



**MINUTES  
CITY COUNCIL MEETING  
June 16, 2015**

**CALL TO ORDER**

The meeting was called to order at 6:30 pm.

**Present:** Mayor: Donny Chillstrom; Council: Kurt Kaminski, Marty Schneider, and Liz Olson

**Staff Present:** City Administrator: Scott Weske; Planning Consultant: Addison Lewis; and City Clerk: Jeanette Moeller

**Absent:** Council: Jahn Dyvik (with prior notice)

**PLEDGE OF ALLEGIANCE**

**LONG LAKE NEWS UPDATE AND WORK SESSION REVIEW**

Mayor Chillstrom offered the following updates:

- SummerFest activities will be taking place during the coming weekend, with a broasted chicken dinner and waterski show on Thursday, the Twilight 5k race and specials at the Red Rooster on Friday, and Big Bang Saturday including live musical entertainment throughout the day and a fireworks display in the evening.
- In an EDA meeting prior to the Council meeting, the EDA heard a presentation by SourceGroup, the new owners of the former Lakeside Liquors building, discussing some improvements they have in mind for the site.
- As a reminder to everyone, please shop local as often as possible.
- Work continues to move forward at the new Birch's on the Lake site.
- The City of Long Lake has a new Facebook page.
- The City-wide Garage Sales event will take place on June 25 and 26.
- The Orono Lions Club will be holding their annual carp fishing contest on Sunday, June 21.

**APPROVE AGENDA**

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

**CONSENT AGENDA**

The Consent Agenda consisted of:

- A. Approve Minutes of June 2, 2015 City Council Work Session
- B. Approve Minutes of June 2, 2015 City Council Meeting
- C. Approve Vendor Claims and Payroll

- D. Accept Resignation of Firefighter Mike Helm from the Long Lake Fire Department
- E. Accept Resignation of Firefighter Thomas Eakins from the Long Lake Fire Department
- F. Approve LMCC's Updated By-Laws
- G. Approve Contract from Southwest Assessing to Provide City Assessor Services From July 1, 2015 Through June 30, 2016

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

### **OPEN CORRESPONDENCE**

No one appeared to address the Council during Open Correspondence; however, the Council recognized resident Dan MacDonald for his efforts in pursuing relocation of the speed notification sign at the east end of town.

### **BUSINESS ITEMS**

#### **Receive 2014 Financial Audit Report**

Matt Vos, Abdo Eick & Meyers, reported that the City had contracted with the Abdo Eick & Meyers (AEM) CPA firm to conduct an external audit of 2014 financial activities, render an opinion on the audit results, and prepare an assessment of the system of internal controls. He noted the completed AEM audit report includes a "clean opinion".

Mr. Vos commented briefly on the City's limitations pertaining to internal controls and segregation of duties relative to the handling of financial transactions; provided the City Council with a detailed overview of the audit management letter; and responded to staff and Council member questions regarding items within the audit with assistance from Administrator Weske.

#### **Planning Case #2015-03: Lisa Cochran, 235 Lakeview Avenue / Expansion of a Non-Conforming Structure and Conditional Use Permit to Allow for an Accessory Structure Exceeding 900 SF of Floor Area**

Planning Consultant Lewis indicated that the subject property is currently used as a single family home and is zoned R-3 – Single Family Residential. The applicant wishes to tear down, replace, and enlarge the existing detached garage on the property, which does not meet the side or rear yard setback. The existing garage is 22' x 32' (704 square feet) and is setback two feet from the rear and north side lot lines. Section 19, Subd. 4, B. requires that all accessory structures be setback at least five feet from all lot lines. The new garage is proposed to be built at the same setback as it is currently - two feet from both the rear and side property lines. The applicant wishes to increase the length of the garage along the north side property line by four feet so that the proposed dimensions of the new garage are 26' x 32' (832 square feet). The applicant also wishes to add a bonus room above the garage for the purposes of a home office. The height of the proposed garage would be no higher than 18 feet. It is estimated that the existing garage is approximately 12 feet in height. The dimensions of the bonus room would be 32' x 13'. With the bonus room, the total floor area for the proposed garage would be 1,248 square feet. Section 19, Subd. 4, C. states that "no accessory building or garage per single family home shall occupy more than twenty-five (25) percent of a rear yard, nor exceed nine hundred (900) square feet of floor area. Garages which exceed the aforesaid maximum may be allowed with a Conditional Use Permit under the provisions of this Ordinance."

The garage does not exceed 25 percent of the rear yard (approximately 1,240 square feet) but does exceed 900 square feet of floor area and therefore a conditional use permit is required. Floor area includes the gross sum of all floors of the building.

The garage is proposed to be located at the same setback from the side and rear lot lines as it is currently. Minnesota State Statute allows for the replacement of non-conforming structures. If the property owners wished to reconstruct the garage in the same location with the same dimensions, they could do so with an approved building permit. Approval from the City Council is required because the property owners wish to expand the non-conforming structure. Section 24, Subd. 5 of the Long Lake Zoning Ordinance allows for the expansion of non-conforming structures if specific findings are made.

Lewis reviewed the criteria for issuance of a Conditional Use Permit and the expansion of a non-conforming structure, stating that staff recommends approval of the applicant's request. The Planning Commission reviewed the application at their June 9 meeting and held the required public hearing. One neighbor questioned whether the garage is located two feet from the property line and expressed some concern regarding the construction process not impacting his property. A survey showing the location of the garage will be required to be submitted with the building permit application. The Planning Commission voted to recommend the City Council approve the applicant's request.

Applicant Lisa Cochran indicated she had spoken directly with her neighbor following the meeting to reassure him they'll be doing everything they can to prevent impact to his property and yard.

*A motion was made by Schneider, seconded by Kaminski, to adopt Resolution No. 2015-23 approving the expansion of a non-conforming structure at 235 Lakeview Ave, subject to the conditions contained in the resolution. Ayes: all.*

*A motion was made by Olson, seconded by Schneider, to adopt Resolution No. 2015-23 approving a conditional use permit (CUP) to allow for an accessory structure exceeding 900 square feet of floor area at 235 Lakeview Ave, subject to the conditions contained in the resolution. Ayes: all.*

### **Annual Review of Conditional Use Permits Approved by the City**

Lewis reported that the Zoning Ordinance requires all Conditional Use Permits within the various zoning districts be reviewed on an annual basis by the City by the second City Council meeting in June. A public hearing for the annual review is not required. A description of Conditional Use Permits issued along with a location map were included in the report distributed to Council members previously. Staff has reviewed the status and conditions of each Conditional Use Permit granted by the City to determine overall compliance. Most permits appear to be in compliance and there have been no registered complaints with the City. The Ordinance allows the City to revoke a Conditional Use Permit if the conditions of the permit have are not followed by the property owner. The revocation procedure includes a public hearing before the Planning Commission and action by the City Council.

Lewis noted that the following conditional use permit reviews require additional comment:

#### Tonka Auto and Marine at 2305 Daniels Street

A CUP was issued to the former owner of the property in 1987 and the City reissued the permit to ISS (former occupants of the property) in 1987 for a six foot high fence rather than the required eight foot high fence around the property. The current fence consists of chain link with plastic slats installed along the Daniels Street side of the property and the gate. Three strands of barb wire are located along the top of the fence, presumably for security purposes, and the fence appears to be in good repair. The City Council requested that the barb wire be removed during the annual review of CUPs in June of 2012 and 2013. The barb wire is still located on the property. Staff will further investigate the issue and work with the property owner to have the barb wire removed.

### 10 Dome Conditional Use Permit for Sports Court and Sports Netting at 2465 West Industrial Boulevard

The Golf Dome and miniature golf course were originally granted a Conditional Use Permit by the City in 1990. The conditions of the 1990 CUP were replaced by a new CUP issued in 1992 which is still in effect today.

In June 2011, the City approved an amendment to the existing CUP for an outdoor sports board/turf area and outdoor lighting, and a new CUP for sports netting. A year later in June, 2012 the approval for the CUP amendment and new CUP expired since construction had not occurred. Subsequently, in 2012 a new land use application ("after the fact") was submitted to amend the existing CUP for an inflatable outdoor sports enclosure, an electric car track, and a new CUP for sports netting. The land use application was ultimately denied by the City because of the failure by the applicant to comply with City ordinances and failure to attend two City Council meetings.

The past two years, the 10 Dome has hosted a "haunted house" event in the fall. Last year it was noted that the event is not consistent with the approved uses and would require prior consent of the City Council. At the October 7, 2014 City Council meeting, the City Council passed a resolution authorizing the use for the 2014 season only subject to a list of conditions. All of the conditions have been met, with two exceptions - the unused generator/air unit is still being stored on the west side of the parking lot (removal was required by May 1, 2015); and the parking lot remains in considerable disrepair and a timeline and plan for surfacing and striping the parking area has not been submitted (required by June 1, 2015).

Lewis sought direction from the Council regarding sending a follow up notice to the property owner requesting compliance with the aforementioned conditions. Council members were in agreement that a written notification with a new timeframe for compliance should be sent, noting that action may be taken to revoke the CUP for failure to comply.

### Birch's Restaurant – Outdoor Seating at 1935 West Wayzata Boulevard

A conditional use permit was granted in 2003 for an outdoor seating area at the existing Birch's restaurant site. After Birch's moves to its new location at 1310 W. Wayzata Blvd, the CUP for outdoor seating at 1935 West Wayzata Boulevard would be valid for another year. If the space were to be vacant for a year, the CUP would expire.

## **OTHER BUSINESS**

**City Facebook Page** – City Clerk Moeller noted that the City of Long Lake's new Facebook page was up to about 30 "likes" already.

**City-Wide Garage Sales Update** – Moeller stated that thus far, only one resident has registered to hold a garage sale during the garage sales two-day event; however, she hopes to see more register as the deadline to do so approaches. Council members discussed perhaps holding future garage sale events during the fall season.

**Recycling Fund Losses** – Council member Olson referenced the recycling fund losses highlighted in the 2014 audit results and questioned what could be done to reverse the ongoing loss. Moeller replied that the Council's action approving a new recycling contract back in November 2014 should correct the issue, as it removed the "recyclable materials offset" that had resulted in higher than expected billings for recycling service throughout the term of the previous three year contract. The current contract now includes set rates for the contract period rather than an unknown debit or credit for the sale of recyclable materials.

**Sign Variance Application** – Lewis indicated that Gear West will be making a land use application for a sign variance for building signage, to be reviewed by the Planning Commission and City Council in July.

**CSAH 112 Project Open House** – Council member Schneider stated that the EDA made a motion scheduling a CSAH 112 Project Open House for the business community to take place on June 23 at City Hall from 12:00 noon to 1:00 pm. Representatives of Hennepin County will be present to discuss road closures anticipated during the construction process, and to hear concerns and comments from businesses.

**City Logo** – Council member Schneider commented that there has been some talk of a return to the old City logo in use prior to the rebranding exercise undertaken a few years ago. He indicated he would be supportive of the old logo's usage. Council members agreed the former logo should return to use as stationary is replaced and forms are amended.

**Appreciation and Recognition** – Council member Kaminski commended the Park Board for their work in the parks this year; and recognized the Long Lake Rowing Crew for doing a great job maintaining their site up at Birch's on the Lake. Mayor Chillstrom extended his thanks to "Suzanne", a resident in the Greenhill/Glenmoor Lane area, for planting flowers and other plantings in Hardin Park; and also expressed appreciation to Public Works for a job well done.

**Goose Control** – Mayor Chillstrom asked that staff investigate goose control measures for use in Nelson Lakeside Park, as the goose population has been very active in the park this year.

#### **ADJOURN**

*A motion was made by Olson, seconded by Schneider, to adjourn the meeting. Ayes: all. The meeting was adjourned at 8:09 pm.*

Respectfully submitted,

Jeanette Moeller  
City Clerk