do so. Staff has reviewed the request and found the request to NOT be in the public interest for the following reasons:

- 1) The original intent of the easement was to provide the neighbors access to a future trail, and this intent would be lost if the easement is vacated;
- 2) Based on the use of the trail spur, the public easement is in fact being used by the public and vacating the easement would remove the ability of the public or the neighborhood to access the existing trail spur;
- 3) This easement was in place at the time of plat, and the property was purchased by the applicant with presumed knowledge of the easement;
- 4) It is not in the public interest to vacate the easement.

Rothstein distributed copies of a letter from the applicants further discussing their request, and copies of an email received from neighbor Becky Brandt who wished her comments to be received.

Mayor Hultmann opened the public hearing at 6:43 pm.

Applicants Sharon Henderson and Lauren Hoen, 292 Wolf Pointe Trail, spoke to the intent of their request to vacate a portion of the easement for walkway purposes. They also had a number of questions regarding the actual locations of the multiple easements affecting their property; their liability for public use of the trail in a manner other than declared in the easement language; concerns regarding their rights and responsibilities as property owners impacted by trail easements; and whether adverse possession may be the end result of the trail easement being used in a manner other than allowed.

Council members and staff discussed the applicants' issues and concerns regarding the easements at their property. The lack of clarity regarding the location of the easements and the actual portion of the walkway easement requested to be vacated was evidently problematic and needs to be resolved for further action to be taken on the application.

Ashley Brandt, 306 Wolf Pointe Trail, stated that he would not have any issues with the vacation of the portion of the walkway easement along the south side of his neighbors' property; however, would have concerns about the north-south section of the easement being vacated as it would remove access to the trail located further up the hill. He also questioned whether the proposed vacation would present a problem for neighborhood lawn mowing.

Charlie Hirt, 342 Wolf Pointe Trail, indicated the applicants have been great about communicating what they are trying to accomplish. He would not have any objection to vacation of the south section of the easement. He noted that it would be a good idea to have the easement locations and language clarified to assure that should ownership of the property change in the future, it is very clear that the association has access to the easement that leads to the trail.

Mayor Hultmann closed the public hearing at 7:20 pm.

Council and staff discussed the timeframe in which the applicants' request must be decided upon; and the need for a legal description of the easement portion requested to be vacated.

*A motion was made by Skjaret, seconded by Chillstrom, to table action on the application pending submittal of additional information. Ayes: all.*

### **Adoption of Preliminary 2015 Payable Levy and Proposed 2015 Budget**

Administrator Weske reported that the proposed 2015 preliminary operating levy of \$915,787 coupled with a required 2015 debt service levy of \$148,792 produces a total 2015 preliminary levy of \$1,064,579 or a \$53,342 or 5% increase compared to the adopted total 2014 payable levy of \$1,011,237. Proposed General Fund budget considerations include an estimated 10% increase in employee health insurance premiums; an assumption that \$8,400 of Local Government Aid (LGA) will be received; a 3% increase in contract police protection services from the City of Wayzata; Fire Department operating expenditures raising an estimated \$8,000 compared to 2014; and 2015 estimated rate increases by line of coverage to include liability property, and workers' compensation an average increase of 5%.

A motion was made by Skjaret, seconded by Chillstrom, to adopt Resolution No. 2014-26 establishing the preliminary 2014 property tax levy payable in 2015 for the City of Long Lake. Ayes: all.

A motion was made by Skjaret, seconded by Chillstrom, to adopt Resolution No. 2014-27 establishing the 2014 public meeting date to discuss the proposed levy and budget for taxes payable 2015 for the City of Long Lake. Ayes: all.

Council member Olson noted that the proposed 5% increase will not significantly change the city portion of most homeowners' property tax bills.

### **OTHER BUSINESS**

**Vacant Building** – Council member Kaminski asked whether anything is going on at the vacant building owned by Cliff Otten next to the strip mall. Mayor Hultmann responded that no tenant is anticipated currently.

**Beach Update** – Council member Skjaret questioned whether any updates were available regarding the Nelson Lakeside Park beach closure. Moeller indicated that water testing results reported by Hennepin County have continued to show elevated levels of bacteria, and it is likely the beach will remain closed for the season.

**Music with a Bang** – Council member Chillstrom encouraged attendance at the Music With a Bang event scheduled for September 27. Mayor Hultmann advised everyone to grab a bite to eat before the event or to bring down to the park, as food vendors will not be available.

**ADJOURN**

*A motion was made by Chillstrom, seconded by Kaminski, to adjourn the meeting. Ayes: all. The meeting was adjourned at 7:32 pm.*

Respectfully submitted,

Jeanette Moeller  
City Clerk