



**MINUTES
CITY COUNCIL MEETING
November 2, 2015**

CALL TO ORDER

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

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

Staff Present: City Administrator: Scott Weske; Planning Consultant: Addison Lewis; City Engineer: Chris LaBounty; Public Works Director: Marv Wurzer; Fire Chief: James Van Eyll; and City Clerk: Jeanette Moeller

Absent: None

PLEDGE OF ALLEGIANCE

LONG LAKE NEWS UPDATE AND WORK SESSION REVIEW

Mayor Chillstrom offered the following updates:

- In a work session prior to the regular meeting, the Council discussed upgrading technology in the Council Chambers and City Hall; future implementation of online utility billing; and addressing some parking issues in the industrial park.
- As a reminder, tomorrow, November 3, will be the last day for curbside leaf pickup.
- Mayor Chillstrom encouraged shopping and dining local as often as possible.

APPROVE AGENDA

The agenda was amended to add an Item 12, "Request for No Parking Signage on Tamarack Avenue".

A motion was made by Dyvik, seconded by Kaminski, to approve the Agenda as amended. Ayes: all.

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of October 20, 2015 City Council Meeting
- B. Approve Vendor Claims and Payroll
- C. Approve the EDA Purchase of Re-Conveyance #2010-0059 (Property Behind Public Works Building) from the Minnesota Department of Transportation and the City of Long Lake to Share in the Purchase Costs

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 City Council during Open Correspondence.

BUSINESS ITEMS

Approval of Updated Lake Minnetonka Emergency Operations Plan

Fire Chief Van Eyll stated that over the past eight months, the Lake Minnetonka Emergency Management Group has been working on updating the area's emergency operations plan. Final revisions have been completed and the final draft has been distributed to all jurisdictions involved in the emergency management group. Changes to the plan included three new annexes: Domestic and Exotic Animal Directory, Terrorism, and Volunteer/Donations, along with other updates such as name changes and several minor grammatical changes. A copy of the emergency management operations plan was distributed to Council members previously in their meeting informational packets. Staff recommends the City Council consider approving a resolution accepting the changes to and adopting the revised Lake Minnetonka Emergency Management Operations Plan.

A motion was made by Kaminski, seconded by Schneider, to adopt Resolution No. 2015-46 adopting the Lake Minnetonka Emergency Management Operations Plan. Ayes: all.

Letter of Support for Participation in Fiscal Year 2016 Shared Services Grant Program

Chief Van Eyll reported that the fire departments of Long Lake, Loretto, Maple Plain and Mound are all interested in participating in the fiscal year 2016 Minnesota Shared Services Grant Program. Staff from the departments of Hamel, Long Lake, Loretto, Maple Plain, Mound and St Bonifacius met during two different meetings this past spring and discussed the steps necessary to move forward with a grant request. The departments are focusing on two areas for shared services and would apply for a grant that includes the following study and then implementation goals:

1. Studying the feasibility, administrative challenges, and anticipated benefits, of having a fire district or regional fire training/fire prevention/fire inspection coordinator. Firefighter training is very critical to safety and fire department operational success. This position would work for and serve all four fire departments. Assuming the study results are positive; we would like to move directly into the implementation phase as early as possible in FY 2016.
2. The second priority would be to study the feasibility of, and identify practical options for a "District Wide Regional Staffing Model" that would support all of the 13 west metro communities the fire departments currently serve. The staffing model study objectives would need to include how to better serve the communities based upon utilization of existing fire department resources, plus factor in the anticipated recruiting and retention trends of less volunteer firefighters. Again, assuming the study results is positive; we would like to move directly into the implementation phase as early as possible but more likely in FY 2017.

The Minnesota Fire Service Advisory Committee has appropriated \$200,000 to the State Fire Marshal Division to award Shared Services Grants to fire departments. The awards would be capped at \$40,000 and there is a 10% match but this match can include in-kind service to facilitate and manage the grant; therefore, the cost to each entity would be very minimal. The deadline to apply for this grant program is November 4, 2015. All shared services grant funds would have to be expended by June 30, 2016. In order to proceed with the grant application process, a letter of support on city letterhead is needed from each of the fire department cities by November 2, 2015 to meet the application deadline. Obtaining the letters by November 2 would allow staff two days to compile the letters and grant documents together and submit them to Mr. Bruce Roed, the Fire Service Specialist for the State Fire Marshal Division.

A motion was made by Schneider, seconded by Dyvik, to approve the letter of support for the participation in the fiscal year 2016 Shared Services Grant Program. Ayes: all.

Planning Case #2015-08 / Conditional Use Permit to Allow for Grading and Filling in a Shoreland Area at 1790 Martha Lane, Renee Axelson

Planning consultant Lewis indicated that the new property owner of 1790 Martha Lane wishes to tear down the existing single family home for the purposes of constructing a new 4 bedroom / 3.5 bathroom single family home on the lot. The proposed home would with all setback, height and impervious requirements in city code. The subject property is located in the R-2 Lakeshore Single Family Residential District, which is regulated by Section 8 of the Long Lake Zoning Ordinance. Section 8, Subd. 5. C. states that "*grading and filling in shoreland areas or any alterations of the natural topography where the slope of the land is toward a public water or a watercourse leading to a public water must be authorized by a conditional use permit*". The project will involve some minor grading and as such, a conditional use permit is required.

Lewis reviewed the criteria for issuance of a conditional use permit and offered his comments on the application's ability to meet the required criteria. He also noted that the applicant is proposing to remove a number of trees on the site and reviewed ordinance provisions relative to removal of natural vegetation in a shoreland district. Lewis added that it appears the removal of several trees in the rear yard would increase visibility of the home from the lake. The ordinance does not provide clear guidance on the amount of clearing that can be allowed but it appears the intent of the ordinance is that it be limited so as to not substantially reduce the amount of screening of structures. The City Council should consider whether the proposal to remove 14 trees is appropriate and whether any replacement trees should be required as part of any approval of the requested conditional use permit. Lewis presented photos depicting the trees proposed to be removed, and property owner Judd Axelson spoke to discuss their rationale behind removing the trees of note.

As required by City Code, notice of the public hearing was sent to the MN Department of Natural Resources Division of Waters Regional Hydrologist. The DNR responded stating that it has no comments on this project.

At the October 13, 2015 Planning Commission meeting, the Planning Commission voted 4-0 to recommend approval of the request as proposed. The Planning Commission did not restrict the removal of any of the proposed trees or vegetation to be removed or require any replacement trees be planted. One neighbor was in attendance regarding the application but was not opposed to the proposed project.

A motion was made by Dyvik, seconded by Olson, to adopt Resolution No. 2015-48 approving a conditional use permit to allow for grading and filling in a shoreland area for the property located at 1790 Martha Lane with the findings of fact noted in the staff report, and expressed at the October 13, 2015 Planning Commission meeting and November 2, 2015 City Council meeting with the following conditions:

- 1. Final proposed grades will be reviewed by the City Engineer with the building permit application.*
- 2. The applicant shall provide the City a copy of applicable Minnehaha Creek Watershed District permits prior to beginning land disturbing activities.*
- 3. The applicant must provide a detailed plan and/or narrative to be reviewed by the City Engineer prior to building permit issuance describing the Best Management Practices that will be incorporated in the development to reduce runoff volume and improve water quality.*
- 4. The smallest amount of bare ground is exposed for as short a time as feasible;*

5. *Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod is planted;*
6. *Methods to prevent erosion and trap sediment are employed; and*
7. *Fill is stabilized to accepted engineering standards.*

Ayes: all.

Continued Public Hearing: Consider Approval of a Resolution Ordering the Watertown Road Improvement Project and Preparation of Plans / Specifications

City Engineer LaBounty reviewed that at the last meeting, following a staff presentation of the proposed Watertown Road improvement project, a few residents spoke and offered their opinions regarding the project during the public hearing. A 4/5 majority vote of the City Council is required to adopt a resolution ordering the project; as such, due to only three members being present, the Council opted to continue the hearing until the November 2 meeting. LaBounty noted that the Council can choose to continue hearing input or can close the hearing and consider adoption of the project resolution. He noted that a number of the questions posted previously by residents were items that are typically resolved later in the project timeline during the final design phase. LaBounty's revised schedule for the project includes holding another neighborhood meeting with the affected property owners in December, once additional surveys have been completed allowing for design alternatives to be presented.

Mayor Chillstrom closed the public hearing at 6:56 pm.

Council member Schneider stated that following input received, in his opinion it would be reasonable to leave the option open for the roadway to maintained as a rural section from the city's border to Inglewood Street. He noted that residents in that area have also expressed interest in working with the MCWD to pursue rain garden initiatives. After walking the area, he does not think including curb and gutter in the project design for the road east of Inglewood Street would be out of line. He noted that the language in the resolution comes across as having an expectation of design, and he would like to see language be more open ended as options are considered.

Mayor Chillstrom noted that he has been researching rain gardens and met with Minnesota Landscape Arboretum staff. He learned that when road projects are involved, curb and gutter may actually be preferred as it directs water into rain gardens, as opposed to rain gardens having washout problems without the infrastructure to direct water.

Council members and staff discussed the variety of street configuration options and alternatives the Council would like to see considered as project design moves forward; and discussed language changes that could be made to the proposed resolution ordering the project that would leave room to consider the alternatives.

A motion was made by Schneider, seconded by Kaminski, to adopt Resolution No. 2015-49 ordering the Watertown Road Improvement Project and the preparations of plans and specifications, with the following changes to the first whereas statement contained in the Resolution:

*WHEREAS, pursuant to Resolution No. 2015-43 adopted by the council on September 15, 2015, a feasibility report was accepted and a Public Hearing was called to be held on the Watertown Road Improvement Project which **may** include improvements of the existing sanitary sewer and watermain, extension of storm sewer facilities, replacement of the existing street with new concrete curb and gutter and bituminous pavement **in part or throughout the project area**, and other necessary appurtenant work on Watertown Road between the western municipal boundary and the centerline of Brown Road in accordance*

with the report, and additional improvements to Harrington Drive between Watertown Road and Glendale Drive; and

Ayes: all.

Council members reflected on the neighbors' concerns regarding the speed of traffic along the roadway, and questioned whether staff had begun researching signage options and other measures aimed at reducing traffic speeds.

LaBounty and Public Works Director Wurzer discussed their ongoing study of the area. LaBounty has been communicating with the Police Department about potentially placing a traffic speed monitoring trailer on site temporarily to serve as a reminder of posted speed limits. Council gave direction to staff to present recommendations and options for additional speed limit notification measures, including stop signs with LED perimeter lights and other LED speed monitoring signage.

Request for Return of Escrow Funds – Birch's on the Lake

Administrator Weske reported that in April, Birch's on the Lake owners supplied the City of Long Lake with \$189,795 to be held in an escrow account for SAC charges, landscaping, and irrigation.

Now that the project is largely complete some of the escrow can be released. Since there are a few important outstanding items, it was agreed to by Long Lake City Attorney and owners of Birch's that the City can continue to withhold retainage from escrow until the remaining items are completed to allow them to open. Staff is recommending that \$53,000 be held to assure completion of the final wear course and restriping of the parking lot.

Metropolitan Council's final SAC determination of two SAC units at 1985 rates and six SAC units at current rates results in the City remitting payment to Metropolitan Council in the amount of \$15,760, to be paid from the escrow for the project. City SAC and WAC fees, one unit per Metropolitan Council SAC unit per the City fee schedule, are recommended to be reduced from eight City SAC and eight City WAC to six units each, resulting in a total of \$28,800 to be paid from the project escrow.

Brennan Greene and Burt Joseph, Birch's on the Lake, appeared at the meeting and requested the Council consider a further reduction in City SAC and City WAC fees, thereby recognizing that the brewery component only is truly the expansion of the site's use. They also asked that the Council consider reducing the escrow amount held to assure parking lot completion at this time, and emphasized their commitment to completing quality parking lot improvements for the betterment of their business.

Council and staff discussed parking issues experienced since the restaurant's opening and commented on possible alternative striping configurations for the restriping work. Planning consultant Lewis provided clarification on parking striping versus seating for the restaurant, and reflected that if they desire to add seating at the restaurant in the future without adding additional parking, a variance would be required.

A motion was made by Schneider, seconded by Dyvik, to reduce the City SAC and WAC charges to four units each, and to reduce the retainage for completion of parking lot improvements from \$53,000 to \$30,000, resulting in a total amount of \$122,541.69 in escrow returned. Ayes: all.

Request for No Parking Signage on Tamarack Avenue

Wurzer reported that in a work session prior to the regular meeting, Council and staff reviewed a written request received from Dave and John Potter, the owners of Anchor Scientific, for a no parking on street area to be marked on the west side of Tamarack Avenue in the vicinity of their

business. Their access to Tamarack Avenue was previously one wide open drive area; however, during the 2013 street improvement project making improvements to Brimhall Avenue and Tamarack Avenue, their access was reconfigured adding islands across the entrance. The narrower openings appear to have created a hardship for their semi-truck traffic, and they are requesting that the no parking area currently posted and painted yellow be extended approximately 80' further to the entrance to the bus garage property. Staff believes the request to be reasonable in order to allow their truck traffic to have an unrestricted turning area.

A motion was made by Schneider, seconded by Kaminski, to extend a no parking zone on the west side of Tamarack Avenue as depicted in the diagram provided by Public Works Director Marv Wurzer for the meeting, and including the island area noted. Ayes: all.

OTHER BUSINESS

Nelson Lakeside Park Playground Improvements – Council member Dyvik commented that he was glad to see the Park Board giving attention to improving the playground equipment at Nelson Lakeside Park. At their last meeting, the Board viewed and considered different play structure concepts and cost estimates. On the same note, Council member Schneider stated that he has uncovered a potential funding source for the play equipment improvements being considered. As the matching grant opportunity has some time constraints, he asked that the Council consider approving a resolution authorizing him to submit an application for funds on the City's behalf for the playground improvement project. Council member Chillstrom added that he has mentioned the play equipment as an idea for a donation by the Lions Club as well.

A motion was made by Dyvik, seconded by Olson, approving a resolution authorizing Council member Marty Schneider and Administrator Weske to pursue a grant opportunity for funding for Nelson Lakeside Park play equipment improvements. Ayes: all.

CSAH 112 Open House – Council member Olson stated that the next CSAH 112 Project Public Open House will be held on November 18 at Lake Community Bank, and asked whether that will be the final opportunity to view the design plan before approval is requested in January. Council and staff commented on outstanding issues such as entrance design for the Lake Community Bank property, and the appearance of a 5' tall fence proposed between Martha Lane and the cemetery.

Parking Concerns at Birch's – Administrator Weske informed the Council that the Wayzata Police have been receiving complaints regarding sight line obstructions and parking on street on CSAH 112 in front of Birch's. Staff is exploring options to address the situation as needed.

Comprehensive Plan Training – Planning consultant Lewis stated that a joint meeting of the Planning Commission, City Council and EDA has been scheduled for Thursday, November 12 beginning at 6:30 pm.

Brew Pub Off-Sale Application and Ordinance Amendment – City Clerk Moeller indicated that Birch's on the Lake has submitted an application for a Brew Pub Off-Sale liquor license to enable them to sell growlers. In order for the city to take action on the application, updates are needed to the alcoholic beverages chapter of city code to allow for brew pub off-sale licensure. A public hearing notice has been published for consideration of a draft ordinance at the November 17, 2015 City Council meeting.

ADJOURN

Hearing no objection, Mayor Chillstrom adjourned the meeting by general consent at 8:13 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk