



**MINUTES
CITY COUNCIL MEETING
October 7, 2014**

CALL TO ORDER

The meeting was called to order at 6:35 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:

- The weather was great, and the Music With a Bang event on Saturday, September 27 was a success. Mayor Hultmann thanked Kris Ruddy, the Long Lake Area Chamber of Commerce, and the Orono Lions Club for their work and sponsorship.
- Local artists will be showing and selling their work on Saturday and Sunday, October 11 and 12 from about 10:00 am to 5:00 pm at the Orono High School Cafeteria. Mayor Hultmann encouraged support of these local artists.

APPROVE AGENDA

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

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of September 16, 2014 City Council Work Session
- B. Approve Minutes of September 16, 2014 City Council Meeting
- C. Receive Unofficial Draft Minutes of September 23, 2014 Park Board Meeting
- D. Approve Vendor Claims and Payroll
- E. Reschedule the November 4, 2014 City Council Meeting to Monday, November 10 at 6:30 pm; Schedule a Meeting of the Long Lake Canvassing Board (City Council) for Monday, November 10 at 6:20 pm

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

OPEN CORRESPONDENCE

Chris LaBounty, City Engineer (WSB & Associates) – LaBounty advised the Council that the City did receive a letter from Metropolitan Council in June informing the City that it surpassed the

maximum discharge allowed and discussed the coming year's I/I surcharge. He and staff are working on a preliminary list of items, projects, and strategies to address this issue, to be presented to the Council at a future meeting.

BUSINESS ITEMS

Sharon Henderson and Lauren Hoen, 292 Wolf Pointe Trail – Request to Vacate an Easement for Walkway Purposes

Rothstein reported that the Applicant is requesting that a portion of the easement for walkway purposes located on Lot 7, Block 1, Wolf Pointe Woods (292 Wolf Pointe Trail) 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 property at 292 Wolf Pointe Trail is the terminus of a private road. The walkway easement through the applicant's property is currently used to access the trail spur that was constructed as part of the new Highway 12 project.

At the Council meeting on September 2, 2014, the City Council tabled action on the easement vacation, and requested that the applicant complete an updated survey of the property to determine the location of the easement, based on the new plat Mn/DOT completed as part of the right-of-way acquisition for new Highway 12. This updated survey was completed and indicates the accurate location of the walkway easement. The current easement lies partially on the Henderson property and partially on Mn/DOT property. There is currently a drainage and utility easement covering the private road on the western portion of the Henderson property that is not being requested to be vacated. It is through this easement that the neighbors and others are gaining access to the existing trail stub within Mn/DOT right of way.

Based on submittal of the revised walkway easement exhibit and updated survey, staff supports the vacation of the walkway portion of the easement on Lot 7, Block 1. However, a portion of the easement now is located on Mn/DOT property. While staff supports the vacation of the entire easement, proper notification should be pursued with Mn/DOT.

Staff finds the request to be in the public interest for the following reasons:

- 1) Circumstances have changed on the applicant's property since the MN/DOT acquisition of land for right-of-way purposes;
- 2) There is a new trail accessing the trail spur that is located on Mn/DOT right-of-way, rendering the existing walkway easement to be vacated redundant;
- 3) The public is not currently accessing the walkway easement and there are no future plans to allow the public to access that area.

Council member Skjaret indicated he had visited the site and found that the easement appears as an unmaintained deer path with a very steep hill involved. He would not object to the easement vacation requested. He noted however that he was disappointed with the fence Mn/DOT had installed on the top of the hill, as it does not match other fencing in the highway 12 project area. He suggested the Park Board review that issue in the future.

Council and staff discussed the applicant's request. Council member Olson thanked the applicant for providing the updated survey and clarifications needed to review the request.

Rothstein added that it would be the property owner's responsibility to bring a copy of the resolution approving the easement vacation to Hennepin County for recording.

A motion was made by Skjaret, seconded by Chillstrom, to adopt Resolution No. 2014-29 approving the request to vacate a walkway easement on the property located at 292 Wolf Pointe Trail, based on the findings listed in the resolution. Ayes: all.

Public Hearing: Request for Acceptance and Distribution of the Wellhead Protection Plan Part 2

Rothstein stated that WSB & Associates, Inc. has completed Part 2 of the Wellhead Protection Plan and is requesting City Council acceptance and authorization to submit the Plan to the Minnesota Department of Health (MDH) for final review and approval. The preparation of the City's Wellhead Protection Plan (WHPP) is a requirement of Minnesota Rules 4720.5100 to 4720.5590. The goal of the plan is to prevent human-caused contaminants from entering the water supply wells and to protect all who use the water supply from adverse health effects associated with groundwater contamination. These plans fall under the jurisdiction of the Minnesota Department of Health and consist of two parts – Part 1 and Part 2.

Rothstein presented a Powerpoint reviewing the completed Part 1 plan, discussing the required elements of the Part 1 and Part 2 plans, detailing the Part 2 plan of action items, and identifying the next steps in the approval and submittal process.

Mayor Hultmann opened the public hearing at 6:57 pm.

Council and staff discussed the geology and aquifer characteristics impacting the City, examples of properties past and present that could be identified as potential contaminant sites, and whether communities to the north were more vulnerable to contaminants, etc.

Hearing no public comment, Mayor Hultmann closed the public hearing at 6:59 pm.

A motion was made by Chillstrom, seconded by Kaminski, to adopt Resolution No. 2014-32 accepting Part 2 of the City of Long Lake's Wellhead Protection Plan for submittal to the Minnesota Department of Health. Ayes: all.

10 Sports Dome Haunted House – Authorization to Allow for a Use (Haunted House) Outside the Scope of the Existing Conditional Use Permit

Rothstein reported that the applicant is requesting authorization from the City Council to allow for a use on the property at 2455 and 2465 W. Wayzata Blvd. that is outside the scope of the existing Conditional Use Permit (CUP). The applicant is proposing to use the property to host a haunted house. The applicant has stated that there will be four main attractions built from plywood panels and inflatable mazes. Approval of a building permit for the structures inside the dome will also be required. The haunted house would be temporary and would take place over 13 dates in October and November. The operating hours would be from 6:00 pm to 10:00 pm. The estimated number of visitors is 100-150 people per night.

The property is located in the I-1 Industrial zoning district, which allows for recreational uses as a conditional use. A CUP was approved for the property in 1990 and then amended in 1992. The CUP states that the dome can be used for a golf driving range, softball, mini golf, soccer, volleyball and football and that all other uses will require prior consent of the City Council. The activities must be sports-ball related, not party or social gathering and the activities must be practice oriented rather than competition with spectator viewing. Because the CUP states that all other uses require prior consent of the City Council, this request is being brought before the City Council for authorization in order to allow for the temporary use of the property for a haunted house.

The biggest concern related to this request is the ability to accommodate parking on-site. The existing parking lot on the property is not in compliance with City Code as it is not paved as a hard surface and parking spaces are not striped. The applicant states that the haunted house will attract approximately 100-150 visitors per night, that there is room for approximately 90 spaces on the lot, and that the property has accommodated approximately 200 visitors a night during the winter months for sport related activities. The ability of the parking lot to accommodate the corresponding number of vehicles in an organized manner given its current condition is a concern for staff. The property owner has known that the condition of the parking lot is an issue for at least two years. In addition, the property has had a long history of code violations, mainly related to exterior storage. City staff began working with the property owner on some of these violations, which remain unresolved at this time.

Staff has provided conditions that should address all of the code violations and get the property owner moving in the direction towards addressing the condition of the parking lot. Should the conditions be met, staff believes the use of the property for a seasonal haunted house is appropriate. Since the property owner will not be able to bring the parking lot into compliance with City Code before the proposed start date of the haunted house, the City Council should discuss whether it is appropriate to authorize the use with the parking lot in its current condition.

Donald Mark Jr. informed the Council that he co-owns the property with his son, Donny Mark, who manages and runs the dome facility. He expressed his concern that some of the conditions of approval proposed would not be able to be accomplished prior to the haunted house taking place, and discussed how drainage problems have impacted the parking lot area. He noted that the air units currently stored in the parking lot were previously stored out of sight behind the dome, until they were informed that was city property and the units must be moved. They are being stored in the parking area temporarily, and the intent is to install them in June 2015. The orange storage container contains the materials needed for the haunted house, and is needed for the duration of the event. He discussed his financial history with the site and some of the setbacks they've experienced with the dome facility. He stated his opinion that they have improved the site overall during their ownership, and feels code enforcement is being applied inconsistently.

Council and staff commented on the limits of the CUP as it is, and discussed the conditions of approval recommended in detail. Revised dates were applied to the conditions proposed to assure that the applicant can reasonably meet all deadlines. It was noted that if the conditions of approval are not met, the Council can take action to revoke the CUP for operation if needed. Further, staff recommends the property owner apply for an amendment to the CUP governing the site to more accurately reflect the current usage of the dome property.

A motion was made by Chillstrom, seconded by Olson, to adopt Resolution No. 2014-33 approving authorization for the seasonal use of a haunted house for 2014 for the property located at 2455 and 2465 West Wayzata Boulevard subject to the following conditions:

- 1. Authorization to allow for the seasonal use of a haunted house for 2014 at the property 2455 and 2465 West Wayzata Boulevard subject to the following conditions:*
 - a. All exterior storage must be removed from the property or stored within an enclosed building by October 14, 2014. Existing exterior storage that must be addressed includes, but is not limited to the following:*
 - i. All boards, tarps and other materials near the southeast corner of the site, including any personal belongings on the city owned parcel to the south of the subject property that belong to the Applicant;*
 - ii. All dirt, rock and debris piles in the parking lot;*
 - iii. Field turf in the parking lot; and*

- iv. All other miscellaneous equipment and materials in the parking lot or elsewhere being stored outside on the property.*
- b. The orange storage pod/trailer must be removed from the property or stored within an enclosed building by November 15, 2014*
- c. The unused generator stored on the west side of the property must be removed from the property or stored within an enclosed building by May 1, 2015.*
- d. The correct address numbers must be displayed on the building by October 14, 2014.*
- e. A timeline and plan for surfacing and striping the parking area must be submitted to the City and approved by the City Administrator by June 1, 2015.*
- f. A \$1,000 escrow must be submitted to compensate the City for actual consultant costs incurred by October 9, 2014.*

Ayes: Kaminski, Chillstrom, Hultmann, and Olson. Nay: Skjaret. Motion carried.

OTHER BUSINESS

Tennis Court Payment – Council member Kaminski questioned whether the bill paid for work at the Hardin Park tennis court and basketball court came in at the anticipated dollar amount. Weske replied that the payment request was just under the “do not exceed” amount approved. Council member Skjaret noted he has observed a number of people using the newly completed tennis court facilities.

Fall Maintenance Items – Mayor Hultmann stated that Public Works staff have been flushing hydrants for fall, and questioned whether fall leaf pickup dates were available yet. Moeller responded that the dates will be available soon – staff has been holding off on determining the dates while observing how weather impacts leaf-fall, in order to schedule the best dates possible to capture the majority of leaves.

Taste of Long Lake at Otten Bros. – Council member Chillstrom thanked all those who attended the recent Taste of Long Lake event at Otten Bros. nursery in Orono.

Music With a Bang – Both Council member Kaminski and Council member Olson commented on the success of the Music With a Bang event. Council member Olson noted it would be nice to repeat a similar fall event in the future.

ADJOURN

A motion was made by Kaminski, seconded by Skjaret, to adjourn the meeting. Ayes: all. The meeting was adjourned at 7:48 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk